



Fair Work  
Commission

Annual Report

# Access to Justice

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2021-22

# Preliminary information

## Fair Work Commission

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### Australia's national workplace relations tribunal

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ISSN 2204-3799 (printed copy)

ISSN 2202-3802 (online copy)



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## **Publication**

This publication is designed by Hide and Seek Group Pty Ltd and edited by Neil Conning.

This publication is available in an accessible PDF format at <https://www.fwc.gov.au/about-us/reporting-and-publications/annual-reports> and the HTML version at [www.transparency.gov.au](http://www.transparency.gov.au).

# Letter of transmittal

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21 September 2022

Hon Tony Burke MP  
Minister for Employment and Workplace Relations  
Parliament House  
Canberra ACT 2600

Dear Minister

We are pleased to present to you the annual report of the Fair Work Commission for the financial year ending 30 June 2022.

This report is provided pursuant to s.652 of the *Fair Work Act 2009* and in accordance with s.46 of the *Public Governance, Performance and Accountability Act 2013* and the *Public Governance, Performance and Accountability Rule 2014*.

Yours sincerely



A handwritten signature in black ink, appearing to read 'Iain Ross'.

**Justice Iain Ross AO**

President



A handwritten signature in blue ink, appearing to read 'Murray Furlong'.

**Murray Furlong**

General Manager

# Readers' guide

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**This annual report informs the Australian Parliament and public about the Fair Work Commission's performance and compliance with its obligations in the financial year ending 30 June 2022.**

## **Part 1 – Overview**

The overview includes reports from the President and General Manager and provides information about the Commission, including our organisational structure, Members, staff and stakeholders.

## **Part 2 – Performance**

Part 2 provides information about our work and performance during 2021–22.

## **Part 3 – Annual performance statements**

Part 3 provides an outline of our performance framework and details how we performed against intended results and performance criteria set out in our portfolio budget statements and corporate plan.

## **Part 4 – Management and accountability**

Part 4 includes reports on our internal operations, including corporate governance, external scrutiny, human resources management and financial management. It also reports against certain legislated annual reporting requirements.

## **Appendices and references**

Detailed information to complement the main report is set out in 7 appendices. Appendices A and B provide details of Commission Members and Member activities; Appendix C provides information about the delivery of the Commission's services, including applications lodged with the Commission in 2021–22; Appendix D comprises the 2021–22 financial statements; Appendix E reports on entity resources; Appendix F sets out other mandatory information; and Appendix G outlines how this annual report meets the requirements set out in the PGPA Rule.

A glossary, list of acronyms and abbreviations, index and contact details are included at the back of the report.

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# Acknowledgement of country

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The Fair Work Commission acknowledges the Traditional Custodians of country throughout Australia and their continuing connections to land, sea and community. We pay our respects to their elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander peoples today.



# Overview

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# President's introduction

## I am pleased to introduce the Fair Work Commission's annual report for 2021-22.

The Commission has had another busy and productive year. In addition to dealing with more than 34,000 new applications lodged in 2021-22, we implemented an extension to the existing stop bullying jurisdiction to include applications for orders to stop sexual harassment. We also launched a new website and began reviewing how we provide our services to the Australian community.

### 4 yearly review of modern awards

The Fair Work Act previously included a requirement that the Commission conduct a review of all modern awards every 4 years. The first review commenced in 2014, and I can report that it is now largely completed in respect of all 121 awards of general application (save for a small number of residual matters).

The review has led to major change in some award provisions and introduced some common terms across modern awards such as clauses to assist employers and employees manage annual leave entitlements. We also simplified the language, format, structure, and usability of modern awards as part of the review.

The 4 yearly review has been a large and complex undertaking. I thank all the Members and staff who have worked tirelessly on the review, as well as the many stakeholders who have contributed to this process.

### Casual terms award review 2021

Following the introduction of a definition of a casual employee and casual conversion

arrangements into the Fair Work Act, the Commission was required to review relevant terms in modern awards on the basis of their interaction with these new provisions. This review, completed in September 2021, was conducted in 2 stages. Stage 1 considered the nature and scope of the review and reviewed relevant terms in an initial group of 6 modern awards. Stage 2 then reviewed the remaining modern awards. The review resulted in the variation of 151 awards.

### Orders to stop sexual harassment at work

In September 2021, the Fair Work Act was amended to give effect to recommendations made in the Australian Human Rights Commission's 'Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces' report. This included extending the Commission's stop bullying jurisdiction to include applications for orders to stop sexual harassment at work. We began accepting applications on 11 November 2021.

We worked quickly to implement the new jurisdiction; adapting our processes to deal with applications, amending the *Fair Work Commission Rules 2013* and creating new information materials about the jurisdiction, including a new Benchbook.

We also provided training about the jurisdiction to Members, relevant staff and Workplace Advice Service (WAS) partner organisations, including trauma awareness training and training on the nature, drivers and impacts of sexual harassment.

### Digital transformation

The COVID-19 pandemic led to unprecedented change in the way we conduct proceedings. While current COVID-19 settings permit in-person

hearings, we continue to hold most of our hearings and conferences online, improving access to justice and reducing the regulatory burden of participating in proceedings, particularly for parties in regional areas.

We published a discussion paper, in February 2022, on the future of online proceedings at the Commission, to gain a better understanding from our users of their experience of online hearings and conferences at the Commission. Feedback on the discussion paper informed the development of an Interim Online Proceedings Framework which was published on 15 August 2022. The framework sets out how we will conduct online proceedings in the future as a core element of our standard service. The Framework will be reviewed after 6 months of operation.

We successfully upgraded our case management system in August 2021 providing improved functionality for Commission staff and those who access our services. In the future we will look to use this functionality to develop online forms for some of the Commission's largest matter types as well as building a payment gateway to support lodging applications online.

After months of user research, testing and development, we launched our new website on 13 February 2022. The new website provides accessible, plain language information about our services, including tailored information for small businesses and self-represented applicants.

Also in February, we launched our new Online Learning Portal, which will host an expanding library of learning modules on workplace relations topics and Commission processes. Our first 2 modules are about interest-based bargaining. These modules have been designed to assist employers, employees and their representatives

to learn about how a collaborative approach to bargaining can drive positive change in their organisations. We are continuing to expand our library of modules and are currently developing modules on conciliation and sexual harassment at work.

In the last year we further strengthened our data and analytics capabilities. Like other justice institutions, we have a wealth of data. With effective analytics this data can be used in multiple ways to identify how we can improve our services. We have developed dashboards that support transparency and drive performance, and a document search function that lets our users search over 300,000 decisions and documents.

## Performance

I am pleased to report that we have once again met all our Portfolio Budget Statement key performance indicators, and we have continued to improve timeliness across case types.

In 2021-22, enterprise agreements without undertakings were approved in a median of 12 days, down from 14 days in 2020-21. Enterprise agreements without undertakings have now been approved within a median time of around 2 weeks for the last 2 years. This timeliness provides certainty for businesses and their employees.

For all case types, 50% of cases were finalised within 5 weeks of lodgment and 90% within 13 weeks of lodgment. We have also improved our performance against our 8 and 12 week benchmarks for issuing reserved decisions.

## 10 years of transformation project

Australia has had a national workplace tribunal for well over a century. We have endured as an organisation by being responsive; adapting to

legislative and social change to provide services that meet the needs of our community.

Continued innovation is indispensable to any institution's success, and it sits at the heart of what we do as an organisation. In the last 10 years, we have implemented hundreds of initiatives to improve access to justice, efficiency, and transparency.

It's important for us to reflect on what we have achieved, so that we can continue to plan for further improvement.

To that end, we are working on a 10 years of transformation project about the Commission's evolution over the last decade. I look forward to the project release in 2022-23.

### Departing Members

In the past year, Commissioner Booth, Deputy President Hamilton, and Deputy President Bull retired from the Commission, and Deputy President Mansini resigned from the Commission and was appointed as a Judge to the Federal Circuit Court and Family Court of Australia. I take this opportunity to acknowledge Susan Booth, Reginald Hamilton, Geoffrey Bull, and Amanda Mansini for their contribution to the Commission and to the Australian community.

### Vale the Hon Justice Geoffrey Giudice AO

I also take this opportunity to remember the Hon. Justice Geoffrey Giudice AO, who passed away in November 2021.

Geoff was appointed as the President of the Australian Industrial Relations Commission, and a judge of the Federal Court in 1997. He resigned as President of Fair Work Australia in 2012. Geoff leaves a rich and enduring legacy. His impact

continues to be felt across the Commission and the Australian workplace relations community more generally. I extend my condolences to his family, both personally and on behalf of the Commission.

### Thank you

I look forward to the next year, as we continue to innovate and improve our services.

I would like to thank WAS partner organisations. The WAS is one of the largest pro bono services in the country and operates in every state and territory. We currently have a network of over 90 partner organisations including law firms, community legal centres, legal aid bodies and practitioners who provide access to free legal advice for eligible self-represented employees and small businesses. This year, our WAS partners held over 4,000 sessions.

Finally, I would like to thank the Commission's General Manager, Murray Furlong and our dedicated and hardworking Members and staff. The past year has again been challenging and you continue to serve the Commission and in turn, the Australian community, with ongoing professionalism and dedication.



A handwritten signature in black ink that reads "Iain Ross".

**Justice Iain Ross AO**  
President

# General Manager's overview

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## **The tireless efforts of our Members and staff have enabled us to continue to deliver high-quality services to the Australian community over the past 12 months.**

We finished the reporting cycle in a very strong position, achieving each of our Portfolio Budget Statement KPIs and with significantly improved organisational capability.

### **Operational performance**

Our performance in 2021-22 demonstrates that we deal with applications efficiently and effectively.

Of the 34,122 applications received in 2021-22, we finalised 50% within 5 weeks of lodgment and 90% within 13 weeks of lodgment. Of the decisions handed down, less than 0.5% were successfully appealed. We also received encouraging feedback from the people who accessed our services, with 85% of feedback received from our various feedback channels indicating a positive experience.

The performance of our enterprise agreement operations continues to improve, with all enterprise agreements approved within a median of 15 days, and 12 days for agreements not requiring undertakings. This year's performance follows 4 years of sustained improvement and we have now reached a point where we are approving complete and compliant agreements as quickly as possible, while still discharging our statutory responsibilities.

The Commission dealt with several significant major cases, including the Annual Wage Review, Family and Domestic Violence Leave review and

variations to the Horticulture Award 2020. A Full Bench also finalised the Equal Remuneration and Work Value case for early childhood teachers, granting a new classification structure including pay increases and introducing allowances for educational leaders. A joint work value case for the Aged care industry was also progressed.

### **Fairness and access to justice**

We successfully launched our new website during the year following extensive user experience research. To make the website accessible to all users, including those who are likely accessing our services in difficult circumstances, we prioritised using plain language and reducing legalese and jargon.

We also implemented our first Online Learning Portal, which currently includes two modules on interest-based bargaining. These are aimed at supporting employers, employees and their representatives to learn about how a collaborative approach to bargaining can facilitate positive outcomes. We are currently developing two additional modules, one to assist parties to prepare for unfair dismissal conciliations and another to improve general awareness and understanding of sexual harassment in the workplace.

### **Innovation and performance**

We understand that innovation is essential to meet the evolving needs of our users. Innovation is continuously taking place across the organisation, including the following initiatives that form a part of our broader digital transformation program.

### *Smart forms*

We developed and introduced smart forms for enterprise agreement applications with the primary goal of simplifying the process for lodging complete and compliant applications. We are well-advanced in our program to deliver smart forms for other case types over the next 12 months.

### *Leveraging advanced data and analytics*

Over recent years we have invested heavily in developing data platforms and applications that have significantly enhanced our case management practices. During the reporting cycle, we investigated using machine learning and artificial intelligence to perform initial triage of enterprise agreement applications.

### *Modern Awards Pay Database*

Our modern awards pay database contains the dollar values for minimum rates of pay, allowances, overtime and penalty rates in modern awards. This data, which includes minimum rates back to 2015, is available to download from our website. We are in the final stages of developing an Application Programming Interface that will connect the database with workforce management and payroll software.

### **Organisational capability**

We have achieved significant growth in our workforce capabilities. This includes a focus on improving our capabilities in digital transformation, advanced analytics and data science, behavioural insights, digital education, user-centred design and systems-based evaluation of our services. I believe these capabilities are core elements of contemporary public sector institutions.

We successfully upgraded many of our core digital systems during the reporting cycle, including our ICT infrastructure and our case management system.

To drive our future organisational capability, we also developed our 2022-25 Learning and Development Strategy. The strategy will ensure our people continue to grow and build their skills, not just in their role at the Commission but for their career progression more broadly.

We care greatly about our workplaces being positive, respectful and enjoyable for everyone. As part of this commitment, we collaborated with the Australian Human Rights Commission and Comcare to strengthen our workplace health and safety frameworks and information to help ensure our workplaces are free from inappropriate behaviour.

Our Australian Public Service Employee Census results were very encouraging. Consistent with many indicators, we received overwhelmingly positive responses about the strong commitment of our staff. This included high scores in the areas of engagement, leadership and inclusion.

### **Accountability and transparency**

Every three years, the General Manager of the Commission is required to produce a series of research reports. The 2021 reports were tabled in parliament in April 2022 and cover the developments in making enterprise agreements, individual flexibility arrangements and the operation of the provisions of the National Employment Standards (NES) relating to requests for flexible working arrangements and extensions of unpaid parental leave. These reports are available on our website.

The Commission operates transparently and is accountable to the public for its performance. During the reporting cycle we engaged external consultants to review how we measure our performance to ensure that we continue to deliver public value. Following the review, our revised performance reporting framework came into effect in July 2022.

During the reporting cycle we also reviewed of our internal governance structures. The reforms recalibrate the expectations of our senior leaders, including expanding the membership of our organisational oversight committees to welcome participation from a broader range of current and emerging high-potential leaders.

### Thank you

The work of the Commission would not be possible without the expertise and dedication of our greatest asset – our people. I am deeply thankful to all Members and staff for their commitment to serving the Australian community.



A handwritten signature in blue ink, appearing to read 'M Furlong'.

**Murray Furlong**

General Manager

# About the Commission

## Role

The Commission is Australia's national workplace relations tribunal. It was established by the *Fair Work Act 2009* (Fair Work Act) and is responsible for administering the provisions of the Fair Work Act.

Our primary purpose is to exercise our functions and powers in accordance with the Fair Work Act, including:

- dealing with unfair dismissal claims
- dealing with claims to stop bullying and/or sexual harassment at work
- dealing with general protections and unlawful termination claims
- setting the national minimum wage and minimum wages in modern awards
- making, reviewing and varying modern awards
- assisting the bargaining process for enterprise agreements
- approving, varying and terminating enterprise agreements
- making orders to stop or suspend industrial action
- dealing with disputes brought to the Commission under the dispute resolution procedures of modern awards and enterprise agreements
- determining applications for entry permits
- promoting cooperative and productive workplace relations and preventing disputes.

The Commission and General Manager also have responsibilities in relation to the registration, amalgamation and cancellation of registered organisations and making and alteration of their

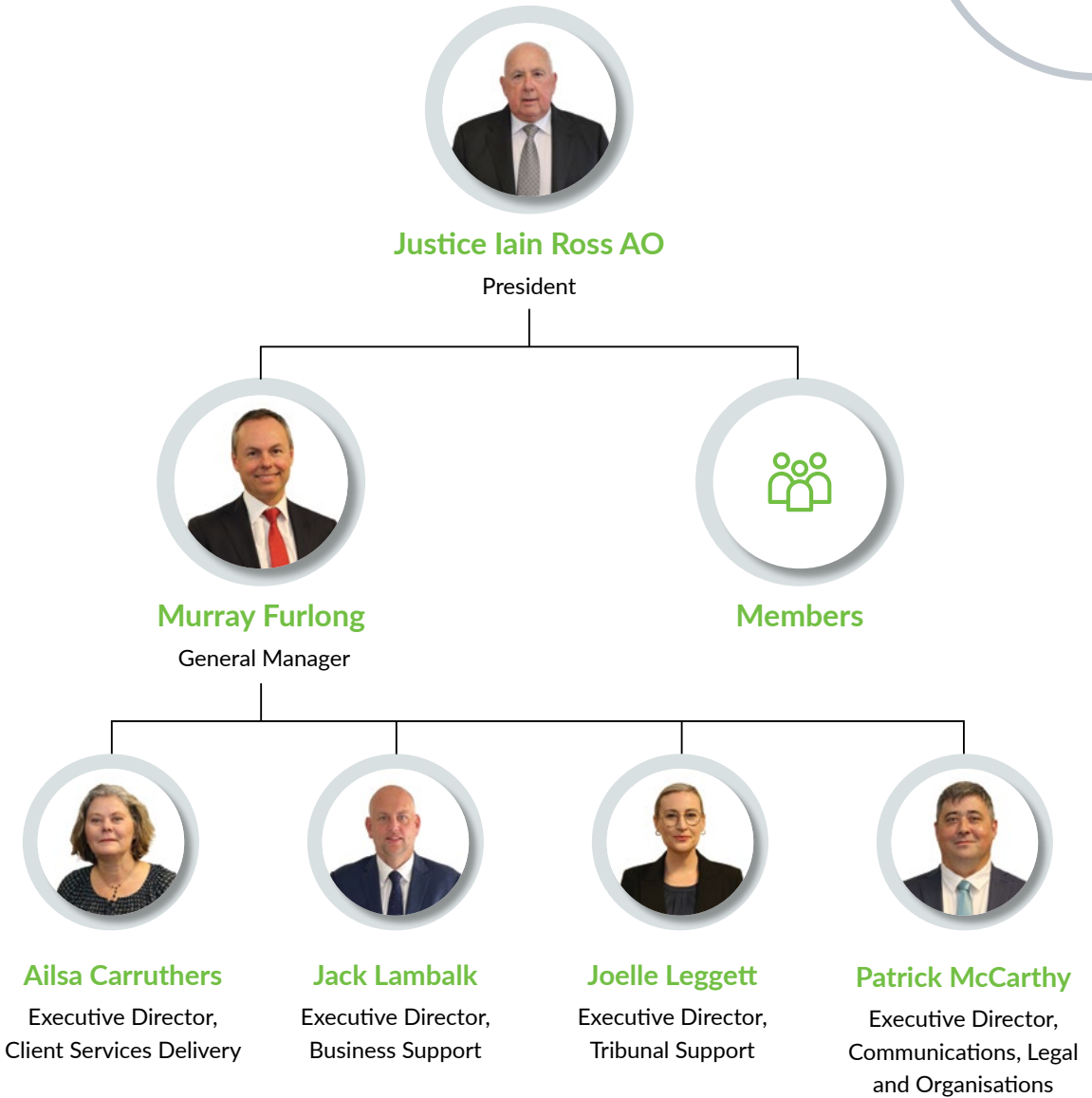
rules under the *Fair Work (Registered Organisations) Act 2009* (Registered Organisations Act).

Our purpose, as included in our corporate plan, and outcomes and programs as specified in the 2021–22 portfolio budget statements, are set out in the annual performance statements.

## Structure

The Commission consists of the Tribunal – the President, Vice Presidents, Deputy Presidents, Commissioners and expert panel members – supported by a General Manager and administrative staff. Figure 1 shows our structure.

Figure 1: Organisational structure at 30 June 2022





## Members

The President of the Commission is the Hon Justice Iain Ross AO, who is also a Judge of the Federal Court of Australia. The President is responsible for ensuring that the Commission performs its functions and exercises its powers in a manner that is efficient and adequately serves the needs of employers and employees throughout Australia.

Commission Members perform quasi-judicial functions under the Fair Work Act, including conducting public hearings and private conferences for both individual and collective matters. They also perform certain functions under the Registered Organisations Act concerning federally registered unions and employer organisations.

Members are independent statutory office holders appointed by the Governor-General on the recommendation of the Australian Government. They are appointed until the age of 65 on a full-time basis, although they may perform duties on a part-time basis with the President's approval. Members of state industrial tribunals may hold a dual appointment to the Commission. Expert panel members are appointed on a part-time basis for a specified period of not more than 5 years.

Members come from diverse backgrounds, including the law, unions and employer associations, human resources and corporate management, and the public service. Expert panel members must have knowledge or experience in one or more fields specific to their panel.

Members often share their expertise and engage with the community by participating in a range of presentations, speeches and events in Australia and internationally. For a list of Member engagement activities in 2021-22, see Appendix B.

During 2021-22, Commissioner Susan Booth, Deputy President Reginald Hamilton and Deputy President Geoffrey Bull retired. Deputy President Amanda Mansini resigned from the Commission

and was appointed as a judge of the Federal Circuit Court and Family Court of Australia.

## The regional allocation system

We use a regional allocation model for allocating and managing cases. Each region is led by a Regional Coordinator and supported by a Deputy Regional Coordinator. The Regional Coordinator is responsible for the management of work undertaken by Members in that region.

