

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

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

Agency - Fair Work Australia

DEEWR Question No.EW0278_11

Senator Collins asked on 1/06/2010, Hansard page 97.

Question

CONCILIATION

Senator JACINTA COLLINS—You mentioned the 6,821 conciliations. How many people have opted not to go through conciliation? Ms O'Neill—I do not have that and I am not sure that I could, readily at least, obtain that. I can take it on notice and examine it if we can. Certainly in my experience, my observations and feedback are that it is a very minute proportion. In that event, the matter would simply be referred directly to either a jurisdictional hearing, where relevant, or a substantive arbitration. Senator JACINTA COLLINS—It is important information to a review of how the system is operating and, as you stressed earlier, the conciliation path is voluntary. We do not have a sense for those that are not volunteering down that path. That is not the total picture. Ms O'Neill—No. I could certainly identify the proportion of matters that are not conciliated. It is just that the reason for the conciliation not taking place may not just be confined to a party not wanting to participate. It may be because of unavailability, it may be— Senator JACINTA COLLINS—That is fine, but I think that in an overall review that is information we need as well. Ms O'Neill—At that level I would not anticipate that we would have any difficulty in obtaining that information.

Answer

Fair Work Australia has provided the following response:

For the period 1 July 2009 to 30 April 2010, of the 9110 applications for an unfair dismissal remedy lodged with FWA, 43 applications did not proceed to conciliation.