

PDMS No.	QON. No.	Responsible Minister	Dpt/Division/ Agency	Senator	Subject	Question	Wednesday 4 March 2020 Hansard Page or written
EEC-AE20-01	1	Minister for Industrial Relations	AGD, Safety and Industry Policy	Sheldon	Workers Compensation	<p>Senator SHELDON: Minister Payne, if contractors aren't covered by workers compensation and they aren't then entitled to compensation and they become victims of the virus—there have been a series of payments made, understandably, and certainly I support those payments being made, in the case of bushfires and droughts to businesses and farmers. In some isolated circumstances of some considerable time there were payments made to volunteer firefighters. There have been some small, minor one-off payments to individuals during the bushfires. Contract casuals and contract employees make up a large percentage of the workforce. Depending on how you calculate it, it's one in four to one in five. In the case of contractors, if they have to do a 14-day exclusion and they aren't paid for that period that they're off and they then become financial victims, is the government considering those contractors being covered by Comcare and engaging with the states to cover workers in the gig economy to be covered by workers compensation?</p> <p>Senator Payne: Not that I'm aware, but I'm happy to take your question on notice.</p> <p>Senator SHELDON: So the government hasn't given consideration in the Comcare—</p> <p>Senator Payne: Not that I'm specifically aware of, but as I said I will take your question on notice.</p> <p>Senator SHELDON: So the minister you're representing would be aware of whether there have been any endeavours to consider Comcare for contractors?</p> <p>Senator Payne: That's the purpose of me taking the question on notice, so I can seek his advice.</p> <p>Senator SHELDON: Thank you. Would you be able to come back to us today on that?</p> <p>Senator Payne: I would endeavour to do so.</p>	Pg. 5
EEC-AE20-02	2	Minister for Industrial Relations	AGD, Employment Conditions	Walsh	Legislation	<p>Senator WALSH: Is the department preparing any legislation that won't be examined through the so-called Porter review? Are you preparing any legislation that is not part of the Porter review?</p> <p>Mr Hehir: Yes, we are. There have been a number of reports that the government has considered and responded to. I think unpaid parental leave—the minister put out a press release on 5 February indicating his intention to legislate for that. That hasn't been done as part of the discussion paper process.</p> <p>Senator WALSH: That's all?</p> <p>Mr Hehir: I'd have to take that on notice, but that's one that jumps to mind.</p>	Pg. 6

EEC-AE20-03	3	Minister for Industrial Relations	AGD, Bargainng, Safety and Industry Policy	Walsh	Boston Consulting Group	<p>Senator WALSH: We've heard before about this Boston Consulting Group report on enterprise bargaining. Has that now been handed to the department? Mr Hehir: Yes. Wednesday, 4 March 2020 Senate Page 7 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE Senator WALSH: Are we able to obtain a copy of that report? Mr Hehir: That report is intended to be released. If the minister decides to release the discussion paper around enterprise bargaining, it is anticipated that that paper would form part of that discussion paper. It is intended for a public release. It is just the intention to be part of a discussion paper. Senator WALSH: To clarify that: the intention is that the Boston Consulting Group report as a whole, in its entirety, will be an attachment to the discussion paper? Mr Hehir: That's my understanding at this point in time, yes. Senator WALSH: If it's the intent to publish it as part of the discussion paper, can we obtain a copy of it separately? Mr Hehir: I think that's a matter for the minister, but I'm happy to raise that with him. Senator WALSH: Okay.</p>	Pg. 7
EEC-AE20-04	4	Minister for Industrial Relations	AGD, Bargaining, Safety and Industry Policy	Roberts	ACCC	<p>Ms Anderson: In relation to the competitive behaviour, the code also expressly requires that a code covered entity must comply with the Competition and Consumer Act as well. Senator ROBERTS: That's where my last question is going to. Industrial relations laws are being used to lock out competition. I had talks with Mr Rod Sims back in 2017. What is the progress of the ACCC's examination of this issue? He was pretty keen to examine it and I think the predecessor to your department was pretty keen to examine that as well. Mr Hehir: I'd need to take on notice any discussions we had with the ACCC. It might be better directing the question directly to ACCC. They're not one of our portfolio agencies. Senator ROBERTS: I understand that.</p>	Pg. 10

EEC-AE20-05	5	Minister for Industrial Relations	AGD, Employment Conditions	Sheldon	Meetings and conversations held by Department or Minister with employers or employer lobby groups	<p>Senator SHELDON: Minister, I just want to be clear. I understand discussion papers; I understand that some of them are published; I understand that the Minister makes a decision. But what I'm interested in is how many meetings or conversations the department or the minister has had with employers or employer lobby groups.</p> <p>Mr Hehir: I'd need to take that on notice.</p> <p>Senator SHELDON: Is it more than 20?</p> <p>Mr Hehir: Again, I'd need to take on notice any meetings the minister's had. I'd need to take on notice whether we had specific meetings. I might just add that there is some variation—</p> <p>Senator SHELDON: I'm sorry, but we're running out of time. You're saying you're taking it on notice in regard to minister's meetings. How many meetings has the department had?</p> <p>Mr Hehir: Again, I'd need to take on notice whether we've had different meetings outside the COIL process in terms of employer organisations.</p> <p>Senator O'NEILL: COIL means—</p> <p>Senator Payne: The Council on Industrial Relations.</p> <p>Senator SHELDON: I want to be clear again. I have only got a certain amount of time. Are you saying to me you don't know whether there were meetings outside the CIR process or you don't know how many meetings outside of the CIR process?</p> <p>Mr Hehir: I'm not sure that the department has met with employer groups alone. I'm aware of a number of meetings where we have met with a number of bodies. But in answering the question, I need to give you some detail around the consultation process. So the discussion paper process broadly describes—</p> <p>Senator SHELDON: I'm sorry, I'm aware of the discussion process; I'm just asking specifically about these meetings. You said that others have held meetings. What are the others that have held meetings?</p> <p>Ms Durbin: Just to reinforce what Mr Hehir is saying, I certainly personally can't recall</p>	Pg. 11-12
EEC-AE20-06	6	Minister for Industrial Relations	AGD, Employment Conditions	Faruqi	Sick leave for casual workers	<p>Senator FARUQI: Sorry, my question was: has your department had discussions with the health department?</p> <p>Mr Hehir: I'd need to take that on notice. I'm aware that there are discussions occurring across government but I'd need to check with my officers to see whether they've had discussions.</p>	Pg. 13
EEC-AE20-07	7	Minister for Industrial Relations	AGD, Safety and Industry Policy	Walsh	Greenfield lifetime projects	<p>Senator WALSH: I'm aware that, in October, the minister made a statement supporting greenfield lifetime projects. He made a statement that he supported changing legislation to allow for greenfield agreements Pg. 17-18 to apply to the lifetime of a project. I'm also aware that submissions to that particular discussion closed in November. So it appears that the minister announced a policy while he was still consulting on it through that process. Minister, can you clarify whether, in fact, the minister did announce a policy while still consulting on it in this process and let us know what that tells us about this process?</p> <p>Senator Payne: I don't have that information with me, but I understand there was a response made in question time. We'll check that record and come back to you.</p> <p>Senator WALSH: I'm of the understanding that it was published in the Financial Review.</p> <p>Senator Payne: That's my answer. I will check the record and come back to you.</p>	Pg. 17-18
EEC-AE20-08	8	Minister for Industrial Relations	AGD, IR Legal	O'Neill	Current vacancies of Fair Work Commission Expert Panel	<p>Senator O'NEILL: Who will the minister consult regarding these appointments?</p> <p>Senator Payne: I'll take that on notice.</p>	Pg. 18-19

EEC-AE20-09	9	Minister for Industrial Relations	AGD, IR Legal	Sheldon	Mondelez	<p>Senator SHELDON: Has the A-G or the department met with, spoken to or written to Mondelez?</p> <p>Ms Kuzma: I haven't personally.</p> <p>Mr Hehir: I'm not aware of anybody within the department having written to Mondelez, but I can take that on notice.</p> <p>Senator SHELDON: Are you aware of whether the minister has spoken to Mondelez?</p> <p>Mr Hehir: I'd have to take that on notice.</p> <p>Senator SHELDON: Minister, are you aware?</p> <p>Senator Payne: No, but I'll take it on notice if you wish.</p> <p>Senator SHELDON: Thank you. I'd also like to know, if that's occurred, how many times and when it's occurred. Can you take that on notice as well?</p>	Pg 21-22
EEC-AE20-10	10	Minister for Industrial Relations	AGD, IR Legal	Sheldon	Mondelez	<p>Senator SHELDON: How much money has been spent on external legal engagement in this case?</p> <p>Ms Kuzma: The minister was represented by Tom Howe QC and Irene Sekler of AGS as counsel. The total cost of the minister's intervention in this matter is approximately \$168,565.</p> <p>Senator SHELDON: Is there an estimated legal cost as well?</p> <p>Ms Kuzma: I have the costing incurred but in terms of the estimates I'd have to take it on notice.</p> <p>Senator O'NEILL: So far, we know that \$167,000 got spent by the Attorney-General to make sure that workers get less sick pay.</p>	Pg 22
EEC-AE20-11	11	Minister for Industrial Relations	AGD, IR Legal	Sheldon	Mondelez	<p>Senator SHELDON: Would you be able to estimate—I was at a hearing for another department, and they gave us the estimates of internal resources that were allocated to the work.</p> <p>Mr Hehir: We'd have to take that on notice. I would note that the industrial relations legal team don't keep time sheets. They're not in the same system as AGS; they don't have the six-minute increment of charging rates that many law firms use. It'll be difficult to get an estimate but we can certainly take that on notice.</p> <p>Senator SHELDON: I would draw your attention to hearings last night, where another department had the same situation. Obviously they don't take six-minute blocks but they do keep a record of internal costs and allocations of resources to projects, particularly ones they see as being important.</p> <p>Mr Hehir: We'll take it on notice.</p>	Pg. 23
EEC-AE20-12	12	Minister for Industrial Relations	AGD, FEG Branch, Employee Entitlement Safeguards and Policy	Walsh	Fair Entitlements Guarantee	<p>Senator WALSH: Have you seen any reduction in claims under the Fair Entitlements Guarantee since the Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018 was passed last April?</p> <p>Mr Manning: There are two parts to that question. With the way the FEG works, there will necessarily be a lag between actions occurring and companies becoming insolvent and FEG claims being made. We do have a slight downward trend in the amount of FEG claims paid over the financial year. Would you like me to run you through those in comparison to last financial year?</p> <p>CHAIR: Perhaps you could take it on notice.</p> <p>Mr Manning: I am happy to take it on notice and provide a comparison of claims, month by month, between this financial year and last financial year.</p> <p>Senator WALSH: It would be great if you gave us that data on notice. Chair, with respect, the witness didn't answer the question in relation to any trends that can be reported to us since the amendment last April that I referenced. Are you able to answer that?</p>	Pg. 26

