

QoN	Senator	Area	Topic	Question
EMSQ15-000005	Lines, Sue	Cross Portfolio	Breakdown of staff and location	Senator LINES: Can we get a breakdown of all staff, exactly which division they are in and their physical location? Obviously that can go on notice. Ms Leon: I have to take that on notice, Senator. Senator LINES: I understand that. Ms Leon: I do not know if that document exists easily within the system without my printing off the entire payroll and giving you the names of all the staff. I would be reluctant to do that. But I will see what I can give you on notice about numbers by division. I doubt that I would have a document that makes available their physical location. However, I can tell you in broad terms that most of the departmental staff are in one set of buildings in the national office in Canberra, which is at 10, 12 and 14 Mort Street; that is the Canberra-based staff. About 300 of our staff are part of the Shared Services Centre and they are in a couple of other locations in Canberra, in the CBD. Then we have offices in each of the capital cities for our state network. Senator LINES: But you can give me, on notice, the breakdown of staff and the divisions they are in? Ms Leon: I can give you the numbers, yes.
EMSQ15-000006	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Attendance at conferences and small boardroom meetings	Senator CAMERON: I will come back to this. Mr Hadgkiss, how do you say that your answer to supplementary budget estimates question on notice EM1529 in relation to your attendance at conferences, and particularly small boardroom meetings, which are referred to in the 2013-14 annual report, is consistent with your accountability to the parliament for the expenditure of public money? I draw your attention to the fact that you spent \$782,440 on travel—not you personally but your organisation—and \$146,820 on public affairs and media. CHAIR: Senator Cameron, can I just have those two QON numbers again so the secretary can get them for other members of the committee? Senator CAMERON: EM1529. They were both EM1529. CHAIR: Thank you. Mr Hadgkiss: I will take those figures on notice.
EMSQ15-000007	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Automated process between building and permit applications	CHAIR: That is the building and construction industry covered with an automated process. What about other industries? Ms O'Neill: I will have to take the detail of that on notice in this way. The information that is automated and provided to Fair Work Building and Construction comes about in fact through an obligation set out in the Fair Work (Building Industry) Act rather than under the Fair Work Act. That is how that arrangement— CHAIR: Do you see that as a deficiency? What is your process for that? Ms O'Neill: My point simply is I do not have in front of me information about what the information provision is in an analogous way, if at all, in relation to the Fair Work Ombudsman and I would have to take that on notice. It may be that there is no similar arrangement. CHAIR: If you could take that on notice.
EMSQ15-000008	Cameron, Doug	Outcome 2 - Workplace Relations and Economic Strategy	FWBII Director Travel Allowance	Senator Abetz: It would depend on the individual Remuneration Tribunal requirements. It would be fair to say, because of certain activities by parliamentarians across the board, a rule was introduced that there is the commercial rate set by the Remuneration Tribunal and then there is a non-commercial rate of, if I recall, one-third of the Rem Tribunal rate which is paid for us parliamentarians. I do not think that the Rem Tribunal's travel allowance arrangements have that requirement for other office holders. Senator CAMERON: I was not aware of that. Thanks for that, Senator Abetz. Senator Abetz: We will check on that, but that is my understanding.
EMSQ15-000009	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Details of speaking engagements, conferences, seminars and stakeholder presentations	Senator CAMERON: Let me just go back to the question I want to ask you now. This is not EM1529. I want to ask you a variation of that question. Will you provide details of all speaking engagements, conferences, seminars and stakeholder presentations attended by you from 21 October 2010 to date—including: the date of attendance, the organiser of the event or engagement, the location of the event or engagement, the purpose of attendance, the cost of travel to the event, and any accommodation and incidental expenses incurred for attendance at each event or engagement? So I have changed the question so that it is not— Senator Abetz: Mr Noonan got the year wrong. You read out 2010; it should be 2013. Senator CAMERON: That is what I said. CHAIR: No, you didn't, Senator. But that is fine. Senator CAMERON: When Mr Hadgkiss took up his position. That is one question. Mr Hadgkiss: I will take that on notice.

EMSQ15-000010	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Provide copies of speeches and presentations made at each event or engagement	<p>Senator CAMERON: The second question is: would you provide copies of speeches and presentations made at each event or engagement? Mr Hadgkiss: I would be unable to. Senator CAMERON: Do you have no speeches? Mr Hadgkiss: Occasionally I keep speeches. They can be changed—as the minister has referred to—they can be on the— Senator CAMERON: You understand that there are document protocols within the Public Service? You are aware of that, aren't you? Mr Hadgkiss: Not to do with speeches, no. Senator Abetz: It is not for speeches. It is a very good try, Senator, but you should not try to mislead witnesses by asserting that which is untrue. Senator CAMERON: I was not doing that. Senator Abetz: Alright. You were doing it ignorantly in that case, not deliberately; I accept that. Senator CAMERON: So, Mr Hadgkiss, you do not have a copy of any speech over 50 presentations? Mr Hadgkiss: Over 60 or 70 or 80 by now. Some, I understand, are on the website; others I would be unable to track down. Senator CAMERON: So will you provide the ones that you say are available on the website? Mr Hadgkiss: Yes. They are publicly available. Senator Abetz: They are available. There is no need—this would once again be an unreasonable diversion, I would have thought. If it is publicly available, Senator, just ask one of your staff to print it off for you. Senator CAMERON: If there are only a few available, how could that be unreasonable? Mr Hadgkiss: I am not sure how many there are. Senator CAMERON: If they are available, it is not unreasonable to provide them, is it? Mr Hadgkiss: I will make them available. Senator CAMERON: That is good.</p>
EMSQ15-000011	Lines, Sue	Cross Portfolio	Staff participation in previous Enterprise Agreement ballots	<p>Senator LINES: Would you normally have 84 per cent of staff participating in a ballot? Ms Leon: The department only came into existence on 18 September 2013, so I do not have any prior voting history to draw your attention to. Senator LINES: What about in your experience as a public servant? Ms Leon: I would not like to just go from memory of other departments that are not here today, Senator. Senator LINES: What about DEEWR, when that was in existence? Ms Leon: The last enterprise agreement would have been in the former DEEWR, but we do not have the figures for that enterprise ballot with us. Senator LINES: But you can get that? Ms Leon: I expect so. Senator LINES: If you could get that— Ms Leon: We can take that on notice.</p>
EMSQ15-000012	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Occupation of staff prior to becoming a Fair Work Building Inspector	<p>Senator CAMERON: To be clear, that is why I went to Mr Hadgkiss and asked him if he was under that impression; I wanted just the occupation prior to becoming a fair work building inspector. Senator Abetz: Mr Noonan should make his questions tighter. CHAIR: Do you mean immediately prior? Senator CAMERON: Yes. CHAIR: That is not what it says. Senator CAMERON: That is what I am asking for now. CHAIR: I see. Apologies. Senator Abetz: We will take it on notice..... Senator CAMERON: 'Occupation'—singular. I am asking you now for the previous occupation of 93 people in a de-identified manner. Mr Hadgkiss: I will take that on notice.</p>
EMSQ15-000013	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Standing Order 10, public immunity claims	<p>Senator CAMERON: So, Mr Hadgkiss, in relation to EM1521_15 and EM1555_15—that is in relation to this correspondence with Mr Ashton—are you claiming that you do not need to answer that question? Mr Hadgkiss: Yes. Senator CAMERON: On what basis? Mr Hadgkiss: Public interest immunity—and the fact that— Senator CAMERON: What is the public interest immunity— Mr Hadgkiss: Twofold: it was destroying our relationship with Victoria Police—a very cordial relationship with a free exchange of information and, moreover, it could jeopardise an ongoing investigation, were we to divulge what we have provided to Mr Ashton. CHAIR: How long has this been going on? Doug, there are other senators with questions. Senator CAMERON: What you have to do are two things: you have to provide a statement on the grounds of nondisclosure and you have to specify the harm to the public interest that disclosure may cause. Senator Abetz: All right, we will take that on notice.</p>
EMSQ15-000014	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Right of entry permit	<p>CHAIR: When was the hearing held? Senator Abetz: I would just ask whether it was contested or not, because I do not know the history, which is the same question as to whether they were appearing. CHAIR: You said that a hearing was held. When was that? Mr Enright: I cannot be clear about it. 30 January 2015 is the date of the suspension. Whether the tribunal member reserved his decision and published his decision on that day, I do not have those details in front of me. I checked over lunch. CHAIR: I think you are going to be here for a while, Mr Enright, so maybe there is somebody who can check on that, given that it is a fact check as to when the hearing was. What evidence was presented to the hearing would actually be— Mr Enright: There will be a decision. CHAIR: If we can get the decision. Mr Enright: Yes. Senator Abetz: The officer has to go to the Fair Work Commission. Am I correct in saying that potentially, if it was not a contested hearing, it would still go to, if you like, an official hearing albeit a very truncated one? CHAIR: To consider, I assume— Senator Abetz: A very truncated one. That might be helpful, to be told whether it was in fact a contested hearing or whether the white flag was raised. Mr Enright: The decision itself will fully explore that and explain when the submissions were made and who made them. CHAIR: Can we get the decision? I might return to this line of questioning once we have the decision and before you head home today. Mr Enright: Yes. CHAIR: I might leave other questions I have around Mr Collier until we have that decision.</p>

