

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

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

**Agency - Fair Work Australia**

**DEEWR Question No.EW0248\_12**

**Senator Abetz asked on 30/05/2011, Hansard page 23.**

**Question**

**Application For Adverse Action**

Senator ABETZ: Sixty days from the event of the adverse action or 60 days from when the person becomes aware of the adverse action? Mr Nassios: In terms of the action that relates to a dismissal then it would be from the dismissal. In terms of the others I would have to go into the legislation to— Senator ABETZ: If you could please take that on notice for me because it has been suggested to me that it potentially can be for a substantial period and I will put the scenario to you to help focus.....

**Answer**

*Fair Work Australia has provided the following response.*

Section 366 of the Fair Work Act 2009 provides that an application made under section 365 (a general protections application in which the person has been dismissed) must be made within 60 days after the dismissal took effect or within such further period as Fair Work Australia allows.

The Fair Work Act 2009 makes no provision as to when an application under section 372 of the Fair Work Act 2009 (a general protections application made by a person who is not entitled to apply under section 365) can be made.