

WED 24 JULY 2019

Daily Media Overview



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[back](#)

Twin wins for ScoMo as Labor folds again

The Morrison government has secured a second victory in as many days as Labor agreed to pass controversial new terror laws, despite failing to secure the changes it had been demanding. The new laws enable Home Affairs Minister Peter Dutton to prevent foreign fighters returning to Australia for up to two years. It follows the passage of legislation to set up a \$5 billion drought future fund, something Labor, again, initially opposed but then agreed to pass. Unable to stop the passage of the legislation, Labor was fearful of being labelled anti-farmer. ▶ News p4

Twin wins for Morrison as Labor retreats

Phillip Coorey
Political editor

The Morrison government has secured a second policy victory in as many days as Labor agreed to pass controversial new terror laws, despite failing to secure the changes it had been demanding.

The Temporary Exclusion Orders (TEO) legislation, which enables Home Affairs Minister Peter Dutton to prevent foreign fighters returning to Australia for up to two years, is set to whistle through the Senate this week as a result of Labor backing down.

It will follow the passage of legislation to establish a \$5 billion drought future fund, something Labor, again, initially opposed on the basis the money was being taken from an infrastructure fund it had established when last in government.

Unable to stop the passage of the legislation and fearful it would be labelled as anti-farmer, Labor agreed to pass the bill with the pledge that, if elected, it would re-establish the Building Australia Fund.

Labor did the same in early July

when it voted for the entire three-stage, \$158 billion tax cut package after being unable to split the bill to prevent the passage of stage three.

Prime Minister Scott Morrison goaded the opposition yesterday, telling the Coalition party room that Labor was “against everything right up to when they change their position and are for it”.

Labor backbencher Ed Husic expressed unhappiness, saying the party should not oppose everything but on some issues “we should stand our ground and be prepared to argue the case”.

He labelled anonymous comments by colleagues suggesting Labor should wave things through to avoid being wedged as “whiny loser talk”.

With two wins under its belt, the government will push through the House of Representatives today the Ensuring Integrity legislation that will facilitate the deregistration of unions and union officials, and make it easier to block union mergers.

Despite the government saying the

watering down of its bill addressed the concerns previously raised by Labor, the caucus rejected supporting it outright, noting there were still significant flaws.

The bill was fast-tracked to highlight Labor's discomfort as it tries to expel from the party the rogue CFMEU official John Setka.

Labor is also standing fast against plans to repeal the medevac legislation which Labor and the crossbench passed last year when the Morrison government was in minority and suffered a historic loss on the floor of the House of Representatives. The bill facilitates the transfer to Australia of asylum seekers needing medical treatment.

Like the Ensuring Integrity Bill, it will not reach the Senate until October because it has been referred to a Senate committee.

But there is speculation that if the government secures the crucial support of Jacqui Lambie, it may kill off the Senate inquiry and ram the



24 Jul 2019

Australian Financial Review, Australia

Author: David Marin-Guzman And Phillip Coorey • Section: General News
Article type : News Item • Classification : National • Audience : 38,015 • Page: 1
Printed Size: 412.00cm² • Region: National • Market: Australia • ASR: AUD 8,333
Words: 660 • Item ID: 1149274065

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Page 1 of 2

[back](#)

Setka fights expulsion by outspending ALP

CFMEU boss John Setka will try to beat Labor leader Anthony Albanese's push to expel him from the ALP by outspending the party in the courts. Union and Labor sources said the Labor Party was in debt after the federal election and that the cashed-up Victorian union would take advantage of that through costly court challenges. "It's not in a position to wage an extensive legal battle," one ALP figure said of the party's finances.

It is understood that Mr Setka is prepared to fight all the way to the High Court. ► [News p4](#)

Setka could beat expulsion by outspending cash-strapped ALP

David Marin-Guzman
and Phillip Coorey

Controversial union boss John Setka will try to beat Anthony Albanese's push to expel him from the ALP by outspending the party in the courts, sources said.

Union and Labor sources said the federal ALP was in debt after the federal election and that the cashed-up Victorian Construction, Forestry, Maritime, Mining and Energy Union would likely take advantage of that through costly court challenges.

While the party is still waiting for Australian Electoral Commission funding, it is understood Labor's primary vote was lower than was budgeted for.

"It's not in a position to wage an extensive legal battle," one ALP figure said.

One union official said Mr Setka would also likely try to force Mr Albanese into mediation over the matter.

However, senior Labor sources said they were not concerned about the threat and that state ALP branches would chip in money for the court action if necessary. The party is also understood to have cash reserves.

The Morrison government has sought to highlight Labor's discomfort

over the Setka matter by fast-tracking its bill to make it easier to deregister unions and disqualify unionists.

