

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-004107

Senator Abetz asked on 30 May 2017 on proof Hansard page 14

Question

FWC - Domestic violence case referred to Federal Court

Senator ABETZ: In that domestic violence leave case before the commission, I understand that President Ross decided to refer the matter to the Federal Court to determine how the matter should be dealt with. In making that referral, President Ross provided to the court as an attachment an internal memorandum from Deputy President Gooley and Commissioner Spencer to President Ross, dated 23 March 2017, which alleged Mr Watson had refused to share his conclusion with them before publishing it. Can we confirm that that is the case, that that memorandum was attached?

Ms O'Neill: I would have to take that on notice.

Answer

On 18 May 2017 in matter AM2015/1 (*4 yearly review of modern awards—Family & Domestic Violence Leave Clause*), the President of the Fair Work Commission issued a Decision to refer questions of law to the Federal Court of Australia pursuant to s.608 of the *Fair Work Act 2009* ([2017] FWC 2752). Such a referral is to be in the form of a special case. The special case was lodged in the Federal Court on 8 June 2017.

The documents attached to the special case include the Statement of the President dated 27 March 2017 ([2017] FWC 1733). A memorandum from Deputy President Gooley and Commissioner Spencer to the President dated 23 March 2017 is an attachment to that Statement.

The Statement of 27 March 2017 with the attached memorandum, is published on the webpage for AM2015/1 at: <https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am20151-family-and?page=1>