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Chamber of Commerce and Industry of WA, Submission to House of Representatives Standing Committee Inquiry into Fly-in Fly-out and Drive-in Drive-out work practices in regional Australia

February 2012

About CCI

CCI is the leading business association in Western Australia and is one of the largest organisations of its kind in Australia, with a membership of nearly 7,000 organisations in all sectors, including: manufacturing; resources; agriculture; transport; communications; retailing; hospitality; building and construction; community services; and finance.

Through its Group Training Scheme, wholly owned subsidiary Apprenticeships Australia, CCI is the direct employer of more than 700 Australian apprentices and trainees across WA and the NT. Apprentices are hosted to large, medium and small businesses with a significant cohort in the resources, oil and gas, building and construction industries. More than 25 per cent of apprentices and trainees are Indigenous Australians.

A key objective of CCI is to promote, develop and protect the industrial relations interests of persons engaged in industry, trade and commerce.

CCI has extensive involvement on behalf of its members in workplace relations matters across all of these industries.

Most of CCI's members are private businesses, although CCI also has members in the not-for-profit sector and the government sector.

CCI members employ a significant number of employees:

- around 70 per cent employ up to 19 employees;
- over 20 per cent employ between 20 and 99 employees; and
- over 5 per cent employ more than 100 employees.

CCI members are located in all geographical regions of WA.

CCI provides extensive industrial relations services to members through its' Employee Relations Advice Centre (ERAC), Employee Relations Consulting (ERC) team consultants and the Construction Services team.

CCI's ERC Consultants have expertise across all major industry sectors enabling them to tailor strategic industrial relations advice to the specific needs of the industry sector.

The Construction Services team provides strategic industrial relations advice directly to mining and construction clients and members; negotiates with unions, including on behalf of members/clients; and provides day to day advice to contractors.

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All major mining and construction companies in WA are members of CCI, most of which also operate nationally.

Typically, during the life of a project the Construction Services team provides the following industrial relations services for construction project phases of a mining operation:

- advising the project owners about current and future labour market trends to enable them to project labour costs for a project;
- advising the project owners on labour relations strategies that are available for the construction phase of a project;
- liaising and providing labour relations advice to contractors seeking to work on a project;
- negotiating industrial instruments with unions on behalf of contractors to a project; and
- day to day industrial relations advice, agreement interpretation to contractors and management of union right of entry on a project by way of having one or more CCI site representatives available and working at the project site.

These services are provided to about 90 per cent of all major onshore resources construction projects.



Executive Summary

The mining sector is a key driver of the WA economy, and has played an important role in driving growth in other sectors of the economy in recent times.

Mining is the single largest industry in the state, accounting for some 28 per cent of gross value added¹ in 2010-11, up from one quarter earlier in the decade. The industry also accounts for over one third of total factor income² (\$70.1 billion) generated across the state economy, almost three times as great as the next biggest industry, construction.

CCI's extensive research on the issue of labour shortages estimates that an additional 488,000 workers will be required in WA by 2020. Based on current rates of population growth, it is estimated we will fall more than 210,000 workers short.

CCI predicts that the shortfall will make it difficult for the WA economy to realise its full potential. The shortfall adds to the challenges for the industry as it moves into an extended growth phase.

The use of fly-in, fly-out (FIFO) and drive-in, drive-out (DIDO) work arrangements will play an important part in addressing labour shortages in regional areas.

The terms of reference to this Inquiry do not include consideration of industrial relations issues such as those raised by the CFMEU in its submission. The CFMEU is entitled to make a submission to the Commonwealth's Fair Work Review currently underway.

Right of entry for union officials to work sites is significantly expanded under the FW Act compared with rights under previous legislation.

There are many avenues for issues to be raised both on site and off site and there is no justification for further expanding rights. To do so in the manner suggested by the CFMEU allowing union officials to enter work camp sites would interfere and create problems with the personal privacy of individuals.

Further, in relation to union concerns about the standard of accommodation, there is clear evidence from submissions made to the Inquiry that the standard is high. Avenues exist for any issues to be addressed.