EEC-AE20-13	13	Minister for Industrial Relations	AGD, Safety and Industry Policy	Sheldon	Review of ASEA	<p>Senator SHELDON: This may be to Mr Hehir: is there a time line where you perceive that you'd have some draft legislation? Obviously you're going through these steps, as you outlined earlier today, in other legislation.</p> <p>Mr Hehir: It's possibly too early in the process to have a time line. Really I think the key thing in terms of having the detailed discussions with the key stakeholders on what those options look like is the first step, and then it depends on what the consultation puts forward—the level of complexity and also advising the minister and seeking his views on which approach to take. It's probably a bit early to have a time line around drafting. My recollection is that the report was tabled on 27 November last year. We are progressing it. We'll shortly commence consultation with the key stakeholders. So we're working on it. I'll take on notice whether we've got an estimate of the time line but, given the complexities of some of the interrelationships, without having had those first detailed discussions it's probably a bit early.</p>	Pg. 27
EEC-AE20-14	14	Minister for Industrial Relations	ABCC	Sheldon	Enforcement action - subject matter of complaints	<p>Senator SHELDON: Given that there are no totals included in the report, would you agree that this makes it rather difficult for anyone to assess the proportion of resources the agency allocates to various types of work?</p> <p>Mr McBurney: I'm happy to provide further information on notice if that would assist. But what we provide in the report, as we have done since the first report, is what the federal parliament has required us to report on. We report in this manner because this is what the federal parliament decreed.</p> <p>Senator SHELDON: So you will provide further detail about the actual allocation of work and estimated costs?</p> <p>Mr McBurney: I have provided that detail previously to this committee and I'm happy to provide whatever advice and assistance this committee requires and further information. The quarterly report provides the information required in accordance with the reporting—</p> <p>Senator SHELDON: Thank you, Mr McBurney. You explained that before.</p> <p>Mr McBurney: More detailed information about how we apply our resources and our operations is provided in our annual report, as is the case for other government departments and agencies. This quarterly report is an additional reporting requirement that applies uniquely to my agency.</p> <p>Senator SHELDON: Which came out five months after the quarter. I also note that in Section g) on page 18—legal expenses incurred as a result of enforcement action—there is no breakdown at all on the topics of complaint. Can you provide a breakdown in the same format as other parts of the report?</p> <p>Mr McBurney: I'll take it on notice, and we'll endeavour to provide that information to you.</p>	Pg. 31
EEC-AE20-15	15	Minister for Industrial Relations	ABCC	Sheldon	Number of audits on subcontractors	<p>Senator SHELDON: In subcontracting, how many audits have you carried out on subcontractors randomly since 2 December 2016, and how many prosecutions?</p> <p>Mr McBurney: I will take the question about the number of audits conducted under the building code on notice. Our code audit activities do not result in prosecutions. Invariably, the final outcome of our code audit activities is either voluntary rectification or the recommendation to the minister for a sanction. We do not commence proceedings under the Building Code 2016. If you're asking about proceedings commenced by the agency in relation to wages and entitlements, we have commenced one proceeding, which is the SWAT building case. I can take you to the details of that case if you wish.</p>	Pg. 37

EEC-AE20-16	16	Minister for Industrial Relations	ABCC	Walsh	Wage recoveries from employers	<p>Senator WALSH: Can you provide the committee with the names of those employers on notice.</p> <p>Mr Pettit: We'll take that on notice.</p> <p>Senator WALSH: Are you taking the question as to whether you can provide the names on notice or are you saying you will provide the names on notice?</p> <p>Mr Pettit: I think we'll take both of those on notice.</p> <p>Mr McBurney: We'll take the question on notice and seek advice as to whether we can provide that.</p> <p>Senator SHELDON: It's a very important disincentive to employers that break the law—to be named and shamed—and it's been a current issue. If you are able to provide those names, that would be very helpful.</p> <p>Mr McBurney: We'll take advice on that.</p>	Pg. 38-39
EEC-AE20-17	17	Minister for Industrial Relations	ABCC	Sheldon	ABCC inspectors taking photos	<p>Senator SHELDON: I've been told that ABCC inspectors are routinely taking photos of workers on site—for example, when they have hard hats with union stickers on them. We are told that inspectors get very close to the workers, who feel that the behaviour is intimidatory. We've also heard that ABCC inspectors are taking photos of hard hats hanging on hooks et cetera. Can you confirm that ABCC inspectors take photos of workers on site?</p> <p>Mr McBurney: I'll have to take the question on notice. I have received no complaints about ABCC inspectors taking photos of workers on site. I am aware that our code audit activities require us to obtain whatever evidence is available of breaches of the code. When we are investigating potential breaches of section 13(2)(j), if a crane is flying a flag, we will take a photo of that flag flying from the crane. If there is a notice up on the sheds or the huts or the noticeboard saying 'No ticket, no start', we will take a photo because that breaches the code. If there are stickers applied to hard hats that are hanging on a hook in the mess room, we will take a photo of that hard hat. I am not aware of the extent to which we have taken photos of workers wearing hard hats with offending stickers, but I can take that question on notice and provide a response.</p>	Pg. 40
EEC-AE20-18	18	Minister for Industrial Relations	ABCC	Sheldon	ABCC inspectors taking photos	<p>Senator SHELDON: Sorry—just to put it in context. All of us regularly walk past building sites. It is not irregular to see somebody with a Master Builders Association logo. It could be on their vehicle, on the site or adjacent to the site. It could be a sticker on their hat. It could be on their shirt. Do you take action? Have you taken action? That's two questions.</p> <p>Ms Drennan: I'll have to take it on notice as to whether any of those stickers have been observed in any compliance activities—I'm not aware. But we enforce the provision as it's written. It only applies to building code projects and to code-covered entities on the clothing, property or equipment that they supply. So, when our inspectors conduct their compliance activities, that's what they're looking at.</p>	Pg. 40

EEC-AE20-19	19	Minister for Industrial Relations	ABCC	Sheldon	ABCC inspectors taking photos	<p>Senator SHELDON: I have some questions regarding the taking of photos of individuals, which you're taking on notice. I would like to know what the procedure is, and what the advice is to staff about taking photos. I want a copy of that procedure. I would like to know what photos have been taken of individuals. Are they kept on file? Have those individuals been asked permission for those photos to be taken?</p> <p>...</p> <p>Senator SHELDON: How securely are they stored?</p> <p>Mr McBurney: We will take all of those questions on notice.</p> <p>...</p> <p>Senator SHELDON: Do they compel the worker to identify themselves when they take those photos?</p> <p>Mr McBurney: I'll take that question on notice.</p>	Pg. 40-41
EEC-AE20-20	20	Minister for Industrial Relations	FWO	O'Neill	Commonwealth Bank Timeline	<p>Mr Campbell: What I'm saying is, if there is a time line where there was a media article and then, after that, the self-disclosure was made to us, this organisation, we would say that's not a self-disclosure because it is already in the public domain.</p> <p>Senator O'NEILL: Okay. So you're saying it was a self-disclosure by the Commonwealth Bank.</p> <p>Mr Campbell: My belief is—</p> <p>Senator O'NEILL: If you could clarify that time line, that would be good.</p> <p>Mr Campbell: Sure.</p>	Pg. 60
EEC-AE20-21	21	Minister for Industrial Relations	FWO	Sheldon	Workplace inspectors	<p>Senator WALSH: But has there been a reduction in the number of inspectors?</p> <p>Ms Parker: No. We've received additional funding for inspectors.</p> <p>Mr Campbell: Can I give you a year-on-year number of inspectors on notice? I don't want to confuse the conversation.</p>	Pg. 47
EEC-AE20-22	22	Minister for Industrial Relations	FWO	Roberts	Casual black-coal miners	<p>Senator ROBERTS: Thank you all for coming. How many casual black-coal miners from the Hunter Valley have referred complaints or matters relating to their pay and entitlements to your office since 2014?</p> <p>Mr Campbell: I can take that on notice. I would say the number is very, very small, but I will take it on notice.</p> <p>Senator ROBERTS: Thank you. Is it true that the Fair Work Ombudsman's website says you cannot be a casual mine worker under the black coal award?</p> <p>Mr Campbell: I'd have to check. I'm not sure the award provides a classification for casuals. If that's what the award says, that's what our website would say.</p>	Pg. 48

EEC-AE20-23	23	Minister for Industrial Relations	FWO	Roberts	FWO complaints	<p>Senator ROBERTS: Why does the Fair Work Ombudsman do nothing when everyday Australians, such as Simon Turner, send them complaints and a lot of information to investigate? The Fair Work Ombudsman's response was: 'You have lawyers, and they can sort it out'?</p> <p>Mr Campbell: I'll happily take that on notice. The case doesn't ring any bells for me.</p> <p>Senator ROBERTS: I know it's a complex issue. It's taken me a long while—and I've got some background in the area—to understand it. No-one else has approached it; they've all run. Just because it's complex doesn't mean it shouldn't be approached. This man's had serious difficulties for six years. He's working in a situation that we believe hundreds of coalminers are in, in Queensland and the Hunter Valley, where there are probably thousands—actually, hundreds at one particular mine we know of—working under unlawful, unethical and immoral practices. It seems to be deliberate wage theft calculated to go around the Australian industrial relations framework. He can't get any help from your office.</p> <p>Mr Campbell: Senator, I'm sorry: I just don't know the case. I'm happy to take it on notice and have a look at what assistance or otherwise we're able to—</p>	Pg. 48
EEC-AE20-24	24	Minister for Industrial Relations	FWO	Roberts	Chandler Macleod Employees	<p>Senator ROBERTS: Do Chandler Macleod employees work for Fair Work Ombudsman; and do they, or other labour hire employees, handle complaints for other matters that relate to Chandler Macleod or other labour hire employee complainants?</p> <p>Mr Scully: I'd need to take that question on notice—I don't know the answer.</p>	Pg. 49
EEC-AE20-25	25	Minister for Industrial Relations	FWO	Roberts	Conflict of interest policy	<p>Ms Parker: We have a conflict of interest policy as well, which is a general conflict of interest policy for all employees, including me, and they are required to follow that as well.</p> <p>Senator ROBERTS: When you reply to the other question on notice, could you send that, please.</p> <p>Ms Parker: The policy?</p> <p>Senator ROBERTS: The conflict of interest policy.</p> <p>Ms Parker: Certainly.</p>	Pg. 49
EEC-AE20-26	26	Minister for Industrial Relations	FWO	Walsh	Employer noncompliance complaints	<p>Senator WALSH: I want to try to understand how many complaints you receive and how many are actioned in certain ways. I understand that there'd be different ways of categorising and looking at things, but I'm hoping to try to keep it fairly simple. Are you able to tell us how many complaints about employer noncompliance with the act were made in calendar year 2019?</p> <p>Ms Parker: We'd have to take that on notice. Are you asking about complaints about employers?</p> <p>Senator WALSH: Yes; complaints about employer noncompliance with the act.</p>	Pg. 54

