

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2010-2011**

Agency –Office of the Australian Building and Construction Commissioner

DEEWR Question No.EW0291_11

Senator Abetz asked on 1/06/2010, Hansard page 117.

Question

CANCEL ENTRY PERMITS

How many applications has the ABCC made to cancel any entry permits of union officials, what was sought - whether revocation or suspension - and what did FWA actually order in those matters?

Answer

The Office of the Australian Building and Construction Commissioner has provided the following response:

The ABCC has made eight applications to revoke or suspend right of entry permits held by a union official.

1. *Standen v Feehan* – Revocation – 5 May 2006. Mr Feehan's permit expired during proceedings and consequently the ABCC's application was withdrawn.
2. *Martino v McLoughlin* – Revocation – 26 February 2007. Two month suspension and ordered to undertake training about rights and responsibilities as a permit holder.
3. *Hadgkiss v En Won Lee* – Revocation – 28 November 2007. The proceedings were discontinued when Mr Lee resigned from the CFMEU.
4. *Grant v Lane* – Revocation – 28 November 2007. Four months suspension, to take effect if Mr Lane was found to contravene Part 3-4 of the *Fair Work Act 2009* within 12 months.
5. *Radisich v Buchan, Heath and Molina* – Revocation or Suspension - 14 March 2008.

The AIRC ordered:

- Mr Buchan's permit be suspended for three months, with a further two month should he contravene Part 15 of the *Workplace Relations Act 1996* (WR Act) within 12 months.

- Mr Molina's permit be suspended for two months with a further one month suspension to apply should he contravene the WR Act within 12 months.
 - The CFMEU not to apply for the issue of a permit for Mr Heath within two months.
 - The CFMEU to give a written direction to Mr McDonald that he must not purport to rely on any right of entry under the WR Act.
 - The CFMEU will not apply for the issue of a permit to Mr McDonald for a period of two years.
 - For two years, officials who hold a right of entry permit in relation to the CFMEU WA Branch are not permitted to enter or remain on construction sites with Mr McDonald, except where Mr McDonald has been invited in advance by an owner.
6. *Alfred v Quirk* – Revocation – 15 April 2008. One month suspension, to take effect if Mr Quirk contravenes Part 15 of the WR Act within three months.
 7. *Robertson v Harrison* – Revocation – 6 July 2009. The application was dismissed.
 8. *Heyman v Long* – Revocation – 26 August 2009. The ABCC withdrew the application.