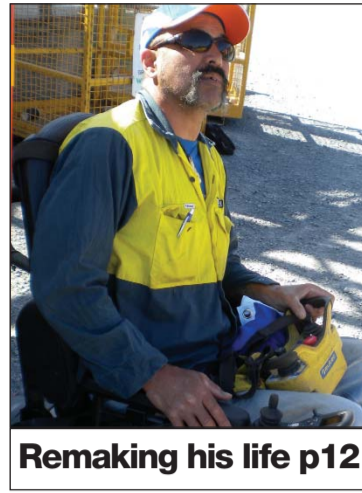




Still facing court p3



Daring to Learn p10



Remaking his life p12



# Hardhat

THE NATIONAL NEWSPAPER OF THE CONSTRUCTION AND GENERAL DIVISION OF THE CONSTRUCTION FORESTRY MINING AND ENERGY UNION NOV 2009

## We'll continue to fight & we will win

**As this Hardhat went to print, construction workers were waiting to see the outcome of a crucial vote in the Senate on the Rudd Government's law changes to abolish the ABCC.**

The Government was relying on the support of Family First Senator Steven Fielding to get its Bill passed.

But Fielding has a list of five amendments that effectively take us back to square one. The only thing different would be the name of the ABCC.

Senator Fielding wants the coercive powers kept as they are — including workers having no right to talk to anyone about what happened to them at an interrogation. He wants the same punishing restrictions on industrial action in the construction industry. And the same level of fines.

In other words, Fielding is dancing to the big business tune. The Senator, who is supposed to put Families First, has sold out to employers who can reap big profits by threatening construction workers with big fines and jail.



**Construction workers are sending a signal to the Rudd Government and employers: we will not stand by and see one of our workmates jailed or no end to the coercive powers of the ABCC. More October 30 rally photos: [www.cfmeu.asn.au/your-union/photo-galleries](http://www.cfmeu.asn.au/your-union/photo-galleries)**

### No change, what next?

Senator Fielding is adamant he wants all of his amendments accepted by Government or he will vote against the Bill.

It may be that Senators will never get time to vote on the Bill in the pressure of business before the Christmas recess.

Either way, the Rudd Government will then fail to keep its election promise from 2007: to abolish the

ABCC by January 31, 2010.

Construction workers have a right to expect the Government to live up to that promise.

Thirty-five million taxpayers' dollars are being wasted every year on an outfit — run by a political supporter of John Howard — that does nothing to make our industry more productive or safer.

Kevin Rudd and Julia Gillard have got to get rid of the ABCC

and its coercive powers.

### Work stops if worker jailed

2010 will also see South Australian rigger Ark Tribe on trial, charged with failing to attend an ABCC interrogation and refusing to do in his mates over a safety meeting.

Construction workers made it clear at rallies all round Australia on October 30, that they will down tools if Ark is

sentenced to jail.

If Ark is jailed, it will be on Labor's watch. No political party claiming to be a friend of working families should send a worker to jail.

### Time to move on

Construction workers are telling the Rudd Government it's time to completely move on from Howard's era of ideological warfare against our industry.

Workers, and some employers, are fed up with the constant, time wasting interference of the ABCC and its snoops in our industry. Ideological war-lords, like the Master Builders, who have never got their hands dirty on a building site, do not have the interests of the industry at heart.

2010 is an election year. Construction workers cannot support a Labor Party that chants the Liberals' lines against our industry. Construction workers and your union, the CFMEU, have a strong role to play in making ours a world class industry.

It's time Rudd and Gillard sat down with workers and employers to make it work!

**'I see a future brimming with possibilities' p2**

## Having survived the war, let's win the peace

### South Australian rigger Ark Tribe will go on trial in 2010 over charges laid by the government's construction enforcer, the ABCC.

The date for his trial will be set at another pre-trial hearing on December 18. South Australian comrades will be out in force to support Ark as he attends court on that day. Around the country, CFMEU members will also be watching and sending Christmas messages to the Rudd Government.

We were all proud to stand by Ark with nationwide demonstrations of support on October 30. Construction workers, and other union and community supporters, pledged to down tools nationally if Ark Tribe is jailed in 2010.

CFMEU Construction & General endorsed that action at our October National Conference. The CFMEU will continue to fight for an end to the coercive powers of the construction industry laws and for one law for all workers in this country. And we will prevail.

### Planning ahead

While we fight the last battles of Howard's ideological war on our industry, your Union is also looking to the future without coercive powers and industry enforcers like the ABCC.

That will be a time when the CFMEU is recognised as part of the solution of the industry's future, not a problem.

Our Conference debates and resolutions have set out directions for the union for the

next couple of years. (Extracts are printed on pages 6-7.)

### Safe and secure jobs

The Union is well aware of the pressures our members are under to meet high costs of living, achieve a decent life-work balance, or even to hold on to their jobs in some States.

While Conference was on, a concreter was killed on the Melbourne Pentridge Prison job (story page 4). The union uncovered a raft of safety problems and widespread use of sham subcontracting. But the ABCC was only interested in keeping our officials off the job.

Bogus use of ABN numbers and the continuing high rates of death and serious injury in the construction industry remain priorities for your Union.

### 457 visas

Conference also addressed the explosion of temporary migration schemes that rip off those workers and undermine rates of pay and conditions in Australia.

As a union built on immigration in an industry built by migrants, the CFMEU supports a vibrant balanced immigration program. However, temporary visa schemes, which exploit guest workers and drive down local wages and conditions, are a betrayal of the post war move to a non-racist migration policy. Migrants to Australia should be able to build a permanent future for themselves and their families.

### Wages and conditions

Tens of thousands of workers in



**'You can help grow your Union's influence by becoming active and encouraging your mates to join.'**

the construction industry are covered by collective agreements — the vast majority negotiated by the CFMEU. Those workers get the benefit of higher wages, super and redundancy payments etc. And union negotiated collective agreements also underpin the economic environment for workers not covered by formal agreements.

Our job in the years ahead is to use the modest improvements under the Fair Work Act to maximise the number and quality of collective agreements for our members.

We must also ensure that the CFMEU continues to lead the way in resources and

infrastructure construction.

At the same time, the CFMEU will work on key areas of the Fair Work laws that still need changing. We want pattern bargaining and better rights for unions to recruit and service members through workplace visits without undue restrictions from employers.

### Building the union

The hostile environment of the Howard years didn't destroy the CFMEU as the main voice of Australian construction workers. But the fact remains, there are tens of thousands of workers the CFMEU can represent who are not members of the union.

The Conference committed to growing our membership again. You can play a role in that by encouraging your mates to join.

### Let's win the peace

Sensible employers are already sniffing the wind and recognising the key role your union has to play in the industry's future.

The CFMEU will engage with those industry players by doing what we have always done: articulating a vision; helping those who need it; demanding safe and secure jobs.

I see the coming years as exciting and brimming with possibility. Having survived the war, we have the opportunity to win the peace. Let's grab that opportunity with both hands.

**Keep up to date on union matters with Messages from Dave: [www.cfmeu.asn.au/YourUnion](http://www.cfmeu.asn.au/YourUnion)**

## CFMEU Construction and General Division

### National Office

02. 8524 5800  
Secretary: Dave Noonan

### ACT Branch

02. 6267 1599  
Secretary:  
Sarah Schoonwater

### NSW Branch

02. 9749 0400  
Secretary:  
Andrew Ferguson

### NT Sub-Branch

08. 8981 5280  
Organiser: Bob Wade

### Qld C&G Divisional Branch

07. 3236 2355  
Secretary: Michael Ravbar

### Qld Builders Labourers Divisional Branch

07. 3236 2633  
Secretary: Greg Simcoe

### SA Branch

08. 8231 5532  
Secretary: Martin O'Malley

### Tasmania Branch

03. 6228 9595  
Secretary: Tony Benson

### Victoria Branch

03. 9341 3444  
Secretary: Martin Kingham

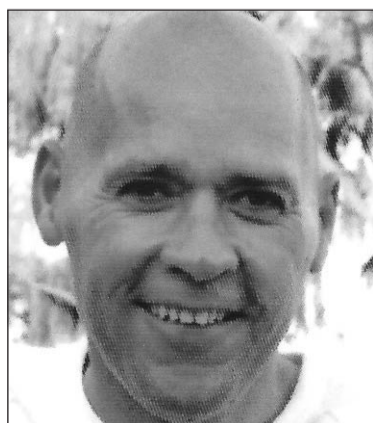
### WA Branch

08. 9221 1055  
Secretary: Kevin Reynolds

### Brick Tile & Pottery Industry Divisional Branch

02. 8524 5802  
Secretary: Steve Roach

## Farewell Rohan Crotty 8 Oct 1965 - 17 July 2009



**Rohan Crotty was a well loved, respected, caring, hardworking top bloke, who loved his family very much.**

Rohan was also a proud, loyal and committed unionist who loved his union and the members he represented. He took his job seriously. Whether he was a dele-

gate, official or in the leadership of the union, he ensured that workers were protected from unscrupulous employers, had a decent standard of living and the highest standard of health and safety at their workplace.

