

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

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Agency - Fair Work Australia**

**DEEWR Question No.EW0245\_12**

**Senator Abetz asked on 30/05/2011, Hansard page 20.**

**Question**

**6 And 12 Month Dismissals - Using Adverse Action Claims**

Senator ABETZ: But he can indicate to us whether adverse action claims were taken in situations where the person would have been denied the capacity to take an unfair dismissal claim because of the six and 12 month thresholds. Mr Lee: I will take that on notice, subject to how onerous it will be to put that together.

**Answer**

*Fair Work Australia has provided the following response.*

Applications lodged with Fair Work Australia under section 365 of the Fair Work Act 2009 do not require the applicant to indicate when they commenced employment. Fair Work Australia is unable to indicate whether any such claims would have been denied the capacity to take an unfair dismissal claim because of the six and twelve month thresholds.