

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

**QUESTIONS ON NOTICE  
Additional Estimates 2012-2013**

**Agency - Fair Work Ombudsman**

**DEEWR Question No.** EW0896\_13

**Senator Abetz asked on 13 February 2013 , Hansard page 38**

**Question**

**NR Mobility and Scooter Solutions**

Senator ABETZ: ... Can I move to a complaint that I have received about the Fair Work Ombudsman where it was claimed that the Fair Work Ombudsman rang an office. I am just checking that I can raise it at Senate estimates. It is the matter of NR Mobility and Scooter Solutions. I do not know if you are aware of that particular matter. But I am told that in relation to this particular matter, a former employee submitted a complaint to the Fair Work Ombudsman about his pay. 'The ombudsman then phoned me'—that is, the person running the business—'just before the conciliation hearing with these accusations of short paying this person. There was nothing in writing. When I asked for a copy of the evidence I was refused, even though the payslips that the applicant refers to are our intellectual property. With a copy of his evidence, I can quickly and accurately verify or deny with proof the allegations of short payment.' Is that case known to anybody at the table? Mr Wilson: No. It is not. Senator ABETZ: Alright. will put some questions on notice about this particular case, so that you can then consider it. Mr Wilson: Certainly. We will take it on notice. In respect to the point about the payslips being intellectual property of the employer, that is nonsense. They are definitely not, and if someone said that to us we would make that very clear to them. Senator ABETZ: Yes, but if the Fair Work Ombudsman is in receipt of payslips from the employee complaining and the employer says, 'Well, do you have a copy of them? Can I have a look?', why wouldn't they be supplied so that it can be sorted pretty quickly? You may deny the allegation; I am only putting to you that that is what I am being told. You may have a completely different story. Mr Wilson: We will check it out. Senator ABETZ: I will put the details of that on notice.

**Answer**

*The Fair Work Ombudsman has provided the following response:*

The Fair Work Ombudsman's (FWO) Document Access Policy sets out the guidelines to be followed by the FWO in disclosing documents under Section 718 of the *Fair Work Act 2009*.

In accordance with the Document Access Policy, parties to an investigation may make a request to a Fair Work Inspector to access documents relating to their matter. It will generally be considered appropriate for a Fair Work Inspector to disclose certain documents to parties to the investigation, including copies of any evidence provided by the other party to the investigation, such as payslips.

The FWO received a complaint against R & K Van Setten Pty Ltd t/as NR Mobility & Scooter Solutions on 25 July, 2012. The complaint related to wages and conditions entitlements.

On 30 July 2012, the employer (Mr Ron Van Setten) requested evidence that was provided to the FWO by the complainant in support of his complaint. This evidence included payslips and correspondence. The FWO declined Mr Van Setten's initial request as the complaint was still being assessed by FWO, and advised him that his request may be re-assessed at the next stage of the investigation process.

Following the referral of the complaint to an investigation Mr Van Setten was advised that he may submit a request to access the documents via the FWO's Document Access Policy, which he did. The documents were then released to Mr Van Setten on 7 September 2012.

The FWO's Document Access Policy can be accessed on the FWO's website [www.fairwork.gov.au](http://www.fairwork.gov.au).