



18 July 2022

The Hon Tony Burke MP
Minister for Employment and Workplace Relations
Minister for the Arts
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Via email:

Dear Minister

Request for information and documents relating to meetings with the Master Builders Association

In response to your request of 20 June 2022, I now write to provide you with the information and documents you have requested.

The *Building and Construction Industry (Improving Productivity) Act 2016* (**BCIIP Act**) imposes restrictions on the disclosure of information acquired for the purposes of the Act. Your request asked for disclosure of information and production of documents. I therefore sought legal advice from the Australian Government Solicitor (**AGS**) before responding to your request. My Agency also sought AGS advice in relation to the request made to the ABCC by the Construction Forestry Maritime Mining and Energy Union (**CFMMEU**) under the *Freedom of Information Act 1982* (**FOI Act**) on 13 April 2022, as referred to in your letter.

Information and documents you have requested

Your letter requests “*information about any meetings held between the ABCC and the Master Builders Association during the course of 2022. Please let me know if any such meetings have occurred, what was discussed and provide me with any records of such meetings to the maximum extent possible. Please ensure that the documents include (to the maximum extent possible) unredacted copies of the document/s provided in response to a recent freedom of information request I understand the CFMMEU made to the ABCC.*”

I am in a position to provide you with the information and documents you seek, on the basis I understand this will assist you to consider an issue in relation to a matter arising under the BCIIP Act.

Please find enclosed two tables (**Annexure A**). Table 1 identifies the 10 documents which were relevant to the request made by the CFMMEU under the FOI Act. Table 2 provides information concerning meetings held between the ABCC and the Master Builders Association (**MBA**) during the course of 2022 and identifies 13 further documents.



Full copies of all 23 documents are also attached – the set of 10 FOI documents in unredacted form referred to in Table 1 (**Annexure B**) and, separately, the set of the additional 13 documents identified in Table 2 (documents 11 – 23, **Annexure C**).

In relation to the documents relevant to the CFMMEU's FOI request, the copies now provided indicate what text was redacted from the documents before they were provided to the CFMMEU. Section 22 redactions were applied to material determined to be outside the scope of the CFMMEU's request, while s 47F redactions were applied to material the disclosure of which would involve an unreasonable disclosure of personal information and would be contrary to the public interest. To assist your consideration, I also provide you with a copy of the FOI decision of 10 June 2022 (**Annexure D**).

In relation to the meeting on 19 January 2022 between the MBA (ACT) and the ABCC, I am advised that the two ABCC staff who attended the meeting made some handwritten notes. Those notes are not included amongst the enclosed documents as the content of the handwritten notes are covered in more detail in the 'inCase' record, which is provided.

Many of the documents provided are 'Stakeholder Engagement' records extracted from the ABCC's information and records management system (inCase). Information about what was discussed at meetings with the MBA is included in the 'details' section of these records.

These meetings provide an opportunity to discuss a range of matters relevant to the building and construction industry, as well as the activities undertaken by the ABCC and matters of interest to the MBA.

More generally, stakeholder engagement is a key part of the ABCC's Education and Engagement Framework. Stakeholder engagement occurs across multiple levels of the agency, from the ABCC Executive team and senior managers through to operational staff, and includes engaging with government agencies, industry associations, trade unions, contractors, and peak bodies.

ABCC Commissioner meetings with the MBA

Section 16(1)(d) of the BCIIIP Act imposes a statutory obligation on me to provide assistance and advice to building industry participants regarding their rights and obligations under the BCIIIP Act, designated building laws and the Building Code.

Section 16(1)(f) of the BCIIIP Act imposes a statutory obligation on me to disseminate information about the BCIIIP Act, designated building laws and the Building Code, as well as any other matters affecting building industry participants.

The MBA and its members are building industry participants for the purposes of the BCIIIP Act. They are a key stakeholder, particularly in relation to the Building Code to which many of their members are subject.

My approach generally to stakeholder engagement is to advise, assist and educate wherever opportunities arise. My door is open to all building industry participants. Many choose to actively engage with the ABCC, some don't.

During 2022, I attended:

- Two meetings with representatives of the National office of the MBA, on 17 February 2022 and 16 June 2022. Both of these meetings were at my initiation.
- The SOP Working Group meeting on 10 March 2022 which was attended by an MBA representative. My membership and attendance at these meetings arises from section



32(b)(1)(a) of the BCIIIP Act.

- A meeting of the MBA National Industrial Relations Advisory Committee (NIRAC) on 24 March 2022, to which I was invited to provide a presentation. This was a virtual attendance - the meeting was held in Canberra, I was in Melbourne as was my co-presenter. A copy of my presentation is attached as **Annexure E**.
- A meeting with the Workplace Relations Manager, MBA Queensland, on 14 April 2022. I attended this meeting with the ABCC Executive Director Operations.

All of these meetings are listed in table 2 (Annexure A). The subject matter of the meetings are identified in the stakeholder engagement records (Annexures B and C) and a copy of the presentation slides from the meeting on 24 March 2022 is at Annexure E.

In addition, on 8 March 2022 I attended the International Women's Day Event which was hosted by the Victorian MBA and on the invitation of Rebecca Casson, Chief Executive Officer, of MBAV. This event has not been included in table 2 at Annexure A.

Matters for consideration

To assist you, I have been advised by the AGS to make you aware of certain matters for you to consider in relation to the enclosed documents.

The documents contain personal information of third party individuals and ABCC employees, within the meaning of the *Privacy Act 1988 (Privacy Act)*, and are provided to assist you to consider an issue arising under the BCIIIP Act. The Privacy Act prohibits the use and disclosure of personal information for a purpose other than that for which it is collected. As such, there is a significant risk that any use or disclosure of the personal information in the documents provided to you may breach the Privacy Act.

Specifically in relation to the documents relevant to the CFMMEU's FOI request, the names and contact details of certain third party individuals and ABCC employees were exempted from release to the CFMMEU, on the grounds that disclosure of this personal information would be unreasonable under s 47F and contrary to the public interest. The FOI decision provides detailed reasons for this decision. In circumstances where the ABCC recently decided their personal information is exempt from release under the FOI Act in the decision dated 10 June 2022 (Annexure D), the individuals concerned may feel aggrieved if their personal information is disclosed.

Individuals named in the other enclosed documents may also feel aggrieved if their personal information is disclosed. The FOI decision-maker refers to the decision of the Australian Information Commissioner (AIC) in [CFMEU and ABCC \[2017\] AICmr 125 \(1 December 2017\)](#) in which the AIC upheld s 47F exemption claims over ABCC employee names and contact details with reference to what the AIC described as 'threats and intimidation that ABCC employees are subject', with reference to the comments of the then Secretary of the Victoria/Tasmania Construction and General Division of the CFMEU.

Since 2017, ABCC personnel have continued to be subjected to threats, abuse and intimidation while carrying out their duties. This has included abuse towards ABCC staff posted on social media. In light of these previous incidents, members of my staff continue to hold genuine concerns about being subjected to similar threats, abuse and intimidation if their personal information is disclosed. This applies to all the enclosed documents which contain personal information.

For these reasons, I would urge you not to disclose the personal information of ABCC employees



and third parties contained in these documents. This is also consistent with the practice adopted by Commonwealth departments and agencies at Senate Estimates hearings not to unnecessarily disclose personal information.

Quite apart from the AGS advice on this issue, I am also mindful of the personal toll currently being felt by my staff. All are Commonwealth public servants. Most are facing significant uncertainty as to their continuing employment in the public service.

I am aware of the devastating impact of unfounded social media attacks on my staff. My staff are not in a position to defend themselves and I respectfully request that as our responsible Minister you consider their wellbeing as Commonwealth public servants.

Of course I am in a different position. Public disclosure of details of my meetings with the MBA is entirely a matter for you. I support full transparency and accountability, and I welcome any further questions you may have as to the purpose of these meetings and my approach generally to strategic stakeholder engagement.

In relation to your request for documents, there has been no consultation with third parties. Such parties would have the benefit of consultation as part of an FOI process.

Further, I note there has been no consultation or communication with the MBA regarding this request.

Please let me know if I can be of further assistance. As previously advised, I'm available to meet with you at your earliest convenience and would appreciate the opportunity to do so given the significant challenges faced by the Agency and in particular the staff of the Agency.

Yours sincerely

Stephen McBurney
Australian Building and Construction Commissioner





ANNEXURE A

Table 1: Documents relevant to CFMMEU FOI request

FOI doc No.	Date	Description	FOI decision	FOI Act exemptions
1.	19 January 2022	Stakeholder Engagement Meeting Record with the MBA (ACT)	Partially exempt	ss 22, 47F
2.	17 February 2022	Stakeholder Engagement Meeting Record with MBA	Partially exempt	ss 22, 47F
3.	10 March 2022	ABCC Security of Payments Working Group meeting minutes.	Partially exempt	ss 22, 47F
4.	4 April 2022	Forwarded email from Master Builders Association SA to the ABCC.	Partially exempt	ss 22, 47F
5.	4 April 2022	Forwarded email from Master Builders Association SA to the ABCC.	Partially exempt	ss 22, 47F
6.	4 April 2022	Reply from ABCC to Master Builders Association SA.	Partially exempt	ss 22, 47F
7.	6 April 2022	Stakeholder Engagement Meeting Record with MBA (Tasmania)	Partially exempt	ss 22, 47F
8.	6 April 2022	Stakeholder Engagement Meeting Record with MBA (Tasmania)	Partially exempt	s 47F
9.	6 April 2022	Email from ABCC to MBA (Tasmania)	Partially exempt	s 47F
10.	7 April 2022	Email from MBA (Tasmania) to ABCC	Partially exempt	s 47F



Table 2: Meetings in 2022 between the ABCC and the MBA

Document No.	Date	Meeting details	Relevant to CFMMEU FOI request?	Documents
	19 January 2022	MS Teams – strategic meeting between MBA (ACT) and ABCC Director and Assistant Director Operations (NSW/ACT)	Yes	FOI document 1 (Annexure B) – stakeholder engagement in Case record (5318)
	17 February 2022	Strategic meeting between ABCC Commissioner and MBA (CEO & Deputy CEO) in Forrester, ACT	Yes	FOI document 2 (Annexure B) – stakeholder engagement in Case record (5367)
11.	23 February 2022	Stakeholder engagement – meeting (by phone) between MBA Regional Manager – Far North Qld and ABCC Operations Assistant Director	No – outside scope	Annexure C - Stakeholder engagement in Case record (5391)
12.	1 March 2022	Stakeholder engagement – meeting (in person) between MBA (NT) Workplace Relations Manager and ABCC	No – outside scope	Annexure C - Stakeholder engagement in Case record (5400)
13.	10 March 2022	Stakeholder engagement – meeting (Teams) between MBA (ACT) legal counsel and ABCC inspectors	No – outside scope	Annexure C - Stakeholder engagement in Case record (5437)
14.	10 March 2022	Stakeholder engagement – meeting (Teams) between MBA (ACT) legal counsel and ABCC inspectors	No – outside scope	Annexure C - Stakeholder engagement in Case meeting summary (5437)
	10 March 2022	Security of Payments Working Group meeting (MS Teams).	Yes	FOI document 3 (Annexure B) – SOP Working Group meeting minutes
15.	17 March 2022	Stakeholder engagement – strategic meeting (in person) between MBA (NSW) WR Manager and ABCC Director Operations (NSW/ACT)	No – outside scope	Annexure C - Stakeholder engagement in Case record (5452)
16.	24 March 2022	Stakeholder engagement – strategic meeting between ABCC Commissioner and MBA National IR Advisory Committee.	No – outside scope	Annexure C - Stakeholder engagement in Case record (5467) Annexure E – presentation
17.	31 March 2022	Stakeholder engagement – strategic meeting (in person) between MBA Vic IR Manager and ABCC	No – outside scope	Annexure C - Stakeholder engagement in Case record (5486)





Document No.	Date	Meeting details	Relevant to CFMMEU FOI request?	Documents
		Operations Director Southern		
	6 April 2022	Stakeholder engagement – Strategic (in person) meeting between MBA (TAS) and ABCC Director Operations (VIC/TAS) & Assistant Director	Yes	FOI document 7 (Annexure B) – stakeholder engagement in Case record (5484)
18.	6 April 2022	Stakeholder engagement – strategic meeting (phone/video) between MBA Gold Coast and ABCC Qld Operations	No – outside scope	Annexure C - Stakeholder engagement in Case record (5502)
19.	14 April 2022	Stakeholder engagement – strategic meeting (in person) between MBA Qld Workplace Relations Manager, ABCC Commissioner and Executive Director Operations	No – outside scope	Annexure C - Stakeholder engagement in Case record (5509)
20.	4 May 2022	Stakeholder engagement – meeting (in person) between MBA legal and ABCC - Operations Director Eastern and ABCC Inspectors	No – outside scope	Annexure C - Stakeholder engagement in Case record (5522)
21.	5 May 2022	Stakeholder engagement – meeting (in person) between MBA legal and ABCC - Operations Director and ABCC Inspectors	No – outside scope	Annexure C - Stakeholder engagement in Case 4 May 2022 meeting details (5522)
22.	31 May 2022	Stakeholder engagement – meeting (in person) between MBA Qld Workplace Relations Manager and ABCC Executive Director Operations	No – outside scope	Annexure C - Stakeholder engagement in Case record (5575)
23.	16 June 2022	Stakeholder engagement – meeting (in person) between ABCC Commissioner and MBA (CEO & Deputy CEO)	No – outside scope	Annexure C - Stakeholder engagement in Case record (5598)





