

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

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Agency - Fair Work Australia

DEEWR Question No. EW0251_12

Senator Ronaldson asked on 30/05/2011, Hansard page 29.

Question

AEC

Mr Nassios: I understand the AEC have contacted one of my staff, yes, in relation to the last time we were here. Senator RONALDSON: What information did they request, do you know? Mr Nassios: Off the top of my head, sorry, I cannot recall. It was in relation to, I think, something that you had asked of the AEC at the time. My recollection at that time in answering your question was that there was no commonality or at least I am in no way involved in whatever inquiry the AEC is conducting. Senator RONALDSON: If you take that on notice.

Answer

Fair Work Australia has provided the following response.

I refer to the Senate's Order of 13 May 2009 governing the raising and treatment of claims of public interest immunity in committee proceedings. I consider the provision of the information required to answer question EW0251_12 would be harmful to the public interest. I am of this view for the following reasons.

The legislative scheme of the Fair Work (Registered Organisations) Act 2009 (RO Act) is directed at ensuring that an organisation discharged obligations of accountability to its members in relation to the financial affairs of the organisation through proper and regular disclosure of financial information.

Inquiries are conducted under section 330 of the RO Act into whether Part 3 of Chapter 8 of the RO Act, the reporting guidelines made under that Part, regulations made for the purposes of that Part, or the rules of an organisation relating to its finances or financial administration have been, or are being, complied with.

If there are reasonable grounds for doing so, an investigation into whether a civil penalty provision has been contravened can be conducted. If, at the conclusion of an investigation, I, as General manager, am satisfied that the reporting unit concerned has committed a contravention, the reporting unit must be notified and I may do all or any of the following:

- (a) issue a notice to the reporting unit requesting that the reporting unit takes specified action, within a specific period, to rectify;

- (b) apply to the Federal Court for an order under Part 2 of Chapter 10 (civil penalty provisions);
- (c) refer the matter to the Director of Public Prosecutions for action in relation to possible criminal offences.

Question EW0251_12 seeks information about the ongoing investigation.

As the investigation has not concluded and no decision has been made by me whether to take action under any or all of the actions specified in (a), (b), and (c) above, the prospect of inflicting prejudice by answering question EW0251_12 on persons and the organisations the subject of the investigation, is substantial.