



AUSTRALIAN BAR ASSOCIATION

MEDIA RELEASE

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Only Parliament can remove members of the Fair Work Commission

In the past few weeks there has been ongoing controversy in some sections of the media concerning Vice President Lawler of the Fair Work Commission. At this time it is not appropriate for the Australian Bar Association to comment on that controversy, however the ABA notes that there have been misconceived calls for the President of the Fair Work Commission to deal with the controversy.

The President of the ABA, Fiona McLeod SC, said today that “Such commentary is unfair and misguided. The simple fact is that many of the provisions of the Fair Work Act, including the Code of Conduct, that permit the President to exercise oversight over members of the Fair Work Commission, do not apply to members such as Vice President Lawler who were appointed prior to the establishment of the Fair Work Commission under the previous Federal Industrial Relations regime.”

“The President of the Fair Work Commission does not have the power to remove a member of the Commission - that is properly only a power of the Parliament” said Ms McLeod.

“The limited statutory powers of the President need to be kept in mind in the current controversy. It is a matter for the Parliament as to whether it wishes to consider legislative amendments to the Fair Work Act to deal with the current vacuum in the legislation. Of course any such amendments need to be proportionate and not impact on the independence of members of the Fair Work Commission.”

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