



Fair Work
Commission

Annual Report

Access to Justice

2022-23

Preliminary information

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Acknowledgments

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Content from this document must be attributed to the *Fair Work Commission Annual Report 2022–23*.

Letter of transmittal

28 September 2023

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 2023.

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 blue ink, appearing to read 'A. Hatcher'.

Justice Adam Hatcher
President



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

Murray Furlong
General Manager

Readers' guide

This annual report informs the Australian Parliament and public about the Fair Work Commission's (Commission) performance and compliance with its obligations in the financial year ending 30 June 2023.

Part 1 – 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

Provides information about our work and performance during 2022–23.

Part 3 – Annual performance statements

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

Part 4 – Management and accountability

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 2022–23 and the Commission's registered organisations functions; Appendix D comprises the 2022–23 financial statements; Appendix E reports on entity resources; Appendix F sets out other legislative requirements; and Appendix G outlines how this annual report meets the requirements set out in the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rules).

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

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Acknowledgement of Country

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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About the
Commission

President's introduction

I am pleased to introduce the Fair Work Commission's Annual Report for 2022–23.

I commenced as President of the Fair Work Commission on 19 February 2023 after a period of acting in this position. I would like to take this opportunity to thank my predecessor, Justice Iain Ross AO, for his outstanding contribution to the Tribunal during his stewardship.



Justice Adam Hatcher

President

2022–23 has been a busy year for the Commission. We received over 31,000 applications and finalised over 32,000 applications. This clearance rate of 102% means that we have no backlogs in any case type into the 2023–24 reporting year.

I am also pleased to report that we have met all of our key performance indicators from the portfolio budget statement (PBS).

Of the matters we finalised, 50% were finalised within 5 weeks and 90% within 13 weeks. In respect of applications for approval of enterprise agreements, 50% were approved in 17 days or less, and 90% were approved in 36 days or less.

These outcomes are the result of our unwavering focus on timeliness and efficiency in the delivery of outcomes; elements I consider vital in the administration of justice.

This year, the Commission finalised several significant major cases, including the 2022–23 Annual Wage Review and the Family and Domestic Violence Leave Review. The Commission also progressed a joint work value case for the aged care industry, an early education and care industry supported bargaining authorisation, and a review of several rates in modern awards.

Importantly, we were able to deliver this level of operational performance while being heavily involved in major government reform, following amendments made by the *Secure Jobs Better Pay* legislation.

Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Secure Jobs Better Pay Act)

On 6 December 2022, the Secure Jobs Better Pay Act received Royal Assent. The legislation expanded many of the Commission's functions, including those relating to bargaining, enterprise agreements, workplace sexual harassment, disputes about flexible work arrangements and extensions of unpaid parental leave.

Additionally, the amendments conferred a number of new functions on the Commission, including establishing expert panels in the care and community sector and gender pay equity.

The Commission also now holds a regulatory function in relation to registered organisations, having absorbed the functions of the Registered Organisations Commission (ROC). Notably with this, we welcomed 34 former ROC staff to our workforce through a Machinery of Government change.

The commencement dates of these changes have been staged, and further changes are expected later this year.

The true scope of these changes, and the extent of the work undertaken by staff and Members to implement them quickly, cannot be accurately summarised in this introduction. The amendments amount to a generational shift in the administration of Australia's industrial relations system, and the next chapter in the history of our organisation.

I have issued a number of statements about the Secure Jobs Better Pay Act changes, and our implementation of these changes on our website. We have also established a [dedicated webpage](#) detailing a full list of the reforms and their commencement dates, as well as further information resources on implementation and consultation.

Improving access to justice and continuing to meet the needs of our users

Australia has had a workplace relations tribunal for almost 120 years. It is one of our key national institutions. Over this time, the Tribunal has endured constant change, in jurisdiction, statute, name, function and structure. It is through continued innovation that we have been able to adapt to 120 years of changing legislative and social environments. But, most importantly, it is because the heart of our organisation has remained intact and our mission clear. We are committed to providing responsive, fit-for-purpose services to the Australian community, and looking outward to meet the current and future needs of our users.

But it is true that past success does not guarantee future survival, and even successful institutions tend to decline unless they continue to innovate. Justice institutions in particular must find new ways to meet the needs of their users, for their needs are constantly evolving. It is the growing importance of access to justice in today's social and economic climate that fuels much of the work we do.

To this end, we have continued to build our digital transformation capabilities over the last year, with a particular focus on accessibility for small business, self-represented parties, and our users with diverse accessibility needs. We have expanded our information resources in different formats, including animations, videos, online learning and other digital tools. Additionally, we are committed to providing guidance materials in community languages, improving accessibility for all Australians.

Departing Members

In the past financial year, Commissioner Bruce Williams and Commissioner Ian Cambridge both retired. Deputy President Janine Young resigned and was appointed as a Judge of the Federal Circuit and Family Court of Australia. I would like to take this opportunity to thank Bruce Williams, Ian Cambridge and Janine Young for their contributions to the Commission and the Australian community.

Justice Iain Ross AO retired as President of the Commission in November 2022. On behalf of all Commission Members and staff, I again would like to take this opportunity to acknowledge Justice Ross for his leadership and commitment to the Tribunal since his appointment in 2012.

Thank you

I look forward to the next reporting period, as we continue to innovate and improve our services to ensure the Commission meets the ongoing needs of business, government, the community, employer and union organisations, and individuals alike.

I wish to acknowledge and thank our key stakeholders for their contribution to the work of the Commission. In particular, I would like to thank our Workplace Advice Service (WAS) partners. Our WAS is one of the largest pro bono services in the country. We currently have a network of around 100 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. Their support is vital to the success of our access to justice initiatives.

Finally, I would like to acknowledge our Members and staff. The Commission's commitment to serving the Australian community would not be possible without your tireless work. I would like to thank you for your continued commitment and dedication through this time of significant change.



Justice Adam Hatcher

President

General Manager's overview

This year has been one of significant change for the Fair Work Commission. We have implemented substantial legislative reforms while also successfully achieving our key performance indicators and innovating across all areas of our operations.



Murray Furlong
General Manager

Operational performance

Timeliness is very important to the people who access our services. Delays can increase stress for individuals and costs for businesses. I am pleased to report that of the 32,194 cases finalised in 2022-23, 50% were finalised in under 5 weeks and 90% in just under 13 weeks. We are not carrying any backlogs and successfully maintained an overall clearance rate for all cases of 102%, surpassing our annual target of 95%.

In 2022-23, we met or surpassed each of our portfolio budget statement KPIs. We also performed well against our comprehensive performance reporting framework, which came into effect in July 2022. We not only met, but in most instances exceeded, our performance targets.

The work of the Commission touches the lives of millions of working Australians. The Commission dealt with several significant major cases this reporting year, including:

- the Aged Care Industry Work Value Case, which resulted in increasing wages for direct care workers in the aged care industry sector
- the Annual Wage Review decision, which was handed down in early June 2023
- substantial finalisation of the 4 yearly review of modern awards.

Implementing government reform: the Secure Jobs Better Pay Act

The Secure Jobs Better Pay Act had a significant impact on the operations of the Commission. The legislation conferred many new functions, as well as changes to existing powers and functions. Beginning in December 2022, the amendments have been commencing in stages with the last scheduled to commence in December 2023.

We were able to quickly and successfully introduce these additional functions and activities, because of the capability and flexibility of our people and the systems we have in place to support them.

We have maintained our commitment to implement the reforms in an open and transparent manner by working in collaboration with key stakeholders and advisory groups. We will continue to listen to ensure that we keep the needs of the Australian community at the heart of efforts to further improve our services, particularly as we learn more about how our new and amended jurisdictions are operating.

Transfer of registered organisations functions

On 6 March 2023, following the Registered Organisations Commission's (ROC) abolition, we welcomed ROC staff who now form our Registered Organisations Services Branch. A significant amount of work goes into transferring an entire agency's staff and functions, and I have been very impressed with how the transferring staff successfully navigated the changes while also continuing to deliver their work to an exceptionally high standard.

The reforms also provided an opportune time to initiate an external review of the registered organisations governance and compliance functions to inform the design of future service delivery. Two independent reviewers contacted every registered organisation and their peak bodies to invite them to contribute to the review.

Innovation

At the Commission we understand that innovation requires us to do things for the first time. It requires fresh thinking and involves taking some measured risks. Sometimes we enjoy success and sometimes we experience setbacks. And that is okay – risk and error are inherent elements of innovation.

During the year, we continued to learn and improve together, without ever losing sight of our responsibility to keep up with the evolving needs of the Australian community.

Online learning portal

Our online learning portal has grown this year with the introduction of 2 new learning modules: Workplace sexual harassment and Preparing for an unfair dismissal conciliation. Together, these modules have been viewed around 12,000 times in the first 6 months of the calendar year and we have received very positive feedback.

Modern Awards Pay Database Application Programming Interface

We launched our Modern Awards Pay (MAP) Database Application Programming Interface (API) in March this year. More than 70 organisations have registered accounts for the API tool, including payroll software companies and pay tool software developers, employers, unions, and workplace relations legal specialists. The development of the MAP database and subsequent API demonstrates how the Commission can deliver valuable digital tools for the Australian community.

Digital libraries

We have improved how we publish Commission documents, including Decisions and Orders, allowing for an enhanced user experience along with improved cybersecurity for the Commission. Modern awards, for example, are now easier to navigate and award histories are easier to access.

Online lodgments

In April, we launched a new online Form F2 (Unfair dismissal application), along with a refreshed online lodgment service for individual dispute applications. We are focused on developing further digital smart forms in recognition of the Australian community's expectations for transacting with government agencies online.

Online proceedings

We have continued to explore ways to optimise and embed online hearings as part of our core service offering. In 2022-23, we trialled new equipment in chambers and hearing rooms, and also established hybrid hearing rooms to allow various parties to participate online and in-person simultaneously.

Educational videos

After extensive engagement with key stakeholders, we launched two short animations about the statutory timeframe for lodging unfair dismissal cases. These animations are intended to be the first in a series of short mobile-friendly videos about a range of specific issues targeting self-represented and small business audiences.

Our workforce capability

Learning and Development Strategy

This year we began implementing our Learning and Development Strategy. One of the core ideas behind this strategy is our commitment of 'A career, not a job'. The strategy is designed to further develop and retain our highly skilled staff.

Diversity and Inclusion Strategy 2023-28

The launch of our Diversity and Inclusion Strategy 2023-28 represents our formal commitment to workplace diversity and inclusion. It sets out how we will create and celebrate a more diverse and inclusive workplace, not only for the benefit of our organisation, but for the diverse people who access our services and the broader Australian community.

Farewell to Justice Ross and welcome to Justice Hatcher

After serving for over 10 years, we bid farewell to the Hon Justice Iain Ross AO who resigned from his position as President of the Commission.

One of the many things that Justice Ross said that continues to motivate me is that *'even the most successful and enduring institutions have a tendency to decline unless they continue to evolve and innovate'*. This culture remains deeply entrenched in how Members and staff across the organisation approach their work each day.

On behalf of all staff, I extend our deep gratitude to Justice Ross for his outstanding leadership and tireless commitment to the Australian community.

I also congratulate the Hon Justice Adam Hatcher SC for his appointment as President of the Commission. Justice Hatcher is deeply committed to the ongoing innovation and transformation of our services.

Thank you

We could not have achieved what we have without the hard work and dedication of our Members and staff. It is an honour and privilege to work with so many people who care so deeply about serving the Australian community. They have my sincerest thanks.



Murray Furlong

General Manager

About the Commission

Role

The Commission is Australia's national workplace relations tribunal and registered organisations regulator established by the *Fair Work Act 2009* (Fair Work Act).

We exercise our functions and powers in accordance with the Fair Work Act, including:

- dealing with unfair dismissal claims
- dealing with claims to stop workplace bullying or sexual harassment
- 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 for equal remuneration
- 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 registered organisations under the *Fair Work (Registered Organisations) Act 2009* (Registered Organisations Act). These responsibilities include:

- registration, amalgamation and cancellation of registered organisations
- promoting the efficient management of registered organisations
- conducting inquiries and investigations about registered organisations' finances and financial administration
- making and altering registered organisations' rules.

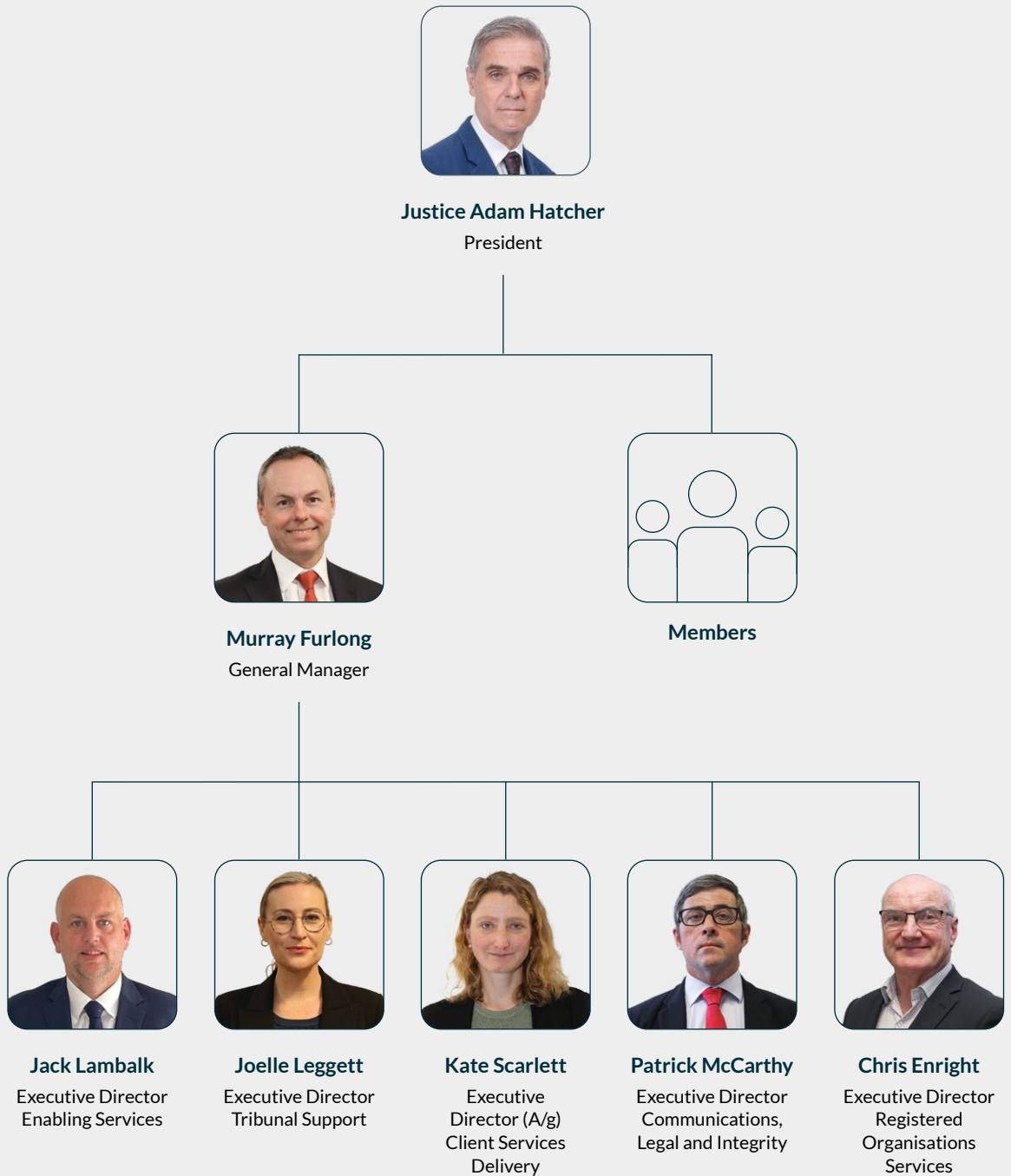
Our purpose, outlined in our corporate plan, and outcomes and programs specified in the 2022–23 portfolio budget statements, are set out in the annual performance statements.

Structure

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

Figure 1

Organisational structure at 30 June 2023



Members

The President of the Commission is the Hon Justice Adam Hatcher, 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 five 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 activities in 2022–23, see Appendix B.

During 2022–23, Justice Iain Ross AO resigned from his role as President of the Fair Work Commission. Commissioner Bruce Williams and Commissioner Ian Cambridge retired after reaching the mandatory retirement age. Deputy President Janine Young resigned from the Commission and was appointed as a Judge of the Federal Circuit 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 these 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 the region.

More information on [regional allocation and national practice areas](#) 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 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 branches that support different areas of work.

Enabling Services Branch provides business support across the Commission, which includes financial management and resources, facilities, human resources, information and communications technology, records management and governance.

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.

Client Services Delivery Branch handles the majority of enquiries, by telephone, email and in-person 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 branch works collaboratively across the Commission to deliver projects and services and has a key role in supporting digital transformation.

