



Fair Work
Commission

Report on the appointment of the Administrator of the CFMEU C&G Division

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Report on the appointment of the Administrator of the CFMEU C&G Division

This report explains the process that I have taken in relation to the appointment of a new Administrator to the CFMEU Construction and General Division (C&G Division) following the resignation of the previous Administrator, Mr Mark Irving KC.

I have determined that the person who is most suited to lead the C&G Division through this next critical phase is Mr Michael Crosby AM.

I have signed and sealed instruments that terminate the appointment of Mark Irving as Administrator and appoint Mr Crosby. There is also an instrument determining Mr Crosby's remuneration. These instruments reflect the timing of Mr Irving's resignation at midnight, commencement of 22 May 2026 and subsequent appointment of Mr Crosby with effect on and from 12.01am 22 May 2026. I thank Mr Irving for his dedicated service and note that he will continue to serve the C&G Division in a Senior Counsel role.

I welcome Mr Crosby as the incoming Administrator and I look forward to working closely with him and those from his office.

Background

Pursuant to section 323C(1) of the RO Act, I was required to appoint a person to be the Administrator of the Scheme as soon as practicable after a scheme of administration (Scheme) in respect of the C&G Division was determined under subsection 323B(1) of the RO Act.

Pursuant to an instrument of appointment made on 23 August 2024, I appointed Mark Irving as the Administrator.

On Monday 27 April 2026, I received a letter from Mr Irving advising his intention to resign as the Administrator effective on 1 June 2026.

I subsequently received a letter from Mr Irving expressing that he would resign as the Administrator effective on midnight, commencement of 22 May 2026.

Pursuant to section 323C(2) of the RO Act, and clause 2 of the Scheme, if the Administrator advises me, in writing, that he resigns from the appointment, I may, in writing, terminate the appointment of the Administrator and appoint another person as the Administrator. I have accepted Mr Irving's resignation and have terminated his appointment.

Description of and criteria for the role

I am required under clause 2(3) of the Scheme to be satisfied that the person I appoint as Administrator is qualified having regard to the person's knowledge and experience.

In determining who to appoint, I have had regard to the:

- RO Act, particularly the Parliament's intention contained in section 5 and Part 2A of Chapter 11 as it relates to the Administration of the C&G Division and its branches
- *Fair Work (Registered Organisations) (CFMEU Construction and General Division Administration) Determination 2024* (Determination)
- Scheme, which forms Annexure A to the Determination
- [Rules](#) of the C&G Division (incorporating alterations of 21 June 2024 [R2024/53]) and the [Rules](#) of the CFMEU (incorporating alterations of 17 April 2026 made by order of the Federal Court of Australia in action VID1464/2025)
- [CFMEU Strategic Plan 2025-2028](#)
- various reports commissioned by the Administrator from Mr Geoffrey Watson SC relating to conduct in Queensland Northern Territory, New South Wales and Victoria-Tasmania Divisional Branches, and the reports commissioned from Mr Chris Kummerow in relation to the South Australian Divisional Branch
- Administrator's Reports to Parliament¹ made for the purposes of section 323T of the RO Act, and

¹ [First Bi-Annual Report of the CFMEU Administrator; Second Bi-Annual Report of the CFMEU Administrator; Third Bi-Annual Report of the CFMEU Administrator; The Construction and General Division Administrator Financial Statements for the 6 month period ended](#)

- Fair Work Commission's [Compliance & Enforcement Policy](#).

I have also had regard to Mr Irving's assessment of the ongoing work that will be required of the next Administrator. In his letter to me of 27 April 2026, he stated:

The Administration has now entered into a new phase: the rebuild of the Construction Division of the CFMEU, as I detailed in my last bi-annual report to the Federal Minister under s 323T of the Act. The Union is changing its personnel. It is changing its culture. It is regaining its position in civil society. It is changing how it engages with employers, employer groups, regulators, governments, other unions and other industry partners. This rebuilding phase is the most important stage of Administration. As I said when I took this role, construction workers deserve a strong and effective union.

Whilst we have achieved a great deal, there is much more to do. As I noted in my last bi-annual report, the rebuild phase requires a different approach by the Administration and a different set of skills within the Administration. It is imperative that the Administration have the right people in the right roles at this crucial time. The best person to lead the Administration in this phase should be an experienced union professional who has a fundamental commitment to union values and who can drive the necessary culture change and other reforms.

