



Four states have so far challenged the industrial relations laws. Photo: PAUL MILLER

## Stating their case on Work Choice

### Mark Skulley

The Labor states' High Court challenge to the federal government's workplace changes begins in Canberra today, in what is shaping as the most important constitutional case in a generation.

Chief Justice Murray Gleeson will preside over today's directions hearing of challenges by NSW, Western Australia, South Australia and Queensland – and a separate action by the Queensland branch of the Australian Workers' Union.

Unions NSW and four affiliated unions lodged another writ yesterday. Victoria and Tasmania also plan to lodge challenges.

The Work Choices law seeks to create a national industrial system that overrides those in the states, using the commonwealth's powers to pass laws dealing with corporations.

The writs lodged by NSW and WA argue the law is invalid because it exceeds the scope of the corporations power, and that the commonwealth's industrial powers are limited to conciliation and arbitration of interstate industrial disputes.

Constitutional expert Greg Craven said yesterday that the case was probably the most important since the Franklin Dam ruling in the early 1980s.

"If the laws are upheld, it will be tantamount to the High Court saying that the corporations'

power can be used to do pretty much what the commonwealth wants," he said.

NSW Industrial Relations Minister John Della Bosca, slammed the government for not having released regulations accompanying the law, which is due to come into force next month.

Mr Della Bosca said his federal counterpart, Kevin Andrews, had delayed a scheduled meeting with state and territory IR ministers from next month to May to avoid scrutiny.

A spokesman for Mr Andrews said that the government was confident in its case, which will be argued by Commonwealth Solicitor-General David Bennett. The spokesman said the meetings had been delayed because most state parliaments were sitting next month and that it was hypocritical to call for consultation after launching legal challenges.

The writ from the NSW unions, while again challenging the overall validity of Work Choices, takes particular aim at its schedule 1B, which seeks to cover the registration and regulations of unions when they are not incorporated bodies.

"Knocking out schedule 1B would effectively undermine the whole act," UnionsNSW secretary John Robertson said.

The case is expected to be argued in the first half of the year, with a decision late this year or in early 2007.