



Human Resources Information Sheet

Fair Work Australia

What is Fair Work Australia

The Australian Government released the Fair Work Bill 2008 (“Bill”) on 25 November 2008. The Bill contained the Government’s proposed new laws to overhaul the workplace relations system and to further wind back the former Government’s “WorkChoices” legislation.

The Role of Fair Work Australia

The establishment of a body called Fair Work Australia (FWA) is a key part of the Bill. FWA will perform the functions that are currently performed by many different workplace bodies, in other words a “one stop shop”.

FWA will be a body established under and given powers and functions by the Fair Work Act. FWA will oversee the workplace relations system, provide assistance and advice on workplace issues, and ensure that Employers and unions comply with certain workplace laws.

FWA will have the power and authority to approve workplace agreements, determine modern awards and minimise wages, and deal with industrial disputes.

Which existing bodies will Fair Work Australia replace?

FWA will replace a number of bodies which are currently responsible for administering certain aspects of the Workplace Relations Act 1996. The bodies being replaced include:

- ❖ The Australian Industrial Relations Commission (AIRC)
- ❖ The Australian Industrial Registry
- ❖ The Australian Fair Pay Commission

- ❖ The Australian Fair Pay Commission Secretariat
- ❖ The Workplace Authority
- ❖ The Workplace Ombudsman
- ❖ The Australian Building and Construction Commission

What workplace matters will Fair Work Australia Deal with?

FWA will deal with various workplace matters including issues to do with:

- ❖ The National Employment Standards
- ❖ Modern Awards
- ❖ Enterprise Agreements
- ❖ Workplace determinations
- ❖ Minimum wages and equal remuneration
- ❖ Transfer of business
- ❖ General protections
- ❖ Unfair dismissal
- ❖ Industrial action
- ❖ Right of entry
- ❖ Stand downs
- ❖ Unlawful termination

What are the functions and powers of Fair Work Australia?

FWA is required to promote harmonious and cooperative workplace relations to both Employers and Employees, and it will serve various functions, including:

- ❖ Providing information and advice on their functions and activities to the public
- ❖ Conducting conferences and holding hearings
- ❖ Dealing with disputes via mediation, conciliation, arbitration, or holding a hearing
- ❖ Making recommendations or expressing opinions about disputes
- ❖ Approving and varying enterprise agreements
- ❖ Determining unfair dismissal claims
- ❖ Conducting annual wage reviews and setting or varying minimum wages in modern awards and National Employment Standards
- ❖ Ensuring that employers comply with workplace laws, awards and agreements
- ❖ Assisting with the collective bargaining process and enforcing good faith bargaining
- ❖ Regulating unions and registered industrial organisation's.

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