

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000900

Senator Cameron asked on 19 October 2016 on proof Hansard page 70

Question

Governor-General's capacity not to accept the resignation from Former Vice-President Lawler

Senator CAMERON: So the resignation from the vice-president would have gone to the Governor-General, would it?

Mr O'Sullivan: That is correct.

Senator CAMERON: Did the Governor-General have any capacity not to accept that resignation?

Mr O'Sullivan: I am afraid I am not in a position to give you advice on that. Maybe we can take that on notice and may be able to advise.

Senator CAMERON: Can you take that on notice because, do you know what has happened here?

Answer

Former Vice President Michael Lawler tendered his resignation in writing to the Governor-General on 3 March 2016.

This was in accordance with legislative provisions governing the resignation of members of the Fair Work Commission who previously served on the Australian Industrial Relations Commission (section 87 of the *Workplace Relations Act 1996* (WR Act), as preserved by item 2 of Schedule 18 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

Section 87 of the WR Act entitled Mr Lawler to resign by signed instrument delivered to the Governor-General. Accordingly, Mr Lawler's resignation took effect immediately when it was delivered to the Governor-General and did not require any further action to be effective.