

MEDIA RELEASE

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Comment on ABCC: Building unions should accept they are not above the law

Statement from Steve Knott, Chief Executive | AMMA (Australian Mines and Metals Association)

AS the Coalition Government introduces legislation to bring back the Howard-era building industry watchdog, the Australian Building and Construction Commission (ABCC), the response from Australia's construction union has been both predictable and self-serving.

In *The Australian* newspaper today (Nov 12), CFMEU national secretary Dave Noonan drew parallels between enforcing the rule of law in the construction industry and unlawful discrimination on grounds such as gender or ethnicity.

The attempted trivialisation of genuine discrimination is offensive and accompanied by a similarly inaccurate and distorted misrepresentation of the case for restoring the ABCC.

Our law prohibits unlawful discrimination because it involves prejudicial actions pursued contrary to facts, denies opportunities based on who people are, not what they do, and because it offends the values of the community. This is the polar opposite of how the restored ABCC would operate.

The ABCC is born of facts and will deal with facts. It was specifically recommended by the Cole Royal Commission to address a widespread culture of unlawfulness in Australia's construction industry, including evidence of union thuggery and disregard for freedom of association rules and industrial relations laws.

Royal Commissions have a special place in our legal system, and governments have unique obligations to heed them and give effect to their recommendations. The Gillard/Rudd government erred when it thought it could cease to follow these and their own reviewer's recommendations and neuter a proven and effective regulator.

As the resource industry's national employer group, AMMA is an assiduous advocate for the ABCC because it has proven to deliver greater assurances and confidence to the international investment community that large resources projects can be built in a lawful, stable environment.

We support the restoration of proper enforcement in the industry based on rigorous investigation, merited prosecution and proper findings in our courts.

With about \$620 billion of capital value in the resources investment pipeline, it is absolutely in the national interest to resurrect the ABCC and stamp out union thuggery as well as rogue employers engaging in sham contracting or other unlawful activities.

More importantly, building unions will have a fresh opportunity to modify their culture to better respect the law and address the concerns found by the Royal Commission - not contrived by employers or the Coalition - but found by our nation's highest form of legal inquiry.

And therein lies the point of all this. Building unions continue to collide with our legal system because too often their industrial activities are pursued at the very limits of the rule of law.

Organisations pursuing a culture of calculated belligerence and deliberately acting outside the law must expect to collide with the law, and be subject to rigorous attempts of enforcement.

Dave Noonan is right when he concludes that the problems of the industry require real solutions. However it is time our building unions accept that the industrial culture they have deliberately cultivated is a key problem and it is well beyond time they accepted that they are not above the law.

Media Contact: AMMA media manager, Tom Reid on 0419 153 407