



1 December 2025

Senator Maria Kovacic  
Senator for New South Wales

Via email: [Senator.Kovacic@aph.gov.au](mailto:Senator.Kovacic@aph.gov.au)

CC: Secretariat of the Education and Employment Legislation Committee:  
[eec.sen@aph.gov.au](mailto:eec.sen@aph.gov.au)

Dear Senator

**Re: request for information—Supplementary Budget Estimates December 2025**

I write in response to your letter dated 25 November 2025. You have requested that I provide a range of records to the Education and Employment Legislation Committee by 5pm on Monday 1 December 2025.

Consistently with paragraph 8.1.2 of the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters*, I have informed the Minister's office and the Department of Employment and Workplace Relations of your request. I have also informed officers of the Administration of the Construction and General Division of the Construction, Forestry and Maritime Employees Union (CFMEU).

Your letter requests that I provide:

1. A copy of any correspondence between the Commission and representatives of the Administration of the CFMEU since 8 October 2025
2. A copy of any notes, or records of phone conversations, between the Commission and representatives of the Administration of the CFMEU since 8 October 2025
3. A list of all meetings the Commission has undertaken with the Administration of the CFMEU since 8 October 2025
4. A copy of any correspondence between the Commission and the Department of Employment and Workplace Relations since 8 October 2025
5. A copy of any correspondence between the Commission and the Minister for Employment and Workplace Relations since 8 October 2025
6. A list of all meetings the Commission has undertaken with the Minister for Employment and Workplace Relations since 8 October 2025.

Correspondence falling under item 5 above is listed in the first table in Attachment A and copies are enclosed. A meeting falling under item 6 above is listed in the second table in Attachment A. These are the only records falling under those items.

In the time available, I have not been able to identify and properly consider what records can be released in response to items 1 to 4 above.

In relation to item 4, from day-to-day various officers of the Commission correspond with various officers of the Department of Employment and Workplace Relations about a broad range of routine and non-routine matters relating to both the Commission's regulatory functions and the Commission's tribunal functions. As identifying all such correspondence is a significant undertaking, I ask you to clarify whether your request is for all such correspondence, or just correspondence relating to a particular topic (such as the administration of the Construction and General Division of the CFMEU).

Similarly, in relation to items 1 to 3 above, from day-to-day various officers of the Commission are in contact with various representatives of the Administration about a broad range of routine and non-routine matters relating to both the Commission's regulatory functions and the Commission's tribunal functions. This includes contact between staff of the Commission's Registered Organisations Services Branch and representatives of the administration about routine operations of the CFMEU and sharing of information relating to the administration, and applications to the tribunal for approval of enterprise agreements and for entry permits and related correspondence. Again, as identifying all such contact is a significant undertaking, I ask you to clarify whether your request is for records of all such contact, or just records of contact relating to a particular topic.

In addition, there may be records captured by items 1 to 3 above that include information about:

- ongoing investigations under the *Fair Work (Registered Organisations) Act 2009*
- confidential sources of information relating to such investigations, and
- cases currently before the Fair Work Commission tribunal.

In the time available, I have not been able to identify all of the records that may contain such information and to consider whether it may damage the public interest to release them. I am unlikely to be in a position to do this by the commencement of the Department's appearance at the Education and Employment Legislation Committee's hearing on 3 December 2025.

My initial view is that some of the relevant records are likely to include information which, if released, could:

- prejudice the investigation of a possible breach of the law or the enforcement of the law in a particular instance, or
- disclose, or enable a person to ascertain, the existence or identity of a confidential source or information, in relation to the enforcement or administration of the law.

In the circumstances, at the Commission's appearance at the Committee's hearing on 3 December 2025 I am likely to ask for further time to respond to your request, including to consider whether to make public interest immunity claims in relation to some of the relevant records.

In the interim, I will endeavour to identify further records that I can provide to the Committee at the hearing on 3 December 2025.

