



**SENATOR THE HON. ERIC ABETZ
LEADER OF THE GOVERNMENT IN THE SENATE
MINISTER FOR EMPLOYMENT
MINISTER ASSISTING THE PRIME MINISTER FOR THE PUBLIC SERVICE
LIBERAL SENATOR FOR TASMANIA**

Name
Title
Address

Dear

The Coalition Government's *Policy to Improve the Fair Work Laws* outlined a commitment to improve the current Fair Work laws and the operation of the Fair Work Commission by embracing common sense and providing practical solutions to everyday problems. The Policy also indicated that the Government would give active consideration to the creation of an independent appeal jurisdiction.

The current mechanisms to appeal Fair Work Commission decisions maintain continuity with the appeal provisions and processes previously adopted by the Australian Industrial Relations Commission. These mechanisms are complex and comprise both internal review by way of rehearing and judicial review under section 75(v) of the Constitution. The nature of the Fair Work Commission's internal appeal processes has been subject to judicial consideration, most notably by the High Court in *Coal & Allied Operations Pty Ltd v Australian Industrial Relations Commission* (2000) 203 CLR 194.

I am writing to you in your capacity as a member of the Select Council on Workplace Relations and invite your views on the operation of the current appeal mechanisms and how they could be improved, including your views on possible alternative appeal processes. I have written in similar terms to other Council members and key industrial and legal stakeholders.

Should you wish to comment or provide any views, I would be grateful if you could do so by 13 December 2013. Any comments or submissions should be forwarded to fwcappealsreview@employment.gov.au or to:

Review of Fair Work Commission Appeals Processes
Department of Employment
Location Code C50MA5
GPO Box 9880
CANBERRA ACT 2601

The contact officer in my department is Justine Ross on (02) 6240 7301.

Yours sincerely

ERIC ABETZ