Communications, Legal and Integrity Branch provides support across communications, publications, online learning, user experience and evaluation, as well as engagement, government and media relations, reporting and operational performance. The branch is responsible for reviewing, producing and publishing information to the Australian public via the Commission's website, and providing strategic legal advice to the Executive, staff and Members on a range of legal matters, including privacy and freedom of information (FOI) requests.

Registered Organisations Services Branch supports the General Manager to exercise his functions under the Registered Organisations Act. This includes managing right of entry permits and providing education, advice and assistance to registered organisations to ensure their compliance with the Act.

Clients and stakeholders

We have a diverse group of clients and stakeholders. We work closely with organisations in our operating environment to ensure that our services meet the evolving needs of the community we serve. We are open and transparent with our stakeholders and partners, including employer and employee associations, law firms, academia and community-based organisations.

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

- most 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 Victoria, the Northern Territory and the ACT (with limited exceptions in relation to certain public sector employees)
- all employees on Norfolk Island, the Territory of Christmas Island, and the Territory of the Cocos (Keeling) Islands.

The national system does not include:

- non-constitutionally covered businesses including sole traders, partnerships, and corporations whose main activity is not trading or financial (unless the relevant state has referred power in relation to these types of entities)
- most public sector and local government employees in New South Wales, Queensland and South Australia
- all Western Australian and Tasmanian state government employees.

The Commission's bullying and sexual harassment jurisdictions extend to a broad range of workers. The Commission's jurisdiction is intended to protect everyone, including contractors and consultants, who may have experienced workplace bullying and/or sexual harassment.

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, government departments, the Fair Work Ombudsman and other relevant government agencies.

The Workplace Advice Service (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 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.

Other important stakeholder engagement networks include:

- our working groups to assist with the implementation of legislative reforms, including the Sexual Harassment Working Group, Enterprise Agreements and Bargaining Advisory Group and the Registered Organisations Transition Advisory Committee
- our user groups including the Small Business Reference Group, Legal Profession Reference Group, Employment Termination User Group and the Collaborative Approaches Program User Group
- intermediaries including payroll software vendors, payroll compliance advisors and peak bodies such as the Digital Service Providers Australia and New Zealand (DSPANZ) in relation to the Modern Awards Pay Database and the Modern Awards Pay Database application programming interface (API)
- user research and testing with individuals, small businesses and other organisations to inform the design and delivery of Commission projects and services.

Performance

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Performance
snapshot

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Delivery of
Commission services

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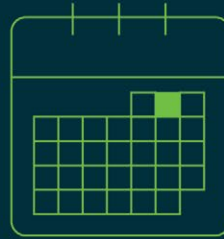
Changes to
our functions

Performance snapshot



33 Days

Median time from lodgment to conciliation in unfair dismissal applications



12 Days

Median time from lodgment to agreement approvals without undertakings



2 June 2023

Completed Annual Wage Review

Operational performance



22,490

Hearings, conferences and conciliations

31,523

Applications lodged



11,041

Statutory documents published

Engagement



4.82 million

Website hits

97,491

Calls to infoline

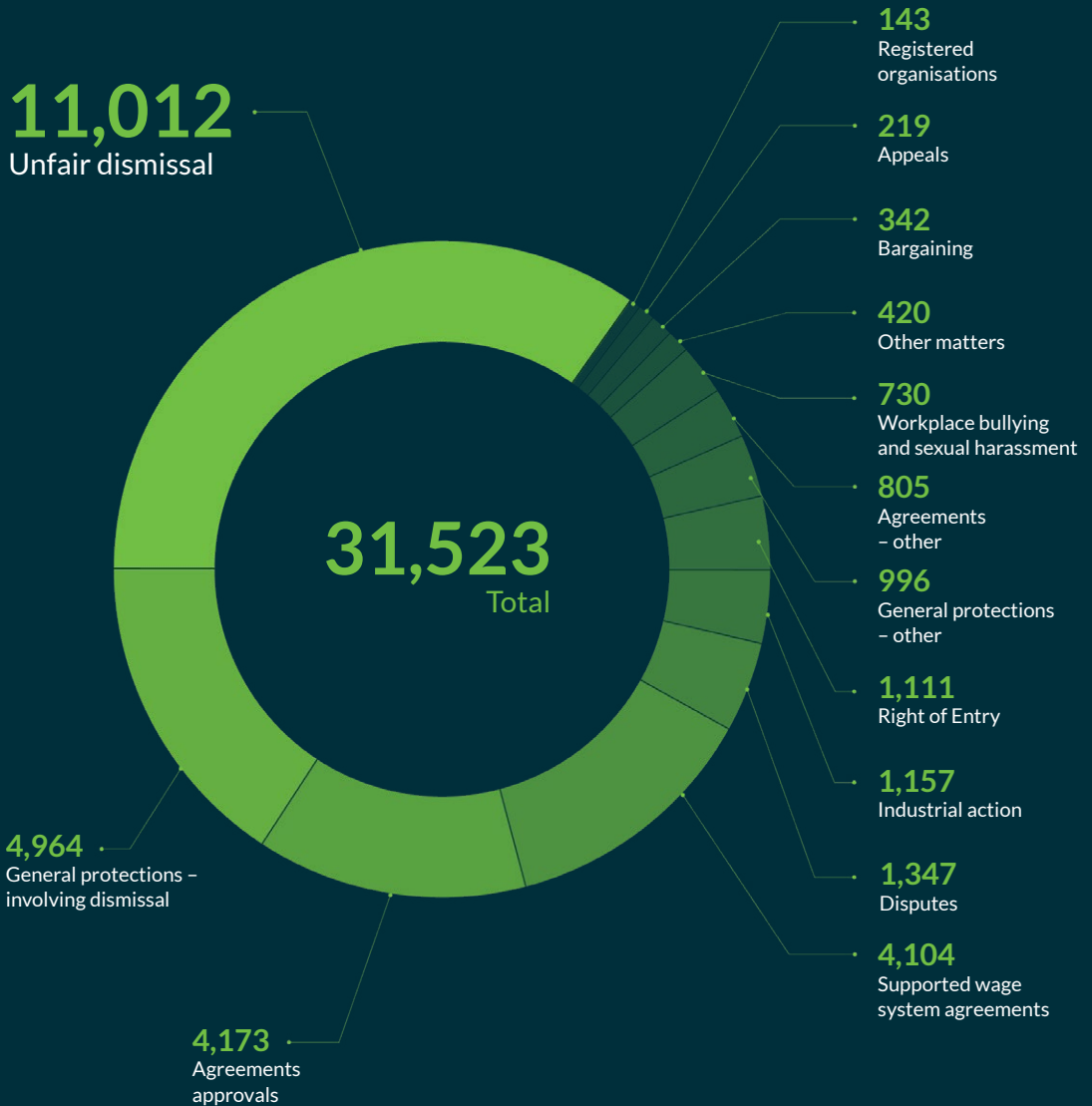


04:47

MIN SECS

Average call wait time

Types of applications lodged



Delivery of Commission services

We exercise our powers and functions under the Fair Work Act and Registered Organisations Act. We provide services to 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 digital channels, such as our subscription services. We also publish a wide range of information, tools and resources on our website.

Applications

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

In 2022–23, a total of 31,523 applications were lodged. This is a decrease of approximately 8% from the 34,122 received in 2021–22. 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 or last year's total number of applications lodged. A full list of lodgments by matter type is available in Appendix C.

Our most common application type for 2022–23 was unfair dismissal applications being 35% of total applications. General protections involving dismissal applications make up 16% of total applications, and Enterprise Agreement Approval Applications and Supported Wage System Agreements were both 13% of total applications. This follows a similar distribution to the last few years.

On 6 March 2023, the functions of the Registered Organisations Commissioner were transferred to the General Manager of the Commission. Between 6 March 2023 and 30 June 2023, we received 472 matters relating to these transferred functions.

Hearings, conferences and conciliations

In 2022–23, Commission Members held 10,368 hearings and conferences, which is a decrease on the number of hearings and conferences held in 2021–22 (12,270). Specialist staff conciliators conducted 12,122 conciliations and conferences in 2022–23, lower than the 13,136 conducted in 2021–22. These included conciliations for 7,960 unfair dismissal cases and 4,162 general protections (dismissal) conferences conducted under delegation.

The total number of proceedings for 2022–23 was 22,490. Most proceedings were held remotely either by video (17%), or by telephone with audio only (76%), including almost all staff conciliator listings and procedural/case management proceedings held by Members. With the lifting of all COVID-19 restrictions, we have seen an increase in in-person proceedings. In 2022–23, 1,397 proceedings were held in-person at a Commission office or suitable regional location. This is more than double the in-person proceedings that were conducted in 2021–22 (634), but less than the 5,284 in-person proceedings in 2018–19, the last full reporting period prior to the COVID-19 pandemic.

It may be appropriate to conduct some types or parts of proceedings online and others in-person. Party availability may also require proceedings to be conducted in a 'hybrid' manner, with some parties attending online and others in-person. We balance a number of considerations when deciding whether proceedings should be held in-person or online. Our [Interim Online Proceedings Framework](#) details how we will continue to use online proceedings in the future.

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

Statutory documents published

In 2022–23, the Commission published a total of 11,041 statutory documents, slightly more than the 10,765 statutory documents published in 2021–22.

Prior to 2021–22, we reported this data as decisions and orders issued by the Commission. We have renamed this data to accurately reflect the different types of documents counted to better demonstrate the work of the Commission. Appendix C includes 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.

In July 2022 our revised internal performance reporting framework came into operation. Our performance measures set standards that are aspirational and quantifiable. They promote transparency and accountability across our functions.

Previously we have reported on our performance benchmarks for reserved decisions by a single Member, enterprise agreement applications appeals hearings, and handing down reserved decisions in appeal matters. Under the new performance reporting framework, these benchmarks have changed and we will now be reporting on the new benchmarks.

Figures 2 to 4 compare our performance against our timeliness benchmarks. Figure 2 shows our timeliness from lodgment to finalisation across all case types. Figure 3 shows our timeliness for all reserved decisions which includes single Member decisions and appeal decisions. Figure 4 shows timeliness for appeal hearings for all case types.

Figure 2

Timeliness benchmark – lodgment to finalisation of all cases



8 Weeks

Benchmark **50%**
2022-23 Result **80%**



16 Weeks

Benchmark **90%**
2022-23 Result **93%**

Figure 3

Timeliness benchmarks – reserved decisions



5 Weeks

Benchmark **50%**
2022-23 Result **67%**



12 Weeks

Benchmark **90%**
2022-23 Result **91%**

Figure 4

Timeliness benchmarks – appeal hearings



12 Weeks

Benchmark **90%**
2022-23 Result **97%**

Changes to our functions

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Secure Jobs Better Pay Act) received Royal Assent on 6 December 2022 and amends the *Fair Work Act, Fair Work (Registered Organisations) Act 2009* (Registered Organisations Act) and the *Fair Work (Transitional Provisions and Consequential Amendments Act) 2009* (Transitional Provisions Act). This legislation has significantly impacted the work of the Commission, both in amending the operation of some existing functions and introducing several new ones.

Our guiding principle was to implement the legislative amendments in an open and transparent way with the needs of our users in mind. We have worked closely with our stakeholders, reference groups and the Department of Employment and Workplace Relations to implement the reforms, including through formal consultative processes. Ahead of implementation, the President published a series of statements detailing our implementation plans for each reform, and we have encouraged active participation from the public and our stakeholders. We have also reviewed our performance framework to ensure that appropriate timeliness, quality and user experience benchmarks are set. We will continue this approach for any future legislative amendments to ensure that the needs of our users are at the heart of our service design.

Figure 5

Key changes from the Secure Jobs Better Pay Act affecting the Commission

Fair Work Amendment (Secure Jobs, Better Pay) Act 2022

Key dates for changes affecting the Fair Work Commission

2022

7 December

- **Job security** and **gender equality** are introduced into the objects of the Fair Work Act and the modern awards objective, and gender equality is introduced into the minimum wages objective
- The **equal remuneration** provisions and the provisions relating to varying modern awards for work value reasons are amended
- **Pay secrecy** provisions commence
- Amendments to the **anti-discrimination** provisions to include breastfeeding, gender identity and intersex status
- Changes to applications for the **termination of enterprise agreements** after the nominal expiry date
- Sunsetting of **'zombie' agreements**
- Changes to **initiating bargaining**
- The Commission can deal with **errors in enterprise agreements**.

2023

6 March

- Prohibiting **sexual harassment in connection with work**
- **Expert Panels** relating to **pay equity** and the **care and community sector** are established
- The functions of the **Registered Organisations Commission** are absorbed by the Fair Work Commission.

6 June

- Changes to **flexible work** requests and requests for the **extension of unpaid parental leave** – the Commission may deal with disputes about flexible work
- Amendments to **agreement approvals** and the **better off overall test** provisions commence
- Amendments to the **bargaining and industrial action** provisions commence.

6 December or an earlier date to be fixed by proclamation

- **Fixed term contracts** are limited and the Commission can deal with disputes about these.

Gender equality and job security

The object of the Fair Work Act in section 3 and the modern awards objective in subsection 134(1) have been amended to include considerations of gender equality and job security. The minimum wages objective in subsection 284(1) has also been amended to include consideration of gender equality.

Accompanying these changes has been the introduction of Expert Panels for pay equity and the care and community sector.

Consideration of the new provisions was included within the 2022–23 Annual Wage Review decision. The Commission has also commenced a major research project to identify occupations and industries in which there is gender pay inequity and potential undervaluation of work and qualifications. Once completed this research will underpin the consideration and determination of identified issues.

Sexual harassment jurisdiction

From 6 March 2023, the Commission received additional powers to deal with disputes about sexual harassment in connection with work. These changes were made in response to Recommendation 28 of the Australian Human Rights Commission’s *Respect@Work: Sexual Harassment National Inquiry Report 2020* and are in addition to the Commission’s existing power to make orders to stop sexual harassment.

The Commission set up a working group of industry and employee representatives to provide input into the implementation of the new jurisdiction. The working group will continue to meet as the new jurisdiction progresses.

To manage the new jurisdiction, National Practice Lead Commissioner McKinnon is supported by specialist staff who are trained to take a trauma-informed approach to the case management process.

Eleven applications to deal with a sexual harassment dispute were lodged in the reporting period following the amendment’s commencement on 6 March 2023.

Enterprise agreements and bargaining

From 6 June 2023, the laws around enterprise bargaining changed significantly, placing more focus on our role in facilitating bargaining.

To support implementation of these changes, we established the Enterprise Agreements and Bargaining Advisory Group (EAB Advisory Group) made up of employer and employee organisations who will continue to contribute feedback and advice as the changes progress. We separated our internal processes relating to bargaining matters and Enterprise Agreement Approval Applications. Deputy President Masson continued his role as Practice Leader for Enterprise Agreement Approval Applications and the President appointed Deputy President Hampton as National Practice Leader for Bargaining so that no conflict of interest arises from the Commission proactively assisting in bargaining matters and subsequently dealing with agreement approval applications arising from the same matters. To explain the changes to the Australian community, we developed plain language information packs and Member videos, as well as new and updated tools for agreement making. This support will continue into the next reporting period.

Multi-enterprise bargaining

Parties can now make 3 types of multi-enterprise agreements: single-interest employer agreements, supported bargaining agreements and cooperative workplace agreements. To assist parties seeking to utilise these provisions, we have developed tools, information and resources explaining the changes affecting these agreement types.

Eight applications for a single-interest employer authorisation were made in the reporting period. The Commission received one supported bargaining authorisation application in the reporting period.

Intractable bargaining declarations

The Commission can make intractable bargaining declarations if certain requirements are met, including:

- that the Commission has dealt with a bargaining dispute under section 240 and the applicant for the declaration participated in the Commission's processes
- that there is no reasonable prospect of agreement being reached without the Commission making such a declaration, and
- that 9 months have passed since the nominal expiry date of the existing agreement or since bargaining commenced (whichever is the latter).

The Commission received one application for an intractable bargaining declaration in the reporting period, which was later discontinued.

If parties haven't reached agreement after an intractable bargaining declaration is made, the Commission must make an intractable bargaining workplace determination. A determination can only be made by a Full Bench. The determination replaces what would have been an enterprise agreement between the parties. No intractable bargaining workplace determinations were made during the reporting period.

Protected Action Ballot Orders (PABOs)

The Commission is now required to conduct a compulsory conciliation conference when it has made a PABO, ordering all bargaining representatives to attend the conference during the ballot period. The purpose of the conference is to facilitate the parties reaching an agreement on some or all of the unresolved issues before any protected industrial action is taken. An employee bargaining representative who does not attend this conference will not be able to take protected industrial action.

Enterprise agreement approval process

The reforms have made 2 main changes to enterprise agreement approval processes:

Statement of Principles on Genuine Agreement – the legislation requires the Commission to make and publish a Statement of Principles concerning genuine agreement, which the Commission must take into account when determining whether an enterprise agreement has been genuinely agreed to. These changes apply to agreements for which bargaining commenced on or after 6 June 2023.

The Better Off Overall Test (BOOT) – the BOOT has been modified to apply to each ‘reasonably foreseeable employee’ instead of each ‘prospective award covered employee’ (in addition to each current employee). The Commission is now required to only have regard to patterns or kinds of work, or types of employment, if they are reasonably foreseeable at the test time.