Stakeholder Engagement » Meeting - MS Teams - MBA ACT - 19/01/2022 ★

Presentation ID: 5318

Date & Time: 19/01/2022 10:30

Status: Completed

Title: Meeting - MS Teams - MBA ACT - 19/01/2022

Reason: Requested by attendee

Type: Strategic Meeting

Visit Type: Video or phone conference call

Number of Attendees: 3

Presenter 1: s 47F

Presenter 2: s 47F

Regular engagement with ACT MBA - s 47F
Present from ABCC - s 47F Director Operations NSW/ACT and s 47F
a/g Assistant Director Operations NSW/ACT.

s 22(1)(a)(ii)

Details:

s 22(1)(a)(ii)

There was also a discussion about the cycle of EA renewals and this in conjunction with the Federal election campaign and possible increased union activity in the ACT.

s 22(1)(a)(ii)

Address:

ACT

Topics Discussed:

- ABCC - Role and Function

Audience:

- Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

Activities

Action ⌵	Subject ⌵	Status ⌵	Contact	Due Date ⌵	Assigned User ⌵

Action	Subject	Status	Contact	Due Date	Assigned User
Create Task					(0 - 0 of 0)

History Task					(0 - 0 of 0)
--------------	--	--	--	--	--------------

Subject	Status	Type	Sub Type	Date Modified	Date Created	Assigned User
						(0 - 0 of 0)

Alfresco Documents

Name	Date Modified

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder. ✕

Selected Items:

Timesheets

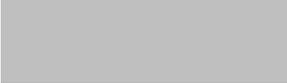
Name	Activity	Sub Type	Time	Assigned to	Date Modified
					(1 - 2 of 2)
	Education / Knowledge Management	Stakeholder engagement	01:00		19/01/2022 11:42
<u>Education / Knowledge Management</u>	Education / Knowledge Management	Stakeholder engagement	00:30		19/01/2022 16:36

Organisations

Name	City	Billing Country:	Phone
Select			(1 - 1 of 1)
<u>Master Builders Association ACT</u>	Fyshwick	Australia	<input type="button" value="Edit"/>

Persons

Name	Email	Office Phone

Name 	Email 	Office Phone 	
			(1 - 3 of 3)
s 47F 	s 47F @mba.org.au		Edit
s 47F 	s 47F @mba.org.au	s 47F 	Edit
s 47F 	s 47F@mba.org.au	s 47F 	Edit



Stakeholder Engagement » Meeting - ABC Commissioner and MBA ☆

Presentation ID: 5367

Date & Time: 17/02/2022 01:30

Status: Completed

Title: Meeting - ABC Commissioner and MBA

Reason: Proactive – Offer by Phone

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 4

Presenter 1: Stephen McBurney

Presenter 2:

The Commissioner met with **s 47F** at their offices in Forrest. Discussed key upcoming issues:

s 22(1)(a)(ii)

- Details:
- * forthcoming election
 - * implications for Building Code

MBA have undertaken research of stakeholders and broader focus groups. ABCC and Building Code both were the subject of questions. MBA happy to share feedback for ABCC on these two issues.

Address: 44 Sydney Avenue
Forrest ACT 2603
Australia

- Topics Discussed:
- ABCC - Role and Function
 - Building Code 2016

- Audience:
- Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

Activities

Action	Subject	Status	Contact	Due Date	Assigned User
<input type="button" value="Create Task"/>					(0 - 0 of 0)

History

Subject	Status	Type	Sub Type	Date Modified	Date Created	Assigned User
.						(0 - 0 of 0)

Alfresco Documents

Name	Date Modified	
.		(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder. ✕

Selected Items:

Timesheets

Name	Activity	Sub Type	Time	Assigned to	Date Modified
.					(0 - 0 of 0)

Organisations

Name	City	Billing Country:	Phone
<input type="button" value="Select"/>			(1 - 1 of 1)
<u>Master Builders Australia Ltd</u>	Yarralumla	Australia	0262028888 <input type="button" value="Edit"/>

Persons

Name	Email	Office Phone
.		(0 - 0 of 0)



SECURITY OF PAYMENTS WORKING GROUP

MEETING 19: THURSDAY, 10 MARCH 2022, 10.00 AM – 11.30 AM

Venue: MS Teams

AGENDA

TIME	ITEM	RESPONSIBLE	PAPER	ACTION
<div style="font-size: 48px; color: red; font-weight: bold;">S 22</div>				
10.10 am	3.	ABC Commissioner's Update	Y	Noting
<div style="font-size: 48px; color: red; font-weight: bold;">S 22</div>				
<div style="font-size: 48px; color: red; font-weight: bold;">S 22</div>				



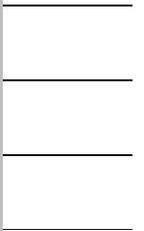


Australian Government
**Australian Building and
Construction Commission**



SECURITY OF PAYMENTS WORKING GROUP MINUTE

s 22(1)(a)(ii)





Security of Payments Working Group

2 December 2021

Meeting 18

MS Teams

Meeting Minutes

**Members present by
 videoconference:**

Ms Justine Ross (Chair), Mr Ken Phillips, Mr Stephen McBurney, Ms Vasuki Paul, Ms Sophie Ismail, Mr s 47F .

Apologies

Ms Rebecca Sostarko, Ms Melissa Adler, Mr Chris Melham.

Other Attendees:

s 47F (MBA), s 47F (HIA), Ms s 47F s 47F (ABCC), Mr s 47F (ABCC), Mr s 47F (ABCC).

Secretariat:

Ms s 47F and Ms s 47F

Meeting opened:

10:00 am

Number	Item
--------	------

S 22

4	Update from the ABC Commissioner
---	----------------------------------

S 22

Number

Item

s 22(1)(a)(ii)

s 22(1)(a)(ii)



SECURITY OF PAYMENTS WORKING GROUP MINUTE

Agenda Item:	Item 3 – Commissioner’s Update
Date of meeting:	Thursday, 10 March 2022
Purpose:	For noting
Key Issues:	<p style="text-align: center; font-size: 2em; color: red;">s 22(1)(a)(ii)</p> <p>ABCC SECURITY OF PAYMENTS ACTIVITIES IN CARETAKER As members will be aware, a Federal election is due by May 2022. When the election is announced, the ABCC will enter into caretaker mode. Under caretaker conventions, major policy decisions, significant appointments and major contracts or undertakings should be avoided.</p> <p>As part of the ABCC’s core business, security of payments education and compliance activities will continue largely unaffected.</p> <p>The Commissioner will not be making public comments and will be modifying his attributable quotes when cases are commenced or decided during caretaker period.</p> <p style="text-align: center; font-size: 2em; color: red;">s 22(1)(a)(ii)</p>

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 47F @mbasa.com.au>
Sent: Monday, 4 April 2022 11:46 AM
To: s 47F @abcc.gov.au>
Subject: FW: Master Builders show true colours with pro-ABCC ads

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.



s 47F
Master Builders Association of SA Inc
47 South Terrace Adelaide SA 5000
PO Box 10014 Adelaide BC SA 5000
T s 47F M s 47F
E s 47F @mbasa.com.au W mbasa.com.au

MASTER BUILDERS
SOUTH AUSTRALIA



[Membership](#) | [Training](#) | [Apprentices](#) | [Workplace Relations](#) | [Services](#) | [Policy](#) | [Events](#)

From: s 47F
Sent: Monday, 4 April 2022 11:35 AM
To: s 47F @mbasa.com.au>; s 47F @mbasa.com.au>
Subject: Fwd: Master Builders show true colours with pro-ABCC ads

Get [Outlook for iOS](#)

Regards

s 47F
Master Builders Association of SA Inc

From: medianet@releases.medianet.com.au <medianet@releases.medianet.com.au> on behalf of Medianet Press Release <medianet@releases.medianet.com.au>
Sent: Monday, April 4, 2022 11:34:11 AM
To: media@mbasa.com.au <media@mbasa.com.au>
Subject: Master Builders show true colours with pro-ABCC ads

medianet.

Medianet Release

04 Apr 2022 12:00 PM AEST - Master Builders show true colours with pro-ABCC ads

Master Builders show true colours with pro-ABCC ads

The Master Builders' campaign to save the ABCC while ignoring the plight of subbies and contractors left out of pocket when massive developers collapse shows the organisation only represents the interests of the big end of town and their friends in the Liberal Party.

“The MBA's love for the ABCC, a failed regulator that ignores rampant wage theft and which has not prosecuted a single case of sham contracting in an industry where it is rife, comes as no surprise,” said Dave Noonan, CFMEU National Construction Secretary.

“The Master Builders only represents the interests of the big developers and international building corporations who hold subcontractors to ransom and try to undercut wages in the industry.”

“The MBA is silent when big builders like Probuild and Condev collapse owing subcontractors and workers millions of dollars.”

“As an organisation they have campaigned for years against reform to security of payment laws that would force builders to hold the money they owe to subcontractors and workers in trust to ensure they can make their payments. While the MBA sits on its hands, the subcontractors who do the bulk of the work and employ the majority of workers in construction are forced to underwrite the profits of big developers who refuse to pay on time or at all.”

“It is no surprise the Master Builders would support a failed regulator that makes it easier for the developers from the big end of town to maximise their profits by ripping off the workers who build our cities and critical infrastructure.”

“The ABCC is a hopelessly biased regulator that relentlessly pursues construction workers for sticking for their rights and seeking their entitlements while running a protection racket for dodgy bosses who steal their wages and put their lives at risk.”

“Since 2016 the ABCC has hit 252 individual workers with \$530,800 in fines and penalties, substantially more than the \$513,255 they have imposed on a handful of employers. Most of these workers were fined for attending stop-work meetings or participating in industrial action that would not see workers prosecuted in any other industry.”

“The ABCC has an obligation to act as an independent and unbiased regulator in the construction industry and NOT as a politically motivated attack dog to be wielded as a weapon against workers and their unions.”

“The MBA should know the ABCC stands condemned by its own record of failure and its refusal to act as an independent and unbiased regulator.”

“It is well established that the MBA are rusted on supporters of the LNP and some of their senior officers are long-term active members of the Liberal Party, but for once they should put the interests of MBA member subcontractors ahead of their own political ambitions.”

Contact: **s 22(1)(a)(ii)**

To view the media release click the link below

Size: **178,184 bytes**

<https://distribution.medianet.com.au/Download/Document?j=969441&s=2&k=8790167>

To view the attachments click on the link(s) below.

Distributed by Medianet

JN#: 969441

[Contact Us](#)

© Medianet, 2022

This email is intended for the use of the addressee only. If you receive this email in error, please delete it immediately. This email may contain information which is confidential and/or legally privileged. You must not add the sender's email address to any database, list or mailing list unless you are expressly authorised to do so. If you are not the intended recipient of this email, you must not use or disclose the contents of this email.

The statements or views expressed in this email are those of the individual sender and are not those of Medianet. These statements are not binding on Medianet, except where the sender expressly and with authority, states them to be.

Medianet is unable to review the contents of all the email on its system. To the extent permitted by law, Medianet disclaims all liability for any loss or damage caused by the contents of this email.