Labor formally resolved on Tuesday

that it would oppose the Ensuring Integrity Bill, despite the government claiming it had made changes to align it more closely with corporation law.

The bill would have no bearing on Mr Setka given its powers would be prospective but it is vehemently opposed by the union movement.

Mr Albanese said on Tuesday that the bill did not support workers' right to organise but stressed Labor would still hold to account those who have "done the wrong thing".

"I will take strong action against unionists who step out of line," he said. "But I also think that the government never talks about employers that do the wrong thing here."

The Labor leader wants to expel Mr Setka for bringing the party into disrepute by allegedly making controversial comments about anti-violence activist Rosie Batty and over his conviction for harassing his wife.

However, an expulsion hearing that had been set for July 15 has been put on hold as Mr Setka challenges Mr Albanese's motion in the courts.

Supreme Court judge Peter Riordan has flagged that the matter "could well go to the High Court" and Mr Setka has previously warned that his challenge "would be a costly exercise" and a "long-drawn-out thing".

The Australian Financial Review reported this week that CFMEU national secretary Michael O'Connor was under pressure to use his position on the ALP executive to vote against Mr Setka's expulsion.

However, on Tuesday, Mr Albanese reaffirmed his position that Mr Setka would be expelled. "We'll respond once the court makes its decision. But we'll do whatever is necessary to ensure that John Setka doesn't remain a member of the Labor Party."

Industrial Relations Minister Christian Porter said: "The hypocrisy of Labor and their union masters over the rule of law undermines all aspects of the compliance regime."

"How does the Opposition Leader explain supporting the expulsion of Mr Setka from the Labor Party but not supporting legislation that would, if Mr Setka continued his unlawful behaviour, see him being expelled from his position of union official?"

The bill has been referred to a Senate committee and will not be debated in the Senate until about October.



24 Jul 2019

Australian Financial Review, Australia

Author: David Marin-Guzman And Phillip Coorey • Section: General News
Article type : News Item • Classification : National • Audience : 38,015 • Page: 1
Printed Size: 412.00cm² • Region: National • Market: Australia • ASR: AUD 8,333
Words: 660 • Item ID: 1149274065

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Page 2 of 2

[back](#)



Anthony Albanese in Parliament yesterday. He faces a costly court battle with John Setka. PHOTO: ALEX ELLINGHAUSEN



24 Jul 2019

The Australian, Australia

Author: Simon Benson Ewin Hannan • Section: General News • Article type : News Item
Classification : National • Audience : 94,448 • Page: 4 • Printed Size: 299.00cm²
Region: National • Market: Australia • ASR: AUD 6,626 • Words: 655
Item ID: 1149245472

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Page 1 of 1

[back](#)

CFMEU slapped with \$65m in penalties

EXCLUSIVE

SIMON BENSON
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More than \$65 million in legal fees and fines have been levied against the country's most militant union over the past 15 years and paid for largely out of workers' membership dues, according to government analysis.

More than \$17m of these legal costs have been attributed to cases involving Victorian union boss John Setka, who has defied attempts by Anthony Albanese to have him thrown out of the ALP.

Mr Setka's chief union ally,

Electrical Trades Union Victorian secretary Troy Gray, yesterday declared the Opposition Leader was "digging a ditch" for his leadership over his "poor" handling of the expulsion bid, reaffirming Labor would lose access to the "honey pot" of millions of dollars of union donations if the expulsion threat succeeded.

The Coalition analysis of legal costs incurred by the Construction Forestry Mining Maritime and Energy Union since 2004 was released as Scott Morrison moves to revive the Coalition's workplace policy changes today that would allow courts greater power to deregister unions and make it easier to ban officials for legal breaches.

Having already been forced into political retreat this week over the government's \$5 billion drought fund and national security laws, Mr Albanese will be forced to defend Labor's position on the laws as he continues to pursue the expulsion of Mr Setka.

The government claims its bill will give courts greater scope to deregister "law-breaking unions" and take direct action against officials. A second bill deals with so-called "wage theft" by unions through worker entitlement funds.

ACTU secretary Sally McManus said the ensuring integrity bill was "an unprecedented attack

on the basic rights of workers to organise and has no equivalent

legislation in the Western world".

"This government is engaging in an ideological attack on working people rather than addressing systemic theft and wrongdoing by employers," she said.

The lion's share of the estimated \$65m in court penalties was dished out in Victoria (\$28.6m), with 793

contraventions of workplace laws across 74 cases including coercion, contempt of court and compensation orders to employers.

