

**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.EW0122_12

Senator Cameron provided in writing.

Question

S.52 Notices

If it is the case that s.52 notices other than the Tribe notice were defective, have any prosecutions proceeded where evidence has subsequently been admitted by the Court which was originally obtained by the ABCC by the use of a s.52 notice which suffered from any or all of the defects identified by the Tribe case? If so, in how many of these prosecutions is it apparent that in the absence of such evidence, the prosecution would not have succeeded?

Answer

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

Yes.

While the ABCC does not keep records of this nature, the ABCC is aware of one such matter. That matter is currently before the Court and it is not appropriate to make any further comment.