

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

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Outcome 5 - Workplace Relations

DEEWR Question No.EW0734_11

Senator Ronaldson asked on 23/02/2011, Hansard page 59.

Question

LIST OF WITNESSES

Senator RONALDSON—Clearly, Mr Nassios, your attitude in relation to some of my questions has changed since last May, and I have got to say that I am very pleased about that. There are some things you have advised me today about which you would not have last time, so on the back of that—I assume that they were questions asked along the same vein—would you now advise me whether you have interviewed Craig Thomson, Pauline Fegan, Criselee Evans, Matthew Burke and Jeff Dickson? Mr Nassios—Certainly if we could go one by one. Mr Evans—I just ask whether we take advice about whether we should be detailing who you have interviewed in a current investigation. I would have thought that was a bit unusual to be providing publicly who you were interviewing if an investigation is continuing. Has that been done in the past? Mr Nassios—I cannot recall it being done in the past. When the senator was asking me these questions last time I felt that it would not be helpful to my investigation to divulge that sort of detail. I certainly cannot say it would hinder my investigation at this point. Mr Evans—I think it would be best if we got some advice as to whether you made those lists of witnesses that have interviewed available. I am not trying to be difficult, but there is an ongoing investigation, there are ongoing court cases and those records of interview have apparently now been requested in a subpoena. I would like to get some advice before the officer made available details as to who has been interviewed. Senator RONALDSON—Minister, you and I know each other very well. These questions were through you, Chair. These questions were asked of Mr Nassios last May. I respected his decision at that stage in relation to his interpretation of privilege on the back of his investigation. Presumably, it was not said to be of public interest. We are now in late February of 2011. Mr Nassios has quite clearly answered a number of questions that I put to him last year that he claimed privilege for fully, including this very question that I have just asked now. Clearly, in relation to this matter there is no longer a claim on behalf of this officer of privilege in the sense of an investigation, interfering with his investigation, or in the public interest. If the government now wants to override this Minister in relation to this matter to protect the member for Dobell then that is a decision for the government. But can I urge you, Minister, to go back and look at Senate estimates last year, look at my discussions with the chair, look at my discussions with Mr Nassios and look at the fact that we were generally agreed in relation to this matter. I indeed, as the chair will remember, did not pursue this matter by way of seeking a full statement and then a discussion from the committee. I am afraid that I would view this as a significant political interference in the process of this committee if this witness was not able to answer this question, particularly in light of questions that were asked in May estimates last year. Mr Evans—I appreciate that

you may want to form that view. That is, obviously, something for you, but I think you admitted that the officer has attempted to be constructive and helpful, and I have been perfectly at ease with the officer giving you details of where the investigation—
Senator RONALDSON—Until a question about your colleague was made. Mr
Evans—Shall I answer the question or respond or do you want to keep interrupting?
Senator RONALDSON—I actually was not asking you a question. I was asking Mr
Nassios the question. Mr Evans—I will take the question on notice. There you go.

Answer

The investigation is not yet concluded and no decision has been made as to whether the matter should be referred to the Commonwealth Director of Public Prosecutions or whether an application should be made to the Federal Court for civil penalties, the prospect of inflicting prejudice on the investigation through the provision of the details sought is substantial.

The risk that any consequential criminal prosecution would be compromised by premature disclosure of the information collected by the General Manager, Fair Work Australia (or his delegate) is very real.

The General Manager has sought advice on this issue.