

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

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Agency - Australian Building and Construction Commission

DEEWR Question No.EW0704_11

Senator Abetz provided in writing.

Refers to previous DEEWR Question No [EW0465_11](#)

Question

LITIGATION POLICY

Following on from the ABCC's response to QoN EW0465_11. What, if any, changes were made to the legal policy before it was finalised on 1 November 2010?

Answer

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

The ABCC Litigation Policy is based on the Fair Work Ombudsman Litigation Policy. The content of both documents is substantively the same but reflects the Policy's adaption to the ABCC's legal and operational environment, including:

- building industry legislation;
- information regarding the ABC Commissioner;
- relevant commentary arising from ABCC proceedings;
- relevant examples relating to the practice of the ABCC;
- appropriate enforcement related options available to the ABCC;
- that the ABCC may reach agreement with a wrongdoer in relation to penalty and costs;
- interventions; and
- interlocutory injunctions.

The Litigation Policy was developed after consultation with all relevant senior ABCC staff in the Legal and Operations Groups in 2010. The Policy was implemented on 1 November 2010.