

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND  
EDUCATION LEGISLATION COMMITTEE**

**2005-2006 BUDGET SENATE ESTIMATES HEARING  
30, 31 MAY and 3 JUNE 2005**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2: Higher productivity, higher pay workplace**

**Output Group 2.2: Workplace relations implementation**

**Outputs 2.2.7: Building Industry Taskforce**

**Question Number: W309-06**

**Question:**

Senator Campbell asked at *Hansard* page 28:

Can the department advise how many investigations on:

- (a) cases of underpayments of workers' entitlements,
- (b) phoenix companies
- (c) sham independent contracting
- (d) abuse of illegal migrant workers
- (e) under or non-payment of workers compensation premiums or
- (f) cash in hand payments

the task force found in the industry so far? As well as provide a list of the referrals to other bodies on the issues mentioned above.

**Answer:**

- It is not part of the Taskforce's remit to investigate cases of underpayment of employee entitlements, phoenix companies, sham independent contracting, abuse of illegal migrant workers, under or non-payment of workers compensation premiums or cash in hand payments.
- When instances of these issues are discovered in the course of Taskforce investigations, they are provided as a formal brief to the appropriate agency in the relevant state jurisdiction.
- Formal briefs that were referred to state police and external agencies on the issues identified by the question are as follows:
  - (a) cases of underpayments of workers' entitlements – **one to NSW Office of Industrial Relations, one to ASIC & ATO**
  - (b) phoenix companies – **three to ATO, ASIC, NSW Crime Commission**
  - (c) sham independent contracting -**nil**
  - (d) abuse of illegal migrant workers - **nil**
  - (e) under or non-payment of workers compensation premiums or - **nil**
  - (f) cash in hand payments - **nil**