The regions are:

- Region 1 – Australian Capital Territory, New South Wales, Northern Territory, Queensland and Western Australia
- Region 2 – South Australia, Tasmania and Victoria.

National practice leaders have been appointed for major case types, to manage the performance of those cases across Australia, and to allocate cases in consultation with the relevant Regional Coordinator.

In most instances, cases are allocated to a Member in the region in which the parties are located. Where a case requires specialist knowledge, the case may be allocated to a Member from outside that region.

Further information about regional allocation is available on our [website](#).

## General Manager

The Commission's General Manager is Murray Furlong. The General Manager's statutory function is to assist the President in ensuring that the Commission performs its functions and exercises its powers under the Fair Work Act. The General Manager also exercises functions and powers concerning federally registered unions and employer organisations under the Registered Organisations Act.

As the accountable authority, the General Manager is responsible for the Commission's performance, financial management and compliance with requirements under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

### Administrative staff

The General Manager is supported by Commission staff, who are employed under the *Public Service Act 1999* (Public Service Act). Staff are organised into four branches. The head of each branch, together with the General Manager, form the Executive.

The **Client Services Delivery Branch** handles the majority of enquiries, both by telephone and email and at offices in each state and territory. Staff receive and process applications, case manage individual dispute applications prior to allocation to Members, and conduct conciliation conferences in unfair dismissal and general protections dismissal applications.

The **Tribunal Support Branch** provides research and administrative support to Commission Members. Staff support the work of Members in chambers, undertake specialist workplace relations and economic research, assist with managing large statutory reviews such as those concerning modern awards and the minimum wage, and perform analysis of enterprise agreements.

The **Communications, Legal and Organisations Branch** is responsible for reviewing, producing and publishing information and communications to the Australian public via the Commission's website, providing strategic legal advice to the Executive and staff on a range of legal matters, and administering matters within the Commission's jurisdiction under the Registered Organisations Act.

The **Business Support Branch** provides business support across the Commission, including financial

management and resources, facilities, human resources, information and communications technology, records management and governance.

### Clients and stakeholders

We have a diverse group of clients and stakeholders. We work closely with organisations, groups, private enterprises and other stakeholders to ensure that our services evolve in line with the changing needs of the Australian community that we serve.

In broad terms, the Commission has jurisdiction over a national workplace relations system that covers:

- all private sector employers and employees in all states and territories except Western Australia (where private sector coverage is limited to constitutional corporations)
- the Commonwealth public sector
- all employers and employees in the territories and in Victoria (with limited exceptions in relation to certain public sector employees)
- some public sector and local government employment in other states
- all employees on Norfolk Island, the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands.

The Commission's stop orders jurisdiction extends to a broader range of workers (including employees and contractors) if they experience bullying and/or sexual harassment while at work in a constitutionally covered business.

To support the implementation of cross-portfolio initiatives and the operation of the workplace relations framework, we regularly share data and information with the responsible minister, portfolio agencies including the Fair Work Ombudsman and other relevant government departments/the wider APS, the Fair Work Ombudsman and other relevant government agencies.

The WAS is an important contributor to our efforts to provide access to justice. Through a network of partner organisations, we facilitate this service to provide free legal assistance to eligible participants for unfair dismissal, general protections, workplace bullying and/or sexual harassment matters. Further details and a [full list of partner organisations](#) are available on our website.

Our other important stakeholder engagement activities include:

- engagement with payroll software vendors, payroll compliance advisers and peak bodies, including Digital Service Providers Australia and New Zealand (DSPANZ), in relation to the Modern Awards Pay Database
- user groups, including the Small Business Reference Group, Cooperative Workplaces User Group, Enterprise Agreements User Group and Termination of Employment User Group
- user research and testing with individuals, small businesses and other organisations to inform the design and delivery of our projects and services.



# Performance

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# Performance snapshot

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**34 Days**

Median time from lodgment to conciliation in unfair dismissal applications



**15 June 2022**

Completed annual wage review



**12 days**

Median time from lodgment to agreement approval without undertakings

# Operational performance

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**34,122**

**APPLICATIONS  
LODGED\***



**25,406**

**HEARINGS, CONFERENCES  
AND CONCILIATIONS**



**10,765**

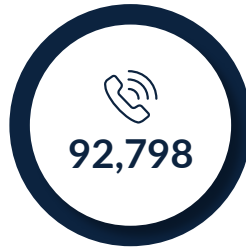
**STATUTORY  
DOCUMENTS PUBLISHED**

\* Includes Supported Wage System agreements not previously counted

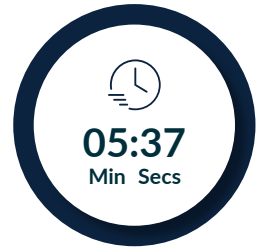
# Engagement



WEBSITE HITS

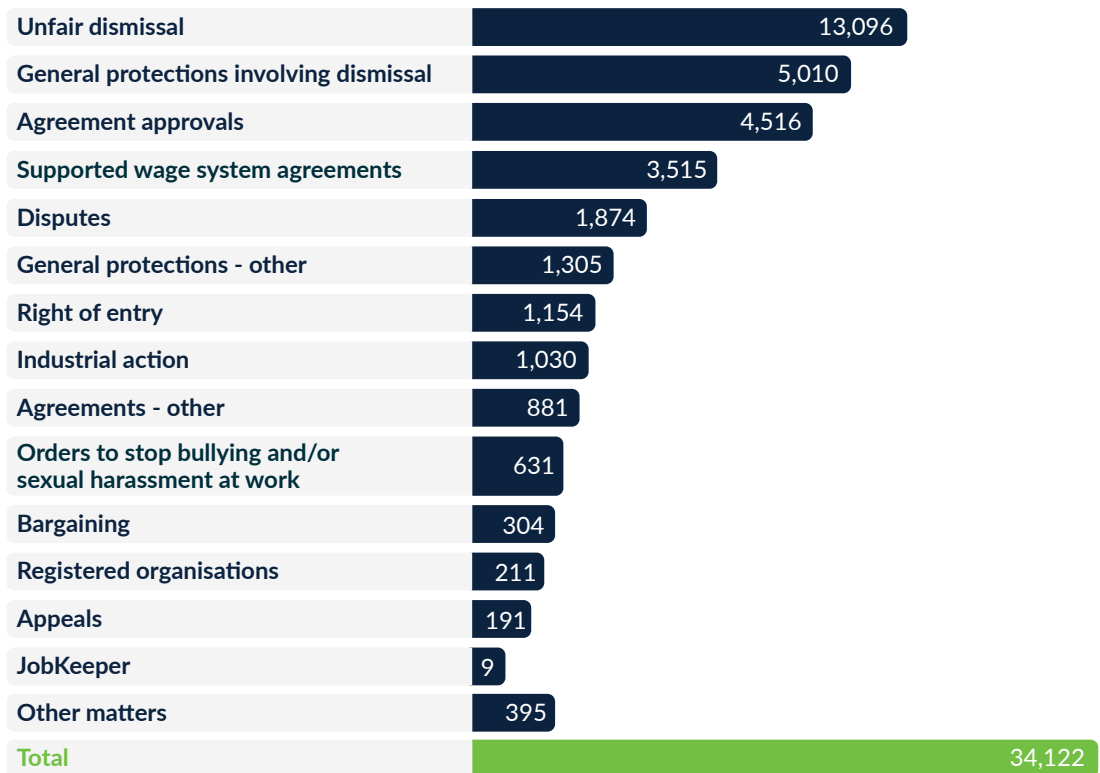


CALLS TO INFOLINE



AVERAGE CALL WAIT TIME

# Types of applications lodged



# Delivery of Commission services

**We exercise our powers and functions under the Fair Work Act, assisting a range of parties, including workers, employees and employers and their representatives, federally registered unions, and employer organisations.**

We provide assistance to our users over the telephone, in person, and through correspondence. We also publish a wide range of information, tools and resources on our website.

## Applications

Tribunal processes commence once a formal application is lodged with the Commission.

In 2021–22, a total of 34,122 applications were lodged. This total includes Supported Wage System agreements, which were not included in the application totals reported in previous annual reports. In 2021–22, 3,515 Supported Wage System applications were lodged. We are including these applications in the total this year to better reflect our overall workload. A full list of lodgments by matter type is available in Appendix C.

As reported in previous annual reports, we received 29,631 applications in 2020–21, 33,989 in 2019–20 and 31,415 in 2018–19. These totals do not include Supported Wage System applications and are not comparable to this year's total.

Our most common application types for 2021–22 were again unfair dismissal applications (38% of total applications), general protections involving dismissal applications (15% of total applications), and enterprise agreement approval applications (13% of total applications). This follows the same

distribution as we have seen over the last few years.

## Hearings, conferences and conciliations

In 2021–22, Commission Members held 12,270 hearings and conferences, which was almost the same as 2020–21 (12,287). In addition, specialist staff conciliators conducted 13,136 conciliations and conferences in 2021–22. These included conciliations for 9,885 unfair dismissal cases, 6 for applications to stop workplace bullying and sexual harassment and 3,245 general protections (dismissal) conferences conducted under delegation.

The total number of proceedings for 2021–22 was 25,406. Most proceedings in 2021–22 were held remotely, either by video (15%) or by telephone with audio only (82%), with almost all staff conciliator listings and procedural/case management proceedings by Members held by telephone. Throughout the COVID-19 pandemic, proceedings that were traditionally held in person were conducted remotely by video. In 2021–22, 634 proceedings were held in person at a Commission office or suitable regional location. This is a nearly 90% reduction in the number of in person proceedings held compared to 2018–19 (the last full reporting period prior to the COVID-19 pandemic) when 5,284 proceedings were held in person. When dealing with a matter, it may be appropriate to conduct some types or parts of proceedings online (for example, interlocutory proceedings) and others in person. The availability of parties may also require that proceedings are conducted in a 'hybrid' manner, with some parties participating in person and others online.

In August 2022 we released the Interim Framework for Online Proceedings which we will review after six months in operation. This framework sets out how online hearings will work, as we continue to provide them as a standard service option in the future. See the Online proceedings section of this report for more information.

See Appendix C for detailed information on hearings, conferences and conciliations.

### **Statutory documents published**

In 2021–22, the Commission published a total of 10,765 statutory documents.

We previously reported this data as decisions and orders issued by the Commission. We have renamed this figure to better reflect the different types of documents included in the expanded dataset. This data more accurately demonstrates the breadth of work of the Commission. Appendix C outlines data on the number of statutory documents, including decisions and orders, published over the past 4 years.

### **Timeliness benchmarks**

Our portfolio budget statements set out timeliness performance standards for staff conciliation conferences in unfair dismissal applications, enterprise agreement approvals, and the annual wage review.

We have also set performance benchmarks for handing down reserved decisions by a single Member, enterprise agreement applications appeals hearings, and handing down reserved decisions in appeal matters.

Our performance benchmarks set standards that are aspirational and quantifiable. They promote transparency and accountability.

Figures 2 to 4 compare the Tribunal's performance against benchmarks. In 2021–22, we improved our timeliness benchmarks across all timeliness measures.

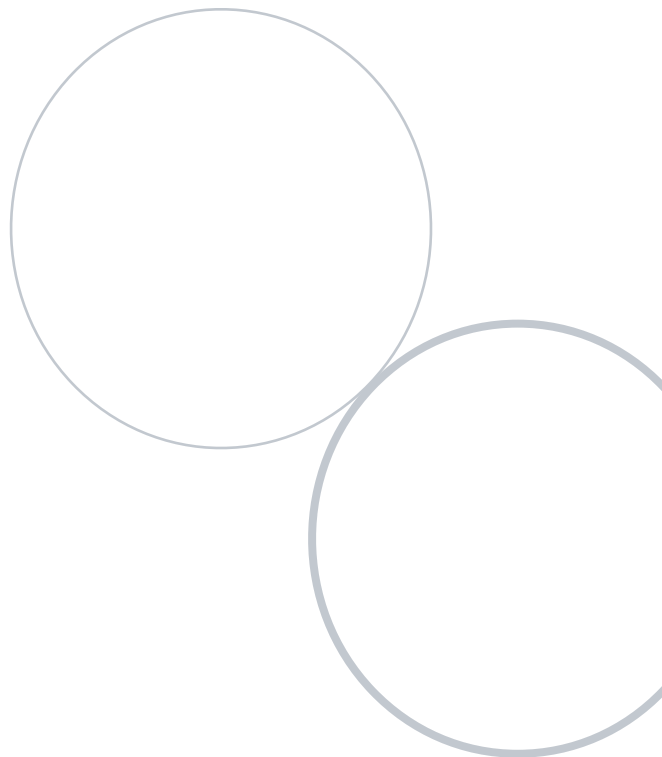




Figure 2: Timeliness benchmarks - reserved decisions

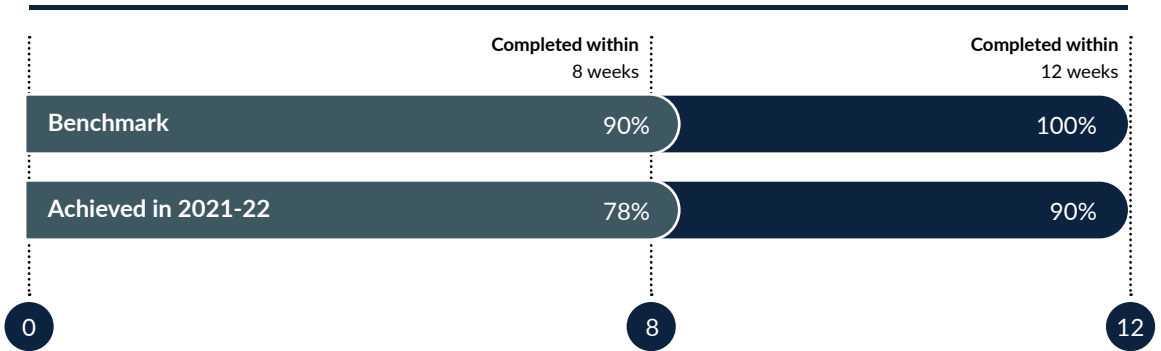


Figure 3: Timeliness benchmarks - appeals

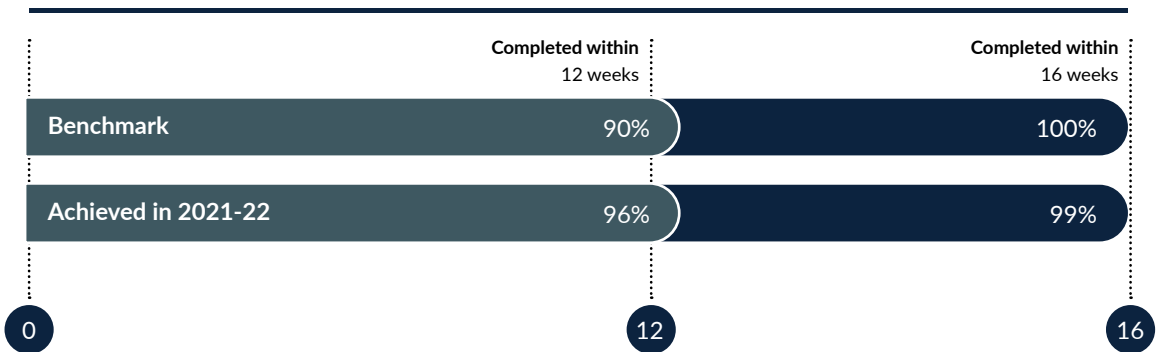
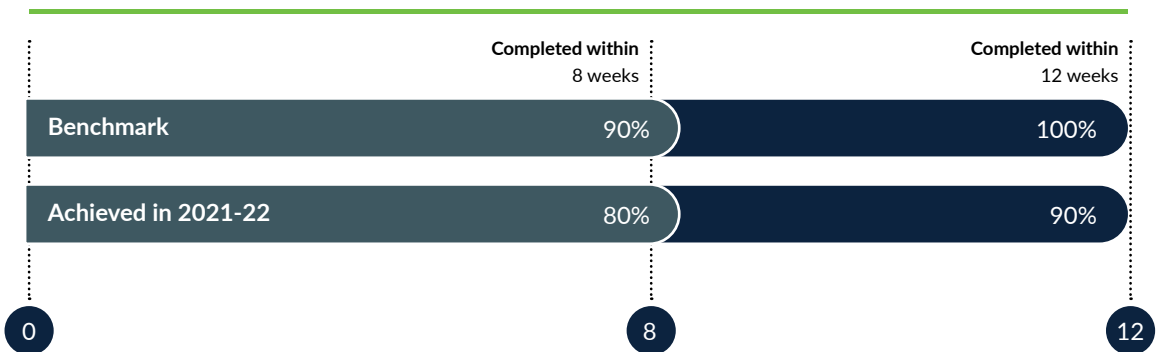


Figure 4: Timeliness benchmarks - reserved decisions in appeals



# Flexible operating environment

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## Reopening of Commission offices

On 7 June 2022, we reopened our offices to the public for the first time in over two years. This was a significant milestone following most Members and staff working from home during the COVID-19 pandemic.

## Online proceedings

The COVID-19 pandemic has significantly changed the way we conduct proceedings, with most proceedings now held online. In December 2021, we published a discussion paper titled 'The Future of Online Proceedings'. The paper examined the way we deliver online hearings and conferences, including gathering feedback from Commission

users about their experiences. We received 32 responses from a range of different stakeholders and users.

Based on the feedback received, we developed a draft Online Proceedings Framework in June 2022, which sets out how we will use online proceedings in the future.

Following consultation on the draft, in August 2022 we released the Interim Online Proceedings Framework, which we will review after 6 months in operation. We also published a participant's guide to online hearings, which provides procedural information to participants about how online proceedings work.

# New jurisdictions

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We implemented two new jurisdictions in the reporting period. Our anti-bullying jurisdiction was expanded to include orders to stop sexual harassment, and we began dealing with disputes relating to casual conversion.

## Orders to stop sexual harassment

We began accepting applications for orders to stop sexual harassment at work on 11 November 2021, following the commencement of the *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Amendment Act)* on 11 September 2021.

The Amendment Act gave effect to recommendations made in the Australian Human

Rights Commission's *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* report.

The Commission can make orders to stop sexual harassment at work, where the sexual harassment happened at work, and where there is a continued risk of the sexual harassment happening at work.

Before we implemented the new jurisdiction, we reviewed our processes and information resources, including:

- redesigned approved forms to make them less complex for our users. This process drew on user experience and behavioural insights, in addition to plain language principles

- revised plain language correspondence to incorporate sexual harassment at work
- amended the *Fair Work Commission Rules 2013* to include orders to stop sexual harassment at work
- developed a new benchbook about stop orders for sexual harassment in the workplace
- published new website materials.

We also provided training to our Members, staff and WAS partner organisations about the jurisdiction. Members and staff participated in trauma awareness training, and training on the nature, drivers and impacts of sexual harassment.

### *Applications and finalisation*

In 2021–22, we received 29 applications seeking orders to stop sexual harassment at work. There were 5 applications for an order to stop sexual harassment and 24 applications for an order to stop both bullying and sexual harassment.

Since the jurisdiction commenced, the Commission has issued 4 decisions finalising applications for an order to stop sexual harassment or both bullying and sexual harassment. In one decision, the application was dismissed as incomplete. In the three other cases, the Commission dismissed the applications on the basis that an order was not necessary to prevent future harm.

Most applications were discontinued early in the case management process. The remainder of the applications were resolved or discontinued after a conference before a Commission Member.

The Commission did not make any orders to stop sexual harassment at work during the period 11 November 2021 to 30 June 2022.

## **Casual conversion**

The Fair Work Act was amended in March 2021 to create a new NES entitlement for casual conversion.

This means that casual employees who have worked for an employer for at least 12 months, and have worked a regular pattern of hours on an ongoing basis during the last 6 months, may be entitled to convert to full-time or part-time employment.

The amendment to the Fair Work Act provides that employers (other than small business employers) are required to offer casual employees conversion, and that casual employees (including those employed by a small business) can request conversion.

### *Applications and finalisation*

In 2021–22, 31 applications were lodged under s.66M of the *Fair Work Amendment (Securing Australia's Jobs and Economic Recovery) Act 2021*.

The Commission issued one decision under s.66M. The application was dismissed on jurisdictional grounds, with the Commission finding that the employer was not obliged to offer the employee casual conversion. All other applications lodged under s.66M were either resolved through conciliation or discontinued.

From the end of the transitional period and the date when modern awards were varied to refer to the new NES entitlements, through to 30 June 2022, 21 disputes related to casual conversion were lodged under s.739 of the Fair Work Act in accordance with a dispute resolution term in an industrial instrument (such as a modern award or enterprise agreement).



# Annual performance statements

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# Introductory statement

I, Murray Furlong, as the accountable authority of the Fair Work Commission, present the 2021-22 annual performance statements of the Fair Work Commission, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, these annual performance statements are based on properly maintained records, accurately present the performance of the entity in the reporting period and comply with subsection 39(2) of the PGPA Act.



