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# **Defend Bob Carnegie**

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**Queensland construction worker Bob Carnegie faces 54 charges of contempt of court arising from his leadership of a 9-week strike by 600 unionists at the Queensland Children's Hospital site from late July to early October 2012.**

**The proceedings against Bob are a spiteful attempt to intimidate every community activist who may in future wish to assist workers in obtaining justice.**



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## **The story behind Abigroup's legal intimidation of a community activist**

**Why was there a community protest at the Queensland Children's Hospital (QCH) site in Brisbane, Australia?**

Workers wanted a union enterprise bargaining agreement with the main contractor, Abigroup, and a clause to ensure that all workers employed by subcontractors on the site are paid the rate for the job. Almost all the workers on the site are employed by subcontractors rather than Abigroup, and rates for similar jobs with different subcontractors were varying by up to \$10 an hour.

**How did the dispute start?**

It started on 6 August 2012 after a gyprocking subcontractor failed, leaving the workers employed by it in the lurch. Trade unionists had been complaining on this point for months. The November 2011 Construction Journal, produced by the CFMEU union's construction division, reported: "Contractors are cutting each other's throats to win [work at] the Abigroup site at the Queensland Children's Hospital... They are using tricks to reduce their price... Some of these plasterboard companies are taking it one step further, using multiple subsidiary companies under their banner in order to divide up the workers' entitlements..."

**Why were the workers demands important?**

Winning decent pay and conditions on construction sites is difficult, because jobs come and go. The same battle has to be fought again on every new job.

When union organisation is weak or broken in construction, then even on big sites workers are employed by lots of different subcontractors, or by labour-hire companies, with no security if the company fails. Similar work is paid different wages. Workers are taken on as "self-employed" so that the subcontractors can avoid their responsibilities for sick pay, superannuation, etc. Fly-by-night subcontractors go for quick profits and take no responsibility for the finished job.

The workers want the new hospital to be built to good standards and on time. They also want to hold the line for decent negotiated standards in the construction industry.

**How did Abigroup respond?**

Abigroup is owned by the giant Lend Lease corporation, which reported \$500 million profits for the year to 30 June 2012. Its chief executive Steve McCann was paid \$7.33 million for the 2012 financial year, a 66% pay rise. It has also recently had to sideline four top executives for financial misreporting.

Abigroup said it was losing \$300,000 a day. Until 4 September Abigroup refused to talk or try to find an agreement to enable work to resume. It negotiated an agreement conceding the workers' basic demand only early in October. It looks like Abigroup underestimated the workers and thought the dispute would quickly collapse.

But the workers, organising [continued next page]

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## **Bob Carnegie Defence Campaign** **Demand Abigroup drops the charges from the QCH dispute**

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themselves democratically, stayed solid. And finally, national strike action by construction workers at one of Lend Lease's other companies, Boulderstones, on 25 and 26 September 2012, finally tipped the balance and forced Abigroup to negotiate seriously.

Australia's biggest construction company, Leighton's, and another big company, Watpac, then also offered to negotiate union Enterprise Bargaining Agreements.

### **How did Bob Carnegie get involved?**

Injunctions were served against officials of the CFMEU, the BLF, the ETU, and the Plumbers' Union to stay away from the site. The workers continued their dispute as a community protest and asked Bob, who has worked as a BLF organiser in the past but is now a community activist, to help them organise.

### **Why is Abigroup bringing charges against Bob Carnegie?**

Abigroup got court orders during the dispute to ban Bob Carnegie from the site, and is now pushing

charges of contempt of court. They are likely to be heard on 11-13 February 2013.

On Wednesday 7 November, Bob received court papers for another prosecution, this one under the Fair Work Australia law and the tort of nuisance. The CFMEU, ETU, and CEPU (plumbers') unions are also involved. This case is due to be heard in July 2013.

The financial losses incurred by Abigroup during the dispute would better have been avoided by negotiating and agreeing to the workers' demand much earlier. It is as obvious that those losses cannot be recouped by legal proceedings against a person like Bob Carnegie who has no financial resources other than what an ordinary worker has.

In this context the proceedings against Bob Carnegie can only be seen as a spiteful attempt to intimidate every community activist who may in future wish to assist workers in obtaining justice.

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## **What you can do**

### **1. Pass a resolution in your union, political or community organisation**

Amend the resolution below as needed (and email a copy to [DefendBobCarnegie@gmail.com](mailto:DefendBobCarnegie@gmail.com)):

"This workplace / meeting / branch of the XXX union / political / community organisation:

- a) condemns Abigroup for mounting a serious legal attack on community activist Bob Carnegie in relation to his role in the 9-week dispute at the Queensland Children's Hospital from July to October 2012;
- b) believes that this legal attack is an attempt to intimidate every community activist who may in future wish to assist workers in obtaining justice;
- c) offers its full support to Bob Carnegie;
- d) publicise Bob Carnegie's case and the demand that Abigroup drops all the charges against him;
- e) agrees to a levy of \$ \_\_\_ per member and/or a donation of \$ \_\_\_ for the Bob Carnegie Defence Campaign; and
- f) calls on the Gillard Government to repeal the clauses in the Fair Work legislation that allow employers to take out injunctions against trade union officials and community activists assisting workers during industrial disputes."

### **2. Send a donation to the Campaign**

AUSTRALIA: Mail a cheque or money order payable to the "Community Workers Alliance", PO Box 298, Corinda, Queensland 4075 or a deposit to the "Community Workers Alliance" account, BSB 064-170, account number 10579398 at the Commonwealth Bank of Australia.

INTERNATIONAL: Either mail a cheque payable to "Bob Carnegie Defence Campaign", 67 Grayson House, Radnor St, London EC1V 3SS, England or make an internet transfer to "Bob Carnegie Defence Campaign", account number 33333334 at the Nationwide Building Society, 07-00-93, quoting reference 0216/704 271 638.

### **3. Sign the petition.**

Visit <http://bobcarnegiedefence.wordpress.com> to print out a copy and/or sign the petition on-line.

### **4. "Like" the Facebook Defend Bob Carnegie page.**

Visit <http://www.facebook.com/DefendBobCarnegie>

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**Contact the Secretary, Bob Carnegie Defence Campaign, for more information.**

**Mail: PO Box 298, Corinda, Queensland 4075, Australia.**

**Email: [DefendBobCarnegie@gmail.com](mailto:DefendBobCarnegie@gmail.com) Phone: 0413 293101 (International: +61 413 293101)**

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