Serving our members for 137 years



~~~~~ Confidentiality / Limited Liability Statement ~~~~~

This message contains privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message, you must not disseminate, copy or take any action in reliance on it. If you have received this message in error, please notify Master Builders Association of SA Inc immediately. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Master Builders

Association of SA Inc. The sender cannot guarantee that this email or any attachment to it is free of computer viruses or other conditions which may damage or interfere with data, hardware or software with which it might be used. It is sent on the strict condition that the user carries out and relies on its own procedures for ensuring that its use will not interfere with the recipients systems and the recipient assumes all risk of use and absolves the sender of any responsibility for any consequence of its use.

# s 22(1)(a)(ii)

**From:** s 47F @mbasa.com.au>  
**Sent:** Monday, 4 April 2022 11:46 AM  
**To:** s 47F @abcc.gov.au>  
**Subject:** FW: Master Builders show true colours with pro-ABCC ads

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.



s 47F  
Master Builders Association of SA Inc  
47 South Terrace Adelaide SA 5000  
PO Box 10014 Adelaide BC SA 5000  
T s 47F M s 47F  
E s 47F @mbasa.com.au W mbasa.com.au

[t](#) [f](#) [in](#) [@](#)

[Membership](#) | [Training](#) | [Apprentices](#) | [Workplace Relations](#) | [Services](#) | [Policy](#) | [Events](#)

**From:** s 47F  
**Sent:** Monday, 4 April 2022 11:35 AM  
**To:** s 47F @mbasa.com.au>; s 47F @mbasa.com.au>  
**Subject:** Fwd: Master Builders show true colours with pro-ABCC ads

Get [Outlook for iOS](#)

Regards

s 47F

Master Builders Association of SA Inc

---

**From:** [medianet@releases.medianet.com.au](mailto:medianet@releases.medianet.com.au) <[medianet@releases.medianet.com.au](mailto:medianet@releases.medianet.com.au)> on behalf of Medianet Press Release <[medianet@releases.medianet.com.au](mailto:medianet@releases.medianet.com.au)>  
**Sent:** Monday, April 4, 2022 11:34:11 AM  
**To:** [media@mbasa.com.au](mailto:media@mbasa.com.au) <[media@mbasa.com.au](mailto:media@mbasa.com.au)>  
**Subject:** Master Builders show true colours with pro-ABCC ads

**medianet.**

**Medianet Release**

**04 Apr 2022 12:00 PM AEST - Master Builders show true colours with pro-ABCC ads**

## **Master Builders show true colours with pro-ABCC ads**

The Master Builders' campaign to save the ABCC while ignoring the plight of subbies and contractors left out of pocket when massive developers collapse shows the organisation only represents the interests of the big end of town and their friends in the Liberal Party.

“The MBA's love for the ABCC, a failed regulator that ignores rampant wage theft and which has not prosecuted a single case of sham contracting in an industry where it is rife, comes as no surprise,” said Dave Noonan, CFMEU National Construction Secretary.

“The Master Builders only represents the interests of the big developers and international building corporations who hold subcontractors to ransom and try to undercut wages in the industry.”

“The MBA is silent when big builders like Probuild and Condev collapse owing subcontractors and workers millions of dollars.”

“As an organisation they have campaigned for years against reform to security of payment laws that would force builders to hold the money they owe to subcontractors and workers in trust to ensure they can make their payments. While the MBA sits on its hands, the subcontractors who do the bulk of the work and employ the majority of workers in construction are forced to underwrite the profits of big developers who refuse to pay on time or at all.”

“It is no surprise the Master Builders would support a failed regulator that makes it easier for the developers from the big end of town to maximise their profits by ripping off the workers who build our cities and critical infrastructure.”

“The ABCC is a hopelessly biased regulator that relentlessly pursues construction workers for sticking for their rights and seeking their entitlements while running a protection racket for dodgy bosses who steal their wages and put their lives at risk.”

“Since 2016 the ABCC has hit 252 individual workers with \$530,800 in fines and penalties, substantially more than the \$513,255 they have imposed on a handful of employers. Most of these workers were fined for attending stop-work meetings or participating in industrial action that would not see workers prosecuted in any other industry.”

“The ABCC has an obligation to act as an independent and unbiased regulator in the construction industry and NOT as a politically motivated attack dog to be wielded as a weapon against workers and their unions.”

“The MBA should know the ABCC stands condemned by its own record of failure and its refusal to act as an independent and unbiased regulator.”

“It is well established that the MBA are rusted on supporters of the LNP and some of their senior officers are long-term active members of the Liberal Party, but for once they should put the interests of MBA member subcontractors ahead of their own political ambitions.”

Contact: **s 22(1)(a)(ii)**

To view the media release click the link below  
Size: **178,184 bytes**  
<https://distribution.medianet.com.au/Download/Document?j=969441&s=2&k=8790167>

To view the attachments click on the link(s) below.

Distributed by Medianet

JN#: 969441

\*\*\*\*\*  
This email is intended for the use of the addressee only. If you receive this email in error, please delete it immediately. This email may contain information which is confidential and/or legally privileged. You must not add the sender's email address to any database, list or mailing list unless you are expressly authorised to do so. If you are not the intended recipient of this email, you must not use or disclose the contents of this email.

The statements or views expressed in this email are those of the individual sender and are not those of Medianet. These statements are not binding on Medianet, except where the sender expressly and with authority, states them to be.

Medianet is unable to review the contents of all the email on its system. To the extent permitted by law, Medianet disclaims all liability for any loss or damage caused by the contents of this email.

\*\*\*\*\*

## Serving our members for 137 years

---

~~~~~ Confidentiality / Limited Liability Statement ~~~~~

This message contains privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message, you must not disseminate, copy or take any action in reliance on it. If you have received this message in error, please notify Master Builders Association of SA Inc immediately. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Master Builders Association of SA Inc. The sender cannot guarantee that this email or any attachment to it is free of computer viruses or other conditions which may damage or interfere with data, hardware or software with which it might be used. It is sent on the strict condition that the user carries out and relies on its own procedures for ensuring that its use will not interfere with the recipients systems and the recipient assumes all risk of use and absolves the sender of any responsibility for any consequence of its use.

From: s 47F
Sent: Monday, 4 April 2022 12:51 PM
To: s 47F
Subject: RE: Master Builders show true colours with pro-ABCC ads [SEC=OFFICIAL]

OFFICIAL

Thanks s 47F

Regards

s 47F

From: s 47F <[redacted]@mbasa.com.au>
Sent: Monday, 4 April 2022 11:46 AM
To: s 47F <[redacted]@abcc.gov.au>
Subject: FW: Master Builders show true colours with pro-ABCC ads

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.



s 47F
[redacted]
Master Builders Association of SA Inc
47 South Terrace Adelaide SA 5000
PO Box 10014 Adelaide BC SA 5000
T s 47F [redacted] M s 47F [redacted]
E s 47F [redacted]@mbasa.com.au W mbasa.com.au

MASTER BUILDERS
SOUTH AUSTRALIA



[Membership](#) | [Training](#) | [Apprentices](#) | [Workplace Relations](#) | [Services](#) | [Policy](#) | [Events](#)

From: s 47F <[redacted]>
Sent: Monday, 4 April 2022 11:35 AM
To: s 47F <[redacted]@mbasa.com.au>; s 47F <[redacted]@mbasa.com.au>
Subject: Fwd: Master Builders show true colours with pro-ABCC ads

Get [Outlook for iOS](#)

Regards

s 47F

Master Builders Association of SA Inc

From: medianet@releases.medianet.com.au <medianet@releases.medianet.com.au> on behalf of Medianet Press Release <medianet@releases.medianet.com.au>
Sent: Monday, April 4, 2022 11:34:11 AM
To: media@mbasa.com.au <media@mbasa.com.au>
Subject: Master Builders show true colours with pro-ABCC ads

medianet.

Medianet Release

04 Apr 2022 12:00 PM AEST - Master Builders show true colours with pro-ABCC ads

Master Builders show true colours with pro-ABCC ads

The Master Builders' campaign to save the ABCC while ignoring the plight of subbies and contractors left out of pocket when massive developers collapse shows the organisation only represents the interests of the big end of town and their friends in the Liberal Party.

“The MBA's love for the ABCC, a failed regulator that ignores rampant wage theft and which has not prosecuted a single case of sham contracting in an industry where it is rife, comes as no surprise,” said Dave Noonan, CFMEU National Construction Secretary.

“The Master Builders only represents the interests of the big developers and international building corporations who hold subcontractors to ransom and try to undercut wages in the industry.”

“The MBA is silent when big builders like Probuild and Condev collapse owing subcontractors and workers millions of dollars.”

“As an organisation they have campaigned for years against reform to security of payment laws that would force builders to hold the money they owe to subcontractors and workers in trust to ensure they can make their payments. While the MBA sits on its hands, the subcontractors who do the bulk of the work and employ the majority of workers in construction are forced to underwrite the profits of big developers who refuse to pay on time or at all.”

“It is no surprise the Master Builders would support a failed regulator that makes it easier for the developers from the big end of town to maximise their profits by ripping off the workers who build our cities and critical infrastructure.”

“The ABCC is a hopelessly biased regulator that relentlessly pursues construction workers for sticking for their rights and seeking their entitlements while running a protection racket for dodgy bosses who steal their wages and put their lives at risk.”

“Since 2016 the ABCC has hit 252 individual workers with \$530,800 in fines and penalties, substantially more than the \$513,255 they have imposed on a handful of employers. Most of these workers were fined for attending stop-work meetings or participating in industrial action that would not see workers prosecuted in any other industry.”

“The ABCC has an obligation to act as an independent and unbiased regulator in the construction industry and NOT as a politically motivated attack dog to be wielded as a weapon against workers and their unions.”

“The MBA should know the ABCC stands condemned by its own record of failure and its refusal to act as an independent and unbiased regulator.”

“It is well established that the MBA are rusted on supporters of the LNP and some of their senior officers are long-term active members of the Liberal Party, but for once they should put the interests of MBA member subcontractors ahead of their own political ambitions.”

Contact: s 22(1)(a)(ii)

To view the media release click the link below
Size: **178,184 bytes**
<https://distribution.medianet.com.au/Download/Document?j=969441&s=2&k=8790167>

To view the attachments click on the link(s) below.

Distributed by Medianet

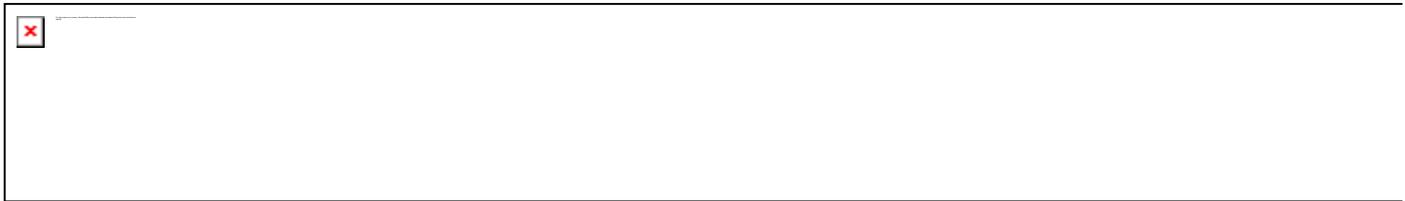
JN#: 969441

This email is intended for the use of the addressee only. If you receive this email in error, please delete it immediately. This email may contain information which is confidential and/or legally privileged. You must not add the sender's email address to any database, list or mailing list unless you are expressly authorised to do so. If you are not the intended recipient of this email, you must not use or disclose the contents of this email.

The statements or views expressed in this email are those of the individual sender and are not those of Medianet. These statements are not binding on Medianet, except where the sender expressly and with authority, states them to be.

Medianet is unable to review the contents of all the email on its system. To the extent permitted by law, Medianet disclaims all liability for any loss or damage caused by the contents of this email.

