

The Senate

Committee of Privileges

Person referred to in the Senate

Mr Chris Enright

179th Report

March 2020

© Commonwealth of Australia 2020

ISBN 978-1-76093-044-8

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website:
<http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.

This document was printed by the Senate Printing Unit, Parliament House, Canberra.

MEMBERS OF THE COMMITTEE

Senator Deborah O'Neill (**Chair**) (New South Wales)

Senator the Hon Eric Abetz (**Deputy Chair**) (Tasmania)

Senator Slade Brockman (Western Australia)

Senator the Hon Kim Carr (Victoria)

Senator the Hon Don Farrell (South Australia)

Senator the Hon Concetta Fierravanti-Wells (New South Wales)

Senator Nick McKim (Tasmania)

Senator Dean Smith (Western Australia)

Former members:

Senator the Hon Arthur Sinodinos (New South Wales) to 15 October 2019

Committee contact details

Committee of Privileges

The Senate

PO Box 6100

Parliament House

CANBERRA ACT 2600

Telephone: (02) 6277 3360

Facsimile: (02) 6277 3199

Email: priv.sen@aph.gov.au

Internet: www.aph.gov.au

Report

1.1 On 27 January 2020, the President of the Senate, Senator the Honourable Scott Ryan, received a submission from Mr Chris Enright seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

1.2 The submission referred to a speech made by Senator Kitching in the Senate on 27 November 2019. The President accepted the submission and referred it to the Committee of Privileges.

1.3 The committee met and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission. The terms of the response, which the committee now recommends for incorporation in Hansard, have been agreed to by Mr Enright and the committee in accordance with Resolution 5(7)(b).

1.4 The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or in the submission.

1.5 The committee **recommends**:

That a response by Mr Chris Enright in the terms specified in Appendix 1, be incorporated in *Hansard*.

Senator Deborah O'Neill

Chair

Appendix 1
Mr Chris Enright
Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988
Reply to speech by Senator Kitching
(27 November 2019)

In the Senate on 27 November 2019, without any evidence or supporting material, Senator Kimberley Kitching made a range of unfounded, personal and false allegations about me in my role as the Executive Director of the Registered Organisations Commission (ROC). Any person who has read or may read the relevant Hansard is unlikely to gain a balanced understanding of it in the absence of an explanation about the context of my previous interaction with Senator Kitching. To the extent there is any cogency about them, I entirely reject all of Senator Kitching's allegations.

The context of my previous interaction with Senator Kitching, relevant to her allegations, is that I personally investigated serious allegations about her misconduct in 2013 when I was the Director of the Regulatory Compliance of the Fair Work Commission (FWC). Specifically, I investigated a whistleblower disclosure that, among other things, in her former role as the General Manager of the Victoria No 1 Branch of the HSU, Ms Kitching facilitated officials and employees of the Branch making false declarations in order to fraudulently obtain right of entry (ROE) permits from the FWC. After comprehensively investigating these matters, I wrote to Ms Kitching in summary advising her that I proposed to find on the evidence that she had falsely completed on-line Right of Entry tests and had thereby facilitated officials and employees making false declarations in order to fraudulently obtain right of entry permits.

Rather than my making any formal findings, I instead requested that the President of the FWC re-allocate the ROE investigation to a member of the FWC Tribunal so that potential witnesses could give evidence and all parties could be legally represented. In 2014 and while relying on, among other things, my ROE investigation documents,

TURC Commissioner Heydon found that Ms Kitching sat online right of entry tests for HSU officials.

Former VP Watson held hearings in 2014 and 2015 directly arising from my ROE investigation. He found that Ms Kitching had performed multiple right of entry tests for HSU officials and he revoked a number of fraudulently obtained entry permits. The decision of VP Watson was appealed to a Full Bench of the FWC who dismissed the appeal.