

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

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Agency – Fair Work Building & Construction**

**DEEWR Question No. EW0432\_13**

**Senator Cameron asked in writing**

**Question**

**ABCC – (2) AGS review of failure of Setka prosecution**

In the same answer (EW0989\_12), the ABCC said that Commissioner Johns has asked all ABC Inspectors to conduct an assessment of all current files “to determine if the practice of obtaining preparing and retaining evidence differs in any way from the ABCC operations manual.”

Questions:

1. Why was the assessment limited to current files? Why weren't older files included in the assessment?
2. Have any of these assessments disclosed any departures from the ABCC Operations Manual?
3. Does the ABCC Operations Manual adopted after the appointment of Commissioner Johns differ from the ABCC Operations Manual in force during the tenure of Commissioner Lloyd?
4. If so, in what respects?
5. Can the Commissioner table the ABCC Operations Manual?

**Answer**

Fair Work Building & Construction has provided the following response.

1. Because it was a forward looking risk management strategy for current matters.
2. Yes.
3. Yes.
4. The ABCC operations manual differed in many respects. The main difference implemented by then ABC Commissioner Johns was the

expansion and improvement of conditions contained in Chapter 20, regarding evidence handling.

5. The final iteration of the ABCC Operations Manual is included at **ATTACHMENT A.**