EEC-AE20-27	27	Minister for Industrial Relations	FWO	Ciccione	FWO prosecutions	<p>Senator CICCONE: ... Are you able to advise how many of the requests for assistance that have been received by the ombudsman in the past 12 months have been from temporary migrant workers? Could you provide me with the number and also how many were holders of subclass 417 and 457 visas?</p> <p>Mr Campbell: Last financial year we received 532 formal dispute lodgements, using the language I used for Senator Walsh before. That's 532 from 417 visa holders. From 457 and 482 in the last financial year it was 137 formal disputes. Overall lodgements from all visa types were 1,647.</p> <p>Senator CICCONE: How many prosecutions has the Fair Work Ombudsman undertaken on behalf of temporary migrant workers in the past 12 months? Ms Parker: Litigation?</p> <p>Mr Campbell: In this financial year, so 2019-20, we have commenced 13 litigations that involve migrant workers. Senator CICCONE: Could you take that question for the previous financial year, so we have the current one and the last one. If you could do that for the previous question that I asked too, that would be great. Ms Parker: This doesn't count the compliance notices issued to employers where they have migrant workers, which will be significant as well. Senator CICCONE: Can you provide a table that shows the outcomes of those prosecutions? Mr Campbell: Yes. Senator CICCONE: Have there been limitations around any of the undertakings by any of the prosecutions undertaken by the Fair Work Ombudsman? Mr Campbell: No, not specifically.</p>	Pg. 57
EEC-AE20-28	28	Minister for Industrial Relations	FWO	Ciccione	Seasonal worker exploitation	<p>Senator CICCONE: On Twitter there is a hashtag called '88 days a slave' where a number of working holiday-makers share their stories on Twitter about their exploitation, the financial and physical abuse while they are trying to achieve the 88 days for their extension. Are you aware of that presence on social media?</p> <p>Ms Hannah: We monitor social media very, very closely. We do see some of those comments. I'd have to take it on notice whether we are tracking that specific hashtag.</p>	Pg. 59
EEC-AE20-29	29	Minister for Industrial Relations	FWO	Ciccione	Border Force MoUs	<p>Senator CICCONE: Are there any agreements between the Fair Work Ombudsman and the Australian Border Force?</p> <p>Mr Campbell: There are a number of MOUs.</p> <p>Senator CICCONE: Can you provide a copy?</p> <p>Mr Campbell: There's a number of them. They facilitate information sharing, intelligence sharing and how we coordinate joint operations. I think we can share those which are able to be put into the public domain.</p>	Pg. 59
EEC-AE20-30	30	Minister for Industrial Relations	FWO	Ciccione	Visa holder Discretion	<p>Mr Campbell: If a visa-holder is assisting us with inquiries with regard to a specific investigation, we can ask the Border Force to consider not exercising its discretion to have a person deported if they don't have a valid visa or reason to be in the country. They're available to us should we need it.</p> <p>Senator CICCONE: Are you able to provide copies?</p> <p>Mr Campbell: Some of it is in the public domain. If we can share that with you, that's not a problem.</p>	Pg. 59

EEC-AE20-31	31	Minister for Industrial Relations	FWC	Sheldon	Complaints against Deputy President Gerard Boyce	<p>Senator SHELDON: And inappropriate workplaces and too many—I agree with you, Minister. Have any staff complaints been levelled against the president or the deputy president of the commission?</p> <p>Ms O'Neill: The member that you've just been referring to?</p> <p>Senator SHELDON: Yes.</p> <p>Ms O'Neill: I will have to take that on notice.</p> <p>Senator O'NEILL: If something of that scale had happened, I expect that you would be aware of it?</p> <p>Ms O'Neill: I am aware of it, but I'm not immediately able to recall how it came to my attention and, although it came to my attention, whether that was through or in fact unrelated to any concerns that have been expressed by staff. Staff might have expressed concerns to someone else, for example, which was unrelated as to how I personally became aware of—</p> <p>Senator O'NEILL: So are you aware then, not how did you become aware, of complaints levelled against the president or the deputy president of the commission?</p> <p>Ms O'Neill: I'm aware that there were tweets—actually, let me just check. They weren't tweets; they were LinkedIn comments—and we talked about this at the last estimates hearing; that's what we discussed on the last occasion.</p> <p>Senator O'NEILL: And were they of any concern to you when you became aware of them, Ms O'Neill?</p> <p>Ms O'Neill: I'm not sure that we're talking about the same thing and that's kind of partly why I'm hesitating.</p> <p>Senator SHELDON: I may be of some assistance. Have any of the complaints involved harassment or have any of those complaints involved items displayed in offices?</p> <p>Ms O'Neill: I am aware that there have been items placed in part of the premises and that queries and concerns have been expressed in relation to those some time ago. Whether they constitute complaints and were from a member of staff is the question</p>	Pg. 62-63
EEC-AE20-32	32	Minister for Industrial Relations	FWC	O'Neill	Cartoon Character Figures	<p>CHAIR: I think that the witness can take questions on notice.</p> <p>Senator O'NEILL: What do these figurines depict, Ms O'Neill? Ms O'Neill: What I recall is that the way you describe them, as a cartoon caricature type figurine, is not inaccurate. My recollection is that one was a female figure. The other I'm not sure was even human. I was going to make a silly comment, and I won't. I honestly can't recall the second one, and I'll take that on notice.</p> <p>Senator O'NEILL: Perhaps you've given me your answer to the next question: are all the figurines women to the best of your knowledge?</p> <p>Ms O'Neill: As I said, I can't recall that and I'll take that on notice. Ms O'Neill: I'm trying to be helpful. I'm trying to recall to the best of my knowledge. At the same time, these, to my understanding, were amateur figurines without a lot of detail. As I said, I've not personally seen them.</p> <p>Senator O'NEILL: Were the figurine's breasts exposed?</p> <p>Ms O'Neill: I don't know that. I'll take that on notice.</p> <p>Senator O'NEILL: How many figurines were there in Mr Boyce's office?</p> <p>Ms O'Neill: I'll take that on notice. There were, to my recollection, a large number, and some were removed, and the remainder were subsequently removed. So the number shifted.</p>	Pg. 63-64

EEC-AE20-33	33	Minister for Industrial Relations	FWC	O'Neill	Response of Mr Boyce to complaint	Ms O'Neill: My understanding is that the figurines were certainly not anything like life-sized. Senator SHELDON: What was Mr Boyce's response to this complaint? Ms O'Neill: I wasn't personally party to a conversation with him about them, but the upshot is that he removed all of them. I can take on notice your question otherwise.	Pg . 66
EEC-AE20-34	34	Minister for Industrial Relations	FWC	O'Neil and Sheldon	Surveillance Cameras	Senator SHELDON: Just to clarify, is it the case that Mr Boyce had installed, or arranged to have installed, surveillance cameras in his office? Ms O'Neill: A question such as that was raised with me several weeks ago. That was the allegation that was put. There was a conversation with the deputy president about the inappropriateness of that as well, and the member concerned advised that it was either fake or certainly not working and would remove it. Senator SHELDON: When did this installation happen? Ms O'Neill: I will take it on notice, but it was in the order of a couple of months ago.	Pg. 66
EEC-AE20-35	35	Minister for Industrial Relations	FWC	Sheldon	Mr Boyce counselling	Senator SHELDON: He had been counselled on one occasion about partisan political media posts. Has he also been counselled about the episode that we've been discussing today? Ms O'Neill: I'll take that on notice.	Pg. 67
EEC-AE20-36	36	Minister for Industrial Relations	FWC	O'Neill	Conduct of a Fair Work Commissioner	Senator O'NEILL: What did it take to get him to remove all of these inappropriate figurines for a modern workplace? Ms O'Neill: I'll have to take that on notice. Senator O'NEILL: Was there a formal intervention? Ms O'Neill: I do not recall a formal complaint in that sense, but I understand there were conversations, and concerns were expressed with the member directly. Senator O'NEILL: By whom? Ms O'Neill: By a number of people. Senator O'NEILL: So people in his workplace—people senior to him or people he was overseeing? Ms O'Neill: I'll take that on notice.	Pg. 64-65
EEC-AE20-37	37	Minister for Industrial Relations	FWC	O'Neill	Donald Trump display	Senator SHELDON: Along with these matters, there was also, I understand, a life-size cardboard cut-out of the Republican President, Donald Trump, displayed in his office. Would that violate rules and guidelines in relation to party political displays? I'm directing this to any one of you. Ms O'Neill: Would it contravene the code of conduct? I would need to consider that.	Pg.67
EEC-AE20-38	38	Minister for Industrial Relations	FWC	O'Neill	Mr Boyce	Senator O'NEILL: I understand that a complaint was made—you might be calling it something else—and there were photographs of the figurines submitted. Could you provide the committee with copies of those photos and an explanation of how the photos were obtained, whether they were obtained with or without Mr Boyce's knowledge and how Mr Boyce reacted to being counselled or disciplined or advised—whichever word you choose—about these items being photographed and a complaint being lodged? I'm sure you have some complaint procedures. I would like it if you could provide on notice the details regarding the figurine matter. Also, the details around the life-size picture of Mr Trump. Also around the matters of partisan political media posts—that's kind of three strikes and you're out. It has to be the case with Mr Boyce. Was Mr Boyce appointed as an employer representative to the commission?	Pg. 70

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Education and Employment Committee

