



**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 2018**

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 2019**





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Commonwealth Ombudsman

Level 5, 14 Childers Street

Canberra ACT 2600

Tel: 1300 362 072

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

# 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 Commissioner) 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 (AAT) for an examination notice, under s 61B of the BCIIP Act.

An examination notice requires its recipient to:

- a) give information to the Commissioner
- b) produce documents to the Commissioner, or
- 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.

Under s 65 of the BCIIP Act, as soon as practicable after the examination is completed, the Commissioner must give the Ombudsman the following:

- 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 July and 30 September 2018 (review period), our Office did not complete any reviews of the ABCC's use of examination powers under the BCIIIP Act.

During this review period the ABCC advised our Office it was issued with three examination notices to attend before the Commissioner to answer questions relevant to an investigation, however only two examinations proceeded, under the BCIIIP Act. These will be reviewed by our Office in a subsequent quarter and the results included in the quarterly report for that period.