

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, E84)

QUESTION No.: BI-29

Senator RYAN - Minister, are you provided with advice from Fair Work Australia or a ministerial colleague on the progress or the results of the use of the unfair dismissal code by small business from Fair Work Australia? I refer to numbers of applications, number of businesses that have utilised it successfully or otherwise and number of claims against the code. Are you provided with advice as to how small business is using it?

Senator SHERRY - We would certainly have to double-check. I certainly cannot recall anything recently. I would have to take it on notice and see what we have got.

ANSWER

Fair Work Australia (FWA) reports directly to the Minister responsible for workplace relations.

The Department of Innovation, Industry, Science and Research has provided advice to Minister Sherry on the number of unfair dismissal claims lodged each quarter, including the total number of small business related claims.

The Department's advice does not contain a breakdown on the number of FWA applications finalised that involve a small business employer.

However, the advice states the majority of unfair dismissal applications are resolved at, or prior to, conciliation and do not proceed to a decision by FWA.