

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Agency - Australian Building and Construction Commission

Department of Employment Question No. EMSQ17-004185

Senator Cameron asked on 30 May 2017 on proof Hansard page 107

Question

ABCC - Direction from former Minister regarding legislation

Mr Hadgkiss: In fairness, as I explained in this evening's opening statement and my last opening statement, the agency has embraced its new responsibilities quite vigorously, particularly wages and entitlements, security of payments and the new Building Code.

Senator CAMERON: In the past you said that was not core business—is that correct?

Mr Hadgkiss: Yes.

Senator CAMERON: So you are only dealing with it as core business because the legislation forced you to deal with it as core business?

Mr Hadgkiss: It was a mandate from government.

Senator CAMERON: It was a mandate from parliament.

Mr Hadgkiss: When I took over, it was what the government of the day directed me.

Senator CAMERON: So when you took over, the mandate not to deal—

Mr Hadgkiss: To concentrate on what was termed core business.

Senator CAMERON: So that mandate came from government, not you?

Mr Hadgkiss: It was a direction from the Minister of the day, yes.

Senator CAMERON: That was Minister Abetz, wasn't it?

Mr Hadgkiss: Yes.

Senator CAMERON: Was that a written direction?

Mr Hadgkiss: I will have to take that on notice.

Senator CAMERON: If it was written direction, can you provide copies of direction? Quite frankly, that direction was a breach of the then existing legislation.

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page 114

Senator MARSHALL: Mr Hadgkiss, I think in the last round of questions Senator Cameron was asking you about the direction you said you got from Senator Abetz in relation to concentration on core issues.

Mr Hadgkiss: No, what occurred was that it came from government that it was more appropriate that wages and entitlements be handled by the Fair Work Ombudsman and Fair Work Building and Construction.

Senator MARSHALL: And then you told us that it was a direction from Minister Abetz.

Mr Hadgkiss: I will not say it was a direction. I will take that on notice.

Senator Cash: I think the evidence was that you would take it on notice to confirm—

Senator MARSHALL: You never got around to taking it on notice. I just want to be sure that he is taking that on notice and will provide to the committee the written direction from Senator Abetz about concentrating on your core principles. I just wanted to clarify that.

Answer

On 12 November 2013 the Director of Fair Work Building and Construction (FWBC) and the Fair Work Ombudsman received an email from the Office of Senator the Hon Eric Abetz, (then) Minister for Employment, advising that the Prime Minister had requested that wages compliance functions held by FWBC be transferred to the Fair Work Ombudsman. The email advised that the Minister for Employment would write to the FWBC Director and the Fair Work Ombudsman to formally request this transfer of functions occur.

A copy of the email is attached.