EMSQ15-000015	McKenzie, Bridget	Agency - Fair Work Building and Construction	FWBC - Social media	CHAIR: What about social media—Facebook or Twitter? Mr Hadgkiss: Yes, that obviously is used—references such as 'dogs' and other delightful terms towards my staff. CHAIR: Do you have a copy of any such Facebook material? Mr Hadgkiss: I can obtain it if I take that on notice.
EMSQ15-000016	O'Sullivan, Barry	Agency - Fair Work Commission	FWC - Failure to submit evidence	Senator O'SULLIVAN: So, the powers of the commission could force a person to deliver a document, for example, or to answer a question where failure to do so could result in the person facing prosecution, but at the same time—and we will use a document, Ms O'Neill, because it is probably a simple way to proceed—where the same document could incriminate them in relation to another offence or other behaviour, whether it be an offence or not. The coercive power state that you must produce the document. If you fail to do so there is a penalty. Upon production and consideration of the document—which is just an example and it could be a refusal to attend or a failure to give oral evidence or a whole range of things—that document could be admitted in some other process or some other proceedings to the detriment of the individual who has produced the document. Is that a fair appraisal of the nexus between my two submissions to you? Ms O'Neill: I would really be more comfortable in taking that on notice, just because as I said it is not something I have looked at or considered. It appears to follow— Senator O'SULLIVAN: Do you have any legal experts within your cohort of people here today that might be able to help? Ms O'Neill: There is a number of lawyers or legally qualified people, including myself, but it is not a question that I or any of the other officers that are here are likely to have considered. What is going through my mind, which is making me reluctant in some respects, is I am aware, for example, in the context of the Registered Organisations Act, where certain evidence is obtained through the use of compulsory powers it in fact does mean that that evidence cannot be used in subsequent proceedings against that person. I just do not have the same level of familiarity at this very moment in relation to the proceedings before the Fair Work Commission. Senator O'SULLIVAN: Would you accept that typically where there are coercive powers that is the case—in this case under the provisions of the Fair Work Act the fruit of the order cannot be utilised to proceed in other circumstances, except in cases of perjury if the evidence is given under oath? Ms O'Neill: I have given the example in the context of the Registered Organisations Act where I am aware that that is the case. Senator O'SULLIVAN: So, you will take that on notice for us? Ms O'Neill: Yes.
EMSQ15-000017	Cameron, Doug	Outcome 2 - Workplace Relations and Economic Strategy	FWBII Director Remuneration	Senator CAMERON: Senator Abetz, can you provide the correspondence that you provided to the Remuneration Tribunal in relation to this issue? Senator Abetz: I will take that on notice.... Senator CAMERON: So you will take it on notice to supply the letter. Senator Abetz: Yes.
EMSQ15-000018	Cameron, Doug	Outcome 2 - Workplace Relations and Economic Strategy	Remuneration Tribunal determination	Senator CAMERON: When you took up that position, the Remuneration Tribunal determination No. 2013/10 was not in force, was it? Mr Hadgkiss: I really do not know. Senator CAMERON: That was in force from 12 December. That came into force on 12 December. Mr Hadgkiss: I really cannot answer that. Senator CAMERON: Well, somebody needs to answer. Somebody needs to explain. Mr Hadgkiss: I will take it on notice. Senator Abetz: We will take it on notice. I am sure Mr Hadgkiss got paid before 12 December, or I hope he was.
EMSQ15-000019	O'Sullivan, Barry	Agency - Fair Work Building and Construction	FWBC - Right of entry permit	Senator O'SULLIVAN: Did Mr Reardon hold a right of entry permit? Mr Hadgkiss: At the time he did. I am not sure whether he is on our list. If he is not, I think we are seeking to take his permit off. From recollection, Mr Setka does not hold a permit. We will check. Senator O'SULLIVAN: Thank you for that.
EMSQ15-000020	O'Sullivan, Barry	Agency - Fair Work Commission	FWC - Application for representation	Ms O'Neill: I have just been provided with the details of the test. It is section 596 of the act. It enables the commission to grant permission for a person to be represented only if, firstly, it would enable the matter to be dealt with more efficiently, taking into account the complexity of the matter or it would be unfair not to allow the person to be represented because the person is unable to represent himself or herself effectively, or it would be unfair not to allow the person to be represented taking into account fairness between the person and other persons in the same matter. That is the main criteria. Senator O'SULLIVAN: We can take it on notice, if necessary, but do you have a sense, as a percentage of whole, of how many times an individual might make an application where—and it is a default answer—it is either declined or approved as a percentage of whole? Ms O'Neill: I will have to take the detail on notice. I am not sure. I would be able to obtain information about the number of requests. Could you just bear with me for one moment.

EMSQ15-000021	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Staff development and training	<p>Senator CAMERON: I draw your attention to your answer to EM1518_15. Mr Hadgkiss: I do not know. Senator CAMERON: Somebody should be able to help you. You were asked to provide details of staff development and training undertaken by fair work building commission officers from 21 October to date, and you replied with the course and the provider. Mr Hadgkiss: As I understand it, they provided the premises that we use for the training. Senator CAMERON: That is not what this answer says. Mr Hadgkiss: Well, maybe I am wrong then. Maybe they do also provide the actors and other people. Senator CAMERON: They may provide? Mr Hadgkiss: I am not really familiar with it. Senator CAMERON: How much did you pay Master Builders for this? Mr Hadgkiss: I will take that on notice. Senator Abetz: We will take that on notice and provide any clarification that might be required. Senator CAMERON: You have said that the course is 'Building Leadership Simulation Centre'— Mr Hadgkiss: It is conflict resolution training. Senator CAMERON: So what is 'Building Leadership Simulation Centre'? Mr Hadgkiss: That is in Port Melbourne. It is owned by Master Builders. Senator CAMERON: Oh, so that is the place? Mr Hadgkiss: It is a place. Senator CAMERON: That is not a course, even though you have listed it as a course? Mr Hadgkiss: No, I have listed it as a centre—a Building Leadership Simulation Centre. Senator Abetz: Look, allow us to clarify that particular sub-answer..... Senator CAMERON: You will take on notice what the cost of the course was— Mr Hadgkiss: Yes. Senator CAMERON: to Master Builders. You seem unclear as to whether this is your course or the Master Builders course. Mr Hadgkiss: I am unclear. I will take it on notice. I am not familiar with all the courses we run, who are the providers and who we pay the bills to. Senator CAMERON: Mr Mihelyi, what have you paid to the Master Builders in relation to these courses? Mr Mihelyi: I will take that on notice.</p>
EMSQ15-000022	Lines, Sue	Cross Portfolio	Enterprise bargaining meetings	<p>Senator LINES: You indicated to me that you are consulting with staff. Does that mean that bargaining meetings have recommenced? Ms Leon: We have had an informal meeting with the local delegates in the department since the vote and we will be commencing formal meetings shortly. I might ask Ms Rundle to give you the details. Senator LINES: Thank you very much, Ms Leon. Ms Rundle: I will check this fact afterwards, but I think we have a formal meeting set up on 27 February to meet with the union. Senator LINES: That is this week? Ms Rundle: Yes. Senator LINES: So you had an informal meeting and you met with the delegates. Is that union delegates? Who did you meet with? Ms Rundle: I will check this again in the break, if you like, but I am fairly certain that my people had a meeting with some of our staff who are CPSU delegates to talk about what we are planning to do next before we go into more formal bargaining.</p>
EMSQ15-000023	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC - Bullying and harassment	<p>Senator CAMERON: Can you go to 8 and take me through what the findings were. Were they consistent with these examples of bullying and harassment? Mr Hadgkiss: No, not to that extent. Senator CAMERON: What were they? Mr Hadgkiss: I will take that on notice. Senator CAMERON: So you are saying it was not consistent with any of these or it is— CHAIR: What he said was he would take it on notice. You are continually putting words in the witness's mouths when they have stated they will take it on notice. You can read about it and address it at the next estimates if you are not happy with the answer.</p>

