

Index
Budget Estimates 2003-2004 - 2-5 June 2003
Employment and Workplace Relations portfolio

QoN	Hansard page #	Senator	Subject
<i>Office of the Employment Advocate</i>			
W001-04	Written	Carr	The Framework AWA for the construction industry suggests redundancy provisions along the lines of the standard TCR or the <i>Employment Protection Act (NSW)</i> . Are you aware of differences between these suggested provisions and the redundancy clause of the NBCIA?
W002-04	Written	Carr	The NBCIA provides for redundancy payments where the employment is terminated for any reason (except misconduct or refusal of duty). If that is the case how do you justify an AWA with a redundancy clause based on the standard TCR meeting the no-disadvantage test?
W003-04	Written	Carr	How many construction AWA's have been approved that include a standard TCR redundancy provision?
W004-04	Written	Carr	In regard to superannuation are you aware of differences between the superannuation provisions of the NBCIA and the requirements of the <i>Superannuation Guarantee (Administration) Act 1992</i> ?
W005-04	Written	Carr	Are you aware that under the NBCIA, superannuation contributions are required to be maintained whilst an employee is off due to work related injury or illness (ie off on workers compensation), but contributions in such circumstances are not required under the SGAA?
W006-04	Written	Carr	How can you then justify the AWA framework as meeting the no-disadvantage test if its superannuation provision is less than the award?
W007-04	Written	Carr	Given that the AWA Framework for the construction industry appears to fail the no-disadvantage test in the important areas of casual loadings, minimum engagement periods, increment whether, annual leave, redundancy and superannuation will the OEA now remove the Framework AWA from its website?
W008-04	Written	Carr	Will the OEA take steps to remedy all the AWA's in the construction industry that it now appears to fail the no-disadvantage test?
W009-04	Written	Carr	Finally, how often are the contact details reviewed?
W010-04	Written	Carr	Are you aware that Hollis Vale no longer works for the CCF and indeed has not done so the approximately 6 months (he retired before Christmas)?
W011-04	3	Wong	Could you please provide a copy of the Memorandum of understanding between the Department and the OEA relating to referrals to the Interim Building Industry Taskforce?
W012-04	4	Carr	(a) What are the number of employees in the mining sector? (b) What are the number of AWAs and the growth of AWAs filed in the Mining Sector?
W013-04	5	Carr	(a) What are the number of employees in the retail industry? (b) What are the number of AWAs and the growth of AWAs filed in the Retail Industry?
W014-04	5	Carr	(a) What are the number of employees in communication

QoN	Hansard page #	Senator	Subject
			services? (b) What are the number of AWAs and the growth of AWAs filed in Communication services?
W015-04	5/6	Carr	(a) How many AWAs have been approved in the Commonwealth Public Service? (b) What is the percentage of live AWAs currently in the Commonwealth Public Service?
W016-04	8	Carr	Please provide a list of the individual businesses that use the services of Specified Partners for the lodgement of AWAs?
W017-04	8	Carr	Please provide a list of the 10 bargaining agents who are members of the Specific Partners Program?
W018-04	12	Carr/ Wong	(a) Has the issue of an alleged unauthorised use of official information from the OEA, which is currently being investigated by the AFP, been discussed with the Minister's office at any time? (b) If so, what dates was the issue discussed with the Minister's office? (c) When was the Minister's office first advised regarding the action taken by the OEA?
W019-04	13	Sherry	How many persons within the OEA have been interviewed by the Federal Police on this matter?
W020-04	14	Carr	What classification of workers are predominate in the growth of AWAs?
W021-04	14	Carr	Please list the firms covered by the 37,000-plus AWAs filed for Western Australian employers?
W022-04	14	Carr	Could you please provide a list of the top five bargaining agents in Western Australia and a breakdown of how many AWAs each of them submitted to the OEA for approval?
W023-04	14	Carr	How many AWAs has the Australian Mines and Metals Association submitted to the OEA?
W024-04	15	Sherry	What are the numbers of AWAs that all of the agents, regardless of State, have lodged?
W025-04	16	Sherry	(a) Please provide details of dates of discussions between the Australian Mines and Metals Association and anyone in the OEA regarding an AWA proforma for submission? Please provide copies of any documents that you have received in that context?
W026-04	19	Sherry	(a) What are the numbers of AWAs that include a provision on Superannuation where the fund is different from what it would otherwise be if they were covered by a particular award? (b) If possible, please provide details on other enhancements of the superannuation provisions?
W027-04	24	Carr	Is the standard that has been applied in the OEA AWA template identical to that established by the Australian Industrial Relations Commission last year, particularly in relation to reasonable working hours and the right of negotiation regarding additional overtime?
W028-04	34	Carr	(a) Can you advise how the AWA Construction Industry Framework clauses measure up to the National Building and Construction Industry (b) Could you please provide an analysis of where the template meets the disadvantage test on each one of the clauses?
W029-04	34	Carr	What are the compensating factors that allow the OEA to claim

