

PRIME MINISTER

PRIME MINISTER'S ADDRESS TO PARLIAMENT ON THE BLF 21 AUGUST 1985 E & O E - PROOF ONLY

MR SPEAKER,

BEFORE I ADDRESS EYSELF SPECIFICALLY TO THE BILL BEFORE THE HOUSE, LET ME SAY THAT THIS GOVERNMENT DOESN'T NEED ANY ADVICE ON THE CONDUCT OF INDUSTRIAL RELATIONS FROM THOSE ON THE OTHER SIDE OF THES HOUSE, WHO BY THEIR INEPTITUDE BROUGHT ABOUT A SITUATION OF ANARCHY IN INDUSTRIAL RELATIONS IN THE BEGINNING OF THE 1980S.

AND IF THEY WERE TO HAVE THE OPPORTUNITY, WHICH THEY WILL NOT HAVE, REPRODUCE EXACTLY THE SAME SITUATION BY THE NONSENSE THAT THEY ARE TALKING ABOUT IN INDUSTRIAL RELATIONS.

THEY WOULD SCRAP ENTIRELY THE SYSTEM OF CENTRALISED WAGE FIXATION. THEY TALK ABOUT MUDGINBERRI. THEY WOULD HAVE A SITUATION WHERE THE STREGTH OF TRADE UNIONS AND THE STRENGTH OF EMPLOYERS WOULD BE PITTED CONSISTENTLY AGAINST ONE ANOTHER AROUND THIS COUNTRY. IT'S A POLICY WHICH BROUGHT CHAOS IN 1981-82.

THEY LEARN NOTHING. THEY WOULD INFLICT IT UPON AUSTRALIA AGAIN. NEITHER THIS COUNTRY NOR THIS GOVERNMENT WANTS ANY ADVICE FROM THIS COLLECTION INCOMPETENTS IN THE AREA OF INDUSTRIAL RELATIONS. THE BILL NOW BEFORE THE HOUSE IS A UNIQUE AND I BELIEVE ESPECIALLY IMPORTANT PIECE OF LEGISLATION.

IT STEMS DIRECTLY FROM THE GOVERNMENT'S CONVICTION THAT NO GOVERNMENT CAN TOLERATE, OR IN ANY WAY ACQUIESCE, IN THE FORMS OF UNIONISM PERPETRATED BY UNIONS SUCH AS THE BLF.

As I SAID WHEN FORESHADOWING THIS LEGISLATION LAST WEEK:

"THE BLF'S COMPLETE DISDAIN FOR THE LAW, THEIR FREQUENT RESORT TO PRACTICES OF THUGGERY AND PHYSICAL COERCION, HAVE NO PLACE IN OUR SOCIETY,"

THE BLF HAS FORFEITED ANY CLAIM IT MIGHT OTHERWISE HAVE HAD EITHER ON THE COMMUNITY AT LARGE OR ON THE TRADE UNION MOVEMENT.

THE GOVERNMENT BELIEVES THAT OVER MANY YEARS THE BLF HAS DEMONSTRATED NOTHING BUT CONTEMPT FOR THE SYSTEM AND VALUES OF AUSTRALIAN SOCIETY. THERE SHOULD NOW BE NO BASIS UPON WHICH IT CAN HOPE TO ELICIT ANY MEASURE OF PROTECTION OR SUPPORT FROM OUR SOCIETY.

I KNOW OF NO SENSE IN WHICH THE TRADE UNION MOVEMENT CAN REGARD THE INDUSTRIAL THUGGERY PRACTISED BY THE BLF WITH ANYTHING BUT PROFOUND DISQUIET. THE BLF CONSISTENTLY NOW HAS PUT ITSELF OUT OF LINE WITH THE MAINSTREAM OF WHAT LEGITIMATE TRADE UNIONISM IS ABOUT. IT IS FOR THIS REASON

THE GOVERNMENT EXPECTS THAT THE LEGISLATION NOW PROPOSED TO THIS HOUSE WILL GET - INDEED ALREADY HAS GOT - THE NECESSARY LEVEL OF SUPPORT FROM THE TRADE UNION MOVEMENT.