EMSQ15-000024	O'Sullivan, Barry	Agency - Fair Work Commission	FWC - Data on declined applications	<p>Senator O'SULLIVAN: Can you take it on notice to the extent that, if there is a log of data and that is not a difficult task that you might respond; otherwise just inform us that the data does not exist? What I am concerned about is that you have a situation—and in fairness to you and the commission you have taken this on notice to give an answer—where if you have a coercive power where someone is forced to answer, attend or deliver a document, particularly where they are forced to give oral evidence or present documents or exhibits in the event that there is no immunity there, and that can form the foundation in part or whole for action to be taken, whether it be a court related action or a commission related action, that puts them in a very disadvantaged position. It would seem that for a person to wander into that quagmire without some serious ability to independently have your decision appealed in the event that they were not satisfied with it would be an important principle, would it not, in the principle of fairness for these people? Ms O'Neill: I understand the issue. Senator Abetz: It is potentially a policy issue. Ms O'Neill: I am happy to take the question I have on notice. Senator O'SULLIVAN: We will advance it at the next sittings, because it will be what it is and then that will allow us all to turn our mind to it and decide whether there is a further line of questioning there. I will just wrap up on this section of my questioning. These aspects that I have talked about—and I can refresh your memory if needed—these actions about applications for solicitors, the existence of the penalties or the sorts of things that might give or trigger a penalty, have they been a part of the Fair Work Commission's suite of law and processes for a long period of time or have some of these things been more recent arrivals? Ms O'Neill: None of those areas that we have canvassed, to the best of my recollection, have fundamentally changed in at least the last decade. Senator O'SULLIVAN: But the act itself, I am instructed—and I am not expert on the act—commenced in 2009. Ms O'Neill: Yes. That is why I was taking your question: are these new provisions? The 2009 act was the successor to previous pieces of legislation. I was looking at the history of the tribunal and the legislation governing its operations.</p>
EMSQ15-000025	Lines, Sue	Cross Portfolio	Informal meetings regarding enterprise bargaining	<p>Senator LINES: Were minutes kept of that informal meeting? Ms Rundle: I would need to check that for you. Senator LINES: Okay; and if you could give me the date</p>
EMSQ15-000026	Lines, Sue	Cross Portfolio	Enterprise bargaining employee productivity proposals	<p>Senator LINES: How long did you spend bargaining before you put the current agreement to staff? Ms Leon: Four months. Senator LINES: How many meetings did you have—just approximately, I am not asking you to be exact? You would have had half a dozen meetings, presumably. Ms Rundle: I think it was around 16. I will confirm that. Senator LINES: But did you reject all of the propositions? Ms Rundle: I would have to think about everything that they actually put on the table. Ms Leon: Some of the things that were put on the table, I think it is fair to say, were not matters that fell within the framework. So when you say did we reject any of them, I think there is a difference between us electing not to put something in an enterprise agreement that staff had proposed as a productivity offset as opposed to staff proposing things that did not actually count as productivity. So we had to just— Senator LINES: What are the sorts of issues that staff put on the table? Ms Leon: I just do not know if we would have all of the records of those meetings here. Senator LINES: Does Ms Rundle recall some? Ms Rundle: The issues that staff put on the table? Senator LINES: Yes, that were rejected, that were outside of the framework. Senator Abetz: The 12½ per cent wage increase from the CPSU, one imagines, would be one. Ms Leon: I would be reluctant to just go from memory about the nature of the matters that were raised in bargaining and the approach that was taken by the department to all of those. Senator LINES: I think it is a shame that you made that statement that staff put matters on the table that were outside of the framework but when I asked you to name those matters you could not. It is a little bit unfair to generalise it and not be able to follow it up. Ms Leon: I am happy to take that on notice. I am happy to take it on notice if you want specific examples of that.</p>

EMSQ15-000027	Lines, Sue	Agency - Fair Work Commission	FWC - Annual return lodgement compliance	<p>Senator LINES: How many registered organisations out of that 110—let us use your figure, Mr Enright—are compliant with the reporting requirements? Ms O'Neill: As Mr Enright indicated, it is not just a question of the 110 organisations— Senator LINES: No, there are 300-odd— Ms O'Neill: it is the reporting units. Senator LINES: Yes. Ms O'Neill: If your question is: how many reporting units or entities that are required to lodge returns are currently outstanding— Senator LINES: No, the question is: how many are compliant? Ms O'Neill: The reverse of that. I am not sure that we have those numbers with us. We would have to take that on notice. Senator LINES: Thank you. Mr Enright: I am just not sure in terms of 'compliant'. It is when an organisation lodges an annual return that we are currently talking about. Senator LINES: Yes. Mr Enright: There might be some ongoing discussion about that; there might not be. Senator LINES: It is getting the return in that I am interested in. Ms O'Neill: The question that I have taken on notice, just to be clear, as I understand it, is this: how many entities, whether they are organisations or reporting units, have lodged their annual returns on time in the 2013-14 financial year? Senator LINES: Yes. Thank you</p>
EMSQ15-000028	O'Sullivan, Barry	Agency - Fair Work Commission	FWC - Non-permitted matters	<p>Senator O'SULLIVAN: This is my final question, on notice, and then I am completed. On this question of including non-permitted matters, you indicated that between the previous cases and the case that I have cited there was a decision that— Justice Ross: Not all of the previous cases. There was a degree of tension between some of the previous cases. Senator O'SULLIVAN: Yes, but you did cite a court decision that a commissioner might draw upon. Justice Ross: Yes. Senator O'SULLIVAN: Whatever weight it gave, whether it persuaded them or not, it was capable of persuading their thinking in relation to this particular matter. Justice Ross: JJ Richards. Senator O'SULLIVAN: I can probably search that myself, but if the commission has a copy of that could we take on notice to have the judgment? Justice Ross: Certainly. The relevant extracts are referred to in the Esso full bench decision. Senator O'SULLIVAN: Either way. As long as I can get sufficient material for me to get my head around it. Justice Ross: Yes.</p>
EMSQ15-000029	Lines, Sue	Agency - Fair Work Commission	FWC - Number of bullying claims	<p>Senator LINES: Fair enough. I want to talk for a moment about Labor's anti-bullying laws. How many bullying claims have been lodged since the most recent reforms were enacted? Ms O'Neill: In the first 12 months of the jurisdiction—that is from 1 January last year to 31 December—701 applications were lodged with the tribunal. Senator LINES: Are you able to break that down into monthly figures for us? Ms O'Neill: I believe we provided an answer to a question on notice for the monthly breakdown at the last estimates hearings, which takes us to June— Senator LINES: Could you provide that again? Ms O'Neill: If you want monthly breakdowns from July to December— Senator LINES: Yes. Ms O'Neill: I can take that on notice. Senator LINES: Thank you very much, Ms O'Neill. Are those numbers manageable? Ms O'Neill: Yes.</p>
EMSQ15-000030	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Process for applying for right of entry permits	<p>CHAIR: I appreciate that you have probably tried to be as thorough as you can with the processes to ascertain whether the declaration is indeed true and correct. Why do we not go with a statutory declaration for this particular application process rather than the process you have outlined? Mr Enright: The Fair Work Commission—and the general manager might assist me here—has rules about the forms that it uses. These forms comply with the rules of the Fair Work Commission. Why it does not call for a statutory declaration is not something I am aware of. CHAIR: Ms O'Neill, did you want to add something to that? Ms O'Neill: I cannot immediately assist on that question. I can take it on notice, if you like.</p>
EMSQ15-000031	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Permit suspension period	<p>CHAIR: But the 2003 conviction, the 2005 not complying with a community based order, convicted of theft in 2007, that is not going to be wiped off his record, is it? Mr Enright: No, but again they were matters put to His Honour, and His Honour exercised his powers. CHAIR: For a suspension? Mr Enright: He suspended the permit as opposed to cancelling or revoking those other matters. Senator Abetz: So, technically at the end of that suspension do you have to then reapply? Mr Enright: Not technically. CHAIR: I do not think you do. It is just a suspension. Senator Abetz: So, would it be reinstated automatically? Ms O'Neill: That is right. It may be that the period of suspension coincides with the remainder of the term. CHAIR: Could you check that for me, please? Ms O'Neill: Yes.</p>

