



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Federation Chamber

GRIEVANCE DEBATE

**Building and Construction
Industry, Workplace Relations**

SPEECH

Tuesday, 18 October 2016

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Chesters, Lisa, MP

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Ms CHESTERS (Bendigo) (18:50): The contribution of the previous speaker, the member for Fisher, is totally bizarre. If the government had not gagged debate on the ABCC bill he could have made that presentation downstairs where people were actually debating it. It just demonstrates the pure politics of this place and this government. They have gagged their own member of parliament. The member for Fisher is a new member who wanted to put in the *Hansard* in his words his opinion of the ABCC and of the CFMEU, but the government, his own government, did not give him the chance. It gagged debate.

I too was on the speaking list. I was looking forward to debating the bill again. It is a bill over which the government forced us to an election, saying, 'We have to do this as a matter of urgency.' Yet the Prime Minister mentioned the term 'ABCC' only four times during the election. It wasn't a short election; it was a very long election. It went for two months in the middle of winter, yet the Prime Minister could say 'ABCC' only four times. That just demonstrates how the government was looking for any excuse to go to the polls. There we were, today, with an opportunity to debate the bills, not in the Federation Chamber during the grievance debate but in the lower house. Instead, the government gagged debate—obviously not liking the media—and cut off its own members from having a say. It is disappointing.

In response to the common to the previous member, I say that nobody in the workplace should be intimidated. Let me say that straight out. There should be no workplace bullying. We should have strict workplace health and safety laws in place. If people feel intimidated or if they feel harassed they should call the police. That is the reality. If there is intimidating behaviour going on, report it to the supervisor and call the police. There is no place for criminal activity in Australian workplaces. However, this is where the government misrepresents what it is doing not just with this bill but with the other bill, the registered organisations bill, that will come up and with so many other bills. The bills we are debating in this House do not deal with criminal law but with civil law only. All that the ABCC can do, or that can be done under the registered organisations bill or the Fair Work Act, is to refer matters to the police if it believes the matters are criminal. That can already be done. We already have the rule of law in all of our workplaces, in every single element of Australia. We have it in this place. We have it in our communities. The rule of law already exists. I reiterate what I said earlier: it doesn't matter whether you are a union official, a boss, a mum, a dad or somebody who is just walking down the street. If you are threatened or feel intimidated, call the police.

What happened last Monday on a workplace, however, is that the police weren't called when a worker fell to her death. She was a backpacker, here on a temporary visa. She was 27 years of age. She was not wearing her safety harness. She was working for substandard wages for a labour hire firm. She fell to her death. The supervisor and the company did not even stop work. The union officials arrived and said that needed to happen. An ABC journalist was the one who called the police.

The government are so quick to defend their mates in business that they are leaving the workers behind. They are leaving people in the community behind. They are not standing up for the ordinary Australian worker. They are quick to union bash in this place, whether that be at the doors out the front or in the speeches we have heard today from the Prime Minister downstairs in the House—because apparently only the Prime Minister can speak in the House now, and everybody else has to speak up here in the Federation Chamber. He gags everyone else from debate. The government are not interested in the voices of ordinary workers, and we have seen that time and time again. The Fair Work Ombudsman's report was released over the weekend; I cannot believe the government's failure to respond to that this week.

We should be debating legislation on how we are going to clean up the exploration of vulnerable backpackers in our country. A third of backpackers surveyed are being underpaid. There are backpackers who had to pay for the right to work, who had money taken out of their pay packets and who reported being sexually harassed and sexually assaulted. Where is the government's outcry for those workers? Where is the government using every single minute of this parliament to condemn those employers and supervisors? Where is the Prime

Minister standing up and condemning the employers, supervisors and labour hire firms for sexually harassing and intimidating vulnerable workers that are here in our country? These people just cop it, because they are so desperate to get their visa extended so that they can stay in this country.

The worst thing about it is that not only did the Fair Work Ombudsman's report expose the gross vulnerability of these workers; government backbenchers know about it as well. They will say, 'I know it is a problem.' They will talk about it with you in the corridors, but they will not talk about it here in this place. They will not put it on the record and condemn the exploitation of vulnerable backpackers. The reason for this is that backpackers are a cheap labour source. On the one hand, the government members like to rant about higher wages, saying that the government are going to create higher wages. Yet, on the other hand, they are quite happy to have an exploited workforce that undercuts local jobs and local wages. That is what happens when we have labour hire firms.

On the weekend, I had the privilege of meeting the Middelmount community, three hours west of Rockhampton. Although it was a privilege to meet them, it was under a circumstance which I wish was not so. It is a mining community, and whilst there has been a turndown in production, mining is still doing quite well, particularly in parts of Queensland. These workers are fighting not just for their jobs but for their town. I thought the whole point of labour hire was to fill workforce shortages, but we are seeing employers, even in Middelmount, trying to replace directly employed staff with labour hire staff. If you have a turndown in production, then surely the fair thing to do for those workers who have committed decades of service to you is to say to the labour hire people, 'You're here on a casual contractual basis. We are going to keep our permanents first.' However, I have never met a labour hire person who does not want a full-time job—but those jobs are becoming rarer and rarer. There have been too many manufacturing sites, too many mining sites and too many construction sites that last directly hired a full-time person five or six or sometimes 10 years ago. Instead, they are bringing in labour hire. Over a decade, in some of these manufacturing places it has now become a ratio of 50 to 40, with 10 per cent being whoever else they could get on the day.

This is not acceptable. It is a demonstration, again, of how this government likes to rant about jobs and rant about growth but do nothing to ensure that those jobs exist. You cannot just stand up here and say, 'Jobs, jobs, jobs' without having the policy to back it up. Not every job is a good job. In fact, today many jobs are insecure, low paid, part time and casual. We have seen very little of this government's focus on creating full-time, secure jobs.

There are some easy things the government could do, like supporting a number of policies that Labor put forward—supporting our bill to stamp out worker exploitation or to crack down on unscrupulous employers who exploit their workforce. These are not the words that we will hear this week from the government, but we should. If we are serious about reversing underemployment and unemployment and rebuilding full-time jobs, then the government needs to partner with the people in the community to make that happen. We do need to review the Fair Work Act to make sure that directly employed workers are the ones who get to stay and that companies do not use labour hire to undercut them. We need to ensure that we are doing everything we can to strengthen and support workers' safety so that we do not have the horrible tragic situation of young backpackers falling to their deaths on construction sites because the company has ignored safety standards. This government needs to get serious about jobs, serious about workplace safety and stop their union bashing.