

Attention Mr John Carter

Committee Secretary
Senate Education, Employment and Workplace Relations Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Mr Carter

Please accept the following regarding the inquiry into the operations of the ABCC. Please also feel free to use any parts of this letter to assist in removing the ABCC and all of the Work Choices laws. I do not believe that what is contained within requires parliamentary privilege to protect me but then again I am no lawyer and continue to be prepared to fight this to the nth degree. Any thoughts and/or advice you have regarding such are welcomed. I am sure that you will see why I no longer trust politicians below.

I feel well qualified to comment as I was sued in the Federal Court WAD

185 Hadkiss vs W Aldin and 106 others. My name is Paul Ruiz and I was known in the case as Respondent 72 I will attempt to minimise (although impossible to eliminate) semantics even though the ABCC, The Liberal and Labor parties as well as the Union movement all left me to rot and face the case on my own. I aim to be apolitical and state facts only, all such can be verified by either reviewing the case and/or by perusing my open file, feel free to ask. No gag orders are upon me (which is a very imposing aspect of the ABCC) and I am only too pleased to have the truth told and for those that have spoken with a forked tongue admonished.

Pre Suit Facts;

- I was working nightshift (LKJV Perth – Mandurah Rail Tunnel Project), and on that shift as a Dogman on an 80T Crane (The Crane driver never was charged with anything yet it is illegal to operate a crane without a Dogman)
- I finished my shift with approximately 14 others and then went home to sleep (as entitled)
- day shift was due to commence at 06:30 but had a meeting and voted to strike, I was never given the opportunity to vote on that day.
- I telephoned the Project Superintendent when I discovered what had happened and was informed no work would be undertaken at all.
- The site gates were locked when I drove to the site to discuss this further with the Site Superintendent.
- Of the approx' 500 who voted for the action only 150 approx' were employees who were the ones facing charges if they engaged in any action. We did not have a chance.

After some days I received a Show Cause Letter from the ABCC (I will refrain from throwing adjectives in with this nefarious mob, suffice to say they are as welcomed and respected by me as a fart in a spacesuit). I immediately telephoned them on the number requested but refused to give them my details to reply and said I will call them back in a few days to see what the outcome of my showing cause was. I had already explained to them all of the above and was told in a subsequent telephone conversation some 2 days later that it shouldn't be a problem. This was not to be.

On a Sunday morning at 07:00 (my only day off) I was served with a Federal Court writ.

As a Union member (at the time) I thought that I should contact them (The CFMEUWA), which I did and then attended a subsequent meeting some days after. Later I discovered that the lawyer appointed was a criminal lawyer and had never represented anyone in Industrial Relations Case. After meeting with him (actually a new employee) and later Mr Kevin Reynolds of the CFMEU I decided to withdraw from having this representation (I was unhappy about many other aspects as well) and due to such beliefs later resigned from the Union. This resulted in my name being bandied on various worksites all over Perth as A

Dog, A Grub and many other unsavory descriptors. This in no way assists one in obtaining further employment.

I had my house broken into with nothing removed, this is odd due to the extensive and high tech' security system installed, it would not surprise me to discover that this was the work of "some government department" that employs many ex SAS and Police staff), how else could one get around such security and then not steal anything? I understand that this may sound conspiracy theorist such remains true nonetheless and several independent people can verify such.

Representation was now a problem as I was denied legal aid due to it being a civil case. The cheapest quote from a law firm was \$5,000 to open a file (and this was a friends firm!). I decided to take them on on my own and without representation. I was prepared to defend my honour and even go to prison if the need arise (which trust me, at the time looked likely). I can recall even being told that we (the workers) would lose everything, our homes, cars everything. I find the car issue quite humorous if it wasn't so serious, how do you expect one to get to work so as to pay the fines you are putting to us if you take our vehicles?

It was only by luck that I found Mr Paul King, an industrial advocate. Between us we first fought for the right for me to have Mr King as a McKenzies Friend. Later we fought for the right for Mr King to become my Advocate even though he was not a lawyer. We faced Justice Nicholson during this time and won both of those rights.