Serving our members for 137 years



~~~~~ Confidentiality / Limited Liability Statement ~~~~~

This message contains privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message, you must not disseminate, copy or take any action in reliance on it. If you have received this message in error, please notify Master Builders Association of SA Inc immediately. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Master Builders Association of SA Inc. The sender cannot guarantee that this email or any attachment to it is free of computer viruses or other conditions which may damage or interfere with data, hardware or software with which it might be used. It is sent on the strict condition that the user carries out and relies on its own procedures for ensuring that its use will not interfere with the recipients systems and the recipient assumes all risk of use and absolves the sender of any responsibility for any consequence of its use.



Stakeholder Engagement » Meeting - MBA TAS - s 47F - 6/4/22 ☆

Presentation ID: 5484

Date & Time: 06/04/2022 13:30

Status: Completed

Title: Meeting - MBA TAS - s 47F 6/4/22

Reason: Offered by ABCC

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 3

Presenter 1: s 47F

Presenter 2: s 47F

Details:

s 22(1)(a)(ii)

s 22(1)(a)(ii) Discussed the MBA election campaign and s 47F said it would be similar to that of the last election, running with the union bullying theme. s 47F said the campaign would also support the keeping of the ABCC and that they would be taking an economic/productivity approach with this argument but he couldn't go into too many details as its being worked on by the National office.

s 22(1)(a)(ii)

Address: 116 Bathurst Street  
Hobart TAS 7000  
Australia

Topics Discussed: s 22(1)(a)(ii)

Audience: s 22(1)(a)(ii)

Other Topics: s 22(1)(a)(ii)  
s 22(1)(a)(ii) the MBA election campaign

Outcomes: s 22(1)(a)(ii)

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

Activities

| Action      | Subject | Status | Contact | Due Date | Assigned User |
|-------------|---------|--------|---------|----------|---------------|
| Create Task |         |        |         |          | (0 - 0 of 0)  |

History

| Subject                                                                    | Status      | Type         | Sub Type | Date Modified    | Date Created     | Assigned User |
|----------------------------------------------------------------------------|-------------|--------------|----------|------------------|------------------|---------------|
| Stakeholder Engagement - 5484 - Email correspondence - ABCC - MBA - 6/4/22 | Description | Generic Note | Email    | 08/04/2022 11:53 | 08/04/2022 11:50 | s 47F         |

Alfresco Documents

| Name | Date Modified |
|------|---------------|
|      |               |

Selected Items:

Clear

| Search ID | Name          | Categories        | Score      | Snippet | Path                         | Type  | Size   |
|-----------|---------------|-------------------|------------|---------|------------------------------|-------|--------|
| 5484      | MBA campai... | Stakeholder En... | 2.36363... |         | /Stakeholder Engagements/... | Email | 1.2 MB |

|                          |              |                   |            |                              |                   |        |
|--------------------------|--------------|-------------------|------------|------------------------------|-------------------|--------|
| <input type="checkbox"/> | CFMMEU so... | Stakeholder En... | 2.36363... | /Stakeholder Engagements/... | Microsoft Outl... | 1.7 MB |
|--------------------------|--------------|-------------------|------------|------------------------------|-------------------|--------|

**Download** Clear selection

Upload files

Stakeholder Engagement 5484

Operations

Search by

Rename

Delete

**Timesheets**

| Name                                             | Activity                         | Sub Type               | Time  | Assigned to | Date Modified    |
|--------------------------------------------------|----------------------------------|------------------------|-------|-------------|------------------|
| (1 - 1 of 1)                                     |                                  |                        |       |             |                  |
| <a href="#">Education / Knowledge Management</a> | Education / Knowledge Management | Stakeholder engagement | 01:00 | s 47F       | 06/04/2022 16:11 |

**Organisations**

| Name                                     | City   | Billing Country | Phone                         |
|------------------------------------------|--------|-----------------|-------------------------------|
| (1 - 1 of 1)                             |        |                 |                               |
| <a href="#">Master Builders Tasmania</a> | Hobart | Australia       | 03 64244144 <span>Edit</span> |

**Persons**

| Name         | Email                | Office Phone      |
|--------------|----------------------|-------------------|
| (1 - 1 of 1) |                      |                   |
| s 47F        | s 47F @mbatas.org.au | <span>Edit</span> |



Notes » Stakeholder Engagement - 5484 - Email correspondence - ABCC - MBA - 6/4/22 ☆

OVERVIEW

Auto ID: 360821

Name: Stakeholder Engagement - 5484 - Email correspondence - ABCC - MBA - 6/4/22 Title: Email correspondence - ABCC - MBA - 6/4/22

Type: Generic Note Sub Type: Email

Case Officer: s 47F Stakeholder Engagement Meeting - MBA TAS: s 47F 6/4/22

Date: 06/04/2022

Description: Email from AD s 47F to MBA TAS s 47F with links to the CFMMEU social media campaign against the ABCC, as requested by s 47F  
s 47F emailing s 47F with links from the MBA election ad campaign.

Comments:

Source: Open To:

Paper Evidentiary Folder:

LPP flag for reporting:  Assigned to: s 47F

LPP:

Alfresco Documents

| Name         | Date Modified |
|--------------|---------------|
| (0 - 0 of 0) |               |

Show File Manager

Note Category: Stakeholder Engagement 5484 - Note 360821

| Name                                | Path                                       | Date Created | Search...<br>Created By | Date Modified | Modified By |
|-------------------------------------|--------------------------------------------|--------------|-------------------------|---------------|-------------|
| <a href="#">MBA campaign ad.eml</a> | /Stakeholder Engagements/Completed/Stak... | 08/04/2022   | s 47F                   | 08/04/2022    | s 47F       |

Selected Items:

Clear

| Search...                | Stakeholder Engagements       | Categories        | Score      | Snippet | Path                         | Search...<br>Type | Size   |
|--------------------------|-------------------------------|-------------------|------------|---------|------------------------------|-------------------|--------|
| 5484                     | <a href="#">MBA campai...</a> | Stakeholder En... | 2.35612... |         | /Stakeholder Engagements/... | Email             | 1.2 MB |
| <input type="checkbox"/> | <a href="#">CFMMEU so...</a>  | Stakeholder En... | 2.35612... |         | /Stakeholder Engagements/... | Microsoft Outl... | 1.7 MB |

Elements

| Name         | Date Modified |
|--------------|---------------|
| (0 - 0 of 0) |               |



**From:** s 47F  
**Sent:** Wednesday, 6 April 2022 3:27 PM  
**To:** s 47F  
**Cc:** S 47F  
**Subject:** CFMMEU social media campaign against ABCC [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon s 47F

Thanks for your time today, it was very much appreciated.

As per our discussion, please find below a series of recent posts from the CFMEU Vic/Tas Facebook page ([CFMEU Vic-Tas - Home | Facebook](#)):

**CFMEU Vic-Tas**  
4 April at 14:30 · 🌐

Learn how to spot a rat 🐭 The ABCC will say and do anything to try and shake you down for info about the union. Get in touch with the CFMEU immediately if you are approached and give them the middle finger 🖐️

**THE ABCC ARE NOT ONE OF US!**  
**BEWARE THE RATS!**  
CFMEU VICTORIA

If the ABCC try to make contact with you or try to talk to you, tell 'em to go **F@#K themselves**, then tell your union rep immediately.  
CFMEU VICTORIA

👍 92  
5 comments 21 shares



CFMEU Vic-Tas

31 March at 08:00 · 🌐

Don't be fooled by the dodgy ABCC. Give these rats the middle finger and let the union deal with them for you! To learn more see here:

<https://cfmeu-news.com.au/abcc/>

**HOW TO DEAL WITH THE ABCC**

Workers should be **aware that they have no obligation to speak to the ABCC** unless they are served with a notice, and only then **after they have been given at least 14 days notice!**

👍 81

3 comments [20 shares](#)



CFMEU Vic-Tas

31 March at 03:00 · 🌐

Did you know? - The ABCC DO NOT have police powers - DO NOT have powers of arrest - CANNOT use force against you. If you get a request to speak with the ABCC, ignore it and contact your delegate, organiser or the union office immediately. Don't be bullied or intimidated, the CFMEU will continue to fight for you and your rights on the job!

# **QUICK FACTS ON ABCC RIGHTS VS. YOUR RIGHTS**

**CFMEU**  
VICTORIA



CFMEU Vic-Tas

30 March at 17:00 · 🌐

The ABCC is a multi-million-dollar, taxpayer-funded union buster that was set up by the Liberal Government back in 2005 to harass workers and unions in the construction industry.

The ABCC has spent MILLIONS of taxpayers' money fighting the CFMEU on everything from the use of the Eureka Flag to prosecuting the CFMEU for demanding women's toilets on-site. The union has your back, the ABCC does not! Learn more here: <https://cfmeu-news.com.au/abcc/>

The background of the text is a grayscale, textured image of a wall, possibly made of concrete or stone, with a rough, uneven surface.

# WHAT IS THE AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSION?

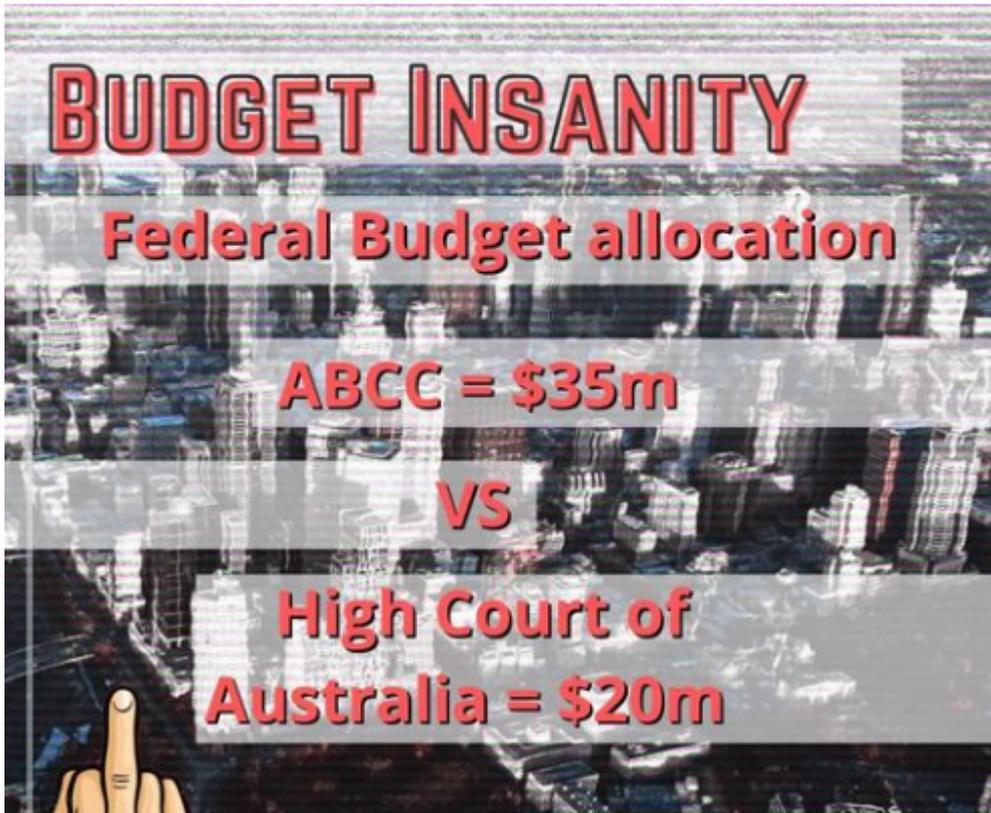


CFMEU Vic-Tas

30 March at 14:35 · 🌐

Scummo threw another \$35 mil at the ABCC last night, adding to the millions in taxpayer money it's spent harassing members, banning Eureka Flags and prosecuting us for demanding women's toilets on-site.

Compare that to the High Court - the highest court in Australia which hears important Constitutional matters - which received \$15 mil LESS!



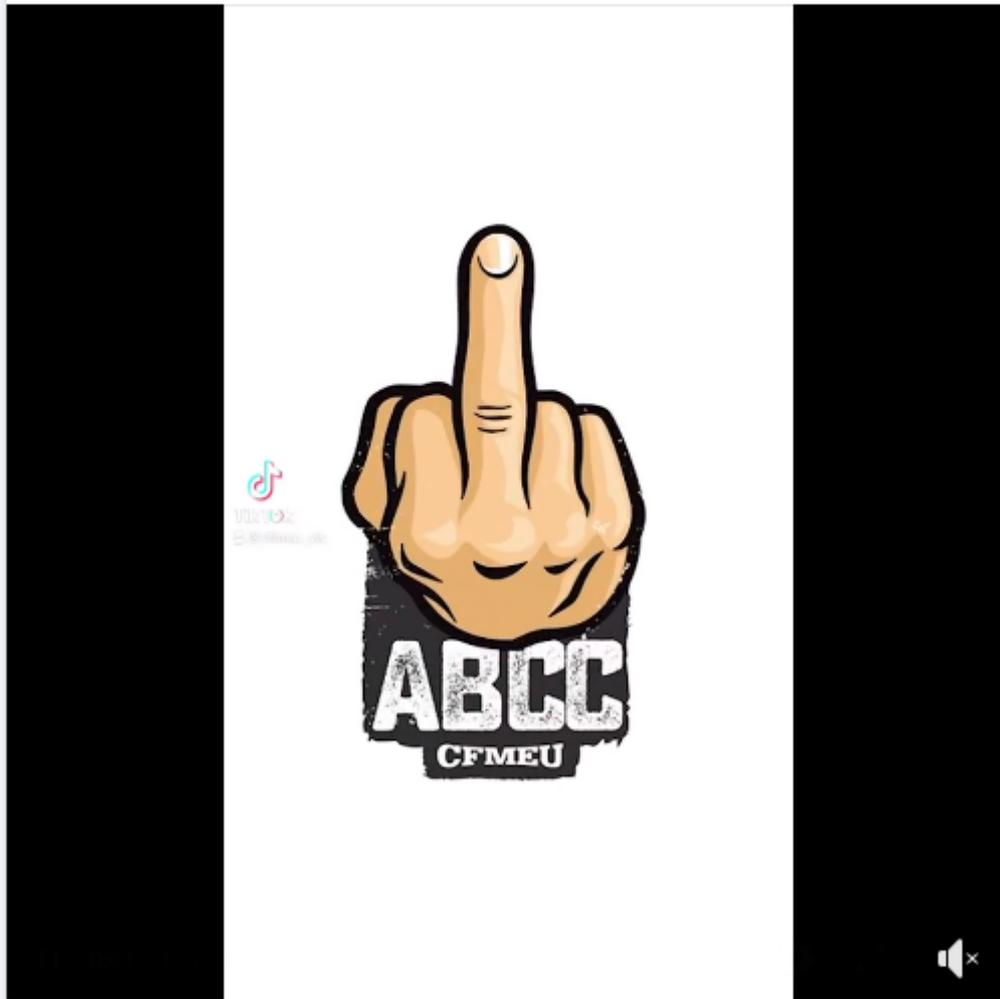


CFMEU Vic-Tas

12 March at 09:00 · 🌐

The ABCC is not your friend.

Follow us on TikTok 👉 <https://vm.tiktok.com/ZSd1Eu3UP/>



👍 232

17 comments 53 shares

This link (<https://vm.tiktok.com/ZSd1Eu3UP/>) will take you to their TikTok page and you'll see this video that makes reference to the MBA survey.

If you have any queries or wish to discuss this further please contact me.

Regards,

**s 47F** Assistant Director - Operations TAS

Tel: **s 47F** | Mob: **s 47F** | Email: **s 47F** [@abcc.gov.au](mailto:s47f@abcc.gov.au)

**Postal address:** GPO Box 9927, Hobart TAS 7001

**Hotline:** [1800 003 338](tel:1800003338) **Web:** [abcc.gov.au](http://abcc.gov.au)

**We acknowledge** the traditional custodians of this land and celebrate their ongoing culture and contribution to society.



**From:** s 47F @mbatas.org.au>  
**Sent:** Thursday, 7 April 2022 11:50 AM  
**To:** s 47F  
**Subject:** MBA campaign ad  
**Attachments:** Press Ads.pdf

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

- TV ad: The Labor not to put the recovery at risk – keep the construction watchdog (The ABCC) <https://vimeo.com/manage/videos/694811130>

s 47F – keen to catch up over the phone to follow up on a few matters from yesterday’s meeting. Feel free to give me a call when you’ve got a spare 15 minutes.

s 47F

**130 YEARS** | s 47F | s 47F  
MASTER BUILDERS TASMANIA  
5/116 Bathurst Street, Hobart 7000 | [www.mbatas.org.au](http://www.mbatas.org.au)  


IT COSTS NO MORE TO BE A HOST EMPLOYER.

LET US HELP YOU GROW YOUR BUSINESS!

---

MBT Group Training Organisation  
email us at [gto@mbatas.org.au](mailto:gto@mbatas.org.au)



**MASTER BUILDERS**  
T A S M A N I A

**CONFIDENTIALITY** The information in this message and any annexure is confidential and is intended only for the recipient(s). If you have received this message in error, you are prohibited from reading, copying, distributing and using its information. Please contact the sender immediately by return e-mail and then destroy the message.

**PRIVACY** Master Builders Association of Tasmania Inc. complies with the Australian Privacy Principles ('APPs') of the Privacy Act 1998 (Cth) (Privacy Act). Please notify us if you do not wish to receive our e-mail, in particular group e-mail. For your privacy it is our policy to identify you by name only so that your e-mail address is not disclosed to others.

Vote for the party with the best plan for economic recovery, that will back builders and tradies.

**Every \$1 dollar spent in our industry is \$3 dollars in all our communities.**

**Strong Building**  
*stronger economy*

#strongbuilding

[strongbuilding.com.au](http://strongbuilding.com.au)



Every \$1 spent in construction means \$3 for the economic recovery. Don't let construction union bullies put this at risk. **Tell Labor to keep the construction watchdog.**



**TELL LABOR TO KEEP THE AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSION (ABCC).**



**Strong Building**  
*stronger economy*

#strongbuilding [strongbuilding.com.au](http://strongbuilding.com.au)





Subject ⇅ Status ⇅ Type ⇅ Sub Type ⇅ Date Modified ⇅ Date Created ⇅ Assigned User ⇅

(1 - 1 of 1)

Stakeholder

Engagement - 5391 -

Email to [REDACTED] -

Master Builders Qld -

re [REDACTED]

conditional entry permit

- 23/2/22

Description

Generic Note

Email

24/02/2022  
10:46

24/02/2022  
10:42

[REDACTED]

Edit

Alfresco Documents

Name ⇅

Date Modified ⇅

(0 - 0 of 0)

Selected Items:



Clear



System Name Engagements  
Score Snippet

