

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

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

Outcome 4 – Workplace Relations and Economic Strategy

DEEWR Question No. EW0667_13

Senator Abetz asked on 17 October 2012 , Hansard page 111

Fair Work Australia Appointment Processes

Question

Relates to EW0311_13 - Appointment of Fair Work commissioner

Question 1.

Senator ABETZ: Thank you. I turn to question on notice No. EW0311_13, about the appointment of Commissioner Riordan, and the information you provided. What discussions, if any, were held between departmental officials and Mr Riordan before the announcement of his appointment? Mr Kovacic: I think at the last estimates I indicated in response to a similar question that clearly, as part of the appointment process, we would undertake normal due diligence in terms of whether there is a conflict of interest and those sorts of issues— Senator ABETZ: And outstanding court actions? Mr Kovacic: I would need to check on whether that cropped up as part of that process, and I will confirm that on notice.

Question 2.

Senator ABETZ: Being confronted with a \$1 million lawsuit by one's old trade union would not have been a good look for an appointment to Fair Work commission or bench, one would imagine. Mr Kovacic: My recollection is that Mr Riordan, in the context of conversations around, I suppose, the preparatory work for his appointment, alerted the department to the issue, but I would need to confirm that on notice.

Question 3.

Ms Paul: And, as we say here, the matter had been settled before he was appointed. Senator ABETZ: Yes—miraculously, on the day before the appointment! Don't tell me that there was not some prior knowledge that this matter was going to be settled on a particular day and the announcement delayed accordingly. So, Parliamentary Secretary, can we have clarification as to what discussions occurred between the minister's office and Mr Riordan in relation to this just amazingly coincidental settlement of a million dollar court case and the announcement of his appointment as a Fair Work commissioner? Senator Jacinta Collins: I will take that on notice, although I should indicate that I attended the ceremony on that occasion and I am not aware in terms of my own diary that there were any delays. Senator ABETZ: No, they weren't any delays. The case was settled, and the very next day Minister Shorten announced his appointment, along with some others. Senator Jacinta Collins: As I said, I will take it on notice.

Question 4.

Senator ABETZ: It is very coincidental. Was any advice offered by the department to Mr Riordan that his appointment could not be proceeded with whilst the court case was outstanding? Mr Kovacic: I would have to take that on notice. I do not know that we canvassed that issue in the conversations with him.

Senator ABETZ: If you could take that on notice, Parliamentary Secretary, in relation to discussions the minister or the minister's office might have had.

Answer

1. Possible nominees are asked to provide a declaration of private interests, which includes a requirement to disclose involvement in civil court actions. Mr Riordan disclosed his involvement in a civil court action in his private interests declaration.
2. Mr Riordan disclosed his involvement in a civil court action in his private interests declaration.
3. Mr Riordan alerted the Minister's office that the parties to the civil court action had reached a settlement and that the proceeding would be discontinued.
4. No advice was offered by the Department to Mr Riordan.