

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000100

Senator O'Neill asked on 11 February 2016 on proof Hansard page 128

Question

Number of Fair Work Commissioners

Mr O'Sullivan: No, maybe if I can just explain. The Fair Work Act actually provides for the Fair Work Commission to be made up of inter alia one president and two vice-presidents. You might recall that before the Fair Work Commission was the Fair Work Commission and before it was Fair Work Australia, it was AIRC. The AIRC had a few more tiers of presidential members. So the convention was that if you enjoyed the title of vice-president under the AIRC, you kept that title. But, as a matter of 'law', for want of a better word, the vice-president under the Fair Work Act is limited to the two vice-presidents. They are currently Vice President Hatcher and Vice President Catanzariti.

Senator O'NEILL: Okay. But you have legacy issue there of two additional nominal vice-presidents.

Mr O'Sullivan: Sorry, it is Vice President Watson and Vice President Lawler.

Senator O'NEILL: Thank you. Can you give me an indication then of the next tier?

Mr O'Sullivan: It is then deputy president.

Senator O'NEILL: How many of those?

Mr O'Sullivan: Again, there is the term 'senior deputy president'. That is a legacy issue. Statutorily the hierarchy is: president, vice-president, deputy president, and within that deputy president scale there are some with the title of senior deputy president, but under the Fair Work Act legislation their status is that of a deputy president.

Senator O'NEILL: And how many of those are there?

Mr O'Sullivan: How many deputy presidents? I might ask Mr Breen to do a mathematical calculation for me.

Mr Breen: We will probably take that on notice. Certainly that is to say the number is not is not limited; it is a discretionary number with no cap.

Answer

Under subsection 575(2) of the *Fair Work Act 2009*, the Fair Work Commission relevantly consists of "such number of Deputy Presidents as, from time to time, hold office under this Act".

As at 11 February 2016 there were 23 Deputy Presidents including eight who were formerly members of the Australian Industrial Relations Commission. Of these eight members, two members retained their titles of 'Vice President' and six members retained their titles of 'Senior Deputy President'.