

MEMBER UPDATE

Monday 26 August 2024

CFMEU Update - What you need to know.

The CFMEU Construction and General Division is officially in administration in all states and territories in Australia, with 270 union officials removed from office immediately including 56 in NSW, following the introduction of new laws last week.

Mark Irving KC has been appointed as the administrator, with broad powers. Given the rapid changes which will continue over the coming weeks, **CCF NSW urges members who receive Right of Entry notices to call CCF NSW to check they are current.**

To read the list of union officials removed from office, as well as a list of those who maintain their position, [click here](#). Permits can be checked for currency [here](#) for IR and [here](#) for WHS, but there is currently a lag in the sites being updated so we recommend contacting CCF NSW for advice.

Key aspects in the new laws include:

- Prevention of officers who no longer hold office from being bargaining representatives
 - This provision is back dated to apply from 1 July 2024 to capture any officers that have resigned from office
 - The Fair Work Commission can issue a certificate allowing the former officer to be a bargaining representative should they satisfy criteria
- Powers of the Administrator;
 - Suspension or removal of officers
 - Termination of employees
 - Alteration of the rules
- The Administrator will be in place for a minimum of three years and a maximum of five years
- The Administrator must establish a complaints procedure for reporting complaints against current or former employees, delegates, officers or members of the CFMEU
 - the procedure must prevent the disclosure of the identity of the complainant, to anyone other than the person receiving the complaint.
- Removed persons must not become an officer or employee of a branch or organisation without a certificate from the Fair Work Commission. The Fair Work Commission must find they are a fit and proper person.
- The Administrator must report to parliament every six months.

While in administration, the CFMEU can continue to:

- Function as a union and represent employees
- Hold of right of entry permits
- Negotiate enterprise agreements

Important information for Civil Contractors

All right of entry permits should be checked prior to entry on each occasion, permits can be checked for currency [here](#) for IR and [here](#) for WHS, or call CCF NSW for assistance. Given the rapid pace of change, please note these websites may not be up to date. If you receive a right of entry notice, **contact CCF NSW urgently for assistance in checking the permit.**

CCF Advocacy

CCF has been advocating at a national level, working very closely with both Senator the Hon Murray Watt, Minister for Employment and Workplace Relations and Murray Furlong, General Manager Fair Work Commission, as well as the Opposition to get the new laws passed. CCF has compiled a list of asks for further legislative change. To see the one-page summary, [click here](#).

CCF NSW is liaising with the NSW Government to express the urgent need for the state's response to reflect the changes in Federal laws.

CFMEU Enterprise Agreements

A number of head contractors and builders are currently seeking advice regarding their enterprise agreements and the requirements of some clauses contained in those agreements.

During this time of rapid change, **we would remind members to be vigilant and consider the IR clauses and their implications in any construction contracts being signed.** If you are unsure, seek advice from CCF NSW.

For further information or assistance with the CFMEU please contact CCF NSW on (02) 9009 4000.