THE GOVERNMENT FOR ITS PART IS DETERMINED TO CREATE A NEW INDUSTRIAL ENVIRONMENT IN THE BUILDING INDUSTRY, AN ENVIRONMENT OF GREATER PEACE AND SUBSTANTIALLY IMPROVED INDUSTRIAL RELATIONS

- WITH BENEFITS TO BOTH WORKERS AND EMPLOYEE'S AND FOR EMPLOYERS
- AND FOR THE ECONOMY AS A WHOLE

THE GOVERNMENT HAS NOT BEGUN LIGHTLY THIS LEGISLATIVE INITIATIVE AGAINST THE BLF. TO PROPOSE AS WE NOW DO MEASURES WHICH COULD RESULT IN THE CANCELLATION OF THE REGISTRATION OF THE BUILDERS LABOURERS' FEDERATION UNDER THE CONCILIATION AND ARBITRATION ACT, OR THE EFFECTIVE EQUIVALENT OF SUCH DEREGISTRATION IN PARTS OF AUSTRALIA, IS A MAJOR STEP - NOT LEAST FOR A LABOR GOVERNMENT.

BUT THERE COMES A POINT AT WHICH GOVERNMENT HAS TO SAY -ENOUGH. AND WE HAVE DONE THAT.

WE AND OTHERS INVOLVED WITH THE INDUSTRY HAVE SHOWN INDEED CONSIDERABLE PATIENCE IN THE FACE OF REPEATED FAILURE BY THE BLF TO ADHERE TO INDUSTRIAL AGREEMENTS. 3.

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THE ACTIONS OF THE BLF HAVE POSED A CONTINUOUS THREAT TO THE STABILITY OF THE BUILDING INDUSIRY, THE EMPLOYMENT OF OTHER BUILDING WORKERS, AND TO THE PRICES AND INCOMES ACCORD.

THERE ARE MANY ASPECTS OF THE BLF APPROACH THAT ARE THOROUGHLY REPREHENSIBLE BY THE STANDARDS OF CONTEMPORARY SOCIETY:

- THEY USE THE STRIKE WEAPON AND OTHER INDUSTRIAL
 TACTICS SUCH AS SELECTIVE BANS AND LIMITATIONS WITH
 THE OBJECTIVE OF "THE MOST HARM TO THE BOSS, THE LEAST
 HARM TO (THEMSELVES)", (STEVE BLACK, NSW SECRETARY OF
 BLF 1979),
- SUCH ACTION FREQUENTLY IS ACCOMPANIED BY THE USE OF VIOLENCE, DAMAGE TO PROPERTY, INTERRUPTION OF CONCRETE POURS AND INTIMIDATION OF FELLOW WORKERS AS WELL AS EMPLOYERS TO ACHIEVE BLF OBJECTIVES.
- STANDOVER METHODS AND GUERRILLA TACTICS ARE COMMON WEAPONS OF THE BLF
 - THEY HAVE USED THEIR CENTRAL POSITION IN THE INDUSTRY WITH DEVASTATING EFFECT THROUGH MEASURES SUCH AS
 - BANS ON STRATEGIC PARTS OF JOBS AND EQUIPMENT
 - ONE DAY AND ONE WEEK BANS ON CONCRETE POURS, BREAKAGE OF CONCRETE POURS
 - BANS ON TRUCK DELIVERIES AND UNLOADING

SAFETY AND OVERTIME BANS.

THEIR ACTION IS NOT CONFINED TO DIRECT INDUSTRIAL FORAYS, THEY HAVE ALSO OCCUPIED BUILDINGS OF INSURANCE COMPANIES, PRIVATE ORGANISATIONS, AND, AT LEAST ON ONE OCCASION, PREMISES OF ANOTHER UNION. THE SIGHT OF THE BLF ENGAGING IN VIOLENT DEMONSTRATIONS AND PHYSICAL ASSAULT AGAINST FELLCW UNIONISTS HAS BECOME COMMONPLACE.

