

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

#### Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-004121

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

#### Question

##### FWC - Provisions in place for election

CHAIR: Is it possible for someone with a history of violence like Mr Collier to ever stand for election?

Mr Furlong: I am not too sure that I am in a position to answer that question. As to whether or not they are in a position to stand, I am not too sure.

Ms O'Neill: I will take it on notice, Senator. There are provisions, as I recall, that rule persons ineligible to be officers in certain circumstances if they have been convicted of indictable offences of certain types. We will take that on notice.

#### Answer

Part 4 of Chapter 7 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) restricts the right to hold office in registered organisations. It applies to people who have been convicted of various indictable offences and sentenced to imprisonment (including a suspended prison sentence) as a consequence.

Relevant offences include offences under a law of the Commonwealth, a State or Territory, or another country, involving intentional use of violence towards another person, intentionally causing someone else to be injured or die and intentionally damaging or destroying property. Affected people are not eligible to become candidates in an election for a period of five years from the latter of the date of the conviction, the day they were released from prison or, if a prison sentence was suspended, the end of the suspension period.

An organisation, one of its members, or the Registered Organisations Commission may ask the Federal Court of Australia to declare that a person is not, or was not, eligible to be a candidate for election. The power entrusted to the Registered Organisations Commissioner in this regard transferred from the General Manager of the Fair Work Commission from 1 May 2017.