While I have made my decision on the next Administrator independently, I have given appropriate weight to the views of Mr Irving and his lived experience as to the challenges that will face the new Administrator, and the skills and knowledge necessary to lead the C&G Division through the next phase in the Administration.

In his letter of 27 April 2026, Mr Irving also stated:

Michael Crosby is, in my opinion, the best person to lead the Administration going forward. Given my imminent departure, I have delegated to him a range of powers to ensure a smooth transition. For over 40 years he has led national unions in Australia and has been a leading figure in trade union training, organising and union modernisation across Australia, Europe and the

[22 February 2025](#) and [The Construction and General Division Administrator Financial Statements for the 6 month period ended 22 August 2025](#).

USA. He has been the Branch Executive Officer of the NSW Branch for the last 10 months during the Administration. He has been a key player over that period in helping to shape the Administration and implement its strategic plan. In my view he has the skills, experience and courage to do the job.

In my engagements with Mr Irving following receipt of his letter, I made it clear that it fell to me to appoint a new Administrator. I told Mr Irving that while I would consider Mr Crosby as a potential candidate for the role, I intended to consult widely and invite other nominations for consideration. In doing so I would seek the views of relevant stakeholders as to the suitability of any persons to undertake the role.

Process I have undertaken

To assist my consideration of this matter, I sought the views of registered organisations, peak councils, industry participants and other relevant stakeholders in identifying a suitable person.

As I have indicated consistently throughout the Administration, all major participants in the building and construction industry must actively contribute to eradicate inappropriate and illegal conduct. The community cannot expect a lawful CFMEU to rise from the Administration if the factors in the industry which incentivise and commercialise improper or illegal behaviours are not addressed and if other industry participants, including employers, continue to benefit from unlawful behaviour.

On 29 April 2026 I wrote to key stakeholder organisations inviting them to attend a consultation with me in which I intended to seek their views on:

- the critical skills and experience of an Administrator
- the valuable behaviours or capabilities in an Administrator
- any persons with requisite experience and attributes they would like me to consider, and
- any important changes they believed should occur before the end of the Administration.

I conducted consultation meetings with the following parties:

- Australian Council of Trade Unions
- Australian Chamber of Commerce and Industry
- Australian Industry Group
- Australian Workers' Union
- Electrical Trades Union

- Australian Manufacturing Workers' Union
- Master Builders Association
- Civil Contractors Federation
- Australian Constructors Association
- Fair Work Ombudsman
- CFMEU C&G Division Executive Officers in each branch under administration and the Secretary of the Western Australian Divisional Branch, and
- Mark Irving.

The Plumbing and Pipe Trades Employees Union, the Property Council of Australia and the Secretariat of the National Construction Industry Forum were also invited to participate in a consultation meeting but did not take up the opportunity.

I have subsequently also held discussions with many other stakeholders, including other regulators, former union officials, public servants and State Ministers as my deliberations have progressed.

During consultation meetings I indicated that the purpose was to inform myself by gathering information through wide consultation, having regard to the following key principles:

- returning the C&G Division into lawful operation with a high level of good governance and voluntary compliance with the law
- effective functioning of the C&G Division, including advocating for and providing support and assistance to its members, and
- working with other industry participants, including Tier 1 builders, funders, major contractors, employer associations and other unions, law enforcement agencies and regulators, in addition to Commonwealth, State and Territory Governments, to reform the industry and ensure that there is no place for criminal influences and corrupt practices, for the benefit of the Australian community more broadly.

During the discussions, I made it clear that I understood that I was not going to be able to satisfy everyone in making my decision. However, I posed a series of questions to each stakeholder and

sought nominations for persons they considered might be appropriate candidates. The feedback provided during the meetings was taken in confidence to ensure that each party could speak freely.

