

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Budget Estimates 2017 - 2018**

**Agency - Fair Work Ombudsman**

**Department of Employment Question No. EMSQ17-004133**

**Senator Cameron asked on 06 June 2017 on proof Hansard page 38**

#### **Question**

#### **FWO - Tandara Spirit - investigation details**

Senator CAMERON: How long an investigation was it before a decision was made to prosecute the crew?

Mr Campbell: The decision around the enforcement outcome would have been taken at the conclusion of the investigation. We do not make that decision until we have all the facts. So I do not have a date for you there. The process is that we investigate, we determine the facts, we identify the responsible individuals involved in any particular contravention and then we make a determination about the enforcement outcome that is appropriate to the circumstances.

Senator CAMERON: You must have some details of how this investigation was authorised and undertaken and how long it took. Do you have that?

Mr Campbell: I can give you some detail on notice that is appropriate to release,

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Senator CAMERON: I do not want you to piece anything together. I would like you to give me the facts.

Mr Campbell: I work in facts, so I am happy to present the facts, as they are available to me, on notice.

...

Senator CAMERON: So, if you deal with facts, I want the facts as to whether you did or not.

CHAIR: Have you taken the question on notice, Mr Campbell?

Mr Campbell: I hope so. I have taken a lot of things on notice.

CHAIR: Thank you.

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Senator CAMERON: I think where we left off was that Mr Campbell had accepted that he had responsibility for authorising the investigation in the Tandara Spirit, and also he authorised the prosecution. I am not sure if you have had a chance to have a look at any of the detail on this over the break. I will try again. How many hearings were there, and at what stage was the prosecution before the decision was made to discontinue it?

Mr Campbell: We do not have the answer to that yet, Senator. We have taken that on notice, so we will come back to that, as we said.

#### **Answer**

The investigation was commenced on 28 November 2014.

On 12 June 2015, the FWO commenced legal proceedings in the Federal Court of Australia. The FWO withdrew the matter on 11 May 2017.

Two directions hearings occurred over this period, on 31 July 2015 and 8 March 2016.

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