



Quiz

Notice to Produce under Fair Work Act 2009 (Cth)

1. Which of the following is a principle established by *Bannerman v Mildura Fruit Juices Pty Ltd* [1984] FCA 156?
 - a. A Notice to Produce must disclose certain information on the face of the document
 - b. A Notice to Produce must identify the matter to which it relates
 - c. A Notice to Produce must identify the precise section of the Act determined to be contravened
 - d. Both A and B
2. Which of the following is true of a Notice to Produce concerning a contravention of the National Employment Standards?
 - a. It must identify the particular Standard that is breached
 - b. The Notice must refer to section 44 of the *Fair Work Act 2009* (Cth) only
 - c. The Notice must refer to section 45 of the *Fair Work Act 2009* (Cth) only
 - d. Both A and C
3. What was the decision in *Fair Work Ombudsman v United Petroleum Pty Ltd* (2020) FCA 590?
 - a. The Notice to Produce was held to be invalid and the matter was dismissed

- b. The Notice to Produce was held to be valid and United was ordered to comply
 - c. The Court upheld part of the Notice to Produce and severed the parts which it declared to be defective and invalid
 - d. The Court ordered the Fair Work Ombudsman to issue a replacement Notice to Produce which remedied the defects in the original Notice.
- 4. Which of the following is an option for the recipient of a Notice to Produce when they believe it to be invalid?
 - a. To comply with the Notice to Produce regardless
 - b. to issue their own proceeding challenging the validity of a notice to seek the remedy that the notice is invalid
 - c. To do nothing and wait for the regulator to do something
 - d. All of the above
- 5. How did United challenge the validity of the Notice to Produce in *Fair Work Ombudsman v United Petroleum Pty Ltd* (2020) FCA 590?
 - a. Direct Challenge
 - b. Collateral Challenge
 - c. By indirect challenge under the *Fair Work Act* 2009 (Cth)
 - d. None of the above

Answers:

1. D 2. A 3. A 4. D 5. B