When Justice Nicholson was forced to declare that he would face compulsory retirement we also learned that we would now be heard by Justice Gilmour.

Leaving the courtroom on one occasion I even had a representative of the ABCC inform me that they would lie about everything in the case and "fuck me right up". Such threats only strengthened my resolve to never give in.

During all of this I began writing and telephoning as many people as I could who were claiming that this was unjust on us (the 107) as well as those who openly supported Work Choices. Not one.....no, not a single person ever answered my questions on their integrity (or lack of any) and those few who bothered to respond only ever mentioned that as it was before the courts they could not comment. When I asked why can't you speak of my plight in a general light and not mention specifics again they ran or at best "avoided" such, these people include but are not limited to the following.

Mr Alan Carpenter (Premier WA)
Mr Joe MacDonald (CFMEUWA)
Mr Kevin Reynolds (Secretary CFMEUWA)
Ms Sharon Burrows (ACTU)
Mr Greg Combet (ACTU)
Mr Kevin Andrews (IR Minister)
Mr Joe Hockey (IR Minister after Mr Andrews)
Mr John Howard (Prime Minister)
Mr Kevin Rudd (Prime Minister after Mr Howard)
Mr Peter Tinley (Labor candidate for Stirling)
Mr Alan Serle (Senator ALP)
Mr Michael Keenan (Liberal candidate/member for Stirling)
Mr Peter Garrett (Minister for the Environment)
Ad naseum

The only person who ever made a stand (excepting Mr Paul King) was the right honourable Senator Rachel Siewert

After facing the courts for some 20 months finally the charges were dropped against me. Leaving my construction career in ruin in WA for something I never did and now finding myself in debt. Feeling pretty well worthless and alone for 20 months is no fun. To be accused willy nilly of something I never did and then having no right to be compensated is

nothing short of the most pernicious, fascist and draconian laws this country has ever been inflicted with. As the son of a political refugee who escaped Franco's fascist Spain, I am saddened that Australia (the country of my birth) can allow this. It is indefensible and I remain prepared to debate this with anyone, in any forum both public and private.

For those who have lambasted these laws and then permitted them to remain when they gained power is nothing short of hypocrisy, not to mention surreptitious. For those who allowed the now government to get away with not removing or at the minimum disempowering the ABCC should they get into power, yet not take them to task as why they wouldn't when it was already common knowledge, smacks of a set-up. I notice that the ACTU are funding campaigns to have the ABCC removed but never mentioned (in an television advertising campaign) prior to the election that Labor were not going to do so.....sorry but I have little respect available for such maneuvering and cannot see where truly left wing philosophies remain these days. I was also banned 5 times on the Know Your Rights Community forum (run by the ACTU) for speaking openly and truthfully about the case when there were no possible legal ramifications.

Mr Carter I do not seek notoriety or infamy regarding this but am prepared for anything. I never asked to be a martyr or a pariah but at times have been both. I have done my bit and have had enough of this façade that is told in political and business circles and therefore remain at the ready to expose liars, and those of weak character, tenet and principle. What I could never resign to then or now is that I refuse to have anyone pass these laws onto the next generations (or anyone else) when my name has been attached it. If anyone wants to do this to people then have the intestinal fortitude to look at person you are applying this to in the face, and tell them as well as the youth (such as Apprentices and labourers). One of those sued was a young lad who had been on the job 2 days! I can personally vouch and swear under oath that this lad had barely spoken a word to anyone and was by no means a union heavy. Another was actually abroad and on his Honeymoon.

Did you know that one of the engineers on the project had/has a brother who was/is an AFL umpire in his second job? This engineer (employed by LKJV on area 4) on occasion came back to my house for drinks, did he ever mention his brother was number 2 in the "taskforce" (read ABCC)? Nope, of course he didn't, I only discovered this in the courtroom by chance. Is this mere coincidence? All these names I can supply and am more than prepared to do so if the need arises.

