



# INAUGURAL SITTING OF FAIR WORK AUSTRALIA

Address by ACCI  
Acting Chief Executive  
Greg Evans

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LEADING AUSTRALIAN BUSINESS



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Thank you Your Honour. I have great pleasure in participating in this Inaugural Sitting of Fair Work Australia on behalf of the 360,000 employers in Australia represented by the Australian Chamber of Commerce and Industry and its thirty-seven State, Territory, and Industry based Member Organisations.

It is also a particular honour to share the bar table on such a significant occasion with the Deputy Prime Minister and Minister for Employment and Workplace Relations, the President of the ACTU, and my colleague from AiG.

In this context I would also like to thank the Deputy Prime Minister for the opportunities that have been provided by the Government, both through the Committee on Industrial Legislation, and through other means, to enable our views to be heard in the processes surrounding the development of the Fair Work legislation.

In 1904 the Federal Parliament passed the Conciliation and Arbitration Act, establishing this country's first Federal industrial tribunal, and in the following year, 1905, that tribunal, known as the Commonwealth Court of Conciliation and Arbitration, convened its first hearing, not far from here, at the Darlinghurst Court House.

Since that time that Tribunal and its successors, the Conciliation and Arbitration Commissions, and more recently the Australian Industrial Relations Commission, have been one of the cornerstones of working life in Australia as they have gone about their role of resolving disputes, setting and adjusting wage rates at the national level, and shaping and determining the employment arrangements that exist in hundreds and thousands of different workplaces across the country.

Throughout that period, debate and discussion about the role of the Tribunal, and indeed the broader framework of employment regulation, seem also to have been inevitably at the centre of political and intellectual debate in Australia.

Indeed, it is hard to think of another country in which these issues assume such prominence and loom as large on the political landscape.

The passage of the Fair Work Act and associated legislation and, from today, the establishment of this Tribunal, Fair Work Australia, are of course the latest manifestations of those ongoing processes of change and reform.

Can I say in response that at a somewhat simplistic level one of the immediate things we now have to come to grips with is the change of name to Fair Work Australia – certainly for the past twenty years we have, of course, been living with the Industrial Relations Commission and this is, in fact, only the fourth occasion in 106 years that the name of the Federal Tribunal has been changed

Fair Work Australia is a different entity from its predecessor in a number of distinct ways.

It incorporates an extended range of responsibilities.

It again assumes the important National responsibility of setting and adjusting wage rates each year.

From today it also regains the responsibility for assessing and approving workplace agreements.

There are also some significant new elements that sit within the Fair Work legislation, particularly in regard to the framework that exists around bargaining and agreement making. These will be important issues for this Tribunal to deal with, interpret, and determine.

“Majority Support Determinations”, “Good Faith Bargaining”, the ability to put in place multi - employer agreements, and the new “low paid sector” mechanism, are each new initiatives that Fair Work Australia will be required to deal with and determine, and in so doing provide guidance to other parties about their intended application.

The massive task of overhauling this country's award system will also continue to be a critical part if the work to be undertaken by the members of Fair Work Australia.

The Federal Government has been strong in its desire to see this important and long awaited task of award modernisation tackled in a significant and genuine way. The Industrial Relations Commission has, of course, already done much to work towards this end.

We now look forward to the members of Fair Work Australia continuing to work to complete this task.

ACCI does believe that it has real potential to deliver a framework of awards that are indeed simpler and easier to understand and work with for the end users of the system – Australian employers and employees and their representatives – and that those outcomes can be achieved in a way that does not disadvantage employees or add additional costs for employers.

The challenge of change is nothing new for this Tribunal or its predecessors.

We do now have a new legislative framework to work within.

We also live in difficult and challenging economic times where many businesses are struggling to maintain financial viability and in fact are doing their absolute best to maintain employment levels.

Fair Work Australia will now have an important role in working to guide a path forward through the economic challenges that do now confront many Australian employers and employees. It must also inevitably work across a range of diverse business arrangements and economic circumstances.

ACCI looks forward to working with Fair Work Australia and the members of the Minimum Wage Panel, in particular, in these important roles.

There are inevitably different views amongst us all about how we might get to where we would like to be.

However, at the same time I do suggest that many of the Objects that underpin and direct the work of Fair Work Australia, contained in section 3 of the Fair Work Act, do provide a set of objectives that we can all support and endorse.

I refer in particular to the words in section 3 (a) – the objective of “providing workplace relations laws that are fair to working Australians, are flexible for businesses, promote productivity and economic growth for Australia’s future economic prosperity, and take into account Australia’s international labour obligations.”

ACCI and its member organisations welcome the ongoing appointment of the President and the members of Fair Work Australia.

We now look forward to working with you in the future as Fair Work Australia begins to deal with the important responsibilities given to it under the Fair Work Act.

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