

# Submission

to

Senate Employment, Workplace Relations and Education  
References Committee

## Building and Construction Industry Inquiry

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**Submission no:** 68

**Received:** 03/02/2004

**Submitter:** Mr Brendan Kealy  
Director

**Organisation:** Shamrock Civil Engineering Pty Ltd

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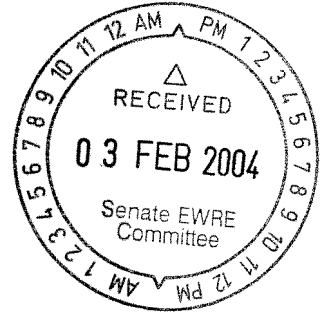
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Road works  
Storm water  
Bulk Earthworks  
Detailed Excavation  
Major Civil Works

# SHAMROCK CIVIL ENGINEERING PTY LTD

30 January 2004



Mr. J Carter  
The Secretary  
The Senate Employment, Workplace Relations  
And Education Reference Committee  
Suite SG52  
Parliament House  
CANBERRA ACT 2600

Dear Mr. Carter,

**RE: STATEMENT FOR COMMITTEE**

Please find attached my statement for the consideration of the committee.

Yours faithfully,  
**SHAMROCK CIVIL ENGINEERING**

*M. Rogers*

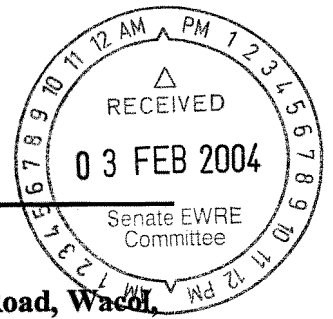
*pw* **BRENDAN KEALY**

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Quality  
Endorsed  
Company

**STATEMENT OF BRENDAN KEALY**




I, **BRENDAN KEALY** C/- **Shamrock Civil Engineering, 309 Progress Road, Wacol,**  
**Queensland state:**

1. I am a Director of the company called Shamrock Civil Engineering and have been in operation in the Brisbane operation for almost ten (10) years.
2. Shamrock Civil Engineering started out in the Building and Construction Industry by working on smaller jobs for the likes of Hutchinson Builders, the first job that we came into contact with the Union was on the Toowoomba Grand Central job for Fletchers in 1995 – this was when Shamrock Civil first signed an EBA
3. No involvement with the Union before setting up the company in Queensland
4. In 1995 our main client base was Hutchinson Builders and GJ Box, our signing the EBA opened up doors to Fletchers, Multiplex, Walters Constructions, Abigroup, Holland's, Bovis Lend Lease, Westfields.
5. We currently employ about 50 people – 6 office staff and 44 on site.
6. Our business is generally ground work preparation for major building projects, i.e. bulk excavation for basement car parks, detail excavation for foundation works, construction of stormwater drainage and large sized car parks including kerbs and asphalt. We are pre-qualified to perform works for the Main Roads and are a Quality Endorsed Company to ISO 9001 : 2000.
7. We currently have a Certified Agreement with the CFMEU.
8. We have had previous agreements with the CFMEU since 1995.
9. We have never been forced into signing a Certified Agreement with the Union.

Sheet 1

  
BRENDAN KEALY

  
Witness

10. In 1995 we set ourselves a goal to be the best groundwork's subcontractor in Brisbane, to achieve this end we set about securing contracts with the major Building Construction Companies. In order to secure this work, we had to satisfy a number of requirements i.e. Improve our on Site Management, implement Safe Work Procedures and Plans, implement Quality Assurance, comply with the EPA and sign an EBA. We find quoting against contractors with EBA's to be competitive; however, generally we cannot compete with contractors who do not have an EBA. It is my experience that contractors who do not have EBA's fail to pay their employees in accordance with the state award.
11. Having a signed Certified Agreement generally gives us a level playing field when it comes to tendering on projects and this was one of the major motivations for us to sign a Certified Agreement in the first place.
12. When signing the Certified Agreement there were a few things that I would have liked to address however we feel that the Certified Agreement was fair, we have a good relationship with both the CFMEU and the BLF.
13. As a director of a mid sized sub-contracting firm the two main issues I see in the industry are 1. Safety and 2. Security of payment. We have a broad client base; generally work sites managed by the major Building Construction Companies have a more dedicated approach to Workplace Health & Safety, however smaller Building Companies approach to WH&S is at the minimum or less.

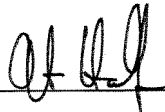
Shamrock Civil have many systems in place to ensure our employees are trained to carry out given tasks in a manner that is safe for themselves and co workers.

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BRENDAN KEALY

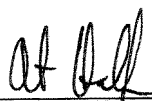
Sheet 2



Witness


14. The feedback I receive from our employees – particularly new employees - is that they are reasonably content with the rates of pay, particularly when compared to the other company's they have worked for. It is frustrating when I hear about the ABN scams that operate in our industry, workers on ABN scams have no super, workers comp or redundancy funds to fall back on.
15. There is a massive shortage of plant operators, groundworkers and supervisors in our industry. Finding suitably qualified people is impossible; for the last few years we have embarked on training our own employees with the help of CTQ (Construction Training Queensland), currently we have 7 trainees signed up as trainees, we also provide more specific training as required.
16. We engage all our employees direct.
17. We have never really dealt with labour hire companies.
18. We have heard of company's around Queensland setting up a secondary company to avoid their obligations. Whilst we have no direct knowledge or evidence of the above, but we have heard around the worksites that this does occur. The reason is to avoid workers compensation premiums, payroll tax and EBA rates of pay.
19. I have had no direct involvement with the Building and Construction Industry Taskforce, they have contacted me regarding certain individuals/ union delegates on a Westfield Site. However, I did not need their assistance and resolved the issue with the Union itself. I believe that sometime we have been the 'meat in the sandwich' between some old time Project Managers that feel the need for confrontation and union delegates caught in a time warp.

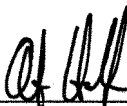
  
BRENDAN KEALY

  
Witness

20. I spent a few years in the mid eighties working on Building sites in London during that boom, this was in the post Thatcher times when unions were pretty much outlawed. The conditions on most of these sites were shocking, the pay rate was reasonable, but there was no wet pay, holiday pay or super. As an employer, I strive to improve conditions and training for our employees. We are in a high risk industry and I can sleep better at night knowing that our employees have received appropriate training to carry out their tasks in a safe working environment.
21. This statement is to the best of my knowledge true and correct.

Dated this 20 day of JAN 2004

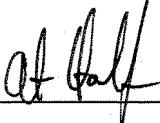
  
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**BRENDAN KEALY**

  
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**WITNESS**

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BRENDAN KEALY

Sheet 4

  
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Witness