

**Paul Pirani**

---

**From:** CARRUTHERS, Ailsa  
**Sent:** Wednesday, 23 February 2011 10:27 AM  
**To:** Paul Pirani  
**Subject:** RE: Health Services Union [SEC=IN-CONFIDENCE]

Mr Paul Pirani  
Chief Legal Officer  
Legal and Compliance Branch  
Australian Electoral Commission

**Senate F&PA Committee**

Tabled Document

Inquiry: Additional Estimates

Date / Time: 6:55pm 14/02/2012

Witness Name: Mr Paul Pirani

Organisation: AEC

Dear Paul,

Thank you for your email. I can provide the following responses for your questions:

- (1) FWA has not yet concluded its investigation into the National Office of the Health Services Union under s.331 of the *Fair Work (Registered Organisations) Act 2009*;
- (2) There is no 'final FWA report into the results of the investigation' into the National Office of the Health Services Union; and
- (3) As a result, it is not necessary to address your third question.

Regards,

**AILS A CARRUTHERS**  
Team Manager  
Tribunal Services and Organisations

**Fair Work Australia**

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwa.gov.au](http://www.fwa.gov.au)

---

**From:** Paul Pirani  
**Sent:** Wednesday, 23 February 2011 10:00 AM  
**To:** CARRUTHERS, Ailsa  
**Cc:** Michael Ross  
**Subject:** Health Services Union [SEC=IN-CONFIDENCE]

IN-CONFIDENCE

Ms Ailsa Carruthers  
Fair Work Australia

Dear Ms Carruthers

I refer to our telephone conversation of this AM.

I confirm that yesterday at the hearing of the Senate Finance and Public Administration Committee I was questioned by Senator Ronaldson about the status of the Health Service Union and whether the Australian Electoral Commission (AEC) was continuing to monitor any investigations by the Fair Work Australia (FWA) into the various allegations published in the Sydney Morning Herald by Mr Mark Davis about the unlawful use of Health Services Union funds by Mr Craig Thomson in 2007 to finance his election campaign in the Division of Dobell. I indicated to the Committee that I was aware that a subpoena had been issued in the Supreme Court of NSW by the solicitors acting for the Defendants (Fairfax) in defamation proceedings brought by Mr Thomson seeking a copy of any FWA report into allegations that the provisions of the Fair Work (Registered Organisations) Act 2009 had been breached by Mr Thomson. I indicated that I was not aware whether the FWA investigation had been concluded and whether there was any report of the investigation. I also indicated that due to the operation of subsection 315(11) of the Commonwealth Electoral Act 1918, any action by the AEC would be statute barred unless it was commenced by 10 March 2011.

I gave an undertaking to the Senate Committee that I would approach your office today to ascertain:  
(i) whether the FWA had concluded its investigation into this matter;  
(ii) whether there is a final FWA report into results of the investigation under the Fair Work (Registered Organisations) Act 2009; and  
(iii) whether any such report, if it exists, could be provided to the AEC for the purposes of assisting the AEC to determine whether or not Mr Thomson had a reporting obligation under section 305A and 309 of the Commonwealth Electoral Act 1918 which he has failed to comply with.

Your assistance in this matter is greatly appreciated.

Yours sincerely

*Paul Pirani*  
Chief Legal Officer  
Legal and Compliance Branch  
Australian Electoral Commission

IN-CONFIDENCE

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

Please consider the impact to the environment and your responsibility before printing this email.

.....  
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.  
This footnote also confirms that this email message has been swept for the presence of computer viruses.  
.....