

The Saturday Paper

NEWS

As a report from Geoffrey Watson exposes more alleged wrongdoing in NSW, members of the CFMEU wonder if enough is being done to reform their troubled union. By *Martin McKenzie-Murray*.

‘People are pissed’: What’s going on with the CFMEU?



CFMEU administrator Mark Irving, KC, at his chambers.

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He’s blunt, salty and knows where the skeletons lie. He was once a proud union member, then a disillusioned one. He grew sickened, he says, by how “gangsterised” his union became in Victoria, how political dependency on the construction industry fostered a convenient indifference about its culture. On building sites, he’s seen guns flashed and drugs dealt and he’s risked plenty to share this information.

He's angry – furious – about what he says has been the hapless, near absent communication of the union's administration to its members. He hates what he sees as its failure to welcome or acknowledge the help of members wanting to share sensitive information. "People are pissed," he says. "Membership are very fucking angry about the lack of communication. They don't know where the union's even headed ... Not even organisers know what's going on. How is that possible? Today there's a shop stewards' meeting; it was meant to be last week but it was cancelled. Why? Probably because they had no fucking information to share. The administration has been treating members with contempt. Six months in and the average Joe knows fuck all. We have [Geoffrey] Watson's report on the New South Wales division, but what about Victoria? Maybe there's lots of work behind the scenes – but we hear nothing. Nothing."

I have heard the same frustrations many times from other Construction, Forestry and Maritime Employees Union (CFMEU) members and officials, in Victoria and other states. This frustration has become bitter and passionate. Where it might once have been attributed to teething issues, it is now more likely to be attributed, fairly or not, to a sense that the administration is aloof from its members' concerns.

One union official says basic progress reports aren't shared. A staffer expresses frustration that advice on the future of the Australian Capital Territory and Western Australian divisions – who have been told there may be an early path out of administration – have not been shared as promised.

"Mark Irving has been a bitter disappointment," one Victorian source says. "The membership of the construction union who have contacted him and written to him feel totally let down. So much so that people now have got no confidence in the administration and are awaiting the triumph of a Dutton Liberal government for the inevitable deregistration proceedings to sweep away the administration. Communication to membership is key to the credibility of the administration. One of his stated aims was to return the union to members. Well, he hasn't even communicated to them. They only know one thing about him: his \$700,000 salary."

The frustration is intense and it's growing, and while the administration keeps quietly requesting patience – they have existed for just six months of a three- to four-year term – members and officials are increasingly likely to see as excuses the administration's invocation of a High Court challenge to their

very existence, as well as an imminent federal election, as reasons for caution.

“We hear that they can’t properly do their job because of the High Court challenge, because they’ve hired idiots, because there’s an election coming,” one Victorian source says. “It’s pathetic. What the fuck are they doing? I’m asked this all the time, and I’ve got no fucking idea.”

One Victorian official, working for a separate union but knowledgeable about the CFMEU, says “they don’t treat the concerns of rank-and-file members as sacrosanct. They see their job as clean-up, more than running the actual union. And clean-up has to occur, but the day-to-day stuff can’t fall by the wayside.”

The CFMEU’s administration did not respond to questions about these frustrations – or others.

Even by CFMEU standards, the previous fortnight has been especially tumultuous. On Wednesday, about 300 members of Queensland’s construction and general division marched to the headquarters of the Queensland Council of Unions in Brisbane and protested outside. Or most did – some members entered the building itself. Staff were told to lock their doors and wait for police.

The members were furiously objecting to news that the CFMEU’s administrator, Mark Irving, KC, had appointed Jared Abbott, the assistant general secretary of the QCU, to replace the recent and hastily departed Travis O’Brien as executive director of the CFMEU’s Queensland branch.

Members who remain loyal to the previous leadership were incensed that an executive of the QCU – a body that has not endorsed the CFMEU’s administration and has previously referred to it as a “hostile takeover” – might accept an offer to join it.

One union official told *The Saturday Paper* the QCU was “in a bit of a weird spot”. They continued: “The CFMEU hasn’t been affiliated with them for years. Even so, their executive tried to get a motion up endorsing the administration’s legislation but couldn’t get support. So, basically, QCU refused to back the administration. Now, other affiliated unions find out that the assistant secretary is going to work for the administration on some form of secondment and it suddenly looks like the QCU is endorsing it when that wasn’t their position.”

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Many Queensland members, both of the CFMEU but also other trade unions, saw the appointment as a betrayal, and rumours swirled this week that Abbott might withdraw. The breach of the QCU building prompted a stern statement from Mark Irving. “I will hold to account the ringleaders who have abused the loyalty of the construction workers involved today,” he said. “No workers should be the subject of violent, intimidatory or menacing conduct at work. Such conduct deserves unequivocal condemnation. Targeting trade unionists is deplorable.”

In the statement, Irving pledged to “forensically interrogate” the security footage.

This was merely the latest in what seems a cascading mess. Abbott’s appointment, which proved so incendiary, was itself meant to be the answer to the curiously sudden departure of Travis O’Brien. It has now created its own headaches.

O’Brien’s departure was soon followed by Alison Currie, Irving’s chief-of-staff, who had completed a six-month contract. Then this week, after only seven days in the job, Joe Brcic resigned as manager of operations of the construction branch of CFMEU NSW. It’s understood that Brcic came under enormous internal pressure, in a state where an organiser’s car was firebombed only a fortnight ago.

