

COMMITTEE INQUIRY QUESTION

(Question No. 5)

Senator Marielle Smith asked the Department of Defence, upon notice, on 17 November 2021:

Marielle Smith: Do you know if the workers in France signed a waiver from consular assistance?

Tony Fraser: I'm not aware.

Greg Sammut: I'm not aware.

Tony Fraser: We'll check for you.

Marielle Smith: Can you please check for me and come back to the committee on that. As I understand it, the contracts have specific penalties if they resigned before agreed periods of time. Were there any provisions within these contracts for termination if the whole contract fell through between the two nations?

Greg Sammut: I'm not quite following your question. Which contracts are you talking about?

Marielle Smith: Their employment contracts. So, if these workers resigned before their agreed time periods of service in their contract, they would have been subjected to penalties under those contracts. I want to know if under those in their employment arrangements there were provisions for the termination of whole of contract. Were they protected in any way in their employment decisions for an event like the AUKUS decision and announcement?

Greg Sammut: The principle on which we are seeking to continue an offer of employment for these people is no worse off. Those will vary according to the different companies and the different conditions for each of them, but they'll be no worse off under the arrangements we make for them.

Marielle Smith: I appreciate you need to come back to me on the consular assistance question but if we have workers in France that would not have the normal mechanisms they would normally have and stuck in another country, we need to make sure they are receiving every help and support from defensive that they can be. I'd appreciate you taking that question on notice about consular assistance and the other questions I've raised here, but I'm happy to hand over the call for the moment to does and perhaps come back.

Tony Fraser: I'll provide an immediate response if I might. Defence has quite extensive support through Defence personnel group and others reaching out to the people as best we can. And as a matter of principle any Australian overseas we're seeking to look after. I'll take your question on notice, but I would not like the committee and those monitoring to think that we're not do everything we can to support employees.

Marielle Smith: I appreciate that. I'm concerned there might have been a waiver of consular. That's the heart of my concern here. I appreciate your concern for the workforce, but it comes from the same place here too so if you could get that information to me and the committee that would be great.

Tony Fraser: I appreciate your concern.

The Department of Defence has provided the following answer to the Senator's question:

Naval Group Australia has advised that Naval Group Australia employment contracts do not seek nor require Naval Group Australia employees to waive their right to seek consular assistance. Further, Naval Group Australia employees are not subject to ‘penalties’ as a result of the decision to terminate and close down the Attack class submarine program.

The Sovereign Shipbuilding Talent Pool will provide a broad safety net to Australian-citizen employees of Naval Group Australia and Lockheed Martin Australia who are directly affected by the decision to no longer proceed with the Attack class submarine program. The safety net will cover all skilled shipbuilding employees, regardless of employment categorisation – including full-time, part-time, casual and fixed-term contract employees. All offers of employment are made on a ‘no-worse-off overall’ basis.