



Fair Work  
Commission

Annual Report

# Access to Justice

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2020-21

# Preliminary information

## Fair Work Commission

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### Australia's national workplace relations tribunal

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# Letter of transmittal

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23 September 2021

Senator the Hon Michaelia Cash  
Attorney-General  
Minister for Industrial 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 ended 30 June 2021.

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

Yours sincerely



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

**Justice Iain Ross AO**

President



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

**Murray Furlong**

General Manager (Acting)

# Reader's guide

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**This annual report informs the Australian Parliament and public about the Fair Work Commission's performance and compliance with its obligations in the financial year ending 30 June 2021.**

## **Part 1 – Overview**

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

## **Part 2 – Performance**

Part 2 provides information about the Commission's work and performance during 2020–21.

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

Part 3 provides an outline of the Commission's performance framework and details the Commission's performance against intended results and performance criteria set out in its portfolio budget statements and corporate plan.

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

Part 4 reports on the Commission's 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**

Seven appendices provide detailed information to complement the main report. Appendices A to C provide details of Members, Members' activities, and additional tables and figures, including applications lodged with the Commission in 2020–21; Appendix D comprises the 2020–21 financial statements; Appendix E reports on entity resources; Appendix F sets out other mandatory information; and Appendix G shows where each annual reporting requirement is addressed in this annual report.

At the back of the report is information to help readers including a glossary, a list of acronyms and abbreviations, an index and contact details for the Commission.

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# Overview

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# President's overview

## I am pleased to introduce the Fair Work Commission's annual report for 2020-21.

This past year has again been a busy and challenging time for the Commission, as it has for the Australian community generally. Despite the challenges of the COVID-19 pandemic, the Commission has maintained its focus on performance and providing an efficient and effective dispute resolution service to the Australian public.

Since the beginning of the pandemic, the Commission has played a role in helping workplaces respond to the economic impacts of the pandemic. The Commission has acted quickly, either on its own motion or on application by employer and employee organisations, to vary modern awards to provide workplace flexibilities for employers and employees. It continued to assist employees and employers through the resolution of JobKeeper disputes whilst that jurisdiction was in operation, and has dealt with an increased number of applications to vary agreements to help workplaces respond to the challenges posed by the pandemic.

Many of the Commission's services were provided remotely over the reporting period through the use of digital platforms that enabled us to accept applications electronically and conduct hearings and conferences online. This has allowed us to continue to provide efficient, accessible services to the Australian community, whilst Members and staff have continued to work from home. Due to the benefits both in efficiency and access to justice, remote hearings will remain a standard service option for the Commission in the future.

I am pleased to report that we have met all of our key performance indicators from the portfolio budget statement (PBS), and timeliness has continued to improve in key areas. In 2020-21, enterprise agreements without undertakings were approved in a median of 14 days (down from 17 days in 2019-20) and unfair dismissal matters were conciliated in a median of 21 days (down from 34 days in 2019-20). We have also improved our performance against our 8 and 12-week benchmarks for issuing reserved decisions.

The Workplace Advice Service has had another successful year, and together we have continued to provide a valuable access to justice service to people in need of legal assistance. In 2020-21, we expanded the Service to cover all states and territories and assisted 3406 clients, an increase of 42 per cent. After bringing new partner organisations on board during the year, we now have 90 partner organisations participating in the Service, compared to around 60 at the start of the reporting period. I extend my thanks to all participating partner organisations for their contribution.

Another important accessibility measure is the redevelopment of the Commission's website. After conducting extensive user experience research and consultation with employees, employers and representatives over the past year, the Commission is re-writing our website content in plain language. I look forward to the release of the Commission's new website in the year ahead.

## Departing Members

Deputy President Sams and Deputy President Booth both retired in the last year. I take this opportunity to acknowledge Peter Sams and Anna Booth for their contributions to the Commission and to the Australian community.

I also take this opportunity to acknowledge the contribution of the former General Manager of the Commission, Bernadette O'Neill, who resigned as General Manager following her appointment as a Commissioner.

## Thank you

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

Finally, I thank the Commission's dedicated Members and staff across the country. The past year has been challenging and you have all worked with passion and commitment to support the Australian community during a time of ongoing change and uncertainty.



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

**Justice Iain Ross AO**

President

# General Manager's overview

**The past 12 months has seen the COVID-19 pandemic continue to cause significant disruption to Australian workplaces. The tireless efforts of our Members and staff have enabled us to deliver high-quality services throughout the reporting cycle.**

## Operational performance

Notwithstanding the ongoing disruption caused by the pandemic, we achieved strong results against our portfolio budget statement performance indicators. We held conciliations in unfair dismissal applications in a median of 21 days from lodgment and approved applications for enterprise agreements without undertakings in a median of 14 days. Our timeliness performance also improved in most other case types during the reporting period. In addition, we continued to help employers and employees to adopt flexible work arrangements by varying a significant number of modern awards and by dealing with workplace disputes in the JobKeeper jurisdiction until its end in March 2021.

