



**Matt O'Sullivan**  
SENATOR FOR WESTERN AUSTRALIA

Ms Natalie James

Secretary

Department of Employment and Workplace Relations

Via email: [Nat.james@dewr.gov.au](mailto:Nat.james@dewr.gov.au)

Dear Secretary,

I write on behalf of the Opposition Senators ahead of the 2022-2023 Senate Supplementary Budget Estimates hearings which will take place on Wednesday 15 and Thursday 16 February 2023 to request that certain information is provided to the Committee in advance of these hearings.

As you would recall from the previous Senate Estimates hearing in November 2022, other Departmental Secretaries have provided Opposition Senators with requested information ahead of Senate Estimates, which not only assists Senators in their important role scrutinising Government expenditure but also the Department by ensuring that relevant information is on hand during the Senate Estimates process.

I request that the Department provides the follow specific information to the Education and Employment Legislation Committee by **12pm on Tuesday 14 February 2023**:

- 1) The Number and levels of staff currently employed by DEWR and all independent agencies within the portfolio including organisational structures;
- 2) Detailed breakdown of DEWR's Freedom of Information (FOI) requests and management. Please include how many staff are responsible in progressing

FOIs, the average days to process, the median days to process, how many have been received, and their status -whether approved in-full, in-part, refused;

- 3) A current list of all boards, commissions, statutory appointments within the portfolio including date of appointment and cessation. Please include any vacant positions, the reason for the vacancy, when it became vacant and for how long it is expected to be vacant;
- 4) A list of all ministerial submissions that have been created for the Minister to sign broken down by section, was it overdue, whether it agreed with Departmental advice or not, and how many have been received by the Minister's office;
- 5) All documentation relating to the consultation of DEWR by the Attorney-General's Department in relation to the settlement of the "Lendlease" matter by the Attorney-General;
- 6) Any correspondence received by the Department in relation to the consultation process of the *Fair Work Act (Secure Jobs, Better Pay) Bill 2022*;
- 7) How many compliance notices have been issued under the new Workforce Australia system;
- 8) The correspondence on consultation of the Workforce Australia Points-Based Activation System with contracted providers;
- 9) The number of Jobseeker recipients, how many are in each stream, how long they have been in the stream, when they first joined jobseeker;
- 10) The exchange of letters between the Fair Work Ombudsman and the Australian Building and Construction Commission in relation to the transfer of compliance and investigatory powers of the Building and Construction industry;
- 11) A list of all meetings between DEWR and staff of the former ABCC who were not transitioned into new roles;
- 12) A list of all meetings between DEWR and the Australian Council of Trade Unions and/or officials of their affiliated unions, including the file notes of any meeting and the purpose of the meeting;
- 13) Details of the consultation and development of the "employee-like forms of Work" policy paper as found in the Australian Article (attached);



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- 14) Most up to date data on the number of in training apprentices and trainees, broken down by gender, age, state, and electorate.
- 15) Provide answers to any outstanding Questions on Notice.

Please note that this list of topics is not exhaustive, and Opposition Senators will likely have a number of other questions referring to expenditure across the Employment and Workplace Relations portfolio.

Yours sincerely,

**Matt O'Sullivan**  
Senator for Western Australia  
9 February 2023

Cc – Committee Secretariat



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# Unions put in driver's seat: transport operators to pay



MELBOURNE, AUSTRALIA - NewsWire Photos, JULY 20, 2021. Tip truck drivers protest in Melbourne in pursuit of their claim for a fuel levy.. Picture: NCA NewsWire / David Crosling

EXCLUSIVE

by GEOFF CHAMBERS

Senior Political Correspondent

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Anthony Albanese is preparing to revive Labor's controversial road safety remuneration tribunal powers and set up a fight with 35,000 owner-driver truckies under a new industrial relations crackdown enabling the Fair Work Commission to set minimum standards" for road transport workers.

