

**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. EW1100\_12**

**Senator Abetz asked on 15 February 2012 , Hansard page 63**

**Question**

**ABCC - Setka Case**

Senator ABETZ: Clearly, and it is five years old. It stands to reason that there would have been even further savings made over that five year period. Can I start off where Senator Cameron started, and that is with the Setka case. Just to confirm, this was in relation to a head-butting and assault? Mr Johns: There were allegations of assault. Senator ABETZ: Yes, head-butting and assault. Mr Johns: Those matters were not proven and those charges were withdrawn. Senator ABETZ: Yes, but did the withdrawal occur because the head-butting and assault had not occurred or because it was not known who it was perpetrated by? Mr Johns: The decision to withdraw charges was made by the Victorian police and not by us. I cannot go into their minds as to the basis on which they decided to withdraw charges. Senator ABETZ: Right, but nothing was passed onto the ABCC by Victoria Police indicating the reason? Mr Johns: I will take that on notice. Certainly I have not received any report or anything from them. Senator ABETZ: As I understand it, the ABCC was, in effect, the complainant or the provider of information to Victoria Police— Mr Johns: Our inspectors were witnesses called by the Victorian police in that prosecution. Senator ABETZ: In those circumstances one would assume that the Victoria Police may have. I do not put it stronger than that, but I would be pleased if you could confirm that. If you cannot, that is understood. Mr Johns: I will take that on notice.

**Answer**

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

The Office of Public Prosecutions (OPP) independently made the decision to withdraw charges.

The OPP did not provide the ABCC with the reasons for its decision to withdraw.