

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

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

**Agency - Fair Work Ombudsman**

**DEEWR Question No.** EW0126\_13

**Senator Cameron provided in writing.**

**Question**

**Cape Preston Sino Iron Ore Project**

"In February 2012, the Fair Work Ombudsman provided to CITIC Pacific Mining Management Pty Ltd, the ABCC and the CFMEU the Fair Work Ombudsman's report titled "FWO Referral - Cape Preston Sino Iron Ore Project". This refers to a major resources construction project in North West WA employing large numbers of Chinese workers on 457 visas and other temporary visas. a) How many of the 200-300 Chinese workers came forward to the FWO investigators in the course of the FWO investigation at Cape Preston with concerns about their wages and entitlements? b) In conducting its investigation, did the FWO use the services of a Chinese interpreter supplied by the company under investigation or employers associated with that company? If so, why and does the FWO consider that this practice acted to deter Chinese workers from coming forward? "

**Answer**

*The Fair Work Ombudsman has provided the following response.*

In response to question a:

Three Fair Work Inspectors attended the Cape Preston site for a period of six days from Sunday 16 October 2011 – Friday 21 October 2011 to conduct audits and educate workers.

The Fair Work Inspectors met with a number of workers and held conversations with over 200 workers from a number of employers, including 25 Chinese nationals from MCC, a Chinese owned construction company contracted to CITIC Pacific Mining Management Pty Ltd.

Fair Work Inspectors were available on site for six days and all Chinese workers present during presentations and meetings were provided with the direct contact details of individual Fair Work Inspectors (along with the Fair Work Ombudsman interpreting service contact details) to ensure they could contact the Fair Work Ombudsman at a later time suitable to them. The fact sheets provided were in Mandarin and Cantonese and contained the contact details for the Fair Work Infoline and Translating and Interpreting Service so that a Chinese worker could read these details.

No concerns were raised with the Fair Work Inspectors at the time of the visit or subsequent to the visit. Direct contact details were provided to Chinese workers for future contact as were a range of translated education materials.

In response to question b:

The Fair Work Ombudsman did utilise the services of Chinese interpreters employed or associated with CITIC and MCC.

This decision was made for a number of reasons:

1. The compliance activity at Cape Preston was not an investigation, namely, Fair Work Inspectors were conducting audits of company records and providing education services.
2. Evidence based allegations had not been provided to the Fair Work Ombudsman in regard to specific Chinese workers.
3. The experience of Fair Work Inspectors in previous investigations involving Chinese nationals confirms critical evidence is sourced from documents and locally engaged workers.
4. Cost and availability/accessibility of the site for an externally engaged interpreter.

As outlined above, the Fair Work Ombudsman provided alternative points of contact and translation services for the Chinese workers to raise any further questions or issues relating to their employment and workplace entitlements. Accordingly, the Fair Work Ombudsman does not consider that utilising the services of Chinese interpreters employed or associated with CITIC and MCC acted to deter Chinese workers from coming forward.