

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2013-2014**

**Agency - Fair Work Commission**

**Department of Employment Question No. EM0110\_14**

**Senator Cameron asked on 21 November 2013, Hansard page 14**

**Question**

**FWC - Unfair dismissal figures**

Ms O'Neill: The numbers speak for themselves. They are obviously small numbers. I have some further information around appeals from unfair dismissal matters. For the 2011-12 financial year, there were 109 appeals, of which 51 were upheld and 58 dismissed. For the 2012-13 year, there were 103 appeals, of which 45 were upheld and 58 dismissed. I think my list is right there.

Senator CAMERON: Can I take you to page 43 of your annual report. Section 3.8.3, 'Appeals', says: This financial year there were 58 appeals against unfair dismissal decisions. The number of appeals is the same as last year. Are we comparing apples with apples in that last statement you made?

Ms O'Neill: The accurate picture is as set out in the annual report.

Senator CAMERON: Explain these other figures then.

Ms O'Neill: I am sorry; I was just provided with them, and I am not quite sure of the source of them, so I will withdraw

Senator CAMERON: Mr Furlong, you have provided this other information. Why is that different to your annual report?

Mr Furlong: I have. The information was provided to me in one of the briefings I was provided by one of my staff who prepared the briefings.

Ms O'Neill: We can take that on notice, Senator. It is clearly different sums, slightly.

Senator CAMERON: I think you should, because there is such a difference.

**Answer**

The following figures are the number of appeals determined for unfair dismissal matters and are taken from page 43 of the *Fair Work Commission Annual Report 2012-13* and page 29 of the *Fair Work Australia Annual Report 2011-12*.

<b>Year</b>	<b>Upheld</b>	<b>Dismissed</b>	<b>Total</b>
2012-13	13 upheld	45 dismissed	58 appeals
2011-12	7 upheld	51 dismissed	58 appeals

The total number of appeals for all matters lodged 2012-13 is 143 and in 2011-12 is 184. This information is on page 7 of the *Fair Work Commission Annual Report 2012-13* and on page 10 of the *Fair Work Australia Annual Report 2011-12*.