Page 4

¹ Gross value added measures the value of production and activity

² Total factor income measures wages and profits earned in the economy

The Mining Industry and its Importance in Western Australia

The mining sector is a key driver of the WA economy, and has played an important role in driving growth in other sectors of the economy in recent times.

Mining is the single largest industry in the state, accounting for some 28 per cent of gross value added³ in 2010-11, up from one quarter earlier in the decade. The industry also accounts for over one third of total factor income⁴ (\$70.1 billion) generated across the state economy, almost three times as great as the next biggest industry, construction.

Growth in the state's mining sector has averaged 6.5 per cent over the past five years (compared to the all industry average of 4.4 per cent). Over the past year, total factor income generated by the mining sector surged by 44 per cent, as the industry took advantage of record prices for iron ore. The rise of developing Asia that has been the catalyst behind the rapid growth in mining across Western Australia, on the back of strong demand for our natural resources to fuel these nation's urbanisation and development.

The important role of this relationship has been reflected in WA's exports, which have grown from \$30 billion (or one quarter of national exports) to over \$112 billion (just under half) since the beginning of the last decade. China has gone from the fifth-biggest customer at the turn of the century (accounting for 8.8 per cent of total exports) to clearly our largest market, responsible for \$47 billion of sales (or 42.1 per cent of the state's total). Meanwhile, India has emerged in recent times as a key buyer, barely registering as a customer in 2000-01 (with just \$174 million), but now overtaking Europe as the state's sixth-biggest export destination last financial year (with \$6.2 billion in sales, although this is down from \$8.6 billion in 2009-10).

Not only has the mining sector boosted the state's economy through exports, but it has also led to an investment boom, as miners have undertaken massive capital expansions to service demand from overseas. This has seen business investment grow by an average of 14.8 per cent per year over the past decade and some \$167.5 billion in engineering and non-residential construction work completed across Western Australia since 2000-01 – accounting for over one fifth of national finished construction activity (the largest share of all states and territories). As a result, business investment now represents 26 per cent of the WA economy, up from 10 per cent at the beginning of the decade.

The strength of minerals and resources in Western Australia has seen the industry's share of employment grow rapidly over the course of the last decade,

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³ Gross value added measures the value of production and activity

⁴ Total factor income measures wages and profits earned in the economy

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with the sector now the state's fourth largest direct employer at 104,400 jobs (or 8.4 per cent of total employment). Since 2000-01, employment in the mining industry has risen nearly fourfold (from 28,400).

The benefits of the resources boom have also spilled over into other sectors of the economy. Related industries such as construction, professional and technical services and utilities have been the key beneficiaries. Total factor income in these related industries has risen more than five fold since the beginning of the last decade in the construction sector (from \$5.2 billion in 2000-01 to \$24.8 billion in 2010-11), and tripled in both professional services (\$3.5 billion to \$10.6 billion) and utilities (\$1.3 billion to \$3.9 billion). Meanwhile, employment in these industries has also increased substantially, with construction sector employment up by 82 per cent (from 76,000 to 138,400) since 2000-01, while growth in professional services and utilities is up by 30 per cent (55,200 to 82,700) and 78 per cent (7,800 to 16,400) respectively.

The mining sector is expected to continue to drive activity in the state in coming years, with some \$65.7 billion worth of engineering construction yet to be completed across WA. Over the longer term, the \$131 billion worth of infrastructure projects in the pipeline will power activity for many years to come. CCI Economics forecasts Gross State Product will grow by 5¹/₄ per cent in 2011-12, before accelerating to seven per cent in 2012-13 as the economy shifts up a gear. In both of these years, growth will be led by business investment, which is predicted to surge by 20 per cent in 2011-12 and grow by 12 per cent the following year.

Fly-in fly-out and drive-in drive-out practice in the mining industry

CCI's research on the issue of labour shortages estimates that an additional 488,000 workers will be required in WA by 2020. Based on current rates of population growth, it is estimated we will fall more than 210,000 workers short.

CCI predicts that the shortfall will make it difficult for the WA economy to realise its full potential. The shortfall adds to the challenges for the industry as it moves into an extended growth phase.

