

# Media Release



**MASTER BUILDERS**  
AUSTRALIA

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## **Community To Benefit From Rule Of Law On Construction Sites**

The need for a stronger construction industry watchdog is demonstrated by the latest evidence of the spread of building union thuggery across Australia.

“A record number of legal actions against the CFMEU by Fair Work Building and Construction in 2014 confirms that despite its best efforts the FWBC lacks the necessary powers to keep a lid on industrial unlawfulness in the construction industry,” Wilhelm Harnisch CEO of Master Builders Australia said.

“The resurgence in thuggish industrial behaviour by the CFMEU would likely have led to further court action by FWBC had it not been hamstrung from the moment it was established to succeed the Australian Building and Construction Commission (ABCC) by significantly weaker powers than its predecessor,” he said.

“The maximum level of fines that may be imposed for proven breaches was cut by two thirds. The range of circumstances in which industrial action is unlawful and attracts penalties has narrowed, in that the FWBC inspectorate enforces the flawed *Fair Work Act*, whilst the ABCC administered industry specific laws,” Wilhelm Harnisch said.

“Parties are no longer forbidden to apply “undue pressure” to make, vary or terminate an agreement. The definition of building work has been narrowed to exclude work performed off-site, thus limiting the ambit of the inspectorate’s authority,” he said.

“Additionally, FWBC is powerless to intervene where legal proceedings have already been commenced by another party and where litigation on the same subject has been discontinued because the building industry parties have ‘settled’ their differences. The latter is especially egregious as it has potentially resulted in the union coercing builders and contractors to settle legal action,” Wilhelm Harnisch said.

“The Heydon Royal Commission last year heard evidence of alleged unlawfulness by the union and its officials and the Commission’s Interim Report echoed Master Builders observation that the CFMEU does not regard itself as being bound by the same standards of behaviour as does the rest of the community,” he said.

“A clear example of this situation is the alleged black banning of Boral by the CFMEU. The CFMEU, by consciously stepping outside the accepted community standards of behaviour impose a cost on taxpayers by substantially increasing the cost of schools, hospitals and other community infrastructure,” Wilhelm Harnisch said.

Master Builders calls on Senators to consider this evidence when next voting on bills to restore the powers of the ABCC.

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