

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2004-2005 BUDGET SENATE ESTIMATES HEARING
31 MAY AND 1 JUNE 2004**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.2: Workplace relations implementation

Output 2.2.5: Employee entitlements safety net schemes

Question Number: W090-05

Question:

Senator Wong asked at *Hansard* page 56, 57, 58:

In relation to the events that Mr and Mrs Rambaldi refer—that is, the preventing by the receiver of the employees from accessing the premises and performing their work

- (a) When was the application by the employees first made?
- (b) When was the application for GEERS first received?
- (c) Was the insolvency date 13 August 2002?
- (d) On what date were applications of employees or former employees of Drews Furniture from Campbellfield, Victoria, first received by the department?
- (e) What action did the department take as a result of those applications?
- (f) Did the department, prior to making a decision in relation to those applications, have discussions with the receiver, liquidator, or representatives of the employees?
- (g) If the claims were originally rejected, on what basis were they rejected?
- (h) When were subsequent GEERS applications lodged by the employees?
- (i) When did the department undertake any investigation as a result of those subsequent applications being lodged?
- (j) Can the department explain the timeframes involved with this decision making process?

Answer:

- (a) 21 October 2002.
- (b) 21 October 2002.
- (c) No.
- (d) 21 October 2002.
- (e) The department investigated the case. All applicants were advised that they were ineligible for GEERS assistance on 11 February 2003.

- (f) The department held discussions with the receiver manager and the union. The department did not have discussions with the liquidator who was not appointed until 31 October 2003.
- (g) An employer insolvency or termination of the employees by a receiver manager as required by paragraph 5.1 of the GEERS Operational Arrangements had not occurred.
- (h) No subsequent applications were lodged. Two appeals were received on behalf of all employees on 15 April 2003 and 4 December 2003.
- (i) The first appeal was investigated and the original decision upheld on 30 July 2003. The second appeal was investigated and the original decision upheld on 6 February 2004.
- (j) Relevant timeframes are as follows:
 - First application received 21 October 2002.
 - Last application received 3 January 2003.
 - Investigations conducted during the period 21 October 2002 to 10 February 2003.
 - Decision on all application made on 11 February 2003.
 - First appeal received on 15 April 2003.
 - First appeal resolved on 30 July 2003
 - Liquidator appointed on 31 October 2003 – commencement of employer insolvency.
 - Second appeal received on 4 December 2003.
 - Second appeal resolved on 6 February 2004.