

Education and Employment Committee 2020-21 Budget estimates - Questions on Notice Index  
 Employment and Industrial Relations matters, including Small Business  
 Last updated: 3 December 2020

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|--------|-------------|------------------|-----------------------|---------------|--------------|---|---|--|------------|
| 1      | SQ20-001689 | Written          | McKenzie, Bridget     | 2/11/2020     |              | Department of Industry, Science, Energy and Research - Small Business | Staff working from home during COVID-19                     | <p>1. What is the number of public servants working from home for each month from the Department?</p> <p>2. How has the Department measured increased, static or declining productivity and what are the conclusions from that measure?</p> <p>3. What is the number of sick days from the Department with a work-from-home workforce for each month of the lockdown and the corresponding sick days for the corresponding months in 2019?</p>   | 10/12/2020 |
| 2      | SQ20-001735 | Spoken           | Davey, Perin          | 27/10/2020    | 60           | Department of Industry, Science, Energy and Research - Small Business | Rural Financial Counselling Service                         | <p>Senator DAVEY: I am interested in the work you're doing with small businesses, particularly in regional Australia, and how you're working with other departments to ensure that small businesses are getting holistic advice.</p> <p>Senator Cash: Mr Cully can explain how the department works with other departments.</p> <p>Mr Cully: Obviously, it is a key part of our role, given that small business accounts for such a large part of the economy. It touches upon all portfolios in government, and there's a range of measures that are done in other portfolios that touch on small business that we engage with. Certainly, one of the recent things in relation to regional areas was the expansion of the Rural Financial Counselling Service. Unfortunately, I don't have the details of that measure with me, but I can provide that on notice.</p> <p>Senator DAVEY: Yes, you can take that on notice.</p>  | 10/12/2020 |
| 3      | SQ20-001736 | Spoken           | Davey, Perin          | 27/10/2020    | 61           | Department of Industry, Science, Energy and Research - Small Business | Small Business Advisers                                     | <p>Senator DAVEY: I believe that small businesses, when they want tax advice, go to their accountant. You mentioned regional managers. I'm interested to understand how many staff we've got based in the regions and what sort of locations they're in to provide that on-the-ground local advice to small businesses?</p> <p>Ms Kelly: We have 19 regional managers, and I can certainly provide you with a map of where they are located around Australia. They're our departmental staff. But then we have between 170 and 180 business advisers that we retain through peak bodies. They're former businessmen and people who've got expertise in starting new businesses, expertise in digital—a whole range of areas. They're not our employees, but they're contracted through a peak body to work to support and provide our programs to business. I can get those numbers for you on notice. It is a significant regional presence. We try to look at it regularly to make sure that we're reflecting where the business need is in regional Australia. There's always more to do, but we do try to look at it and make sure that we've got the footprint arranged where the need is greatest.</p>   | 10/12/2020 |
| 4      | SQ20-001737 | Spoken           | Pratt, Louise         | 27/10/2020    | 65           | Department of Industry, Science, Energy and Research - Small Business | Bankruptcy Amendment (Enterprise Incentives) Bill           | <p>Senator PRATT: The context of one-year bankruptcy relates to the Bankruptcy Amendment (Enterprise Incentives) Bill. That is the bill that would reduce the period of bankruptcy from three years to one year. That gives some context for the email chain that highlights that—</p> <p>Senator Cash: I am loath to comment on something that I don't even know has actually come from Ben Morton's office.</p> <p>Senator PRATT: That's fine.</p> <p>Senator WATT: You're not suggesting we have doctored it?</p> <p>Senator Cash: It's a blank piece of paper.</p> <p>Ms Kelly: If I could assist, Senator, the Bankruptcy Act is the responsibility of the Attorney-General, so—</p> <p>Senator Cash: Maybe that's why the Attorney-General's liaison officer responded?</p> <p>Senator PRATT: I would think so, but I want to ask you. Clearly the Attorney-General's office was aware—</p> <p>Senator Cash: This is 2019.</p> <p>Senator PRATT: That this bill is progressing through parliament. It is 2019.</p> <p>Senator Cash: I would have to take on notice what the status of the bill is, given COVID. I can't answer that question given that this is 4 June 2019. It's not the remit of this portfolio. What you're saying is that it is the Attorney-General's portfolio? Yes, it's the Attorney-General's portfolio.</p> <p>Senator PRATT: I'll take from that, Minister Cash, that you have not yet been informed whether or not the government intends to reintroduce this measure?</p> <p>Senator Cash: I said I'll have to take that on notice.</p> <p>Senator PRATT: The role of your department, part of the department, is to provide expert policy advice and programmes to facilitate the growth of small and family business—is that correct?</p> <p>Senator Cash: I assume you're reading.</p> <p>Senator PRATT: From the department's website.</p> <p>Senator Cash: I will take it that you have quoted it correctly.</p> <p>Senator PRATT: Engaging across government to highlight issues affecting small and family business to ensure their needs are considered.</p> <p>Senator Cash: Which I believe was highlighted today—correct.</p> <p>Senator PRATT: Listening to small and family business to understand challenges and opportunities they face, and gathering data.</p> | 10/12/2020 |
| 5      | SQ20-001738 | Spoken           | Pratt, Louise         | 27/10/2020    | 67           | Department of Industry, Science, Energy and Research - Small Business | Consultations with small business                           | <p>Senator PRATT: Thank you. Before we move on, I've got one question for the minister to take on notice. Noting the department's role of gathering intelligence and consulting with the small business sector, can I ask you what consultations have been—</p> <p>Senator Cash: Sorry, I missed that first bit. Could you repeat the first bit?</p> <p>Senator PRATT: Noting that it is your role to consult with the small business sector—</p> <p>Senator Cash: And you said one more thing?</p> <p>Senator PRATT: and coordinate across departments, can I please ask you to take on notice what consultations you've done with small business with respect to the Bankruptcy Amendment (Enterprise Incentives) Bill and the other insolvency bill, which was the September announcement in relation to the insolvency framework?</p> <p>Senator Cash: And depending on insolvency or bankruptcy, it's obviously Treasury or Attorney-Generals, but we'll take that on notice.</p> <p>Mr Fredericks: We'll take that on notice.</p>  | 10/12/2020 |
| 6      | SQ20-001739 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 70           | Department of Industry, Science, Energy and Research - Small Business | Sole traders and partnerships                               | <p>Senator O'NEILL: That's a lot of people, and every time the government says the words 'small business' it's fair to assume that all these people with an ABN think the government's talking to them. When the government makes announcements in the course of a budget and it talks about 'small business', lots of ABN holders think the government's got something for them, so it's a big target audience if you're a marketing specialist. The reality is though, when you start to dig into some of the claims that the government's made that they're supporting small business, there's a bit of a gap between who gets this stuff that the government's put on the record as an announcement and what actually gets to those ABN holders—those sole traders and tradies are amongst many of those, and the partnerships. My question is: what proportion of the small businesses across Australia are sole traders and partnerships?</p> <p>Ms Kelly: I think we'll have to take that on notice. I don't think we have that figure to hand and I'm not sure where to source that figure accurately, but we will take it on notice and then give it to you.</p>  | 10/12/2020 |
| 7      | SQ20-001740 | Spoken           | Watt, Murray          | 27/10/2020    | 72           | Department of Industry, Science, Energy and Research - Small Business | Number of small businesses to go bankrupt in next 12 months | <p>Senator WATT: Minister, you're the minister for small and family business and you don't know how many businesses in Australia are likely to go broke in the next 12 months?</p> <p>Senator Cash: Again, the numbers that we would have would be able to get from Treasury. We are happy to take that on notice to ensure that we are providing you with the correct information.</p>  | 10/12/2020 |
| 8      | SQ20-001741 | Spoken           | Watt, Murray          | 27/10/2020    | 73           | Department of Industry, Science, Energy and Research - Small Business | SME guarantee scheme  | <p>Senator WATT: Let's try this one. I think it was around March this year that the Prime Minister announced what he described as a \$40 billion SME guarantee scheme for business loans.</p> <p>Senator Cash: Yes.</p> <p>Senator WATT: In September there was an article in the Financial Review that noted that only \$1.8 billion had been loaned under the scheme. What is the current figure?</p> <p>Senator Cash: We would need to get that from Treasury for you to ensure that we have the most up-to-date figure. I can have a look. Let me take that on notice, because I will need to get the correct figure. We get our figures every day from Treasury.</p>  | 10/12/2020 |
| 9      | SQ20-001742 | Spoken           | Watt, Murray          | 27/10/2020    | 74           | Department of Industry, Science, Energy and Research - Small Business | JobMaker hiring credit                                      | <p>Senator WATT: being caught out involved the JobMaker hiring credit. The marketing man goes out and says, 'It will create 450,000 jobs'. We come in here, ask a few simple questions of Treasury, and it turns out it's 45,000 jobs. How many of those 'real' new jobs that are expected to be created from the hiring credit will be created in small and medium enterprises?</p> <p>Mr Fredericks: We'll take that on notice to get the information from Treasury.</p> <p>Senator WATT: Do you know, Minister?</p> <p>Senator Cash: Senator Watt, I completely reject everything you've just said in terms of your characterisation of this measure—the way that it has been put.</p> <p>Senator WATT: Well, I'll do you a favour and take out any rhetoric whatsoever. The government has claimed that the JobMaker hiring credit will create 450,000 jobs.</p> <p>Senator Cash: Four hundred and fifty thousand workers will be directly supported by the JobMaker hiring credit.</p> <p>Senator WATT: No, that's not what's been said. The Prime Minister and other ministers have been saying that it's going to create up to 450,000 jobs.</p> <p>Senator Cash: And support 450,000—</p> <p>Senator WATT: We asked Treasury about this yesterday, and they said that it will only create 45,000 additional jobs. How many of those will be in small and medium enterprises?</p> <p>Senator Cash: Again, we can take it on notice and refer it to Treasury. But at this stage it is as we said: approximately 450,000 young people will be supported across a number of businesses by this measure. But we can get any further information from Treasury.</p>  | 10/12/2020 |
| 10     | SQ20-001743 | Spoken           | Watt, Murray          | 27/10/2020    | 76           | Department of Industry, Science, Energy and Research - Small Business | Department input to Treasury modelling                      | <p>Senator WATT: Has your department done any modelling or other work to determine what the impact will be on small business of JobKeeper ending in March?</p> <p>Mr Fredericks: We haven't done that, and, frankly, I wouldn't expect my department to do it, because that is a responsibility—</p> <p>Senator Cash: For the Treasury.</p> <p>Mr Fredericks: for the Treasury under the AAOs. It is their job to do that sort of analysis.</p> <p>Senator WATT: Has your department had any input into a piece of work that the Treasury is doing around that?</p> <p>Mr Fredericks: I would have to take that on notice.</p> <p>ACTING CHAIR: Has small business had input?</p> <p>Mr Fredericks: I can't answer what engagement the Treasury might have had with small business on that issue.</p> <p>Senator WATT: I accept that it's a Treasury-led measure.</p> <p>Senator O'SULLIVAN: Point of order, Chair.</p> <p>ACTING CHAIR: Point of order from Senator O'Sullivan.</p> <p>Senator WATT: I've only just started asking about JobKeeper.</p> <p>Senator O'SULLIVAN: These are questions for the Treasury benches.</p> <p>ACTING CHAIR: Senator Watt, I know you have a few more questions. Senator Davey also has some questions. You could take another couple of minutes and then I'll give the call to Senator Davey, and then, if there's any time left, you could see it out.</p> <p>Senator WATT: I accept that JobKeeper is a Treasury-led measure and that they would probably lead the consultation and modelling about its economic effect. What I'm interested to know is whether the small business department is involved in any work the Treasury is doing to determine the impact of that change on small business.</p> <p>Mr Fredericks: I'll take that on notice.</p>   | 10/12/2020 |
| 11     | SQ20-001744 | Spoken           | Davey, Perin          | 27/10/2020    | 77           | Department of Industry, Science, Energy and Research - Small Business | Small business mental health package                        | <p>Senator DAVEY: You discussed the funding that preceded COVID—the small business mental health package. Do you have any data or numbers on what sorts of hits you were having on those websites? You mentioned the ahead for Business and My Business Health websites. Have you got some data to see if those programs are effective?</p> <p>Mr Cully: I don't have any data with me. I will have to take that on notice. Neither of those websites we run directly—as in the department. But, certainly, the measures were favourably received by stakeholders, clearly identifying that there's a gap that needed to be filled in relation to specific advice for small business owners.</p>   | 10/12/2020 |
| 12     | SQ20-001745 | Spoken           | Watt, Murray          | 27/10/2020    | 87           | Agency - Australian Small Business and Family Enterprise Ombudsman    | Travel agents survey  | <p>Senator WATT: I don't know whether you've collated the responses in a form, but if it's possible to table something that summarises the responses and the key issues, that would be terrific.</p> <p>Ms Carnell: We can provide that.</p> <p>Senator WATT: Feel free to take it on notice, depending on what you've got.</p> <p>Ms Carnell: Okay, we can give you—it's not really nice.</p> <p>Senator WATT: I'm happy to take what you've got now. If you would like to come back later, if there are things that are missing—</p> <p>Ms Carnell: We'll come back with something that's not 57 pages without being terribly clear what it says.</p>  | 10/12/2020 |

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| 13     | SQ20-001746 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 90           | Agency - Australian Small Business and Family Enterprise Ombudsman | Insurance inquiry  | <p>Senator O'NEILL: Before I return to you, Chair, could I quickly indicate, perhaps on notice—I note that you have launched an insurance inquiry. I'm particularly interested in insurance. It's part of the financial services sector. It's a critical part of the way in which Australians survive the many challenges that we face. We're facing one right now. I'm sure it's going to have a big impact on insurance, especially income replacement. Could you give us a sense of the reasons for investigating that. Have you conducted a survey with the insurance sector, like you have with the travel agents, and do you have any observations and results to share with us?</p> <p>Dr Latham: We've consulted widely with a number of small businesses and organisations and insurers. This came up because we were getting matters coming to us where small businesses either couldn't get insurance because insurance prices had gone up sufficiently highly such that effectively it meant that they couldn't get—it went up so high that they were priced out. Also, when COVID came on, insurance policies were amended unilaterally, and refunds in many instances weren't even paid for that unilateral amendment. We were getting a lot of stories about certain parts of Australia that were having particular difficulties. The bushfires also meant that there are difficulties going into the future of getting that sort of coverage as well. It was across many things. It was price. It was availability. It was even understanding policies.</p> <p>Ms Carnell: Some products are not available anymore—for example, in a number of states, adventure tourism wasn't able to get insurance at all. The insurance companies are just withdrawing products from the market.</p> <p>Senator O'NEILL: If you could give us information on notice, that would be great. I encourage you to send some of your insights to the corporations and financial services standing committee, because that is within our remit, and we've done quite a bit of work on insurance. I know that I'm certainly interested in it, and most of my colleagues are always quite interested in making sure Australians get a fair go with insurance, so any insights you have would be very welcome.</p> | 10/12/2020 |
| 14     | SQ20-001912 | Written          | Farrell, Don          | 6/11/2020     |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Funding profile for Small Business division                | 1. What is the overall funding profile over the forward estimates for the small business division in the Industry Department? Can you provide a breakdown on areas of expenditure?   | 10/12/2020 |
| 15     | SQ20-001913 | Written          | Farrell, Don          | 6/11/2020     |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Administered and/or Discretionary Grant Programs           | 1. Please provide, for all administered and discretionary grant programs administered by each Department and Agency within the portfolio for 2019-20 to date: <ul style="list-style-type: none"> <li>a. Name of the administered or discretionary grant program.</li> <li>b. The recipient of the grant.</li> <li>c. The ABN or ACN of the grant recipient.</li> <li>d. The charitable status of the grant recipient.</li> <li>e. Who authorised the grant payment?</li> <li>f. For each year of the budget and forward estimates: <ul style="list-style-type: none"> <li>i. What is the total funding budgeted for the program?</li> <li>ii. How much funding has been contracted and allocated?</li> <li>iii. How much funding has been contracted but not allocated?</li> <li>iv. How much funding has been committed but not contracted?</li> <li>v. How much funding is uncommitted, uncontracted and unallocated?</li> </ul> </li> </ul>   | 10/12/2020 |
| 16     | SQ20-001914 | Written          | Gallagher, Katy       | 6/11/2020     |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Contractor expenditure                                     | 1. Please provide the following figures: <ul style="list-style-type: none"> <li>a. Expenditure on all contractors for 2019-20</li> <li>b. Expenditure on all contracts with labour hire firms for 2019-20</li> <li>c. Headcount of staff engaged through labour hire arrangements as at 30 June 2020 <ul style="list-style-type: none"> <li>i. In total</li> <li>ii. As a percentage of total staff headcount</li> </ul> </li> <li>d. As a percentage mark-up on the cost of the contractor, the maximum and minimum fees paid to labour hire firms in 2019-20</li> </ul> <p>2. Has the agency performed any analysis on whether it costs more to engage staff as contractors compared with hiring staff as employees? If yes, please provide this analysis.</p> <p>3. Has the agency engaged any Senior Executive Service or equivalent positions on a contract/labour hire basis? If yes, please provide details.</p> <p>4. In relation to contracts for market research: <ul style="list-style-type: none"> <li>a. How much has been spent to date since 1 January 2020?</li> <li>b. How much has been spent since 24 August 2019?</li> </ul> </p> <p>c. Please provide a table with all contracts entered into since 1 January 2020 along with the following information: <ul style="list-style-type: none"> <li>i. Total contract value</li> <li>ii. Supplier</li> <li>iii. If it was approved by the Service Delivery and Coordination Committee</li> </ul> </p>   | 10/12/2020 |
| 17     | SQ20-001919 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Executive Management                                       | In relation to executive management for the Department and its agencies, can the following be provided for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020: <ul style="list-style-type: none"> <li>a. The total number of executive management positions</li> <li>b. The aggregate total remuneration payable for all executive management positions.</li> <li>c. The change in the number of executive manager positions.</li> <li>d. The change in aggregate total remuneration payable for all executive management positions.</li> </ul>   | 17/12/2020 |
| 18     | SQ20-001923 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Departmental functions                                     | In relation to expenditure on any functions or official receptions etc hosted by the Department or agencies within the portfolio for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, can the following be provided: <ul style="list-style-type: none"> <li>a. List of functions.</li> <li>b. List of all attendees.</li> <li>c. Function venue.</li> <li>d. Itemised list of costs (GST inclusive).</li> <li>e. Details of any food served.</li> <li>f. Details of any wines or champagnes served including brand and vintage.</li> <li>g. Any available photographs of the function.</li> <li>h. Details of any entertainment provided.</li> </ul>   | 17/12/2020 |
| 19     | SQ20-001927 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Customised and special-order furniture and office supplies | For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, can the Department/Agency advise the quantum spent on customised and special-order furniture and office supplies (excluding items such as ergonomic desks and chairs and items required for work, health and safety purposes). Please provide a full breakdown, descriptions and cost.  | 17/12/2020 |
| 20     | SQ20-001930 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Facilities upgrades  | 1. Were there any upgrades to facility premises at any of the Departments or agencies for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. This includes but is not limited to: staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new fridges, coffee machines, or other kitchen equipment. <ul style="list-style-type: none"> <li>2. If so, can a detailed description of the relevant facilities upgrades be provided together with an itemised list of costs (GST inclusive).</li> <li>3. If so, can any photographs of the upgraded facilities be provided.</li> </ul>   | 17/12/2020 |
| 21     | SQ20-001933 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Staff travel   | What is the total cost of staff travel for departmental/agency employees for each of the periods: 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.   | 17/12/2020 |