## Supporting our people

The health of our people continues to be a priority. We encourage and support flexible working arrangements and have implemented a flexible Working from Home Policy to better support the individual circumstances of our staff.

With most Members and staff working remotely for extended periods, we have implemented several support programs and activities to assist during this period of increased stress and uncertainty. We introduced a seminar series of inspiring speakers called Sharing Stories,

and online social activities to promote engagement and interaction. We have also rolled out targeted training throughout the pandemic to foster resilience and diversity within our workforce.

## Improving access to justice

In addition to achieving strong results across core activities, we continued to review and improve the services provided to employers, employees and their representatives. Driven by user-experience research and an ongoing commitment to working closely with our stakeholders, we progressed or completed several important initiatives that will underpin service improvements into the future:

### Modern Awards Pay Database

Consistent with our commitment to making modern awards more accessible, we publicly released a comprehensive record of the dollar values for the minimum rates of pay, allowances and penalty rates in 121 modern awards and 34 modern enterprise awards and state reference public sector modern awards for a six-year period.

### Organisational and digital reforms for our future service delivery

As part of our organisational restructure we established a new Digital Transformation Team. Bringing together business experts and technology specialists, this team's sole focus is to work with our users to improve access to justice and reduce regulatory burden through digital interventions. During the reporting period we also prepared for the rollout of a major case management system upgrade, which sets an important foundation for future digital innovation.

## Online Hearings

Remote hearing technology continued to play an increasingly important role in our service delivery. Over the past 12 months, we conducted almost 70 per cent of hearings and conferences online.

We were instrumental in establishing the Australian Online Hearing Practice Group (AOHPG) to promote best practice in online hearings and conferences across Australian justice institutions from many jurisdictions. A key priority of the AOHPG, in partnership with Microsoft, has been to develop a version of the Microsoft Teams platform that specifically meets the needs of the justice sector.

## Website redevelopment

Drawing on user-experience research, we completed the foundational work to build our new website. Our objective is to ensure the new website is accessible to all Australians through intuitive design and by providing clear information written in plain language. The new website will be launched in the year ahead.

## Data and analytics capabilities

Increasingly, we are using insights gained from data analytics to drive performance improvement and inform service design. Through the use of analytics, digital technologies and contemporary public administration practices such as human-centred design and behavioural insights, coupled with close collaboration with our users, we will continue to transform our services to meet the evolving needs of the Australian community.

## Thank you

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



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

**Murray Furlong**

General Manager (Acting)

# About the Commission

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## Role

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

The Commission's powers and functions include:

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

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

The Commission's purpose, as included in its corporate plan, and outcomes and programs as specified in the 2020-21 portfolio budget statements are set out in the annual performance statements.

## Structure

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

Figure 1: Organisational structure at 30 June 2021



## Members

The Commission is headed by the President, the Hon Justice Iain Ross AO, who is also a Judge of the Federal Court of 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 such activities in 2020–21, see Appendix B.

During 2020–21, Deputy President Anna Booth and Deputy President Peter Sams retired.

### The regional allocation system

The Commission uses 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.

In 2020–21, following a review, the President of the Commission made a number of changes to the model, including reducing the number of regions from three to two. From 5 July 2021 the regions are:

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

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

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

For more information on regional allocation, visit [fwc.gov.au](http://fwc.gov.au).

### General Manager

Bernadette O'Neill resigned as General Manager of the Commission following her appointment as a Commissioner on 6 April 2021. The Commission's Acting 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 limited functions and powers concerning federally registered unions and employer organisations under the *Registered Organisations Act*.

As the accountable authority, the General Manager

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

### Administrative staff

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

In 2021 the Commission implemented a new organisational structure, which will ensure that it is well placed to meet the evolving needs of the community and to build its digital and data capabilities. Following extensive consultation, on 15 March 2021 the Commission adopted the following structure:

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

**Enabling Services Branch** provides business support such as financial management and resources, human resources and information technology, as well as corporate governance, reporting, legal services, information and communications. The Commission's Data Management and Digital Transformation teams work to improve and implement the Commission's digital access to justice initiatives. This branch also includes staff who process right of entry permit applications and support the functions of the Tribunal and General Manager under the Registered Organisations Act.

**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.

### Clients and stakeholders

The Commission has a diverse group of clients and stakeholders. The Commission works closely with organisations, groups, private enterprises and other stakeholders to ensure that its services evolve in line with the changing needs of the Australian community that it serves.

