

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

**2005-2006 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING
2 and 3 NOVEMBER 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

OFFICE OF THE EMPLOYMENT ADVOCATE

Question Number: W559-06

Question:

Senator Marshall provided in writing:

According to page 11 of the OEA Annual Report 2004/5, the OEA received legal advice that employees with an approved AWA should not be included without their consent as participants in its Client Services Survey for privacy reasons. The Annual Report claims that this was due to a Federal Court Decision in May 2004:

- (a) Could the OEA please provide the full reference/case citation for the Federal Court decision as mentioned above?
- (b) Can the OEA confirm that no employee with an approved AWA was a participant in the Client Services Survey?
- (c) If so, how does the OEA judge the views and outcomes of AWAs on employees if they are unable to be included in the Client Services Survey?
- (d) Does the OEA complete other research to seek the views of employees? If so, please table this research.

Answer:

- (a) *Seven Network (Operations) Limited v Media Entertainment and Arts Alliance* [2004] FCA 637 (21 May 2004).
- (b) No. The survey did include employees but only those for whom an AWA had been lodged, filed or approved, had contacted the OEA in the 2004-05 financial year, and *who had given prior and expressed consent for their personal details to be used for this survey purpose and disclosed to an external consultant.*

As only a relatively small number of employees fulfilled the above criteria the OEA decided not to measure those OEA Strategic Plan performance indicators which relied solely on employee data sourced through the Client Services Survey.

- (c) The Client Services Survey 2004-05 was not designed to obtain the views of AWA employees about their AWAs and outcomes under these AWAs.

(d) A copy of the OEA Employee Survey conducted in 2001 is attached for your reference (submitted previously in the answer to Question on Notice W256-06 Attachment i).