

INDUSTRIAL RELATIONS AMENDMENT BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr W.J. Johnston (Minister for Commerce and Industrial Relations)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [12.24 pm]:
I move —

That the bill be now read a second time.

The Industrial Relations Amendment Bill 2018 will primarily amend the Industrial Relations Act 1979. The objective of the bill is to abolish the position of the president of the Western Australian Industrial Relations Commission. The president's position has been filled on an acting basis since 2005, when the Industrial Relations Act was amended to allow for the appointment of an acting president. The bill will abolish the position effective 26 December 2018, concurrent with the expiry of the current appointment of the acting president, who commenced her appointment as a judge of the Supreme Court on 27 June 2018 after acting as a Supreme Court judge since August last year.

The primary function of the president is to preside over the full bench of the commission. The full bench hears appeals from decisions of single commissioners of the commission and the Industrial Magistrates Court. The full bench also deals with questions of law. To enable the full bench to continue to deal with these matters, the bill provides for the most senior commissioner of the full bench—either the chief commissioner or senior commissioner—to perform the president's role as “presiding commissioner” of the full bench. The bill will allow many of the president's existing functions to be undertaken by the chief commissioner. The functions of the full bench will remain with the full bench, in the case of appellate functions, or transfer to the commission in court session in other cases.

The full bench and president currently play a role in regulating the registration, operation and membership of employer organisations and unions. The bill provides for this important role to continue once the president's position is abolished. Those functions currently performed by the president will be performed by the chief commissioner, while those performed by the full bench, including questions of the interpretation of rules of organisations, will be taken up by the commission in court session.

Successive independent reviews of the state industrial relations system have recommended that the president's position be abolished, and successive Labor and coalition governments have initiated attempts to abolish the position. Since the commonwealth used the corporations power for its WorkChoices industrial relations laws in 2006, the workload of the commission has reduced significantly. In the financial year before WorkChoices—2004–05—the full bench dealt with 51 appeals and 11 other matters. In the 2016–17 financial year, the full bench dealt with 15 appeals and three other matters. The full-time president's position, with the entitlements of a Supreme Court judge, cannot continue to be sustained in light of the reduced workload.

Over a decade ago, the former Labor government introduced the Industrial Relations Amendment Bill 2008 to abolish the president's position. That bill lapsed when Parliament was prorogued for the 2008 state election and was not re-introduced by the Barnett government. However, the Barnett government recognised the merit of abolishing the president's position when it tabled the Labour Relations Legislation Amendment and Repeal Bill 2012 as a draft bill for public comment on 14 November 2012. The draft bill included amendments to abolish the president's position but the bill was never introduced into Parliament. Abolishing the president's position has previously received bipartisan support. In abolishing the president's position, the Industrial Relations Amendment Bill 2018 restructures the commission to allow for a more efficient use of resources.

Aside from abolishing the president's position, the bill makes some other minor amendments to the Industrial Relations Act, such as correcting a number of referencing errors and updating outdated references—for example, changing references from “Fair Work Australia” to “the Fair Work Commission”, which changed its name in 2012.

Some minor issues with the operation of the Industrial Relations Act have also been identified by the commission. For example, the Industrial Relations Act does not presently allow for the chief commissioner to be appointed as a public service arbitrator. Given the extent of the public sector jurisdiction relative to the commission's work overall, simple amendments in the bill have been included to enable the chief commissioner to be appointed as a public service arbitrator.

I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.