

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000280

Senator Cameron asked on 22 October 2015 on proof Hansard page 87

Question

FWBC - Employment of FWBC staff member

Senator CAMERON: Let me move to another issue. When did Mr Glyn Cryer leave the Fair Work Building Commission?

Mr Hadgkiss: Earlier this year, from memory.

Senator CAMERON: Was Mr Cryer the subject of an APS code of conduct investigation?

Mr Hadgkiss: These are personal matters that should not be canvassed. I will take that on notice, Senator.

Senator CAMERON: What was the breach of the APS code of conduct?

Mr Hadgkiss: I said that I will take that on notice.

Senator CAMERON: This is a matter of a senior executive officer leaving employment.

CHAIR: The official has said that he will take the question on notice, and you will have your answer on 5 December.

Senator Cash: Senator Cameron, there might also be privacy concerns here. With all due respect, you are talking about an individual. Mr Hadgkiss has said that he will take the questions on notice and provide you with the information.

Senator CAMERON: Okay, but I want to know what the breach of the APS code of conduct was. If there was a breach, who conducted the code of conduct investigation?

Mr Hadgkiss: I said that I would take all this on notice. There are privacy considerations, as the minister points out.

Senator CAMERON: Was it an internal investigation?

Senator Cash: We will take it on notice.

Mr Hadgkiss: We will take it on notice.

Senator CAMERON: Was there an external investigation?

Mr Hadgkiss: I will take it all on notice, Senator.

Senator CAMERON: Was Mr Cryer found to breach the APS code of conduct?

Mr Hadgkiss: Again, I will take that on notice.

Senator CAMERON: If so, what sanction was imposed?

Mr Hadgkiss: I will take that on notice.

Senator CAMERON: Was Mr Cryer's employment terminated?

Mr Hadgkiss: I will take that on notice.

Senator CAMERON: Did Mr Cryer commence legal proceedings in relation to his termination?

Mr Hadgkiss : I will take that on notice.

Senator CAMERON: That is not a privacy issue. If there were a legal action it is a public issue, and you should know that. Can anyone help me?

Mr Hadgkiss : As I say, these are sensitive, personal, private issues, which I am prepared to take on notice.

Senator CAMERON: But this would be a matter of public record that you would know about. Were there legal proceedings?

Senator Cash: Senator Cameron, with the entire issue, though, there are—

Senator CAMERON: I will say again, Minister: I am asking a statutory officer questions, not

you.

Senator Cash: Absolutely, but the official has said that he will take it on notice.

Senator CAMERON: He does not need your help. He is one of the highest paid public officers in this department, and he should be capable of answering the questions without your intervention.

Senator Cash: And he has; he said he will take them on notice.

Senator CAMERON: Was there a settlement reached with Mr Cryer?

Mr Hadgkiss : I will take that on notice.

Senator CAMERON: That is just a statement of fact.

Mr Hadgkiss : These are serious privacy concerns that you are raising, and, as I say, I will take that on notice.

Senator CAMERON: What were the terms of the settlement?

Senator JOHNSTON: They might have been confidential. The terms might have been confidential.

Senator CAMERON: Mr Hadgkiss, do you believe that you can make a confidential settlement with an employee and not reveal that to Senate estimates?

Mr Hadgkiss : These are very sensitive, personal issues and I will take it on notice.

Answer

FWBC is unable to provide a response to the questions relating to the officer's employment as the information sought is sensitive and personal information, is not already in the public domain, and it would be an unreasonable infringement of the individual's privacy to release.