

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

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

**Agency - Australian Building and Construction Commission**

**DEEWR Question No. EW1095\_12**

**Senator Cameron asked on 15 February 2012 , Hansard page 58**

**Question**

**ABCC - Cozadinos v CFMEU**

Senator CAMERON: Let us go to the Cozadinos v CFMEU [6 Feb 2012] FCA 46. You are aware of that case? Mr Johns: This is the— Senator CAMERON: Justice Peter Gray. Mr Johns: Yes. Senator CAMERON: Justice Gray dismissed the case against the CFMEU Victorian branch and a union organiser, saying the investigator had failed to prove her claim in any respect and ordered the ABCC to pay the union and officials costs in defending the action. Did the Cozadinos case go through this rigorous pre-trial analysis that you were telling us about? Mr Johns: I would have to check when we commenced that proceeding. The fact that it starts with the name of an inspector as opposed to ABCC would tend to suggest to me that it did not. Can I take that on notice, please?

**Answer**

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

This proceeding was initiated on 22 September 2009 under the procedures observed by former ABC Commissioner Lloyd.