THE BLF'S BEHAVIOUR AND TACTICS ARE ADDRESSED IN DETAIL IN THE 1982 WINNEKE ROYAL COMMISSION REPORT, AND I QUOTE BRIEFLY FROM IT, MR DEPUTY SPEAKER, IN THESE TERMS:

"THESE TACTICS FIND NO SUPPORT OR CONDONATION IN ANY INDUSTRIAL LEGISLATION IN THIS COUNTRY. THEIR CONDUCT NOT ONLY EXCEEDS THE BOUNDS OF INDUSTRIAL PROPRIETY BUT, IN MANY INSTANCES, BLATANTLY TRANSGRESSES CRIMINAL LAW. IN MANY, IF NOT MOST, INSTANCES DEMANDS ARE MADE ACCOMPANIED BY THREATS. THOSE THREATS ARE FREQUENTLY IMPLEMENTED AND THE IMPLEMENTATION HAS GONE FAR BEYOND FINANCIAL LOSS AND HAS INVOLVED DAMAGE TO PROPERTY AND PERSON.... THE RESULT HAS BEEN TO PLACE THE BLF IN A UNIQUE POSITION - A POSITION OF BEING ABOVE THE LAW."

THE FEDERATION HAS ALSO SHOWN CONTEMPT FOR THE PROCESSES OF CONCILIATION AND ARBITRATION. IT HAS CONTINUALLY REFUSED TO ABIDE BY ORDERS OF THE COMMISSION AND CONSISTENTLY - DESPITE MANY UNDERTAKINGS - PURSUED CLAIMS OUTSIDE THE GUIDELINES OF THE COMMISSION.

THE DISDAIN INFORMING THE BLF APPROACH TO THE CONCILIATION AND ARBITRATION COMMISSION COMES THROUGH CLEARLY IN REMARKS BY BLF OFFICE LOLDERS, A FEW EXAMPLES:

"...WE ARE NOT PREPARED TO ACCEPT ANY DECISION FROM THE COMMISSION ON A DEMARCATION BETWEEN BUILDERS' LABOURERS AND THE AWU." (R. DALTON - 1979).

"...UNDERTAKINGS CANNOT BE FOREVER AND EVER..., WE ARE NOT GOING TO BE HELD TO AN AGREEMENT FOREVER AND EVER." (Norm Gallagher - 1979).

"THE FEDERATION WILL NOT ABIDE BY ANY DECISION OR ORDER THAT WOULD FOLLOW. THE FEDERATION WOULD PURSUE ITS CLAIMS OUTSIDE THE COMMISSION IN THE FIELD." (J. CAPOGRECO - 1980).

SUCH EXPRESSIONS OF ATTITUDE BY BLF OFFICIALS UNFORTUNATELY HAVE NOT BEEN IDLE THREATS. THEY HAVE INFORMED THOSE VERY ACTIONS OF THE BLF WHICH NOW MAKE NECESSARY THE ACTION PROPOSED BY THE GOVERNMENT.

BLF ACTIVITIES THAT THE GOVERNMENT REGARDS AS FAR BEYOND THE BOUNDS OF WHAT IS ACCEPTABLE WOULD INCLUDE THE FOLLOWING:

BREAKING THE FUNDAMENTAL UNDERTAKING TO THE INDUSTRIAL
 REGISTRAR REGARDING FUTURE CONDUCT WHICH WAS A
 CONDITION FOR RE-REGISTRATION IN 1976

- BETWEEN 1976 AND 1982 THE BLF REPEATEDLY PURSUED CLAIMS OUTSIDE THE SYSTEM, USED VIOLENCE AND INTIMIDATION IN PURSUIT OF ITS CLAIMS AND INDUSTRIAL ACTION OVER NON-INDUSTRIAL ISSUES,
- DISREGARDING THE MORATORIUM ON INDUSTRIAL ACTION AGREED IN 1983 IN RETURN FOR NEGOTIATIONS TOWARDS A FORMAL AGREEMENT WHICH WOULD REPLACE DEREGISTRATION PROCEEDINGS COMMENCED UNDER THE FORMER GOVERNMENT
 - . DESPITE THE MORATORIUM, THE BLF MOUNTED WHAT THE CHAIRMAN OF THE NATIONAL BUILDING AND CONSTRUCTION CONFERENCE, MR VOSTI, DESCRIBED AS THE "INTOLERABLE" ACTION OVER THE FLETCHER WATTS DISPUTE.
 - BREACHING OF ITS NO FURTHER CLAIMS UNDERTAKING IN October 1983 to the Commission as required to achieve National Wage case increases.
 - These breaches were flagrant. Two months after giving the undertaking the BLF engaged in a campaign for an extra \$9 per week in 1984, made demands for a 36 hour week at shopping centre sites, made claims for the 1985 2.6% National Wage Case increase prior to its ratification by the Commission and took industrial action in support of site Allowance claims.