Last updated: Wednesday, 4 March 2020

EEC-AE20-39	39	Minister for Industrial Relations	FWC	O'Neill	FWC Budget	<p>Senator O'NEILL: It's hard not to continue to stridently put this forward, because the facts speak for themselves, in fact. When in December 2018 the government appointed six deputy commissioners to fill one vacancy, who were all from employer backgrounds, was the Fair Work Commission budget increased sufficiently to fund their generous salaries? What cuts were made in other areas to accommodate them?</p> <p>Senator Payne: I'm not aware of those budgetary aspects. If there's someone at the table who can answer that, I'm happy for them to do so. Otherwise I'll take it on notice.</p> <p>Ms O'Neill: We have gone through this in some detail. In the interests of time, I can take it on notice and refer you to the discussion in Hansard. In short, some additional funding was provided relating to the appointment of the members in December 2018.</p>	Pg. 71
EEC-AE20-40	40	Minister for Industrial Relations	FWC	O'Neill	Appointments	<p>Senator O'NEILL: Has the Attorney-General or his office spoken to or sought the views of the president about appointments?</p> <p>Ms O'Neill: Sought the views of particular—</p> <p>Senator O'NEILL: Have you been consulted?</p> <p>Ms O'Neill: No; not about the identity. Well, I'll take it on notice. Certainly I haven't been.</p> <p>Senator O'NEILL: Have you been consulted about the mix and the discernment of skills in any way?</p> <p>Ms O'Neill: I certainly haven't, Senator.</p> <p>Senator O'NEILL: Are you aware of anybody—</p> <p>Ms O'Neill: I'll take it on notice, but not to my knowledge.</p>	Pg. 73
EEC-AE20-41	41		ROC	O'Neill	Legal costs of the Registered Organisation Commission	<p>Senator O'NEILL: The \$92,000 currently expended—what date was that?</p> <p>Mr Bielecki: It's been invoiced. I don't know if it has yet been paid. I can't give you a date.</p> <p>Senator O'NEILL: If you could take that on notice, that would be helpful.</p>	Pg. 75
EEC-AE20-42	42	Minister for Industrial Relations	ROC	O'Neill	Legal costs of the Registered Organisation Commission	<p>Senator O'NEILL: ... Can you tell the committee the cost of briefing barristers was in the original case against the AWU, including the rate that was charged by Frank Parry QC?</p> <p>Mr Bielecki: The amounts charged by the barristers were as follows: Frank Parry QC, \$233,145; Matthew Follett, \$197,347.83; and Chris O'Grady, who I think appeared when Mr Parry was unavailable, \$11,079. I don't have information as to the rate that Mr Parry charged. I can get that on notice.</p> <p>Senator O'NEILL: You can take that on notice. Thank you very much.</p>	Pg. 75

EEC-AE20-43	43	Minister for Industrial Relations	SWA	Sheldon	Translation of documents and information	<p>Senator SHELDON: In the case of general nature that doesn't specifically go to industries, more broadly across the community, what are the various languages that communications are represented in?</p> <p>Ms Baxter: At this stage, my understanding is it's in English only. However, what I'm not aware of—and I can take this on notice—is whether work, health and safety regulators may have picked up that information or, in fact, built on it and gone out to their jurisdiction in other languages. Ms Baxter: If I may, there's no issue with regard to funding to get these documents or information translated. It's more an issue of we as the national policy agency often having to be heedful of our state and territory work, health and safety regulators who have those direct relationships into the communities and have, on other occasions, in respect of other work, health and safety matters, indicated to us that they want to be able to get up close and do the work with those particular sectors of their jurisdictions.'</p> <p>Senator SHELDON: But you're unaware of whether they're actually doing it or not.</p> <p>Ms Baxter: I don't have that information. As I said, I will take that on notice and bring that back to you.</p> <p>Senator SHELDON: It's extremely important. I'm very interested in that information. How long do you think that would take?</p> <p>Ms Baxter: We would need to contact each of the jurisdictions, and we're dependent on their ability to provide that information to us. I would suggest that we can get that back in the time frame for questions on notice in relation to this hearing period.</p>	Pg. 87
EEC-AE20-44	44	Minister for Industrial Relations	SWA	Walsh	Number of claims for Silicosis	<p>Senator WALSH: So you're not able to advise the committee as to whether there has been an increase over time in the number of claims for silicosis, if that's your data—or are you able to advise us?</p> <p>Ms Raven: I could take on notice and have a look at the time series, but if you're looking at 60 claims over a period I would be cautious about interpreting any particular trends at that time. We're aware from updates from Safe Work Australia members that claims are currently being made and accepted. Once that current cohort of claims comes into the dataset we will have a much better idea of what the national trends are doing.</p> <p>Senator WALSH: Just to cover the data you do have from 2011 to 2017, is it broken down annually and can you see any trend, even in the 60 cases that are there?</p> <p>Ms Raven: I don't have that data with me. I'm happy to take that on notice.</p>	Pg. 88

EEC-AE20-45	45	Minister for Industrial Relations	SWA	O'Neill	<i>They never came home</i> report	<p>Ms Baxter: There are a number of recommendations in that report that we're working on in Safe Work Australia, or Safe Work Australia members have asked us to work on, predominantly in the area of family support processes. I think that would be incredibly pertinent in this area because, as you have indicated, the diagnoses that are coming out at the moment that we are aware of are in many cases those of young people. It makes the situation that much more magnified, I suppose. There are the family support recommendations from that Senate inquiry that we are working on. There are some recommendations in that report that are already being worked on and progressed in Safe Work Australia. And there are some recommendations in that report which are currently before work health and safety ministers, because they were also recommendations of the independent review of the model work health and safety laws that was undertaken in 2018.</p> <p>Senator O'NEILL: If you could provide on notice an update of what you're doing in relation to that report and what you're advancing, in more detail, I would very much appreciate it.</p>	Pg. 90
EEC-AE20-46	46	Minister for Industrial Relations	SWA	O'Neill	Exploitation of women in the workplace	<p>Senator O'NEILL: You might take it on notice to provide the committee with any information you have. You've already indicated to Senator Walsh that women are disproportionately represented in experiences of being exploited in their workplace in a range of ways, including harassment, which might just be intimidation—or not just, but it might take the form of intimidation—or might take the form of sexual harassment. It might take multiple forms. Have you done any particular work about the impact of the continuing practice in some workplaces of exploitive images of women?</p> <p>Ms Baxter: No, we haven't.</p>	Pg. 92

EEC-AE20-47	47	Minister for Industrial Relations	Comcare	Sheldon	Royal Hobart Hospital redevelopment enquiries - lead in the drinking water and asbestos	<p>Senator SHELDON: Where there have been notifications reported to Comcare or otherwise regarding the Hobart Hospital redevelopment project, relating to asbestos, where either John Holland employees were affected or John Holland had control of the workplace?</p> <p>Mr Napier: I don't have that detail at hand, I'm sorry.</p> <p>Senator SHELDON: Are you able to obtain that detail?</p> <p>Mr Napier: Certainly, yes. Senator SHELDON: Can you give me an idea of how long that would take?</p> <p>Mr Napier: By the end of the week.</p> <p>Senator SHELDON: How many incidents, notifiable or otherwise, were reported to Comcare from the Hobart Hospital redevelopment project relating to lead in the drinking water, where either John Holland employees were affected or John Holland had control of the workplace?</p> <p>Mr Napier: I don't have the detail of all the notifications. I would need to take that on notice.</p> <p>Senator SHELDON: Would it take a similar time to get that information?</p> <p>Mr Napier: A similar time, yes.</p> <p>Senator SHELDON: How many incidents, notifiable or otherwise, were reported to Comcare from the Hobart Hospital redevelopment project relating to serious injuries requiring medical attention, where either a John Holland employee were injured or John Holland had control of the workplace?</p> <p>Mr Napier: Again, I don't have that detail at hand. I will take that on notice. It will take a similar time.</p> <p>Senator SHELDON: You can take these questions on notice, unless you have the formation at hand. In relation to the asbestos, did a Comcare inspector attend to the site? Mr Napier: We do attend the site. I'd have to confirm whether we attended in relation to a specific issue that was raised with us. My recollection is that if we're</p>	Pg. 93
EEC-AE20-48	48	Minister for Industrial Relations	Comcare	Sheldon	Royal Hobart Hospital redevelopment enquiries – asbestos	<p>Senator SHELDON: Was an investigation performed into the asbestos matter?</p> <p>Mr Napier: Yes, there was.</p> <p>Senator SHELDON: Was any breach identified? Mr Napier: Not from recollection, no.</p> <p>Senator SHELDON: You would need to take that on notice?</p> <p>Mr Napier: I would prefer to take that on notice to be precise.</p> <p>Senator SHELDON: And was there any regulatory action taken as a result—could you take that on notice as well?</p> <p>Mr Napier: Certainly.</p>	Pg. 94
EEC-AE20-49	49	Minister for Industrial Relations	Comcare	Sheldon	Royal Hobart Hospital redevelopment enquiries – lead in the drinking water	<p>Senator SHELDON: In relation to the lead in the drinking water, did a Comcare inspector attend the site?</p> <p>Mr Napier: Yes. Comcare inspectors have attended the site.</p> <p>Senator SHELDON: How long after the report of the incident was it before the inspector attended?</p> <p>Mr Napier: I don't have that level of detail with me. Again, I'll take that on notice.</p>	Pg. 94

EEC-AE20-50	50	Minister for Industrial Relations	Comcare	Sheldon	Royal Hobart Hospital redevelopment enquiries – lead in the drinking water and serious injury	<p>Senator SHELDON: Was an investigation performed?</p> <p>Mr Napier: I don't have the detail at hand. There were inquiries made. Monitoring compliance activities is what they're probably described as, whereby we would establish whether there was an issue or breach of legislation by the PCBU, John Holland in this case.</p> <p>Senator SHELDON: Was there any breach identified?</p> <p>Mr Napier: Not that I can recall, but for precision I'd prefer to take that on notice.</p> <p>Senator SHELDON: Was any regulatory action taken?</p> <p>Mr Napier: Well, visits to the site and made inquiries, yes.</p> <p>Senator SHELDON: How long after the report of the incident was it before inspector attended?</p> <p>Mr Napier: Again, I'll take that on notice. It would be helpful if we could have some details as to which incident you're referring to.</p> <p>Senator SHELDON: All incidents.</p> <p>Mr Napier: Happy to do so.</p> <p>Senator SHELDON: That includes the previous question. So it's all incidents involving those particular matters that I raised.</p> <p>Mr Napier: Certainly.</p> <p>Senator SHELDON: And the same list of questions, five, which I gave under each heading. I gather that those ones that I've just asked will take a week for you to answer on notice?</p> <p>Mr Napier: You're getting quite granular in the requests now. We will endeavour to have it by the end of the week, but we may need longer to ascertain it.</p> <p>Senator SHELDON: The question regarding an investigation, which you have taken on notice, I understand, regarding the medical attention—was an investigation performed? Mr Napier: I'll take that on notice.</p> <p>Senator SHELDON: Was any breach identified?</p>	Pg 94
EEC-AE20-51	51	Minister for Industrial Relations	Comcare	Senator O'Neil	Mental health and safety in the workplace	<p>Senator O'NEILL: With regard the claims to you, you said that they have declined or stabilised?</p> <p>Ms Weston: In answers to questions on notice last time I think we gave some figures across the scheme, which indicated in the premium payers, which are the Commonwealth departments as opposed to self-insured licensees, those psychological injury claims were 572 in 2017-18 and 502 in 2018-19. They're in answers to questions on notice. Prior to that it was reasonably stable as well. In this next year it may be a slight uptick, but largely it's stable as opposed to increasing. What we are finding is that some of the other claim fields—injury and disease—are dropping. So from the premium-payers' point of view, the bucket of claims that we see has proportionally more mental health issues.</p> <p>Senator O'NEILL: Okay. That is quite helpful. Could I now go to the gender mix in terms of the 572 and the 502 claims.</p> <p>Ms Weston: I am certainly very willing to take that on notice. Senator O'NEILL: If you could provide as much detail about exactly what the claim was so that I can figure out whether it was a harassment claim, a bullying claim or a sexual harassment claim.</p> <p>Ms Weston: We will see what codes we've got in that area. Senator O'NEILL: I don't know what structures you've got to—</p> <p>Ms Weston: I think there are some categories, and I'll do what I can.</p> <p>Senator O'NEILL: To give me a global picture of what's really happening there.</p> <p>Ms Weston: Yes.</p>	Page 95

