

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

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

Agency - Fair Work Australia

DEEWR Question No.EW0411_11

Senator Abetz provided in writing.

Question

FWA - CONFLICT OF INTEREST

1) Are Fair Work Australia members obliged to declare a conflict of interest in hearing a matter where a union of which they are a member is a party? 2) Are members obliged to register memberships that could give rise to potential conflicts of interest? 3) Are Fair Work Australia members given instruction about conflict of interest when or shortly after being appointed? 4) Have there been cases of challenge or requests to excuse the presiding member of a hearing on these grounds? 5) If so (relating to question 4) how many and what was the outcome?

Answer

Senator ABETZ asked on 20 October 2010 provided in writing.

Question

1) Are Fair Work Australia members obliged to declare a conflict of interest in hearing a matter where a union of which they are a member is a party? 2) Are members obliged to register memberships that could give rise to potential conflicts of interest? 3) Are Fair Work Australia members given instruction about conflict of interest when or shortly after being appointed? 4) Have there been cases of challenge or requests to excuse the presiding member of a hearing on these grounds? 5) If so (relating to question 4) how many and what was the outcome?

Answer

Fair Work Australia has provided the following response:

1) Are Fair Work Australia members obliged to declare a conflict of interest in hearing a matter where a union of which they are a member is a party?

Section 640 of the Fair Work Act deals with conflicts of interest.

2) Are members obliged to register memberships that could give rise to potential conflicts of interest?

Section 640 of the Fair Work Act deals with potential conflicts of interest.

3) Are Fair Work Australia members given instruction about conflict of interest when or shortly after being appointed?

Fair Work Australia members are expected to be familiar with all of their statutory responsibilities.

4) Have there been cases of challenge or requests to excuse the presiding member of a hearing on these grounds?

There may be challenges from time to time. Such challenges are normally dealt with in open hearing and decisions are publicly available.

5) If so (relating to question 4) how many and what was the outcome?

Fair Work Australia does not keep a separately identifiable record of such decisions.