

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2005-2006 BUDGET SENATE ESTIMATES HEARING
30 ,31 MAY and 3 JUNE 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

AUSTRALIAN INDUSTRIAL REGISTRY

Question Number: W379-06

Question:

Senator Marshall asked in writing:

Noting your answer to the Questions on notice in the February estimates, can you provide more details about the current Commissioners please.

Specifically – in addition to their backgrounds (i.e. whether they were employer, union or government appointments):

- (a) how were they appointed (i.e. were they nominated by any particular body);
- (b) What qualifications are held by each Commissioner;
- (c) When are their terms due to expire?
- (d) What is the rationale for the selection of Commissioners?

Answer:

(a) Section 9(1) of the *Workplace Relations Act 1996* (WRA 1996) provides that:

“The President, Vice Presidents, Senior Deputy Presidents, Deputy Presidents and Commissioners shall be appointed by the Governor-General by commission and hold office as provided by this Act”.

This process is not managed by the Australian Industrial Registry (AIR) or the Australian Industrial Relations Commission (AIRC), but rather is under the control of the Minister for Employment and Workplace Relations.

(b) Following the appointment of a Member to the AIRC the Minister’s office publishes a media announcement which includes the background and qualifications of each Member. These can be found on the DEWR website.

Furthermore, s10 of the WRA 1996 outlines the qualifications required to be appointed as a Member to the AIRC.

(c) Section 16 of the WRA 1996 provides for the tenure of Commission Members, specifically that:

“(1) A member of the Commission holds office until the member resigns, is removed from office or attains the age of 65 years.

(1A) The first President of the Commission appointed after the commencement of this subsection may be appointed for a fixed term and, in that case, the person holds office as President until:

(a) the term ends; or

(b) the person dies, resigns or is removed from office;

whichever first happens.

(2) The appointment of a person who is a member of a prescribed State industrial authority as a member of the Commission may be for a fixed term and, in that case, the person holds office as a member of the Commission until:

(a) the term ends;

(b) the person ceases to be a member of the prescribed State industrial authority; or

(c) the person resigns or is removed from office;

whichever first happens.”

(d) Members of the Australian Industrial Relations Commission are appointed by the Governor General upon the recommendation of the Federal Government of the day, and having regard to the qualifications for appointment set out in s10 of the WRA 1996.