| 22     | SQ20-001936 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Legal costs  | What are the total legal costs for the Department/Agency for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.  | 17/12/2020 |
| 23     | SQ20-001942 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Departmental staff allowances                              | Can a list of Departmental/agency allowances and reimbursements available to employees be provided.  | 17/12/2020 |
| 24     | SQ20-001945 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Market research  | 1. Does the Department/agency undertake any polling or market research in relation to government policies or proposed policies. <ul style="list-style-type: none"> <li>2. If so, can the Department provide an itemised list of: <ul style="list-style-type: none"> <li>a. Subject matter</li> <li>b. Company</li> <li>c. Costs for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020</li> <li>d. Contract date period</li> </ul> </li> <li>3. Can the Department/Agency advise what, if any, research was shared with the Minister or their office and the date and format in which this occurred.</li> </ul>   | 17/12/2020 |
| 25     | SQ20-001948 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Advertising and information campaigns                      | 1. What was the Department/agency's total expenditure on advertising and information campaigns for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. <ul style="list-style-type: none"> <li>2. What advertising and information campaigns did the Department/Agency run in each relevant period. For each campaign, please provide: <ul style="list-style-type: none"> <li>a. When approval was first sought.</li> <li>b. The date of approval, including whether the advertising went through the Independent Campaign Committee process.</li> <li>c. The timeline for each campaign, including any variation to the original proposed timeline.</li> </ul> </li> <li>3. Can an itemised list of all AusTender Contract Notice numbers for all advertising and information campaign contracts in each period be provided.</li> </ul>   | 17/12/2020 |
| 26     | SQ20-001951 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Promotional merchandise                                    | 1. What was the Department/agency's total expenditure on promotional merchandise for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. <ul style="list-style-type: none"> <li>2. Can an itemised list of all AusTender Contract Notice numbers for all promotional merchandise contracts in that period please be provided.</li> <li>3. Can photographs or samples of relevant promotional merchandise please be provided.</li> </ul>   | 17/12/2020 |
| 27     | SQ20-001955 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Social media influencers                                   | 1. What was the Department/agency's total expenditure on social media influencers for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. <ul style="list-style-type: none"> <li>2. What advertising or information campaigns did the Department/Agency use social media influencers to promote.</li> <li>3. Can a copy of all relevant social media influencer posts please be provided.</li> <li>4. Can an itemised list of all AusTender Contract Notice numbers for all relevant social media influencer contracts please be provided.</li> </ul>   | 17/12/2020 |
| 28     | SQ20-001966 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Recruitment  | 1. What amount has been expended by the department/agency on external recruitment or executive search services in each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. <ul style="list-style-type: none"> <li>2. Which services were utilised. Can an itemised list be provided.</li> </ul>  | 17/12/2020 |
| 29     | SQ20-001975 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Fair Work Commission                                       | For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, how many references have been made to the Fair Work Commission within the Department or agency.   | 17/12/2020 |
| 30     | SQ20-001978 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Fair Work Ombudsman  | For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, how many references have been made to the Fair Work Ombudsman within the Department or agency.  | 17/12/2020 |
| 31     | SQ20-001981 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Office of the Merit Protection Commissioner                | For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, how many references have been made to the Office of the Merit Protection Commissioner within the Department or agency.  | 17/12/2020 |

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| 32     | SQ20-001994 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Commissioned Reports and Reviews   | 1. For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, how many Reports or Reviews have been commissioned. Please provide details of each report including:<br>a. Date commissioned.<br>b. Date report handed to Government.<br>c. Date of public release.<br>d. Terms of Reference.<br>e. Committee members and/or Reviewers.<br>2. How much did each report cost/or is estimated to cost.<br>3. The background and credentials of the Review personnel.<br>4. The remuneration arrangements applicable to the Review personnel, including fees, disbursements and travel<br>5. The cost of any travel attached to the conduct of the Review.<br>6. How many departmental staff were involved in each report and at what level.<br>7. What is the current status of each report. When is the Government intending to respond to each report if it has not already done so.   | 17/12/2020 |
| 33     | SQ20-001997 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Media monitoring   | 1. What is the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the each Minister's office for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.<br>a. Which agency or agencies provided these services.<br>b. Can an itemised list of Austender Contract notice numbers for any media monitoring contracts in each period please be provided<br>c. What is the estimated budget to provide these services for the FY 2020-21.<br>2. What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the department/agency for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.<br>a. Which agency or agencies provided these services.<br>b. Can an itemised list of Austender Contract Notice numbers for any media monitoring contracts in each period please be provided<br>c. What is the estimated budget to provide these services for the year FY 2020-21.  | 17/12/2020 |
| 34     | SQ20-001999 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Staffing   | 1. How many full-time equivalent staff were engaged at each of 30 June 2019, 30 June 2020 and at 10 November 2020.<br>2. How many of these positions are (a) ongoing and (b) non-ongoing.<br>3. How many redundancies have occurred in each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. How many were:<br>a. voluntary<br>b. involuntary.<br>4. How many of those redundancies occurred as a result of departmental restructuring. What is the total cost of those redundancies.<br>5. What was the total value in dollar terms of all termination payments paid to exiting staff.<br>6. How much overtime or equivalent has been paid to staff in each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.<br>7. How many section 37 notices under the Public Service Act 1999 have been offered in each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.  | 17/12/2020 |
| 35     | SQ20-002001 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Agency - Australian Small Business and Family Enterprise Ombudsman | Public Interest Disclosures  | For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, how many public interest disclosures have been received.  | 17/12/2020 |
| 36     | EEC-8E20-01 | Spoken           | Pratt, Louise         | 26/10/2020    | 12-13        | Attorney General's - Industrial Relations                          | Boland recommendations   | Ms Anderson: That is exactly why the Attorney wrote to the jurisdictions – to get an understanding –<br>Senator PRATT: When did the Attorney-General do that?<br>Ms Anderson: The Attorney wrote initially to, as I said, both work health and safety ministers and attorneys-general of the states and territories on 9 December 2019. We have not received correspondence from all jurisdictions, as yet, responding to that letter.<br>Senator PRATT: Can you take on notice which jurisdictions have replied. Thank you. You said six out of the 32 Boland recommendations have been implemented. Can you please let us know which six recommendations they are.<br>Mr Hehir: Just to clarify: they're being progressed. Ms Anderson didn't say they had been fully implemented. Again, implementation is a matter for the individual states and territories, but they are being progressed through Safe Work Australia.<br>Senator PRATT: How many of the 32 recommendations have been fully implemented?<br>Ms Anderson: As I mentioned, some jurisdictions have progressed some of the recommendations. It is quite varied, so I don't –<br>Senator PRATT: Six, did you say?<br>Ms Anderson: No, sorry. To make it clear, Safe Work Australia in itself, as the policy agency, has progressed work on six of the recommendations. A range of the jurisdictions have implemented some of the recommendations themselves. I don't have the full list of which jurisdictions have implemented which of those recommendations, but I can certainly take that on notice. But, as I mentioned, work health and safety is the responsibility of each jurisdiction. A number of jurisdictions have commenced work and implemented some of those recommendations, but I just don't have that full list.<br>Senator SHELDON: On principles 13 to 17, which I mentioned before, and the application of the principles to labour hire, outsourcing, franchising, gig economy and other modern working arrangements, have any of those been implemented?<br>Ms Anderson: In terms of jurisdictions, I would have to take that on notice. | 10/12/2020 |
| 37     | EEC-8E20-02 | Spoken           | Watt, Murray          | 26/10/2020    | 19           | Attorney General's - Industrial Relations                          | Consultation period for casual conversion legislation                    | Mr Hehir: The intergovernmental agreement requires consultation with the states and territories, as they referred their powers to the Commonwealth. And there's also a process which, as I said, is called CoL – someone will remind me what that stands for – which will also take place.<br>Senator WATT: And none of that consultation has begun yet?<br>Mr Hehir: No.<br>Senator WATT: When do you expect that consultation to begin?<br>Mr Hehir: Prior to it being tabled. I'd need to check the date.<br>Senator WATT: Yes – prior to it being tabled in the parliament. I'd expect so; you'd normally consult before it's tabled, wouldn't you?  | 10/12/2020 |
| 38     | EEC-8E20-03 | Spoken           | Watt, Murray          | 26/10/2020    | 24           | Attorney General's - Industrial Relations                          | Casual employee benefits   | Senator WATT: I wasn't specifically thinking of that, but I am aware that a number of employer groups have been running around saying that the sky is going to fall in because every casual employee will get the same benefits as these people if the matter is not overturned by the High Court. I'm wondering whether the department has provided advice on the accuracy of those claims to the attorney.<br>Ms Kuzma: No, not that I am aware of.<br>Senator WATT: Is anyone else in the department aware of that, whether it be legal advice or policy advice? No-one here is aware of such advice being provided?<br>Mr Hehir: I'll take that on notice.   | 10/12/2020 |
| 39     | EEC-8E20-04 | Spoken           | Watt, Murray          | 26/10/2020    | 24           | Attorney General's - Industrial Relations                          | Legal representatives acting for the Commonwealth in Rossato matter      | Senator WATT: Minister, how does the Morrison government justify spending \$400,000 of taxpayers' funds to deny casual employees their legal rights that have been now approved by two courts?<br>Senator Payne: That is a completely incorrect characterisation of this matter. The decision that the government has made application to the court on is one that we need to address because of the confusion and uncertainty that exists. It is about ensuring that the situations are clear and that employee roles are characterised correctly and they are paid correctly, so it is about trying to encourage proper resolution of these issues.<br>Senator WATT: On notice could you provide a list of the names of the legal representatives acting for the Commonwealth in this matter, both internal and external?<br>Mr Moralis: We'll take that on notice.<br>Senator WATT: Thanks. I assume that you don't have them to hand.<br>Mr Moralis: I don't have them to hand. Ms Kuzma may. We'll take it on notice to be accurate.  | 10/12/2020 |
| 40     | EEC-8E20-05 | Spoken           | Watt, Murray          | 26/10/2020    | 25           | Attorney General's - Industrial Relations                          | Legal representatives acting for the Commonwealth in the Mondelez matter | Senator WATT: On notice, could you provide a list of the names of the legal representatives acting for the Commonwealth, both internally and externally, on the Mondelez matter, please?<br>Ms Kuzma: Certainly.   | 10/12/2020 |
| 41     | EEC-8E20-06 | Spoken           | Watt, Murray          | 26/10/2020    | 27           | Attorney General's - Industrial Relations                          | Stakeholders of the National Scheme                                      | Senator WATT: So those people who are currently being ripped off through labour hire agreements just have to wait?<br>Senator ROBERTS: I am not sure what that question really means. If you are saying that stakeholders who said to the Commonwealth there are responses we need to be engaged in, in relation to a pandemic, which we are dealing with in Australia, can we pause the consultations in relation to this aspect? Can we do that? If you think that is unreasonable then you take it up with them. What we have done is recommence this work. We are currently consulting with stakeholders, including with state and territory governments, including with employee and industry representatives, to refine the details of the national scheme, as Mr Manning has set out very well.<br>Senator WATT: Can you tell us which stakeholders specifically you are speaking about?<br>Senator Payne: I don't have that detail here. I'll take it on notice.<br>Senator PRATT: Did the public sector tell stakeholders they couldn't do it in time?<br>Senator Payne: I'm sorry, Senator, I just said I don't have that detail here. I will take it on notice.<br>Senator WATT: Well, you made the claim. You made the claim that stakeholders did, but you can't tell us which ones?<br>Senator Payne: I specifically can't. I'm taking it on notice. I'm a representative minister. I will take that on notice.<br>Senator PRATT: Or whether it was on a public servant's request or the government's request.<br>Senator WATT: If you're going to make the claim, we're going to ask specifically which stakeholders.<br>Senator Payne: I understand that. Absolutely. That's why I'm very helpfully taking it on notice – because I am here to help you.   | 10/12/2020 |
| 42     | EEC-8E20-07 | Spoken           | Roberts, Malcolm      | 26/10/2020    | 29           | Attorney General's - Industrial Relations                          | Improper use of casuals in the black coal mining industry                | Senator ROBERTS: Does the Attorney-General agree that the issue of the improper use of casuals in the black coal mining industry and elsewhere has caused a huge problem for employers and a significant risk for Australia? Can you please explain why this has happened?<br>Mr Moralis: We will take that on notice for the Attorney's views.  | 10/12/2020 |
| 43     | EEC-8E20-08 | Spoken           | Roberts, Malcolm      | 26/10/2020    | 29           | Attorney General's - Industrial Relations                          | Enterprise Agreements in black coal industry                             | Senator ROBERTS: The damage done by the rubber stamping of the enterprise agreements like the Chandler Macleod Northern District of New South Wales Black Coal Mining Agreement 2015 has had huge flow-on effects on so-called casual workers like Simon Turner, who did not get their due workers compensation payment in New South Wales for lack of a definition of a black coal miner. Why did the Attorney-General let this rip-off and huge risk to employee safety go on without defining what a black coal miner is?<br>.....<br>Senator ROBERTS: Is the Attorney-General aware of enterprise agreements being made by a union as both union and business owner? Abbott that was some time ago – are you aware of that circumstance?<br>Mr Hehir: I would need to take that on notice. It is entirely feasible that a union can have an enterprise agreement with its staff, but I would need to take that on notice.  | 10/12/2020 |
| 44     | EEC-8E20-09 | Spoken           | McKenzie, Bridget     | 26/10/2020    | 39           | Attorney General's - Industrial Relations                          | Brett Cattle Company Pty Ltd v Minister for Agriculture Update           | Senator MCKENZIE: Secretary, great to see you. I was wondering if you could provide a brief update on the status of Brett Cattle Company Pty Ltd v Minister for Agriculture.<br>Mr Moralis: The Brett Cattle case?<br>Senator MCKENZIE: Yes. I thought it was in AGs.<br>Mr Moralis: This is Industrial Relations. The question would have been for last week's estimates. We can take it on notice if you'd like us to.<br>Senator MCKENZIE: Yes, I'll put it all in writing.   | 10/12/2020 |

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| 45     | EEC-8E20-10 | Spoken           | McKenzie, Bridget     | 26/10/2020    | 39-40        | Attorney General's - Industrial Relations | Staffing profile though COVID shutdown  | <p>Senator MCKENZIE: I'm wondering about the department's staffing profile through the COVID shutdown and opening up. What was the proportion of your staff who were working from home, whether you saw an increase or decrease in key productivity measures, sick leave et cetera?</p> <p>Mr Moralis: It was clear by around April, May—we progressively watched more remote work. We could track that via the people using remote technology. We took surveys of remotes, so by around the peak of the period, in the ACT in particular and across the nation, of course, it would have peaked around 70 per cent, even up to 80 per cent at one stage, of people working remotely. Several of us were working mostly in the office. I worked mostly in the office because some of the work I was doing required certain classifications. But a large proportion of our staff have been working remotely through that. It peaked at that number. We tracked it early on to make sure that, as we went remote—in the first couple of weeks there were 400 working remotely—our IT was okay. At 800 we were okay, 1,000 was okay and then 1,400 we think out of 1,600 or 1,700 people. We got to about 1,400 and above, 80 per cent is the figure I recall. If I'm wrong I'll get back to you. We've been tracking the return to work. The remote work is coming down and more people are coming back to the office. We have had some changes in machinery of government, so finally our Industrial Relations colleagues moved from where they were on the other side of town to our building. That happened last weekend. We're watching that transition. Hopefully people know where their new office is so they can make it. We're trying to track where people are at and trying to find that. As I was saying this morning, we set up a little pop-up on all our computers every morning. On Monday morning people come in and tell us where they've been the previous week, so we can have an understanding of what the rates are. I can give you the latest figures. I'll take that on notice, because I don't have them off the top of my head.</p> | 10/12/2020 |
| 46     | EEC-8E20-11 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 42           | Attorney General's - Industrial Relations | Implementation of recommendations from the "They never came home report" in Jurisdictions | <p>Ms Anderson: I was just going to add, as I said earlier, that the Attorney also wrote out to the work health and safety ministers and to Attorney-General around the very issue of investigations and prosecutions, and he's very keen to understand what is working and what's not working in the jurisdictions, and we're still waiting for some replies from the jurisdictions on that to inform the policy going forward. But that particular recommendation is certainly still being considered and progressed.</p> <p>Senator O'NEILL: Can I ask for an update on notice, because there is no transparency about what's happening with this. Families have no idea about what is going on. It disappoints me that the government rejected some of the findings, including to give the authority to families to take up prosecution and unions to advance prosecution where the state entities fail. I think that was terrible. Given the limitations of what the government has committed to, can I ask for an update on what work has actually been undertaken, and if any outcomes at all have actually already been delivered.</p> <p>Mr Moralis: Would you like the response by recommendation?</p> <p>Senator O'NEILL: That might be the most sensible way to proceed. Thank you.</p> <p>Mr Hehir: We will certainly be able to identify the work that we've undertaken, and we will consult with Safe Work Australia in terms of the work that they've undertaken, and, of course, we will write to the various jurisdictions to see how their implementation is going as well.</p> <p>Senator O'NEILL: Thank you.</p>   | 10/12/2020 |
| 47     | EEC-8E20-12 | Spoken           | Pratt, Louise         | 26/10/2020    | 43           | Attorney General's - Industrial Relations | IR Secretariat resources  | <p>Senator PRATT: I have some brief questions about the working groups. You have a new division in the department. Can I ask when it was established, what its purpose is and who leads that division?</p> <p>Senator PRATT: How many FTEs are formally employed in that division?</p> <p>Ms Huender: Over the course of the working group process the average was 24 FTE.</p> <p>Senator PRATT: Are they all existing employees of the department?</p> <p>Mr Moralis: No. There were also secondments from other departments.</p> <p>Senator PRATT: Why was that?</p> <p>Mr Moralis: So we could benefit from the expertise of other agencies.</p> <p>Senator PRATT: Could you give me a list of which agencies they came from?</p> <p>Mr Moralis: Yes. We had Treasury. I think even Foreign Affairs offered some support.</p> <p>Ms Huender: We had the Department of Finance; the Department of Education, Skills and Employment; the Department of Industry, Science, Energy and Resources; and a person from the Department of the Prime Minister and Cabinet.</p> <p>Senator PRATT: Do they remain employees of those other departments, or are they formally FTE now inside AG's?</p> <p>Mr Moralis: No, that staff have returned to their agencies.</p> <p>Senator PRATT: They have all returned?</p> <p>Mr Moralis: In terms of the working group process having come to an end, their services came to an end and they returned to their home agencies.</p> <p>Senator PRATT: If you could please take on notice their position, their agencies and which departments they came from.</p> <p>Mr Moralis: Yes, we can do that.</p> <p>Senator PRATT: Clearly you also had FTE from within the department.</p> <p>Mr Moralis: Yes, of course.</p> <p>Senator PRATT: Are they all employed in other divisions of the department?</p> <p>Mr Moralis: We had officers from various parts of the department, not just the Industrial Relations Group but a few others too.</p> <p>Senator PRATT: If you could include those in the breakdown of those 24 FTE?</p>  | 10/12/2020 |
