

**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE
ADDITIONAL ESTIMATES 2008-09**

Agency **Office of the Australian Building and Construction Commissioner**

DEEWR Question No. EW1155_09

The Chair asked on 26 February 2009, EEWPR Proof Hansard page 28

Question

Could you provide the Committee with all the judicial criticism you have received including criticism from the AIRC?

Answer

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

Of the 87 proceedings initiated by the ABCC/BIT judicial criticism has occurred in three court proceedings and one Australian Industrial Relations Commission proceeding.

Judicial Criticism

Ponzio v B&P Caelli Construction Pty Ltd [2006] FCA 1221- North, J.

Justice North criticised the ABCC for taking proceedings for what he considered a minor contravention of strike laws.

Pine v Seelite Windows & Doors Pty Ltd [2005] FCA 500 - Finklestein, J:

Justice Finklestein criticised the ABCC for commencing a proceeding which was regarded as unnecessary.

Lovewell v Carroll QUD 427 of 2007 – Spender, J

Justice Spender criticised the ABCC for commencing a proceeding he regarded to be without merit.

AIRC Criticism

Criticism - Bias

Martino v McLoughlin [2007] 717 – SDP Watson

SDP Watson criticised the ABCC Inspectors' method of interview and recording of statements.