



18 April 2017

Committee Secretary  
Senate Education and Employment Legislation Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Committee Secretary

**Request to correct testimony in Senate Estimates on 30 March 2017**

Justice Ross, President of the Fair Work Commission, has asked me to write to you to clarify or correct information he provided in the Senate Estimates hearing on 30 March 2017.

As recorded in Proof Committee Hansard at page 6, responding to the question from Senator Abetz “Did you clear it with Commissioner Roe?”, Justice Ross stated that he had spoken to Commissioner Roe “after the conversation with the Special Minister for State and he had no objection to me participating.”

Justice Ross wishes to clarify that (as related in paragraphs [15]-[16] of the written statement about the CFA/UFU bargaining dispute that he tabled in the hearing) he spoke to Commissioner Roe after the telephone call from the Secretary of the Department of Premier and Cabinet which occurred two days after the conversation with the Special Minister for State.

As recorded in Proof Committee Hansard at page 8, responding to a question from Senator Abetz regarding resignations from the Commission, Justice Ross tabled a written statement about early departures by Presidential Members. Referring to paragraph [2] of this statement, Justice Ross related that “Presidential Members appointed under the former Workplace Relations Act, all of the members you have referred to, were appointed under the former act.” In Proof Committee Hansard at page 15 in response to a statement from Senator Cameron, Justice Ross also referred to “Presidential Members who were appointed under the former Workplace Relations Act.”

Justice Ross wishes to clarify that (as indicated in paragraph [2] of his written statement) the Members concerned are those who were appointed under the former *Workplace Relations Act 1996* or the *Industrial Relations Act 1988*. The *Industrial Relations Act 1988* was retitled the *Workplace Relations Act 1996* in November 1996 and a number of the Members or former Members named by Senator Abetz were appointed under the Act with its earlier title.

As recorded in Proof Committee Hansard at page 17, responding to the question from Senator Cameron “Is that a public hearing for all parties?”, Justice Ross related issues that he had identified, which included “does 623 require another member to be appointed to that

bench". This reference to section "623" should have been a reference to section "622(3)" (of the *Fair Work Act 2009*).

Yours sincerely

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Fair Work Commission