The use of fly-in, fly-out (FIFO) and drive-in, drive-out (DIDO) work arrangements are one of the ways to address labour shortages in regional areas. Other areas, which CCI has been advocating to State and Federal Government's on, include participation, migration, affordable housing, and the provision of economic and social infrastructure, continuing to work with the Commonwealth on options to use the tax system to encourage labour mobility, such as restoring the value of the Zone Rebate; and the continuation of Regional Re-population Plans, such as the one developed by the Shire of Dalwallinu, to make regional areas of Western Australia more attractive places to live and work.

Page 6

Senator Evans, Leader of the Government in the Senate and Minister for Tertiary Education, Skills, Jobs and then Minister for Workplace Relations for the Commonwealth Government acknowledges in his submission to the Standing Committee, FIFO and DIDO work arrangements are becoming increasingly common for employment in regional and remote areas of Australia.

CFMEU recommendation to allow union entry to worker accommodation villages

In its submission to the Inquiry the Construction, Forestry, Mining and Energy Union (CFMEU) makes 17 recommendations to the Federal and State Governments which include an attempt to gain access by union officials to private work camps where employees live in direct contravention of the *Fair Work Act 2009* (FW Act) and occupational health and safety laws.

The Commonwealth Government has scheduled a review of the Fair Work legislation to be conducted in the first half of 2012. The review is to report to the Minister for Employment and Workplace Relations by 31 May 2012. The CFMEU is entitled to make a submission to the review on any aspect of the Fair Work legislation including right of entry.

In CCI's submission the terms of reference of this Inquiry should exclude any consideration of the CFMEU's submission and it should not be used as a vehicle for obtaining industrial relations concessions by default.

The CFMEU's recommendation 9 is in the following terms:

"That the Government legislates to ensure that where a union representative wishes to enter an accommodation village to consult with union members or potential members, the union representative is permitted to do so. FIFO workers should be entitled to all workplace rights whilst on camp, including those pertaining to disputes resolution and OH&S. In particular, worker accommodation village matters that have the potential of depriving a FIFO worker of his or her accommodation should be amenable to disputes resolution procedures through Fair Work Australia and the Fair Work Ombudsman. Due process should be afforded and Union Representatives should have standing to assist the FIFO worker. As to the provision of accommodation, the status quo should remain until the disputes resolution procedure is completed "⁵



CCI Submission to House of

Fly-out and Drive-in Drive-out work practices in regional

Representatives Standing Committee Inquiry into Fly-in



⁵ CFMEU submission 133 to the House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia, page 7

In putting forward this recommendation the union is effectively making no distinction between a worker's life at work and the worker's private life at home and hence giving no recognition to the worker's individual privacy outside of working hours.

Part 3-4 of Chapter 3 of the FW Act sets out the rights for entry to a work site by a union official. These rights are a significantly expanded set of rights compared with rights under previous industrial relations legislation.

Under the FW Act a union has a fundamental right of entry subject only to completing a form which states the union has coverage over the work conducted at the site. There is no requirement that the union prove coverage by demonstrating, for example, which occupational group the union represents and there is no longer any requirement the union is a party to an award or an enterprise agreement that covers the site.

The provisions bestow a privilege on a union official to enter private work sites as noted by Justice Cantor referred to in *Re Healy* that the authorized officer possessed of a right of entry had "*an important and valuable privilege*" which should not be considered as a licence, and which should involve respect for the legitimate interests of the employer.⁶

To seek entry a union official needs to obtain a permit to enter the work site. Fair Work Australia (FWA) will issue a permit to any union official if it is satisfied the official is a fit and proper person. In practice it is rare for any industrial tribunal to refuse a permit.⁷

To gain access to a site the permit holder must demonstrate that the union employing the permit holder has a right to represent the relevant workers and provide notice of entry to the owner/occupier.

Having met those simple requirements the permit holder has rights to enter the site and inspect suspected contraventions of awards, agreements or other legislation. This provides very wide access to inspection of work including any part or the workplace; viewing any or all machinery and materials or tools; inspection of records or documents relating to the suspected breach; interviewing any person about an alleged contravention and holding discussions with employees including both members and non-members of the union.

The FW Act also explicitly protects the privacy of individual workers by distinguishing between work sites and private residences. This right is prescribed by section 493.



