

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. EMSQ16-000173

Senator Cameron asked on 12 February 2016 on proof Hansard page 48

Question

FWBC - Responses to Questions on Notice

Senator CAMERON: No, I do need a private meeting. I want to draw your attention and the attention of Mr Hadgkiss to the standing order, a procedural order of continuing effect, No. 52. Are you aware of that?

Mr Hadgkiss: No.

Senator CAMERON: You are obviously not. It says:

The Senate reaffirms the principle, stated previously in resolutions of 9 December 1971, 23 October 1974, 18 September 1980, 4 June 1984 and 29 May 1997, that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the Parliament or its committees unless the Parliament has expressly provided otherwise.

You have no right to claim that it is an unnecessary or an unreasonable diversion of resources. You are bound by the Senate standing order No. 52. Do you want to reconsider your position on this?

Mr Hadgkiss: I will take it on notice.

Senator CAMERON: No. I am not asking you to take it on notice. I am asking you, if you will not reconsider your position, to make a claim for public interest immunity and to do it now.

Senator Cash: The witness has stated the he will take the question on notice, which he is entitled to do.

Senator CAMERON: No, he is not. If he is not providing the information, and again the chair should seek some advice on this, he must now make a public interest immunity claim. That is what must happen.

CHAIR: I am sorry, Senator Cameron, he is not refusing—

Senator Cash: Exactly. There was no refusal.

CHAIR: He is not refusing to disclose. He has made a claim—and I think backed it up with a lot of evidence—that it is an unreasonable diversion of resources. The officer has taken your question on notice, as he is entitled to do.

Senator CAMERON: 'Unreasonable diversion of resources' is not an excuse, and you should seek some advice on it.

CHAIR: I have sought advice. The officer has taken the question on notice and may like to consider the matter further in taking it on notice.

Senator CAMERON: We will come back to it later. You say he has taken it on notice—

CHAIR: He has taken it on notice.

Answer

Please refer to answers EM1529_15, EM1517_15, EMSQ15_0000006, EMSQ15_000009, EMSQ15-000010, EMSQ15-000153.

These answers represent the extent of current knowledge in relation to this question. FWBC does not collate the level of detail requested and has no mechanism which centrally records these details.