

Former royal commissioner Gyles calls for CFMEU's deregistration

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There is no reason why proceedings shouldn't be launched to deregister the CFMEU's construction and general division, according to former Royal Commissioner Roger Gyles, who says NSW's Greiner-Fahey Government should have taken up his recommendation to eradicate one of its former predecessors, the NSW BWIU.

Gyles, who headed the Royal Commission into Productivity in the Building Industry in New South Wales that [reported](#) in 1992, told the HR Nicholls Society's [annual conference](#) in Brisbane on Saturday that while he's not an industrial lawyer and isn't up to date with the current provisions for deregistration, "I don't see any reason why... there should not be proceedings to deregister [the CFMEU]".

He said the Greiner-Fahey Government had made a "major mistake" when it didn't act on his recommendation to deregister the NSW branch of the Building Workers Industrial Union, which was one of the unions that later formed the CFMEU.

He said that at the time some argued it was better to have the BWIU "in the tent than out of the tent" and "if they're deregistered something worse will crop up".

Gyles said that some former officials of the then recently-deregistered BLF had "infested" the BWIU.

He said that if the Government had decided against re-registration of the BWIU, it could have made a deal with the union requiring it to "cut the knot with a whole lot of very disruptive organisers".

He said the "culture of that place had to be changed, and... deregistration proceedings could have provided ample evidence to show up these individuals and to make sure they had nothing to do with industrial relations ever again".

He said some people argued against deregistration because it would leave building workers without representation.

"But that's not a very good answer", he said, because it meant the union's officials could "act as badly as they possibly can and they'll never be got rid of".

This was the wrong approach and "if the workers are unrepresented, so be it", Gyles said.

"If the AWU takes over, as they were very, very keen to do, so be it".

There is no reason why there shouldn't be union contestability in commercial construction, he said, and its absence is "very strange".

He said the WA and Victorian branches of the BWIU's successor had "certainly picked up the ball" and the number of legal proceedings brought against the union is "truly massive".

Gyles told *Workplace Express* today that he had found the BWIU to be "unreconstructable" and on that basis it "should be booted".

Recent history indicated that the CFMEU's construction and general division continued to flout the law, he said.

Renewed ABCC needs broader remit

Limiting the former ABCC's ambit to industrial law matters meant it had an inadequate architecture, Gyles told the conference.

"For that body to be effective it needs to combine the ability to intervene in industrial matters, with civil remedies, injunctions, and the like, and claims of damages, and the criminal jurisdiction".

He continued that there is a "disconnect" between investigative bodies and prosecuting ones, and until there is "some coordination, there won't be any real action".

Re-establishing the ABCC "would help with law and order, but in my view it doesn't solve the problem".

Gyles also:

- **Recommended**, in response to a question from the audience about what advice he would give to the Heydon Royal Commission, that Justice Heydon have "one of his trusted lieutenants" read the Gyles and Cole inquiry reports "before you look at the building industry", and also examine Federal Court rulings, as "myriads of cases" had been reported in the past decade. "If you did those three things you'd have a pretty fair idea of what's going on", he said.
- **Suggested** that the "very unfortunate demise" of then NSW Premier Nick Greiner in 1992 as a result of ICAC revelations might have been the reason for the Government failing to go after the BWIU (Gyles said that the first thing he did after completing the Royal Commission was to represent Greiner in clearing his name).
- **Said** that a big difference between his royal commission and Heydon's is the evident emergence of whistleblowers. "In my Royal Commission, there was virtually no breaking down of the code of silence". He said: "This is a big change" and the existence of the "internal complainers" could have a "massive effect" and could "break open something that in my royal commission....there was no evidence I could rely upon to show corruption of union officials at high levels".
- **Indicated** that the continuing legacy from his royal commission was that commercial construction costs in NSW had not "ballooned" in that state in the same way they had in Victoria and WA.