Sunsetting of pre-2010 agreements that continue to operate (‘zombie agreements’)

Certain kinds of registered agreements that were made before 1 January 2010 continued to operate for the purposes of the Fair Work Act when the Fair Work Act fully commenced on 1 January 2010 (pre-2010 agreements). On 7 December 2023, these pre-2010 agreements that continue to operate will automatically terminate (or ‘sunset’) unless an application is made to the Commission before that date to extend the default period for the agreement.

The Commission received 93 extension applications in the reporting period.

Employers covered by a pre-2010 agreement were required to provide written notice before 7 June 2023 to any employees covered by the agreement about the sunset. During the reporting period, the Commission developed guidance material for employers ahead of this date to help them meet their compliance obligations.

Disputes about flexible work and unpaid parental leave extension requests

These amendments have strengthened the right of certain employees to request flexible work arrangements under the National Employment Standards, including employer obligations to consider and respond to such requests. Amendments have also been made to the right to request an extension of unpaid parental leave.

The Commission can now deal with disputes about these requests, including by conciliation, mediation and, if necessary, mandatory arbitration.

Between 6 June 2023 when these changes commenced and the end of the reporting period, the Commission received one application for a dispute about extension of unpaid parental leave and 6 applications to deal with a dispute in relation to flexible working arrangements. No decisions were made.

Registered organisations regulator functions

As of 6 March 2023, the regulatory powers and functions of the former Registered Organisations Commission (ROC) transferred to the General Manager of the Commission.

In addition to the range of regulatory functions that have transferred from the ROC, the Commission's General Manager has new enforcement powers including infringement notices, enforceable undertakings. The General Manager is also required to embed a culture of good governance and voluntary compliance with the law within organisations in performing these functions and exercising powers.

From 6 March, the Commission assumed responsibility for all of the ROC's ongoing inquiries, investigations and proceedings. Former staff of the ROC transferred to the Commission's Registered Organisations Services Branch. During the transfer of functions, the Commission established a Registered Organisations Transition Advisory Committee which comprised of representatives from the Australian Council of Trade Unions, Australian Chamber of Commerce and Industry and Australian Industry Group.

In addition, the General Manager commissioned an independent review of the Commission's registered organisations governance and compliance functions. The Registered Organisations Transition Advisory Committee was involved in the selection of the independent reviewers and in approving the terms of reference of the independent review. The review is scheduled to be completed and a final report is due in the 2023–24 reporting period.

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Statement of preparation

I, Murray Furlong, as the accountable authority of the Fair Work Commission (the Commission), present the 2022–23 annual performance statements of the 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 Commission in the reporting period and comply with subsection 39(2) of the PGPA Act.



A handwritten signature in blue ink, appearing to read 'M Furlong', written over a light blue horizontal line.

Murray Furlong

General Manager
28 September 2023

Our purpose

The Fair Work Commission is Australia's national workplace relations tribunal and the independent regulator of registered organisations.

We support simple, fair and flexible workplace relations for employees and employers.

We exercise our functions and powers in accordance with the *Fair Work Act 2009* and have responsibilities in relation to the registration, recognition and accountability of registered organisations under the *Fair Work (Registered Organisations) Act 2009*.

Performance framework

We evaluate our performance using the criteria and key performance indicators set out in the *Fair Work Commission Corporate Plan 2022-23* (Corporate Plan) and the *2022-23 Portfolio Budget Statements, Budget Related Paper No. 1.6 Employment and Workplace Relations Portfolio* (PBS) and the *2023-24 Portfolio Budget Statements, Budget Related Paper No. 1.6 Employment and Workplace Relations Portfolio* (PBS).

Our performance measures inform the community about how we deliver on our purpose and functions and provide accountability on the responsible and effective use of public resources. We have **11** performance measures for 2022–23. These include 6 from our 2022–23 Corporate Plan and 5 from our 2023–24 Portfolio Budget Statements that included the key activities and performance measures that had transferred with the functions of the Registered Organisations Commissioner to the General Manager of the Commission from 6 March 2023.

Our 2022–23 performance measures demonstrate achievement of our purpose and relate to our key activities:

- Set and vary minimum wages and modern awards
- Facilitate collective bargaining
- Approve agreements
- Deal with disputes.

In relation to registered organisations support and regulatory functions:

- Proactively educating registered organisations about financial and other reporting responsibilities
- Encouraging democratic control and improved financial and disclosure compliance practices
- Undertaking inquiries and investigations into suspected contraventions.

We also have a supporting activity from our 2022–23 Corporate Plan to *Enhance organisational capability and culture*.

Results

Key activity

Set and vary minimum wages and modern awards

Performance measure

Annual Wage Review to be completed to enable operative date of 1 July.

Target

By 30 June 2023

Performance achieved

Achieved: The Annual Wage Review decision was handed down on 2 June 2023.

Further information

Fair Work Commission
Corporate Plan 2022-23, p15.

Analysis

The Annual Wage Review 2022–23 decision directly impacts the wages of around a quarter of the Australian employee workforce. Completing the Annual Wage Review and issuing the decision within the legislated timeframe demonstrates the effectiveness of the Commission in fulfilling the statutory requirements under the Fair Work Act.

Under the Fair Work Act, an Expert Panel of the Commission must conduct and complete an annual wage review each financial year. The Panel must review the national minimum wage for employees not covered by awards or agreements, and modern award minimum wages and transitional instruments. The Annual Wage Review Expert Panel is made up of:

- the President of the Commission
- 3 other full-time Commission Members
- 3 part-time Members with knowledge of, or experience in, workplace relations, economics, social policy, business, industry, or commerce.

The Annual Wage Review Expert Panel was supported by a multi-disciplinary team within the Commission's Tribunal Support Branch.

The Fair Work Act sets out the objectives of the review, overarching process and the operative date. The Annual Wage Review 2022–23 was effectively conducted by:

- Establishing the timetable in November 2022 (and updated in December 2022), with opportunity for public comment
- Setting the research program in November 2022 with opportunity for public comment
- Commissioning, undertaking and publishing research pursuant to the research program
- Inviting multiple rounds of written submissions that were promptly published on the website.

Key activity

Set and vary minimum wages and modern awards continued

- Holding public consultation hearings and promptly publishing transcripts
- Publicly announcing the decision on 2 June 2023, 28 days ahead of the 1 July 2023 operative date
- Publishing the reasons for decision and decision summary
- Publishing draft National Minimum Wage Order and draft determinations for minimum wage rates and expense-related allowances
- Publishing final determinations by 20 June, 10 days ahead of the 1 July 2023 operative date.

Key activity

Approve agreements

Performance measure

Improve or maintain the median agreement approval time for agreements approved without undertakings.

Target

32 days

Performance achieved

Achieved: Agreements without undertakings were approved in a median of 12 days.

Further information

Fair Work Commission Corporate Plan 2022-23, p16.

Analysis

This result is derived from 1,864 enterprise agreements approved without undertakings in 2022-23.

We exceeded the 2022-23 PBS and Corporate Plan performance target by 20 days. This result is consistent with our performance in the previous reporting period, with a median of 12 days to approve agreements without undertakings in 2021-22.

Our strong performance was maintained in 2022-23 and can be attributed to the Commission's priority to approve applications for enterprise agreements via efficient case management practices and a continual, dedicated focus on timeliness.

Deal with disputes

Performance measure

Median time taken to finalise conciliations in unfair dismissal applications.

Target

Median of 34 days

Performance achieved

Achieved: Conciliation conferences were finalised in a median of 33 days from lodgment of an unfair dismissal application.

Further information

Fair Work Commission Corporate Plan 2022-23, p15.

Analysis

This result is derived from 7,745 unfair dismissal staff conciliations. This was the number of cases in 2022–23 where staff conciliation was the first listing type to be held for an unfair dismissal case. We exceeded the 2022–23 PBS and Corporate Plan performance target, with a median 33 days from lodgment to first staff conciliation in unfair dismissal cases. This result was down from 34 days in 2021–22.

Improvements to timeliness were driven by our focus on enhancing our resource planning capabilities for the efficient management of unfair dismissal (and general protections involving dismissal) applications, coupled with a decline in unfair dismissal lodgments during 2022–23 compared to previous years.

In 2022–23 we also commenced a Flexible Delivery Model (FDM) pilot which trialled methods for delivering staff conciliation services other than a standard conciliation listing to resolve unfair dismissal (and general protection dismissal) applications. Staff Conciliators actively engaged with parties early in the case management process to provide procedural information, aid settlement negotiations and exchange offers on parties' behalf via email and phone calls. Dispute resolution services are provided without requiring attendance at a conciliation conference.

Unfair dismissal cases administered through the FDM pilot which did not have a staff conciliation listing in the case management system are not counted towards the 2022–23 PBS and Corporate Plan performance measure. There were approximately 430 unfair dismissal cases allocated to the FDM pilot in 2022–23 that did not have a staff conciliation listing in the case management system at 30 June 2023.

Performance measure

User experience rating.

Target

At least 75% positive rating

Performance achieved

Achieved: 82%

Further information

Fair Work Commission Corporate Plan 2022-23, p16.

Analysis

The positive user experience rating performance measure was introduced in 2022–23. It is based on:

1. survey participants who had participated in an unfair dismissal/general protections (involving dismissal) conciliation conference who agreed that the conciliator was even-handed (82%)
2. survey participants who found that the unfair dismissal/general protections (involving dismissal) case management process was shorter than expected or that the time taken was about what they had expected (75%)
3. survey participants who were satisfied with how the Commission had dealt with or was dealing with their unfair dismissal/general protections (involving dismissal) case (80%)

Deal with disputes continued

4. Workplace Advice Service (WAS) recipient survey participants who were satisfied with the service provided by the Commission to arrange the pro-bono legal advice consultation (90%)
5. WAS recipient survey participants who indicated that the service was easy to access (93%).

The user experience rating is derived from up to 1,102 surveyed parties to an unfair dismissal staff conciliation or general protections (involving dismissal) staff conference and up to 574 surveyed Workplace Advice Service recipients in 2022–23.

Parties to unfair dismissal and general protections (dismissal) conciliation processes were invited to complete the voluntary survey when correspondence about the outcome of conciliation was provided to the parties. The survey sample comprised:

- 45% applicants (employees)
- 39% respondents (employers)
- 16% representatives (lawyers, paid agents, other advocates).

The survey sample comprised parties to cases that resolved through conciliation (74%) and did not resolve, aligning very closely with resolution rates from staff conciliation processes and is not biased towards cases that resolve.

Recipients of the WAS were invited to complete a voluntary survey when the Commission received confirmation from WAS partner organisations that a consultation had been completed. The WAS survey sample comprised mostly employees (96%) who had accessed the service to inform decisions about making an application/prior to lodgment (60%) and before a staff conciliation conference (30%).

The 2022–23 user experience results are consistent with previous reporting periods and represents our continued focus on delivering high-quality, fair and efficient services and enabling access to justice.

Enhance organisational capability and culture

Performance measure

Culture – level of employee engagement.

Target

Equal to or better than the average for small agencies.

Correction to Fair Work Commission Corporate Plan 2022-23: the target was intended to be *smaller operational* agencies and not *small* agencies. Due to the erroneous target in the Corporate Plan 2022-23, this performance statement compares the Commission's Employee Engagement Index Score (Score) to the Score for:

- Australian Public Service (APS)-overall
- Two APS agency size and function categories:
 - Smaller operational (organisations with less than 1,000 employees involved in the implementation of public policy); and
 - Medium-sized agencies (251–1,000 employees).

Performance achieved

Achieved: 2023 APS Census Employee Engagement Index Score of 75% is better than all comparator scores.

Further information

Fair Work Commission Corporate Plan 2022-23, p17.

Analysis

The Employee Engagement Index Score is a measure of the extent to which employees are motivated, inspired and enabled to improve the organisation's outcomes. It is derived from 10 questions administered through the 2023 APS Census that was run by research provider Big Village on behalf of the Australian Public Service Commission (APSC) from 8 May to 9 June 2023.

The Commission's score of 75% is better than the comparator scores:

- +3 variance from the APS-overall score
- +2 variance from the smaller operational agencies score
- +1 variance from the medium-sized agencies score.

Staff reported high levels of job satisfaction (78%), pride in working at the Commission (83%) and belief in the purpose and objectives of our work (88%).

The result for 2022–23 is consistent with the Commission's 2021–22 score of 75%.

All staff, including contractors and casuals who were employed pursuant to dates determined by the APSC were invited to participate in the APS Census survey. The Commission's overall response rate for the APS Census survey was 77% (from 363 employees invited to participate).

Some notable changes to the composition of the Commission's workforce occurred during 2022–23 resulting from implementation of the *Fair Work Legislation Amendment (Secure Jobs Better Pay) Act 2022*, including a new Branch to accommodate the transfer of former Registered Organisation Commission staff to the Commission in March 2023.

Enhance organisational capability and culture continued

Performance measure

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.

Target

At least 30%

Performance achieved

Achieved: 42%

Further information

Fair Work Commission
Corporate Plan 2022-23, p17.

Analysis

We met the 2022–23 Corporate Plan performance target by enabling 196 staff from across the organisation to perform higher duties, undertake a temporary reassignment of duties, or contribute to projects of strategic significance. In 2022–23, projects included:

- online lodgment and payment portal
- digital smart forms
- publications project
- digital library and broader document search project
- online learning modules and other digital tools and resources
- flexible delivery pilot for unfair dismissal and general protections (dismissal) cases
- assessment of the Fair Work Commission undertaken by the University of Melbourne Centre for Employment and Labour Relations Law.

Subject matter expertise of staff from each branch of the Commission was utilised to scope and deliver projects listed above. Significant expertise and resources over the reference period were also directed to implementation of new and expanded functions resulting from the *Fair Work Legislation Amendment (Secure Jobs Better Pay) Act 2022* that have not been counted as projects for the calculation of this performance measure. These exclusions largely account for the lower result this year compared to 2021–22 (57%).

In 2022–23, 93 staff were temporarily reassigned to other areas of the Commission or had the opportunity to act in higher duties, which increase from 86 in 2021–22. Staff are provided opportunities to act and perform higher duties through internal expressions of interest. At times of increased workload, staff can be reassigned to ensure the Commission could continue to meet performance targets.

As General Manager, I became responsible for the following key activities and associated performance indicators from 6 March 2023 following the abolition of the Registered Organisations Commission. Performance was assessed across the full 2022–23 year, also noting the specific outcomes achieved from 6 March 2023 to 30 June 2023 when these functions were performed at the Commission.

Key activity

Encouraging democratic control and improved financial and disclosure compliance practices

Performance measure

95% of financial reports required to be lodged under the *Fair Work (Registered Organisations) Act 2009* (RO Act) are assessed for compliance within 40 working days.

Target

95%

Performance achieved

Achieved: 100%

Further information

Fair Work Ombudsman and Registered Organisations Commission Entity (FWOROCE) Corporate Plan 2022-23, p32.

Analysis

As at 30 June 2023 there were 94 federally registered organisations comprised of 274 reporting units. A reporting unit is a branch or national office of a registered organisation. Under the RO Act, each reporting unit is required to lodge audited financial reports, which are then assessed for legislative compliance by Commission staff.

The PBS and Corporate Plan performance target for the full 2022–23 year was achieved, with 100% of assessments conducted within 40 working days from the date the financial report was lodged. This result is derived from 297 financial reports where either a primary or advanced compliance assessment was conducted by Commission staff in 2022–23.

On average, financial reports were assessed within 6 working days. This is consistent with the average assessment time in the 2021–22 reporting period.

For the period of 6 March 2023 to 30 June 2023 when this performance measure was the responsibility of the Commission, there were 66 financial reports assessed within 40 working days.

Key activity

Encouraging democratic control and improved financial and disclosure compliance practices continued

Performance measure

95% of annual returns required to be lodged under the RO Act are assessed for compliance within 40 working days.

Target

95%

Performance achieved

Achieved: 100%

Further information

FWOROCE Corporate Plan 2022-23, p32.

Analysis

Each registered organisation is required to lodge an annual return of information, which are assessed for legislative compliance by Commission staff.

The PBS and Corporate Plan performance target for the full 2022–23 year was achieved, with 100% of assessments conducted within 40 working days from the date the annual return was lodged. This result is derived from 95 annual returns where a compliance assessment was conducted by Commission staff in 2022–23. Most annual returns are the subject of a primary review which assesses whether essential elements of the annual return are present, and some receive an advanced review of the detail declared.

On average, annual returns were assessed within 6 working days. This outcome is the result of a dedicated focus on the timely assessment of annual returns in 2022–23.

For the period of 6 March 2023 to 30 June 2023 when this performance measure was the responsibility of the Commission, there were 57 annual returns assessed within 40 working days.

Performance measure

Upon lodgment of prescribed information for an election, 95% of lodgments are dealt with within 40 working days.

Target

95%

Performance achieved

Achieved: 100%

Further information

FWOROCE Corporate Plan 2022-23, p32.

