

**Quarterly report by the
Commonwealth Ombudsman under
s 712F(6) of the *Fair Work Act 2009***

FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2020

Quarterly report by the Commonwealth Ombudsman,
Michael Manthorpe PSM,
under Part 5–2 of Chapter 5 of the *Fair Work Act 2009*

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INTRODUCTION

Under the *Fair Work Act 2009* (the Act), the Commonwealth Ombudsman (the Ombudsman) must review the exercise of examination powers by the Fair Work Ombudsman (FWO) and any member of the staff of the Office of the FWO.

Under s 712AA(1) of the Act, the FWO can apply to the Administrative Appeals Tribunal for an FWO notice if they reasonably believe a person or business has information or documents that will assist an investigation.

An FWO notice may require its recipient to:

- give information to the FWO or a specified member of the staff of the FWO
- produce documents to the FWO or a specified member of the staff of the FWO
- attend before the FWO, or a specified member of the staff of the FWO who is a Senior Executive Service (SES) employee or an acting SES employee and answer questions relevant to the investigation.

Under s 712E of the Act, the FWO must notify the Ombudsman that an FWO notice has been issued and provide copies of relevant documents. The FWO must give the following to the Ombudsman as soon as practicable after an examination is completed:

- a report about the examination
- a video recording of the examination
- a transcript of the examination.

Our Office uses these records to review how the FWO and any person assisting the FWO exercises the examination powers under the Act.

Under s 712F(6) of the Act, the Ombudsman must report to Parliament as soon as practicable after the end of each quarter of each financial year about examinations conducted by the FWO and reviews conducted by the Ombudsman during that quarter.

SUMMARY OF REPORTING PERIOD

During the period from 1 July to 30 September 2020 (the review period), our Office did not complete any reviews of the FWO's use of examination powers under the Act.

The FWO advised our Office that, during the review period, one FWO notice was issued in accordance with s 712AB(1) of the Act. The Office will review this notice in a subsequent quarter, following receipt of all relevant material, and include the results in the quarterly report for that period.