**Murray Furlong**

General Manager

21 September 2022

## Entity purpose

**As Australia's national workplace relations tribunal, the primary purpose of the Fair Work Commission (Commission) is to exercise its functions and powers in accordance with the *Fair Work Act 2009*, including:**

- dealing with unfair dismissal claims
- dealing with claims to stop bullying and/or sexual harassment at work
- dealing with general protections and unlawful termination claims
- setting the national minimum wage and minimum wages in modern awards
- making, reviewing and varying modern awards
- approving, varying and terminating enterprise agreements
- assisting the bargaining process for enterprise agreements
- making orders to stop or suspend industrial action
- dealing with disputes brought to the Commission under the dispute resolution procedures of modern awards and enterprise agreements
- determining applications for entry permits
- promoting cooperative and productive workplace relations and preventing disputes.

The Commission and General Manager also have responsibilities in relation to the registration, amalgamation and cancellation of registered organisations, and making and alteration of their rules under the *Fair Work (Registered Organisations) Act 2009*.

# Performance framework

Our performance reporting framework includes our corporate plan, portfolio budget statements and annual performance statements.

The goals and performance measures set out in the framework in 2021–22 are shown in Table 1.

**Table 1: Performance framework**

<p><b>Corporate plan</b></p>	<p><b>Purpose</b></p> <p>The Commission is Australia’s national workplace relations tribunal. The Commission supports simple, fair and flexible workplace relations for employees and employers. Its primary purpose is to exercise its functions and powers in accordance with the <i>Fair Work Act 2009</i>. (Source: 2021–22 Corporate Plan, p.5)</p>
<p><b>Portfolio budget statements</b></p>	<p><b>2021–22 Budget Outcomes and Programs</b></p> <p>Outcome 1:</p> <p>Simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements and deal with disputes. (Source: 2021–22 PBS, p.189)</p> <p>Program 1.1:</p> <p>The Commission delivers a single program of dispute resolution, minimum wage setting, orders and approval of agreements.</p> <p>The Commission exercises powers under the <i>Fair Work Act 2009</i> in accordance with the objects of the Act and in a manner that is fair and just, is quick, informal and avoids unnecessary technicalities. (Source: 2021–22 PBS, p.191)</p>
<p><b>Annual performance statements</b></p>	<p>Intended results:</p> <ul style="list-style-type: none"> <li>• The community understands the role of the Commission and recognises it as an independent and expert workplace relations tribunal. (Source: 2021–22 Corporate Plan, p.14)</li> <li>• The Commission is accessible to all Australians, recognising the community’s diverse needs and expectations. (Source: 2021–22 Corporate Plan, p.15)</li> <li>• The Commission is efficient, accountable and transparent. (Source: 2021–22 Corporate Plan, p.16)</li> <li>• The Commission is a highly skilled and agile organisation in which its people, processes, systems and technology are aligned to deliver high-quality, efficient and effective services to the community. (Source: 2021–22 Corporate Plan, p.18)</li> </ul>

# Results

The following results highlight our achievements in relation to the criteria and key performance indicators set out in the *Fair Work Commission Corporate Plan 2021–22* (Corporate Plan) and the *2021–22 Portfolio Budget Statements, Budget Related Paper No. 1.2 Attorney-General's Portfolio* (PBS).

## Activity 1: Powers and functions are exercised in accordance with the *Fair Work Act 2009*

*Intended result: The community understands the role of the Commission and recognises it as an independent and expert workplace relations tribunal.*

<b>Target</b>	At least 80% of survey respondents in individual matters following a staff conference or conciliation are satisfied that their conference conciliator was even-handed.
<b>Source</b>	2021-22 Corporate Plan p.15.
<b>Performance achieved</b>	<b>Achieved:</b> 84% of survey participants were satisfied that their conference conciliator was even-handed.
<b>Analysis</b>	<p>The result is derived from 1,085 surveyed parties to an unfair dismissal staff conciliation or general protections (involving dismissal) staff conference in 2021–22. Satisfaction is based on the survey participants who agreed that the conciliator was even-handed, independent and impartial. Parties were invited to complete the voluntary survey when correspondence about the outcome was provided to the parties. The survey sample includes applicants (dismissed employees), respondents (former employers) and representatives, with applicants comprising half (51%) of the survey sample. The survey sample includes a mix of outcomes (resolved and not resolved), aligning very closely with resolution rates, and is not biased towards cases that resolve.</p> <p>The 2021–22 result is consistent with previous reporting periods and represents our focus on being fair, transparent and accountable.</p> <p>Our staff conciliators are well trained in delivering a consistent, fair and equitable service to the Australian community. We maintain this high standard of service through training, processes and procedures, and setting and measuring our performance against KPIs.</p>

<b>Target</b>	Report on the activities that involved consultation with users about improving service delivery.
<b>Source</b>	2021-22 Corporate Plan, p.15.
<b>Performance achieved</b>	<b>Achieved:</b> the Commission reported quarterly.
<b>Analysis</b>	We met the corporate plan target with our 'User Consultation' report, a quarterly report on how and when we are consulting users about what we are doing and ways to improve our service delivery consultation. The report is a whole-of-organisation initiative to ensure our continued focus on user-first service delivery.

*Intended result: The Commission is accessible to all Australians, recognising the community's diverse needs and expectations.*

<b>Target</b>	At least 75% of survey respondents in individual matters following a staff conference or conciliation are satisfied with the information provided by the Commission about its processes.
<b>Source</b>	2021-22 Corporate Plan, p.16.
<b>Performance achieved</b>	<b>Achieved:</b> 77% of survey respondents were satisfied with the information provided by the Commission about its processes.
<b>Analysis</b>	<p>The result is derived from three survey questions about whether the information the Commission provided assisted parties to understand and participate in the Commission's processes. The survey questions were answered by 1,085 surveyed parties to an unfair dismissal staff conciliation or general protections (involving dismissal) staff conference in 2021-22. The survey sample includes applicants (dismissed employees), respondents (former employers) and representatives, with applicants comprising half (51%) of the survey sample. The survey sample includes a mix of outcomes (resolved and not resolved), aligning very closely with resolution rates and is not biased towards cases that resolve.</p> <p>We achieved the 2021-22 Corporate Plan performance target and continue to focus on providing the information that users need at the right time and in the right format.</p>



<b>Target</b>	Monitor and report on the use of technology that has been implemented in order to improve access to, or delivery of, Commission services.
<b>Source</b>	2021-22 Corporate Plan, p.16.
<b>Performance achieved</b>	<b>Achieved:</b> the internal reporting was provided to the Executive throughout 2021-22.
<b>Analysis</b>	We achieved the corporate plan target through reporting provided to the Executive against the Commission's digital strategies, including the case management system upgrade launched in 2021, ongoing enhancements throughout 2021-22 and the Commission's new website launch in February 2022. This internal reporting is used to improve our services.

*Intended result: The Commission is efficient, accountable and transparent.*

<b>Target</b>	Improve or maintain the time elapsed from lodging applications to finalising conciliations in unfair dismissal applications with a target of 34 days.
<b>Source</b>	2021-22 PBS, p.191 and 2021-22 Corporate Plan, p.17.
<b>Performance achieved</b>	<b>Achieved:</b> conciliation conferences were finalised in a median of 34 days from lodgment of an unfair dismissal application.
<b>Analysis</b>	<p>This result is derived from 9,648 unfair dismissal staff conciliations, which was the number of staff conciliations held in 2021-22 when this listing type was the first to be held for an unfair dismissal case.</p> <p>We achieved the 2021-22 PBS and Corporate Plan performance target, with a median 34 days from lodgment to first staff conciliation in unfair dismissal cases. This result was up from 21 days in 2020-21. The increase was mainly driven by an increase in unfair dismissal and general protections involving dismissal applications relating to vaccine mandates in December 2021 and January 2022.</p>

<b>Target</b>	Annual wage review to be completed to enable operative date of 1 July with a target of publication no later than 30 June.
<b>Source</b>	2021–22 PBS, p.191 and 2021–22 Corporate Plan, p.17.
<b>Performance achieved</b>	<b>Achieved:</b> the annual wage review decision was published on 15 June 2022.
<b>Analysis</b>	<p>We achieved the 2021–22 PBS and Corporate Plan performance target, with the annual wage review completed on 15 June 2022. This is 15 days earlier than the target date of 30 June.</p> <p>As in 2020–21, the 2021–22 review was undertaken during the COVID-19 pandemic. The 2021–22 review timetable was amended to allow the new Australian Government to make a submission.</p> <p>Further information is available in the <a href="#">Expert Panel's Annual wage review decision</a>, published on the Commission's website.</p>

<b>Target</b>	Improve or maintain the agreement approval time for agreements approved without undertakings with a target of 32 days.
<b>Source</b>	2021–22 PBS, p.191 and 2021–22 Corporate Plan, p.17.
<b>Performance achieved</b>	<b>Achieved:</b> agreements without undertakings were approved in a median of 12 days.
<b>Analysis</b>	<p>This result is derived from 2,293 enterprise agreements approved without undertakings in 2021–22.</p> <p>We exceeded the 2021–22 PBS performance target by 20 days.</p> <p>Our strong performance in 2021–22 can be attributed to our continued focus on improving timeliness in agreement approvals. We are committed to maintaining this level of timeliness performance and continue to explore opportunities for further improvement.</p>

## Activity 2: Organisational capability is enhanced

*Intended result: The Commission is a highly skilled and agile organisation in which its people, processes, systems and technology are aligned to deliver high-quality, efficient and effective services to the community.*

<b>Target</b>	Maintain or improve the number of professional development plans (PDPs) that specify individual and/or organisational professional development goals, with a target of 100%.
<b>Source</b>	2021-22 Corporate Plan, p.18.
<b>Performance achieved</b>	<b>Achieved:</b> 100% of performance plans specified individual and/or organisational professional development goals.
<b>Analysis</b>	<p>This result is derived from PDPs that were completed by APS staff who were employed at the Commission for more than three months during the 2021-22 reporting cycle.</p> <p>We achieved the 2021-22 Corporate Plan performance target, with 100% of the PDPs specifying individual and/or organisational professional development goals. This is consistent with previous years.</p> <p>As part of the PDP process, staff and managers must use a standard template that requires professional development goals to be set for the reporting period. This process helps build a culture of ongoing learning and development across the organisation.</p>

<b>Target</b>	At least 30% of staff are offered an opportunity to experience work outside their usual role, participate in a cross-organisational project or be involved in a service improvement project.
<b>Source</b>	2021-22 Corporate Plan, p.18.
<b>Performance achieved</b>	<b>Achieved:</b> 57% of staff were offered an opportunity to experience work outside their usual role.
<b>Analysis</b>	<p>We exceeded the 2021-22 Corporate Plan performance target by enabling over 200 staff from across the organisation to perform higher duties, undertake a temporary reassignment of duties, or contribute to projects of strategic significance. In 2021-21, key projects included:</p> <ul style="list-style-type: none"> <li>• caseHQ (case management system) upgrade project</li> <li>• website redevelopment project</li> <li>• subscriptions service replacement project</li> <li>• publications project</li> <li>• document search project</li> <li>• forms redesign and online forms project</li> <li>• online learning platform project</li> <li>• Benchbooks user experience research project.</li> </ul> <p>We leveraged the subject matter expertise of staff from each branch to scope and deliver projects. The diversity of knowledge was crucial to the success of these projects and in supporting the Commission's change management processes. Participating in projects provides staff the opportunity to build their digital capabilities and better understand project management practices.</p> <p>In 2021-22, 86 staff were temporarily reassigned to other areas of the Commission or performed higher duties. Staff are provided opportunities through internal expressions of interest. At times of increased workload, resources were reassigned to ensure the Commission could continue to meet the Portfolio Budget Statement performance targets.</p>



# Management and accountability

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# Corporate governance

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**Our corporate governance framework promotes the principles of good governance and encourages all staff to be accountable for their actions and to focus on their performance. The framework upholds the Australian Public Service (APS) Values and Code of Conduct.**

The framework supports the General Manager in meeting our performance, financial management and compliance responsibilities under the PGPA Act and the Public Service Act.

## Governance bodies

The Executive is our key decision-making group, with strategic oversight of our administration and resourcing. It comprises of the General Manager and 4 Executive Directors, and formally meets fortnightly. More information about the branches and Executive Directors is provided in the overview. The Executive is supported by the Major Projects Control Committee.

## Audit Committee

The Audit Committee provides independent assurance to the General Manager on our financial and performance reporting, risk oversight and management, systems of internal control and our internal audit program.

The General Manager appoints Audit Committee members. No members of the Committee are employed by the Fair Work Commission. Representatives from the Australian National Audit Office are invited to attend each meeting as observers. In 2021-22, the Audit Committee met 4 times.

The Audit Committee's charter is located at <https://www.fwc.gov.au/sites/default/files/2022-05/audit-committee-charter.pdf>.

**Table 2: Audit Committee members**

Name	Meetings attended	Meetings eligible to attend	Remuneration (inc GST)	Membership details
Ms Marion van Rooden (Chair) (External member) Chair, Audit Committee	4	4	\$15,758	Ms Rooden joined the Audit Committee in December 2019 and was appointed Chair in November 2021.
<b>Qualifications, knowledge, skills or experience</b>	Ms Rooden has skills, knowledge and experience in public administration, governance and strategy, business management, risk management and internal controls, industry and industrial relations, legislation and regulation, and courts and tribunals. She is a graduate of the Australian Institute of Company Directors and a fellow of the Institute of Public Administration.			
Mr Adrian Walkden (External member) Member, Audit Committee	4	4	\$11,550	Mr Walkden joined the Audit Committee in September 2019. Mr Walkden's appointment was extended in May 2022.
<b>Qualifications, knowledge, skills or experience</b>	Mr Walkden has over 30 years in ICT roles across various Australian Public Service departments and Commissions. Mr Walkden served as Chief Information Officer for Comsuper and ACCC and has previous experience as a member of both the ASIC Audit Committee and the FWO IT Committee.			
Ms Narelle Sheppard (External member) Member, Audit Committee	3	3	\$8,250	Ms Sheppard joined the Audit Committee in December 2021.
<b>Qualifications, knowledge, skills or experience</b>	Ms Sheppard has extensive accounting, internal audit and risk experience in the public and private sectors gained over a 30-year career, including as Chief Internal Auditor of the (former) Department of Industry, Innovation and Science. Ms Sheppard is a fellow of CPA Australia, and a fellow of the Institute of Internal Auditors Australia.			
Mr Stephen Sheehan (External member) Member, Audit Committee	1	1	\$2,750	Mr Sheehan joined the Audit Committee in June 2022.
<b>Qualifications, knowledge, skills or experience</b>	Mr Sheehan previously held roles as the Chief Financial Officer of the Department of Immigration and Citizenship and the Department of Health and Ageing. Mr Sheehan is a financial management consultant who has over 40 years' experience working in financial management and accounting roles that have spanned both public and private sector entities.			
Mr Mark Scully (External member) Member, Audit Committee	1	1	\$0	Mr Scully's term concluded in September 2021.
<b>Qualifications, knowledge, skills or experience</b>	Mr Scully has more than 35 years public service experience particularly from a financial management and reporting perspective. He has served at a senior executive level for more than 30 years. He is a fellow of CPA Australia and a graduate of the Australian Institute of Company Directors.			

## Major Projects Control Committee

The Major Projects Control Committee is responsible for high-level strategic governance of major organisational and capital expenditure projects. The committee comprises the Executive and senior managers and meets fortnightly.

## Fraud management

We are committed to preventing, detecting and dealing with fraud in relation to our operations. Our fraud control framework is linked to our Risk Management Framework and includes our Fraud Control Plan, Fraud Risk Assessment and Register. Since 2020-21 fraud control awareness training has been part of the induction program for new employees.

The General Manager of the Fair Work Commission certifies that the Commission has:

- prepared fraud control plans and fraud risk assessments that comply with the Commonwealth Fraud Control Guidelines
- implemented appropriate fraud prevention, detection, investigation and reporting procedures and practices that comply with the Commonwealth Fraud Control Guidelines
- taken all reasonable measures to appropriately deal with fraud relating to the entity. There were no instances of fraud reported during 2021-22.

## Risk management

In 2021-22, we continued to implement a risk management culture and practices across the organisation, in line with the risk management framework introduced by the PGPA Act.

As part of our risk management strategy, we have developed an annual internal audit program in consultation with the Executive and endorsed by the Audit Committee. The internal audit program reflects our purpose, and identifies strategic

and operational risks and relevant regulatory requirements. Audits can cover any of our financial and non-financial activities and performance, policies and procedures. Internal audit reports are provided to the General Manager and Executive and discussed at meetings of the Audit Committee.

## Compliance with finance law

We made no reports of any significant issues that relate to non-compliance with finance law as it relates to the Commission in 2021-22. Finance law incorporates the PGPA Act, including rules and instruments created under the PGPA Act, and Appropriation Acts.

## Ethical standards

Our ethical standards are governed by a legislative framework common to non-corporate Commonwealth entities, including the PGPA Act, Public Service Act, Australian Public Service Commissioner's Directions 2022 and Public Service Regulations 1999. Information relating to the APS ethics framework forms part of our induction process and ongoing awareness-raising activities are undertaken in relation to the framework and its application.

Our [Member Code of Conduct](#) (Code) provides a guide for Members appointed to the Commission. To a significant extent, the Code is based on the Australian Institute of Judicial Administration's Guide to Judicial Conduct. The Code also incorporates a number of matters relating to Member conduct in the Fair Work Act, draws attention to Members' obligations under other laws including the *Work Health and Safety Act 2011* (Cth) and *Sex Discrimination Act 1984* (Cth), and draws upon a number of other publications. The Code was developed in consultation with Members and was updated in July 2021.



# External scrutiny

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The Auditor-General issued an unqualified independent audit report on the Commission's 2021-22 financial statements. There were no other reports issued by the Auditor-General relating to the Commission in 2021-22.

There were no judicial decisions, decisions of administrative tribunals or decisions of the Australian Information Commissioner in 2021-22 that had, or may have had, a significant effect on the operation of the Commission. There were no reports on the operation of the Commission by a parliamentary committee or by the Commonwealth Ombudsman in 2021-22 and no agency capability reviews were released during the period.

# Complaints and feedback

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## Complaints about Commission staff

Our [service charter](#) outlines the nature and level of service the public can expect from Commission staff.

We publish information on our website about how to make a complaint or provide feedback on our administrative activity. We use any feedback and complaints to identify service problems and potential improvements, while recognising that each year some complaints involve issues that are outside the jurisdiction or authority of our administration.

We aim to respond to written complaints within 20 working days. In 2021–22, we responded within an average of 10 working days, the same as our response time in 2020–21 and 2019–20.

## Complaints about Members

We have a separate process for dealing with complaints about Members, in accordance with the Fair Work Act. Information about the complaint handling process is available on our website at <https://www.fwc.gov.au/about-us/contact-us/feedback-and-complaints/complain-about-member-commission>.

The President deals with complaints about Members in accordance with the [Procedure for dealing with complaints about Members](#).

Complaints concerning a Member's conduct are reported according to whether they were substantiated, which is ultimately a matter for the President.

## Reporting about complaints

In 2021–22, a substantial number of complaints involved issues that were outside the Commission's jurisdiction or authority, or which could be appropriately dealt with through other processes such as lodging an appeal, applying for judicial review or seeking a remedy through existing processes such as making a recusal application. Complaints about the content of modern awards or enterprise agreements usually cannot be resolved through the complaints process and require a formal application to be lodged to amend or vary these instruments.

In 2021–22 we received a total of 102 complaints, a reduction from the 117 complaints received in 2020–21. Complaints received in 2021–22 equate to 0.3% of the 34,122 applications lodged in the reporting period, as set out in Table 3.

**Table 3: Complaints**

Subject	2021-22 <sup>1</sup>	2020-21 <sup>1</sup>
<b>Total Member complaints<sup>1</sup></b>	<b>49</b>	<b>54</b>
Member conduct in relation to a conference or hearing – not substantiated <sup>2</sup>	26	44
Member conduct in relation to a conference or hearing – partially substantiated or acknowledged <sup>2</sup>	0	2
Member conduct – referral to external complaint handler	0	0
Member conduct – referral to the Minister	0	0
Member conduct – referral to another agency	0	0
Process <sup>4</sup>	17	48
Outcome <sup>5</sup>	7	29
Other <sup>7</sup>	3	4
<b>Total of all other complaints<sup>1</sup></b>	<b>53</b>	<b>63</b>
Staff conduct <sup>3</sup>	28	23
Process <sup>4</sup>	22	28
Administration <sup>6</sup>	10	7
Other <sup>7</sup>	2	3

1 A complaint can concern more than one subject. Accordingly, the results are not cumulative.

2 Complaints regarding conduct include whether Members met their responsibilities under the Practice Note: Fair Hearings and Member Code of Conduct.

