

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

**QUESTIONS ON NOTICE
Additional Estimates 2009-2010**

Agency - Fair Work Ombudsman

DEEWR Question No.EW0862_10

Senator Cameron provided in writing.

Question

SHAM CONTRACTING

Is the Fair Work Ombudsman aware of the report broadcast on ABC TV's 7.30 Report on 22nd September 2009, in which there were very strong suggestions made and not refuted by anyone involved, that sham contracting is rife in the construction industry? If the Fair Work Ombudsman is aware of the report, has it made any inquiries of any of the parties involved or named in the report that would establish the veracity or otherwise of the claims made in the report? If not, why not? If it has followed up on the report, what has been the outcome of the Fair Work Ombudsman's inquiries or investigations?

Answer

The Fair Work Ombudsman has provided the following response:

The Fair Work Ombudsman is aware of the report broadcast on ABC TV's 7.30 Report on 22nd September 2009.

The Fair Work Ombudsman has not commenced an investigation into the comments made by Mr John Sutton of the Construction Forestry Mining Energy Union (CFMEU) on the 7.30 Report regarding sham contracting in the building and construction industry.

The Fair Work Ombudsman has ongoing contact with CFMEU. In the event that the CFMEU is concerned about breaches of the Commonwealth workplace laws which fall within the remit of the Fair Work Ombudsman, the CFMEU can – and has - raised its concerns directly with the Fair Work Ombudsman.

Mr Sutton's comments on the 7.30 Report were general in nature and the Australian Building and Construction Commission generally has responsibility for the investigation of allegations of sham contracting within the building and construction industry.