

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

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2010-2011**

Agency - Fair Work Ombudsman

DEEWR Question No.EW0565_11

Senator Cameron asked on 20/10/2010, Hansard page 37.

Question

FWO - LICENSED ODCO AGENCIES

Senator CAMERON—I can tell you that from the website, you cannot. I am wondering what audits you propose to take with Odco to deal with the concerns you have with this approach. Are you going to analyse these licensed Odco agencies? Who are they? What are they doing? Why have we ended up with a situation where three children were put in a position they should never have been put in? What are you doing about that? Ms Webster—We have taken on notice that you will be returning to the topic again. We have taken action when matters of this nature have come to us. I would reference the case that was filed just this week. We will continue to take those actions and we will address the questions that you have put to us today at the next Senate estimates.

Answer

The Fair Work Ombudsman has provided the following response:

The Fair Work Ombudsman is of the view that Odco and Odco-like arrangements can be genuine contracting relationships. Equally, the Fair Work Ombudsman is of the view that an employment relationship does not exist just because a relationship purports to be an Odco arrangement, or an Odco-like arrangement.

The Fair Work Ombudsman investigates all complaints made to it about allegations involving the Odco Contracting System and Odco-like contracting arrangements and examines the specific evidence in each complaint to determine the relationship between the parties.

In *Fair Work Ombudsman v Contracting Solutions Australia Pty Ltd & Ors*, the Fair Work Ombudsman commenced litigation in relation to a purported Odco contracting arrangement that the Fair Work Ombudsman alleges was a sham contracting arrangement.