



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard Wednesday, 29 November 2006

MINISTERIAL STATEMENT

WorkChoices

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.42 am): Tomorrow I will attend and address a national day of action at South Bank to rally for better rights for Australians at work. My government has been at the forefront of the national fight against the Howard government's extreme industrial relations legislation. These unfair laws are having a negative impact on the lives of ordinary working Australians. It appears we are in for a long fight and the recent High Court WorkChoices decision was a significant milestone. It represents a fundamental shifting of the powers between the states and the Commonwealth.

In 1973, the people of Australia had the opportunity to give the Commonwealth power to legislate on incomes. Voters in every single state rejected the proposition. In Queensland, 78.3 per cent of the voters rejected the idea. This is important to keep in mind when considering the recent dissenting judgement of Justice Kirby, who said—

... that at four referenda during the 20th century the Australian people had rejected an increase of federal industrial relations powers. By this decision, the majority (of the court) deals another serious blow to the federal character of the Australian Constitution.

In other words, what we have got is constitutional reform by stealth through the High Court instead of by the will of the Australian people. I believe the Australian people should decide these things, not the High Court.

The Prime Minister did not tell the public of these planned changes when the government took control of the Senate. He said there had to be limits to the scope of the corporations powers. So why would anyone trust his recent comments that this decision is not an open invitation to federal intervention? Effectively, this decision frees the federal government to make laws on almost any subject matter, provided they are directed to constitutional corporations and anyone who can affect those corporations.

This could include areas of traditional state responsibility such as health, education, town planning, energy, mining or the environment. Justice Kirby also said in his dissenting judgement—

... By this decision, the majority deals another serious blow to the federal character of the Australian Constitution. We should not so lightly turn our backs on the repeatedly expressed will of the Australian electors and the wisdom of our predecessors concerning our governance ... Once a constitutional Rubicon such as this is crossed, there is rarely a going back.

He is right. The assault on state rights is bad enough but the states have at least some recourse to legal, financial and political powers to attempt to fight these harsh laws. Workers and their families are the ones hardest hit. Even those employees in a union are finding that the dog-eat-dog world of federal industrial relations is forcing them onto contracts they have no wish to sign. The Queensland government—while there remains a state government—will not abandon them. We will fight to the end on this.

The national day of union and community action represents another step on the road to overturning these unfair laws. I encourage all members of the public interested in workers' rights to come along and voice their disapproval of the Howard government's WorkChoices legislation.