

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

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

**Agency - Fair Work Ombudsman**

**DEEWR Question No.EW0268\_11**

**Senator Cameron asked on 1/06/2010, Hansard page 70.**

**Question**

**REFERRALS FROM ABCC FOR SHAM CONTRACTING**

Senator CAMERON—What I am asking you is about referrals in relation to sham contracting. Mr Loizides—I have had no discussions in this financial year regarding sham contracting. Senator CAMERON—And no referrals. Discussions and referrals are different things. Mr Loizides—Can I take that one on notice? Senator CAMERON—You cannot tell me if you have had any referrals from ABCC? Mr Loizides—In regard to sham contracting this financial year? Senator CAMERON—Yes. Mr Loizides—No, I cannot answer that. I will take that on notice.

**Answer**

*The Fair Work Ombudsman has provided the following response:*

In the 2009/10 financial year, the Fair Work Ombudsman received two referrals from the Australian Building and Construction Commission regarding allegations of sham contracting.

One matter was referred on 4 March 2010 and is currently under investigation by the Fair Work Ombudsman.

The other matter was referred on 26 February 2010. The employer was not a constitutional corporation therefore the matter was forwarded to SafeWork SA. This agency is responsible for ensuring compliance with state workplace relations legislation in South Australia for conduct that occurred prior to 1 January 2010. The Fair Work Ombudsman has been informed that this matter has been finalised following withdrawal of the complaint by the complainant.