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

- all private sector employers and employees in all states and territories except Western Australia (where private sector coverage is limited to constitutional corporations)
- the Commonwealth public sector
- all employers and employees in the territories and in Victoria (with limited exceptions in relation to some state public sector employees)
- some public sector and local government employment in other states.

The Commission's anti-bullying jurisdiction extends to a broader range of workers (in addition to employees) when they are at work in constitutionally-covered businesses.

To support the implementation of cross-portfolio initiatives and the operation of the workplace relations framework, the Commission regularly shares data and information with the Fair Work Ombudsman, the Australian Building and Construction Commission, the Registered Organisations Commission and the Attorney-General's Department.



The Workplace Advice Service is an important contributor to the Commission's efforts to provide access to justice. Through a network of partner organisations, the Commission facilitates the Service to provide free legal assistance for unfair dismissal, general protections and workplace bullying matters.

The Commission also initiated and chairs the Australian Online Hearings Practice Group (AOHPG), a group of Australian justice institutions formed to share and advance best practice in remote hearing practice and technology.

Other important stakeholder engagement activities include:

- engagement with payroll software vendors, payroll compliance advisors and peak bodies including Digital Service Providers Australia and New Zealand (DSPANZ) in relation to the Modern Awards Pay Database
- the Commission's user groups including the Small Business User Group, Enterprise Agreements User Group and the Termination of Employment User Group
- 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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**21 Days**

Median time from lodgment to conciliation in unfair dismissal applications



**16 June 2021**

Completed annual wage review



**14 days**

Median time from lodgment to agreement approval without undertaking

# Operational performance

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**HEARINGS AND CONFERENCES**



**LODGED APPLICATIONS**



**PUBLISHED ORDERS & DECISIONS**

# Engagement



WEBSITE HITS

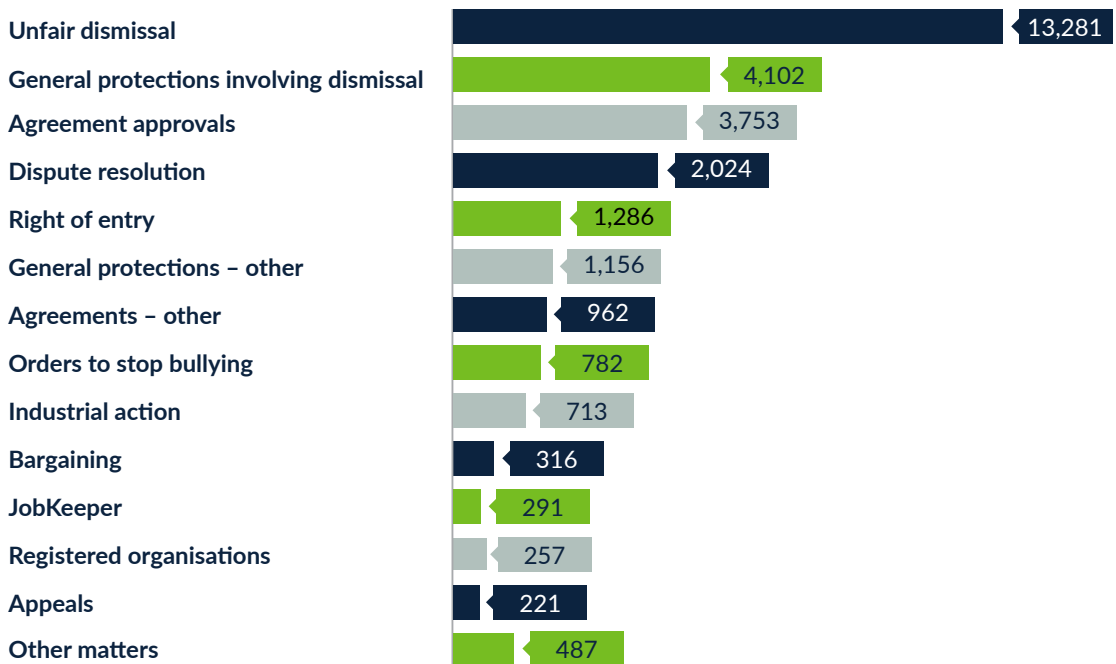


CALLS TO INFOLINE



AVERAGE CALL WAIT TIME

# Types of applications lodged



# Delivery of Commission services

## **In exercising powers and functions under the Fair Work Act, the Commission assists a range of parties, including workers, employees and employers and their representatives, federally registered unions, and employer organisations.**

The Commission offers a wide range of information and assistance over the telephone, in person, through correspondence and on its website.

