

**Joint Standing Committee on Electoral Matters****QUESTIONS ON NOTICE****Agency - General Manager, Fair Work Australia****Hansard page 1****Question**

**CHAIR:** We have been asked by the Special Minister of State to look at the issues concerning the operation of the Electoral Act in light of the advice from the Electoral Commissioner, which might be considered for possible remedy. I suppose my interest, Ms O'Neill, is in whether there are any remedies that we should be looking at in relation to the act that you oversight and that could also assist in relation to the principles that we are looking at in terms of electoral disclosure and timely reporting. If you are unable to provide any advice in relation to that and need to take that on notice, please feel free to do so. But it seems to me that there might be other acts that we should be looking at in conjunction with the Electoral Act.

**Ms O'Neill:** I will take it on notice.

**Answer**

Fair Work Australia has provided the following response:

Fair Work Australia has not identified any proposed amendments to the *Fair Work (Registered Organisations) Act 2009* that could improve the operation of the *Commonwealth Electoral Act 1918*.

## Joint Standing Committee on Electoral Matters

### QUESTIONS ON NOTICE

Hansard pages 4 to 5

#### Question

**Ms O'Neill:** The delegate, Mr Nassios, had carriage of the inquiry and the subsequent investigation at all times.....

**Mrs BRONWYN BISHOP:** I know about him. How many other people?

**Ms O'Neill:** I have provided this information in response to questions on notice and information for the estimates process.

**Mrs BRONWYN BISHOP:** Then you must have it ready at hand.

**CHAIR:** We are not going to have a memory test, here. Ask your questions. If Ms O'Neill cannot give you the answer immediately we will take them on notice. This is not going to be a contest where we do anything other than extract evidence. Ask your relevant questions. If the answers are on Senate estimates, then you refer to that, Ms O'Neill, and you can provide them in a supplementary submission.

.....  
**Ms O'Neill:** The other officer who was principally involved was another senior employee of Fair Work Australia, who worked on the inquiry and investigation for its entirety and was assisted by solicitors—a particular solicitor in the main, but with assistance from the Australian Government Solicitor.

**Mrs BRONWYN BISHOP:** Three people worked on it.

**Ms O'Neill:** With some additional assistance from time to time, but they were the principal—

**Mrs BRONWYN BISHOP:** How many were those? If you could take it on notice and let me know exactly how many people worked on it and what they did, who was full time, who was part time, what period they worked and what their job was.....

**Ms O'Neill:** I will take that on notice.

#### Answer

At the Senate Education, Employment and Workplace Relations Legislation Committee Estimates on Monday, 28 May 2012, Fair Work Australia provided evidence as to the number of staff who assisted with the investigation into the Health Services Union.

On page 9 of the Hansard of those proceedings, Fair Work Australia gave evidence that Mr Terry Nassios and Ms Ailsa Carruthers were the main staff members involved in the Health Services Union investigation. Other staff members were involved in small pieces of work from time to time.

Ms Carruthers advised, on page 10 of Hansard, that she worked on both investigations, at first part time and then full time in 2009. She also advised that external legal assistance was provided.

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**QUESTIONS ON NOTICE**

**Hansard page**

**Question**

**Mrs BRONWYN BISHOP:** .....On what date did Fair Work Australia first contact Craig Thomson?

**Ms O'Neill:** I do not have that information.

**Mrs BRONWYN BISHOP:** So you will take that on notice as well?

**Ms O'Neill:** Just to clarify, is your question contact of any kind? Is that the question?

**Mrs BRONWYN BISHOP:** Interview him for the inquiry.

**Ms O'Neill:** I will take that on notice.

**Answer**

Fair Work Australia has provided the following response:

The delegate, Mr Terry Nassios first contacted Mr Craig Thomson via letter dated 23 August 2010 inviting him to attend an interview. The interview itself was conducted on 15 September 2010.

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**QUESTIONS ON NOTICE**

**Hansard page 7**

**Question**

**Mrs BRONWYN BISHOP:** Is there any reason why this committee has not been given a copy of the BDO Kendalls report? It is supposed to be an annexure to your report; we do not have it.

.....  
**Mrs BRONWYN BISHOP:** But I am asking you, as someone appearing before this inquiry, which we have been asked to look into by the minister, if you will provide us with that report please.

**Ms O'Neill:** I will take that on notice, if I may.

**Answer**

Fair Work Australia has provided the following response:

The BDO Kendalls report that comprises Annexure J of the delegate's report is attached as requested by the Committee.

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**QUESTIONS ON NOTICE**

**Hansard page 7 and 9**

**Question**

***Page 7***

**Mrs BRONWYN BISHOP:** Are the transcripts of these interviews available?

**Ms O'Neill:** .....If you asking me to provide this committee with a copy of them, I will take that on notice in a similar way.

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**Mrs BRONWYN BISHOP:** Mr Nassios directly interviewed both Mr Burke and Ms Stevens, so there must be transcripts available of these interviews. I would ask for those transcripts.

**Ms O'Neill:** I will take that on notice in the same way as I have in respect of the other matters.

**Answer**

Fair Work Australia has provided the following response:

The transcripts of all interviews conducted during the course of the delegate's inquiry and investigation are attached as requested by the Committee. These transcripts are referenced at page ten of the delegate's report.

## Joint Standing Committee on Electoral Matters

## QUESTIONS ON NOTICE

Hansard page 10

**Question**

**Ms O'Neill:** I do not think that is the case. There are also financial reporting guidelines that are issued that provide some further information. I will take that on notice but, again, I would not see any issue in providing the committee with a copy of those guidelines.

**Mrs BRONWYN BISHOP:** You are taking on notice that you will provide us with the guidelines?

**Ms O'Neill:** Yes.

**Answer**

Fair Work Australia has provided the following response:

The current Reporting Guidelines for the purposes of section 253 of the *Fair Work (Registered Organisations) Act 2009 (Act)* that commenced operation on 1 November 2004 are attached as requested by the Committee. For the sake of completeness, the previous Guidelines that commenced operation on 1 July 2003 are also attached.

Note that the Reporting Guidelines for the purposes of section 270 of the Act are not attached given that they only apply in limited circumstances where a section 270 certificate has been issued. The certificate may only be issued to an organisation that is a single reporting unit that had an income of less than \$100,000 for the applicable financial year.