Path

Search...  
Type

Size

Record ID...

:

No data



New Directory

Clear selection

Upload files

Stakeholder Engagement 5391

Copy to

Rename

Delete

Timesheets

Name ⇅

Activity ⇅

Sub Type ⇅

Time ⇅ Assigned to ⇅ Date Modified ⇅

| Name ⇅                                   | Activity ⇅                       | Sub Type ⇅             | Time ⇅                              | Assigned to ⇅                       | Date Modified ⇅               |
|------------------------------------------|----------------------------------|------------------------|-------------------------------------|-------------------------------------|-------------------------------|
| <u>Education / Knowledge Management</u>  | Education / Knowledge Management | Stakeholder engagement | 01:30                               | [REDACTED]                          | 24/02/2022 11:54 (1 - 1 of 1) |
| <b>Organisations</b>                     |                                  |                        |                                     |                                     |                               |
| Name ⇅                                   | City ⇅                           | Billing Country: ⇅     | Phone ⇅                             |                                     |                               |
| <input type="button" value="Select"/>    |                                  |                        | (1 - 1 of 1)                        |                                     |                               |
| <u>Master Builders Association - QLD</u> | Spring Hill                      | Australia              | [REDACTED]                          | <input type="button" value="Edit"/> |                               |
| <b>Persons</b>                           |                                  |                        |                                     |                                     |                               |
| Name ⇅                                   | Email ⇅                          | Office Phone ⇅         |                                     |                                     |                               |
| [REDACTED]                               | [REDACTED]@mbqld.com.au          | (1 - 1 of 1)           |                                     |                                     |                               |
| [REDACTED]                               | [REDACTED]                       | [REDACTED]             | <input type="button" value="Edit"/> |                                     |                               |



# Stakeholder Engagement » Meeting with Master Builders - NT ☆

Presentation ID: 5400

Date & Time: 01/03/2022 14:30

Status: Completed

Title: Meeting with Master Builders - NT

Reason: Offered by ABCC

Type: Meeting

Visit Type: Face to face

Number of Attendees: 1

Presenter 1:

Presenter 2:

reports attending a meeting with at Master Builders with and has recently started with the MBA after moving from a different employment sector mainly focusing on HR and recruitment, she has limited knowledge of the construction industry and the ABCC. was given an overview of the ABCC, our role and function, Information about the NT's construction Industry and current union climate in the NT.

Details: advised that she has been dealing with companies that are in the process of updating their EA's and advised that she has not heard of any issues with companies being pressured to engage a union EA. Stated that there are approximately 200 MBA members in the NT.

was offered future presentations on the ABCC, Code, tendering processes. She advised that she would like to arrange something in the future and will be in contact.

Address: 8 Atkins Drive  
Fannie Bay NT 0820  
Australia

- Topics Discussed:
- ABCC - Role and Function
  - Building Code 2016
  - Right of Entry

Audience: • Employer Association

Other Topics:

Outcomes: NA

Comments:

Follow-Up: Links to ABCC website sent with links to EA assessment and Code related information.

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

## Activities

| Action | Subject | Status | Contact | Due Date | Assigned User |
|--------|---------|--------|---------|----------|---------------|
|--------|---------|--------|---------|----------|---------------|

Create Task

(0 - 0 of 0)

## History

| Subject | Status | Type | Sub Type | Date Modified | Date Created | Assigned User |
|---------|--------|------|----------|---------------|--------------|---------------|
|---------|--------|------|----------|---------------|--------------|---------------|

(1 - 1 of 1)

Stakeholder  
Engagement - 5400 -  
Email sent to

Description  
 Generic Note  
 Email

01/03/2022  
 16:06

01/03/2022  
 16:06

Edit

Alfresco Documents

Name

Date Modified

(0 - 0 of 0)

Selected Items:



Clear



| Thumbnail | Score      | Engagements Snippet | Path                         | Search Type       | Size     |
|-----------|------------|---------------------|------------------------------|-------------------|----------|
|           | 2.30828... |                     | /Stakeholder Engagements/... | Microsoft Outl... | 115.0 kB |



New Directory

Clear selection

Upload files

Stakeholder Engagement 5400

Copy to

Rename

Delete

Timesheets

Name

Activity

Sub Type

Time

Assigned to

Date Modified

(1 - 3 of 3)

Education / Knowledge Management Stakeholder engagement 01:30 [Redacted] 01/03/2022 16:10

Education / Knowledge Management Stakeholder engagement 01:00 [Redacted] 01/03/2022 16:09

Education / Knowledge Management Stakeholder engagement 01:00 [Redacted] 01/03/2022 16:10

Organisations

Name

City

Billing Country:

Phone

Select

(1 - 1 of 1)

Name ⇅

City ⇅

Billing Country: ⇅

Phone ⇅

Select

(1 - 1 of 1)

Master Builders Association Northern Territory

Winnellie

Australia



Edit

Persons

Name ⇅

Email ⇅

Office Phone ⇅

(1 - 1 of 1)



mbant.com.au



Edit



Stakeholder Engagement » Meeting - MS Teams - Master Builders Association - [REDACTED] - 10/03/2022 - ACT



Presentation ID: 5437

Date & Time: 10/03/2022 14:30

Status: Completed

Meeting - MS Teams - Master

Title: Builders Association - [REDACTED]  
- 10/03/2022 - ACT

Reason: Offered by ABCC

Type: Meeting

Visit Type: Video or phone conference call

Number of Attendees: 1

Presenter 1: [REDACTED]

Presenter 2: [REDACTED]

On 11 March 2022, ABCC Inspectors [REDACTED] and [REDACTED] met with MBA [REDACTED] via MS Teams.

Details: During the meeting, [REDACTED] and the Inspectors discussed the current state of the construction industry in Canberra, surveillance legislation changes in the ACT, the recent COVID lockdown and its effect on the Industry, and the latest CFMMEU and other union developments. [REDACTED] also offered to train [REDACTED] and another Inspector In Right of Entry in the coming weeks.

Please see history tab for a fully summary of the meeting.

Address:

12 Moore Street  
Canberra ACT 2601  
Australia

Topics Discussed:

- Other Topics
- Right of Entry

Audience:

- Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

Activities

| Action | Subject | Status | Contact | Due Date | Assigned User |
|--------|---------|--------|---------|----------|---------------|
|--------|---------|--------|---------|----------|---------------|

Create Task

(0 - 0 of 0)

History

| Subject | Status | Type | Sub Type | Date Modified | Date Created | Assigned User |
|---------|--------|------|----------|---------------|--------------|---------------|
|---------|--------|------|----------|---------------|--------------|---------------|

Subject ⇅ Status ⇅ Type ⇅ Sub Type ⇅ Date Modified ⇅ Date Created ⇅ Assigned User ⇅ (1 - 1 of 1)

Stakeholder (1 - 1 of 1)

Engagement

| <u>- 5437 - Meeting summary - 10/03/2022</u> | Description | Generic Note | File Note | 11/03/2022 16:39 | 11/03/2022 16:39 | [REDACTED] | Edit |
|----------------------------------------------|-------------|--------------|-----------|------------------|------------------|------------|------|
|----------------------------------------------|-------------|--------------|-----------|------------------|------------------|------------|------|

**Alfresco Documents**

Name ⇅ Date Modified ⇅

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

**Selected Items:**

**Timesheets**

Name ⇅ Activity ⇅ Sub Type ⇅ Time ⇅ Assigned to ⇅ Date Modified ⇅

(1 - 2 of 2)

|                                         |                                  |                        |       |            |                  |     |
|-----------------------------------------|----------------------------------|------------------------|-------|------------|------------------|-----|
| <u>Education / Knowledge Management</u> | Education / Knowledge Management | Stakeholder engagement | 00:30 | [REDACTED] | 11/03/2022 17:46 | [ ] |
| <u>Education / Knowledge Management</u> | Education / Knowledge Management | Stakeholder engagement | 01:00 | [REDACTED] | 11/03/2022 09:13 | [ ] |

**Organisations**

Name ⇅ City ⇅ Billing Country: ⇅ Phone ⇅

Select

(1 - 1 of 1)

Master Builders Association ACT Fyshwick Australia Edit

**Persons**

Name ⇅ Email ⇅ Office Phone ⇅

(1 - 1 of 1)

[REDACTED] [REDACTED]@mba.org.au [REDACTED] Edit



Notes » Stakeholder Engagement - 5437 - Meeting summary - 10/03/2022 ☆

▲ OVERVIEW

Auto ID: 358312

Name: Stakeholder Engagement -  
5437 - Meeting summary -  
10/03/2022

Title: Meeting summary -  
10/03/2022

Type: Generic Note

Sub Type: File Note

Case Officer: [REDACTED]

Stakeholder Engagement

Meeting - MS Teams -  
Master Builders Association  
- [REDACTED] - 10/03/2022 -  
ACI

Date: 10/03/2022

Beginning the meeting, we discussed potential Right of Entry training at the MBA office in Fyshwick. [REDACTED] offered to train myself and another inspector in a couple of weeks. I agreed to confirm with my manager and then propose a time.

[REDACTED] said that the CFMMEU has been very active of late. She said that the union organisers are targeting civil companies and those with Secure Local Jobs Code certificates. The Secure Local Jobs Code contains FOA requirements for those construction entities tendering for any works in the ACT.

When I mentioned that we had heard from several sites about persistent ETU attention on electrical subcontractors, [REDACTED] mentioned that she had not had any feedback from MBA members regarding this.

[REDACTED] said that she had heard that [REDACTED] was stepping down from his role as the CFMMEU's branch secretary, to be replaced by [REDACTED]. She said that [REDACTED] was easier to deal with than [REDACTED].

[REDACTED] mentioned that she is representing a member who is involved in a legal battle with one of the unions over a potential hinder and obstruct (against the member). [REDACTED] did not provide details in the matter but said that it is listed for hearing.

Description:

Regarding surveillance changes in the past year in the ACT, [REDACTED] said that the ACT's surveillance legislation allows permit holders to make recordings on construction sites. She added that despite this, the CFMMEU is usually unwilling to provide the footage even though the Surveillance Act allows it to be provided to the regulator. [REDACTED] also said that the PCBU can only record the permit holders in "certain circumstances". She said that visible signage must be put around the site and the permit holder must be aware that they are being filmed.

[REDACTED] said that supply and labour issues were greatly affecting MBA's members, along with a shortage of skilled labour in the industry. She said that several members had enquired around employee rights relating to COVID testing. [REDACTED] also said that she had seen a more accommodating attitude toward extension of time claims since the COVID lockdown.

[REDACTED] said that MBA had to adjust during the lockdown, putting in risk mitigation measures for all staff. However, the adjustment that they had to make was no more onerous than those made by most entities during the outbreak.

At the conclusion of the meeting, [REDACTED] and I agreed to organise an ROE training time for the coming weeks.

Comments:

Source:

Open To:

Paper Evidentiary Folder:

LPP flag for reporting:

Assigned to: [REDACTED]

LPP:

## Alfresco Documents

Name ↕

Date Modified ↕

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder. ✕

### Selected Items:

#### Elements

Name ↕

Date Modified ↕

(0 - 0 of 0)



Stakeholder Engagement » Meeting - MBA NSW [REDACTED] - 17/03/2022 - NSW ☆

Presentation ID: 5452

Date & Time: 17/03/2022 10:00

Status: Completed

Title: Meeting - MBA NSW [REDACTED] - 17/03/2022 - NSW

Reason: Requested by attendee

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 1

Presenter 1: [REDACTED]

Presenter 2:

Details: Regular quarterly engagement with key stakeholder MBA NSW. Following retirement of [REDACTED] at the end of 2021, this was an opportunity to meet his replacement [REDACTED]. There was discussion on a number of topics including the recent Lendlease flag decision; current activity by the CFMMEU in the Nowra region of NSW and the general state of the CFMMEU in NSW. As [REDACTED] used to work in the ACT there was also a discussion about the CFMMEU in the ACT, generally considered more 'hard core' than NSW. [REDACTED] was aware that [REDACTED] had taken the leadership role in the CFMMEU ACT and in [REDACTED] opinion he was a more reasonable person to deal with. [REDACTED] indicated he would be keen to invite the ABCC Commissioner to their monthly IR meeting in possibly May or June which would involve the [REDACTED] [REDACTED] from the top tier HCs in Sydney (such as Lendlease, Laing O'Rourke, CPB, Multiplex).

Address: 111 Elizabeth Street  
Sydney NSW 2000  
Australia

Topics Discussed: • ABCC - Role and Function

