

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Budget Estimates 2014-2015**

Agency - Fair Work Commission

Department of Employment Question No. EM0779_15

Senator McKenzie provided in writing.

Question

FWC - RSRT Industry Members - conflicts of interest

- Given that several RSRT Industry Members also are closely associated with, if not being paid by, organisations that have presented evidence to the RSRT have any members declared conflicts to the President? If so, Please provide details.
- Has the President considered under s.99 of the RSR Act considered any conflicts of interests? Please provide details.
- Has the President used her powers under s.102 of the RSR Act? If so, please provide details.

Answer

Section 102 of the *Road Safety Remuneration Act 2012* states:

Disclosure of interests

(1) This section applies if:

(a) a member of the Tribunal (other than the President) is dealing with, or will deal with, a matter; and

(b) the member has or acquires any interest (the **potential conflict**), pecuniary or otherwise, that conflicts or could conflict with the proper performance of the member's functions in relation to the matter.

(2) The member must disclose the potential conflict to the President.

(3) If the member does so, the member may only deal, or continue to deal, with the matter with the President's approval.

(4) The President must direct a member of the Tribunal not to deal, or to no longer deal, with a matter if:

(a) the President becomes aware that the member has a potential conflict in relation to the matter (whether or not because of a disclosure referred to in subsection (2)); and

(b) the President considers that the member should not deal, or should no longer deal, with the matter.

(5) To avoid doubt, subsection (4) applies to a member even if the President has previously given approval to the member under subsection (3).

Section 99 of the *Road Safety Remuneration Act 2012* states:

Outside work of industry members

An industry member must not engage in any paid work that, in the President's opinion, conflicts or may conflict with the proper performance of his or her duties.

The President of the Road Safety Remuneration Tribunal has advised that no cause for the application of these provisions has arisen.