

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

**QUESTIONS ON NOTICE  
Budget Estimates 2012-2013**

**Outcome 4 – Workplace Relations and Economic Strategy**

**DEEWR Question No.** EW0037\_13

**Senator Abetz provided in writing.**

**Question**

**Construction, Forestry, Mining and Energy Union v Brookfield Multiplex  
Australasia Pty Ltd [2012] FWA 4051**

Reference is made to Construction, Forestry, Mining and Energy Union v Brookfield Multiplex Australasia Pty Ltd [2012] FWA 4051

- 1) Does the Government intend to intervene in the appeal should it be appealed?
- 2) Does this decision adequately interpret the Fair Work Act as intended?
- 3) Does the Government support the decision?
- 4) Does the Government support the statement “I find that the contractors clause is not a permitted matter and because it is being pressed as a claim by the CFMEU as part of its bargaining agenda, the CFMEU cannot be found to be genuinely trying to reach agreement”?

**Answer**

1. The Government understands that the decision is currently under appeal. The Government will not be intervening in the appeal.
2. In relation to questions (2) to (4): answers to these questions would require the expression of a legal opinion on these matters. It would be inappropriate for the Department to provide such to the Committee, and especially in circumstances where the decision is currently under appeal.