

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2010-2011**

Agency - Fair Work Ombudsman

DEEWR Question No.EW0263_11

Senator Cameron asked on 1/06/2010, Hansard page 68.

Question

TABLED ARRANGEMENT BETWEEN ABCC AND FAIR WORK OMBUDSMAN

Senator CAMERON—I have not asked that yet, but I will come to that, so keep it in mind. I am not asking that at the moment. I am asking: how do we deal with the confusion? Have you ever tabled the written arrangement that you have between you and the ABCC at estimates? Mr Wilson—I believe we have. Either Mr Lloyd or myself has tabled it. I would need to check.

Answer

The Fair Work Ombudsman provided the following response.

A copy of the letters of exchange between the predecessor to the Fair Work Ombudsman, the Office of Workplace Services and the Australian Building and Construction Commission (ABCC) was provided by the ABCC in response to a question by Senator Marshall on 3 June 2008: EW648_09. A copy of those letters of exchange is attached.



Australian Government
Australian Building and
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13 July 2006

Mr Nicholas Wilson
Director
Office of Workplace Services
GPO Box 9887
MELBOURNE VIC 3001

Dear Mr Wilson

I refer to your letter of 26 June 2006 regarding the exchange of work between our agencies.

I advise that the principles set out in your letter are acceptable. I understand that Alfred Bongi and Bill Clarke have made contact and reached agreement on relevant procedures.

I look forward to an ongoing constructive relationship between our agencies.

Yours sincerely

John Lloyd
ABC Commissioner



Australian Government
Office of Workplace Services

Director's Office

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26 June 2006

Hon. John Lloyd PSM
Commissioner
Australian Building & Construction Commission
PO Box 9927
MELBOURNE VIC 3001

Dear John

Thank you for the opportunity to meet with you regarding the exchange of work between the ABCC and the OWS.

I agree that the volume of work likely to be exchanged in either direction will most probably be fairly low. Because of this estimation, we both hold the view that it is not necessary to enter into a detailed formal agreement on the subject. Instead we are agreed that the exchange of work can probably be dealt with through some key agreements of principle.

In relation to matters which are commenced within the ABCC's jurisdiction and which need to be referred to OWS:

1. The OWS role will be to investigate those elements of the matter which fall into the definition of "prescribed provisions within the meaning of the "Directions to Inspectors" given by the Minister for Employment and Workplace Relations (and dated 27 March 2006 FRLI F2006L00983).
2. OWS' investigation of such matters will be in accordance with its usual policies and procedures.
3. The OWS will keep the ABCC informed of progress with its investigation.
4. The OWS investigation of matters referred by ABCC will be commenced by the relevant ABCC officer contacting Alfred Bongii, Deputy Director, telephone (02) 6121 3074, alfred.bongii@ows.gov.au.

In relation to matters which come to the OWS which are not referred by the ABCC, and which relate to "building work" as defined by the Building and Construction Industry Improvement Act 2005, the OWS will discuss with the ABCC which agency should have carriage of the matter. This will be done by the OWS contact office speaking with Bill Clarke, Legal Manager, telephone (02) 8255 6003, bill.clarke@abcc.gov.au at the ABCC about the circumstances of the case.

If, at any time, there is disagreement between our staff about how a particular matter should be dealt with, you and I will discuss and resolve the disagreement.

OWS will keep a record of matters referred in either direction and will provide periodic reports about the workload.

I trust that this adequately sets out a means for handling the mutual exchange of work. Should there need to be any additions or alterations to these principles, please let me know.

I may be contacted on either (03) 9954 2951 or 0408 058 560 or at nicholas.wilson@ows.gov.au.

Yours sincerely

Signed

Nicholas Wilson
DIRECTOR
OFFICE OF WORKPLACE SERVICES