EEC-AE20-52	52	Minister for Industrial Relations	Comcare	Senator O'Neil	Mental health safety in the workplace-women	<p>Senator O'NEILL: In the fifth national statement, which we were discussing earlier, it noted that women were twice as likely to be affected by workplace stress, harassment and bullying as well as exposure to occupational violence when compared to men.</p> <p>Ms Weston: I did read an article in The Sydney Morning Herald in the last few days exactly on that topic.</p> <p>Senator O'NEILL: Do you agree that that is indicative of the profile that you're seeing?</p> <p>Ms Weston: I need to check that profile and see what it says, but I'm certainly very willing to provide that to you.</p>	Pg. 96
EEC-AE20-53	53	Minister for Industrial Relations	Comcare	Senator O'Neil	Investigation of the Fair Work Commission and other statutory bodies	<p>Senator O'NEILL: Have you ever had to investigate the Fair Work Commission prior to this?</p> <p>Ms Weston: I don't have that information.</p> <p>Senator O'NEILL: Could you take that on notice.</p> <p>Ms Weston: Yes.Senator O'NEILL: Are there any workplace commission or supervisory statutory authorities that you have had to investigate for this kind of a breach of WHS standards?</p> <p>Ms Weston: Similarly, I don't have that information with me.</p>	Pg. 98
EEC-AE20-54	54	Minister for Industrial Relations	Comcare	Senator O'Neil	Code of practice for psychological hazards	<p>Senator O'NEILL: Yes—do we have codes of practice to deal with all of the psychosocial hazards, including sexual harassment in the workplace?</p> <p>Mr Napier: I'd have to take that on notice. It might be a question that Safe Work Australia—</p> <p>Senator O'NEILL: Could assist—</p>	Pg. 99

EEC-AE20-55	55	Minister for Industrial Relations	Comcare	Senator Sheldon	Coronavirus advice to employers and employees covered by the Comcare scheme	<p>Senator SHELDON: In the case of self-insured transport operations and parcel delivery operations—where there are contractors engaged and where there is some requirement to give a safe place of work—has there been any recommendations or proposals on how the coronavirus should be dealt with? There are a number of companies that are self-insured transport companies; they have a series of contracting companies, whether they be single-owner drivers or whether they be fleet owners. Has there been any communication, because those workers, parcel delivery workers, will also be, in my considered opinion, one of those high-risk industries because of regular contact with clients in their homes.</p> <p>Mr Napier: We've not undertaken giving information to those organisations. We have today, however, released information in relation to the coronavirus and duties from both the WHS and workers' compensation perspective as it relates to the jurisdiction which we regulate or insure.</p> <p>Senator SHELDON: Can you just explain to me how the advice has been communicated and in what languages.</p> <p>Ms Weston: Senator, our jurisdiction, as I mentioned, is limited. It's limited to people employed by the Commonwealth and Commonwealth authority under the Safety, Rehabilitation and Compensation Act and for licensed corporations, which are big companies. And so, in that respect, the people who are receiving this information, which is on social media, it's up on our website and it's in a letter, are in a position where they are able to access that information.</p> <p>Senator SHELDON: Has there been a request to have the information be multilingual?</p> <p>Ms Weston: The people in our—</p> <p>Senator SHELDON: I'm talking about your self-insured companies. You're sending information to them about what they should do about coronavirus.</p> <p>Ms Weston: These are very large companies that can access it in English. Our jurisdiction doesn't cover the small ones. It's—</p>	Pg. 100-101
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EEC-AE20-56	56	Minister for Industrial Relations	IR Legal	O'Neill	Fair Work Commission Expert Panel	<p>Senator O'NEILL: Can I just go to another line of questioning? I refer to the Attorney-General's failure to appoint members to the Fair Work Commission Expert Panel. I do have a copy of the Attorney-General's letter to the President of the Senate. Are you familiar with that, or do you need me to table it? It's been five months since we last sat at estimates, and there are still six vacancies on the Fair Work Commission Expert Panel. Three of those are to deliberate on the annual wage review. My question is: why is the government not doing its day job and fulfilling its responsibilities? Why are these vacancies still unfilled?</p> <p>Ms Kuzma: There's a current process underway in relation to those vacancies.</p> <p>Senator O'NEILL: Okay, another process. Is this one any clearer than the last one?</p> <p>Mr Hehir: There is a requirement for these appointments to be done formally and through the cabinet processes. I think it's unfair to characterise—</p> <p>Senator O'NEILL: Can you table the document for me, Mr Hehir, that shows what the process is?</p> <p>Mr Hehir: I think it's unfair to characterise the answer that there's a process underway as a minimalist approach. There's an essential process that must be complied with that is underway.</p> <p>Senator O'NEILL: Is there a document that you can table that outlines that process for me, Mr Hehir?</p> <p>Ms Kuzma: The Cabinet Handbook may be of interest to you or the Executive Council Handbook.</p> <p>Senator O'NEILL: What is the process that the minister is currently undertaking to fill the current vacancies of the Fair Work Commission Expert Panel?</p> <p>Ms Kuzma: This is a cabinet process and the appointments are made by the Governor-General. So when I am explaining that a process is underway it's those processes. I can refer you to the Cabinet Handbook that steps that through and also the materials for the Executive Council.</p>	Pg. 18-19
EEC-AE20-57	57	Minister for Industrial Relations	FWO	Roberts	Casual black-coal miners	<p>1. How many casual black coal miners from the Hunter Valley have referred complaints or matters relating to their pay and entitlements to your office since 2014?</p> <p>2. Is it true that the Fair Work Ombudsman's website says you cannot be a casual mine worker under the Black Coal Award? (Link: https://www.fairwork.gov.au/library/k600104_casuals-in-the-black-coal-award). In responding, please advise if a worker who works side by side with, and doing the same job as, year-in-year-out, with permanent black coal miners can truly be defined as a "casual" and be paid less and detail why?</p> <p>3. I put it to you that there ARE casual black coal miner workers in Australia including the Hunter Valley and have been for many years, so why do you say there cannot be an and when you have had complaints from them what have you done? Do you help these people when they contact you even though you do not recognise them? How?</p> <p>4. Are casual black coal miners a high risk area which you are monitoring given at least one labour hire company knows they may be liable for over \$100 Million and the sector risk may be over \$1Billion?</p>	Written 12/03
EEC-AE20-58	58	Minister for Industrial Relations	FWO	Roberts	Simon Turner complaints	<p>Why did the FWO do nothing when everyday Australians such as Simon Turner sent them complaints and a lot of information to investigate and the FWO response was , "you have lawyers and they can sort it out "?</p>	Written 12/03

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Education and Employment Committee

Last updated: Wednesday, 4 March 2020

EEC-AE20-59	59	Minister for Industrial Relations	FWO	Roberts	Chandler Macleod Employees	Do Chandler MacLeod employees work for FWO and do they, or other labour hire employees, work in roles where they handle complaints or other matters (or work in support roles to these functions) that relate to Chandler MacLeod or other labour hire employee complainants? What is your policy and how do you manage this conflict of interest? When was this policy last audited?	Written 12/03
EEC-AE20-60	60	Minister for Industrial Relations	IR, Employment Conditions	Roberts	Casual black-coal miners	When can everyday Australians like the casual black coal mine workers expect to be compensated for loss of wages and entitlements? Everyday Australians like Simon Turner have been calling for help for many years.	Written 12/03
EEC-AE20-61	61	Minister for Industrial Relations	IR, Employment Conditions	Roberts	Labour Hire contractors	BHP seems to have been able to 'engineer' lower than award rates of pay for casual black coal mine workers in coal areas including Hunter Valley and Queensland by utilising a sham casualization through use of labour hire contractors like Chandler MacLeod. What is being done to prevent this two tiered wage theft?	Written 12/03
EEC-AE20-62	62	Minister for Industrial Relations	IR, Bargaining and Industry Policy	Roberts	Construction unions	The Tier 1 construction companies have cozy deals with the construction unions to buy industrial harmony cheaply to them but at the cost of 30% higher construction costs to infrastructure like Cross River Rail in Brisbane. Yet the Victorian Regional Rail Link project seems to be a solution for Tier 2's delivering these projects. What is the ABCC and the Government doing to address this rip off of billions in taxpayer money across whole-of-government procurement?	Written 12/03
EEC-AE20-63	63	Minister for Industrial Relations	IR, Bargaining and Industry Policy	Roberts	Enterprise bargaining and enterprise agreements	Have Australia's industrial relations laws, particularly in relation to enterprise bargaining and enterprise agreements, enabled anti-competitive behaviours by either employer organisations, unions or both? What is being done about this?	Written 12/03
EEC-AE20-64	64	Minister for Industrial Relations	Coal LSL	Roberts	Employer data	What has Coal LSL done since last estimates to address the errors and wrongs identified in employer data and when will people be compensated, and what is the total value of the errors to date? Please provide a detailed response, in doing so please refer to the whole of the under-reporting problem and not just the sample group referred to in Senate Estimates.	Written 12/03
EEC-AE20-65	65	Minister for Industrial Relations	Coal LSL	Roberts	Conflict of interest	Does Coal LSL believe that there is a conflict of interest given that your Board comprises directors from black coal mining employer companies and directors appointed to represent the Mining and Energy Division of the Construction Forestry Maritime Mining and Energy Union? Especially as these parties have entered into agreements that financially disadvantage casual black coal mine workers? Coal LSL must undertake to get independent legal advice and provide a copy of the report, and when can this be done by?	Written 12/03
EEC-AE20-66	66	Minister for Industrial Relations	Coal LSL	Roberts	Data validity and governance arrangements	Did Coal LSL receive complaints relating to data validity, when was this received and why was a review not instigated then? Given the review you have initiated, how many of the complaints have been proven right? What governance has Coal LSL put in place to ensure this does not happen again? Detail and provide links to policy and procedures.	Written 12/03
EEC-AE20-67	67	Minister for Industrial Relations	Industrial Relations Strategy	Farrell	Porter Review	1. In relation to the drafting and consultation around the discussion papers, how many meetings or conversations has the Department had with: <ul style="list-style-type: none"> • Employers or employer lobby groups? • Unions? • Academics? • Consultants, such as the Boston Consulting Group. 	Written 12/03