### **Applications**

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

In 2020–21, a total of 29,631 applications were lodged with the Commission, a decrease of approximately 13 per cent compared with 33,989 in 2019–20 and 31,415 in 2018–19. This can be largely attributed to a return to more normal volumes of unfair dismissal and general protection applications, down from the significantly higher lodgments experienced in the second half of 2019–20. In addition, the Commission's function of dealing with JobKeeper disputes under Part 6-4C of the Fair Work Act largely ceased in March 2021. A full list of lodgments by matter type is available in Appendix C.

Similar to previous years, unfair dismissal applications were the most common application lodged with the Commission, accounting for 45 per cent of total applications. General protections involving dismissal applications were again the second-most-common application, making up 14 per cent of total applications. Applications for approval of an enterprise agreement were the third-most-common application type, comprising 13 per cent of total applications.

### **Hearings and conferences**

In 2020–21, Commission Members held 12,287 hearings and conferences around Australia. This was a decrease of 2 per cent from 13,106 in 2019–20, reflecting the unusually high number of applications received in that year, but an increase of 10 per cent from the 11,702 hearing and conferences conducted in 2018–19. See Appendix C for detailed information on hearings and conferences.

Hearings and conferences are held in each capital city and in regional locations. They are held in person, by telephone or by videoconference. Not all matters involve a hearing or conference – some are decided by a Member on the papers.

Members hold hearings and conferences by telephone or videoconference wherever suitable, to comply with social distancing requirements, reduce parties' travel time and costs and to ensure efficient use of Commission resources. In 2020–21, 69 per cent of all hearings and conferences conducted by Members were held by telephone or videoconference, compared with 48 per cent in 2019–20. Twenty per cent of matters, predominantly applications for approval of enterprise agreements, were decided by a Member on the papers, without the need for a hearing or conference.

Conciliators can hold conferences in relation to applications concerning unfair dismissal, general protections involving dismissal, and anti-bullying. In addition to hearings and conferences conducted by Commission Members, experienced staff conducted 10,522 conciliation conferences for unfair dismissal applications during 2020–21, compared with 12,965 in 2019–20 and 10,408 in 2018–19. Staff also conducted 3,959

conciliation conferences for general protections involving dismissal matters. The overwhelming majority of conciliations are conducted by telephone.

### **Decisions and orders**

In 2020–21, the Commission issued a total of 9,951 decisions and orders, a slight decrease from 2019–20, as set out in Appendix C.

### **Timeliness benchmarks**

The Commission's portfolio budget statements set out performance standards for timeliness of staff conciliation conferences in unfair dismissal applications, approval of enterprise agreements, and completion of the annual wage review.

In addition, the Commission has set performance benchmarks concerning delivery of reserved decisions by a single Member, dealing with applications for the approval of enterprise agreements, the hearing of appeals, and handing down reserved decisions in appeal matters.

The benchmarks set a standard to which the Commission aspires, as well as quantifiable measures of performance that provide transparency and accountability.

Figures 2 to 4 compare the Tribunal's performance against benchmarks in 2020–21. The Commission achieved improvements in the timeliness of most application types and against most benchmarks in the reporting period.

