

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

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2010-2011**

Outcome 5 - Workplace Relations

DEEWR Question No. EW0576_11

Senator Abetz asked on 20/10/2010, Hansard page 61.

Question

STATE JURISDICTIONS

Senator ABETZ—....I will just put a question on notice to Mr Giudice. I have been advised that the New South Wales Industrial Relations Commission does require members to resign from any political party of which they are a member. Could you take that on notice for me and ascertain whether that is correct and whether that practice is followed, to your knowledge, by any other industrial relations commission tribunal in Australia. It was just an email that was sent to me by somebody listening in, and I have got no idea if that is correct or not. Senator Chris Evans—Senator, can I just make a point. I think it is fair to ask the judge questions within his control but you have asked him to undertake a research project which is not part of his brief. So I think it would probably be best for you to ask the library. You can certainly ask him in terms of his responsibilities but it would be impossible for him to answer questions with any surety about other jurisdictions. Senator ABETZ—I do not want to embarrass Mr Giudice but he did give, I think in his evidence, that it was not a requirement of other jurisdictions— Mr Giudice—I am sorry if I gave that impression. I was not talking about any jurisdiction other than— perhaps my memory is faulty on that—I do not want to— Senator ABETZ—I do not want to, in any way shape or form, put words into your mouth and if I misheard or misunderstood I will withdraw that and accept that. Senator Chris Evans—Senator, I will undertake to make inquiries. Senator ABETZ—That is even better if you, Minister, could take that on notice, that is helpful. Senator Chris Evans—We will take that on notice and make some inquiries in terms of state jurisdictions.

Answer

The Department has contacted Industrial Registrars of each State industrial tribunal. None advised of any requirement for their members to resign from any political party of which they are a member. The NSW Industrial Registrar summarised the position of the NSW Industrial Relations Commission in the following terms: 'while not mandated by legislation, there would certainly be an expectation that a person appointed as a member of the Commission would resign from any political party'. None of the other Registrars indicated such an expectation.