



FAIR WORK
AUSTRALIA

6 June 2012

BERNADETTE ONEILL
GENERAL MANAGER

Mr David Elder
Secretary
Standing Committee of Privileges and Members' Interests
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Elder

Fair Work Australia report under section 331 of the *Fair Work (Registered Organisations) Act 2009* into the National Office of the Health Services Union

I refer to your letter dated 31 May 2012 in which you advised that the House of Representatives has referred to the Standing Committee of Privileges and Members' Interests the matter of whether the Honourable Member for Dobell deliberately misled the House of Representatives in the course of his statement to the House of 21 May 2012.

As requested, enclosed is a CD containing a copy of the Report of my Delegate, Mr Terry Nassios, dated 28 March 2012 under section 331 of the *Fair Work (Registered Organisations) Act 2009* regarding the National Office of the Health Services Union. The CD also contains attachments A to M to the Report.

As you may be aware, a large number of documents are referred to throughout the Report. Those documents are also hyperlinked to the Report. If it would be of assistance to you, I can provide an electronic copy of those hyperlinked documents to the Committee upon request. Similarly, I am able to provide the Committee with electronic copies of transcripts of interviews that were conducted by Fair Work Australia upon request.

Yours sincerely

Bernadette O'Neill
General Manager



FAIR WORK
AUSTRALIA

4 May 2012

BERNADETTE ONEILL
GENERAL MANAGER

The Hon. Senator G. Marshall
Chair
Senate Standing Committee on Education, Employment and Workplace Relations
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator

Report of the Investigation into the Health Services Union National Office

I write in respect of your letter dated 4 April 2012 in which you requested, on behalf of the Committee, that I provide the Committee with a copy of the report on Fair Work Australia's Investigation into the National Office of the Health Services Union as soon as it is possible to do so.

I advise that I have now concluded my consideration of the report, and as such I provide the enclosed copy of the Report to the Committee in accordance with your request.

Yours sincerely

Bernadette O'Neill
General Manager

MCGREGOR, Ellen

From: ONEILL, Bernadette
Sent: Tuesday, 3 April 2012 5:11 PM
To: Val Gostencnik
Subject: FW: Health Services Union National Office
Attachments: 28 March 2012.Delegate's Report to General Manager in HSU National Office Investigationdocx.docx; HSU Chronology. docx.docx; Final Report - HSU National Office investigation under s331 RO Act - 28 March 2012.docx; 28 March 2012 Letter to .National Officedocx.26 mardocx.docx

BERNADETTE O'NEILL
General Manager

Fair Work Australia

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GPO Box 1994, Melbourne Victoria 3001

www.fwa.gov.au

From: NASSIOS, Terry
Sent: Wednesday, 28 March 2012 4:33 PM
To: O'NEILL, Bernadette
Cc: ANDERSON, Jennifer
Subject: Health Services Union National Office

Ms O'Neill
General Manager

Today, I have concluded the Investigation into the National Office of the Health Services Union.

Please find enclosed four documents –

- the first two documents are part of my covering letter to you providing my Report of the Investigation
- the third document is the Report itself.
- the fourth document is my letter to the National Secretary of the Health Services Union pursuant to section 336(1) of the Fair Work (Registered Organisations) Act 2009.

I have also provided you with a hard copy of all of the above documents as well as the annexures to the Report.

TERRY NASSIOS
Director, Organisations, Research and Advice

Fair Work Australia



FAIR WORK
AUSTRALIA

3 April 2012

Mr Val Gostencnik
Corrs Chambers Westgarth
Level 36, 600 Bourke Street
Melbourne VIC 3000

Dear Mr Gostencnik,

Please find enclosed further documents pertaining to the HSU National Office investigation.

In addition to the Final Report and annexures A-M we provide:

- each of the transcripts of interview
- all of the casebook (database) documents which are referred to in the Final Report.

Please don't hesitate to contact me should you require anything further.