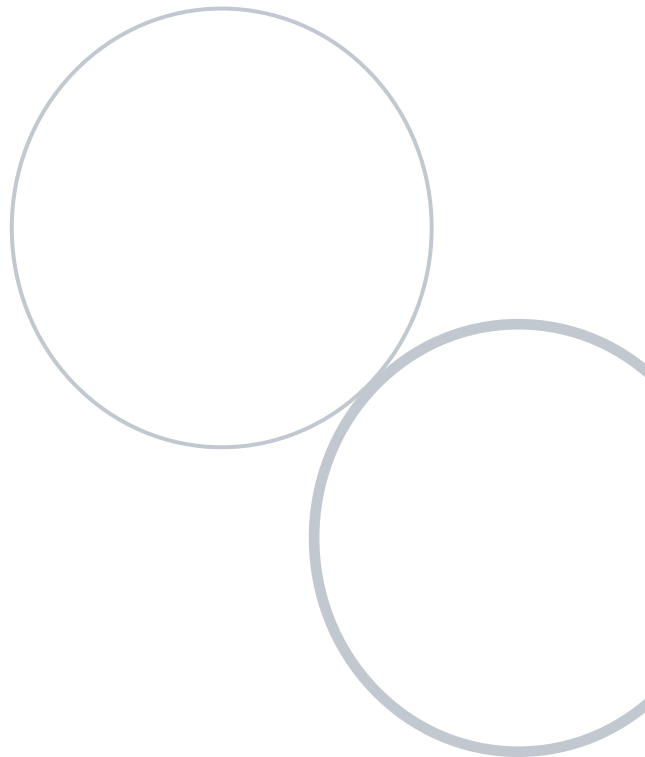


Figure 2: Timeliness benchmarks - reserved decisions

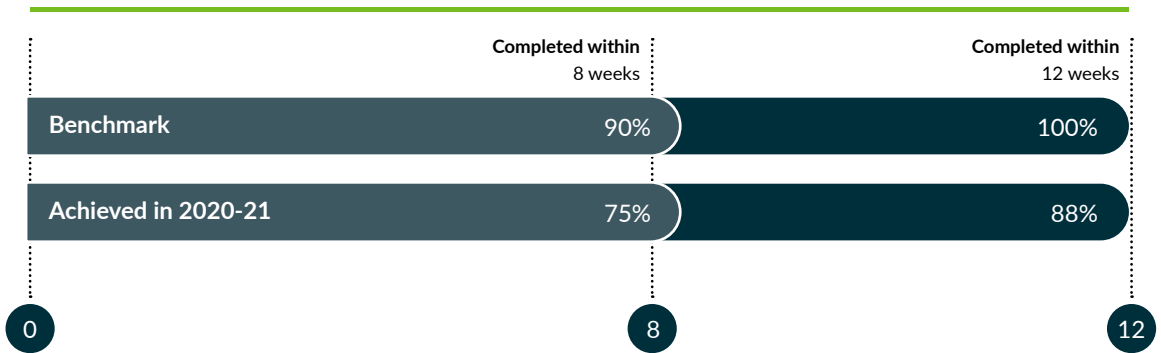


Figure 3: Timeliness benchmarks - appeals

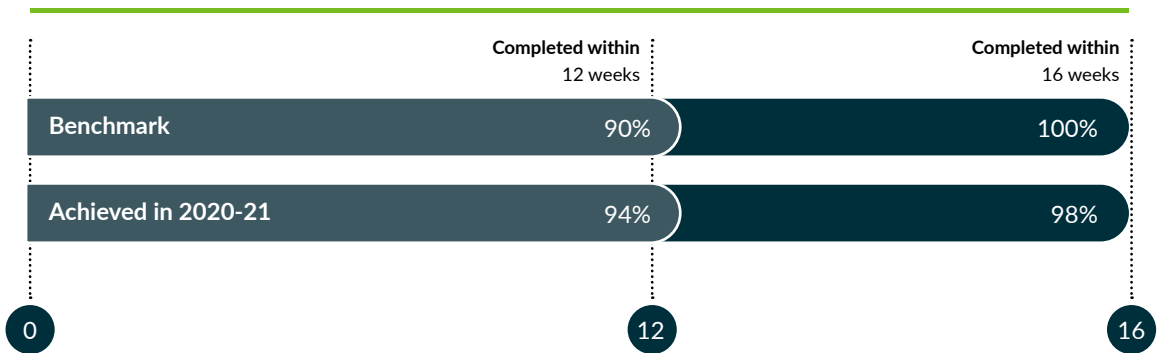
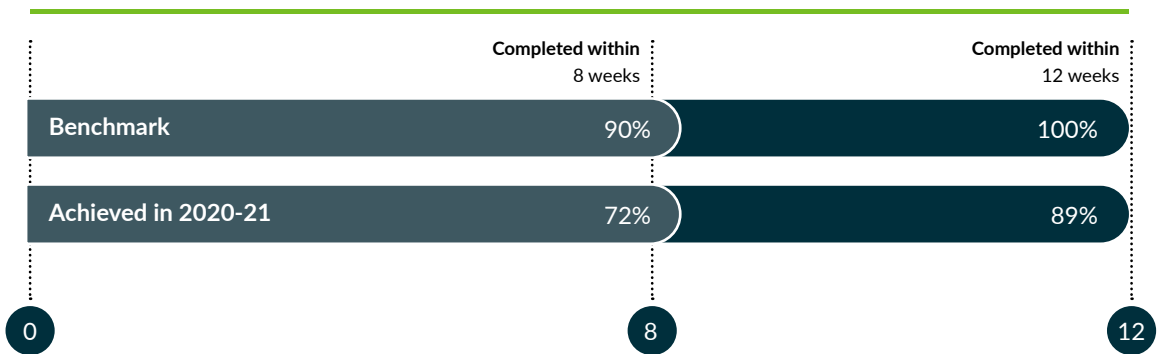


Figure 4: Timeliness benchmarks - reserved decisions in appeals



# Impact of COVID-19

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## The COVID-19 pandemic continued to cause significant disruption to Australian workplaces throughout 2020–21.

The Commission, as Australia's national workplace relations tribunal, once again played an important role in helping workplaces respond to the economic impacts of the pandemic. In addition to successfully maintaining and concluding the JobKeeper disputes jurisdiction, the Commission was able to maintain continuity of its services at all times and help employees and employers adopt flexible arrangements through modern award variations.

