

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000126

Senator Cameron asked on 02 June 2015 on proof Hansard page 77

Question

FWBC - Prosecution of CFMEU members

Mr Hadgkiss: I am aware of the program. I am also aware of this case. The matter is before the court, and it is probably not appropriate that I comment on matters currently before the court. In particular, I am aware of CFMEU allegations made in respect of this and they are false.

Senator CAMERON: Well, you raise the issue. What allegations are you claiming are false?

Senator IAN MACDONALD: I raise a point of order. As Mr Hadgkiss has said, this is a matter before the courts. It is really a matter where I do not think this committee should be going while it is before the courts.

Senator CAMERON: Mr Hadgkiss has to make a public interest immunity claim.

CHAIR: Mr Hadgkiss can answer the question.

Mr Hadgkiss: I will answer the question. In this instance, again, this agency sought the cooperation of the CFMEU before it prosecuted. The CFMEU declined to assist us with our investigation. Based on the evidence of eye witnesses to this, we went, as is usual practice, to independent legal advice, and it was deemed in the public interest that we should prosecute the CFMEU members concerned. That is all I am prepared to say because the rest is now before the Federal Court. It is not appropriate that we discuss the pros and cons of the evidence.

Senator CAMERON: It is not as simple as that—that that is all you are prepared to say. You have to seek a public interest immunity.

Mr Hadgkiss: I am sorry?

Senator CAMERON: You have to seek public interest immunity.

Mr Hadgkiss: Well, I cannot seek public interest immunity. In fact, I would be in contempt of the court if I were to answer your questions.

Senator IAN MACDONALD: Then that would be public interest immunity.

Mr Hadgkiss: And it would be my neck, Senator.

Senator IAN MACDONALD: That is why it is public interest immunity. It should not. You can ask the Senate rules about this, but that would meet the set of rules.

Senator CAMERON: There is a set of rules.

CHAIR: Yes. There is a set of rules that you can either take it on notice or you can make a claim for public interest immunity.

Senator CAMERON: So what are you doing?

Mr Hadgkiss: I will take it on notice. I would be happy to provide a copy of the statement of claim that was lodged with the Federal Court, which the honourable senators can examine at their leisure.

CHAIR: Thank you very much, Mr Hadgkiss.

Senator CAMERON: I want you to take these.

Mr Hadgkiss: Yes. I will take them on notice.

Answer

A copy of the signed Statement of Claim filed for case SAD219 of 2014 is attached.