

CFMEU

CONSTRUCTION

**CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE**

Level 1, 1 Miller Lane
Pyrmont NSW 2009

Ph 02 8524 5800

Fax 02 8524 5801

ABN: 46 243 168 565

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Mr Stephen McBurney
Commissioner
Australian Building and Construction Commission
GPO Box 9227
Melbourne 3000

BY EMAIL: Stephen.McBurney@abcc.gov.au

Dear Mr McBurney,

I received your letter of 7 February 2020.

As your correspondence indicates, in the Union's press release dated 24 January 2020 ([Unfit ABCC Failing to Prosecute Builders](#)) I have publicly called out the double standards of the agency you head. I stand by these comments.

Your inspectors spend endless hours and millions of dollars hunting for union stickers and Eureka flags. Your agency prosecutes workers and unions for the most trivial matters and ignores flagrant wage theft, sham contracting and tax evasion by shonky employers.

When the union called out the appalling exploitation of migrant workers at the John Holland Hobart Hospital site, your agency did not recover a red cent. It failed to prosecute an employer which had failed to pay workers any wages for over seven weeks. The union recovered over a million dollars for those workers.

It is unsurprising that the ABCC has recovered only \$1 million compared to the \$60 million that the CFMEU has recovered. The CFMEU has a long and proud history of recovering underpayments and combating sham contracting. The ABCC, however, has completely ignored its explicit legislative obligation to treat industry participants equally.

Even worse, we have also become aware that the ABCC is now directing head contractors not to audit subcontractors who seek to ensure compliance with statutory requirements on their sites. This will obviously make wage theft worse.

As to the recovery of underpayments by the union, we regard these matters as concluded. There is no utility in the union wasting its time, and member's money, re-opening successfully concluded wage claims simply to give your discredited agency a fig leaf of legitimacy. We'll continue to use our resources to resolve existing and new claims, and to improve construction workers' wages and conditions. We also value the privacy of our members, and will not provide your agency with their personal information.

If you want the ABCC to be proactive as you claim, you just need to direct your resources and inspectors to make wage theft a priority, rather than asking the CFMEU to identify already-resolved wage claims for you. But we're more likely to see pigs fly down St Kilda Road than see the ABCC do that.

The ABCC was set up to attack construction workers rights, wages and conditions; I'm tipping you'll keep doing what you know best.

Yours sincerely,

Dave Noonan

National Secretary

CFMEU – Construction & General Division