

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

FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 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*

July 2018



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

FOR THE PERIOD 1 JULY 2017 TO 30 SEPTEMBER 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*

July 2018

ISSN 2208-1062 (Print)

ISSN 2208-1070 (Online)

© Commonwealth of Australia 2018

The Commonwealth owns the copyright in all material produced by the Ombudsman.

With the exception of the Commonwealth Coat of Arms, the Office of the Commonwealth Ombudsman's logo, any material protected by a trade mark, and where otherwise noted, all material presented in this publication is provided under a Creative Commons Attribution 4.0 licence.

The details of the relevant licence conditions are available on the Creative Commons website (creativecommons.org/licenses/by/4.0/deed.en) as is the full legal code for the CC BY 4.0 licence.



The Commonwealth's preference is that you attribute this report and any material sourced from it using the following wording:

Source: Licensed from the Commonwealth Ombudsman under a Creative Commons 4.0 licence. This report is available from the Commonwealth Ombudsman website at: www.ombudsman.gov.au.

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are set out on the It's an Honour website www.itsanhonour.gov.au.

Contact us

Inquiries regarding the licence and any use of this report are welcome at:

Commonwealth Ombudsman
Level 5, 14 Childers Street
Canberra ACT 2600
Tel: 1300 362 072
Email: ombudsman@ombudsman.gov.au

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 July to 30 September 2017 quarter. During this quarter, our Office did not conduct any reviews, under the BCIIIP Act. The ABCC conducted four examinations, which were reviewed by our Office in a subsequent quarter. The results of those reviews will be detailed in our quarterly report for the period 1 January to 31 March 2018.

As no reviews were conducted during the quarter, we will assess the 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.