



AUSTRALIAN CHAMBER OF
COMMERCE AND INDUSTRY

MEDIA RELEASE

Friday 26 February 2010

COMPULSORY ARBITRATION NOT PART OF AGREEMENT MAKING

Statement by Mr Peter Anderson, Chief Executive

ACCI welcomes today's decision by a Full Bench of the Fair Work tribunal to overturn an earlier decision that required compulsory arbitration be a part of any workplace agreement approved by the tribunal.

Australia's workplace laws must as far as possible allow and enable the development of working arrangements that reflect the different needs and requirements of the employers and employees in each workplace. This is the best means to enable those businesses to generate growth and productivity improvement.

It is a relief to industry that the Full Bench has stopped the tribunal from broadening its compulsory arbitration powers beyond those given by the Parliament.

ACCI intervened in the appeal given the significant distortion self-imposed arbitration would have had on the fair work system, and the doubt it would have cast on many existing agreements.

In the present matter the agreement, and the dispute resolution procedure in that agreement, were freely entered into and agreed upon as being appropriate for that workplace by the parties and their representatives. The Full Bench has been right to not interfere further.

In the light of this decision the Government's model dispute resolution clause in the Fair Work Act, which contains mandatory arbitration, should now be reviewed to ensure that it also correctly reflects Parliament's intention and the law.

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