3 Complaints about the conduct of staff conciliations, including whether staff conciliators listened to both parties and understood the issues, and whether staff acted in accordance with the service charter and APS Code of Conduct.

4 'Process' relates to dissatisfaction with, or misunderstanding of, the Commission's processes. This includes complaints about timeliness, scheduling and adjournment of conferences and hearings, and conflict of interest or bias of a Member. Complaints in this category can concern a fundamental misunderstanding of the Commission's role and authority. 'Process' includes individual categories previously reported for 'pay and entitlements', 'complaint relating to modern awards or enterprise agreements' and 'adjournment refusal request'.

5 Complaints about the outcome of a matter relate to decisions of the Commission. These matters generally cannot be dealt with through the complaints process and require the complainant to lodge a formal appeal of the decision or to seek judicial review.

6 'Administration' includes administrative errors, information (including availability and accessibility of procedural information) and errors with the website and online lodgment service.

7 'Other' includes complaints where there is insufficient information to permit assessment, the complaint is trivial, frivolous, vexatious or not in good faith, and where a complainant makes a series of complaints about one or more applications and/or Members and/or staff.

# Management of human resources

## Training and development

We are committed to promoting a culture of continuous learning and professional development, ensuring our workforce is equipped with the required capabilities to deliver services to the Australian public.

In April 2022, we delivered our Learning and Development Strategy 2022–25, which focuses on targeted learning and development for Members and staff in their roles. The strategy sets out recommendations that support three primary priorities for learning at the Commission:

- a learning and leadership culture to support the delivery of the Commission's statutory obligations
- learning governance and processes that are clear and objective
- excellence in learning design and delivery.

Learning at the Commission is supported by a combination of e-learning modules, experiential opportunities (such as shadowing another staff member), attending conferences, coaching and mentoring. As part of our performance process, we identify key e-learning modules annually for staff to complete, with subject matter based on legislative compliance requirements (e.g. Integrity in the APS under the APSC Directions 2022).

## Recruitment and separations

During 2021–22, 65 new employees (ongoing or non-ongoing) commenced, and 75 employees (ongoing or non-ongoing) departed the Commission.

## Conditions of employment

### Collective and individual agreements

All employees, except Senior Executive Service (SES) employees, are covered by the Fair Work Commission Enterprise Agreement 2017–2020. A Remuneration Determination was signed effective from 1 October 2020 which provided employees with annual salary increases under the enterprise agreement from 5 October 2020 to 5 October 2022.

At 30 June 2022, we had three SES Band 1 positions. Employment conditions for SES employees are set out in individual determinations made by the General Manager under s.24(1) of the Public Service Act. The determinations are comprehensive documents covering each SES employee's terms and conditions, with many conditions aligned with those in the enterprise agreement.

### Flexible work

We provide flexible working arrangements to help employees balance work and other responsibilities, including:

- Flextime – The majority of employees (APS1 to APS6) can access to flextime arrangements, allowing them to 'bank' time worked in excess of standard full-time, or agreed part-time, hours (banked time can subsequently be taken as leave).
- Home-based work – All ongoing and non-ongoing employees can request a home-based work arrangement.
- Purchased leave – In 2021–22, seven employees purchased additional leave.

## Non-salary benefits

Non-salary benefits are available to employees through the enterprise agreement, individual arrangements and other initiatives. They include:

- time off instead of payment for overtime worked for the majority of employees (APS1 to APS6)
- access to annual train, tram and bus tickets (where available through the local metropolitan public transport authority) – the Commission pays the up-front cost of a ticket and the employee repays the cost over 12 months.
- healthy lifestyle initiatives such as partial reimbursement of the cost of spectacles, annual influenza vaccinations and an employee assistance program.

## Statistics

At 30 June 2022, we employed 289 staff (233 ongoing and 56 non-ongoing). This does not include Commission Members and is a decrease of 10 from the total number of ongoing and non-ongoing staff at 30 June 2021. We had 9 casual employees at 30 June 2022. No Commission staff are based overseas.

Tables C6 to C19 in Appendix C provide detailed staffing statistics for the past two reporting periods.

## Remuneration

The General Manager determines salaries for SES employees and other highly paid staff. Tables C20 and C21 in Appendix C provide information about remuneration for key management personnel, senior executives and other highly paid staff.

Other highly paid staff are remunerated under the enterprise agreement with an individual

flexibility arrangement, which provides additional remuneration benefits. The General Manager determines the level of additional remuneration based on the quality of professional service provided by the employee and external market conditions.

Commission employees do not receive incentive payments or bonuses.

The General Manager is an independent statutory office holder whose remuneration arrangements are determined by the Remuneration Tribunal.

Table C23 in Appendix C shows the salary ranges for APS employees. Except for SES Band 1 employees, the specified ranges are specified in the enterprise agreement, as updated by the Remuneration Determination that commenced on 1 October 2020.

## Performance pay

The Commission does not provide performance pay.

## Work health and safety

Information about our work health and safety is provided in Appendix F.

# Financial management

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**We continue to maintain a strong focus on financial management, ensuring resources are utilised in the most efficient and effective manner to deliver the greatest benefit and impact for the Australian community.**

Our financial results for 2021–22 are outlined in Appendix D: Annual financial statements. The deficit on continuing operations was \$6.216 million. The loss includes expenses of \$3.222 million, which are not funded in line with the Australian Government’s net cash appropriation arrangements.

There were no significant issues reported under paragraph 19(1)(e) of the *Public Governance, Performance and Accountability Act 2013* that relate to non-compliance with the finance law in relation to the entity.

## Asset management

Our main asset types are leasehold improvements, computer equipment and computer software. As asset management is not considered to be a significant aspect of our strategic business, the effectiveness of our asset management processes is not reported.

## Purchasing

Our approach to procuring goods and services, including consultancies, is consistent with, and reflects the principles of, the Commonwealth Procurement Rules. The rules are applied to activities through the accountable authority instructions, supporting operational guidelines and our procurement framework.

## Consultants

We use consultants where there is a need for independent research or assessment, or for specialist knowledge or skills that are not available within the Commission.

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website at [tenders.gov.au](https://www.tenders.gov.au). Consultancies are reported where a supplier is used to develop intellectual output that assists with decision making, and the output also represents the independent view of the service provider.

During 2021–22, 13 new reportable consultancy contracts were entered into involving total actual expenditure of \$333,444 (including GST). In addition, 4 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$86,246 (including GST).

Decisions to engage consultants during 2021–22 were made in accordance with the PGPA Act and related regulations, including the Commonwealth Procurement Rules and relevant internal policies. The methods of selection used for consultancies include open tender, select tender, direct sourcing and panel arrangements (initially selected through either an open tender or select tender process).

## Expenditure on reportable consultancy contracts

Reportable consultancy contracts 2021-22	Number	Expenditure
New contracts entered into during the reporting period	13	\$333,444
Ongoing contracts entered into during a previous reporting period	4	\$86,246
<b>Total</b>	<b>17</b>	<b>\$419,690</b>

Organisations receiving a share of reportable consultancy contract expenditure 2021-22	Expenditure	Proportion of 2021-22 total spend (%)
Ernst & Young	\$155,483	37%
Paper Giant Pty Ltd	\$36,828	9%
O'Connor Marsden & Associates Pty Limited	\$35,456	8%
The Trustee For Birdanco Practice Trust	\$34,452	8%
Altius Group Holdings Pty Ltd	\$29,226	7%
<b>Total of the largest shares</b>	<b>\$291,445</b>	<b>69%</b>

## Expenditure on reportable non-consultancy contracts

Reportable non-consultancy contracts 2021-22	Number	Expenditure
New contracts entered into during the reporting period	125	\$13,668,700
Ongoing contracts entered into during a previous reporting period	79	\$9,487,732
<b>Total</b>	<b>204</b>	<b>\$23,156,432</b>

Organisations receiving a share of reportable non-consultancy contract expenditure 2021-22	Expenditure	Proportion of 2021-22 total spend (%)
The Pearson Corporation Pty Ltd	\$1,568,444	6%
Cordelta Pty Ltd	\$1,395,800	6%
<b>Total of the largest shares</b>	<b>\$2,964,244</b>	<b>12%</b>

### Australian National Audit Office access clauses

No contracts of \$100,000 or more (including GST) were let during 2021-22 that did not provide for the Auditor-General to have access to the contractor’s premises.

### Exempt contracts

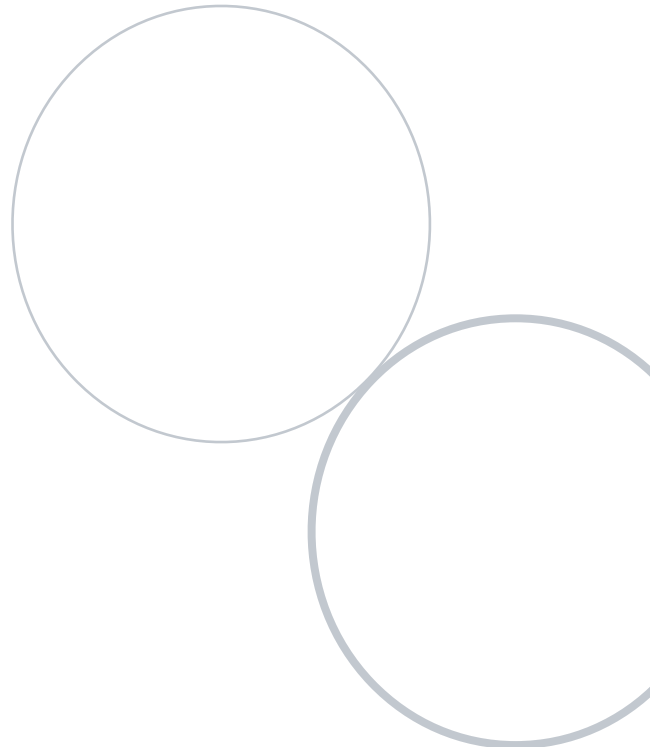
No contracts in excess of \$10,000 (including GST) or standing offers were exempted by the General Manager from being published on AusTender on the basis that it would disclose exempt matters under the *Freedom of Information Act 1982* (FOI Act).

### Procurement initiatives to support small business

We support small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SMEs) and small enterprise participation statistics are available on the Department of Finance’s website.

Our procurement practices support SMEs, including by the use of the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000. We communicate using clear, simple language in an accessible format throughout the procurement process.

The Commonwealth’s Indigenous Procurement Policy, which commenced on 1 July 2015, is reflected in our procurement policy and practices.





# Mandatory information

## Advertising and market research

During 2021–22, we did not conduct any advertising campaigns.

## Grants

The Commission did not award any grants during 2021–22.

## Disability reporting mechanism

The National Disability Strategy is Australia’s overarching framework for disability reform. It acts to ensure that the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australia’s policies and programs that affect people with disability, their families and carers.

All levels of government will continue to be held accountable for the implementation of the strategy through progress reporting to the Australian, state, territory and local governments. Progress reports can be found at [dss.gov.au](https://dss.gov.au). Disability reporting is included in the Australian Public Service Commissioner’s State of the Service reports and the APS Statistical Bulletin. These reports are available at [www.apsc.gov.au](https://www.apsc.gov.au).

## Information Publication Scheme

We are subject to the FOI Act and are required to publish information to the public as part of the Information Publication Scheme (IPS). Under Part II of the FOI Act, we must display an [information publication plan](#) on our website showing whether information is published in accordance with IPS requirements.

## Remediation of information published in previous annual reports

### Complaints and feedback, pp.42–43

The total number of all other complaints in the 2020–21 Annual Report included within Table 3: Complaints should be 63. This was incorrectly included as 71 complaints. Commentary found on page 42 was also incorrect.

### Appendix C: Reference data, p.58

The number of s.225 – Application for termination of an enterprise agreement after its nominal expiry date, was incorrectly reported as 270 and should be 267.



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# Appendix A: Members

**Table A1: Fair Work Commission Members at 30 June 2022**

(A) = Adelaide, (B) = Brisbane, (C) = Canberra, (H) = Hobart, (M) = Melbourne, (N) = Newcastle, (P) = Perth, (S) = Sydney

President	
Justice IJK Ross AO (M)	
Vice Presidents	
Vice President A Hatcher (S)	
Vice President J Catanzariti AM (S)	
Deputy Presidents	
Deputy President IC Asbury (B)	Deputy President A Millhouse (M)
Deputy President VP Gostencnik (M)	Deputy President T Saunders (S/N)
Deputy President M Binet (P)	Deputy President N Lake (B)
Deputy President WR Clancy (M)	Deputy President G Boyce (S)
Deputy President LE Dean (C)	Deputy President B Cross (S)
Deputy President PC Anderson (A)	Deputy President J Young (M)
Deputy President A Colman (M)	Deputy President MJ Easton (S)
Deputy President I Masson (M)	Deputy President A Bell (M)
Deputy President A Beaumont (P)	Deputy President T Dobson (formerly Moltoni) OAM (B)

Commissioners	
Commissioner PJ Spencer (B)	Commissioner T Cirkovic (M)
Commissioner BD Williams (P)	Commissioner C Platt (A)
Commissioner DS McKenna (S)	Commissioner K Harper-Greenwell (M)
Commissioner IW Cambridge (S)	Commissioner J Hunt (B)
Commissioner PJ Hampton (A)	Commissioner S McKinnon (S)
Commissioner MP Bissett (M)	Commissioner L Yilmaz (M)
Commissioner CF Simpson (B)	Commissioner BM O'Neill (M)
Commissioner T Lee (M)	Commissioner S Mirabella (M)
Commissioner B Riordan (S)	Commissioner P Ryan (S)
Commissioner LAT Johns OAM (S)	Commissioner A Matheson (S)
Commissioner NP Wilson (M)	Commissioner P Schneider (P)

**Table A2: Members of state tribunals who also held an appointment with the Commission, and members of expert panels, at 30 June 2022**

Fair Work Commission title	State title/expert panel
Deputy President DJ Barclay (H)	President, Tasmanian Industrial Commission
Mr Ferguson	Expert panel member
Ms Labine-Romain	Expert panel member
Professor Wooden	Expert panel member

# Appendix B: Members' activities

## Activities outside the Commission

A number of Commission Members hold appointments and positions in addition to their appointments to the Commission.

Justice Ross is a judge of the Federal Court of Australia, Fellow of the Academy of the Social Sciences in Australia (Discipline – Law) and an Adjunct Professor, Discipline of Work and Organisational Studies at the University of Sydney Business School.

Vice President Catanzariti is the Chair of the College of Law; an Adjunct Associate Professor, Work and Organisational Studies, School of Business, University of Sydney; a Visiting Professorial Fellow of the School of Law and Faculty of Law, University of New South Wales (UNSW); Member of the Advisory Board of the LGBTI Committee of the International Bar Association.

Deputy President Asbury is the President of the Defence Force Remuneration Tribunal and the Chairperson of the Northern Territory Police Arbitral Tribunal. The Deputy President is also a Life Member of the Industrial Relations Society of Queensland.

Deputy President Gostencnik is a consultant for the LexisNexis Practical Guidance – Employment Law module.

Deputy President Binet is a life member of the Industrial Relations Society of Western Australia; member of the Australian Association of Women Judges; chartered member of the Australian Human Resource Institute; and a board Member of Theatre 180.

Deputy President Clancy served as the honorary Chairperson of the Frederick Richard O'Connell Scholarship Committee and is a Vice President of the Committee of the Industrial Relations Society of Victoria.

Deputy President Dean is chairperson of the Alpine School.

Deputy President Anderson is a member of the Australian Labour and Employment Relations Association (South Australia).

Deputy President Beaumont is Chair of the Pharmaceutical Benefits Remuneration Tribunal.

Deputy President Saunders is a committee member of the Industrial Relations Society of New South Wales (Newcastle branch); and Chair of the Industry Advisory Committee, Employment Relations and Human Resource Management Disciplinary Group, University of Newcastle.

Deputy President Boyce is a member of the Industrial Relations Society of New South Wales.

Deputy President Bell is a member of the Victorian Bar (non-practising) and a member of the Industrial Bar Association of the Victorian Bar.

Deputy President Dobson is a member of the Australian Association of Women Judges; member of the Industrial Relations Society of Queensland; member of the Law Society of Queensland; President of The Brisbane Club (unpaid voluntary role); and fellow of the Australian Institute of Company Directors.

Commissioner Spencer is Chairperson of the Northern Territory Correctional Officers Arbitral Tribunal; Deputy Chairperson of the Northern

Territory Police Arbitral Tribunal; and a Life Member of the Industrial Relations Society Queensland (IRSQ).

Commissioner Hampton is a member of the Australian Labour and Employment Relations Association; the Australian Labour and Employment Relations Association (South Australia); the Australian Labour Law Association; the Council of Australasian Tribunals (South Australia); the International Association on Workplace Bullying and Harassment; and Resolution Australia.

Commissioner Simpson is a conciliator to the Northern Territory Police Arbitral Tribunal.

Commissioner Lee is a member of the Tasmanian Industrial Commission and is on the Advisory Board of the Melbourne Law School Centre for Employment and Labour Relations Law.

Commissioner Johns is a Trustee of the Arts Centre of Melbourne, a Director of the YMCA NSW and YMCA Australia. The Commissioner is also the Treasurer of the Industrial Relations Society of New South Wales and the Treasurer of the Australian Labour and Employment Relations Association (ALERA). The Commissioner is also a Co-chair of the Workplace Dispute Resolution (WDR) Study Group of the International Labour and Employment Relations Association (ILERA).

Commissioner Cirkovic is a member of the Tasmanian Industrial Commission. The Commission is also a member of the Industrial Relations Society of Victoria and the Australian Association of Women Judges.

Commissioner Platt is Secretary of the Industrial Relations Society of South Australia.

Commissioner Harper-Greenwell is a member of the Industrial Relations Society of Victoria, the International Association on Workplace Bullying and Harassment and the Australian Association of Women Judges. The Commissioner is also a

Professional Member of Resolution Australia, and an Ambassador for Bravehearts Foundation Ltd.

Commissioner Hunt is a member of the Industrial Relations Society of Queensland.

Commissioner McKinnon is a member of the Board Governance and Ethos Committee at Chevalier College.

Commissioner Ryan is a member of the Industrial Relations Society of New South Wales, a member of the Law Society of New South Wales and a member of the New South Wales Bar Association.

Commissioner Matheson is a member of the Committee of the Industrial Relations Society of New South Wales.

## **Commission-related engagements in 2021–22**

### *Domestic activities*

Throughout the reporting period, Commission Members participated in a range of Commission-related domestic engagements and professional development activities.

Justice Ross chaired the Ron McCallum debate on 18 November 2021, presented to the Australian Labour and Employment Relations Association in October 2021 and to the New South Wales Industrial Relations Society in June 2022.

Vice President Catanzariti delivered presentations to the Law Society of NSW Specialist Accreditation Conference on 'Significant recent cases and developments in the FWC' in August 2021, the University of NSW Edge Employment Law Intensive providing an 'Update from the FWC' in March 2022, and the Australian HR Institute Industrial Relations/Employee Relations Forum with an 'Update on the Commission's agenda/ focus areas in 2022' in April 2022. Vice President Catanzariti was also involved in May 2021, September 2021, May 2022 and August 2022 with the University of Sydney Business School's Faculty of Work and Organisational Studies (WOS) final

year Capstone Unit, in which he facilitated a mock conference/hearing and Q&A with students.

Deputy President Gostencnik delivered a lecture in October 2021 to the University of Melbourne Law School Labour Law Masters Students on 'Labour Standards and their Enforcement – Role of the Fair Work Commission'.

Deputy President Binet gave a speech on 4 October 2021 on 'Persuasive Advocacy in Industrial Tribunals' during a CPD session for the Law Society of Western Australia.

Deputy President Clancy gave a presentation on 28 September 2021 at a webinar for the Industrial Relations Society of NSW and Victoria regarding online proceedings at the Commission. On 10 March 2022, Deputy President Clancy gave a presentation to the Victorian Bar Readers' Course on appearing at the Commission.

Deputy President Saunders gave a presentation on 21 June 2022, to the Industrial Relations Society of New South Wales (Newcastle branch) on workplace investigations. On 12 July 2021 and 27 June 2022, Deputy President Saunders gave a presentation to employee relations masters students at the University of Newcastle and on 2 September 2021, gave a presentation to law students at the University of Newcastle.

Commissioner Spencer spoke to Gladstone Power Stations on 9 September 2021 to provide a Cooperative Workplaces Information Session and at the Queensland Hotels Association Conference on Employment Relations.

Commissioner Hampton gave a presentation on 10 March 2022 about the stop orders, bullying and sexual harassment jurisdiction to the Association of In-house Counsel.

Commissioner Simpson was a presenter and member of a panel on the social inclusion model for people with disabilities as part of an education program conducted by 'UnOther', who conduct

immersion programs building pathways to inclusion and understanding of disability.

Commissioner Lee spoke to the Winter School Employment Law class from the University of Tasmania on 29 June 2022 about the structure and history of the Commission as well as its function and day-to-day operations in the national workplace relations system.

