

Strong State Voices & Co-operative Federalism:

**The Contribution of Queensland IR – to the present day and
into the future.**

By

Dr Louise Willans Floyd

**Director of Research, James Cook Law School &
Barrister, Supreme Court of Queensland**

Why STATE voices are needed...

Queensland has a diverse population and its workforce reflects that diversity

Environmental work, tourism, partnerships in addition to large corporations, mining and rural work, transport, technology and creative industries are all part of the *unique* fabric of Queensland working life.

Queensland Traditions

Throughout its history, Queensland bodies like the Industrial Commission and the Industrial Court have contributed to Queensland working traditions and the state system has also protected Queensland interests.

See for example:

RJ Howatson *They'll Always be Back* (Industrial Court of Queensland 1998); &

Work and Strife in Paradise: 150 years of Labour Relations History in Queensland, 1859 to 2009 (Edited by Bradley Bowden, Simon Blackwood, Cath Rafferty and Cameron Allan – Federation Press 2009).

The Handover – Co-operative federalism?

On announcing in-principle support for a national system, the Minister for Industrial Relations, the Hon Cameron Dick, noted key points relating to the continued protection of Queensland working life:

“• Queensland must have a high degree of control and input within the national system, regarding changes to law and policy, to protect Queenslanders from any future ideological crusades like Work Choices; and

• The national system must maintain acceptable service delivery, particularly in regional Queensland, in the areas of education services, tribunal and compliance services.”

Refer: Press Release of Hon Cameron Dick, Attorney-General and Minister for Industrial Relations, dated 11 June 2009.

The Handover – Co-operative Federalism?

The *Fair Work (Commonwealth Powers) and Other Provisions Bill 2009* provides for the “hand over” of Queensland industrial powers to the federal government.

In the event, the safeguards adopted to address the Minister’s above concerns include: 4

“Limits on the Commonwealth from making amendments to the national system laws which impact on Queensland’s referred jurisdiction without the agreement of the Queensland government”; and

Enshrined work principles.

4 Hon CR Dick *Second Reading of the Fair Work (Commonwealth Powers) and Other Provisions Bill 2009* (Hansard 27 October 2009) at 2862 et seq.

Questions to consider

This paper analyses the following three issues central to the hand over of state power:

The nature of this state referral and the associated intergovernmental agreements (co-operative federalism);

Questions to Consider

Why there is a continued need for Queensland to maintain a strong industrial relations “voice”; and

Questions to Consider

Why now is the appropriate time to celebrate the innovations that Queensland history has seen in the industrial arena, such as:

the strength of the Queensland inspectorate;
the strong asset base of Queensland industrial organisations;
the achievements of the Queensland Industrial Court and Commission; and, for example,
the development of some entitlements.

The Importance of Queensland's past - (ie) its relevance to the *future*

The basic argument is that:

appreciating our history (our special character and achievements and the nature of co-operative federalism) is an essential prerequisite for promoting our future.