

**Senate Standing Committee on Education and Employment**

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

**Agency - Fair Work Ombudsman**

**Department of Employment Question No. EM0810\_15**

**Senator Cameron asked on 2 June 2014 on proof Hansard page 20**

**Question**

**FWO - Potential breaches**

Senator CAMERON: If we are using analogies, the analogy that jumped to my mind immediately was that Al Capone, who went to jail for tax breaches and not for murdering people. It is not as simple as to say that if there are breaches of the law, they should simply be pushed aside to another agency. This is the point that I'm making: you have obligations, Ms James, under the act. I take the view that those obligations, even under the act and this memorandum, are not being complied with. You cannot tell me whether workers have pay slips on this job. You can't even tell me that. So you can take on notice, if you like, and give me details of all the potential breaches that could be in place at Roy Hill of the Fair Work Act when somebody is not being paid effectively. What are the issues that you could look at? It is a reasonable question. What are the areas that you could look at? Mr Campbell: We can look at any contravention of the Fair Work Act or any one of many instruments made under that legislation or the legislation prior to that, which could apply to any number of workers

**Answer**

The Fair Work Ombudsman is established by section 681 of the *Fair Work Act 2009* (the Fair Work Act). Amongst other responsibilities, the Fair Work Ombudsman:

- a) assists employees and employers to understand their rights and obligations;
- b) investigates complaints; and
- c) promotes and monitors compliance with Commonwealth workplace laws.

The potential breaches the agency could investigate in relation to a particular workplace could come from the rights and obligations contained in the Fair Work Act, industrial instruments, such as an award or enterprise agreement, or other Commonwealth workplace laws.