

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Additional Estimates 2014 - 2015

#### Agency - Fair Work Commission

Department of Employment Question No. EMSQ15-000014

Senator McKenzie asked on 26 February 2015 on proof Hansard page 45

#### Question

##### FWC - Right of entry permit

CHAIR: When was the hearing held?

Senator Abetz: I would just ask whether it was contested or not, because I do not know the history, which is the same question as to whether they were appearing.

CHAIR: You said that a hearing was held. When was that?

Mr Enright: I cannot be clear about it. 30 January 2015 is the date of the suspension.

Whether the tribunal member reserved his decision and published his decision on that day, I do not have those details in front of me. I checked over lunch.

CHAIR: I think you are going to be here for a while, Mr Enright, so maybe there is somebody who can check on that, given that it is a fact check as to when the hearing was. What evidence was presented to the hearing would actually be—

Mr Enright: There will be a decision.

CHAIR: If we can get the decision.

Mr Enright: Yes.

Senator Abetz: The officer has to go to the Fair Work Commission. Am I correct in saying that potentially, if it was not a contested hearing, it would still go to, if you like, an official hearing albeit a very truncated one?

CHAIR: To consider, I assume—

Senator Abetz: A very truncated one. That might be helpful, to be told whether it was in fact a contested hearing or whether the white flag was raised.

Mr Enright: The decision itself will fully explore that and explain when the submissions were made and who made them.

CHAIR: Can we get the decision? I might return to this line of questioning once we have the decision and before you head home today.

Mr Enright: Yes.

CHAIR: I might leave other questions I have around Mr Collier until we have that decision.

#### Answer

On 29 January 2015 the matter of *Director of the Fair Work Building Inspectorate v Luke Collier* (RE2014/1564 PR 560560) was heard and determined at the Fair Work Commission. During the Senate Estimates Committee hearing on 26 February 2015 a copy of the order issued by Senior Deputy President Justice Boulton and a transcript of the entirety of the proceedings were provided and tabled by the Committee Chair. The order contains the following:

By consent of the parties, the Fair Work Commission, pursuant to s 507(1)(b) of the *Fair Work Act* 2009, orders that the entry permit of Mr Luke Collier issued on 11 June 2013 be suspended for a period of 12 months from 29 January 2015.