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Permit ruling finds abattoir HR had no right to chop written materials from discussion

Wednesday, August 19, 2015, 9:41am

One of the nation's largest abattoirs has failed to convince the FWC that unions should not distribute written materials when using right of entry permits for "discussions", after its HR manager tried to stop the AMIEU from giving workers a newsletter on a judgement regarding their agreement.

In February the AMIEU told Teys Australia it intended to circulate a union newsletter and media reports that unpacked a judgment quashing the employer's latest challenge to a decision which found its enterprise agreement was invalid because voters included employees not currently covered by it (see [Related Article](#)).

However, the FWC heard Teys' workplace relations manager advised "no material would be permitted to enter or be distributed on any of the [company's] sites. . . and that any attempt to bring the newsletter or any other written material onto the site would result in confiscation".

The workplace relations manager also instructed a security guard to stop AMIEU officials from bringing in written materials when they came on site.

A full bench of the FWC this week ruled that while there was a "general limitation" that the power to enter must be used *"bona fide"* for the purposes for which it is conferred and that its exercise not be excessive", verbal discussions are permitted under [s484](#) of the Fair Work Act.

Vice President Adam Hatcher, Deputy President Val Gostencnik and Commissioner Michael Roberts said it seemed plain that the ordinary meaning of discussion in s484 "includes one that is conducted in writing or that includes writing".

"In our view, had the Parliament intended to limit the right to hold discussions with relevant employees to oral communications, it could have easily done so by drafting s.484 of the Act so as to provide the permit holder with a right to enter 'for the purposes of speaking with' relevant employees," the full bench said.

While clarifying that under s484 the written materials "may only be used for the purposes of such discussions" and there is no right to distribute materials "not connected", they said employees also had a right under [s480](#) to "receive at work 'information' from officials or organisations".

Teys and the AMIEU have been involved in a dispute since 2013 over the approval of an enterprise agreement at the Queensland abattoir's Beenleigh meatworks.

[The Australasian Meat Industry Employees Union \[2015\] FWCFB 5228 \(17 August 2015\)](#)

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