

Jobs Minister Michaelia Cash resists call to give evidence in AWU court case

Written by Michelle Grattan, Professorial Fellow, University of Canberra

The government's pursuit of Bill Shorten over a 2005 donation to GetUp has again come back to bite it, as Jobs Minister Michaelia Cash seeks to avoid a court appearance about last year's police raids on Australian Workers Union offices.

Cash has been subpoenaed to appear in the AWU's case against the Registered Organisations Commission (ROC) on August 1, as well as to produce documents earlier. But she told a news conference on Wednesday she had instructed lawyers to have the subpoena set aside.

Last year Cash wrote to the ROC about the A\$100,000 donation to GetUp from the Australian Workers Union, made when Bill Shorten was union secretary. Shorten was one of the founding directors of the activist group.

The ROC commenced an investigation into whether the donation had been made with proper authority from the union.

Subsequently a member of Cash's staff tipped off media that the Australian Federal Police were about to raid the AWU offices. Cash denied any knowledge of the alert given by her staffer, who quit over the incident.

The AWU launched court action claiming the warrants and the investigation were invalid.

This week Cash – who refused to say whether she has been interviewed by the AFP - declined on Tuesday evening and Wednesday to appear at the Senate hearings into the workplace portfolio, sending an assistant minister – even though she represents workplace minister Craig Laundy in the Senate.

Labor's workplace relations spokesman Brendan O'Connor accused Cash of being in hiding.

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“She should have taken responsibility for the conduct of her office seven months ago and resigned, which would have been consistent with the Westminster principles of ministerial responsibility,” O'Connor said.

Cash accused Labor and the unions of “a stunt”. “The subpoena was issued at the request of the Australian Workers Union – Bill Shorten’s former union. This is, in fact, the third subpoena at the AWU’s request,” she told news conference.

She said she was not a party to the court proceedings, which were between the AWU and the ROC.

It was Shorten who had questions to answer, Cash said, “Did he donate \$100,000 of union members’ money to GetUp, of which he was a director at the time, without proper approval of the union’s executive?”

Cash said she would attend estimates “where I am the responsible minister” but in this case “Craig Laundry is the relevant minister”.

She had “issued instructions to the lawyers to have the subpoenas set aside”.

“This is a protection racket to protect Bill Shorten. Way back last year, if the AWU had produced the evidence that those donations were properly authorised, the matter would have ended there and then”.

The AWU has said the support for GetUp was approved by the union’s executive at the time.

In question time Malcolm Turnbull declared he had “complete confidence in the minister”.

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He told parliament: “On the application of the union, the court has issued the subpoena. This is the third subpoena. One was substantially set aside; the other was completely set aside. Senator Cash is entitled to seek to set aside a subpoena if it’s judged not relevant.”

Turnbull said the “central issue was whether Shorten had paid the \$100,000 to GetUp without authority, which would be very serious misconduct, “misappropriating other people’s money”.

He questioned why minutes of the relevant meeting hadn’t been produced. “No wonder people increasingly believe they cannot trust the Leader of the Opposition with other people’s money, let alone with the management of our economy”.

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.

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