

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2016 - 2017

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000799

Senator Williams asked on 06 May 2016 on proof Hansard page 72

Question

FWC - RSRT - Rights of witnesses giving evidence

Senator WILLIAMS: I understand that a number of owner-drivers were asked to give evidence about their commercial arrangements. What steps did the tribunal take to inform these witnesses of their right to seek to have this evidence given in confidentiality, given that their competitors, including Toll and Linfox, were present in the courtroom? Do you understand what I mean by that? They were told to give their commercial information, yet their competitors Linfox and Toll—big trucking companies in Australia—were actually present in the courtroom.

Ms O'Neill: Yes. Again, I will have to take that on notice.

Answer

What steps did the tribunal take to inform these witnesses of their right to seek to have this evidence given in confidentiality, given that their competitors, including Toll and Linfox, were present in the courtroom?

The Statement and Directions of the Road Safety Remuneration Tribunal (RSRT) seeking submissions and comments from parties reminded parties that they could seek that the RSRT not publish confidential or commercially-sensitive issues.

Further, below is an excerpt taken from the published transcript of proceedings on 26 March 2016. Mr Parke was giving witness evidence via telephone.

'PN2601

PRESIDENT ACTON: Do you wish to have that information made confidential, Mr Parke?---I don't understand - I'm not a legal person, I'm sorry, I don't understand what we're - - -

PN2602

You don't want to tell me for reasons of commercial sensitivity, is that right?---That is correct, yes.

PN2603

Then I can make an order that you can do so and the information will be transcript in-confidence and we'll clear the court room. Do you wish to make that application?--- Yes, I do, because I cannot answer the question at the moment because I don't want to incriminate anybody.

PN2604

I'll order the court room to be cleared.'