Feedback from stakeholders: Key requirements for the Administrator

Aggregating the key themes arising from the stakeholder feedback I received has enabled me to identify a range of attributes they considered were important in the next Administrator. They included identifying a person who:

- can continue to ensure the integrity of the administration and establish the C&G Division as a legitimate, functional and ethical part of the Australian community and the building and construction industry
- has experience and success in managing cultural change within complex organisations; who can create change processes and provide leadership about why changes are required - to members, officers and employees within the union
- is experienced in leading transformational change internally and externally; who can drive change across the industry and who has the trust and respect of external industry stakeholders
- has the courage to call out wrongdoing wherever it may exist, including from within the C&G Division, and the capacity to deal with problems constructively, transparently and in a timely manner when they arise
- has a demonstrated history of integrity, with a reputation as an honest problem solver; who has a strategic mindset, capable of engaging with organisers, employees and external parties
- has experience of successfully running a large and complex organisation; who could identify and develop the calibre of the people necessary to leading the union into the future
- understands the building and construction industry, with the capacity to identify and understand the extent of the issues that exist in the industry and ability to listen to a range of different perspectives, and

- is an experienced official within the union movement, and can inspire confidence in members, organisers, employees and external parties, but who is not captured by the union.

The above qualities do not represent the universal views of the stakeholders with whom I engaged. However, the above feedback, received from a cross section of stakeholders within the industry and the CFMEU, is a useful guide to identify the desirable attributes of the Administrator, noting that no one person may meet all of the expectations of all industry stakeholders.

I thank each of the parties who were willing to consult with me on this important matter and who have assisted to shape the expectations that I have for the next Administrator.

Nominations for the position of Administrator and engagement with candidates

I invited nominations from stakeholders for persons who were considered appropriate and held the necessary qualifications and experience for the role of Administrator. In total, 14 possible candidates were raised with me for my consideration.

I have carefully considered the suggestions. Whilst I do not intend to disclose the names of those nominated, they include a range of eminent individuals including current and former union officials, industry leaders, politicians, judges and other statutory appointees.

I contacted a range of nominated individuals that I considered may have the necessary background to perform the role. The purposes of my initial enquiries were to canvass their interest and suitability to be appointed. Some of those who declined to be considered separately expressed opinions as to the qualities required and the appropriateness of other candidates for the role. I have taken those matters into account.

Key skills, experience and behaviours

Having regard to the collective feedback I received during the above engagements, I identified a range of key skills, experience and behaviours that I considered to be critical to the selection of a new Administrator:

- personal qualities including integrity, honesty, trustworthiness and good judgement, and exhibiting a high level of independence. The courage, ethics and undaunted drive to return the C&G Division and its branches to lawful operations for the benefit of its members.
- recognition of the importance of the C&G Division within the building and construction industry and its significant and rich history. Creating a future C&G Division that draws upon these values and its rich history for the benefits of working Australians.
- experience and understanding of the practices of unions in general, and the construction industry in particular, and the requirement to continue the critical day-to-day services of the C&G Division advocating for its members. The C&G Division must advocate strongly and appropriately for its members in a lawful and respectful manner having regard among other things to safety, industrial laws, the principles of freedom of association, representation rights, and basic human dignity.
- experience in change management and developing a culture of good governance, lawful operation and democratic control in the best industrial interests of its members.
- capacity to review and reform the structures, rules, education, training and governance practices relating to the operation of the C&G Division to ensure that it has contemporary systems and values and genuinely returns democratic control to its grassroots members. A recognition that non-compliance, failures of governance and criminal influences can have systemic underpinnings and establish processes, policies and a speak up culture that create resilience and actively prevents individual officers establishing autocratic practices and exercising unchecked power.
- willingness to engage with all construction industry participants driven by an appreciation of mutual interest in a strong, commercial and lawful industry. Creating genuinely positive relationships that are transparent and honest, without promoting adversarial or aggressive practices. Understanding that collaborative relationships and strong advocacy may from time to time involve conflicting views, opinions and positions. Experience with open dialogue and engagement through regular meetings or reports within a wider industry cohort.
- capacity to model leadership to the executive officers, staff and delegates of the C&G Division. Ability to foster transparency in decision making, accountability and the capacity to identify and upskill the next generation of leaders that will ensure the future lawful operation of the C&G Division for the benefit of its members.
- willingness to work collaboratively and effectively with other unions, including other building and construction unions, and the wider union movement. Working proactively to resolve demarcation and other disputes.
- experience to investigate past wrongdoing within the C&G Division and to allow this to inform good governance practices and set high standards of accountability within it. A recognition that established practices and principles of the C&G Division have been misused in the past, undermining the democratic functioning of the union.

