

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ16-000191

Senator Cameron provided in writing.

Question

FWBC - FWBII v CFMEU (C2015/3799)

With regard to Director, Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union – Construction and General Division, Queensland Northern Territory Divisional Branch (C2015/3799) and the evidence of the Director given in Supplementary Budget Estimates 2015-2016 that FWBC was giving consideration to appealing the decision of the Full Bench:

- a) Did FWBC lodge an appeal in the Federal Court against the decision of the Full Bench?
- b) If not, when was the decision taken not to lodge an appeal?
- c) In considering whether to appeal the decision, did FWBC seek external legal advice? If so, from whom and at what cost?
- d) In view of the finding of the Full Bench that FWBC's submissions and grounds relied upon in its application were "riddled with unsubstantiated hyperbole", what steps has FWBC taken to ensure that future submissions and grounds relied upon in applications to the Fair Work Commission do not contain such material and that FWBC meets its strict obligations under the Commonwealth Legal Services Directions?

Answer

- a. Yes.
- b. N/A.
- c. Yes. Legal advice was obtained from Chris O'Grady SC and Matthew Follett of counsel. Expenditure to date on counsel is \$7,660.00.
- d. Given this matter is currently before the court, it is not appropriate to provide a response at this time.