Certainly, the CFMEU’s administration has struggled with both recruitment and retention, and there’s considerable chatter within the trade union movement about the difficulty of finding people to join an unenviably difficult role. The environment is taxing: there are lingering sympathies to the old leadership of various branches, there’s the increasingly passionate sense among members that the administration is ineffective and uncommunicative, and there’s the looming High Court challenge to the

constitutionality of the administration itself. One Victorian union official, familiar with the CFMEU's internal politics in the state, expressed sympathy: "I would emphasise that there are players from the old regime actively meddling and making life hard. Both making the day-to-day hard, and the clean-up hard. It's a completely unenviable task for the administration. Calls and queries aren't going unanswered because they don't care. They are swamped. I get why their priorities are elsewhere, but that can't hold."

In August last year, Mark Irving appointed Geoffrey Watson, SC, a lawyer and anti-corruption specialist, to help his investigations. Watson's final report on the NSW branch was released last week. It recommended the prosecution of former NSW construction secretary Darren Greenfield, as well as his son, for the allegedly improper transfer of millions of union dollars to fund their legal defence.

Watson also recommended that civil charges be made against NSW branch president Rita Mallia and assistant secretary Rob Kera for allegedly not upholding their responsibilities to financial prudence. The Greenfields were charged in 2021 for allegedly receiving bribes from the construction industry. Their trial has been successively delayed, most recently on account of the High Court challenge, and is now scheduled to begin in April.

Watson's report expressed disbelief that more than \$3 million of union money was transferred to a law firm to help defend the Greenfields just days after the Albanese government passed legislation forcing the CFMEU into administration. "It is remarkable that, at this time of apparent crisis, the Greenfields were receiving this kind of specifically preferential treatment," he wrote. "Darren Greenfield knew that important funds were being paid for his benefit, when they could have been used elsewhere for the benefit of the members."

Less reported is Watson's judgement about the historic opacity of the NSW branch. While notionally democratic, he wrote, "there have not been contested elections for decades in the NSW Divisional Branch..." The report continued: "There were around 95 elected offices in the branch. In the 570 quadrennial elections since 2000 there was not one contested election. The secretary's position was never contested, nor were the positions of any other members of the Executive, or [the Committee of Management] members. Even casual vacancies did not give rise to contested elections."

Watson noted that in 2024 every single committee of management member had been selected by Darren Greenfield. They were all supported by him and owed their positions to him. “Each four years, a ticket headed up by the Greenfields and Ms Mallia were the only nominees for the election,” he wrote. “To be elected as a COM member on the ticket, a delegate needed to retain the support of the Greenfields. By these two means, control of the Executive over the members of the ticket and influence over the continued employment of delegates, Darren Greenfield and the Executive were able to dominate and control the COM.”

All were loyal to the Greenfields, Watson wrote, even in the wake of criminal charges. Few, if any, would challenge the executive.

In recent weeks, one union staffer has expressed concerns to *The Saturday Paper* about the administration’s procurement – that its budget is insufficiently transparent, that there is too heavy a reliance on Labor-affiliated consultancy firms and, further, that they have been discouraged from raising such concerns internally.

No corruption is alleged. Rather, the staffer feels that given the administration’s brief to clean up corruption, its practices thus far have been inadequately clear and the engagement of Labor-aligned firms will likely inspire accusations of favouritism – a theme close to the very problems the administration was appointed to correct.

While another official told *The Saturday Paper* one would struggle to “try and engage anyone in the industrial relations world that isn’t at some level Labor-aligned”, the appearance of conflicted interests has settled among many union members, especially in Victoria. “Is it more jobs for mates?” one asks. “Maybe it’s fine, but in this state, the corruption of the union has been an open secret for a long time. And that’s been facilitated institutionally. It’s not a good look, I’d think.”

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One union official describes the sudden resignation of John Setka in July last year as a qualified “Death of Stalin” moment – qualified in that many

members felt partially liberated to criticise their long-time leader but that Setka still enjoyed at least one faction devoted to him. This group are described as “meddlers” by another official and are enthusiastic about undermining Irving’s authority.

As *The Saturday Paper* reported late last year, in shop steward meetings requests were made to contribute to a fund for Setka and other sacked leaders – something that greatly annoyed the administration. The tin-rattling came after Setka’s appearance at several building sites in the first weeks of the administration’s existence and in gleeful defiance of Mark Irving. Members and officials described the request for this “levy” as “menacing” and said those who failed to pay would be serially reminded of their obligation. This was despite the \$450,000 payout to Setka upon his resignation.

The Saturday Paper can report that at a shop stewards’ meeting in Melbourne on Thursday, a request for donations was once again made for the Setka kitty. Also discussed at the meeting was the possibility of the union’s deregistration under a potential new Dutton-led government.

“I want clean unions, not no unions,” one member tells me. “I can fucking tell you that building sites without unions are deathtraps. And I’ll try fucking hard to help clean this one up. But I’m not being fucking listened to. And I don’t think many of us are. And Setka’s crew are still sticking their middle finger up to Irving.”

One Victorian CFMEU official, reflecting on Irving’s statement on Wednesday regarding the protest at the QCU building, expressed hope that Irving might now exercise his authority more muscularly.

“I don’t know, but my gut tells me maybe something changed this week – that he’s decided, or been forced, to act with strength,” they said. “Because I don’t think the High Court challenge should matter. It hasn’t changed his powers. I don’t think the election should matter. I think these are excuses. Maybe this changes now. I don’t know.”