EMSQ15-000032	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Signatory of application for right of entry permit	CHAIR: Just so that we have some clarity, because otherwise there is clearly a flaw. That was a side issue, from reading the transcript. Who from the CFMEU Committee of Management actually signed the application for Mr Collier's right of entry permit? Ms O'Neill: We would have to take that on notice. Mr Enright: Yes. I have not got that in front of me. CHAIR: Is it a quick and easy thing to find? Mr Enright: Yes. CHAIR: I do have another line of questioning for Mr Ross. Mr Enright: I can go away and make that inquiry. CHAIR: Fantastic. It would be great to get somebody to do that. We might come back to it. I also want to know whether that person has made declarations with respect to CFMEU's entry permit applications more broadly? If so, how many? So, who signed it and have they signed anybody else's? Mr Enright: I can find that information in relation to who signed it very quickly. In terms of counting the number of other applications we might— CHAIR: I appreciate that you might need to take that on notice. Who signed it? If that is quick and easy, let us go there. Mr Enright: I said earlier on—and again I want to make sure I am as absolutely accurate as is possible—that this order may have been issued on 30 January. It was issued—as you know; you have it in front of you—the day before, on 29 January. CHAIR: I will table that. Thank you, Mr Enright. That is accuracy at its best. Does Mr Enright have somebody to assist him to find that information?
EMSQ15-000033	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Correspondence regarding member code of conduct	CHAIR: Could you check your correspondence, please, just to see if he did write back to you? Justice Ross: Sure. CHAIR: I would appreciate your clarifying whether it was in writing or in hearing. What sort of evidence did we collect that he was unaware it was a political party?
EMSQ15-000034	McKenzie, Bridget	Cross Portfolio	Restart advertising	Can the Department supply a summary of the market research for Wave 1 of the advertising program for the Restart Program?
EMSQ15-000035	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Powers under 581A(1)(b)	Justice Ross: As I have indicated, I will write to him and ask him whether he is engaged in paid work beyond that which is already notified. CHAIR: Are you aware that Mr Harcourt has put his name to a statement calling the government's savings measures unnecessary and promoting an increase in government program spending, as published by the Australia Institute's self-described progressive think-tank run by Richard Denniss, a former advisor to Greens Bob Brown and chief of staff to Democrat Natasha Stott-Despoja? Are you aware of that? Justice Ross: I think you can take it that I do not follow his Twitter feed or any of the other stuff. CHAIR: Why don't we just say the next couple of minutes will be just me giving you more information for your letter. Justice Ross: Yes, that is fine. If you provide me with the material I am more than happy to undertake the process I have undertaken in the past. CHAIR: In light of any response that Mr Harcourt gives you after we do a letter, could you also take on notice to actually revisit examining your powers under 581A(1)(b) in terms of maintaining public confidence in the commission? Justice Ross: Sure.

EMSQ15-000036	McKenzie, Bridget	Agency - Fair Work Commission	FWC - declaration in regards to application for a statutory right of entry permit	<p>CHAIR: Can you take on notice how many there are from Mr Hanna. Post September everything that Mr Hanna has signed has gone off to tribunal? Mr Enright: I do not know. CHAIR: Could you just check? I would assume—and it could be incorrect; I could be making an assumption that is not valid—that if Mr Hanna signed Mr Collier's as true and accurate and a fit and proper person, then surely anything that Mr Hanna signs has to be called into question with respect to this issue? Mr Enright: I do not know the circumstances of this matter, but I know where there have been other matters— CHAIR: He has been suspended. Mr Enright: In relation to Mr Hanna? CHAIR: No, Mr Collier has been suspended. He was championed by Mr Hanna in the application— Mr Enright: Yes. I do not know whether questions have been asked of Mr Hanna, but I can say that in other applications there have been errors where the committee of management person who has made the declaration has made that declaration believing that when he or she made the declaration it was true and correct. On other occasions other issues have emerged that the person was not aware about. I do not know the circumstances of this case. CHAIR: You would hope that before you sign something like that you would actually do a bit of due diligence and work out if they had been convicted of theft, for instance. Mr Enright: You would hope so, yes. So, is the question on notice whether he signed applications in the meantime and how many? CHAIR: So Hanna having co-signed an application is not one of the criteria that you would automatically send off? Okay. Do you know what steps were taken in the case of Mr Hanna signing off to determine whether the information provided on his permit application was accurate and complete? Do you know if there are internal processes that he signs off? Mr Enright: No, I do not, other than the declaration. That person declares that he or she has made inquiries to the best of their ability. I am not sure of the exact words, but I do not know the process. CHAIR: Are you aware that the Commonwealth Criminal Code makes it an offence for a person to: (i) knowingly or recklessly make a statement that is false or misleading or omits material information; (ii) the false or reckless statement is made to the Commonwealth; and, (iii) the false of reckless statement is made in an application for a permit? Ms O'Neill: Yes. CHAIR: Will the Criminal Code apply to Luke Collier in respect of the declaration he made in his application for a statutory right of entry permit? Ms O'Neill: Not necessarily, for this reason. As I understand it, there is a defence to any such prosecution of those provisions unless the person concerned was warned in advance of that potential consequence. In other words, if you really do not tell the truth in this form then that may be an offence, you may be prosecuted and so on. This is something that has come to our attention recently. We are in fact in the process of amending the forms. We have just gone through the rules committee process to provide that precise warning to ensure that that defence would not be available. CHAIR: It is a defence to a breach of the Commonwealth Criminal Code for me to say, 'I didn't know that lying was bad'? Ms O'Neill: I will not adopt that language. CHAIR: I did not think it was particularly offensive. Ms O'Neill: It is not offensive, but my understanding, as I have indicated, is that it is a defence to such a charge that no warning or the person making the declaration was unaware of the potential consequences of making a false declaration. Senator Abetz: Do company directors get that benefit? I am sorry. That is a rhetorical question. CHAIR: Will the Criminal Code also apply to whoever it was from the senior ranks of the CFMEU that vouched that Luke Collier did not have the relevant criminal convictions? Ms O'Neill: The same issue arises. CHAIR: Are our forms worth the paper they are written on? Ms O'Neill: As I have indicated, we have just gone through the process of amending them to address that issue that has come to light. CHAIR: When did this significant issue, particularly around protecting the public confidence and the integrity of the commission, come to light? Ms O'Neill: I will have to take the detail of that on notice. I do not have a date for you.</p>
EMSQ15-000037	McKenzie, Bridget	Agency - Fair Work Commission	FWC - Amendment of forms	<p>CHAIR: Could you take on notice where the defence that you are having to amend these forms has come from and when you became aware that it was going to be a defence? Ms O'Neill: Yes.</p>
EMSQ15-000038	Lines, Sue	Agency - Fair Work Ombudsman	FWO - Complaints from young workers	<p>Senator LINES: Do you keep stats? With young workers, are they coming to you after they have left the workplace or when they are still there? Do you have a figure on that? Mr Campbell: I might be able to get something on that now but, if not, I will take it on notice.</p>
EMSQ15-000039	Lines, Sue	Agency - Safe Work Australia	SWA - Increase in deaths in construction	<p>Senator LINES: With the increase in deaths in construction, do any particular states stand out or has there been a general increase of tragic deaths? Is there a way to explain that? Ms Baxter: We do not have that information with us. I can take that on notice to see if we can get you that information.</p>

