

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

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

Agency - Fair Work Australia

DEEWR Question No.EW0905_10

Senator Ronaldson provided in writing.

Question

FWA - HSU INQUIRY

- 1 – What was the date of commencement of the Fair Work Australia inquiry into the Health Services Union (HSU)?
- 2 – What specific item or event triggered the Fair Work Australia inquiry into the HSU?
- 3 – When does Fair Work Australia expect to complete its inquiry into the HSU and make a decision on whether to proceed to a formal investigation?
- 4 – How many people have been interviewed about the matter since the commencement of the Fair Work Australia inquiry into the HSU, and what are their names and organisational affiliations?

Answer

Fair Work Australia has provided the following response:

1 - The date of commencement of the inquiry by the Australian Industrial Registry into the Health Services Union Victorian No 1 Branch was 29 January 2009. The date of commencement of the inquiry by the Australian Industrial Registry into the Health Services Union National Office was 6 April 2009. The functions of the Australian Industrial Registry transferred to Fair Work Australia on 1 July 2009.

2 - The inquiry into the Health Services Union Victorian No 1 Branch was initiated as a result of an article in the Herald Sun Newspaper on 18 December 2009. For the reasons provided below (see 4), FWA considers the provision of information as to the reasons for initiation of the inquiry into the Health Services Union National Office would be harmful to the public interest.

3 - Fair Work Australia expects to complete its inquiries and make a decision on whether to proceed to a formal investigation into either or both the Health Services Union National Office and Health Services Union No 1 Branch within the next few weeks.

4 - 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.