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Daily Media Overview



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Porter recasts Setka bill as 'test' of Labor

Australian Financial Review, Australia, General News, Phillip Coorey

05 Jul 2019

Page 1 • 722 words • ASR AUD 5,643 • Photo: No • Type: News Item • Size: 279.00 cm² • National • Australia • Ministers and Department - Press • ID: 1141767055

The federal government has increased pressure on Labor to support legislation cracking down on rogue trade unions and officials by substantially rewriting old legislation to meet the opposition's concerns. As promised after Anthony Albanese moved to expel CFMEU official John Setka from the ALP, the government introduced into Parliament on Tuesday the Ensuring Integrity Bill.

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Audience

38,015 CIRCULATION

Keywords

Attorney-General(1),Christian Porter(1)

Union-busting bill back before friendlier senate

Sydney Morning Herald, Sydney, General News, Anna Patty

05 Jul 2019

Page 4 • 489 words • ASR AUD 19,864 • Photo: No • Type: News Item • Size: 273.00 cm² • NSW • Australia • Industrial Relations - Press • ID: 1141781171

INDUSTRIAL RELATIONS The Morrison government has reintroduced its union-busting bill, which could be passed before the end of the year, giving it the power to deregister unions that break the law and ban officials such as construction union boss John Setka for misconduct.

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Audience

74,348 CIRCULATION

Keywords

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Porter recasts Setka bill as 'test' of Labor

Phillip Coorey

The federal government has increased pressure on Labor to support legislation cracking down on rogue trade unions and officials by substantially rewriting old legislation to meet the opposition's concerns.

As promised after Anthony Albanese moved to expel CFMEU official John Setka from the ALP, the government introduced into Parliament on Tuesday the Ensuring Integrity Bill.

It came as Mr Setka sought an injunction to stop his expulsion from the ALP, potentially drawing out the saga that has split the union movement.

The bill lowers the threshold for the deregistration of unions and officials. It is opposed by the union movement and Labor has previously voted against it, citing inconsistencies with provisions in the bill compared with laws that deal with corporate Australia.

Attorney-General Christian Porter presented a new bill on Tuesday designed to neutralise Labor's previous criticisms. He called it "a major test for Labor's leadership".

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Porter recasts Setka bill as 'test' of Labor

"Last Parliament Labor voted against much-needed reforms giving the Federal Court the ability to more appropriately penalise misconduct by officers of registered organisations and improve the integrity and accountability of the organisations themselves," he said.

"We have heard the new Labor leader, Anthony Albanese and others within his party roundly condemn John Setka of the CFMEU. Now it is time for Mr Albanese and Labor to prove they're not all talk and back their words with action."

Mr Porter said the government had taken into account the concerns about the previous perceived lack of parity

between unions and corporations.

"While complete parity between the regulation of corporations and registered organisations remains impossible due to the multitude of structural and administrative differences between these entities, in order to address these concerns the government has made a number of amendments to the re-introduced Ensuring Integrity Bill compared with its last iteration," he said.

For example, when it comes to the disqualification of officials, the types of offences and contraventions that are grounds for disqualification has been reduced to core workplace laws only such as the Fair Work Act, Work Health and Safety legislation and Building Industry legislation.

Also, the concept of a "wider criminal finding" as grounds for disqualification by the court, as contained in the old Bill, has been removed.

Penalties for criminal offences have also been harmonised with corporations law and penalties for failing to help an administrator – such as refusing to hand over the books – have been

harmonised with corporations law.

The new bill will apply equally to all Registered Organisations, meaning unions and employer associations.

Labor declined to comment on the new bill but one source said it would be another headache for the party grappling with the election loss.

The source said the unions still opposed the bill, but the party had fewer reasons to oppose it.

Mr Setka was to be expelled from the ALP at when party's state executive meets on Friday. Mr Setka has been given another 10 days to prepare his case. Now he has asked the Victorian Supreme Court to grant an injunction against the expulsion on the grounds it would hinder his ability as a union official. Mr Albanese said nothing would save Mr Setka and he will be thrown out on July 15.

Labor has no power to expel Mr Setka from the CFMEU and he is refusing to stand down as state secretary of the Victorian division.

The government believes Mr Albanese will be compromised so long as Labor remains affiliated with the union with Mr Setka as its leader.

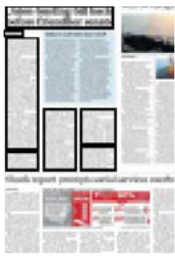
Mr Setka has admitted he could lose his position as secretary of the Victorian division of the CFMEU if he is expelled from the Labor party.

In an affidavit filed with the Supreme Court in support of his injunction application, Mr Setka wrote that if he is expelled from the party, he will not be able to advocate on behalf of his union.

"Losing the position of secretary would have a devastating impact on me, as I have dedicated my life to the union movement. It would also affect me financially, because being the secretary is my sole source of income. Losing that source of income would then affect my family, who depend on me financially," Mr Setka says in the statement.

Mr Setka also wrote that losing his spot in the Labor party would "seriously affect his reputation".

WITH LIZ MAIN



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INDUSTRIAL RELATIONS

Union-busting bill back before friendlier senate

Anna Patty

Workplace editor

The Morrison government has re-introduced its union-busting bill, which could be passed before the end of the year, giving it the power to deregister unions that break the law and ban officials such as construction union boss John Setka for misconduct.

Mr Setka's refusal to step down as leader of the Victoria CFMMEU, despite pressure from the ACTU and most affiliated unions after he pleaded guilty to harassing his wife through abusive text messages, boosted the government's chances of getting the bill passed.

Industrial Relations Minister Christian Porter cited the "appalling behaviour" by rogue sections of the union movement and officials since Parliament voted against the original 2017 bill as grounds for its reintroduction.

He said the CFMMEU had repeatedly flouted workplace laws and clocked up more than \$16 million in fines, while risking the delivery of goods and services infrastructure projects.

"The Morrison government makes no apologies for upholding the rule of law and cracking down on lawbreakers – particularly those who refuse to address longstanding and repeated law-breaking behaviour," he said.

Labor and the Greens will oppose the legislation, which has been referred to a Senate committee due to report in October, meaning it would likely go to a vote in November.

The Parliament rejected the controversial Ensuring Integrity

Bill in 2017, but the government is now confident it has a better chance of getting it across the line with the support of four out of six senate crossbenchers.

It is expected Australian Conservatives' Cory Bernardi will support the bill. The two Centre Alliance senators are broadly supportive of tightening the regulation of union officials, but may seek amendments. Tasmanian Senator Jacqui Lambie's position is uncertain. The two One Nation senators are potential supporters.

The bill will introduce a new public interest test the Fair Work Commission could use to prevent future union mergers like the one between the maritime, construction, mining and footwear unions to form the CFMMEU.

The bill will also make it possible for the government or Registered Organisations Commission to cancel a union's registration on the basis of improper conduct.

It allows for the automatic disqualification of union officials charged with serious criminal offences that are punishable by five or more years in prison. Union officials

will also face disqualification if they fail to take reasonable steps to stop their organisation from breaking the law.

The Corporations Act empowers the Australian Securities and Investment Commission (ASIC), not a minister, to disqualify company directors. Under the Ensuring Integrity Bill, the Registered Organisations Commissioner, the minister and any person with a "sufficient interest" would have the power to apply to

the Federal Court for the disqualification of a union official.

ACTU president Michele O'Neil said the proposed laws were a dangerous attack on democracy.

"If unions are shut down or silenced, who will stand up to the powerful, make sure workers get their rights and fight to improve workers' rights?" she said.

