

CFMEU ADMINISTRATOR
MARK IRVING KC

23 February 2026

The Honourable Amanda Rishworth MP
Minister for Employment and Workplace Relations
By email: Minister.Rishworth@dewr.gov.au

Dear Minister,

Bi-Annual Report to Parliament

I refer to s.323T(1) of the Fair Work (Registered Organisations) Amendment (Administration) Act 2024. Accordingly, I attach the third Bi-Annual Report of the CFMEU Administration.

Yours sincerely



Mark Irving
Administrator

Third Bi-Annual Report of the CFMEU Administrator

Contents

Rebuilding the Union.....	1
Regeneration and restructuring	2
Operation of the Union.....	4
Co-operation with law enforcement, regulatory bodies and stakeholders.....	5
Resolving demarcation issues.....	6
Aspects of the rebuilding process	7
Financial position	9

Rebuilding the Union

1. The Administration is making steady progress towards achieving its goal to return the Union to the democratic control of members as principled, strong and independent Union. The Administration over its 18 month long life has moved through various phases: a phase of establishing control, a planning phase, and then a phase of restructuring and readying the Union for the implementation of the plan. It has now entered into a new phase: the rebuild of the Construction Division of the CFMEU.
2. The CFMEU is changing. It is changing its personnel. It is changing its culture. It has shed what courts before the Administration described as a lawless model of behaviour based on threatening and abusive conduct. It is gradually regaining its position in civil society. It is changing how it engages with employers, employer groups, regulators, governments, other unions and other industry partners. It is moving towards a model based more on co-operation and collaboration, and less on confrontation and conflict. All of this can be done without sacrificing the interests of members or compromising their safety. But there remains much to be done.
3. As detailed in previous reports, a strategic plan has been developed for the Union to be implemented over the life of the Administration. A copy of this plan is attached to this report. The plan defines the values guiding the Union. It identifies the changes needed. That plan states how the Union will be rebuilt. To create the conditions necessary for the implementation of the plan it was necessary to stabilise the Union, change its workforce, place various professionals in national leadership positions, expand their functions, and reorganise operations. During the coming 6 months the plan will be further reviewed.

4. Over the course of the last 6 months the Union has entered a new stage of its journey. The Union has now steadied. It has regenerated its workforce and will continue to regenerate as we move forward. It has restructured its national operations. There will be further reforms, but those implemented to date are substantial. The more significant are addressed below.
5. The new phase of the Administration requires a different approach. New personnel are now moving into place to implement the plan. This implementation stage – the rebuild phase – requires a different set of skills within the Administration and within the Union. The architect’s plans have been finalised, the site has been cleared, the foundation has been laid: it is now time to construct the framework that will endure for a generation.
6. The work is slow, and deliberately so. It needs to be methodical. It needs to be careful. The scale of the reforms are broad. The Administration needs to make changes that will last for many years. The arc of the Administration reshaping an organisation as large and complex as the CFMEU is long. Abrupt violent upheavals have the potential to disrupt a major part of the Australian economy. This is particularly so given the many challenges facing the construction industry in Australia. The Olympics in Queensland, the T2D project and other capital works in South Australia, and the AFL stadium in Tasmania are merely examples of the vast projects that will be built largely by CFMEU members. As noted above, the CFMEU wishes to work with all stakeholders (governments of all political persuasions, employers and other unions) using an industrial relations model based on co-operation and collaboration, without sacrificing the interests of members or compromising their safety. To get this massive amount of work done requires innovative thinking and mature judgment, rather than reflectively relying on past flawed models of industrial relations in this field or now outdated misconceptions based on how the CFMEU conducts its business. Project agreements, arrangements that facilitate the engagement of more women in construction, flexible and productive rostering and RDO practices, are all matters that should be the subject of discussion aimed at mutually beneficial reforms and fully debated in the lead up to the 2027 enterprise bargaining rounds across Australia.
7. Like all human institutions, the CFMEU remains flawed. Only the blithely ignorant would contend nothing has changed in the CFMEU, and only the gloomiest pessimist would suggest that the reforming rebuilding process should now cease. More change is needed. The task of reform is well progressed, but unfinished. The CFMEU’s journey has many miles to go before the Administration ceases.

