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First strike to Labor in IR battle

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The states have scored a tactical victory in their High Court challenge to the Work Choices **industrial** relations changes, winning the right to delay filing submissions until after the Howard government releases key details of its plans.

Chief Justice Murray Gleeson ruled yesterday that the states would have until April 7 to provide their written submissions, while the Commonwealth would have until April 28.

At a directions hearing on the challenge in Canberra yesterday, NSW solicitor-general Michael Sexton said the states needed to receive copies of the regulations supporting the Work Choices legislation to prepare their written submissions for the case.

But commonwealth solicitor-general David Bennett opposed the application and said the states should be given a March 31 deadline. The April 7 deadline means states should receive the regulations just in time to prepare their submissions. A spokesman for **Workplace** Relations Minister **Kevin Andrews** confirmed the regulations would be available "later this month".

The case is now expected to be heard in early May.

The victory for the states came as the government was hit with more fallout from a speech last Friday by Finance Minister **Nick Minchin** in which he admitted the government could lose its case in the High Court.

He was also slapped down by Prime Minister **John Howard** for calling for a further wave of IR changes after the next election.

Treasurer **Peter Costello** refused to be drawn yesterday on whether there should be more reform.

"Well, we haven't even done this reform. So, I would like to do this reform and make this reform work," he said.

In a swipe at remarks by Senator Minchin that most people "violently disagreed" with the Work Choices changes, the treasurer said the situation was not unlike that facing the government regarding the introduction of the goods and services tax in 2000.

"I am not sure that any of us is in a position to judge public opinion on these changes until such time as we have experienced them," he said.

"It is a bit like the GST, everybody had a theory about how GST would work [but] when the GST came in, life went on, and most people would say to you, yeah that wasn't a bad change. And I think that is what is going to happen in relation to **industrial** relations," he said.

Health Minister Tony Abbott, a former **industrial** relations minister, said Australians should wait to see the benefits of the **workplace** reforms before deciding if further changes were needed.

But Australian Chamber of Commerce and **Industry** chief executive Peter Hendy told ABC radio there should be more changes to Australia's IR arrangements.

Mr Hendy was critical of the degree to which decision making was centralised in the Australian **Industrial** Relations Commission and said there was too much reliance on the award system.

NSW **Industrial** Relations Minister John Della Bosca yesterday said the long time it was taking the federal government to prepare the Work Choices regulations showed the legislation was hasty and ill-conceived.

"Obviously it's a political minefield because once they draft the regulations then their real intentions to reduce wages and living standards will be crystal clear," he said.

"It is also obviously a legal minefield drafting them because they are abusing the corporations law."

In the case, involving every state and territory government as well as several unions including the Australian Workers' **Union** and Unions NSW, the states are asking the Work Choices legislation to be declared invalid on grounds the Constitution does not give the commonwealth the legislative power to enact it.

KEY POINTS

*The regulations detailing the inner workings of the new IR laws will be released this month.

*The Australian Chamber of Commerce and **Industry** wants more changes to Australia's IR system.

Caption :PHOTO: Chief Justice Murray Gleeson: the states would have until April 7 to provide their written submissions. Photo: PHIL CARRICK

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