| 48     | EEC-8E20-13 | Spoken           | Pratt, Louise         | 26/10/2020    | 45           | Attorney General's - Industrial Relations | Working Group presenters  | <p>Ms Huender: For the agreement making working group, there were five formal meetings. For the compliance and enforcement working group, there were eight meetings. For the award working group, there were six meetings. For the casuals and fixed term employee working group, there were five meetings. For the greenfields agreement working group, there were seven meetings.</p> <p>Senator PRATT: Can you give me a list of the third parties and individuals who were invited to present to those groups who weren't members of them?</p> <p>Ms Huender: The expert presenters to the meetings?</p> <p>Senator PRATT: Can you list the expert presenters for us?</p> <p>Mr Moralis: We'll take that on notice. Just—</p> <p>Senator PRATT: Do you have the information?</p> <p>Mr Moralis: We do have the information. We'll take that on notice. If we can provide it, we'll provide it. Obviously, we'll make sure that the experts are prepared to share their details with the committee.</p>  | 10/12/2020 |
| 49     | EEC-8E20-14 | Spoken           | O'Sullivan, Matt      | 26/10/2020    | 48-49        | Attorney General's - Industrial Relations | Boland Review   | <p>Senator O'SULLIVAN: I understand that non-jurisdictional and non-jurisdictional members asked to defer the process of considering the recommendations of the Boland review. Mr Hehir, I think you said the SWA is a tripartite body. Can you confirm, possibly on notice, which parties asked to defer those processes?</p> <p>Mr Moralis: That's been taken on notice, I think.</p> <p>Mr Hehir: That might be more appropriately asked of Safe Work Australia. The parties are their members.</p>  | 10/12/2020 |
| 50     | EEC-8E20-15 | Spoken           | Pratt, Louise         | 26/10/2020    | 51           | Attorney General's - Industrial Relations | FEG Payments  | <p>Senator PRATT: And you do attribute that, therefore, to the COVID insolvency law provisions?</p> <p>Mr Manning: The stimulus measures, certainly, yes.</p> <p>Senator PRATT: Okay. What will the maximum weekly cap be for payments in the 2020-21 financial year?</p> <p>Mr Manning: It's \$2,451 for wages. There are various caps for the various entitlements, which I could run through for you or provide on notice if time doesn't permit.</p> <p>Senator PRATT: On notice would be good, thank you. Can you provide the most recent figures on FEG liabilities or costs and the trend in claims against FEG—I think you've just done that in part.</p> <p>Mr Manning: I've done it for the month. In 2019-20 there were 12,382 claims received, and 11,184 claims paid. The total paid was \$162.3 million. That's a reduction from the year before. This year it's probably most useful if I do it by month. For example, in 2019-20 there were about 1,031 claims per month. In the few months so far this financial year there have been 469 claims per month.</p>  | 10/12/2020 |
| 51     | EEC-8E20-16 | Spoken           | Pratt, Louise         | 26/10/2020    | 52           | Attorney General's - Industrial Relations | George Calombaris MAfE group pay out  | <p>Senator PRATT: Thank you. How much was paid out under FEG to the employees of George Calombaris's MAfE group?</p> <p>Mr Manning: If you could give me a second, Senator, I will see if I've got that information. If I don't, we'll be able to take it on notice. I don't have it with me. We'll take it on notice and provide it.</p> <p>Senator PRATT: Thank you.</p>  | 10/12/2020 |
| 52     | EEC-8E20-17 | Spoken           | Watt, Murray          | 26/10/2020    | 54           | Attorney General's - Industrial Relations | Hiring credit policy  | <p>Senator WATT: I know one of the concerns is that this hiring credit could be misused by some employers to, for instance, reduce the hours of casual employees who are aged 36 or over, replacing those employees with younger employees. So has this department provided advice to government about how that can be avoided?</p> <p>Ms Durbin: We are certainly having ongoing discussions about the application of the rules and how the existing provisions work.</p> <p>Senator WATT: Similarly, is there anything that's been designed so far in this hiring credit that would prevent someone who is under 35 from being fired and replaced by two workers who are subsidised?</p> <p>Senator Payne: In terms of the detail, my understanding is that this bill is subject to another inquiry. We've got concurrent hearings. We can take these on notice and provide you with advice.</p> <p>Senator WATT: I'm happy to do that, but I suppose I'm interested in where we are today. Given that this department is the department that would be responsible for providing advice around the legalities and prevention of exploitation—</p> <p>CHAIR: Senator Watt, looking at the time—</p> <p>Senator WATT: Yes, I am nearly wrapped up.</p> <p>Senator Payne: We will take them on notice.</p> <p>CHAIR: We will put them on notice. Labor did ask for an extra 15 minutes, which you were given. I think it would be good if we could please move onto the next witness.</p> <p>Senator WATT: Maybe we can make this the last one, if that is okay?</p> <p>CHAIR: One last one.</p> <p>Senator WATT: Is there anything in the hiring credit policy, as it currently stands, to stop an employer from replacing full-time jobs with multiple part-time or casual jobs?</p> <p>Senator Payne: To be really clear here, we should take this on notice so that we can provide absolute advice to the committee.</p> <p>Senator WATT: Ms Durbin might know the answer.</p> <p>CHAIR: I think the minister has indicated that the questions are going to be taken on notice and I think this is a suitable—</p>                                       | 10/12/2020 |
| 53     | EEC-8E20-18 | Spoken           | Sheldon, Tony         | 26/10/2020    | 56           | Agency - Safe Work Australia              | COVID communications to the aviation industry   | <p>Senator SHELDON: I think at the last estimates I asked questions about preparation for COVID and what communication had been going out to employers. I want to see what communications went out to the aviation industry, particularly Qantas. There were two instances. Obviously this is also dealt with by state jurisdictions, but there's a coordination factor. Is there a plan to deal with particular industries? Aviation had two shutdowns: one in Melbourne and one in Adelaide. I'd like to know what the plan was for there. What was the initial plan pre those incidents, what was the plan post those incidents and what was the engagement during that period up to date with the aviation industry? What sorts of COVID plans and advice have been given and what sort of advice has been sought? You can take that on notice. That's fine.</p> <p>Ms Bryant: Happy to do so.</p> <p>Senator SHELDON: If you can do it quickly now, shoot.</p> <p>Ms Baxter: There are usually a number of stages that we're involved in. In relation to any of the aspects of the COVID work, we've been working on work that our members have wanted us to do and doing consultation and coordination with other, for instance, Commonwealth departments and agencies who may have more involvement in a particular industry or area. If we took it on notice, we could give you a comprehensive picture of our involvement in terms of the aviation industry issues during COVID.</p> <p>Senator SHELDON: That would be very helpful, thank you. ....</p>   | 10/12/2020 |

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| 54     | EEC-8E20-19 | Spoken           | Pratt, Louise         | 26/10/2020    | 62           | Agency - Safe Work Australia              | Decisions made at Members' meetings and out of session  | <p>Senator PRATT: Does that mean all decisions have been taken inside meetings and haven't been done by email or by improperly convened meetings? Are all decisions of Safe Work Australia attributed to those three or four meetings, or have there been decisions signed off in other processes?</p> <p>Ms Baxter: Pre-COVID, from time to time, there have been out-of-session items that have been dealt with by members either as a matter of the thing needs to be moved on more urgently and we haven't been able, for instance, to get members together a timely fashion. During the times of COVID we have had a lot more out-of-session non-COVID matters going forward in the last few months to members—</p> <p>—</p> <p>Senator PRATT: Have you got examples of decisions that have been taken that were not first aired through a council meeting or that were concluded outside a council meeting?</p> <p>Ms Baxter: I'll need to take that on notice. I don't have that list with me at the moment, but I'm happy to provide the information.</p>   | 10/12/2020 |
| 55     | EEC-8E20-20 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 63-64        | Agency - Safe Work Australia              | Meetings with Minister Porter   | <p>Senator O'NEILL: How often do you meet with Minister Porter?</p> <p>Ms Baxter: On an as-needs basis. I've met with him. I've been to meetings with him. I've had many meetings with his office, both in person and more lately over the phone, Zoom or Teams.</p> <p>Senator O'NEILL: Is it fair to say you have regularised plus as-needs meetings?</p> <p>Ms Baxter: I wouldn't say regularised meetings, no.</p> <p>Senator O'NEILL: How many times have you met with him, say, in the last six months?</p> <p>Ms Baxter: Just him and I?</p> <p>Senator O'NEILL: Yes.</p> <p>Ms Baxter: I think once. Just him and I, but, as I said, I've participated in a number of meetings—</p> <p>Senator O'NEILL: What number, just to give me an idea?</p> <p>Ms Baxter: I'd need to take that on notice, but a number of meetings where other people have been in attendance.</p> <p>Senator O'NEILL: If you want to provide that on notice, that'd be welcome.</p>   | 10/12/2020 |
| 56     | EEC-8E20-21 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 70           | Agency - Fair Work Commission             | Deputy President Blake's age in 2027  | <p>Senator O'NEILL: I'd like to go to the issues around your deputy president, Nicholas Blake. The deputy president was appointed by the Morrison government in 2018—is that correct?</p> <p>Ms O'NEILL: Yes.</p> <p>Senator O'NEILL: I just had a quick look on the website. It indicates that his term commenced on 7 January 2019 and it says that it goes through to 19 February 2027. Is that correct?</p> <p>—</p> <p>Ms O'NEILL: I'm not quite sure why that is. When members are appointed, including Deputy President Blake, it's until they reach 65 years of age. So—</p> <p>Senator O'NEILL: That's what I thought. I thought it was a bit interesting when I got onto the website and it said that. Anyway, you might be able to clarify that for me.</p> <p>Ms O'NEILL: Is that on our website?</p> <p>Senator O'NEILL: I believe so. I've had a look at a couple.</p> <p>Senator PRATT: How old will he be in 2027?</p> <p>Ms O'NEILL: You can take that on notice. It's not pressing.</p> <p>Ms O'NEILL: Yes.</p>   | 10/12/2020 |
| 57     | EEC-8E20-22 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 71           | Agency - Fair Work Commission             | Overtured judgements - Mr Boyce   | <p>Senator O'NEILL: You would hope that with a salary of \$471,000 that Mr Lake was doing his job—to which he was appointed by Mr Morrison—diligently and expertly. Can you confirm that Mr Lake has actually had three decisions overturned in a matter of just weeks?</p> <p>—</p> <p>Senator O'NEILL: But this is three, one after another, in a matter of weeks, that have been overturned, which makes you wonder what on earth Mr Lake might be doing. I understand that one of the other deputy presidents, Mr Boyce, about whom we have had some extensive discussions in previous estimates sessions, also had an enterprise agreement decision overturned recently. Is that correct?</p> <p>Ms O'NEILL: I'm not sure about that. That wasn't referred to in the article in which the decisions of Deputy President Lake were referred to. It may be there, but I don't know. I'm happy to take that on notice.</p>  | 10/12/2020 |
| 58     | EEC-8E20-23 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 72           | Agency - Fair Work Commission             | Overview of overturned judgements - Mr Boyce and Mr Lake  | <p>Senator O'NEILL: Could you take me through the decisions that you've referred to that were overturned and, if you can, the one that I've referred to from Gerard Boyce? What did Mr Lake get wrong? Deputy Commissioner Lake on \$471,000—what did he get wrong three times in short succession?</p> <p>Ms O'NEILL: I actually don't have that information to hand. I'm happy to take that on notice and provide the details, but I don't have that.</p>   | 10/12/2020 |
| 59     | EEC-8E20-24 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 72           | Agency - Fair Work Commission             | Further appointments of Commissioners   | <p>CHAIR: Does the President want any further appointments made at the moment or does the President want the number of Commissioners to stay as is? Could you answer that question, please? Then I will go back to Senator O'NEILL.</p> <p>Ms O'NEILL: I will have to take that on notice. I'm happy to do so.</p>  | 10/12/2020 |
| 60     | EEC-8E20-25 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 74           | Agency - Fair Work Commission             | Briefs to Minister relating to overturned judgements  | <p>Senator O'NEILL: Is it possible that a minister could ask for a brief on why these decisions were going the way they were going—with due respect for the independence of the Fair Work Commission—seeking to be informed?</p> <p>—</p> <p>Senator O'NEILL: Has the minister requested any briefs on these matters from the department?</p> <p>Mr Hehir: I'd need to take that on notice. I'm not aware of any.</p> <p>Mr Morriss: I can't recall any such requests of briefings provided to that specific question.</p> <p>Mr Hehir: I would need to take that on notice, but I can't recall at this point.</p> <p>Senator O'NEILL: Can you take on notice to look back through your records and have a look at any decisions that have piqued the minister's interest and to which you've provided a summary brief or an explanation of what actually happened with that?</p> <p>Mr Hehir: Yes.</p> <p>Senator O'NEILL: Thank you.</p>  | 10/12/2020 |
| 61     | EEC-8E20-26 | Spoken           | Roberts, Malcolm      | 26/10/2020    | 75-76        | Agency - Fair Work Commission             | Process of making changes to awards   | <p>Senator ROBERTS: How do we talk to a man who's living in a garage, and sometimes in his car, and to other people who are in similar situations, who have been crippled and not been taken care of by the system, simply because there is the lack of a definition of 'casual worker', particularly in the black-coalmining industry, a black-coal production worker? This has been a problem for six years at least. How do we look after these people? Who does? Not the Attorney-General, not the Fair Work Commission, not the courts, who?</p> <p>Ms O'NEILL: I'm not aware of the details of the particular individual that you're referring to, but in terms of the award process—</p> <p>Senator ROBERTS: There are many of them.</p> <p>Ms O'NEILL: we're at the tail end of an extensive process reviewing the modern awards that are in place, including mining awards. Again, that's been a public process. Any party is able to seek to make particular changes to it, and then they would be determined by the commission. I'm not aware that any particular application is being made by any individual or party through that process to change the provisions around the types of employment in that coal mining award, but I'll double check that and take that on notice. The thing to appreciate is that the commission's responsibility in relation to the award is not to achieve any particular outcome in terms of specific conditions or otherwise. Its role is to make sure that the awards meet the objectives in the act, which include certain things like a providing a fair and enforceable safety net of conditions. So it's not up to the tribunal to pursue or make claims, if you like, to change specific conditions in that way.</p> <p>—</p> <p>Senator ROBERTS: ...I also note that, since the introduction of the award and the four-yearly reviews, no casual conversion clause has been added to the black coal award to cover these casual roles. Since the problem Simon Turner raised, you've had one, if not two—I'm guessing two—opportunities to fix this during award reviews. So why wasn't it fixed, when it is doing so much harm? How can this continue?</p> <p>Ms O'NEILL: There are a couple of points there. The four-yearly review is as a result of amendments a year or so ago. It is the only review, there won't be subsequent four-yearly reviews. Earlier I took on notice the question as to whether there have been any applications to varied provisions in the relevant award through the four-yearly review process—not to my knowledge, but we'll take that on notice. So no party has sought to change those relevant provisions. That's the situation.</p> <p>Senator ROBERTS: No party has sought that—not even the employers?</p> <p>Ms O'NEILL: That's my understanding, but I'll take that on notice to be absolutely sure.</p> | 10/12/2020 |
| 62     | EEC-8E20-27 | Spoken           | Roberts, Malcolm      | 26/10/2020    | 77           | Agency - Fair Work Commission             | Casual black-coal miners from the Hunter Valley referring complaints or matters relating to pay and entitlements to the commission since 2014 | <p>Senator ROBERTS: So the next one would probably be the same answer then. How many casual black-coal miners from the Hunter Valley have referred complaints or matters relating to their pay and entitlements to the commission since 2014?</p> <p>Ms O'NEILL: There was a question on notice that I think you put, Senator. I am not sure if it was specifically in relation to that. That was a question about disputes about coal long service leave entitlements involving the Chandler Macleod group, or a similarly named entity. Is that what you're asking?</p> <p>Senator ROBERTS: No. How many casual black-coal miners from the Hunter Valley have referred complaints or matters relating to their pay and entitlements to the commission since 2014? Specifically their pay and entitlements, not just long service leave.</p> <p>Ms O'NEILL: I don't have that information at hand. I'm happy to take that question on notice and check our records and see if we can discern any such applications.</p>  | 10/12/2020 |
| 63     | EEC-8E20-28 | Spoken           | Sheldon, Tony         | 26/10/2020    | 16, 79       | Attorney General's - Industrial Relations | Letters from the Attorney-General about proposed changes to casual employment   | <p>Senator WATT: I might just pick up on these issues as well. I've certainly got a very deep concern about the casualisation in the mining industry in my home state of Queensland. I've got questions around labour hire regulation generally, but I noticed a media release last week issued by Senator Canavan and Mr Christensen claiming that they had received a letter from the Attorney-General about proposed changes to casual employment. Are you aware of this letter that the Attorney-General has sent?</p> <p>—</p> <p>CHAIR: Thank you, Senator Roberts. Senator Sheldon, you're going to ask about the letter that was tabled before. That is the letter from Christian Porter to Mr Christensen. I am just confirming that the Labor members are okay for us to accept that as a tabled document?</p> <p>Unidentified speaker: Yes.</p> <p>Senator SHELDON: I note that letter is not dated.</p> <p>CHAIR: I'm not going to tell the minister to take that on notice.</p> <p>Senator Payne: I'm not sure, but I will check.</p> <p>Senator SHELDON: Also, there's a letter referred to, dated 1 October 2020, in this correspondence. Are we able to receive a copy of that letter as well?</p> <p>Senator Payne: I will take that on notice and check.</p>  | 10/12/2020 |
| 64     | EEC-8E20-29 | Spoken           | O'Neill, Deborah      | 26/10/2020    | 82           | Agency - Fair Work Ombudsman              | Harvest Trail Inquiry - unannounced inspections   | <p>Senator O'NEILL: I did note that evidence. My question is: since the Harvest Trail Inquiry, how many unannounced inspections has the Fair Work Ombudsman undertaken in the sector?</p> <p>Mr Scully: I haven't got that information with me. I might ask Mr Ronson, our executive director of enforcement, if he has those statistics, otherwise we will take it on notice.</p> <p>Mr Ronson: We have conducted a number of unannounced visits in three regions to date. They are the Wide Bay region, which is around Bundaberg, the Moreton Bay region, which is centred around Caboolture, and the south-east of South Australia. I'll come back to the committee on the specific numbers, but I can provide approximate numbers at this stage with respect to Wide Bay, subject, obviously, to validation. We did a lot of research and, if you like, probing before we began our activities to target those employers about which we had intelligence or suspicions that they might be acting non-compliantly. From memory, we could probably say there were around 10 to 15 investigations in the Wide Bay region. I think there were around 20 in the Caboolture region, but again I'll come back—if not in this committee hearing then on notice—with the specific numbers. In the south-east of South Australia, I think we've done around 30 or so investigations, and they're still ongoing.</p> <p>I will say that, on the 162 businesses that Mr Scully and Ms Parker were referring to that were no longer operating, we have been working very closely with the ATO Phoenix Taskforce. We have provided an incredible amount of data to the Phoenix Taskforce, which they have analysed. They've provided us with their findings, as they've checked and corroborated against their records, and we are currently preparing investigations into 15 persons of interest at those particular entities that have come up at the Phoenix Taskforce as 'high risk' or 'risk'. So we are working closely with the ATO and with the relevant task force, and we are doing our best to work out what those directors and those persons of interest are now doing, particularly if they're still in the horticulture sector. So it's not as if we haven't done anything since then.</p>  | 10/12/2020 |

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| 65     | EEC-8E20-30 | Spoken           | Sheldon, Tony         | 26/10/2020    | 96           | Agency - Fair Work Ombudsman                             | Self-disclosure of two companies   | Ms Parker: ... We have also had two matters—not many—where they have come forward and self-disclosed and have subsequently been found not to have underpaid anybody; they'd miscalculated. That's a great outcome. But if they've been on a shame list I think that would have been counterproductive.<br>Senator SHELDON: I don't know the detail of those two companies and who they are. Are they public?<br>Ms Parker: Do you mean are they in the public domain?<br>Senator SHELDON: Yes, those two companies.<br>Ms Parker: No, they're not. They haven't been in the public domain, as far as I'm aware, but I can take it on notice. I'm not sure. Our chief counsel might be able to answer that question.<br>Mr O'Sullivan: I think I'll have to take that on notice as well. ...   | 10/12/2020 |
