



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

FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2019

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

February 2020

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

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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 this reporting period from 1 October to 31 December 2019 (the review period), our Office did not complete any reviews of the FWO's use of examination powers under the Act.

The FWO did not advise our Office that it conducted any examinations under the Act during the review period.

