

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

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

Agency - ABCC/FWBII

DEEWR Question No. EW0629_13

Senator Abetz asked on 17 October 2012 , Hansard page 60

Question

FWBC - Complaints to FWO and FWBC

Senator ABETZ: I asked the Fair Work Ombudsman about this earlier: in the event that there are posters referring to scabs if there are certain other illegal activities taking place it would be open to a person or organisation to make a complaint to the Fair Work Ombudsman as opposed to the FWBC. Is that correct?

Mr Johns: I did not see Mr Wilson's evidence in respect of that. He is probably better to form a view about what complaints can be made to his agency.

Senator ABETZ: He did, in fairness, go away agreeing, if I recall his evidence correctly, to take it on notice and give it due consideration. I was wondering whether you might be so kind as to do the same, because as I understand it there is potentially an overlap in jurisdictions and that overlap in jurisdictions may potentially become of interest in relation to matters that are prosecuted for a penalty in circumstances where the civil claims do in fact refer to the Fair Work Act. In such cases if there is a settlement the prosecution can still proceed, because that which you are not allowed to do is not a restriction on the Fair Work Ombudsman, as I understand it.

Answer

Fair Work Building & Construction has provided the following response.

Yes, but the Fair Work Ombudsman would refer the matter to FWBC if it involved a building industry participant.