



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Governance of Australian Government
Superannuation Schemes Bill 2011**

Consideration in Detail

SPEECH

Wednesday, 15 June 2011

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Wednesday, 15 June 2011 Page 6106 Questioner Speaker Mr ROBERT</p>	<p>Source House Proof No Responder Question No.</p>
---	--

(Fadden) (NaN.NaN pm)

Mr ROBERT (Fadden) (13:17): by leave—I move opposition amendments (1) to (12):

(1) Clause 11, page 8 (lines 18 to 23), omit subclause (2), substitute:

(2) Subject to subsection (5), the Chief of the Defence Force may nominate, in writing, 2 of the 10 other directors.

Note: The Minister chooses the remaining 8 other directors.

(2) Clause 11, page 9 (lines 1 to 3), omit subclause (4).

(3) Clause 12, page 9 (lines 19 and 20), omit "the President of the Australian Council of Trade Unions or".

(4) Clause 16, page 10 (lines 27 and 28), omit "the President of the Australian Council of Trade Unions or".

(5) Clause 16, page 11 (line 1), omit "President or Chief, as appropriate", substitute "Chief".

(6) Clause 17, page 11 (line 21), omit "(7)".

(7) Clause 17, page 11 (line 28), omit "(7)".

(8) Clause 17, page 12 (line 4), omit "(7) to", substitute "(8) and".

(9) Clause 17, page 12 (lines 7 to 10), omit subclause (7).

(10) Clause 17, page 12 (lines 15 and 16), omit "the President of the Australian Council of Trade Unions or".

(11) Clause 18, page 13 (lines 6 to 14), omit subclause (5).

(12) Clause 38, page 29 (lines 26 and 27), omit "the President of the Australian Council of Trade Unions and".

Let me be very clear: the coalition do not have a problem with trade unions. We do not have a problem with trade unions being employee representatives. We

simply hold to one enduring principle—that is, when it comes to appointments made for Commonwealth bodies, those appointments should be made by elected officials who are accountable at the ballot box, and decisions should not be made by non-elected, unaccountable officials.

The amendments circulated in my name simply provide the ability for the minister to appoint all of the members of the board. If the minister wished to appoint trade unionists as nine out of the 11, so be it; the minister is accountable to the Australian people. He is accountable at the ballot box. The minister has that range of choices. This is not about whether trade unionists should seek to be the employee representatives, although one has to ask, with the Public Service only 41 per cent unionised, why all the employee representatives would be from the ACTU. But let us park that. This is not about whether the ACTU should or could, can or would, must or must not; it is about an elected official, accountable at the ballot box, making decisions on who provides the governance over Commonwealth bodies, boards and statutory funds. That is what it is about.

The coalition patently objects to a body such as the ACTU having the power to appoint—with or without consultation; that is neither here nor there—three members to the board that only it can remove, not the accountable, elected minister but someone in an unelected, unaccountable position, the President of the ACTU. The coalition also objects to a quorum of this Commonwealth body being nine rather than 11. I challenge the minister to name any other commensurate board where a quorum is something like 80 to 90 per cent of its members. Unelected people, put on the board by the President of the ACTU, should not be in a position to disallow a quorum on the board. The minister says it will not happen, and I take him at his word. He is a decent chap. However, is there the potential for it to happen? That is the question. Legislation in this place must meet many purposes. One of them is that it must do no harm; it must not put in place a procedure or a policy that establishes a position where harm can be done. Allowing an unelected body to put in place members that a minister cannot remove and that can withdraw a quorum is not good public policy.

The amendments are quite simple. They have nothing to do with being for or against trade unions. They are nothing to do with the question 'Should trade unions be employee representatives?' They are nothing to do with that, though the government will try and use that as a smokescreen. The amendments are simply about the precedent. A minister of the Crown, an elected official, accountable to the nation at this dispatch box and at the ballot box, should be appointing people through his remit as a minister, and the power should not be delegated to the privileged few.