Regeneration and restructuring

8. In my August 2025 bi-annual report I explained the structure of the Administration and the mechanisms governing how my powers are variously delegated to Branch Executive Officers and others. That structure remains in place. There have been four significant changes in the last 6 months.

9. First, I have appointed Matt McGowan as the Assistant Administrator. Matt McGowan is the former National Secretary of the National Tertiary Education Union (NTEU) and has almost 20 years of experience in leading unions at a National and State level. The Federal legislative scheme contemplates that the CFMEU operates effectively during the course of the Administration: s 323D (2A) of the FWRO Act. The Administration is moving into its rebuilding phase its focus shifts towards implementation of developed plans and embedding new governance structures. Given his experience and aptitude, Mr McGowan is ideally placed to enable the achievement of the legislative goal and the effective implementation of the strategic plan.
10. Second, during the Administration there has been a regeneration of the staff within the CFMEU. When the Administration commenced, the Division (directly or through the Queensland state registered Union) employed about 320 employees, largely through its 6 Branches. Since the commencement of the Administration over 50% of those employees have ceased to be employed by the Union and new employees have been appointed. This renewal has been accompanied by a restructuring of the operations of many of the Branches.
11. The extent of this change is perhaps best measured by considering the position of the three levels of industrial leadership within the Union prior to the Administration: the senior leadership, the industrial co-ordinators and the organisers. The senior leaders of the Victorian, NSW, Queensland and SA Branches have all left the Union. Those senior leaders were the employed Secretaries and other senior office holders in those Branches. They are all removed persons under the Act. Immediately below those senior leaders were co-ordinators (with various titles in each State). Over 90% of the industrial co-ordinators in the Victorian, NSW, Queensland and SA Branches have left employment since the commencement of the Administration. The final level of industrial leadership in the Union are the organisers. About 90% of the organisers in NSW who were engaged prior to the Administration have now had their employment ended. In Victoria over 50% of the organisers have had their employment ended since the commencement of the Administration. In South Australia the figure is over 60% and in Queensland the figure is above 50%.
12. The departure of so many of the industrial leaders of the Union has provided opportunities for renewal within the Union ranks. The new employees have been employed under different employment conditions and subject to more exacting standards of behaviour. The reasons for the departure of leaders, coordinators and organisers varied from person to person. Some have been removed in accordance with statutory requirements; some have been dismissed for misconduct; some have resigned; some have been made redundant. Some were dishonest and corrupt, and their departure was a step towards the Administration achieving its aims. Some were decent, loyal and honest servants of the members, and their departure was a loss to the Union. To describe the process as a mass 'clean out' is unfair to the good employees. However, whatever the

reasons for the departures, there has been a regeneration in the industrial leadership of the Union.

13. Third, the National Restructure of the Union has been implemented. There is now a National team of professional executives in place. The National Team is led by a National Executive Officer, Emma Kindon. The team consists of Directors of the following sections: Trade Union Education; Legal and Industrial; Finance; Technology; Media and Communications; Policy and Research. Steps to appoint a National Women's Officer are being finalised. Four of the eight leaders are women. Two have doctorates. Five are new employees of the Union.
14. Fourth, the functioning of the National Steering Committee (whose operation was described in my August 2025 report) has been enhanced by the establishment of a series of committees and working parties. The committees will be the driver of policy recommendations and inform future decision making. The working parties will focus on the delivery of work on a day-to-day basis. There are discrete committees whose work covers a wide variety of topics, including Technology, Governance and Democracy, Trade Training, Integrity, Rules reform and demarcation resolution. The working parties include those dedicated to Women and Diversity, National Campaigns, Education, and Enterprise Bargaining.