QoN	Hansard page #	Senator	Subject
			that this framework agreement meets the no disadvantage test?
W030-04	35	Wong	How many OEA template Agreements enable cashing out of Annual leave?
W031-04	35	Wong	Which of those have been developed with industry?
W032-04	35	Wong	(a) What proportion of the 307 investigations OEA dealt with in 2000-01 related to alleged breaches in the building industry? (b) What proportion of the 193 investigations OEA dealt with in 2001-02 related to alleged breaches in the building industry? (c) What proportion of the 203 investigations OEA dealt with in the current financial year, as at 30 May, related to alleged breaches in the building industry?
W033-04	37	Wong	What proportion of the 420% increase of workload in Western Australia are AWAs with undertakings?
W034-04	37	Wong	What are the industry breakdowns of AWAs in Western Australia?
W035-04	28	Wong	Did the OEA consider the clause in the OEA templates, relating to dismissal or the ending of employment and the interaction with 170VW, would give rise to the sorts of actions such as was taken in Gorgevski's case – given that the restrictions in Byrne and Frew or Gorgevski would not really apply because there would be a contractual clause that you were suing for breach of?
W036-04	39	Carr	(a) What percentage of the Tertiary Education Sector workforce are on AWAs? (b) What are the classifications? (c) What areas of the industry are covered by the AWAs? (d) What are the percentages of the workforce in these particular areas?
W037-04	39	Wong	Regarding the issue of 170VW damages, is it the case that in Gorgevski there was a substantial payment for the employee in question?
W038-04	40	Wong	(a) Was the OEA aware of the application by the full bench, in the regard to the Grocon agreement, pursuant to Section 109 of the Act for a review of the decision by Vice President Ross on 12 February 2003? (b) Have there been any subsequent discussions between the OEA and any of the parties regarding this application?
W039-04	42	Carr	(a) How many persons in the National AWA processing team have experience in the construction industry? (b) How many have worked on no disadvantage tests covering the construction industry?
W040-04	43	Sherry	(a) How many AWA's have been approved in the construction industry allowing for the cashing out of annual leave? (b) How many AWAs have been approved that allow for the cashing out of annual leave across all industries?
W041-04	44	Sherry	What industry templates are currently being developed that are not yet publicly available?
<i>Australian Industrial Relations Commission</i>			
W042-04	222	Wong	Under the tender specifications for the relocation of premises in Melbourne, is there a specific reference to the requirements of

QoN	Hansard page #	Senator	Subject
			the President's Chambers?
W043-04	224	Wong	(a) Could the AIR please provide the number of Section 127 orders sought in the building and construction industry over the last three years? (b) How many were resolved in the following: Withdrawn; Subject of an order; Conciliated
<i>Comcare</i>			
W044-04	Written	Carr	Provide all preliminary and draft reports prior to the final Wray report?
W045-04	Written	Carr	Provide all communications between the agencies Comcare and the NGA relating to the commissioning, conduct and finalisation of the Wray report. Please include notes to file, records of telephone conversations, emails, minutes of meetings and letters?
W046-04	Written	Carr	Did Comcare inform the National Gallery, in writing or verbally, that the version of the Wray Report provided to the NGA on Monday 26 May was the final report?
W047-04	Written	Carr	If Comcare did inform the National Gallery that the Wray Report provided to the NGA on Monday 26 May was the final report, to whom was the information conveyed?
W048-04	Written	Carr	Provide investigation reports for each of the separate investigations carried out into alleged breaches of the OHS (CE) Act over the past two years?
W049-04	Written	Carr	Provide the Gallery's interim comments and communications, including notes to file from telephone conversations, minutes of meetings and final responses to all OHS and building investigations carried out by Comcare since January 2000?
W050-04	Written	Carr	Provide a list of investigations into OHS and building related matters of the NGA for which final reports have not been concluded?
W051-04	Written	Carr	Is Comcare investigating Dr Kennedy's alleged request to NGA air conditioning maintenance staff to return the air conditioning to full operation on the morning of Monday 10 th of February immediately after the same maintenance staff had turned it off for safety reasons?
W052-04	Written	Carr	Provide a time line of all of the events during the glass-fibre contamination at the NGA in February 2003?
W053-04	Written	Carr	Was Comcare Inspector Maureen Trevanion alerted to more deposits of loose glass-fibre in the HVAC duct system on or about Friday 14 th of February after two NGA and Comcare inspections had cleared or tentatively cleared the system for recommissioning?
W054-04	Written	Carr	Did Comcare receive warnings from current or former NGA staff not to allow the HVAC system to be restarted after the first glass-fibre release in February 2000?
W055-04	Written	Carr	Did Comcare receive allegations that Duct Cleaners Australia (DCA) had verbally informed NGA Deputy Director Mr Alan Froud that in their opinion the duct cleaning work carried out was not complete or sufficient to safely return the HVAC plant to full operation?
W056-04	Written	Carr	Did Comcare seek advice from Duct Cleaners Australia as to their opinion of the thoroughness or otherwise of the cleaning work they were commissioned by the NGA to carry out, and if so