Analysis

Registered organisations and their branches are required to lodge prescribed information for elections (unless exempt from the requirement of having the Australian Electoral Commission conduct their elections). Publication of these documents by the Commission enables accountability to organisations' members and the wider community.

The PBS and Corporate Plan performance target for the full 2022–23 year was achieved, with 100% of matters finalised within 40 working days from the date the prescribed information to arrange an election was lodged. This result is derived from 185 elections matters where a decision to either arrange or not arrange an election was finalised in 2022–23. On average, matters were finalised within 11 working days.

For the period of 6 March 2023 to 30 June 2023 when this performance measure was the responsibility of the Commission, there were 77 elections matters finalised within 40 working days.

Performance measure

Upon lodgment of an application for registration by an auditor, 95% of applications are assessed within 40 working days.

Target

95%

Performance achieved

Achieved: 100%

Further information

FWOROCE Corporate Plan 2022-23, p32.

Analysis

Since 2 May 2017, it is a legislative requirement that auditors of financial reports of reporting units are registered (formerly with the Registered Organisations Commissioner, now with the Commission's General Manager from 6 March 2023).

The PBS and Corporate Plan performance target for the full 2022-23 year was achieved, with 100% of matters assessed within 40 working days from the date the application for auditor registration was lodged. This result is derived from 19 applications for registration by an auditor that were assessed in 2022-23. On average, matters were assessed within 2 working days.

For the period of 6 March 2023 to 30 June 2023 when this performance measure was the responsibility of the Commission, there were 4 auditor registration matters assessed within 40 working days.

Key activity

Proactively educating registered organisations about financial and other reporting responsibilities

Performance measure

An annual Education Strategy will be published by 30 June each year outlining the education activities and resources that will be developed and delivered during the next financial year. A minimum of 95% of the Education Strategy will be delivered during the financial year.

Target

95%

Performance achieved

Achieved: 97%

Further information

FWOROCE Corporate Plan 2022-23, p32.

Analysis

We helped to promote improved compliance by fostering the contemporary good governance and financial accountability of organisations with the provision of advice and assistance through our Education Strategy, which was published in June 2022.

The PBS and Corporate Plan performance target for the full 2022–23 year was achieved, with 97% of education activities delivered. This result is derived from 33 education activities directed towards organisations and/or their members that were delivered in 2022–23, out of 34 planned education activities.

The only planned activity not delivered as part of the Education Strategy in 2022–23 was an annual survey typically undertaken in January of each year by the Registered Organisations Commission (ROC) which sought to measure the effectiveness of the strategy, tools and resources provided by the ROC. The survey would also capture feedback about desired education resources for the coming year and help to inform the next Education Strategy. The Secure Jobs, Better Pay Act passed in November 2022 contained a provision abolishing the ROC, and the transfer of functions and staff to the Commission took place on 6 March 2023. Therefore, in January 2023, as the transition was imminent, it was not efficient or appropriate to measure the effectiveness of the previous 12-month education strategy or to capture feedback about future education products.

For the period of 6 March 2023 to 30 June 2023 when this performance measure was the responsibility of the Commission, all 12 of the scheduled education activities were delivered.

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Corporate governance

Our corporate governance framework:

- promotes the principles of good governance
- encourages all staff to be accountable for their actions and to focus on their performance
- promotes 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

Executive Management Committee

The Executive Management Committee assist our General Manager in exercising his functions as the Accountable Authority. It does this by engaging in informed discussion about our operational, corporate and financial performance. The Executive Management Committee also assists in ensuring that we are compliant with relevant legislation, in addition to the monitoring and review of compliance requirements and performance indicators. This committee is comprised of the General Manager, Executive Directors and advisory members. More information about our Executive Directors and the branches they lead is provided in the Overview.

The Accountability Authority is further supported by 2 sub-committees – the Major Investments Committee and the Operational Performance 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 2022–23, the Audit Committee met 4 times.

The Audit Committee's charter is located at

www.fwc.gov.au/sites/default/files/2022-05/audit-committee-charter.pdf

Table 1

Audit Committee members

Name	Qualifications, knowledge, skills or experience	Meetings attended	Meeting eligible to attend	Remuneration (incl GST)	Membership details
Ms Marion van Rooden (External member) Chair, Audit Committee	Ms van 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.	4	4	\$12,375	Ms van Rooden joined the Audit Committee in December 2019 and was appointed Chair in November 2021.
Mr Adrian Walkden (External member) Member, Audit Committee	Mr Walkden has over 30 years' experience 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.	4	4	\$11,275	Mr Walkden joined the Audit Committee in September 2019. Mr Walkden's appointment was extended in May 2022.
Ms Narelle Sheppard (External member) Member, Audit Committee	Ms Sheppard has extensive audit, risk and financial accounting 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 the Institute of Internal Auditors–Australia, a fellow of CPA Australia and a Graduate of the Australian Institute of Company Directors.	4	4	\$11,000	Ms Sheppard joined the Audit Committee in December 2021.
Mr Stephen Sheehan (External member) Member, Audit Committee	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 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 an independent audit committee member and chair of various Commonwealth Government small and medium-size entities.	4	4	\$11,000	Mr Sheehan joined the Audit Committee in June 2022.

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 Fraud Risk Register. Fraud control awareness training is included in the induction program for new employees, and regular refresher training is required for all staff.

During the year as part of our internal audit program, we conducted a review on the effectiveness of our fraud control framework, including a data analytic review of transactions.

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 Framework
- implemented appropriate fraud prevention, detection, investigation and reporting procedures and practices that comply with the Commonwealth Fraud Control Framework
- taken all reasonable measures to appropriately deal with fraud relating to the entity.

There were no instances of fraud reported during 2022–23.

Risk management

Our risk management framework facilitates the identification, management and monitoring of risks across operational and corporate areas and informs the internal audit plan. The Audit and Risk Committee regularly reviews our Enterprise Risk Register, which includes strategic risks addressed in our Corporate Plan as well as operational and emerging risks.

As part of our risk management strategy, we developed an annual internal audit program in consultation with the Executive which was 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 Management Committee and discussed at meetings of the Audit Committee.

During 2022–23, we updated our Risk Management Framework to align with the new Commonwealth framework released in 2023. As part of our internal audit program we conducted a review on the effectiveness of our risk control framework.

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 2022–23. 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.

External scrutiny

The Auditor-General issued an unqualified independent audit report on the Commission's 2022-23 financial statements. There were no other reports issued by the Auditor-General relating to the Commission in 2022-23.

There were no judicial decisions, decisions of administrative tribunals or decisions of the Australian Information Commissioner in 2022-23 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 2022-23 and no agency capability reviews were released during the period.

Complaints and feedback

Complaints about Commission staff or processes

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 activities. We use any feedback and complaints to identify service problems and potential improvements, while recognising that each year some complaints involve issues outside the jurisdiction or authority of our administration.

Complaints about Members

We have a separate process for dealing with complaints about Members, in accordance with the Fair Work Act. Information about the [Member complaints handling process](#) is available on our website.

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

A substantial number of complaints in 2022-23 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 2022-23 we received a total of 123 complaints, an increase from the 102 received in 2021-22 and the 117 received in 2020-21. Complaints received in 2022-23 equate to 0.4% of the 31,523 applications lodged in the reporting period, as set out in Table 2. We aim to respond to written complaints about Commission staff and processes within 20 working days, and we aim to draft responses to Member complaints within 10 days. In 2022-23, we responded within an average of 11 working days, one day longer on average than the last 3 reporting periods.

Table 2

Complaints

Subject	2022-23	2021-22	2020-21
Total Member complaints¹	76	49	54
Member conduct in relation to a conference or hearing – not substantiated ²	39	26	44
Member conduct in relation to a conference or hearing – partially substantiated or acknowledged ²	0	0	2
Member conduct – referral to external complaint handler	0	0	0
Member conduct – referral to the Minister	0	0	0
Member conduct – referral to another agency	0	0	0
Process ⁴	49	17	48
Outcome ⁵	24	7	29
Other ⁷	3	3	4
Total of all other complaints¹	47	53	63
Staff conduct ³	24	28	23
Process ⁴	17	22	28
Administration ⁶	6	10	7
Other ⁷	10	2	3

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

2 Complaints regarding Member conduct relate specifically to how a Member has or has not behaved in accordance with the Practice Note: Fair Hearings or Member Code of Conduct.

3 Complaints about staff conduct relate specifically to how a staff member has or has not behaved 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 dissatisfaction with outcome or merits of a matter.

6 'Administration' refers to errors in administration (i.e. process was not followed) or negative comments relating to timing, availability, accessibility, and accuracy of information, including procedural information. Can relate to information in letters, emails, SMS, website or by telephone, etc.

7 'Other' includes complaints that are unclear, incomplete or irrelevant, insufficient information to permit investigation, trivial, frivolous, vexatious or not in good faith. This also includes series of complaints relating to one or more applications or Members.

Management of human resources

Training and development

We acknowledge the importance of providing every staff member with a continuous learning experience and recognise that learning is multifaceted. We aim to provide opportunities for various learning experiences at the individual, social, and organisational levels. We are committed to ensuring that our workforce is equipped with the required capabilities to deliver services to the Australian public.

We support and inspire a skilled and capable workforce by implementing various learning initiatives that address the strategic learning and development priorities recommended in our Learning & Development Strategy 2022–25, including the delivery of a revised induction program for all new employees that commence at the Commission.

During 2022–23, key e-learning modules were identified and rolled out as required learning for all staff to complete, with subject matter based on legislative compliance requirements including the Integrity in the APS e-learning module delivered under the APS Induction Pathways program.

We also developed a Senior Executive Service (SES) talent pool program as part of our Learning & Development Strategy 2022–25 to support executive leader capability and succession planning. The program assesses and supports the development of high performing EL2 Commission staff through targeted Learning and Development opportunities and providing the ability to undertake temporary acting Executive Director roles across the Commission. The Commission will continue the program into 2023–24.

Recruitment and separations

During 2022–23, 177 new employees (ongoing or non-ongoing) commenced, and 135 employees (ongoing or non-ongoing) departed the Commission. This includes the staff who transferred from the former Fair Work Ombudsman and Registered Organisations Commission Entity to the Commission on 6 March 2023, following the Machinery of Government change.

Conditions of employment

Collective and individual agreements

All employees, except SES employees, are covered by the Fair Work Commission Enterprise Agreement 2017–2020. Remuneration Determinations were signed effective from 1 October 2020, which provided for annual increases equivalent to the salary increase that an employee would have been entitled to in line with the enterprise agreement from 5 October 2020 to 5 October 2022.

Employment conditions for all 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.

In February 2023, the Commission commenced bargaining for a new enterprise agreement. This is in line with the APS-wide bargaining process that is underway across all APS agencies to set common terms and conditions of employment for APS employees.

Flexible work

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

- Flextime – the majority of employees (APS 1 to APS 6) can access 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 agreement
- Purchased leave – in 2022–23, 8 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 (APS 1 to APS 6)
- healthy lifestyle initiatives such as partial reimbursement of the cost of spectacles, annual influenza vaccinations and an employee assistance program.

Statistics

At 30 June 2023, we employed 331 staff (266 ongoing and 65 non-ongoing), an increase of 42 from the total headcount of ongoing and non-ongoing staff at 30 June 2022 (289). This does not include Commission Members, and includes staff who transferred from the former Fair Work Ombudsman and Registered Organisations Commission Entity to the Commission on 6 March 2023, following the Machinery of Government change. We had 16 casual employees at 30 June 2023. No Commission staff are based overseas.

Tables C8 to C20 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 C21, C22 and C23 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 President, General Manager and Commission Members are independent statutory office holders whose remuneration arrangements are determined by the Remuneration Tribunal.

Table C24 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

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 2022–23 are outlined in Appendix D: Annual financial statements. The deficit on continuing operations was \$4.175 million. The loss includes expenses of \$4.513 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 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. 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 2022–23, 6 new reportable consultancy contracts were entered into involving total actual expenditure of \$185,488 (including GST). In addition, 8 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$222,313 (including GST).

Decisions to engage consultants during 2022–23 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 2022–23	Number	Expenditure
New contracts entered into during the reporting period	6	\$185,488
Ongoing contracts entered into during a previous reporting period	8	\$222,313
Total	14	\$407,801

Organisations receiving a share of reportable consultancy contract expenditure 2022–23	Expenditure	Proportion of 2022–23 total spend
O'Connor Marsden & Associates Pty Limited	\$130,353	32%
North Security Digital Pty Ltd	\$66,000	16%
JLL Public Sector Valuations Pty Ltd	\$41,250	10%
Altius Group Holdings Pty Ltd	\$26,730	7%
University of Melbourne	\$29,700	7%
Total	\$294,033	72%

Expenditure on reportable non-consultancy contracts

Reportable non-consultancy contracts 2022–23	Number	Expenditure
New contracts entered into during the reporting period	132	\$12,974,333
Ongoing contracts entered into during a previous reporting period	86	\$12,947,907
Total	218	\$25,922,240

Organisations receiving a share of reportable non-consultancy contract expenditure 2022–23	Expenditure	Proportion of 2022–23 total spend
Jones Lang Lasalle (ACT) Pty Limited	\$1,481,117	5%
Total of the largest shares	\$1,481,117	5%

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.

Australian National Audit Office access clauses

No contracts of \$100,000 or more (including GST) were let during 2022–23 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. Statistics on small and medium enterprises (SMEs) and small enterprise participation in Commonwealth Government procurement are available on the [Statistics on Australian Government Procurement Contracts](#) webpage.

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 that is presented in an accessible format throughout the procurement process. We recognise the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business available at [Pay On-time Survey performance reports](#). We utilise an electronic payment system to facilitate on-time payment performance.

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 2022–23, we did not conduct any advertising campaigns.

Grants

The Commission did not award any grants during 2022–23.

Disability reporting mechanism

Australia's Disability Strategy 2021-2031 (the Strategy) is the overarching framework for inclusive policies, programs and infrastructure to support people with disability to participate in all areas of Australian life. The strategy sets out where practical changes will be made to improve the lives of people with disability in Australia. It acts to ensure 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 have committed to deliver more comprehensive and visible reporting under the strategy. A range of reports on progress of the strategy's actions and outcome areas will be published and available at www.disabilitygateway.gov.au/ads.

Disability reporting is included the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available at 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 a plan on our website showing whether information is published in accordance with IPS requirements. Our Information publication plan is available at www.fwc.gov.au/about-us/legal-and-freedom-information/information-publication-scheme.

Remediation of information published in previous annual reports

Engagement, website hits (p.22)

The total number of website hits for 2021–22 was incorrectly reported as 6.02 million. It was 5.97 million.

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Appendix A

Members

Table A1

Fair Work Commission Members at 30 June 2023

Presidents	
Justice A Hatcher (S)	
Vice Presidents	
Vice President J Catanzariti AM (S)	Vice President IC Asbury (B)
Deputy Presidents	
Deputy President VP Gostencnik (M)	Deputy President B Cross (S)
Deputy President M Binet (P)	Deputy President MJ Easton (S)
Deputy President WR Clancy (M)	Deputy President A Bell (M)
Deputy President LE Dean (C)	Deputy President T Dobson OAM (B)
Deputy President P Anderson (A)	Deputy President PJ Hampton (A)
Deputy President A Colman (M)	Deputy President BM O'Neill (M)
Deputy President I Masson (M)	Deputy President J Wright (S)
Deputy President A Beaumont (P)	Deputy President T Roberts (S)
Deputy President A Millhouse (M)	Deputy President P O'Keeffe (P)
Deputy President T Saunders (S/N)	Deputy President A Slevin (S)
Deputy President N Lake (B)	Deputy President A Grayson (S) ¹
Deputy President G Boyce (S)	
Commissioners	
Commissioner PJ Spencer (B)	Commissioner L Yilmaz (M)
Commissioner DS McKenna (S)	Commissioner S Mirabella (M)
Acting Commissioner MP Bissett (M)	Commissioner P Ryan (S)
Commissioner CF Simpson (B)	Commissioner A Matheson (S)

Commissioners continued	
Commissioner T Lee (M)	Commissioner P Schneider (P)
Commissioner B Riordan (S)	Commissioner S Durham (B)
Commissioner LAT Johns OAM (M)	Commissioner S Connolly (M)
Commissioner NP Wilson (M)	Commissioner S Crawford (S)
Commissioner T Cirkovic (M)	Commissioner M Perica AM (M)
Commissioner C Platt (A)	Commissioner P Lim (P)
Commissioner K Harper-Greenwell (M)	Commissioner S Allison (M) ²
Commissioner J Hunt (B)	Commissioner OT Tran (M) ³
Commissioner S McKinnon (S)	Commissioner E Thornton (A) ⁴

1 Deputy President Grayson was appointed on 30 March 2023 and will commence on 14 July 2023.

2 Commissioner Allison was appointed on 12 May 2023 and will commence on 10 July 2023.

3 Commissioner Tran was appointed on 12 May 2023 and will commence on 31 July 2023.

4 Commissioner Thornton was appointed on 12 May 2023 and will commence on 18 September 2023.

A Adelaide

B Brisbane

C Canberra

M Melbourne

N Newcastle

P Perth

S Sydney

Table A2

Members of state tribunals who also held an appointment with the Commission, and members of expert panels at 30 June 2023

Fair Work Commission title	State title/expert panel
Deputy President DJ Barclay (H)	President, TIC
Mr Martin Ferguson	Expert panel member
Professor Mark Wooden	Expert panel member
Ms Adele Labine-Romain	Expert panel member
Professor Marian Baird	Expert panel member
Mr Mark Cully	Expert panel member
Dr Leonora Risse	Expert panel member

H Hobart

TIC Tasmanian Industrial Commission

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 Hatcher is a Judge of the Federal Court of Australia and Editor of the Industrial Reports.