Operation of the Union

15. A core part of the Federal legislative scheme is that the CFMEU operates effectively during the course of the Administration: s 323D (2A) of the FWRO Act. To operate a Union requires the appointment of people with some experience in that field. To do otherwise would be negligent. A role of the Administrator under the Act and scheme is to exercise the powers conferred to pursue the objects of the Union. The role is avowedly not to wind up and cease the operation of the CFMEU as an effective union.

16. Prior to agreeing to take up the appointment as Administrator I wrote to the Federal Minister in a letter tabled in Parliament before the bipartisan vote to support the relevant laws. In that letter I identified the principles and goals that would guide me should I decide to accept the appointment which included that:

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.

Goals...During the administration to conduct a union that serves its members.... Ensuring the union acts lawfully

17. The Union during the Administration is performing its core function of serving its members, advancing their industrial interests and ensuring members are safe at work and receive fair conditions. This is what the legislation requires. This is what was promised. Any criticism of the Administration for appointing people with experience in running unions and allowing the union to lawfully conduct its business misunderstands, with respect, what the laws require.
18. One of the goals being pursued is to ensure the Union is operating lawfully. In the 5 years prior to the Administration commencing there were findings by various courts that the CFMEU had engaged in 1163 contraventions of industrial laws. Since the Administration has commenced, there is no finding of any court that the CFMEU has engaged in any contravention of any industrial law concerning conduct occurring during the Administration (though there have naturally been findings about pre-Administration conduct).

Co-operation with law enforcement, regulatory bodies and stakeholders

19. The Act and the scheme impose on the Administrator the responsibility of cooperating in numerous ways with law enforcement agencies and regulators. The Administration has met that responsibility in a variety of ways. The Administration has regular meetings with the FWC, the FWO, and the AFP. The Administration regularly engages with and provides assistance to representatives of police forces around Australia, including Taskforce Hawk within the Victoria Police. The Administration from time to time commissions reports to examine historical practices so as to inform the reform process.
20. The Administrator continues to be supportive of the operation of the joint agency working group which operates as a centralised clearing house between the various police forces and regulators so that matters involving possible criminal acts referred by the

Administrator to the working group can be distributed amongst the relevant agencies pursuant to agreed relationships between them. Pursuant to various inquiries conducted and reports commissioned by the Administration certain matters have been referred to specific police forces and regulators for further investigation and prosecution. In these scenarios, the cooperation of the Administrator extends to providing the underlying documentary material to enable those authorities to proceed promptly to act on the alleged contraventions of the law identified by the Administration.

21. From the commencement of the Administration a productive working relationship has been established between the Administration, the CFMEU and peak employer bodies. Formal and informal discussions take place about a range of issues of pressing concern to the construction industry.

Resolving demarcation issues

22. The resolution of long running demarcation problems will be a priority for the Administration over the course of 2026. The resolution is important as a matter of principle, and is important for the industrial relation system, for the economy, for the CFMEU and its members, for other unions, for employers, and for the broader union movement. Their resolution requires all actors to come together in good faith. As detailed in the CFMEU Strategic Plan, a key principle that underpins the work of the Union is solidarity – that the CFMEU is bound in solidarity and unity with the members and the union movement. One of the goals identified in the Strategic Plan is for the CFMEU to be a leader in the movement. The Union condemns the attacks made in the past by the leadership in some Branches (particularly Queensland), which included threats and acts of violence, on other unionists, their representatives and leaders in the labour movement. The CFMEU is committed to returning as a respected and respectful partner to the broader trade union movement. This requires the CFMEU to maturely address contentions made by others about proper lines of demarcation.
23. A comprehensive review of all the Union’s demarcation issues is being undertaken. The Union will only represent those who it is lawfully entitled to represent. There are processes being developed and implemented to ensure prompt, effective and binding mechanisms to resolve demarcation issues in a manner that reflects and respects the rights of the CFMEU and its members, and the rights of other unions and their members, without industrial disruption. The results need to be enduring, and ensure that any settlement robustly survives for decades.
24. This new approach has already borne fruit. In relation to one long running demarcation sore the CFMEU Construction Division has engaged a former member of the Fair Work Commission to arbitrate a dispute. All sides agreed to accept the outcome. This has resulted in a process where hundreds of members are being transferred from the Construction Division in accordance with the determination made. Once finalised, the