QoN	Hansard page #	Senator	Subject
			what was the result?
W057-04	Written	Carr	Has Comcare received any compensation claims for illness based on intimidation and/or harassment of staff by NGA managers? Were those claims accepted?
W058-04	Written	Carr	Did Comcare receive a specific written complaint from Mr Jason Robinson about the manner of use of hydrogen peroxide by maintenance staff at the NGA in 2000 prior to the final Ombudsman's report into Comcare investigation #1913 and was Mr Robinson interviewed by Comcare about his allegations at the time he made them? If not, why not?
W059-04	Written	Carr	Were Mr Robinson's allegations explicitly supported by photographic evidence earlier provided by Mr Cropp, and were Mr Robinson's complaints that the "wet weather gear" provided to him by the NGA supported by explicit advice from Mr Ford and/or Mr Cropp that the respiratory equipment and other personal protective equipment provided did not comply with Australian standards or regulations and/or the relevant MSDS?
W060-04	Written	Carr	Who in Comcare prepared the response to the Ombudsman's investigation of Comcare investigation 1913 by Mr Peter Maguire in which Comcare assured the Ombudsman that the Gallery had provided adequate personal protective equipment to Jason Robinson for the purpose of handling hydrogen peroxide in a confined space, and who signed off on Comcare's submission to the Ombudsman?
W061-04	Written	Carr	On what technical basis was the incorrect advice regarding the adequacy of the personal protective and respiratory equipment provided Mr Robinson and other HVAC maintenance staff provided to the Ombudsman?
W062-04	Written	Carr	Provide the relevant regulations covering the use of chemicals like hydrogen peroxide 5% and 50% at the time Comcare gave the Ombudsman advice that the personal protective equipment provided to Mr Robinson and other HVAC maintenance staff at the Gallery was adequate
W063-04	Written	Carr	Has Comcare received allegations from NGA staff or former staff that the NGA OHS Committee is stacked with management representatives and staff sympathetic to the NGA management position that there are no OHS problems at the Gallery?
W064-04	Written	Carr	Does Comcare's legislation provide protection for Commonwealth employee and public witnesses in OHS investigations? What are those protections and has Comcare sought to provide them to staff of the NGA?
W065-04	Written	Carr	Has Comcare inquired into the technical shortcomings, as distinct from the procedural matters identified by the Ombudsman, of observations made by Mr Maguire and Mr Creaser in their investigation reports into OHS compliance at the NGA in 2000?
W066-04	Written	Carr	Has Comcare taken disciplinary action against any Comcare employee in relation to the shortcomings of Comcare [NGA] investigation numbers 1913 and 1997?
W067-04	Written	Carr	Has Comcare informed ACT WorkCover of the specific shortcomings of the investigation into OHS compliance at the NGA carried out by Mr Wayne Creaser subsequent to complaints about Investigation 1913?
W068-04	Written	Carr	Details of a female Comcare officer present Mr Cropp's initial interview with Comcare inspector Mr Peter Maguire on Monday

QoN	Hansard page #	Senator	Subject
			28 th February 2000.
W069-04	Written	Carr	Provide the report or conclusions of any investigation Comcare carried out into Mr Cropp's allegation that Mr Maguire informed him that he knew Mr Cox "well" prior to investigation #1913.
W070-04	226	Carr	Could a breakdown please be provided of the budgeted \$72.4 million for the year ahead in broad term including the number of claimants; the nature of incapacity; the former employer and the prospects of rehabilitation for these persons?
W071-04	227	Carr	How many persons have returned to the workforce under the Rehabilitation programs?
W072-04	228	Carr	Could a breakdown be provided of agencies who are performing poorly in regards to rehabilitation of their employers for this financial year?
W073-04	229	Wong	Could Comcare please provide a copy of the comparative performance document produced by Campbell Research and Consulting which measures the performance of the rehabilitation function?
W074-04	233	Carr	In regard to the National Gallery, was Comcare ever advised that the ductwork system was cleaned with an industrial cleaner?
W075-04	235	Carr	Did Comcare advise the Ombudsman there there was adequate respiratory and personal protective equipment provided to the maintenance staff?
W076-04	238	Carr	Has Comcare been advised of any requests by Mr Wray of further action to be taken?

