

MEDIA RELEASE

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Dysfunction continues – another Fair Work tribunal member tenders early resignation

Statement by Steve Knott AM, AMMA Chief Executive

TODAY another presidential-level member of the Fair Work Commission, Senior Deputy President Jennifer Acton, has tendered her resignation before reaching statutory retirement age.

SDP Acton has contributed significantly to Australia's workplace tribunal, in its various forms, across 25 years of service. She has presided over important appeals, participated in precedent-setting Full Bench test cases and headed industry panels across multiple sectors.

AMMA wishes her all the best in her post-tribunal career.

Tribunal turnover cause for concern:

The continued early resignations of presidential-level members is a concern for the Australian Government and for all users of Australia's workplace relations system.

AMMA recently [highlighted](#) that we were aware of several FWC members who were considering resigning from the tribunal well before reaching statutory retirement.

SDP Acton's early resignation follows those of Senior Deputy President Matthew O'Callaghan (February 2017), Vice President Graeme Watson (January 2017), and Senior Deputy President Peter Richards (September 2016).

VP Watson has recently been on the public record [criticising](#) the direction and leadership of the tribunal, which he describes as 'partisan, dysfunctional and divided'.

None of this is good for Australian employers and employees, who need to have confidence in the stability, independence and consistency of the workplace tribunal – all of which has been lacking in recent years.

While damaging and unfortunate, these developments should come as little surprise after the former Labor government, between 2007 and 2013, undertook an unprecedented political restructure and stacking of the tribunal. This period saw 18 appointments coming from a Labor or union background, in addition to two new vice presidents hand-picked by Bill Shorten and FWC President Iain Ross, and only two appointees having business backgrounds.

Such partisan meddling in Australia's workplace tribunal, which has been an independent and respected institution since federation, was always going to result in this type of dysfunction. The current Australian Government can and must put an end to this.

Yesterday's [appointment](#) of three new commission members with legal qualifications and business experience is very good start. However, more substantive reform is needed to fix fundamental issues with the FWC's structure and direction.

This includes addressing the dysfunction that continues to see well respected and longstanding senior members leave the tribunal before their statutory retirement dates.

MEDIA CONTACT: Tom Reid via Tom.Reid@amma.org.au or 0419 153 407

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