

# Heydon legislation next year; Roberts sees secret Royal Commission volume

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The Turnbull Government will introduce legislation next year to adopt the majority of the recommendations of the Heydon Royal Commission, while the Coalition has given One Nation Senator Malcolm Roberts access to Heydon's secret volume, a Senate estimates hearing has heard.

Employment Minister Michaelia Cash told the education and employment estimates committee hearing in Canberra yesterday that she made clear during this year's election campaign that the government would adopt most of the Heydon Royal Commission's recommendations if re-elected. "We're looking now at drafting that legislation and bringing that before the parliament next year," she said.

In June, Senator Cash said a second-term Turnbull Government would outlaw "corrupting benefits" such as those involved in the AWU-Cleanevent deal and empower courts to ban union officials found to have repeatedly breached workplace laws (see [Related Article](#)).

Labor frontbencher Senator Doug Cameron asked today why the Coalition did not respond to the Productivity Commission's review of the workplace system before the election as repeatedly promised, in order to seek a mandate from voters. In reply, Senator Cash said the Government decide its legislative agenda - including the bill to protect volunteer firefighters in Victoria and those that triggered the double dissolution poll - was already extensive enough. "We continue to undertake consultations in relation to the Productivity Commission review," she told the committee.

Earlier this month, Senator Cash also said the Government will introduce legislation early next year to give the Fair Work Ombudsman new examination powers and expressly prohibit employers from providing false and misleading information.

The FWO legislation follows through on a Coalition election pledge and is part of its response to exploitation of visa and migrant workers, which includes the taskforce that will be headed by Professor Allan Fels (see [Related Article](#)).

In response to further questions from Senator Cameron, senior public servants from the Department of Employment said the Royal Commission had made 93 referrals to regulators. The public servants said that 34 criminal referrals had been made to the joint police taskforce as at August 1, with three defendants facing court. The committee also heard that 47 civil matters had been referred to regulators and that nine of these were "closed".

Senator Cameron was critical that no statistics were available on many cases referred by the Royal Commission that had been "thrown out" by the courts. "It's a bit like the Cole Royal Commission. There was a lot of noise and vitriol and arguments but in the end almost nobody ... had a criminal conviction. I think one for perjury." "So this is heading the same way."

**Meanwhile**, the Fair Work Commission told the Estimates hearing that CFMEU construction and general division WA branch staff member Luke Collier withdrew his nomination for election to the branch council after general manager Bernadette O'Neill threatened to have him disqualified. The general manager's delegate, Chris Enright, told the hearing early this evening that when he became aware of Collier's nomination, he "undertook a series of enquiries" to establish his specific convictions and obtained legal advice.

He said that [section 215](#) of the Fair Work (RO) Act provides the power for the general manager to make an application to the Federal Court to have a person declared as disqualified from holding any office.

Because the FWC has a duty to conduct itself as a model litigant, he said O'Neill instructed him to write to Collier and the CFMEU advising them "that in my view he was disqualified and he could consider withdrawing his nomination". Enright said Collier withdrew his nomination within 24 hours.

He said that to provide the evidence base for its case against Collier, "we made enquiries about his specific convictions, we got transcripts from the hearing in December when Mr Collier was sentenced to imprisonment, we carefully examined those transcripts and those convictions, we got evidence from the court to prove that they were. . . prescribed convictions in accordance with the RO Act and I very strongly formed the view that he was on the basis of those convictions a proscribed person and had he not withdrawn [his nomination] the general manager would have commenced litigation to have him declared a proscribed person".

Enright confirmed that Collier hasn't sought a new entry permit since starting work with the union in WA.

He said in response to a question from committee chair Senator Bridget McKenzie that if Collier applied, he would certainly refer it as a "non-routine" matter to the tribunal, which would conduct a hearing at which the FWBC would be likely to make submissions about the "very serious matters" the senator had raised about the organiser's conduct "that must be taken into account".

Enright told the hearing he believed Enright was engaged as an organiser, but the FWBC later in the evening suggested he was the branch's receptionist.

#### *Bullying curbed at FWBC, says director*

FWBC director Nigel Hadgkiss told the hearing that the watchdog had substantially reduced the level of bullying and harassment within the organisation. He said in his opening statement that 23% of employees reported "some sort of exposure" in 2012-13 but this fell to 12% in 2014-15 and 9% in 2015-16.

Hadgkiss said the FWBC had finalised 10 of 16 matters referred by the Heydon Royal Commission, with not a single matter being taken further. However six matters remain under consideration.

Hadgkiss, in response to a question from Senator Doug Cameron, said Coalition Senator Arthur Sinodinos was wrong in claiming legal proceedings had increased by 44%. He said what Senator Sinodinos got "muddled up with" was suggesting the rise was over the past year when it was in fact over two years.

*One Nation given access to secret Heydon volume*

Pauline Hanson's One Nation Senator Malcolm Roberts revealed to the committee that he had been provided access to the confidential volume of the Heydon Royal Commission report. The Department's Sandra Parker confirmed that he was the only crossbencher since the election to have been granted access. Some crossbenchers won access in the previous parliament (see [Related Article](#)).