

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

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

**Agency - Fair Work Ombudsman**

**DEEWR Question No.** EW0611\_13

**Senator Abetz asked on 17 October 2012 , Hansard page 35**

*“Refers to previous DEEWR Question No EW0181\_13”.*

**Question**

**FWO – Prosecutions about sham contracting**

Senator ABETZ: I asked for enforceable undertakings. I am not sure whether I asked about actual prosecutions. Mr Wilson: We presently have nine active litigations about sham contracting, but we will take on notice— Senator ABETZ: Yes, some of them may straddle a number of years, I would assume.

**Answer**

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

The following table outlines all litigations and enforceable undertakings (EUs) in relation to sham contracting investigated by the FWO and the status of each activity as at 5 November 2012:

	<b>Date filed or EU signed</b>	<b>Status</b>
Land Choice Pty Ltd (NSW Real Estate)	Litigation filed 19 June 2009	Decision handed down 17 December 2009
Contracting Plus Pty Ltd	Litigation filed 24 December 2009	Decision handed down 10 March 2011
Maclean Bay (operating Diamond Island Resort in Tasmania)	Litigation filed 24 December 2009	Active
Contracting Solutions Australia Pty Ltd (CSA), Labour Contract Solutions, Blue Steel Corporation Pty Ltd, Michael Wright and Darryl Lenkic	Litigation filed 15 October 2010	Active
Signature Portrait Studios Pty Ltd	EU signed 28 March 2011	EU available on fairwork.gov.au
TSA Telco	Litigation filed 20 April 2011	Active
Quest South Perth Holdings Pty Ltd (Quest), Contracting Solutions Pty Ltd (Contracting Solutions)	Litigation filed 27 May 2011	Active

	<b>Date filed or EU signed</b>	<b>Status</b>
FWO v John Mineeff (Villtruck)	Litigation filed 27 June 2011	Decision handed down 27 March 2012
Metro Northern Enterprises Pty Ltd	Litigation filed 29 June 2011	Active
Lovers of Property Pty Ltd, ICS Real Estate Pty Ltd, William Fraser and Diana Cartwright	Litigation filed 19 December 2011	Active
Mr Bryan Bedington	Litigation filed 30 April 2012	Active
Happy Cabby Pty Ltd and Graeme Thomas Paff	Litigation filed 25 May 2012	Active
Jooine (Investment) Pty Ltd and Jae Kye Lee	Litigation filed 31 May 2012	Active

Please note, on 5 June 2012 FWO initiated legal action against E.A Fuller & Sons Pty Ltd. This matter is currently active and has been classified as a wages and conditions matter as it contains allegations of underpayment of wages in relation to five employees. However, it is noted that the matter also contains allegations of sham contracting in relation to two employees.

FWOs predecessor agency also undertook the following two litigations:

	<b>Date filed or EU signed</b>	<b>Status</b>
BM Sydney Building Materials Pty Ltd	Litigation filed 21 May 2007	Decision handed down 16 August 2007
Centennial Financial Services	Litigation filed 17 December 2008	Decision handed down 21 June 2011