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Education and Employment Committee

Last updated: Wednesday, 4 March 2020

EEC-AE20-68	68	Minister for Industrial Relations	IR, Employment Conditions, Safety Net Branch	Farrell	Superannuation Amnesty Bill	<p>1. What requests or instructions has the Department received from the Attorney-General or his office for a brief or research paper on the potential inclusion of the right to superannuation in the NES?</p> <p>2. If any requests or instructions have been received on the above, when were they received and have they been provided.</p> <p>3. If any requests or instructions have been received, what were the nature of those requests or instructions.</p>	Written 12/03
EEC-AE20-69	69	Minister for Industrial Relations	IR, EESP Division	Farrell	Fair Entitlements Guarantee	<p>1. Can you provide the most recent figures on FEG liabilities or costs?</p> <p>2. What is the trend in claims against FEG?</p> <p>3. Have claims for workers previously employed by the George Calombaris companies been received?</p>	Written 12/03
EEC-AE20-70	70	Minister for Industrial Relations	ABCC	Farrell	Recovered wages	<p>In refer to your media release from 30 June last year where the ABCC boasted that in an 18-month period it recovered \$1 million in recovered wages for almost 1,400 workers.</p> <p>1. Given that it is now 8 months since that media release, can you provide an update on the total amount of wages your agency has recovered?</p> <p>2. Can you provide an update on the amounts per employee recovered?</p> <p>3. Can you provide an update on the number and name of companies you recovered this money from?</p> <p>4. Can you provide an update on the number of workers you recovered the money for?</p>	Written 12/03
EEC-AE20-71	71	Minister for Industrial Relations	ABCC	Farrell	Underpayment of wages	<p>In November last year, PwC's chief economics adviser Jeremy Thorpe found that the construction sector is the sector at most risk of underpayment of wages at \$320 million year</p> <p>1. Based on last year's figures of \$1 million over 18 months, you are recovering around \$666,000 per year which is around 0.2 per cent of the \$320 million taken from workers' wages each year. Given you have responsibility for oversight of wage theft and sham contracting in the Building and Construction Industry, do you think this is good enough?</p> <p>2. Do you have any plans to direct your considerable resources to make wage theft a priority?</p>	Written 12/03
EEC-AE20-72	72	Minister for Industrial Relations	ABCC	Farrell	Building code discussion paper	<p>In reference to the Building Code 2016 Discussion paper released by the Attorney-General on 18 February 2020, can you advise whether you will be making a submission.</p>	Written 12/03

EEC-AE20-73	73	Minister for Industrial Relations	ABCC	Farrell	Industry Update (ref - ABCC website)	<p>1. What is the purpose of this publication?</p> <p>2. How widely is it circulated?</p> <p>3. Through what means is it circulated?</p> <p>4. How many staff of the ABCC are involved in the writing, production and dissemination of this newsletter?</p> <p>5. Who approves the content of this newsletter?</p> <p>6. In reference to the last line of paragraph 2 on page 7 of the newsletter, please explain what is hoped to be achieved here?</p> <p>7. Does the Commissioner believe this represents a responsible or balanced presentation of the facts of the matter?</p> <p>8. How does this particular paragraph and the one in the adjacent comment column provide the readership of this newsletter with an enhanced understanding of Right of Entry provisions?</p> <p>9. Would the Commissioner agree this is a highly inappropriate and unnecessary abuse of taxpayer funds?</p>	Written 12/03
EEC-AE20-74	74	Minister for Industrial Relations	FWO	Farrell	Wage underpayments	Given the experience of the Ombudsman in auditing Australian companies for potential and actual wage underpayments - are Australian businesses underinvesting in payroll systems and processes?	Written 12/03
EEC-AE20-75	75	Minister for Industrial Relations	IR Legal	Sheldon	Rossato case and WorkPac	<p>Senator SHELDON: I just want to ask a quick question. The Rossato case regarding the situation with WorkPac and the class action over casual underpayments—what's the department's role in that, and what costs have been incurred in considering that case?</p> <p>Mr Hehir: I think we've answered what our role is in that. Senator O'Sullivan asked that question previously. But we can certainly provide the—</p> <p>Senator SHELDON: You can go to costs; it's fine. You have; thank you, Deputy Secretary. You can go to just costs.</p> <p>Ms Kuzma: I just want to ensure that I have the latest information. The minister or the department are not involved in the class actions that you referred to. The total cost of the minister's intervention in this matter is approximately \$282,514. It's in the Federal Court, that matter.</p> <p>Senator SHELDON: And internal costs?</p> <p>Ms Kuzma: Again, in our legal practice we don't bill in six-minute units. We do a lot of different legal matters.</p> <p>Senator SHELDON: Could I make a similar request to what I made before regarding the internal costs. Other departments have been able to give that information before.</p>	Pg. 25
EEC-AE20-76	76	Minister for Industrial Relations	Coal LSL	Roberts	Under-reporting by employers	Given Coal LSL services approximately 123,000 employees, is a review being undertaken to ensure these employees are not similarly affected in terms of under-reporting by rogue employers?	Written 12/03

EEC-AE20-77	77	Minister for Industrial Relations	Coal LSL	Roberts	Retention of unpaid LSL contributions	A constituent who owns a small contracting company that works in the pits has raised a question around long service leave, and how the company has to pay it into a fund for employees, but if the employees leave after say 2 years and therefore don't get their LSL. To him it seems that the money they have paid into the fund is retained by Coal LSL or the Government and neither he just seems to be stuck/with the federal government. This is one of the many factors that makes it really hard for the small businesses, can you explain where this money goes and how many individual accounts this affects and the total funds that are annually affected.	Written 12/03
EEC-AE20-78	78	Minister for Industrial Relations	Coal LSL	Roberts	Communication with employees	Coal LSL has indicated that it is communicating with coal workers, can you assure me that Coal LSL is communicating with ALL employees, noting you have approx. 123,000 accounts, and have you specifically identified what the problem is, viz. under reporting of hours by employers, to assist everyday Australians with understanding the issue? If not, will you do so?	Written 12/03
EEC-AE20-79	79	Minister for Industrial Relations	Coal LSL	Roberts	Relationship between entities and employee LSL funds	<p>It has been suggested that Coal LSL is simply the collection agent for the payroll levies paid by the employers. That Coal LSL then transfers funds to government consolidated revenue, that the government transfers funds back to a company called "Coal LSL Corp" (ABN 12039670644), and that Ms Darlene Perks is the sole director of that entity.</p> <p>It is also suggested that these funds are then managed by Mine Super Services (ABN 051315014), and that company is owned by Auscoal Superannuation (ABN 70003566989) which is jointly owned by the CFMMEU (50%) and the NSW and the QLD Minerals Councils (holding 25% each). They, in turn, each have board directors on Auscoal and Coal LSL. It is understood that Mr Grahame Kelley of the CFMMEU is on both entities and that he has been a signatory to enterprise agreements which incorporate terms for casual employment.</p> <p>It is also noted that Mr Mark Klasen, a director, is also linked to organisations in coal mining and around the Hunter Valley area.</p> <p>Please confirm and/or explain in detail the pathways and governance at each step in these money trails? Provide a copy of governance documentation and when was the last detailed audit completed for each entity and provide a copy of same for each to me.</p> <p>Please explain in detail the role and relationships of all of these entities as relates to employee lsl funds. Do these roles require payment of a service fee of any kind to any entity and what is the value of the fee, how much was paid for services across all entities in relation to the management/holding/transferring of employee lsl?</p> <p>Please provide full details of all payments for goods and/or services between these entities (including but not limited to consulting or professional services).</p> <p>Please provide full details of attendees, dates/times and locations and minutes/action items of all meetings held between directors and executives of these entities for the past 6 months.</p>	Written 12/03

EEC-AE20-80	80	Minister for Industrial Relations	ASEA	Sheldon	CSIRO Asbestos Safety Futures Report	<p>Senator SHELDON: The CSIRO report commissioned by your agency in 2018 called Asbestos safety futures outlined one of the key megatrends impacting on asbestos related work over the next 10 to 20 years as climate change and natural disasters. The report said: Climate change degrades ACMs— asbestos-containing materials— more quickly and brings the risk of more frequent and intense natural hazards that could release fibres into the environment. Did you provide the minister with a briefing on that report at the time? Ms Ross: No, I don't think we did. It's not normal for us to provide the minister with a briefing. One of our functions is to commission asbestos safety research. Over the five, six years or so since the agency has been established, I think we've got about 33 or so—it might be 34—published research reports, and once we do that we don't then brief the minister on the findings. Senator SHELDON: Obviously a copy of the report goes to the minister formally? Ms Ross: I don't think that that has been standard practice. Maybe some of them have. I can certainly check what the process has been. Senator SHELDON: That would be good, thank you. The process and what reports have been and when they've been sent to minister's office would be great ...</p>	Pg. 28
EEC-AE20-81	81	Minister for Industrial Relations	FWO	O'Neill	Fair Work Ombudsman investigations – Employer self-disclosure of underpayment of wages	<p>Mr Campbell: If we investigate a workplace and we identify that a class of employees is being underpaid and we issue a compliance notice, for example, we will ask for the class of employees' underpayments to be made good. Ms Parker: Across the whole organisation. Mr Campbell: Yes. If there is no evidence to support that, then we can't ask an employer to make good an underpayment. Senator O'NEILL: Thank you. That is very helpful. With regard to the Commonwealth Bank, the Financial Services Union has done significant work in this area. My question is: how did your agency become involved? Ms Parker: When we receive reports of corporate noncompliance, it is usual for us to undertake an investigation. Senator O'NEILL: Did you receive it from a media report or by self-disclosure by the Commonwealth Bank? Mr Campbell: CBA self-disclosed to us. Senator O'NEILL: Thank you. If you could provide any documentation around that, that would be of quite considerable interest.</p>	Pg.60