Commissioner Johns presented to Monash University on 'Disease, Pandemics and Australian Workplace Laws' on 1 September 2021 and to Herbert Smith Freehills on 'COVID and the JobKeeper Jurisdiction of the Fair Work Commission' on 15 September 2021. Commissioner Johns on 28 September 2021 presented to the Australian Labour and Employment Relations Association about the 'Fair Work Commission – Hearing Room to Virtual Commission'. Commissioner Johns presented to the Health Services Union on 'Effective Advocacy Skills for Arbitration' on 1 December 2021 and to the Industrial Relations Society of New South Wales AGM & Patron's Lunch – Treasurer's address on 17 December 2021. Commissioner Johns presented to the Law Institute of Victoria Workplace Relations Conference 2022 on 'Trials, Tribulations and Technologies' on 24 February 2022, and to the Industrial Relations Society of New South Wales on the 'Commission perspective' on 13 May 2022. On 17 June 2022, Commissioner Johns presented to the Union Lawyers and Industrial Officers NSW on 'Changes to Commission processes due to COVID-19: How to appear remotely in the Commission: tips and pitfalls'.

Commissioner Platt participated in the Senior Officials Development Program for Motorsport Australia.

Commissioner Hunt presented to the Pharmacy Guild of Australia workshop in March 2022.

Commissioner McKinnon attended the New South Wales Industrial Relations Society Conference

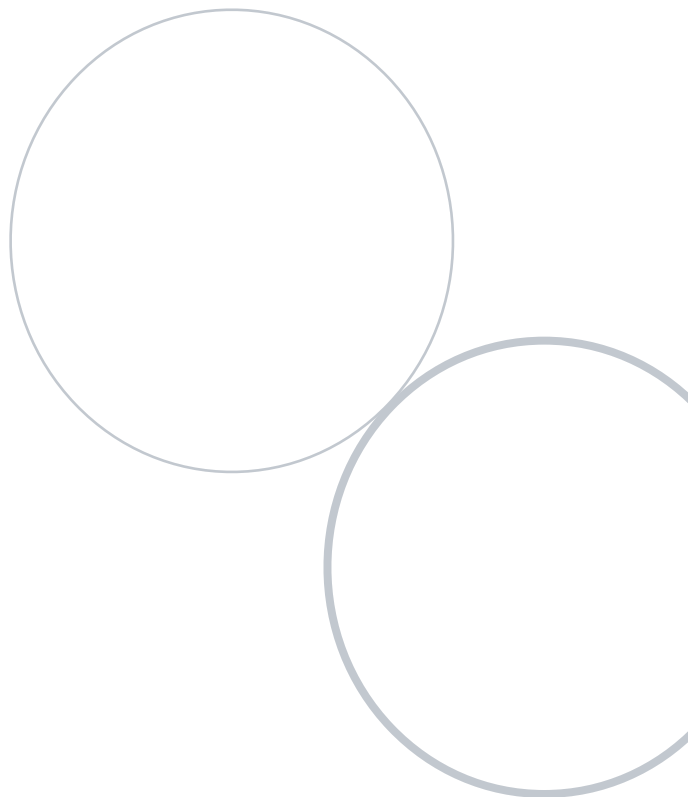
2022. Commissioner McKinnon gave presentations to the Industrial Relations Society of Victoria, ANZ, Airservices Australia and the Australian Higher Education Industrial Association on the Commission's sexual harassment and anti-bullying jurisdictions. Commissioner McKinnon also presented to the Respect@Work Council and the Workplace Relations Conference – Law Institute of Victoria on the Commission's expanded sexual harassment jurisdiction, and facilitated the University of Sydney Business School Moot – application for orders to stop bullying at work.

### *International activities*

Throughout the reporting period, Commission Members participated in a limited number of Commission-related international engagement and professional development activities due to the gradual lifting of travel restrictions imposed in response to the COVID-19 pandemic.

Justice Ross participated in the International Dispute Resolution Agencies Meeting on 2 December 2021.

Deputy President Clancy gave a presentation in April 2022 about the work of the Commission and workplace relations law in Australia to postgraduate students studying Human Resources and Employment Relations at Pennsylvania State University's School of Labor and Employment Relations.





# Appendix C: Reference data

## Tables for the delivery of Commission services

Table C1: Applications lodged, by matter type

Matter type	2021-22
<i>Fair Work Act 2009</i>	29,877
s.66M – Application to deal with a dispute about the right to request casual conversion	31
s.120 – Application to vary redundancy pay for other employment or incapacity to pay	89
s.122 – Transfer of employment situations that affect the obligation to pay redundancy pay	1
s.157 – FWC may vary, etc. modern awards if necessary to achieve modern awards objective	5
s.158 – Application to vary or revoke a modern award	16
s.160 – Application to vary a modern award to remove ambiguity or uncertainty or correct error	15
s.182(4) – Application for approval of a greenfields agreement	1
s.185 – Application for approval of a greenfields agreement	391
s.185 – Application for approval of a multi-enterprise agreement	42
s.185 – Application for approval of a single-enterprise agreement	4,083
s.210 – Application for approval of a variation of an enterprise agreement	149
s.217 – Application to vary an agreement to remove an ambiguity or uncertainty	33
s.217A – Application to deal with a dispute about variations	3
s.222 – Application for approval of a termination of an enterprise agreement	84
s.225 – Application for termination of an enterprise agreement after its nominal expiry date	236
s.229 – Application for a bargaining order	70
s.234 – Application for a serious breach declaration	2

Matter type	2021-22
s.236 – Application for a majority support determination	97
s.238 – Application for a scope order	9
s.240 – Application to deal with a bargaining dispute	117
s.248 – Application for a single interest employer authorisation	7
s.251 – Application for a variation of a single interest employer authorisation	1
s.252 – Application to extend single interest employer authorisation	4
s.285 – Annual wage review	1
s.302 – Application for an equal remuneration order	1
s.318 – Application for an order relating to instruments covering new employer and transferring employees	49
s.319 – Application for an order relating to instruments covering new employer and non-transferring employees	35
s.320 – Application to vary a transferable instrument	2
s.320 – Application to vary a transferable instrument – agreement	1
s.365 – Application to deal with contraventions involving dismissal	5,010
s.365 – Application to deal with contraventions involving dismissal (consent arbitration)	10
s.372 – Application to deal with other contravention disputes	1,164
s.394 – Application for unfair dismissal remedy	13,096
s.401 – Application for costs orders against lawyers and paid agents	3
s.418 – Application for an order that industrial action by employees or employers stop, etc.	22
s.423 – Application to suspend or terminate protected industrial action – significant economic harm, etc.	2
s.424 – Application to suspend or terminate protected industrial action – endangering life, etc.	12
s.425 – Application to suspend protected industrial action, cooling off	6

Matter type	2021-22
s.426 – Application to suspend protected industrial action, significant harm to a third party	4
s.437 – Application for a protected action ballot order	655
s.447 – Application for variation of protected action ballot order	31
s.448 – Application for revocation of protected action ballot order	45
s.459 – Application to extend the 30-day period in which industrial action is authorised by protected action ballot	244
s.472 – Application for an order relating to certain partial work bans	9
s.483AA – Application for an order to access non-member records	3
s.505 – Application to deal with a right of entry dispute	24
s.510 – Upon referral, revoke or suspend an entry permit	14
s.512 – Application for a right of entry permit	1,154
s.516 – Application to extend entry permit	20
s.520 – Application for an affected member certificate	2
s.526 – Application to deal with a dispute involving stand down	164
s.576(2)(aa) – Promoting cooperative and productive workplace relations and preventing disputes	4
s.589 – Application for procedural and interim decision	2
s.602 – Application to correct obvious error(s), etc. in relation to FWC's decision	2
s.603 – Application to vary or revoke a FWC decision	2
s.604 – Appeal of decisions	191
s.739 – Application to deal with a dispute	1,574
s.739 – Application to deal with a dispute in relation to flexible working arrangements	47

<b>Matter type</b>	<b>2021-22</b>
s.768AX – Application to vary copied State instruments	1
s.768BG – Application to consolidate orders in relation to non-transferring employees	4
s.773 – Application to deal with an unlawful termination dispute	141
s.789FC – Application for an order to stop bullying	602
s.789FC – Application for an order to stop bullying and sexual harassment	24
s.789FC – Application for an order to stop sexual harassment	5
s.789GV – Application to deal with a dispute under Part 6-4C	9
<b><i>Fair Work (Registered Organisations) Act 2009</i></b>	<b>211</b>
Reg.20 RO Regulations – Inspection of documents	1
RO Act – Request for advice and assistance – FWC	119
s.18(b) RO Act – Application for registration by an association of employees	1
s.30(1)(a) RO Act – Application by organisation for cancellation of registration	2
s.30(1)(c) RO Act – Cancellation of registration on FWC's own motion	1
s.158(1) RO Act – Application for alteration of eligibility rules	6
s.158(1) RO Act – Application for change of name of organisation	2
s.159(1) RO Act – Notification of alterations of other rules	73
s.161 RO Act – Evidence of rules	4
s.180 RO Act – Conscientious objection to membership of organisations	2
<b><i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i></b>	<b>295</b>
Sch. 3, Item 10 – Application to vary transitional instrument to remove ambiguity – agreement	1
Sch. 3, Item 15 – Application by agreement to terminate collective agreement-based transitional instrument	4
Sch. 3, Item 16 – Application to terminate collective agreement-based transitional instrument	39

Matter type	2021-22
Sch. 3, Item 17 – Application by agreement to terminate individual agreement-based transitional instrument	247
Sch. 3, Item 19 – Declaration for unilateral termination with FWC approval to terminate individual agreement	3
Sch. 5, Item 9 – Application for an order remedying reduction in take-home pay resulting from a modern award	1
<b>Work Health and Safety Act 2011</b>	<b>40</b>
s.131 WHS Act – Application for a WHS entry permit	39
s.138 WHS Act – Application to revoke a WHS entry permit	1
<b>Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021</b>	<b>1</b>
cl.48, Schedule 1 of the Fair Work Act 2009	1
<b>Coal Mining Industry (Long Service Leave) Administration Act 1992</b>	<b>3</b>
s.39D CMILSLA Act – FWC may deal with disputes relating to long service leave	3
<b>Administrative</b>	<b>3,695</b>
Request for a board of reference	177
s.400A – Application for a costs order against a party	3
Supported wage system agreement	3,515
<b>Grand total</b>	<b>34,122</b>

FWC = Fair Work Commission, GM = General Manager

**Table C2: Statutory documents published**

	2021-22 <sup>1</sup>	2020-21	2019-20	2018-19
Statutory documents published	10,765	9,951	10,030	10,974

1 Includes orders, decisions, statements and modern award determinations.

**Table C3: Hearings, conferences and conciliations, by location or method**

Location or method	2021-22 <sup>1</sup>	2020-21 <sup>2</sup>	2019-20 <sup>2</sup>	2018-19 <sup>2</sup>
Adelaide	21	67	173	240
Brisbane	139	176	595	847
Canberra	0	4	126	105
Darwin	5	4	15	19
Hobart	1	1	48	86
Melbourne	48	192	1,442	1,797
Newcastle	7	30	89	117
Perth	319	374	204	427
Sydney	61	412	972	1,406
Wollongong	0	0	0	0
Other places	33	43	149	240
In chambers <sup>3</sup>	-	2,480	2,965	2,894
Telephone	20,780	7,263	5,798	3,020
Video	3,992	1,241	530	504
<b>Total<sup>1</sup></b>	<b>25,406</b>	<b>12,287</b>	<b>13,106</b>	<b>11,702</b>

1 2021-22 includes unfair dismissal, general protections and stop orders proceedings conducted by Fair Work Commission staff. The majority of these proceedings are conducted via telephone.

2 Includes proceedings conducted by Commission Members only. Does not include proceedings conducted by staff.

3 In-chambers method phased out in 2021-22 with implementation of new case management system and listing procedures.

### Tables for 'Management and accountability'

Tables C4 to C17 only include full-time and part-time APS employees engaged under the Public Service Act. This does not include Members of the Commission, the General Manager, casuals or staff engaged through labour hire arrangements.

**Table C4: Details of accountable authority during the reporting period**

Name	Period as the accountable authority or member		
	Position title/ position held	Date of commencement	Date of cessation
Murray Furlong	Acting General Manager	1/07/2021	4/10/2021
Murray Furlong	General Manager	5/10/2021	30/06/2022

**Table C5: Ongoing employees by location as at 30 June 2022**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
NSW	9	0	9	22	3	25	0	34
QLD	6	2	8	6	3	9	0	17
SA	6	0	6	4	2	6	0	12
TAS	0	0	0	3	2	5	0	5
VIC	42	2	44	78	26	104	0	148
WA	2	0	2	5	0	5	0	7
ACT	3	1	4	3	1	4	0	8
NT	0	0	0	2	0	2	0	2
<b>Total</b>	<b>68</b>	<b>5</b>	<b>73</b>	<b>123</b>	<b>37</b>	<b>160</b>	<b>0</b>	<b>233</b>

**Table C6: Non-ongoing employees by location as at 30 June 2022**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
NSW	3	0	3	11	0	11	0	14
QLD	3	0	3	3	0	3	0	6
SA	2	0	2	0	0	0	0	2
TAS	0	0	0	0	0	0	0	0
VIC	7	2	9	14	4	18	0	27
WA	3	0	3	4	0	4	0	7
ACT	0	0	0	0	0	0	0	0
NT	0	0	0	0	0	0	0	0
<b>Total</b>	<b>18</b>	<b>2</b>	<b>20</b>	<b>32</b>	<b>4</b>	<b>36</b>	<b>0</b>	<b>56</b>

**Table C7: Ongoing employees by location as at 30 June 2021 (prior reporting period)**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
NSW	10	0	10	26	3	29	0	39
QLD	9	1	10	11	1	12	0	22
SA	5	0	5	4	2	6	0	11
TAS	0	0	0	2	2	4	0	4
VIC	48	3	51	81	27	108	0	159
WA	1	0	1	8	1	9	0	10
ACT	4	1	5	2	0	2	0	7
NT	0	0	0	3	0	3	0	3
<b>Total</b>	<b>77</b>	<b>5</b>	<b>82</b>	<b>137</b>	<b>36</b>	<b>173</b>	<b>0</b>	<b>255</b>



**Table C8: Non-ongoing employees by location as at 30 June 2021 (prior reporting period)**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
NSW	5	0	5	6	2	8	0	13
QLD	0	0	0	3	0	3	0	3
SA	2	0	2	0	0	0	0	2
TAS	0	0	0	0	0	0	0	0
VIC	4	1	5	14	2	16	0	21
WA	3	0	3	1	1	2	0	5
ACT	0	0	0	0	0	0	0	0
NT	0	0	0	0	0	0	0	0
<b>Total</b>	<b>14</b>	<b>1</b>	<b>15</b>	<b>24</b>	<b>5</b>	<b>29</b>	<b>0</b>	<b>44</b>

**Table C9: Ongoing employees by classification as at 30 June 2022**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
SES 1	1	0	1	2	0	2	0	3
EL 2	11	1	12	12	3	15	0	27
EL 1	12	2	14	14	10	24	0	38
APS 6	16	1	17	33	10	43	0	60
APS 5	16	0	16	30	8	38	0	54
APS 4	11	1	12	31	5	36	0	48
APS 3	0	0	0	1	0	1	0	1
APS 2	1	0	1	0	1	1	0	2
APS 1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>68</b>	<b>5</b>	<b>73</b>	<b>123</b>	<b>37</b>	<b>160</b>	<b>0</b>	<b>233</b>

**Table C10: Non-ongoing employees by classification as at 30 June 2022**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
SES 1	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0	0
EL 1	0	0	0	1	0	1	0	1
APS 6	0	0	0	0	0	0	0	0
APS 5	17	1	18	29	3	32	0	50
APS 4	1	1	2	2	1	3	0	5
APS 3	0	0	0	0	0	0	0	0
APS 2	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>18</b>	<b>2</b>	<b>20</b>	<b>32</b>	<b>4</b>	<b>36</b>	<b>0</b>	<b>56</b>

**Table C11: Ongoing employees by classification as at 30 June 2021 (prior reporting period)**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
SES 1	1	0	1	1	0	1	0	2
EL 2	10	2	12	13	2	15	0	27
EL 1	10	2	12	17	8	25	0	37
APS 6	21	1	22	37	11	48	0	70
APS 5	21	0	21	41	8	49	0	70
APS 4	13	0	13	26	6	32	0	45
APS 3	0	0	0	2	0	2	0	2
APS 2	1	0	1	0	1	1	0	2
APS 1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>77</b>	<b>5</b>	<b>82</b>	<b>137</b>	<b>36</b>	<b>173</b>	<b>0</b>	<b>255</b>

**Table C12: Non-ongoing employees by classification as at 30 June 2021  
(prior reporting period)**

	Male			Female			Indeterminate Gender	Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Total	
SES 1	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0	0
EL 1	0	0	0	3	0	3	0	3
APS 6	1	0	1	1	0	1	0	2
APS 5	11	1	12	16	5	21	0	33
APS 4	2	0	2	4	0	4	0	6
APS 3	0	0	0	0	0	0	0	0
APS 2	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>14</b>	<b>1</b>	<b>15</b>	<b>24</b>	<b>5</b>	<b>29</b>	<b>0</b>	<b>44</b>

Table C13: Employees by employment status as at 30 June 2022

	Ongoing			Non-ongoing			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 1	3	0	3	0	0	0	3
EL 2	23	4	27	0	0	0	27
EL 1	26	12	38	1	0	1	39
APS 6	49	11	60	0	0	0	60
APS 5	46	8	54	46	4	50	104
APS 4	42	6	48	3	2	5	53
APS 3	1	0	1	0	0	0	1
APS 2	1	1	2	0	0	0	2
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>191</b>	<b>42</b>	<b>233</b>	<b>50</b>	<b>6</b>	<b>56</b>	<b>289</b>

**Table C14: Employees by employment status as at 30 June 2021 (prior reporting period)**

	Ongoing			Non-ongoing			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 1	2	0	2	0	0	0	2
EL 2	23	4	27	0	0	0	27
EL 1	27	10	37	3	0	3	40
APS 6	58	12	70	2	0	2	72
APS 5	62	8	70	27	6	33	103
APS 4	39	6	45	6	0	6	51
APS 3	2	0	2	0	0	0	2
APS 2	1	1	2	0	0	0	2
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>214</b>	<b>41</b>	<b>255</b>	<b>38</b>	<b>6</b>	<b>44</b>	<b>299</b>

**Table C15: Employment type by location as at 30 June 2022**

	Ongoing	Non-ongoing	Total
NSW	34	14	48
QLD	17	6	23
SA	12	2	14
TAS	5	0	5
VIC	148	27	175
WA	7	7	14
ACT	8	0	8
NT	2	0	2
<b>Total</b>	<b>233</b>	<b>56</b>	<b>289</b>

**Table C16: Employment type by location as at 30 June 2021 (prior reporting period)**

	Ongoing	Non-ongoing	Total
NSW	39	13	52
QLD	22	3	25
SA	11	2	13
TAS	4	0	4
VIC	159	21	180
WA	10	5	15
ACT	7	0	7
NT	3	0	3
<b>Total</b>	<b>255</b>	<b>44</b>	<b>299</b>

**Table C17: APS Indigenous employment**

	30 June 2022	30 June 2021
Ongoing	3	1
Non-ongoing	0	0
<b>Total</b>	<b>3</b>	<b>1</b>



Table C18: Information about remuneration for key management personnel

Name	Position title	Short-term benefits			Post-employment benefits		Other long-term benefits		Termination benefits	Total remuneration (\$)
		Base salary (\$)	Bonuses (\$)	Other benefits and allowances (\$)	Superannuation contributions <sup>3</sup> (\$)	Long service leave (\$)	Other long term benefits (\$)			
Justice Iain Ross (AO) <sup>1</sup>	President	514,980	0	25,114	0	51,498	0	0	591,592	
Murray Furlong <sup>2</sup>	General Manager	379,520	0	0	46,731	9,204	0	0	435,455	
<b>Total</b>		<b>894,500</b>	<b>0</b>	<b>25,114</b>	<b>46,731</b>	<b>60,702</b>	<b>0</b>	<b>0</b>	<b>1,027,047</b>	

1 The President is eligible for a pension under the Judges' Pensions Scheme (JPS) pursuant to the *Judges' Pensions Act 1968*. The Fair Work Commission does not contribute towards the cost of the JPS, which is an unfunded defined benefit scheme recorded in the Department of Finance Financial Statements.

2 Murray Furlong was appointed as General Manager of the Fair Work Commission on 5 October 2021 for a period of five years. Murray Furlong was Acting General Manager from 1 July 2021 until date of appointment.

3 There is a minor inconsistency between the figures in this table and Note 6.2 of the financial statements in this report. This is due to the use of the Remuneration Tribunal Determination rate for the individual's employer superannuation contribution in this table, compared to the actual salary paid and leave provisions, which were used for the financial statements.