### Award variations and long-term flexibility

Throughout the COVID-19 pandemic, the Commission has issued a number of important award variation decisions to support Australian employers and employees affected by the challenging economic conditions. As the pandemic emerged in Australia, on its own motion, a Full Bench of the Commission varied 99 modern awards to insert a new Schedule providing up to two weeks' unpaid pandemic leave and a capacity to take annual leave at half pay for employers and employees covered by these awards. During the reporting period the operative date of these provisions was subsequently extended to 30 September 2020 in all but one of the awards and then further extended until 29 March 2021.

On 23 March 2021, the Commission issued a statement inviting interested parties wishing to extend the operation of this schedule in 74 of the modern awards to apply to the Commission. As a result, the operative date of this new schedule was extended until 31 December 2021. The operation of this schedule within a number

of health sector awards was also extended to operate until the end of December 2021.

As the economic and social effects of the pandemic continue to be felt, there will be a need for flexible work arrangements to assist employers and employees in adapting to the changed conditions and to support recovery. To facilitate further workplace flexibility, Commission staff prepared a model Flexibility Schedule for possible inclusion in appropriate modern awards. The draft award Flexibility Schedule was released by the President in a statement on 31 August 2020.

On 9 December 2020, the then Attorney General and Minister for Industrial Relations, the Hon Christian Porter MP, wrote to the President of the Commission to express the view that 'it would be in Australia's economic best interest for the Fair Work Commission to use its powers under s.157(3)(a) of the Fair Work Act to undertake a process to ensure several priority modern awards in sectors hardest hit by the pandemic be amended'.

The Commission subsequently commenced a process on its own motion to consider the inclusion of loaded rates and exemption rates clauses in the awards identified by the Minister as the key awards in the industry sectors most affected: *General Retail Industry Award 2020*, *Hospitality Industry (General) Award 2020*, *Restaurant Industry Award 2020* and *Registered and Licensed Clubs Award 2020*. The Commission convened conferences with interested parties in December 2020 and February 2021.

Applications were received to vary the *General Retail Industry Award 2020* to insert award flexibility for part-time employees. In March 2021, a Full Bench issued a decision which expressed



the view that part-time employment provisions within the award were uncertain and variation was required to resolve this uncertainty. On 28 June 2021, the Full Bench issued a decision to vary this award to clarify the part-time provisions.

The Commission received an application to vary the *Restaurant Industry Award 2020* to insert a new schedule to allow flexibility for COVID-19 pandemic recovery within the restaurant and catering industry. Having held several conferences with interested parties, on 3 June 2021 a Full Bench issued a statement with the provisional view that this award should be amended and the new schedule should operate for an initial period of 12 months and then be subject to a review. The Full Bench called for submissions, with the matter to be determined on the papers. Matters affecting other industries and sectors were ongoing at the end of the reporting period.

### Service continuity

The Commission maintained a high standard of service delivery in 2020–21 through a continued focus on digital delivery services. The Commission used remote hearing technology to conduct 69 per cent of hearings and conferences via telephone or video-conference in the reporting period. Consistent with past practice, the Commission's specialist staff conciliators conducted the vast majority of unfair dismissal and general protections dismissal conciliations via telephone.

In 2019–20 the Commission transitioned the majority of its Members and staff to home-based work arrangements. In 2020–21, Members and staff adopted a mix of home- and office-based work, depending on their location and taking into account their personal needs and those of the Commission and our clients.

The number of applications to the Commission stabilised in 2020–21, following the very high volumes seen in 2019–20. However, the Commission continues to monitor application

levels and external factors closely to ensure it is able to quickly respond to changes in its operating environment associated with the pandemic.

### Flexible, responsive services

The Commission was able to re-introduce face-to-face hearings where permitted by Government guidelines. Our facilities were adapted to provide a safe environment for Members, staff and visitors. To ensure access to justice and continuing adaptability to the ever-changing COVID-19 pandemic, remote hearings remained in use alongside the more traditional in-person hearings.

The Commission continued to implement protocols consistent with Government advice to ensure a safe environment for our clients, staff and Members. The Commission continued to monitor the COVID-19 public health orders, and where recommended public counters were closed for periods of time, and at times of high risk and lockdowns, on site hearings were held only under exceptional circumstances.

The Commission kept clients informed of any changes to operations through a dedicated COVID-19 webpage.

# JobKeeper disputes jurisdiction

**The JobKeeper scheme was a temporary Australian Government wage subsidy for businesses significantly affected by the COVID-19 pandemic. As part of this scheme, the Fair Work Act was amended to insert JobKeeper provisions in a new Part 6-4C. These provisions enabled an employer to temporarily change an employee's working conditions in order to deal with the impacts of the COVID-19 pandemic.**

The Commission had a small but important role in dealing with disputes between employees and employers participating in the JobKeeper scheme. Under the scheme, an employer could give an employee a JobKeeper enabling direction (about hours of work, location or duties), make an agreement with an employee to change days and times of work or direct staff to take annual leave if the employee was unable to attend work. Originally, the provisions were to operate until 28 September 2020, but were amended and extended until 28 March 2021.

