

inspectors visited a construction site in Adelaide. CFMEU official John Perkovic approached, stood directly in front of the inspector and pushed him, and stated as follows:

You f\*\*\*ing maggot, what are you taking a photo of me for, you piece of s\*\*t?

You f\*\*\*ing coward. I'd f\*\*\*ing take you to school, you f\*\*\*ing piece of s\*\*t.

You f\*\*\*ing piece of s\*\*t, you're going to have a heart attack.

*Opposition senators interjecting—*

**Senator CASH:** I stand in this place and I am astounded that those on the other side cannot at least sit there in silence and hang their heads in shame, because if anyone on this side said that to one of those people on the other side all hell would break loose in this place. *(Time expired)*

**Senator JOHNSTON** (Western Australia) (14:24): Mr President, I ask a supplementary question. Minister, what type of impact does this behaviour have on productivity in the building and construction industry?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:24): Thank you, Mr President. Unfortunately, the behaviour does have an impact not just on those workers who are subjected to this type of behaviour—but I do remind senators that the shadow minister does say, 'It's just a rough and tough industry'—but, unfortunately, for all Australians, because it impacts on productivity. Data from the ABS showed that from 2004 to 2005, when the ABCC commenced its work, to its final year of operation the labour productivity index for the construction industry rose significantly across a number of key indicators. In terms of the rate of disputes in the construction industry, they dropped to twice the all-industry's average. At the same time, long project delays were dramatically reduced. The Gillard government, courtesy of those on the other side, then abolishes the ABCC, and what happens? The rate of disputes rises to four times the all-industry's average. Clearly, the ABCC was doing its job. *(Time expired)*

**Senator JOHNSTON** (Western Australia) (14:25): Mr President, I ask a further supplementary question. Does the minister believe that the laws that are currently in place are sufficient to act as a deterrent?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:25): The simple answer to that question is no. Why? Because the ongoing pattern of behaviour clearly suggests that they are not. Since the ABCC was abolished—again, courtesy of those on the other side—the findings of dozens and dozens of court cases show that history was quick to repeat itself and the flagrant disregard for industrial law is now as common as ever. Two royal commissions—the Cole royal commission and now the Heydon royal commission—have now identified systemic unlawful behaviour in the construction industry by the CFMEU. The Federal Court of Australia has gone so far as to ask, referring to the CFMEU:

Has there ever been a worse recidivist in the history of the common law?

When the laws are not strong enough to deter unlawful behaviour, something needs to be done.

### **Workplace Relations**

**Senator STERLE** (Western Australia) (14:26): Mr President, my question is to the Minister for Employment, Senator Cash. I refer to the minister's previous answer in the Senate yesterday that:

... what occurred on the MV *Portland*, that is a matter for the company—nothing more and nothing less.

If what occurred on the **MV *Portland*** is a matter for the company, why were the minister's department and the minister's office given advanced notice of the plan to replace the Australian crew of the vessel with a foreign crew?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:27): I thank Senator Sterle for his question. Yesterday in question time, Senator Sterle referred to Senate estimates *Hansard*, so I assume the senator has read the *Hansard*. In saying that, he would then know that it is normal practice for the department to be notified of such industrial disputes. It would have happened under the former government and it happens under this government. By way of an FYI text, my office, but a few hours before, were also notified of the action.

Senator Sterle would also know, if he read the estimates *Hansard*, that Senator Lines asked:

Did they advise you that they would forcibly remove the crew?

And the secretary of the department replied:

No, and I do not understand that they did forcibly remove the crew. There was no mention of force.

*Opposition senators interjecting—*

**Senator CASH:** So, Senator Sterle, again I stand here gobsmacked that members of the Labor Party come in here to defend the actions of the militant Maritime Union of Australia, bearing in mind that the context in which this all occurred was that there were three orders—two from the Fair Work Commission and one from the Federal Court—that had said to these five employees, 'Stop your unlawful industrial action,' and they refused to. Senator Sterle, no-one in this place and no-one in the wider community gets to pick and choose which orders of a commission or a court they comply with. The law is the law. And in this case the law found against the MUA and the five members on the ship, it told them to end their unlawful industrial action and they refused to.

**Senator STERLE** (Western Australia) (14:29): Mr President, I ask a supplementary question. I note the minister's failure to answer my question yesterday, so I ask again: when was the minister first aware that the company proposed to use security guards to remove Australian workers from the *MV Portland*?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:29): Again, Senator Sterle referred to the *Hansard* from estimates yesterday, so again I assume, in referring to the *Hansard*, Senator Sterle has read the *Hansard*. I responded to a question asked by Senator Lines:

... did somebody tell you this was happening?

I said:

No, they did not. I found out the next morning when I saw it in the news.

**Senator STERLE** (Western Australia) (14:30): Mr President, I ask a further supplementary question. Unfortunately, I did not get an answer, so I will ask again through you, Mr President. I note the minister's failure to answer, so here we go again: when was the minister first aware that the company proposed to use security guards, and does she support the use of security guards to forcibly remove Australian workers from their place of work?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:30): Yes, I did answer the question. I found out about the security guards the following day when I read about it in the newspaper. In terms of whether I support the actions of the company in removing the five MUA members from the ship, whether it is unions or whether it is the employer—whether it is anybody—I support that, if a court or an industrial commission makes an order determining that you do something, you should do that. In this case, it was two Fair Work Commission orders plus an order from the Federal Court telling the MUA that these people should stop their unlawful industrial action. They refused to and, in doing so, I will just remind senators, there were 12 other Australian seafarers who were not MUA members and were not refusing to sail who were also made to stay on the ship. (*Time expired*)

### Drought: Queensland

**Senator O'SULLIVAN** (Queensland) (14:32): My question is to the Minister for Regional Development, Senator Nash. Will the minister please—

**Senator Cameron:** Still dreaming about New York!

**Senator O'SULLIVAN:** This is a significant question, Doug. Listen up! Will the minister please update the Senate on how the coalition government is supporting communities affected by drought?

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (14:32): I thank the senator for his question. Senator O'Sullivan has a long history of advocating for regional Queensland and understands firsthand the effect of crippling drought on our communities. As a regionally based senator and as a farmer, I know the harsh reality of drought not just on farmers but on all of those who live in affected communities, and it is really important that we remember how many of our communities are currently experiencing drought. Drought impacts community confidence and pride, and it does not discriminate. The economic and social impacts of drought can never be underestimated, and this government has a strong record of taking action on drought. Through the Drought Communities program this government is investing in projects that will help create jobs and stimulate growth. The program is providing \$35 million to fund local infrastructure initiatives that provide employment for people whose work opportunities have been impacted by drought. To further support these impacted regions, identified local government areas will receive \$1.5 million in funding to be targeted at projects that stimulate local community spending, use local resources, businesses and supplies and provide a long-lasting benefit to communities and the agricultural industries on which they depend. Since coming to government, we have invested more than \$685 million in assistance and support for Australian farmers and rural communities experiencing drought and other hardship. We have seen over \$413 million approved to 778 farm businesses and 5,767 claims for farm household allowance, with \$1.35 million per week on average being distributed by the