

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

FOR THE PERIOD 1 JANUARY TO 31 MARCH 2020

Report by the Commonwealth Ombudsman,
Michael Manthorpe PSM, under
Part 5-2 of Chapter 5 of the *Fair Work Act 2009*

April 2020

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

FOR THE PERIOD 1 JANUARY TO 31 MARCH 2020

Report by the Commonwealth Ombudsman,
Michael Manthorpe PSM, under
Part 5-2 of Chapter 5 of the *Fair Work Act 2009*

ISSN 2651-8635—Print
ISSN 2651-8643—Online

© Commonwealth of Australia 2020

The Commonwealth owns the copyright in all material produced by the Ombudsman.

With the exception of the Commonwealth Coat of Arms, the Office of the Commonwealth Ombudsman's logo, any material protected by a trade mark, and where otherwise noted, all material presented in this publication is provided under a Creative Commons Attribution 4.0 licence.

The details of the relevant licence conditions are available on the Creative Commons website (creativecommons.org/licenses/by/4.0/deed.en) as is the full legal code for the CC BY 4.0 licence.



The Commonwealth's preference is that you attribute this report and any material sourced from it using the following wording:

Source: Licensed from the Commonwealth Ombudsman under a Creative Commons 4.0 licence. This report is available from the Commonwealth Ombudsman website at www.ombudsman.gov.au.

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are set out on the It's an Honour website: www.pmc.gov.au/government/its-honour.

Contact us

Inquiries regarding the licence and any use of this report are welcome at:

Commonwealth Ombudsman
GPO BOX 442
Canberra ACT 2601
Tel: 1300 362 072

Email: ombudsman@ombudsman.gov.au

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 January to 31 March 2020 (the review period), our Office did not complete any reviews of the FWO's use of examination powers under the Act. This was because the FWO advised our Office that it did not conduct any examinations during the review period, and our Office has reviewed all examinations conducted in previous review periods.