Table C19: Information about remuneration for senior executives

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits		Other long-term benefits		Termination benefits	Total remuneration
		Average base salary (\$)	Average bonuses (\$)	Average other benefits and allowances (\$)	Average superannuation contributions (\$)	Average long service leave (\$)	Average other long-term benefits (\$)	Average total remuneration (\$)		
\$0-220,000 <sup>1</sup>	3	95,364	0	0	14,536	2,068	0	0	0	111,967
\$270,001-295,000	2	231,659	0	0	38,942	5,638	0	0	0	279,239

1 Some of the individuals in this remuneration band have been in these roles for only a portion of the reporting period.

Table C20: Other highly paid employees

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits		Other long-term benefits		Termination benefits	Total remuneration
		Average base salary (\$)	Average bonuses (\$)	Average other benefits and allowances (\$)	Average superannuation contributions (\$)	Average long service leave (\$)	Average other long-term benefits (\$)	Average total remuneration (\$)		
\$235,001-245,000	1	214,447	0	0	24,002	5,283	0	0	243,732	

**Table C21: APS employment salary ranges by classification level, current reporting period (2021–22)**

	Minimum salary (\$)	Maximum salary (\$)
SES <sup>1</sup>	N/A	N/A
EL 2	128,166	149,996
EL 1	111,157	120,294
APS 6	87,318	100,442
APS 5	80,622	85,444
APS 4	72,318	78,480
APS 3	64,954	70,043
APS 2	57,721	63,213
APS 1	50,891	52,901

1 The General Manager determines the salaries of SES employees.

Note: The figures reflect base salary only and exclude superannuation and other benefits.

# Appendix D: Annual financial statements

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# **FINANCIAL STATEMENTS 2021 - 22**

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## **FAIR WORK COMMISSION**

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## INDEPENDENT AUDITOR'S REPORT

### To the Minister for Employment and Workplace Relations

#### Opinion

In my opinion, the financial statements of the Fair Work Commission (the Entity) for the year ended 30 June 2022:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2022 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2022 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to the financial statements, comprising an Overview and summary of significant accounting policies and other explanatory information

#### Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the General Manager is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The General Manager is also responsible for such internal control as the General Manager determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.



In preparing the financial statements, the General Manager is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The General Manager is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

### **Auditor's responsibilities for the audit of the financial statements**

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Peter Kerr

Executive Director

Delegate of the Auditor-General

Canberra

2 September 2022

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**FAIR WORK COMMISSION**

**STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2022 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Fair Work Commission will be able to pay its debts as and when they fall due.



Signed \_\_\_\_\_

Murray Furlong  
General Manager  
2 September 2022



Signed \_\_\_\_\_

Jack Lambalk  
Chief Financial Officer  
2 September 2022

**Statement of Comprehensive Income***for the period ended 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget <sup>1</sup> \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits	1.1A	52,132	49,985	55,054
Suppliers	1.1B	22,776	20,881	19,485
Depreciation and amortisation	3.2A	14,802	15,910	16,924
Finance costs	1.1C	180	240	180
Write-down and impairment of other assets	1.1D	2	115	-
<b>Total expenses</b>		<b>89,892</b>	<b>87,131</b>	<b>91,643</b>
<b>Own-Source Income</b>				
<b>Own-source revenue</b>				
Revenue from contracts with customers	1.2A	117	357	200
Rental income	1.2B	2,645	1,843	1,800
Other revenue	1.2C	57	57	56
<b>Total own-source revenue</b>		<b>2,819</b>	<b>2,257</b>	<b>2,056</b>
<b>Total own-source income</b>		<b>2,819</b>	<b>2,257</b>	<b>2,056</b>
<b>Net cost of services</b>		<b>(87,073)</b>	<b>(84,874)</b>	<b>(89,587)</b>
Revenue from Government	1.2D	80,857	82,128	84,544
<b>Deficit on continuing operations</b>		<b>(6,216)</b>	<b>(2,746)</b>	<b>(5,043)</b>
<b>OTHER COMPREHENSIVE INCOME</b>				
<b>Items not subject to subsequent reclassification to net cost of services</b>				
Changes in asset revaluation reserve	3.2A	3,329	-	-
<b>Total comprehensive loss</b>		<b>(2,887)</b>	<b>(2,746)</b>	<b>(5,043)</b>

The above statement should be read in conjunction with the accompanying notes.

1. The budget column represents the Fair Work Commission's original Portfolio Budget Statements for the 2021-2022 financial year.

### **Budget Variances Commentary**

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Comprehensive Income, they are total expenses or total revenue.

### **Suppliers**

Supplier costs were higher than budget mainly due to additional cost incurred in delivering and supporting ICT projects during the year.

### **Depreciation and amortisation**

Depreciation charges were lower than expected due to the Commission extending the useful life of leasehold improvements for two major tenancies.

### **Changes in asset revaluation reserve/Total comprehensive loss**

Following the extension of property leases, the Commission adjusted the expected useful life of leasehold improvements, which resulted in an adjustment to the carrying value of this asset class.

**Statement of Financial Position***as at 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and cash equivalents	3.1A	462	524	559
Trade and other receivables	3.1B	38,709	43,232	39,899
<b>Total financial assets</b>		<b>39,171</b>	<b>43,756</b>	<b>40,458</b>
<b>Non-financial assets<sup>1</sup></b>				
Leasehold improvements	3.2A	45,072	54,152	39,819
Plant and equipment	3.2A	3,665	2,895	1,450
Computer software	3.2A	3,234	1,959	2,930
Other non-financial assets	3.2B	2,026	1,323	1,523
<b>Total non-financial assets</b>		<b>53,997</b>	<b>60,329</b>	<b>45,722</b>
<b>Total assets</b>		<b>93,168</b>	<b>104,085</b>	<b>86,180</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	3.3A	1,488	1,120	1,346
Other payables	3.3B	1,079	902	796
<b>Total payables</b>		<b>2,567</b>	<b>2,022</b>	<b>2,142</b>
<b>Interest bearing liabilities</b>				
Leases	3.4A	35,962	47,659	35,267
<b>Total interest bearing liabilities</b>		<b>35,962</b>	<b>47,659</b>	<b>35,267</b>
<b>Provisions</b>				
Employee provisions	6.1A	16,948	15,651	15,185
<b>Total provisions</b>		<b>16,948</b>	<b>15,651</b>	<b>15,185</b>
<b>Total liabilities</b>		<b>55,477</b>	<b>65,332</b>	<b>52,594</b>
<b>Net assets</b>		<b>37,691</b>	<b>38,753</b>	<b>33,586</b>
<b>EQUITY</b>				
Contributed equity		54,162	52,337	56,443
Reserves		17,067	13,738	13,738
Accumulated deficit		(33,538)	(27,322)	(36,595)
<b>Total equity</b>		<b>37,691</b>	<b>38,753</b>	<b>33,586</b>

The above statement should be read in conjunction with the accompanying notes.

1. Right-of-use assets are included in the following line items: leasehold improvements and plant and equipment.

### **Budget Variances Commentary**

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Financial Position, it is total equity.

#### **Leasehold improvements**

Following the extension of property leases, the Commission adjusted the expected useful life of leasehold improvements, which resulted in an adjustment to the carrying value of this asset class.

#### **Plant and equipment**

The variance against plant and equipment was mainly contributed by capital costs incurred in improving ICT network infrastructure and video conferencing capabilities.

**Statement of Changes in Equity**  
for the period ended 30 June 2022

	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>CONTRIBUTED EQUITY</b>			
<b>Opening balance</b>	<b>52,337</b>	49,849	52,337
<b>Transactions with owners</b>			
<b>Distributions to owners</b>			
Return of equity	(1,881)	-	-
<b>Contributions by owners</b>			
Departmental capital budget	3,706	2,488	4,106
<b>Total transactions with owners</b>	<b>1,825</b>	2,488	4,106
<b>Closing balance as at 30 June</b>	<b>54,162</b>	52,337	56,443
<b>ACCUMULATED DEFICIT</b>			
<b>Opening balance</b>	<b>(27,322)</b>	(24,576)	(31,552)
<b>Comprehensive income</b>			
Deficit for the period	(6,216)	(2,746)	(5,043)
<b>Total comprehensive income</b>	<b>(6,216)</b>	(2,746)	(5,043)
<b>Closing balance as at 30 June</b>	<b>(33,538)</b>	(27,322)	(36,595)
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>	<b>13,738</b>	13,738	13,738
<b>Comprehensive income</b>			
Other comprehensive income	3,329	-	-
<b>Total comprehensive income</b>	<b>3,329</b>	-	-
<b>Closing balance as at 30 June</b>	<b>17,067</b>	13,738	13,738



**Statement of Changes in Equity**  
for the period ended 30 June 2022

	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>	<b>38,753</b>	39,011	34,523
<b>Comprehensive income</b>			
Deficit for the period	<b>(6,216)</b>	(2,746)	(5,043)
Other comprehensive income	<b>3,329</b>	-	-
<b>Total comprehensive income</b>	<b>(2,887)</b>	(2,746)	(5,043)
<b>Transactions with owners</b>			
<b>Distributions to owners</b>			
Return of equity	<b>(1,881)</b>	-	-
<b>Contributions by owners</b>			
Departmental capital budget	<b>3,706</b>	2,488	4,106
<b>Total transactions with owners</b>	<b>1,825</b>	2,488	4,106
<b>Closing balance as at 30 June</b>	<b>37,691</b>	38,753	33,586

The above statement should be read in conjunction with the accompanying notes.

**Accounting Policy**

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

**Budget Variances Commentary**

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Changes in Equity, it is total equity.

**Return of equity**

In accordance with section 51 of the PGPA Act, access to \$1.881m (\$1.781m operating and \$0.1m capital) of the 2020-21 appropriation previously quarantined was permanently withheld in the 2021-22 financial year.

**Cash Flow Statement***for the period ended 30 June 2022*

	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriations	83,557	78,841	84,544
Sale of goods and rendering of services	2,831	2,282	2,000
Net GST received	3,920	3,092	-
<b>Total cash received</b>	<b>90,308</b>	<b>84,215</b>	<b>86,544</b>
<b>Cash used</b>			
Employees	(50,656)	(49,360)	(55,054)
Suppliers	(27,107)	(24,172)	(19,429)
Interest payments on lease liabilities	(180)	(240)	(180)
<b>Total cash used</b>	<b>(77,943)</b>	<b>(73,772)</b>	<b>(74,663)</b>
<b>Net cash from operating activities</b>	<b>12,365</b>	<b>10,443</b>	<b>11,881</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash used</b>			
Purchase of leasehold improvements	(959)	(210)	(999)
Purchase of property, plant and equipment	(1,588)	(1,146)	(976)
Purchase of computer software	(1,778)	(1,248)	(2,131)
<b>Total cash used</b>	<b>(4,325)</b>	<b>(2,604)</b>	<b>(4,106)</b>
<b>Net cash used by investing activities</b>	<b>(4,325)</b>	<b>(2,604)</b>	<b>(4,106)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity	3,706	2,488	4,106
<b>Total cash received</b>	<b>3,706</b>	<b>2,488</b>	<b>4,106</b>
<b>Cash used</b>			
Principle payments of lease liabilities	(11,808)	(10,362)	(11,881)
<b>Total cash used</b>	<b>(11,808)</b>	<b>(10,362)</b>	<b>(11,881)</b>
<b>Net cash used by financing activities</b>	<b>(8,102)</b>	<b>(7,874)</b>	<b>(7,775)</b>
<b>Net decrease in cash held</b>	<b>(62)</b>	<b>(35)</b>	<b>-</b>
<b>Cash and cash equivalents at the beginning of the reporting period</b>	<b>524</b>	<b>559</b>	<b>559</b>
<b>Cash and cash equivalents at the end of the reporting period</b>	<b>462</b>	<b>524</b>	<b>559</b>

3.1A

The above statement should be read in conjunction with the accompanying notes.

### **Budget Variances Commentary**

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Cash Flow Statement, it is total equity.

#### **Operating activities - cash used - suppliers**

The variance against operating activities - cash used - suppliers is predominantly due to increased contractor and agency resources.

**Administered Schedule of Comprehensive Income**

*for the period ended 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget <sup>1</sup> \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Application refunds paid	2.1A	475	531	500
<b>Total expenses</b>		<b>475</b>	<b>531</b>	<b>500</b>
<b>Income</b>				
<b>Revenue</b>				
<b>Non-taxation revenue</b>				
Application fees received	2.2A	1,127	1,325	1,078
<b>Total non-taxation revenue</b>		<b>1,127</b>	<b>1,325</b>	<b>1,078</b>
<b>Total revenue</b>		<b>1,127</b>	<b>1,325</b>	<b>1,078</b>
<b>Total income</b>		<b>1,127</b>	<b>1,325</b>	<b>1,078</b>
<b>Net contribution by services</b>		<b>652</b>	<b>794</b>	<b>578</b>
<b>Surplus</b>		<b>652</b>	<b>794</b>	<b>578</b>
<b>Total comprehensive income</b>		<b>652</b>	<b>794</b>	<b>578</b>

The above schedule should be read in conjunction with the accompanying notes.

1. The budget column represents the Fair Work Commission's original Portfolio Budget Statements for the 2021-2022 financial year.

**Administered Schedule of Assets and Liabilities***as at 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and cash equivalents	4.1 A	4	-	-
<b>Total financial assets</b>		<b>4</b>	-	-
<b>Total assets administered on behalf of Government</b>		<b>4</b>	-	-
<b>LIABILITIES</b>				
<b>Other payables</b>				
Application fees payables	4.2A	190	124	270
<b>Total other payables</b>		<b>190</b>	124	270
				270
		<b>(186)</b>	(124)	

The above schedule should be read in conjunction with the accompanying notes.

**Administered Reconciliation Schedule**  
for the period ended 30 June 2022

	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>Opening assets less liabilities as at 1 July 2021</b>	<b>(124)</b>	(270)	(270)
<b>Net (cost of)/contribution by services</b>			
Application fees income	1,127	1,325	1,078
Expenses			
Payments to entities other than corporate Commonwealth entities	<b>(475)</b>	(531)	(500)
Special appropriations (limited)			
Transfers from Official Public Accounts	509	592	500
Appropriation transfers to Official Public Account			
Transfers to OPA	<b>(1,223)</b>	(1,240)	(1,078)
<b>Closing assets less liabilities as at 30 June 2022</b>	<b>(186)</b>	(124)	(270)

The above schedules should be read in conjunction with the accompanying notes.

**Administered cash transfers to and from the official public account**

Revenue collected by the Fair Work Commission for use by the Government rather than the Fair Work Commission is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the Fair Work Commission on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

**Administered Cash Flow Statement***for the period ended 30 June 2022*

	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Application fees received	1,227	1,240	1,078
<b>Total cash received</b>	<b>1,227</b>	<b>1,240</b>	<b>1,078</b>
<b>Cash used</b>			
Application refunds paid	(509)	(592)	(500)
<b>Total cash used</b>	<b>(509)</b>	<b>(592)</b>	<b>(500)</b>
<b>Net cash from operating activities</b>	<b>718</b>	<b>648</b>	<b>578</b>
<b>Cash from Official Public Account</b>			
Appropriations	509	592	500
<b>Total cash from official public account</b>	<b>509</b>	<b>592</b>	<b>500</b>
<b>Cash to Official Public Account</b>			
Appropriations	(1,223)	(1,240)	(1,078)
<b>Total cash to official public account</b>	<b>(1,223)</b>	<b>(1,240)</b>	<b>(1,078)</b>
<b>Net increase in cash held</b>	<b>4</b>	<b>-</b>	<b>-</b>
<b>Cash and cash equivalents at the beginning of the reporting period</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Cash and cash equivalents at the end of the reporting period</b>	<b>4</b>	<b>-</b>	<b>-</b>

The above schedules should be read in conjunction with the accompanying notes.

**Budget Variances Commentary**

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Cash Flow Statement, it is total equity.

**Applications fees received/Appropriations**

Application fees are payable to the Fair Work Commission at the time of lodgement of applications relating to s394, s365, s372, s773 and s789FC of the Fair Work Act 2009. The variance in applications were due to higher than budgeted applications to the Commission.

## Overview

The Fair Work Commission is an Australian Government controlled entity. It is a not-for-profit entity.

The nature of the Fair Work Commission's operations and its principal activities is to deliver simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements and deal with disputes.

### The Basis of Preparation

The financial statements are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The Financial Statements are presented in Australian dollars.

### New Accounting Standards

All new/ revised/ amending standards and/or interpretations that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect on the Fair Work Commission's financial statements.

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities	AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework. The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the entity.

### Taxation

The Fair Work Commission is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).



### Reporting of Administered activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the administered schedules and related notes.

Except where otherwise stated, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

### Events after the Reporting Period

#### Departmental

There were no significant events that had the potential to significantly affect the ongoing structure and financial activities of the Fair Work Commission.

#### Administered

There were no significant events that had the potential to significantly affect the ongoing structure and financial activities of the Fair Work Commission.

### Impact of the COVID-19 Pandemic

The Fair Work Commission has assessed the impact of COVID-19 pandemic on the balances included in its financial statements. The Fair Work Commission has concluded that the COVID-19 has not had a material impact on the financial statements, operations, or effectiveness of internal controls.

## Departmental Financial Performance

This section analyses the financial performance of Fair Work Commission for the year ended 2022.

### 1.1 Expenses

	2022 \$'000	2021 \$'000
<b>1.1A: Employee benefits</b>		
Wages and salaries	40,856	39,193
Superannuation:		
Defined contribution plans	4,913	4,540
Defined benefit plans	1,410	1,506
Leave and other entitlements	4,424	4,348
Separation and redundancies	387	224
Other employee expenses	142	174
<b>Total employee benefits</b>	<b>52,132</b>	<b>49,985</b>

#### Accounting Policy

Accounting policies for employee related expenses is contained in the People and relationships section.

### 1.1B: Suppliers

#### Goods and services supplied or rendered

Tribunal/member services	1,365	1,505
Information Communications Technology	4,716	4,396
Property expenses	3,508	3,424
Office expense	452	979
Contractors	12,017	9,430
Other	358	717
<b>Total goods and services supplied or rendered</b>	<b>22,416</b>	<b>20,451</b>

Goods supplied	677	912
Services rendered	21,739	19,539
<b>Total goods and services supplied or rendered</b>	<b>22,416</b>	<b>20,451</b>

#### Other suppliers

Workers compensation expenses	84	85
Short term leases	-	20
Variable lease payments	276	325
<b>Total other suppliers</b>	<b>360</b>	<b>430</b>
<b>Total suppliers</b>	<b>22,776</b>	<b>20,881</b>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 1.2B, 3.2 and 3.4A.

#### Accounting Policy

##### Short-term leases and leases of low-value assets

The Fair Work Commission has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000). The Fair Work Commission recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

	2022 \$'000	2021 \$'000
<hr/>		
<b>1.1C: Finance costs</b>		
Interest on lease liabilities	180	240
<b>Total finance costs</b>	<u>180</u>	<u>240</u>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.2B, 3.2 and 3.4A.

**Accounting Policy**

All borrowing costs are expensed as incurred.

<b>1.1D: Write-down and impairment of other assets</b>		
Write-down of property, plant and equipment	2	29
Impairment of intangible assets other than goodwill	-	86
<b>Total write-down and impairment of other assets</b>	<u>2</u>	<u>115</u>

## 1.2 Own Source Revenue and Gains

	2022 \$'000	2021 \$'000
<b>Own-Source Revenue</b>		
<b>1.2A: Revenue from contracts with customers</b>		
Rendering of services	117	357
<b>Total revenue from contracts with customers</b>	<b>117</b>	<b>357</b>
<b>Disaggregation of revenue from contracts with customers</b>		
Major product / service line:		
Hire of hearing rooms and video conferencing facilities	57	330
Other	60	27
	<b>117</b>	<b>357</b>
Type of customer:		
Commonwealth Governments	-	96
State and Territory Governments	57	234
Non-government entities	60	27
	<b>117</b>	<b>357</b>
Timing of transfer of goods and services:		
Point of time	117	357
	<b>117</b>	<b>357</b>

### Accounting Policy

Revenue is recognised when (or as) the Fair Work Commission satisfies a performance obligation by transferring a promised good or service (i.e. an asset) to a customer. An asset is transferred when (or as) the customer obtains control of that asset. The Fair Work Commission transfers control of a good or service at a point in time, therefore, satisfies the performance obligation at a point in time.

The principal activities from which the Fair Work Commission generates own source revenue is the hire of hearing rooms and video conferencing facilities. The Fair Work Commission recognises revenue on a daily rate when the service is performed.

The transaction price is the total amount of consideration to which the Fair Work Commission expects to be entitled in exchange for transferring promised goods or services to a customer. The consideration promised in a contract with a customer may include fixed amounts, variable amounts, or both.

