

HAUSLER, Heather

From: [REDACTED]
Sent: Friday, 17 October 2014 12:32 PM
To: HAUSLER, Heather
Cc: O'SHEA, Tom
Subject: RE: sham contracting [DLM=For-Official-Use-Only]

For Official Use Only

Hi Heather,

See below for an extract from the FWBC's appearance on 21 November 2013 at Supplementary Budget Estimates (page 71 of the Hansard).

Senator CAMERON: No, I will move onto the question I want to move on to, thank you very much. I will maintain this question. In relation to the areas that the FWBC operate at the moment, they do operate in those areas that you say are core business. They also deal with wages and entitlements and they deal with sham contracting. In fact, some millions of dollars have been recovered for workers, by the FWBC, by focusing on workers being ripped off, and wages and conditions, and workers being forced into sham contracting. Are you saying you will not now be dealing with that as a core aspect of your operation?

Mr Hadgkiss : I am not saying that.

Senator CAMERON: You did not include it in the list that you just put through.

Mr Hadgkiss : I am saying that if those matters arose in conjunction with coercion and there is adverse action, freedom of association et cetera, obviously we would not segment it and give part of it; we would investigate it.

As discussed, I think there are two issues that need to be settled before next week:

1. Sham contracting responsibilities. My memory of the meeting from 3 December was that the agency with 'core responsibility' would handle sham contracting matters which may arise. That is, if a matter of sham contracting is discovered during (or as part of) a wages and entitlements matter, it will continue to be referred to, or progressed by, the FWO. Alternatively, if a sham contracting matter comes to the FWBC's attention during an investigation that they are running into framework matters, it is likely that FWBC will continue to progress it. Similarly, if a complainant comes to either agency with a specific complaint about sham contracting (which is quite rare) the agency with primary responsibility will progress it.

[REDACTED]

Hope this helps. Tom is tied up in meetings this afternoon, so perhaps we can find a time on Monday to discuss this?

Cheers

Anthony

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Director of Policy
Fair Work Ombudsman

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From: HAUSLER, Heather
Sent: Friday, 17 October 2014 9:36 AM
To: [REDACTED]
Subject: sham contracting [SEC=UNCLASSIFIED]

UNCLASSIFIED

[REDACTED]
I havent been able to locate anything specific about sham contracting in our exchange of letters about referrals but it looks like there was a clear understanding and intention from both CEOs.
From the FWO perspective I think the situation has been outlined by Natalie in Senate Estimates of 27 Feb 2014 P32 of transcript.

Senator Cameron: What about Sham contracting?

Ms James: Sham contracting is an interesting one.... I would expect the bulk of them to come to the Fair Work Ombudsman

I will send you the final draft of our answer.

Heather Hausler Group Manager Operations
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