



Major changes to ABCC functions: From 10 November 2022, the ABCC's role enforcing the *Fair Work Act 2009* in the commercial building and construction industry will transfer to the Fair Work Ombudsman. Therefore the information on this website is under review. [Read the ABCC E-Alert](#) published on 27 October 2022 to learn more about these changes.



CURRENT

443 Queen Street matter

Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining
Ors

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CASE NAME

Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining And Energy Union & Ors

KNOWN AS

443 Queen Street matter

COMMONWEALTH COURTS PORTAL REFERENCE AND LINK

[BRG368/2022](#) [↗](#)

APPLICANT

Australian Building and Construction Commission

RESPONDENT(S)

- CFMMEU, CEPU, Matthew Vonhoff, Wendel Moloney

DATE FILED

1 September 2022

STATE/TERRITORY

QLD

ALLEGED BREACH(ES)

- Non-compliance with right of entry laws

STATUS

Current

SUMMARY

The ABCC commenced Federal Circuit and Family Court action on 1 September 2022 against the CFMMEU, CEPU and two officials following alleged right of entry breaches at the 264-apartment residential tower project at 443 Queen Street Brisbane.

At the time of the officials' 15 December 2021 incursion onto the project site, each of the three access gates in use had signs directing all visitors to report to the site office.

The ABCC is alleging in its statement of claim filed in the court, that CFMMEU official Matthew Vonhoff and CEPU official Wendel Moloney contravened section 500 of the *Fair Work Act 2009* by:

- acting in an improper manner when they unlawfully entered the construction site while ignoring safety requirements for all visitors to attend the site office and sign in,
- did not show their entry permits when requested to do so,
- failed to give notice of their entry, and
- held unauthorised discussions with the subcontractor's employees.

The ABCC's statement of claim further claims Mr Moloney behaved in an abusive and intimidatory manner towards the senior site manager when he responded to a query about what was going on by saying words to the effect:

*"If you f***ing speak to anybody it will be the last time you work in the EBA industry."*

The ABCC is seeking personal payment orders against Mr Vonhoff and Mr Moloney. Such an order would require Court imposed penalties to be paid personally by the representatives and not paid or reimbursed directly or indirectly by the CFMMEU or CEPU.

The maximum penalty for a contravention of the Fair Work Act is \$66,600 for a body corporate and \$13,320 for an individual.

HISTORICAL CONTENT

[5 Sep 2022 - ABCC takes CFMMEU, CEPU to court over alleged right of entry breaches at Brisbane CBD project site](#)

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