SQ20-000134	82	Minister for Employment, Skills, Small and Family Business	Department of Industry, Science, Energy and Resources - Small Business Division	O'Neill	Assessable income	<p>concern about how much of this is regulation. If I can go to the legislative definitions, for example, of business entity size and eligibility of concessions or certain tax rates to use turnover as a basis, even the proposed definition of small business in the minister's rules proposes a turnover definition of small business. Why in the draft legislation is the government proposing using assessable income for a reporting entity?</p> <p>Mr Cully: The way to determine what category they fall in is their assessable income. It's a technical definition to get us to the ultimate goal that it will be small businesses with an income under \$10 million and big businesses with an income over \$100 million.</p> <p>Senator O'NEILL: So why doesn't the draft legislation link the definition of a reporting entity to existing legal frameworks such as the annual corporate tax transparency data?</p> <p>Mr Cully: That is certainly one of the issues that has come up in consultation. It is something that we're looking at as to whether that is the correct definition.</p> <p>...</p> <p>Senator O'NEILL: And people have raised it with you?</p> <p>Mr Cully: Yes, they have.</p> <p>Senator O'NEILL: As a concern?</p> <p>Mr Cully: Yes.</p> <p>Senator O'NEILL: Could you provide me with more information about that on notice?</p> <p>Mr Cully: Yes.</p> <p>Senator O'NEILL: What concerns have been raised and how many have raised them. How many people have been engaged in consultation?</p> <p>Mr Cully: It's obviously the public consultation, in terms of the exposure draft being released and it being open for public consultations. To date we have received 11 submissions, noting that it's still open until Friday. I think the other part is that, as the minister referred to, the bill is the end state of a lot of consultations. This has been a long process where we have engaged with big business, small business, stakeholders and representatives about the design of the scheme.</p>	Pg. 107
SQ20-000135	83	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	McDonald	Dairy farmers - dispute resolution	<p>Senator McDONALD: Would you take on notice and come back to me with what the structure or the opportunities are and the restrictions, if any, on the sorts of dairy farmers who could apply or who could receive dispute resolution assistance from you?</p> <p>Dr Latham: I'm very happy to. From memory, the only restriction in here is that there are certain small-business processes that are excluded. But, basically, the rest are in.</p>	Pg. 114
SQ20-000136	84	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	McDonald	Requests from Dairy Farmers	<p>Senator McDONALD: ... How many calls or emails and online requests have you received from dairy farmers?</p> <p>Dr Latham: At the moment, under the new code, we've received very minimal. I'm not aware of any at this stage. I could also take it on notice.</p>	Pg. 114
SQ20-000137	85	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	McDonald	Horticulture Code	<p>Senator McDONALD: It is really good. How many calls or emails and online requests have you received from dairy farmers? Dr Latham: At the moment, under the new code we've received very minimal. I'm not aware of any at this stage. I could also take it on notice.</p>	Pg. 114
SQ20-000138	86	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	O'Neill	Payment Times Reporting Framework consultation.	<p>Senator PRATT: to stop the practice. I'm assuming that you've put in a submission on the Payment Times Reporting Framework consultation. What's your involvement? Ms Hordern: Yes, we have submitted on that legislation. We also participated in a round table with the department and provided feedback over the process. Senator O'NEILL: Can you provide us with that? Ms Hordern: Yes. Senator O'NEILL: That would be terrific.</p>	Pg. 119

SQ20-000139	87	Minister for Employment, Skills, Small and Family Business	Department of Industry, Science, Energy and Resources - Small Business Division	Pratt	R&D tax incentive	<p>Senator PRATT: I have a quick question in relation to your report on the R&D tax incentive. Has the government responded to your report? Ms Carnell: Not at this stage. Senator PRATT: Minister Cash, when does the government intend to respond to the R&D tax incentive report? Senator Cash: That would be a matter for— Mr Fredericks: That would be outcome 1 in the economics committee that we were in today. Senator PRATT: But it's a report of the ombudsman. It was answered there today, was it? I was in that committee. We talked about the report Mr Fredericks: Yes. It was in— Senator PRATT: and we noted that it hadn't been responded to. Senator Cash: I'd have to take that on notice. Senator PRATT: I'm just trying to connect the dots now that I've got the ombudsman here. Senator Cash: I'll take it on notice.</p>	Pg. 122
SQ20-000140	88	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	O'Neill	Small businesses affected by bushfires	<p>Senator O'NEILL: Has the government response for small businesses affected by bushfires, both directly and indirectly, been adequate? Ms Carnell: At this point in time, as we know, it is the responsibility of state governments to deliver disaster-recovery programs. I'd have to say that our feedback is that the system in its current form is difficult, convoluted and hard for small businesses to navigate, particularly the loan scenario. I think everyone accepts that currently the requirements are pretty hard to get around, and that's probably the reason that the number of successful applicants for both the grants and the loan is pretty low. We've spent a lot of time speaking to small businesses that have been affected. It's hard, when you've been through what a lot of them have been through, to then also have to manage, say, the loan scenario. They have to outline what they're going to use the money for and then get quotes. You have to do a range of things. Remember, this is being administered by the state government, so it is important to put it there. You have to ask the question, 'Why are we putting impediments in the way for businesses that need money now?' In three months time— Senator O'NEILL: Once they have their three quotes, they won't still be standing. They'll have left the area, they'll have shrunk the local economy, they'll have made decisions. Ms Carnell: I think that's the issue. As one small business was telling me—she was sitting over the road from the pile of rubble which was her business, so it wasn't terribly hard to work out that the business had been burnt down—the hard bit was that she didn't have a premises yet. Her business was hot yoga, quite successful, but that means you have to put heat in the floor and do some other stuff, and getting a quote on doing that is really hard until you have a premises. It was the cyclic problem of getting a quote for something that didn't exist yet and you weren't quite sure exactly what it was going to look like. There are any number of cases that we could talk about. Senator O'NEILL: Could you provide us with a summary of the cases that are emerging for you. Ms Carnell: We can give some—</p>	Pg. 123
SQ20-000255	89	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Executive Management	<p>1. In relation to executive management for the Department and its agencies, can the following be provided for financial year 2019-20 to date: a. The total number of executive management positions b. The aggregate total remuneration payable for all executive management positions. c. The change in the number of executive manager positions. d. The change in aggregate total remuneration payable for all executive management positions.</p>	Written 16/03

SQ20-000266	90	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Departmental functions	1. In relation to expenditure on any functions or official receptions etc hosted by the Department or agencies within the portfolio, can the following information be provided from the date of the last answer for Supplementary Estimates 2019-20: a. List of functions. b. List of all attendees. c. Function venue. d. Itemised list of costs (GST inclusive). e. Details of any food served. f. Details of any wines or champagnes served including brand and vintage. g. Any available photographs of the function. h. Details of any entertainment provided.	Written 16/03
SQ20-000277	91	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Facilities upgrades	1. Were there any upgrades to facility premises at any of the Departments or agencies subsequent to the date of the last answer for Supplementary Estimates 2019-20. This includes but is not limited to: staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new fridges, coffee machines, or other kitchen equipment. 2. If so, can a detailed description of the relevant facilities upgrades be provided together with an itemised list of costs (GST inclusive). 3. If so, can any photographs of the upgraded facilities be provided.	Written 16/03
SQ20-000287	92	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Staff travel	1. What is the total cost of staff travel for departmental/agency employees for FY 2019-20 to date.	Written 16/03
SQ20-000297	93	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Legal costs	1. What are the total legal costs for the Department/agency for FY 2019-20 to date.	Written 16/03
SQ20-000309	94	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Briefings to independents and minor parties	1. Has the Department/agency or the Minister's office provided briefings to independents/minor parties in the Senate or House of Representatives since the date of the last answer for Supplementary Estimates 2019-20. If so, can the following be provided: a. The subject matter of the briefing. b. The location and date of the briefing. c. Who proposed the briefing. d. Attendees of the briefing by level/position	Written 16/03
SQ20-000320	95	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Market research	1. Does the Department/agency undertake any polling or market research in relation to government policies or proposed policies. 2. If so, can the Department provide an itemised list for financial year 2019-20 to date: a. Subject matter b. Company c. Costs d. Contract date period 3. Can the Department/agency advise what, if any, research was shared with the Minister or their office and the date and format in which this occurred	Written 16/03
SQ20-000330	96	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Advertising and information campaigns	1. What is the Department/agency's total expenditure on advertising and information campaigns for the financial year 2019-20 to date. 2. What advertising and information campaigns has the Department/agency run in this time. For each campaign, please provide: a. When approval was first sought. b. The date of approval, including whether the advertising went through the Independent Campaign Committee process. c. the timeline for each campaign, including any variation to the original proposed timeline. 3. Can an itemised list of all Austender Contract Notice numbers for all advertising and information campaign contracts in each period be provided.	Written 16/09
SQ20-000340	97	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Promotional merchandise	1. What is the Department/agency's total expenditure on promotional merchandise for the financial year 2019-20 to date. 2. Can an itemised list of all Austender Contract Notice numbers for all promotional merchandise contracts in that period please be provided. 3. Can photographs or samples of relevant promotional merchandise please be provided.	Written 16/03

SQ20-000351	98	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Social media influencers	1. What was the Department/agency's total expenditure on social media influencers for financial year 2019-20 to date. 2. What advertising or information campaigns did the Department/agency use social media influencers to promote. 3. Can a copy of all relevant social media influencer posts please be provided. 4. Can an itemised list of all Austender Contract Notice numbers for all relevant social media influencer contracts please be provided.	Written 16/03
SQ20-000366	99	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Communications staff	1. For all departments and agencies, please provide – in relation to all public relations, communications and media staff – the following: 2. By Department or agency: a. How many ongoing staff, the classification, the type of work they undertake and their location. b. How many non-ongoing staff, their classification, type of work they undertake and their location. c. How many contractors, their classification, type of work they undertake and their location. d. How many are graphic designers. e. How many are media managers. f. How many organise events. 3. Do any departments/agencies have independent media studios. a. If yes, why. b. When was it established. c. What is the set up cost. d. What is the ongoing cost. e. How many staff work there and what are their classifications.	Written 16/03
SQ20-000378	100	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Congestion busting	1. Can the Department/agency provide an update on how it is "congestion busting" in relation to bureaucratic bottlenecks and regulatory bottlenecks. 2. Have any additional resources been allocated within the Department to achieve "congestion busting" within the department since an answer was provided for the Supplementary Estimates round 2019-20.	Written 16/03
SQ20-000388	101	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Recruitment	1. What amount has been expended by the department/agency on external recruitment or executive search services in financial year 2019-20 to date. 2. Which services were utilised. Can an itemised list be provided.	Written 16/03
SQ20-000400	102	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Fair Work Commission	1. For financial year 2019-20 to date, how many references have been made to the Fair Work Commission within the Department or agency.	Written 16/03
SQ20-000410	103	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Fair Work Ombudsman	1. For financial year 2019-20 to date, how many references have been made to the Fair Work Ombudsman within the Department or agency.	Written 16/03
SQ20-000420	104	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Office of the Merit Protection Commissioner	1. For financial year 2019-20 to date, how many references have been made to the Office of the Merit Protection Commissioner within the Department or agency.	Written 16/03

