



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

COMMITTEES

**Education, Employment and Workplace
Relations Legislation Committee**

Reference

SPEECH

Wednesday, 29 February 2012

BY AUTHORITY OF THE SENATE

SPEECH

<p>Date Wednesday, 29 February 2012 Page 93 Questioner Speaker Urquhart, Sen Anne</p>	<p>Source Senate Proof Yes Responder Question No.</p>
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Senator URQUHART (Tasmania) (17:25): The government does not support this motion. In fact, the opposition knows that the Senate does not support the motion. Regardless of that, here they come again, the old relics of the Work Choices era, all lined up trying to stop one of the last bastions of fear from their terrible era in government from being abolished. They are so desperate to cling to this relic of the past, so desperate that—although a report on this bill is due to be provided to the Senate next in the schedule—they seek to send it off again to the same committee and for the same purpose, no doubt wasting the time of the industry in again making submissions and again appearing before the committee.

The government's position on the ABCC has been clear for a long period of time. Unlike the coalition with Work Choices, which was thrust upon an unsuspecting electorate, the Labor Party made a commitment to the Australian people prior to both the 2007 and the 2010 election that we would replace the ABCC with a new body, that we would provide a balanced framework for cooperative and productive workplace relations in the building and construction industry, that we would provide a body that is part of our fair work system. There can be no doubt that the government has a mandate to abolish the ABCC. We won the 2007 election and, much to the chagrin of those opposite, were able to negotiate confidence and supply from some of the Independents in 2010 because those Independents decided that the Labor Party was the best party to govern this country and progress reform for the betterment of hardworking Australians.

You also know full well that we have consistently stated that anyone who breaks a law should feel the full force of the law. As a responsible government we will not tolerate an environment in which people choose which laws to obey and which ones to ignore. But we expect this to apply for all industrial participants, and we expect that an industrial regulator will use its resources fairly and not just single out workers and their democratically elected representatives. They waltz in here with their attempts to stifle the work of the Senate with procedural debates and with this motion, which is to come just before the release of the report by the Senate committee.

Those opposite cannot accept that they lost the argument in 2007. The people spoke. The people

said they wanted a fair industrial relations system in this country. This bill, the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012, moves well in that direction. This bill strikes a balance of fairness. It is sad for this country that those opposite are so committed to obscuring fairness in the workplace for everyday Australians—those workers who are building Australia. The construction industry is a dangerous and arduous industry to work in. It is characterised by a system of subcontracting, many small employers, widespread use of a labour hire workforce and intense competitive pressures. They can contribute to compromises on safety issues, breakdowns in the chain of responsibility and difficulties in maintaining effective employee representation on safety issues from job to job. Injury and fatality rates remain unacceptably high.

But it is a fact that there is a positive link between trade union involvement at workplaces and improved OH&S outcomes. Workers are best placed to know what issues make their workplace unsafe and workers should have the right and the power to seek changes to bad practice before accidents occur. If workers feel intimidated about raising issues of safety concern, everyone working at a site is at a higher risk of an accident.

The ABCC has its origins in the recommendations of the Cole royal commission into the building and construction industry. This was set up by those opposite in a desperate attempt to attack unions in the lead-up to the 2001 federal election campaign. The royal commission was an intensely politicised process from the outset. The focus was almost exclusively on union conduct. No serious attempt was made to balance the inquiry with an examination of employer conduct. Interestingly, despite its enormous cost to the public, of the 392 instances of so-called unlawful conduct in the final report only one was ever pursued and it was ultimately dropped without being prosecuted to finality.

The government understands that the industry contains unique challenges for both employers and employees and as a result we have always supported a strong building industry regulator to ensure lawful conduct by all participants and a strong set of compliance arrangements for the building industry. This bill

honours those commitments but, as the coalition fails to understand, it strives to strike a balance.