

AUSTRALIAN GREENS' DISSENT REPORT

Introduction

1.1 There is no justification for the coercive powers that cover the building industry to be extended for another two years.

1.2 It is on this basis that the Greens are recommending that the *Construction Industry Amendment (Protecting Witnesses) Bill 2015* (bill) is not passed.

1.3 The current powers of inspectors operating under the Fair Work Act 2009 are adequate to allow for satisfactory investigations. These inspectors are able to enforce industrial laws. The Fair Work Ombudsman, as an industrial regulator, has the necessary powers to be an effective body for the industry.

1.4 The Greens are opposed to the use of coercive powers in the industrial context. These powers and the associated criminal sanctions have no place in a democratic society. There is no justification for introducing this measure which allows certain workers to be secretly interrogated. These measures are inconsistent with international labour standards.

1.5 Workers in the construction industry should come under the same laws as all other workers. If this bill is passed it will mean that workers could be subject to arbitrary interrogations. This is a form of harassment and intimidation that runs counter to the norms of a fair society.

1.6 It is relevant to consider where support for this legislation is coming from. Vigorous support is coming from those who profit enormously in the construction industry. As many construction company owners mistakenly equate union activity with reduced profitability, they have in turn supported coercive powers executed by a publicly funded prosecutor of unions and workers.

1.7 The regulation of the construction industry should come under the same regime as that which covers all workers and their employers.

1.8 As the Combined Construction Unions note in their submission, the Wilcox Inquiry did not support the extension of coercive powers beyond 2015. As the CCU states:

...Wilcox was satisfied that the Parliament, in introducing the Fair Work Act, had recently considered what the federal labour inspectorate should look like and what the necessary and appropriate powers of such a body would be.¹

1 Combined Construction Unions, *Submission 5*, p.7.

1.9 There should be no separate agency and no separate powers in the form outlined in this legislation.

Recommendation

1.10 The Greens recommend that the Construction Industry Amendment (Protecting Witnesses) Bill 2015 is not passed.

**Senator Lee Rhiannon
Australian Greens**