Our union and members are extremely grateful and all of us are very proud of Rohan's achievements in his time with our union.

Seeing all those strong characteristics make it even harder to believe he is gone, because he had so much to give and achieve.

Rohan had leadership qualities more people don't have. For many years I had to convince him that he should work for the union. When he eventually said yes, he did such a fine job that within a

very short time, he was in the leadership ranks, an achievement in its own right.

His leadership style was different to most. Where we are loud and outspoken, he was quiet, determined and a thinker. I believe Rohan was a success as a leader because workers were comfortable and confident that he would deliver for them, which he did.

Another aspect was his determination. Rohan never complained. He would face up to the difficulties of the job, work out a solution and then be determined to fix it. If that didn't work, he'd find another tactic and remain determined to solve the problem.

I saw this same strength of character in Rohan in his short

battle with cancer. When I spoke to him to see how he was, or if he needed anything, every time he was more concerned about others, whether it was his family, wanting to help workers or fix union problems.

At the same time he was determined to be positive in his battle to try and beat the cancer. Only weeks before his death, Rohan wanted to keep working for the union, which we knew he couldn't, but he just wanted to give and help others. That is why he is so special and why we will deeply miss him.

Outside of work Rohan was always good company with a great sense of humour. He could also sleep anywhere, anytime or on

anything. Once he fell asleep in an air-conditioning duct and still got paid for the whole day!

In honour of Rohan's contribution to the union, CFMEUQ has inaugurated 'The Rohan Crotty Delegate of the Year Award'.

Being an official of a union is a tough, stressful and sometimes thankless job, but we always support our small family. I know Rohan will have peace of mind that even though Jo, Eddie, Will, Jack and Paddie have a tremendous family to support them, the union will do our small bit to ensure the support is there for Jo and the boys in the future.

Rohan, we will all miss you. Farewell comrade, rest in peace.

By Michael Ravbar  
Secretary, CFMEU C&G Qld

## 'We're here for our mate'

**Thousands of construction workers downed tools and rallied in support of Ark Tribe when he faced Adelaide Magistrates' Court on October 30.**

The pre-trial hearing was adjourned to December 18, at the prosecution's request. A date for Ark's full trial in 2010 will be set on December 18.

The huge turnout showed construction workers totally reject the ABCC's attack on our industry and its coercive powers which threaten workers with interrogations and jail sentences over everyday workplace issues.

Workers from the Built Environs job in Adelaide had to defy intimidation from their boss to support Ark. Anyone attending the rally would be reported individually to the ABCC, they were told in a letter from the contractor.

That's the kind of bullying working environment these ABCC coercive powers produces.

CFMEU Construction National Secretary Dave Noonan told the Adelaide rally: 'I am proud to be here with Ark Tribe who's making a stand for every worker in our industry and in the name of every Australian's individual liberty.'

The CFMEU will continue to oppose the coercive powers — which are retained with a few safeguards in the Rudd Government proposed new laws for the industry.



Over 1500 construction workers, members of other unions and community supporters chanted 'One Law for All' while Ark Tribe attended the Magistrates' Court in Adelaide on Oct 30.



**'I'm here to try and get the laws changed and to stand with Ark. It's not the right thing to do, to do in someone, simple as that. If it had been me, I'd have done the same thing.'**

David, SA.

'If you don't have bad laws, you don't need safeguards against bad laws,' Dave said.

The CFMEU called on Independent Senator Nick Xenophon to stand up for the rights of South Australian construction workers, including his constituent Ark Tribe, and put an end to these coercive powers.

All the rallies endorsed a national stoppage in the construction industry if Ark Tribe or any worker is jailed under these ABCC laws.

CFMEU members will be watching with Ark on December 18. Then take note of date of his full trial in 2010.

Stand by for news from your CFMEU Branch for actions at that time.



Construction workers have over 10,000 activist supporters who have signed up to Rights on Site campaign website and regularly take part in actions. 3220 supporters sent messages to Ark for October 30. To read those messages and add yours, go to: [www.rightsonsite.org.au](http://www.rightsonsite.org.au) Join new actions via the website in the lead up to the Christmas break — if Ark is jailed it will be on Labor's watch!

## New Modern Award

**On 1st January 2010, the most significant change to the award system will become a reality. For the first time we will have one new award to cover general construction, civil construction and mechanical engineering construction.**

The only exception will be those those Mum and Dad partnerships that are not Pty. Ltd. companies.

The new **Building and Construction General On-Site Award 2010** is the result of the two year award modernisation process conducted by the Australian Industrial Relations Commission (AIRC). It will replace about 20 federal and state Awards in construction and will be the safety net for the industry and the standard against which all EBAs will be judged.

### Classifications & rates

The new award will have one classification structure (based on the CW structure), one set of apprentice rates, adult apprentice rates, common overtime rates and, most importantly, one redundancy scheme, based on the building and construction industry redundancy arrangement, introduced in the early 1990s.

The only differences are that there are some allowances that only apply in civil construction and there is a different shift work clause (including shift penalties) for civil. Transitional arrangements will apply until December 2014, but only for wage and penalty rates and they will only affect workers on award rates of pay, not those covered by agreements.

### Other Awards

Some of the other modern awards that apply to our members are the **Mobile Crane Hiring Award 2010** (which retains the mobile crane industry redundancy scale); the **Joinery and Building Trades Award**

continued on page 4



## Keep up to date

**Dec 18 — 12 noon, Ark Tribe faces Adelaide Magistrates' Court again.**

**2010 — Ark Tribe's full trial commences. Watch for announcements of date after Dec 18.**

**Actions in the lead up to Dec 18 hearing: talk to your CFMEU Branch or go online: [www.rightsonsite.org.au](http://www.rightsonsite.org.au)**

**Ongoing news of CFMEU campaign and actions: [www.cfmeu.asn.au](http://www.cfmeu.asn.au)**

Pictured above: rallies in support of Ark Tribe on Oct 30 in Melbourne, Perth and Brisbane. Right: Supporters accompany Ark to Adelaide Magistrates' Court.



## Worker death of no concern to ABCC

Victorian worker, Tom Kelly, 46, was killed during a concrete pour at the old Pentridge Prison site at Coburg in Melbourne's north on October 15. But the Government's industry enforcers were only interested in barring the union from the site.

Tom Kelly was screeding concrete on a first floor slab when one of the pump's outriggers sank into the mud [pictured].

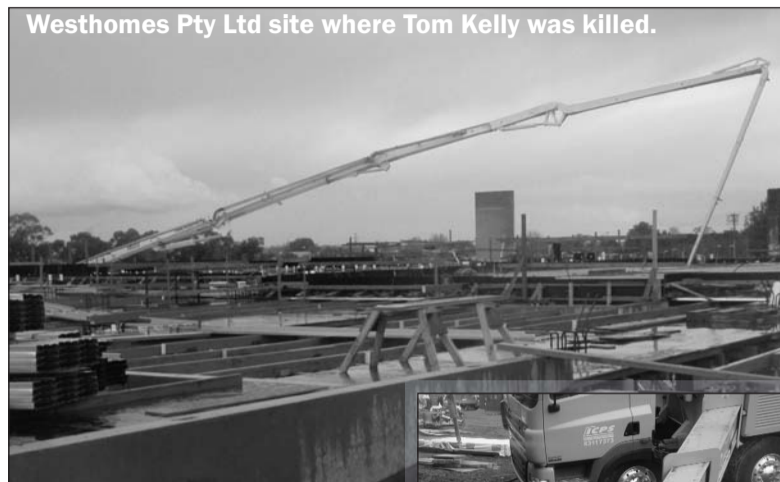
Kelly was hit by the hose, suffering serious head, chest, abdominal and shoulder injuries.

His workmates pulled him from the wet concrete but ambulance crew could not revive him. Worksafe Victoria are investigating the incident.

### ABCC no concern for safety

When CFMEU officials turned up to supervise the safe retrieval of the pump next day, the builder tried, unsuccessfully, to bar their access to the site.

ABCC 'investigators' were also on the phone — more concerned about a union



Westhomes Pty Ltd site where Tom Kelly was killed.

presence on the job than the fact that a worker had been killed.

The outrage that a contractor should've been more concerned about protecting its back from legal prosecution, than for the safety of its workforce seems to have totally eluded them.