| 66     | EEC-8E20-31 | Spoken           | Pratt, Louise         | 26/10/2020    | 101-102      | Agency - Fair Work Ombudsman                             | Top 100 companies in Australia, copy of letter from FWO to Chairs and CEOs of Australia's largest corporations, self report of underpayments | Senator PRATT: In the context of your annual report, you wrote to the chairs and CEOs of some of Australia's largest corporations, as I understand it, seeking their reassurance that they're taking their obligations seriously. How many corporations did you write to, and why did you see it as necessary to write to them?<br>Ms Parker: It's part of our role to raise awareness. We were obviously concerned about the number of self-reports we were getting of underpayment. I wrote to the top 100 companies, and I set out our expectations and the community's expectations and also pointed out some areas where they may want to look for non-compliance, some things to look for.<br>Senator PRATT: Where do I find a list of that top 100?<br>Ms Parker: It's just the standard top 100 companies in Australia. We can provide that if you wish.<br>Senator PRATT: Thank you. There can be different lists.<br>Ms Parker: I'm happy to provide that.<br>Senator PRATT: Are we able to have a copy of the letter? How many have replied to you?<br>Ms Parker: Yes, you can. I'll take that on notice, noting that I didn't ask for a reply, but some of them did reply anyway.<br>...<br>Senator PRATT: How many self-reported underpayments as a result of your letter?<br>Ms Parker: If you don't mind I'll take that on notice. I'm not sure exactly how many. A number of them did. Some may not have told us it was because of my letter.<br>Senator PRATT: Fair enough. So could you take on notice how many top 100 companies have been identified as having underpayments or other breaches, self-reported or otherwise?   | 10/12/2020 |
| 67     | EEC-8E20-32 | Spoken           | Watt, Murray          | 26/10/2020    | 105, 109     | Agency - Australian Building and Construction Commission | Travel Expenses to and from QLD for examinations   | Senator WATT: Commissioner, I want to ask some questions about one thing that's had some media coverage. I understand that on 22 July this year, at the height of the COVID pandemic in Victoria, you flew to Brisbane; is that correct?<br>Mr McBurney: I'll just check that date for you.<br>Senator WATT: That's the date that was reported in the media, anyway.<br>Mr McBurney: It was on the night of 16 July.<br>Senator WATT: That's a bit different to what was reported in the media. Are you aware of how many new COVID cases were reported in Victoria that day?<br>Mr McBurney: No, I am not. I'm aware that as at the end of May Victoria's COVID case numbers were in single digits, and on 6 June the state recorded no new cases for the first time since March. On 9 June schools reopened in Victoria and a further easing of restrictions was announced for 21 June 2020, and they were the dates when an application was made by myself and my agency to the Administrative Appeals Tribunal for examination notices to be issued to [inaudible] in Queensland.<br>Senator WATT: But you didn't undertake the travel until three or four more weeks after that date?<br>Mr McBurney: That's correct. The process is that examination notices can only be issued by the AAT, and the act requires that they be served at least two weeks prior to the examination date. So our planning commenced in June. The notices were issued in June. They were served after the dates they were issued but at least 14 days prior to the scheduled examination. The examinations were scheduled to take place on 21 to 24 July 2020.<br>Senator WATT: So the examinations of witnesses that you travelled to Brisbane to conduct personally were scheduled to occur between 21 and 24 July, but you travelled to Brisbane on 16 July?<br>Mr McBurney: Yes, that's correct.<br>...<br>Senator WATT: What was the cost of your travel to and from Queensland for these examinations?<br>Mr McBurney: I'll have to take that question notice.<br>Senator WATT: But presumably, you stayed in a hotel while you were there?<br>Mr McBurney: I stayed in the Meriton Apartments one block from our office.<br>Senator WATT: Could you please come back to us with the cost of that accommodation as well?<br>Mr McBurney: Yes. | 10/12/2020 |
| 68     | EEC-8E20-33 | Spoken           | Watt, Murray          | 26/10/2020    | 110          | Agency - Australian Building and Construction Commission | Copy of statement issues by ABCC referencing travel exemption  | Senator WATT: The media reporting of your trip in the middle of the pandemic, Mr McBurney, refers to a statement, issued by the ABCC, which refers to the exemption that we've been discussing. We've tried to locate this media statement on the website for the ABCC but it seems to have disappeared. Are you able to provide to the committee a copy of that statement?<br>Mr McBurney: No statement was published or released. The comments set out in the media reports were attributable to an ABCC spokesman and, as far as I'm aware, the statements contained in the media reports accurately reflect the information provided by an ABCC media spokesman in answer to questions put to him by media outlets at the time.<br>Senator WATT: Okay, Well, could you please provide to the committee a copy of the statement that was issued by the spokesperson?<br>Mr McBurney: I'll make that inquiry. I'm just not sure that there was a written statement published. But we'll make that inquiry and take the question on notice. If a written statement was provided, we will provide it. If a statement, or comments, was emailed we'll provide that. If the statements were provided verbally, we'll advise you accordingly.  | 10/12/2020 |
| 69     | EEC-8E20-34 | Spoken           | Pratt, Louise         | 26/10/2020    | 116          | Agency - Australian Building and Construction Commission | Sham contracting   | Senator PRATT: Yes, thank you. We have discussed somewhat that sham contracting is a problem in the construction industry, and the capacity of the ABCC to prosecute employers for sham contracting. In the past 12 months how many employers has the ABCC prosecuted or referred to other agencies for sham contracting?<br>Mr McBurney: We've not prosecuted any companies for sham contracting in the last 12 months. I'll take the question of referral on notice.  | 10/12/2020 |
| 70     | EEC-8E20-35 | Spoken           | Pratt, Louise         | 26/10/2020    | 117          | Agency - Australian Building and Construction Commission | General breaches   | Senator PRATT: In the past 12 months have you investigated any employer associations who may have had a role in suspected breaches?<br>Mr McBurney: In suspected breaches of wage underpayments?<br>Senator PRATT: Just any general breaches. Clearly they're not generally the employers directly, but have they been complicit in any other breaches?<br>Mr McBurney: I'll take the question on notice.   | 10/12/2020 |
| 71     | EEC-8E20-36 | Spoken           | Pratt, Louise         | 26/10/2020    | 117          | Agency - Australian Building and Construction Commission | Security of Payments review  | Senator PRATT: In terms of the security of payments review which the government has done and the implementation of the recommendations, did you make recommendations to the minister or government about implementing those recommendations?<br>Mr Hehir: The implementation of the recommendations of the Murray report is actually the responsibility of the Department of Industry, Science, Energy and Resources Department of Industry.<br>Senator PRATT: I understand, but the security of payments is clearly your field of work—compliance and making sure that people get paid. Did the ABCC have any input?<br>Mr McBurney: Not as far as I'm aware. If we did, I'll take that question on notice.<br>Senator PRATT: Deputy Secretary, can you confirm they didn't have any input?<br>Mr Hehir: I'd need to take that on notice.<br>Senator PRATT: Thank you.   | 10/12/2020 |
| 72     | EEC-8E20-37 | Spoken           | Pratt, Louise         | 27/10/2020    | 5-6          | Agency - Registered Organisations Commission             | ROC's appeal against the Federal Court decision against its investigation into the AWU   | Senator PRATT: I know Senator Kitching online also has questions. I am not sure which of us was going to go first, but I will kick off. Mr Bielecki, the last time you were here before us in estimates you said that ROC had made an appeal against the Federal Court decision that quashed the ROC's investigation into the AWU. I know you have canvassed some of those matters in your statement. Where is that up to and how much has that cost ROC to date?<br>Mr Bielecki: The appeal has been heard by the Full Federal Court on 29 and 30 June. We are at the stage that we are awaiting the judgement of the Full Court. The appeal has cost \$344,881.54 including GST.<br>Mr Bielecki: Yes. Our solicitors were Ashurst, who were the solicitors at the first instance hearing. Our counsel involved a counsel who was involved in the initial hearing, Mr Parry, QC, and Matthew Follett. Our leader on the appeal was Mr Hutley, SC, and we received advice from Mr Bennett, QC.<br>Senator PRATT: Can I ask for a breakdown, on notice if you please, on the costs incurred for engaging legal counsel for that appeal, please?<br>Mr Bielecki: Yes, certainly.<br>Senator PRATT: How much, may I ask, did you budget for that appeal?<br>Mr Bielecki: Our budget was based on an estimate provided by our solicitors, but as to the actual amount I would have to take that on notice.<br>Senator PRATT: Yes, indeed. Can I ask please, on notice, if you can provide the hourly rates for your named counsel? Just to be clear, you haven't ruled out going to High Court?<br>Mr Bielecki: I'm not ruling anything in or out. I need to see the reasons in the judgement to decide what the next step might be and obviously have advice on that.<br>...<br>Mr Bielecki: The barrister involved was Mr Noel Hutley, QC. We considered that his experience and background would be particularly apposite for this appeal.<br>Senator PRATT: What was his rate?<br>Mr Bielecki: I would need to take that on notice to be accurate.  | 10/12/2020 |
| 73     | EEC-8E20-38 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 23           | Agency - Registered Organisations Commission             | Mr Enright CV - position with the Fair Work Ombudsman  | Senator KITCHING: Thank you. In a response to QON 1684, it states that Mr Enright has not held any position with the Fair Work Ombudsman. That contradicts what is said in his CV. So that's why I think it's a little confusing. But I can put more questions on notice to you or you can take it on notice now. It's on page—[inaudible] the first page of this CV. If you could take that on notice and just clarify why there's a different statement in question on notice 1684 and Mr Enright's CV. ...   | 10/12/2020 |
| 74     | EEC-8E20-39 | Spoken           | Pratt, Louise         | 27/10/2020    | 7-8          | Agency - Registered Organisations Commission             | Process for briefing on counsel fees   | Senator PRATT: If you have to brief them on the fee, what's the difference between briefing them on the issue overall? I know that technically you need permission for the fee?<br>Mr Moralis: All organisations and entities in the Commonwealth, if they are going to brief counsel at a fee which is above the prescribed fee—as the Commonwealth we want to get value for money—approach the office of legal service coordination in our department, which is a branch that arranges a submission that sets out the case, the counsel, the reason the agency is seeking an increased fee, and there is a pro forma submission that goes to the Attorney. That happens regularly enough to be a standard business practice and that is a purely transactional request of the Attorney to approve or otherwise a request by an agency, whether it's the ROC, the tax office, ASIC, the ACCC or whoever, for a specific counsel for a specific reason at a daily rate which is either a lot or somewhat higher than the preferred fee. That is a purely straightforward process.<br>Senator PRATT: But in that manner, is it a form?<br>Mr Moralis: No, it's a normal submission that sets out the fee being sought and seeking approval. My recollection is—I've seen many of these—it usually doesn't canvass in any detail the substance of the case.<br>Senator PRATT: It doesn't canvass?<br>Mr Moralis: I'll take that on notice, but that's my recollection. If I'm incorrect I'll get back to you.   | 10/12/2020 |
| 75     | EEC-8E20-40 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 8            | Agency - Registered Organisations Commission             | Financial Penalty of ROC v AWU matter  | Senator KITCHING: So, all up, the financial penalty in that matter was \$168,690? The fees expended—and I'm happy for you to take this on notice—were over \$1 million? Is that correct?<br>Mr Bielecki: I'll need to take the amount of the fees on notice. We may have answered that in response to one of your questions on notice, but I don't know which one it is. I'll come back to you with the answer on the fees on notice.   | 10/12/2020 |

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| 76     | EEC-8E20-41 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 8-9          | Agency - Registered Organisations Commission | Resources used for podcast                                      | <p>Senator KITCHING: I think in your opening statement you talked about your podcast; is that correct?</p> <p>Mr Bielecki: Yes. We did a podcast in relation to arrangements and providing assistance during the COVID-19 restrictions and things that the Registered Organisations Commission could do.</p> <p>Senator KITCHING: I think I asked you this in a QON. When you did the analytics, what was the audience for that? I think there was one podcast you did and you had seven listeners?</p> <p>Mr Bielecki: I don't remember any podcast with such a low number of listeners.</p> <p>Senator KITCHING: Maybe you can get me your analytics?</p> <p>Mr Bielecki: I can get the analytics. I know that that particular podcast was accessed quite a bit.</p> <p>Senator KITCHING: By how many people?</p> <p>Mr Bielecki: I don't know. I would have to take that on notice.</p> <p>Senator KITCHING: How many people did you employ to do podcasts?</p> <p>Mr Bielecki: The podcasts are done by staff internally as part of the education activities that we undertake.</p> <p>Senator KITCHING: How many people is that?</p> <p>Mr Bielecki: I'd have to take that on notice. There's a coordinator out of the education group and then that coordinator makes use of subject matter experts within the ROC. There is then a technically able person who actually puts the technical parts of the podcast together.</p>  | 10/12/2020 |
| 77     | EEC-8E20-42 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 9-10         | Agency - Registered Organisations Commission | Episode 10 of ROC Podcast - Behind the Scenes with the ROC      | <p>Senator KITCHING: You responded to this in late May. Is that correct? I asked the question on 25 May. You responded within the month I presume, and you've had 1,000 people listen. Let's just run through. Episode 1 involved one executive-level person, four APS level 6, and one APS level 5. In episode 2, you've had three APS level 6s, and one APS level 5. In the interview with the commissioner, Mr Bielecki features, you had two APS level 6s and one APS level 5. For episode 4 you had two level 6s and one level 5. Episode 5 was a pretty work intensive one. You had two executive level 2s, two executive level 1s, one APS level 6, and one APS level 5. In episode 6 you had one executive level 2, one APS6 and one APS5. In episode 7, you had four APS6s involved and one APS5. In episode 8, you had the commissioner, one SES, one executive level 1, two APS level 6s, one APS level 5. In episode 9 you had one executive level 2, three APS6s, and in episode 10, another work intensive one, you have had one executive level 1, five APS6s, one APS5 and one APS4. Is that correct? You've given me 10 here, but you haven't given me the number of downloads for episode 10, which was titled Behind the Scenes with the ROC.</p> <p>Mr Enright: That information wasn't available at the time of answering the QON.</p> <p>Senator KITCHING: But you're going to take that on notice today and give that to me? Is that right?</p> <p>Mr Enright: We will take that on notice.</p> <p>Senator KITCHING: I would like you to do that.</p>  | 10/12/2020 |
| 78     | EEC-8E20-43 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 10           | Agency - Registered Organisations Commission | Expense and resources for ROC Podcast                           | <p>Senator KITCHING: It seems to me this is a very expensive undertaking. I think for the first podcast you had 237 downloads. For the bottom one, you had 57. That was for episode 8, which had the commissioner, one SES, one executive level 1, two APS6s and one APS5. That would have been a pretty expensive podcast to produce and you had 57 listeners. I would like you to update those and I would like you to provide some further detail on that. I'd actually like you to see if you can calculate the expense of the time required to produce these podcasts?</p>   | 10/12/2020 |
| 79     | EEC-8E20-44 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 10           | Agency - Registered Organisations Commission | Number of qualified lawyers employed by the ROC                 | <p>Senator KITCHING: ...just going back to the legal expenditure, how many qualified lawyers have you got employed at the ROC?</p> <p>Mr Bielecki: I think this was a topic of one of your questions but, again, I'm not sure which one it was. If I can, I'll take that on notice so that I can give you an accurate number.</p> <p>Senator KITCHING: Do you not know? How many people have you got employed at the ROC?</p> <p>Mr Bielecki: We have an ASL of 28.4. At the moment I think our number would be 28.4 or thereabouts. That is not 0.4 of a person but taking into account time—</p> <p>Senator KITCHING: How many lawyers have you got there—qualified lawyers?</p> <p>Mr Bielecki: I'm saying—</p> <p>Senator KITCHING: If you don't know, there's some problem going on there.</p> <p>Mr Bielecki: There's no problem.</p> <p>CHAIR: Senator Kitching, can you please let the witness begin to answer your question before you interrupt. Could we allow some courtesy towards the witnesses.</p> <p>Mr Bielecki: I'm not going to guess at the number of lawyers. I'm going to take that on notice and provide you with the number of lawyers that are with us.</p>   | 10/12/2020 |
| 80     | EEC-8E20-45 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 10-11        | Agency - Registered Organisations Commission | Mission experience of lawyers                                   | <p>Mr Bielecki: Lawyers are involved in each of the three streams of our work. There will be lawyers involved in our education and reporting division and they will be doing work towards the development of education resources. There are lawyers involved in our compliance area, as you've just referred to. There are lawyers involved in our enforcement area. There may not be any lawyers involved in the financial regulation area, but that area does consult with lawyers from time to time depending on the issues that they come across. Their legal assistance available through all areas in the ROC.</p> <p>Senator KITCHING: How many of them have posted mission experience in excess of two years?</p> <p>Mr Bielecki: In excess of how many years?</p> <p>Senator KITCHING: Two years.</p> <p>Mr Bielecki: I would have to take that on notice to give you an accurate answer, otherwise I'd be guessing.</p>   | 10/12/2020 |
| 81     | EEC-8E20-46 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 11           | Agency - Registered Organisations Commission | Financial penalties imposed between 1 May 2017 and 30 June 2020 | <p>Senator KITCHING: Since the ROC was established on 1 May 2017—and I'm taking this to 30 June 2020—the ROC has spent \$4.5 million in legal fees. I'm talking firms and counsel. Is that correct?</p> <p>Mr Bielecki: I know we answered a question on notice in relation to that. If that's the answer we've given that would be correct as of the date of the answer.</p> <p>Senator KITCHING: So it's \$4.5 million. How many has been imposed in financial penalties during that period?</p> <p>Mr Bielecki: I haven't aggregated the totals. I would need to take that on notice.</p> <p>Senator KITCHING: If you take that on notice and then I'll compare it with what I've calculated.</p>  | 10/12/2020 |
| 82     | EEC-8E20-47 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 12           | Agency - Registered Organisations Commission | Percentage of matters where ROC has sought external advice      | <p>Senator KITCHING: I do have another topic I want to come to. Could I ask you, Mr Bielecki, to take on notice—or if you can tell me, that would be good—the percentage of matters where you seek external advice? Is it 80 per cent? Is it 30 per cent? I would like to know, of the matters you are dealing with, how often are you going out to external lawyers?</p> <p>CHAIR: Yes, I can take that on notice.</p>   | 10/12/2020 |
| 83     | EEC-8E20-48 | Spoken           | Sheldon, Tony         | 27/10/2020    | 14           | Agency - Registered Organisations Commission | Information Workshops   | <p>Senator SHELDON: I understand that over 2019 there were five interactive workshops held in Hobart, Canberra, Adelaide, Melbourne and Sydney; is that correct?</p> <p>Mr Bielecki: I think that's right. I don't have the list of locations with me. By the end of that year, we had undertaken workshops in every capital city of every state and territory.</p> <p>Senator SHELDON: How many people attended those sessions?</p> <p>Mr Bielecki: It's many hundreds. I would have to take that on notice. The figure of 700 or 800 or 800-plus comes to mind, but I would need to confirm that on notice.</p> <p>Mr Enright: I can assist you briefly there. The ROC has held 13 information sessions, workshops and online panels, and there have been 759 attendances at those sessions.</p> <p>Senator SHELDON: I am asking about physical seminars.</p> <p>Mr Enright: We can take it on notice, but it will be easy to count. We have that material available—not right in front of me. I have the total of all of our sessions, but not just the information workshops in front of me.</p> <p>Senator SHELDON: I understand that these seminars have up to eight senior advisors travelling interstate. Do you have a costing about the cost of the seminars to the organisation in total and a breakdown?</p> <p>Mr Enright: I haven't got a breakdown in front of me. I have done some work on this, and we can take it on notice, of course.</p> <p>Senator SHELDON: I am talking about the physical seminars, of course.</p> <p>Mr Enright: Yes. We will take it on notice, but I can give you an indication. It's about \$16,000 or \$17,000 cost to the ROC in delivering those interstate workshops, but we will take it on notice.</p> <p>Senator SHELDON: The seminar in Canberra averaged 4.5 people per officer. Would that sound correct? 29 attendees and eight presenters?</p> <p>Mr Enright: I haven't got the figure for Canberra. Hang on. I have got some figures in front of me. Canberra—there were 29 participants from federally registered organisations, that is, unions and employer associations, attended at the Canberra workshop on 5 September 2019.</p> <p>Senator SHELDON: So, we have got those figures. And eight presenters?</p> <p>Mr Enright: I haven't got the number of presenters in front of me. I will have to take it on notice. But there were 29 participants.</p> | 10/12/2020 |