SQ20-000431	105	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	External consultants	In relation to the use of all external consultants in the Department or Agencies within the portfolio, can the following be provided: 1. For each of the last six financial years from 2014-15 to 2019-20 to date, the total amount spent on external consultants, including: a. contracts tagged as a "consultancy". b. contracts not defined as a "consultancy", but tagged as "business intelligence consulting services", "information technology consultation services", "management advisory services", "management support services", "organisational structure consultation", "risk management consultation services" or "strategic planning consultation services". 2. The total amount of full time equivalent hours (FTE's) provided by external consultants in 2019-20 to date. 3. The total amount of variances granted to external consultant contracts (including those specified in 1(a)(b) above) in 2019-20 to date. 4. A breakdown by consultant, specifications and project completion for 2018-19.	Written 16/03
SQ20-000441	106	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Information technology consultants	In relation to expenditure on information technology in the Department or Agencies within the portfolio, can the following be provided: a) For each of the last six financial years from 2014-15 to 2019-20 to date, the total amount spent on information technology consultation services b) The total amount of full time equivalent hours (FTE's) provided by information technology consultation services in FY 2019-20 to date. c) The total amount contracted to information technology consultation services in FY 2019-20 to date. d) The total amount of variances granted to information technology consultation services contracts in FY 2019-20 to date. e) A breakdown by consultant, specifications and project completion for FY 2019-20 to date.	Written 16/03
SQ20-000451	107	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	External contractors	In relation to the use of all external contractors in the Department or Agencies within the portfolio, can the following be provided: a) The total amount spent on all contracts for Management and Business Professionals and Administrative Services for each of the last six financial years from 2014-15 to 2019-20 to date. b) The total amount spent on all contracts tagged as "Temporary Personnel Services" for each of the last six financial years from 2014-15 to 2019-20 to date. c) The total number of external contractors employed in FY 2019-20 to date. d) The aggregate total remuneration payable for all external contractors employed in FY 2019-20 to date. e) The total number of FTE hours provided by external contractors in FY 2019-20 to date.	Written 16/03
SQ20-000461	108	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Information technology contractors	In relation to the use of external information technology contractors in the Department or Agencies within the portfolio, can the following be provided: a) The total amount spent on external contractors for each of the last six financial years from 2014-15 to 2019-20 to date. b) The total number of external contractors employed in FY 2019-20 to date. c) The aggregate total remuneration payable for all external contractors employed in FY 2019-20 to date. d) The total number of FTE hours provided by external contractors in FY 2019-20 to date.	Written 16/03

SQ20-000471	109	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Discretionary grant programs	Please provide, for all administered and discretionary grant programs administered by each Department and Agency within the portfolio for FY 2019-20 to date: 1. Name of the administered or discretionary grant program. 2. The recipient of the grant. 3. The ABN or ACN of the grant recipient. 4. The charitable status of the grant recipient. 5. Who authorised the grant payment? 6. For each year of the budget and forward estimates: a. What is the total funding budgeted for the program? b. How much funding has been contracted and allocated? c. How much funding has been contracted but not allocated? d. How much funding has been committed but not contracted? e. How much funding is uncommitted, uncontracted and unallocated?	Written 16/03
SQ20-000481	110	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Carr	A4 copy paper	From which country does the department and it's agencies source A4 photo copy paper? • If from multiple countries please provide a breakdown of country of origin in percentage terms.	Written 16/03
SQ20-000483	111	Minister for Employment, Skills, Small and Family Business	Department of Industry, Science, Energy and Resources - Small Business Division	Siewert	Black Summer bushfires	How is the Government taking action to support local businesses to stay open and keep people employed following the Black Summer bushfires?	Written 20/03
SQ20-000494	112	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	McDonald	Requests for assistance by primary producers	Senator McDONALD: ... I'm interested in SMEs and agriculture across all commodities. I'm keen to understand how frequently you're contacted by primary producers. Again, could I get some numbers from you on the number of calls you would receive? What was the pain point? Were you able to resolve the inquiry? What was the state that it came from? Ms Carnell: We can do that.	Pg. 115
SQ20-000495	113	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	O'Neill	Requests for assistance heat map	Senator O'NEILL: Can I ask a clarifying question for a little bit of reshaping of the information that you've requested? Regional and rural Australians are telling me that it's worse for them. The social outcomes in the communities are palpable. People are very, very concerned about it in a whole lot of ways. I wonder, given the data that you're getting, if you could make a heat map for us—like a model—of key areas where concerns are absolutely evident to you based on the contacts that are coming to you. It's not a perfect way— Ms Carnell: No. Senator O'NEILL: because you indicated the communication gap. But if it's sufficiently bad that enough people are communicating with you about issues in a particular region, I think that would be quite helpful for us to know. Ms Carnell: Sure. We can certainly give you what we can. It won't be perfect, but we'll do our best.	Pg. 115
SQ20-000496	114	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Davey, Perin	Requests for assistance from small businesses in regional, rural and remote Australia	Senator DAVEY: I'll jump in there on the bandwagon while we're there, too. While you're looking at that, I'm interested to understand how many small businesses in regional, rural and remote Australia contact you, particularly given that your advocacy agenda notes a key principle of giving small business greater access to a skilled workforce and appropriate training for existing workers. So I want to know, when you're having a look at doing your heat map, if that could also be a factor that you look at. Ms Carnell: Sure.	Pg. 115

SQ20-000497	115	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	O'Neill, Deborah	Recommendations of the Hayne Royal Commission	<p>Senator O'NEILL: Can I just indicate no lack of interest in the issues that you raised in your opening statement—for example, financial planners. I was on that committee that made all those recommendations, and I remain extremely concerned about the delay in the government getting to it. They finally did something and there are further delays. I'm very worried about it. Could I ask you to write to the committee formally giving us advice about the 80 AMP cases, your concerns about individual operators and delays in compensation—all those issues that you raised. A short report would be great. Could you also give us an update on where you are with the insolvency issues and the concerns that are becoming prominent. I invite you even to put the R&D items on. In the last quarter you indicated 1,865 interactions and 1,488 complaints or disputes. If you could categorise those to give us an indicative scale of where the issues are again that would be helpful in writing. Ms Carnell: We can do that.</p>	Pg. 120
SQ20-000498	116	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	O'Neill, Deborah	Franchise rating services	<p>Senator O'NEILL: ... I'd really like you to have a look at the FRANData site and determine how it matches up with the kinds of complaints you're receiving from the entities that are being assessed and given congratulatory stars on that site. Ms Carnell: We would be more than happy to do that.</p>	Pg.122
SQ20-000499	117	Minister for Employment, Skills, Small and Family Business	Department of Industry, Science, Energy and Resources - Small Business Division	Sheldon, Tony	Bushfire small business grants	<p>Senator SHELDON: How many small business grants have been applied for and can you give the detail of the location state and number of the distribution? ... On 20 January, Minister, you and the Prime Minister put out a media release headed 'Immediate small business support for bushfire affected communities'. You've proclaimed that the bushfire response was a success, saying, 'This government has been able to respond so quickly, with so many different measures'. Considering it's over a month later, I'm just not quite clear how many grants have been received. I know you said you'd come back with the figures, but I just want to be clear on how many grants have been received and how many have applied and received loans. Senator Cash: This is the remit of the Bushfire Recovery Agency. The department may well have some information they can provide you with, but it will be information we have obtained from the Bushfire Recovery Agency, and all of this was articulated on Monday—I think it was Monday afternoon and evening—by Mr Colvin, who is heading the Bushfire Recovery Agency. Senator SHELDON: Again, I'll come back to that question. I'm waiting to see. You were checking whether that was correct—that is, whether the degree of questions I want to ask you about have been fully explored there. Senator Cash: That's fine. ... Senator Cash: I think these questions are for the Bushfire Recovery Agency. They are the lead agency. We can take the questions on notice and refer them, but I do believe—and Senator O'Sullivan can correct me—they were gone through in detail with the head of the relevant agency on Monday.</p>	Pg. 110

SQ20-000500	118	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Commissioned Reports and Reviews	<p>1. Since the date of the last answer for Supplementary Estimates 2019-20, how many Reports or Reviews have been commissioned. Please provide details of each report including: a. Date commissioned. b. Date report handed to Government. c. Date of public release. d. Terms of Reference. e. Committee members and/or Reviewers.</p> <p>2. How much did each report cost/or is estimated to cost. 3. The background and credentials of the Review personnel. 4. The remuneration arrangements applicable to the Review personnel, including fees, disbursements and travel 5. The cost of any travel attached to the conduct of the Review. 6. How many departmental staff were involved in each report and at what level. 7. What is the current status of each report. When is the Government intending to respond to each report if it has not already done so.</p>	Written 16/03
SQ20-000501	119	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Staffing	<p>1. How many full-time equivalent staff are engaged at 1 March 2020. How does this differ from the figures presented in Budget Paper 4 in the 2019-20 Budget. 2. How many of these positions are (a) on-going and (b) non-ongoing. 3. How many redundancies have occurred in financial year 2019-20 to date. How many were: a. voluntary b. involuntary. 4. How many of those redundancies occurred as a result of departmental restructuring. What is the total cost of those redundancies. 5. What was the total value in dollar terms of all termination payments paid to exiting staff. 6. How much overtime or equivalent has been paid to staff in financial year 2019-20 to date. 7. How many section 37 notices under the Public Service Act 1999 have been offered in financial year 2019-20 to date.</p>	Written 16/03
SQ20-000502	120	Minister for Employment, Skills, Small and Family Business	Australian Small Business and Family Enterprise Ombudsman	Kitching	Public Interest Disclosures	<p>1. For financial year 2019-20 to date, how many public interest disclosures have been received.</p>	Written 16/03