

Fair Work Australia
Inaugural Sitting
Wednesday, 1 July 2009 at 9.00am

Welcome

On behalf of the members of Fair Work Australia I warmly welcome you all to this inaugural sitting. We welcome not only those of you here in the main hearing room in Sydney but also everyone joining us via the internet, including the staff of Fair Work Australia at the various locations throughout the country.

In formally opening the proceedings I acknowledge the traditional owners of these lands, the Eora people.

I am pleased to say that almost all of the members of the tribunal are able to sit with us this morning. We have also invited Senior Deputy President Lacy of the Australian Industrial Relations Commission to join us on the bench.

Response

Deputy Prime Minister, Mr Evans, Ms Burrow and Mr Smith, thank you all very much for your kind remarks and good wishes. We are grateful to all those who have taken the time to be present this morning and to those who are watching the proceedings throughout Australia and elsewhere.

The creation of a new national workplace relations tribunal is a significant event in Australia's history. We have heard already some of the reasons why that is so. I would like to make only two points.

Firstly the tribunal's work is important. The minimum wage fixing functions, for example, will directly affect millions of Australians, both employees and employers. In carrying out dispute resolution functions of many kinds, whether assisting the parties to reach agreement or arbitrating, the tribunal will influence working relationships and standards of behaviour in the workplace in a material way. Disputes coming before Fair Work Australia will often be collective disputes, but more and more, as we have seen in recent years, the increase in statutory individual rights means that the national tribunal must be responsive to individual disputes, particularly disputes relating to dismissal from employment.

Our work involves decisions about, on the one hand, the employment, wages and conditions of employees and, on the other, the business costs of employers. It is therefore work which in a real sense matters. And that makes it both challenging and rewarding.

Secondly, while this is not the first occasion on which the national industrial tribunal has been reconstituted, the establishment of Fair work Australia is an historic departure from previous systems. For the first time there is a truly national system in the private sector. The statutory framework and the processes have been simplified. The governing legislation has been completely rewritten to reflect the new

Constitutional basis for the system. The need to identify an interstate industrial dispute, the parties to it and the matters in dispute, before exercising jurisdiction, involved complexity, and sometimes artificiality, of the most extreme kind. No one regrets the passing of those technicalities, although no doubt other jurisdictional issues will arise. There have been important changes to the structure and administrative framework of the tribunal itself which will increase its effectiveness. And there has been a significant rationalisation of the workplace relations bodies, which, combined with the introduction of other measures, such as Fair Work Online, will make the system as a whole easier to get access to and to use.

If I could now make just a few observations about the way in which the new tribunal will approach its work.

The members and staff of the tribunal are conscious of the need to observe proper standards of impartiality, quality and timeliness in all that we do. No doubt we will have our critics, that has always been the case – it is in the nature of the jurisdiction. But I am confident that we shall match the high reputation which I believe the Australian Industrial Relations Commission currently enjoys, and surpass it.

Workplace relations in general, and the exercise of powers by the national tribunal in particular, are always attended by a degree of controversy. Participants in the workplace relations system very often have strong views, and we rarely find ourselves without the benefit of advice by way of submission, or less formal means, from the informed and the not so well informed alike. It is an area in which everyone is an expert. Despite popular misconceptions to the contrary, the tribunal does not make the laws, but works to implement the intention of the Parliament as expressed in legislation. Each member of Fair Work Australia participating in this sitting, earlier this morning promised by oath or affirmation to carry out their duties faithfully and impartially. I mention that because it is a tangible indication that people coming before the tribunal can be confident that it will carry out its functions fairly, independently and within the framework the legislature has provided.

While the Australian Industrial Relations Commission will continue for some time and complete some important tasks, in particular the modernisation of the award system, it is appropriate this morning to acknowledge the dedicated work of the members of the Commission and the staff of the Australian Industrial Registry and, on a personal note, to thank them all most sincerely for the support and encouragement they have given me over the last 12 years.

The establishment of FWA has been a big project involving a great number of people in many areas. Without singling out individuals I would like to express my appreciation to the members of the Fair Work Australia Establishment Taskforce, the Industrial Registrar and the many Registry staff who have worked so hard to implement the new arrangements, I also thank the staff in Melbourne and Sydney who have been involved in preparations for this inaugural sitting.

Deputy Prime Minister, Mr Evans, Ms Burrow and Mr Smith, thank you again for your contributions to this inaugural sitting and thanks to all for your attendance.

We shall now adjourn.