

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2014-2015**

**Agency – Fair Work Commission**

**Department of Employment Question No. EM1561\_15**

**Senator MacDonald asked on 23 October 2014 on proof Hansard page 86**

**Question**

**FWC - Applications to the Fair Work Commission**

Senator Abetz: As I understand it, matters that are filed in the Fair Work Commission are, if you like, an open file or a public file.

CHAIR: It is public.

Senator IAN MACDONALD: That was going to be my question.

CHAIR: Senator Macdonald has a line of questioning to that effect.

Senator Abetz: Therefore, any journalist could have taken himself or herself down there, read through the application and supporting material and reported on it.

CHAIR: Senator Cameron, Senator Macdonald has been waiting for the call, so we will go to him and then come back.

Senator IAN MACDONALD: It was just a clarification on that point. I asked the minister, but perhaps you have other officials there. Are those applications to the Fair Work Commission public documents? Could I go to the Fair Work Commission, pay the fee and get a copy of the application?

Senator Abetz: We will check up on that and come back to you.

**Answer**

Applications lodged under the *Fair Work Act 2009* and the accompanying case files are available for inspection by parties to proceedings and the public. There is no requirement to pay a fee.

The exceptions are:

- unfair dismissal applications
- general protection applications
- applications for an order to stop bullying
- unlawful termination applications
- other matters that are required to be dealt with in private such as matters in relation to Australian Workplace Agreements and conferences in dispute resolution proceedings.

These applications and the accompanying case file are not available for inspection, other than by a person who is a party named in the application (or their representative). However a person may make a request to access these files through the *Freedom of Information Act 1982*.