

Senate Standing Committee on Economics
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Budget Estimates Hearing 2011-12
30 May 2011

AGENCY/DEPARTMENT: COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

TOPIC: Federal Court Case

REFERENCE: Written Question – Senator Colbeck

QUESTION No.: BI-77

- 1) Is it true that a Federal Court case was recently launched against CSIRO by a former employee, a scientist in CSIRO Entomology, who was recruited from Europe to join the organisation?
- 2) If so:
 - (a) On what date was that court action initiated, and what is the current status of the case?
 - (b) Does the case contain allegations of workplace bullying and harassment? Is it correct that these allegations were independently investigated, and that the independent investigation(s) confirm the original allegations?
 - (c) If the independent investigation(s) confirmed the original allegations, what form of disciplinary action (if any) was taken against the relevant officers within CSIRO? If no action was taken, what were the reasons for this?
- 3) How much has the CSIRO allocated financially to its defence of this case?

ANSWER

- 1) Yes.
- 2) (a) The former employee has initiated two separate proceedings against CSIRO. On 1 March 2011, the employee initiated proceedings in the Federal Court of Australia regarding alleged breach of contract and alleged breaches of the former Trade Practices Act. On 1 March 2011, the employee also initiated proceedings at Fair Work Australia regarding alleged breaches of the Fair Work Act 2009. As this matter was not resolved at conciliation, it has since been transferred to the Federal Court to be heard concurrently with the first proceedings. The next steps are for the parties to negotiate a timetable to provide discovery of documents and prepare evidence for the matter.

(b) Yes, allegations of workplace bullying are included in the former employee's claims. Some of these allegations have been previously investigated by an independent investigator engaged by CSIRO but as these allegations are at issue in the legal proceedings it is not appropriate for CSIRO to comment on the findings of the investigator or the steps CSIRO has taken in response.

(c) Refer to the response to Question 2)(b).
- 3) As legal proceedings are ongoing, the provision of this information may prejudice CSIRO's legal position.