Victorian union officials found a raft of safety problems on the site, including incomplete scaffolds, shoddy electricals, poor access and general untidiness.

The concrete pump outrigger had been positioned directly over an underground pipe. The tragedy of Tom Kelly's death might have been avoided if correct precautions had been taken.



Thirty townhouses and over 60 apartments are being built on the huge prison site, but the builder Westhomes Pty Ltd wants to call it a 'domestic' project.

For further updates on this story, check out the CFMEU Construction Safety Zone: [www.cfmeu.asn.au](http://www.cfmeu.asn.au)

For more photos of poor safety on the Pentridge Prison site go to the Vic Branch website: <http://www.cfmeu.vic.com.au/>

## ABCC's 'cancer' threats

John Howard's biggest spruiker is at it again. ABCC head John Lloyd's latest foray is a diatribe against changes to the Construction Code of Practice regulations.

Employers from the AiG were treated to a new horror scenario: a subbie working under the new regulations accepting a 'union noticeboard' in his shed, on a site where the head contractor still has to meet the 2006 regulation obligations!

The ABCC is determined to maintain the old regime, despite the changes.

'The impact of widespread unlawful conduct will not be readily apparent,' Lloyd said ominously. 'It will work through the industry and affect parts of the economy like a slow-moving cancer.'

'Those who embrace lawful conduct may find themselves leaving the industry ...' - All over a union noticeboard?!

2010 (which applies to off-site establishments); and the Manufacturing and Associated Industries and Occupations Award 2010 (which includes the clay and ceramics industries).

There is also a Concrete Products Award 2010 that applies to pre-cast yards (but not on-site work).

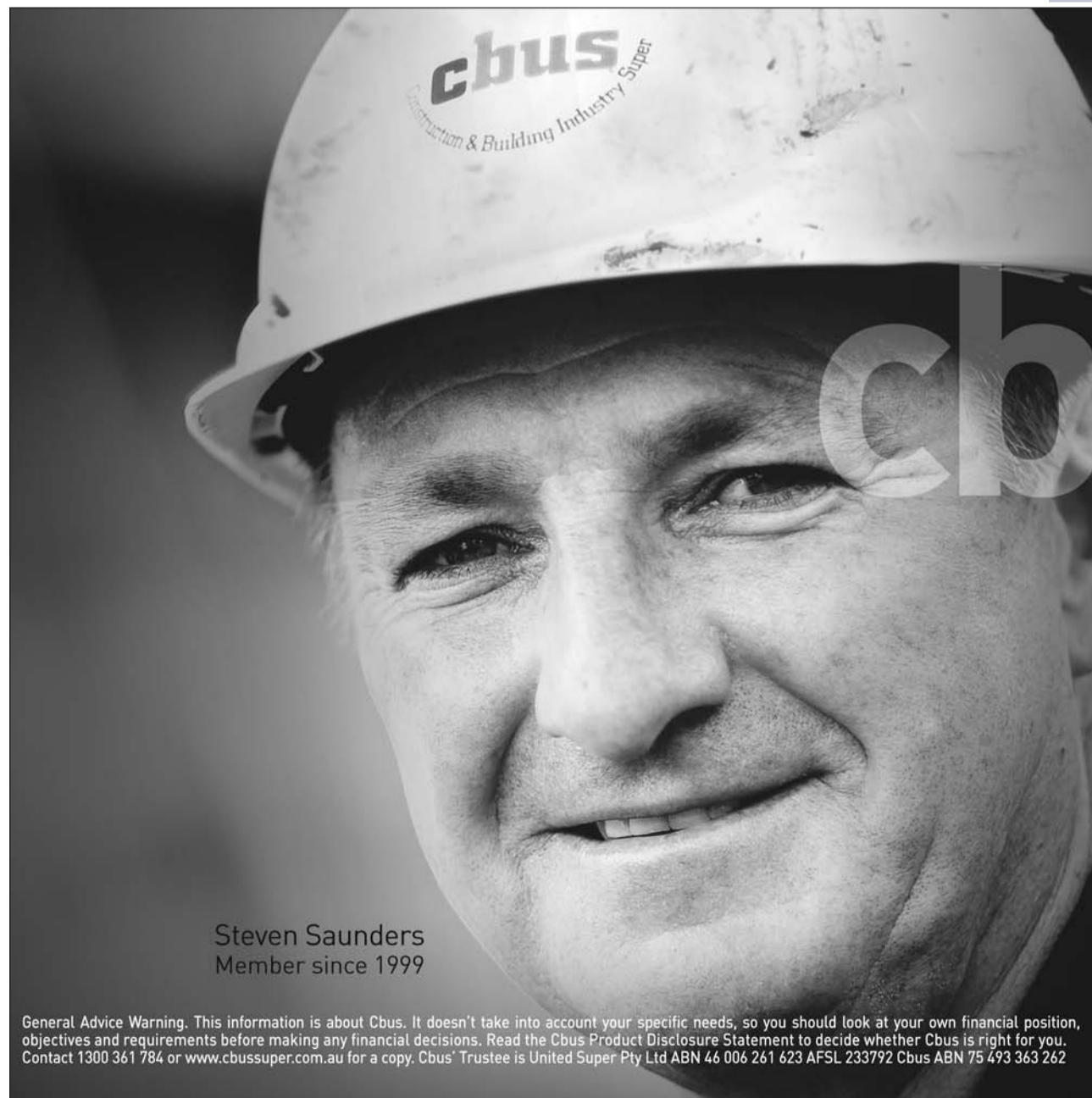
### Copies available soon

The modern awards are still being finalised (as **Hard Hat** goes to press) with clauses concerning the coverage of labour hire workers and group training apprentices to be inserted.

The CFMEU will print copies of the **Building and Construction General On-Site Award 2010**, **Mobile Crane Hiring Award 2010** and **Joinery and Building Trades Award 2010** which will be available from Branches early next year. Members should contact their local organiser for further details.

Links to the Awards and the applicable national wage rates will also be posted on the CFMEU Construction Website in December. [www.cfmeu.asn.au/member-services/wages-information](http://www.cfmeu.asn.au/member-services/wages-information)

By Stuart Maxwell  
National Industrial Officer



Steven Saunders  
Member since 1999

From 1984 until now, it's always been the two of

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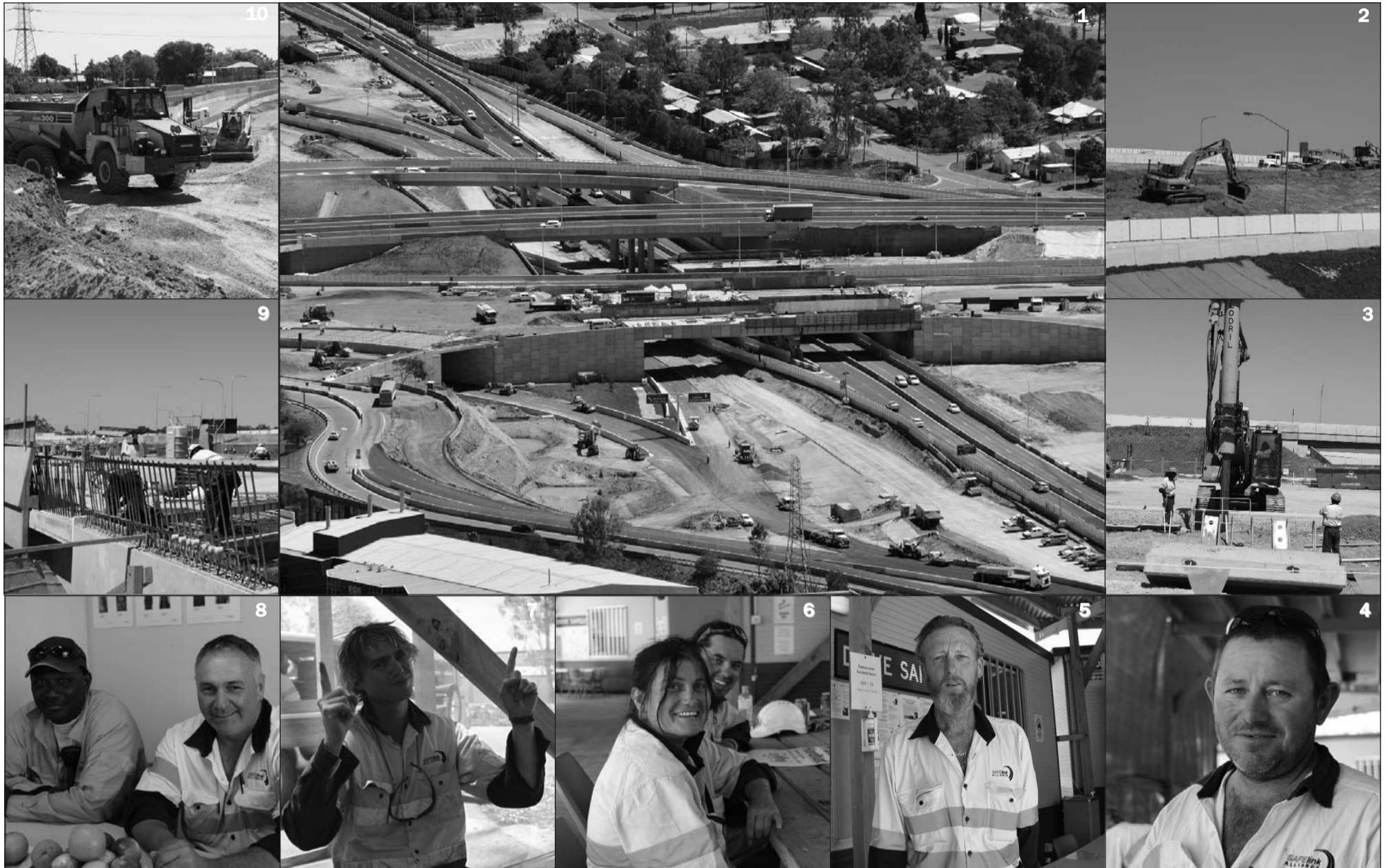
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## Our Job: SAFELink Ipswich Motorway



