

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Cross Portfolio

Department of Employment Question No. EMSQ16-000606

Senator Ludwig provided in writing

Question

Commissioned reports

Since the change of Prime Minister on 14 September, 2015:

1. How many reports (including paid external advice) have been commissioned by the Minister, department or agency?
 - a. Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.
2. How much did each report cost/or is estimated to cost? How many departmental or external staff were involved in each report and at what level?
3. What is the current status of each report? When is the Government intending to respond to these reports?

Answer

Details of the report of inquiry by the Hon Peter Heerey AM, QC into complaints about the Honourable Vice President Michael Lawler of the Fair Work Commission and related matters are attached.

QUESTION 1 Name of report	Report of inquiry into complaints about the Honourable Vice President Michael Lawler of the Fair Work Commission and related matters
(a) Details of report including - date commissioned. - date report handed to Government. - date of public release - Terms of Reference - Committee members	<p>On 19 October 2015 the Minister for Employment, Senator the Hon Michaelia Cash, appointed the Hon Peter Heerey AM, QC to inquire into complaints about Vice President Lawler of the Fair Work Commission and related matters. Mr Heerey is a distinguished former judge of the Federal Court of Australia.</p> <p>The Minister's media release of 19 October 2015 set out the terms of reference for Mr Heerey's inquiry as follows:</p> <ol style="list-style-type: none"> 1. matters raised in Ms Jane Carrigan's complaints to the Minister for Employment of 6 July 2015 and 9 July 2015 about Vice President Lawler and about the Fair Work Commission's management of her initial complaint to the President of the Fair Work Commission; 2. the processes of the Fair Work Commission to investigate complaints and allegations made against members of the Commission, including those appointed under previous workplace relations legislation; 3. the circumstances of Vice President Lawler's absence from duty at the Fair Work Commission during 2014 and 2015 including, but not limited to, the reasons behind the specific leave taken by Vice President Lawler that are related to the Fair Work Commission; 4. any actual or perceived conflicts of interest on the part of Vice President Lawler that may affect the standing of the Fair Work Commission, and the appropriateness of any process in the Commission to manage such conflicts; 5. whether there is a reasonable basis for both Houses of Parliament to consider requesting the Governor General to remove Vice President Lawler from the Fair Work Commission on the grounds of proved misbehaviour or incapacity; 6. any other matters considered relevant. <p>As at 9 March 2016 the report has not been publicly released (see further, below).</p>
QUESTION 2 How much did report cost/estimated cost? How many department or external staff were involved and their classification level	<p>As at 9 March 2016 the total cost was \$230,058.18. This is anticipated to be total final cost.</p> <p>No staff of the Department (or otherwise) were involved in the preparation of the report.</p>

<p>QUESTION 3</p> <p>What is the current status of the report?</p> <p>When is the Government intending to respond to the report?</p>	<p>On 25 February 2016 the Minister informed the Senate that she had received Mr Heerey's report on Monday 15 February 2016. The Minister noted that before providing further details she would first afford Vice President Lawler an opportunity to consider and respond to the report. The Minister advised that she had provided the report to Vice President Lawler and had invited him to provide any response by 4 March 2016, and would provide further information to the Senate after this time.</p> <p>On 3 March 2016 the Minister advised the Senate that Mr Lawler had resigned his office as a presidential member of the Fair Work Commission. The Minister tabled a redacted version of the report in the Senate on 15 March 2016.</p>
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