

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

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

Agency - ABCC/FWBII

DEEWR Question No. EW0125_13

Senator Cameron asked in writing

Question

ABCC – Cape Preston Sino Iron Ore Project

In February 2012, the Fair Work Ombudsman provided to CITIC Pacific Mining Management Pty Ltd, the ABCC and the CFMEU the FWO Report titled “FWO Referral - Cape Preston Sino Iron Ore Project”. This refers to a major resources construction project in North West WA employing large numbers of Chinese workers on 457 visas and other temporary visas.

The FWO report states (at p3) that “This report will also be provided to the Australian Building and Construction Commissioner (ABCC) for its consideration in regard to the allegations concerning the engagement of overseas workers in preference of Australian workers. That is to say, the ABCC is responsible for ensuring compliance with Commonwealth workplace laws in the construction sector.

1. Please provide details of the ABCC’s consideration of these allegations, as at 28 May 2012, including findings where any have been made.
2. If the ABCC has not concluded its investigations into these allegations, when will it do so?
3. Since receiving the FWO report, has the ABCC had any communication with DIAC concerning these allegations? If so, what was the nature and content of those communications?

Answer

Fair Work Building & Construction has provided the following response.

The ABCC considered the report and determined that there was not a reasonable suspicion that a Commonwealth Workplace law had been contravened.

The ABCC wrote to National Secretary of CFMEU Construction and General Dave Noonan on 28 May 2012 seeking further particulars, following a radio interview in which Mr Noonan discussed the claims. As at 4 July 2012 Mr Noonan has not replied.

A copy of that letter is included at **ATTACHMENT A**.

ATTACHMENT A

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