

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2005-2006 BUDGET SENATE ESTIMATES HEARING
30, 31 MAY and 3 JUNE 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.2: Workplace relations implementation

Outputs 2.2.7: Building Industry Taskforce

Question Number: W347-06

Question:

Senator Marshall provided in writing:

In total last year, how many a) investigations and b) prosecutions did the Department make for breaches by:

- (a) employers
- (b) trade unions

Please breakdown these results into the building and construction industry and other industries and detail what the breaches were for (i.e. the sections of the Act).

Answer:

From 1 July 2004 to 31 March 2005, the Department;

- conducted 3,329 investigations against employers, and 64 against trade unions.
- Of the 3,329 investigations into employers, 156 involved employers in the building and construction industry. 139 of those 156 investigations involved suspected award breaches and the remainder related to breaches of s170NC, s285E & s285A, s187AA & 187AB, s170MN and Part XA of the *Workplace Relations Act 1996* (the Act).
- Of the 3,173 investigations into non-building and construction industry employers, 2,646 related to awards and certified agreements, 148 to Part XV of the Act, 5 to Schedule 1A of the Act, 373 to the time and wages records and payslip regulations (Regulations 131A-132E) and one obstruction matter (s305).
- Of the 64 investigations involving trade unions, 47 involved the building and construction industry. These involved breaches of s170NC, s285E & s285A, s187AA & 187AB, s170MN and Part XA of the Act.

- Of the 17 non-building and construction industry investigations involving trade unions, 16 of the investigations related to s127 matters and one to s170NC.
- approved 13 prosecutions
 - seven of which involved employers only
 - five involved trade unions or trade union officials only; and
 - one involved both an employer and a trade union/union official.

Of those first seven which involved employers only, one involved an obstruction matter (s305), one a breach of the time and wages records and pay slip regulations (Regulations 131A and 132A) and five involved breaches of awards. None of the prosecutions involved the building and construction industry.

The remaining six matters involved alleged breaches of s170NC, s187AA, s187AB, s170MN, s178 and Part XA of the Act and one application pursuant to s285A(3) of the Act.