

Chapter 4

Opposition reservations

4.1 The majority report gives insufficient indication of the declining levels of accountability which have characterised the most recent appearances by the Employment and Workplace Relations portfolio before the committee. The portfolio's performance has been noticeably worse since the new minister, the Hon Joe Hockey MP, was appointed on 23 January 2007. It is without precedent for the minister to deliberately delay the answers to questions on notice. It is also without precedent for the minister to refuse to answer questions without giving reasons.

Questions on Notice

4.2 The return of answers to questions on notice has been particularly poor. For around three months, between February and May this year, the committee did not receive a single answer from the department, although around 700 answers were due. Then, following press criticism in the *Sydney Morning Herald* and *The Australian* in which DEWR was branded as 'the most secretive government portfolio in Australia', the committee received roughly 350 answers in one week, including over 200 in one day. Although Opposition senators were grateful to finally receive these answers, they should not have been lodged simply in order to avoid further bad press. Opposition senators request that in future the minister at least attempts to follow Senate procedure rather than public opinion.

4.3 Of particular concern is the non-receipt of answers from the Workplace Authority. The committee has not received a single answer from either the November Supplementary or February Additional estimates hearings for this agency. All other portfolio agencies and outputs have a majority of their answers tabled. The Opposition acknowledges that the portfolio as a whole has received a large volume of questions and there has been a change in minister. Late answers would have gone unremarked had some effort been made to provide them in stages. The majority report comments on this. However, the volume of questions alone cannot explain why there has not been a single answer tabled for the Workplace Authority, also coincidentally the portfolio's most politically sensitive area. It is difficult to avoid the assumption that the minister is withholding the answers in a deliberate government cover-up of the effects of the WorkChoices legislation on workers conditions and pay. If AWAs truly provide flexibility and improved benefits for workers the minister would not have delayed the tabling of these answers

4.4 It should be on record that answers are being costed according to a formula which produces bizarre results. This process was initiated at the behest of the new minister and it has given the Opposition a valuable insight into the efficiency of the portfolio. During the budget estimates hearings Senator Wong raised a concern she

had with the answer given to questions number W1144_07 which provided a short unsatisfactory answer after 10.5 hours work at a cost of \$210. The department explained that this was due to the large amount of consulting the officer had to undertake to formulate the answer. With this in mind, the Opposition also notes its concerns with question number W1143_07, which asked:

Question:

Opinion polls/market research

How much of the opinion polls, focus groups or market research expenditure of agencies or departments was conducted at the request of the Minister's office?

The answer given by the department was simply 'none.' The time quoted to prepare this answer was 24.5 hours at an estimated cost of \$490. The Opposition is at a loss to understand how this answer could have taken over 24 hours to write, and cannot help but think that much of the general delay in answering questions stems from the department's own inefficiencies.

4.5 The committee received its first 'nil response' to a routine question about consultancies contracted by the Workplace Ombudsman. While it appears the response indicates a blank refusal to answer the question, because of the potentially embarrassing nature of the information, the time taken nevertheless, was 4.6 hours at a cost of \$84. The Opposition will be following up on this answer.

Evidence from the Workplace Authority

4.6 The Opposition also feels it necessary to comment on the evidence given by the Workplace Authority and the Employment Advocate, Mr Peter McIlwain. Most of the five or so hours the committee spent examining the Workplace Authority centred on confusing discussions about the meaning of simple terms such as 'request' as distinct from 'application' or 'collect' as distinct from 'analyse' and 'sample.' The Opposition believe that such pettifogging responses would only be employed in order to avoid answering sensitive questions. This is against the spirit of the estimates process, as Senator Marshall commented during the estimates hearings:

The purpose of us asking questions of senior public servants is to get answers. We actually default to the position that the answers will be accurate, honest and responsive. If you are suggesting that in every instance we should actually challenge that presumption, in your words 'To have the wit to challenge that presumption', I think we have really stooped to a new low.¹

4.7 The Opposition is aware of the political pressures which are affecting the responses of public servants to a much more intensive degree than ever before. The extent to which senior public servants are sympathetic to this trend—when it involves

1 Senator Gavin Marshall, *Committee Hansard*, 28 May 2007, p. 12

the failure to respond to legitimate questions about matters which are of central concern to Parliament—is speculation which must now arise.

Senator Gavin Marshall
Deputy Chair

