



Coalition told to boost Fair Work posts

David Marin-Guzman
Workplace correspondent

The Turnbull government is being lobbied to increase its appointments to the Fair Work Commission before the next election and bring in 10-year term limits to ensure the workplace tribunal does not become disconnected from modern business.

The Australian Mines and Metals Association pressed the proposals in a letter sent to Workplace Minister Craig Laundy last week that argued the government would be "more than justified" in appointing seven more commissioners to match the number when Labor left office in 2013.

The letter comes as Labor has promised to appoint more commissioners with union backgrounds if it wins government, to address what it claims is an "imbalance" caused by Coalition appointees who have been from employer and legal backgrounds.

Despite 14 Coalition appointments over the past five years, the commission still only has 39 tribunal members, seven fewer than the 46 when Labor was last in government.

AMMA chief executive Steve Knott argued the commission was having "resourcing challenges" as a result.

The 2018 federal budget papers recently revealed that the commission was "not on track" to achieve its 32-day target for approving enterprise agreements.

"This is a significant problem for employers and the broader economy that could be addressed through appointing new tribunal members at the commissioner level to assist with the FWC's workload," the letter said.

"AMMA believes the government would be more than justified in appointing up to seven new tribunal

members. This would bring the FWC's current resources in line with the size of the tribunal in 2013 when the ALP left office."

Mr Knott also voiced concern that younger commission members who had been appointed in recent decades would have extremely lengthy tenures, with some members' maximum terms exceeding 25 years before they reached the mandatory retirement age.

"There is a real risk of members being disconnected with the modern business world," he said.

The Productivity Commission flagged similar concerns in its 2015 workplace review, where it proposed commission members hold office for a maximum 10 years to ensure greater accountability and provide options for other talented appointees.

"Such an approach would provide regular refreshing of the FWC with experience in new modes and methods of work," Mr Knott said.

AMMA also backed the Productivity Commission's recommendation to increase Fair Work commissioners' mandatory retirement age from the "remarkably low" 65 years to 70 years, in line with the judiciary.

This would avoid the situation where "a talented industrial relations practitioner may be appointed to the FWC

aged in their late 50s or early 60s, perhaps after decades of valuable private sector real-life business experience, only to be forced to retire a short number of years later".

The balance of the commission has been controversial, with the Coalition and Labor accusing each other of stacking the commission while in government.

Despite the Coalition being in gov-

ernment for 16 of the last 22 years, 21 of the 39 current tribunal members are Labor appointees.

However, Opposition spokesman for employment Brendan O'Connor said "it would be outrageous for the Turnbull government to continue this blatant stacking in any way".

"Under the Turnbull government there have been 14 consecutive appointments to the commission of people from employer backgrounds," he said.

"There are currently twice as many commissioners who come from an employer background than a worker background."

Mr Laundy was not available to comment.

There is a real risk of members being disconnected with the business world.

Steve Knott, AMMA chief executive



Bench time

Terms for current Fair Work Commissioners

Melanie Binet	Deputy President	18 years
Tim Lee	Commissioner	18 years
Alan Colman	Deputy President	18 years
Abbey Beaumont	Deputy President	19 years
Richard Clancy	Deputy President	20 years
Paula Spencer	Commissioner	20 years
Lyndall Dean	Deputy President	21 years
Leigh Johns	Commissioner	21 years
Chris Simpson	Commissioner	24 years
Sarah McKinnon	Commissioner	25 years
Amber Millhouse	Deputy President	29 years



Commissioner
Leigh Johns



Deputy President
Melanie Binet



Commissioner
Paula Spencer

SOURCE: FEDERAL GOVT