

MEDIA RELEASE

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Fair Work Commission acknowledges workplace laws too complex

COMMENTS from a senior member of the Fair Work Commission that Australia's workplace laws are complex and too often require specialist legal advice show the system must be simplified to reduce delays and costs for employers and employees.

While hearing an [unfair dismissal case](#) this month, FWC Deputy President Peter Sams recognised the increasing involvement of legal practitioners is often necessary for workplace hearings.

"DP Sams is right that the presence of lawyers is increasingly required in our very legalistic workplace system. However, this benefits no one but the legal fraternity," says Steve Knott, chief executive of Australia's resource industry employer group, AMMA.

"The question should not be 'does our system rely on the use of lawyers', but rather 'should it rely on the use of lawyers?'

"From the early 1990's Australia was supposed to be deregulating and decentralising its workplace relations laws to improve usability of the system and better support employment.

"In 2007, Julia Gillard, said a fairer system meant 'in most cases lawyers will not be necessary' and acknowledged that small business owners often do not have the time or expertise to comply with legal uncertainties.

"However, changes under both parties have seen an increasing risk of litigation and complexity to the point where lawyers are more involved than ever before.

"In 1996, AMMA had only one in-house lawyer to complement our team of resource industry IR practitioners. Today, we have over a dozen employment lawyers and a specialist legal division."

Mr Knott notes that in 1904, Australia's workplace relations act was 21 pages long and today, the Fair Work Act contains 2,250 pages.

"For every page of legislation in 1904 there are now more than 100 pages," he says.

"The increased scope for individual litigation has imposed huge costs on employers forced to defend matters that in many instances should have never made it to the Commission.

"We have seen an employer forced into lengthy proceedings to sack an employee who was captured on CCTV kicking a colleague in the head. Another employer was found to have been unduly harsh to sack a ferry master who crashed his vessel and then failed a drug test.

"No employer or employee should have to hire four law firms and wait three years to get a definitive answer on their workplace rights.

"When the Productivity Commission starts its review of Australia's workplace laws, AMMA will strongly advocate for a lower cost, simplified and more accessible system that better supports productive Australian enterprise as well as protects people in work."

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