

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

**QUESTIONS ON NOTICE
Budget Estimates 2012-2013**

Agency - Fair Work Ombudsman

DEEWR Question No. EW0025_13

Senator Abetz provided in writing.

Question

FWO - sham contracting

"Since 1 January 2012, how many investigations have there been into sham contracting? What was the result of each investigation? How many cases were found to have been legitimate contracting arrangements?"

Answer

The Fair Work Ombudsman provided the following response.

Since 1 January 2012 Fair Work Ombudsman has undertaken investigative work on 195 allegations of sham contracting.

As at 20 June 2012, of the 195 allegations:

- 43 matters are currently open investigations
- 152 have been finalised, of these:
 - 29 allegations were determined to be legitimate contracting arrangements.
 - 47 allegations were found not to be legitimate contracting arrangements. These matters related to the misclassification of an employee as a contractor, without any contravention of the sham contracting provisions.
 - 3 matters have been filed in court with allegations of sham contracting contraventions.
 - The remaining allegations were completed due to a range of factors including: the allegation not being sustained; being resolved by the parties prior to FWO making a finding or being withdrawn.