Fair Work Australia sets its ‘Future Directions’

Today, the President of Fair Work Australia, Justice Iain Ross, launched Future Directions. Future Directions sets out the 25 initiatives that the Tribunal will deliver in the next 12 months. The initiatives are based around four themes:

- Promoting Fairness and Improving Access;
- Efficiency and Innovation;
- Accountability; and
- Productivity and Engaging with Industry.

Justice Ross said the Tribunal was committed to improving access and fairness for all parties who came into contact with it.

He said this would be done in a variety of ways including:

- the introduction of a ‘Fair Hearing’ practice note setting out the obligations of Members, parties and their representatives in relation to the provision of a fair hearing;
- better provision of information, in a variety of forms, in relation to unfair dismissal applications to assist self-represented parties and respondent employers; and
- engaging with providers of pro bono legal services to extend the availability of legal advice to self-represented parties.

"The information and assistance provided by the Tribunal to parties, particularly self-represented parties, is an important part of providing access to justice," Justice Ross said.

"For those unfamiliar with the Tribunal's processes and how a hearing is conducted, the experience can be daunting. The information and assistance provided can be a significant benefit to parties," he said.

One of the measures the Tribunal has taken to improve efficiency is the introduction of timeliness benchmarks for the delivery of reserved decisions and in relation to the time taken to determine applications for the approval of agreements.

The reserved decision benchmark provides that 90% of all reserved decisions are to be handed down within eight weeks of the last hearing day (or receipt of the last written submission). All reserved decisions are to be handed down within 12 weeks.

In terms of applications to approve agreements there are three key benchmarks:

- 50% of all applications are to be finalised within three weeks;
- 90% of all applications are to be finalised within eight weeks; and
- 100% of all applications are to be finalised within 12 weeks.

Justice Ross said: “The introduction of the timeliness benchmarks has seen a significant improvement in the Tribunal’s performance in these key areas.”

In the period 1 July to 30 September 2012:

- 97.4% of all reserved decisions were handed down within eight weeks, as against the performance benchmark of 90% (in the 12 months to 30 June 2012 only 72.2% of reserved decisions were handed down within eight weeks).
• 78.9% of all agreement approvals applications were determined within three weeks of lodging, as against the performance benchmark of 50% (in the 12 months to 30 June 2012 only 58% of agreement approval applications were dealt with within three weeks of lodging).

The Tribunal intends to publish its performance against these benchmarks on its website in November 2012. Justice Ross said: “The setting of performance benchmarks and then publicly reporting the Tribunal’s performance are important accountability measures.”

As part of the initiatives in Future Directions the Tribunal intends to increase its engagement with industry. Over the course of the next 12 months the Tribunal will, in consultation with the major peak employer and union bodies, develop a broad engagement strategy. ACCI, Ai Group and the ACTU have committed to working collaboratively with the Tribunal in a consultative forum that will oversee the Tribunal’s engagement strategy.

Justice Ross said: “The object of the Tribunal’s engagement strategy will be to encourage more productive workplaces by promoting harmonious and cooperative workplace relations. The development of a more cooperative workplace culture that facilitates change and fosters innovation will be at the heart of the Tribunal’s engagement strategy.”

The Future Directions publication is available on the Fair Work Australia website at www.fwa.gov.au.

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