

# MASTER BUILDERS AUSTRALIA

## RESPONSE TO QUESTIONS ON NOTICE

### ***FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT (ENSURING INTEGRITY) BILL 2019 [PROVISIONS]***

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#### **Senator Sheldon asked:**

**Senator SHELDON:** *Has he [Mr Gerry Hanssen] been engaged by any of the Master Builders Association members that you represent to carry out work?*

**Mr Schmitke:** *I am not aware, and I'm not even sure if I'd be able to answer that question on notice, I'm afraid.*

**Senator SHELDON:** *I'll give you that on notice—not only whether he has been engaged but whether he is being engaged.*

**Mr Schmitke:** *I'll take that on notice.*

#### **Response from Master Builders Australia:**

The Master Builders network is structured as a Federation and as such there are eight (8) members of Master Builders Australia comprised of the various Master Builders Associations in each State and Territory. None of these entities have been engaged by Mr Hanssen or his Company.

Notwithstanding the above answer and having regard to what we understand is the intention of this question, Master Builders Australia has made enquiries with our member being the Master Builders Association of Western Australia ('MBAWA').

MBAWA were asked if Mr Gerry Hanssen or his Company either has been, or are currently, engaged by any of those companies that are members MBAWA. The answer provided to Master Builders Australia by MBAWA was no.

#### **Senator Patrick asked:**

**Senator PATRICK:** *I'm just looking at your submission, and it's difficult for me to establish this on account of the latency period between when someone commits an offence and when a court might make a conviction. How many offences in your analysis relate to the initial matter or action having occurred after the ROC legislation came into place?*

**Mr Schmitke:** *I can take that question on notice and find out.*

#### **Response from Master Builders Australia:**

Master Builders has undertaken an analysis of matters involving the Australian Building and Construction Commission ('ABCC') and the Registered Organisations Commission ('ROC').

Number of cases **brought** against the CFMMEU by the ABCC:

- involving conduct that occurred **prior to** 1 January 2017 = 62
- involving conduct that occurred **after** 1 January 2017 = 21

Number of Federal Court Judgments **delivered** involving CFMMEU contraventions of the Fair Work Act:

- between 1 January 2014 to 31 December 2016 = 30 (**NB: 24 CFMEU and 6 MUA**)
- since 1 January 2017 to present = 40

Master Builders also refers the Committee to the information in our Submission at paras 25 to 27 (pages 6-7).

Number of Federal Court **proceedings** brought against Registered Organisations of all types by the ROC:

- Commenced **after** 1 May 2017 = 3
- Commenced **prior** to 1 May 2017 = 8

Number of **Inquiries/Investigations** involving Registered Organisations of all types undertaken by the ROC:

- Commenced *after* 1 May 2017 (to present) = 23
- Commenced *prior* to 1 May 2017 (from 2009 to 1 May 2017) = 34

Master Builders has extracted the above information from the ROC website that lists all current and completed inquiries, investigations and Federal Court proceedings that can be accessed at <https://www.roc.gov.au/inquiries-and-investigations>