

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000014

Senator Lines provided in writing.

Question

FWC - Commissioners

Has the Government discussed with the Commission the prospect of it appointing more Fair Work Commissioners?

Should the Government appoint more Fair Work Commissioners is there sufficient monies within the budget that a cost saving would not need to be found to pay for their salaries?

Can you confirm the background of each of the Commissioners that have been appointed since the election of the current Government? Have any of those appointments represented workers or unions prior to their appointment?

Answer

1. The President communicates with the Minister from time to time, including in relation to the number and location of appointments to the Fair Work Commission.
2. On 11 June 2015, the President of the Fair Work Commission published "Improving Public Value – Future Directions 2014-15 pilot program update", accessible at <https://www.fwc.gov.au/about-us/news-and-events/update-2014-15-future-directions-pilot-programs>. The publication provided an update on various initiatives including the General Protections pilot program, where staff conduct conferences for general protections applications, and the Enterprise Agreement Approvals pilot, where staff conduct assessments of enterprise agreements lodged for approval. The update includes the following:

Improving public value

The successful implementation of the pilots described above, together with other initiatives we are taking to improve our performance, will assist the Commission to deliver improved public value to the Australian community by meeting its statutory obligations at a lower cost.

In the period 1 July 2014 to 1 July 2016, a significant number of Commission Members reach the statutory retirement age of 65. Although some Members will need to be replaced, the initiatives we have developed will mean we can deliver improved services more cost effectively and with fewer Members.

The Fair Work Commission's view is that there is no need for any further appointments, including not replacing Members who are anticipated to resign or reach retirement age, in the foreseeable future. Appointments made without accompanying additional ongoing appropriation would place significant pressure on the Commission's ability to operate within the resources available to it.

3. Pursuant to section 626 of the *Fair Work Act 2009* Members of the Fair Work Commission are appointed by the Governor-General. The Fair Work Commission is not involved in the process of appointing Commission members.