

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2009-2010**

Agency - Fair Work Australia

DEEWR Question No.EW0884_10

Senator Ronaldson provided in writing.

Question

FWA - PAULINE FEGAN

Has Ms Pauline Fegan of the Health Services Union been interviewed by Fair Work Australia, and if not, why not?

Answer

Fair Work Australia has provided the following response:

Consistent with the Senate's Order of 13 May 2009 governing the raising and treatment of claims of public interest immunity in committee proceedings, FWA considers the provision of information would be harmful to the public interest. FWA is of this view for the following reasons:

The legislative scheme of the Fair Work (Registered Organisations) Act 2009 is directed at ensuring that an organisation discharges obligations of accountability to its members in relation to the financial affairs of the organisation through proper and regular disclosure of financial information.

Inquiries are conducted under section 330 of the Fair Work (Registered Organisations) Act 2009 (RO Act) into whether Part 3 of Chapter 8 of the RO Act, the reporting guidelines made under that Part, regulations made for the purposes of that Part, or the rules or an organisation relating to its finances or financial administration have been, or are being, complied with.

If there are reasonable grounds for doing so, an investigation into whether a civil penalty provision has been contravened can be conducted.

If, at the conclusion of an investigation, the General Manager (or delegate) is satisfied that the reporting unit concerned has committed a contravention, the reporting unit must be notified and the General Manager (or delegate) may do all or any of the following:

- (a) issue a notice to the reporting unit requesting that the reporting unit take specified action, within a specified period, to rectify the matter;
- (b) apply to the Federal Court for an order under Part 2 of Chapter 10 (civil

penalty provisions);

(c) refer the matter to the Director of Public Prosecutions for action in relation to possible criminal offences.

Disclosure of the information sought during the period of the conduct of an inquiry (and any investigation) may prejudice any future legal proceedings in relation to contraventions found to have occurred.