As amended, Part 6-4C still allowed employers that qualified for JobKeeper payments to give JobKeeper enabling directions and to make agreements about days and times of work. However, from 28 September 2020, Part 6-4C no longer allowed employers to request that an employee take annual leave. Further, employers previously entitled to one or more JobKeeper payments in the period prior to 28 September 2020 but no longer qualified for a JobKeeper payment on or after this date, could give modified JobKeeper enabling directions and make modified agreements if they could demonstrate an actual decline in turnover of at least 10%.

On 29 March 2021, most of the JobKeeper provisions were repealed and the Commission's role in dealing with JobKeeper disputes came to an end, apart from some residual functions about the accrual of entitlements while a JobKeeper enabling direction was in place. Details about these remaining functions can be found at [fwc.gov.au](http://fwc.gov.au).

## Applications

In 2020–21, the Commission received 291 JobKeeper dispute applications and finalised 307 applications. Following preliminary assessment, the majority of applications (130) lodged were assessed as not relating to the operation of Part 6-4C and were either administratively dismissed or withdrawn. Of the applications that did relate to the operation of Part 6-4C, the most common applications related to stand-downs (70), wage conditions/minimum payments (68) and days and times of work (40). Detailed information on applications received in 2020–21 is available in Appendix C.

Overall, between 9 April 2020, when the jurisdiction commenced and 28 March 2021, when the majority of JobKeeper provisions were repealed, the Commission received a total of 826 JobKeeper dispute applications. We received the vast majority of these applications (724) on or before 28 September 2020, when the provisions were amended and extended. We received a small number of applications (102) between 29 September 2020 and 28 March 2021 after the provisions in Part 6-4C were amended. We received 9 applications after 28 March 2021.

## Finalisation of cases

In 2020–21, the majority of JobKeeper dispute applications (160) were withdrawn. The most common reasons for withdrawal were that the applications did not concern a dispute about the operation of Part 6-4C, because parties reached an agreement without the assistance of the Commission or, after discussions with Commission staff, the applicant withdrew their application.

Of all finalised matters, 125 were resolved during a conference with a Commission Member. A further 16 were dismissed by a Member, primarily because they were not about the operation of Part 6-4C. A small number of JobKeeper dispute matters (6) were finalised by decision, including being resolved by arbitration, setting aside a JobKeeper direction, substituting a JobKeeper direction, or by being dealt with in conjunction with another matter. Detailed information on the finalisation of JobKeeper applications is available in Appendix C.

# Annual performance statement

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# Introductory statement

I, Murray Furlong, as the accountable authority of the Fair Work Commission, present the 2020–21 annual performance statements of the Fair Work Commission, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, these annual performance statements are based on properly maintained records, accurately present the performance of the entity in the reporting period and comply with subsection 39(2) of the PGPA Act.



**Murray Furlong**

General Manager (Acting)

23 September 2021

## Entity purpose

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

- dealing with unfair dismissal claims
- dealing with anti-bullying claims
- dealing with general protections and unlawful termination claims
- setting the national minimum wage and minimum wages in modern awards
- making, reviewing and varying modern awards
- assisting the bargaining process for enterprise agreements

- approving, varying and terminating enterprise agreements
- making orders to stop or suspend industrial action
- dealing with disputes brought to the Commission under the dispute resolution procedures of modern awards and enterprise agreements
- determining applications for right of entry permits
- promoting cooperative and productive workplace relations and preventing disputes.

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

# Performance framework

The Commission’s performance reporting framework is built around three core elements: the corporate plan, portfolio budget statements and annual performance statements.

The goals and performance measures set out in the framework in 2020–21 are shown in Table 1.