Page 8

⁶ Re Healy (1957) 126 IG (NSW) 751

⁷ *Fair Work Act 2009*, section 512

"SECTION 493 RESIDENTIAL PREMISES

The permit holder must not enter any part of premises that is used mainly for residential purposes."

The purpose of the provision is spelt out in the Explanatory Memorandum to the FW Act:

"Clause 493 – Residential premises

1972. This clause provides that a permit holder must not enter any part of premises that is mainly used for residential purposes. For example, permit holder could enter a converted garage where outwork is being conducted, but not the living quarters of the residence.

1973. For premises or parts of premises that are used for both residential and work purposes, it is intended that a permit holder will only have an entry right where the premises are mainly used for work purposes on a regular and substantial basis.

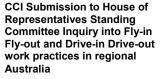
1974. If a permit holder enters a part of premises used for residential purposes, that permit holder is not authorised to enter or remain on the premises because of the operation of clause 486."

The provision has been included in industrial relations legislation since 1996 when it was included in the *Workplace Relations Act 1996*. Previously right of entry by union officials to work sites was codified in industrial awards allowing access to the business premises of the employer only.

In other words, there is a clear distinction made in the legislation between the workplace where work is conducted and a worker's private residence where the worker is spending their private time.

CCI submits the provision in section 493 has a particular purpose which is to ensure that a worker's right not to be disturbed while they are in their private non-working time is protected.

Any issues that a worker may have for discussion and resolution can be raised with the union during normal working hours utilising the existing provisions of the FW Act and rights employees have both under the FW Act and under enterprise agreements. For example, it is a requirement of the FW Act that enterprise agreements, which set out the conditions of employment and rates of pay applying to employees, contain a dispute settlement clause for resolution of disputes. Such dispute settlement clauses can be utilised by employees to raise any issue or complaint they have with their employer relating to their employment.





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The right of entry provisions allow a union the right to access the work site to discuss any such issues with the employee, including related to different shift patterns, hours of work, rostering issues, rates of pay or any dispute arising during the course of work. These matters can be dealt with during work hours utilising expanded right of entry provisions under the FW Act.

In addition, it is common practice in the mining and engineering construction sectors for employees through informal arrangements to be rostered for a "nonworking day" during the cycle they are rostered for work on site. This day is typically a Sunday. It is also common practice for unions to organise barbecues at hotels and taverns in the region to give employees the opportunity to meet together and with the union to discuss issues of concern.

FIFO and DIDO workers also have significant leisure time during which they are able to visit the union and discuss any issues or complaints they might have related to their employment.

In other words, there are many avenues available for employees to raise issues with the union and discuss them both on and off the worksite. There is no justification to expand their rights beyond those already provided for in the FW Act.

Further, a significant majority of workers are not union members and do not wish to be represented by the union. Union membership in the WA private sector is in decline at 11.7% of the private sector workforce. The mining sector is even lower at 11.2% of the mining workforce based on 2010 data.⁸

Any issues workers might have regarding accommodation or other issues have not resulted in a noticeable increase in union membership. CCI raises this issue on the basis that accommodation is generally good and there is no general level of complaint. If there is, it has not been so significant as to cause an increase in union density in the sector based on 2010 data.

In this context CCI raises the issue of the motivation of the union in recommending it have access to work sites and questions whether, rather than seeking an opportunity to meet with members and potential members about workplace rights on camp, it is in fact seeking to increase membership numbers.

Increasing rights of access by unions to camp sites where employees live while on site will simply create problems for the majority of individuals who are not union members and who wish to have their privacy respected. Australia has undertaken, as a party to the International Covenant on Civil and Political Rights, to adopt the necessary legislative measures from the Covenant as necessary to



Page 10

⁸ ABS data, *Employee Earnings, Benefits and Trade Union Membership*, August 2010, Catalogue 6310.0

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"give effect to the rights of persons not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence"⁹.

The right to individual privacy is reflected in tribunal decisions. A recent example is in *Sommerville Retail Services Pty Ltd v Australasian Meat Industry Employees' Union*.

While this case concerned use of a company canteen for a union meeting to hold discussions with employees, the Full Bench majority in the decision noted the concerns expressed by the company for not permitting access to the lunch room relates to concerns of inconvenience to employees who do not wish to participate in discussions.

