



Australian Government

Office of the Australian Building and
Construction Commissioner

ABCC Media Statement

Coercive tactics amount to “wilful disregard” for building industry law

Thursday, 17 September 2009

The Federal Court in Melbourne has penalised the CFMEU and organiser Bob Mates for engaging in coercive conduct at a Heidelberg construction site in February 2006.

ABC Commissioner John Lloyd said the case affirms once again that coercion is unlawful conduct.

Penalties totalling \$85,500 were imposed on the union and Mr Mates. They threatened the head contractor that the project would never recommence and ‘was not going to happen’ if the head contractor did not employ two shop stewards and an OH&S officer who had been employed by a previous contractor.

“The court has again found that threatening and intimidatory conduct is unacceptable in modern workplaces,” Mr Lloyd said.

“The penalties are substantial and at this level are designed to deter such conduct in the future.”

The Court found that when Mr Mates’ demands were not met, he attended the site and shut down a crane on the project, contributing to the closure of the site.

In handing down the decision, Her Honour Justice Kenny noted:

“Mr Mates unilaterally and arbitrarily prevented work continuing at the site as planned that day. Plainly enough, Mr Mates’ action was unlawful. There was no explanation for it. I infer that it was done in wilful disregard of the Building and Construction Industry Improvement Act.”

“. . .the Union, through its representatives at various levels around the country, has a history of engaging in coercive conduct relevantly similar to the kind in question in this case.

“The need for specific deterrence is underscored by the Union’s history of similar conduct and its continuing involvement in the building and construction industry”

“Penalties must also be sufficiently high to deter repetition by the contravener and others who might be tempted to engage in contravening conduct. Deterrence is a primary objective of penalties.”

Penalties totalling \$75,500 were imposed on the CFMEU and \$10,000 on Mr Mates for three contraventions of s.43 of the *Building and Construction Industry Improvement Act 2005*.

The respondents were also ordered to pay 60 per cent of the ABCC’s costs in the matter.

Further enquiries:

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