outcome will be publicised so all stakeholders know where the lines of demarcation are drawn.

25. However, to resolve disputes requires both sides to sit down in good faith and deeply engage with the other parties' arguments. It takes two to tango. A process whereby one party simply regurgitates historical grievances may perform a cathartic function, but doesn't in itself develop a prompt, effective and binding mechanism to resolve demarcation issues. The CFMEU will continue to professionally, diligently and maturely work with all willing unions, whatever their historical beefs, to work towards solutions. The Administration provides a once in a generation chance to sort these issues out finally, lawfully and effectively. It would be tragedy for the union movement, and the construction industry, for that opportunity to be squandered due to provincial grudges, or to gain some fleeting temporary advantage.

Aspects of the rebuilding process

26. In February I approved the 2026 workplan for the Administration. The Workplan implements in a specific way the Strategic Plan as part of the rebuilding of the union. As detailed below this involves:

- Continuing to make safety of workers the number one priority;
- Improving national and branch capacity to service the OHS needs of workers;
- Addressing pressing industrial issues, such as unlawful sham contracting;
- Reviewing the rules and governance of the CFMEU;
- Examining the role of wellness and ensuring that the mental health of members is protected;
- Deciding the future of the Victoria Wellness Centre;
- Continuing to rebuild the culture of the Union;
- Establish an internal integrity, audit, and compliance unit within the CFMEU;
- Develop and implement a new staff code of conduct;
- Implement a three year plan to educate our delegates and staff;
- Identify and foster quality leaders of the future;
- Hold a National Delegates Convention;
- Form delegate advisory committees;
- Implement a men's behavioural change program;
- Rebuild the Union's IT and membership support services;
- Further develop capacity to better support women in the union and the industry;
- Continue to build research capacity;
- Build campaign capacity;
- Advance industry structural reform in various forums;
- Continue to engage with key construction industry stakeholders from employer groups;
- Participate in forums facilitated by various regulators;

- Continue the commitment to the National Construction Industry Reform (NCIF) through which key structural and productivity issues can be addressed;
 - Work on trade licensing and its relationship to industry reform and future wages strategies;
 - Repairing the CFMEU relationship with others within the industrial relations system, including regulators, stakeholders and the broader union movement.
27. Rebuilding the Union has many aspects. It involves rebuilding the culture of the Union. The regeneration and restructuring of the CFMEU described above is part of that process. It will include a review of the rules and governance of the CFMEU. That will include the establishment of an internal audit, risk and integrity unit within the CFMEU which will be embodied in the Rules. In addition, a new staff code of conduct will be developed.
28. Well trained and supported people are at the heart of an ethical union. 2026 will see the roll out of a three-year plan to educate our delegates and staff. The National Education unit is now in place. Premises to conduct the retraining work have been acquired. Fundamental to this work is the rebuilding of culture and values. Leaders within the CFMEU and the Administration are crucial in this process of rebuilding the culture of the Union. As the Union rebuilds democratic structures and practice in 2026, it is imperative that leaders model the values and culture the Union seeks to promote. The Union must identify and foster quality leaders of the future. Our focus in 2026 will be on developing staff and delegates including through the development of a Leadership Development program and the holding a delegates convention. There will also be formation and operation of delegate advisory committees. Member education is also a key focus, requiring close work between the National Education unit and the National Communications Unit. The work over 2026 will also involve the implementation of a men's behavioural change program to reinforce the respect of women.
29. The safety of workers in a dangerous industry is always the first priority of the CFMEU. Over 2026 the Union will review the national and branch capacity to service the OHS needs of workers and to ensure better coordination between Branches and National officers. The Union has identified a series of issues that members have expressed are the most important industrial issues. These include widespread, unlawful sham contracting. Resources will be deployed to pursue issues the members wish the Union to pursue. In 2026, the Union will examine the role of wellness and ensuring that the mental health of members is protected. This will in part involve defining the role of wellness in bargaining strategies and working conditions. The Union will also decide the future of the Victoria Wellness Centre and how it can be best used to advance the interests of members.
30. The Union is embarking on a rebuild of the Union's capacity. The Union is rebuilding its IT and membership support services needed to meet the needs of members and the union. The union is rebuilding democratic structures (particularly amongst delegates) and

