

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000302

Senator Cameron asked on 22 October 2015 on proof Hansard page 102

Question

FWBC - Complaint from Biglift cranes

Senator CAMERON: So nobody can tell me when Biglift Cranes contacted the Fair Work Building and Construction to allege unlawful conduct by a Mr Schatz and others.

Mr Hadgkiss: I will take it on notice. Chief Counsel and I have never heard of the matter, but that is not to say there has not been a report. We receive some 3,000 inquiries, as you know—

Senator CAMERON: For your assistance, because I want you to do some work on this: this was correspondence to Mr Schatz. It is dated 29 June, and it is from a Mr Ken Fitzjohn, Fair Work Building Industry Inspector, on a Fair Work Building and Construction letterhead. Okay?

Mr Hadgkiss: Alright.

Senator CAMERON: I want to know: when did Biglift contact the Fair Work Building and Construction to allege unlawful conduct by Mr Schatz and others?

Mr Hadgkiss: I will take that on notice.

Senator CAMERON: I will just give you some background on this: the company, Biglift, did not pay this employee. When the employee sought to gain his legal entitlements, the company terminated him. When he walked off the job, other workers came out to say goodbye. Fair Work Building and Construction were obviously contacted and months later took steps to write to this employee. Prior to Fair Work Building and Construction writing to the employee, ASIC were taking court action against this company to wind it up. That is the overview of what happened. How did this company make the complaint?

Mr Hadgkiss: I will take it on notice.

Senator CAMERON: Was it in writing or did they just ring up?

Mr Hadgkiss: I will take it on notice.

Senator CAMERON: What was the process by which Fair Work Building and Construction commenced its investigation of Mr Schatz's alleged contravention of section 417 of the act by engaging in unlawful industrial action?

Mr Hadgkiss: I will take it on notice.

Senator CAMERON: How does an investigation commence in circumstances like these?

Mr Hadgkiss: I will take it on notice. I am not familiar with this case.

Senator CAMERON: Is it on the basis of the Fair Work Building and Construction clearly receiving a phone call from the employer?

Mr Hadgkiss: Sorry, was that a question?

Senator CAMERON: Yes.

Mr Hadgkiss: I will take it on notice.

Answer

Big Lift did not contact FWBC to make a complaint to allege unlawful conduct by Mr Schatz and others.

On 18 February 2015 FWBC became aware of correspondence dated 16 February 2015 being circulated by Big Lift to its clients advising that the tower crane arm of their business in Brisbane had been 'highly regulated and dictated to by the CFMEU' and was closing down. After initial enquiries were made, FWBC commenced an investigation into potential contraventions of section 417 of the *Fair Work Act 2009* (unlawful industrial action).

FWBC monitors compliance within the building and construction industry. FWBC may receive enquiries and complaints from a wide variety of sources, including industry participants and members of the public. Inspectors may also initiate their own complaint or investigation in consultation with the team leader in circumstances where information is received of potential breaches of workplace laws.