

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

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

Outcome 4 - Workplace Relations and Economic Strategy

DEEWR Question No. EW0940_13

Senator Abetz asked on 13 February 2013 , Hansard page 112

Question

Workplace Bullying Announcement - Policy and Legislation Issues

Senator ABETZ: Thank you. In relation to all of the policy issues, have you provided any advice as to an appropriate penalty regime?

Mr Kovacic: That kind of goes to the nature of advice.

Senator ABETZ: No, it does not.

Mr Kovacic: I would prefer to take it on notice.

Senator ABETZ: It does not.

Ms Paul: Yes, it probably does. I think we should take it on notice. It could do.

Senator ABETZ: And in relation to the timeliness of being able to deal with disputes?

Mr Kovacic: Can I make two points. One is in terms of penalties. They are issues where we need to consult with the Attorney General's Department because that is an area that—

Senator ABETZ: Has that occurred?

Mr Kovacic: Not at this stage.

Senator ABETZ: On what basis then, Parliamentary Secretary, did the minister say at his doorstep that potential fines for employers are for up to \$33,000? Where did that come from? There was no consultation with the Attorney General's Department and because he has not spoken to you, you would have no idea either?

Senator Jacinta Collins: It is a bit difficult for the minister to speak to me on these matters when I have been sitting here since 9 this morning, but I will take that on notice.

Answer

A failure to comply with an order of the Fair Work Commission in respect of bullying will be a civil remedy provision. The maximum penalty for breach of an order will be 60 penalty units.

The Department proposed this approach as it aligns with the maximum penalties applying to breaches of similar provisions in the Fair Work Act, and in particular the general offence of breaching an order of the FWC.

The value of a penalty unit in the Commonwealth was increased from \$110 to \$170 in January 2013, meaning 60 penalty units is now equal to a maximum fine of \$10 200 for an individual (previously \$6600) or \$51 000 for a body corporate (previously \$33 000).