

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2005-2006 ADDITIONAL SENATE ESTIMATES HEARING
16 FEBRUARY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.1: Workplace relations policy and analysis

Output 2.1.1: Workplace relations policy advice

Question Number: W739-06

Question:

Senator McEwan asked at *Hansard* page 118:

In relation to unlawful and unfair dismissal cases can the department provide statistics for 1 July 2005 to date and also confirm that data collection of these statistics will continue in the same way?

Answer:

In relation to unfair dismissal statistics, for 2005/2006 (as at 17 February 2006) 3,705 termination of employment applications have been lodged with the Australian Industrial Relation Commission (AIRC).

In relation to unlawful termination statistics, as outlined in **Question on Notice W587-06** – the AIRC does not differentiate between unfair and unlawful dismissal cases in its case tracking system and only collects figures in relation to certificates that have been issued on unlawful termination grounds in its annual report. As no new annual report have been released since last statistics were provided, there are no further figures for unlawful termination available at this time.

The Federal Court advises that at least 29 unlawful termination cases have been commenced in the Federal Court of Australia in 2005-06 as at 28 February 2006.

The Department is discussing a range of data collection issues with the Industrial Registrar, including the collection of unfair dismissal and unlawful termination statistics.