Audience: • Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up: [REDACTED] to assist in arranging meeting at MBA NSW for Commissioner

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

Activities

Action Subject Status Contact Due Date Assigned User

Create Task

(0 - 0 of 0)

### History

Subject ▾ Status ▾ Type ▾ Sub Type ▾ Date Modified ▾ Date Created ▾ Assigned User ▾

(0 - 0 of 0)

### Alfresco Documents

Name ▾ Date Modified ▾

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder. ✕

### Selected Items:

#### Timesheets

Name ▾ Activity ▾ Sub Type ▾ Time ▾ Assigned to ▾ Date Modified ▾

(1 - 1 of 1)

|                                  |                        |       |            |                  |                          |
|----------------------------------|------------------------|-------|------------|------------------|--------------------------|
| Education / Knowledge Management | Stakeholder engagement | 01:30 | [REDACTED] | 17/03/2022 11:14 | <input type="checkbox"/> |
|----------------------------------|------------------------|-------|------------|------------------|--------------------------|

### Organisations

Name ▾ City ▾ Billing Country: ▾ Phone ▾

Select

(1 - 1 of 1)

|                                                              |              |           |            |                                     |
|--------------------------------------------------------------|--------------|-----------|------------|-------------------------------------|
| <u>Master Builders Association of New South Wales (Main)</u> | Forest Lodge | Australia | [REDACTED] | <input type="button" value="Edit"/> |
|--------------------------------------------------------------|--------------|-----------|------------|-------------------------------------|

### Persons

Name ▾ Email ▾ Office Phone ▾

(1 - 1 of 1)

|            |                          |            |                                     |
|------------|--------------------------|------------|-------------------------------------|
| [REDACTED] | [REDACTED]@mbansw.asn.au | [REDACTED] | <input type="button" value="Edit"/> |
|------------|--------------------------|------------|-------------------------------------|



## Stakeholder Engagement » Meeting - Commissioner and MBA National Industrial Relations Advisory Committee



Presentation ID: 5467

Date & Time: 24/03/2022 14:30

Status: Completed

Title: Meeting - Commissioner and  
MBA National Industrial  
Relations Advisory  
Committee

Reason: Requested by attendee

Type: Strategic Meeting

Visit Type: Video or phone conference  
call

Number of Attendees: 10

Presenter 1: Stephen McBurney

Presenter 2:

Details: [REDACTED] Master Builders Australia, asked the Commissioner to attend a NIRAC meeting as it's become clear that issues such as the recent Lendlease decision and High Court decisions are key items. [REDACTED] said it would be good to hear the ABCC's thoughts on those matters plus receive a general update about ABCC activities.

Address: 44 Sydney Avenue  
Forrest ACT 2603  
Australia

Topics Discussed:

- Building Code 2016
- Freedom of association
- Other Topics

Audience:

- Employer Association
- Head Contractor

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

### Activities

Action ⌄ Subject ⌄ Status ⌄ Contact Due Date ⌄ Assigned User ⌄

Create Task

(0 - 0 of 0)

### History

Subject ⌄ Status ⌄ Type ⌄ Sub Type ⌄ Date Modified ⌄ Date Created ⌄ Assigned User ⌄

(0 - 0 of 0)

### Alfresco Documents

Name ⌄ Date Modified ⌄

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

### Selected Items:

### Timesheets

Name ⌄ Activity ⌄ Sub Type ⌄ Time ⌄ Assigned to ⌄ Date Modified ⌄

(0 - 0 of 0)

### Organisations

Name ⌄ City ⌄ Billing Country: ⌄ Phone ⌄

Select

(1 - 1 of 1)

Master Builders Australia Ltd

Yarralumla

Australia



Edit

### Persons

Name ⌄ Email ⌄ Office Phone ⌄

(0 - 0 of 0)



# Stakeholder Engagement » Meeting - MBAV [REDACTED] ☆

Presentation ID: 5486

Date & Time: 31/03/2022 10:00

Status: Completed

Title: Meeting - MBAV - [REDACTED]

Reason: Proactive - Offer by Phone

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 2

Presenter 1: [REDACTED]

Presenter 2:

Details: Meeting with MBAV [REDACTED] [REDACTED] [REDACTED]. Discussed general industry news, recent court outcomes, MBAV member concerns and ABCC activities. Will be looking to arrange a presentation to MBAV members in coming weeks.

Address: 509 Saint Kilda Road  
Melbourne VIC 3004  
Australia

Topics Discussed: • Other Topics

Audience: • Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

## Activities

| Action | Subject | Status | Contact |
|--------|---------|--------|---------|
|--------|---------|--------|---------|

Create Task

(0 - 0 of 0)

No results found.

## History

| Subject | Status | Type | Sub Type | Date Modified | Date Created | Assigned User |
|---------|--------|------|----------|---------------|--------------|---------------|
|---------|--------|------|----------|---------------|--------------|---------------|

(0 - 0 of 0)

## Alfresco Documents

Name

Date Modified

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

**Selected Items:**

**Timesheets**

Name

Activity

Sub Type

Time

Assigned to

Date Modified

(0 - 0 of 0)

**Organisations**

Name

City

Billing Country: Phone

Select

(1 - 1 of 1)

Master Builders Association of Victoria  
(MBAV)

East  
Melbourne

Australia

Edit

**Persons**

Name

Email

Office Phone

(1 - 1 of 1)

[mbav.com.au](mailto:mbav.com.au)

Edit



## Stakeholder Engagement » Meeting - Master Builders Gold Coast - 06/04/2022 - QLD ☆

Presentation ID: 5502

Date & Time: 06/04/2022 15:30

Status: Completed

Title: Meeting - Master Builders  
Gold Coast - 06/04/2022 -  
QLD

Reason: Requested by attendee

Type: Strategic Meeting

Visit Type: Video or phone conference  
call

Number of Attendees: 2

Presenter 1:

[REDACTED]

Presenter 2:

Inspector [REDACTED] contacted MBA [REDACTED]

Details: General discussion occurred about the state of the industry, specifically in the Gold Coast region, as well as the outlook over the next two to three years in relation to the number of towers expected to be built in that timeframe.

[REDACTED] estimates Hutchinson Builders currently manages approximately 50 percent of the construction in the region.

[REDACTED] seeks to meet with [REDACTED] in the coming weeks at his office in Ashmore.

Address:

QLD

Topics Discussed:

- ABCC - Role and Function
- Other Topics
- Right of Entry

Audience:

- Employer Association

Other Topics:

State of the industry, current trends

Outcomes:

Comments:

Follow-Up:

Inspector [REDACTED] to arrange a meeting in person in the coming weeks.

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

**Activities**

Action Subject Status Contact Due Date Assigned User

Create Task

(0 - 0 of 0)

**History**

Subject Status Type Sub Type Date Modified Date Created Assigned User

(0 - 0 of 0)

**Alfresco Documents**

Name Date Modified

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

**Selected Items:**

**Timesheets**

Name Activity Sub Type Time Assigned to Date Modified

(0 - 0 of 0)

**Organisations**

Name City Billing Country: Phone

Select

(1 - 1 of 1)

[Master Builders Association - QLD](#)

Spring Hill

Australia



Edit

**Persons**

Name Email Office Phone

(1 - 1 of 1)



Edit



# Stakeholder Engagement » Meeting with [REDACTED] - MBA - Qld ☆

Presentation ID: 5509

Date & Time: 14/04/2022 13:00

Status: Completed

Title: Meeting with [REDACTED] - MBA - Qld

Reason: Offered by ABCC

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 1

Presenter 1: Stephen McBurney

Presenter 2: [REDACTED]

Details: Meeting with [REDACTED], MBA Queensland to discuss the state of the industry in Queensland generally and to update [REDACTED] on recent activities undertaken by the agency. Discussed recent court filings, decisions and the current focus of work generally. Also discussed staff movements at MBAQ including the pending return to that office of [REDACTED], current national [REDACTED] at Watpac. The meeting was positive; we agreed that the Queensland office would maintain its strong working relationship with MBAQ, including through its regional offices.

Address: 417-419 Wickham Terrace  
Spring Hill QLD 4000  
Australia

- Topics Discussed:
- ABCC - Role and Function
  - Building Code 2016
  - Right of Entry

Audience: • Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

## Activities

| Action | Subject | Status | Contact | Due Date | Assigned User |
|--------|---------|--------|---------|----------|---------------|
|--------|---------|--------|---------|----------|---------------|

Create Task

(0 - 0 of 0)

## History

Subject ⚙ Status ⚙ Type ⚙ Sub Type ⚙ Date Modified ⚙ Date Created ⚙ Assigned User ⚙

(0 - 0 of 0)

### Alfresco Documents

Name ⚙ Date Modified ⚙

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

### Selected Items:

#### Timesheets

Name ⚙ Activity ⚙ Sub Type ⚙ Time ⚙ Assigned to ⚙ Date Modified ⚙

(1 - 2 of 2)

|                                  |                        |       |                                  |                  |                          |
|----------------------------------|------------------------|-------|----------------------------------|------------------|--------------------------|
| Education / Knowledge Management | Stakeholder engagement | 01:00 | [REDACTED]                       | 17/04/2022 22:39 | <input type="checkbox"/> |
| Education / Knowledge Management | Stakeholder engagement | 01:00 | <a href="#">Stephen McBurney</a> | 17/04/2022 22:40 | <input type="checkbox"/> |

#### Organisations

Name ⚙ City ⚙ Billing Country: ⚙ Phone ⚙

Select

(1 - 1 of 1)

[Master Builders Association - QLD](#) Spring Hill Australia [REDACTED]

#### Persons

Name ⚙ Email ⚙ Office Phone ⚙

(1 - 1 of 1)

[REDACTED] [REDACTED]@mbqld.com.au [REDACTED]



# Stakeholder Engagement » Meeting - MBA [REDACTED] - 04/05/2022 - ACT ☆

Presentation ID: 5522

Date & Time: 04/05/2022 15:00

Status: Completed

Title: Meeting - MBA - [REDACTED] -  
04/05/2022 - ACT

Reason: Offered by ABCC

Type: Meeting

Visit Type: Face to face

Number of Attendees: 4

Presenter 1: [REDACTED]

Presenter 2: [REDACTED]

On 4 May 2021, [REDACTED] and [REDACTED] met with [REDACTED] and Inspectors [REDACTED].

Details: The meeting provided a chance for the attendees to finally meet face-to-face following the COVID-related restrictions and shutdowns. Additionally, the latest developments in the local construction industry were discussed.

Please see the history tab for further details.

Address: 1 Iron Knob Street  
Fyshwick ACT 2609  
Australia

- Topics Discussed:
- ABCC - Role and Function
  - Industrial action
  - Right of Entry

Audience: • Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

## Activities

| Action | Subject | Status | Contact |
|--------|---------|--------|---------|
|--------|---------|--------|---------|

Create Task

(0 - 0 of 0)

No results found.

## History

| Subject | Status | Type | Sub Type | Date Modified | Date Created | Assigned User |
|---------|--------|------|----------|---------------|--------------|---------------|
|---------|--------|------|----------|---------------|--------------|---------------|

(1 - 1 of 1)

Subject ⇅ Status ⇅ Type ⇅ Sub Type ⇅ Date Modified ⇅ Date Created ⇅ Assigned User ⇅

(1 - 1 of 1)

Stakeholder  
Engagement  
- 5522 -  
Meeting  
details -  
05/05/2022

|             |              |           |                     |                     |            |
|-------------|--------------|-----------|---------------------|---------------------|------------|
| Description | Generic Note | File Note | 05/05/2022<br>09:49 | 05/05/2022<br>09:49 | [REDACTED] |
|-------------|--------------|-----------|---------------------|---------------------|------------|

Edit

**Alfresco Documents**

Name ⇅ Date Modified ⇅

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

**Selected Items:**

**Timesheets**

Name ⇅ Activity ⇅ Sub Type ⇅ Time ⇅ Assigned to ⇅ Date Modified ⇅

(1 - 2 of 2)

|                                             |                                     |                           |       |            |                     |                          |
|---------------------------------------------|-------------------------------------|---------------------------|-------|------------|---------------------|--------------------------|
| <u>Education / Knowledge<br/>Management</u> | Education / Knowledge<br>Management | Stakeholder<br>engagement | 02:15 | [REDACTED] | 04/05/2022<br>16:33 | <input type="checkbox"/> |
|                                             | Education / Knowledge<br>Management | Stakeholder<br>engagement | 01:30 | [REDACTED] | 04/05/2022<br>16:32 | <input type="checkbox"/> |

**Organisations**

Name ⇅ City ⇅ Billing Country: ⇅ Phone ⇅

Select

(1 - 1 of 1)

|                                        |          |           |
|----------------------------------------|----------|-----------|
| <u>Master Builders Association ACT</u> | Fyshwick | Australia |
|----------------------------------------|----------|-----------|

Edit

**Persons**

Name ⇅ Email ⇅ Office Phone ⇅

(1 - 3 of 3)

|            |                       |  |
|------------|-----------------------|--|
| [REDACTED] | [REDACTED]@mba.org.au |  |
|------------|-----------------------|--|

Edit

|            |                       |            |
|------------|-----------------------|------------|
| [REDACTED] | [REDACTED]@mba.org.au | [REDACTED] |
|------------|-----------------------|------------|

Edit

Name

Email

Office Phone

(1 - 3 of 3)

[REDACTED]

[REDACTED] mba.org.au

[REDACTED]

Edit



Notes » Stakeholder Engagement - 5522 - Meeting details - 05/05/2022 ☆

^ OVERVIEW

Auto ID: 362862

Name: Stakeholder Engagement - 5522 - Meeting details - 05/05/2022

