

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

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

Agency - ABCC/FWBII

DEEWR Question No. EW0630_13

Senator Abetz asked on 17 October 2012 , Hansard page 62

Question

FWBC - Proceedings in relation to the Grocon dispute

Senator ABETZ: In relation to the Grocon matter, can you explain to us why the bringing of proceedings by the FWBC would not have assisted the matter? By proceedings, I am talking about the comment you made in the Australian Financial Review on 29 August 2012. That was the last sentence in that paragraph. Do you have that in front of you or not?

Mr Johns: I do not have that media statement. Senator ABETZ: In that case, and given Senator Sinodinos is here, I will put that on notice. I have addressed the actual article so hopefully you can source that.

Answer

Fair Work Building and Construction has provided the following response:

The comments were made on 28 August 2012.

As noted in the Australian Financial Review on 29 August FWBC has, and the ABCC had, no jurisdiction to intervene in the type of injunctive action brought by Grocon.

Commencing FWBC's own proceedings under the Fair Work Act 2009 prematurely, would mean FWBC would have had to stop investigating the matter, as statutory investigative powers cannot be used once the matter is before the Court.

As the events at the centre of proceedings were still unfolding at that stage, it would have had a serious and adverse effect on the quality of FWBC's litigation, which was commenced on 5 October 2012.