**Queensland Department of Main Roads set up the SAFELink Alliance to upgrade the Ipswich Motorway from Wacol to Darra. The \$824 million project combines widening of the Ipswich Motorway and Centenary Highway, with construction of a free-flow multilevel interchange to replace the existing roundabout.**

Managed by a joint venture between Leighton and BMD, SAFELink also includes rail formation for the new Springfield line; 5km of new service roads; 26 new bridges and 1.4m<sup>3</sup> of bulk earthworks. It will lay 420,000t of asphalt.

When **Hardhat** visited the SAFELink site in October, over 75% of construction was nearing completion with workers preparing to move on to other jobs. The project started in March 2008 and both the CFMEU and AWU are signatories to the agreement.

Just under 300 workers were direct employees of the Joint Venture, including 40 fully signed up trainees. About 600 workers, including traffic controllers, worked on the project.

Innovative features included a strong emphasis on environment protection, with water and materials recycling; solar powered crib facilities and recycling, of pre-existing asphalt as road fill, for example.

Proximity to the markets meant the workers got to benefit from fresh fruit delivered to the job, in a bid to 'make us a bit healthier', as one of them joked.

Certainly, the clean air-conditioned crib rooms, set in a shady grove beneath the Motorway were something the peggy, Cougar, could be proud of. 'Everyone had a hand in doing something to put this up — that's what makes it a good place,' he said of the Area 40 crib.

Relaxing out of the Queensland heat inside, or at the large or smaller tables under

wide shaded walkways outside, the workers confirmed his view.

'You don't mind coming to work if there's stuff laid on for you,' said Greg, who drives a backhoe on the job. 'It's pretty boring sitting out in the frigging dust having your smoko. Trust me.'

His mate Jack, who was labouring on a civil job for the first time, valued the emphasis on safety. 'If you can't do it safely, you don't it. Just walk away,' he said.

Road Construction Trainee, Joel called the job a 'life-changing experience'. 'Before I came here, I didn't have any direction in life. I didn't know what I wanted to do for a job and wasn't making much money.'

Now he's set on a career path, has got his car, and 'everything's changing and

getting better,' Joel said. He'll soon be finished his traineeship and with the help of the union is applying for other jobs in the area after SAFELink finishes.

Lue James is one of a small number of women on the job, though most of the others seemed to be in Traffic Control and other areas, not out driving compactors or other plant, as she does.

A country girl from north-west Qld, Lue has been driving plant in mining and construction since 1994 and wouldn't do anything else. She actually tried her hand at real estate a few years ago, but found it really wasn't her scene. 'This life's way better,' she says.

CFMEU delegate on the Ipswich Motorway, Neal Wolfenden has travelled most of

the eastern seaboard from Victoria to Mt Isa doing civil construction work. He likes the variety of work in civil, 'You can do a lot of different things in a day — bit of steelwork, concreting, formwork — anything to do with bridges, which you don't get on a building site.'

'It's very important we make the union strong again,' Neal said. 'Look what happened when Johnny Howard was fronting the show. A lot of safety and pay and conditions went. We are starting to win some back now.'

**Pictured:**  
1. New Centenary - Ipswich Motorway Interchange.  
2. The last earthworks for rail embankment Area 20. Notice award winning 'gawk screens'.  
3. Driven piling for bridges.  
4. CFMEU delegate Neal Wolfenden.

5. Peggy 'Cougar' at Area 40.  
6. Lue and Nathan enjoy smoko in shade at big table.  
7. On his way - trainee Joel.  
8. Greg & Jack with free fruit delivered to sheds.  
9. Installing parapets on a road bridge.  
10. Earthworks.  
11 & 12. Centenary Highway Interchange looking north & west, respectively.

# Divisional Conference 2009

## Actions for the next two years

**The CFMEU Construction & General Divisional Conference on October 13-15 passed a number of resolutions, which will guide the union's campaigns for the next two years. Extracts from those resolutions are published here.**

### Abolish the Building and Construction Industry Improvement Act

*The CFMEU condemns the Federal Labor Government failure to abolish the Building and Construction Industry Improvement Act 2005 and the retention of the Australian Building and Construction Commission. ....*

The retention of the BCII Act, and laws like it, have no role in a civilised and democratic society.

The right to silence is a fundamental right and no Australian citizen should be compelled to answer questions relating to industrial issues or discussions held at union meetings under threat of fines and/or gaol. The CFMEU also rejects the imposition of fines against unions and workers for exercising their democratic right to withdraw labour. Building workers should not be treated differently from other workers.

*This conference calls on the Federal Government to abolish these draconian laws.*

### Support Ark Tribe

Conference extends its full support to CFMEU member Ark Tribe, charged under the anti-worker Building Construction Industry Improvement Act.

*Conference calls for a national industrial response if Ark Tribe or any workers is jailed under this law.*



**'I can see there are some heated issues like the ABCC and migrant workers. We have a pocket of labour hire workers in our area that are all migrants. There's certainly an issue there as well. I also met all the other Branch presidents who are the same as me.'**

Phil Blake, CFMEUQ President & QBuild senior delegate.

### Apprentices

*Conference reaffirms its support for the apprenticeship system as the most appropriate form of training for trades-related occupations.*

The apprenticeship system with its combination of on-and off-the-job training, and the practical application of the skills on the job, is the best way to train workers aspiring to be tradespeople as it ensures that they gain the necessary experience of putting their training into practice in real life work situations in a constantly changing work environment.

Conference totally rejects the notion of fully institutionalized training and calls on the federal and state governments to oppose the funding of any such proposals.

However, the apprenticeship system is being undermined by a number of factors that need urgent attention. *Conference resolves that the union continue its campaign to improve the apprenticeship system, particularly by working to achieve the following:*

- A 10% training quota on all government funded projects.
- A requirement that all employers who tender for government funded work need to demonstrate a commitment to training on all their work.
- Substantial wage increases for junior apprentices, particularly in the 1st and 2nd years, so that they earn a wage that meets their living expenses and is at a level that makes an apprenticeship an attractive option compared to other jobs.
- Proper auditing of RTOs and employers to ensure that apprentices are receiving the required training and are not being



**'This Conference has been one of the best. For the first time every state is acknowledging the problems in their own town. It's very important that the union target those sectors, like aster-board/gyprocking that are slowly disappearing from our control.**

Ante Zdrilic, NSW rank & file delegate.

bullied at work.

- Ensuring that any system of competency based progression is based on the demonstration of competency on the job in real work situations and the recognition that skills need to be developed over time by practical experience on the job.

*Conference notes that from the 1st January 2010 the industry will have for the first time a national system of adult apprentice rates as a result of the creation of the modern awards.*

We also understand that there is general support for Fair Work Australia to review apprentice wages in 2010. Should the review not occur in a timely manner or not achieve an acceptable outcome, conference directs the National Executive to explore the other options available under the Fair Work Act.

### Training Levy

*This Conference supports the immediate introduction of a national training levy for the building and construction industry to promote job creation and skills for the industry.*

### Mature Age Workers

Conference notes that older construction workers face serious challenges in obtaining work in the construction industry.

We express our disapproval of the decision to raise the age at which retirees can access the old age pension to 67 and resolve to oppose any further increase.