reshaping their relationship to how power is exercised. In 2026 the Union will further develop capacity to better support women in our union and industry, with a new fully funded National department and a revised National Women's Committee. The Union will build an integrity, audit, and compliance unit within the Division in 2026, reshaping its current arrangements. It will embed integrity measures into democratic structures.

31. The Union is continuing to build research capacity to support campaigns, industry structural reform, growth initiatives, and pursue member interests. Building campaign capacity is essential to winning for members and improving the working conditions and lives of members.
32. Industry structural reform is being advanced by the CFMEU in various forums. The Administration has held multiple meetings with key construction industry stakeholders from employer groups. It also participates in forums facilitated by various regulators. Most importantly, the CFMEU has committed to the National Construction Industry Reform (NCIR), a tripartite body shaping construction industry reform. Key reform issues for 2026 include procurement processes, the development of 'fit and proper person' standards, and the facilitation of project agreements. The CFMEU is also engaging over 2026 in extensive discussion regarding trade licensing and its relationship to industry reform and future wages strategies.
33. The Union will continue to work to repair its relationship with others within the industrial relations system. The Union is committed to building better day-to-day working relationships with government at every level. This includes regulators, stakeholders and the broader union movement. Being a leader in the union movement requires the CFMEU earning back the trust of other unions.

Financial position

34. The financial position of each Branch and reporting unit is the subject of audited accounts that have been published online. The financial position of the Union is strong. It is one of the most financially strong unions in Australia. Work continues on ensuring that the financials of the union are accurate, useable and aligned with the activities that members want the union undertaking. The discipline of preparing and reporting against a budget has been implemented. Now that the third reporting period covered by this Report in accordance with governing laws has concluded new financial reports will be prepared covering the period ending 23 February 2026.
35. Compared with the previously published financial reports, in the reporting period there has been one alteration of significance. During 2024-5 the FWC investigated whether there were breaches of the law concerning donations made by the CFMEU Victorian-Tas Branch in the 2023 financial year to indirectly aid Diana Asmar, the then Secretary of another Union. As a result of that investigation, the Administration took steps to rectify

the accounts to reveal the nature of the transactions in line with advice from the FWC. The FWC also made findings concerning possible contraventions of the law by former officers. It has carriage of these matters. The Administration is co-operating with the FWC and is supportive of the FWC taking steps to hold former officers to account for any contraventions of the law.

Mark Irving KC

23 February 2026



JUNE 2025

Strategic Plan

2025–2028 | CFMEU

cg.cfmeu.org



Goal:

To return the Union to the democratic control of members as a principled, strong and independent Union.

+ A Principled Union

01 The core principles and purpose on which the Union is founded is written in its rules.

To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

The principles that have underpinned the work of the Union include:

- **Solidarity** – a Union bound in solidarity and unity with the members and the Union movement.
- **Justice** – a Union that is committed to justice and fairness for the working class.
- **Equality** – all members are equal no matter where they live and should be free of discrimination and harassment no matter who they are.

