

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2013-2014**

Agency - Fair Work Commission

DEEWR Question No. EW0107_14

Senator Abetz asked on 3 June 2013, Hansard page 84

Question

FWC - List of current conciliators

Senator ABETZ: Yes. I am suggesting that a maximum of 13 days might not necessarily be conducive to good governance, good regulation and good implementation. But that has become a hallmark of this government and I do not expect you to comment on that. Is the list of conciliators used, employed, and contracted by the commission publically available?

Ms O'Neill: Not the names of the conciliators.

Senator ABETZ: Would there be anything mitigating against those names being made available publically?

Ms O'Neill: In fact, it is not very accurate to say they are not publically available, because when matters are listed for a conciliation conference with a conciliator the name of the conciliator appears on the hearing list each day. So the names are available.

Senator ABETZ: If I were to ask for a list of the conciliators, would there be any good public policy reasons as to why that list should not be supplied? I am treading carefully here because there might be reasons that I have not thought of.

Ms O'Neill: I do not believe so.

Senator ABETZ: Could you take on notice to provide me with a list of current conciliators as of today's date, please? In the event that you think there might be a reason why that should not be supplied, feel free to let me know of that thinking, because I do not want to put people's names into the public domain too gratuitously, if I can use that terminology.....

pg 85. Senator ABETZ: How many conciliators are there, roughly? Do we know?

Ms Clarke: We have 26 conciliators, with the full-time equivalent at this period of around 20.

Senator ABETZ: Hopefully this workload is not too great for you: when providing the names can you provide me with a brief background, as we have done with the tribunal members? We have been provided with what their background has been. Just be brief and say whether they have been with an employer organisation, an employee organisation or at the Human Rights Commission, as I understand one or two may have been in the past, doing conciliations. So just give a brief background, if that is available. If it is not, so be it.

Ms O'Neill: It is available or it is not. I will consider, Senator, whether it is appropriate to provide that. I would not have thought we would usually provide background information to all APS employees but, subject to that, we will take it on notice and provide it if it is possible.

Answer

The Fair Work Commission has provided the following response.

Conciliators are engaged by the Fair Work Commission as staff under the *Public Service Act 1999*. They are employed as Executive Level 1 or 2 staff. Their names and biographies are not published on the Commission's website. They are subject to similar conventions as other Australian Public Service employees regarding the appropriate disclosure of identity and background in the course of performing their duties.

For this reason, the Fair Work Commission does not deem it appropriate to provide their names in response to this question. We have provided a summary of their immediate employment prior to commencing work with the Fair Work Commission.

Sector	Role	Total
Government	Principal Conciliator Principal Conciliator Deputy Industrial Registrar Lawyer and Deputy state director Chief Conciliator Deputy Industrial registrar Service team manager Senior workplace inspector Arbitrator Manager, research and evaluation Conciliation Officer Senior Legal Officer Conciliation Officer District Registrar	14 (54%)
Private sector	Lawyer/Mediator IR consultant Diversity consultant HR consultant	4 (15%)
Employer Association	IR Advisor IR and compliance manager Solicitor	3 (11.5%)
Union	Assistant National Secretary State Secretary Industrial officer	3 (11.5%)
Legal	Barrister Legal Officer and Mediator, Supreme court	2 (8%)
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