Title: Meeting details - 05/05/2022

Type: Generic Note

Sub Type: File Note

Case Officer: [REDACTED]

Stakeholder Engagement Meeting - MBA [REDACTED] - 04/05/2022 - ACT

Date: 04/05/2022

Opening the meeting, [REDACTED] gave an overview of the current activities that Eastern Region – Operations are engaged in.

Following this, the attendees discussed a shift in regulatory focus from WorkSafe ACT, who are now more focused on the enforcement function of their role, as opposed to education. MBA [REDACTED] mentioned that WorkSafe have begun publishing their compliance data. [REDACTED] also mentioned that Silica Awareness training will become mandatory for those on construction sites. She said that the MBA will be providing this training. ABCC Inspectors may also need to undertake the training.

Next, a discussion ensued about workplace stoppages. [REDACTED] mentioned that the ABCC relies on 1800 calls from industry participants to get information about workplace stoppages.

Description: The attendees then spoke about Right of Entry issues within the ACT construction industry. ETU attention on local electrical subcontractors was discussed, along with the latest permit holders. The attendees agreed that the numbers and names of the permit holders within the local industry have remained stable over the past couple of years.

[REDACTED] said that she did believe there to be greater union attention on sites in the lead-up to the federal election. She added that she believed that the head contractors targeted had also recently been in contact with the ABCC. [REDACTED] also mentioned that CFMMEU permit holders [REDACTED] and [REDACTED] recently attended a site after hours and that the ABCC would definitely be "interested" in the incident. [REDACTED] declined to name the site due to client confidentiality.

Concluding the meeting, [REDACTED] told the Inspectors that she would continue to encourage MBA's members to contact the ABCC should they have any issues that the ABCC could be of assistance with.

Comments:

Source:

Open To:

Paper Evidentiary Folder:

LPP flag for reporting:

Assigned to: [REDACTED]

LPP: 

### Alfresco Documents

Name 

Date Modified 

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder. 

### Selected Items:

#### Elements

Name 

Date Modified 

(0 - 0 of 0)



# Stakeholder Engagement » Meeting [REDACTED] - Master Builders - Qld ☆

Presentation ID: 5575

Date & Time: 31/05/2022 10:30

Status: Completed

Title: Meeting - [REDACTED]  
Master Builders - Qld

Reason: Requested by attendee

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 1

Presenter 1: [REDACTED]

Presenter 2:

Details: Meeting with [REDACTED], recently appointed [REDACTED] for MBAQ. [REDACTED] was formerly [REDACTED] at Watpac but returned to MBAQ in April 2022. We generally discussed the industrial environment in Qld as against the national environment, based on his time with Watpac. We also discussed the likely forthcoming abolition of the ABCC and what this may mean for industry. [REDACTED] indicated that industry was concerned about where companies would turn in the event of industrial concerns or unlawful behaviour by the CFMEU. It was agreed we would remain in contact in the short term and would speak again when more information becomes available.

Address: 400 George Street  
Brisbane City QLD 4000  
Australia

Topics Discussed: 

- ABCC - Role and Function
- Building Code 2016

Audience: 

- Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

## Activities

Action

Subject

Status

Contact

Create Task

(0 - 0 of 0)

No results found.

**History**

**Subject** ⚙ **Status** ⚙ **Type** ⚙ **Sub Type** ⚙ **Date Modified** ⚙ **Date Created** ⚙ **Assigned User** ⚙

(0 - 0 of 0)

**Alfresco Documents**

**Name** ⚙ **Date Modified** ⚙

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

**Selected Items:**

**Timesheets**

**Name** ⚙ **Activity** ⚙ **Sub Type** ⚙ **Time** ⚙ **Assigned to** ⚙ **Date Modified** ⚙

(1 - 1 of 1)

|                                  |                        |       |            |                  |                          |
|----------------------------------|------------------------|-------|------------|------------------|--------------------------|
| Education / Knowledge Management | Stakeholder engagement | 00:45 | [REDACTED] | 31/05/2022 11:36 | <input type="checkbox"/> |
|----------------------------------|------------------------|-------|------------|------------------|--------------------------|

**Organisations**

**Name** ⚙ **City** ⚙ **Billing Country:** ⚙ **Phone** ⚙

Select

(1 - 1 of 1)

|                                          |             |           |            |                                     |
|------------------------------------------|-------------|-----------|------------|-------------------------------------|
| <u>Master Builders Association - QLD</u> | Spring Hill | Australia | [REDACTED] | <input type="button" value="Edit"/> |
|------------------------------------------|-------------|-----------|------------|-------------------------------------|

**Persons**

**Name** ⚙ **Email** ⚙ **Office Phone** ⚙

(1 - 1 of 1)

|            |                        |            |                                     |
|------------|------------------------|------------|-------------------------------------|
| [REDACTED] | [REDACTED]@mbql.com.au | [REDACTED] | <input type="button" value="Edit"/> |
|------------|------------------------|------------|-------------------------------------|



## Stakeholder Engagement » Meeting - Commissioner and MBA (ACT) 16/06/2022 ☆

Presentation ID: 5598

Date & Time: 16/06/2022 12:00

Status: Completed

Title: Meeting - Commissioner and  
MBA (ACT) 16/06/2022

Reason: Offered by ABCC

Type: Strategic Meeting

Visit Type: Face to face

Number of Attendees: 4

Presenter 1: Stephen McBurney

Presenter 2:

The Commissioner met with [REDACTED], [REDACTED] and [REDACTED] during a visit to Canberra for the agency's Audit and Risk Committee and AGD quarterly meetings.

Discussed information to industry. Commissioner indicated that advice being given to industry is as follows (as is currently posted on our website):

The legislation and the Code are still in place. The ABCC continues with business as usual, as per our legislation, until there is a change in our governing regulations. Building industry participants remain subject to their legal obligations under the existing legislation.

Code covered entities remain subject to the obligations imposed on them by the

Details: Building Code.

Contact the ABCC if any issue arises or you need our advice or assistance.

The MBA enquired about staff welfare. Commissioner advised we are continuing to deliver on our functions with business as usual but have already had significant staff departures.

We will update industry when the transition to abolition becomes clearer. We are conscious of the need to provide certainty and clarity to Code covered entities of their Code obligations, how long these will continue, and what, if anything, will come in its place.

Address: 44 Sydney Avenue  
Forrest ACT 2603  
Australia

Topics Discussed:

- ABCC - Role and Function
- Building Code 2016

Audience: • Employer Association

Other Topics:

Outcomes:

Comments:

Follow-Up:

Cases:

Proactive Activities:

Feedback Forms Completed: No

Feedback Date:

Feedback Forms Received:

Feedback Satisfaction:

### Activities

Action Subject Status Contact Due Date Assigned User

Create Task

(0 - 0 of 0)

### History

Subject Status Type Sub Type Date Modified Date Created Assigned User

(0 - 0 of 0)

### Alfresco Documents

Name Date Modified

(0 - 0 of 0)

There is no corresponding Alfresco folder for this record. Click [HERE](#) to create Alfresco folder.

### Selected Items:

#### Timesheets

Name Activity Sub Type Time Assigned to Date Modified

(0 - 0 of 0)

### Organisations

Name City Billing Country: Phone

Select

(1 - 1 of 1)

[Master Builders Australia Ltd](#)

Yarralumla

Australia

[Edit](#)

### Persons

Name Email Office Phone

(0 - 0 of 0)



**Australian Government**  
**Australian Building and  
Construction Commission**



10 June 2022

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

### **Freedom of Information Request – Decision on Access**

---

I refer to your email request of 13 April 2022 to the Australian Building and Construction Commission (**ABCC**), seeking access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

On 27 April 2022, you revised your request to seek access to the following (the '**Revised FOI**'):

Any documents, memoranda, file notes, diary notes, telephone records or other records (electronic [or] otherwise) between the ABCC and the Master Builders Association referring or relating to the 2022 Federal Election, including in relation to:

- Any survey conducted by, or on behalf of, the Master Builders' Association;
- Any political communications made by the Master Builders' Association including in relation to the potential abolition of the ABCC;
- Women or the treatment of women

For the period 1 January 2022 to the date of the application.

### **Timeframe for processing your request**

Your original request was received by the ABCC on 13 April 2022. The statutory period for processing your request is 30 days (s 15(5) of the FOI Act). However, on 12 May 2022, you were notified that the statutory period was extended by an additional 30 days to allow for consultation with relevant third parties under section 15(6) of the FOI Act. That consultation process is now complete. Noting 12 June 2022 falls on a Sunday, the statutory period for processing your request expires on 13 June 2022.

## Summary of Decision

I am an authorised decision-maker under section 23 of the FOI Act. This letter sets out my decision regarding the Revised FOI.

In reaching my decision, I have had regard to the following:

- the terms of the Revised FOI;
- the documents within the scope of the Revised FOI;
- the FOI Act;
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**); and
- consultation responses from third parties consulted in accordance with the FOI Act.

I have identified 10 documents relevant to the Revised FOI. The Schedule at **Attachment A** describes each of the relevant documents and my decision on each document.

## Reasons for decision

I have decided to give you partial access to all 10 documents. For the reasons set out below I have exempted parts of the documents under section 22(1)(a)(ii) and section 47F of the FOI Act.

Where documents contain information which I consider to be conditionally exempt under section 47F, you will be provided access to documents which have been modified by redactions because it is reasonable to do so in the circumstances (s 22).

### *Section 22(1)(a)(ii) - material irrelevant to the request*

Section 22(1)(a)(ii) of the FOI Act allows the ABCC to delete irrelevant material from a document where that document is only partially relevant to a request.

I find that some of the documents falling within the scope of the Revised FOI contain material which falls outside the scope of the Revised FOI. For example, some of the information in the documents record matters unrelated to the “2022 Federal Election” or are not between the ABCC and the Master Builders Association. Where I have deleted material pursuant to section 22(1)(a)(ii) of the FOI Act, it is indicated within the Schedule of Documents at Attachment A.

### *Section 47F – Documents affecting personal privacy*

Section 47F of the FOI Act conditionally exempts a document to the extent that its disclosure would involve the unreasonable disclosure of personal information about any person. Personal information includes any information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not.

I am satisfied documents 1 to 10 contain personal information about third party individuals who have communicated with the ABCC, as well as current employees of the ABCC. The personal information includes the names of third persons; the names of employees; their direct contact numbers; and their email addresses.

*Unreasonable disclosure*

In considering whether disclosure of this personal information would be unreasonable, section 47F(2) of the FOI Act requires me to take into account:

- the extent to which the information is well known;
- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- the availability of the information from publicly accessible sources; and
- any other matter I consider relevant.

The FOI Guidelines (at [6.143]) also cite the following factors listed in '*FG*' and *National Archives of Australia* [2015] AICmr 26 at [47]-[48] as relevant:

- the nature, age and current relevance of the information;
- any detriment that disclosure may cause to the person to whom the information relates;
- any opposition to disclosure expressed or likely to be held by that person;
- the circumstances of an agency's collection and use of the information;
- the fact that the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act;
- any submission an FOI applicant chooses to make in support of their application as to their reasons for seeking access and their intended or likely use or dissemination of the information; and
- whether disclosure of the information might advance the public interest in government transparency and integrity.

I am satisfied that the personal information in question relating to the ABCC employees and third parties is not well known or publicly available.

In making my decision with respect to the personal information of ABCC employees, I have taken into account past threats and statements made against ABCC employees by prominent building industry participants.<sup>1</sup> Against this background, I consider that there are legitimate concerns relating to the disclosure of personal information of the ABCC's employees. In these circumstances, I find it would be unreasonable to disclose their personal information. Further, I find that it would be

