

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

#### Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-004108

Senator Abetz asked on 30 May 2017 on proof Hansard page 14

#### Question

#### FWC - Claims against Vice President Watson

Senator ABETZ: .....It has been reported in the Financial Review that Mr Watson accused his former colleagues of making false claims against him and had provided a statement to that effect to employer groups and unions. On notice, can you make inquiries within the commission, and with the president specifically, and determine if former Vice President Watson also corresponded with the president or the commission about this issue? Are you aware whether he did—anybody at the table?

Ms O'Neill: I do not believe so. I do not believe I am aware of any such—

Senator ABETZ: And no other officer? All right. On notice, then, can you set out the inquiries that you will make to do that, and provide copies of any correspondence that has in fact been received from senior Vice President Watson. If any such correspondence exists, can you consult with the president and on notice provide reasons as to whether such correspondence was provided to the Federal Court as part of the referral; and, if not, why not? If it was determined to be not relevant, for what reason was the internal memorandum of 23 March determined to be relevant?

#### Answer

Enquiries have been made with the Chambers of the President of the Fair Work Commission about any correspondence from Mr Graeme Watson in relation to matter AM2015/1 (*4 yearly review of modern awards—Family & Domestic Violence Leave Clause*) subsequent to his resignation from the Commission on 28 February 2017.

On 30 March 2017 Mr Watson sent an email to the Chambers of the President attaching a “statement” regarding the former Vice President’s communications with the other members of the Full Bench in matter AM2015/1. A copy of Mr Watson’s email and statement is **attached**.

On 31 March 2017 it was reported in *The Australian Financial Review* that a statement of Mr Watson had been sent to employer groups and unions and obtained by *The Australian Financial Review*. On 19 May 2017 Mr Watson sent a further email to the President’s Chambers and to representatives of employer groups and unions that were parties to matter AM2015/1. A copy of Mr Watson’s further email is also **attached**.

On 18 May 2017 the President issued a Decision in matter AM2015/1 to refer questions of law to the Federal Court of Australia pursuant to s.608 of the *Fair Work Act 2009* ([2017] FWC 2752). It would not be appropriate for the President to expand upon the Decision. The

Decision is published on the webpage for AM2015/1 and can be found at:  
<https://www.fwc.gov.au/documents/decisionsigned/html/2017fwc2752.htm>

Paragraphs [17]-[25] of the Decision deal with finalisation of the statement of facts and other materials proposed to be provided to the Court. Paragraph [25] indicates that 'Attachment 2' (being the President's Statement of 27 March 2017, to which the 23 March 2017 memorandum from Deputy President Gooley and Commissioner Spencer was attached) was included in the materials proposed to be provided to the Court '... only to provide the Federal Court with the context of my [the President's] referral of the questions of law ...'. As is also apparent from paragraphs [17]-[25] and the Attachment to the Decision, no party sought to have Mr Watson's statement included in these materials and it was not included in them.