



**STATEMENT IN SUPPORT OF USE OF COMPLIANCE POWER**

**BRIEFING NOTE**

Date:		AIMS Reference:	
Investigation:			
Date of alleged breach:		Age of claim:	
Investigator:		Investigation Team:	
Proposed Notice to be Directed to:			
Has the proposed interviewee requested that a s.52(1)(e) Notice be issued to them?			
If so, insert details of the said request.			
Examination Reference: <b>ABCC</b> /2011			

**PART 1 What is the purpose of SiS?**

- 1.1 You are asked to issue a Notice under section 52(1)(e) of the BCII Act 2005 to require **[insert name of intended interviewee]** to attend before the ABC Commissioner and answer questions relevant to an investigation .

**PART 2 Has an investigation commenced into a particular suspected contravention, by one or more building industry participants? If so, provide details of the suspected contraventions:**

- 2.1 Yes, an investigation (**the Investigation**) has commenced into the following suspected contraventions:
  - (a) **[Insert details of matters under investigation]** e.g. “a breach of 38 of the BCII Act 2005 (unlawful industrial action).”

**PART 3 Chronology of events under investigation**

- 3.1 **[On (insert date) (insert first known fact)...]**
- 3.2 **[On (insert date) (insert second known fact etc etc)...]**

**PART 4 Chronology of the investigation to date**

- 4.1 **[On (insert date) an investigation commenced.]**
- 4.2 **[On (insert date) (insert details of steps taken in the investigation)...]**

4.3 [Critical conversations in I said: "... .."; He said "... .." form.]

4.4 [Include contents of documents obtained under s.59]

**PART 5 What information, evidence, or documents is it proposed will be obtained from the intended interviewee?**

5.1 Having regard to the Investigation to date, it is likely that the intended interviewee can provide the following information, evidence or documents:

(a) (insert details)

**PART 6 Why is it important to the progress of the Investigation that this information, evidence, or documents be obtained from the intended interviewee?**

6.1 The information, evidence, or documents to be obtained from the intended interviewee is important to the progress of the investigation because:

(a) (insert details)

**PART 7 What are the reasonable grounds for believing that the intended interviewee is capable of providing the information, evidence or documents referred to in Part 5 (above)?**

7.1 The reasonable grounds for believing that the intended interviewee is capable of providing the information, evidence or documents referred to in Part 5 (above) are as follows:

(a) (insert details) e.g. "The intended interviewee was in attendance at the meeting held on ....."

(b) [Are there any documents made by the proposed witness?]

**PART 8 Why have voluntary or other information gathering powers not been successful in or not considered to be adequate for acquiring the information, documents or evidence?**

8.1 The following attempts have been made to obtain the evidence voluntarily (insert details)...

8.2 [Insert details of why voluntary or other information gathering powers have not been successful or why they are not appropriate/adequate].

8.3 [Is there anyone else who might be able to provide the information, documents or evidence being sought from the intended interviewee?].

**PART 9 What is the likely affect on the intended interviewee of requiring them to attend a compulsory examination (if known)**

9.1 (insert details) Set out any relevant circumstances.

**PART 10 Whether conferring a use immunity on the proposed witness is justified and why**

10.1 (insert details)

(a)

[Investigator's signature]

[Investigator's Name]

Investigator

Date:

<p><b>Team Leader</b></p> <p>.....</p> <p>Name:</p> <p>Date: ...../...../.....</p>	<p><b>Regional Director</b></p> <p>.....</p> <p>Name:</p> <p>Date: ...../...../.....</p>
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**Direction of ABC Commissioner**

To ABC Inspector, [REDACTED]

I have read the Statement in Support summarising the inquiries conducted so far in relation to this matter.

I am satisfied that there is reason to believe that there may have been a contravention, by a building industry participant, of a designated building law. I have formed such a relevant suspicion. I am satisfied that there is reason to believe that the person being sought to attend the examination is capable of giving evidence that is relevant to that investigation.

I am satisfied that the recommendations contained in the Wilcox Report that I have adopted are satisfactorily addressed in the Statement in Support, in particular that the person being sought to attend the examination is likely to be important in the process of the investigation (item 6) and that the exercise of power is reasonable having regard to:

1. The nature and likely seriousness of the suspected contravention (item 11)
2. Any alternative method of obtaining the information, evidence or documents (Item 8); and
3. The likely impact upon the person being required to attend and answer questions (Item 9).

From this point forward I assume the investigation as my own and will, from time to time, through the management chain of command, assume the task of directing the investigation.

I direct you to conduct the investigation as my delegate and or agent from this point forward in accordance with my functions under section 10(b) of the *Building and Construction Industry Improvement Act 2005 (BCII Act)*.

Please regularly report to me on the progress of the investigation.

Please also arrange for the drafting of a Notice pursuant to section 52(1)(e) of the BCII Act requiring [REDACTED] to attend before me to answer questions relevant to the investigation.

.....  
 Leigh Andrew Hyland JOHNS  
**ABC Commissioner**

Dated.....

