

**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 2020**

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*

**August 2020**



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# INTRODUCTION

Under the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act), the Australian Building and Construction Commissioner (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 (AAT) 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.

Our Office uses these records to review how the Commissioner and any person assisting the Commissioner exercises examination powers under the BCIIP Act.

## **SUMMARY OF REPORTING PERIOD**

Between 1 April and 30 June 2020 (the review period), our Office did not complete any reviews of the ABCC's use of examination powers under the BCIIIP Act.

The ABCC advised our Office it did not conduct any examinations during the review period. The ABCC had rescheduled one examination during the review period, but advised the examination would now proceed in the following quarter. This examination notice and examination will be reviewed by our Office in a subsequent quarter, with the results included in the quarterly report for that period.