

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.EW0062_12

Senator Abetz provided in writing.

Question

Current Potential Contraventions Under Investigation

Please provide a breakdown of the current potential contraventions under investigation by category?

Answer

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

The table below details the potential contraventions as of 14 June 2011.

Contravention	Number	%
1. Industrial Action		
s38/39 BCIIA Unlawful Industrial Action	24	
s417 FWA Unlawful Industrial Action	14	
s346 FWA Adverse Action regarding Industrial Activity	2	
s340 FWA Adverse action regarding Workplace Rights		
Total	40	23
2. Coercion		
s43 BCIIA Coercion	4	
s44 BCIIA Coercion	2	
s348 FWA Coercion to Engage in Industrial Activity	2	
s343 FWA Coercion	5	
Total	13	8
3. Right of Entry		
s494 FWA Permit Required For OH&S Entry	1	
s495 FWA Giving Notice of Entry	2	
s496 FWA Contravening Entry Permit Conditions	1	

s500 FWA Permit Holder Hindering Or Obstructing	2	
Total	6	3
4. Freedom of Association		
s45 BCIIA Discrimination	1	
Total	1	1
6. FWA		
s345 FWA Misrepresentations		
s349 FWA Misrepresentations about Industrial Activity	2	
s350 FWA Inducements re. Membership Action	1	
s676 FWA Intimidation	1	
s418 FWA FWA Orders	2	
Total	6	3
7. Independent Contractors		
s357 FWA Misrepresenting Employment as ICA	33	
s358 FWA Dismissing to Engage as IC	1	
s359 Misrepresentation to Engage IC	16	
Independent Contractors	2	
Total	52	30
8. Pay and Entitlements		
s.44(1) FWA Breach National Employment Standards	14	
s.45 FWA Breach of Modern Award	22	
s.50 Breach of Enterprise Agreement	1	
s.323(1) FWA Breach of Frequency of Payment	4	
s.323(3) FWA Breach of Method of Payment	2	
s.536(1) FWA Failure to provide payslips	6	
s.536(2) FWA Failure to prescribed form of payslip	1	
s.535(1) Failure makekeep employee records 7 yrs	1	
Item 6(1) WRA - Max ordinary hours of work	1	
Total	52	30
9. Other		
Taxation	3	
Total	3	2
TOTAL	173	100