| 84     | EEC-8E20-49 | Spoken           | Sheldon, Tony         | 27/10/2020    | 15           | Agency - Registered Organisations Commission | Budget for Education and Communication functions                | <p>Senator SHELDON: So, you have no fewer than seven presenters and sometimes as few as four people per presenter? You can give me the breakdown of the cost. Also, how many staff have responsibility for communications and education?</p> <p>Mr Enright: We had one communications advisor. I should have a breakdown for you of our financial advisors. Maybe I can come back to you?</p> <p>Senator SHELDON: You're welcome to take that on notice. Could you also include the total compensation?</p> <p>Mr Enright: Total compensation? What do you mean, salary?</p> <p>Senator SHELDON: Sorry, Mr Enright. I missed your comment.</p> <p>Mr Enright: Are you asking for their salaries or—</p> <p>Senator SHELDON: Yes, their salaries and any on costs?</p> <p>Mr Enright: I can tell you—</p> <p>Senator SHELDON: Were they paid bonuses, allowances—those sorts of things?</p> <p>Mr Enright: None of them are paid bonuses or allowances. But there are five people in our specialist financial analysis team. Is that what you asked about, the financial analysis team?</p> <p>Senator SHELDON: No, I asked for staff responsible—</p> <p>Mr Bielecki: I think it was a reference to the education team.</p> <p>Senator SHELDON: Communications and education.</p> <p>Mr Enright: I'm sorry. I apologise.</p> <p>Senator SHELDON: What is your total budget for these education and communication functions? You can take that on notice if you haven't got it there.</p> <p>Mr Enright: Yes.</p>  | 10/12/2020 |
| 85     | EEC-8E20-50 | Spoken           | Abetz, Eric           | 27/10/2020    | 18           | Agency - Registered Organisations Commission | Action outside of appeal process ROC v AWU                      | <p>Senator ABETZ: I want to revisit the Australian Workers Union case against the Registered Organisations Commission. Can you confirm that the AWU's costly legal challenge to the ROC failed on every ground other than one which was on a technical issue?</p> <p>Mr Bielecki: That's correct.</p> <p>Senator ABETZ: Thank you. That aspect has been appealed to the Federal Court and I understand it has now been fully heard, but we are just awaiting judgement?</p> <p>Mr Bielecki: Yes—correct, Senator.</p> <p>Senator ABETZ: If the appeal is upheld, will that enable the ROC to continue its investigations?</p> <p>Mr Bielecki: Yes, Senator.</p> <p>Senator ABETZ: And even if the appeal is not upheld, will the ROC be able to investigate the serious matter that it started investigating on the basis of other elements of the legislation?</p> <p>Mr Bielecki: It's possible, Senator. I would need to take that on notice. We haven't considered taking action outside of the appeal process.</p> <p>Senator ABETZ: Thank you.</p>  | 10/12/2020 |
| 86     | EEC-8E20-51 | Spoken           | Kitching, Kimberley   | 27/10/2020    | 23           | Agency - Registered Organisations Commission | Mr Enright CV - verify years of lecturing at RMIT               | <p>Senator KITCHING: ... Now I'm going to go to Mr Enright. You might have to take these on notice, because we still don't seem to have Mr Enright. Mr Enright, in a response to a QON, gave me his CV. In his CV he asserted that he had lectured for 10 years at RMIT. I then wrote to RMIT and RMIT wrote back and said, 'Chris Enright was the offering coordinator for Law 2394 between 2009 and 2013'. So he was the offering coordinator. I would like you to take on notice and tell me—or Mr Enright can answer this—what Mr Enright did as the offering coordinator for that subject—that single subject at RMIT. Then RMIT goes on to say, 'Unfortunately, RMIT cannot verify if he lectured for 10 years'. I want you to take that on notice and tell me why he's saying in his CV that he lectured for 10 years and why RMIT is not able to verify that. So I'd like to do that. ...</p>   | 10/12/2020 |
| 87     | EEC-8E20-52 | Spoken           | Pratt, Louise         | 27/10/2020    | 24           | Agency - Concave                             | How many staff recruited since annual report was finalised      | <p>Senator PRATT: Can you please take on notice how many staff have been recruited since the annual report number was finalised and what that number sits at, both ongoing and non-ongoing, and then what the overall number is, because clearly you will be still having attrition of some people leaving. Are you intending to meet the 630?</p> <p>Ms Graham: It's certainly expected that we will reach that cap. That, again, is average staffing level over—so that allows for the attrition as well as the replacement over the year.</p>  | 10/12/2020 |

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| 88     | EEC-BE20-53 | Spoken           | Pratt, Louise         | 27/10/2020    | 24           | Agency - Comcare  | Number and value of labour hire contracts  | <p>Ms Graham: We do have some labour contracts in place. We usually do every year, so it's not in relation to that staffing level. They're predominantly for ICT people where it is difficult to find people with those skills to fill permanent positions. We certainly don't have a large number of non-ICT people on labour hire arrangements.</p> <p>Senator PRATT: Could you take on notice how many contracts and the value of those contracts. You don't expect that to fall now that you've addressed some of that recruitment?</p> <p>Ms Weston: It does fluctuate from time to time, Senator. When vacancies arise, we'll work out what we need and—</p> <p>Senator PRATT: So what have we been doing without, given that you're looking at an extra 70-odd staff here? What has been compromised or under challenge in that time?</p> <p>Ms Graham: I don't think it necessarily means that anything's been compromised. I just think that there are some positions that remained vacant for some time during that period of time. We do have a reasonable turnover. That is true at any point in time.</p> <p>Senator PRATT: There's a big difference between 630 and 562 staff. Why do you need 630 staff as opposed to 562? I appreciate the important mission of your organisation but I just want to hear what's going on for the organisation.</p> <p>Ms Weston: We'll take that on notice and give you an explanation and answer the questions you just asked then.</p> <p>Senator PRATT: Is it because you've had a particularly high turnover?</p> <p>Ms Weston: I think the turnover has dropped recently but it was at a reasonably high rate last year. But I'll take that on notice.</p>  | 10/12/2020 |
| 89     | EEC-BE20-54 | Spoken           | Pratt, Louise         | 27/10/2020    | 25           | Agency - Comcare  | State of Service Report  | <p>Ms Weston: People were looking for what the priorities were in our State of the Service report. We took the trouble to, as part of that, determine a set of values for the organisation that reflected the move towards making sure that institutions in government are trusted. So we in a sense are reflecting what the community expectations are.</p> <p>Senator PRATT: What else did the State of the Service report say?</p> <p>Ms Weston: I don't have a copy of that here. I think there were improvements in areas, for instance collaboration and—I'd be happy to take that on notice.</p> <p>Senator PRATT: But surely that is stuff that, as the leader of the organisation, it's your role to address, is it not?</p> <p>Ms Weston: It is. And indeed that's what we have been doing.</p> <p>Senator PRATT: Is it possible to get a copy of that report? I'm assuming it's a public report.</p> <p>Ms Graham: Not a public report for each organisation, although I think high-level details, if I remember rightly—it was a while ago—were published last year for the first time. We'll look into that.</p> <p>Ms Weston: I will obtain what's published for you.</p>   | 10/12/2020 |
| 90     | EEC-BE20-55 | Spoken           | Pratt, Louise         | 27/10/2020    | 27           | Agency - Comcare  | Mental Health Claims   | <p>Senator PRATT: Is that for some people a manifestation that some people might, for example, be in lockdown and live by themselves and now also are working by themselves? That can become intrinsically a kind of workplace injury because suddenly their whole lifestyle has changed. What kind of increase have you seen in relation to anxiety and depression specifically? Is it an increase overall or an increase because of COVID?</p> <p>Ms Weston: It's not a significant number of mental health claims because of COVID—maybe four or something like that.</p> <p>Mr Hughes: Yes, it's not a huge number. We can get you that breakdown, Senator.</p> <p>Senator PRATT: But it might be a similar number but the character of those mental health claims changes because of COVID?</p> <p>Mr Hughes: Senator, I think you asked before about what we're expecting and what we're monitoring. I think it's fair to say that we are clearly monitoring quite significantly and closely the mental health claims that are coming through where there is a connection to working from home or a mention of COVID-19. That is probably not mature enough in terms of that data for us to give you any categorical answer on that yet. But we can certainly take what we have on notice.</p> <p>Ms Weston: We can give you what we have today, which is quite small. With some of these claims it is lagged. You don't get them reporting the minute they might have gone to a doctor or sought some help; they might come back later, months later sometimes, when they realise they might need to claim some costs back or things like that.</p>  | 10/12/2020 |
| 91     | EEC-BE20-56 | Spoken           | Pratt, Louise         | 27/10/2020    | 28           | Agency - Comcare  | Number of site visits and inspections during COVID                                   | <p>Senator PRATT: Mr Napier, I just need to clarify the investigations on the ground. Are they taking place? Have they been taking place or were they suspended? I didn't have a clear understanding from your answer.</p> <p>Mr Napier: The highest risk ones continued. Dependent on where we were in Australia at any point in time, there may have been some risk assessment undertaken and we've managed to undertake those inquiries through other means. But for some parts of Australia they were all done as a business-as-usual type activity.</p> <p>Senator PRATT: What is the decrease in the number of onsite inspections versus other forms of inspections? How many of them have had to be done through online or phone call inquiries?</p> <p>Mr Napier: I don't have that detail to hand. We'll take that one on notice. The actual volume, the total number of inquiries that we've made during this time, has actually increased. That's the pattern. We're doing more work in response to any of those COVID issues that came to our attention.</p> <p>Senator PRATT: That's helpful, thank you. I need to go back to Mr Napier's evidence. You've given me an overall characterisation of the inspection activities that have been undertaken during COVID. Can you tell me how many inspectors there are in total and break that down by state and territory, and how many site visits have taken place since March?</p> <p>Mr Napier: I'd have to take on notice the number of site visits since March. I don't have that at hand. In terms of the number of inspectors that we have by location, we currently have 57 appointed inspectors, that includes regional directors. The locational breakdown is ACT 11; New South Wales 11; Queensland six; SA and NT—that's one region, two offices—10; Victoria and Tasmania—one region, two offices—10; Western Australia five; and there are four others in national operations and operational support roles.</p> <p>Senator PRATT: Thank you. If you can take on notice the number of site visits and inspections, that would be great. I'd be interested to compare that to a comparable time, say last year.</p> | 10/12/2020 |
| 92     | EEC-BE20-57 | Spoken           | Pratt, Louise         | 27/10/2020    | 30-31        | Agency - Comcare  | Injury to non-public-sector staff while working from home                            | <p>Senator PRATT: Equally, if someone's worked from home and in the course of their work a family member is injured, what are Comcare's arrangements there?</p> <p>Ms Weston: We would apply the law to see whether someone is eligible.</p> <p>Senator PRATT: And would they be eligible, or not? Are non-public-sector staff under your agencies eligible, or not?</p> <p>Ms Weston: Are we talking about Commonwealth public servants?</p> <p>Senator PRATT: No—if the child of a public servant electrocuted themselves on a computer or if someone caught COVID from a family member who'd caught it at work.</p> <p>Mr Hughes: I think we would be safest to take those particular examples on notice and provide you with a response. It is a bit complex, that part of the law.</p>   | 10/12/2020 |
| 93     | EEC-BE20-58 | Spoken           | Pratt, Louise         | 27/10/2020    | 31           | Agency - Comcare  | Arrangements for paid leave for casuals within the public sector during COVID        | <p>Senator PRATT: Would you have seen as a risk the fact that one in three workers within your agencies that you have oversight of have no access to paid sick leave and therefore, if they had had a symptom, would have been reluctant to take time off?</p> <p>Ms Weston: In our jurisdiction, in the Commonwealth, people largely do have a sick leave. It really would depend on how they acquired it, whether it was through the workplace or whether they'd gone on a holiday and come back with it.</p> <p>Senator PRATT: One in three workers is indeed a general statistic, because there are lots more casual workers at cetera. But clearly you do still have casual staff in the public sector. Would you have concerns if they decided to come? What guidance did you give around enabling people to stay home and miss out on a day's pay or a week's pay or two weeks pay because they were reluctant to go and get a COVID test, because they didn't want to have to quarantine for four or five days while they awaited the result, because they wanted to come to work? How have you managed those risks?</p> <p>Ms Weston: The APSC provided some guidance to the jurisdiction during that time that covered off arrangements for leave.</p> <p>Senator PRATT: What were the arrangements for paid leave for casuals within the public sector?</p> <p>Ms Weston: I'd need to check that documentation. I'll certainly take it on notice to provide that.</p>  | 10/12/2020 |
| 94     | EEC-BE20-59 | Spoken           | Sheldon, Tony         | 27/10/2020    | 32           | Agency - Comcare  | Arrangements for payment of casuals while self-isolating                             | <p>Senator PRATT: Could you perhaps take something on notice about how the public sector managed those risks in relation to ensuring casuals didn't come to work when they were unwell?</p> <p>Ms Weston: Senator, just before that, could I go back to Senator Pratt?</p> <p>Senator SHELDON: Certainly.</p> <p>Ms Weston: There was a section in the advice from the APSC where arrangements are put in place to allow casuals to self-isolate when required to do so, and they were being paid. But I will provide you that information on notice as well.</p> <p>Senator PRATT: Thank you.</p>  | 10/12/2020 |
| 95     | EEC-BE20-60 | Spoken           | Sheldon, Tony         | 27/10/2020    | 32           | Agency - Comcare  | Comcare's role with the health and safety issues at Airservices Australia            | <p>Senator SHELDON: I want to ask some questions about Comcare's role with the health and safety issues at Airservices Australia. I understand that in 2011 Airservices had one of their fire vehicles involved in an accident that caused the tragic deaths—any deaths are tragic—of three renowned architects, as it turns out, which is of course a terrible tragedy. Are you aware of this matter?</p> <p>Mr Napier: Yes, Senator. It was before my time at Comcare and I believe it was under the former Occupational Health and Safety ACT, but I am broadly aware of this matter.</p> <p>Senator SHELDON: Comcare prosecuted this matter and there was a fine against Airservices Australia. Can you recall how much that fine was?</p> <p>Mr Napier: Not offhand. I will take that on notice.</p> <p>Senator SHELDON: It's said it's around \$160,000. Might that be correct, or you're not sure?</p> <p>Mr Napier: Again, you're going back a long time and prior to my time. I'd be guessing.</p> <p>Ms Weston: We'll take it on notice for you though.</p> <p>Senator SHELDON: That's fine. You can take it on notice. Some of the issues identified requiring action were an emergency vehicle lighting package and emergency vehicle driver training. Are you aware whether those matters have been properly dealt with?</p> <p>Mr Napier: I'd need to take that on notice.</p>  | 10/12/2020 |
| 96     | EEC-BE20-61 | Spoken           | Sheldon, Tony         | 27/10/2020    | 33           | Agency - Comcare  | Comcare's role with the health and safety issues at Airservices Australia - Training | <p>Senator SHELDON: Training came out of that incident, because, if I remember correctly, one of the issues of course was the training and the non-identifying of risks, so there were trainings put in place. Are you aware whether the training has been reduced over time?</p> <p>Mr Napier: I'd have to take that on notice.</p> <p>Senator SHELDON: Could you also look at the appropriateness of the training—</p> <p>Mr Napier: Certainly.</p> <p>Senator SHELDON: Thank you. And, again, whether the amount of training that's been given to workers in those facilities has reduced over time. Could you also have a look at what advanced driver training has been given and whether it's appropriate for new recruits.</p> <p>Mr Napier: Yes.</p> <p>Senator SHELDON: Could you also look at whether the in-house instructors or emergency vehicle instructors have been trained appropriately, or even adequately, to deliver that training? I know people can have a cert—and I'm quite sure you'll tell me something is a little bit more detail than I'm going to put it to you—but is the practical capacity of the people being tested? Because the critical issue came out of that fine, as I understood it, was that there was some form of training but it wasn't practical, it wasn't fulsome, so that even though somebody might have met a cert qualification it wasn't actually delivering it on the ground. As I understand it, that's part of the reason for the fine being delivered. You'll take that on notice as well?</p> <p>Ms Weston: Yes.</p> <p>Senator SHELDON: Also on notice, is there refresher training that's been taking place, and is that conducted every three months?</p> <p>...</p> <p>Senator SHELDON: Regarding the fine that was delivered, could you also take on notice: are Air Services Australia abiding by the finding that was found in that particular matter and the rectification that was required?</p>  | 10/12/2020 |



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| 97     | EEC-8E20-62 | Spoken           | Sheldon, Tony         | 27/10/2020    | 33-34        | Agency - Comcare  | Comcare's role with the health and safety issues at Anserives Australia - Fire | <p>Senator SHELTON: I'll move to another matter. On 30 August 2018 aviation firefighters attended a major chemical fire at West Footscray and were exposed to significant contamination, including asbestos and unknown dumped chemicals. I am told that this is now seen as possibly Australia's worst chemical disaster. Are you aware of the incident?</p> <p>Ms Weston: Which organisation was it at?</p> <p>Senator SHELTON: It was a West Footscray fire. Apologies, but I do not have the name of the organisation, which is not really narrowing it down for you. I might have to follow that up with questions on notice unless there is somebody there that can—</p> <p>Ms Weston: Do we have any awareness of that fire, Justin?</p> <p>Mr Napier: Not off the top of my head, no.</p> <p>Ms Weston: If it was 2018 and it was one of our jurisdictions we would hopefully know about it. I'm very happy to take the questions on notice.</p>  | 10/12/2020 |
| 98     | EEC-8E20-63 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 35           | Agency - Comcare  | Breakdown of Services Australia and ATD workers covered by Comcare             | <p>Senator O'NEILL: Perhaps you might be able to provide that. I want to get a sense of what's going on in this space. I hope, if there is sufficient time, to return to some of the mental health questions that I know Senator Pratt was opening up. I know that in the financial services sector there's a lot of pressure around mental health. In the private sector sexual harassment is a growing problem, by report to our committee, and I know that mental health in the financial sector is a very, very significant issues that the moment. If time allows I'll come back to that. With regard to the workers, how many are actually covered by Comcare?</p> <p>Ms Weston: My colleague Mr Duke might be able to cover that for me.</p> <p>Senator O'NEILL: Mr Duke, are you able to help us with that?</p> <p>Mr Duke: Under the scheme, at 31 August there were 396,220 full-time equivalent employees under the entire scheme, and that consists of 183,555 in the Australian government sector and 212,665 in the self-insured sector. That's under the SRC Act.</p> <p>Senator O'NEILL: Excellent. I'm sure I'll be able to get a breakdown on notice on which ones are in Services Australia and the ATD, so I get a sense of the scale for my assessments.</p>   | 10/12/2020 |
| 99     | EEC-8E20-64 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 36           | Agency - Comcare  | Comcare financial performance  | <p>Senator O'NEILL: Would you be able to provide, on notice, in a detailed form, a report of the scheme's financial performance, claims, rates et cetera? But, in general terms today—</p> <p>Ms Weston: Are you talking about the Comcare scheme?</p> <p>Senator O'NEILL: Yes; thank you. Perhaps you could, in general terms, give me a sense of increasing claims, decreasing claims, the time it takes to respond to claims, ones that have been approved, ones that have been denied—what are the general trends?</p> <p>Ms Weston: We can certainly provide today just the general trend, and the other information we might take on notice.</p> <p>Senator O'NEILL: Thank you very much. That would be helpful.</p> <p>Mr Hughes: There are two answers to the question, in the sense that there's a self-insured licensee sector under the scheme. We can talk to the Comcare claims management and Mr Duke can talk to the self-insured licensees. Going to Comcare's claims management point of view and our Australian government agencies, your questions are about claim trends and what we're seeing, and certainly our annual report has some information around that and our website has information about it as well. In terms of what we're seeing, we've had a number of years where claim numbers have been decreasing. There have been a number of different reasons for that, but that's the trend that we're seeing. What that is leaving us with, in terms of the types of claims that we've got, is a higher proportion of psychological injury claims. We still receive a level of physical injury claims and physical disease claims, but it's the psychological injury claims that we're seeing more of and we need to work harder—I'm comfortable in saying that—to make sure that our claims management processes are actually meeting the needs of those clients as we go forward. We have challenges from time to time and the numbers will fluctuate. We're a small scheme. We get between 1,000 and 1,200 claims per year at the moment, and it looks like, for this year to date, we're sitting fairly steady with that. In terms of our timeliness performance and the number of claims reviewed, it would probably be best if we take that on notice and give you a flavour for that.</p>  | 10/12/2020 |
