

EMSQ16-000218 Attachment A

Commonwealth of Australia

Fair Work Commission

Fair Work Act 2009



DELEGATION OF POWERS TO CONDUCT GENERAL PROTECTIONS CONFERENCES

I, Iain James Kerr Ross AO, President of the Fair Work Commission (**Commission**), pursuant to paragraphs 625(1)(b) and 625(1)(c) of the *Fair Work Act 2009* (**Act**) hereby delegate to the Specified Conciliators, the powers of the Commission to conduct conferences to deal with disputes under subsection 368(1) of the Act, and in such a conference to:

- grant permission under subsection 596(2) of the Act for a person to be represented in the conference by a lawyer or paid agent;
- inform themselves by requesting information from the parties;
- mediate or conciliate the dispute; and
- express an opinion, including advising the parties in accordance with paragraph 368(3)(b) of the Act.

In this instrument **Specified Conciliators** means the following staff of the Commission:

- Brisbane Conciliators -
- Canberra
- Melbourne Conciliator
- Perth Conciliators -
- Sydney Conciliator -
- Conciliator Manager -
- Adelaide Conciliator -

For the avoidance of doubt, this delegation does not include powers or functions of the Commission to:

- direct a person to attend a conference under subsection 592(1) of the Act;
- inform itself other than by requesting information, including informing itself in any of the ways specified in paragraphs 590(2)(a), 590(2)(c)-(e), 590(2)(g) and 590(2)(i) of the Act;
- give directions in relation to procedural matters, except as required to conduct a conciliation or mediation conference;
- make any decision in relation to a non-procedural matter;
- make any recommendation or order; or
- issue a certificate under paragraph 368(3)(a) of the Act.

This delegation must be exercised in accordance with any directions that I may issue from time to time.

My previous delegation of power made pursuant to paragraphs 625(1)(b) and 625(1)(c) of the Act dated 26 August 2014 is revoked.

Dated the 13th day of February 2015



President
Fair Work Commission

Appendix 2 - Direction of President

Commonwealth of Australia

Fair Work Commission

Fair Work Act 2009

DIRECTION TO CONCILIATORS CONDUCTING GENERAL PROTECTIONS CONFERENCES

I, Iain James Kerr Ross AO, President of the Fair Work Commission (**Commission**), pursuant to subsection 625(4) of the *Fair Work Act 2009* (**Act**), hereby direct that in performing functions or exercising powers under my delegation to Specified Conciliators of [insert date] February 2015, a Specified Conciliator must:

- in conducting a conference, comply with the *Staff Conciliators and General Protections Administrative Procedures Manual* as is issued by the Commission's Conciliator Manager from time to time; and
- after each conference concludes, submit a written report on the conference in the manner and form specified in the *General Protections - (s365) Staff Conciliator Report* that was issued by the Conciliator Manager on 1 September 2014 and as may be amended from time to time.

My previous direction to conciliators conducting general protections conferences of 26 August 2014 is revoked.

Dated the 13th day of February 2015



President
Fair Work Commission