

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

**QUESTIONS ON NOTICE
Additional Estimates 2012-2013**

Agency - Fair Work Commission

DEEWR Question No. EW0887_13

Senator Abetz asked on 13 February 2013 , Hansard page 22

Question

HSU Accountability

Senator ABETZ: Thank you. There was very good news from the new HSU chief, Gerard Hayes, in the Australian on 4 December, but I just want to confirm that what he said was right. He said about his stewardship of the HSU, 'The union will be held accountable to every financial standard that any corporation would be. We are not required to do that, but we will be doing that.' The fact that he says he is going to do it is most welcome, but can you indicate to us whether or not the financial standards demanded of registered organisations are the same as that of 'any corporation'? Ms Carruthers: Are you referring to the potential imposition of criminal penalties, Senator? Senator ABETZ: No, just accountability. Ms Carruthers: I would have to take that on notice because I would need to sit down and compare precisely the various provisions. Certainly the Registered Organisations Act does have obligations about acting with due care and diligence and for a proper purpose, not to misuse information, not to misuse position and to act in the best interests of the members of the organisation. So they are very similar to directors' duties.

Answer

The Fair Work Commission has provided the following response:

The General Manager of the Fair Work Commission, Ms Bernadette O'Neill, stated during the hearing on 13 February 2013 as follows (Hansard page 22):

"I am not sure how helpful it would be - and it would certainly be a significant amount of work - to do a provision by provision comparison of every obligation under the Registered Organisations Act, and the Corporations Act. I think it is fair to say that one is not the mirror of the other, so absolutely there are differences between the two. They cover similar areas, but we would not be suggesting that they are the same in every respect. I am not sure if that answers your question adequately, but to do it forensically line by line would be a substantial amount of work and I am not sure that it would assist or address the question."