The CFMEU in Queensland and the Northern Territory was forced to draw an estimated \$13.9m from its funds for penalties and legal fees involving 974 contraventions of workplace laws across 27 separate cases.

In NSW, there have been 169 contraventions and 12 cases believed to have cost \$4.5m and \$2.2m in legal fees. In Western Australia, the maritime branch of the union had \$12.4m in fines and fees levied against it.

In Victorian cases where Mr Setka had been named, the legal

costs and penalties ran to about \$17.7m, according to the analysis.

Attorney-General Christian Porter said it was "a small element" of the union movement that needed to be addressed.

"(But) Labor needed to explain to Australians why it considers this sort of systemic law-breaking acceptable and why it is appropriate for the Labor Party to continue to take \$1m a year from a union that has made breaking the law an artform," he said.

Mr Gray said Mr Albanese had alienated two of the biggest sponsors of the ALP — the CFMEU and the ETU — by moving against Mr Setka. "It's no secret the Victorian branches of the ETU and the CFMEU are two of the largest donors to the ALP," he said.

"We mobilise tens of thousands of people, we put out hundreds of people to door-knock and make

phone calls all in support of progressive Labor, and under Albanese's leadership I think there is a strong debate between the two Victorian branches whether that is the sort of progressive leadership we would support."

Mr Gray said the dispute should be fixed through negotiations and not through the courts.

"That would be the best way forward, but it appears that Anthony Albanese is set in his ways. I just hope he is not digging a ditch," he said.

'Labor needed to explain ... why it considers this sort of systemic law-breaking acceptable'

CHRISTIAN PORTER
ATTORNEY-GENERAL



24 Jul 2019

West Australian, Perth

Author: LANAI SCARR • Section: General News • Article type : News Item
Classification : Capital City Daily • Audience : 135,996 • Page: 19
Printed Size: 440.00cm² • Region: WA • Market: Australia • ASR: AUD 7,714
Words: 353 • Item ID: 1149318344

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Page 1 of 2

[back](#)

Workers pay the price \$12m bill for union thuggery

EXCLUSIVE

LANAI SCARR

Federal Political Editor

Lawbreaking by unions in WA is estimated to have cost workers more than \$12 million over the past 15 years.

A Federal Government analysis provided to The West Australian shows the Construction, Forestry, Maritime, Mining and Energy Union and the Maritime Union of Australia have used \$12.4 million of union member fees to fund legal cases where militant behaviour by union figures has led to court action.

The cost includes \$10 million in legal fees for CFMMEU penalties for 83 contraventions of workplace laws across 19 separate cases since 2004.

It also includes \$330,000 in compensation for MUA unlawful conduct in denying employment to non-MUA members.

Both unions dismissed the costs yesterday as a normal part of doing their business. "We deal with militant employers and that's what we do to fight for our members," MUA deputy branch secret-

ary Adrian Evans said.

Mick Buchan, CFMMEU State secretary, said "we are a militant union, we fight for workers".

It can also be revealed controversial union boss John Setka's militant and ill-mannered behaviour is estimated to have cost members, and therefore Victorian building workers, more than \$17 million.

Federal Labor leader Anthony Albanese moved to expel Mr Setka, pictured, from the party 43 days ago but had to put the move on hold after the CFMMEU construction division secretary brought legal action before the Victorian Supreme Court.

Revelations of the costs come ahead of the consideration of two Government Bills to be put before the House of Representa-

tives today to crack down on union power. The Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill will give more power and greater flexibility to the courts to deregister law-breaking unions and take action against certain militant parts of unions and their officials.

The Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill aims to stop wage theft by unions who seek to withhold workers' money by holding it in union-affiliated worker entitlement funds. Labor said yesterday it would vote against the ensuring integrity Bill.

But the Coalition has



[back](#)

the numbers
in the Lower
House to ensure
it is passed.

**COUNTING THE COST
OF THE CFMMEU**

Since 2004

\$1.5m

for 19
separate cases
involving breaking
of 83 laws

\$10m

in legal fees
for those cases

\$115,000

fine for
secondary boycott
action delaying
concrete pour at Perth
construction site

\$115,000

fine
for MUA adverse
action in denouncing
employees who
didn't participate
in industrial action
at a site as "scabs"

\$120,000

in
compensation to
affected employees

\$30,000

fine
for MUA unlawful
industrial action
at Port Hedland

\$79,2000

fine
for MUA unlawful
conduct in denying
employment to
non-MUA members

\$330,000

in
compensation to
affected employees

\$19,470

fine for MUA
unlawful industrial
action at Freemantle
DP World site

\$16,830

fine
for MUA unlawful
industrial action
at Broome Port
Authority

TOTAL: \$12.4m



