

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT BILL 2005 - Second Reading

Dr EMERSON (Rankin) (9.53 a.m.)—*The Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005* is designed to extract trade unions from any involvement in occupational health and safety monitoring and enforcement in Australia. We know that Australia's workplaces still remain problematic in terms of the number of injuries and deaths. I recognise that Australia's employers generally do put a lot of effort into developing occupational health and safety programs, and we are all very grateful for that, but the truth is that unless you have proper and effective monitoring and enforcement on site then the occupational health and safety standards in Australia's workplaces will decline. Trade unions have for a very long time played an important role there. It does require people who are on site, who are organised and who have the capacity to go to their representatives and point out dangerous workplace situations. Trade unions have fulfilled that role for a very long time.

The genesis of legislation relating to occupational health and safety at workplaces occurred in 1991, and the model that was developed at that time was a collaborative model—that is, a tripartite model whereby employers, unions and governments work together to set decent workplace health and safety standards and then to ensure that those standards are met. That system has worked well, but this government has been trying since the year 2000 to get unions out of the monitoring and enforcement of occupational health and safety standards. In so doing, the government is running the very significant risk of worsening occupational health and safety standards in this country. It is a very solemn matter that a government—given that it is obviously very derisive of the trade union movement in this country—could consider that it is a price worth paying to allow our standards to slip and, consequently, to increase the risk of accidents and deaths in workplaces. But so pathological is this government's hatred of the trade union movement that it seems prepared to do just that.

In previous parliaments, Labor and the minor parties in the Senate have been able to curb the worst excesses of this government in respect of this particular piece of legislation and more generally. But the government, now that it has gained control of the Senate, is intent on exercising its political muscle through the parliament and basically doing whatever it wants. I think that this legislation is a mistake, but we should not be surprised by it, because the government has sought on several occasions to implement legislation of this sort. The legislation is best understood from the perspective of a government that has systematically sought to remove trade unions from any involvement in Australia's workplaces and our society more generally.

I will now deal with a number of such matters in which the government has demonstrated this pattern of behaviour. When Labor introduced compulsory superannuation in the 1980s, the coalition was almost hysterical in its opposition, and the main reason for that vehement opposition was that this innovation of compulsory superannuation would give an additional role to trade unions. Most particularly, it would allow the establishment of so-called industry funds. That has happened. Industry funds have been established, but the coalition was very fearful of the power that that might give to trade unions and therefore opposed root and branch Labor's legislation introducing compulsory superannuation.

It is a matter of record and performance that those industry funds have done very well. If you wish to compare the superannuation returns of the industry funds, they compare very favourably with the funds that are operated out of the central business districts of Australia. There are two reasons for that. One is that the directors of the industry funds are obviously at least as clever as those of the funds operated out of the CBDs of Australia. The other is that their fees and charges are lower. Consequently, on average, returns from industry funds compare very favourably with those of other professional organisations. So what does the government do? It is pretty difficult to abolish compulsory superannuation. I think people would be very upset about that, so the government has not done it. Instead, it has introduced superannuation choice as a way of trying to get industry

funds out of the superannuation industry altogether. That is not going to succeed, and we have seen advertisements on television by the industry funds pointing to their superior returns.

The point I am making is that there is method in the government's madness. The government has methodically sought to remove the influence of unions from our workplaces. Most spectacularly, that was demonstrated with the first wave of industrial relations legislation in 1996. I sit here in the parliament astonished as government ministers and the Prime Minister stand up and, without shame, assert that every Australian has the right to bargain collectively. This is completely untrue. That right was removed in 1996. The right to bargain collectively can be vetoed by an employer. A right vetoed is no right at all. Yet, when the Minister for Health and Ageing was the Minister for Employment and Workplace Relations, he told a Vietnamese lady in a picket line at the Morris McMahon dispute in Sydney, 'You have the right to bargain collectively.' They did not have the right to bargain collectively because the employer said, no, there would not be any collective bargaining.

Again, the government has removed that right to bargain collectively because it does not want unions, where they are the chosen representative of workers, to be able to represent those workers in workplaces. The government has legislation in the parliament now relating to right of entry. That legislation allows unions to enter a workplace no more than once every six months—again, a union-busting piece of legislation designed to put unions in a situation where their members say, 'How can you represent me if you can come into my workplace only once every six months?' If this government had any decency, any sense of fairness, which I seriously doubt, it would revise that legislation—in fact, throw it out. And now, in relation to occupational health and safety, the government is seeking to take unions out of that as well.

So why is there this pathological hatred of the trade union movement? One reason is that it is an article of faith for this government that a Prime Minister is on record as saying at a Liberal Party convention: 'We do this because of who we are. We are the Liberal Party and so we have been born and raised to hate unions and to try to smash unions.' It is a very partisan outfit indeed. They do it because they can, because they have control of the Senate, and we are now witnessing through this legislation and other related legislation the worst excesses of a Liberal government being put on display. That is one reason they seem to have this pathological hatred of trade unions.

