

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2012-2013**

Agency - Fair Work Commission

DEEWR Question No. EW0889_13

Senator Abetz asked on 13 February 2013, Hansard page 26

Question

Charges against Mr Craig Thomson MP

Senator ABETZ: That is right. That is why I have asked the final question: can you take on notice whether the Victoria Police in their charging of Mr Thomson have uncovered matters that had previously not been drawn to the attention of the Fair Work Commission and if there are any new matters. Ms O'Neill: Yes, I will take that on notice. Ms Carruthers: Can I just add something there for the sake of completeness. In the national office report we did address some transactions that occurred after Mr Thomson had resigned as the national secretary. They were therefore outside our jurisdiction in terms of our capacity to investigate them. They were nevertheless described in some detail in the report. My understanding is that about 10 of the police charges—it is around 10—relate to matters that we could not, for instance, include in our Federal Court application because they were not matters that the general manager was empowered to commence proceedings with respect to.

Answer

The Fair Work Commission has provided the following response.

All but a few of the charges laid by Victoria Police against Mr Thomson relate to expenditure that was considered by the Delegate during his investigation into the HSU National Office. A small number of charges that have been laid by Victoria Police deal with specific items of alleged unauthorised expenditure, the precise nature of which was not able to be identified by the Delegate during the investigation given his lack of statutory powers to compel the production of materials by third parties. By way of example, the Delegate was not able to compel production of information from hotels at which Mr Thomson had stayed which would have identified the particulars of items of expenditure that appeared on tax invoices which were available to the Delegate. In addition, the Delegate did not consider one charge that has been laid concerning approval of expenditure by Mr Thomson of an employee of the National Office, because the credit card transaction reports of that employee had been lost by the National Office and, as a result, were not available to the Delegate during the investigation.

In contrast, Victoria Police has been able to identify or particularise some items of expenditure by using its powers to issue warrants against third parties.

Changes the Government made to the *Fair Work (Registered Organisations) Act 2009* in 2012 has expanded the powers of the Fair Work Commission to seek information from third parties.