EMSQ15-000040	Lines, Sue	Agency - Safe Work Australia	SWA - Breakdown of stats regarding workplace deaths	Ms Grey: I can tell you in just a second. I can tell you injuries, which I have got right here. Over that 11-year period, from 2003 to 2013, 28 per cent of the fatalities involved falls from a height. Vehicle crashes accounted for 17 per cent of fatalities, and electrocutions accounted for 15 per cent. Senator LINES: How do vehicle deaths come into construction? Is that on a site? Ms Grey: It may well be on a site, or it might be a worker who is moving between sites. It is not commuting, it is actually a worker who is considered to be at work. It is not infrequently being hit by a vehicle. Senator LINES: Yes, I understand that. Would you presume that falls are from high rise construction? Ms Grey: No, not necessarily. There has in fact been quite a debate over what height that should be in guidance material. If you wanted more details, Mr Wagner could provide you with them. That has been quite a debate because the research actually shows that it does not have to be from that great a height. Senator LINES: Does age figure at all? Is it something that stands out in the stats? Ms Grey: No, that is more in agriculture. I can certainly provide a breakdown for you. I just do not have it with me. Senator LINES: Thank you. I do not think I have any further questions.
EMSQ15-000041	Ruston, Anne	Outcome 1 - Employment	Cost of WGEA reporting	Senator RUSTON: What was the next highest cost? Ms Wood: I would have to check what the next highest cost was in the actual survey. I would have to take that on notice. We also had cost estimates from the submission process and the range there was \$2,000 up to \$33,000. There was a variety of estimates. The department's own estimate, which we developed as part of the regulation impact statement, was \$4,070 per year for the current requirements and the ones that were due to come on line for the next year. That was across them both and it was just over \$4,000. It was about 50 per cent for the current reporting requirements and about 50 per cent for the new ones.
EMSQ15-000042	McKenzie, Bridget	Agency - Workplace Gender Equality Agency	WGEA - Gender remuneration gap analysis	CHAIR: Thank you so much. As always this area is filled with questions. I have one and then the committee is going to break for a private meeting and dinner, coming back at quarter to 8 for Senator Waters to finish with this group and moving onto Fair Work Building and Construction at 8 o'clock with Senator Cameron. I have a quick question. Question 4 on page 10 of the reporting questionnaire: has gender remuneration gap analysis been undertaken? Do you have any data on what secondary schools answer is that question? Ms Beattie: I would have to take that on notice. CHAIR: I have had feedback that they have answered no because they do not as their salaries are set by awards or industrial agreements so many school principals have just ticked no. I wanted to know how your organisation responds to these schools as a result of them ticking no. My understanding was the standard practice was that they would be sent a bottle of Daughter Water. Ms Beattie: That is not standard practice. CHAIR: Could you just outline for me the standard practice and if you have received any complaints, comments or feedback from school principals on this issue? Given the feminisation of education it was quite a unique advocacy but I will wait for the questions on notice. The committee stands suspended until quarter to 8.
EMSQ15-000043	Ruston, Anne	Agency - Workplace Gender Equality Agency	WGEA - Complaints system	Ms Beattie: We have a complaints mechanism in the sense that we have the capacity to take inbound calls. People call and provide feedback and that is recorded in our system. I would have to take on notice to what extent that is advertised through our website and the like. We certainly have a service charter that outlines our openness and willingness to take that feedback.
EMSQ15-000044	Xenophon, Nick	Outcome 1 - Employment	Job seeker Excel training courses	"In responses to Questions on Notice from Supplementary Budget Estimates in 2014, the Department advised that it does not keep records of the number of job seekers who successfully completed training courses offered by Excel Training. 1. Why doesn't the Department record this information? 2. Are success rates for training courses offered by other training providers recorded by the Department? If not, why not?"
EMSQ15-000045	Xenophon, Nick	Outcome 1 - Employment	Completion of job seeker Excel training courses	"I understand individual JSA offices are required to record when a job seeker starts a training course and when the course is completed (successfully or not). Furthermore, I understand a reason must be given for the completion of a course. Given this information is collected by individual JSA offices, why does the Department of Employment not request this information?"
EMSQ15-000046	Xenophon, Nick	Outcome 1 - Employment	Costs of training courses for job seekers	"In response to a Question on Notice from Supplementary Budget Estimates in 2015 the Department advised that between 1 July 2009 and 31 August 2014, \$1,838,454 was paid by Job Services Australia providers from the Employment Pathway Fund to assist job seekers undertake various courses with the Excel Training company. 1. Given the Department is unaware of course completion rates, how does it determine whether value for money is achieved when paying for these training courses? 2. How much in total has been paid from the Employment Pathway Fund to training providers who offer courses to JSA job seekers?"

EMSQ15-000047	Siewert, Rachel	Outcome 1 - Employment	Work for the Dole	"1. From 1 July 2014, a new Work for the Dole program was phased into 18 areas across the country. How many people have commenced the Work for the Dole program as a condition of receiving income support to date? 2. How much has the department spent administering the scheme, and how many participants are there currently? 3. How much has the department spent administering the work for the dole scheme for each participant?"
EMSQ15-000048	Siewert, Rachel	Outcome 1 - Employment	Job Services Australia providers	"1. What is the department's response to allegations made in the 4 corners report shown on the ABC on the 23rd February 2015 regarding Job Service providers? 2. Can you confirm how much money you have pulled back from providers who have been found to be fraudulent? 3. How have you followed up on allegations of fraud made during the 4 Corners program? 4. What have you done to ensure that the new system will not have these issues?"
EMSQ15-000049	Siewert, Rachel	Outcome 1 - Employment	Activity Test Exemptions for domestic violence	"1. I refer to QON Budget Estimates 2013-2014, Employment, DEEWR Question No. EW0149_14. The table provided an update of Parenting Payment recipients with activity test exemptions. Please provide an update of these exemptions. 2. Please provide a breakdown of the exemption grouped together under personal circumstances. It notes that 166 of those on Parenting Payment Single have exemptions around sorry business, homelessness, witness protection, Indigenous cultural business or domestic violence. It further notes that less than 20 women on either the Parenting Payment Partnered or Parenting Partnered Single - were accessing domestic violence exemption that were available for Principal Carer Parents. 3. Please provide a breakdown of the past decade into the granting of these DV exemptions, and whether take-up increased at a result of measures that took effect after the 2010 Participation Taskforce. "
EMSQ15-000050	Sterle, Glenn	Outcome 2 - Workplace Relations and Economic Strategy	Regulation regarding the Oceanic Discoverer and the Caledonian Sky	- How does Australian OH&S regulation apply to (i) the Oceanic Discoverer and (ii) Caledonian Sky? - How does Australian industrial relations regulation apply to (i) the Oceanic Discoverer and (ii) Caledonian Sky?
EMSQ15-000051	Cameron, Doug	Agency - Fair Work Building and Construction	FWBC Inspectors	With regard to employees of Fair Work Building Industry Inspectorate who are appointed as Inspectors: a) How many are former police officers in any jurisdiction; b) How many have formal qualifications or significant career experience in occupational health and safety prior to their appointment as an inspector; c) How many have formal qualifications or significant career experience in the field of employment law or workplace relations prior to their appointment as an inspector; d) How many have significant career experience in the commercial construction industry prior to their appointment as an inspector; e) How many have formerly been employed in the Victorian government Building Code Compliance Unit?
EMSQ15-000052	Cameron, Doug	Agency - Fair Work Building and Construction	Evidence given at Estimates hearings	With regard to the Director of the Fair Work Building Industry Inspectorate's evidence at page 106 of the 2014-15 Supplementary Budget Estimates Proof Committee Hansard of 23 October 2014, which as follows: Senator CAMERON: But you were of the view, similar to Assistant Commissioner Fontana's statement in paragraph 33, that there was criminal activity of the trade union officials directly and by organised crime figures or groups on behalf of trade union officials. Mr Hadgkiss: That is my view, yes. Senator CAMERON: Do you have any evidence of that? Mr Hadgkiss: Evidence? No, Senator. and; The Director of the Fair Work Building Industry Inspectorate's evidence at page 133 of the 2014-15 Additional Budget Estimates Proof Committee Hansard of 26 February 2015, which was as follows: Senator O'SULLIVAN: Do you know of any other associations between these trade union movements and organised crime, whether it be bikie groups or organised criminal activity generally? Mr Hadgkiss: I certainly do. Senator O'SULLIVAN: Can you elaborate on that to the extent that it is within 'the knowledge'? Mr Hadgkiss: There is obviously a huge connection between outlawed motorcycle gangs and particularly the Victorian CFMEU. What is the evidentiary basis for the Director's assertion made on 26th February 2015 which is completely at odds with his answer given on 23rd October 2014? Has the evidence, if it exists, on which the Director made the assertion on 26th February been referred to Victoria Police for investigation and if so, when was it referred?

