



# Quarterly report

## Report to the Fair Work Ombudsman Oct–Dec 2022

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### 2nd quarter 2022-23

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 2022 to 31 December 2022.

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

Item	Information required	Number
<b>1</b>	<b>General protections—compliance</b>	
1.1	Applications for FWA to deal with disputes made under s.365	1290
1.2	Applications for FWA to deal with disputes made under s.372	216
<b>2</b>	<b>Unfair dismissal</b>	
2.1	Applications for orders granting a remedy made under s.394	2696
2.2	<b>Applications for an order granting a remedy under s.394:</b>	
2.2(a)	Applications in relation to which the dismissal was found to be unfair	22
2.2(a)(i)	Reinstatement orders made under s.391	4
2.2(a)(ii)	Orders made under s.392 for the payment of compensation to a person	17

Item	Information required	Number
2.2(b)	Applications that related to a small business employer <sup>1</sup>	398
2.2(c)	Applications dismissed because dismissal was found to be fair	35
2.2(ca)	The number of applications dismissed in a quarter under s.399A of the Act	17
2.2(d)	Claims dismissed because the dismissal was consistent with the Small Business Fair Dismissal Code	5
2.2(e)	Claims dismissed because the dismissal was a case of genuine redundancy	5
2.2(f)	Cases dismissed for want of jurisdiction <sup>2</sup>	68
2.2(g)	Cases settled without a decision being made <sup>3</sup>	2558
2.2(h)	The time from the date of the application to the date of judgment <sup>4</sup>	103.51
2.2(i) & (j)	Number of cases settled by the conduct of 1 or more conferences / the number of cases settled by hearing <sup>5</sup>	125
Additional data	Application dismissed under ss. 399A and 587 <sup>6</sup>	116
<b>3</b>	<b>Industrial action</b>	
3.1	Applications to vary protected ballot orders made under s.447	7
3.2	Applications to revoke protected ballot orders made under s.448	26

<sup>1</sup> 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.

<sup>2</sup> Includes matters dismissed for the following reasons: Application up to and including 7 days late; Application more than 7 days late; Applicant not an employee (s.382(a)); Applicant not dismissed (s.385(a)); Application has no reasonable prospects of success (s.587(1)(c)); Application is frivolous or vexatious (s.587(1)(b)); Dismissal was a case of genuine redundancy (s.385(d)); Dismissal was consistent with the Small Business Fair Dismissal Code (s.385(c)); Earnings more than high income threshold and no modern award or enterprise agreement (s.382(b)); Employer not a national system employer (s.382(a)); Minimum employment period not completed (s.382(a)); Multiple applications (s.725 s.733).

<sup>3</sup> All matters finalised except by substantive decision or for want of jurisdiction.

<sup>4</sup> 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.

<sup>5</sup> All matters finalised by substantive decision or for want of jurisdiction.

<sup>6</sup> 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	66
3.4	Applications for orders varying the proportion by which an employee's payments are reduced made under s.472	0
3.5	Orders made under s.447 to vary a protected ballot order	7
3.6	Orders made under s.447^ to revoke a protected ballot order	25
3.7	Extensions made under s.459 to extend a period in which industrial action is authorised	62
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 the Data Management Team, Enabling Services Branch by email at [tdr@fwc.gov.au](mailto:tdr@fwc.gov.au).