Do you realise that no-one responds with anything of substance in answer to my questions even after my innocence was established?
Do you realise that not only do I not get any compensation of any kind, I have never received an apology by anyone, not privately nor publicly?
Please do not forget that my employer at the time (Leightons Kumagai Joint Venture LKJV) never.....NEVER...instigated any legal action against me/us?
Has anyone factored the stresses imposed upon families of the falsely accused and the damage this has caused?
Will we see self harm episodes from future cases? If so, I bet no-one will two hoots about them let alone do anything to minimise such a likelihood! (This very question was asked by me to Julia Gillard at a public meeting in Hasluck/Gosnells)

So even if I lost and was fined for the losses on the job (born by LKJV) how can the government make money on this? Surely the one who lost the money have the right to claim but the government? PLEASE????

Senator Siewert should be applauded for her continued stance and subsequent action in regard to this bill. Although I am now apolitical, she has truly earned my respect and I am grateful for her empathy which is a very scarce commodity with everyone else in politics in this matter. She has never to my knowledge pandered to the big parties and has held them to task without wavering.

Those I now despise remain too many to list. Suffice to say that some of the more deplorable are Mr Joe Hockey who publicly challenged anyone in Australia who had evidence and

disagreed with Work Choices to debate him.....I accepted....he ran away. The Union movement for claiming monies on behalf of the 107 when they didn't represent 107, I never saw a single centime. Julia Gillard for the lack of true compassion and her total inaction in the entire case other than to grandstand in the media but actually do nada. Alan Carpenter, for stating on camera that we (the 107) were "holding the state to ransom". I find some sense of satisfaction that two of these three people have now lost their positions, Julia Gillard should take note of this.

To all the senators that any of this comes before please understand that the people are now all too aware that the majority of you talk the talk but do not walk the walk. Do not complain when independents (of which there will become increasingly more of) do not assist with your objectives in getting bills passed through the house because the people are voting more than ever for those that remain true to belief and do not allow party politics to override these tenets. To the first Senator that defends the ABCC (or that it should remain) I challenge you to publicly debate with me the merits of your position, if you cannot then perhaps you should resume your seat if not resign from it.

Senators, and in fact all politicians, are supposed to be there for the people, who of you were there for me? Which ones were there for the rest of the 107? Who will support the next worker to face the ABCC? If it was one of your family or a child of yours would you react any differently?

It is also very disconcerting to learn that Michael Keenan is now the shadow minister for IR. This is a man who did nought for me when I resided in Stirling before and during the case. He offered no assistance in any capacity whatsoever and it would be refreshing to learn if he even actually raised the facts with the former government about the treatment of one of his constituents. He has absolutely no understanding of the arena he has just accepted.

On both sides of the house we see posturing. There are two crucial aspects to such positioning. The first is that these laws are undoubtedly outrageously unfair on workers and their families. The second that both Liberal and Labor politicians lucidly demonstrate that they do not help people, even when they have publicly stated otherwise, and that they will alter their statements to suit the needs of the parties, rather than for those of their constituents. It is my hope that the Liberals and Independents will support the Greens and an end to these grossly unfair laws.

Labor on the other hand, appear to have changed what they initially promised they were going to do, get rid of Work Choices. This is wrong and to renege is tantamount to deception. The ABCC must go. Regardless of what Labor may say about budgets and surplus they must be held to account for the inaction displayed when workers faced the wall over allegations that were baseless.

Australia needs to do more than bring home the bacon in the form of surpluses. She requires that workers are protected. If not, where is the incentive for skilled workers to remain in the industry going to come from?

The end result for me was that I was a productive member of the community who falsely tried for something that he never did (at huge expense to the taxpayer and myself) and now cannot get an equal position in the industry. Does this appear to be the correct stratagem in an environment of a severe skills shortage? I respectfully submit my belief that the vast majority of politicians should seek a bill be passed to treat the extreme myopia that exists in both the Senate and the parliament. Had I have lost I would be burdened with the entire costs. I would then have declared myself bankrupt and remained on welfare for the rest of my days. This is surely not what anyone wants but so far it appears that I am mistaken?

Mr Carter please do not hesitate to contact me regarding any aspect of this letter, I have nothing to hide although perhaps a lot to fear, but I will never lie down whilst this organization and the laws it enforces are lurking to attack another worker, never.

Best regards

Paul Ruiz