SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

QUESTIONS ON NOTICE
SUPPLEMENTARY ESTIMATES 2009-10

Agency **Fair Work Australia**

DEEWR Question No. **EW626_10**

Senator Fisher asked on 22 October 2009 EEWR Hansard page 64.

Question

So we are back at the point at which a matter is not resolved at conciliation. It is subject to directions to go to the next point. What happens then in the process? Where is that process set down in a transparent way?

On notice, can you also inform me of how that process ensures that parties do not face the prospect of preparing for arbitration when arbitration does not transpire?

Answer

Fair Work Australia has provided the following response:

- See website and Item 4 of the Unfair Dismissal Guide which is sent to both parties upon lodgment of every application.

  "What happens at a conference or hearing?

  If the unfair dismissal remedy application is not withdrawn or does not settle before or at the conciliation, the employer and the employee will each receive written notification from FWA of any conference or hearing to be held on the application.

  Conferences and hearings deal with applications for an extension of time for the lodgement of an unfair dismissal remedy application, jurisdictional objections to an unfair dismissal remedy application and the merits arbitration of an unfair dismissal remedy application. A conference is generally conducted in private while a hearing is usually open to the public.

  The notification of a conference or hearing will include the time, date and location of the conference or hearing. The notification may also include directions for the lodgement of written material with FWA by the employee and the employer.

  Any application for an adjournment of the conference or hearing must be given in writing and provide full reasons for seeking the adjournment. Adjournment applications will only be granted on substantial grounds."

- If a party does not comply with directions to lodge written material before the conference or hearing, the matter is listed for a non-compliance hearing before a senior FWA member.