*Conference resolves to campaign on this issue and directs the national office to prepare a model clause for collective agreements to enhance job prospects for older construction workers.*

Further, that the union lobby that government procurement policy, including the construction code guidelines, should require employers to engage a minimum number of mature age construction workers on Commonwealth funded projects.

### 457 visas

*Conference calls on the Federal Government to implement a fair and effective immigration policy particularly in relation to working visas. ...*

Guiding principles of a fair migration system should be:

1. A clear preference for permanent migration over temporary working visas.
2. Where such visas are used (to alleviate a genuine skills shortage) workers must have the same wages and conditions as Australian workers.
3. Strong checks and balances must be put in place including strong penalties for employers who exploit guest workers.
4. The longer term solution to the skills crisis is in training Australian workers. Employers using guest labour must be required to clearly demonstrate a record of proper training locally before employing temporary overseas workers.
5. Inclusion of robust labour market testing before an application for temporary visas can be made.

### Redundancy GEERS

In response to problems identified by CFMEU members with the Commonwealth General Employees Entitlements and Redundancy Scheme (GEERS), the Conference supported the establishment of a comprehensive scheme that:

1. is not discretionary;
2. does not have caps so that workers receive their full unpaid entitlements;
3. includes unpaid superannuation;
4. pays out on a worker's pay rate not only the certified industrial instrument/Award;

5. covers employers who simply stop trading or close their doors leaving unpaid entitlements to employees; and

6. also provides relief for direct employees of subcontractors affected by the liquidation.

### Superannuation

*Conference calls on the Commonwealth Government to raise the superannuation guarantee levy to a level of 15% over time for all workers.*

Conference supports the continuation of union involvement in superannuation through the equal representation model. Industry funds operating under this model have consistently outperformed retail funds in achieving member benefits.

Conference supports the retention of superannuation provisions in awards.

Commissions paid to finan-



**'We're talking about very important issues for the union and our membership — things like the ABCC and bogus subcontracting. It gives us a true vision of the direction of the union. It's great. I'm seeing more younger officials coming through and being trained now, guided by the older guys. But I think we still need to entice young people to the union and teach them that it's an important part of their lives. Their future livelihood depends on it. We're getting there slowly.'**

Elias Spervasilis, VIC

# Divisional Conference 2009

## Actions for the next two years



**'It's been a pretty good conference this time. The issues the guys have brought up are good and I do believe we need to go on the attack – round right of entry for one. The Labor Party is not doing enough.'**

Doggy Cracknell, Tasmania President & rank and file delegate (pic left).

cial planners should be abolished and planners should be required to act in the interests of clients.

Conference calls on the Commonwealth Government to reject any proposal to raise the preservation age.

### Super Compliance

Conference notes the failure of the Australian Taxation Office to effectively regulate employers' obligation to make superannuation contributions.

The Fair Work Ombudsman should be empowered and properly resourced to investigate and prosecute non payment of superannuation by employers.

### Principal Contractor Obligations

This Conference calls on the Federal Government to amend the Fair Work Act 2009, to hold principal contractors liable for underpayments and non-payment of entitlements of employees of subcontractors.

Further, this Conference calls on the Federal Government to enact Federal Legislation that allows genuine subcontractors to take legal action to more effectively and more quickly recover monies owed to them from subcontractors up the contracting chain and ultimately the principal contractor.

### Sham Sub-contracting

Conference also noted with serious concern the spread of sham sub-contracting arrangements across the construction industry. Conference urged the following actions:

- Urgent strengthening provisions in the Fair Work Act and Independent Contractors Act.
- Priority and more resources to union and government working party on sham contracting.
- A multi-disciplinary task-force from Departments and Agencies (ie ATO, ASIC, DIAC etc) to attack the scam merchants.
- For all state, territory and federal governments to seriously address the issue.
- Urgent legislative steps to reign in numbers of workers on bogus sub-contracting arrangements.
- Ensure government contracts are not going to firms with bogus sub-contracting arrangements.

### ABN workers

Conference notes that Australia is not overall a high taxing country ranking eighth lowest out of the 32 OECD countries. However the contribution from wage and salary earners has increased as a percentage of GDP from 6% in 1958/59 to 12% today, while company tax has gone from 3% to 5% as a percentage of GDP over the same period. In addition the effective long term rate of company tax is 18% on their profits.

We further note the findings of the Federal Government's *Intergenerational Report* in 2007 that found spending on health, aged care and pensions as a percentage of GDP will double over the next 40 years, while the working age population declines by 8%. This Report predicts a fiscal gap of 3.5% of GDP developing over that period.

In the light of this, Conference called on the Federal Government to ensure that com-

**'It's my first conference and has been very interesting for a person from a rank and file background. I'm getting a lot out of it, meeting the others from all round Australia. I'll let our guys know at toolbox meetings what happened over here and the future directions of campaigns and all that.'**

Gavin Belcher, SA President & rank and file delegate (pic right).

pany tax rates are not cut. They should be increased to fill the fiscal gap predicted.

Conference also noted that it was easier to get an ABN than it is to apply for Government welfare benefits.

*Issuing of ABNs should be constrained through amendments to legislation so that applicants are required to demonstrate through tangible evidence that they are operating a business.*

### Executive salaries

Conference also called for legislation and reasonable caps on 'obscene executive salaries' and for the government to enforce these caps through its purchasing powers.

### Indigenous Affairs

1. Conference acknowledges that Stolen Wages are an industrial issue and pledges support to our Aboriginal and Torres Strait Islander brothers and sisters in their struggle for Just Compensation for Stolen Wages through raising awareness



International delegates to Conference: Andreas Constantinou and Andreas Neofitou, PEO Cyprus; Jim McDonald and Dennis Doody, UCATT Ireland and UK; Ravinder Kumar and Tapan Kumar Sarma CWFI India.

through public meetings, publications and inclusion in campaigns and rallies. We call on ACTU to acknowledge that compensation for Stolen Wages is an industrial issue.

2. Conference pledges support to the struggle to end the Northern Territory Intervention by raising awareness through public meetings, publications and inclusion in campaigns and rallies and calls on the Rudd government to:

- Repeal the Northern Territory Emergency Response, in particular, to abolish compulsory income management and reinstate the Racial Discrimination Act.

- Refrain from extending the Intervention and compulsory welfare quarantining to other states.

- Repeal the "housing for land deals" and ensure self-determination through maintaining Aboriginal housing services and housing organisations.

- Provide education and services necessary to address the material disadvantage of Aboriginal and Torres Strait Islander communities and build local economies by restoring and improving CDEP.

3. Conference notes that Aboriginal Deaths in Custody have increased after the Royal Commission and calls on the Rudd government to:

- Implement the recommendations of the Royal Commission into Black Deaths in Custody as a matter of urgency.

- Investigate the recent Aboriginal Deaths in Custody.

- Recognise Aboriginal organised "Cop Watch Programs", and

- Restore funding for Aboriginal legal services.

4. CFMEU supports the demands of the Justice for Mr Ward campaign and demands that privatisation of corrective services be stopped and reversed.



**'We oppose the coercive powers in the ABCC legislation and that will remain the position of the Qld Government.'**

Cameron Dick, Minister for Workplace Relations, told Conference.

5. The CFMEU extends solidarity to the people of Ampilatwatja, north-east of Alice Springs, who have walked off their community and set up a protest camp in protest at the NT intervention and its failure to provide housing or services. We endorse their demand and pledge a donation of \$1000 towards maintaining the protest camp.

### International solidarity

The Conference also conveyed its solidarity to the Cuban 5; Columbian trade unionist Liliana Obando ...see stories page 9.

Conference also conveyed its solidarity and support to the Construction Workers' Federation of India in its call for a national strike of construction workers on 8 December 2009, in support for better working conditions and wages. We note from the report of Tapan Sarma, that this would be the first national strike of construction workers alone since independence.

This Conference wishes our comrades in India all the very best in their endeavours to build worker and union power in India.

### Health & Safety

Conference also passed resolutions on Workers' Compensation; Comcare; OHS Harmonisation and the Qld Workplace Impairment Policy - see latest OHS newsletter on website for details.

**Read more in 'Directions for a safe and secure future' – Message from Dave Noonan**  
[www.cfmeu.asn.au/YourUnion](http://www.cfmeu.asn.au/YourUnion)

## Union gets boss to bargain in good faith

The CFMEU has successfully applied to Fair Work Australia (FWA – the new organisation replacing the Australian Industrial Relations Commission) for an order to stop Tutt Bryant Crane Hire NT conducting a ballot of its workforce to approve an employer drafted agreement.

