





2. FWO

How many matters have you referred to FWO?

FWBC to FWO								
	Mar 2006 – Feb 2011	Mar 2011– June 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	1/7/15 - 31/12/15	Total since Mar 2006
Formal*	27	1	1	1	7	4	0	41
Informal	Not recorded	Not recorded	Not recorded	79	390	474	179	1122

*Source: Annual Report

*Notes:

- (1) In October 2010 ABCC commenced dealing with wages and entitlements matters for “building industry participants” where those matters came directly to us.
- (2) FWO continued to deal with wages & entitlements matters involving “building industry participants” that came directly to them.
- (3) On 1 March 2013 this FWBC took over all wages & entitlements matters for “building industry participants.”
- (4) In December 2013 new referral procedures were put in place for referring wages and entitlements matters from FWBC to FWO.

Why are you referring so much work over to FWO? Why are most referrals considered 'informal'?

- Wages and entitlements investigations are referred to FWO as that agency has the specialist expertise to deal with such matters.
- FWBC only refers enquiries that are either clearly outside FWBC's jurisdiction or are better suited for response by another agency (such as FWO). A referral is considered 'informal' if it is dealt with at a preliminary stage. (For example; Where FWBC is contacted with an issue outside of our jurisdiction, the person is advised to contact the relevant agency and provided with the appropriate contact details)
- FWBC continually focuses on ensuring our referrals are appropriate. We are constantly working to ensure we provide clearer definitions of formal and informal referrals to better assist investigators with distinguishing between the two types of referral. The agency conducts regular training and audits as part of continuous improvement program.

When did FWBC make a decision to transfer responsibility for pursuing wage and entitlements matters to FWO?

- I answered this in EM0017_14 (**Attachment C**). (*FWBC wrote to FWO on 30 October 2013. Arrangements were confirmed by correspondence from FWO on 18 November 2013 and 3 December 2013*).

How is the decision consistent with FWBC's statutory obligations?

- I answered this in EM0031_14 (**Attachment D**). (*Subsection 10(e) of the FWBI Act outlines the Director's function to refer matters to relevant authorities*).

What about sham contracting?

- If sham contracting arises in the context of other matters FWBC is looking at then we will take it on.
- If sham contracting arises alongside a wages and entitlement matter, FWO will take it on.