The majority found that the company "...*is entitled to consider such a matter.*" ruling that during meal times the union permit holders should utilise training rooms to hold discussions with employees and not the canteen. This was to ensure the privacy of individuals eating their lunch was not disturbed.[2011] FWAFB 120

Standard of accommodation

The CFMEU also relies on worker disputes about worker accommodation village matters or where workers are deprived of accommodation to support the recommendation for a union representative to have access to the villages.

The Occupational Safety and Health Act 1981 (WA) imposes a duty on employers to maintain safe premises to ensure employees occupying the premises are not exposed to hazards.¹⁰

Under the Code of Practice for Workplace Amenities and Facilities certain standards are required for employer-provided accommodation to ensure there no hazards and to ensure, for example, standards of cleanliness, drinking water, heating and cooling; appropriate sleeping accommodation and a range of facilities such as clothes washing, storage cupboards and appropriate furniture are provided to workers.

In addition, every major company offering FIFO and DIDO work practices and accommodation in villages routinely provide feedback forms for workers to let village managers know of any concerns about their accommodation.

Accommodation in villages, however, is provided to a high standard which is increasing with each new site as evidenced by the submissions of the major companies to this Inquiry.

¹⁰ Section 23G

CCI Submission to House of Representatives Standing Committee Inquiry into Fly-in Fly-out and Drive-in Drive-out work practices in regional Australia



⁹ *Privacy Act 1988* preamble in reference to Schedule 2 to the *Australian Human Rights Commission Act 1986*

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For example, Rio Tinto comments that "The nature of services and facilities offered to FIFO workers varies widely according to the particular circumstances applying at different operations and communities. However, competition for labour and increased expectations in relation to services, infrastructure and accommodation standards is driving improvements in the quality of facilities and conditions provided for FIFO workers.

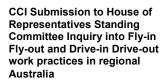
Typically camp facilities include:

- Single rooms with bed, chair/desk area, ensuite bathroom facilities;
- On-site mess cafeteria providing breakfast, lunch and dinner and crib facilities;
- On-site licensed drinking area (wet mess) and BBQ facilities;
- Sporting facilities including equipped gymnasium, access to fitness instructors, and healthy lifestyle coordinators, swimming pool, indoor cricket nets, walking tracks;
- Communication services available, cable tv services, internet, phone connections;
- On-site utilities services for water, sewerage and power; and
- Town based villages and accommodation services."

To manage acute shortages of accommodation in Pilbara towns, RTIO has "...relied on more temporary forms of camp accommodation, which are traditionally mine-site donga facilities."

For significant new developments, the company has developed "... integrated intown FIFO facilities which are setting a new benchmark in quality, purpose-built motel style accommodation designed for a 40 years plus life. "

In relation to new facilities "The design of the new FIFO facilities integrates with the town to provide benefits to both the FIFO employees and the wider community. The location of the facilities will add viability and vibrancy to the centre of the town, and the new Central Facilities Building is designed and will be operated as a multi-purpose facility for the benefit of both FIFO employees and local residents. The CFB will house a cafeteria style eating area, rather than a traditional mess, a licensed dining area as well as a dedicated gymnasium and transit lounge/shift change facilities. The centre will also operate as a recovery and disaster management centre to assist the town's recovery in the even of a cyclone".





Rio Tinto also comments that "... FIFO employees access a FIFO gym and are provided with the free services of an Active Life Coordinator"¹¹

Ensham Resources Pty Ltd has set out its strategies to optimise the FIFO/DIDO experience as follows:

- High quality accommodation comprising individual units with ensuite and solar hot water systems
- No 'hot bedding'- employees have their own private air conditioned living space with lounge, bedroom and ensuite.
- Provision of services and facilities including
 - Domestic services such as dining rooms and on-site laundries
 - Recreational facilities such as BBQs, gyms, tennis courts and pools
 - Undercover car parking
 - Landscaping"¹²

Fortescue Metals Group comments that there is "... widespread misconceptions in the community of the standards, behaviour, and lifestyle of FIFO camps. Some of these views are based on an understanding of camp life that does not reflect contemporary conditions. The built form of modern camp design, inclusion of structured programs aimed at promoting the health, fitness, and well-being of camp residents, coupled with workplace health and safety conditions such as randomised mandatory drug and alcohol testing, have evolved to create a more positive environment associated with a long distance commute lifestyle".

