

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000897

Senator Cameron asked on 19 October 2016 on proof Hansard page 69

Question

Former Vice-President Lawler Entitlements After Resignation - MC16-000847

Senator CAMERON: Okay. What entitlements, Minister, have been afforded to Mr Lawler as part of the arrangement that he resign and not be terminated?

Senator Cash: You would be aware that Mr Lawler's entitlements are set by the Fair Work Act. They are set out in the Fair Work Act, so the question of what he receives is determined by the Fair Work Act. I can advise, though, that, contrary to suggestions from the shadow minister for employment and workplace relations, there is no agreement between Mr Lawler and the government regarding the conditions of his departure. I did reply. I am now in possession of the correspondence that you referred to from Mr Brendan O'Connor to me dated 16 March. I responded to him on 6 April—just for your benefit, because it might actually answer your questions—after he had obviously written to me, and I wrote: 'Thank you for your letter of 16 March concerning the former vice-president Mr Lawler and the report of the Hon. Peter Heerey et cetera. You asked me about any entitlements Mr Lawler may receive as a result of his resignation rather than removal from office. Any pension entitlements Mr Lawler may have are governed by the Judges' Pensions Act 1968. If you require further information about any entitlements Mr Lawler has as a result of the resignation, I would suggest that you contact Ms Bernadette O'Neill, General Manager of the Fair Work Commission.' There was another paragraph, but I do not think it is relevant to what you are going to.

Senator CAMERON: Can you table that letter?

Senator Cash: I do not see why there would be a problem. It was sent to your shadow minister. Can we see? If we can table it, we will table it.

Answer

There was no "arrangement" by which Mr Lawler would resign and not be terminated.

A copy of the letter of 6 April 2016 from the Minister for Employment, Senator the Hon Michaelia Cash, to the Shadow Minister for Employment and Workplace Relations, the Hon Brendan O'Connor MP, is attached.