

TUE 10 SEPTEMBER 2019

Daily Media Overview




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'Show some spine': Jacqui Lambie returns to parliament with John Setka ultimatum

WEB MSN Australia

09 Sep 2019 8:40 AM

823 words • ASR AUD 14,402 • Workplace Relations - Internet • ID: 1169546280

The Senate powerbroker Jacqui Lambie has returned to Canberra following the parliamentary break with one message. Either union boss John Setka resigns, or the government's controversial 'ensuring integrity' bill will pass, with her vote.

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Audience

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Keywords

ACTU(1),leave(1),next(1),post(1),Sally McManus(1)

Union-bashing bill will hurt women: Labor

Australian Financial Review, Australia, General News, Phillip Coorey

10 Sep 2019

Page 4 • 595 words • ASR AUD 5,178 • Photo: No • Type: News Item • Size: 256.00 cm² • National • Australia • Industrial Relations - Press • ID: 1169824659

Union leader John Setka is a "bovver boy" who does not represent the modern trade union movement and a new anti-union government bill would only harm workers and well-meaning officials, Labor says. Writing in today's The Australian Financial Review, shadow industrial relations minister Tony Burke confirms Labor will vote against the Ensuring Integrity Bill, which would make it easier for the Federal Court to deregister rogue unions and their officials.

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38,015 CIRCULATION

Keywords

action(1),at(1),deregister(1),Ensuring Integrity Bill(2),exploit(1),for(5),industrial(3),pay(1),relations(1),Tony Burke(1),Union(9),unions(3),wage(1),workers(6),workplace(1),works(1)



10 Sep 2019

Australian Financial Review, Australia

Author: Phillip Coorey • Section: General News • Article type : News Item
Classification : National • Audience : 38,015 • Page: 4 • Printed Size: 256.00cm²
Region: National • Market: Australia • ASR: AUD 5,178 • Words: 595
Item ID: 1169824659

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Union-bashing bill will hurt women: Labor

Phillip Coorey
Political editor

Union leader John Setka is a “bovver boy” who does not represent the modern trade union movement and a new anti-union government bill would only harm workers and well-meaning officials, Labor says.

Writing in today's *The Australian Financial Review*, shadow industrial relations minister Tony Burke confirms Labor will vote against the Ensuring Integrity Bill, which would make it easier for the Federal Court to deregister rogue unions and their officials.

The bill, which was fast-tracked by the government to exploit Labor's woes over trying to expel Mr Setka from the party, is scheduled to reach the Senate in October.

The government is closing in on a deal with the Centre Alliance, which wants a handful of changes, meaning it will then only need either One Nation or Jacqui Lambie.

Ms Lambie told *The Australian Financial Review* six weeks ago she would be inclined to vote for the bill if Mr Setka remained at the helm of the Victorian division of the CFMMEU. She repeated that threat over the weekend.

But Mr Burke argues Mr Setka is being used as a stalking horse for legislation that will not affect him because it is not retrospective.

“Listening to the government's rhetoric over the last few months you'd be forgiven for thinking the so-called Ensuring Integrity legislation is urgently needed to deal with the CFMMEU and John Setka,” he writes.

“But they are using Setka as a stalking horse – cover to ram through an extreme and dangerous bill that represents an unprecedented assault on freedom of association and will be weaponised against workers.”

He said the government was falsely

portraying Mr Setka as typical of the union movement; “that it's still dominated by big, blue-collar bovver boys who want to make trouble.

“That's nonsense. The average union member today is a woman in her 40s

who works in aged care,” he writes. “These are the kinds of workers – whether they are members of a union or not – who will be hurt by this legislation. That's right – ultimately it won't be John Setka punished by these laws. It will be workers who just want a decent pay rise; workers who want to be protected from wage theft; workers who want a safe workplace.”

Mr Burke said the bill would enable anyone in government or business – so long as they meet the nebulous criteria of “a person of sufficient interest” – to lodge an application and cripple unions with red tape and legal costs.

“It could be the boss of a company – like prominent Liberal donor and recidivist industrial lawbreaker Gerry Hansen, who is said to be driven by a pathological hatred of unions. Or it could be a disgruntled customer, or a lobby group, or a political enemy – or even the minister himself,” Mr Burke says. “What if a group of nurses decide to take unauthorised industrial action by handing out leaflets explaining that they don't think the nurse-to-patient ratios are good enough? Their entire union could be dissolved.” He says the bill's other powers to block a union merger was “an obvious assault on the fundamental principle of freedom of association”.