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; Member of the Advisory Board of the LGBTI Committee of the International Bar Association; Asia Pacific Regional Forum Liaison Officer of the Rule of Law Forum of the International Bar Association.

Vice President Asbury was President of the Defence Force Remuneration Tribunal until 30 March 2023 and acted in that role until 12 July 2023. The Vice 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 and a member of the International Bar Association.

Deputy President Binet is a life member of the Industrial Relations Society of Western Australia; member of the Australian Association of Women Judges and a chartered member of the Australian Human Resource Institute. Deputy President Binet was a member of the panel for the Unions WA Ethics Panel at the 2023 Industrial Officers and Lawyers Network Conference.

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 (ALERA) (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; Immediate Past President of The Brisbane Club (unpaid voluntary role); and fellow of the Australian Institute of Company Directors.

Deputy President 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 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 of Queensland.

Acting Commissioner Bissett is a member of the Industrial Relations Society of Victoria, the Australian Labour Law Association, and the Australian Association of Women Judges.

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

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

Commissioner Johns is a Trustee of the Arts Centre of Melbourne and a Director of the YMCA NSW and YMCA Australia. The Commissioner is also Vice President of the Industrial Relations Society of Victoria and the Treasurer of ALERA.

Commissioner Wilson is a Fellow of the Australian Human Resources Institute, and a member of the Industrial Relations Society of Victoria and the Australian Institute of Company Directors.

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

Commissioner Platt is Secretary of the Industrial Relations Society of South Australia, Steward with Motorsport Australia and the Public Officer for ALERA (South Australia) and the Amateur Radio Experimenters Group.

Commissioner Harper-Greenwell is a member of the Australian Association of Women Judges, 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 of Advice, Discipline of Workplace and Organisational Studies, Sydney University Business School and member of the Board and its 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.

Commissioner Perica is an Affiliate (Judicial) member of the Law Institute of Victoria, and a member of the Australian Labour Law Association, the Industrial Relations Society of Victoria and the Australian Institute of Employment Rights.

Commission-related engagements in 2022–23

Domestic activities

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

Justice Hatcher was a speaker at the Australian Industry Group PIR Conference in Canberra in August 2022; a keynote speaker presenting on the Commission's implementation program of the Secure Jobs Better Pay Amendment Act at the Law Institute of Victoria Workplace Relations Conference 2023; a presenter at the Law Council of Australia Industrial Law Committee Annual Meeting on the Commission's implementation program for the Secure Jobs Better Pay Amendment Act in February 2023; and a speaker at the Bus Industry Confederation National IR Summit in Canberra in 2023.

Deputy President Clancy presented to the Victorian Association for Dispute Resolution on the topic 'Online proceedings for dispute resolution at the Fair Work Commission – reflections on current experience and future opportunities' in August 2022. The Deputy President also presented to the Victorian Bar Readers' Course in August 2022 and March 2023 regarding appearing at the Fair Work Commission. The Deputy President delivered a presentation for the Industrial Relations Society of Victoria regarding Online Proceedings at the Fair Work Commission in September 2022, and delivered a lecture to students enrolled in Employment Law in the University of Melbourne's Juris Doctor course which covered the National Employment Standards and Modern Awards in February 2023.

Deputy President Saunders gave a presentation at a practitioners' workshop organised by the Industrial Relations Society of New South Wales (Newcastle Branch) on 22 February 2023.

Deputy President Hampton, along with Commissioner Platt, presented a seminar for the Working Women's Centre of South Australia – 'Tips for self-representing in the FWC' in August 2022. Deputy President Hampton also presented a session for the United Workers' Union Industrial Officer Training – 'Common Procedural Matters in the FWC' in September 2022; delivered a session on Employment Law for the Law Society of SA – 'Enterprise agreements – what is their future role?' in October 2022; a seminar for ALERA South Australia – 'Secure Jobs, Better Pay legislation: Prohibiting sexual harassment in connection with work' in February 2023; and addressed the Industrial Relations Society Queensland on Bargaining and Collaborative Approaches in April 2023.

Commissioner Spencer delivered a presentation to the Queensland Hotels Association Employment Relations Conference in September 2022 on the topic of 'Fair Work Commission matters of relevance to employers in the Hotel Industry and Case Round Up'. The Commissioner also delivered presentations on the topic of the Secure Jobs Better Pay legislative changes to Mazars International Accountancy and HR Group in February 2023; was a speaker at the Minter Ellison Lawyers Gold Coast HR Symposium in May 2023; and the Aitken Legal Workplace Forum in June 2023. The Commissioner also participated in a webinar panel on matters for directors arising from the Secure Jobs Better Pay legislative changes for the Australian Institute of Company Directors in May 2023.

Acting Commissioner Bissett participated in moot court for ACTU Advocacy course July 2022, and gave a presentation on effectively dealing with disputes in the Commission to NTEU industrial staff (in conjunction with Commissioner Simpson) in August 2022.

Commissioner Johns delivered various speeches and guest lectures, including to the Industrial Relations Society of Tasmania, ALERA ACT, Monash University LLB course, Monash University LLM course, RMIT Juris Doctor course, King & Wood Mallesons panel discussion and the Public Sector LGBTIQ+ Leadership and Allyship Summit.

Commissioner Hunt was a panel speaker at the National Conference of the Association of Corporate Counsel.

Commissioner McKinnon delivered presentations on the Commission's sexual harassment jurisdiction to staff and Members of the Commission and to the Australian Human Rights Commission; the Industrial Relations Society of Victoria; members of the Workplace Advisory Service; and members of the Commission's Small Business Reference Group. Commissioner McKinnon was also the Chair of the Sexual Harassment Working Group; Presiding member of the University of Sydney mock unfair dismissal proceedings (WORK3600); on the Panel for the Respect@Work Council Forum in July 2022; and attended the COAT Conference, Sydney in September 2022.

Commissioner Yilmaz helped run the Small Business Reference Group and helped facilitate the quarterly meetings; provided feedback as a member of the Cooperative workplaces practice group for the cooperative workplace update project in November 2022; attended the Industrial Relations Society of Victoria Meet the Commission Function in March 2023; and conducted training on cooperative workplaces at WorkSafe in Geelong in March 2023.

Commissioner Matheson presented at the Industrial Relations Society of New South Wales Conference 2023.

International activities

Throughout the reporting period, Commission Members participated in a number of Commission-related international engagement and professional development activities.

Vice President Catanzariti attended the International Industrial Relations meeting, hosted by the Federal Mediation and Conciliation Service in Washington DC from 12–15 September 2022, and the New Zealand Employment Relations Authority Members' Meeting in Wellington on 29–30 March 2023.

Commissioner Johns is a Co-chair of the Workplace Dispute Resolution Study Group of the International Labour and Employment Relations Association.

Appendix C

Reference data

Tables for the delivery of Commission services

Table C1

Applications lodged, by matter type

Matter type	2022–23
<i>Fair Work Act 2009</i>	26,797
s.65B Application to resolve a dispute about flexible working arrangements	6
s.66M Application to deal with a dispute about casual conversion	21
s.76B Application to resolve a dispute about extension of a period of unpaid parental leave	1
s.120 Application to vary redundancy pay	93
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	3
s.158 Application to make a modern award	1
s.158 Application to vary or revoke a modern award	17
s.160 Application to vary a modern award to remove ambiguity or uncertainty or correct error	7
s.182(4) Application for approval of a greenfields agreement	1
s.185 Application for approval of a greenfields agreement	280
s.185 Application for approval of a multi-enterprise agreement	34
s.185 Application for approval of a single-enterprise agreement	3,858
s.210 Application for approval of a variation of an enterprise agreement	81

Matter type		2022-23
Fair Work Act 2009 continued		
s.217	Application to vary an agreement to remove an ambiguity or uncertainty	22
s.218A	Application to vary an agreement to correct or amend errors, defects or irregularities	29
s.222	Application for termination of an enterprise agreement by agreement	79
s.225	Application for termination of an enterprise agreement after its nominal expiry date	195
s.229	Application for a bargaining order	60
s.234	Application for an intractable bargaining declaration	1
s.236	Application for a majority support determination	98
s.238	Application for a scope order	5
s.240	Application to deal with a bargaining dispute	160
s.242	Application for a supported bargaining authorisation	1
s.248	Application for a single interest employer authorisation	8
s.251	Application for a variation of a single interest employer authorisation	2
s.252	Application to extend single interest employer authorisation	2
s.285	Annual Wage Review	1
s.302	Application for an equal remuneration order	3
s.318	Application for an order relating to instruments covering new employer and transferring employees	66
s.319	Application for an order relating to instruments covering new employer and non-transferring employees	43
s.365	Application for general protections involving dismissal	4,964
s.365	Application for general protections involving dismissal (consent arbitration)	10
s.372	Application for general protections application not involving dismissal	855
s.376	Application for costs orders against lawyers and paid agents	1
s.394	Application for unfair dismissal remedy	11,012

Matter type		2022-23
<i>Fair Work Act 2009 continued</i>		
s.400A	Application for a costs order against a party	3
s.401	Application for costs orders against lawyers and paid agents	2
s.418	Application for an order to stop etc. (unprotected) industrial action	18
s.423	Application for an order to suspend or terminate protected industrial action	2
s.424	Application to suspend or terminate protected industrial action - endangering life, etc.	18
s.425	Application to suspend protected industrial action, cooling off	2
s.437	Application for a protected action ballot order	772
s.447	Application for variation of protected action ballot order	28
s.448	Application for revocation of protected action ballot order	59
s.459	Application to extend the 30-day period for protected action	258
s.468A	Application to become an eligible protected ballot agent	5
s.483AA	Application for an order to access non-member records	4
s.505	Application to deal with a right of entry dispute	35
s.510	Upon referral, revoke or suspend an entry permit	4
s.512	Application for an entry permit	1,111
s.516	Application to extend entry permit	16
s.520	Application for an affected member certificate	3
s.526	Application to deal with a stand down dispute	22
s.527F	Application for an order to stop and deal with a sexual harassment dispute	5
s.527F	Application to deal with a sexual harassment dispute	6
s.531	Application for an order where failure to notify or consult registered employee associations about dismissals	1
s.576(2)(aa)	Application to participate in the Collaborative Approaches Program	5

Matter type	2022-23	
Fair WorkAct 2009 continued		
s.589	Application for procedural and interim decision	2
s.602	Application to correct obvious error(s), etc. in relation to FWC's decision	9
s.603	Application to vary or revoke a FWC decision	5
s.604	Notice of appeal	219
s.611	Application for costs	2
s.739	Application to deal with a dispute	1,257
s.739	Application to deal with a dispute in relation to flexible working arrangements	36
s.768AX	Application to vary a copied state instrument	1
s.768BB	Application for an order about coverage for employee organisations under a state instrument	2
s.773	Application to deal with an unlawful termination dispute	141
s.789FC	Application for an order to stop bullying	681
s.789FC	Application for an order to stop bullying and sexual harassment	27
s.789FC	Application for an order to stop sexual harassment	11
s.789GV	Application to deal with a dispute under Part 6-4C	4
Fair Work (Registered Organisations) Act 2009		143
Reg.20 RO	Inspection of documents	17
RO Act	Request for advice and assistance FWC	47
s.18(a) RO Act	Application for registration by an association of employers	1
s.26(6) RO Act	Application to issue a copy of or certificate replacing the certificate of registration	2
s.30(1)(a) RO Act	Application by organisation for cancellation of registration	1

Matter type	2022-23	
<i>Fair Work (Registered Organisations) Act 2009 continued</i>		
s.30(1)(c) RO Act	Cancellation of registration on FWC's own motion	2
s.44(1) RO Act	Application for approval for submission of amalgamation to ballot	1
s.94(1) RO Act	Application for ballots for withdrawal from amalgamated organisation	3
s.144(2) RO Act	Application for exemption from postal ballot requirements	1
s.158(1) RO Act	Application for alteration of eligibility rules	1
s.158(1) RO Act	Application for change of name of organisation	2
s.159(1) RO Act	Notification of alterations of other rules	59
s.161 RO Act	Evidence of rules	2
s.180 RO Act	Conscientious objection to membership of organisations	4
<i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i>		293
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	10
Sch. 3, Item 16	Application to terminate collective agreement-based transitional instrument	29
Sch. 3, Item 17	Application by agreement to terminate individual agreement-based transitional instrument	158
Sch. 3, Item 19	Declaration for unilateral termination with FWC approval to terminate individual agreement	2

Matter type	2022-23
Sch. 3, Item 20A(4) Application to extend default period for agreement-based transitional instruments	75
Sch. 3A, Item 26A(4) Application to extend default period for Division 2B State employment agreements	3
Sch. 7, Item 30(4) Application to extend default period for enterprise agreements made during the bridging period	15
Work Health and Safety Act 2011	37
s.131 WHS Act Application for a WHS entry permit	36
s.229 WHS Act WHS review authority	1
Administrative	4,253
Request for a board of reference	149
Supported wage system agreement	4,104
Grand total	31,523

FWC = Fair Work Commission

Note: This total does not include applications for matters which were transferred from the former Registered Organisations Commission to the General Manager of the Fair Work Commission on 6 March 2023.

Table C2

Statutory documents published

	2022-23 ¹	2021-22 ¹	2020-21	2019-20
Statutory documents published	11,041	10,765	9,951	10,030

1 2021-22 and 2022-23 include orders, decisions, statements and modern award determinations

Table C3

Hearings, conferences and conciliations, by location or method

	2022-23 ¹	2021-22 ¹	2020-21 ²	2019-20 ²
Adelaide	28	21	67	173
Brisbane	158	139	176	595
Canberra	2	0	4	126
Darwin	16	5	4	15
Hobart	8	1	1	48
Melbourne	370	48	192	1,442
Newcastle	23	7	30	89
Perth	340	319	374	204
Sydney	376	61	412	972
Wollongong	0	0	0	0
Other places	76	33	43	149
In chambers ³	-	-	2,480	2,965
Telephone	17,193	20,780	7,263	5,798
Video	3,900	3,992	1,241	530
Total¹	22,490	25,406	12,287	13,106

1 2021-22 and 2022-23 include orders, decisions, statements and modern award determinations.

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 the Commission's registered organisations functions

On 6 March 2023, the functions of the Registered Organisations Commissioner were transferred to the General Manager of the Commission. All ongoing investigations, inquiries and litigations were transferred to the General Manager. Conduct that occurred prior to the transfer of functions could still be subject to a potential inquiry, investigation or proceedings by the General Manager.

Table C4

Investigations initiated and closed under Chapter 11, Part 4 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)* in 2022–23

	Investigations
No. open as at 30 June 2022	3
No. commenced during 2022–23	0
No. concluded during 2022–23	2
No. open as at 30 June 2023	1

Table C5

Investigations under Chapter 11, Part 4 of the RO Act in 2022–23

Name	Type	Commencement date	Issue	Completion date or estimated completion date	Outcome (as at 30 June 2023)
Australian Education Union, Australian Capital Territory Branch	s.331	23 February 2022	Alleged breach of officers' duties by Branch Secretary	21 October 2022	Investigation complete. No contraventions found under the RO Act
Health Services Union Victoria No.1 Branch	s.331	2 February 2022	Potential breaches of financial reporting duties, officers' duties relating to financial expenditure and conduct of financial audits of the branch	Estimate: December 2023	Still under investigation
The Australian Workers' Union, National Office and all branches (excluding Victorian Branch)	s.331	17 February 2021	Non-compliance with obligations to keep a register of members and to report membership numbers biannually	29 August 2022	Investigation complete. Contraventions found and civil penalty proceedings commenced in the Federal Court

Table C6

Alleged contraventions and orders sought under s.310(1)(a) of the RO Act

Name	Commencement date	Alleged contraventions	Orders applied for	Date of completion	Outcome
General Manager of the Fair Work Commission v The Australian Workers' Union [NSD992/2022]	17 November 2022	Non-compliance with record keeping obligations	Declarations, civil penalties and any other order the Court deems appropriate	In progress	In progress – parties proposed an agreed penalty position – judgment reserved
General Manager of the Fair Work Commission v Stephen Smyth [QUD411/2021]	30 November 2021	Breaches of officer's duties by using branch funds for personal expenditure	Declarations, civil penalties and any other order the Court deems appropriate	In progress	In progress – judgment on liability reserved

Major education activities delivered in 2022-23

In 2022-23, we delivered 33 major education activities targeted at registered organisations, their officers, auditors and members. These campaigns covered topics including officer and related party disclosure statements, financial reporting, whistleblower resources, the importance of good governance, and elections.

