

**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE
SUPPLEMENTARY ESTIMATES 2009-10**

Agency *Fair Work Ombudsman*

DEEWR Question No. **EW632_10**

Senator Fisher asked on 21 October 2009, EEWHR Hansard page 69.

Question

Senator FISHER—In this particular case, to what extent did the information from the state politician influence the Fair Work Ombudsman's decision to conduct the 'whopper raids', if I can call them that?

Mr Campbell—I would need to look into the matter further to give you some indication of the import of that input. However, I would say that whether it is from the politician or an issue raised from the media is largely irrelevant to us. We are concerned about any allegations of breaches of workplace law and will respond accordingly.

Senator FISHER—I would appreciate that being answered on notice. Who was the state politician?

Mr Campbell—Again, I do not know. I am not across the matter in that much detail. I was just talking about our general responsiveness to complaints we receive from the public or any other forum. I just wanted to give you some indication of our proactive response to workplace relations issues as well as our responsive investigations of complaints received.

Senator FISHER—Can you provide the identity of the state politician in your answers on notice?

Mr Campbell—If it is known to us and if it is not going to negatively impact on the conduct of our investigation, which is ongoing.

Answer

The Fair Work Ombudsman has provided the following response:

The Fair Work Ombudsman (FWO) received an allegation from Mr John Kobelke MLA, a member of the Western Australian Parliament, that Hungry Jack's was employing foreign students at a flat hourly rate of \$10. Mr Kobelke was making representations on behalf of a constituent who was unwilling to make direct contact with the Fair Work Ombudsman.

The Fair Work Ombudsman is the statutory agency responsible for ensuring compliance with the *Fair Work Act 2009*. The Fair Work Ombudsman is especially concerned to ensure that vulnerable workers such as young workers, casuals and foreign workers are not treated unlawfully in the workplace.

Given the serious nature of Mr Kobelke's allegation and the particular vulnerability of the workers involved, it was appropriate for the Fair Work Ombudsman to undertake an investigation. The Fair Work Ombudsman conducted an audit of 12 Hungry Jack's stores. The Fair Work Ombudsman found no evidence to substantiate the allegation and found the employer to be complying with the wages and allowances provisions in its workplace agreement.