

Shorten must rule out appointing more Labor mates to tarnished tribunal

AUSTRALIA'S national resource industry employer association, AMMA, has today called on Workplace Relations Minister Bill Shorten to rule out making any further appointments to the Fair Work Commission this side of the September 14 federal election.

"Creating an unwarranted, unsupported and essentially speculative new jurisdiction on bullying, immersing this important issue into an IR regime and extending the powers for the commission into arbitration of industrial disputes, as recently reported, should not be used as an excuse to appoint hand-selected officials who will be in office, potentially for decades, during the dying days of this parliament," AMMA chief executive Steve Knott said.

"Enough damage has been done to the perceived independence and balance of the tribunal in recent times, and it is Australia's next government – Labor or Liberal – that should have responsibility for future appointments of this important national institution."

AMMA maintains that if the commission is to be the independent umpire that the government claims it to be, no responsible government should seek to future-proof or perpetuate its legacy beyond its time in office by making eleventh hour appointments to such an important body.

The current government has made 26 appointments to the tribunal during its life, 18 of which have had union or Labor-leaning backgrounds.

This is despite the fact that before they came to office, both the current and former Labor prime ministers promised a more open and transparent approach to tribunal appointments, including:

"I will not be Prime Minister of this country and appoint some endless tribe of trade union officials or ex-trade union officials to staff the key positions in this body. I will not stand by and have this body become the agency of ex-trade union officials. People will be appointed on their merit..." (*Opposition Leader Kevin Rudd, The 7.30 Report, 30 April 2007*)

"Our new industrial umpire will be independent of unions, business and government. It will definitely not be a return to the old industrial relations club. Appointments will not favour one side over the other. Labor will remove all perceptions of bias." (*Deputy Opposition Leader Julia Gillard, National Press Club address, May 2007*)

If Minister Shorten does intend to make further appointments this side of the election, the spectre of further trade unionists and ALP-aligned labour lawyers is indeed frightening.

"If anything, the Fair Work Commission need a substantial restructure with any new appointees having a background in running businesses," Mr Knott said.

"With the Labor government's stacking of the tribunal with new appointments and the effective demotion of two Howard government-appointed vice presidents, the independence of the tribunal has been seriously undermined.

"The so-called independent tribunal is already in danger of being seen as little more than an Australian Labor Party plaything.

"Reported plans for the tribunal to be further able to intrude uninvited on the employment relationship, risk further damaging an already tarnished institution.

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“Under no circumstances should the proposed new anti-bullying jurisdiction, for which the government has already announced extra funding, or the reported new arbitral power be used as a mechanism for more Labor mates to be appointed to the tribunal,” Mr Knott said.

“This has to stop. AMMA is calling on the Minister to unequivocally rule out making any further Fair Work Commission appointments between now and the election.

“If the government does use its new IR proposals to further stack the commission, it will become an even greater challenge to restore some semblance of balance and integrity to a body now seen as a retirement home for ex-union bosses.”

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