Yours sincerely,

Murray Furlong  
General Manager



## Attachment A

5. A copy of any correspondence between the Commission and the Minister for Employment and Workplace Relations since 8 October 2025

Date	Description of correspondence
27 October 2025	Letter from the Hon. Amanda Rishworth, Minister for Employment and Workplace Relations to Mr Furlong
14 November 2025	Letter from Mr Furlong to Minister Rishworth
14 November 2025	Letter from Mr Furlong to the National Construction Industry Forum

6. A list of all meetings the Commission has undertaken with the Minister for Employment and Workplace Relations since 8 October 2025

Date	Description of meeting
21 November 2025	Meeting of the National Workplace Relations Consultative Council chaired by the Minister Rishworth. The General Manager and Executive Director, Legal Performance and Engagement attended the meeting for one agenda item relating to a Statement issued by Justice Hatcher on 12 November 2025: <a href="#"><u>President's statement on reforms to general protections dismissal application processes</u></a>



**The Hon Amanda Rishworth MP**

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**Minister For Employment and Workplace Relations**

MS25-000835

Mr Murray Furlong  
General Manager  
Fair Work Commission  
PO Box 1994  
MELBOURNE VIC 3000

[Murray.furlong@fwc.gov.au](mailto:Murray.furlong@fwc.gov.au)

Dear Mr Furlong

I write to you regarding media reporting in recent days, including the *60 Minutes* ‘Building Bad’ report that aired on 26 October 2025. The reporting has raised further disturbing allegations of corruption and intimidation in the Victorian branch of the Construction and General Division of the Construction, Forestry and Maritime Employees Union (CFMEU).

I draw your attention to claims that Mr John Setka and his associates continue to maintain influence in the operation of the Victorian branch of the Division. I ask that you consider whether Mr Setka or others have engaged in conduct contrary to the anti-avoidance provisions in s 323P of the *Fair Work (Registered Organisations) Act 2009*. I ask that you investigate these allegations where they fall within your jurisdiction and take appropriate action.

I request that you to provide all appropriate support to the Administrator of the Division to return the union to lawful and effective functioning, including by acting on any identified non-compliance. I also ask that you continue to engage with the Joint Agency Working Group as an essential part of the response to the problems in the building and construction industry.

I have also written to the Commissioner of the Australian Federal Police and the Fair Work Ombudsman.

Yours sincerely

Amanda Rishworth MP

27/10/2025



14 November 2025

The Hon. Amanda Rishworth MP  
Minister for Employment and Workplace Relations

Via email:

Dear Minister Rishworth,

Thank you for your letter of 27 October 2025 concerning recent media reporting about the Victoria-Tasmania Divisional Branch (**Branch**) of the Construction and General Division of the CFMEU (**C&G Division**), which claimed that Mr John Setka and his associates continue to have influence over the operations of the Branch.

Your letter asks me to consider whether Mr Setka or others have engaged in conduct contrary to the anti-avoidance provision in section 323P of the *Fair Work (Registered Organisations) Act 2009* (**FWRO Act**), and to investigate these allegations where they fall within my jurisdiction and take appropriate action.

Section 323P of the FWRO Act makes it unlawful to prevent a person or body from taking action under the scheme set out in the [Fair Work \(Registered Organisations\) \(CFMEU Construction and General Division Administration\) Determination 2024](#) or to prevent the Administrator from effectively administering the scheme.

My powers relating to the anti-avoidance provision were explained in a [fact sheet](#) published on 3 December 2024. To establish a contravention of the anti-avoidance provision, it is necessary to demonstrate that:

- a person has engaged in conduct or a course of conduct
- as a result of that conduct or course of conduct:
  - another person or body was prevented from taking action under the Scheme, or
  - the Administrator was prevented from effectively administering the Scheme, and
- the person cannot prove they have a reasonable excuse for engaging in the conduct or course of conduct.

Both the Administrator and I can pursue court proceedings seeking civil penalties for contravention of the anti-avoidance provision. I cannot prosecute alleged criminal breaches of the anti-avoidance provision, but I can refer such allegations to law enforcement agencies.