---

<sup>1</sup> See for example, paragraph [101] of the decision of the Australian Information Commissioner in *Construction, Forestry, Mining and Energy Union and Australian Building and Construction Commission (Freedom of information)* [2017] AICmr 125 (1 December 2017).

unreasonable to disclose the direct telephone numbers of ABCC employees.<sup>2</sup> As noted above, the ABCC does not generally make publicly available the direct contact details of its employees.

With respect to the personal information of third parties, and for similar reasons discussed earlier, I find that it would be unreasonable to disclose the names, details of employment and contact details of individuals who have engaged with the ABCC. I have also considered the reasonable expectation each would have that their personal information would not be made public and treated confidentially. In forming this view, I have had regard to the contentions received from third party entities, who have expressed concerns regarding the disclosure of their employees' personal information.

Ultimately, I consider that the disclosure of the personal information within the documents would amount to an unreasonable disclosure of personal information relating to the third parties and the ABCC's employees. I do not consider the disclosure of personal information would meaningfully shed light on the workings of the ABCC or enhance accountability or transparency. Further, disclosure would disproportionately interfere with the privacy of the individuals whose personal information is recorded in the documents. On this basis, I conclude disclosure of the relevant personal information would be unreasonable.

Accordingly, I find that the personal information in the documents is conditionally exempt under section 47F of the FOI Act to the extent that it reveals names, email addresses and direct phone numbers of third parties and ABCC employees.

#### *Public Interest*

Conditionally exempt information must be released unless in the circumstances access to it would, on balance, be contrary to the public interest (section 11A(5) of the FOI Act).

I have had regard to the factors for disclosure in subsection 11B(3) of the FOI Act and more generally, namely:

- the promotion of the FOI Act's objects particularly increasing scrutiny, discussion, and review of the activity of the ABCC (section 3(2)(b) of the FOI Act);
- informing debate on a matter of public importance, namely any political activity the ABCC may have engaged in and its relationship with the MBA entities; and
- facilitating access to information to the public allowing them to be satisfied the ABCC followed proper processes.

---

<sup>2</sup> This is consistent with the approach taken by Deputy President Forgie in *Chief Executive Officer, Services Australia and Warren (Freedom of information)* [2020] AATA 4557 at [128]-[130] ('*Warren*').

Taking into account the information over which a section 47F claim is maintained, I do not consider that release of personal information about ABCC officers and the names and contact details of employees of third parties engaging with the ABCC would assist in informing public debate, or to enhance scrutiny or promote oversight of the ABCC's activities.<sup>3</sup>

I have not had regard to any of the irrelevant factors listed in section 11B(4) of the FOI Act.

However, I have had regard to the following public interest factors weighing against disclosure:

- The need for the ABCC to maintain good working relationships and trust with stakeholders who volunteer information to the ABCC. In particular, individuals and industry participants may be less willing to voluntarily engage with the ABCC if they cannot be satisfied their personal information will be protected.
- The fact that disclosure of the personal information of ABCC employees would or could reasonably be expected to prejudice the management function of the ABCC because ABCC employees expect their personal information will not be made publicly available.
- The history of ABCC staff having been subject to harassment, and threats to their safety. In particular, there is a public interest in Australian Public Service employers fulfilling their obligations under the *Work Health and Safety Act 2011* to ensure the safety of staff.

I acknowledge there is a public interest in disclosing information about the ABCC's activities undertaken during an election. However, I consider that disclosure of personal information concerning ABCC employees and third parties engaging with the ABCC would make a negligible contribution to this factor in favour of disclosure. By contrast, I have placed considerable weight on the public interest in preserving individuals' privacy, and that they should be able to undertake their employment duties free from any adverse effects flowing from disclosure of their personal information, including harassment.

Accordingly, I am satisfied that disclosure of the information I have found to be conditionally exempt under s 47F of the FOI Act is contrary to the public interest

### **Charges**

I have decided not to impose any charges for the processing of your request.

### **Review Rights**

#### **Internal review**

I am not the principal officer of the ABCC. As a result, you are entitled under section 54 of the FOI Act to seek an internal review of my decision. If you would like

---

<sup>3</sup> *Warren* (n 2) at [132]-[133].

to request an internal review, your application must be made within 30 days of you receiving this notice.

An internal review may be submitted by sending it to the 'Freedom of Information Section (ABCC)' to either of the following contact addresses:

- **By post:** GPO Box 9927 Melbourne VIC 3001 Australia
- **By email:** [foi@abcc.gov.au](mailto:foi@abcc.gov.au)

Please note in your application the decision that you wish to be reviewed. If you do seek internal review, we also invite you to provide any response to my reasons that may be relevant for a fresh decision-maker to consider when reviewing my decision.

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner (the **Information Commissioner**) for a review of the internal review decision.

### **Review by the Information Commissioner**

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Information Commissioner without first going to internal review. Your application to the Information Commissioner must be made within 60 days of you receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website [www.oaic.gov.au](http://www.oaic.gov.au).

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commission at:

- **By post:** GPO Box 5218 Sydney NSW 2001
- **By email:** [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

### **Contacts**

If you have any queries about this notice, please contact the ABCC's FOI Section ([foi@abcc.gov.au](mailto:foi@abcc.gov.au)).

Yours sincerely



**Legal Manager (A/g)**  
**Australian Building and Construction Commission**

**ATTACHMENT A**  
**SCHEDULE OF DOCUMENTS**

| No. | Date             | Description                                                                                               | Decision         | Exemptions under the FOI Act |
|-----|------------------|-----------------------------------------------------------------------------------------------------------|------------------|------------------------------|
| 01  | 19 January 2022  | Stakeholder Engagement Meeting Record with the Master Builders Association of the ACT ( <b>MBA ACT</b> ). | Partially Exempt | ss 22, 47F                   |
| 02  | 17 February 2022 | Stakeholder Engagement Meeting Record with Master Builders Australia ( <b>MBA Australia</b> ).            | Partially Exempt | ss 22, 47F                   |
| 03  | 10 March 2022    | ABCC Security of Payments Working Group meeting minutes.                                                  | Partially Exempt | ss 22, 47F                   |
| 04  | 4 April 2022     | Forwarded email from Master Builders Association SA to the ABCC.                                          | Partially Exempt | ss 22, 47F                   |
| 05  | 4 April 2022     | Forwarded email from Master Builders Association SA to the ABCC.                                          | Partially Exempt | ss 22, 47F                   |
| 06  | 4 April 2022     | Reply from ABCC to Master Builders Association SA.                                                        | Partially Exempt | ss 22, 47F                   |
| 07  | 6 April 2022     | Stakeholder Engagement Meeting Record with Master Builders Tasmania ( <b>MBA Tas</b> ).                   | Partially Exempt | ss 22, 47F                   |
| 08  | 6 April 2022     | Stakeholder Engagement Meeting Record with MBA Tas.                                                       | Partially Exempt | s 47F                        |
| 09  | 6 April 2022     | Email from ABCC to MBA Tas.                                                                               | Partially Exempt | s 47F                        |
| 10  | 7 April 2022     | Email from MBA Tas to ABCC.                                                                               | Partially Exempt | s 47F                        |



Australian Government  
Australian Building and  
Construction Commission



# Presentation to NIRAC – ABCC Update

Stephen McBurney  
ABCC Commissioner

24 March 2022



## *Code for the Tendering and Performance of Building Work 2016 (Cth)*

### **Section 13(2)(j)**

A code covered entity must ensure that:

- (j) building association logos, mottos or indicia are not applied to clothing, property or equipment supplied by, or which provision is made for by, the employer or any other conduct which implies that membership of a building association is anything other than an individual choice for each employee;



# Facts

The Court considered the following examples of union logos, mottos or indicia:

- Posters depicting the CFMMEU, ETU, PTEU or AMWU logos
- Posters variously depicting the phrases
  - “We support John Setka”
  - “Be paid up and proud”
  - “United we stand”; and
  - “When injustice becomes law, resistance becomes duty”
- Posters or flags depicting the Eureka Stockade symbol.



# Positions of parties

- ABCC – section 13(2)(j) consists of two separate requirements
- Lendlease – display of building association logos, mottos or indicia on company property only prohibited if it creates the impression that people are not free to choose whether to join a union
- CFMMEU – if accepted, ABCC’s interpretation impermissibly burdens the implied freedom of political communication in the Australian Constitution



# Decision

- Snaden J accepted ABCCs interpretation - section 13(2)(j) consists of two separate requirements.
- Section 13(2)(j) does not impermissibly burden the implied freedom of political communication in the constitution.



# Judicial Comments

“It is not in doubt that the construction industry in Australia has not had a happy history... of compliance with freedom of association laws....[S]enior counsel for the CFMMEU very properly acknowledged .... that the “record is clear” that, although some within the ranks of building associations have sought to maximise union membership by means of lawful persuasion, others have preferred “a different approach”.

...

On any view, [s 13(2)(j) of the Building Code] has been incorporated to address a significant, cultural phenomenon within the construction industry that has endured for a long time, notwithstanding the very considerable efforts—legislative, executive and judicial—that have been engaged to address it.”



# 2021-22 achievements

01 July to 01 March



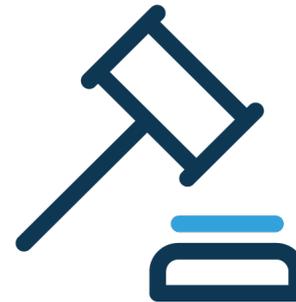
**\$1,896,924**  
recovered for  
**3,594** employees



**\$2,103,138**  
Penalties imposed



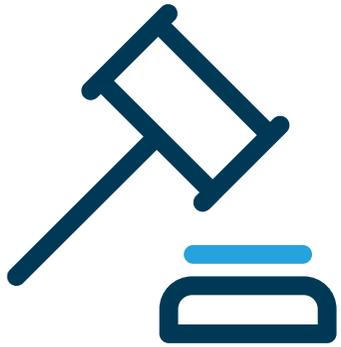
**14**  
proceedings commenced



**19**  
proceedings finalised



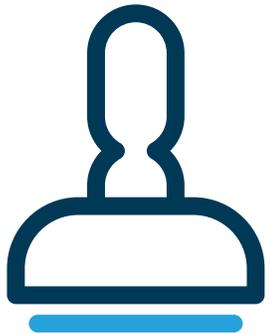
# Key achievements since 2 Dec 2016



**98 of 107**  
successful cases



**10,372**  
enterprise agreements assessed



**\$16,423,918**  
penalties imposed



**\$5,083,384**  
wages recovered



# What's on the horizon?

- Pattinson High Court appeal decision
- 36 active court cases
- Federal Election – ABCC's approach during Caretaker period
- Botany Cranes - appeal pending



# Botany Cranes



|                    | Penalties imposed  | Personal payment orders |
|--------------------|--------------------|-------------------------|
| CFMMEU             | \$850,000          |                         |
| Rita Mallia        | \$20,000           | \$20,000                |
| Robert Kera        | \$47,500           | \$47,500                |
| Michael Greenfield | \$100,000          | \$65,000                |
| Howard Byrnes      | \$5,000            | TBC                     |
| <b>Total</b>       | <b>\$1,022,500</b> |                         |

| Orders for Payment | Amount    |
|--------------------|-----------|
| Botany Cranes      | \$30,000  |
| Rhonda Hodges      | \$2,500   |
| NSW Police         | \$15,000  |
| ABCC Legal Costs   | \$133,000 |



Australian Government  
Australian Building and  
Construction Commission



# Industry Update

Get the latest news from the ABCC  
each month from our free online  
publication.



Scan the QR code or visit  
[abcc.gov.au/subscribe](https://abcc.gov.au/subscribe)





Australian Government  
Australian Building and  
Construction Commission



# Find out more



[www.abcc.gov.au](http://www.abcc.gov.au)



1800 003 338



[enquiry@abcc.gov.au](mailto:enquiry@abcc.gov.au)