

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

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

Agency - ABCC/FWBII

DEEWR Question No. EW0200_13

Senator Abetz asked on 28 May 2012 , Hansard page 75

Question

ABCC - Any proceedings against Australian Workers Union

Senator ABETZ: I fully agree, and that is why I am writing myself an aide-memoire—for exactly that purpose. Is the ABCC commencing any proceedings against the Australian Workers Union about contraventions that occurred between 2005 and 2007? Mr Johns: We will take it on notice. Senator ABETZ: Can I also ask you to provide whether in the past the ABCC has commenced proceedings against the Australian Workers Union, and the outcome of those proceedings, in the period 2005-2007. Mr Johns: Yes. Senator ABETZ: And how many proceedings have been commenced against the Australian Workers Union since 2007? Could you take all that on notice? Mr Johns: I am happy to take that on notice.

Answer

Fair Work Building & Construction has provided the following response.

Contraventions of the *Building and Construction Industry Improvement Act 2005* between 2005 and 2007 can no longer be the subject of civil litigation proceedings, as the two-year limitation period for any such proceedings has expired.

The ABCC commenced two proceedings against the AWU in the period 2005-2007 and four after 2007.

The outcomes of those matters are listed below.

Matter	Date Commenced	Nature of Breach	Outcome	Date of decision
<i>Furlong v AWU & Ors</i>	20 October 2006	Unlawful Industrial Action	The Federal Magistrates Court imposed \$56,000 in penalties. This included \$40,000 against the AWU half-suspended, and penalties of	19 April 2007

			\$4,000 on four AWU officials.	
<i>Alfred v Wakelin & Ors</i>	15 May 2007	Unlawful industrial action, breach of enterprise agreement	The Federal Court imposed \$64,100 in penalties. This included \$28,000 against the AWU, \$18,000 on the AWU NSW and \$9,000 on the AWU's official.	21 April 2009
Matters since 2007				
<i>Stuart v AWU & Anor</i>	30 March 2009	Unlawful industrial action	The Federal Magistrates Court imposed \$8,000 in penalties of which \$6,300 against the AWU and \$1,700 against its official.	25 August 2009
<i>Stuart v AWU & Ors</i>	26 September 2008	Unlawful industrial action	The Federal Magistrates Court imposed \$29,500 in penalties of which \$8,750 was imposed on the AWU and \$1,750 on the AWU's official.	25 August 2009
<i>Cozadinos v AWU & Ors</i>	9 April 2009	Unlawful industrial action	The Federal Magistrates Court imposed \$30,500 in penalties of which \$8,750 was imposed on the AWU and \$1,750 on the AWU's official	25 August 2009
<i>Hardwick v AMWU & Ors</i>	19 November 2009.	Coercion	The Federal Court imposed \$67,500 in penalties of which \$14,000 was imposed on the AWU and	4 August 2010

			\$6,000 on the AWU's official.	
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