

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

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

Agency - Fair Work Australia

DEEWR Question No.EW0904_10

Senator Ronaldson provided in writing.

Question

FWA INQUIRY

Has the Fair Work Australia inquiry delved into the following specific allegations relating to the following payments or invoices:

- a) \$12,647 to The Entrance Print from May to November 2007 on Mr Craig Thomson's HSU national office MasterCard.
- b) \$7253.17 to Australia Post in July 2007 made by electronic funds transfer from the HSU SGE Credit Union account.
- c) \$2739 to the Nova radio group on Mr Craig Thomson's MasterCard on October 12, 2007.
- d) \$14,647.60 to Central Coast Radio on November 12, 2007, made by the HSU by electronic funds transfer.
- e) Over \$7900 to Cumberland Newspapers in 2006 on an HSU national office Diners Club card.
- f) Invoices from Central Coast Radio that were made out to Mr Craig Thomson and sent to his Labor campaign postal address. These invoices were for advertising on 2GO and SEA FM.
- g) An Australia Post invoice that was made out to "Craig Thomson – ALP Candidate, Federal Seat of Dobell"?

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.