

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

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

Agency - Australian Building and Construction Commission

DEEWR Question No.EW0119_12

Senator Cameron provided in writing.

Question

Commonwealth DPP V. Tribe

1. Following the decision of the South Australian Magistrates Court in Commonwealth DPP v. Tribe, has the ABCC reviewed the s.52 notices it has issued to date to determine whether or not any other s.52 notices have suffered from any of the defects that afflicted the notice in the Tribe case?
2. If so, how many s.52 notices issued by the ABCC to date have suffered from one or more of the defects identified by the Magistrate's Court of South Australia in its judgement in CthDPP v. Tribe?

Answer

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

1. Yes.
2. All 203 Notices issued before 24 November 2010 included the same defect identified in *CDPP v Tribe*.

None of the notices issued since that time are defective.