Question on Notice

No. 1527

Asked on 30 November 2006

DR FLEGG asked the Minister for State Development, Employment and Industrial Relations (MR MICKEL) -

QUESTION:

With reference to the High Court challenge from the State Government to the Federal Government's new industrial relations laws-

(1) What was the total cost of the High Court challenge, including staffing costs and contracting costs (including counsel's fees) as separate figures to the total cost?

(2) How many Queensland government staff were involved in the High Court challenge, broken down separately by what Government Department they are employed by and what pay scale they are on?

(3) How many contract staff (including counsel) were involved in the High Court challenge, broken down separately by company/entity they are employed by (or by name of counsel) and what each counsel or each company/entity was paid in total (as a total figure)?

ANSWER:

The challenge to Work Choices was the most important Constitutional law case since the Tasmanian Dams case in 1983.

The Queensland legislation is fair and balanced. It has led to record job growth in Queensland and low levels of industrial disputation. The Commonwealth's legislation jeopardises this. 70% of Queensland employees were covered by the state industrial relations system, suggesting that employers and employees wanted to remain in the Queensland system because it was simple, straightforward and easily accessible.

This case was to try and stop the Commonwealth obtaining powers by stealth that were expressly rejected by the people in a referendum in 1973.

In 1973 the people of Australia were given the opportunity to give the Commonwealth the power to legislate on incomes. There was a referendum held to transfer to the Commonwealth the power to legislate on incomes. The voters in every single state rejected the proposition.

Justice Callinan said the following in his dissenting judgement in the recent High Court case referring to the referendums:-

"I cannot accept that there is any difference of substance between the powers sought and the powers now claimed to be possessed..... The joint reasons attach too little weight to the intelligence and common sense of voters in a referendum. I am not prepared to regard the people as uninformed."

The rate of industrial disputation for the September quarter 2006 was 0.2 working days lost per thousand employees for Queensland, the national average during this same period was 2.3 days. In Victoria, where only the Federal laws apply, there were 5.7 days lost per thousand workers. Similarly, in the Australian Capital Territory which also only operates under the Federal laws, there were 15.4 days lost per thousand workers.

The easy access to conciliation and arbitration for Queensland workers and employers is jeopardised by the Commonwealth's legislation leading to potentially more lost days through disputes.

In a sample of 250 Australian Workplace Agreements by the Federal Office of the Employment Advocate the following results were identified:

- 64% removed leave loadings
- 63% removed penalty rates
- 52% removed shift work loadings
- 40% removed gazetted public holidays.

Quite simply the traditional means of compensating workers for working unfriendly family hours is being undermined and this represent an unfair and vicious attack on ordinary families.

The Queensland Government believed that the Commonwealth's laws were unconstitutional, threatened the economic growth of the state's economy and are fundamentally anti-family in nature.

Furthermore the use of the Corporations powers may have wide and long lasting impacts across a number of areas. The Commonwealth is preparing to widen its involvement in Workers Compensation. This will have drastic impacts for the families of injured workers and also raise the costs of running a business.

I am advised that the total cost of the High Court challenge was $466,483.61, far less than the $55 million the Commonwealth spent on promoting WorkChoices.