

Senate Standing Committee on Economics
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Budget Estimates Hearing 2011-12
30 May 2011

AGENCY/DEPARTMENT: INNOVATION, INDUSTRY, SCIENCE AND RESEARCH

TOPIC: Dismissal Codes Small Business

REFERENCE: Question on Notice (Hansard, 30 May 2011, E85)

QUESTION No.: BI-33

Senator RYAN: Could you also take away whether or not you were made aware of the other 607 to 31 March this year and how they are treated? I assume that it is not a black or white decision; there may be decisions that are partially upheld or require some partial remedy. Would it be possible for you to take on notice the result of the other 607 decisions?

Senator Sherry: I am happy to do that. I will just mention, because it has been pointed out to me, that I am told the Department of Education, Employment and Workplace Relations estimates that Fair Work provides 79 per cent of employees with access to unfair dismissal protection, which compares to 48 per cent under Work Choices. So that would affect the statistics because you have almost a doubling of the number of employees. That would have to be considered as part of this analysis.

ANSWER

Please refer to the answer to BI-29.

The Department of Innovation, Industry, Science and Research has advised Minister Sherry that Fair Work Australia (FWA) does not provide a breakdown in its reports of the number of unfair dismissal claims finalised that involve a small business employer (e.g. those finalised prior to conciliation; settled at conciliation; finalised after conciliation but before a formal proceeding before FWA or withdrawn before a decision). As such, the Department is unable to provide information on the outcome of the 607 applications referred to in this question.