| 100    | EEC-8E20-65 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 36           | Agency - Comcare  | Number of psychological claims compared to physical claims for licensees       | <p>Senator O'NEILL: Out of the 1,200 per year, on average, what percentage are psych claims?</p> <p>Mr Hughes: We are sitting—Mr Duke might correct me—from memory, for Comcare managed claims from Australian government agencies, at between the 30 to 40 per cent mark.</p> <p>Senator O'NEILL: And rising?</p> <p>Mr Hughes: It's been fairly stable over the last few years.</p> <p>Senator O'NEILL: It's stabilising now?</p> <p>Mr Hughes: Yes.</p> <p>Senator O'NEILL: Mr Duke, could you give me the number for independent licensees?</p> <p>Mr Duke: Yes. From a licensee perspective, you'd see a similar trend in terms of the incidents of claims. They've been reducing over the last couple of years, although it's probably not as significant in the government sector. That's still declining, I would say. Regarding the make-up of those, they do not have the same proportion of psychological claims. They have fewer instances of psychological claims. They have a high proportion of injury related claims, which is partly due to the types of entities that they are. We have transport companies et cetera in that sector and you tend to say that they're more predominant in relation to injury claims than psychological claims.</p> <p>Senator O'NEILL: What are the numbers, roughly, on the psych claims compared to the physical claims?</p> <p>Mr Duke: I'd have to take it on notice, but my recollection is that it's about eight per cent. I could be wrong. We'll get that on notice, in relation to proportion of psychological claims. Injury would be closer to 40 per cent and disease would make up the rest.</p>   | 10/12/2020 |
| 101    | EEC-8E20-66 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 36-37        | Agency - Comcare  | Decrease of acceptance of claims   | <p>Senator O'NEILL: Thank you for that. I look forward to your detailed responses. In your annual report, I understand that claims have decreased. Why is there a trend of downward acceptance of claims, or do you dispute that?</p> <p>Mr Hughes: All claims or psychological?</p> <p>Senator O'NEILL: Let's split them up. Let's go with psych claims. What's happening there? People are putting in a claim and their claim is not being accepted, and the numbers of that are becoming more common. Is that a fair characterisation?</p> <p>Ms Weston: If general claims are going down, acceptance would go down too. That would seem logical.</p> <p>Senator O'NEILL: In raw numbers, but proportionally?</p> <p>Ms Weston: I'm not sure whether—</p> <p>Senator O'NEILL: Is that the case? Is it staying at the same percentage of payout or are there few people getting their claims accepted?</p> <p>Mr Hughes: There have been a number of changes to the claims and the make-up of our government sector over the last few years. For example, the ACT government moved from what we called a premium payer in numbers and moved to being a self-insured licensee. We are monitoring what that impacts might be. We have seen a general reduction in terms of claims from agencies as well. I think, with the size of our scheme, we are going to get fluctuations in acceptance rates from time to time. It is probably best to take it on notice and provide you with a view of those acceptance rates, up to date as well, because from memory, even for government agency claims, we're seeing a different, a slight uptick in acceptance rate for the year to date as well. It might be useful for us to provide you with a view on that.</p> <p>Senator O'NEILL: I would appreciate that. I'm particularly interested in the mental health claims and the comments you made about changes in these items. One of the concerns I have is about definitions of what constitutes psychological injury and what does not. I'm particularly interested in Comcare because of our responsibilities here looking after the Public Service, but I'm concerned about the broader industry-wide claims for psychological injury. It seems we are actually getting claims that are reflecting a toxicity in the workplace that's making people unwell, and that's reflected in these claims that are advancing. We're managing physical issues through prevention better, but what's happening where psych claims are increasing?</p>   | 10/12/2020 |
| 102    | EEC-8E20-67 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 37           | Agency - Comcare  | Targets for sustained level of satisfaction and engagement                     | <p>Senator O'NEILL: That's interesting. Could I also refer to your targets for sustained level of satisfaction and engagement with Comcare licensees? They were not met, according to the annual report. Why were they not met?</p> <p>Ms Weston: One of the things in our surveys from other stakeholders was that they were looking for more support and guidance from us, and that could have been reflected in that. Our new priorities, including stakeholder engagement, excellence and service delivery, hopefully will drive that number up. We are very aware of it and looking to improve.</p> <p>Senator O'NEILL: You've put some remedies in place?</p> <p>Ms Weston: Yes.</p> <p>Senator O'NEILL: Perhaps you might provide a bit more on that on notice.</p>  | 10/12/2020 |
| 103    | EEC-8E20-68 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 37           | Agency - Comcare  | Timeliness of resolution of asbestos claims                                    | <p>Senator O'NEILL: Also, on the timeliness of claims resolution for asbestos claims, the numbers weren't very good on that. You failed on timeliness there. Given what we know about asbestos and people's experience, the last thing they need is delay. What happened?</p> <p>Mr Hughes: That's a performance measurement that's been estimated over a period of time now. What I can tell you is that from Comcare's point of view, in terms of our actions and timeliness in relation to these court matters and disputed matters et cetera in relation to asbestos claims, that we are being as timely as we possibly can. The issues that arise in terms of those measures and what you see in the annual report related to things like estate matters. When a person with asbestosis passes away, if that happens before their claim for compensation is resolved—a lot of these matters don't commence with us; they commence with the Dust Diseases Tribunal in New South Wales, so we're joined in because there's some Commonwealth liability under the asbestos and related compensation claims act et cetera. I can tell you that we've investigated and we've looked at what we're doing to make sure that we're doing everything we can to help resolve the matters as quickly as we can. Unfortunately there are other factors in this process to get these matters resolved.</p> <p>Senator O'NEILL: So New South Wales is letting the team down—is that what you're saying?</p> <p>Mr Hughes: No. There are a number of stakeholders in that process. We have tried to explain that in the annual report, but if you like we could take it on notice and provide some more detail.</p>   | 10/12/2020 |
| 104    | EEC-8E20-69 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 38           | Agency - Comcare  | Qualitative analysis of satisfaction with return to work                       | <p>Senator O'NEILL: In terms of return to work, this can be a highly contentious part of the process. It is particularly exacerbated when 30 to 40 per cent of the claims are psychological claims. It is one thing to put in a chair for somebody's lower back pain that has been acquired lifting something in an office situation that they perhaps shouldn't have done; but often mental health injury is born from relationship failure in the work place, management structures and failures that drive people to a point where they become so unwell because of the toxic nature of their work place. Pushing people to return to work too early can be very damaging. At the same time, not managing a psychological return to work in an appropriate way can hold somebody up from becoming well. I know from other committees how sensitive the timing on that can be. So what's happening with return to work and what's the satisfaction level with it?</p> <p>Ms Weston: Similarly, some people can recover at work, and that's good.</p> <p>Senator O'NEILL: That's a vital part of their recovery, if they get the balance right.</p> <p>Ms Weston: Yes. Return to work performance is a national issue, which is why Safe Work Australia delivered its Return to Work Strategy 2020-30, which was launched in January this year. It has an approach of timely, safe and durable return to work, which I think covers the sorts of things you're talking about—timely, safe, is it the right time, and durable. Is it sustainable? Are they able to stay in the work for some time? Comcare performs above the national average, but there is still work to be done. In this COVID time there are going to be challenges as well, in terms of getting people back into jobs. That's challenging. For us, improving return to work remains a key focus.</p> <p>Under the Safety, Rehabilitation and Compensation act, the act that applies for workers compensation for us, the employer is the rehabilitation authority. So the department or agency or licensee is responsible for rehabilitating employees and providing suitable duties. Our powers under rehabilitation and our functions include conducting and promoting research into rehabilitation, promoting effective rehabilitation strategies and publishing material relating to rehabilitation. Our research into return to work includes supporting and contributing to Safe Work's survey and engaging, for instance, with medical practitioners to implement evidence based guidelines for the diagnosis and management of work related mental health conditions. We're doing some work there.</p> <p>We are also collaborating to develop a return to work pilot with Commonwealth agencies. This initiative aims to use an external brokerage. This will help us perhaps put a person in another agency where they might be able to commence better. Also, we are establishing new rehabilitation claims management forums with measurable outcomes, where we're going to talk to people involved in rehabilitation and what's best practice and try and improve things there. We've obviously got guidance material. We</p> | 10/12/2020 |

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| 105    | EEC-8E20-70 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 38-39        | Agency - Concare   | Advice to the minister regarding psychological health regulation  | <p>Senator O'NEILL: ... Can I go back to the line of questioning? I think Senator Pratt might have been prosecuting with regard to the Attorney-General's Department and Safe Work Australia. We had conversations yesterday about the lack of implementation of the Boland review. I'm also particularly interested in the They never came home report on industrial deaths. One particular area considered a priority in the Boland review was the need for new regulations to deal with psychological health. Given the conversation we've just been having about mental health, workplaces and claims, what has been your advice to the minister in relation to psychological health regulation?</p> <p>Ms Weston: We provided our own submission to the Boland review which is public, and I've undertaken to provide it to Senator Pratt.</p> <p>Senator O'NEILL: Have you provided any direct input into the minister's considerations other than that formal public submission?</p> <p>Ms Weston: Yes, some of our briefing has provided information on that, if I recall, but I'll have to check that.</p> <p>Senator O'NEILL: Would you be able to provide the committee with those briefing materials?</p> <p>Ms Weston: I'll take that on notice.</p>   | 10/12/2020 |
| 106    | EEC-8E20-71 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 39           | Agency - Concare   | Tasmania and Northern Territory offices   | <p>Senator O'NEILL: Thank you very much. Finally, I note in your annual report that you're operating in Tasmania and the Northern Territory.</p> <p>Ms Weston: Indeed.</p> <p>Senator O'NEILL: Are those offices fully operational?</p> <p>Ms Weston: Not yet, but we have formally opened those offices. Before, we had temporary locations, and we now have formal locations for those people. We had planned to fill the locations—20 in the Northern Territory and 10 in Launceston—by the end of the year. We won't get to that. We have been a bit delayed. We haven't been able to get up there, but we have recruited during the pandemic some positions there and we have a plan about how we're going to continue to recruit.</p> <p>Senator O'NEILL: Will you employ people from those jurisdictions rather than having travelling or visiting—</p> <p>Ms Weston: We have recruited from the jurisdiction. I can't categorically say they are all from the jurisdiction.</p> <p>Senator O'NEILL: Perhaps take that on notice to give me a sense of how that's going.</p> <p>Ms Weston: I will.</p> <p>Senator O'NEILL: Could you also give the committee further detail on notice around the expansion of activities. For example, where each of the offices is located; how many staff are in each; how many of those are actually inspectors, their level of training and how they acquired that training; what your training program is; and when you expect them to be incrementally operational?</p> <p>Ms Weston: Yes.</p>   | 10/12/2020 |
| 107    | EEC-8E20-72 | Spoken           | Sheldon, Tony         | 27/10/2020    | 39           | Agency - Concare   | Concare investigation into Airservices Australia incident   | <p>Senator SHELTON: The matter that we were talking about before—</p> <p>Ms Weston: Footscray?</p> <p>Senator SHELTON: Yes.</p> <p>Ms Weston: That's WorkSafe Victoria.</p> <p>Senator SHELTON: But Airservices also sent one of their firefighter crews out to that particular operation.</p> <p>Ms Weston: Did they?</p> <p>Senator SHELTON: Yes. What I understand is, as you may now be aware, it was one of the worst chemical disasters in Australia. Are you aware whether Concure investigated the effect on those workers from Airservices from the incident, because there were 750 firefighters there. The group that I'm talking about specifically are Airservices firefighters that get called out to do non-airport jobs from various airports around the country from time to time. Are you aware whether there was an investigation into the incident that involved those workers?</p> <p>Ms Weston: I will take that on notice.</p>   | 10/12/2020 |
| 108    | EEC-8E20-73 | Spoken           | Sheldon, Tony         | 27/10/2020    | 39-40        | Agency - Concare   | Common practice for providing copies of reports to Unions   | <p>Senator SHELTON: I want to ask you a general question, and you'll probably get where I'm heading to when I put questions on notice—I will keep this very short. It's asserted that it was over two years before Airservices finally released to the union a copy of a report of the findings that was available. I appreciate that you're going to take this on notice, so I'm going to a more general question. Would it be a typical practice for a department or one of the private operators to take two years to hand over a report to a union? Would that be a normal practice? Is that a common practice? Is it a desirable practice?</p> <p>Ms Weston: I might take that on notice and prepare a better answer than I can think of right now. It depends on what report it is and in what circumstances the report was prepared and whether there are any court proceedings relating to that report—that sort of thing. If your questions cover off that sort of information, we'll do our best to get you perhaps what a normal time line would look like or something along those lines?</p> <p>Senator SHELTON: That would be helpful. I'll give you the gist of what I'll be sending over. You may want to make some comments, but I'll leave it at this. The asbestos was obviously in the chemicals that these workers were dealing with. There are assertions that there was a lack of proper training and consultation with the workforce. There were serious concerns raised about Airservices engaging with the workforce and their response to inquiries by the workers into proper training and skilling to deal with not only this particular incident but also other potential incidents. There are also questions about what the direct engagement with Concure and whistleblower representatives was. Quite often when a worker is reluctant, or feels unskilled, to actually make the direct complaint they'll ask a whistleblower representative to represent them, and quite often that takes the place of lawyers but more often than not union representatives. What were the interactions with unions as well, because I have some deep concerns about how the investigation took place with Airservices and Concure. I will put some questions on notice.</p> | 10/12/2020 |
| 109    | EEC-8E20-74 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 43           | Agency - Asbestos Safety and Eradication Agency                        | Jurisdictional differences and the emerging risks due to increased DIY during COVID-19  | <p>Senator O'NEILL: So have you proposed to the Attorney-General, Mr Portes, any legislative change around this to deal with the 10-metre rule you've just described?</p> <p>Ms Ross: It's state and territory laws that need to be amended. So we have proposed that to our counterparts. And one of the areas where we have, I guess, identified there is a gap in public health laws is that some public health laws in Queensland and in Western Australia provide a bit more detail about the duties that apply when you're removing it, which often happens in the residential environment. This operates mainly in the residential environment. So that's what we have recommended, yes.</p> <p>Senator O'NEILL: Anything you can give about what you think is the state of play in terms of the national jurisdictions, what you know about that in summary on notice would be very, very helpful; any work that you have done for the Attorney-General with regard to your concerns about the public health risk of emerging increased use of DIY during COVID would also be very much appreciated; any briefings that you provided to the Attorney-General.</p>   | 10/12/2020 |
| 110    | EEC-8E20-75 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 44           | Agency - Asbestos Safety and Eradication Agency                        | Update on what the Department of Agriculture, Water and the Environment are doing regarding the importation of chrysotile embedded products | <p>Senator O'NEILL: Do we have anything where we've got chrysotile-embedded product being imported?</p> <p>Ms Ross: No, only what was in situ when the chrysotile ban came into place in 2003 but we do have those instances of prohibited imports that come into the country from places like China.</p> <p>Senator O'NEILL: Where this is still being used?</p> <p>Ms Ross: Where it's still being used. So that's a risk to Australia.</p> <p>Senator O'NEILL: And it's a risk to the workers, I suppose, who are creating those products as well?</p> <p>Ms Ross: Yes, of course. Although the Rotterdam Convention is not a ban as such on asbestos, it's about prior informed consent, it's about notifying a country when you're importing into a country the product that it has these health hazards.</p> <p>Senator O'NEILL: So I'm not sure if this question is best directed to you or maybe to Mr Hehir because the department of environment is the entity that you've said is most responsible for this. Could you give me an update on what they're doing?</p> <p>Mr Hehir: I'd need to take that on notice. I'm happy to do that.</p>  | 10/12/2020 |
| 111    | EEC-8E20-76 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 45           | Agency - Asbestos Safety and Eradication Agency                        | Combating the increased risk of exposure during and after bushfires   | <p>Senator O'NEILL: It's more than education. I believe in education, but there is often a huge gap between education and delivering outcomes. Right now, my questions go to the risk of concern I have about Australian citizens at risk from exposure to asbestos when we know that there has been an announcement of billions of dollars to support bushfire-affected communities that has not been rolled out into these communities. The longer this material sits around, the greater the likelihood of exposure. I am trying to get a read on what has been done since March to address the asbestos exposure risk that was created across the country, including on Kangaroo Island, with the fire hazard or the fire burns we saw last summer.</p> <p>Ms Collins: We can take that question on notice and find out from the states and territories what they have been doing. We know what New South Wales have been doing because we have been participating in their coordination committee. We are not so certain about some of the other jurisdictions like South Australia.</p> <p>Senator O'NEILL: I would like, jurisdiction by jurisdiction, your assessment of exactly what the state of play is before we head into the next season that is upon us.</p> <p>Ms Ross: Yes.</p>  | 10/12/2020 |
| 112    | EEC-8E20-77 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 46           | Agency - Asbestos Safety and Eradication Agency                        | Update on the current National Strategic Plan   | <p>Senator O'NEILL: Okay. Could you provide an update on the current National Strategic Plan and what you are going to prioritise in 2020-21?</p> <p>Ms Ross: Yes.</p> <p>Senator O'NEILL: And plans for 2021-22?</p> <p>Ms Ross: Yes.</p>  | 10/12/2020 |
| 113    | EEC-8E20-78 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 46           | Agency - Asbestos Safety and Eradication Agency                        | Information on permits for importing, exporting, analysing or disposing of asbestos   | <p>Senator O'NEILL: Could you provide further information in relation to 23 permissions granted during 2019-20 relating to permits for importing, exporting, analysing or disposing of asbestos which were referred to in your annual report overview?</p> <p>Ms Ross: Yes. There are 40 permits.</p> <p>Senator O'NEILL: Could you provide those on notice?</p> <p>Ms Ross: Yes.</p>   | 10/12/2020 |
| 114    | EEC-8E20-79 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 47           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Coal LSL scheme - Casual Employees waiving contribution fees  | <p>Senator ROBERTS: Thank you. Are casuals made aware that they can waive the Coal LSL scheme and have the contribution paid direct to them? As you will appreciate, this would benefit a lot of casuals that may not stay for the eight-year qualifying period.</p> <p>Ms Perks: I can't talk to whether casuals, in particular, have visibility of that. It was an enhancement in our legislation back in 2010 to include waiver agreements as an option for all employees in the scheme. I can take that question on notice. From memory, we have as minimal as four waiver agreements, but I will verify that number and confirm that.</p> <p>Senator ROBERTS: Sorry, what was that last sentence you said?</p> <p>Ms Perks: From memory, I think we have four waiver agreements in place out of 426,000 records, but I will take that question on notice and verify that.</p>  | 10/12/2020 |
| 115    | EEC-8E20-80 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 48           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Coal LSL scheme - Casual Employees data   | <p>Senator ROBERTS: Could you please provide details of the number of casual employees who have contributions made to the scheme for them and detail how they may have been paid out? How many have left the industry and how much money does this represent for those employees who have not returned to the industry in, say, over three years? In other words they haven't been paid out and they've left the industry.</p> <p>Ms Perks: I could talk to the amount of casuals who are active in the industry today. According to our records, in round figures it's 9,000. I will need to take your other questions on notice. They are quite detailed questions that will need to be responded to.</p> <p>Senator ROBERTS: Yes, that's fine; take them on notice.</p> <p>...</p>   | 10/12/2020 |
