

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2005-2006 ADDITIONAL SENATE ESTIMATES HEARING
16 FEBRUARY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.1: Workplace Relations policy and analysis

Output 2.1.1: Workplace relations policy advice

Question Number: W729-06

Question:

Senator Marshall asked the following question in writing:

Building and Construction Industry Improvement Act

- a) Has communication been had between DEWR and the International Labour Organisation (ILO) on aspects of the Building and Construction Industry Improvement Act and how it impacts upon Australia's ILO obligations?
- b) Please outline a chronology and information about what has occurred and when.
- c) What problems have been identified?
- d) How is the Government/department responding?

Answer:

- a) Yes.
- b) A chronology of communication is detailed below:
 - 30 March 2004 - Correspondence received from International Labour Office, informing the department of the ACTU's complaint.
 - 18 August 2004 - Correspondence sent from DEWR to International Labour Office advising them of the lapsing of the BCII Bill 2003 due to the prorogation of Federal Parliament.
 - 23 August 2004 - Correspondence received from International Labour Office acknowledging receipt of Departmental correspondence.

- November 2004 – Members of the Australian Government delegation to 291st session of the Governing Body consulted the ILO in relation to the complaint.
- 12 December 2004 - Correspondence sent from DEWR to International Labour Office requesting an extension to the submission deadline until the end of January.
- 4 January 2005 - Correspondence received from International Labour Office, advising that the request for extension had been granted.
- 14 February 2005 – Australian Government submission provided to ILO. This submission was provided to the Senate in response to question on notice W186-05.
- 16 May 2005 – Correspondence sent from DEWR to the International Labour Office advising it of the introduction of the BCII Bill 2005 and its provisions.
- 17 May 2005 – Correspondence received from the International Labour Office acknowledging receipt of communication.
- 12 August 2005 – Correspondence received from the International Labour Office advising of the Committee on Freedom of Association's (CFA) decision to defer consideration of the ACTU's complaint.
- 30 September 2005 – Correspondence from DEWR to the International Labour Office advising it of the passage into law of the BCII Act 2005.
- 13 October 2005 – Correspondence received from the International Labour Office advising DEWR of receipt of an additional ACTU submission.
- 13 October 2005 – Correspondence from DEWR to the International Labour Office requesting deferral of consideration of the complaint to allow the Government to respond to the issues raised by the ACTU.
- 17 October 2005 – Correspondence received from the International Labour Office advising DEWR that the CFA would consider the request for deferral of the complaint at its November meeting.
- November 2005 – Members of the Australian Government delegation to the 294th session of the Governing Body consulted the ILO further in relation to the complaint and the Department's request for deferral.
- 10 February 2006 – Supplementary Australian Government submission provided to the International Labour Office.

c & d) At its November 2005 meeting the CFA made six recommendations relating to the ACTU complaint regarding the BCII Act 2005. The Australian Government response provided to the ILO on 10 February addressed issues raised by the ACTU in its additional submission together with the recommendations of the CFA. The CFA will consider further these submissions in due course.