### 1.2B: Rental Income

Operating lease		
Lease income	2,645	1,843
<b>Total rental income</b>	<b>2,645</b>	<b>1,843</b>

### Operating Leases

The Fair Work Commission in its capacity as lessor received rental income from subleases during the 2021-22 financial year. The Fair Work Commission retains substantially all the risks and rewards incidental to ownership of the underlying asset.

	2022 \$'000	2021 \$'000
<b>Maturity analysis of operating lease income receivables:</b>		
Within 1 year	-	2,204
<b>Total undiscounted lease payments receivable</b>	<u>-</u>	<u>2,204</u>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.1C, 3.2 and 3.4A.

### **1.2C: Other revenue**

Resources received free of charge		
Remuneration of auditors	57	57
<b>Total other revenue</b>	<u>57</u>	<u>57</u>

#### **Accounting Policy**

##### Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

### **1.2D: Revenue from Government**

Appropriations		
Departmental appropriations	80,857	82,128
<b>Total revenue from Government</b>	<u>80,857</u>	<u>82,128</u>

#### **Accounting Policy**

##### Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the Fair Work Commission gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts. Funding received or receivable from non-corporate Commonwealth entities (appropriated to the non-corporate Commonwealth entity as a corporate Commonwealth entity payment item for payment to this entity) is recognised as Revenue from Government by the corporate Commonwealth entity unless the funding is in the nature of an equity injection or a loan.

## Income and Expenses Administered on Behalf of the Government

This section analyses the activities that the Fair Work Commission does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental.

### 2.1 Administered Expenses

	2022 \$'000	2021 \$'000
<b>2.1A: Expenses</b>		
Application refunds paid	475	531
<b>Total expenses</b>	<b>475</b>	<b>531</b>

### 2.2 Administered Income

	2022 \$'000	2021 \$'000
<b>2.2A: Revenue</b>		
<b>Non-taxation revenue</b>		
Application fees received	1,127	1,325
<b>Total non-taxation revenue</b>	<b>1,127</b>	<b>1,325</b>
<b>Total revenue</b>	<b>1,127</b>	<b>1,325</b>

#### Accounting Policy

Application fees are payable to the Fair Work Commission at the time of lodgement of applications relating to s394, s365, s372, s773 and s789FC of the *Fair Work Act 2009*.

The Fair Work Commission recognises application fees received as a revenue only when a matter has been substantially dealt with by a member of the Commission. (i.e. the Commission has performed its performance obligation).

## Departmental Financial Position

This section analyses the Fair Work Commission's assets used to conduct its operations and the operating liabilities incurred as a result.

Employee related information is disclosed in the People and Relationships section.

### 3.1 Financial Assets

	2022	2021
	\$'000	\$'000

#### 3.1A: Cash and Cash Equivalents

Cash on hand or on deposit	462	524
<b>Total cash and cash equivalents</b>	<b>462</b>	<b>524</b>

#### Accounting Policy

Cash is recognised at its nominal amount. Cash and cash equivalents include:

- a) Cash on hand; and
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value

#### 3.1B: Trade and Other Receivables

##### Goods and services receivables

Goods and services	32	4
<b>Total goods and services receivables</b>	<b>32</b>	<b>4</b>

##### Appropriations receivables

Appropriation receivable	38,260	42,841
<b>Total appropriations receivables</b>	<b>38,260</b>	<b>42,841</b>

##### Other receivables

GST receivable	417	387
<b>Total other receivables</b>	<b>417</b>	<b>387</b>
<b>Total trade and other receivables (gross)</b>	<b>38,709</b>	<b>43,232</b>

##### Less impairment loss allowance

	-	-
<b>Total trade and other receivables (net)</b>	<b>38,709</b>	<b>43,232</b>

Credit terms for goods and services were within 20 days (2021: 20 days).

#### Accounting Policy

##### Financial assets

Trade receivables, loans and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

### 3.2 Non Financial Assets

#### 3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles<sup>1</sup>

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Computer software \$'000	Total \$'000
<b>As at 1 July 2021</b>				
Gross book value	81,056	3,407	5,208	89,671
Accumulated depreciation, amortisation and impairment	(26,904)	(512)	(3,249)	(30,665)
<b>Total as at 1 July 2021</b>	<b>54,152</b>	<b>2,895</b>	<b>1,959</b>	<b>59,006</b>
Additions				
Purchase or internally developed	959	1,588	1,778	4,325
Right-of-use assets	115	-	-	115
Revaluations and impairments recognised in other comprehensive income	3,329	-	-	3,329
Depreciation and amortisation	(2,005)	(759)	(503)	(3,267)
Depreciation on right-of-use assets	(11,478)	(57)	-	(11,535)
Disposals	-	(2)	-	(2)
<b>Total as at 30 June 2022</b>	<b>45,072</b>	<b>3,665</b>	<b>3,234</b>	<b>51,971</b>
<b>Total as at 30 June 2022 represented by</b>				
Gross book value	83,107	4,937	5,009	93,053
Accumulated depreciation, amortisation and impairment	(38,035)	(1,272)	(1,775)	(41,082)
<b>Total as at 30 June 2022</b>	<b>45,072</b>	<b>3,665</b>	<b>3,234</b>	<b>51,971</b>
Carrying amount of right-of-use assets	30,200	195	-	30,395

1. The above table discloses property, plant and equipment not subject to operating leases.

#### Revaluations of non-financial assets and intangible assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.4.

#### Contractual commitments for the acquisition of property, plant, equipment and intangible assets

As at the reporting date, the Fair Work Commission has no contractual commitments for the acquisition of leasehold improvements, property, plant and equipment.



**Accounting Policy**

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Non-financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor’s accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to ‘make good’ provisions in property leases taken up by the Fair Work Commission where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Fair Work Commission’s leasehold improvements with a corresponding provision for the ‘make good’ recognised.

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

On initial adoption of AASB 16 the Fair Work Commission has adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. Following initial application, an impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.

Revaluations

Following initial recognition at cost, property, plant and equipment (excluding ROU assets) are carried at fair value. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets’ fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Fair Work Commission using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	2022	2021
Leasehold		
Improvements	Lease term	Lease term
Plant and equipment	3 to 10 years	3 to 10 years

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

Impairment

All assets were assessed for impairment at 30 June 2022. Where indications of impairment exist, the asset’s recoverable amount is estimated and an

impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Fair Work Commission were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Intangibles

The Fair Work Commission's intangibles comprise internally developed and purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the Fair Work Commission's software are 3 to 10 years (2021: 3 to 10 years).

All software assets were assessed for indications of impairment as at 30 June 2022.

	2022 \$'000	2021 \$'000
<b>3.2B: Other Non-Financial Assets</b>		
Prepayments	2,026	1,110
Lease receivables	-	213
<b>Total other non-financial assets</b>	<b>2,026</b>	<b>1,323</b>

No indicators of impairment were found for other non-financial assets.

### 3.3 Payables

	2022 \$'000	2021 \$'000
<b>3.3A: Suppliers</b>		
Trade creditors and accruals	1,488	1,120
<b>Total suppliers</b>	<b>1,488</b>	<b>1,120</b>

Settlement terms for suppliers are 20 days. (2021: 30 days)

### 3.3B: Other payables

Salaries and wages	963	804
Superannuation	116	96
Other	-	2
<b>Total other payables</b>	<b>1,079</b>	<b>902</b>

### 3.4 Interest bearing Liabilities

	2022 \$'000	2021 \$'000
<b>3.4A: Leases</b>		
Lease Liabilities	35,962	47,659
<b>Total leases</b>	<b>35,962</b>	<b>47,659</b>
<b>Maturity analysis – contractual undiscounted cash flows</b>		
Within 1 year	10,480	11,936
Between 1 to 5 years	40,162	27,749
More than 5 years	19,998	8,535
<b>Total leases</b>	<b>70,640</b>	<b>48,220</b>

Total cash outflow for leases for the year ended 30 June 2022 was \$11,988,030 (2021: \$10,601,734)

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.1C, 1.2B and 3.2.

#### Accounting Policy

For all new contracts entered into, the Fair Work Commission considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

## Assets and Liabilities Administered on Behalf of the Government

This section analyses assets used to conduct operations and the operating liabilities incurred. As a result, the Fair Work Commission does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

### 4.1 Administered Financial Assets

	2022	2021
	\$'000	\$'000

#### 4.1A: Financial assets

Cash and cash equivalents	4	-
<b>Total financial assets</b>	<b>4</b>	<b>-</b>

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value; and
- c) cash in special accounts

### 4.2 Administered Payables

	2022	2021
	\$'000	\$'000

#### 4.2A: Other payables:

Application fees payables	190	124
<b>Total other payables</b>	<b>190</b>	<b>124</b>

The Fair Work Commission recognises application fees received as a liability in the Administered Schedule of Assets and Liabilities. After a matter has been closed and substantially performed by the Fair Work Commission (i.e. the Fair Work Commission has fulfilled its performance obligation), revenue will be recognised in the Administered Schedule of Comprehensive Income.

**Funding**

This section identifies the Fair Work Commission funding structure.

**5.1 Appropriations****5.1A: Annual Appropriations ('Recoverable GST exclusive')****Annual Appropriations for 2022**

	Annual Appropriation <sup>1</sup> \$'000	Adjustments to Appropriation <sup>2</sup> \$'000	Total Appropriation \$'000	Appropriation applied in 2022 (current and prior years) \$'000	Variance <sup>3</sup> \$'000
<b>Departmental</b>					
Ordinary annual services	84,544	2,819	87,363	86,219	1,144
Capital Budget <sup>4</sup>	4,106	-	4,106	4,325	(219)
<b>Total departmental</b>	<b>88,650</b>	<b>2,819</b>	<b>91,469</b>	<b>90,544</b>	<b>925</b>

1. PGPA Act s51 direction was signed on 23 June 2022 to withhold amounts of current year annual appropriation of \$4.087m (\$3.687m operating and \$0.4m capital). They are included in the appropriation note as legally available appropriation by Appropriation Act (refer to Resource Management Guide No. 116 Accounting for annual appropriations).

2. Adjustments to appropriations includes adjustments to current year annual appropriations including Advance to the Finance Minister (AFM), PGPA Act section 74 receipts and PGPA Act section 75 transfers.

3. The material variance between total annual appropriation available and total appropriation applied in 2022 relates to unspent appropriations funded from current year appropriation items, or spending from both current year and prior year appropriation items.

4. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

Annual Appropriations for 2021

	Annual Appropriation \$'000	Adjustments to Appropriation <sup>1</sup> \$'000	Total Appropriation \$'000	Appropriation applied in 2021 (current and prior years) \$'000	Variance <sup>2</sup> \$'000
Departmental					
Ordinary annual services	82,128	2,200	84,328	79,248	5,080
Capital Budget <sup>3</sup>	2,488	-	2,488	2,604	(116)
Total departmental	84,616	2,200	86,816	81,852	4,964

1. Adjustments to appropriations includes adjustments to prior year annual appropriations including Advance to the Finance Minister (AFM), PGPA Act section 74 receipts and PGPA Act section 75 transfers.

2. The material variance between total annual appropriation available and total appropriation applied in 2021 relates to unspent appropriations funded from current year appropriation items, or spending from both current year and prior year appropriation items.

3. Departmental Capital Budgets are appropriated through Appropriation Acts (Nos. 1, 3 & 5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

**5.1B: Unspent Annual Appropriations ('Recoverable GST exclusive')**

	2022 \$'000	2021 \$'000
<b>Departmental</b>		
Supply Act (No.1) 2020-2021	-	39,667
Appropriation Act (No.3) 2020-2021 <sup>1</sup>	1,781	1,781
Appropriation Act (No.1) – Capital Budget 2020-2021	-	424
Supply Act (No.1) – Capital Budget 2020-2021	-	1,393
Appropriation Act (No.3) – Capital Budget 2020-2021 <sup>1</sup>	100	100
Appropriation Act (No.1) 2021-2022	37,524	-
Appropriation Act (No.1) 2021-2022 <sup>1</sup>	3,687	-
Appropriation Act (No.1) – Capital Budget 2021-2022	1,198	-
Appropriation Act (No.1) – Capital Budget 2021-2022 <sup>1</sup>	400	-
<b>Total departmental</b>	<b>44,690</b>	<b>43,365</b>
Unspent appropriation includes cash and cash equivalents on hand as at 30 June 2022. Represented by:		
Appropriation receivable	38,260	42,841
Cash	462	524
<b>Total departmental</b>	<b>38,722</b>	<b>43,365</b>

1. PGPA Act s51 direction was signed on 23 June 2022 to withhold amounts of current year annual appropriation of \$4.087m (\$3.687m operating and \$0.4m capital). In addition, in accordance with section 51 of the PGPA Act, access to \$1.881m (\$1.781m operating and \$0.1m capital) of the 2020-21 appropriation previously quarantined was permanently withheld in the 2021-22 financial year. The withheld amounts are included in unspent annual appropriation note as legally available appropriation by Appropriation Act. After excluding all withheld amounts, the unspent annual appropriation equals to \$38.722m.

**5.1C: Special Appropriations ('Recoverable GST exclusive')**

Authority	Appropriation applied	
	2022 \$'000	2021 \$'000
<i>Public Governance, Performance and Accountability Act 2013 s.77, Administered</i>	(509)	(592)
<b>Total special appropriations applied</b>	<b>(509)</b>	<b>(592)</b>

**5.1D: Disclosure by Agent in Relation to Annual and Special Appropriations ('Recoverable GST exclusive')**

<b>Department of Finance – to make payment to beneficiaries under the Judges Pension Scheme 2022</b>	
<b>\$'000</b>	
<b>2022</b>	
<b>Total Receipts</b>	<b>7,391</b>
<b>Total Payments</b>	<b>(7,391)</b>
<b>2021</b>	
<b>Department of Finance – to make payment to beneficiaries under the Judges Pension Scheme 2021</b>	
<b>\$'000</b>	
Total Receipts	7,431
Total Payments	(7,431)

## 5.2 Net Cash Appropriation Arrangements

	2022 \$'000	2021 \$'000
<b>Total comprehensive income/(loss) – as per the Statement of Comprehensive Income</b>	<b>(6,216)</b>	<b>(2,746)</b>
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injection) <sup>1</sup>	<b>3,267</b>	4,142
<i>Plus:</i> depreciation right-of-use assets <sup>2</sup>	<b>11,535</b>	11,768
<i>Less:</i> lease principal repayments <sup>2</sup>	<b>(11,808)</b>	<b>(10,362)</b>
<b>Net Cash Operating Surplus/(loss)<sup>3</sup></b>	<b>(3,222)</b>	<b>2,802</b>

### Notes:

1. From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

2. The inclusion of depreciation/amortisation expenses related to ROU leased assets and the lease liability principal repayment amount reflects the impact of AASB 16 Leases, which does not directly reflect a change in appropriation arrangements.

3. The Net Cash Operating Surplus includes an amount of \$1.781m which was received during the 2020-21 financial year and permanently withheld in the 2021-22 financial year.



## People and Relationships

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

### 6.1 Employee Provisions

	2022 \$'000	2021 \$'000
<b>6.1A: Employee Provisions</b>		
Leave	16,652	15,606
Separations and redundancies	296	45
<b>Total employee provisions</b>	<b>16,948</b>	<b>15,651</b>

### 6.1B: Administered – Employee Provisions

As at 30 June 2022, there were no administered employee provisions (2021: nil).

#### Accounting Policy

Liabilities for short-term employee benefits and termination benefits expected to be settled within twelve months of the end of reporting period are measured at their nominal amounts.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

#### *Leave*

The liability for employee benefits includes provision for annual leave, long service leave and Judges Long leave. Members of the Fair Work Commission, who were Presidential Members under the Workplace Relations Act 1996 and the President of the Fair Work Commission, accrue six months long leave after five years of service as a Presidential Member. In recognition of the nature of Presidential Members' tenure, a provision is accrued from the first year of service.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Fair Work Commission's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by use of the Australian Government Actuary's shorthand method using the standard Commonwealth sector probability profile. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

#### *Separation and Redundancy*

Provision is made for separation and redundancy benefit payments. The Fair Work Commission recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

#### *Superannuation*

The majority of staff and Members of the Fair Work Commission are members of the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian Government.

The PSS is a defined benefit scheme for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The Fair Work Commission makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The Fair Work Commission accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June 2022 represents outstanding contributions for the final fortnight of the year.

#### Judge's Pension

Members of the Fair Work Commission who are Presidential Members under the *Workplace Relations Act 1996* and the President of the Fair Work Commission are eligible for pensions under the Judges' Pension Scheme (JPS) pursuant to the *Judges' Pensions Act 1968*. The JPS is an unfunded defined benefit scheme that is governed by the rules set out in the Act.

The Fair Work Commission does not contribute towards the cost of the benefit during such Member's term of service. Liability and expenses associated with the JPS are recorded as part of the Department of Finance financial statements. The Department of Finance has given the Fair Work Commission drawing rights for the financial year in relation to the special appropriation made under the *Judges' Pensions Act 1968*. The Fair Work Commission makes pension payments directly to beneficiaries of the scheme (refer to Note 5.1D).

## 6.2 Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. The Fair Work Commission has determined the key management personnel to be the Portfolio Minister, the President and the General Manager. Key management personnel remuneration is reported in the table below:

	2022 \$'000	2021 \$'000
Short-term employee benefits	920	942
Post-employment benefits	53	31
Other long-term employee benefits	61	61
<b>Total key management personnel remuneration expenses<sup>1</sup></b>	<b>1,034</b>	<b>1,034</b>

The total number of key management personnel that are included in the above table are 2 (2021: 3).

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the entity.

## 6.3 Related Party Disclosures

### Related party relationships:

The entity is an Australian Government controlled entity. Related parties to this entity are Key Management Personnel including the Portfolio Minister and Executive.

### Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. These transactions have not been separately disclosed in this note.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed (2021: nil).

## Managing Uncertainties

This section analyses how the Fair Work Commission manages financial risks within its operating environment.

### 7.1: Contingent Assets and Liabilities

#### **Quantifiable Contingencies**

As at 30 June 2022, there were no quantifiable contingent liabilities or assets requiring disclosure (2021: nil).

#### **Unquantifiable Contingencies**

As at 30 June 2022, there were no unquantifiable contingent liabilities or assets requiring disclosure (2021: nil).

#### **Quantifiable Administered Contingencies**

As at 30 June 2022, there were no quantifiable contingent liabilities or assets requiring disclosure (2021: nil).

#### **Unquantifiable Administered Contingencies**

As at 30 June 2022, there were no unquantifiable contingent liabilities or assets requiring disclosure (2021: nil).

#### **Accounting Policy**

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

## 7.2: Financial Instruments

	2022 \$'000	2021 \$'000
<b>7.2A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Financial Assets at amortised cost</b>		
Cash and cash equivalents	462	524
Trade and other receivables	32	4
<b>Total financial assets at amortised cost</b>	<b>494</b>	<b>528</b>
<b>Total financial assets</b>	<b>494</b>	<b>528</b>
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Trade creditors and accruals	1,488	1,120
<b>Total financial liabilities measured at amortised cost</b>	<b>1,488</b>	<b>1,120</b>
<b>Total financial liabilities</b>	<b>1,488</b>	<b>1,120</b>

### Accounting Policy

#### Financial assets

In accordance with AASB 9 Financial Instruments, the entity classifies its financial assets in the following categories:

- financial assets at fair value through profit or loss;
- financial assets at fair value through other comprehensive income; and
- financial assets measured at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

#### Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

- the financial asset is held in order to collect the contractual cash flows; and
- the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

#### Effective Interest Method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

#### Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses* if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

#### Financial liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

#### Financial Liabilities at Amortised Cost

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

### 7.3: Administered Financial Instruments

As at 30 June 2022, there were no administered financial instruments that required disclosure (2021: nil).

### 7.4 Fair Value Measurement

#### Accounting Policy

The fair value of non-financial assets has been taken to be the market value of similar assets. The agency's assets are held for operational purposes and not held for the purposes of deriving a profit. The current use of all controlled assets is considered their highest and best use. The agency procured valuation services from Jones Lang LaSalle Public Sector Valuations Pty Ltd (JLLPSV) for the 2019-20 financial year and relied on valuation models provided by JLLPSV. JLLPSV has provided written assurance to the agency that the valuation models developed are in accordance with AASB 13. Management has determined that the carrying value is not materially different to the fair value for property and plant and equipment asset classes.

#### 7.4A: Fair Value Measurement

	Fair value measurements at the end of the reporting period	
	2022	2021
	\$'000	\$'000
<b>Non-financial assets</b>		
Plant and Equipment	2,423	2,498
Leasehold Improvements	14,855	12,582
<b>Total Non-financial assets</b>	<b>17,278</b>	<b>15,080</b>

### 7.5 Administered Fair Value Measurement

	2022	2021
	\$'000	\$'000

As at 30 June 2022, there was no administered fair value measurement that required disclosure (2021: nil).

