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Canberra to intervene in Victoria's challenge to construction code ruling

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Employment Minister Eric Abetz will intervene on public interest grounds in support of Victoria's appeal against the Federal Court's findings that enforcing its construction code breached the Fair Work Act's prohibitions on adverse action and coercion.

Senator Abetz announced on Friday that he had notified the court of the government's decision, after Justice Mordy Bromberg ordered the State to pay \$55,000 in penalties for the breaches (see [Related Article](#)).

Senator Abetz said Justice Bromberg's May decisions in CFMEU v State of Victoria and CFMEU v McCorkell Constructions (see [Related Article](#)) might have "significant implications for the operation of the general protections provisions of the Fair Work Act" and that it is "in the public interest that the Commonwealth intervene to make submissions about their correct interpretation".

He said that he wouldn't be making further comments while the matter was before the court.

Justice Bromberg in his initial decisions in May found that the Victorian Government's enforcement of its construction procurement policy, when it threatened to exclude Lend Lease from a hospital project and excluded EcoRecyclers from a Circus Oz project, contravened adverse action and coercion laws.

The Victorian Government lodged an appeal on May 31 (VID 436/2013) and the CFMEU cross-appealed in August (VID437/2013).

A full Federal Court – Justices Susan Kenny, Robert Buchanan and John Griffiths – will hear the appeal for three days, starting on Monday, November 11.

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