

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

#### Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ17-004070

Senator McKenzie asked on 29 May 2017 on proof Hansard page 129

#### Question

#### Charges and penalties following the Royal Commission into Trade Union Corruption

Senator CAMERON: Just on that, have any of these individuals ended up going to jail?

Ms Leon: Mr Manasi was sentenced to 3 months' imprisonment in May 2016; Maria Butera, Lisa Zanatta and Halafih Kivalu have been given suspended sentences; and the others have received fines.

CHAIR: Ms Leon, could you provide us on notice with the relationships between the charges and what the actual penalties would be? Some of those might be a maximum penalty.

Ms Leon: Yes.

#### Answer

Following the referrals made by the Royal Commission into Trade Union Governance and Corruption, nine matters resulted in charges and penalties. They are as follows:

Luke Collier was found guilty of obstructing a Commonwealth public official under section 149.1 of the *Criminal Code Act 1995* (Cth). Mr Collier was fined \$1,000 and placed on a two-year good behaviour bond. At the time of contravention, the offence carried a maximum penalty of two years' imprisonment. If the contravention were to occur now, the penalty would be the same.

James McGiveron was found guilty of breaching general duties in relation to the financial management of organisations under the *Fair Work (Registered Organisations) Act 2009* (Cth). Mr McGiveron breached section 285(1) once and section 286(1) twice. Mr McGiveron was ordered to pay civil penalties of \$16,000. At the time of Mr McGiveron's contraventions the maximum penalty for each of these breaches was \$6,600 (60 penalty units, each worth \$110). If the contravention were to occur now, the penalty will be \$18,000 (or 100 penalty units) or \$216,000 (or 1,200 penalty units) for a serious contravention.

Richard Burton was found guilty of breaching general duties in relation to the financial management of organisations under the *Fair Work (Registered Organisations) Act 2009* (Cth). The Court found that Mr Burton breached section 285(1) six times, section 286(1) six times and section 287(1) three times. Mr Burton was ordered to pay civil penalties of \$49,900. At the time of Mr Burton's contraventions the maximum penalty for each of these offences was \$10,200 (60 penalty units, each worth \$170). If the contravention were to occur now, the penalty would be \$18,000 (or 100 penalty units) or \$216,000 (or 1,200 penalty units) for a serious contravention.

Lisa Zanatta, Maria Butera and Tuungafasi Manase were convicted of giving false or misleading evidence under section 6H of the *Royal Commissions Act 1902* (Cth). Ms Zanatta and Ms Butera were each sentenced to fourteen months of wholly suspended imprisonment.

Mr Manase was sentenced to a three-month term of imprisonment. At the time of their offences the maximum penalty was \$20,000 or imprisonment for five years. If the contravention were to occur now, the penalty would be the same.

Halafihi Kivalu was convicted of blackmail under part 3.5 of the *Criminal Code 2002* (ACT). Mr Kivalu was given a suspended sentence of two years and nine months' imprisonment, placed under a good behaviour bond until 2019 and ordered to pay reparations of \$70,000 to the blackmail victim. At the time of Mr Kivalu's offence the maximum penalty was \$210,000 (or 1,400 penalty units) and/or imprisonment for 14 years. If the contravention were to occur now, the penalty would be the same.

Kane Pearson was found guilty of three counts of obstructing Commonwealth public officials under section 149.1 of the *Criminal Code Act 1995* (Cth). Mr Pearson was fined \$3,200. At the time of Mr Pearson's offence the maximum penalty was two years' imprisonment. If the contravention were to occur now, the penalty would be the same.

Angelo Millena pleaded guilty to one charge of participating in a criminal group under section 93T(1A) of the *Crimes Act 1900* (NSW) and one charge of receiving material benefit derived from criminal activities of criminal groups under section 93TA of the *Crimes Act 1900* (NSW). Mr Millena was given a nine-month intensive correction order. At the time of the offence, section 93T(1A) carried a maximum penalty of 10 years' imprisonment and section 93TA carried a maximum penalty of five years' imprisonment. If the contravention were to occur now, both of these penalties would be the same.