

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

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Agency - Australian Building and Construction Commission**

**DEEWR Question No.EW0281\_12**

**Senator Abetz asked on 30/05/2011, Hansard page 83.**

*Refers to previous Question No [EW0712\\_11](#).*

**Question**

**Potential Contraventions (Update To Previous Question EW0712\_11)**

Senator ABETZ: ..... I was given a helpful answer, Chair, 0712, and if you can please take on notice, provide us with an update of the statistics on that, however much further, if you are able to take that table. It was potential contraventions as of 23 February 2011. If you can just update that for us. Are you able to tell us— ..... Mr Johns: It is ordinarily monthly. Senator ABETZ: at the end of the month. Mr Johns: Yes.

**Answer**

*The Office of the Australian Building and Construction Commissioner has provided the following response:*

The potential contraventions under current investigation can be classified into ten categories. One investigation may include multiple contraventions. The table below details the potential contraventions as of 23 February 2011.

<b>Contravention</b>	<b>Number</b>	<b>%</b>
<b>1. Industrial Action</b>		
s38/39 BCIIA Unlawful Industrial Action	40	
s417 FWA Unlawful Industrial Action	21	
s346 FWA Adverse Action regarding Industrial Activity	5	
s340 FWA Adverse action regarding Workplace Rights	1	
<b>Total</b>	<b>67</b>	<b>43%</b>
<b>2. Coercion</b>		
s43BCIIA Coercion	2	
s44BCIIA Coercion	3	
s348 FWA Coercion to Engage in Industrial Activity	2	
s343 FWA Coercion	5	
<b>Total</b>	<b>12</b>	<b>8%</b>

<b>3. Right of Entry</b>		
s494 FWA Permit Required For Ohs Entry	1	
s495 FWA Giving Notice of Entry	2	
s500 FWA Permit Holder Hindering Or Obstructing	2	
s507 FWA Revocation of Permit	1	
s508 FWA Misuse of Rights	1	
<b>Total</b>	<b>7</b>	<b>5%</b>
<b>4. Freedom of Association</b>		
s354 FWA Discrimination regarding Particular Instrument	3	
s351 FWA Discrimination	1	
s45BCIIA Discrimination	3	
<b>Total</b>	<b>7</b>	<b>5%</b>
<b>5. Strike Pay</b>		
s42BCIIA Pay Strike Pay	2	
s42BCIIA Receive Strike Pay	1	
s475 FWA Accepting or Seeking Strike Pay for Unlawful Industrial Action	2	
s474 FWA Pay Strike Pay for Unprotected Action	1	
s473 FWA Accepting or Seeking Strike Pay	1	
<b>Total</b>	<b>7</b>	<b>5%</b>
<b>7. FWA</b>		
s345 FWA Misrepresentations	1	
s350 FWA Inducements re. Membership Action	1	
s676 FWA Intimidation	1	
s418 FWA FWA Orders	1	
<b>Total</b>	<b>4</b>	<b>3%</b>
<b>8. Pay and Entitlement</b>		
s.50 Breach of Enterprise Agreement	3	
s.441(1) Breach National Employment Standards	7	
s.45 FWA Breach of Modern Award	6	
s.323 (1) FWA Breach of Frequency of Payments	9	
s.323(3) FWA Breach of Method of Payment	4	
<b>Total</b>	<b>29</b>	<b>19%</b>
<b>9. Independent Contractors</b>		
s357 FWA Misrepresenting Employment as ICA	9	
s358 FWA Dismissing to Engage as IC	1	

s359 Misrepresentation to Engage IC	5	
Independent Contractors	3	
<b>Total</b>	<b>18</b>	<b>12%</b>
<b>10. Taxation</b>		
Taxation Legislation All Breaches	3	
<b>Total</b>	<b>3</b>	<b>2%</b>
<b>11. State IR Legislations</b>		
State IR Legislation Other Breaches	1	
<b>Total</b>	<b>1</b>	<b>1%</b>
<b>TOTAL</b>	<b>155</b>	