And the list goes on. In December 1983 the BLF made undertakings to the Government which were accepted by the Government as grounds for its withdrawal from the deregistration case. But by February 1984, the BLF had launched a national campaign for an extra \$9 per week rather than partaking in negotiations directed towards a superannuation scheme. In April 1984 the BLF engaged in a disruptive dispute over a demarcation issue at the Alcan Kurri Kurri smelter site. During this dispute the BLF picketted the site and damaged cars of employees. The offices of the company's solicitors were also invaded.

This period also witnessed the MCG light towers demarcation dispute during which the site was fenced off and police were required to counter a BLF picket outside the site. BLF members were arrested on a number of charges including trespass and resisting arrest. Supporting bans were also placed on other Victorian Government projects. On two occasions the BLF attempted to invade the offices of the rival union, the AWU.

NO GOVERNMENT CAN IGNORE ANARCHY OF THIS KIND.

WHILE WE HAVE DEEN PREPARING FOR THE EVENTUALITY OF SUCH LEGISLATION

 THE NEW SOUTH WALES GOVERNMENT HAS NOW DEREGISTERED THE BLF AND THE CAIN GOVERNMENT IN VICTORIA HAS TAKEN LEGISLATIVE ACTION THAT WOULD AMOUNT TO EFFECTIVE DEREGISTRATION OF THE BLF FROM THE VICTORIAN INDUSTRIAL RELATIONS SYSTEM

To be fully effective these measures by Victoria and New South Wales need to be able to be complemented by Federal Government action

 PARTICULARLY IN NEW SOUTH WALES AND VICTORIA WHERE THE FEDERALLY REGISTERED BLF HAS BEEN A SOURCE OF MAJOR DISRUPTION

IN ITS DETERMINATION TO BRING THE BLF TO ACCOUNT, THE GOVERNMENT HAS REMAINED MINDFUL OF COMMUNITY CONCERN THAT THE DEREGISTRATION POWERS WE NOW PROPOSE SHOULD NOT BE USED INDISCRIMINATELY OR CAPRICIOUSLY

 WE SEE NO BASIS - EITHER BY WAY OF PRECEDENT OR PRACTICE - FOR THE PRESENT LEGISLATION BEING APPLIED IN A WIDER, TOTALLY CRUDE EXERCISE IN UNION BASHING. THE CIRCUMSTANCES POSED BY THE BEHAVIOUR OF THE BLF ARE GENUINELY UNIQUE. У.

THESE CONCERNS HAVE BEEN CAREFULLY WEIGHED IN THE BILL THAT WAS INTRODUCED TO THE PARLIAMENT YESTERDAY, HAVING REGARD TO THE OVERWHELMING NEED TO TAKE ACTION AGAINST KEY ELEMENTS OF THE BLF AND THE NEED TO MINIMISE THE POTENTIAL FOR ABUSE.

Accordingly a fundamental element of the Bill is the role of a full bench of the Conciliation and Arbitration Commission in determining whether the BLF has engaged in conduct that has prevented or seriously hindered arbitral processes.

SUCH A DETERMINATION BY THE ARBITRATION COMMISSION WOULD BE A PREREQUISITE OF ANY GOVERNMENT DECISION TO DEREGISTER THE BLF

- WE ARE CONSCIOUS OF THE OVERWHELMING NEED TO ENSURE THAT JUSTICE IS DONE IN THIS MATTER, BUT THAT ALSO IT IS SEEN TO BE DONE

THE BASIS FOR THE GOVERNMENT'S INTRODUCING THIS SPECIAL LEGISLATION IS THAT WE BELIEVE THE BLF'S CONDUCT AMOUNTS TO A REPUDIATION OF THE FEDERAL SYSTEM FOR THE PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES AND OF ITS RESPONSIBILITIES AS A FEDERALLY REGISTERED ORGANISATION OF EMPLOYEES, AS WELL AS BEING UTTERLY DISRUPTIVE TO INDUSTRIAL PEACE. 10,