## Other Information

### 8.1: Current/non current Distinction for Assets and Liabilities

	2022 \$'000	2021 \$'000
<b>8.1A: Current/non-current Distinction for Assets and Liabilities</b>		
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	462	524
Trade and other receivables	38,709	43,232
Other non-financial assets	2,026	1,323
<b>Total no more than 12 months</b>	<b>41,197</b>	<b>45,079</b>
<b>More than 12 months</b>		
Leasehold improvements	45,072	54,152
Plant and equipment	3,665	2,895
Computer software	3,234	1,959
<b>Total more than 12 months</b>	<b>51,971</b>	<b>59,006</b>
<b>Total assets</b>	<b>93,168</b>	<b>104,085</b>
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Suppliers	1,488	1,120
Other payables	1,079	902
Leases	6,989	11,758
Employee provisions	5,470	4,675
<b>Total no more than 12 months</b>	<b>15,026</b>	<b>18,455</b>
<b>More than 12 months</b>		
Leases	28,973	35,901
Employee provisions	11,478	10,976
<b>Total more than 12 months</b>	<b>40,451</b>	<b>46,877</b>
<b>Total liabilities</b>	<b>55,477</b>	<b>65,332</b>

	2022 \$'000	2021 \$'000
<b>8.1B: Administered - current/non-current distinction for assets and liabilities</b>		
<b>Assets expected to be settled in:</b>		
No more than 12 months	4	-
<b>Total assets</b>	<b>4</b>	<b>-</b>
<b>Liabilities expected to be settled in:</b>		
No more than 12 months	190	124
<b>Total liabilities</b>	<b>190</b>	<b>124</b>

# Appendix E: Entity resources

Table E1: Fair Work Commission resource statement 2021–22

	Actual available appropriation for 2021–22 <sup>3</sup> \$'000	Payments made 2021–22 \$'000	Balance remaining 2021–22 \$'000
	(a)	(b)	(a) – (b)
<b>Departmental<sup>1</sup></b>			
Annual appropriation - ordinary annual services <sup>2</sup>	134,772	90,082	44,690
Total departmental annual appropriations	134,772	90,082	44,690
Total departmental resourcing	134,772	90,082	44,690
<b>Total resourcing and payments for Fair Work Commission</b>	<b>134,772</b>	<b>90,082</b>	<b>44,690</b>

- 1 *Appropriation Act (No. 1) 2021–22, Appropriation Act (No. 3) 2021–22 and Supply Act (No. 1) 2021–22.* This may also include prior-year departmental appropriation and section 74 external revenue.
- 2 Includes an amount of \$3.706m in 2021–22 for the departmental capital budget. For accounting purposes, this amount has been designated as a 'contribution by owner'.
- 3 PGPA Act s.51 direction was signed on 23 June 2022 to withhold amounts of prior-year and current-year annual appropriation of \$5.968m (\$4.087m in 2021–22 and \$1.881m in 2020–21). The withheld amounts are included in actual available appropriation as legally available appropriation by the Appropriation Act.



**Table E2: Fair Work Commission expenses by outcomes 2021–22**

<b>Expenses for Outcome 1</b>			
<b>Outcome 1: Simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements and deal with disputes</b>	<b>Budget 2021–22<sup>1,6</sup></b> <b>\$'000</b>	<b>Actual expenses<sup>2</sup></b> <b>2021–22</b> <b>\$'000</b>	<b>Variation 2021–22</b> <b>\$'000</b>
	(a)	(b)	(a) – (b)
<b>Program 1.1: Dispute resolution, minimum wage setting, orders and approval of agreements</b>			
Departmental expenses:			
Departmental appropriation <sup>3</sup>	86,544	86,841	(297)
Expenses not requiring appropriation in the budget year <sup>4</sup>	16,980	14,859	2,121
Departmental total	103,524	101,700	1,824
<b>Total expenses for Program 1.1</b>	<b>103,524</b>	<b>101,700</b>	<b>1,824</b>
Outcome 1 totals by appropriation type			
Departmental expenses:			
Departmental appropriation <sup>3</sup>	86,544	86,841	(297)
Expenses not requiring appropriation in the budget year <sup>4</sup>	16,980	14,859	2,121
Departmental total	103,524	101,700	1,824
<b>Total expenses for Outcome</b>	<b>103,524</b>	<b>101,700</b>	<b>1,824</b>
	<b>2021-22</b>	<b>2021-22</b>	<b>Variation 2021-22</b>
Average staffing level (number) <sup>5</sup>	350	308	42

1 Full-year budget, including any subsequent adjustment made to the 2021–22 budget at Additional Estimates.

2 Expenses in this table are reported on an accrual basis.

3 Departmental appropriation contains ordinary annual services (*Appropriation Act No. 1* and *Supply Act No. 1*) and retained revenue receipts under section 74 of the PGPA Act 2013.

4 Expenses not requiring appropriation in the budget year are made up of depreciation and amortisation expenses, and free of charges such as audit fees.

5 The budget ASL for 2021–22 included 16 ASL for a decision that was reversed in 2020–21. After excluding the withheld ASL, the annual ASL budget was 334.

6 The budget column includes withheld amounts of current year annual appropriation of \$3.687m. The withheld amounts are included in unspent annual appropriation note as legally available appropriation by Appropriation Act. After excluding the withheld amounts, the departmental appropriation equals to \$82.857m.

# Appendix F: Other mandatory information

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## Work health and safety

During 2021–22, we reviewed our work health and safety (WHS) management system and developed our WHS Framework. The framework consists of key areas of focus relating to workplace consultation, the physical environment, psychosocial matters, working arrangements (such as flexibility or responding to COVID-19) and other WHS documents, procedures and policies as required. Each key area ensures we have the necessary procedures required to meet our WHS obligations consistent with the *Work Health and Safety Act 2011*.

We collaborated with the Australian Human Rights Commission (AHRC) and Comcare to strengthen our frameworks and efforts to prevent and respond to inappropriate behaviours in the workplace, which was delivered as a report in October 2021.

Since receiving the report, we have continued to focus on addressing inappropriate workplace behaviours with assistance from the AHRC. We have adopted the AHRC's Respect@Work: Sexual Harassment National Inquiry Report themes of leadership, risk assessment and transparency, culture, knowledge, support and reporting and measuring. To support this ongoing initiative, all staff were required to complete e-learning modules focused on bullying and harassment, respectful workplaces and sexual harassment.

## Work health and safety incident reporting

Under s.38 of the *Work Health and Safety Act 2011*, we are required to notify Comcare of any deaths,

serious injury or illness, or dangerous incidents arising out of our work. There were no notifiable incidents reported to Comcare during 2021–22.

Under Schedule 2, Part 3 of the *Work Health and Safety Act 2011*, we are required to report on any investigations undertaken by Comcare or any notices we received under Part 10 of the *Work Health and Safety Act 2011*. There were no investigations conducted or notices received during 2021–22.

## Advertising and market research

We are required to disclose payments to advertising agencies and to market research, polling, direct mail and media advertising organisations. Payments of \$14,000 or less (including GST) are excluded, consistent with s.311A of the *Commonwealth Electoral Act 1918*. We did not make any payments above the threshold in 2021–22.

## Ecologically sustainable development and environmental performance

Australian Government agencies are required to report on their performance regarding the environment and ecologically sustainable development under s.516A of the *Environment Protection and Biodiversity Conservation Act 1999*. The Commission does not develop or administer legislation or policy relating to the environment, but takes steps to ensure that it utilises energy resources as efficiently as practicable and maintains a healthy working environment for members of staff and the public.

Programs are in place for the recycling of paper, packaging, batteries, equipment, toner and other materials, and encouraging double-sided printing. We have continued to reduce our carbon footprint by utilising technology to conduct hearings remotely and minimise travel.

We ensure that new leases over a certain size have a green lease schedule attached to the lease. We actively encourage our landlords to increase their National Australian Built Environment Rating System rating.



# Appendix G: List of requirements

PGPA rule reference	Description	Requirement	Page
<b>17AD(g)</b>	<b>Letter of transmittal</b>		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report	Mandatory	4
<b>17AD(h)</b>	<b>Aids to access</b>		
17AJ(a)	Table of contents	Mandatory	6
17AJ(b)	Alphabetical index	Mandatory	137
17AJ(c)	Glossary of abbreviations and acronyms	Mandatory	135
17AJ(d)	List of requirements	Mandatory	124-131
17AJ(e)	Details of contact officer	Mandatory	2
17AJ(f)	Entity's website address	Mandatory	2
17AJ(g)	Electronic address of report	Mandatory	3
<b>17AD(a)</b>	<b>Review by accountable authority</b>		
17AD(a)	A review by the accountable authority of the entity	Mandatory	12-14
<b>17AD(b)</b>	<b>Overview of the entity</b>		
17AE(1)(a)(i)	A description of the role and functions of the entity	Mandatory	15
17AE(1)(a)(ii)	A description of the organisational structure of the entity	Mandatory	16
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity	Mandatory	30

<b>PGPA rule reference</b>	<b>Description</b>	<b>Requirement</b>	<b>Page</b>
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan	Mandatory	30-36
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	Mandatory	64
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	Mandatory	64
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	64
17AE(1)(b)	An outline of the structure of the portfolio of the entity	Portfolio departments – mandatory	N/A
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change	If applicable, mandatory	N/A
<b>17AD(c)</b>	<b>Report on the performance of the entity</b>		
	<b>Annual performance statements</b>		
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule	Mandatory	30-36
<b>17AD(c)(ii)</b>	<b>Report on financial performance</b>		
17AF(1)(a)	A discussion and analysis of the entity's financial performance	Mandatory	46-48
17AF(1)(b)	A table summarising the total resources and total payments of the entity	Mandatory	120-121

PGPA rule reference	Description	Requirement	Page
17AF(2)	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results	If applicable, mandatory	N/A
<b>17AD(d)</b>	<b>Management and accountability</b>		
	<b>Corporate governance</b>		
17AG(2)(a)	Information on compliance with section 10 (fraud systems)	Mandatory	38-40
17AG(2)(b)(i)	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared	Mandatory	40
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place	Mandatory	40
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity	Mandatory	40
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance	Mandatory	38-40
17AG(2)(d) - (e)	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to noncompliance with Finance law and action taken to remedy non-compliance	If applicable, mandatory	N/A

PGPA rule reference	Description	Requirement	Page
<b>Audit committee</b>			
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee	Mandatory	38
17AG(2A)(b)	The name of each member of the entity's audit committee	Mandatory	39
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory	39
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory	39
17AG(2A)(e)	The remuneration of each member of the entity's audit committee	Mandatory	39
<b>External scrutiny</b>			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny	Mandatory	41
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity	If applicable, mandatory	N/A
17AG(3)(b)	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman	If applicable, mandatory	N/A
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period	If applicable, mandatory	N/A
<b>Management of human resources</b>			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives	Mandatory	44-45

PGPA rule reference	Description	Requirement	Page
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: <ul style="list-style-type: none"> <li>(a) statistics on full-time employees</li> <li>(b) statistics on part-time employees</li> <li>(c) statistics on gender</li> <li>(d) statistics on staff location</li> </ul>	Mandatory	63-71
17AG(4)(b)	Statistics on the entity's APS employees on an ongoing and non ongoing basis; including the following statistics: <ul style="list-style-type: none"> <li>• staffing classification level</li> <li>• full-time employees</li> <li>• part-time employees</li> <li>• gender</li> <li>• staff location</li> <li>• employees who identify as Indigenous</li> </ul>	Mandatory	65-71
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i>	Mandatory	44-45
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c)	Mandatory	65-70
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level	Mandatory	76
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees	Mandatory	44
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay	If applicable, mandatory	N/A
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level	If applicable, mandatory	N/A



PGPA rule reference	Description	Requirement	Page
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level	If applicable, mandatory	N/A
17AG(4)(d)(iv)	Information on aggregate amount of performance payments	If applicable, mandatory	N/A
<b>Assets management</b>			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory	N/A
<b>Purchasing</b>			
17AG(6)	An assessment of entity performance against the Commonwealth Procurement Rules	Mandatory	46-48
<b>Consultants</b>			
17AG(7)(a)	A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST)	Mandatory	46-48
17AG(7)(b)	A statement that 'During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]'	Mandatory	46
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged	Mandatory	46-48
17AG(7)(d)	A statement that 'Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website'	Mandatory	46

PGPA rule reference	Description	Requirement	Page
<b>Australian National Audit Office access clauses</b>			
17AG(8)	If an entity entered into a contract with a value of more than \$100,000 (inclusive of GST) and the contract did not provide the Auditor General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract	If applicable, mandatory	N/A
<b>Exempt contracts</b>			
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10,000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters	If applicable, mandatory	N/A
<b>Small business</b>			
17AG(10)(a)	A statement that '[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SME) and small enterprise participation statistics are available on the Department of Finance's website'	Mandatory	48
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises	Mandatory	46-48
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature – a statement that '[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website'	If applicable, mandatory	N/A

PGPA rule reference	Description	Requirement	Page
<b>Financial statement</b>			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act	Mandatory	77-119
<b>Executive remuneration</b>			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division A of Part 2-3 of the Rule	Mandatory	73-75
<b>17AD(f) Other mandatory information</b>			
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that 'During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website'	If applicable, mandatory	N/A
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect	If applicable, mandatory	49
17AH(1)(b)	A statement that 'Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]'	If applicable, mandatory	49
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory	49
17AH(1)(d)	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found	Mandatory	49
17AH(1)(e)	Correction of material errors in previous annual report	If applicable, mandatory	49
17AH(2)	Information required by other legislation	Mandatory	122-123

# Glossary

<b>Annual performance statements</b>	Statements prepared by the accountable authority of a Commonwealth entity in accordance with s.39 of the PGPA Act that acquit a Commonwealth entity's actual performance against planned performance described in the entity's corporate plan.
<b>Applicant</b>	The party who lodged an application with the Commission.
<b>Arbitration</b>	A process in which the Commission determines a grievance or dispute by imposing a binding settlement. The Commission has powers of compulsory arbitration as well as offering arbitration by consent, where permitted by the Fair Work Act.
<b>Conciliation</b>	One of the informal processes used by the Commission to facilitate the resolution of a grievance or a dispute between parties by helping them to reach an agreement.
<b>Constitutional corporation</b>	<p>Defined under the Fair Work Act as 'a corporation to which paragraph 51(xx) of the Constitution applies'.</p> <p>The Australian Constitution defines constitutional corporations as 'Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth'.</p>
<b>Constitutionally-covered business</b>	<p>A person conducting a business or undertaking, conducted principally in a territory or Commonwealth place, or where the person conducting the business or undertaking is:</p> <ul style="list-style-type: none"> <li>• a constitutional corporation</li> <li>• the Commonwealth</li> <li>• a Commonwealth authority, or</li> <li>• a body corporate incorporated in a territory.</li> </ul>
<b>Corporate plan</b>	A plan setting out the objectives, capabilities and intended results over a four-year period, in accordance with its stated purposes, required of Commonwealth entities under the PGPA Act.
<b>Dispute resolution</b>	The process conducted by the Commission, arising from the dispute resolution procedure in awards, agreements or the Fair Work Act, for resolving disputes.
<b>Dispute resolution procedure</b>	The procedure specified in a modern award or enterprise agreement for the resolution of disputes arising under the award or agreement and in relation to the National Employment Standards. If no procedure is specified, a model dispute resolution procedure specified in the Fair Work Act is deemed to apply.

<b>Enterprise agreement</b>	A legally enforceable agreement that covers the employment conditions of a group of employees and their employer.
<b>Fair Work Act 2009</b>	The principal Commonwealth law governing Australia's workplace relations system.
<b>Fair Work Commission Rules</b>	A legislative instrument made under the Fair Work Act setting out rules and procedural requirements for matters heard by the Commission.
<b>Fair Work (Registered Organisations) Act 2009</b>	Legislation regulating federally registered unions and employer organisations, including their registration and rules.
<b>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</b>	The legislation that governs transitional arrangements in connection with commencement of the Fair Work Act on 1 July 2009 and other related matters.
<b>Full Bench</b>	A Full Bench is convened by the President of the Commission and comprises at least three Commission Members, one of whom must be either the President, a Vice President or a Deputy President. Full Benches are convened to hear appeals and other matters specified in the Fair Work Act.
<b>General protections</b>	General workplace protections are specified in the Fair Work Act and include freedom of association; protection from discrimination and sham contracting; and the ability to exercise, or to not exercise, workplace rights.
<b>Individual flexibility arrangement</b>	An agreement between an employer and an individual employee that modifies the application of a modern award or enterprise agreement. The individual flexibility arrangement must satisfy the better off overall test. There is no requirement to register an individual flexibility arrangement.
<b>Key performance indicator</b>	A type of performance measurement (based on qualitative or quantitative data) used in assessing the efficiency or effectiveness of activities in achieving purposes.
<b>Mediation</b>	One of the informal processes used by the Commission to facilitate the resolution of a grievance or a dispute between parties by helping them to reach an agreement. Conciliation is another informal technique used.
<b>Modern award</b>	An award created by the Commission. Modern awards came into effect on 1 January 2010. Modern awards are expressed to cover entire industries and/or occupations, and include terms that complement the National Employment Standards. The Commission must ensure that, together with the standards, modern awards provide a fair and relevant minimum safety net.

<b>National Employment Standards</b>	A set of 11 minimum employment standards that came into effect on 1 January 2010 and apply to all employees within the federal system. An additional standard was added on 27 March 2021.
<b>National minimum wage order</b>	The order specifying a minimum wage for all national system employees, a casual loading for award-free and agreement-free employees, and special minimum wages for junior employees, trainees and employees with a disability.
<b>Party</b>	An applicant or a respondent to a proceeding before the Commission.
<b>Portfolio budget statements</b>	Statements that inform Parliament and the public of the proposed allocation of resources to government outcomes. They also assist the Senate standing committees with their examination of the government's Budget.
<b>Protected action ballot</b>	A secret ballot allowing employees who are directly concerned to vote on whether or not they authorise industrial action to advance the claims for their proposed enterprise agreement.
<b>Registration</b>	The process by which unions and employer associations formally register as industrial organisations under the Registered Organisations Act.
<b>Respondent</b>	A party to a matter who is responding to an application initiated by an applicant.
<b>Right of entry</b>	The legal right of union officials to enter business premises under certain conditions for purposes described in the Fair Work Act or the <i>Work Health and Safety Act 2011</i> .
<b>Right of entry permit</b>	A permit issued by the Commission to an official of a union under either the Fair Work Act or the <i>Work Health and Safety Act 2011</i> .

# Acronyms and abbreviations

<b>ACCC</b>	Australian Competition and Consumer Commission
<b>AHRC</b>	Australian Human Rights Commission
<b>ALERA</b>	Australian Labour and Employment Relations Association
<b>APS</b>	Australian Public Service
<b>APSC</b>	Australian Public Service Commission
<b>COAT</b>	Council of Australasian Tribunals
<b>Code</b>	Member Code of Conduct
<b>Commission</b>	Fair Work Commission
<b>Corporate Plan</b>	Fair Work Commission Corporate Plan
<b>CPA</b>	Certified Public Accountant
<b>Cth</b>	Commonwealth
<b>DSPANZ</b>	Digital Service Providers Australia and New Zealand
<b>Fair Work Act (FWA)</b>	<i>Fair Work Act 2009</i>
<b>FOI Act</b>	<i>Freedom of Information Act 1982</i>
<b>FWC</b>	Fair Work Commission
<b>FWO</b>	Fair Work Ombudsman
<b>GST</b>	Goods and services tax
<b>ICT</b>	Information and communication technology
<b>IPS</b>	Information Publication Scheme
<b>IR</b>	Industrial Relations
<b>IRS</b>	Industrial Relations Society
<b>JPS</b>	Judges' Pensions Scheme
<b>KPI</b>	Key performance indicator

<b>NES</b>	National Employment Standards
<b>PBS</b>	Portfolio Budget Statements
<b>PDP</b>	Professional development plan
<b>PGPA Act</b>	<i>Public Governance, Performance and Accountability Act 2013</i>
<b>Public Service Act</b>	<i>Public Service Act 1999</i>
<b>Registered Organisations Act (ROA)</b>	<i>Fair Work (Registered Organisations) Act 2009</i>
<b>SES</b>	Senior Executive Service
<b>SME</b>	Small and medium enterprise
<b>UNSW</b>	University of New South Wales
<b>WAS</b>	Workplace Advice Service
<b>WDR</b>	Workplace Dispute Resolution
<b>WHS</b>	Work, Health and Safety
<b>WHS Act</b>	<i>Work Health and Safety Act 2011</i>



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Website: [www.fwc.gov.au](http://www.fwc.gov.au)

YouTube channel: [youtube.com/user/FairWorkAu](https://youtube.com/user/FairWorkAu)

## Telephone

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**Annual Report**  
**2021-22**



Fair Work  
Commission