The union used the new good faith bargaining provisions of the Fair Work Act to stop the vote going ahead, on the grounds that the employer had failed to attend a planned meeting at which they were to provide an updated draft agreement for further discussion.

The union has been bargaining with Tutt Bryant NT since September 2009. The parent company Tutt Bryant Group Pty Ltd also owns Musswellbrook Cranes in NSW. Negotiations to date have been less than satisfactory.

The draft agreement employers wanted to put to the workers didn't include a number of award conditions, for example, shift work penalties and the Mobile Crane Hiring Award redundancy provision. Wage increases were CPI or 3% whichever was the highest!

The union didn't believe workers should have to waste

their time voting on such a sub-standard agreement!

Following Fair Work Australia's decision to issue the order, the company agreed to two further meetings, before a report back to Commissioner Cargill on Nov 20.

It looks likely that a vote will occur soon. But if the company doesn't increase their offer, we expect the workers will vote down the new employer draft and the next step will be an application for a protected action ballot.

We will update members on the outcome on the CFMEU NT Branch website news page and in the next edition of **Hard Hat**.



Tutt members with CFMEU NT Organiser, Mick Huddy and National Industrial Officer, Stuart Maxwell.

For news, views, safety alerts, member stories and photos - check out the CFMEU Construction and General new website today. JOIN ONLINE if you are not a member. PAY YOUR DUES online. Follow UNION CAMPAIGNS. [www.cfmeu.asn.au](http://www.cfmeu.asn.au) with links to all Branch sites and RDOs 2010.

## Union access and training ensure safety

A serious and potentially fatal incident occurred at a Leighton Contractor's site north of Adelaide, on Thursday November 5.

Employees of a roofing contractor were performing what they considered a routine task of unloading large louver panels and screens from a Semi.

But the way the screens had been loaded and transported presented a potential risk because they had to be off-loaded by hand from a near vertical angle.

Singularly these screens are light, but in a pack of about 30 to 40, they weigh about 500kgs.

As the screens were being unloaded, a gust of wind picked up and blew about 31 screens off the back of the truck on to a worker on the ground.

He took their full weight on his back. Sitting, bent forward with his forehead almost touching the ground, he struggled to breathe and was unable to move.

His workmates had been struck and injured by the load on its way down. But their quick thinking saved their mate from potentially worse injuries. They lifted the screens off him and pulled him clear.

The worker was taken to the Royal Adelaide Hospital with fractured ribs, lacerations and bruising and it is unclear whether he has sustained any long term injuries.



### Substandard EBA means poor safety training

'This incident highlights the many dangers faced by construction workers and the risks of being denied representation by the union and having substandard EBAs,' said CFMEU SA Organiser Jake Field.

'Substandard EBAs don't deliver on access to training and information about the risks of dangerous work.'

Leighton's north Adelaide site is, at face value, as it should be. The amenities and sheds are of high standard. But the contractor remains, at best, unco-operative with union organisers attempting to gain access.

'And while unions are denied proper access to sites and workers are bullied by callous employers, workers' lives will continue to be put in danger,' said Jake.

## Not clear of global financial crisis yet

The appointment of administrators to NSW-based Whitehorse Constructions shows that the building industry has a long way to recover from the impact of the global financial crisis.

More than 200 subcontractors are owed about \$8 million, with one small business owed \$470,000.

CFMEU NSW Secretary Andrew Ferguson said hundreds of families were facing a bleak Christmas as a result.

'Hundreds of workers stand to lose their jobs and entitlements as Christmas approaches.

'Despite recent reports that the worst of the economic downturn is passed, another 10 builders in NSW are teetering on the edge of collapse.'

The administrator has advised the NSW Branch that of the eight projects being built by Whitehorse, only one stands a reasonable prospect of being completed.

The company, which is the construction arm of PacLib Pty Ltd, went into voluntary administration just seven months after PacLib was chosen as one third of a consortium to build the \$1 billion Riverstone West industrial part in north-west Sydney.

Insolvency expert Mark Franklin has met with a number of subcontractors and advised them of their rights under the Corporations Act.

An administrator was appointed on October 29 and there was a meeting of creditors on November 10.

## Cranie, triathlete and lovin' it!

CFMEU member and crane driver, Adam Coombe, has just come 15th out of a field of 67 in the ITJ Long Distance Triathlon World Championships in Perth.

The former Aussie rules player only got involved in the sport five years ago, when mates told him he could do it in Tassie.

'Once I'd done one competition, I got the bug. Now I'm absolutely loving it,' Adam told Hardhat.

He came third in the Masters section of the Tasmanian Mystate Financial State Series last year and aims to improve on that this year.



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## Free the Cuban 5 from US jails

The international movement, demanding the release of the Cuban 5 from US jails, has declared its unwavering commitment to demand the immediate freedom of 'our five brothers: Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González and René González, as they are innocent of the charges that the US Government has convicted them of.'

The declaration follows the decision of the US Federal District Court in Miami on Oct 13, 2009, to reduce Antonio Guerrero's life sentence to 21 years and 10 months – the minimum available for his unjust conviction of Conspiracy to Commit Espionage.

The Oct 13 hearing is the first of three re-sentencing hearings ordered by the Full Panel of the 11th Circuit Court of Appeals in September 2008.

The US Federal District Court has set December 8 for the re-sentencing hearings of Ramón Labañino and Fernando González. The Appeals Court vacated the life sentence previously imposed on Labañino and the 19 year sentence against González.

Arguing in court in support of a new sentence of 20 years for



Guerrero, the US prosecutor 'has exposed the fact that this has always been a political process that has nothing to do with the truth,' writes Andrés Gómez who was in court with the family and supporters.

'The statement by prosecutor Heck Miller is obvious recognition of the success of the results obtained by the political movement throughout the world, which for all these years has denounced the arbitrary and mendacious process pursued by the US Government against the Five.'

'The movement has been unwavering in its demand for their immediate freedom. Now more than ever this movement must redouble its efforts until they are free.'

### Nothing to do with justice

Since the triumph of the Cuban Revolution in 1959, every administration of the US Government has maintained a policy of permanent aggression against the Cuban people.

A fundamental part of this policy of aggression has been the use of violence against the Cuban people.

For decades US administrations have been directly or indirectly involved—through terrorist organisations of the Cuban American extreme right wing — in countless attacks against the Cuban people.

This has caused the deaths of 3,478 Cuban men, women and children, and injured 2,099 Cubans. The peace, security and well-being of the Cuban people have been tragically affected.

In the interest of defending its people, the Cuban government assigned to the Five the task of infiltrating the terrorist organizations of the Cuban American extreme right wing. Stopping terrorism was their mission.

But instead of arresting the terrorists and prosecuting them for their crimes, the US Government arrested the Five in September 1998. Since then it has kept them arbitrarily imprisoned.

### Injustice and petty cruelties

All of these men have lost their youth to prison over the past 11 years. Antonio Guerrero is now 51. He has been imprisoned since he was 39. But the injustice doesn't end there.

Two of the men have not been allowed visits from their wives for 10 years. Others have to wait months for permission or had their visits marred by petty cruelties.

'The hardest thing I have ever heard in a meeting was when one of our delegates this year asked one of the wives of the Cuban 5 what was the toughest thing she had to endure since her husband had been incarcerated,' UK construction union, UCATT, official Denis Doody told the CFMEU Construction National Conference in October.

'She said when she gets up in the morning and sees a table that's empty. A table where children should be sat – their children, the children she will never have.'

The CFMEU has launched a postcard campaign to US President Obama about the Five. Contact your Branch or Organiser for cards. Post paid by the union.

More info on the campaign: <http://www.freethethefive.org/>



**'Thanks to campaigning by UCATT, new criteria are being introduced which will greatly reduce bogus self-employment. UCATT is also demanding an extension of the Gangmasters Act to construction to stop exploitation of workers by gangmasters. The union is looking at bringing cases for workers who have been blacklisted but these may be very difficult to win. Most importantly, we have campaigned to ensure it never happens again. We hope that blacklisting will be made fully illegal later this year.'** Jim Mc Donald, UCATT to CFMEU Conference in October.

## Free Lilianny Obando — Colombian unionist

As this Hardhat went to print, Columbian trade unionist and human rights activist, Lilianny Obando, was facing trial on November 23.

It is almost 16 months since Lilianny was detained and incarcerated on bogus charges of rebellion - a practice that has become common in Colombia under President Alvaro Uribe's regime and is aimed at silencing political opposition.

During those 16 months, Lilianny has been denied home detention seven times without reason and in violation of her constitutional rights.

'This year in prison has been one of long waiting, of difficult conditions for my family, especially for my children, but at the same time it has been a great school of life at the side of my political prisoner comrades. It has been a year of temperance and reaffirmation of principles and commitment' — Lilianny wrote in August when she was

one year in jail.

