

**Senate Standing Committee on Education and Employment**  
**Public hearing on Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill**  
**2022**

**22 November 2022**

**Fair Work Commission**

**Questions on Notice**

**Senator Jacqui Lambie asked the following question on 22 November 2022:**

**Senator LAMBIE:** I want to briefly talk about the structure of the Fair Work Commission. How many commissioners are there now? Have there been new commissioners put in since the new government? How many more commissioners will there be when the bill is passed? How many commissioners were there before 1 July this year, and have there been any new commissioners

**Mr Furlong:** I might start with the current composition of the tribunal arm. There is currently a president—an acting president—and two vice-presidents, and one of those vice-presidents is the acting president. The President of the Fair Work Commission resigned his commission last week. There are 20 deputy presidents and 20 commissioners. Then there are three part-time expert panel members that assist with the annual wage review at the moment. In terms of the composition at 1 July, I might have to take that on notice, because members retire at certain points, and I just need to make sure I get that right for you. But it wouldn't have changed much since—

*See Hansard p.7*

**The response to the honourable senator's question is as follows:**

As at 1 July 2022, the Fair Work Commission (Commission) had a total of 43 Commission Members, consisting of:

- 1 President
- 2 Vice Presidents
- 18 Deputy Presidents
- 22 Commissioners

A full list of Commission Members as of 30 June 2022 can be found in the Commission's [2021-22 Annual Report](#).

Since 21 May 2022, the following events have changed the Commission's Member profile:

- on 27 October 2022, two existing Commissioners were promoted to the office of Deputy President
- on 27 October 2022, a Commissioner whose term of appointment was coming to an end was extended for an additional one year term.
- on 18 November 2022, President Ross resigned his office.
- on 19 November 2022 Vice President Hatcher commenced as Acting President for a 3-month term following the resignation of President Ross.

Funding associated with the proposed *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022* provides for one additional Deputy President and 7 additional Commissioners.

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**Senator Jacqui Lambie asked the following question on 22 November 2022:**

**Senator LAMBIE:** What does that look like?

**Mr Furlong:** The funding provides for eight new members, and they are distributed through the three measures—one deputy president and seven commissioners.

**Senator LAMBIE:** Do any of the commissioners have a union background? Have any of them belonged to a union, hold union membership or have held a union membership? You can take that on notice if you like.

**Mr Furlong:** I will take that on notice. While we've received funding for them, the members haven't been appointed. They haven't commenced with the commission yet. It is a matter for government who will be appointed to those positions. I know you are very incredibly busy, but section 627 of the Fair Work Act outlines the skills and experience of those people who are appointed to the commission, and it looks at things like workplace relations law, business and skills or experience in the industry.

*See Hansard p.8*

**The response to the honourable senator's question is as follows:**

The appointment of Members to the Fair Work Commission (Commission) is a matter for government. Section 627 of the *Fair Work Act 2009* specifies the qualifications and experience required for appointment of a President, Vice President, Deputy President, or Commissioner.

As appointments are a matter of government, the Commission does not request from Members complete employment histories or information as to whether they hold or have in the past held a union membership.