

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry, Innovation, Science, Research and Tertiary Education Portfolio
Budget Estimates Hearing 2012-13
28 and 29 May 2012

AGENCY/DEPARTMENT: COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION (CSIRO)

TOPIC: Fair Work Act

REFERENCE: Written Question – Senator Bushby

QUESTION No.: BI-139

1. At the Estimates hearing of 28 May 2012, Dr Clark and Mr Roy agreed to take on notice a number of questions from Senator Colbeck about recent restructuring of the Information Management Technology Division. Further to those questions, please outline how many times CSIRO has breached (or been alleged to have breached) the Fair Work Act – including all such instances and not simply those that have been referred to Fair Work Australia and where there has been a formal breach noted against CSIRO.
2. Where CSIRO has breached (or been alleged to have breached) the Fair Work Act, were any such instances referred to the Fair Work Tribunal and/or did they lead to arbitration with employee representatives? And, if so, how many times and what was the outcome in each case?

ANSWER

1. CSIRO has documented records of 31 alleged breaches of the Fair Work Act. No formal breaches have been found.
2. Thirteen were referred to Fair Work Australia (FWA). The outcome of the referrals is listed below.
 - One referral resulted in formal arbitration. This application was subsequently dismissed as the claims were found to have no merit.
 - One referral was dismissed for want of jurisdiction under the Fair Work Act.
 - Ten referrals were referred for conciliation, nine of which were completed and one was unsuccessful with the application subsequently lodged with the Federal Court of Australia.
 - One referral is awaiting listing by FWA.