

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

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

**Agency - Australian Building and Construction Commission**

**DEEWR Question No.EW0677\_11**

**Senator Siewert provided in writing.**

**Question**

**ABCC - LEGAL ASSISTANCE**

How much has been spent by the ABCC on providing legal assistance to employers and employer organisations each year and cumulatively since its inception?

**Answer**

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

On 7 June 2005 the Building Industry Taskforce (BIT) commenced proceedings in the Federal Court at Sydney in the matter of *A & L Silvestri Pty Ltd & Hadgkiss v CFMEU, Primmer, Lane & Kelly*.

On 1 October 2005 the ABCC inherited this matter from its predecessor, the BIT.

The case involved claims by the BIT under the Workplace Relations Act and by the affected contractor under the Trade Practices Act. The BIT, and then the ABCC, met the cost of legal representation of the contractor in that case. The external legal costs incurred in respect of this matter by the ABCC are shown below:

| <b>Financial year</b> | <b>Amount (\$)</b> |
|-----------------------|--------------------|
| 2005/06               | 133,648.00         |
| 2006/07               | 490,492.02         |
| 2007/08               | 43,390.71          |
| 2008/09               | 3,632.64           |
| <b>Total</b>          | <b>671,163.37</b>  |

The ABCC is unable to break up this expenditure between the amount spent representing Mr Hadgkiss and the contractor.

The decision to fund this matter was taken by then Commissioner John Lloyd.

Since the appointment of Commissioner Johns in October 2011, the ABCC has adopted a Litigation Policy, which is published on the ABCC website at <http://www.abcc.gov.au/Legalactionandinformation/Documents/ABCCLitigationPolicy.pdf>

Significantly, all matters brought before the Commission's Litigation Advisory Committee must address a Public Interest Test. The demonstration of public value as a precursor to action is a tenet of best-practice regulatory policy, and is part of a broader commitment the ABCC makes to transparency and citizen-centricity.