

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

**QUESTIONS ON NOTICE
Budget Estimates 2013-2014**

Agency - Fair Work Commission

DEEWR Question No. EW0109_14

Senator Abetz asked on 3 June 2013, Hansard page 91

Question

FWC - Mr Craig Thompson investigation - additional charges by Victoria Police

Senator ABETZ:Turning back to Mr Craig Thomson, the member for Dobell, we have advice that the Victoria Police have laid 19 fresh fraud and theft charges, so that he now faces 173 charges. Have you been able to have a look at those 19 extra charges, Ms Carruthers? Ms Carruthers: Not at this stage. Senator ABETZ: I am wondering why those 19 extra charges did not come out of the Fair Work Australia investigation into Mr Thomson's activities. Ms Carruthers: I imagine that that is a direct result of the fact that, when we conducted the investigation into the national office of the Health Services Union, there was no capacity for Fair Work Australia to obtain documents or information from third parties, whereas, as you would appreciate, the police have the capacity to issue warrants. So they are able to go along to hotels, for instance, and obtain directly from the hotel information about invoices that may have been issued. They can similarly obtain documents from other entities with whom they believe there may have been some transactions. Senator ABETZ: If you could do an analysis of that, that would be helpful. That is why some of us, at the time, were arguing that this matter should have been referred to the police. We have had the legal argument surrounding that in the past, so I will not traverse that again this evening.

Answer

The Fair Work Commission has provided the following response.

Of the additional 19 Charges:

One additional criminal charge laid by Victoria Police was not the subject of the Fair Work Australia (now the Fair Work Commission) investigation. That charge was sourced from a third party not ascertainable by the Fair Work Commission (FWC) delegate.

Eight additional charges deal with specific items of alleged unauthorised expenditure at hotels where Mr Thomson is alleged to have stayed. While the FWC was aware of a general amount of expenditure at these hotels on the dates specified in the fresh Victoria Police charges through bank statements, the precise nature and individual amounts was not able to be further identified or itemised by the Delegate during the investigation due to the absence of statutory power to compel the production of materials by third parties which would have identified the particulars of items of expenditure appearing on tax invoices.

A further eight additional charges deal with cash withdrawals alleged to have been made by Mr Thomson which were uncovered and addressed during the FWC investigation.

Two charges appear to be laid in the alternative to charges referred to above.