

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2016 - 2017

Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-001474

Senator Paterson asked on 02 March 2017 on proof Hansard page 16

Question

FWC - Unions affiliated with the Australian Labor Party

Senator PATERSON: It is also the case that a union affiliated to the Australian Labor Party would have more votes in an internal Labor Party forum if it had more members, isn't it?

Mr Enright: That is an allegation that has been aired publicly in newspapers and other media reports that I have read. Again, it is not the Fair Work Commission's perspective. It is allegations that we are aware of, and we need to be aware of them because we are very interested in ensuring a high rate of compliance by organisations with their membership reporting.

Senator PATERSON: Are there any other unions at the moment that you are investigating in this manner?

Mr Enright: I would be reluctant to disclose that. Perhaps I could take that on notice. The inquiries being conducted by the commission may or may not be in the public forum; the ones that we have discussed here are. I would take that on notice.

Senator PATERSON: Why would you be reluctant to disclose it?

Mr Enright: Every regulator, I imagine, would be conducting inquiries on any number of topics and it may be in the interests of any inquiries being conducted that that matter not be revealed to the public at any particular time.

Answer

The delegate of the General Manager of the Fair Work Commission is conducting a formal investigation under s. 331 of the *Fair Work (Registered Organisations) Act 2009* (the Act) into various matters regarding The Australian Workers' Union (AWU), including membership reporting. This investigation is related to a referral from the Royal Commission into Trade Union Governance and Corruption.

The General Manager's delegate is also currently pursuing separate informal enquiries regarding membership reporting by:

- the AWU (separate to the subject of the Royal Commission referral); and
- the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU).

Following an investigation under s.331 of the Act, the General Manager commenced proceedings in the Federal Court of Australia against the Transport Workers' Union of Australia (TWU) in *General Manager of the Fair Work Commission v Transport Workers' Union of Australia* (NSD 2041/2016). These proceedings relate to particular membership records kept by the TWU's Western Australian, Queensland and New South Wales Branches.