Cross Portfolio

W077-04	Written	Campbell	(a) What public (Commonwealth) funds were provided to the Australian Chamber of Commerce and Industry (ACCI) and/or to its constituent State bodies? For what purpose were these funds provided? (b) To what extent were these purposes achieved and how was that determined?
W078-04	Written	Campbell	Refer Table 1 - Administered Appropriations (a) - (f) Details of administered appropriations Departmental Appropriations (a) - (f) Details of departmental appropriations
W079-04	150 (3 June)	Campbell	How much of the increase of \$17 million in the value of infrastructure, plant and equipment is related to Job Network (Relates to table 3.2 (page 54 of the PBS))

Outcome 2 – Higher Productivity, Higher pay workplaces

W080-04	49	Carr	How many staff previously worked with Mr Hadgkiss on the Wood Royal Commission?
W081-04	51	Carr	Of the 40 employees of the Taskforce, how many would you have worked with in former capacities
W082-04	62	Carr	In what industries have prosecutions been launched by the Building Industry Interim Taskforce?
W083-04	65	Carr	How many of the 13 matters referred to external agencies have been proceeded with?
W084-04	79	Kirk	Can calculations please be provided for figures in regard to the estimated increase in the unfair dismissal workload of \$16.8 million or \$17 million?

QoN	Hansard page #	Senator	Subject
W085-04	81	Kirk	Which Corporations or bodies has the Department received advice on as to whether they may or may not be constitutional corporations?
W086-04	83	Kirk	Approximately what percentage of small businesses will the Workplace Relations Amendment (Termination of Employment) Bill 2002 apply to?
W087-04	83	Sherry	What is the approximate number of employers that are not incorporated and would therefore not be drawn in by this proposal?
W088-04	84	Kirk	How does the Bill address the issue of overlapping jurisdictions?
W089-04	89	Sherry	In regard to interventions by the Minister in industry cases before both the Courts and the Industrial Relations Commission (as listed by the Department in hearing on 2 June 2003), could a list be provided on: <ul style="list-style-type: none"> • the objective of the intervention; • the position of the Commonwealth; and • the estimated costs involved in each of the interventions.
W090-04	91	Sherry	(a) Please advise where the Commonwealth intervention by the Minister has been sought or supported by the trade union involved? (b) Has the Minister had the support of the employers when he has intervened in the cases?
W091-04	96	Sherry	Has the Federal Government provided any financial or other assistance to Gribbles?
W092-04	98	Kirk	How many occasions has the Government considered whether to conduct a further survey since AWIRS95?
W093-04	100	Kirk	Could a gender breakdown be provided for appointments to the AIRC over the last five years?
W094-04	106	Kirk	What date did the Government seek the advice of relevant Commonwealth Ministers as to whether Australian law and practice enables ILO Convention 182 to be ratified?
W095-04	118	Wong	When was the Minister first advised about the expiry of funding for Working Women's Centres and the ongoing request for funding for the 2002-03 Financial Year?
W096-04	123	Wong	Can the Department please provide copies of reports that monitor the Women's Centres compliant with contracts for the current financial year?
W097-04	124	Sherry	Could the Department please provide a detailed break-up of funding for Outcome 2.2.4?
W098-04	139	Sherry	In this financial year, how much has been paid to employees State by State under GEERS?
W099-04	140	Sherry	(a) Have any matters involving inappropriate activities of Directors or Insolvency Practitioners been referred to ASIC or the ATO to date? (b) If so, could detail please be provided on these matters?
W100-04	142	Sherry	Please provide a breakdown of the size of businesses and the employee areas for which money has been paid out?
W101-04	142	Sherry	What are the number of appeals being dealt with this financial year to date?
W102-04	142	Sherry	What is the current number of appeals outstanding?
W103-04	146	Sherry	Please provide a breakdown of SEESA administration costs for the previous financial year and the current financial year?