### Case plagued by irregularities

Lilianny's trial will begin on Nov 23, but the case has already been plagued with irregularities, including harassment of her family.

It has included the internationalisation of 'FARC politics' — the tactic pursued by the Colombian government of falsely accusing political opponents and critical thinkers of links to guerilla activities in that country.

Lilianny's case has been accompanied by attempts to criminalise international solidarity in Canada and Australia. Secret services officers have interviewed people involved in the campaign for her freedom. Hate



mail and threats have been received through the website directed at supporters.

Protest actions against the repression and criminalisation of the opposition and other critical thinkers were held in Colombia, France, Canada, the US

and Australia on October 1.

Thousands turned out in Colombia, demanding the end of repression and a humanitarian exchange of political prisoners, as a first step towards a political solution to the social and armed conflict in the country.

Australian unionists are asked to back these demands with the following actions.

1. DEMAND that the Colombian Attorney General grant

Lilianny Obando home detention to allow her to care for her children.

2. DEMAND that the Colombian government guarantee the safety of Lilianny and her family.

3. REQUEST that human rights organisations monitor the safety of Lilianny and her family.

Send messages of support and letters to:

Attorney General's office: [contacto@fiscalia.gov.co](mailto:contacto@fiscalia.gov.co)

President Alvaro Uribe: [auribe@presidencia.gov.co](mailto:auribe@presidencia.gov.co)

Interamerican Commission for Human Rights: [cidhoea@oas.org](mailto:cidhoea@oas.org)

UN High Commission for Human Rights: [oacnudh@hcr.org.co](mailto:oacnudh@hcr.org.co)

Colombian Embassy in Australia, Mr Diego Betancur: [embassyofcolombia@bigpond.com](mailto:embassyofcolombia@bigpond.com) & [ecanberra@cancilleria.gov.co](mailto:ecanberra@cancilleria.gov.co)

More info [www.colombiasolidarity.net](http://www.colombiasolidarity.net)



**'Our problems are basically the same. They are global and global exploitation must be met with global unity among working class, toiling people and unions.'** Tapan Sarma, CWFI told Conference.

## Govt boost for training during GFC

**Deputy Prime Minister, Julia Gillard in her role as education Minister, has recently announced two schemes to assist in facilitating training places for Australian workers.**

The first is the **Apprenticeship Kickstart Program**.

One hundred million dollars has been allocated to support up to 21,000 young Australians entering apprenticeships in the traditional trades.

The commencement bonus will increase from \$1,500 to \$2,350 with another \$2,500 paid after nine months.

This payment will go to all employers who take on an apprentice in a traditional trade between 1 December 2009 and 28 February 2010 or until 21,000 places have been filled.

These new apprentices will also have mandatory green skills as part of their training.

The Kickstart program will be funded from the \$650 million jobs fund and will apply to apprentices aged between 15 and 19 years.

As part of this proposal, there will be \$20 million for pre-apprenticeship proposals from states working with industry and training organisations that will increase the flow of young people into the traditional trades.

Up to 5,000 young people will be able to participate in these pre-apprenticeship programs, learning the basics of a trade to fast forward them into apprenticeships.

### Enterprise Based Productivity Places Program

In her role as Education Minister, Julia Gillard has also announced that \$25 million will be provided to fund the **Enterprise Based Productivity Places Program (EBPPP)** for existing workers.



The EBPPP builds on the Productivity Places Program trials in 2008/9. The object of the program is to provide opportunities for employees in participating enterprises to increase their skill levels and gain further qualifications.

This will assist enterprises to increase productivity and meet the demand for higher skills that is a feature of today's economy.

**The CFMEU supports apprenticeships as the most appropriate form of training for trades-related occupations. The union has resolved to continue its campaign to improve the apprenticeship system.**

**From January 1, 2010, the industry will also have a national system of adult apprentice rates for the first time in our Award.** — see Conference resolutions pages 6-7.

The courses offered will be from Certificate III (trades level) to Advanced Diploma level in qualifications on the priority occupations list — that includes most building trade qualifications.

The industry skills councils, in our case the Construction and

Property Services Industry Skills Council (CPSISC) will co-ordinate the program.

**If you are interested, get your employer to consult CPSISC for details.**



## More workers take out OHS Diplomas

**Twenty-four more Victorian workers graduated with advanced Diplomas in Occupational Health and Safety at the CFMEU Training Unit on October 1.**

The Diplomas were awarded with a special ceremony at the Unit's Port Melbourne training centre.

**Hardhat** only managed to speak to a couple of the graduates this time. But their stories are reflective of the huge endeavour and success of the course.

**COLIN BURSON** started with the 5-day OHS course at the union, back in 2000. 'And I've just kept going since then. It's an interest.' Though he also admits it's been 'pretty intense going back to school. Most of the schooling I did was down on the canals near Leixlip, in Ireland.'

There is a 'colossal amount to learn and most of it all legal stuff', he said. But his research project — investigating and formulating prevention systems in regard to silica dust and vibration — had an immediate impact on the job he was on at the time.

'We had a deflection on the slabs which had to be ground down on 15 floors. That created a heap of silica dust. So we had to go through the process of getting all the information on



**OHS Diploma Graduates celebrate their achievements with Brant Webb (centre back), survivor of the Beaconsfield mine collapse who is standing for election in 2010 in the Tasmanian seat of Bass. Colin Burson is 2nd from right seated. Kevin Pattinson is on Brant's right, standing.**

the health effects of the dust, get the appropriate PPE, work out access issues, get the right size extractor fans. I was doing that anyway as OHS rep, so I figured it would be good for the Diploma. And it helped with the actual job too.'

Completing the Diploma has given Colin more confidence when dealing with big builders: 'You know when they're telling you lies. Knowledge is power, but I also believe in spreading it around to others,' he says.

Boys on the job are now more likely to come up and ask him questions too and you get respect on the shop floor.

Another bonus is the network of friends he's made with similar

interests in OHS through the course. 'We ring each other up and exchange information, which means you're always learning.' You need that as an OHS rep, he says, 'Because OHS is always changing with new information and technology.'

**KEVIN PATTINSON** really wanted to thank the trainers and teachers at the Vic Unit for their support and encouragement during the course. 'I really can't say enough about how good and helpful they were. Such knowledgeable people and they'd put themselves out to help, if you didn't understand something.'

As an ex-bricklayer, Kevin didn't have much computer skills. But with encouragement from the

union, 'I dared to learn' he says.

'Hopefully now I can be of some help to stop someone having a workplace injury.'

### Construction workers can do anything

CFMEU Construction National Secretary Dave Noonan said 'The Diploma Graduation Ceremony and the opening of the new Training Centre in Adelaide (story right) show how the union is involved in empowering workers.'

'We've got great pride in the workers who've made this real and concrete contribution to the capacity of the industry. It also shows that people with practical experience who've come out of the industry can make a real contribution to OHS — often

better than those with degrees in the subject but no hands-on experience.'

Many of the projects undertaken by Diploma Graduates this year covered plant operations — EWPs, all terrain vehicles, forklifts; knuckle boom.

Copies of the research are housed in the Vic Branch OHS Unit and form an invaluable reference source for CFMEU officials making the case for change in OHS regulations or procedures in the industry.

For a complete list of CFMEU Vic Training Unit's courses, go to [www.cfmeu-vic.asn.au/Training](http://www.cfmeu-vic.asn.au/Training)

**New Training Centre for Adelaide**  
CITC officially opened its new Training Centre at 491-499 South Road, Regency Park in Adelaide on October 1.

The 5,400 square metres centre offers 11 new classrooms, with practical areas for dogging, rigging, scaffolding, EWP etc, plus external hard standing for slewing cranes. More staff have also been taken on.

Phone: 08. 8301 4500 or [www.citc.com.au](http://www.citc.com.au)

For links to all CFMEU Training Schools: [www.cfmeu.asn.au/training](http://www.cfmeu.asn.au/training)

## Time for action

### The new Draft National Model OHS Law is now out for public comment.

Submissions closed on November 9 and the CFMEU has again put the case for:

- Workers' absolute right to consultation on OHS.
- An unqualified obligation on employers and site head contractors to provide a safe and healthy workplace; they must prove they did not break the law.
- Worker elected OHS reps. with highest standards of rights and powers.
- Unrestricted right of entry for unions over OHS issues.
- Powers for workers and unions to take court actions over OHS breaches.
- Penalties for breaches to include jail sentences.

A summary of the CFMEU submission is on our national

website as an OHS Download.

Federal and state governments will sign off on the Model Law in early December. They then have until December 2011 to change state OHS laws to match the model.