Fortescue also comments that it "..takes health and wellbeing seriously and employs numerous strategies and initiatives to optimise the FIFO experience for its employees, contractors, their families, and the communities in which they live."

In relation to healthy lifestyle choices Fortescue comments "... advocate for the development of a non-drinking culture by providing alternative healthy lifestyle



¹¹ Rio Tinto submission 149 to *House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia,* pages 20-24

¹² Ensham Resources submission 66, *House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia,* page 8

recreation options and by not providing wet mess (i.e. on-camp alcohol outlet) facilities at one of our larger camps".¹³

Thiess ensures the necessary mechanisms are in place to support DIDO and FIFO arrangements. Such mechanisms include:

- Quality camp facilities and infrastructure
- Provision of family time in camps so the families gain an appreciation of camp life
- Lifestyle-friendly rosters such as 8/6 or even time
- Flexibility with leave arrangements
- Travel in company time or shared, i.e. Some travel in company time and own time
- Family support programs as well as access to a free EAP service provider
- Capacity to call/contact home
- *Opportunity for staff to work on/off site (combination of remote/local work)*
- Gyms at camps
- Bussing services"¹⁴

Ausco Modular's submission includes 'village profiles' which show the villages they have designed and built and the facilities they include which are "Not just accommodation- but a real home with private bathroom, kitchen, lounge and dining areas".¹⁵

Mac Services Group Pty Ltd, an integrated accommodation provider specialising in quality accommodation for people in key resource regions, provides the following information:

"The food and service quality is noted as critical to the wellbeing of the FIFO/DIDO worker. All of the MAC village kitchens are ISO 22000 certified and enjoy a reputation of consistently serving high quality, varied

CCI Submission to House of Representatives Standing Committee Inquiry into Fly-in Fly-out and Drive-in Drive-out work practices in regional Australia



¹³ Fortescue Metal Group submission 86, *House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia*, pages 13-15

¹⁴ Thiess submission 123 to House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia, page 5

¹⁵Ausco Modular submission 137 to House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia, pages 9-12

menu with a range of healthy options. Nutritional information on mean items is readily available.....

MAC provides lifestyle facilities such as in-house gymnasiums and fitness facilities including multi-purpose courts (basketball, volleyball and tennis) and recreational swimming pools. The MAC also enjoys lifestyle coordinators, certified personal trainers who are available to guests for fitness and health advice, personal training and group fitness classes within the village...

MAC provides quests with superior en-suited private rooms. The MAC standard room includes an en-suited 16m2 room with air-conditioning, a flat screen TV with foxtel channels, a desk, wireless internet and a king single bed. Additionally, the MAC also provides some 19m2 and 24m2 rooms with added cabin furniture and queen sized bed....

Providing a quality landscaped and relaxed environment within the villages is also critical to the experience of workers when living away from home. Provision of BBQ area, lawns and gazebos within the village surroundings provides casual recreational areas which promote social interaction."¹⁶

Summary

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The terms of reference for this Inquiry do not include consideration of industrial relations issues such as those raised by the CFMEU in its submission. The CFMEU is entitled to make a submission to the Commonwealth's Fair Work Review currently underway.

Right of entry for union officials to work sites is significantly expanded under the FW Act compared with rights under previous legislation.

There are many avenues for issues to be raised both on site and off site and there is no justification for further expanding rights. To do so in the manner suggested by the CFMEU allowing union officials to enter work camp sites would interfere and create problems with the personal privacy of individuals.

Further, in relation to union concerns about the standard of accommodation, there is clear evidence from submissions made to the inquiry that the standard is high. Avenues exist for any issues to be addressed.



Page 15

¹⁶ MacServices Group submission 139 to House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia, page 6

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MacServices Group submission 139 to House of Representatives Select Committee on Regional Australia Inquiry into "Fly-In, Fly-Out" and "Drive-In Drive-Out" Work Practices in Regional Australia

New South Wales Industrial Gazette, Re Healy (1957) 126 IG (NSW) 751

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