



Media release

HSU Victoria No.1 Branch

Wednesday, 19 September 2012

The General Manager of Fair Work Australia (FWA), Ms Bernadette O'Neill, today welcomed the fact that contraventions alleged in Federal Court of Australia proceedings against the Health Services Union (HSU) and three former officers of the HSU Victoria No.1 Branch will not be contested.

'I am pleased that there will be no need to spend further time and public money in contested hearings,' Ms O'Neill said. 'The matter will now progress to penalty hearings for all respondents.'

'This outcome demonstrates that the findings made by the Delegate in the investigation were sound, despite the independent review having identified areas for improvement in the conduct of the investigation.'

Each of the respondents—the HSU, Ms Pauline Fegan, Mr Jeff Jackson and Mr Shaun Hudson—have admitted all contraventions alleged against them in the statement of claim, with the exception of one involving the alleged failure to provide receipts. The General Manager decided it was not in the public interest to pursue an allegation that Mr Hudson failed to provide receipts in relation to a portion of credit card expenditure.

Ms O'Neill noted that, under a consent order made by his Honour Justice North, all respondents had agreed to file evidence by 26 October 2012 for a penalty hearing on a date to be fixed.

'At that penalty hearing the Court will hear and determine the application for declarations, penalties and compensation orders concerning the admitted contraventions,' the General Manager said.

Ms O'Neill is seeking the imposition of pecuniary penalties for eight contraventions of civil penalty provisions by the HSU, for two contraventions of civil penalty provisions by Ms Fegan, for 10 contraventions of civil penalty provisions by Mr Jackson and for five contraventions of civil penalty provisions by Mr Hudson. The General Manager is also seeking orders requiring Mr Jackson and Mr Hudson to pay compensation for loss allegedly incurred by the HSU by reason of certain contraventions which have now been admitted.

In another matter related to the HSU investigations, following recent amendments to the *Fair Work (Registered Organisations) Act 2009* enabling her to disclose information acquired during an investigation, on 18 September 2012 the General Manager met Victoria Police regarding the provision of information that could assist them concerning FWA's HSU National Office investigation.

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