- openness to establishing appropriate support mechanisms and processes to provide feedback and advice which support the functioning of the Administration.

Nominations of candidates and interviews with candidates

As a result of my engagements and assessment of the desirable attributes in an Administrator, I proceeded to meet with and interview the leading candidates to discuss in detail their experience and suitability for the role.

Outcome of process and selection of Mr Michael Crosby AM

I am satisfied that of the persons I approached and interviewed, Mr Crosby is the most suitable candidate. As a result of my assessment of candidates against the desirable attributes, I determined to appoint Mr Crosby as the new Administrator. Attached to this statement is a copy of Mr Crosby's biography.

Mr Crosby has held senior leadership roles within unions across a career spanning 50 years. He is recognised for work that strengthens union capability, reinforces good governance, and supports a values-driven culture. Mr Crosby was able to demonstrate a leadership approach grounded in a practical focus on what members need from their union day-to-day: effective representation, reliable support, and a strong, credible organisation that can deliver outcomes in workplaces and in the broader public interest. Mr Crosby has contributed to broader discussions about the future of work and the role of unions in a changing economy. He is the author of *Power at Work: Rebuilding the Australian Union Movement* (Federation Press, 2005), a widely referenced contribution to debate about union renewal, organising capacity, and institutional reform.

Mr Crosby has the requisite skills and experience and has shown integrity, courage and commitment to accept this appointment to serve C&G Division members at this critical time. He demonstrated that he is uncompromising when it comes to corruption and illegal behaviour. Mr Crosby has shown the qualities required to lead, reform and reinvigorate the C&G Division through this period of change and industry transformation.

Mr Crosby was able to explain his plans as to what success for the administration and the C&G Division would look like at the end of 3 years of his leadership, so that the C&G Division could be returned to the democratic control of grassroots members. He expressed an understanding of the C&G

Division's position in the ecosystem of the wider construction industry and the need for industry-wide reform and engagement. Mr Crosby demonstrated a clear vision to ensure a lasting return of the CFMEU to lawful operation.

Mr Crosby has now led the NSW Divisional Branch as its Executive Officer for about 11 months. I am confident that Mr Crosby will continue to develop his understanding of the construction industry and use the experience he has gained in NSW to address outstanding issues across the country. He understands the C&G Division's position in the ecosystem of the wider construction industry and the need for industry-wide reform and engagement to ensure a lasting change.

Mr Crosby received widespread support for his appointment to the role across the majority of my stakeholder consultations, including several employer representatives who identified him as a person of integrity that they could work constructively with. He also enjoys the strong support of Mark Irving and the Executive Officers in each of the C&G Division branches in administration.

Having regard to the above matters I have satisfied myself that Mr Michael Crosby AM is the most suitable person to fulfil the role as the Administrator of the C&G Division. I have every confidence that Mr Crosby will be able to discharge this important appointment.

Next steps

Mr Crosby will commence in the role of Administrator of the C&G Division in accordance with the Scheme, effective from 22 May 2026.

In making this appointment, I have discussed with Mr Crosby the following areas of focus:

- embedding good governance and transparency in decision making processes
- creating a speak-up culture that calls out unlawful conduct both within the CFMEU and by others in the industry wherever it occurs including underpayments, sham contracting, phoenixing, cartel conduct, organised crime, improper use of labour hire, conduct of former officials, productivity, training and development
- identifying where funders, builders, contractors, law enforcement, regulators and other parties in the industry can do more to reform the industry, noting that the CFMEU exists in an ecosystem
- resolving longstanding demarcation disputes, particularly with the AWU, and
- preventing delegates or organisers misusing WHS and Enterprise Agreement levers to drive industrial outcomes.

As outlined in my [General Manager's Statement CFMEU](#), through dedicated and specialist Commission staff, I provide education, assistance and advice to registered organisations to support them to establish and maintain positive regulatory cultures. I encourage Mr Crosby to continue to access our available supports.

Attachments

Attached to this report is:

- [Mr Crosby's biography](#)
- [Instrument of appointment](#)
- [Instrument of remuneration.](#)