



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Fair Work (Registered
Organisations) Amendment Bill 2014**

Second Reading

SPEECH

Monday, 14 July 2014

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Monday, 14 July 2014
Page 7824
Questioner
Speaker Snowdon, Warren, MP

Source House
Proof No
Responder
Question No.

Mr SNOWDON (Lingiari) (20:28): I thank the member for Blair for his contribution and say how well it elucidated the issues before the chamber. I was particularly struck by his description of the coalition and what is contained within their DNA. I participate in this debate on the Fair Work (Registered Organisations) Amendment Bill 2014 as someone who has been here longer than anyone else on our side of the chamber and only one other person—

Dr Chalmers: A hundred years!

Mr SNOWDON: A bloody long time! One other person, Deputy Speaker Scott, has been here a lot longer than me. You still have hair, Deputy Speaker, I have little.

Mr Hartsuyker: That wouldn't be hard, to have more hair than you!

Mr SNOWDON: That is true. I have to tell you that I have not lost that hair worrying about trade unions. I have lost that hair worrying about this government, and about what the conservatives and the far Right in this country are wanting to do to the people of this country. This bill, as the member for Blair rightly pointed out, is a really good lesson as to this government's political agenda and how much it replicates—across the board—their own ideological self-interest, and their lack of recognition of the proper place of unions in this country and of the rights of Australian workers to be represented by those unions. I remember being on a building site at age 15 and labouring—I won't tell you how successful I was at that job; I was not that flash, I have to tell you—

Mr Butler: In the Boer War intervention!

Mr SNOWDON: In the Boer War intervention. But I had a very close friendship with the local BWIU organiser—someone who I was able to talk to about the job I was in; someone who was able to give me some guidance about occupational health and safety issues in that workplace; someone who was able to talk to me about my rights, as a young man earning adult wages at 15 and labouring on a building site, here at the university which my friend here, the member for Rankin, has just—well, relatively recently, as far as I am concerned!—received his PhD from: working in that workplace was very instructive. It taught me—as if I had not been told by others, including my family—about the importance of joining a union. From then on, throughout my whole working life, I have been and remain a member of the union. I organised as a union representative—I was a shop steward, effectively—in my workplace. I was an elected official in a trade union; not a paid official but an elected representative of my peers. By being in that organisation, I found out how important it is to understand the intrinsic value of organising workers in this country, the role of trade unions, and their historical importance and their validity, not only historically but also today. This bill demonstrates to us the government's disguised and absolute disdain for and abhorrence of unions and their historically critical role in representing Australian workers—

Mrs Griggs: Craig Thomson did a good job!

Mr SNOWDON: I will come to you later; just don't go out of here! The role of the unions in winning pay and conditions from capital, by dint of their organisational ability, their capacity as individuals, their advocacy, and their professionalism—that is what it is about; understanding the proper role of trade unions. In this country, we all know—even the blue bloods opposite know; those with the silver spoon know this, and they have got that silver-spoon privilege not by dint of their own work but by the work of hardworking Australian men and women—that those people doing the hard yakka in the workplace: in the coalfields; on the building sites; in the financial sector; in the hospitals; those are the people doing the work. These are the people who create value for us. It might well be thought that you would recognise that even if you were born with a silver spoon in your mouth, as many of the other side seem to have been. I have a great deal of respect for some—not all, but some—members of the government. I know them to be fair and genuine people—yourself included, Mr Deputy Speaker. Not that I want to malign you—

Mr Butler: Or damn with faint praise!

Mr SNOWDON: Or damn you with faint praise! But nevertheless, this government, as the member for Blair has rightly said, has form. Since I first came here a long time ago, at every opportunity the coalition, whether in government or in opposition, has sought to undermine the rights of Australian working men and women by attacking their trade unions. It is absolutely true: the historical record speaks for itself. It is in their DNA to vilify, attack and undermine the role of unions in the workforce and the rights of their members. And I, among many in this place, lived through the Work Choices debacle, and what followed: we all remember the dogs on the wharf; we all remember those things. That is what is in the DNA of this government. That is what this bill represents. It is, as the member for Blair rightly said, irrational. It is superfluous. There is no need for this legislation. We need to comprehend for a moment what it in fact seeks to do. This bill, as you know Mr Deputy Speaker, would establish the Registered Organisations Commission, or ROC, and would amend the Fair Work (Registered Organisations) Act. The ROC would be headed by a Registered Organisations Commissioner with greater investigative powers than those available to the General Manager of the Fair Work Commission.

