

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000222

Senator McKenzie provided in writing.

Relates to previous Employment Question No EMSQ16-000488

Question

FWC - EMSQ15-488 - Time taken on decision-making

EMSQ15-488 asked for a breakdown of which members of the Commission have done what type of work for the past 12 month period. In the answer, the Commission indicated that to release which members do what types of work puts in question their independence.

If the Commission maintains that it would question the independence of administrative officers to disclose what types of work they have been allocated (by whomever allocates work to members), can the Commission provide the information, but not release the names of the members, e.g. use Deputy President A, Deputy President B, etc?

- a. Please also include a break-down of the number of days on official commitments (in the past 12 months) Members spent outside their home state.
- b. Please also identify, over the last 12 months, the number of days members based in other states have spent in Brisbane, Sydney, Melbourne, Adelaide and Perth.

Answer

The Commission understands the Parliamentary Committee to be requesting the same information about matters allocated to Members as in question 1 of EMSQ15-000488.

In its response to EMSQ15-000488 the Commission explained why providing information at an individual Member level about matters allocated and days spent on official commitments outside a Member's home state (and the other information then sought) would compromise the essential independence of the Commission and could create a perception that the Parliamentary Committee was seeking to influence the allocation of matters to individual Members.

The Commission considers that providing the requested information at an individual Member level without naming the Members would not avoid these consequences.

The Commission regrets that, for the above reasons, it cannot provide the requested information.

In its response to EMSQ15-000488, so far as reasonably practicable, the Commission provided the requested information at an aggregate level.

- a. The Commission refers to and repeats its response to question 3 of EMSQ15-000488.

b. The Commission refers to and repeats its response to question 3 of EMSQ15-000488.

Further to the Fair Work Commission's response to question 3 of EMSQ15-000488, in order to provide an accurate response to parts (a) and (b) of this question, the Commission would be required to undertake a manual reconciliation of its records. Such a process would involve a significant administrative burden and amount to an unreasonable diversion of resources.

For the above reasons, the Commission also respectfully submits that the Committee ought not decide that the circumstances warrant an order for production of the requested information, for the purpose of Resolution 1(2) agreed by the Senate on 25 February 1988.