

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2016 - 2017

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000796

Senator Williams asked on 06 May 2016 on proof Hansard page 70

Question

FWC - RSRT - subpoena of witnesses

Senator WILLIAMS: Yes. Is it normal for the tribunal to subpoena witnesses directly?

Ms O'Neill: Again, my view is no more relevant or of value than any other individual off the street because it is not part of my function to have such a view.

Senator WILLIAMS: Perhaps you might take that on notice and do some research and report back to the next parliament. Would you be able to do that?

Ms O'Neill: I can, but I was just going to say it is certainly not unusual, in my experience of tribunals and certainly the Fair Work Commission, for individuals to be summonsed to appear and give evidence.

Answer

Section 86 of the repealed *Road Safety Remuneration Act 2012* (Cth) (RSR Act) provided that the Road Safety Remuneration Tribunal (RSRT) may inform itself in relation to matters it is dealing with in any matter it considers appropriate.

Section 86(2) of the RSR Act set out some of the ways in which the RSRT could inform itself including:

(a) by requiring a compellable person to attend before the Tribunal;

...

Section 4 of the RSR Act defined compellable person to mean:

- (a) a road transport driver;
- (b) the employer or hirer of a road transport driver;
- (c) a participant in the supply chain in relation to a road transport driver, if the driver is involved in a matter the Tribunal is dealing with.