This same bill was first introduced in November of last year. It was defeated in the Senate; earlier this year, the amendments recommended by the senate legislative committee were circulated in the House. Now we have got the same piece of legislation again. As the member for Blair has said, we will not be supporting this government's Fair Work (Registered Organisations) Amendment Bill 2014, or the circulated amendments. As I pointed out earlier, these registered organisations—these trade unions—play a fundamental role in Australia's workplace relations system. They are created and registered for the purpose of representing Australian employers and employees at work. Registered organisations also represent their members before industrial tribunals and courts, and work with government on policy matters ranging from employment issues to economic and social policy. I want to refer to other contributions about union officials who acted inappropriately and corruptly: there is no place for them. We in the Labor Party have no tolerance for corruption by union officials or anyone else, including officers of employer bodies. We support tough penalties for those who break the law. As the member for Blair so eloquently pointed out, there are existing legislative frameworks which deal with those matters and make this piece of legislation redundant.

We support appropriate regulation for registered organisations, including a properly empowered regulator and consequences for those who do not follow the rules. We support—and are committed to ensuring—financial accountability for unions and employer organisations alike. That is why the now Leader of the Opposition, as minister, toughened the laws in 2012 to improve financial transparency and disclosure to their members by registered organisations, that Tony Abbott had enacted. As a result, the regulation of trade unions in Australia has never been stronger, accountability has never been higher, and the powers of the Fair Work Commission to investigate and prosecute for breaches have never been broader.

The minister consistently uses the HSU matters, of which we are all aware. We say that those matters can be fairly and properly dealt with by other areas of the law. Under the Fair Work (Registered Organisations) Act, officers of registered organisations already have fiduciary duties akin to those for directors under the Corporations Act. The Fair Work (Registered Organisations) Act already requires officers to disclose their personal interests. The Fair Work (Registered Organisations) Act already requires officers to disclose when payments are being made to related parties. It already requires officers to exercise care and diligence, to act with good faith and not to use their position improperly for political advantage. The government promised to regulate registered organisations in the same way as corporations and as you would expect—and I am sure you would not have to admit to this—they have broken that commitment. This bill places higher penalties and a more onerous regime on officers of registered organisations than those imposed on company directors. The Australian Industry Group suggests that the alignment of disclosure requirements for registered organisations with company directors under the Corporation Act was inappropriate.

Let us be very clear. The Australian community needs to understand—and I am sure it does—that we on this side of the House will not tolerate criminal or corrupt behaviour by anyone, least of all those people who are in charge of these registered organisations. The member for Solomon had the good grace to intervene a little earlier. I noticed that she had a contribution to make in an earlier discussion on the Fair Work (Registered Organisations) Amendment Bill. She made some observations which, as we have come to understand, were quite wrong. She railed against the Australian Education Union's Northern Territory branch, and attempted to discredit the union and its members by referring to that union's former president standing as a candidate in the recent Northern Territory by-election. It is true that the union president contested this election, and a union president moving

from the industrial to the political arena is not on—even more so when it is without reference to the union he works for. The member's statement about this being a grotesque misuse of resources is factually incorrect. It is just plain wrong. It is my understanding that both the AEU and the candidate himself made it very clear from the outset of his misplaced and unacceptable campaign. For the public record, I, as a union member, criticise his decisions and the way he was operating as a president of the union. I made it very clear that neither I nor his members supported what he was up to. But it is very clear that not one cent of AEU funds or members' funds went on his campaign expenditure. The member for Solomon got it wrong again. Ignorance is no excuse for her willingness to mislead the parliament in the way that she has done. In fact, all of her contributions fitted that description: ignorant and misleading.

Had the member for Solomon wanted to genuinely address corruption in the Northern Territory, she needed only to look at the Northern Territory government. That was all she had to do. The CLP government in the Northern Territory have set the standard for corrupt behaviour in Australia—at worst, a standard for corrupt behaviour in practicing Australian politics for many years. Their latest slush fund, Foundation 51, has replaced its discredited precursor, the Carpentaria trust proprietary limited company. A former director of Foundation 51, Mr Peter Maley, now a magistrate, retired from the position once his involvement was publicly exposed. The conflict of interest was obvious, but it goes deeper. Just look at the facts. The corrupt behaviour of the CLP government in the Northern Territory needs to be properly and clearly understood by the people of the Northern Territory and the people of Australia—and I am sure they will come to understand it. They know it already. The CLP government is deeply unpopular—almost as unpopular as the member for Solomon. Let me be fairly clear, we will not be supporting this legislation. We will stand up for the rights of unions and union members, and we will make sure that those people who act corruptly are dealt with properly by the law.