The bill is one of several Scott Morrison has introduced as “a test for Labor”. ALP leader Anthony Albanese said Mr Morrison “needs to stop acting like an opposition in exile on government benches and develop a plan to deal with the economic challenges ...”.

Key points

Labor has confirmed that it will vote against the Ensuring Integrity Bill.

The government is closing in on a deal with the Centre Alliance.



10 Sep 2019

Australian Financial Review, Australia

Section: Editorials • Article type : Editorial • Classification : National • Audience : 38,015
Page: 46 • Printed Size: 300.00cm² • Region: National • Market: Australia
ASR: AUD 6,068 • Words: 563 • Item ID: 1169812107

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■ THE AFR VIEW

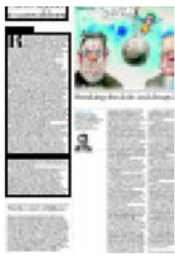
Union roadblock to a growth boost

Reserve Bank governor Philip Lowe has led calls to lift or pull forward spending on infrastructure to give the soft economy a boost. At The Australian Financial Review Infrastructure Summit in June, the responsible federal minister, Alan Tudge, flagged efforts to accelerate small-scale projects such as commuter car parks at suburban railway stations. Infrastructure promises a double boost: once on the demand side when the spending flows into the pockets of suppliers and workers, and then again on the supply side when new urban roads and railways transport people more quickly.

Yet attempts to fast track even small-scale infrastructure projects can be money poorly spent: as Labor's school halls showed following the global financial crisis. Larger-scale construction has its own supply-side capacity constraints, as the Sydney CBD has discovered with the congestion-inducing light rail project. At our Summit, Victorian Premier Daniel Andrews reckoned Melbourne had run out of cement. Last week, Scott Morrison and Mr Andrews re-announced a Melbourne freeway widening project that the Prime Minister said had blown out by \$360 million from when it was previously announced a year ago.

And one of the biggest capacity constraints comes from the militant Construction, Forestry, Mining, Maritime and Energy Union that abuses its legalised monopoly over the supply of labour to major construction projects. As the *Financial Review* reported on Monday, the CFMEU is seeking to spread into NSW the sort of wage and conditions achieved in Victoria under its notorious leader John Setka. That would mean an increase in base wages of 45 per cent over the past eight years over which the relevant award has risen only 27 per cent. It would mean triple-time loadings for Saturday work. And in a classic union-imposed supply-side bottleneck, it would ban large concrete pours after 11am. Entire construction sites would be required to shut down to accommodate the workers' rostered days off.

Up until May 18, the CFMEU expected to deal with Bill Shorten, the former head of the rival Australian Workers Union whose Labor leadership was propped up by Mr Setka and fellow members of the so-called industrial left. No friend of new Labor leader Anthony Albanese, the CFMEU wants to see how far it can push a Coalition government. The government's Ensuring Integrity bill would make it easier to deregister rogue trade unions and their officials. Under Mr Albanese, Labor has finally turned against the thuggish Mr Setka. But Labor continues to oppose the Coalition's attempts to enforce proper governance standards on unions that are effectively harboured by the Fair Work Act. Modern Labor has no credibility as long as it continues



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to support and be financed by the CFMEU and its militant construction and maritime branches. Modern Labor does not have the principles of a Bob Hawke, who helped deregister the old Builders Laborers Federation.

With ultra-low interest rates, federal and state governments have some financial “wobble room” to borrow more on infrastructure, according to S&P Global Ratings, without threatening their credit ratings. But that still requires overall budget discipline. And it comes with a warning that the construction supply chain is likely to become stretched to breaking point that would lead to delays and cost overruns. Rather than rushing half-baked infrastructure projects to prop up domestic demand, governments should get better value for infrastructure spending. Like more user charging on the roads. And breaking the construction union’s monopoly power.



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WHAT WOULD BOB HAWKE HAVE MADE OF TODAY'S ACTU?

Diminished and discredited union body just a shadow of its former self

TROY BRAMSTON

SENIOR WRITER

On this day 50 years ago, Bob Hawke was elected ACTU president. The anniversary is a stark reminder of how diminished and discredited the union movement has become since Hawke brought the ACTU's influence and authority to its zenith in the 1970s and set it up to play a key role in the economic reforms of the 80s and 90s.

Today, the union movement is bleeding members, many of its officials have been prosecuted for criminality or corruption, and its leaders are so far removed from Hawke's unique talents as an advocate and conciliator it is difficult to imagine they belong to the same organisation he elevated to national prominence.

