



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**BILLS**

**Fair Work (Registered Organisations)  
Amendment Bill 2014 [No. 2]**

**Second Reading**

**SPEECH**

**Monday, 17 August 2015**

BY AUTHORITY OF THE SENATE

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## SPEECH

<p><b>Date</b> Monday, 17 August 2015</p> <p><b>Page</b> 85</p> <p><b>Questioner</b></p> <p><b>Speaker</b> Lambie, Sen Jacqui</p>	<p><b>Source</b> Senate</p> <p><b>Proof</b> Yes</p> <p><b>Responder</b></p> <p><b>Question No.</b></p>
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**Senator LAMBIE** (Tasmania) (19:30): I will continue quoting my letter to the Prime Minister:

There are plenty of precedents and procedures in place for safely managing highly sensitive information and protecting witnesses' well-being ... while still allowing Senators access to vital information which allows them to properly scrutinise executive government's actions and carry out their free and fair performance as Members of the Upper House of the Australian Parliament.

I note that since I received your letter, strong evidence has emerged which indicates a probability that Royal Commissioner Heydon, in accepting a key speaking role at a Liberal Party fundraiser, unless he resigns first—that he will be found by a higher court to have exhibited a form of bias.

Please note that I have called for Commissioner Heydon to resign from his position, because based on the facts, it will be impossible for the great majority of Tasmanians not to have the impression that he is biased.

In light of this information and the fact that Royal Commissioner Heydon has shared his confidential volumes with all state Premiers and their staff, I invite you to reconsider your refusal to allow crossbench Senators to have access to the Commissioner's confidential report.

I'm sure you'll agree that crossbench Senators are just as trustworthy as State Premiers, with confidential information.

And that there is no logical reason for the Royal Commissioner or yourself to deny access to his confidential report—given that it's been shared with all of Australia's State Premiers and their staff.

Especially when all of the report's information is needed to make an informed decision on whether to re-establish the Australian Building and Construction Commission.

With regard to the re-establishment of the ABCC, my view has shifted after I've conducted interviews with key stakeholders and re-examined the public record which you refer to you in your letter.

I'm prepared to support your ABCC Legislation currently before the Parliament under these simple conditions:

1. All crossbench senators and senior staff are given access to the Heydon confidential report after following the usual strict protocols of signing non-disclosure agreements and giving undertakings that no information will be electronically recorded or notes are taken.
2. Your Government deregisters the CFMEU. As you point out in your letter "*The Commissioner draws particular attention to the behaviour of the CFMEU concluding there is a culture of wilful defiance of the law which appears to lie at the core of the CFMEU.*"

I agree that strong measures must be taken to remedy as you describe "*widespread unlawful conduct in the building industry*".

And after research over the last few months, including meeting with CFMEU leadership, ordinary members and businesses who have been adversely affected by unlawful conduct in the building industry ...

... I'm at a loss to understand why you haven't taken the obvious, targeted, logical step of deregistering the CFMEU already.

Your inaction stands in stark contrast to the actions of the Fraser and then Hawk governments which deregistered the CFMEU's predecessor—the BLF.

This is a matter I raised in the Senate last week during question time and your representative Senator Abetz still failed to explain your lack of action and your weak approach to tackling lawlessness in our construction industry.

I was pleased however that he found my proposal to deregister the CFMEU "interesting" and after informal talks with fellow crossbench Senators ... I'm of the view that you would have a greater chance of passing Legislation which deregisters the CFMEU than legislation which re-establishes the Australian Building and Construction Commission.

Your legislation has been likened to using a sledge hammer to crack a walnut, rather than a more targeted and surgical approach that de-registration would certainly bring to our Building and Construction industry Nationwide.

I consider your offer to arrange a confidential briefing by a senior officer in your department on the Heydon confidential volume an insult and affront to the people of Tasmania.

I'm stunned that you think that by offering me a confidential interpretation of the Heydon secret report by one of your staff—which I will not be able to talk about in the Senate—that I'm then able to make a properly informed decision when it comes to your ABCC legislation.

I'm also stunned that you think your personal assurances and promise that the Heydon confidential volume "*does not contain any reference to political corruption or any matter that would harm the reputation of the Liberal party*"—actually influences my opinion and actions.

Unfortunately, because of your long history of broken promises and mistruths, for the best interests of Tasmanians, nothing that comes out of your mouth means anything to me.

