

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

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Agency - Fair Work Ombudsman

DEEWR Question No. EW1092_12

Senator Abetz asked on 15 February 2012 , Hansard page 52

Refers to previous DEEWR Question No EW0496_12

Question

FWO - EW0496_12 - Results from investigations into sham contracting allegations

Senator ABETZ: If you could, it would save me a bit of homework if somebody who has that sort of information readily available could assist. I refer you to No. 496, which was a question about sham contracting. We were told in the second paragraph that the answer to question 1: The Fair Work Ombudsman completed 32 investigations into allegations 2009/10. That number increased to 100 in 2010/11. Are you in a position to tell us what happened with those investigations of the 32? Did any result in a prosecution or were you satisfied that none of them were sham contracting? Mr Wilson: I think we will have to take that on notice. Senator ABETZ: If you do not have it readily available, please take that on notice. That is for both 2009/10 and 2010/11. Mr Wilson: Right.

Answer

The Fair Work Ombudsman has provided the following response

In 2009/10, one investigation into sham contracting resulted in an enforceable undertaking being entered into with Signature Portrait Studios Pty Ltd.

The enforceable undertaking was entered into on 28 March 2011.

No other sham contracting investigations completed during this period sustained contraventions of the sham contracting provisions.

In 2010/2011, no investigations into sham contracting resulted in the commencement of legal action for contraventions of either the *Fair Work Act 2009* or *Workplace Relations Act 1996*.