

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

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

**Agency - Fair Work Australia**

**DEEWR Question No. EW1076\_12**

**Senator Abetz asked on 15 February 2012 , Hansard page 34**

**Question**

**FWA - Obligation for Commonwealth officials to refer information about possible crimes**

Senator ABETZ: .... as I understand it senior Commonwealth officials are obliged to refer any material information about a possible crime that you come across in your official duties. Is that something that you are aware of? Ms O'Neill: It does not readily come to mind, Senator. Was there a question? Senator ABETZ: That is a concern given the investigative role that Fair Work Australia has, but take that on notice please and come back to us. Ms O'Neill: Yes.

**Answer**

*Fair Work Australia has provided the following response:*

Fair Work Australia sought legal advice from the Australian Government Solicitor concerning this question, and a copy of the advice obtained from Robert Orr QC, Chief General Counsel of AGS, and Charles Beltz, Counsel, of AGS is attached.

The legal advice includes advice that there is no general, positive duty on the General Manager or on APS employees to report to police potentially criminal behaviour.