The Department of Employment and Workplace Relations has launched consultation with key stakeholders on the government's plan to introduce a safety net of entitlements and protections for those in "employee-like forms of work" and dependent contractors.

A leaked government document reveals Labor's second phase of IR reforms will resurrect RSRT-like powers demanded by the Transport Workers Union and NSW Labor senator Tony Sheldon, a former TWU national secretary and right-faction powerbroker. Despite a fierce backlash from owner-driver truckies who led protest marches to Canberra, the Gillard government established the RSRT in 2012 to set pay and conditions for drivers.

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The tribunal, which Labor and the TWU claimed would improve driver conditions, lower injuries and combat drug use, was abolished by the Coalition in 2016 over concerns it was discriminating against non-unionised businesses and forcing out mum-and-dad operators.

The Australian can reveal the Albanese government is accelerating its Jobs and Skills Summit pledge to "consider allowing the Fair Work Commission to set fair minimum standards to ensure the road transport industry is safe, sustainable and viable".

According to a department brief, the government's objective is that "all workers, regardless of their working arrangement, have access to a safety net of fair minimum entitlements and protections, while all businesses have the opportunity to compete fairly".

Key measures include allowing the Fair Work Commission to set "minimum standards for workers in the road transport industry", reviewing the definition of 'employee' under the Fair Work Act and providing "protections for independent contractors, including the capacity to challenge unfair contract terms".



Australian can reveal the Albanese government is accelerating its Jobs and Skills Summit pledge to “consider giving the Fair Work Commission to set fair minimum standards for road transport workers.

Workplace Relations Minister Tony Burke – who is leading a separate push to deliver Labor’s Same Job, Same Pay labour hire reforms – said there would be extensive consultation on these measures before we introduce legislation later in the year”.

“We made commitments at both the election and at the Jobs and Skills Summit for workers who currently have no minimum standards,” Mr Burke told The Australian.

Speaking to union delegates in August, Mr Burke credited TWU national secretary Michael Kaine with helping develop the “idea of giving a flexible power to the Commission”.

In closing gaps in the IR system to create a fairer framework for gig economy and road transport workers, Mr Burke told the TWU conference if “you’re like an employee in the work that you do, the Fair Work Commission will be able to determine the appropriate minimum pay and conditions for work”.

A Small Business Ombudsman inquiry into the effects of the RSRT, ordered by the Turnbull government in 2016, found that payment orders made long-distance and permarket distribution owner-drivers uncompetitive, contributed to some drivers risking their own lives and created a legal minefield for family-run businesses.

Opposition workplace relations spokeswoman Michaelia Cash, who led the abolishment of the RSRT in 2016, on Thursday accused the government of “putting the interests of its union paymasters above the interests of small and family businesses”.

...and that the Australian government is planning to effectively reintroduce the  
...Road Safety Remuneration Tribunal, putting the livelihoods of 35,000 small-  
...business owner-truck drivers at risk," she told The Australian. "This is all part of  
...labor's attack on flexible employment arrangements which suit both businesses and  
...employees. It is an attack on how thousands of businesses operate and will lead to  
...losses and business closures.

...will be bad for the economy, just like the radical industrial relations laws Labor  
...shed through the parliament."

...the government, which last month passed its Secure Jobs, Better Pay multi-  
...employer bargaining legislation despite warnings from business leaders it would  
...damage productivity and investment, has told stakeholders the FWC should set  
...minimum standards that are "fair, relevant, proportionate, sustainable and  
...responsive".

The standards should) reflect workers' independence and flexible working  
...arrangements; for example, choosing which tasks to accept and refuse, how to  
...undertake their work, where and when they work, and which businesses to contract  
...with," the department consultation brief said.



...Chaelia Cash says the plan could place the livelihoods of 35,000 small-business owners at risk and opposed the  
...roduction of the program.