QoN	Hansard page #	Senator	Subject
<i>OUTCOME 1 – An effectively functioning labour market</i>			
W104-04	Written	Campbell	Please provide an update on the Department's performance against each of the following targets/impacts. Please also stipulate the date at which the most recent performance audit occurred or at which the most recent data was collected. Refer Table 2
W105-04	Written	Cherry	Under ESC3, will job seekers who fail to respond to an automated job match (via email, SMS message, or message bank), be subject to a possible breach?
W106-04	Written	Cherry	What is the evaluation strategy for ESC3? Will it include analysis of how the Job Seeker Account is used?
W107-04	Written	Cherry	Under the revised JSCL, what are the likely selection rates for immediate referral to Customised Assistance for disadvantaged groups, such as Indigenous job seekers, people with disabilities, and non-English Speaking Background job seekers?
W108-04	Written	Campbell	DEWR is currently re-developing their IT system for the Job Network contract round 3. The IT development areas are doing massive hours of overtime. (a) What is the longest number of consecutive days that an IT development employee of DEWR has worked in the last six months? (b) Is it true that this is all unpaid overtime? (c) Are staff being directed to work overtime at nights and on weekends?
W109-04	Written	Campbell	Details of each labour market assistance program by job seeker characteristic (funding level, age group, duration on income support, gender and equity group). (<i>Update of W273-03</i>)
W110-04	Written	Campbell	Details of labour market assistance programs By state and regional basis By DEWR Labour Market Region By Statistical Local Area (<i>Update of W273-03</i>)
W111-04	Written	Campbell	Please provide data on the proportion of job seekers (by equity group and type of labour market assistance) who received an off income support outcome 3 months after participation who subsequently transferred to other types of income support (i.e. from Newstart or Youth Allowance to another income support payment).
W112-04	Written	Campbell	Please provide data on the proportion of job seekers (by equity group and type of labour market assistance) who received an off income support outcome 3 months after participation who subsequently re-entered a Labour Market Assistance programme.
W113-04	152	Campbell	How do the current methods of filling job vacancies compare with an ABS study in the Mid 1990s?
W114-04	157	Campbell	Could you please provide information on where there is specific cross-skilling occurring to equip tradespeople who are redundant in one skill or one trade for employment in another skill or another trade?
W115-04	157	Webber	What proportion would be internal movement in the labour market rather than an unemployed person coming in, off the list?
W116-04	158	Campbell	Could figures please be provided on the number of young people entering job search training?

QoN	Hansard page #	Senator	Subject
W117-04	162	Webber	What has been the cost so far for promoting the Job Juice Web Site?
W118-04	178	Campbell	Can you provide the employment outcomes that have been achieved for all employed Indigenous persons within COAG locations including: (a) the percentage that are employed full time; (b) the percentage that are employed part time; (c) the percentage that are employed casually; (d) total employed.
W119-04	180	Webber	How many clients are expected to receive the commencement fee, the primary interim outcome fee, the secondary outcome fee, the primary final and the secondary?
W120-04	180	Webber	Could a breakdown please be provided of costs associated with contract management activities with Job Network members, as well as contract management activities for other services such as Work for the Dole, harvest labour services and the New Enterprise Incentive Scheme?
W121-04	186	Webber	Could you please provide the expenditure categories Job Network providers use to identify their expenses?
W122-04	191	Webber	At what date was the Job Network able to amend the resume field?
W123-04	199	Webber	Can you provide a list of exactly which Job Network sites will cease to continue operating after 1 July?
W124-04	201	Campbell	How many job placement organisations offer multiple sites?
W125-04	203	Campbell	Could the department please identify locations of where sites have shut down and where new sites have opened?
W126-04	205	Collins	Can you share with the Committee information contained in Departmental reports regarding the multiple placement of job seekers?
W127-04	207	Collins	Who was the provider NESAs contracted to supply AWT training to Job Network and CWC staff around the country?
W128-04	212	Webber	Of the \$16,537 all-up cost for kiosks, does \$9,500 come from telecommunications costs?
W129-04	215	Webber	What would be the total value of a telecommunications contract with 2,000 touch-screens at \$9,500 per annum?
W130-04	241	Campbell	What is the estimate of the overall number of person hours allocated to the implementation of the new IT system?
W131-04	245	Campbell	Could the Department provide a summary of general specifications in terms of expectations of the outcomes of the system?
W132-04	Written	Campbell	Response to the Victorian state government submission to the Senate Current and Future Skills Needs inquiry that the Commonwealth employment programs need to be better able to respond flexibly to local labour markets and promoting state governments involvement.
W133-04	Written	Campbell	DEWR response to the Victorian Government Senate Current and Future Skills Needs inquiry submission to senate inquiry.
W134-04	210	Campbell	Has DEWR, in its survey material, ascertained what percentage of job seekers have literacy and numeracy difficulties?