

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

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

Agency - ABCC/FWBII

DEEWR Question No. EW0623_13

Senator Abetz asked on 17 October 2012 , Hansard page 56

Question

FWBC - Section 64

Senator ABETZ: I do not want to debate that particular issue with you. Suffice it to say that, if there is a particular provision in legislation, it stands to reason that it has been put there for a purpose. It now appears but it cannot be used. Can I ask whether it was an employer, a trade union or an individual who questioned the use of this power? Mr Johns: I am concerned about the operation of section 64 of the legislation which governs our investigations and the restrictions that that places on providing information in relation to your investigations. Can I take on notice the question, because I do not want to offend— Senator ABETZ: I understand that, and that is fair enough. Taking it on notice is generous

Answer

Fair Work Building and Construction has provided the following response.

The ability of FWBC to use its legislative powers to investigate alleged contraventions of the *Building and Construction Industry Improvement Act 2005*, as in force prior to 1 June 2012, was raised by an employee organisation.