+ A Strong Union

02 The CFMEU will continue to deliver for its members.

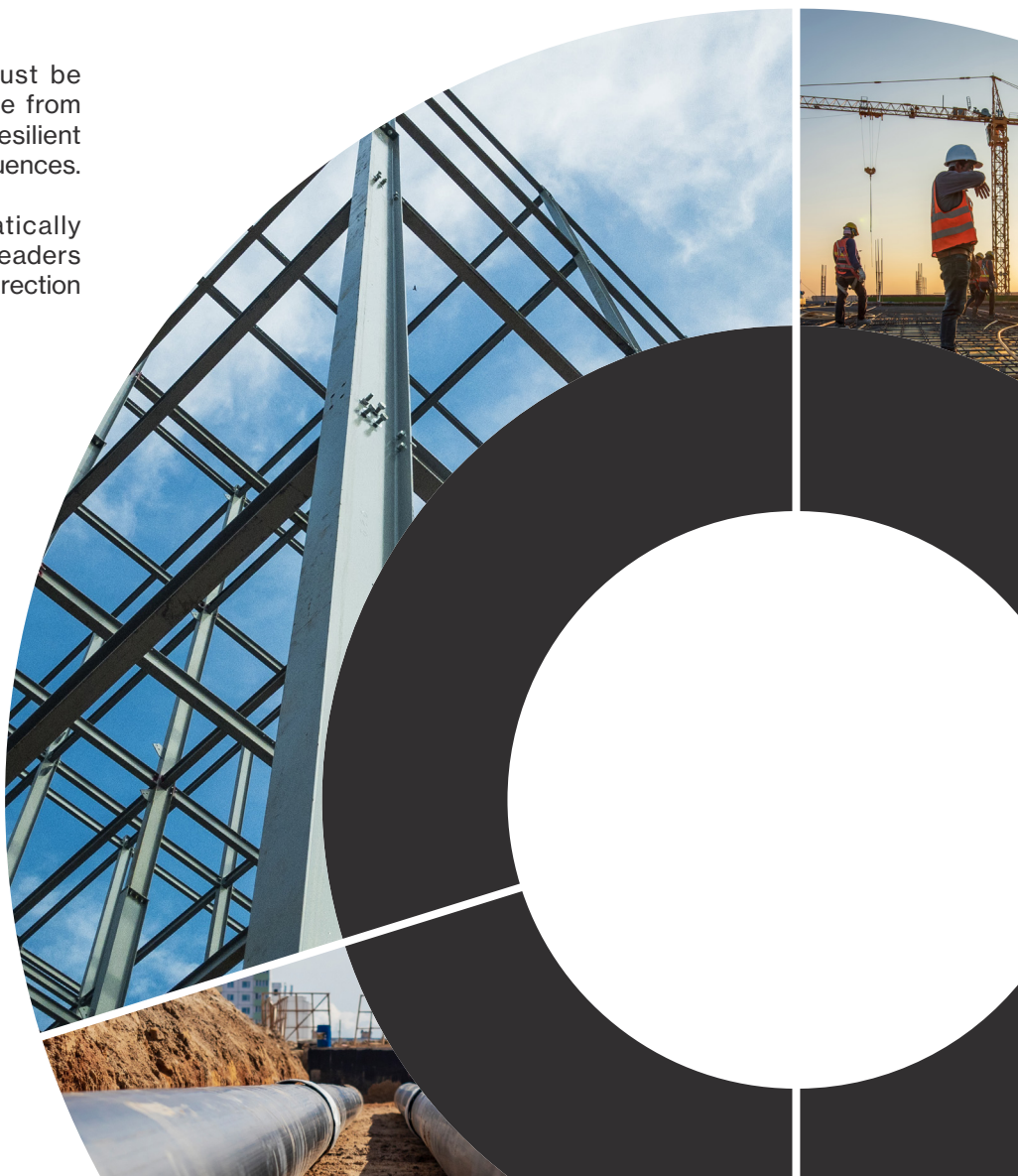
It keeps workers safe on site. It protects and improves wages and conditions. It leads campaigns that change the law and make life better for members and all working people. It will continue to make workplaces safe, free of violence and menacing behaviour.

