



NATIONAL CONFERENCE 2009



Resolution Number Eight

Submitted by National Secretary, Paul Howes.

Australian Building and Construction Commission

Background

The Howard years of government will always be remembered for many things, nearly all of which can be described as unforgivable, unconscionable and undemocratic.

For two years prior to the November 2007 federal election, unions and their members throughout the length and breadth of the country participated in the largest and most highly sustained and coordinated series of campaigns against any sitting government in Australian political history. Under the banner of "Your Rights @ Work", men, women and children in every State and Territory rallied in the defence of decent and just working rights, and for the true restoration of equality, mutual respect and a "fair go" at work. It was this campaign, financed and manned by scores of thousands of ordinary, hard working Australians and community supporters, that unequivocally drove the electoral success of the Rudd Labor Government, and which saw the demise of a petty, malevolent and ultra-conservative Government.

John Howard, and many of his extremist colleagues, repeatedly turned a blind eye to the overwhelming levels of opposition to his divisive, malicious and hurtful industrial relations laws. Never in this country's history have we, as a community, witnessed such naked disregard and unabashed disdain towards the rights of working people and the families that they strive to support.

With the personal defeat of Howard and his cronies at the last election, we sincerely hope that we will never see hatred of this nature rear its ugly head again.

However, more than a year into the Rudd Labor Government's tenure in office, we are still haunted by the spectre of Howard and his horrible industrial laws.

While much good work is currently being done by the Rudd Labor Government to re-institute a measure of fairness and balance into our federal industrial relations systems and laws, a discrete class of forgotten workers will be left to languish in the mire of Howard's extremism.

Construction workers, unlike all other workers, will continue to be subjected to the most savage, undemocratic and morally bankrupt industrial regulation, through the operation of the Australian Building and Construction Commission.

Let us not forget what the ABCC represents, and what it flies squarely in the face of.

The ABCC was established following the Cole Royal Commission into the building and construction industry. Contrary to the widespread allegations of corruption,



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illegal activity and industrial lawlessness on Australian building and construction sites, not one prosecution was ever initiated following the Inquiry.

Despite Australia being a signatory to ILO Conventions and Treaties regarding the rights of workers to freely organise and to bargain collectively, the laws that breathe life into the ABCC continue to operate against those very ILO Conventions with regard to construction workers, as has been repeatedly determined by the ILO's Panel of Experts.

Workers and union officials continue to be hauled before the Commission to answer questions relating to legitimate union business or activities that fall outside of working time and outside of the employer's business premises. There is no meaningful right to refuse to answer questions, for to do so can result in a prison term of up to 6 months. We saw this recently with the attempted prosecution of Noel Washington, a construction union official from Victoria.

Working people took it on faith that when they voted for the defeat of Howard, they voted to rid Australia of all of the industrial evils that he instituted during his years in office. Working people did not vote to leave some workers in, and leave other workers out, of Labor's promised changes.

Resolution

This National Conference confirms its resounding commitment to continue to fight for the complete abolition of the Australian Building and Construction Commission.

In doing so, National Conference calls upon the Rudd Labor Government to immediately legislate to give effect to this objective.

National Conference affirms its resolute position that there is no justification for the active discrimination of one class of workers as against other classes of workers. All workers in this country must be treated equally, consistently and fairly by administrative, executive and judicial organs of the State, and by employers.

Moved:

Seconded:

Outcome: