

Date: 1 June '10, 9:11pm

By: ABCC

Senate Estimates
1 June 2010
Opening Statement

1. This opening statement has an element of a closing statement for me.
2. Two recent decisions of the Federal Court are instructive about the ABCC's journey in achieving its outcome set out in the Portfolio Budget Statements. The outcome is "*workplace relations laws are enforced in building and construction workplaces.*"
3. In the first case the Federal Court on 18 May 2010 dismissed an appeal by the CFMEU and an officer of the union Mr Mates.
4. The case relates to events in February 2006 at Heidelberg Victoria. This occurred not long after the ABCC was established. Mr Mates threatened and coerced a contractor to employ three people, two of whom had been shop stewards and the other an occupational health and safety officer. The court found the conduct was "*done in wilful disregard for the BCII Act.*" The CFMEU was fined \$75,500 and Mr Mates \$10,000.
5. The union and Mr Mates appealed the decision. The appeal was rejected.
6. The ABCC has had an impact on the workplace relations conduct of the industry. As a result of its education activities, investigations, on site presence and court proceedings the conduct of the industry has improved. Industrial disputation has fallen and unlawful conduct, such as found in this case, is less prevalent. Many in the industry remark about the removal of industrial tension and coercion from most of the nation's building and construction sites.
7. It is also important that the productivity and efficiency of the industry has steadily improved. More projects are now completed on time and within budget. The presence of the ABCC is a contributing factor to this improvement.
8. However, some in the industry have not embraced the changes I have identified.
9. In a second case on 20 and 24 May 2010 the ABCC obtained orders in the Federal Court. The orders were against the CFMEU.
10. The CFMEU had been involved in organising a blockade at the Melbourne Wholesale Fruit, Vegetable and Flower Market site at Epping. The building of a new market is to cost \$300 million. It appears that ~~the~~ Federal Court order was ignored for a number of days.

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the blockade continued.

11. The need for injunctions is not a common requirement as the incidence of unlawful conduct has been reduced. However, some in the industry remain prepared to resort to unlawful tactics. This means that extreme care should be taken in changing the regulatory regime.
12. Australian workplace relations is grounded in respect for the rule of law. Respect for the right to choose not to join or to join a union. The right too choose the type of industrial arrangement. The right to work without fear of threats, intimidation or coercion. If the rule of law is defied then the workplace relations system will be harmed and Australia's reputation can suffer.
13. The ABCC staff will continue to work hard to eradicate unlawful conduct from the industry and achieve the agency's key outcome.