

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ16-000866

Senator Cameron asked on 19 October 2016 on proof Hansard page 97

Question

FWO - Fabricated payslips

Senator CAMERON: What is your experience with fabricated pay slips?

Ms James: We have instituted proceedings for fabricated records on a number of occasions this year—the 7eleven example is probably the best known example I can give you. There, records indicated the people had been paid correctly but in actual fact they did not match the reality; in actual fact, workers were being paid half the rates that were being put through. If you like, I can take it on notice to provide more information about the matters we have taken involving false records. The penalties under the act are currently not very high for fabricating records. We are very pleased that the government has committed in its election policy to increase a number of penalties under the Fair Work Act. That policy particularly notes that the penalty for fabricating records is one that needs to be lifted.

Answer

In 2015-16, 16 of the 50 litigations (32 per cent) commenced by the Fair Work Ombudsman (FWO) involved allegations of keeping or making use of false or misleading records (under Regulation 3.44 of the *Fair Work Regulations 2009*).