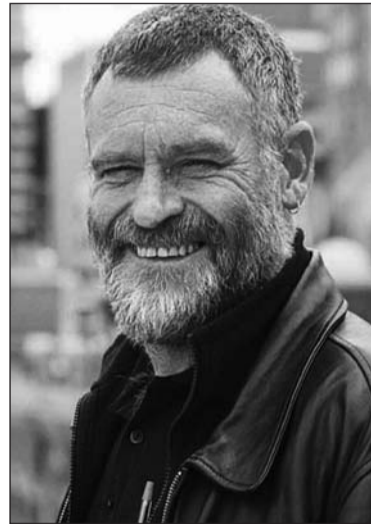
### Room to manoeuvre on regulations

In the meantime, Safe Work Australia is continuing to draft new model OHS regulations and codes of practice.

The governments will have to 'harmonise' these as well and we stand to lose standards in many states.

That's simply not good enough. These codes and regulations in a high risk industry like ours are the nuts and bolts that our organisers and OHS representatives use to make builders work safely.

It's time to get serious. The October CFMEU Construction and General Conference and National Executive Committee



passed resolutions committing all divisions of the CFMEU to an industrial campaign to convince the governments to take our views on OHS laws seriously.

### Mining keeps specific OHS laws

The coal mining industry is covered by specific mines legislation that gives legal rights to union OHS inspectors to stop work in unsafe conditions.

**'We're not sure the Premiers and Prime Minister fully understand the human consequences of where this harmonisation is going to end. It seems the process is snowballing down a hill and no-one is in a position to stop it. We appeal to state governments, if harmonisation is going to downgrade conditions, just say NO.'**

CFMEU Mining & Energy members did not want to lose those hard fought for rights.

Meetings were held at all coal mines and members resolved to stop digging coal if they lost their safety laws because of National Harmonisation.

The Mining Division met with Deputy PM Julia Gillard and have received a commitment they will be exempt from the National Model Laws and their industry specific law will continue.

### Action 2010

In the New Year, CFMEU Construction will be co-ordinating a national industrial campaign targeting federal and state funded construction projects.

We'll join with like-minded unions and call on the ACTU to get serious as well.

**Make sure you support the campaign. We owe it to our kids to make our industry as safe as possible.**

# Sharp crane crew averts catastrophe

**Untold numbers of workers and passers-by might have been seriously injured in central Sydney on Monday November 9, were it not for the quick thinking of a crane operator and his dogger.**

The Favco tower crane had lifted a 6 tonne site shed onto the back of a semi-trailer, parked in the loading area at the front of the site in George Street, Haymarket.

With the shed safely on the truck, the dogger had turned to get a ladder to unhook the hoist chains, when the truck driver suddenly took off.

'Fortunately, the crane driver, Dom saw what had happened and hooked down fast and slewed left fast,' said Jason, CFMEU co-delegate on the site. 'Ramy chased after the truck and banged on his window to get him to stop.'

The crane crew estimate the truck had travelled about 15 metres before halting. It's not known what brain snap caused the driver to take off before the dogger had a chance to detach the chains.

The crane driver was badly shaken by the incident and had



**Quick action by crane driver Dom saved untold lives.**

to take the rest of the day off. He was offered counselling the following day.

WorkCover put a Prohibition Order on the crane until a certified engineer's inspection and report had been produced.

The report concluded there were no signs of structural distress on the crane's grillage and no bent members were observed on the boom. 'As the crane was at approximately at 35m radius when the truck came to a stop, the crane was still within its SWL capacity.'

It had been working at 32.5m radius before the incident and has an SWL capacity of about 9 tonnes. At the union's suggestion,

non-destructive tests of the boom pivot pin and boom cleat plate welds to the machinery deck were also undertaken as a quality control measure.

The crane was certified for work with no restrictions on to its SWL capacity and began lifting again on Tuesday November 10.

### Ensuring it won't happen again

Union organisers and the site manager held a toolbox meeting with the workers about the incident on Tuesday morning and Parkview Pty Ltd has implemented a number of safety measures to ensure such incidents don't happen again.

These include notices to all transport companies delivering materials to be loaded or unloaded by crane. Safe work method statements must be drawn up for the task and all drivers must complete and sign off on safety inductions, before they arrive on site.

Three traffic controllers are now engaged to work out the front of the site on busy George street.

New safe work methods for loading and unloading materials with the crane include traffic controllers placing a large chock



**Three traffic controllers are now employed and new safety procedures for unloading/loading trucks by crane are in place.**

under the kerb-side front wheel of truck and a sign on the front windscreen (pic right), listing procedures for the task.

The truck cannot move until the sign is removed — the last action by traffic controllers, before giving the driver the all-clear to depart.



**Crane Contractors CFMEU co-delegate, Jason, with NSW Branch Sydney city organisers Rob Kera and Rebel Hanlon.**

**For regular reports on OHS incidents, alerts and latest newsletter, go to our SAFETY ZONE + at [www.cfmeu.asn.au](http://www.cfmeu.asn.au)**

## It takes guts and determination — Joe Salu remakes his life

**'In the flick of a finger your life really can change forever,' says Queensland CFMEU BLF Branch member, Joe Salu.**

On August 30 last year, an unbalanced load of formwork shutters fell off a truck that Joe Salu was unloading in the Wideform yard on the Gold Coast.

Joe knew straight away something was very wrong as he lay on his back with a punctured lung, struggling to breathe.

'I was sitting there waiting for the light and my mate Jason got my phone so I could call my wife,' he said.

Joe went to the Princess Alexandra hospital in Brisbane and was operated on the next morning to remove multitudes of bone fragments from his crushed spine.

He suffered an incomplete break, but the bone fragments damaged the muscles and nerves in his back, leaving him in a wheelchair.

The married father of two was told by doctors he probably won't walk again.



Joe Salu operating a self-erecting crane from his electric wheelchair and setting new goals for the future.

### Back to work

When his employer said they wanted him back at work, Joe feared he might be left doing paperwork. But Wideform had a different idea. They paid for the dogger to complete a Self Erecting Tower Crane Ticket, allowing him to continue

working on site.

Now Joe is equipped with an electric chair and back to working full eight-hour days.

Wideform hopes Joe's position in the company will grow into a training role to up-skill their workforce.

### Inspiring others

Joe's industrial accident has had a really big effect on workers and his return to work has had a ripple effect within the company.

Lots of physio and hydrotherapy lie ahead, but he is hopeful he will walk again. He's already made significant improvements, getting movement back in his thighs.

'I've been working with a group called "Walk On" who've shown me people can and do walk again after being in a wheel chair,' Joe said.

It seems nothing can hold this 48-year-old back. He's been playing indoor basketball and still flies home to Wellington in New Zealand.

With support from his employer, and wife who's been his 'rock', Joe is now looking to the future and setting new goals.

Joe's determination has shown people that workers are not just pawns, who to their companies are replaceable.

By Ashlea Tighe, CFMEU BLFQ Branch

## Golden Troweller



Apprentice bricklayer and proud CFMEU member, Ben Stevens, has acquired a the nickname of 'GT', after being chosen to represent WA in the national Golden Trowel Award in September.

Ben was selected for a team of two apprentices and their TAFE teacher, competing in a field of 13 at the two-day event, held by the Concrete and Masonry Association.

Ben's team came second, with first place going to Bathurst College. Each team had to complete a detailed building project to a set plan with a given quantity of concrete blocks.

Congratulations, Ben, and all the best for your career in this industry!

## Blackrock workers pay for Piper

Assembly at Oberon Primary School, Geelong, became a heart-warming experience on August 21 this year, when a group of CFMEU members turned up to hand over \$1845 to Barwon Health.

The collection was taken up among workers from the nearby Blackrock Sewerage Plant upgrade. And deputy CFMEU shop steward, Dave Aird presented Piper Lee – the face of Geelong Hospital's 2009 appeal – with a gift at the school.

Piper is a prep student at Oberon Primary and has won many admirers for the courage she has shown in her battle with a neck tumour since 2006.

Barwon Health Foundation Director, Glen Seidel, told the school students that unionised workers are often referred to as 'the salt of the earth.'

School Principal, Andrew Augerinos, singled out CFMEU member Dave Thomason for



particular praise.

Davie's son, Magnus Che, is in the same class as Piper and he was the driving force behind the collection on the Blackrock site. Davie is also an active member of the school community.



**Pictured above top: Piper Lee with (l-r) Glen Seidel ( Barwon Health Foundation), John Irvine (AMWU Organiser), Dave Aird (CFMEU Deputy Steward Blackrock Sewerage Works Upgrade) and Davie Thomason (CFMEU).**

**Above: Dave Aird gives Piper her present.**

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