I can investigate allegations that Mr Setka or another person has contravened the anti-avoidance provision if I am satisfied that there are reasonable grounds for doing so (s 331(2)).

The information available to the Commission at this time does not provide a sufficient basis for me to consider whether conduct in contravention of the anti-avoidance provision has occurred. Accordingly, at this time, I cannot be satisfied that there are reasonable grounds to investigate the allegations.

I have written to the Administrator asking him to provide me with information about the allegations. I will review the position when the Administrator responds or if the Commission receives further relevant information about this matter from other sources.

I remain committed to providing all appropriate support to the Administrator, to return the union to lawful and effective functioning. I meet with the Administrator's Chief of Staff on a weekly basis to share information and discuss ways that we can work together. I have reiterated my invitation to the Administrator to discuss any ways in which I can support him in discharging his functions.

Staff from the Commission continue to work closely with the Fair Work Ombudsman, the Australian Federal Police and the Joint Agency Working Group to coordinate activities and responses to the problems in the building and construction industry.

#### *Blueprint for the future*

I note the National Construction Industry Forum's (NCIF) 'Blueprint for the future', which states that its vision for the industry '*includes a firm commitment that criminality, serious and wilful misconduct and violence will not be tolerated by, or in, the industry*'. To assist the deliberations of the NCIF as it transitions to the implementation phase of the Blueprint, I intend to write to the Secretariat to share information about the C&G Division and associated industry participants provided to the Commission through our: [Report a concern about the CFMEU Construction and General Division](#) webform. The information will include information received by the Commission that relates to alleged conduct on Government funded construction projects.

#### *Further information*

If you have any questions about this correspondence, I can be contacted on

Yours sincerely,

Murray Furlong  
General Manager  
Fair Work Commission



14 November 2025

The Secretariat  
National Construction Industry Forum  
Department of Employment and Workplace Relations

By email:

Copy to:

Dear Secretariat,

**SUBJECT: BLUEPRINT FOR THE FUTURE**

I note the National Construction Industry Forum's (NCIF) 'Blueprint for the future', which states that its vision for the industry '*includes a firm commitment that criminality, serious and wilful misconduct and violence will not be tolerated by, or in, the industry*'. As the independent regulator of organisations registered under the *Fair Work (Registered Organisations) Act 2009* (FWRO Act), I wanted to share some information with the NCIF to assist its deliberations as it transitions to the implementation phase of the Blueprint.

***Information received by the Fair Work Commission (Commission)***

On 29 July 2024, the Commission established a function on its website to receive information about alleged conduct of the CFMEU Construction & General Division and associated industry participants. Further information on the service is available here: [Report a concern about the CFMEU Construction and General Division](#). The Commission has received approximately 1050 reports between 29 July 2024 and 20 October 2025, the majority of which relate to alleged conduct of the Construction and General Division of the CFMEU (C&G Division).

Thematically, the reported concerns include alleged:

- coercion, corruption, bribery, extortion and stalking by CFMEU officials, delegates or members
- improper conduct by entry permit holders, threats of or instances of unlawful industrial action, unlawful entry and obstruction of lawful work by CFMEU officials or delegates
- attendance or ongoing or improper influence by removed persons at sites, criminal infiltration, outlaw motorcycle gang involvement and control, and supply of illicit drugs on sites
- intimidation, threatening behaviour, bullying, sexual harassment, gender discrimination and sexual orientation discrimination by CFMEU officials, delegates or members, and

- anti-competitive conduct, discrimination, breaches of freedom of association, undue influence over procurement, and interference with contractual engagements by or on behalf of the union.

***Reports received that relate to alleged conduct on Government funded construction projects***

Of the 1050 reports received, approximately 10% (95) have been identified to relate to alleged conduct on projects that are recipients of Government funding at the Commonwealth or State level.

