

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

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Agency - Australian Building and Construction Commission

DEEWR Question No.EW0711_11

Senator Abetz provided in writing.

Question

PLUTO STRIKE

In relation to the following line of questioning at Senate estimates, can the ABCC provide responses to the questions below. Senator ABETZ—I will not go any further. That is fine. Can I move on to the Pluto strike? Mr Johns—Yes. Senator ABETZ—That was, I think we can agree, a protracted strike by hundreds of workers in January 2010? Mr Johns—There were two instances of unlawful industrial action: one in December 2009 and one in January 2010. Senator ABETZ—You are aware of the strike. Did the ABCC investigate the strike? Mr Johns—Yes. Senator ABETZ—And it intervened in court proceedings arising from the strike? Mr Johns—Yes. Senator ABETZ—So what is the current state of play of those proceedings? Mr Johns—Those proceedings are ongoing. In relation to the December matter, we are a party in our own right. In relation to the December matter, we are an intervener. Senator ABETZ—Do you intend to continue in those roles for the two cases? Mr Johns—Yes. 1. In the event the applicant in the January 2010 Pluto case settles or does not seek a penalty, will the ABCC seek to have the participants in the strike penalised? a. If so, why? b. If not why not?

Answer

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

It would be inappropriate to speculate about possible outcomes given the matter is still before the courts.