

CFMEU ADMINISTRATOR

MARK IRVING KC

REPORT FROM THE ADMINISTRATOR

The Construction, Forestry and Maritime Employees Union's (CFMEU) Construction & General Division was placed into administration on August 23rd, 2024, and is presently overseen by the Administrator.

The purpose of the Administration is to continue the role of the Union in representing members, ensuring members are safe at work, protecting members' wages and conditions, identifying and removing any corrupt individuals from union positions and addressing corruption within the industry, and dealing with menacing behaviour.

Since August 23rd, the Administrator has visited with each state and territory branch to engage with their respective organisers and staff. In addition, the Administrator has had scores of meetings with stakeholders including key employees within the CFMEU, peak union bodies, peak bodies representing employers, some of the largest employers and has held multiple meetings with a variety of regulators and law enforcement bodies.

The Administration has initiated a number of disciplinary processes, some of which have resulted in the termination of employment of some CFMEU employees. The Administrator has launched several investigations into allegations of corruption pursuant to his powers under the FWRO Act, the Determination and cognate powers conferred by Queensland and NSW laws.

The Administration has facilitated the approval of Enterprise Bargaining Agreements (EBAs) through the Fair Work Commission and has dealt with concerns raised by the FWC about concerns about how agreements are made.

Additionally, the Administration has successfully recovered more than \$3.5 million in members' funds from third parties.

Underscoring the urgent need for enhanced worker safety in construction, the calendar year 2023 saw 45 construction worker lives tragically lost, which was a 36% increase on 5-year average for this industry (which is 33 p/annum). However, this number represents a fraction of construction workers who die as an indirect result of their work, due to exposure to dust and other workplace hazards (inc. silica / asbestos / UV / diesel). Ensuring members are safe at work continues to be the core focus for the Union.

CFMEU - Construction and General Division
CFMEU NSW - Construction and General Division
CFMEU Qld - Construction and General Division

Appointed pursuant to the Fair Work (Registered Organisations Act) 2009 (Cth), the Industrial Relations Act 1996 (NSW) and the Industrial Relations Act 2016 (Qld)

The key actions taken by the administration are set out below:

Date	Decisions
23/08/2024	<ul style="list-style-type: none"> • Establishing a process to deal with deaths and serious injuries suffered on site. • Notice to office holders • Correspondence to 12 persons notifying them of the termination of their employment • Email distributed to all staff • Letter to organisers • Letter to Finance Staff • Letter to Legal Staff • Media Release • Facebook Release • Letter to PR firm in Victoria • Special purpose audit commenced by Korda Mentha • Initiated process of controlling relevant CFMEU bank accounts
26/08/2024	<ul style="list-style-type: none"> • Email to the 270 removed officeholders • Email to each branch announcing their management/leadership • Authorised complaint recipients
27/08/2024	<ul style="list-style-type: none"> • Additional notice given to a person reiterating the end of their employment
02/09/2024	<ul style="list-style-type: none"> • Confirmed appointment of Grahame McCulloch as Executive Officer of the Vic/Tas Branch • Confirmed appointment of Travis O'Brien as Executive Officer of the QLD/NT Branch • Confirmed appointment of Travis Hera-Singh as Executive Officer of the SA Branch

03/09/2024	<ul style="list-style-type: none"> • Notice given to WA office relating to ongoing role and the significance of the Determination • Confirmed appointment of Phillip Pasfield as Co-Executive Officer of the NSW Branch • Confirmed appointment of Chris Christodoulou as Co-Executive Officer of the NSW Branch
05/09/2024	<ul style="list-style-type: none"> • Established anonymous whistleblower complaint service (Elker)
10/09/2024	<ul style="list-style-type: none"> • Correspondence to a former employee acknowledging receipt of resignation
12/09/2024	<ul style="list-style-type: none"> • Release of Geoffrey Watson's Interim Report • Resignation of Grahame McCulloch as Executive Officer of the Vic/Tas Branch
16/09/2024	<ul style="list-style-type: none"> • Visited NSW branch and met organisers and staff
17/09/2024	<ul style="list-style-type: none"> • Contacted FWC in relation to right of entry permits • Authorised complaint recipient
18/09/2024	<ul style="list-style-type: none"> • Response given to Geoffrey Watson's Interim Report
19/09/2024	<ul style="list-style-type: none"> • Recovery of \$3.15 million dollars of members funds
23/09/2024	<ul style="list-style-type: none"> • Visited WA branch and met organisers and staff
30/09/2024	<ul style="list-style-type: none"> • Authorised complaint recipients
01/10/2024	<ul style="list-style-type: none"> • Visited QLD branch and met organisers and staff
02/10/2024	<ul style="list-style-type: none"> • Informed the General Manager of delegations of powers concerning the day-to-day operation of Divisional Branches
03/10/2024	<ul style="list-style-type: none"> • Member suffers on-site death in Western Australia
08/10/2024	<ul style="list-style-type: none"> • Visited VIC branch and met organisers and staff • Correspondence of nomination of replacement directors sent to Incolink
10/10/2024	<ul style="list-style-type: none"> • Visited ACT branch and met organisers and staff • Letter of endorsement for new appointee to the CBUS board • Attended the FWO Building & Construction Reference Group Meeting
11/10/2024	

