



Australian Government

Fair Work OMBUDSMAN

GPO Box 9887 Melbourne VIC 3001 | 414 LaTrobe Street Melbourne VIC 3000

P: [REDACTED] F: (02) 6276 9849 E: natalie.james@fwo.gov.au

Nigel Hadgkiss
Director
Fair Work Building Construction
PO Box 9927
Melbourne VIC 3001

Dear Nigel

The Government has asked that, to enable the Fair Work Building Industry Inspectorate to align its focus with Government policy, matters involving wages and entitlements of workers in the commercial building industry be dealt with by the Fair Work Ombudsman.

In this context, I am comfortable that the Office of the Fair Work Ombudsman take responsibility for wages and entitlements matters arising under the *Fair Work Act 2009* (the FW Act) involving "building industry participants" as defined by the *Fair Work (Building Industry) Act 2012*.

Following discussions between our offices, I now write to you proposing that we apply the following principles:

1. The FWO will be responsible for inquiring into and, where appropriate, investigating and enforcing matters which allege contraventions of the FW Act relating to wages and entitlements involving a building industry participant.
2. The FWO's treatment of such matters will be in accordance with the Agency's usual policies and procedures.
3. Wages and entitlement matters lodged with the FWBC may be referred to the FWO.
4. FWO will continue to refer other matters arising under the FW Act involving building industry participants which are lodged with the FWO to the FWBC.
5. FWO and FWBC will keep a record of matters referred in either direction and will provide periodic reports to each other about the workload and any issues which arise.

I trust that this adequately sets out basis for the mutual exchange of work. Should there need to be any additions or alterations to these principles, please let me know.

Once principles have been agreed upon, the dedicated referral mechanisms and contact officers can be established at both agencies.

I may be contacted on either [REDACTED] or at Natalie.James@fwo.gov.au

Yours sincerely

Natalie James
FAIR WORK OMBUDSMAN
18 November 2013