



5 October 2018

Committee Secretary  
Senate Standing Committees on Education and Employment  
PO Box 6100  
CANBERRA ACT 2600

Dear Committee Secretary

**Clarification of evidence in Senate Estimates – 28 February 2018**

As an officer of the Australian Building and Construction Commission, I appeared before the Committee on Wednesday 28 February 2018 for Additional Estimates. At the hearing, Senator Cameron asked me questions about material that had previously been posted on the agency website, and when I was aware that the relevant material was incorrect (refer pages 121-122, 133-134, and 145-147 of Hansard).

In my answers to the Senator Cameron, I indicated that my first recollection of any issue being raised in relation to the incorrect material on the agency's website was in July 2016 (which was a direct result of correspondence received by the agency from the, then, Construction, Forestry, Mining and Energy Union).

On 24 September 2018, I was made aware that the attached email was forwarded to me on 10 January 2014. I have no recollection of receiving, reading or responding to this email. I have completed electronic searches and there are no further emails arising from this email to me on 10 January 2014.

Yours faithfully

**Cliff Pettit**  
**Deputy Commissioner**  
**Australian Building and Construction Commission**

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**From:** RADISICH,Jeff  
**Sent:** Friday, 10 January 2014 11:04  
**To:** PETTIT,Clifford; CORNEY,Brian; HAUSLER,Heather  
**Subject:** FW: New ROE laws - what to communicate to Industry [DLM=Sensitive]

**Sensitive**

Colleagues

FYI

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**From:** RADISICH,Jeff  
**Sent:** Friday, 10 January 2014 9:02 AM  
**To:** COPP,Adam  
**Subject:** RE: New ROE laws - what to communicate to Industry [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Ok. Thanks Adam

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**From:** COPP,Adam  
**Sent:** Friday, 10 January 2014 6:19 AM  
**To:** RADISICH,Jeff  
**Subject:** RE: New ROE laws - what to communicate to Industry [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Jeff,

To be honest, I do share your concerns and talked to Nigel about it late last year.

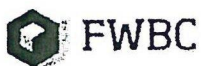
However, he was absolutely adamant that he didn't want us to change anything as the Government intention is to change the legislation. He said he was extremely comfortable handling it in Estimates or the media or wherever. He felt pretty strongly about it.

I double checked the intranet story and email off with him as well yesterday and he was happy with it (see attached).

Happy to discuss.

Regards,

Adam Copp Director, Stakeholder Engagement  
Fair Work Building & Construction  
Tel (02) 8255 6024 Mob 0402 401 609  
Level 11, 255 Elizabeth Street, Sydney NSW 2000



Fair and productive building and construction work - find out more at [fwbc.gov.au](http://fwbc.gov.au)

**From:** HADGKISS,Nigel  
**Sent:** Thursday, 9 January 2014 15:40  
**To:** COPP,Adam  
**Cc:** HURST,Matthew  
**Subject:** RE: Labor's Fair Work changes start January 1 [DLM=For-Official-Use-Only]

**For Official Use Only**

Agreed, Adam.

Many thanks

Nigel

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**From:** COPP,Adam  
**Sent:** Thursday, 9 January 2014 3:36 PM  
**To:** HADGKISS,Nigel  
**Cc:** HURST,Matthew  
**Subject:** RE: Labor's Fair Work changes start January 1 [DLM=For-Official-Use-Only]

**For Official Use Only**

Hi Nigel,

To follow up on the ROE story we put up last year, we intend to put the following article up on the intranet. We will also draft it as an email to State Directors to forward onto their staff (for those that tend not to read the intranet).

Could you please review to ensure it covers what you wanted? It mentions the Government intention to roll back the changes and also what Inspectors should do when asked about ROE etc.

Happy to discuss.

**New ROE laws – what to communicate to Industry**

As you would have seen on the [intranet](#), recent amendments to the ROE provisions of the *Fair Work Act 2009* took effect on 1 January 2014.

The changes relate to:

- The locations where a permit holder can hold discussions with workers
- Special provisions for sites in remote areas
- FWC powers to resolve disputes, including excessive entries.

**Government intention to roll back the changes**

These changes were legislated by the previous government, and it is the current Government's intention to roll back the provisions relating to remote areas and the locations where permit holder can hold discussions with workers.

The Government has indicated that the provisions will be rolled back early this year.

## **FWBC's advice to industry**

As the changes will be rolled back in the near future, FWBC materials related to ROE have not been amended to reflect the changes. Materials are the same as they were in 2013 including fact sheets, pocket guides, posters, website content and presentations.

Inspectors should familiarise themselves with the new provisions, but only provide advice on the provisions that will be rolled back if specifically asked by a building industry participant.

