

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

#### Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-004101

Senator Abetz asked on 30 May 2017 on proof Hansard page 12

#### Question

#### FWC - Discussions between Ms Wells and the President of the Fair Work Commission

Senator ABETZ: ..... I note on the Registered Organisations Commission website, and in recent media reports, that Ms Wells is being investigated by the Registered Organisations Commission. What discussions has the president of the Fair Work Commission had with Ms Wells, if any, about this investigation? I think at the last estimates he claimed—and we have to accept this at face value—that, despite the media publicity about it, he had no knowledge of the case. I brought it to his attention. It is now before the Registered Organisations Commission. I am wondering whether the president has now seen fit to have a discussion with Ms Wells about this issue.

Ms O'Neill: I will take that on notice, as I am not necessarily aware of all the conversations that the president may or may not have had with Ms Wells. I am aware that Deputy President Wells requested to the president on 17 May that she not be allocated any additional Fair Work Commission matters in circumstances where her appointment to the Tasmanian Industrial Commission—her current term expires in September, I believe. She requested that she not be allocated any additional matters in order to enable her to finalise any such matters in the event that she is not reappointed by the Tasmanian commission. Her Fair Work Commission appointment would lapse in those circumstances.

Senator ABETZ: Right. Could you take on notice what discussions the president has had with Ms Wells, and whether he has raised this?

#### Answer

The General Manager of the Fair Work Commission (Commission) was advised by letter from the Registered Organisations Commissioner on 26 May 2017, that the Registered Organisations Commission had on 24 May 2017 commenced an investigation under s.331 of the *Fair Work (Registered Organisations) Act 2009* to determine whether provisions of that Act have been complied with by former officials of the CEPU including Ms Wells.

The President of the Commission has not had any discussions with Deputy President Wells about that investigation.

As related in the Estimates hearing on 30 March 2017, the President of the Commission recalls that Deputy President Wells informed him that the issue of a payment made to her whilst she was with the CEPU, had come up or would be raised in proceedings in the Federal Court of Australia.

In mid-May 2017 the President had a telephone discussion with Deputy President Wells. Consistent with past practice, the Commission regrets that it cannot provide details of this discussion, because to do so would compromise the essential independence of the Commission. This was explained at length, for example, in the Commission's response to question on notice EMSQ15-000488.

As related by the General Manager of the Commission in the Estimates hearing on 30 March 2017, on 17 May 2017 Deputy President Wells requested to the President that she not be allocated any further Commission matters in circumstances where her current appointment with the Tasmanian Industrial Commission expires in September 2017.