

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-004118

Senator Marshall asked on 30 May 2017 on proof Hansard page 19

Question

FWC - Complaints against Ms Wells

Senator MARSHALL: I want to ask a couple of questions following on from Senator Abetz on Deputy President Wells. Have there been any complaints about her conduct as a deputy president in Fair Work Australia matters?

Ms O'Neill: I will take that on notice, but not to my knowledge.

Senator MARSHALL: Have any of her decisions ever been overturned on appeal?

Ms O'Neill: I do not know the answer. I will take that on notice.

Senator MARSHALL: Has her integrity or honesty as a deputy president ever been questioned by anyone?

Ms O'Neill: That is a very broad question. I am happy to take on notice whether anyone has raised it with the president. In relation whether anyone has raised it with me to me, the answer is no. I will take it on notice in relation to the president.

Answer

The Fair Work Commission (Commission) has no record of any complaint being made as to Deputy President Wells' conduct in any matter before the Commission.

Consistent with past practice, the Commission regrets that it cannot provide information relating to the performance of individual Members, because to do so would compromise the essential independence of the Commission. This was explained at length, for example, in the Commission's response to question on notice EMSQ15-000488. In relation to appeal outcomes in particular, this was also discussed by the previous President of the Commission, Justice Giudice, in the Estimates hearing on 30 May 2011 (Hansard at pp.46-47).

The President does not recall anyone raising with him questions as to Deputy President Wells' integrity or honesty, other than the questions on notice of Senator Abetz in the Estimates hearing on 30 May 2017 (proof Hansard at pp.13-14).