

Quarterly report

Report to the Fair Work Ombudsman Oct–Dec 2016

2nd quarter 2016–17

The President of the Fair Work Commission is required under s.654 of the [Fair Work Act 2009](#) to provide certain information to the Fair Work Ombudsman.

This quarterly report is provided to the Fair Work Ombudsman in accordance with requirements detailed in Schedule 5.2 of the [Fair Work Regulations 2009](#).

It covers the period 1 October 2016 to 31 December 2016.

Applications lodged and results recorded relate to the reporting period. Results are not confined to applications lodged in this period.

Item	Information required	Number
1	General protections—compliance	
1.1	Applications for FWA to deal with disputes made under s.365	912
1.2	Applications for FWA to deal with disputes made under s.372	199
2	Unfair dismissal	
2.1	Applications for orders granting a remedy made under s.394	3544
2.2	Applications for an order granting a remedy under s.394:	
2.2(a)	Applications in relation to which the dismissal was found to be unfair	38
2.2(a)(i)	Reinstatement orders made under s.391	7
2.2(a)(ii)	Orders made under s.392 for the payment of compensation to a person	28

Item	Information required	Number
2.2(b)	Applications that related to a small business employer ¹	565
2.2(c)	Applications dismissed because dismissal was found to be fair	31
2.2(ca)	The number of applications dismissed in a quarter under s.399A of the Act	15
2.2(d)	Claims dismissed because the dismissal was consistent with the Small Business Fair Dismissal Code	1
2.2(e)	Claims dismissed because the dismissal was a case of genuine redundancy	3
2.2(f)	Cases dismissed for want of jurisdiction ²	96
2.2(g)	Cases settled without a decision being made ³	3329
2.2(h)	The time from the date of the application to the date of judgment ⁴	107.03
2.2(i) & (j)	Number of cases settled by the conduct of 1 or more conferences / the number of cases settled by hearing ⁵	NA
Additional data	Application dismissed under ss. 399A and 587 ⁶	81
3	Industrial action	
3.1	Applications to vary protected ballot orders made under s.447	1
3.2	Applications to revoke protected ballot orders made under s.448	9

¹ Data reported in the period it is collected based on information provided by the respondent where available. If a conciliation was not conducted, data is not collected.

² Includes matters dismissed for the following reasons Application up to and including 7 days late and; Application more than 7 days late and; Multiple applications and; Minimum period of employment not served and; No award, agreement or high income employee and; Applicant not dismissed and; Termination consistent with Small Business Fair Dismissal Code and; Genuine redundancy and; Irregular casual employee; and Employer not national system employer and; Frivolous, vexatious and; No reasonable prospect of success

³ All matters finalised except by substantive decision or for want of jurisdiction.

⁴ Judgment means all matters finalised by substantive decision or for want of jurisdiction, inclusive of applications finalised by dismissal under s399A and s587. The calculation is based on the average number of days from the date of application to the date of judgment.

⁵ All matters finalised by substantive decision or for want of jurisdiction.

⁶ Previously reported within items 2.2(c) and 2.2(f)

Item	Information required	Number
3.3	Applications to extend periods in which industrial action is authorised made under s.459	37
3.4	Applications for orders varying the proportion by which an employee's payments are reduced made under s.472	2
3.5	Orders made under s.447 to vary a protected ballot order	2
3.6	Orders made under s.447^ to revoke a protected ballot order	9
3.7	Extensions made under s.459 to extend a period in which industrial action is authorised	39
3.8	Number of orders made in a quarter under s459 relating to a dispute about the operation of Part 3-4, including Number of orders in relation to which FWA dealt with the dispute on it's own initiative	NA

Notes

Sections referred to above reference the *Fair Work Act 2009*.

^ Orders to revoke a protected ballot order made under s.448

NA - information not applicable.

Disclaimer

This report should be read in conjunction with the Fair Work Commission information note for Quarterly reports.

In compiling this quarterly report all efforts have been made to ensure statistical accuracy, however, minor revisions in figures may occur from time to time. The Fair Work Commission annual report, which is tabled in the Australian Parliament each year, is the official statistical record of tribunal activities for the financial year.

Further information

If you have an inquiry about this report please contact Elisha Warren, Manager, Media and Communications. Phone 03 8656 4848 or by email communications@fwc.gov.au.