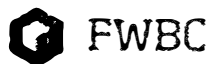
Presentations should not include slides regarding the new provisions

## **Find out more**

The [ROE Ready Reckoner](#) includes further details regarding these changes. It is available from the [Inspectors Resource page](#) of inSite.

Regards,

Adam Copp Director, Stakeholder Engagement  
Fair Work Building & Construction  
Tel (02) 8255 6024 Mob 0402 401 609  
Level 11, 255 Elizabeth Street, Sydney NSW 2000



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**From:** HADGKISS,Nigel  
**Sent:** Sunday, 22 December 2013 9:57 AM  
**To:** COPP,Adam  
**Subject:** RE: Labor's Fair Work changes start January 1 [DLM=For-Official-Use-Only]

Thanks, Adam.

Nigel

-----Original Message-----

**From:** COPP,Adam  
**Sent:** Sunday, December 22, 2013 09:53 AM AUS Eastern Standard Time  
**To:** HADGKISS,Nigel  
**Subject:** RE: Labor's Fair Work changes start January 1 [DLM=For-Official-Use-Only]

**For Official Use Only**

Hi Nigel,

As discussed on Friday, we put up a strictly factual story on Friday arvo about the change on the intranet for staff. It's reproduced below and points out the areas that have changed and directs them to an internal fact sheet with more detail (the 'Ready Reckoner').

We will probably need to do a follow up announcement for staff in the New Year to make sure everyone is across it. We'll write an intranet story at that time that integrates the content from the Workplace Express article. We'll ask State Directors to talk about it with their staff as well.

## **Amendments to ROE laws take effect on 1 January 2014**

### *Information for inspectors*

Changes to the right of entry provisions of the *Fair Work Act 2009* will take effect from 1 January 2014.

The changes relate to:

- The locations where permit holder can hold discussions and interviews with workers
- Special provisions for sites in remote areas
- FWC powers to resolve disputes, including excessive entries by permit holders.

The ROE Ready Reckoner includes further details regarding these changes. It is available from the Inspectors Resource page of inSite. Inspectors should familiarise themselves with the provisions.

Regards,

Adam Copp Director, Stakeholder Engagement  
Fair Work Building & Construction  
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**From:** HADGKISS,Nigel  
**Sent:** Saturday, 21 December 2013 2:12 PM  
**To:** COPP,Adam  
**Subject:** FW: Labor's Fair Work changes start January 1 [DLM=For-Official-Use-Only]

## **For Official Use Only**

Hi Adam

Please note the following extract from *Workplace Express*. I feel that it can form the basis of the Intranet article we discussed for the information of our investigators:

*Labor's right of entry amendments - which Employment Minister Eric Abetz has committed to scrapping in legislation he is planning for early next year (see Related Article) - allow unions to use workplace lunchrooms for meetings and oblige employers to facilitate permit holders' access to travel and accommodation to remote locations not otherwise reasonably accessible*

Regards

Nigel

Attachment

**From:** Workplace Express [<mailto:editorial@workplaceexpress.com.au>]  
**Sent:** Friday, 20 December 2013 3:29 PM  
**To:** HADGKISS,Nigel  
**Subject:** Labor's Fair Work changes start January 1

**WORKPLACE**



**Latest news for Nigel Hadgkiss**

**»» Labor's Fair Work changes start January 1**

Friday, 20 December 2013 3:24pm

The former federal Labor Government's new bullying regime and right of entry amendments are just some of its IR changes that will take effect from January 1 next year, four months after it lost office.

**MORE »**

**Specialist News**  
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**From:** RADISICH,Jeff  
**Sent:** Thursday, 9 January 2014 6:40 PM  
**To:** COPP,Adam  
**Subject:** RE: New ROE laws - what to communicate to Industry [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Thanks Adam.

Do we have any idea when the roll-back will occur? I thought we would be stuck with these provisions until the Senate change -over in July. If that's the case we are running something of a political and industrial risk by withholding info on the law as it currently stands. Ref penultimate line of para under "Advice" below.

Cheers

Jeff

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**From:** COPP,Adam  
**Sent:** Thursday, 9 January 2014 12:45 PM  
**To:** DARLASTON,Peter; JONES,Madeleine; TEMPLE,Mark; BUSATO,Pina; Cahill,Chris  
**Cc:** HAUSLER,Heather; GREGOR,Murray; RADISICH,Jeff; HADGKISS,Nigel  
**Subject:** New ROE laws - what to communicate to Industry [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear State Directors,

Could you please forward the following information to your staff?

As you would have seen on the [intranet](#), recent amendments to the ROE provisions of the *Fair Work Act 2009* took effect on 1 January 2014.

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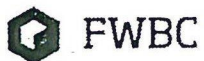
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Regards,

**Adam Copp** Director, Stakeholder Engagement  
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