"IN THE GOVERNMENT'S VIEW, THE ACTION WHICH IS CONTEMPLATED IN THIS LEGISLATION IS SO SERIOUS THAT IT IS ESSENTIAL THAT THERE BE IMPARTIAL CONSIDERATION BY AN INDEPENDENT TRIBUNAL OF THE FEDERATION'S CONDUCT. THIS WILL OCCUR AGAINST SPECIFIC CRITERIA WHICH ARE APPROPRIATE TESTS OF WHETHER THE FEDERATION HAS BEHAVED RESPONSIBLY AS AN ORGANISATION REGISTERED UNDER THE CONCILIATION AND ARBITRATION ACT AND IN A WAY WHICH IS CONSISTENT WITH THE OBJECTIVES OF OUR INDUSTRIAL RELATIONS SYSTEM."

THE BILL BEFORE THE HOUSE ALSO PROVIDES FOR THE MINISTER FOR EMPLOYMENT AND INDUSTRIAL RELATIONS TO BE ABLE TO DECIDE UPON APPROPRIATE ACTION FOLLOWING A FINDING OF MISCONDUCT BY THE UNION.

HONOURABLE MEMBERS WILL ALSO APPRECIATE THAT THIS BILL PROVIDES FOR A RANGE OF GOVERNMENT ACTION WHICH COULD BE TAKEN AGAINST THE BLF EXTENDING FROM

- NATIONAL DEREGISTRATION OF THE BLF UNDER THE CONCILIATION AND ARBITRATION ACT TO
- SELECTIVE ACTION AGAINST THE BLF IN RELATION TO TERMINATING OR SUSPENDING RIGHTS, PRIVILEGES OR CAPACITIES OF THE BLF UNDER THE CONCILIATION AND ARBITRATION ACT.

HONOURABLE MEMBERS WILL APPRECIATE THAT DEREGISTRATION, PARTICULARLY IN CURRENT CIRCUMSTANCES, WOULD BE A POTENT ACTION AGAINST THE BLF

- ANY AWARD APPLYING TO THE BLF WOULD CEASE TO HAVE ANY EFFECT IN RELATION TO THE BLF AND ITS MEMBERS
- THE BLF WOULD NOT BE CAPABLE OF BEING A PARTY TO A PROCEEDING BEFORE THE COMMISSION OR TO AN AWARD MADE BY THE COMMISSION, AND THE COMMISSION WOULD NOT HAVE ANY POWERS UNDER THE CONCILIATION AND ARBITRATION ACT IN RELATION TO AN INDUSTRIAL DISPUTE IN SC FAR AS THAT DISPUTE INVOLVED MEMBERS OF THE FEDERATION.

IT WOULD ALSO BE OPEN TO THE MINISTER TO MAKE ORDERS WHICH WOULD HAVE THE EFFECT OF GRANTING TO OTHER REGISTERED ORGANISATIONS COVERAGE OF WORK IN AN INDUSTRY OR IN A LOCATION IN RESPECT OF WHICH THE BLF IS OR HAS BEEN REGISTERED.

THE GOVERNMENT WILL REQUIRE THE ASSISTANCE OF EMPLOYERS, THE ACTU AND OTHER BUILDING UNIONS TO ENSURE THE SUCCESS OF ITS PROPOSALS.

THERE WILL BE A PARTICULARLY HEAVY ONUS ON EMPLOYERS IN THE INDUSTRY TO TAKE A FIRM STAND. TOO OFTEN IN THE PAST EMPLOYERS HAVE BEEN PREPARED TO DO SEPARATE DEALS WITH THE BLF AGAINST THE BEST INTERESTS OF THE INDUSTRY AS A WHOLE.

FURTHER, EMPLOYERS HAVE ADOPTED INDUSTRIAL RELATIONS PRACTICES WHICH HAVE FACILITATED THE SUCCESS OF THE BLF'S TACTICS,

Employers can help by not only refusing to abide the behaviour of the BLF, but even more importantly doing nothing to lend solace or succour to its position. The Government would also expect employers to honour their obligations in relation to an appropriate standard of industrial behaviour - including by adherence to procedures of the building industry agreement, by refusing to pay for time lost during strikes and other industrial action, by ensuring that safe working conditions are applied and by seeing that employees are enrolled in building industry superannuation.

