

Our ref: 2018-301013

21 March 2018

Mr Stephen Fitzgerald
U2 1 Avalon Parade
AVALON NSW 2107

By email only: info@hootgallery.com

Dear Mr Fitzgerald

Thank you for your email of 16 March 2018 about the Fair Work Commission (FWC).

I have treated your email as a request for reconsideration of my decision not to investigate your complaint.

You have asked that we investigate your complaint because you consider the Office of the Commonwealth Ombudsman has an obligation to safeguard the community in its dealings with government agencies including the FWC, that the Fair Work Commissioner was corrupt in allowing Woolworths to be legally represented and that the Fair Work Commissioner allowed a jurisdictional objection at the end of the hearing rather than at the commencement of the hearing. You also consider that the Full Bench of the FWC in accepting the jurisdictional objection argument and dismissing your appeal, was protecting the Fair Work Commissioner.

I consider that the issues you have raised have previously been considered by the Full Bench of the FWC. As advised on 20 January and 2 March 2018, pursuant to section 5(2) of the *Ombudsman Act 1976*, our Office is not authorised to investigate actions taken by judicial officers. This includes actions taken by Fair Work Commissioners.

As your complaint remains outside of our Office's jurisdiction I will not be investigating your complaint and your complaint record remains closed with our Office.

If you disagree with my final decision, you may request an internal review within our office. Information on how to request an internal review can be found here:

<http://www.ombudsman.gov.au/making-a-complaint/review-of-our-decisions>

Yours sincerely

By email

Anne-Marie Tucker
Senior Investigation Officer