

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Budget Estimates 2014-2015**

Agency - Fair Work Building & Construction

Department of Employment Question No. EM0579_15

Senator Cameron provided in writing.

Question

FWBC - FWBC Director appearance before Senate committee

When the Director was asked if he would like to make an opening statement to the hearing of the Senate Education and Employment References Committee inquiry into the government's approach to the re-establishment of the Australian Building and Construction Commission on 12th March 2014, the Director told the Committee: "I have examined the terms of reference for the inquiry and note that all of the terms specified refer to the government's approach to the re-establishment of an ABCC. As a result, these terms relate to matters of government policy. I therefore feel it is not appropriate that I should make either a written or an oral submission." Did the Director consider it was inappropriate to make a written or oral submission because he considered that to make a submission on terms of reference that went to matters of government policy and are the subject of political controversy would be inconsistent with his obligation under the APS Code of Conduct to uphold APS Values, which include the duty to be apolitical? If not for the above reason, for what reason did the director consider it would be inappropriate for him to make written or oral submissions to the inquiry? How long before that hearing did the Director come to the view that it would be inappropriate for him to make a submission? Given that the Director felt it would be inappropriate for him to make a submission on the Committee's terms of reference, why did he then make an appearance at the hearing and sit at the witness table? Did anyone ask the Director to appear at the hearing? If so, whom?

Answer

The Director considered it more appropriate to provide his opinion to the committee if asked a direct question, rather than voluntarily outlining it in an opening statement. The Secretary of the Committee asked the Director to appear at the hearing.