

MARK IRVING KC

Minister Watt
By email: Minister.watt@dewr.gov.au

19 August 2024

Dear Minister,

Prior to agreeing to take up an appointment as Administrator of the Construction and General Division of the CFMEU, and its Branches, I determined a set of principles and goals that would guide me should I decide to accept the appointment. I have subsequently met with a wide range of stakeholders. In each of those meetings I have taken time to go through those principles and goals. During those meetings I reached no deals or understandings about how powers invested in me will be exercised. Giving a binding commitment to a particular outcome would be improper, even if it were legal. I intend to conduct a lawful Administration. If appointed I will immediately communicate the principles and goals below with the members.

The principles and goals I stated are as follows:

Guiding principles

- The purpose of the union is to serve its members, to advance their industrial interests and to ensure the members are safe at work and receive fair conditions.
- The administration will be a union conducted independently of government and regulatory control, except to the extent required by law, and will act lawfully to pursue the purposes of the union and serve its members
- Listen
- Play everything with a straight bat
- Act promptly and decisively on credible evidence
- The union should be conducted lawfully
- Militancy in accordance with the FW Act is not unlawful. Vigorously, proactively, collectively engaging in a struggle to advance and protect members' interests is not unlawful.
- Be transparent with the members
- Corruption: zero tolerance. Those in the union and the industry who have engaged in corrupt conduct will be held to account.
- Organised crime and bikers: zero tolerance
- Not everything can be done immediately
- Some things must be done immediately
- The union will not engage in party politics during the administration: donations; positions at political party conferences; promotion of particular candidates
- Don't set unalterable course into uncharted waters
- Respect members, their leaders and the servants of the members

Goals

- During the administration to conduct a union that serves its members
- Ensuring the union acts lawfully
- Remove corrupt participants, from both union positions and those with whom the union deals
- Remove organised crime connections within the union

Postal address
Svenson Barristers
205 William Street
Melbourne VIC 3000

Castan Chambers
18th floor, Rm 1816
tel. 03 9225 7288
mirving@vicbar.com.au

- Address organised crime and corruption within the industry
- Improve corporate governance
- Return the union to member control in an environment in which democratic rights and member control can be exercised free of intimidation
- Address intimidation, menacing conduct and sexual harassment in the industry.
- Conduct an administration where union employees are safe, protected from menacing conduct and sexual harassment.
- Embed above for future by rules, procedures, changing culture, and – crucially - developing leaders from the membership who embrace the values in the goals
- Protect the union for future democratic control: custodian of coverage

Further, I can advise you that I intend, should I be appointed as Administrator, to vary the rules of the Construction and General Division of the CFMEU to prohibit the making of party-political donations or the funding of party-political campaigns.



Mark Irving KC