



# Fair Work 'in grip of ALP influence'

## EXCLUSIVE

EWIN HANNAN

Resources and energy employer representatives have raised concerns directly with Scott Morrison about the operation of the Fair Work Commission.

The Australian Mines and Metals Association released figures on Wednesday that it said showed Coalition appointees to the commission had been "overwhelmingly frozen out of significant Full Bench determinations over the past three years".

Using data compiled through publicly available decisions, AMMA chief executive Steve Knott said, "stunningly", 94 per cent of Full Bench matters from 2017 to 2019 were presided over by Labor-appointed members.

"Of the 713 Full Bench matters handed down over 2017-19, 620, or 87 per cent, were presided over by either president Iain Ross, vice-president Adam Hatcher, vice-president Joe Catanzariti or deputy president Val Gostencnik — all appointed by the former Rudd/Gillard ALP government," Mr Knott said.

He said the "gang of four" had been at the tribunal for at least eight years. "It is arguable the 20 appointments made by the Coalition since 2013, which include senior business executives, industrial barristers and employment lawyers, have far greater contemporary legal and people

management experience than the 'gang of four' who are controlling virtually all Full Bench matters, and in essence have captured the direction of the tribunal," Mr Knott said.

He said having a narrow cohort of ALP-appointed tribunal members presiding over 87 per cent of Full Bench matters had "added significantly to the unhealthy, old-school tribunal culture" at the commission.

He said he had raised his concerns with the Prime Minister at a meeting this week.

"We want to see the FWC

break this tribal culture and embrace the greater diversity of skills and experience that has come its way in recent years," he said.

"This would lead to a much more vibrant tribunal that is better placed to serve its customers, being employers and employees operating in the 21st-century contemporary business environment. This is something AMMA discussed directly with the Prime Minister earlier this week.

"The conversation left me with no doubt that Scott Morrison has infinitely more interest in industrial relations reform that benefits both employers and employees than our 29th prime minister (Malcolm Turnbull)."

The Australian sought a response from the Prime Minister's office, which referred the request to Industrial Relations Minister Christian Porter.

Mr Porter reiterated recent

comments that the commission was an independent tribunal and Mr Ross was responsible for ensuring it performed its functions and exercised its powers in a manner that served the needs of employers and employees.

"The government has no power to direct the president or the FWC in the performance of its functions," he said.

**'Appointments made by the Coalition have far greater ... experience than the "gang of four"'**

STEVE KNOTT  
AMMA CHIEF EXECUTIVE