

## **Fair Work Amendment (Arbitration) Bill 2013**

*Introduced into the House of Representatives on 11 February 2013*

*By: Mr Katter MP*

1.47 This bill seeks to amend the *Fair Work Act 2009* to remove provisions that prevent the Fair Work Commission (except with express authorisation) from arbitrating certain disputes, to give the Commission the power to deal with a dispute as it considers appropriate.

### **Compatibility with human rights**

1.48 The bill is accompanied by a statement of compatibility which reproduces the template provided by the Attorney-General's Department without making specific reference to the bill or to specific rights that might be affected by the bill. The statement concludes by stating that the bill is compatible with human rights.

#### *Right to work*

1.49 The bill might be viewed as promoting the enjoyment of just and favourable conditions of work guaranteed by article 7 of the International Covenant on Economic, Social and Cultural Rights by expanding the range of options available to Fair Work Australia to settle work-related disputes. However, a fuller understanding of the potential impact of the bill and any human rights concerns to which it gives rise, requires an analysis of how the proposed powers interact with the existing powers and practice of Fair Work Australia. The statement of compatibility does not undertake this analysis.

**1.50 The committee considers that this bill does not appear to give rise to human rights concerns.**

**1.51 The committee intends to write to Mr Katter, noting that the statement of compatibility fails to identify specific rights which may be promoted or limited by the bill and that it is a requirement of the *Human Rights (Parliamentary Scrutiny) Act 2011* that substantive statements of compatibility be supplied even in cases where the effect of the proposed legislation is to promote rather than limit the enjoyment of a relevant right.**