



**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 2017 TO 30 JUNE 2017

Quarterly report by the Commonwealth Ombudsman:
In accordance with Part 2 of Chapter 7 of the
*Building and Construction Industry
(Improving Productivity) Act 2016*

March 2018



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SUMMARY OF REPORTING PERIOD

Under the *Building and Construction Industry (Improving Productivity) Act 2016* (the BCIIIP Act), the Commissioner of the Australian Building and Construction Commission (ABCC) can inquire into and investigate any act or practice by a building industry participant that might be contrary to a designated building law, a safety net contractual entitlement or the Building Code.¹ As part of such an investigation, the Commissioner can apply to a nominated presidential member of the Administrative Appeals Tribunal for an examination notice.

An examination notice may require its recipient to:

- give information to the Commissioner; or
- produce documents to the Commissioner; or
- attend before the Commissioner to answer questions relevant to an investigation.

Under the BCIIIP Act, the Commissioner is required to notify the Commonwealth Ombudsman (the Ombudsman) after an examination notice has been issued and provide copies of relevant documents. After the examination is completed, the Commissioner is required to give the Ombudsman a report about the examination, and a video recording and transcript of the examination. The Ombudsman is required to review the exercise of these powers by the Commissioner and any person assisting the Commissioner.

Under s 65(6) of the BCIIIP Act, the Ombudsman is required to report quarterly to the Parliament about examinations conducted by the ABCC and the results of reviews conducted by our Office. This report covers the 1 April to 30 June 2017 quarter. During this quarter, the ABCC confirmed it did not conduct any examinations and our Office did not conduct any reviews under the BCIIIP Act.

As no reviews were conducted during the quarter, we will assess ABCC's progress in addressing the issues identified in our previous report,² during the next round of reviews.

¹ The Building Code, made under subsection 34(1) of the *Building and Construction Industry (Improving Productivity) Act 2016*, is a code of practice which sets out requirements to be complied with by building contractors and building industry participants in respect of building work.

² Quarterly Report by the Commonwealth Ombudsman under s 65(6) of the *Building and Construction Industry (Improving Productivity) Act 2016* – 1 July 2016 to 31 March 2017.