| 116    | EEC-8E20-81 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 49           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Prosecution of Misreporting   | <p>Senator ROBERTS: If Coal LSL is not prosecuting any parties for negligent or willful misreporting, could you please advise us of the assessment process that Coal LSL went through, how this assessment process was managed, by whom, and also explain in detail, despite the evidence of misreporting, why no parties were held to account? You won't be able to do that for another month, at least, but would you be able to do that, please?</p> <p>Mr Krembery: Certainly, we can take that on notice.</p> <p>Senator ROBERTS: Thank you. Could you please report whether any members of the Minerals Council of New South Wales were parties or related entities to those who misreported, and provide a list of same, including the number of instances by entity? You can take that on notice as well, because that won't be able to be done for at least a month.</p> <p>Mr Krembery: Yes, Senator.</p>   | 10/12/2020 |

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| 117    | EEC-8E20-82 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 49-50        | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Employers registered-with COAL LSL covering the period 1 July 2012 to 30 June 2020   | <p>Senator ROBERTS: Thank you. I also have concerns, as we've spoken about in the past, with regard to the governance of Coal LSL. I'd like some data, please. Could you provide an Excel spreadsheet that includes all employers registered with Coal LSL covering the period 1 July 2012 to 30 June 2020, including the company or business name, their ABN, the authorised officers, active dates, and details of payments or reimbursements made to each registered employer for the subject period?</p> <p>Mr Kembery: Senator, that would be an extensive task. Potentially, we could discuss what the information is that you'd like from that, over an eight-year period. When you say 'authorised officers', I'm assuming you mean directors?</p> <p>Senator ROBERTS: Yes, the people you're dealing with.</p> <p>Mr Kembery: Often we're not dealing directly with directors; we're dealing with employees of the company. Senator, perhaps we will take this question on notice and we can talk further about how we could present the material that you're after.</p>  | 10/12/2020 |
| 118    | EEC-8E20-83 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 50           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Process used to calculate payments to entitled employees                             | <p>Senator ROBERTS: That would be great; thank you. Could you also please provide details of the process used to calculate payments to entitled employees; that is, how the amounts received, the entitlement and other costs, or inputs and outputs, are calculated? I'd like to understand the process.</p> <p>Ms Perks: We'll take that question on notice. We can certainly give more context to the payroll levy collection, the calculation of the entitlement and the employer reimbursement rules that relate to the outflow.</p>  | 10/12/2020 |
| 119    | EEC-8E20-84 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 50           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Coal LSL funds for workers who leave the coal industry                               | <p>Senator ROBERTS: Thank you. Can you please provide details of where Coal LSL funds received for workers who leave the coal industry are held at all material times—I know you talked about them being in hours—who has the records, and the details of the process following the cessation of contributions for employers? Could you tell us where the hours or money goes? Could you also please include full details of where these funds are ultimately repatriated and full details of any service fees, costs or commissions paid and who they are paid to?</p> <p>Ms Perks: We can take that on notice, Senator. I can say there are no commission service fees in regard to payments, but we will take that question on notice.</p>  | 10/12/2020 |
| 120    | EEC-8E20-85 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 50           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Entities that Coal LSL pays or transfers funds to                                    | <p>Senator ROBERTS: Thank you. Could you please provide an Excel spreadsheet of all entities that Coal LSL pays or transfers funds to, including but not limited to company business name, ABN, authorised officers, dates and details of payments or reimbursements made to each entity, including total payments, and an explanation as to the payment—for example, fees et cetera?</p> <p>Ms Perks: Is that in relation to the employers in the fund or are you talking more broadly of every transaction that the fund incurs?</p> <p>Senator ROBERTS: No, just the payments that are made to people who are entitled to have Coal LSL.</p> <p>Ms Perks: We'll take that on notice, yes.</p>   | 10/12/2020 |
| 121    | EEC-8E20-86 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 51-52        | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Date of Ministerial Brief on recommended legislative changes                         | <p>Senator O'NEILL: We're running off a little bit of older data here but that was the best that we had as our access point. I'll just put this question to you: on page 17 of the relevant corporate plan that I've just referred you to you indicate: <i>Over the past year Coal LSL has worked collaboratively with industry representatives to identify and agree on proposed changes to our enabling legislation. ...The changes we propose will facilitate clear, consistent and compliant operational processes and business rules. An Industry Working Party together with our Board will recommend the changes for consideration by our Minister and government in 2019.</i></p> <p>Senator O'NEILL: So to be clear, you have briefed the department. Have you provided your recommended legislative changes to the minister?</p> <p>Ms Perks: A briefing has been provided to the minister.</p> <p>Senator O'NEILL: Do you know on what date that occurred?</p> <p>Ms Perks: I can take that question on notice.</p>   | 10/12/2020 |
| 122    | EEC-8E20-87 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 52           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | New Legislative program advancement and possible timeframe                           | <p>Senator O'NEILL: So to be clear, you've done your work; you've made the recommendations; you've made it clear to this committee that there are other items on track simultaneously. But to be crystal clear, there are no legislative changes that have arisen, despite the recommendations around enhanced compliance, governance and board composition? The minister has taken no legislative action?</p> <p>Mr Hehir: If I may just update that, my understanding is that the working group that has been referred to has continued to look at possible amendments and, as recently as 30 September, they were still looking at some of the options. We briefed the minister very recently on the latest set of options that have been provided and we're happy to take that on notice.</p> <p>Senator O'NEILL: Do you expect a legislative program to be advanced and in what time frame?</p> <p>Mr Hehir: As I've said, we've briefed the minister. I'd take on notice the detail of that briefing, if that's okay.</p> <p>Senator O'NEILL: Could you provide it to the committee?</p> <p>Mr Hehir: I'll take that on notice.</p> <p>Senator O'NEILL: And if you could provide us with a time frame of when we should expect these changes.</p>  | 10/12/2020 |
| 123    | EEC-8E20-88 | Spoken           | Roberts, Malcolm      | 27/10/2020    | 50           | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Unallocated or surplus funds   | <p>Senator ROBERTS: Thank you. I'm led to believe that registered employers have great difficulty in reconciling the payments made to entitled employees by Coal LSL as they don't seem to correlate to the employer contributions. Could you please detail the reasons for any differences between employer contributions and the total amounts paid to eligible employees and, in this regard, please advise where unallocated, surplus or remaining funds or hours are allocated and please advise whether this allocation complies with your constitution and governance framework? Have these matters been raised in any internal or external audit over the period 1 July 2012 to 30 June 2020?</p> <p>Ms Perks: The first part of the question I'm taking as being similar to a previous question; so we'll answer that in light of the previous question. Coal LSL is audited by the Australian National Audit Office annually. The audit has been completed. There are no findings in the audit and we've had no findings in our audit for the last two years. We can give you a copy of that audit report. It is included in our annual report, which is going through the tabling process currently; so that is available for the public's review.</p> <p>Mr Kembery: I note that in that question there were about five questions; so we'll take a number of those later ones on notice. I think the first point that you raised was in regard to employers struggling to correlate the reimbursement to the payment to employees; is that correct?</p> <p>Senator ROBERTS: Yes, that's correct.</p>   | 10/12/2020 |
| 124    | EEC-8E20-89 | Spoken           | O'Neill, Deborah      | 27/10/2020    | 52-53        | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Impact of casualisation on operations  | <p>Senator O'NEILL: That's of concern at any point of time but, given the COVID realises that we face right now—the nature of insecure work and people's inability to move around the country—that is of great concern to me and I think it's another example of the government not doing the job that needs to be done to give decent outcomes to hardworking people. Could I go to page 14 and page 16—I'm going to ask you these two in quick succession—on page 14, you state: <i>Maintaining fund sufficiency to meet our future liabilities—which is the payment of long service leave entitlements—is impacted by the success of our investment strategy.</i> The corporate plan says the targeted yield is five per cent. My question about that is: what impact has COVID had on your fund sufficiency and what is being done to make sure that that is maintained? We know that it has been rather volatile of late, and that was in your report in 2019 when it wasn't volatile. Also, on page 16 of the report, you state: <i>It is our role to ensure the definition of 'eligible employee' is correctly applied to employees of contractors, outsourced service providers and labour hire firms.</i> What impact has the rise of casualisation through labour-hire firms had on your operations? How has it affected your operations? Finally, would an objective definition of a casual in national legislation bring greater certainty to the role of the Coal Mining Industry (Long Service Leave Funding) Corporation?</p> <p>CHAIR: You will have to take those questions on notice because it is past quarter to four. I think representatives from the Coal Mining Industry (Long Service Leave Funding) Corporation for coming along.</p>  | 10/12/2020 |
| 125    | EEC-8E20-90 | Written          | Rennick, Gerard       | 3/11/2020     |              | Attorney General's - Industrial Relations                              | Complexity of industrial relations law possibly causing                              | <p>1. Given that, in recent years, we've seen underpayments from supposed employment law experts at Maurice Blackburn and large, sophisticated entities like the ABC, is it fair to say that the complexity of the IR system, rather than a deliberate or intentional desire to steal from employees, is a contributing factor to underpayments?</p>   | 10/12/2020 |
| 126    | EEC-8E20-91 | Written          | McKenzie, Bridget     | 3/11/2020     |              | Attorney General's - Industrial Relations (all agencies)               | Working from home workforce  | <p>1. What is the number of public servants working from home for each month from the Department/Agency?</p> <p>2. How has the Department/Agency measured increased, static or declining productivity and what are the conclusions from that measure?</p> <p>3. What is the number of sick days from the Department/Agency with a work-from-home workforce for each month of the lockdown and the corresponding sick days for the corresponding months in 2019?</p>  | 10/12/2020 |
| 127    | EEC-8E20-92 | Written          | Pratt, Louise         | 3/11/2020     |              | Attorney General's - Industrial Relations (all agencies)               | PM's Press Conference Warning of Sophisticated State Based Campaign of Cyber Attacks | <p>1. On Friday 19th June 2020 the Prime Minister held a press conference to tell the nation that a "sophisticated state-based cyber actor" was "targeting Australian organisations across a range of sectors including all levels of government, industry, political organisations, education, health, essential service providers and operators of other critical infrastructure."</p> <p>He further indicated that the purpose of this press conference was to "raise awareness of these specific risks and targeted activities and tell you how you can take action to protect yourself... It is vital that Australian organisations are alert to this threat and take steps to enhance the resilience of their networks."</p> <p>What steps did the Department/Commonwealth Entity take "to enhance the resilience of their networks" after the Prime Minister's warning?</p> <p>2. The Prime Minister's media release about this state sponsored campaign encouraged organisations to "take expert advice, and implement technical defences to thwart this malicious cyber activity."</p> <p>Were any additional technical defences implemented within the Department/Commonwealth Entity to enhance the resilience of its networks in the face of the specific threat identified by the Prime Minister?</p> <p>3. Were any additional controls or mitigations implemented within the Department/Commonwealth Entity to enhance the resilience of its networks in the face of the specific threat identified by the Prime Minister?</p> <p>4. Was any new staff training initiated to enhance resilience against any phishing attacks targeting staff that may accompany this state sponsored campaign?</p> <p>a. If so, please provide them to the committee.</p> <p>5. Were any internal communications prepared for staff about the threat of the state sponsored campaign identified by the Prime Minister in his June 19th 2020 press conference and what staff could do to maximise the cyber resilience of the Department/Commonwealth Entity's networks?</p> | 10/12/2020 |
| 128    | EEC-8E20-93 | Written          | Pratt, Louise         | 3/11/2020     |              | Attorney General's - Industrial Relations (all agencies)               | DMARC Implementation in Commonwealth Government Entities                             | <p>1. Has the Department/Commonwealth Entity fully implemented Domain-based Message Authentication, Reporting and Conformance (DMARC) on its email domains?</p> <p>2. Does the full implementation of Domain-based Message Authentication, Reporting and Conformance (DMARC) provide the most effective email domain mitigation against the threat of phishing emails?</p> <p>3. Has the Department/Commonwealth Entity worked with the Australian Cyber Security Centre to progress its implementation of DMARC?</p> <p>4. Has the Department/Commonwealth Entity received an appropriation for the implementation of DMARC?</p> <p>5. Does the Information Security Manual guidance for email gateways and servers recommend "DMARC records are configured for all domains such that emails are rejected if they fail SPF or DKIM checks"?</p> <p>6. The ACSC's "Malicious Email Mitigation Strategies" provides that "Socially engineered emails containing malicious attachments and embedded links are routinely used in targeted cyber intrusions against organisations."</p> <p>Is the Department/Commonwealth Entity concerned that the low levels of DMARC implementation within Commonwealth government departments revealed by Proofpoint leaves Australians unnecessarily vulnerable to phishing campaigns spoofing Commonwealth government agency domains?</p>  | 10/12/2020 |

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| 129    | EEC-8E20-94  | Written          | Pratt, Louise         | 3/11/2020     |              | Attorney General's - Industrial Relations (all agencies)               | APS Staff Cyber Security Training                                   | <p>1. Have APS staff in the Department/Commonwealth Entity received cyber security training?</p> <p>2. How many APS staff in the Department/Commonwealth Entity have attended in person cyber security training sessions?</p> <p>3. Who administers and conducts this training?</p> <p>4. Does the Department/Commonwealth Entity have a target for the proportion of active users of the Department/Commonwealth Entity's Network that have completed in-person cyber security training sessions?</p> <p>5. Has consideration been given to making cyber security training mandatory for users of the Department/Commonwealth Entity's Network?</p> <p>a. If so, what was the outcome of those considerations?</p> <p>6. What other forms of cyber security training does the Department/Commonwealth Entity provide?</p>  | 10/12/2020 |
| 130    | EEC-8E20-95  | Written          | Roberts, Malcolm      | 5/11/2020     |              | Attorney General's - Industrial Relations                              | Regulated abuses of casual coal production workers                  | Do the Fair Work Commission and Fair Work Ombudsman have a role to play in remedying or at least in identifying issues like the regulated abuses of casual coal production workers? Did either of these bodies provide either the Minister or the Department with timely advice, when were you first notified of this problem and what was recommended in detail please?  | 10/12/2020 |
| 131    | EEC-8E20-96  | Written          | Roberts, Malcolm      | 5/11/2020     |              | Attorney General's - Industrial Relations                              | Improper payment of casual black coal mine production workers       | Does the Minister understand that the issue of the improper payment of casual black coal mine production workers in the black coal mining industry has caused a huge problem for employers and a significant risk for Australia and please explain why this happened? Why was it not fixed sooner to save many businesses money?  | 10/12/2020 |
| 132    | EEC-8E20-97  | Written          | Roberts, Malcolm      | 5/11/2020     |              | Attorney General's - Industrial Relations                              | Enterprise agreements by union as both union and business owner     | Is the Department aware of enterprise agreements being made by a union as both union and business owner during the past ten years?  | 10/12/2020 |
| 133    | EEC-8E20-98  | Written          | Roberts, Malcolm      | 5/11/2020     |              | Attorney General's - Industrial Relations                              | Fair entitlements   | Is the Minister and the Department supportive of employees receiving back pay when an abuse like the casual black coal miners at BP's Mt Arthur mine has occurred? Will the Minister advocate for employees receiving their fair entitlements back up to 6 years? When will they be paid?   | 10/12/2020 |
| 134    | EEC-8E20-99  | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Protection of Coal Miners' rights                                   | Chandler Macleod Group (CMG) has refused to pay-out the balance of Mr Simon Turner's LSL entitlement when he requested same in 2018. I note that it is a unique feature of the Coal LSL scheme, that requires employees, not the Coal LSL Corporation to pay entitlements to employees when the employee is entitled to a benefit and makes a claim for that benefit. Mr Simon Turner requested his Coal LSL entitlements on the basis that he left the Coal Mining industry due to injury/illness. Whereas CMG maintain that Mr Turner left the Coal Mining industry due to termination. Why does Coal LSL not actually do something to protect the huge salaries its' executives are paid and step in to protect casual coal miners' rights? Minister what are you doing to fix this and when?  | 10/12/2020 |
| 135    | EEC-8E20-100 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Protection of Casual Coal Miners' rights                            | Mr Turner, like other abused casual coal miners, has been asking Coal LSL for help and his problem, like others, could be remedied by Coal LSL. If they acknowledged his injury/illness, rather than termination, Coal LSL has a duty to do this, as Coal LSL considers they don't have any ability to audit or to arbitrate the reason for leaving the industry provided by the employer. It is abundantly clear that Mr Turner was injured at work and designated TPD and cannot work due to his injury on a coal mine, this evidence has been repeatedly provided to Coal LSL - it would appear obvious to any reasonable person that Mr Turner left the coal mining industry due to injury - and therefore is eligible to access his accrued LSL entitlements. Coal LSL does not stand up for the rights of coal miners, even though it is controlled by the CMEU, why is that? Why don't you fix this issue and stand up for coal miners everywhere?   | 10/12/2020 |
| 136    | EEC-8E20-101 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Governance and audit arrangements around reporting of hours worked  | I have been advised that many major labour hire employers have, for at least a decade, systematically under-reported the actual number of hours worked by their employees in the monthly levy returns provided to the Coal LSL Corporation. Mr Turner has presented Coal LSL with hundreds of examples (including himself) of this practice as well as obtaining evidence under FOI from the Coal LSL Corporation regarding large labour hire operators such as Programmed, Chandler Macleod, One Key Resources, GPS, Stellar Recruitment and HAYS. Most, if not all of these labour hire entities exhibited systemic under-reporting of actual hours worked. Why has Coal LSL not applied appropriate governance and audit now or in the past?   | 10/12/2020 |
