

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014-2015

Agency - Fair Work Ombudsman

Department of Employment Question No. EM0808_15

Senator Cameron asked on 2 June 2014 on proof Hansard page 11

Question

FWO - Engagement with ASIC

Senator CAMERON: Have you had any engagement with ASIC? Ms James: I have not. Senator CAMERON: You have not had any engagement with ASIC? Ms James: Personally, I have not. As I have said, our senior officers do on a semi regular basis. We contribute and participate in a number of forums together and there are a number of matters— Senator CAMERON: Can you want to take on notice what those forums were and provide that detail? Ms James: I am happy to, Senator. Senator CAMERON: But I am talking about sham contracting. You, as the executive officer of the Fair Work Ombudsman, have never had any discussions with ASIC on the implications for wages and conditions arising out of that investigation into sham contracting? Ms James: Personally, I have not. I am fairly confident that our officers would have, including at a senior level. I do not have the details with me. Senator CAMERON: Okay, what senior officers are here who have engaged with ASIC? Where are they? Ms James: As I said, I would like to give you a comprehensive and accurate response to your question, so I am happy to take it on notice. The answer to your question about my personal engagement is that I have not. Senator CAMERON: Okay, that is fine. Ms James: I am happy to take on notice the part of your question that goes to others. Senator CAMERON: Mr Campbell, have you had engagement with ASIC? Mr Campbell: No. Senator CAMERON: Have any of your direct line executives had any engagement with ASIC? Mr Campbell: I am not aware that they have. That is not to say that they have not. I defer to Ms James on the issue of taking your question on notice so we can effectively answer it. Senator CAMERON: You are the two senior compliance officers, basically. Your role is compliance. You are the two most senior officers in the Fair Work Ombudsman, and neither of you have engaged with ASIC on the issue of sham contracting. Is that correct? Ms James: I think we have already answered that question. The answer is no. Senator CAMERON: I am asking Mr Campbell. Ms James: The answer was either of us. I have answered that question, and I have said no. I believe that is for Mr Campbell as well. Senator CAMERON: Mr Campbell, to be clear, you have not either? Mr Campbell: No. Senator Abetz: The question has been taken on notice, Chair. That should be the end of it.

Answer

The Fair Work Ombudsman has not had any discussions or engagements with ASIC specifically in relation to sham contracting.

The Fair Work Ombudsman meets with ASIC regularly and has an ongoing arrangement for the sharing of information regarding phoenixing activity and other

alleged Corporations Act breaches. The Fair Work Ombudsman also attends inter-agency forums with ASIC and other government agencies.

In the 2013-14 year to date (to 30 May 2014) the Fair Work Ombudsman has referred four matters involving suspected phoenix activity to ASIC.