EMSQ15-000053	Cameron, Doug	Agency - Fair Work Building and Construction	Threat to FWBC staff member	With regard to the Director's evidence to the Committee on 26th February 2015, which in relation to a threat the Director said was made against a female FWBC staff member, was as follows: Mr Hadgkiss: I will give one example that occurred. One of our female staff members received a phone call. I will not mention her name. I will change the name. He said: 'Mary, isn't it? Mary, me and my seven mates are going to come and F-U-C-K you tonight.' (Education and Employment Committee, Proof Committee Hansard, 26 February 2015, p.125) When did the female staff member report the phone call to the Director? When did the Director or the female staff member against whom the threat was made report the threat to the appropriate law enforcement agency for investigation? If neither the Director nor the female staff member concerned did not report the threat to the appropriate law enforcement agency for investigation, why was it not reported?
EMSQ15-000054	Sinodinos, Arthur	Outcome 2 - Workplace Relations and Economic Strategy	Fair Entitlements Guarantee claims	<ul style="list-style-type: none"> •Has the Department received any Fair Entitlement Guarantee claims in relation to any of the companies identified in Chapter 8.5 of the Interim Report of the Royal Commission into Trade Union Governance and Corruption, some of which news reports have identified as possible phoenix companies? •Which company or companies has had claims against it? •Have any of these claims been made by unions? By individual employees? •What was the role of any claimant within their company? •What were the amounts of these claims – both the total and a breakdown of the value of the different entitlements sought to be recovered? •Were these claims granted and, if so, in what amounts? •If the claims were not fully granted, what were the reasons why not? •Has the Department investigated, or is the Department investigating, whether individuals are liable for the entitlements pursued by these claims? •If so, which individuals?
EMSQ15-000055	Cameron, Doug	Shared Services	Referrals to the DPP	Mr Hehir: There have been 38 referrals to the DPP. Senator CAMERON: Since when? Mr Hehir: Since 2006. Senator CAMERON: Since 2006 there have been 38? Mr Hehir: Yes. Senator CAMERON: How many of them have got finality in terms of the prosecution? Mr Parsons: I will probably have to take this on notice, but my understanding is that there is probably less than a handful that are still under investigation. I would say that definitely more than 30 have come to conclusion. Senator CAMERON: What was the outcome of those prosecutions? Mr Parsons: Again, I would have to take that on notice. My recollection is that we have a very good strike record with DPP prosecutions. As you are aware, the evidence standard has to meet the criminal standard. Senator CAMERON: I am not asking what your strike record is. I am asking what the outcomes of the prosecutions were. Mr Parsons: I will have to take it on notice. Senator CAMERON: Can nobody here tell me that? Senator Abetz: In fairness, they are prosecutions dating back from 2006 and there are 38 of them. It is highly unlikely that people would have that sort of information in their back pocket.
EMSQ15-000056	Cameron, Doug	Outcome 1 - Employment	Tenders - average score	Senator CAMERON: Was there an average score for each program nationally? Mr Parsons: There could well have been, but it is not something we calculated. I could easily go back and calculate it—it was not used. Senator CAMERON: If you could take that— Ms Leon: Averages played no part in the allocation of the business. The scores were allocated and then ranked from highest to lowest. Senator CAMERON: I am asking for the average score. Mr Parsons indicates— Ms Leon: I think Mr Parsons indicated that we have not produced an average score. Senator CAMERON: But he says he could get that easily. Ms Leon: We will take that on notice. Senator CAMERON: Why wouldn't you provide that? Why would you want to take that on notice? Ms Leon: I think you are aware that there is a question of principle about whether estimates committees can ask the department to go and undertake work rather than provide you with documents or work that already exists. As Mr Parsons has indicated, we did not produce an average score for this process. I have taken on notice whether it is appropriate in those circumstances to provide it. Senator CAMERON: You are aware that every question the Senate asks requires some work.cont on pg 22 Ms Leon: It is not about work. Obviously, we undertake all of the work that is required to fulfil our accountability requirements, but there has been the question raised—and I think it has been the subject of advice to committees in the past—that committees cannot ask departments and agencies to go and produce material, documents, analysis and so on. Senator CAMERON: But Mr Parsons said this could be easily done. Ms Leon: And we have taken it on notice to see whether it is appropriate. Senator CAMERON: Mr Parsons said it could be easily done. Ms Leon: I am the secretary of the department

EMSQ15-000057	Cameron, Doug	Shared Services	Breakdown of prosecutions	<p>Senator CAMERON: So it is a handful of prosecutions every year? You knew there were 38 prosecutions. Can you tell me how many there were in 2006, how many in 2007, going through? Ms Leon: No, we do not have that with us. Senator Abetz: We can take that on notice for you. Senator CAMERON: You cannot tell me if anyone has gone to prison for any of these prosecutions? CHAIR: In the world? It is a pretty big question. Senator CAMERON: It is not a big question. It is a question on the prosecutions. There are only 38 of them. Mr Hehir: There are 38 referrals to DPP. That is the figure we have provided. They then undertake their own process in terms of what they will take forward. Our task is to get an effective referral to the DPP, which is what we do. In terms of the success, there are certainly a handful that I am aware of where there have been findings, but I would much prefer to take an accurate answer to you and give the detail of what the outcomes were for each of the prosecutions that were there. Certainly the prosecutions are publicly available, but we will need to go through and check them.</p>
EMSQ15-000058	Cameron, Doug	Outcome 1 - Employment	List of unsuccessful tenders	<p>Senator CAMERON: Can you provide a list of the unsuccessful tenderers? Senator Abetz: We will take that on notice and see whether there are any issues associated with that. Senator CAMERON: Can you provide a list of unsuccessful tenderers for jobactive contracts by each service? Senator Abetz: We will take that on notice as well.</p>
EMSQ15-000059	Cameron, Doug	Outcome 1 - Employment	Star ratings	<p>Senator CAMERON: Well, it could be two companies. Thanks, Minister, I accept that. I would like to know what happened to the star ratings of the companies that employed those 38 employees. Ms Leon: We will have to take that on notice.</p>
EMSQ15-000060	Cameron, Doug	Shared Services	Investigations Branch	<p>Ms Leon: We have to do the initial investigation of any of the suspect claims so that we can form a view as to whether it is likely to reach a standard that is capable of being referred to the DPP. As with any Commonwealth program, there is an internal process of assessment and investigation first. We do not involve the AFP every time there is a potentially suspect claim. Ultimately the question of whether the material that we have found is likely to satisfy a court that there has been fraud that reaches the criminal standard of proof will be a matter for the DPP to assess and then decide whether they take the matter to prosecution. But it is the work of our own investigators first to gather as much evidence as possible so that we can identify whether, for example, there is evidence that the company knew about, supported, instructed or was involved in whatever the claiming practice has been. Senator CAMERON: Who does this? Who carries this out? Ms Leon: Officers of the department. Senator CAMERON: What are their qualifications? Mr Hehir: Once we get to an area where we believe there is a reason for a significant investigation, we have our investigations branch undertake the investigation. That branch is headed up by a lawyer and it also has a number of ex-police within its employee. They are trained investigators. Senator CAMERON: It is not a beat constable, is it? What are their qualifications? That is what I am asking for. Just tell me this: how many are in the investigation branch? Ms Leon: We may have to take the exact numbers on notice. It is in the vicinity of 23. I could not swear to the exact number. The investigations branch is part of the shared service centre. The shared service centre provides services to both the Department of Employment and the Department of Education and Training as well as a number of portfolio agencies and other agencies. But it was originally the investigations branch of the former Department of Education, Employment and Workplace Relations. It is now part of the shared service centre that the two partner departments established. Senator CAMERON: Did you have at one stage your own specific investigations branch? Ms Leon: The department used to be a combined department and it had its own investigations branch. When the departments were separated out, rather than having two small investigative branches we formed a view that it would mean better preservation of the capability to keep the investigations branch as a single unit and as part of a shared service centre that serves both departments. Senator CAMERON: Can you provide on notice the details of the employees in the investigations branch, including their qualifications. Ms Leon: Yes, we can do that. We will not provide individual identifiers, but we will provide— Senator CAMERON: Of course. I am not asking for that. Ms Leon: generic information about their qualifications. Senator CAMERON: That would be handy. Are you responsible for the shared investigations branch? You have the responsibility for it, haven't you? Ms Leon: The shared service centre provides services to both Education and Employment, but as secretary of the department I have responsibility for the integrity of the program irrespective of whether I use in-house investigators or I outsource an investigation. Senator CAMERON: Could you then provide details on how many investigations that branch has undertaken internally over that period of time that you have indicated from 2006. Can you have a another look at that and provide details on that. Ms Leon: We will provide what we can.</p>