| 137    | EEC-8E20-102 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Inequity between permanent and casual coal miners                   | <p>There are two main issues about the differential treatment of casuals under the scheme:</p> <ul style="list-style-type: none"> <li>Different LSL pay rates between casuals and permanents: Casuals are required to pay into Coal LSL, and are eligible to take out of Coal LSL, at a lower rate than permanent employees on the same base rate of pay. That is because the regime requires casuals to pay in and take out of the scheme at their base rate, whereas a permanent employee pays in and takes out at the higher of their base rate of pay or 75% of their base rate plus penalties, overtime and allowances. The second rate will almost always be higher, meaning permanents get greater benefit from the scheme than casuals. It's not clear why the regime has differential treatment for these two calculations. They should really be the same formulation. This differential treatment is set out in Section 38 of the LSL Collection Act. Please explain and provide a copy of the formula used during 2019-20?</li> <li>Different scheme contributions between casuals and permanents: Casuals and permanents both accrue their entitlement to LSL at the same rate, which measured in hours (being a total of 455 hours for 8 years of service, calculated and accrued at a maximum amount of 35 hours per week, regardless of whether they are working). However, Coal LSL also takes a different approach to the calculation of the levy paid into the LSL scheme between casuals and permanents. A levy of 2% is paid in for permanents at a maximum amount of 35 hours per week. Because the LSL entitlement is accrued at a maximum of 35 hours per week, there is a symmetry to this. In other words, you only contribute for the hours you will be credited LSL entitlements for. However, the guidance note I provided you with last week takes a different approach for casual employees. The regime requires the levy contribution for casuals to be for all hours worked, not capped at 35 hours. Given both casuals and permanents get the same LSL accrual, it means that a casual is contributing a higher amount into the scheme to get the same amount back out when compared to a permanent employee. The inequity of this is best demonstrated with a back-of-the-envelope showing the amount contributed in compared to the amount taken out (ignoring time value of money and assuming the rate doesn't change for simplicity). At the current 2% levy, the different approach on hours means that a permanent employee contributes in 64% of the amount they are ultimately entitled to take out of the scheme, in comparison, a casual employee on the same base rate and working the same hours would contribute in 80% of the amount they are ultimately entitled to take out of the scheme. The difference comes entirely from the contribution by the casual for a levy on all hours worked rather than the cap of 35 hours for the permanent. Interestingly, the levy was only adjusted down from 2.7% in 2018. At that previous level, a permanent employee was contributing in 86.4% of their entitlement, but a casual was contributing in at 108%. At this previous levy rate, a casual contributed in more to the scheme than they ever could take out of it. Unlike the difference for the rate in the first bullet above, which is set out in 38 of the Collection Act, there is nothing in the act that substantiates this differential calculation - other than the guidance note. What's the rationale for this?</li> </ul> | 10/12/2020 |
| 138    | EEC-8E20-103 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Awareness of waiving Coal LSL scheme                                | Are casuals made aware that they can waive the Coal LSL scheme and have the contribution paid direct to them? As you will appreciate this would benefit a lot of casual coal miners that may not stay in coal mining for the 8-year qualifying period? Will Coal LSL now actively promote this option for casuals and if not why not?   | 10/12/2020 |
| 139    | EEC-8E20-104 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Employers registered with Coal LSL                                  | Please provide an Excel spreadsheet including all employers registered with Coal LSL covering the period 1/7/2012 to 30/6/2020 including Company/Business Name, ABN, Authorised Officer's, active dates, details of payments/reimbursements made to each registered employer for the period?  | 10/12/2020 |
| 140    | EEC-8E20-105 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | LSL funds   | Please provide details of where LSL funds received for workers who leave the coal industry are held at all material times, by whom and the details of the process following the cessation of contributions from employers. Please also include full details of where these funds are ultimately repatriated and full details of any service fees, costs or commissions are paid and who they are paid to?   | 10/12/2020 |
| 141    | EEC-8E20-106 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | LSL funds - transfers   | Please provide an Excel spreadsheet of all entities that Coal LSL pays or transfers funds to, including but not limited to, Company/Business Name, ABN, Authorised Officer's, dates and details of payments/reimbursements made to each entity including total payments, an explanation as to the payment e.g. fees, etc.   | 10/12/2020 |
| 142    | EEC-8E20-107 | Written          | Roberts, Malcolm      | 5/11/2020     |              | Agency - Coal Mining Industry (Long Service Leave Funding) Corporation | Review of employer compliance                                       | My previous estimates questions have identified a range of very concerning gaps in Coal LSL governance including employer misreporting and data validity. I note as the result that Coal LSL has instigated a review of employer compliance. Can you provide a copy of the terms of reference for this review, detail who is undertaking the review and report on the total number of discrepancies by employer/location/dollar value, how many were under or mis-reporting of employee data, how many cases of under-payment have been identified, have all cases been remediated, when will this work be completed and how many of the complaints that Coal LSL received have been substantiated?   | 10/12/2020 |
| 143    | EEC-8E20-108 | Spoken           | Pratt, Louise         | 26/10/2020    | 99           | Agency - Fair Work Ombudsman   | Proportion of JobKeeper requests for assistance by size of business | <p>Ms Parker: ... in terms of your question, in terms of our role we've commenced around 1,200 requests for assistance relating to the JobKeeper scheme provisions. That's just us; the tax office has had a lot more. As I said, they're responsible for the eligibility—whether someone is eligible to receive. So we assess those on a case-by-case basis and refer some to our compliance team.</p> <p>Senator PRATT: You haven't got any powers to force a business to apply for it, do you? That's a question for the ATO?</p> <p>Ms Parker: Yes, that's correct.</p> <p>Senator PRATT: What proportion of complaints have been from small, medium and large businesses?</p> <p>Ms Parker: We might not have that; I'll just check. We've got a small-business coronavirus helpline; that's been keeping people very busy during COVID. I might hand over to Mr Scully.</p> <p>Mr Scully: Sorry, we haven't got the break-up of requests for assistance that come in by category of authorisation. We certainly have it by the major—</p> <p>Senator PRATT: Perhaps you could take that on notice, in terms of the detail that you've got.</p>  | 10/12/2020 |
| 144    | EEC-8E20-109 | Spoken           | Pratt, Louise         | 26/10/2020    | 102          | Agency - Fair Work Ombudsman   | Public Sector self-reports  | <p>Ms Parker: There are also letters where information has gone to the public sector as well with the same sort of issues, the same requests to them as well, to check and audit their payrolls.</p> <p>Senator PRATT: To who?</p> <p>Ms Parker: To the Commonwealth public sector. We've done the same there.</p> <p>Senator PRATT: Thank you. I'd be very keen to know who in the public sector has reported breaches or who you found breaches in as well.</p>   | 10/12/2020 |
| 145    | EEC-8E20-110 | Spoken           | Sheldon, Tony         | 26/10/2020    | 111          | Agency - Australian Building and Construction Commission               | Exemption Application to QLD Chief Health Officer                   | <p>Senator SHELDON: Would you be able to make available a copy of your application and approval for entry into Queensland that was given to the chief medical officer?</p> <p>Mr McBurney: If appropriate red actions could be made if there are the names of witnesses for examinations or the names of any ABC staff below the level of SES, I will make both documents available.</p> <p>Senator SHELDON: That would be good. Thank you.</p>   | 10/12/2020 |
| 146    | EEC-8E20-111 | Spoken           | Pratt, Louise         | 26/10/2020    | 116          | Agency - Australian Building and Construction Commission               | Naming of employers   | <p>Mr McBurney: All of the \$1,117,330 recovered in the last financial year, as reported in our annual report in relation to those 1,741 employees, is from our audit activity and our reactive compliance work in response to complaints or inquiries and investigations we've conducted. None of that is referable to court action.</p> <p>Senator PRATT: Can you break down your 1,700 workers and more than \$1 million worth of entitlements by the number of employers?</p> <p>MR MCBURNEY: Yes it's the answer I gave earlier.</p> <p>SENATOR PRATT: Okay and can you take an notice which employers they were?</p> <p>MR MCBURNEY: Are you asking me to name the employers Senator?</p> <p>SENATOR PRATT: If possible?</p> <p>MR MCBURNEY: I'll take that question on notice.</p>   | 10/12/2020 |
| 147    | EEC-8E20-112 | Spoken           | Pratt, Louise         | 26/10/2020    | 116          | Agency - Australian Building and Construction Commission               | Breakdown of ABCR legal costs                                       | <p>SENATOR PRATT: In the past 12 months what's the total amount of legal costs, internal and external, incurred by the ABCR in proceedings commenced against employees, unions, and union officials.</p> <p>MR MCBURNEY: I may need to take that question on notice, but I'll just confer with my Deputy Commissioner Legal if he has that figure.</p> <p>SENATOR PRATT: And if you can compare that figure to legal costs for proceedings against employers and employer associations?</p> <p>MR MCBURNEY: Yes I can, so you're asking for a breakdown as to how much we've spent on legal expenses against employees and unions and officials, as against proceedings we've taken against employers and employer associations.</p> <p>SENATOR PRATT: Yes thank you.</p>   | 10/12/2020 |
| 148    | EEC-8E20-113 | Written          | Gallagher, Katy       | 10/11/2020    |              | Attorney General's - Industrial Relations                              | Workplace Support Program payment variation                         | <p>Finance Outcome 1 Workplace Support Program payment variation. In relation to the payment variation for the Workplace Support program on page 3-18 of Budget paper one:</p> <p>1. How many employees were assumed to lose their job due to the liquidation or bankruptcy of their employer?</p> <p>2. What was the increase in these numbers in comparison to the 2019-20 MYEFO baseline?</p>  | 10/12/2020 |
| 149    | EEC-8E20-114 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                              | Mr Tim Marney cost breakdown  | <p>1. Please provide the full cost and breakdown by week of all payments to Mr Tim Marney from the period 1 March 2020 to 5 November 2020.</p> <p>2. Please provide the total number of hours worked by Mr Marney during the above period.</p>  | 10/12/2020 |

| QON No | PDR No       | Spoken / Written | Question Submitted By | Question Date | Hansard Page | Outcome or Agency  | Subject   | Full Question Text   | Date Due   |
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| 150    | EEC-8E20-115 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Operation costs of the IR Secretariat Division                          | 1. Please provide the full cost to date of the operation of the Industrial Relations Secretariat Division within the Attorney-Generals Department.<br>2. Please provide the total number of FTE employees within the Industrial Relations Secretariat Division within the Attorney-Generals Department broken down per each month of its establishment.  | 10/12/2020 |
| 151    | EEC-8E20-116 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Independent Review of the temporary JobKeeper of the Fair Work Act      | 1. By what procurement process was the Nous Group engaged to undertake the independent review?<br>2. What was the total cost of the Review?<br>3. Are you satisfied with the robustness of the Review, particularly given the note of limitations (above)?<br>4. How was the survey sample drawn? That is, how were the participants identified?<br>5. Who provided the data for the survey participants?<br>6. How were they contacted?<br>7. According to the Report 22 interviews were conducted – what proportion of these interviews were employers versus employees?<br>8. How many employees were surveyed or interviewed?<br>9. Appendix C in the Report outlines the Employer Survey methodology but not the Employees – why is that?<br>10. How confident is the Department in the findings of this report?<br>11. Why was annual leave removed from the expanded JobKeeper flexibility provisions?<br>12. How many employees utilised the JobKeeper flexibility provisions up until September 28?<br>13. According to the report as at "late July" there had been 633 JobKeeper dispute applications to the Fair Work Commission and 184 which were actually heard by the Commission. Can you now provide the most up to date figures?<br>14. How many disputes went to arbitration?<br>15. How much of a role has arbitration played in this part of the JobKeeper scheme? | 10/12/2020 |
| 152    | EEC-8E20-117 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Fair Entitlements Guarantee   | 1. Please provide a breakdown of costs included within the additional \$35.3 million in funding for the FEG.<br>2. How much additional funding did the Department originally seek to manage the additional expected demand?  | 10/12/2020 |
| 153    | EEC-8E20-118 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Boland Review   | 1. Please provide a copy of all correspondence from the Minister for Industrial Relations to his state and territory counterparts in relation to the implementation of the Boland Review.<br>2. Please provide details of the recommendations of the Boland Review that have been implemented.<br>3. Please provide details of the recommendations of the Boland Review that are currently being implemented.<br>4. Please provide details of the recommendations of the Boland that have not been implemented.  | 10/12/2020 |
| 154    | EEC-8E20-119 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Work of the Safety and Industry Policy Division                         | 1. Please provide details of the work of the Safety and Industry Policy Division of Attorney-Generals<br>2. Please provide details of the work within the Safety and Industry Policy Division of Attorney-Generals?<br>3. Please provide details of their position and grade.  | 10/12/2020 |
| 155    | EEC-8E20-120 | Written          | Farrell, Don          | 6/11/2020     |              | Agency - Australian Building and Construction Commission | Enterprise agreement processing timeframes                              | 1. How long are the average timeframes for enterprise agreements to be approved by the ABCC from first request to final approval?<br>2. Can you separate out union versus non-union agreements – that is, the average timeframes for each from first request to final approval?<br>3. Is it correct that the recent EBA between the CFMEU and ProBuild in Victoria took 13 weeks to be approved by the ABCC?<br>4. Is it correct that an EBA between the CFMEU and ProBuild in NSW took more than 18 weeks?<br>5. Is it correct that the process of approval through the ABCC is just the first step for these agreements and they still need to go through the Fair Work Commission process?<br>6. If so, is that a satisfactory arrangement?<br>7. Have you suggested ways it could be improved so employees receive their agreed pay rises sooner?  | 10/12/2020 |
| 156    | EEC-8E20-121 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Outsourced contracts for IR Group                                       | 1. Please provide a list and details of all outsourced contracts within the Industrial Relations Group for the 2019/20 financial year and 2020/21 financial year to date.<br>2. Please provide a breakdown of numbers of Attorney-Generals employees within the Industrial Relations Group by:<br>a. Permanent full-time<br>b. Permanent part-time<br>c. Casual<br>d. Labour hire<br>e. Contractors  | 10/12/2020 |
| 157    | EEC-8E20-122 | Written          | Farrell, Don          | 6/11/2020     |              | Attorney General's - Industrial Relations                | Precarious employment and access to paid sick leave                     | 1. What percentage of the workforce is employed in casual work?<br>2. What percentage of the workforce is employed via insecure employment arrangements?<br>3. Is insecure work a problem in our economy and too high in Australia?<br>4. Pre COVID, what proportion of workers were unable to access paid sick leave?<br>5. Did the Department provide advice to the Minister for Industrial Relations regarding the issue of workers unable to access paid sick leave?   | 10/12/2020 |
| 158    | EEC-8E20-123 | Written          | Gallagher, Katy       | 6/11/2020     |              | Attorney General's - Industrial Relations (all agencies) | Expenditure on contractors  | Please provide the following figures:<br>a. Expenditure on all contractors for 2019-20<br>b. Expenditure on all contracts with labour hire firms for 2019-20<br>c. Headcount of staff engaged through labour hire arrangements as at 30 June 2020<br>i. In total<br>ii. As a percentage of total staff headcount<br>d. As a percentage mark-up on the cost of the contractor, the maximum and minimum fees paid to labour hire firms in 2019-20  | 10/12/2020 |
| 159    | EEC-8E20-124 | Written          | Gallagher, Katy       | 6/11/2020     |              | Attorney General's - Industrial Relations (all agencies) | Cost of engagement of contractors                                       | Has the agency performed any analysis on whether it costs more to engage staff as contractors compared with hiring staff as employees? If yes, please provide this analysis.   | 10/12/2020 |
| 160    | EEC-8E20-125 | Written          | Gallagher, Katy       | 6/11/2020     |              | Attorney General's - Industrial Relations (all agencies) | Engagement of Senior Executive Service on contract or labour hire basis | Has the agency engaged any Senior Executive Service or equivalent positions on a contract/labour hire basis? If yes, please provide details.   | 10/12/2020 |
| 161    | EEC-8E20-126 | Written          | Gallagher, Katy       | 6/11/2020     |              | Attorney General's - Industrial Relations (all agencies) | Contracts for market research   | In relation to contracts for market research:<br>a. How much has been spent to date since 1 January 2020?<br>b. How much has been spent since 24 August 2019?<br>c. Please provide a table with all contracts entered into since 1 January 2020 along with the following information:<br>i. Total contract value<br>ii. Supplier<br>iii. If it was approved by the Service Delivery and Coordination Committee   | 10/12/2020 |
| 162    | EEC-8E20-127 | Written          | Bilyk, Catryna        | 13/11/2020    |              | Agency - Safe Work Australia                             | Workplace dust diseases   | 1. Has Safe Work Australia had any discussions with employers, workers, registered organisations or state and territory workplace health and safety (WHS) authorities on further regulation to reduce the risk of workplace dust diseases such as silicosis?<br>2. If yes, have these discussions included the risk of workplace dust diseases contracted as a result of cutting stone products?<br>3. When have these discussions taken place, who has been involved and have the discussion been documented? Please provide dates, names of individuals and/or organisations involved and minutes, transcripts, communiqués or other document outcomes (if available).<br>4. Is there any work currently being undertaken to develop national regulations, or changes to the Model WHS Regulations, specifically aimed at reducing the risk of workplace dust diseases? What is the progress of this work?   | 10/12/2020 |
| 163    | EEC-8E20-128 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Executive Management  | In relation to executive management for the Department and its agencies, can the following be provided for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020:<br>a. The total number of executive management positions.<br>b. The aggregate total remuneration payable for all executive management positions.<br>c. The change in the number of executive manager positions.<br>d. The change in aggregate total remuneration payable for all executive management positions.   | 10/12/2020 |
| 164    | EEC-8E20-129 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Departmental functions  | In relation to expenditure on any functions or official receptions etc hosted by the Department or agencies within the portfolio for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, can the following be provided:<br>a. List of functions.<br>b. List of all attendees.<br>c. Function venue.<br>d. Itemised list of costs (GST inclusive).<br>e. Details of any food served.<br>f. Details of any wines or champagnes served including brand and vintage.<br>g. Any available photographs of the function.<br>h. Details of any entertainment provided.  | 10/12/2020 |
| 165    | EEC-8E20-130 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Customised and special-order furniture and office supplies              | For each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020, can the Department/agency advise the quantum spent on customised and special-ordered furniture and office supplies (excluding items such as ergonomic desks and chairs and items required for work, health and safety purposes). Please provide a full breakdown, descriptions and cost.  | 10/12/2020 |
| 166    | EEC-8E20-131 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Facilities upgrades   | 1. Were there any upgrades to facility premises at any of the Departments or agencies for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020. This includes but is not limited to: staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new fridges, coffee machines, or other kitchen equipment.<br>2. If so, can a detailed description of the relevant facilities upgrades be provided together with an itemised list of costs (GST inclusive).<br>3. If so, can any photographs of the upgraded facilities be provided.  | 10/12/2020 |
| 167    | EEC-8E20-132 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Staff travel  | What is the total cost of staff travel for departmental/agency employees for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.  | 10/12/2020 |
| 168    | EEC-8E20-133 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Legal costs   | What are the total legal costs for the Department/agency for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.  | 10/12/2020 |
| 169    | EEC-8E20-134 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Departmental staff allowances   | Can a list of Departmental/agency allowances and reimbursements available to employees be provided.  | 10/12/2020 |
| 170    | EEC-8E20-135 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Market research   | 1. Does the Department/agency undertake any polling or market research in relation to government policies or proposed policies.<br>2. If so, can the Department provide an itemised list of:<br>a. Subject matter<br>b. Company<br>c. Costs for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020<br>d. Contract date period<br>3. Can the Department/agency advise what, if any, research was shared with the Minister or their office and the date and format in which this occurred.  | 10/12/2020 |
| 171    | EEC-8E20-136 | Written          | Kitching, Kimberley   | 13/11/2020    |              | Attorney General's - Industrial Relations (all agencies) | Advertising and information campaigns                                   | 1. What was the Department/agency's total expenditure on advertising and information campaigns for each of the periods 1 July 2019-31 December 2019; 1 January 2020-30 June 2020 and 1 July 2020-30 September 2020.<br>2. What advertising and information campaigns did the Department/agency run in each relevant period. For each campaign, please provide:<br>a. When approval was first sought.<br>b. The date of approval, including whether the advertising went through the Independent Campaign Committee process.<br>c. The timeline for each campaign, including any variation to the original proposed timeline.<br>3. Can an itemised list of all Auslander Contract Notice numbers for all advertising and information campaign contracts in each period be provided.  | 10/12/2020 |

