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Daily Media Overview



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Restoring the rule of law in construction industry

The Australian, Australia, Editorials

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Serious criminality has no place in registered organisations The House of Representatives passed the Morrison government's Ensuring Integrity Bill this week. The legislation will make it easier to disqualify rogue union officials and deregister lawbreaking unions, such as the penaltyprone Construction Forestry Maritime Mining and Energy Union, which has made lawlessness part of its business model. The bill, which passed the house in 2017 but was blocked in the Senate, also proposes a public-interest test for amalgamations. It's off to the upper house for more scrutiny and will not be voted on until late October, at the earliest. Where appropriate, the grounds of cancellation reflect the powers in the Corporations Act for a court to wind up a business, including where directors have acted in their own interests or unjustly towards members. The union movement, Labor and the Greens, however, have opposed these sensible reforms even though the new law would apply equally to employer organisations. The ACTU claimed a union could be deregistered simply for failing to lodge paperwork. As well, opponents warned that passage of the bill would allow the Federal Court to deregister the Australian Nursing and Midwifery Federation if nurses took unprotected action to protest against unsafe staffing levels at a hospital or aged-care facility. This is a furphy. As Attorney-General Christian Porter said, this claim is "absurd" as no nurses union had engaged in the type of systemic unlawful conduct that would provide the grounds for a court to deregister it. He also rejected a spurious claim by Greens MP Adam Bandt that industrial action by bus drivers was potential grounds for deregistration.

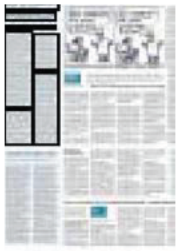
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THE AUSTRALIAN

FOR THE INFORMED AUSTRALIAN

Restoring the rule of law in construction industry

Serious criminality has no place in registered organisations

The House of Representatives passed the Morrison government's Ensuring Integrity Bill this week. The legislation will make it easier to disqualify rogue union officials and deregister law-breaking unions, such as the penalty-prone Construction Forestry Maritime Mining and Energy Union, which has made lawlessness part of its business model. The bill, which passed the house in 2017 but was blocked in the Senate, also proposes a public-interest test for amalgamations. It's off to the upper house for more scrutiny and will not be voted on until late October, at the earliest. Where appropriate, the grounds of cancellation reflect the powers in the Corporations Act for a court to wind up a business, including where directors have acted in their own interests or unjustly towards members.

The union movement, Labor and the Greens, however, have opposed these sensible reforms even though the new law would apply equally to employer organisations. The ACTU claimed a union could be deregistered simply for failing to lodge paperwork. As well, opponents warned that passage of the bill would allow the Federal Court to deregister the Australian Nursing and Midwifery Federation if nurses took unprotected action to protest against unsafe staffing levels at a hospital or aged-care facility. This is a furphy. As Attorney-General Christian Porter said, this claim is "absurd" as no nurses union had engaged in the type of systemic unlawful conduct that would provide the grounds for a court to deregister it. He also rejected a spurious claim by Greens MP Adam Bandt that industrial action by bus drivers was potential grounds for deregistration.

The bill expressly requires the Federal Court to consider the nature of the matter giving rise to the application

and what is in the best interests of the members of the organisation as a whole. The bill also makes it possible to deal with unlawful behaviour contained to one part of an organisation, such as the notorious construction division of the CFMEU. According to the bill, the court will be empowered to make so-called "alternative orders" specific to a particular branch or division without affecting the parts of the organisation that are serving its members' interests properly. Where a registered organisation, or a part of it, becomes financially dysfunctional or officials engage in serious misconduct, the bill makes it easier for a court to appoint an administrator. Again, as in other aspects of the proposed law, office holders will be treated like company directors. These changes are long overdue and strike the right balance between ensuring high standards of behaviour from officials of unions and employer groups, without unduly affecting the vast majority of officials who are "fit and proper" persons and are doing the right thing.

Yet, as David Penberthy reports today, the culture of intimidation within the construction union lives on. Aaron Cartledge, a former secretary of the CFMEU, claims his 30-year union career was destroyed due to militant Victorian construction union boss John Setka's infiltration of the South Australian branch. Mr Cartledge detailed how the hostile takeover had been a disaster for union members, with millions of dollars in fines on the union for illegal entry of worksites under the guise of safety inspections. The state's Treasurer, Rob Lucas, declared "the cancerous influence of militant eastern states unionism" had no place in SA.

