

**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. EW0306_13

Senator Abetz asked on 29 May 2012 , Hansard page 112

Question

New building inspectorate

Senator ABETZ: And then there is the possible criticism, Senator Siewert, that the Australian Greens might raise—but we will not canvass that one tonight. It is a spooky thought, trying to get into the mind of the Australian Greens as to what they might come out with next. Can I ask in relation to that with the ABCC, did you brief the minister? I am now going off the incoming brief into the topic of the new building inspectorate, as to where the idea came from that, if you were to arrive at a private settlement as between parties—let us say like John Holland and the CFMEU did in relation to the Westgate Bridge—the building inspectorate would no longer be able to pursue its prosecution in the matter? Mr Kovacic: You are asking whether— Senator ABETZ: Where that originated from. Did that arise from departmental consultations? Was it as a result of union representations, employer representations, Australian Greens representations—which I suspect. Mr Kovacic: It was not a suggestion from the department. In terms of precisely where the proposal came from, I am not entirely sure. I am happy to take that on notice. Senator ABETZ: Was the department consulted about the change? Mr Kovacic: Yes, we were. Senator ABETZ: When? Mr Kovacic: I would have to take that on notice. Senator ABETZ: When the debate was already taking place in the House of Representatives? Mr Kovacic: To be precise, I would really prefer to take that on notice. Senator ABETZ: I know you would, but what about the gentleman next to you? Does he know the answer? Ms Paul: I think we have just answered the question. Senator ABETZ: If the gentleman—and I am sorry, I cannot see your name—Mr Willing, is it? Mr Willing: Yes. Senator ABETZ: The glasses were in the way. Ms Paul: Senator, we have answered the question. I am not happy about trying to get a different answer from someone else. We have answered the question. Senator ABETZ: Secretary, you can just say 'We'll take it on notice' to every single question that is asked; that is your right. Ms Paul: We never do that. Senator ABETZ: But we are entitled to ask why the question is being taken on notice? Senator Jacinta Collins: Mr Kovacic already answered that. Ms Paul: Mr Kovacic is being absolutely responsible in saying that he prefers to take that on notice to get— Senator ABETZ: But Mr Willing had— CHAIR: Senator Abetz, let the officers finish. I think that was an unfair assessment. This committee does go out of its way to be very helpful, really. Ms Paul: We always go the extra mile, if we can. Mr Kovacic just wants to get it right. I think that is fair enough and I am not happy with trying to split up witnesses in this way. If you do not get the answer you want from Mr Kovacic, you ask someone else. Senator ABETZ: What we have is an oversight officer, Mr John Kovacic, and Mr Jeff Willing, who clearly had from all appearances carriage of the matter and might have actual detailed knowledge that can be provided now, which then allows further questions to flow. Does Mr Willing know when the department was first consulted by the minister about the amendment that was moved in the House of Representatives? Mr Willing: I do not know for sure; I would need to

check. Senator ABETZ: What is your best assessment? Senator Jacinta Collins: We have taken it on notice. Senator ABETZ: Was it when the House of Representatives was debating the bill, or was it before? CHAIR: The question has been taken on notice and we do need to leave it there. Senator Jacinta Collins: This question has already been asked and taken on notice. Senator ABETZ: What is the difficulty? The witness either knows whether it was or was not and— Mr Kovacic: We do not have specific recollection of the dates. We have taken the question on notice so that we can actually provide the committee with accurate advice as to that. And we are not in a position to add to that, unfortunately. Senator ABETZ: I can understand that the date may escape us from time to time. But when it is contextualised in the debate that it occurred in the House of Representatives, the official may well be able to say, 'I can't recall the date, but I do recall that the amendment was moved by a Green in the House of Representatives and after it was moved in the House of Representatives the minister asked the department for advice,' without telling us what the date was, but it might provide a recollection for the official. That would be very helpful. Mr Kovacic: My recollection is that it was a government amendment that was moved to the bill. But in terms of the precise date either Mr Willing or I will be able to give you a sense of that or the general timing; but, clearly, it was part of the parliamentary debate. I cannot be any more precise than that. We have taken that question on notice, and we will answer that as best as we can and as quickly as we can. Senator ABETZ: Can we be agreed that it was not part of the initial building inspectorate bill that was tabled about two years earlier? Mr Kovacic: Yes, that is correct. Mr Willing: Yes. Senator ABETZ: Is it agreed that that amendment was only floated after the senate committee inquiry into the bill for a second time had provided its report and finalised its hearings on the bill? Mr Willing: I would have to check those dates. Senator ABETZ: All right. Take that on notice and then please take on notice as to who came up with the idea. Clearly, it was not— Ms Paul: We already have. We have taken the dates and who. Senator ABETZ: and why. Can you take that on notice as well. Ms Paul: Sure.

Answers

Question: Was the department consulted about the change? When?

Answer: The Department was requested by the then Minister's office to provide advice in relation to possible amendments to the Bill, including in relation to the inspectorate not prosecuting matters that were the subject of legal proceedings, settled by the parties and in circumstances where a notice of discontinuance for the legal proceedings had been filed, in October 2011.

Question: Is it agreed that the amendment was only floated after the senate committee inquiry into the bill for the second time had provided its report and finalised its hearings on the bill?

Answer: The Government amendments were introduced into the House of Representatives on 16 February 2012, which is prior to the Senate Committee tabling its report on the Bill on 29 February 2012.

Question: Please take on notice as to who came up with the idea, and why.

Answer: Beyond the abovementioned request for advice from the then Minister's Office, the Department is not aware where the idea for the Government amendments originated.