

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION, BGC CONSTRUCTION  
CORRESPONDENCE

615. Hon. C.L. Edwardes to the Minister for Consumer and Employment Protection

I refer the Minister to correspondence received from BGC Construction, dated 20 September 2002 and 24 September 2002, expressing dismay and concern about abuses by the CFMEU over union right-of-entry privileges and ask: -

- (a) has the Minister investigated the circumstances outlined in the letters;
- (b) has the Minister had the circumstances in the letters investigated;
- (c) if not, why not;
- (d) do the letters represent an accurate account of what transpired;
- (e) what action does the Minister propose to take against the action of the union officials;
- (f) does the Minister acknowledge that employers have a right for protection against improper actions by union officials;
- (g) will the Minister outline what action the employers can take as protection against improper actions by union officials;
- (h) if not, why not;
- (i) does the Minister regard the allegations outlined in the letter from BGC Constructions as serious; and
- (j) will the Minister initiate any action against these union officials?

Mr J.C. KOBELKE replied:

- (a) No
- (b) I am advised that on receipt of the letter from BGC Construction, the Building Industry Special Projects Inspectorate (BISPI) conducted an investigation into the incident.
- (c) N/A
- (d) I am advised the letter is an accurate account of the events that occurred but the investigation of the incident conducted by BISPI identified the union officials concerned had lawfully entered the site and that discussions with employees were mainly about safety issues.
- (e) I am advised BISPI's investigation determined the circumstances of the incident were not significant enough to warrant any further intervention by BISPI. BGC was advised that if it wished to pursue the matter itself, the Industrial Relations Act provides processes that allow the company to refer such matters to the Western Australian Industrial Relations Commission (WAIRC) for determination.
- (f) I regard any allegation of improper conduct as serious.
- (g) The new legislation allows employers to apply to the WAIRC for revocation or suspension of a union representative's authority to enter premises if the union representative has engaged in improper behaviour or intentionally and unduly hindered work.
- (h) N/A
- (i) It is not for me as the Minister to determine which individual circumstances constitute improper behaviour. A process has been established for the WAIRC to determine whether the actions and conduct of an authorised union representative while exercising right of entry constitutes improper behaviour.
- (j) It is not my responsibility to initiate action against these union officials. This responsibility rests with BISPI. As I have explained to the Member, BISPI has determined further action is not warranted.