



Australian Government
**Office of the Australian Building and
Construction Commissioner**

ABCC Media Backgrounder
Height allowance claim prompts site shut down in Parkville

Wotherspoon v CFMEU, Hudson & Reardon

Wednesday, 2 December 2009

Background

Allegations outlined in the ABCC's statement of claim

1. Hooker Cockram Projects Pty Ltd was the head contractor for the Walter Eliza and Hall Institute Enabling Works Project in Parkville, Victoria.
2. Hooker Cockram retained Central Scaffolding Pty Ltd to supply, erect and dismantle scaffolding on the site.
3. Hooker Cockram engaged Delta Pty Ltd to carry out demolition and excavation works on the site.
4. Hooker Cockram, Central Scaffolding and Delta had certified agreements with the CFMEU.
5. Between November 2008 and 31 May 2009 the CFMEU negotiated with Hooker Cockram to require it to pay a height allowance on the project to its workers and contractors.
6. At 10.30am on 1 April 2009 CFMEU officials Matthew Hudson and Shaun Reardon attended the site without prior notice. Matthew Hudson told Hooker Cockram's site manager they were on site to shut it down.
7. At 10.45am on 1 April 2009, Mr Hudson and Mr Reardon held a stop work meeting with eight Delta employees, two Central Scaffolding employees and two Hooker Cockram employees.
8. During the meeting Mr Hudson and Mr Reardon encouraged or directed the employees not to perform any more work and to leave the site immediately.
9. The employees left the site at 11am and did not perform any further work. They returned to work at 7am the following morning, 2 April 2009.

Alleged contraventions

10. The ABCC alleges the CFMEU, Mr Hudson and Mr Reardon contravened:

- Section 38 of the *Building and Construction Industry Improvement Act 2005* (BCII Act) by engaging in unlawful industrial action when the respondents shut down the site; and
- Section 719 of the *Workplace Relations Act 1996* (WR Act) because they failed to comply with the dispute resolution clauses within the certified agreements.

ABCC Prosecution

11. The ABCC filed a statement of claim in the Federal Court at Melbourne on 1 December 2009.

12. A directions hearing is scheduled for 18 December 2009.

Penalties

13. The maximum penalties for a contravention of the BCII Act are \$22,000 for an individual and \$110,000 for an organisation.

14. The maximum penalties for a contravention of the WR Act are \$6600 for an individual and \$33,000 for an organisation.

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