Fair Work Commission introduces new initiatives to improve access to justice

Fair Work Commission President, The Hon Justice Iain Ross AO, today launched three new initiatives to assist self-represented parties who appear before the Commission:

- A pro bono legal scheme to provide independent legal advice to self-represented parties involved in unfair dismissal jurisdictional hearings. The assistance will be provided to both applicants and respondents. The pilot is being undertaken in Victoria, with plans to extend to NSW next month.

- The introduction of an Unfair Dismissal Benchbook containing plain English summaries of the key principles of unfair dismissal case law and how these have been applied in Commission decisions. A portion of this benchbook has been launched today for public comment, with a final copy to be available in June 2013.

- The introduction of an Appeals Practice Note to promote consistent administrative processes when dealing with appeals, including the option of determining an appeal 'on the papers' without the need for a hearing.

The new initiatives were announced in a Future Directions strategy update published today. Justice Ross said with the increasing number of self-represented applicants appearing before the Commission, more needed to be done to assist these parties.

“Historically, a substantial part of the Commission's work has related to the resolution of collective industrial disputes,” Justice Ross said. “Collective dispute resolution will always be a core Commission function, because of the impact that such disputes may have on the parties and the community generally.

“However over the past 15 years we have seen a significant shift in the number of individual applications we hear as against collective disputes. About two thirds of applications lodged in 1998–99 were collective in nature. In 2011–12 this had reduced to less than 40 per cent, with 60 per cent of matters lodged by individual applicants.

“The parties to individual disputes are often unfamiliar with the Commission’s procedures and the relevant legislative provisions. We have an obligation to explain these matters to self-represented parties.”

Justice Ross said the three initiatives launched today were just some of a number of new initiatives the Commission had and would introduce this year as detailed in the latest Future Directions update.

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