

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Outcome 5 - Workplace Relations**

**DEEWR Question No.EW0310\_12**

**Senator Fisher asked on 30/05/2011, Hansard page 118.**

**Question**

**FWA Staff**

Senator FISHER: Can you comment on the report I referred to earlier in an article by Steven Andrew published in Thomson Reuters, citation 2010 1WR16, quoting then Minister Gillard in her 30 May 2007 National Press Club address confirming the president's appointment to Fair Work Australia: "Labor will also end the conflict of interest that has the Industrial Registrar serving two masters", Gillard said. Senior FWA staff would be answerable to Giudice, not the WR Minister. Do you have a comment on that?

Senator FISHER: Yes.

Mr Kovacic: That is the only guess that I can allude to, but I am happy to take the question on notice to firstly have a look at the article that you have cited and see if there is anything we can add to it.

**Answer**

In her speech to the National Press Club on 30 May 2007, the Hon Julia Gillard MP said in relation to the then Industrial Registrar:

"Labor will also end the conflict of interest that has the Industrial Registrar serving two masters. The Industrial Registrar is required by legislation to comply with directions given by the President of the Commission but, like the Employment Advocate, the Industrial Registrar's performance pay is at the discretion of the Minister of Employment and Workplace Relations.

Fair Work Australia's senior staff will answer to the head of Fair Work Australia, not the Minister. One independent officer reporting to another independent officer. A system beyond politics."

Under the former industrial arrangements the Australian Industrial Registry was managed by the Industrial Registrar, who was a statutory office holder reporting to the Minister for Employment and Workplace Relations.

Under the *Fair Work Act 2009* the President has overall responsibility for the operations of Fair Work Australia including for functions similar to those formerly performed by the Industrial Registrar. Those functions are now performed by the General Manager of Fair Work Australia reporting to the President.

The General Manager is selected by a merit selection process and appointed within the Full-time Office Holder jurisdiction of the Remuneration Tribunal. Full-time office holders do not have access to performance pay and adjustments in remuneration are determined by the Remuneration Tribunal.

These arrangements accord with those proposed by the (now) Prime Minister in her speech of 30 May 2007.