

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

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Agency - Fair Work Australia

DEEWR Question No.EW0755_11

Senator Abetz provided in writing.

Question

1. Is there a policy or protocol of the tribunal with respect to the confidentiality of transcripts? 2. Can FWA please explain how this policy works in practise? 3. Are there any examples where a transcript might be marked confidential and where it would also be available for public release? a. If so, please explain the circumstances.

Answer

Fair Work Australia has provided the following response.

Various provisions of the Fair Work Act 2009 and the Workplace Relations Act 1996 (as continued under the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 require proceedings to be conducted in private. In addition, section 594 of the Fair Work Act 2009 allows Fair Work Australia to prohibit or restrict the publication of evidence if satisfied it is desirable to do so because of the confidential nature of the evidence.

In practice, transcript is not made available to persons (other than the parties and their representatives) in relation to matters that relate to an unfair dismissal application, a general protections matter, a Part 13 of the Workplace Relations Act 1996 matter or a matter relating to an Australian Workplace Agreement.