

Calendar year	Total matters completed	Compliance notices	Infringement notices	Enforceable undertakings	Litigations
2011	24,693	38	8		23
2012	31,156	57	26		57
2013	26,544	52	121		33
2014	22,566	54	97	2	34
2015	19,273	97	215	11	29
2016	14,871	236	346	27	26
2017	7,753	130	254	28	34
2018	5,430	211	250	19	53
2019	3,059	344	264	32	54
2020	3,075	570	252		4
2021	5,104	2,349	434	5	41
2022	3,547	1,761	356	7	65
2023	3,788	2,144	424	8	50
2024	3,472	2,002	438	9	75
Grand Total	174,331	10,045	3,485	148	578

Documents released by the Fair Work Ombudsman
Under the Freedom of Information Act

Criminal Offence Agency Training



The purpose of this module is to provide you with an introduction to the criminal offence provision within the Fair Work Act and the functions of the Criminal Investigations Branch.

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Fair Work Ombudsman

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- the mental state of the person when engaging in the physical acts
(**fault element**).

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Fault element (intention) —

The fault element of the Offence is intention.

- a person has intention in relation to conduct if the person means to engage in that conduct (e.g., the employer means to not include an employee's hours of overtime worked in the company's payroll system when the employer knew the award required it)
- a person has intention in relation to a result if the person means to bring it about or is aware that it will happen in the ordinary course of events (e.g., that not including an employee's

overtime in the payroll system would result in the employee not being paid for overtime worked).

Most employers in Australia are corporations or government agencies. Intention by a corporation or agency can be demonstrated when the corporation or agency authorises or permits conduct that results in an underpayment. For example, a corporation or agency's directors or senior staff intentionally underpay their employees.

Intention by a corporation or agency can also be proven by:

- establishing that a culture existed within the corporation or agency that directed, encouraged, tolerated or led to non-compliance with the Offence, or
- by proving that the corporation or agency failed to create and maintain a corporate culture that required compliance with the Offence.

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