The other reason is that the government knows that if it can effectively attack the trade union movement in this country then it can weaken the Australian Labor Party. That is the truth. I am very proud to be able to say that the Australian Labor Party does enjoy a close association with the trade union movement. The Australian Labor Party was created by the trade union movement and the trade union movement provides the ballast for the Australian Labor Party.

There is a lot of discussion in this parliament about unions providing a lot of funds. Of course any political party is grateful of receiving financial support. The Australian Labor Party also receives organisational support from the trade union movement. But more fundamentally, the trade union movement allows the Australian Labor Party to keep in touch with the aspirations of the working men and women of this country. Of course we keep in touch through our electorates with working men and women who are not members of the trade union movement, but the union movement is always there to remind us of our obligations to represent the interests of the working people of this country. That is a great source of advice, a great source of counsel and a great source of pride for the Australian Labor Party.

We will never deny our bonds with the trade union movement. We should never dismiss or cower behind the government's allegations that we are close to the union movement, because we are. Just as those in the Liberal government are who they are, so we are who we are. We are the political wing of the organised labour movement of this country. We are very proud of that, and we will continue side by side with the trade union movement in fighting and seeking to repel this latest wave of industrial relations legislation that is coming at us in October. This legislation is just another milestone in the government's crusade to try to smash the trade union movement.

I would now like to move on to another area where the union movement has played a very important part in our society and in our community, and that is in relation to the behaviour of James Hardie. When this government attacks unions, as it does every day in this parliament, I struggle to

find any kind of generous word that government ministers and members have expressed in relation to the role of the ACTU, and Greg Combet in particular, in exposing the scandalous behaviour of James Hardie. You would think that there would be grudging respect on the part of the government for this, but we have the member for O'Connor vilifying the role of unions in supporting the workers suffering from asbestos related diseases and no thanks whatsoever from this government for the great work that Greg Combet and the ACTU have done there.

It just shows that the Australian people have a very clear choice between the two political parties. This coalition government, as an article of faith, is saying that, because it can, it will do everything to smash the trade union movement in this country, and the Australian Labor Party is prepared to stand proudly side by side in the trenches with the trade union movement to repel this legislation that is here today and the legislation that will be coming at us from October to attack the working conditions and pay of ordinary Australians.

What I would like to see in this country is the restoration of the right to bargain collectively so that people can be represented by their chosen representative in the workplace, rather than being represented by whoever the employer says will be the worker's representative. We see that the government is intent on spreading Australian workplace agreements through the Australian work force. After nine long years, this government has succeeded in getting AWAs into only three per cent of the Australian work force, yet now it is going to legislate to make it even easier, if that is possible, for AWAs to be accepted into Australian workplaces. The government talks about choice. The working men and women of this country have exercised a choice in saying that they do not want AWAs. After nine long years of vigorous promotion this government has succeeded in getting AWAs, most often against the will of the working people, into only three per cent of those workplaces. After all that time—

[Mr Hardgrave](#)—Mr Deputy Speaker, I rise on a point of order, reluctantly, because the member for Rankin is digging himself deeper and deeper into a big ditch, but this legislation is about the occupational health and safety of Commonwealth employees. I think he is stretching this just a tad.

The DEPUTY SPEAKER (Mr Jenkins)—The member for Rankin will continue and remember to remain relevant to the legislation.

[Dr EMERSON](#)—I am always relevant. The pattern I am describing, which the minister clearly does not wish to understand, is a pattern of behaviour. There is method in the government's madness. The occupational health and safety legislation before us today is designed with one purpose and one purpose only, and that is to remove trade unions from the monitoring and enforcement of occupational health and safety in this country. The minister might like to recall the fate of young Joel Exner, a 16-year-old boy who fell off a building site on his first or second day at work. I wonder whether the minister spares a thought for Joel Exner. He was on a site that was unsafe—there was no scaffolding and no harness—yet an investigation has been conducted and no-one has been able to identify anyone who could be prosecuted or dealt with as a result of that negligence.

What I am saying is that that sort of tragic incident will be more likely as a result of the removal of the role of trade unions in monitoring and enforcing occupational health and safety standards in Australia. The government should pause and think of Joel Exner and his mother, who is still struggling to come to terms with the death of a 16-year-old boy that was completely avoidable but which occurred because of negligence. If we have trade union representatives on work sites who can see unsafe work sites and point them out and remove people from the danger, surely that is a good thing for Australia. But this government is so obsessed with busting the union movement and, through that process, attacking the Australian Labor Party that it is prepared to increase the risk of injury and death in Australia's workplaces—and this government should be condemned for doing it.