

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

**2005-2006 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING  
2 and 3 NOVEMBER 2005**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2: Higher productivity, higher pay workplace**

**Output Group 2.2: Workplace Relations Implementation**

**Output 2.2.3: Workplace Relations Services**

**Question Number: W643-06**

**Question:**

Senator Marshall asked in writing:

***Complaints – OEA, OWS, ABCC/BIT***

(a) Please detail the number of complaints for breaches received in 2004/2005.

(b) Please detail the number of investigations and prosecutions for 2004/2005.

Please breakdown this data by jurisdiction and industry.

**Answer:**

**OEA**

(a) The complaints investigated by the OEA in 2004-2005 are summarised below.

Just over 90% of the 331 complaints received related to AWA matters, primarily concerning allegations of breaches of AWAs. 58% (191) of investigations related to breaches of AWAs.

<b>Primary complaint</b>	<b>No of investigations</b>	<b>% of investigations</b>
<b>AWA matters</b>		
Breach	191	57.7%
Coercion	14	4.2%
false declaration	13	3.9%
genuine consent	44	13.3%
Information	11	3.3%
ndt issues	17	5.1%
no explanation	3	0.9%
number of days	4	1.2%
not filed/approved	5	1.5%

Sub Total – AWA Matters	302	91.2%
<b>Freedom of Association</b>		
agreement type	6	1.8%
anti-union	1	0.3%
General	7	2.1%
industrial action compulsion	1	0.3%
membership discrimination	1	0.3%
no ticket no start	0	0.0%
union preference	1	0.3%
no jurisdiction	8	2.4%
right of entry	0	0.0%
resignation not accepted	4	1.2%
Sub Total – Freedom of Association	29	8.8%
<b>Total</b>	<b>331</b>	<b>100.0%</b>

(b) The OEA has been involved in pursuing a civil application for contraventions of the freedom of association provisions of the *Workplace Relations Act 1996* in one proceeding in 2004/2005. The OEA in this application seeks pecuniary penalties and compensation. The application was filed in the Queensland registry of the Federal Court. The relevant industry this proceeding is the meat industry.

## OWS

(a) A breakdown by industry is not available - see answer to question W642-06. The only available demographic breakdown for OWS is claims finalised (including targeted activities) by State/Territory:

<b>State or Territory</b>	<b>No of claims finalised</b>
New South Wales (includes the Australian Capital Territory)	2,196
Victoria	3,185
Northern Territory	215
South Australia	181
Queensland	560
Tasmania	105
Western Australia	142
<b>Total</b>	<b>6,584</b>

(b) The first table above details the number of investigations for 2004/05. The following table details the number of Departmentally approved prosecutions by State/Territory and industry:

<b>Prosecution</b>	<b>State/Territory</b>	<b>Industry</b>
1	New South Wales	Defence support (private sector)
2	Western Australia	Security
3	Queensland	Hospitality

4	Western Australia	Entertainment
5	Victoria	Retail
6	Queensland	Transport
7	Victoria	Veterinary
8	Victoria	Veterinary
9	Victoria	Graphic Arts

**BIT**

a) Between 30 June 2004 and 30 June 2005, the Taskforce initiated 87 investigations alleging 124 breaches of the *Workplace Relations Act 1996*. These investigations were all launched as a result of complaints made to the Taskforce. An additional 34 investigations were launched for breaches of the strike pay provisions of the *Workplace Relations Act 1996*.

(b) Between 30 June 2004 and 30 June 2005, the Taskforce;

- initiated 121 investigations; and
- initiated 7 prosecutions.