The Union will have a plan covering its operations and build capacity to win for members, be a leader in the movement, and grow in strength.

+ An Independent Union

03 The Union must be enduringly free from internal corruption and resilient to external corrupting influences.

Members and democratically elected delegates and leaders must truly determine the direction of the Union.



The Action Plan:

To achieve the goal,
the union must deliver
on 10 key steps.



1 The principles of the Union are clearly defined, understood and embraced by the membership, delegates, staff and leadership of the Union.

- 1.1 Develop a statement of principles that are supported by members and delegates.
- 1.2 Develop a training module on the history, principles and values of the CFMEU and the Union movement.

2 The Union has a plan to win – more members, more agreements, safer workplaces and more power to change the lives of the working class.

- 2.1 Invest in the Union to deliver a national industrial, OHS, legal, political, campaigning and membership growth capacity.
- 2.2 Develop industry-wide campaigns to improve the lives of construction workers.
- 2.3 Appoint a National Women's Officer to develop partnerships and deliver on equality and safety for women in construction.
- 2.4 Ensure every branch is viable and sustainable within the new national structure.

3 The Union has world class governance, compliance and integrity.

- 3.1 Develop national codes of conduct for all staff and delegates.
- 3.2 Develop national policies guiding budgets and finance, reporting to members and regulatory compliance.
- 3.3 Improve governance training for staff and future leaders.
- 3.4 Ensuring the Union has the best technology to engage with members.

4 The Union attracts, keeps and develops the best staff.

- 4.1 Develop national HR policies and procedures.
- 4.2 Implement a program of ongoing education for staff.
- 4.3 Invest in new skills and experience where needed.

5 The Union invests in education and development of future leaders, delegates and members.

- 5.1 Develop a national training capacity and structure to ensure that every branch and every member around Australia has access to training.
- 5.2 Develop training and education on ethics, integrity and recognising and eliminating corruption.
- 5.3 Ensure delegates and staff are aware of their legal obligations and their duties owed to members.

6 The members genuinely determine the direction of the Union.

- 6.1 Ensure members' voices are genuinely heard in the decision-making structures of the Union.
- 6.2 Distribute power and prevent the excessive concentration of power into the hands of a small number of leaders.

7 Delegates are truly representative of the members and have real democratic power in the Union.

- 7.1 Implement new national framework for the election and training of Delegates, reflecting the resolution passed by the Victorian Delegates.

8 The leaders of the Union are held to account by the members.

- 8.1 Review the reporting mechanisms of elected officials to members.
- 8.2 Embed accountability and transparency into governance processes.

9 The Union is free of outside corrupting and criminal influences.

- 9.1 Investigate credible allegations of corruption and refer allegations of corruption to external agencies as appropriate.
- 9.2 Review the bargaining processes of the Union to strengthen the Union's capacity to fight back against corrupt and criminal elements in the construction industry.
- 9.3 Establish a National Education and Integrity Unit.
- 9.4 Advocate for laws and policies that reveal the underlying drivers of corruption in the construction industry, ie. overuse of labor hire.

10 The Union structures and staff are resilient against corruption in the construction industry.

- 10.1 Prevent the appointment of staff and delegates with allegiances to organised crime or OMCG.
- 10.2 Identify the underlying cultural issues that lead to corruption.
- 10.3 Develop ongoing training and education of staff.
- 10.4 Establish processes and advocate for structural changes to seek to minimise or eliminate the involvement of OMCG and organised crime in industrial relations in the construction industry.



Level 1, 1 Miller Lane
Pyrmont NSW 2009

cfmeu.org