

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2008-09 BUDGET ESTIMATES HEARING

Agency Workplace Ombudsman

DEEWR Question No. EW922_09

Senator Abetz asked on Tuesday 3 June 2008, EEWHR Hansard page 84¹:

Question

Senator ABETZ—The point of the question is ‘misinformation’, and I do not say ‘deliberate misinformation’, in a media release in relation to information that my constituent says was initially presented to the initial investigator. That initial investigator mucked up the calculations a number of times, was taken off the case, somebody else came in, and it would appear that the AWA that was signed—but never lodged, and that is not in dispute—was then, it would appear, never passed on to the person that was then put in charge of the investigation. As a result, the ombudsman may well have misdirected themselves in relation to that public statement. I am not saying that anything of this sort was done with malice

Mr Wilson—there are a couple of points which the senator was asking us to look at, one of which is whether or not the media release might be wrong in any respect. We will certainly check that and if we need to correct that then we will. In respect of the process of our investigation and whether or not the inspector was moved or anything of that nature, we will also check that as well.

Answer

The Workplace Ombudsman has provided the following response.

The Workplace Ombudsman has reviewed the media release published on this matter and identified one error of fact. The media release initially referred to the Federal Magistrates’ Court of Australia, whereas it should have indicated the Federal Court of Australia. On detection of the error, the Workplace Ombudsman has corrected the media release. The amended media release is available online at: www.wo.gov.au.

The Workplace Ombudsman is aware that there were errors in the initial calculations completed by the investigating Inspector. However, in line with operational policy, Ms Maureen Healey was provided with the opportunity to consider and respond to the preliminary findings. As a result of subsequent information provided by Ms Healey, the calculations were corrected. Following this, a breach notice was issued for significant underpayments.

The investigating Inspector in this matter was not removed from the case. This Inspector departed the agency and the matter was subsequently handed over to another Workplace Inspector.

¹ This dialogue is located on pages 58 & 59 of the Proof Hansard.