



# Western Australian Industrial Gazette

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THE mode of citation of this volume of the *Western Australian Industrial Gazette* will be as follows:—

78 W.A.I.G.

## CORRECTIONS—

(Notices—Union Matters—)

INDUSTRIAL RELATIONS ACT 1979

CORRECTED NOTICE

PUBLICATION OF APPLICATION PURSUANT TO  
SECTION 72A

Application Number 1996 of 1998 has been lodged pursuant to Section 72A of the Industrial Relations Act 1979 by The Australian Workers' Union West Australian Branch, Industrial Union of Workers and is published hereunder.

The Application has been listed before the Full Bench at 10.30am on the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> days of February 1999.

Any person who wishes to be heard shall file a notice of application to be heard in accordance with Form 1, setting out the grounds upon which the person claims sufficient interest to be heard in relation to the application and serve it on the applicant at least 7 days before the above date of hearing in accordance with Regulation 101A of the Industrial Relations Commission Regulations 1985.

[L.S.] (Sgd.) J.A. SPURLING,  
Registrar.  
1 December 1998

Form 1

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL  
RELATIONS COMMISSION.

Appl No. 1996 of 1998.

NOTICE OF APPLICATION

To West Australian Industrial Relations Commission, in  
accordance with Regulation 101A

.....  
(name and address of respondent/s—attach schedule if space insufficient)

TAKE NOTICE THAT The Australian Workers' Union West  
Australian Branch, Industrial Union of Workers,  
Wellington Fair, Cnr Lord and Wellington Streets Perth  
W.A 6849, Tel No 9 22 11686

.....  
(name and address of applicant/s—attach schedule if necessary)

has this day applied to the Commission

For the order contained in Schedule A of this Application pursuant to Section 72A of the Industrial Relations Act 1979

The grounds on which the application is made are set out in the Schedule B of this application.



(Affix Stamp of Commission)

The appropriate fee is to be paid upon lodgement of this application.

This notice must be completed by the applicant, signed and, where necessary, sealed by him, and a written statement of claim or other adequate description of the subject matter of the application must be attached.

For endorsements see back hereof

Schedule A—Order

The order applied for is that—

- (1) The Australian Workers' Union, Western Australian Branch, Industrial Union of Workers ("The AWU") has the exclusive right to represent the industrial interests of all employees employed by BHP Iron Ore Pty Ltd ("BHP") at the sites in Western Australia in the following classifications set out in the *Iron Ore Production and Processing Award* and the BHP Iron Ore Pty Ltd Enterprise Bargaining Agreement III—

AWU Level 1  
AWU Level 2  
AWU Level 3  
AWU Level 4

- (2) The Construction Mining and Energy, Timberyards, Sawmills and Woodworkers Union of Australia—Western Australian Branch ("the CMETSWU") and the Transport Workers Union of Australia, WA Branch ("TWU") do not have the right to represent the industrial interests of any of the employees employed by BHP Iron Ore Limited ("BHP") at sites in Western Australia in the classifications set out in clause (1) of this order.

## Schedule B—Grounds

The grounds for the Application are as follows—

1. The order seeks exclusive coverage of certain employees at BHP sites in Western Australia. This reflects the traditional coverage by the AWU of employees on the sites concerned.
2. Neither the CMETSWU nor the TWU has traditionally covered employees the subject of the order on the sites concerned.
3. The AWU is an “industry union” and is constitutionally able to cover all the employees the subject of this order.
4. The CMETSWU and the TWU do not have constitutional coverage of the employees the subject of the order.
5. The traditional coverage arrangements are the result of a long and deliberate process of determination by the Commission of union representation in the iron ore industry generally and BHP sites in particular over a period of almost 25 years.
6. The traditional demarcation of Union representation on these sites is reflected in the applicable award and industrial agreements.
7. The AWU’s traditional representation rights are recognised by the employer as is evidenced by the employers consent to the applicable award and enterprise agreements and administrative arrangements which assist representation to occur.
8. The AWU has competently represented the employees concerned for many years and continues to do so.
9. Recently, the CMETSWU and the TWU has recruited or attempted to recruit members of the AWU employed by BHP in the classification sought to be covered by this order. This has caused disruption and discontent among the employees on the sites concerned and led to the disruption of BHP’s operations. Such disruption will continue to occur if the orders sought are not made.
10. The order requested would not increase the number of unions in the workplace.
11. The order is in accordance with the objects of the *Industrial Relations Act 1979 (WA)* (“The Act”) for reasons including the following—
  - (a) It will promote goodwill in the workplace by ensuring the status quo remains undisturbed.
  - (b) It will provide a means of preventing and settling industrial disputation which has occurred and is threatened due to attempts to change the current representational arrangements.
  - (c) It is in accordance with the traditional representational arrangements which are reflected in the applicable award and industrial agreements.
  - (d) It will discourage the overlapping of union coverage by confirming the traditional representational arrangements which are reflected in the applicable award and enterprise bargaining agreement and are in accordance with the constitutional coverage rights of the unions involved.

