

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014-2015

Agency - Fair Work Ombudsman

Department of Employment Question No. EM0811_15

Senator Cameron asked on 2 June 2014 on proof Hansard page 22

Question

FWO - discussions with CFMEU

Senator CAMERON: Can you provide details of all of the discussions, times et cetera, of the discussions with the CFMEU on this matter? Also with any whistleblower on this matter? Mr Campbell: I can answer the second part now. There has been no conversation with the whistleblower. With the conversation with the CFMEU, I would just make the comment that we have conversations with representatives from industrial associations, employers and unions, quite regularly. I am not sure that I want to get into the habit of having to identify those conversations every time they take place. They are very positive. They assist us in doing our work. Senator CAMERON: That is not what I am asking you. I am asking you whether you have had discussions with the CFMEU on the issues that have been raised in this letter to the minister. It is a simple question. Mr Campbell: I said that I believe there has, and I am happy to check. Senator CAMERON: Then I am simply saying, if you believe you have, provide details of when those discussions took place, who the discussions were with— Mr Campbell: Do you want me to name the officers of the CFMEU? Senator CAMERON: Yes. I am happy for that. I don't think the CFMEU would have any problem with that. Ms James: We would ordinarily, I think, check with the third party before divulging that kind of information. Senator CAMERON: Well, you can ask the CFMEU. I am simply asking for details of when you engaged. Because what I am very worried about is that we are going to get lots of breaches falling through the cracks when, on the one hand, Mr Hadgkiss from the fair work building commission says, 'I'm not going to investigate these issues. Here, have responsibility for them.' Then you say, 'I don't have responsibility for these issues. I am handing them over to immigration.' Now, there is huge potential for breaches of the act and the regulations to fall through the cracks in this sort of handover, pass the parcel approach that is in place. So I am not confident that, given the responses that you have given today, there are issues that you have responsibility for not being dealt with effectively and appropriately. I would like you to come back and convince the Senate that your obligations under the act are being met. Mr Campbell: As we have talked about many times in this committee, we have investigated a number of complaints from 457 visa holders. I think so far this financial year we have investigated somewhere in the vicinity of 322. While that is not a huge number in the overall proportion of the complaints we have received, it is still a significant number, and it is something that we invest resources in and take very seriously. The fact that you have found one investigation that we have referred to DIAC doesn't suggest that there is a game of pass the parcel going on. Senator CAMERON: I am not asking for your analysis of that. Mr Campbell: I think that you invite it. Senator CAMERON: I am simply asking you to provide the details. You have taken that on notice. It would be good if you could do that.

Answer

On 31 March 2014, Mr Michael O'Connor, National Secretary of the CFMEU wrote to Minister Abetz requesting an urgent investigation into the alleged exploitation of subclass 457 visa holder workers, employed by Samsung Construction and Trading at the Roy Hill project in Western Australia.

As the allegations predominantly relate to potential contraventions of migration laws, the Fair Work Ombudsman referred the matter to the Department of Immigration and Border Protection (DIBP).

Between 1 April 2014 and 17 May 2014, the Fair Work Ombudsman has been in contact with officers from the CFMEU both in writing and over the phone on five occasions in relation to this matter.