

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ15-000167

Senator Johnston asked on 02 June 2015 on proof Hansard page 20

Question

FWO - Appeal lodgement

Senator JOHNSTON: Thank you for that. Are you familiar with the case recently decided by Judge Gilmour of the Federal Court? It was your case versus Skilled Offshore Pty Ltd and others.

Ms James: I am familiar with that matter. I might ask our chief counsel to come to the table, because she will be more familiar with the details.

Senator JOHNSTON: Lovely. This was quite a record award against the MUA—I think almost \$800,000. Firstly, who is responsible for the enforcement of that court's order?

Ms Webster: In fact, the moneys which were awarded in respect of that matter had two heads of damage or two heads that made up that amount of money. The first related to penalties. These are civil pecuniary penalties.

Senator JOHNSTON: I think it was \$73-odd thousand.

Ms Webster: That is correct. Those moneys have been paid. The other moneys related to damages in respect of putting the people who were wronged in this particular matter in the position they would have been—

Senator JOHNSTON: Mr and Mrs Love?

Ms Webster: That is correct. In respect of your question, the matter and that aspect of the matter relating to damages is actually currently under appeal. There has been an appeal lodged in respect—

Senator JOHNSTON: Was the appeal lodged within time?

Ms Webster: I have to take that on notice, but I believe so.

Senator JOHNSTON: Last I checked, there was a 28-day appeal period and there had not been an appeal lodged, so obviously either the appeal had been lodged and someone gave me a bum steer or it was lodged late. So it is going to the full court of the Federal Court?

Ms Webster: That is correct.

Answer

The appeal was filed within time.

The decision with respect to the *Fair Work Ombudsman v Skilled Offshore (Australia) Pty Ltd* [2015] FCA 275 matter was handed down on 27 March 2015. The Maritime Union of Australia filed its appeal 19 days later on 15 April 2015.