

WORKCHOICES LEGISLATION - HIGH COURT DECISION

**866. Mr A.P. O'GORMAN to the Minister for Employment Protection:**

Can the minister inform the house of the implications of the High Court decision on the Howard government's WorkChoices legislation?

**Mr J.J.M. BOWLER replied:**

I thank the member for Joondalup for the question. If 27 March was a black day, 4 November was a sad day. Of course 27 March was the day WorkChoices was introduced. It was legalised, if we can call it that, on 14 November. However, just because those laws were legalised or made constitutional does not make them morally right. It also does not make those laws any better for Western Australian workers and their families. This was a 5-2 decision. It was not unanimous. History will record Justice Kirby and Justice Callinan as two of the last great champions for Australian workers and their families. Justice Kirby said, in part -

The imperative to ensure a "fair go all round" . . . which lay at the heart of federal industrial law . . . is destroyed in a single stroke. This change has the potential to effect a significant alteration to some of the core values that have shaped the evolution of the distinctive features of the Australian Commonwealth, its economy and its society.

Justice Callinan said, in part -

The potential reach of the corporations power, if it is as extensive as the majority would have it, is enormous. . . . The reach of the corporations power, as validated by the majority, has the capacity to obliterate powers of the State hitherto unquestioned.

Once John Howard -

**Mr T. Buswell** interjected.

**The SPEAKER:** Order! I call the member for Vasse to order for the first time.

**Mr J.J.M. BOWLER:** Once John Howard gained the majority in the Senate, he abused that power by forcing upon the mothers and fathers, the workers of Australia, the most draconian and unfair legislation this nation has ever seen. This government will continue to fight for states' rights for Western Australian workers to ensure that Western Australian workers do not live in fear and that they have some protection at long last.