

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000227

Senator McKenzie provided in writing.

Question

FWC - Royal Commission Referrals – Australian Workers Union - Cesar Melham

The Heydon Royal Commission also made several referrals in respect of Cesar Melhem and the AWU itself, for investigation in respect of failing to maintain financial statements re membership and breaches of duties of officials.

- a. What steps have been taken in relation to this referral?
- b. When does the FWC anticipate this investigation will be finalised?
- c. Was the FWC aware of the allegations now being investigated before they were highlighted by the Royal Commission?

Answer

1. By letter dated 22 December 2015 the Trade Union Royal Commission advised the Fair Work Commission (FWC) that it was referring a number of matters to the FWC including:
 - Whether proceedings should be commenced against the Australian Workers' Union for a possible breach of sections 230 and 253(3) of the *Fair Work (Registered Organisations) Act 2009*; and
 - Whether proceedings should be commenced against Mr Cesar Melhem for a possible breach of sections 285, 286 and 287 of the *Fair Work (Registered Organisations) Act 2009*;
2. The letter was not received by the FWC because it had been incorrectly addressed. It was ultimately received on 1 February 2016. As at 23 February 2016, the supporting material has not yet been provided by the Trade Union Royal Commission.
3. Accordingly, it is not presently possible to anticipate what action will be taken by the FWC.
4. The FWC was not aware of the allegations relating to the Australian Workers' Union or Mr Cesar Melhem before they were highlighted by the Royal Commission.