



Australian Government

Fair Work

OMBUDSMAN

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Mr Nigel Hadgkiss
Commissioner
Australian Building and Construction Commission
GPO Box 9927
MELBOURNE VIC 3001

Dear Nigel

Thank you for your correspondence of 22 December 2016 to Mr Michael Campbell in his capacity as Acting Fair Work Ombudsman.

In your correspondence you outlined a proposed approach to facilitate the transfer of matters between the Fair Work Ombudsman (FWO) and the Australian Building and Construction Commission (ABCC) with respect to wage, entitlement and general protections matters in the building and construction industry.

I agree that in our overlapping jurisdictions, the goal should be efficient, effective and consistent arrangements for managing advice and enforcement of matters relating to *building work*, as defined by the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act). Our communications with participants in the building industry should make it easy for them to access the support they need, whatever their situation.

To this end, FWO will continue to be the authoritative source of general advice and information to those in the commercial and domestic building industry about the application of workplace laws relating to wages, entitlements and general protections. The ABCC will be responsible for advising on matters unique to its jurisdiction.

The ABCC will also be responsible for the enforcement of laws in respect of *building work* as defined in the BCIIP Act, including those that relate to employee entitlements. To that end, matters appropriately investigated for possible breaches of the laws should be dealt with by the ABCC. To facilitate this, I agree that FWO will refer requests for assistance that clearly fall within the definition of *building work* as set out in the BCIIP Act to the ABCC for appropriate action.

I am comfortable with the arrangements you propose in your letter and relevant staff within our Agencies should progress discussions to implement this approach. It will be important for us to continue to work closely together, and to be joined up in our communication with the regulated community to assist them access the support they need.

I look forward to the ongoing collaboration between our agencies to establish and implement workable processes and to develop internal guidance materials in support.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Natalie James', with a stylized flourish at the end.

Natalie James

FAIR WORK OMBUDSMAN

13 January 2017