

# Senate Community Affairs Legislation Committee

## BUDGET ESTIMATES - 4 JUNE 2013 ANSWER TO QUESTION ON NOTICE

### Human Services Portfolio

**Topic:** Union Right of Entry Notices

**Question reference number:** HS 12

**Senator:** Fifield

**Type of question:** Hansard pages 75-76

**Date set by the committee for the return of answer:** 26 July 2013

**Number of pages:** 2

#### Question:

a) Senator FIFIELD: I will continue. I will go to the issue of right-of-entry notices. In the 2012 budget estimates the department advised that the CPSU had sought right of entry on 78 occasions for meetings with members, but I do not think it was indicated at that estimates over what period of time that was. It may have been over a year. Does someone have that—

Ms Campbell: Are you looking for an updated figure or just a time frame?

Senator FIFIELD: Both. What period did that 78 cover and could I get an update for the year to date?

Ms Bennett: We would have to take that on notice.

Senator FIFIELD: What period does the 78 cover?

b) Senator FIFIELD: I think in response to the question on notice where we got the 418 number from for 2011-12 it said that the purpose was to hold general discussions with staff. For the 418 for 2011-12, or for the 430 since January this year, are you able to break it down into any further subcategories?

Ms Bennett: That is the purpose for which the right of entry is given under the legislation and that is the only information that we would have: to have discussions with staff.

Senator FIFIELD: So, you would not know if it was for the purposes of investigating an alleged contravention of the Fair Work Act?

Ms Bennett: To break that down further we would have to take that on notice.

c) Senator FIFIELD: Could the department take on notice and provide a copy of all CPSU right-of-entry permits—well, the 430 since January this year.

Ms Campbell: We can take that on notice.

Senator FIFIELD: Could I have them for 2011-12 and also for 2012-13 year to date?

Ms Campbell: We will take that on notice.

d) Senator FIFIELD: Would you also happen to have to hand how many right-of-entry notices the department received from the CPSU in 2010-11?

Ms Bennett: It is unlikely, because the department became integrated on 1 July 2011 and those records would have gone to the individual agencies that made up, and we integrated our HR systems in October of that following year; it would require us to manually go through past records. So, it would not be as readily available or necessarily recorded in the same sort of manner across the organisations.

Ms Campbell: It was sometimes decentralised in those previous organisations and therefore we may not be able to give an apples-with-apples comparison.

Senator FIFIELD: If it is possible, good; if it is not possible and would not be complete, then not. But we have got the figures for 2011-12 and 2012-13 to date, but could you take on notice getting copies of those right-of-entry permits.

**Answer:**

- a) The figure of 78 is for the period 1 February 2012 to 24 April 2012.  
For the year to date, 586 Right of Entry notices have been received.
- b) All Right of Entry notices for the 2011-12 and 2012-13 financial years have been for the purpose of *entry to hold discussions*. These notices have been given to the Department under section 484 of the *Fair Work Act 2009*.  
The Department has not received any notices under section 481 of the *Fair Work Act 2009* during the 2011-12 or 2012-13 financial years for the purposes of *entry to investigate a suspected contravention*.
- c) The notices are held throughout the Department and the retrieval of a copy of all notices requested would represent an unreasonable diversion of resources.
- d) The notices are held throughout the Department and the retrieval of a copy of all notices requested would represent an unreasonable diversion of resources.