14/10/2024	<ul style="list-style-type: none"> • Direction issued to Branch Secretaries/Executive Officers that the Building Industry Group of Unions (BIG) National and Branch Secretaries meeting on 16 October not to be attended by any officer, official, organiser, or staff member of the CFMEU C&G Division
15/10/2024	<ul style="list-style-type: none"> • Developed and released an interim menacing conduct policy, including issuing directions through Executive Officers to all organisers prohibiting menacing conduct • Authorised further complaint recipients
16/10/2024	<ul style="list-style-type: none"> • Attended National Construction Industry Forum (NCIF) • Notice given to a person regarding the end of their employment
17/10/2024	<ul style="list-style-type: none"> • Correspondence sent to Incolink attaching Notice to provide information and assistance to the Administrator
18/10/2024	<ul style="list-style-type: none"> • Authorised further complaint recipient
21/10/2024	<ul style="list-style-type: none"> • Email sent on behalf of the Administrator to Vice President Gibian's Chambers requesting copy of person's FWC Application to obtain a certificate.
22/10/2024	<ul style="list-style-type: none"> • Counsel engaged in relation to a person's FWC Application
23/10/2024	<ul style="list-style-type: none"> • Engagement letter sent to Geoffrey Watson SC for further investigation • Investigation formally commenced in VIC
29/10/2024	<ul style="list-style-type: none"> • Scheduled visit to SA branch to meet with organisers and staff • Correspondence to Incolink regarding response to notice
30/10/2024	<ul style="list-style-type: none"> • Investigation formally commenced in NSW • Preliminary investigation work commenced in NSW
31/10/2024	<ul style="list-style-type: none"> • Investigation formally commenced in QLD • Investigation formally commenced in SA
6/11/2024	<ul style="list-style-type: none"> • Mark Irving in Adelaide. Met with CFMEU staff, CEPU and various other unions.
07/11/2024	<ul style="list-style-type: none"> • Provided QLD criminal intelligence to AFP
08/11/2024	<ul style="list-style-type: none"> • Notice given to a person to provide assistance to the Administrator • Provided Senate Estimates report to relevant IR Ministers for their review
12/11/2024	<ul style="list-style-type: none"> • Published interim position paper relating to menacing behaviour

19/11/2024	<ul style="list-style-type: none"> • Authorised further complaint recipient
21/11/2024	<ul style="list-style-type: none"> • Advised APRA of allegations of coercion made to CFMEU Administrator
25/11/2024	<ul style="list-style-type: none"> • Correspondence to a person notifying them of the termination of their employment
27/11/2024	<ul style="list-style-type: none"> • Responded to FWO request for information regarding removed persons
29/11/2024	<ul style="list-style-type: none"> • Engagement letter sent to Geoffrey Watson SC for further investigation • Engagement letter sent to supporting counsel for further investigation
02/12/2024	<ul style="list-style-type: none"> • Provided national criminal intelligence to AFP
03/12/2024	<ul style="list-style-type: none"> • Received interim report on SA investigation • Notice given to 14 persons to provide assistance to the Administrator • Received QLD report scoping lines of inquiry into corrupt and other wrongful behaviour. • Received NSW report scoping lines of inquiry into corrupt and other unlawful behaviour.
06/12/2024	<ul style="list-style-type: none"> • Correspondence to 7 persons to provide assistance in investigations of matters affecting the CFMEU
09/12/2024	<ul style="list-style-type: none"> • Correspondence to 17 persons to provide assistance in investigations of matters affecting the CFMEU
10/12/2024	<ul style="list-style-type: none"> • Mark Irving travelled to Canberra to attend the High Court Hearings
11/12/2024	<ul style="list-style-type: none"> • Mark Irving attended day 2 of the High Court Hearings • Provided national criminal intelligence to AFP
13/12/2024	<ul style="list-style-type: none"> • Notice given to 4 persons to provide assistance to the Administrator
17/12/2024	<ul style="list-style-type: none"> • Dismissal of a person for misconduct
18/12/2024	<ul style="list-style-type: none"> • Correspondence to BEO's regarding election funds/officer contribution funds • Notice given to a person to provide assistance to the Administrator • Statement provide to media on Victorian Government Report into Construction Companies and Construction Unions
19/12/2024	<ul style="list-style-type: none"> • Correspondence to a person notifying them of the termination of their employment
20/12/2024	<ul style="list-style-type: none"> • Received draft report on NSW investigation into the Greenfields. • Provided NSW criminal allegations and intelligence to AFP
24/12/2024	<ul style="list-style-type: none"> • Correspondence to removed person requesting information
21/01/2025	<ul style="list-style-type: none"> • Replacement of directors on board of CABIT

02/02/2025	<ul style="list-style-type: none"> • Resignation of Travis O'Brien as QLD BEO
03/02/2025	<ul style="list-style-type: none"> • Nominated Zach Smith to the BICC
3/2/2025	<ul style="list-style-type: none"> • Mark Irving travelled to Brisbane to meet with QLD office staff and announcement of inquiry into a culture of violence in QLD
06/02/2025	<ul style="list-style-type: none"> • Finalised report on NSW investigation
07/02/2025	<ul style="list-style-type: none"> • Correspondence sent to 78 Queensland Stakeholders regarding Inquiry into violence, threats of violence and menacing conduct with the QLD construction industry
10/02/2025	<ul style="list-style-type: none"> • Received final report on SA investigation
12/02/2025	<ul style="list-style-type: none"> • Released Report into Criminal Conduct & Corruption in the NSW Branch
13/02/2025	<ul style="list-style-type: none"> • Provided procedural fairness notice to 5 law firms, ahead of releasing investigation report • Correspondence of nomination of replacement directors for Incolink Interim Fund 2 Committee sent to Incolink
19/02/2025	<ul style="list-style-type: none"> • Appointment of Jared Abbott as QLD BEO