Tables for 'management and accountability'

Tables C7 to C24 only include full-time and part-time APS employees engaged under the *Public Service Act 1999*. This does not include Members of the Commission, the General Manager, casuals or staff engaged through labour hire arrangement.

Table C7

Details of accountable authority during the reporting period

Name	Position title/held	Period as the accountable authority or Member	
		Date of commencement	Date of cessation
Murray Furlong	General Manager	1 July 2022	30 June 2023

Table C8

Ongoing employees by location as at 30 June 2023

	Male			Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	9	1	10	19	5	24	0	0	0	0	0	0	0	0	0	34
QLD	5	1	6	12	2	14	0	0	0	0	0	0	1	0	1	21
SA	7	0	7	6	2	8	0	0	0	0	0	0	0	0	0	15
TAS	0	0	0	3	3	6	0	0	0	0	0	0	0	0	0	6
VIC	55	2	57	80	33	113	0	0	0	0	0	0	0	0	0	170
WA	2	0	2	5	1	6	0	0	0	0	0	0	0	0	0	8
ACT	5	0	5	3	2	5	0	0	0	0	0	0	0	0	0	10
NT	0	0	0	2	0	2	0	0	0	0	0	0	0	0	0	2
Total	83	4	87	130	48	178	0	0	0	0	0	0	1	0	1	266

Table C9

Non-ongoing employees by location as at 30 June 2023

	Male			Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	6	1	7	11	1	12	0	0	0	0	0	0	0	0	0	19
QLD	4	1	5	4	0	4	0	0	0	0	0	0	0	0	0	9
SA	3	0	3	2	0	2	0	0	0	0	0	0	0	0	0	5
TAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VIC	12	0	12	13	1	14	0	0	0	0	0	0	0	0	0	26
WA	3	0	3	3	0	3	0	0	0	0	0	0	0	0	0	6
ACT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	28	2	30	33	2	35	0	0	0	0	0	0	0	0	0	65

Table C10

Ongoing employees by location as at 30 June 2022 (prior reporting period)

	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
Total	68	5	73	123	37	160	0	233

Table C11

Non-ongoing employees by location as at 30 June 2022 (prior reporting period)

	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
Total	18	2	20	32	4	36	0	56

Table C12

Ongoing employees by classification as at 30 June 2023

	Male			Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 1	2	0	2	2	0	2	0	0	0	0	0	0	0	0	0	4
EL 2	10	2	12	12	5	17	0	0	0	0	0	0	0	0	0	29
EL 1	19	1	20	20	11	31	0	0	0	0	0	0	0	0	0	51
APS 6	16	0	16	35	16	51	0	0	0	0	0	0	0	0	0	67
APS 5	16	0	16	34	9	43	0	0	0	0	0	0	0	0	0	59
APS 4	19	1	20	26	5	31	0	0	0	0	0	0	1	0	1	52
APS 3	0	0	0	1	2	3	0	0	0	0	0	0	0	0	0	3
APS 2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
APS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	83	4	87	130	48	178	0	0	0	0	0	0	1	0	1	266

Table C13

Non-ongoing employees by classification as at 30 June 2023

	Male			Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	1
EL 1	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	2
APS 6	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	2
APS 5	22	2	24	29	2	31	0	0	0	0	0	0	0	0	0	55
APS 4	4	0	4	1	0	1	0	0	0	0	0	0	0	0	0	5
APS 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	28	2	30	33	2	35	0	0	0	0	0	0	0	0	0	65

Table C14

Ongoing employees by classification as at 30 June 2022 (prior reporting period)

	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
Total	68	5	73	123	37	160	0	233

Table C15

Non-ongoing employees by classification as at 30 June 2022 (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	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
Total	18	2	20	32	4	36	0	56

Table C16

Employees by employment status as at 30 June 2023

	Ongoing			Non-ongoing			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 1	4	0	4	0	0	0	4
EL 2	22	7	29	1	0	1	30
EL 1	39	12	51	2	0	2	53
APS 6	51	16	67	2	0	2	69
APS 5	50	9	59	51	4	55	114
APS 4	46	6	52	5	0	5	57
APS 3	1	2	3	0	0	0	3
APS 2	1	0	1	0	0	0	1
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	214	52	266	61	4	65	331

Table C17

Employees by employment status as at 30 June 2022 (prior reporting period)

	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
Total	191	42	233	50	6	56	289

Table C18

Employment type by location as at 30 June 2023

	Ongoing	Non-ongoing	Total
NSW	34	19	53
QLD	21	9	30
SA	15	5	20
TAS	6	0	6
VIC	170	26	196
WA	8	6	14
ACT	10	0	10
NT	2	0	2
Total	266	65	331

Table C19

Employment type by location as at 30 June 2022 (prior reporting period)

	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
Total	233	56	289

Table C20

APS Indigenous employment

	30 June 2023	30 June 2022
Ongoing	3	3
Non-ongoing	0	0
Total	3	3

Table C21

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 ³	Long service leave	Other long-term benefits		
Justice Iain Ross AO ^{1,2}	(former) President	\$204,411	0	\$16,474	0	\$20,441	0	0	\$241,327
Justice Adam Hatcher ^{1,2}	President	\$350,816	0	0	\$9,794	\$19,136	0	0	\$379,747
Murray Furlong	General Manager	\$380,909	0	0	\$48,017	\$9,436	0	0	\$438,361
Total		\$936,136	0	\$16,474	\$57,811	\$49,013	0	0	\$1,059,435

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's Financial Statements.

2 In November 2022, the former President of the Fair Work Commission Justice Iain Ross AO resigned. Vice President Hatcher acted as President until February 2023, when he was appointed permanently to the position.

3 There is a minor inconsistency between the figures in this table and Note 6.1 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 C22

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 long service leave	Average other long-term benefits		
\$0 – \$220,000 ¹	3	\$101,788	0	0	\$16,071	\$2,473	0	0	\$120,332
\$245,001 – \$270,000	1	\$219,228	0	0	\$35,954	\$5,437	0	0	\$260,619
\$295,001 – \$320,000	1	\$264,379	0	0	\$41,996	\$6,461	0	0	\$312,835

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

Table C23

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 long service leave	Average other long-term benefits		
\$245,001 – \$270,000	2	\$221,270	0	0	\$30,496	\$4,643	0	0	\$256,409

Table C24

**APS employment salary ranges by classification level,
current reporting period (2022–23)**

	Minimum salary	Maximum salary
SES 1 ¹	N/A	N/A
EL 2	\$132,011	\$154,496
EL 1	\$114,492	\$123,903
APS 6	\$89,938	\$103,455
APS 5	\$83,041	\$88,007
APS 4	\$74,488	\$80,834
APS 3	\$66,902	\$72,144
APS 2	\$59,452	\$65,110
APS 1	\$52,418	\$54,488

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

Independent Auditor's Report

Certification

Primary financial statements

- 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

Overview

Notes to the financial statements

1. Departmental Financial Performance
 - 1.1. Expenses
 - 1.2. Own-source Revenue and Gains
2. Income and Expenses Administered on Behalf of Government
 - 2.1. Administered – Expenses
 - 2.2. Administered – Income
3. Departmental Financial Position
 - 3.1. Financial Assets
 - 3.2. Non-financial Assets
 - 3.3. Payables
 - 3.4. Interest Bearing Liabilities
4. Assets and Liabilities Administered on Behalf of Government
 - 4.1. Administered – Financial Assets
 - 4.2. Administered – Payables
5. Funding
 - 5.1. Appropriations
 - 5.2. Net Cash Appropriations Arrangements
6. People and Relationships
 - 6.1. Employee Provisions
 - 6.2. Key Management Personnel Remuneration
 - 6.3. Related Party Disclosures
7. Managing Uncertainties
 - 7.1. Contingent Assets and Liabilities
 - 7.2. Financial Instruments
 - 7.3. Administered – Financial Instruments
 - 7.4. Fair Value Measurement
 - 7.5. Administered – Fair Value Measurement
8. Other Information
 - 8.1. Current/Non-current Distinction for Assets and Liabilities
 - 8.2. Restructuring
 - 8.3. Explanations of Major Variances to Budget



**FINANCIAL STATEMENTS
2022 - 23**

FAIR WORK COMMISSION



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 2023:

- (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 2023 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 2023 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

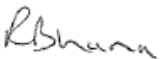
My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that 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



Rita Bhana

Audit Principal

Delegate of the Auditor-General

Canberra

8 September 2023

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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 2023 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
8 September 2023

Signed  _____

Elsie Gong
Chief Financial Officer
8 September 2023

Statement of Comprehensive Income

for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget ¹ \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	54,011	52,132	57,735
Suppliers	1.1B	24,484	22,776	21,410
Depreciation and amortisation	3.2A	13,398	14,802	13,421
Finance costs	1.1C	944	180	136
Write-down and impairment of other assets	1.1D	11	2	-
Total expenses		92,848	89,892	92,702
Own-source income				
Own-source revenue				
Revenue from contracts with customers	1.2A	51	117	50
Rental income	1.2B	160	2,645	450
Other revenue	1.2C	57	57	57
Total own-source revenue		268	2,819	557
Total own-source income		268	2,819	557
Net cost of services		(92,580)	(87,073)	(92,145)
Revenue from Government	1.2D	88,405	80,857	88,405
Deficit on continuing operations		(4,175)	(6,216)	(3,740)
OTHER COMPREHENSIVE LOSS				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve	3.2A	2,609	3,329	-
Total comprehensive loss		(1,566)	(2,887)	(3,740)

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

1. The budget column represents the Fair Work Commission's October 2022 Portfolio Budget Statements for the 2022-2023 financial year.

Statement of Financial Position

as at 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	409	462	462
Trade and other receivables	3.1B	41,615	38,709	38,709
Total financial assets		42,024	39,171	39,171
Non-financial assets¹				
Leasehold improvements	3.2A	65,174	45,072	38,966
Plant and equipment	3.2A	5,386	3,665	3,913
Computer software	3.2A	2,959	3,234	6,637
Other non-financial assets	3.2B	1,294	2,026	2,026
Total non-financial assets		74,813	53,997	51,542
Total assets		116,837	93,168	90,713
LIABILITIES				
Payables				
Suppliers	3.3A	1,580	1,488	1,488
Other payables	3.3B	1,499	1,079	1,079
Total payables		3,079	2,567	2,567
Interest bearing liabilities				
Leases	3.4A	54,696	35,962	30,579
Total interest bearing liabilities		54,696	35,962	30,579
Provisions				
Employee provisions	6.1A	17,066	16,948	16,948
Total provisions		17,066	16,948	16,948
Total liabilities		74,841	55,477	50,094
Net assets		41,996	37,691	40,619
EQUITY				
Contributed equity		60,033	54,162	60,830
Reserves		19,676	17,067	17,067
Accumulated deficit		(37,713)	(33,538)	(37,278)
Total equity		41,996	37,691	40,619

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.

Statement of Changes in Equity
for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance		54,162	52,337	54,162
Transactions with owners				
Distributions to owners				
Return of equity		-	(1,881)	-
Contributions by owners				
Restructuring	8.2A	(797)	-	-
Departmental capital budget		6,668	3,706	6,668
Total transactions with owners		5,871	1,825	6,668
Closing balance as at 30 June		60,033	54,162	60,830
ACCUMULATED DEFICIT				
Opening balance		(33,538)	(27,322)	(33,538)
Comprehensive loss				
Deficit for the period		(4,175)	(6,216)	(3,740)
Total comprehensive loss		(4,175)	(6,216)	(3,740)
Closing balance as at 30 June		(37,713)	(33,538)	(37,278)
ASSET REVALUATION RESERVE				
Opening balance		17,067	13,738	17,067
Comprehensive income				
Other comprehensive income		2,609	3,329	-
Total comprehensive income		2,609	3,329	-
Closing balance as at 30 June		19,676	17,067	17,067

Statement of Changes in Equity (continued)

for the period ended 30 June 2023

	2023 \$'000	2022 \$'000	Original Budget \$'000
TOTAL EQUITY			
Opening balance	37,691	38,753	37,691
Comprehensive loss			
Deficit for the period	(4,175)	(6,216)	(3,740)
Other comprehensive income	2,609	3,329	-
Total comprehensive loss	(1,566)	(2,887)	(3,740)
Transactions with owners			
Distributions to owners			
Return of equity	-	(1,881)	-
Contributions by owners			
Restructuring	(797)	-	-
Departmental capital budget	6,668	3,706	6,668
Total transactions with owners	5,871	1,825	6,668
Closing balance as at 30 June	41,996	37,691	40,619

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.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Government entity under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

Cash Flow Statement

for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		85,460	83,557	88,405
Sale of goods and rendering of services		317	2,831	500
Net GST received		3,746	3,920	-
Total cash received		89,523	90,308	88,905
Cash used				
Employees		(54,268)	(50,656)	(57,763)
Suppliers		(27,553)	(27,107)	(21,325)
Interest payments on lease liabilities		(944)	(180)	(136)
Total cash used		(82,765)	(77,943)	(79,224)
Net cash from operating activities		6,758	12,365	9,681
INVESTING ACTIVITIES				
Cash used				
Purchase of leasehold improvements		(1,390)	(959)	(861)
Purchase of plant and equipment		(2,518)	(1,588)	(1,307)
Purchase of computer software		(686)	(1,778)	(4,500)
Total cash used		(4,594)	(4,325)	(6,668)
Net cash used by investing activities		(4,594)	(4,325)	(6,668)
FINANCING ACTIVITIES				
Cash received				
Contributed equity – departmental capital budget		6,668	3,706	6,668
Total cash received		6,668	3,706	6,668
Cash used				
Principal payments of lease liabilities		(8,885)	(11,808)	(9,681)
Total cash used		(8,885)	(11,808)	(9,681)
Net cash used by financing activities		(2,217)	(8,102)	(3,013)
Net decrease in cash held		(53)	(62)	-
Cash and cash equivalents at the beginning of the reporting period		462	524	462
Cash and cash equivalents at the end of the reporting period	3.1A	409	462	462

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

Administered Schedule of Comprehensive Income*for the period ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget¹ \$'000
NET COST OF SERVICES				
Expenses				
Application refunds paid	2.1A	<u>182</u>	475	<u>500</u>
Total expenses		<u>182</u>	<u>475</u>	<u>500</u>
Income				
Revenue				
Non-taxation revenue				
Application fees received	2.2A	<u>646</u>	1,127	<u>1,078</u>
Total non-taxation revenue		<u>646</u>	<u>1,127</u>	<u>1,078</u>
Total revenue		<u>646</u>	<u>1,127</u>	<u>1,078</u>
Total income		<u>646</u>	<u>1,127</u>	<u>1,078</u>
Net contribution by services		<u>464</u>	652	<u>578</u>
Surplus		<u>464</u>	652	<u>578</u>
Total comprehensive income		<u>464</u>	<u>652</u>	<u>578</u>

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

1. The budget column represents the Fair Work Commission's October 2022 Portfolio Budget Statements for the 2022-2023 financial year.

Administered Schedule of Assets and Liabilities

as at 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	4.1 A	5	4	4
Total financial assets		5	4	4
Total assets administered on behalf of Government		5	4	4
LIABILITIES				
Other payables				
Application fees payables	4.2A	485	190	190
Total other payables		485	190	190
Total liabilities administered on behalf of Government		485	190	190
Net liabilities		(480)	(186)	(186)

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

Administered Reconciliation Schedule
for the period ended 30 June 2023

	2023	2022	Original Budget
	\$'000	\$'000	\$'000
Opening assets less liabilities as at 1 July 2022	(186)	(124)	(186)
Net (cost of)/contribution by services			
Application fees income	646	1,127	1,078
Expenses			
Payments to entities other than corporate Commonwealth entities	(182)	(475)	(500)
Special appropriations (limited)			
Transfers from Official Public Accounts	305	509	500
Appropriation transfers to Official Public Account			
Transfers to OPA	(1,063)	(1,223)	(1,078)
Closing assets less liabilities as at 30 June 2023	(480)	(186)	(186)

The above schedule 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 2023*

	2023	2022	Original Budget
	\$'000	\$'000	\$'000
OPERATING ACTIVITIES			
Cash received			
Application fees received	1,064	1,227	1,078
Total cash received	1,064	1,227	1,078
Cash used			
Application refunds paid	(305)	(509)	(500)
Total cash used	(305)	(509)	(500)
Net cash from operating activities	759	718	578
Cash from Official Public Account			
Appropriations	305	509	500
Total cash from official public account	305	509	500
Cash to Official Public Account			
Appropriations	(1,063)	(1,223)	(1,078)
Total cash to official public account	(1,063)	(1,223)	(1,078)
Net increase in cash held	1	4	-
Cash and cash equivalents at the beginning of the reporting period	4	-	4
Cash and cash equivalents at the end of the reporting period	5	4	4

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

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, deal with disputes, and promote the financial transparency and effective governance of registered employee and employer organisations.

The Fair Work Commission's main office location is 11 Exhibition Street, Melbourne VIC 3000.