...the standard-setting framework, which would "mitigate to the greatest extent  
...possible unintended consequences for workers, businesses, consumers and other  
...pects of the labour market", is intended to be "accessible, transparent, fair and  
...fer a high degree of certainty to affected parties".



... governments guiding principles include a commitment to ensure the national  
... system reflects “modern working arrangements and be capable of evolving with  
... merging forms of work and business practices”.

... ll workers should have access to minimum rights and protections regardless of  
... whether they are characterised as an employee or an independent contractor,  
... cluding access to freedom of association and dispute resolution,” the consultation  
... iefing said. “Businesses should benefit from a level playing field among industry  
... rticipants while promoting competition and innovation.”

... ator Sheldon, TWU national secretary from 2006 until his 2019 entry to  
... rliament, used his maiden speech to declare “I will not rest until this parliament  
... stores safe rates into this country”. A Senate committee, chaired by Senator  
... eldon, released a report in late 2021 recommending the Morrison government  
... ork with the TWU, transport industry and stakeholders to establish an  
... dependent body, such as a National Transport Tribunal.

... e select committee on job security said the tribunal would “review and set  
... inimum standards for safety, pay and conditions for all operators and workers  
... cluding contractors in the transport sector”.

... e Small Business Ombudsman inquiry, released in 2017, found the effect of the  
... RT payments order was “discriminatory in its application to owner-drivers and  
... all family businesses”. It found the payments order “resulted in owner-drivers in  
... e long-distance and supermarket distribution sectors being made uncompetitive  
... nd) exacerbated the competitive pressures already faced by owner-drivers”.

... here was significant uncertainty and anxiety for owner-drivers (and others  
... volved in the industry) about the application and impact of the payments order  
... ven its complexity and short implementation time,” the 2017 inquiry report said.  
... was reported to the inquiry that some owner-drivers found they were unable to  
... pe with further hardship caused by the payments order and took their own lives.”

### JOFF CHAMBERS, CHIEF POLITICAL CORRESPONDENT

... off Chambers is The Australian’s Chief Political Correspondent. He was  
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1 Cory



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**MaxPower** 1 WEEK AGO

Some people voted Labor (not me!). I do suppose they know that the unions created the Labor Party.

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**Captain Grumpy** 1 WEEK AGO

....and another factor that will cause price rises. Gotta love Labor's tactics to fight cost of living pressures. Lidia Thorpe has more idea about the economy than Albo, Burke and Chalmers.

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**GPH56** 1 WEEK AGO

Don't blame me, I voted Liberal !

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**Andre** 1 WEEK AGO

Strange how the same union leaders names come up decade after decade. Must be like vampires who shut down in the dark until a Labor government is elected so they can wake up and start taking over.

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**Les** 1 WEEK AGO

Albo may have no plan but the ACTU and unions do.

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**Charles J** 1 WEEK AGO

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ANDREW 1 WEEK AGO

This is nothing whatsoever to do with road safety or remuneration, it is only about increasing union membership.

It will kill off thousands of owner driver businesses, make road transport less productive and more expensive. It will have amjaor impact, in particular, on regional Australia.

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Peter 1 WEEK AGO

Having escaped a mostly union governed country in the 70s, when the trains went on strike ahead of the holiday season, the power suppliers went on strike ahead of winter, it was a relief to come to country where everyone had a fair go. Yes, since a regression is happening.

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Labor bowing to their union masters as usual. If you expected different.....sigh.

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Deakin 1 WEEK AGO

Well I agree with the Government. This is a vital industry and we need professional drivers and enforced safety standards, not dangerous cowboys.

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Frank 1 WEEK AGO

Give us some evidence about the 'dangerous cowboys'...

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Jazzy from WA 1 WEEK AGO

Didn't take very long for the second instalment of union led government to be rolled out. As usual the Greens will go along with the bill in the Senate as they are also being partly bankrolled by Unions Inc. What hope does the normal person have against this cabal?

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