



Australian Government
Office of Workplace Services

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National Office

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14 February 2007

The Honourable Peter Slipper MP
Chairman
Standing Committee on Legal and
Constitutional Affairs
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Slipper,

Re: NT Statehood Seminar – Darwin Hearing – 16 November 2006

I am writing in response to comments made during the Hearing on the implications of statehood for the Northern Territory, on the 16th November 2007, by Mr Justin Larkin, NT Workplace Advocate, regarding the Office of Workplace Services (OWS).

Mr Larkin is quoted as saying:

“So, why don't people go to OWS and seek to have their problems resolved there? OWS has made much of its prosecutions and how much money has been recovered for employees. Repeated statements have come from the Commonwealth about the punishment that is meted out to non complying employers.”

Unfortunately, we do not see this kind of crusading zeal in the Northern Territory. In fact, we have received a report of OWS telling a worker that her underpayment of \$60 a week was not worth pursuing. Sixty dollars a week can be the difference between paying a mortgage and not. It does not seem like an insubstantial amount to me, particularly if that accrues over a period of 12 or 18 months. Another complainant showed us an email where the OWS told her that OWS had no ability to resolve her claim because her employer had refused to pay. I have to stress that I have the highest regard for the NT manager of OWS. We think she does her job very well. However we think the system she has at her disposal to help working families has some major gaps.”

In an effort to correct the record, I advise that in relation to OWS allegedly telling a worker that her underpayment of \$60 a week was not worth pursuing, the OWS does not have a record of having provided such advice. The OWS pursues all underpayments for workers for matters that fall within the jurisdiction of the *Workplace Relations Act 1996* (WR Act) and does so regardless of the amount.

As to a complainant being advised that the OWS had no ability to resolve her claim because her employer had refused to pay, I understand that while this advice was given, on 26 October 2006, it was incorrect. As soon as the error was identified, the OWS reopened the matter on 10 November 2006 and the claimant was advised of this action by letter on the same day. The OWS is continuing to pursue the matter for the claimant.

On the remaining matter raised, that the OWS in the Northern Territory does not display the same 'crusading zeal' as elsewhere, I advise that the evidence does not support this statement. The Office of Workplace Services has allocated 10 staff to its Northern Territory Office. Its recoveries of underpayments in the Northern Territory from 1 July 1997 to 31 January 2007 exceeded \$2.13m. It has investigated nearly 2000 matters and has recovered amounts for individual claimants ranging from \$27 to \$19,488 each. The Office has conducted over 300 employer audits, resulting in the recovery of an additional \$128,626 for employees, and in the current financial year has conducted compliance educative visits around the Territory, including in Alice Springs, Nhulunbuy, Jabiru and Katherine.

I trust this information assists your enquiry and thank you for the opportunity to provide this to the Standing Committee. Should further information be required please do not hesitate to contact me.

Alfred Bonggi
Deputy Director