

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Additional Estimates 2010-2011**

**Agency - Fair Work Ombudsman**

**DEEWR Question No.EW0771\_11**

**Senator Abetz asked on 23/02/2011, Hansard page 43.**

**Question**

**PROSECUTIONS - SUCCESS RATE**

Senator ABETZ—It has been put to me just recently when I met with somebody with whom you are engaged in legal activities who said that they have been advised as to what the legal bill is going to be and at the end of the day the actual fine if they were to roll over and plead guilty would be about one-third. So they are scratching their head, simply from the perspective of a commercial proposition, as to what to do. It is not as though they suffer a criminal conviction against themselves or their company if they are prosecuted by the Fair Work Ombudsman. They are getting into what is often discussed in the unfair dismissal area as ‘go away money’ to roll over and pay the fine so the thing goes away, rather than spending days giving evidence, et cetera and possibly winning the case but then being financially and time-wise substantially out of pocket. Senator Chris Evans—It might be useful if Mr Wilson gave you the figures on their success rate in prosecutions that go to hearing because, as I understand it, it is very high. .... Mr Wilson—Unfortunately, I cannot help you on the percentage that are successful. I do not have those figures with me. We would take those on notice.

**Answer**

*The Fair Work Ombudsman has provided the following response.*

In the 2009/10 financial year, 57 matters initiated by the Fair Work Ombudsman were finalised in court. Of these, the agency was successful in 100%. All 57 matters resulted in a penalty outcome.