

**Quarterly report by the
Commonwealth Ombudsman
under s 65(6) of the
*Building and Construction Industry
(Improving Productivity) Act 2016***

FOR THE PERIOD 1 APRIL TO 30 JUNE 2019

Quarterly report by the Commonwealth Ombudsman,
Michael Manthorpe PSM,
under Part 2 of Chapter 7 of the
*Building and Construction Industry
(Improving Productivity) Act 2016*

March 2020

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INTRODUCTION

Under the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act), the Commonwealth Ombudsman (the Ombudsman) must review the examination powers exercised by the Commissioner of the Australian Building and Construction Commission (the ABCC) and any person assisting the Commissioner.

Under the BCIIP Act, the Commissioner may inquire into and investigate any act or practice by a building industry participant, which may be contrary to a designated building law, a safety net contractual entitlement, or the Building Code. As part of an investigation, the Commissioner may apply to a nominated presidential member of the Administrative Appeals Tribunal for an examination notice, under s 61B of the BCIIP Act.

An examination notice may require its recipient to:

- a) Give information to the Commissioner.
- b) Produce documents to the Commissioner.
- c) Attend before the Commissioner to answer questions relevant to an investigation.

Under s 64 of the BCIIP Act, the Commissioner is required to notify the Ombudsman as soon as practicable after an examination notice is issued and provide copies of relevant documents. The Commissioner must give the Ombudsman the following as soon as practicable after the examination is completed:

- a) a report about the examination
- b) a video recording of the examination
- c) a transcript of the examination.

Under s 65(6) of the BCIIP Act, the Ombudsman must report to Parliament as soon as practicable after the end of each quarter of each financial year about examinations conducted by the ABCC and reviews conducted by the Ombudsman during that quarter.

SUMMARY OF REPORTING PERIOD

Between 1 April and 30 June 2019 (the review period), our Office did not complete any reviews of the ABCC's use of examination powers under the BCIP Act.

The ABCC advised our Office it conducted seven examinations during the review period. The ABCC had scheduled one other examination during the review period, but the examination did not proceed. These examination notices and examinations will be reviewed by our Office in a subsequent quarter, with the results included in the quarterly report for that period.

