



ABCC Backgrounder

Radisich v CFMEU, CFMEUW & McDonald

Background

Allegations in the ABCC's statement of claim

1. Woodside Burrup Pty Ltd is the owner of a project to construct the Pluto Liquefied Natural Gas processing plant near Karratha in the Pilbara region of Western Australia (the Pluto Project). Woodside engaged Foster Wheeler (WA) Pty Ltd and Worley Parsons Services Pty Ltd (FWW) to manage the project.
2. On 27 November 2009, CFMEU and CFMEUW Assistant Secretary Joe McDonald arranged a meeting of workers engaged at the Pluto Project, outside one of their accommodation facilities, Gap Ridge Village.
3. At that meeting Mr McDonald encouraged workers to commence strike action if Woodside did not reverse the decision to introduce 'motelling', a system of managing accommodation for workers on the project. Motelling involves workers' accommodation in dongas at Gap Ridge Village changing at the end of each work roster, rather than being allocated dongas on a permanent basis for the duration of their employment.
4. Mr McDonald put forward a motion to reconvene the meeting at 5.00 pm on Monday 30 November 2009, to assess information from Woodside about the proposed motelling.
5. On 30 November 2009 Mr McDonald and another CFMEU representative, Graham Pallot met with FWW's industrial relations consultant to discuss the motelling issue.
6. On the afternoon of 30 November 2009 Mr McDonald conducted a meeting with approximately 1200 Pluto Project employees, on vacant land immediately outside Gap Ridge Village. Mr McDonald allegedly encouraged the employees to do something to advance their complaint about motelling. Mr McDonald called for a vote to go out on strike and, following a show of hands, declared that there would be a strike for 48 hours.
7. On 1 and 2 December 2009 approximately 1200 to 1300 employees failed to attend work and perform their rostered duties at the Pluto Project.

Alleged contraventions

8. The ABCC alleges that on 1 and 2 December 2009 the CFMEU, CFMEUW and Mr McDonald were involved in unlawful industrial action in contravention of s.38 of the *Building and Construction Industry Improvement Act 2005* (BCII Act).

Further enquiries:	
Sandra Scalise 03 8509 3025 or 0412 759 157 sandra.scalise@abcc.gov.au	Jessica Kendall 03 8509 3071 or 0403 344 186 jessica.kendall@abcc.gov.au

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16 February 2010



Australian Government

Office of the Australian Building and
Construction Commissioner

ABCC Prosecution

9. On 12 February 2010 the ABCC filed proceedings in the Federal Court in Perth.
10. The ABCC is seeking civil penalties and injunctions against all respondents restraining them from being involved in any further unlawful industrial action in respect of motelling at the project.
11. The ABCC filed a Notice of Motion seeking orders from the Court that this proceeding be consolidated with Woodside's proceeding relating to the same work stoppage [WAD16/2010].
12. Both proceedings were the subject of a directions hearing before Gilmour J on 16 February 2010. A further directions hearing has been scheduled for 17 February 2010.

Penalties

13. The maximum penalties for a contravention of the BCII Act are \$22,000 for an individual and \$110,000 for an organisation.

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