

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ16-000114

Senator Rice asked on 12 February 2016 on proof Hansard page 14

Question

FWBC - Current matters before the Courts.

Senator RICE: I want to start with the court matters that have been commenced by the FWBC. I would like a complete list of all court matters commenced in which one or more individual employees have been named as respondents in those proceedings.

Mr Corney: As at 31 December 2015, there were five cases involving employees. I can provide the court references if you like. All of these are 'Director, Fair Work Building Industry Inspectorate', which is the legal name for the fair work building and construction entity. The first one is that entity against Campbell McCulloch and others, which again is an unlawful industrial action matter. The third one is the same entity against Michael Huddy and others, and that is a coercion matter. The fourth one is the same entity against McDonald, CFMEU and others, and that is an unlawful industrial action matter. And the last one is the same entity against Mamdoudi and others, and that is an unlawful industrial action matter. Those are the five cases as at 31 December.

Senator RICE: How many individual employees are currently respondents to proceedings initiated by FWBC?

Mr Corney: I do not know that we have a total of the actual number. As I said, there are five individual matters. I will take it on notice to find out the actual numbers who are involved.

Senator RICE: Have you got some of the information there that you could share with us now?

Mr Corney: For the last one, the Mamdoudi matter, the original application was in respect of 22. The crown matter involved something in the order of 70. These numbers do move around, but they are of that sort of order.

Senator RICE: Could you take that on notice and also give us a breakdown of the current status of each matter involving individual employees.

Mr Corney: Certainly. I can give you an update in respect of those matters if that would be of assistance.

Senator RICE: That would be good.

Answer

As at 12 February 2016, FWBC has 5 matters before the courts in which there are 273 employees listed as respondents.

Case Name	Employee Count	Status
DFWBII-v-Scott Adams & Ors	76	Appeal – case management hearing 26/2/16
DFWBII-v-Michael Huddy & Ors	61	Part Heard - next date 11/4/16
DFWBII-v-Campbell McCullough & Ors	64	Before the court - listed

		for trial 13/6/16
DFWBII v McDonald, CFMEU & Ors	49	Before the court - listed for trial 27/6/16
DFWBII v Mamdudi & 22 ors	23	Before the court - listed for first direction hearing 24/3/16
Total	273	