What matters is your actions and they—in this case, unfortunately show that you and Commissioner Heydon are unreasonably determined to stop crossbench Senators from accessing all information contained in the Royal Commission's secret volume.

Your tricky and obstructionist behaviour is interfering with my and other Senators' free and fair performance as Members of Parliament.

Should this obstruction remain and this contempt of the parliamentary process continues—I will be forced to take all steps available to me under Standing Orders to hold you and Commissioner Heydon to account in the Senate.

In closing, I note that you closed by indicating your "*government is committed to doing all that is necessary to reform the building and construction industry and to reinstate the rule of law in this sector.*"

That statement is clearly false. Your government's inaction on CFMEU deregistration and Senator Abetz's reply to my question on notice last Tuesday proved that fact.

He could not properly explain why your government, unlike previous Liberal and Labor governments, has not moved to deregister a union which you describe as "*continuing disdain for the law*". It's time to stop talking tough and follow through with effective action.

Take that first step and arrange for Commissioner Heydon's confidential report to be viewed under appropriate security conditions by all crossbench senators.

I look forward to co-operating with you and cleaning up not only the building and construction industry—but the Financial and Banking sectors and Health system of frauds and criminals.

Yours faithfully

I have spoken about this to the Senate before but it is worth repeating again. Unlike members of the Liberal Party in the Senate, including Senator Abetz, I do not have an ingrained hatred for members of unions. I acknowledge that, on balance, the union movement in Australia has been an agent for positive change and has protected and strongly advocated for the rights of working Australia families. If we did not have unions and organised labour and their fights for better wages and conditions, Australia would be a poorer, less fair country. However, yes, I also acknowledge that the unions, just like the corporate world, have had their fair share of fraudsters, crooks

and standover men who have ripped off their members and committed shocking crimes to satisfy their own greed and lust for power. Of course there is an ongoing need to monitor, investigate and enforce our laws wherever crime and corruption are found.

Within many organisations, whether they be government departments, political parties, corporations or unions, wherever there is a concentration of power and money, the risk for criminal or unethical behaviour increases because, as we all know, if you are human, power corrupts and absolute power corrupts absolutely. However, the problem I have is that, when the Liberals say they want to apply corporate standards of regulation to the unions, Australian corporate standards are not all that flash. You only have to look at the corruption in one of the Liberal Party's biggest election donors, the banks, to realise that Australian corporate standards are about as good as the standards and regulations governing the Australian union movement.

At this stage of the debate, without all the facts from the royal commission, what is before us is the destruction of basic civil rights by this Liberal government, while they suck up to their political donors and pat them on the back for corporate standards which they clearly lack. I believe that an equitable solution to corruption in the workplace and broader Australian society is the establishment of a permanent corruption watch dog whose star chamber power will apply to bankers and union members equally. Combine that body with reformed world's best whistle blower or public interest disclosure laws that protect, encourage and reward genuine whistle blowers to come forward, then corruption in the workplace, corruption in government departments, corruption in the board rooms and corruption in political parties would finally be properly addressed.

This legislation can easily be viewed as an ideological attack on Australian workers. It is part of a Liberal Party attempt to silence and weaken those who advocate on behalf of workers. Once this Abbott Liberal government silences workers, it becomes easy to exploit and steal money from them and not only to steal money from them but to sack them and, for base political reasons, to have them replaced by cheap, compliant foreign workers.

It came as a hell of a shock to me and to many average Tasmanians, but I now understand, after talking with Maritime Union members and Caltex officers, that both Labor and Liberal governments have made rules which allow our big oil and other associated companies to legally sack 36 Australian maritime crew and replace them with foreigners on their tankers.

This Liberal government has decided to kill off the jobs of 45 defence clothing manufacturing workers because the defence minister has decided not to place further orders with the Workwear Group, resulting in the company announcing that union members will lose their jobs in September. This government has a budget of \$100 million a year, \$50 million used to be spent on making uniforms in Australia, but now the Liberal Party is happy to have all our defence combat uniforms made overseas—because it means fewer Australian union members.

In closing, I offer this challenge and advice to all political parties who want to clean up union corruption: support my call to de-register the CFMEU, give a guarantee that their money will not be accepted in political donations until this mess is cleaned up. I oppose the legislation before the house because it is ideologically motivated, unfair, and irrational and undermines the basic civil liberties and rights of Australian workers, while ignoring tens of billions of dollars in fraud, tax evasion and crime in the banking, finance, medical and other industries where multinationals have great influence.