When Sally McManus was elected ACTU secretary in 2017, it was hailed by many as a defining moment for the movement — the first woman to be secretary. McManus, a lifelong union activist, had masterminded the Build a Better Future campaign in 2016. Big things were expected.

But McManus's 2½ years as secretary have been bad for the union movement. She said her "No 1 priority" was to increase members. The latest figures show union members as a proportion of the workforce falling to a pitiful 14.6 per cent and about 8 per cent to 9 per cent in the private sector. The union movement continues to shrink at a rapid rate at a time of stagnant wages, low growth and insecure work.

When McManus chose to defend rather than distance the ACTU from the Construction Forestry Maritime Mining and Energy Union for its serial law-breaking on the ABC's 7.30 program, it marked a new low for the union movement. "I believe in the

rule of law where the law is fair," McManus said. "But when it's unjust, I don't think there's a problem with breaking it."

There has never been a union in Australia's history that has broken more laws in more states or been so repeatedly rebuked by judges utterly exasperated about their contempt for the legal process than the CFMEU. Yet McManus has defended this rogue militancy time and again rather than take a principled stand. It is not the approach of her predecessors. The Hawke government, with the support of the ACTU, deregistered the CFMEU's predecessor, the Builders Labourers Federation, in 1986.

Can you imagine a Bill Shorten or Anthony Albanese-led Labor government taking such action with the support of the ACTU leadership? Hawke urged Shorten to expel the CFMEU from the party. His plea was ignored.

McManus was initially slow to condemn John Setka, the Victorian CFMEU leader, even

though the details of his vile and menacing harassment of his wife were widely known. McManus, encouraged by other union leaders, finally urged Setka to resign, but he has so far ignored her. It speaks volumes about her authority. If McManus were serious, she would seek to expel the CFMEU from the ACTU.

More than \$15m of union members' money was wasted by McManus's Change the Rules campaign designed to help Labor win the federal election. The ACTU's official review, obtained by The Australian's Ewin Hannan last month, concluded that it failed to resonate with voters because they found it confusing and complex, and it did not cut through. Spending this amount of money for zero return is unforgivable. Yet McManus has continued to tweet #ChangeTheRules as recently as two weeks ago.

The ACTU was hoping that a Labor government would help it

arrest the decline in union members by providing it with new laws that would strengthen their capacity to bargain in workplaces. McManus invested heavily in a Labor victory. The truth is that unions have failed to maintain their relevance because they are no longer influential in most workplaces or in public policy debates.

It is fantasy to think the ACTU or Labor would support the Coalition's Ensuring Integrity Bill, which is aimed at strengthening union governance by making it easier to deregister unions and expel officials for disreputable and illegal conduct. Labor is totally beholden to the ACTU these days. But if a union official has done nothing wrong then they surely have nothing to fear from these laws, which are likely to be amended by the Senate crossbench.

When Hawke, then the ACTU's research officer and advocate, defeated ACTU secretary Harold Souter by 399 to 350 votes at the ACTU congress on September 10, 1969, it was the dawn of a new era for the union movement. The ACTU became a leading contributor to economic and social policy debates. Hawke was a skilled negotiator and gained a reputation for solving protracted disputes. He was a dynamic advocate, recognised for his intelligence and larrikinism, and was widely respected.

Some, though, saw him as divisive and his occasional temper tantrums diminished his appeal. He was characterised as a left-wing unionist because he had the support of left-wing and communist-linked unions. But, in truth, he was always moderate and pragmatic and worked well with centre-right unions, which later

formed his power base. The ACTU became a key partner in the major economic and social policy reforms during the Hawke-Keating government. Led by secretary Bill Kelty and presidents Cliff Dolan, Simon Crean and Martin Ferguson, the ACTU understood the national interest



10 Sep 2019

The Australian, Australia

Author: Troy Bramston • Section: General News • Article type : News Item
Classification : National • Audience : 94,448 • Page: 12 • Printed Size: 731.00cm²
Region: National • Market: Australia • ASR: AUD 16,200 • Words: 976
Item ID: 1169799312

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and had zero tolerance for illegality or fraud. Its leaders were respected and admired, and had influence as a result.

It is no surprise that in his final years Hawke lamented what had become of the ACTU. He despaired over the inability to stem the loss of members, worried that it no longer had a key voice on economic and social policy matters, that it had turned a blind eye to the criminality of the CFMEU, that it wasted so much money on pointless campaigns and was no longer attracting the quality of leaders that it once did.

