

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

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Agency - Fair Work Australia

DEEWR Question No. EW1073_12

Senator Abetz asked on 15 February 2012 , Hansard page 32

Question

**FWA - Obligation or otherwise to refer matters of suspicion to relevant
authorities**

Senator ABETZ: Could you please take that on notice and get some advice as to whether it is Fair Work Australia's view that it cannot refer matters of suspicion that it stumbles across to the relevant state or territory authorities? Because, if I might say, that is what one would hope any decent citizen would do under normal circumstances if they stumbled across criminal activity or evidence of such, that they would pass it on. Yet we are being told here that Fair Work Australia is somehow constrained in acting like any decent citizen. If that is the case, I think the Fair Work Act might be in need of some amendment. Quite frankly, reading it, I do not read it in that way.

Answer

Fair Work Australia has provided the following response:

Fair Work Australia has sought legal advice from the Australian Government Solicitor concerning this question, and a copy of the advice obtained from Robert Orr QC, Chief General Counsel of AGS, and Charles Beltz, Counsel, of AGS is attached.