

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ17-004138

Senator Cameron, Doug asked on 30 May 2017 on proof Hansard page 43

Question

FWO - Tandara Spirit - changed legal interpretation date

Senator CAMERON: What was the date of the changed legal interpretation?

Mr Campbell: The decision at first instance by the Federal Court judge—Janine, do you know?

Ms Webster: I can take the date of that particular decision on notice,

Answer

On 24 July 2015, Justice Jessup of the Federal Court of Australia handed down his decision in *Esso Australia Pty Ltd v The Australian Workers' Union* [2015] FCA 758 (Esso Federal Court Decision). The decision represented a new precedent with respect to the requirements of the framing of orders under section 418 of the *Fair Work Act 2009*.

The High Court of Australia did not grant an application for special leave by Esso with respect to this issue on 16 December 2016.