

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE  
ADDITIONAL ESTIMATES 2008-09**

**Agency**      **Office of the Australian Building and Construction Commissioner**

**DEEWR Question No. EW1148\_09**

Senator Fisher asked on 26 February 2009, EEWR Proof Hansard page 24

**Question**

Can you provide some examples of freedom of association breaches from finalised proceedings that are available on your website?

**Answer**

The Office of the Australian Building and Construction Commissioner has provided the following response.

Two examples of freedom of association breaches from decided matters are summarised below. A full list of all ABCC proceedings is available on our website at [www.abcc.gov.au](http://www.abcc.gov.au).

*Alfred v Lanscar & CFMEU*

On 9 February 2005, Les Lanscar, a union delegate and through him the CFMEU, contravened freedom of association laws by:

- advising, encouraging or inciting a painting company to take discriminatory action against a number of self-employed painters because they were not members of the union;
- telling the painting contractor that he would direct the head contractor on the project to use other painters; and
- threatening to take industrial action against the painting company with intent to coerce it to take discriminatory action against the painters, namely to refuse to make use of their services, because they were not members of the union.

The Court imposed penalties of \$10,000 for the CFMEU and \$2,000 for CFMEU Delegate Mr Lanscar.

*Hadgkiss v Sunland Constructions, Eshraghi, CFMEU, CFMEU (QLD) and Oskam*

Sunland Constructions Pty Ltd, a senior manager of the company, the CFMEU and a union delegate committed serious freedom of association contraventions in late 2004 on a Queensland construction site.

The Federal Court found that the parties made false and misleading statements to three employees that they were obliged to join the CFMEU to work on the site.

Also, Sunland was fined for dismissing an employee for a prohibited reason, namely that he had resigned from the union.

Sunland was fined \$15,000.  
Mr Eshraghi was fined \$1,000.  
The CFMEU was fined \$9,000.