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 which have been recorded 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.

The Fair Work Commission reporting entity

Included in the Fair Work Commission's financial statements are the operations of the former Registered Organisations Commission.

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* received royal assent on 6 December 2022, which abolished the Registered Organisations Commission and transferred the regulatory powers of the Registered Organisations Commissioner within the former Fair Work Ombudsman and Registered Organisations Commission Entity to the General Manager of the Fair Work Commission. The legislation took effect on 6 March 2023.

Details of the Departmental appropriations and transferred liabilities in relation to the registered organisations functions are included at Note 8.2.

Adoption of New Australian Accounting Standard Requirements

Two amending standards (AASB 2021-2 and AASB 2021-6) were adopted earlier than the application date as stated in the standard. These amending standards have been adopted for the 2022-23 reporting period.

The following amending standards issued prior to the signing of the statement by the accountable authority and chief financial officer, were applicable to the current reporting period:

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 2021-2 <i>Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates</i> (AASB 2021-2)	AASB 2021-2 amends AASB 7, AASB 101, AASB 108, AASB 134 and AASB Practice Statement 2. The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate.
And AASB 2021-6 <i>Amendments to Australian Accounting Standards - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards</i> (AASB 2021-6)	AASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2. This amending standard is not expected to have a material impact on the Fair Work Commission’s financial statements for the current reporting period or future reporting periods.

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 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.

Departmental Financial Performance

This section analyses the financial performance of Fair Work Commission for the year ended 2023.

1.1 Expenses

	2023 \$'000	2022 \$'000
1.1A: Employee benefits		
Wages and salaries	42,467	40,856
Superannuation:		
Defined contribution plans	5,231	4,913
Defined benefit plans	1,408	1,410
Leave and other entitlements	4,657	4,424
Separation and redundancies	124	387
Other employee expenses	124	142
Total employee benefits	54,011	52,132

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

Audit fees (free of charge external audit fee – ANAO)	57	57
Tribunal/member services	1,728	1,365
Information Communications Technology	6,578	4,716
Property expenses	3,654	3,508
Office expense	530	452
Contractors	11,199	11,960
Other	424	358
Total goods and services supplied or rendered	24,170	22,416

Goods supplied	758	677
Services rendered	23,412	21,739
Total goods and services supplied or rendered	24,170	22,416

Other suppliers

Workers compensation expenses	83	84
Variable lease payments	231	276
Total other suppliers	314	360
Total suppliers	24,484	22,776

The above lease disclosure 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 per asset). The Fair Work Commission recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

2023	2022
\$'000	\$'000

1.1C: Finance costs

Interest on lease liabilities

944	180
-----	-----

Total finance costs

<u>944</u>	<u>180</u>
------------	------------

The above lease disclosure 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.

1.1D: Write-down and impairment of other assets

Write-down of property, plant and equipment

6	2
---	---

Impairment of intangible assets other than goodwill

5	-
---	---

Total write-down and impairment of other assets

<u>11</u>	<u>2</u>
-----------	----------

1.2 Own-Source Revenue and Gains

2023
\$'000

2022
\$'000

Own-Source Revenue

1.2A: Revenue from contracts with customers

Rendering of services	51	117
Total revenue from contracts with customers	51	117

Disaggregation of revenue from contracts with customers

Major product / service line:

Hire of hearing rooms and video conferencing facilities	-	57
Other	51	60
	51	117

Type of customer:

State and Territory Governments	-	57
Non-government entities	51	60
	51	117

Timing of transfer of goods and services:

Point of time	51	117
	51	117

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 are the hire of hearing rooms and video conferencing facilities. The Fair Work Commission recognises this 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	160	2,645
Total rental income	160	2,645

Operating Leases

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

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

2023	2022
\$'000	\$'000

1.2C: Other revenue

Resources received free of charge		
Remuneration of auditors (ANAO)	57	57
Total other revenue	57	57

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	88,405	80,857
Total revenue from Government	88,405	80,857

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 reporting.

2.1 Administered – Expenses

	2023 \$'000	2022 \$'000
2.1A: Expenses		
Application refunds paid	182	475
Total expenses	182	475

2.2 Administered – Income

	2023 \$'000	2022 \$'000
2.2A: Revenue		
Non-taxation revenue		
Application fees received	646	1,127
Total non-taxation revenue	646	1,127
Total revenue	646	1,127

Accounting Policy

Due to the legislative amendments on 14 December 2022, the revenue recognition criteria of administered revenue are as follows:

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*.

- Applications received from 1 July 2022 to 13 December 2022

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).

- Applications received from 14 December 2022 to 30 June 2023

The Commission satisfies a performance obligation and recognises an application fee received as revenue only when an applicant has discontinued the application and the application fee is non-refundable.

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

	2023 \$'000	2022 \$'000
3.1A: Cash and Cash Equivalents		
Cash on hand or on deposit	409	462
Total cash and cash equivalents	409	462

Accounting Policy

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

- Cash on hand; and
- 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	45	32
Total goods and services receivables	45	32

Appropriations receivables

Appropriation receivable	41,205	38,260
Total appropriations receivables	41,205	38,260

Other receivables

GST receivable	365	417
Total other receivables	365	417

Total trade and other receivables (gross)

41,615	38,709
---------------	---------------

Less expected credit loss allowance

-	-
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Total trade and other receivables (net)

41,615	38,709
---------------	---------------

Credit terms for goods and services were within 20 days (2022: 20 days).

Accounting Policy

Financial assets

Trade receivables 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.

3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Computer software \$'000	Total \$'000
As at 1 July 2022				
Gross book value	83,107	4,937	5,009	93,053
Accumulated depreciation, amortisation and impairment	(38,035)	(1,272)	(1,775)	(41,082)
Total as at 1 July 2022	45,072	3,665	3,234	51,971
Additions				
Purchase or internally developed	1,390	2,518	686	4,594
Right-of-use assets	27,754	-	-	27,754
Revaluations and impairments recognised in other comprehensive income	2,450	159	-	2,609
Depreciation and amortisation	(2,390)	(893)	(956)	(4,239)
Depreciation on right-of-use assets	(9,102)	(57)	-	(9,159)
Impairments recognised in net cost of services	-	-	(5)	(5)
Disposals	-	(6)	-	(6)
Total as at 30 June 2023	65,174	5,386	2,959	73,519
Total as at 30 June 2023 represented by				
Gross book value	109,292	5,533	5,288	120,113
Accumulated depreciation, amortisation and impairment	(44,118)	(147)	(2,329)	(46,594)
Total as at 30 June 2023	65,174	5,386	2,959	73,519
Carrying amount of right-of-use assets	48,852	138	-	48,990

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.4. On 30 June 2023, an independent valuer conducted the revaluations of all leasehold improvements, plant and equipment assets as well as assessing the impairment of all leasehold improvements right of use assets.

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

As at the reporting date, the Fair Work Commission has committed \$515,882 for the acquisition of 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 depends 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:

	2023	2022
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 2023. 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 (2022: 3 to 10 years).

All software assets were assessed for indications of impairment as at 30 June 2023.

	2023 \$'000	2022 \$'000
3.2B: Other Non-Financial Assets		
Prepayments	1,294	2,026
Total other non-financial assets	1,294	2,026

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

3.3 Payables

	2023 \$'000	2022 \$'000
3.3A: Suppliers		
Trade creditors and accruals	1,580	1,488
Total suppliers	1,580	1,488

Settlement terms for suppliers are 20 days. (2022: 20 days)

3.3B: Other payables

Salaries and wages	1,343	963
Superannuation	156	116
Total other payables	1,499	1,079

3.4 Interest Bearing Liabilities

	2023 \$'000	2022 \$'000
3.4A: Leases		
Lease liabilities	54,696	35,962
Total leases	54,696	35,962

Maturity analysis – contractual undiscounted cash flows

Within 1 year	9,898	10,480
Between 1 to 5 years	34,899	40,162
More than 5 years	14,245	19,998
Total leases	59,042	70,640

Total cash outflow for leases for the year ended 30 June 2023 was \$9,857,334 (2022: \$11,988,030).

The Fair Work Commission in its capacity as lessee has leases for office accommodation in all states and territories.

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

	2023 \$'000	2022 \$'000
4.1A: Financial assets		
Cash and cash equivalents	5	4
Total financial assets	5	4

Accounting Policy

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

	2023 \$'000	2022 \$'000
4.2A: Other payables:		
Application fees payables	485	190
Total other payables	485	190

Accounting Policy

The Fair Work Commission recognises application fees received as a liability in the Administered Schedule of Assets and Liabilities. Due to the legislative amendments on 14 December 2022, the revenue will be recognised in the Administered Schedule of Comprehensive Income as follows:

- Applications received from 1 July 2022 to 13 December 2022

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.

- Applications received from 14 December 2022 to 30 June 2023

The Commission satisfies a performance obligation and recognises an application fee received as revenue only when an applicant has discontinued the application and the application fee is non-refundable.

Funding

This section identifies the Fair Work Commission funding structure.

5.1 Appropriations

5.1.A: Annual Appropriations ('Recoverable GST exclusive')

Annual Appropriations for 2023

	Annual Appropriation \$'000	Adjustments to Appropriation ¹ \$'000	Total Appropriation \$'000	Appropriation applied in 2023 (current and prior years) \$'000	Variance ² \$'000
Departmental					
Ordinary annual services	88,405	4,818	93,223	92,761	462
Capital Budget ³	6,668	-	6,668	4,594	2,074
Total departmental	95,073	4,818	99,891	97,355	2,536

1. 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.

2. The material variance between total annual appropriation available and total appropriation applied in 2023 relates to unspent appropriations funded from current year appropriation items, or spending from both current year and prior year appropriation items.

3. 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 2022

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

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.

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

	2023 \$'000	2022 \$'000
Departmental		
Appropriation Act (No.3) 2020-2021 ¹	-	1,781
Appropriation Act (No.3) – Capital Budget 2020-2021 ¹	-	100
Appropriation Act (No.1) 2021-2022	-	37,524
Appropriation Act (No.1) 2021-2022 ¹	-	3,687
Appropriation Act (No.1) – Capital Budget 2021-2022	-	1,198
Appropriation Act (No.1) – Capital Budget 2021-2022 ¹	-	400
Supply Act (No.3) 2022-2023	38,342	-
Supply Act (No.1) – Capital Budget 2022-2023	1,964	-
Supply Act (No.3) – Capital Budget 2022-2023	1,308	-
Total departmental	41,614	44,690

Unspent appropriation includes cash and cash equivalents on hand as at 30 June 2023. Represented by:

Appropriation receivable	41,205	38,260
Cash	409	462
Total departmental	41,614	38,722

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 was \$38.722m.

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

Authority	Appropriation applied	
	2023 \$'000	2022 \$'000
<i>Public Governance, Performance and Accountability Act 2013 s.77, Administered</i>	(305)	(509)
Total special appropriations applied	(305)	(509)

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

	Department of Finance – to make payment to beneficiaries under the Judges Pension Scheme 2023 \$'000	
2023		
Total Receipts		7,517
Total Payments		(7,517)
	Department of Finance – to make payment to beneficiaries under the Judges Pension Scheme 2022 \$'000	
2022		
Total Receipts		7,391
Total Payments		(7,391)

5.2 Net Cash Appropriation Arrangements

	2023 \$'000	2022 \$'000
Total comprehensive income/(loss) – as per the Statement of Comprehensive Income	(4,175)	(6,216)
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injection) ¹	4,239	3,267
<i>Plus:</i> depreciation right-of-use assets ²	9,159	11,535
<i>Less:</i> lease principal repayments ²	(8,885)	(11,808)
Net Cash Operating Surplus/(loss)³	338	(3,222)

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

	2023 \$'000	2022 \$'000
6.1A: Employee Provisions		
Leave and other entitlements	17,066	16,652
Separations and redundancies	-	296
Total employee provisions	17,066	16,948

6.1B: Administered – Employee Provisions

As at 30 June 2023, there were no administered employee provisions (2022: 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 the 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 estimate of 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 when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the plan.

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 2023 represents outstanding employer 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:

	2023 \$'000	2022 \$'000
Short-term employee benefits	953	920
Post-employment benefits	73	53
Other long-term employee benefits	49	61
Total key management personnel remuneration expenses^{1,2}	1,075	1,034

The total number of key management personnel that are included in the above table are 3 (2022: 2).

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 Fair Work Commission.

2. In November 2022, the former President of the Fair Work Commission resigned. Vice President Hatcher acted as President until February 2023, when he was appointed permanently to the position.

6.3 Related Party Disclosures

Related party relationships:

The Fair Work Commission is an Australian Government controlled entity. Related parties to the Fair Work Commission are Key Management Personnel including the Portfolio Minister, the President, the General Manager, and other Australian Government entities.

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 Fair Work Commission, it has been determined that there are no related party transactions to be separately disclosed (2022: 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 2023, there were no quantifiable contingent liabilities or assets requiring disclosure (2022: nil).

Unquantifiable Contingencies

As at 30 June 2023, there were no unquantifiable contingent liabilities or assets requiring disclosure (2022: nil).

Quantifiable Administered Contingencies

As at 30 June 2023, there were no quantifiable contingent liabilities or assets requiring disclosure (2022: nil).

Unquantifiable Administered Contingencies

As at 30 June 2023, there were no unquantifiable contingent liabilities or assets requiring disclosure (2022: nil).

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. These 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

	2023 \$'000	2022 \$'000
7.2A: Categories of Financial Instruments		
Financial Assets		
Financial Assets at amortised cost		
Cash and cash equivalents	409	462
Trade and other receivables	45	32
Total financial assets at amortised cost	454	494
Total financial assets	454	494
Financial Liabilities		
Financial liabilities measured at amortised cost		
Trade creditors and accruals	1,580	1,488
Total financial liabilities measured at amortised cost	1,580	1,488
Total financial liabilities	1,580	1,488

Accounting Policy

Financial assets

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

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) 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:

1. the financial asset is held in order to collect the contractual cash flows; and
2. 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 2023, there were no administered financial instruments that required disclosure (2022: 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 Fair Work Commission'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 Fair Work Commission procured independent valuation services from Jones Lang LaSalle Public Sector Valuations Pty Ltd (JLLPSV) for the 2022-23 financial year and relied on valuation models provided by JLLPSV.

Three valuation approaches were used to measure fair value including the market comparison approach, the cost approach (or Depreciated Replacement Cost) and the income capitalisation approach. These approaches are recognised by AASB 13.

The significant assumptions applied in estimating the items' fair values were as follows:

- JLLPSV has relied upon the Fair Work Commission's asset information.
- Only sample inspections (where possible) of selected assets have been undertaken to develop the valuation result.
- All items not sighted are in fair to good operational condition with no asset impairment.
- This valuation is current at the date of valuation only.
- All assets are fully owned and free of encumbrances.

JLLPSV has provided written assurance to the Fair Work Commission 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	
	2023	2022
	\$'000	\$'000
Non-financial assets		
Plant and Equipment	3,379	2,423
Leasehold Improvements	16,322	14,855
Total Non-financial assets	19,701	17,278

7.5 Administered - Fair Value Measurement

As at 30 June 2023, there was no administered fair value measurement that required disclosure (2022: nil).

Other Information

8.1 Current/non-current Distinction for Assets and Liabilities

	2023 \$'000	2022 \$'000
8.1A: Current/non-current Distinction for Assets and Liabilities		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	409	462
Trade and other receivables	41,615	38,709
Other non-financial assets	1,294	2,026
Total no more than 12 months	43,318	41,197
More than 12 months		
Leasehold improvements	65,174	45,072
Plant and equipment	5,386	3,665
Computer software	2,959	3,234
Total more than 12 months	73,519	51,971
Total assets	116,837	93,168
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	1,580	1,488
Other payables	1,499	1,079
Leases	8,993	6,989
Employee provisions	5,125	5,470
Total no more than 12 months	17,197	15,026
More than 12 months		
Leases	45,703	28,973
Employee provisions	11,941	11,478
Total more than 12 months	57,644	40,451
Total liabilities	74,841	55,477

	2023 \$'000	2022 \$'000
8.1B: Administered – current/non-current distinction for assets and liabilities		
Assets expected to be settled in:		
No more than 12 months	5	4
Total assets	5	4
Liabilities expected to be settled in:		
No more than 12 months	485	190
Total liabilities	485	190

8.2 Restructuring

8.2A: Restructuring

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* received royal assent on 6 December 2022, which abolished the Registered Organisations Commission and transferred the regulatory powers of the Registered Organisations Commissioner within the former Fair Work Ombudsman and Registered Organisations Commission Entity to the General Manager of the Fair Work Commission. The legislation took effect on 6 March 2023.