WHAT BUILDERS NEED TO UNDERSTAND IS THAT IN THE LONGER TERM THEIR INTERESTS, AND THE INTERESTS OF THE COMMUNITY, DEPEND UPON HAVING A RATIONAL SYSTEM OF INDUSTRIAL RELATIONS WITHIN WHICH THERE IS, AS THERE APPROPRIATELY SHOULD BE WITHIN A DEMOCRACY, THE OPPORTUNITY FOR LEGITIMATE TRADE UNIONS TO PUT POINTS OF VIEW AND FOR THERE TO BE RATIONAL INTERCHANGES BETWEEN EMPLOYERS AND ORGANISED WORKERS. THIS RELATIONSHIP OBVIOUSLY HINGES ON THE PARTIES TO THE RELATIONSHIP BEING ABLE TO RELY ON THERE BEING CIVILIZED BEHAVIOUR WITHIN THE INDUSTRIAL ENVIRONMENT.

CERTAINLY THE COMMUNITY HAS HAD ENOUGH OF THE BEHAVIOUR OF THE BLF AND OF INDUSTRIAL RELATIONS IN THE BUILDING INDUSTRY AS A WHOLE. THE COMMUNITY EXPECTS EMPLOYERS AND ALL UNIONS INVOLVED TO RESPOND TO THE CLEAR COMMUNITY POSITION ON THIS.

IT IS IN THIS SPIRIT THAT THE GOVERNMENT IS GIVING CONSIDERATION TO NON-LEGISLATIVE MEASURES DESIGNED TO ENSURE THAT CONTRACTORS ON GOVERNMENT PROJECTS ADHERE TO GOVERNMENT INDUSTRIAL RELATIONS PRACTICES.

- THIS GOVERNMENT BELIEVES FIRMLY IN LEADERSHIP BY EXAMPLE IN THIS MATTER AND WILL BE APPROACHING STATE AND LOCAL GOVERNMENTS TO ADOPT SIMILAR MEASURES.

MR SPEAKER,

IT IS WELL KNOWN I BELIEVE THAT I WOULDN'T ALWAYS EMBRACE WHAT IS IN THE EDITORIALS OF THE 'AUSTRALIAN' NEWSPAPER BUT I DO BECAUSE THEY ARE SOMETIMES WRONG. BUT ON THIS OCCASION THEY ARE PRE-EMINENTLY RIGHT. AND ON THE 19TH JULY OF THIS YEAR IN AN EDITORIAL IN THE 'AUSTRALIAN' THIS WAS SAID

"THE BLF HAS SHOWN ABSOLUTE DESREGARD FOR BOTH THE INDUSTRIAL AND CIVIL LAWS OF AUSTRALIA FOR YEARS. IT HAS IGNORED THE ORDERS OF INDUSTRIAL COURTS, INVADED PRIVATE OFFICES AND DESTROYED PROPERTY, EMPLOYED WHAT CAN ONLY BE DESCRIBED AS STANDOVER TACTICS IN NEGOTIATIONS WITH BUILDING COMPANIES AND COST THE COUNTRY UNTOLD MILLIONS OF DOLLARS THROUGH OUESTIONABLE INDUSTRIAL ACTION". WE INTEND PUTTING AN END TO THIS SITUATION,

I SUPPOSE, MR DEPUTY SPEAKER, IT DOESN'T NEED TO BE EMPHASISED BUT I DO MAKE THE POINT WITH THE BACKGROUND I HAVE IN THE TRADE UNION MOVEMENT IT GIVES ME NO PLEASURE TO HAVE ARRIVED AT THIS SITUATION. BUT IT IS A NECESSARY POSITION THAT WE HAVE REACHED NOW AND WE INTEND TO TAKE THE ACTION WHICH IS NECESSARY IN THE INTERESTS OF THIS SOCIETY.

WE DO SO IN THE NAME OF THE COUNTRY AS A WHOLE AND LOOK TO THIS HOUSE FOR FULL AND UNQUALIFIED SUPPORT IN THE ACTION NOW PROPOSED.

I COMMEND THE BILL TO THE HOUSE.