State	Project	Number of reports
Victoria	North East Link	11
Victoria	Suburban Rail Loop	8
Victoria	Metro Tunnel	5
Victoria	Level Crossing Removal	3
Victoria	Inland Rail	2
Victoria	'Big Build' or other	12
Queensland	Cross River Rail	8
Queensland	Gold Coast Light Rail	16
Queensland	Cairns Convention Centre	3
Queensland	Logan Hospital Upgrade	3
Queensland	QTMP Torbanlea Rail Manufacturing Facility	6
Queensland	Other	6
New South Wales	Western Sydney Airport / Airport Rail Link	4
Western Australia	Other	4
Tasmania	Bridgewater Bridge Project	3
South Australia	Other	1

In addition to the above, I am concerned by information I have received that workers who are known to be affiliated with Outlaw Motorcycle Gangs and other organised crime groups are moving from their positions on Victoria's Metro Tunnel and North-East Link sites to Suburban Rail Loop (SRL) sites, including WHS Representatives and Delegates. It is important to acknowledge that these people are employees engaged to work on sites controlled by Tier 1 builders and major contractors. One of the reasons they remain in the industry is due to the actions (and inaction) of their employers and those that control the supply chains on major projects, such as Tier 1 builders.

***Sharing information***

If a reported concern contains plausible information about a possible contravention of a law that falls outside the Commission's jurisdiction, I regularly exercise powers to disclose this information to the relevant agency for further assessment. As at 15 September 2025, I have referred approximately 480 allegations of illegal and unlawful conduct as follows:

- 387 matters to the Fair Work Ombudsman
- 45 matters to the Australian Federal Police
- 4 matters to the Australian Competition and Consumer Commission
- 44 matters to the Victorian Labour Hire Authority
- 1 matter to Workplace Health and Safety Queensland

My staff and I also provide the Administrator, Mr Mark Irving KC, with general information about the alleged conduct and operational matters on a regular basis.

In addition, since the commencement of the Scheme of Administration, my staff and I have shared information with law enforcement and regulatory bodies through the Australian Federal Police-led Joint Agency Working Group (JAWG). The membership of the JAWG includes the AFP, the Commission, the FWO, the Australian Criminal Intelligence Commission, the Australian Tax Office, AUSTRAC and representatives of the States and Territories. Commission representatives also participate in Victoria's Taskforce Hawk and 'Alliance' to address allegations in relation to Victorian Government Construction sites.

A common feature of discussions in these forums is the ongoing reluctance of victims and other parties to come forward to assist regulators and law enforcement agencies for fear of reprisal action.

#### ***NCIF development of a Joint Construction Industry Charter***

The Blueprint includes a recommendation that the NCIF develop a Joint Construction Industry Charter '*setting out clear shared goals and expectations for a safe, sustainable and productive building and construction industry, including behavioural expectations, rules of engagement and dispute resolution processes amongst all industry participants.*'

I make the following observations based on my experience in regulating elements of the building and construction industry over the past 25 years, including at the Interim Building Industry Taskforce, Building Industry Taskforce, Australian Building and Construction Commission, Office of Workplace Services, Workplace Ombudsman, Fair Work Ombudsman, Fair Work Building Industry Inspectorate, Fair Work Australia and the Fair Work Commission.

It is clear to me that the behaviour of all participants in the industry must change. Mr Irving and his considerable efforts will not succeed unless all other major participants in the industry take up the responsibility to show conspicuous, steadfast and ongoing leadership. This includes Tier 1 builders, their clients and funders, major contractors, labour hire agencies, employer associations, peak bodies and other unions, in addition to State and Commonwealth Governments. I wish to draw particular focus to the activities (and inactivity) of Tier 1 builders. In my experience over 25 years, I am yet to observe any discernible leadership from Tier 1 builders to actively contribute to fixing the endemic issues that have persisted in their industry for decades.

#### ***Further information***

Should you have any questions or require further information, I can be contacted on [REDACTED] or by email at [REDACTED]. If it would assistance, I am also available to meet in person.

Yours sincerely,

Murray Furlong  
General Manager