Kind Regards,

Ellen McGregor
Administrative Assistant to the General Manager

2 April 2012



FAIR WORK
AUSTRALIA

Mr Christopher Craigie SC
4 Marcus Clarke St
Canberra ACT 2601

GENERAL MANAGER

Dear Mr Craigie

Investigation into the National Office of the Health Services Union pursuant to section 331 of the Fair Work (Registered Organisations) Act 2009

I write in relation to an investigation conducted by Fair Work Australia (FWA) under powers conferred on the General Manager of FWA by Part 4 of Chapter 11 of the *Fair Work (Registered Organisations) Act 2009 (the RO Act)*. This investigation was commenced by a delegate of the General Manager (Mr Nassios) on 26 March 2010. The investigation followed on from an inquiry which was commenced by the Industrial Registrar on 6 April 2009 and continued by FWA after the transfer of the functions of inquiry and investigation to FWA from 1 July 2009.

Mr Nassios conducted an investigation into whether the provisions of:

- (i) Part 3 of Chapter 8 of Schedule 1 to the *Workplace Relations Act 1996*;
- (ii) the Reporting Guidelines made by the then Industrial Registrar on 12 October 2004 under Part 3 of Chapter 8 of Schedule 1 to the *Workplace Relations Act 1996*;
- (iii) the rules of the Health Services Union relating to its finances or financial administration; or
- (iv) section 237 and sections 285, 286 and 287 of Schedule 1 to the *Workplace Relations Act 1996*

have been contravened by the National Office of the Health Services Union, and/or by officials or employees of the National Office of the Health Services Union in relation to transactions occurring between 16 August 2002 and 1 March 2008 and record keeping, reporting and auditing issues arising from transactions during this period.

In particular Mr Nassios examined whether:

- officers of the National Office exercised their powers and discharged their duties with reasonable care and diligence, in good faith for the best interests of the organisation and for a proper purpose during this period;

You may be aware that on 24 August 2011 my predecessor as General Manager, Mr Lee, received a letter from the Acting Commander Watson of the Fraud Squad, NSW Police, seeking advice from FWA regarding the nature of, and status of, its investigation into the Health Services Union National Office. On 25 August 2011 Mr Lee received a further letter proposing a meeting between the NSW Fraud Squad and FWA. On 26 August 2011 Mr Lee wrote to Acting Commander Watson advising he did not consider it would be appropriate for him, or any FWA staff, to meet with him to discuss FWA's investigation into the National Office of the Health Services Union. On 6 October 2011 I received an email from Detective Sergeant Tyquin of Victoria Police Fraud and Extortion Squad requesting assistance from FWA in providing material relating to the FWA investigation into the National Office of the Health Services Union. On 14 October 2011 I wrote to Detective Sergeant Tyquin advising that I did not consider it would be appropriate for me, or any of my staff to respond to the questions set out in his email of 6 October 2011. On 22 March 2012 I received a further request from Detective Sergeant Tyquin. On 9 March 2012 I sought legal advice about whether it would be appropriate for me to respond to the requests of NSW and Victorian Police, once the investigation into the National Office of the Health Services Union was complete. On 22 March 2012 I received legal advice that the appropriate course in the present circumstances was for me to refer matters to you under the express power conferred on me by subsection 336(2) of the RO Act for action in relation to possible criminal offences.

Copies of the correspondence referred to in the previous paragraph are also enclosed for your information.

Yours sincerely

Bernadette O'Neill
General Manager

MCGREGOR, Ellen

From: ANDERSON, Jennifer
Sent: Friday, 16 March 2012 9:49 AM
To:
Subject: Report
Attachments: 20120221_123604.pdf

Dear Mr Watling,

As discussed please find attached a copy of the Report of the Delegate to the Acting General Manager of Fair Work Australia of the Investigation into the Victoria No.1 Branch of the Health Services Union.

I confirm that the report was provided in our answer to question SQ12-000255, which FWA has submitted to DEEWR today at 4.30pm in accordance with the usual practice for Senate Estimates.

Kind regards,

Jennifer Anderson
Executive Assistant to the General Manager

Fair Work Australia
Tel: 03 8661 7854
jennifer.anderson@fwa.gov.au

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GPO Box 1994, Melbourne Victoria 3001

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