EMSQ15-000061	Cameron, Doug	Shared Services	Details of prosecutions	<p>Senator CAMERON: On notice, can you provide details of the prosecutions in relation to the Job Network or Job Services Australia since 2005. Ms Leon: I will see what we can provide. It will just depend on how detailed the records are the further back we go. Mr Parsons: 2006. Senator CAMERON: Why 2006? Ms Leon: That is when the contract started. Senator CAMERON: Okay, go to 2006 at this stage. I may change that on notice. Could you provide the title of the proceedings that have been undertaken, the nature of the allegations against the defendants and the results of the prosecutions and any penalties imposed. That should not be too onerous a task. Ms Leon: We will take that on notice and provide what we can where it is publicly available. There will have been some investigations that were undertaken that the DPP has in the end not proceeded with and so those will not be public. We just will need to be careful about the extent to which we might potentially damage the reputation of companies that in the end were not prosecuted. So we will take that on notice and provide what is appropriate. Senator CAMERON: That might be okay, Ms Leon, but— Senator Abetz: I have just checked with the officials. There have also been occasions—and we will try to suss this out as well—where companies have been concerned about an individual's behaviour within their company and advised the department and the matter has proceeded to the police through that mechanism. Where that information is available, we will provide it as well.</p>
EMSQ15-000062	Cameron, Doug	Outcome 1 - Employment	Diminution of specialist services	<p>Senator CAMERON: On notice, can you advise me as to whether there has been any diminution of specialist services across the country not just Melbourne City Mission. I want to know whether there has been a diminution of services under these new contracts anywhere across the country, and, if so, why. Mr Parsons: I will do my best. That is potentially a lot of work. My feeling from having looked at the tender responses is that, wherever there was a significant cohort in a region, there were very thorough and adequate strategies proposed by all of the successful tenderers. Senator CAMERON: Tell me about these thorough and adequate strategies. That is what I am asking for. You are confident that there are thorough and adequate strategies. Will you provide the committee with details of these thorough and adequate strategies that deliver what you have just indicated. Ms Leon: I can explain to you how that was done without going into the process of giving you the guidelines that we previously canvassed. The assessment was made on a region-by-region basis and it was made against the criteria in the tender, which included the necessary capacity to service the cohorts in that region. Where a region had, for example, a high multicultural population or a specific youth unemployment problem, that would be one of the criteria against which we would assess the capacity of the tenderers. That criteria could be met either by their having partnered with a specialist provider who already has the capacity to deliver services to that cohort or by demonstrating that they have the expertise and the intended strategies in place to deliver a specialist service to that cohort. The processes to ensure that specialist services were provided where needed were an intrinsic part of the tender assessment. That is how people were rated and scored and how tenders were awarded. Mr Parsons: That was a very discrete part of criteria 3, which is in the tender document. Senator CAMERON: I would ask you on notice to provide me with some details on this and not just an overview.Cont on pg 25 Senator CAMERON: No, that is not what was said. The tender document might be a public document but it does not speak for itself because you need to get the annexures and the service delivery plan to understand what is in it. That is what I am being told, so— Ms Leon: And we have undertaken to provide that on notice. Senator CAMERON: So you will provide that, and then I will want an analysis. Ms Leon: We will not be providing an analysis region by region of who tendered and how they were scored. Senator CAMERON: I do not want to know who tendered but whether there has been an analysis of whether there has been any diminution. Ms Leon: I just do not think it is possible to compare the two different services from two different contracts and two different time periods. Senator CAMERON: So you cannot tell if there has been any diminution of services?</p>

EMSQ15-000063	Cameron, Doug	Outcome 1 - Employment	Copies of Service Delivery Plans	<p>Senator CAMERON: How many contracts have been let? Is it over 300? Mr Hehir: No. There are 66 organisations. Senator CAMERON: Covering 300 different— Mr Hehir: There is a large number of services. There are 51 regions and there are five main service types. Not all service types apply to every region. Senator CAMERON: Can you provide copies of the contracts? Mr Parsons: The tender website actually had a draft of the deed advertised for people to peruse. There have been some minor refinements of the deed through the tender period. The final tender, I am nearly certain, was put up on the website the day before the announcement. Ms Leon: We can provide you with that..... Senator CAMERON: So the deed is the contract, and there are some variations. I am interested in the variations as well. How do I get them? Ms Leon: The variations only go to the annexe that each provider will get about the specific services they undertook to provide. They might have said in their tender: 'We will open on Saturday mornings,' or 'We will provide an after hours phone service,' or some specific offer in a particular region. Where they have offered that, then we will put an annexure to the contract that means we can hold them to account to deliver what they said they would deliver. Senator CAMERON: Obviously, we would like to hold them to account as well, so could you provide the deed and the annexures. Ms Leon: The annexures will not all be settled yet..... Senator CAMERON: So I should be able to get the service delivery plans after next Tuesday? Mr Parsons: We will certainly have them. Senator CAMERON: Is a service delivery plan and an annexure the same thing? Mr Parsons: Yes. Senator CAMERON: So you can provide the committee with the 'service delivery plan', if that is the formal name for it, after next Tuesday? Mr Parsons: I would say shortly thereafter. They are due on Tuesday, and what we then need to do is to check that the tenderer has accurately reflected all of the innovation that they described. If they have missed bits we perhaps need to reiterate with them and make sure that nothing has been left out and that there is no misunderstanding. Ms Leon: But once they are finalised we are happy to provide those on notice.</p>
EMSQ15-000066	Cameron, Doug	Outcome 1 - Employment	Business share allocation	<p>Senator CAMERON: Max Employment was successful in gaining contracts for 223 sites—that is 13.45 per cent of the total—in 27 regions; and Sarina Russo Job Access 93 sites—that is 5.61 per cent across 11 regions. Can you provide the business share allocated for each successful tenderer by region? Ms Leon: We would not have it here but we can take that on notice.</p>
EMSQ15-000067	Gallagher, Katy	Cross Portfolio	Staff reductions - Investigations Branch	<p>Senator GALLAGHER: In terms of the ability to manage the contracts in the Shared Services Branch—or the Investigations Branch— Mr Hehir: The Investigations Branch. Senator GALLAGHER: a robust program is in place. Do you have more resources available for that, or less, in terms of jobs? You have obviously had some significant job losses across the department. Are there— Ms Leon: I would have to take it on notice to find out whether the Investigations Branch has had any of the staff reductions but across the whole Department of Employment we only let go less than 70 people on voluntary redundancies in the year in which the reductions occurred. The departmental resources applied to the Job Active program are commensurate with what they were under Job Services Australia, so we are still applying an equivalent level of program are assurance. But, as Mr Hehir said, the nature of the work will be somewhat different. Our contract managers are very much preparing for and being trained for the new approach in that there will be less manual ticking off of paperwork. There will be more looking at patterns of claiming and visiting providers to assess what is occurring there rather than a manual desktop based process of just checking each piece of paper as it comes in. Senator GALLAGHER: Could you please take that on notice. Ms Leon: Yes.</p>
EMSQ15-000068	Cameron, Doug	Outcome 1 - Employment	Analysis of business shares	<p>Senator CAMERON: Each employment provider is given a business share. Ms Leon: That is right. Senator CAMERON: In terms of the percentage of the contracts, that does not reflect how much they will have of the total program, does it? Mr Hehir: That is correct. The proportion of contracts they have will not necessarily reflect their business share. Senator CAMERON: Do you have any analysis of the business share for each of the successful tenderers? Is that available? Ms Leon: I think we have that; yes. Senator CAMERON: You could provide that on notice? Ms Leon: Yes.</p>

EMSQ15-000069	Cameron, Doug	Outcome 1 - Employment	Red tape reduction	<p>Senator CAMERON: Okay. Can you take on notice this question. How do you differentiate between red tape reduction and ensuring that you have proper checks and balances in the new contracts? How has the red tape reduction been set against proper checks and balances and integrity measures? Ms Leon: We can probably speak to that now rather than take it on notice. Senator CAMERON: How long will that take because I have limited time? Senator Abetz: In short, it is an issue of judgement and risk management. If you want zero tolerance completely, I suppose you would have a security guard behind every cashier at every cash register in your shop or you might do an audit of the till from time to time just to ascertain things. So it is a question of where you would draw the line as to what an appropriate risk management strategy is and that is where judgements come in. Mr Parsons: For instance, we can get information from the DHS computer system to tell us about the job seeker's income support status. We no longer have to ask that same question of the provider. Ms Leon: So it means there is no impact on integrity. Senator CAMERON: Can you take this on notice: can you provide me details of what you have identified as red tape reduction in the new contracts; and how you are balancing the red tape reduction against appropriate checks and balances, and fraud procedures. I would be really interested in that and I would expect it would not be a short answer.</p>
EMSQ15-000070	Cameron, Doug	Outcome 1 - Employment	Governance issues	<p>Senator CAMERON: What types of governance issues have been red flagged? Mr Parsons: I probably should take that on notice rather than guess, I think. Senator CAMERON: There are only four of them. Who is dealing with this? Mr Parsons: I am dealing with it. Senator CAMERON: So you do not know what the governance issues are? Mr Parsons: Not off the top my head, no. Senator CAMERON: Really? Mr Parsons: No, not with confidence. I do not want to go on the public record and misstate what the governance concerns are with those two companies. I would rather take it on notice.</p>
EMSQ15-000071	Cameron, Doug	Outcome 1 - Employment	Contact with ORS	<p>Senator CAMERON: Have you had contact with ORS since the Four Corners program? Ms Leon: We have contact with our providers all the time, Senator. Senator CAMERON: I am talking about ORS. Ms Leon: If you asking me to disclose whether we are currently investigation ORS— Senator CAMERON: I am asking whether you have had contact with ORS since the Four Corners report. It is a simple question. Ms Leon: Yes, we have been in the middle of a tender process and we have been regularly engaged with all of our providers including ORS. Senator CAMERON: At what level have you had that conversation with ORS? Ms Leon: I don't think I referred to a specific conversation. Senator CAMERON: I am not asking what was in the specific conversation; I am asking you—this is a matter of quite significant public importance— Ms Leon: There has been contact— Senator CAMERON: whether you have had contact with ORS and at what level since the Four Corners program; a simple question. Ms Leon: I think that the questions are verging on trying to get me to answer the question of whether we are investigating ORS when I have indicated— Senator CAMERON: Are you claiming public interest immunity on this? Ms Leon: The minister may wish to claim public interest immunity, so I will take the question on notice. Senator CAMERON: Either you claim public interest immunity or you answer the question. Ms Leon: I will take the question on notice and give the minister an opportunity to consider whether he wishes to claim public interest immunity.</p>
EMSQ15-000072	Cameron, Doug	Outcome 1 - Employment	Companies with connections to The ORS Group	<p>Senator CAMERON: Have any contracts been allocated to companies that have got any previous connection with ORS, either through directorships or management? Ms Leon: Not that I am aware of. Senator CAMERON: Can you take that on notice. Ms Leon: Yes</p>
EMSQ15-000073	Cameron, Doug	Outcome 1 - Employment	Providers that operate as a family trust	<p>bank guarantee to safeguard any Commonwealth monies should the trust fold. Senator CAMERON: So we have Job Service providers who have established family trusts? Ms Leon: That was an example. Senator Abetz: A hypothetical. Senator CAMERON: Have we? Mr Parsons: Do we have any Job Service providers that operate as a family trust? Senator CAMERON: Yes. You raised the issue, not me. Mr Parsons: Yes, they are in operation today and they have been there for many years. Senator CAMERON: Can you provide details of how many are operating under family trusts? Mr Parsons: That is, again, something that I do not have with me. Senator CAMERON: But you do have that information? Ms Leon: We will take it on notice and see what we can provide. I do not know that we categorise them in that way. We will take it on notice and see if we do.</p>

