

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

**Agency - Fair Work Commission**

**Department of Employment Question No. EMSQ17-004120**

**Senator McKenzie asked on 30 May 2017 on proof Hansard page 22**

#### **Question**

**FWC - Documentation in relation to elective position at Western Australia CFMEU**

CHAIR: On notice could you provide to the committee any nominating documents submitted to the commission relating to Mr Collier seeking an elective position at the WA CFMEU.

Mr Furlong: Certainly.

#### **Answer**

The Fair Work Commission (Commission) does not conduct elections with respect to registered organisations. This function is performed by the Australian Electoral Commission (AEC) unless the organisation has been granted a relevant exemption. As such, nomination forms would be submitted to the AEC not the Commission.

Notwithstanding that the Commission does not receive nomination forms, the AEC advised the Commission that Mr Luke Collier had nominated for the office of Divisional Branch Council Member in the WA Divisional Branch of the CFMEU on or about 21 September 2016.

On 29 September 2016, Mr Chris Enright, the former Director of the Regulatory Compliance Branch at the Commission, wrote to Mr Collier advising that he was aware of material that indicated that he may be a disqualified person for the purpose of s. 215 of the *Fair Work (Registered Organisations) Act 2009* by virtue of certain prescribed offences. Mr Enright further advised that the Commission was considering making an application for a declaration under s. 215(5) of the *Fair Work (Registered Organisations) Act 2009* as to whether he was eligible to be a candidate for the election for which he nominated. Mr Enright further noted that the withdrawal period for nominations closed on 30 September 2016 at 4.00 pm.

On 30 September 2016, the AEC advised the Fair Work Commission that Mr Collier had withdrawn his nomination.