	2023 Registered organisations functions \$'000	2022 \$'000
FUNCTIONS ASSUMED		
Assets recognised	-	-
Total assets recognised	-	-
Liabilities recognised		
Employee provisions ¹	797	-
Total liabilities recognised	797	-
Net assets/(liabilities) recognised ²	(797)	-
Income assumed		
Recognised by the receiving entity	3,743	-
Recognised by the losing entity	3,541	-
Total income assumed	7,284	-
Expenses assumed		
Recognised by the receiving entity	2,907	-
Recognised by the losing entity	4,529	-
Total expenses assumed	7,436	-

1. The staff of the Registered Organisations Commission (excluding the Commissioner) were transferred to the Fair Work Commission under s72 of the *Public Service Act 1999*.
2. The net liabilities assumed from the former Fair Work Ombudsman and Registered Organisations Commission Entity during the 2022-2023 financial year were \$796,895.

8.3 Explanations of Major Variances to Budget

The following major variance explanations between the budget as presented in the 2022-2023 October Portfolio Budget Statements and the 2022-2023 financial statements are presented in accordance with Australian Accounting Standards.

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.

8.3A: Departmental Major Budget Variances for 2023

Explanations of major variances	Affected line items
Supplier costs were higher than budget mainly due to costs incurred in delivering and supporting ICT projects and infrastructure during the year.	Suppliers (Statement of Comprehensive Income) Suppliers (Statement of Cashflow)
During the financial year, the Fair Work Commission completed a valuation of all property, plant and equipment assets to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The valuation was completed by an independent valuer and resulted in a revaluation increment of \$2.609m. Refer to note 3.2.	Changes in asset revaluation reserve (Statement of Comprehensive Income) Leasehold improvements (Statement of Financial Position) Plant and equipment (Statement of Financial Position) Reserves (Statement of Financial Position) Other comprehensive income (Statement of Changes in Equity)
The Fair Work Commission entered into long-term leases for Sydney and Perth tenancies during the financial year. This resulted in increases in the value of the leasehold right of use assets and lease liabilities.	Leasehold improvements (Statement of Financial Position) Leases (Statement of Financial Position)
The carrying value of the plant and equipment was higher than budget due to the upgrade of ICT equipment and infrastructure.	Plant and equipment (Statement of Financial Position) Purchase of plant and equipment (Statement of Cashflow)
The carrying value of the computer software assets was lower than budget because certain software has been acquired under Software-as-a-Service arrangements, changing the nature of expenditure from capital to operating.	Computer software (Statement of Financial Position) Purchase of computer software (Statement of Cashflow)
Following a Machinery of Government change, the Fair Work Commission recognised the employee provisions for the staff who transferred from the former Fair Work Ombudsman and Registered Organisations Commission Entity to the Fair Work Commission as a direct adjustment to equity. The liability recognised on transfer was \$797k.	Contributions by owners – Restructuring (Statement of Changes in Equity)

8.3B: Administered Major Budget Variances for 2023

Explanations of major variances	Affected line items
Application refunds paid were lower than budget due to legislative amendments that occurred during the financial year.	Expenses - Application refunds paid (Administered Schedule of Comprehensive Income)
Application refunds received were lower than budget due to legislative amendments which resulted in a change to the revenue recognition criteria.	Non-taxation revenue - Application fees received (Administered Schedule of Comprehensive Income) Provisions – Application fees payables (Administered Schedule of Assets and Liabilities) Cash used – Application refunds paid/ Appropriations (Administered Cash Flow Statement)

Appendix E

Entity resources

Table E1

Fair Work Commission resource statement 2022–23

	Actual available appropriation for 2022–23 \$'000	Payments made 2022–23 \$'000	Balance remaining 2022–23 \$'000
	(a)	(b)	(a)–(b)
Departmental¹			
Annual appropriation – ordinary annual services ²	\$138,560	\$96,946	\$41,614
Total departmental annual appropriations	\$138,560	\$96,946	\$41,614
Total departmental resourcing	\$138,560	\$96,946	\$41,614
Total resourcing and payments for Fair Work Commission	\$138,560	\$96,946	\$41,614

1 *Appropriation Act (No. 1) 2022-23, Appropriation Act (No. 3) 2022-23 and Supply Act (No. 1) 2022-23.* This may also include prior-year departmental appropriation and section 74 external revenue.

2 Includes an amount of \$6.668m in 2022–23 for the departmental capital budget. For accounting purposes, this amount has been designated as a 'contribution by owner'.

Table E2

Fair Work Commission expenses by outcomes 2022–23

Expenses for Outcome 1			
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.			
	Budget ¹ 2022–23 \$'000	Actual expenses ² 2022–23 \$'000	Variation 2022–23 \$'000
	(a)	(b)	(a)–(b)
Program 1.1: Dispute resolution, minimum wage setting, orders and approval of agreements			
Departmental expenses:			
Departmental appropriation ³	\$88,905	\$88,278	\$627
Expenses not requiring appropriation in the budget year ⁴	\$13,478	\$13,455	\$23
Departmental total	\$102,383	\$101,733	\$650
Total expenses for Program 1.1	\$102,383	\$101,733	\$650
Outcome 1 totals by appropriation type			
Departmental expenses:			
Departmental appropriation ³	\$88,905	\$88,278	\$627
Expenses not requiring appropriation in the budget year ⁴	\$13,478	\$13,455	\$23
Departmental total	\$102,383	\$101,733	\$650
Total expenses for Outcome 1	\$102,383	\$101,733	\$650
	2022–23	2022–23	Variation 2022–23
Average staffing level (number)	361	317	44

1 Full-year budget, including any subsequent adjustment made to the 2022–23 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.

Other legislative requirements

Work health and safety

During 2022–23, we continued to review our physical environment, psychosocial matters, working arrangements (such as flexibility or responding to COVID-19) and other work health and safety (WHS) documents, procedures and policies as required. Each area ensures we have the necessary procedures in place to meet our WHS obligations consistent with the *Work Health and Safety Act 2011*.

We have continued to focus on creating a positive environment where workers feel safe in addressing inappropriate workplace behaviours with assistance from a report delivered in October 2021 in a collaboration with the Australian Human Rights Commission (AHRC) and Comcare. 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 as well as many other actions and initiatives including the implementation of the AHRC's Know Where the Line Is campaign.

In the past year, we issued a WHS Statement showing the commitment of the President and General Manager to our WHS Framework and issued a public statement setting out what unacceptable behaviour towards Commission staff is and that it will not be tolerated.

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 2022–23.

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 2022–23.

Disclosure of certain information

We are required to disclose payments to advertising agencies, market research organisations, polling organisations, direct mail organisations, media advertising organisations and the persons or organisations to whom any amounts were paid. Payments of \$15,200 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 2022–23.

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 recycling paper, packaging, batteries, equipment, toner and other materials, and avoiding printing and using double-sided printing when possible. We have continued to reduce our carbon footprint by utilising technology to conduct hearings and minimise travel.

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

Australian Public Service Net Zero 2030

All Commonwealth entities are required to publicly report on the emissions from their operations. The Commission's Greenhouse gas emissions reporting has been developed with methodology that is consistent with the Whole-of-Australian-Government approach as part of the APS Net Zero 2030 policy.

Emission	Scope 1 kg CO ₂ -e	Scope 2 kg CO ₂ -e	Scope 3 kg CO ₂ -e	Total kg CO ₂ -e
Electricity (location based approach)	N/A	939,333	93,842	1,033,175
Natural gas	-	N/A	-	-
Fleet vehicles	5,255	N/A	1,302	6,557
Domestic flights	N/A	N/A	93,271	93,271
Other energy	-	N/A	-	-
Total kg CO₂-e	5,255	939,333	188,415	1,133,004

The electricity emissions reported above are calculated using the location-based approach. When applying the market-based method, which accounts for activities such as Greenpower, purchased LGC's and/or being located in the ACT, the total emissions for electricity are below:

Emission	Scope 1 kg CO ₂ -e	Scope 2 kg CO ₂ -e	Scope 3 kg CO ₂ -e	Total kg CO ₂ -e
Electricity (market based approach)	N/A	862,885	114,205	977,090
Natural gas	-	N/A	-	-
Fleet vehicles	5,255	N/A	1,302	6,557
Domestic flights	N/A	N/A	93,271	93,271
Other energy	-	N/A	-	-
Total kg CO₂-e	5,255	862,885	208,778	1,076,918

CO₂-e = carbon dioxide equivalent

Appendix G

List of requirements

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(g)	Letter of transmittal			
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	3
17AD(h)	Aids to access			
17AJ(a)		Table of contents (print only)	Mandatory	3
17AJ(b)		Alphabetical index (print only)	Mandatory	139-144
17AJ(c)		Glossary of abbreviations and acronyms	Mandatory	134-136
17AJ(d)		List of requirements	Mandatory	127-133
17AJ(e)		Details of contact officer	Mandatory	2
17AJ(f)		Entity's website address	Mandatory	2
17AJ(g)		Electronic address of report	Mandatory	2
17AD(a)	Review by accountable authority			
17AD(a)		A review by the accountable authority of the entity	Mandatory	11-13
17AD(b)	Overview of the entity			
17AE(1)(a)(i)		A description of the role and functions of the entity	Mandatory	14
17AE(1)(a)(ii)		A description of the organisational structure of the entity	Mandatory	14-17
17AE(1)(a)(iii)		A description of the outcomes and programs administered by the entity	Mandatory	34
17AE(1)(a)(iv)		A description of the purposes of the entity as included in corporate plan	Mandatory	33
17AE(1)(aa)(i)		Name of the accountable authority or each member of the accountable authority	Mandatory	71

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(b)	Overview of the entity continued			
17AE(1)(aa)(ii)		Position title of the accountable authority or each member of the accountable authority	Mandatory	71
17AE(1)(aa)(iii)		Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	71
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	34
17AD(c)	Report on the performance of the entity			
	Annual performance statements			
17AD(c)(i); 16F		Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule	Mandatory	32
17AD(c)(ii)	Report on financial performance			
17AF(1)(a)		A discussion and analysis of the entity's financial performance	Mandatory	53–55
17AF(1)(b)		A table summarising the total resources and total payments of the entity	Mandatory	122–123
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
17AD(d)	Management and accountability			
	Corporate governance			
17AG(2)(a)		Information on compliance with section 10 (fraud systems)	Mandatory	48
17AG(2)(b)(i)		A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared	Mandatory	48
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	48

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(d)	Management and accountability continued			
	Corporate governance continued			
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	48
17AG(2)(c)		An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance	Mandatory	46
17AG(2)(d) - (e)		A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non compliance with finance law and action taken to remedy non compliance	If applicable, mandatory	N/A
	Audit committee			
17AG(2A)(a)		A direct electronic address of the charter determining the functions of the entity's audit committee	Mandatory	47
17AG(2A)(b)		The name of each member of the entity's audit committee	Mandatory	47
17AG(2A)(c)		The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory	47
17AG(2A)(d)		Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory	47
17AG(2A)(e)		The remuneration of each member of the entity's audit committee	Mandatory	47
	External scrutiny			
17AG(3)		Information on the most significant developments in external scrutiny and the entity's response to the scrutiny	Mandatory	49
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
	Management of human resources			
17AG(4)(a)		An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives	Mandatory	51-52

PGPA rule reference	Part of report	Description	Requirement	Page
Management of human resources continued				
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"> (a) statistics on full time employees (b) statistics on part time employees (c) statistics on gender (d) statistics on staff location 	Mandatory	72-73
17AG(4)(b)		Statistics on the entity's APS employees on an ongoing and non ongoing basis; including the following: <ul style="list-style-type: none"> • Statistics on the entity's APS employees on an ongoing and non ongoing basis; including the following: • Statistics on staffing classification level • Statistics on full-time employees • Statistics on part-time employees • Statistics on gender • Statistics on staff location • Statistics on employees who identify as Indigenous 	Mandatory	74-77
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	51-52
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	51-52
17AG(4)(c)(ii)		The salary ranges available for APS employees by classification level	Mandatory	79
17AG(4)(c)(iii)		A description of non salary benefits provided to employees	Mandatory	52
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
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

PGPA rule reference	Part of report	Description	Requirement	Page
Assets management				
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
Purchasing				
17AG(6)		An assessment of entity performance against the <i>Commonwealth Procurement Rules</i>	Mandatory	53
Reportable Consultancy contracts				
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	54–55
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	54
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	54
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	54
Reportable non-consultancy contracts				
17AG(7A)(a)		A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST)	Mandatory	55
17AG(7A)(b)		A statement that 'Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.'	Mandatory	55

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(daa)	Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts			
17AGA		Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts	Mandatory	54-55
Australian National Audit Office access clauses				
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
Exempt contracts				
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
Small business				
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	55
17AG(10)(b)		An outline of the ways in which the procurement practices of the entity support small and medium enterprises	Mandatory	55
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
Financial statements				
17AD(e)		Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act	Mandatory	81-121

PGPA rule reference	Part of report	Description	Requirement	Page
Executive remuneration				
17AD(da)		Information about executive remuneration in accordance with Subdivision C of Division A of Part 2 3 of the Rule	Mandatory	78
Other mandatory information				
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	N/A
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	N/A
17AH(1)(c)		Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory	56
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	56
17AH(1)(e)		Correction of material errors in previous annual report	If applicable, mandatory	56
17AH(2)		Information required by other legislation	Mandatory	124-126

Glossary

Annual performance statements	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.
Applicant	The party who lodged an application with the Commission.
Arbitration	A process by 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.
Conciliation	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.
Constitutional corporation	<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>
Constitutionally covered business	<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">• a constitutional corporation• the Commonwealth• a Commonwealth authority, or• a body corporate incorporated in a territory.
Corporate plan	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.
Dispute resolution	The process conducted by the Commission, arising from the dispute resolution procedure in awards, agreements or the Fair Work Act, for resolving disputes.
Dispute resolution procedure	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.
Enterprise agreement	A legally enforceable agreement that covers the employment conditions of a group of employees and their employer.

<i>Fair Work Act 2009</i>	The principal Commonwealth law governing Australia's workplace relations system.
Fair Work Commission Rules	A legislative instrument made under the Fair Work Act setting out rules and procedural requirements for matters heard by the Commission.
<i>Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022</i>	Legislation which amends the <i>Fair Work Act</i> , <i>Fair Work (Registered Organisations) Act 2009 (Registered Organisations Act)</i> and the <i>Fair Work (Transitional Provisions and Consequential Amendments Act) 2009 (Transitional Provisions Act)</i> .
<i>Fair Work (Registered Organisations) Act 2009</i>	Legislation regulating federally registered unions and employer organisations, including their registration and rules.
<i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i>	The legislation that governs transitional arrangements in connection with commencement of the Fair Work Act on 1 July 2009 and other related matters.
Full Bench	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.
General protections	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.
Individual flexibility arrangement	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.
Key performance indicator	A type of performance measurement (based on qualitative or quantitative data) used in assessing the efficiency or effectiveness of activities in achieving purposes.
Mediation	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.
Modern award	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.
National Employment Standards	A set of 11 minimum employment standards that apply to all employees with the federal system. The National Employment Standards came into effect on 1 January 2010 and were originally a set of 10 standards, an additional standard was added on 27 March 2021 and other standards have subsequently been amended.
National minimum wage order	The order specifying a minimum wage for all national system employees, a casual loading for award-free and agreement-free employees, and special national minimum wages for junior employees, trainees and employees with a disability.
Party	An applicant or a respondent to a proceeding before the Commission.

Portfolio budget statements	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.
Protected action ballot	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.
Registration	The process by which unions and employer associations formally register as industrial organisations under the Registered Organisations Act.
Respondent	A party to a matter who is responding to an application initiated by an applicant.
Right of entry	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> .
Right of entry permit	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

ACC	Australian Competition and Consumer Commission
AHRC	Australian Human Rights Commission
ALERA	Australian Labour and Employment Relations Association
API	Application Programming Interface
APS	Australian Public Service
ASIC	Australian Securities and Investments Commission
BOOT	Better Off Overall Test
COAT	Council of Australasian Tribunals
Code	Member Code of Conduct
Commission	Fair Work Commission
Corporate Plan	Fair Work Commission Corporate Plan
CPA	Certified Public Accountant
Cth	Commonwealth
DSPANZ	Digital Service Providers Australia and New Zealand
Fair Work Act (FWA)	<i>Fair Work Act 2009</i>
FOI Act	<i>Freedom of Information Act 1982</i>
FWC	Fair Work Commission
FWO	Fair Work Ombudsman
GST	goods and services tax
ICT	Information and communication technology
IPS	Information Publication Scheme
IR	industrial relations
IRSQ	Industrial Relations Society Queensland
JPS	Judges' Pensions Scheme
KPI	key performance indicator
MAP	Modern Awards Pay

NES	National Employment Standards
NTEU	National Tertiary Education Union
PABO	Protected Action Ballot Order
PBS	Portfolio Budget Statement
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
Public Service Act	<i>Public Service Act 1999</i>
Registered Organisations Act	<i>Fair Work (Registered Organisations) Act 2009</i>
ROC	Registered Organisations Commission
Secure Jobs Better Pay Act	<i>Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022</i>
SES	Senior Executive Service
SME	small and medium enterprise
Transitional Provisions Act	<i>Fair Work (Transitional Provisions and Consequential Amendments Act) 2009</i>
WAS	Workplace Advice Service
WDR	Workplace Dispute Resolution
WHS	Work Health and Safety
WHS Act	<i>Work Health and Safety Act 2011</i>

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