EMSQ15-000074	Cameron, Doug	Outcome 1 - Employment	Number of JSA providers sanctioned	<p>Senator CAMERON: How many JSA providers have been sanctioned for breaches of accountability requirements, contract breaches or fraud in the past five years? Is that still the figure of 38, or does it widen? Ms Leon: That is only the number that has been referred for prosecution. Senator CAMERON: How many have been sanctioned for breaches? Mr Parsons: I would have to take that on notice. I do not think I have that information at hand. Senator CAMERON: Have any JSA providers ever been banned from participating in the JSA market? Mr Parsons: There have been three instances in recent times where we have reduced business share of JSA providers. In one of those three cases we chose not to extend a provider in a particular region. Senator CAMERON: What company was that? Mr Parsons: I am not sure. Senator CAMERON: There is only three. Mr Parsons: Yes, but that was in— Senator CAMERON: You knew it was three. Mr Parsons: That was some years ago. It was 2012, from memory. Senator CAMERON: Okay, take it on notice. I want details on why they were reduced and why they were taken off of the program. In your response to the Four Corners program, you put out a press release where you made a statement that the job seeker should contact the department if they have complaints about fraud or inappropriate conduct by a JSA provider. That was parroted by some of the providers—if there is a problem, go to the department. Why wouldn't someone who has got some evidence of systemic fraud or fraud not just go to the federal police?</p>
EMSQ15-000075	Cameron, Doug	Outcome 1 - Employment	Referral effect	<p>Senator CAMERON: The referral effect—where did this come from? Are there academic papers on this? What tells you about the referral effect? Mr Hehir: From memory, there is OECD work looking at the referral effect. So, yes, it is a well-known phenomenon. People call it different names, but the referral effect is that there is a strong motivator in some of the activation programs for people to go out and actively seek work. So the view or, if you like, the attitude is, 'Well, if I'm going to have to go and do 25 hours of work, I might as well go and do something that I am going to get paid for.' Senator CAMERON: That sounds highly technical. It does not really answer my question. What are the academic papers that you are basing this on? Mr Hehir: I will take that on notice. Senator CAMERON: What are the OECD papers that you are basing this on? Has there been an analysis that you have based this answer on? Ms Leon: Yes, and we have our own analysis of the referral effect from when people are referred to the Work for the Dole program—the percentage that then drop out of employment services and report that they have a job. That is data that is available to us. Senator CAMERON: Could you provide that to me and could you also provide the basis of your internal analysis—what you base your analysis on—to come up with this outcome? Is that available? Mr Hehir: We can take that on notice. Senator CAMERON: Ms Leon is referring to the outcome; I am asking for the methodology that you have used. Is that available? Mr Hehir: We can certainly take that on notice.</p>
EMSQ15-000076	Cameron, Doug	Outcome 1 - Employment	Whistleblower process	<p>Senator CAMERON: If you could provide details, on notice, of the process for the whistleblower to do this. I am not sure how that works. Ms Leon: Yes. Senator CAMERON: Do people just ring the 1300 number? Mr Parsons: Or email. There are two ways in.</p>
EMSQ15-000077	Sinodinos, Arthur	Outcome 1 - Employment	The ORS Group	<p>Senator SINODINOS: When did ORS first get contracts? Mr Parsons: They have been a longstanding player in the outsourced market. I would have to take it on notice, but it is at least 2009, if not before. Senator SINODINOS: Had they been investigated over the period since 2009? Mr Parsons: Again, I would probably have to take that on notice.</p>
EMSQ15-000078	Cameron, Doug	Outcome 1 - Employment	Expenditure on tenders	<p>Senator CAMERON: Could you provide, obviously on notice, the details of the cost. Could you break those costs down and provide the cost breakdowns that you have used within the department—supplier costs, travel, accommodation costs, allowances, whether contracted staff were used or permanent staff were used and the cost of debriefing. Would you have all that? Mr Parsons: Yes, we would. Senator CAMERON: Would you supply us the details on notice. How many temporary staff were employed for the full process of tendering the services?</p>
EMSQ15-000079	McKenzie, Bridget	Cross Portfolio	Protected industrial action	<p>CHAIR: Yes. My understanding is that only one to two per cent of departmental employees covered by the enterprise bargaining took part in the actions? Is that correct? You might need to take that on notice. Ms Leon: I may need to take that on notice. CHAIR: Thank you so much. There are</p>

EMSQ15-000080	Lines, Sue	Outcome 1 - Employment	Changes to process for non-compliance	<p>As per the Draft Employment Services Deed 2015-2020, published on 30 March 2015, can you explain what occurs when a participant fails to comply with their Mutual Obligation Requirements and what parties are responsible for assessing and making determinations at each point through this process? This process as described in section 2.15 of the request for tender documents appears to be different to that which is now described in the Draft Employment Services Deed 2015-2020, published on the departments website on 30 March 2015, is this correct, and if so, why? Are employment providers now responsible for assessing if a participant had a Reasonable Excuse for not complying with a Mutual Obligation Requirement? If not, and the department is still responsible for this assessment what evidence do the department use to make this assessment and how has this process changed to the current process? Do employment providers have discretion not to take action under the compliance framework or not to report non-compliance to the Department as they currently do and as was described in section 2.15.1 of the request for tender documents? If not, why not, given such discretion was outlined in the request for tender? Are employment providers now responsible for determining whether any action should be taken under the job seeker compliance framework in relation to an event of non-compliance? If so, why has this change been made, given it was not outline in the request for tender and given the significant concerns raised by providers and advocates that it would undermine the relationship between providers and job seekers and potentially undermine the safety of employees?</p>
EMSQ15-000081	Lines, Sue	Outcome 1 - Employment	Contracts less than 5 years	<p>The department stated that there are four employment service providers, and one Harvest Labour provider that have been successful in tendering for contracts, but have been offered contracts of less than five years as result of targeted audits currently being undertaken into providers. What is the nature of each of these targeted audits and what are the possible outcomes of each of these targeted audits? Is it normal practice to offer shortened contracts to providers in these circumstances, and has this occurred previously? Why have shortened contracts been offered instead of five year contracts with an option to withdrawn pending the outcome of the targeted audits? If these audits find no adverse claims against the providers, will they then be offered full five year contracts? Why is the department confident that these providers are appropriate to carry out these contracts, despite these ongoing audits? Will these shortened contracts put these providers at a disadvantage, compared to other providers who have been offered five year contracts? Will services provided by these providers, and their participants, be interrupted and jeopardised by the existence of these short-term contracts if they are not extended?</p>