Such behaviour has no place at any worksite in this country. Not only does

such lawlessness hurt members, it bounces back on taxpayers as delays bump up the cost of schools, hospitals and roads. According to Master Builders Australia, the construction unions refuse to "abandon their toxic culture". Since the start of 2017 alone, building unions have been slapped with almost \$8 million in penalties and fines for over 800 breaches of the law over almost 40 separate court cases. One Federal Court judge was so appalled by the CFMEU's record of behaviour in 2017 he described the union as "the most recidivist corporate offender in Australian history". It's a disgrace.

In 2015, the trade union royal commission exposed a pattern of blackmail, extortion, coercion and unlawful entry on construction sites. The Morrison government's Ensuring Integrity Bill will strengthen the power of courts and bring rogues into line. It is really as simple as making sure the rule of law applies to unions and employer groups and that those who commit serious criminal offences, punishable by five years' or more imprisonment — not tardy form-fillers or striking nurses seeking better staffing ratios — are automatically disqualified from holding office. The integrity bill is also another test of will for Labor leader Anthony Albanese. His attempt to oust Setka, who pleaded guilty to using a carriage service to harass his wife, from the ALP has been stymied by the union boss and his cronies. Mr Albanese has deplored union thuggery in the past and should support the bill when it comes before the Senate later this year. Sure, it's a big ask for a new leader, but he should look to the way Labor hero Bob Hawke stood up to militants a generation ago.



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ECONOMY

Stagnant wages force workers into extra jobs

Dana McCauley

Australians are still struggling to get decent pay rises and increasingly turning to side gigs to make ends meet, with new data showing 600,000 workers have three or more jobs.

The Morrison government's forecast of a wages recovery appears to be at risk after wage increases in new enterprise agreements fell for the second quarter in a row, locking in stagnant wages for hundreds of thousands of workers for the next three years.

ANZ economist Catherine Birch said the reversal in the direction of wage growth revealed in data published by the Attorney General's department yesterday "suggests that the gradual improvement we have seen in the wage price index could fade".

Separate data released by the Australian Bureau of Statistics the same day showed a dramatic increase in the number of Australians holding multiple jobs, with a doubling of those working in four or more different positions in 2016-17.

Australia Council of Trade Unions Secretary Sally McManus said the expansion of "non-standard forms of work" had developed into

a "crisis of insecure work".

"The fact that working more jobs means, on average, earning less shows that people forced into holding multiple jobs are doing it out of dire need," Ms McManus said.

Labor Senator Tony Sheldon used his maiden speech on Wednesday to rip into disruptor tech companies such as Uber for "pillaging" the Australian economy and harming worker rights.

The former Transport Workers Union secretary wants gig economy

workers, who are often treated as independent contractors, to have employee rights to better pay and entitlements. Average wage increases fell to 2.7 per cent in the March quarter, down by 0.1 per cent, making the Treasury forecast of wage growth hitting 3.25 per cent by 2020-21, then 3.5 per cent the following year, increasingly unlikely.

Public sector deals were the worst hit, with wage increases falling 0.3 per cent to just 2.4 per cent.

Federal Labor employment spokesman Brendan O'Connor seized on the ABS figures as evidence of "serious structural issues in

the labour market" that were being exacerbated by government inaction to address "insecure work" and "soaring underemployment".

"Economic growth is slowing

down, wages are stagnant and this government is pretending there is no problem," Mr O'Connor said.

Prime Minister Scott Morrison said yesterday that his government had demonstrated that it was "on the side of the Australian people" through its tax policies.

"We've supported delivering tax cuts, tax relief for all working Australians, so they can keep more of what they earn," Mr Morrison said.

Jim Stanford, an economist at the Australia Institute's Centre for Future Work, said the soft wages data reflected an erosion of the power of unions to win bigger increases "in the face of ... a very hostile legal and regulatory environment".

"The government should be looking at ways of rebuilding collective bargaining as a key support for wages," Professor Stanford said.

The House of Representatives passed the government's union-busting Ensuring Integrity Bill on Wednesday after Labor MPs spent three days arguing against it.

Making ends meet

600,000

The number of Australian workers who have three or more jobs.

