

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN GOVERNMENT SOLICITOR

Question No. 55

Senator Abetz asked the following question at the hearing on 24 May 2012:

Senator ABETZ: Without going into the advice, has the Australian Government Solicitor provided advice to Fair Work Australia in relation to what matters might be able to be proceeded against on a civil basis in relation to the report into the HSU national office? You will recall that the AGS has provided advice to Fair Work Australia on both the HSU No. 1 branch investigation and into the HSU national office. I am asking about the second report, the national office report.

Mr Govey: The only information I have relates to the work that we are doing arising out of the national office investigation, where proceedings have been filed. We are acting for them. I do not have any information beyond that.

Senator ABETZ: You have been appointed in relation to that. Was any further advice, after 22 March, sought in relation to cooperation with police?

Mr Govey: I would need to take that on notice.

Senator ABETZ: Would you also take on notice: when you gave advice—I accept that I am not allowed to know what advice you proffered—was advice sought from you by Fair Work Australia in relation to the assertions by Ms O'Neill, the general manager of Fair Work Australia, that she would not release the report into the HSU national office until such time as she had determined whether or what action should be taken as a result of the report, because it might prejudice the outcome... Were you asked to give any advice in relation to that?

Mr Govey: I will need to take that on notice.

The answer to the honourable senator's question is as follows:

With reference to the first part of this question, the CEO of AGS advised the Chair of the Senate Legal and Constitutional Affairs Legislation Committee in his letter of 25 May 2012, that he had inadvertently informed the Committee that AGS had received instructions to commence Federal Court proceedings in respect of matters arising from the investigation by Fair Work Australia (FWA) into the National Office of the Health Services Union (HSU). In fact, AGS had received instructions from FWA to commence Federal Court proceedings in respect of matters arising out of its investigation into the Victoria No 1 Branch of the HSU, not its National Office.

On 22 March 2012, AGS provided advice to FWA on the disclosure of information, obtained during an inquiry and investigation relating to the HSU conducted by FWA, to relevant State law enforcement bodies and the Commonwealth Director of Public Prosecutions. On 20 April 2012, AGS provided further advice to FWA in relation to this matter.

On 2 and 4 April 2012, AGS advised FWA on issues relating to release of the FWA Delegate's Report of his investigation into the National Office of the HSU prior to the General Manager completing her consideration of the Report.