**Table 1: Performance framework**

<p><b>Corporate plan</b></p>	<p><b>Purpose</b></p> <p>As Australia’s national workplace relations tribunal, the primary purpose of the Fair Work Commission (Commission) is to exercise its functions and powers in accordance with the <i>Fair Work Act 2009</i>. (Source: 2020–21 Corporate Plan, p.4)</p>
<p><b>Portfolio budget statements</b></p>	<p>2020–21 Budget Outcomes and Programs</p> <p><b>Outcome 1:</b></p> <p>Simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements and deal with disputes (Source: 2020–21 PBS, p.197)</p> <p><b>Program 1.1:</b></p> <p>The Commission delivers a single program of dispute resolution, minimum wage setting, orders and approval of agreements.</p> <p>The Fair Work Commission exercises powers under the <i>Fair Work Act 2009</i> in accordance with the objects of the Act and in a manner that is fair and just, is quick, informal and avoids unnecessary technicalities. (Source: 2020–21 PBS, p.197)</p>
<p><b>Annual performance statements</b></p>	<p>Intended results:</p> <ul style="list-style-type: none"> <li>• The community understands the role of the Commission and recognises it as an independent and expert workplace relations tribunal. (Source: 2020–21 Corporate Plan, p.11)</li> <li>• The Commission is accessible to all Australians, recognising the community’s diverse needs and expectations. (Source: 2020–21 Corporate Plan, p.12)</li> <li>• The Commission is efficient, accountable and transparent. (Source: 2020–21 Corporate Plan, p.13)</li> <li>• The Commission is a highly skilled and agile organisation in which its people, processes, systems and technology are aligned to deliver high-quality, efficient and effective services to the community. (Source: 2020–21 Corporate Plan, p.14)</li> </ul>

## Results

The following results show the Commission's achievements in relation to the criteria and key performance indicators set out in the *Fair Work Commission Corporate Plan 2020-21* (Corporate Plan) and the *2020-21 Portfolio Budget Statements, Budget Related Paper No.1.12 Attorney-General's Portfolio* (PBS).

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

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

<b>Target</b>	Survey 80 per cent of parties in individual matters following a staff conference or conciliation.
<b>Source</b>	2020-21 Corporate Plan p.11.
<b>Performance achieved</b>	<b>Achieved:</b> 100 per cent of parties to individual matters were surveyed following a staff conference or conciliation.
<b>Analysis</b>	<p>The Commission surveyed 100 per cent of parties to individual matters following a staff conference or conciliation. This exceeded the corporate plan performance target of 80 per cent. This is consistent with previous reporting periods.</p> <p>The Commission achieved this target by incorporating post-conciliation surveys into standard procedure and ensuring staff are trained in and encouraged to follow this procedure.</p>
<b>Target</b>	At least 80 per cent of survey respondents in individual matters following a staff conference or conciliation are satisfied that their conference conciliator was even-handed.
<b>Source</b>	2020-21 Corporate Plan p.11.
<b>Performance achieved</b>	<b>Achieved:</b> 84 per cent of survey respondents were satisfied that their conference conciliator was even-handed.
<b>Analysis</b>	<p>The Commission exceeded the 2020-21 Corporate Plan performance target of 80 per cent, with 84 per cent of survey respondents satisfied that their conference conciliator was even-handed. This result was consistent with previous reporting periods and is representative of the Commission's focus on ensuring it is fair, transparent and accountable.</p> <p>The Commission's staff conciliators are well trained in delivering a consistent, fair and equitable service to the Australian community. This high standard of service is maintained through training, adherence to process and procedure and setting and measuring performance against KPIs.</p>

<b>Target</b>	Report on the activities that involved consultation with users about improving service delivery.
<b>Source</b>	2020–21 Corporate Plan p.11.
<b>Performance achieved</b>	<b>Achieved:</b> The Commission reported quarterly.
<b>Analysis</b>	The Commission met the Corporate Plan target by preparing a quarterly report on activities that involved consultation with users about improving service delivery. The ‘User Consultation’ report is a whole-of-organisation initiative to ensure our continued focus on user-first service delivery.

**Performance measure:** The Commission is accessible to all Australians, recognising the community’s diverse needs and expectations.

<b>Target</b>	At least 80 per cent of survey respondents in individual matters following a staff conference or conciliation found that information, including on the Commission’s website, was easy to understand.
<b>Source</b>	2020–21 Corporate Plan p.12.
<b>Performance achieved</b>	<b>Achieved:</b> 82 per cent of survey respondents found information, including on the Commission’s website, easy to understand.
<b>Analysis</b>	<p>The Commission exceeded the 2020–21 Corporate Plan performance target of 80 per cent, with 82 per cent of survey respondents finding information, including on the Commission’s website, easy to understand. This is the same as the previous period.</p> <p>In 2020–21, the Commission continued to apply plain language principles to improve content, including correspondence templates and high-use website information. This is consistent with the Commission’s continuous improvement approach to information delivery.</p> <p>The Commission recognises the need to continuously review and improve its information resources to meet the evolving needs and expectations of users. The Commission has commenced a project to redesign its website to better meet the needs of users. The Commission is using the results of user-experience research and insights about the website to ensure that we give users the information they need, in the form they want it, when they need it. The new website will be launched within the next reporting period.</p>



<b>Target</b>	At least 80 per cent of survey respondents in individual matters following a staff conference or conciliation are satisfied with the relevance of information provided by the Commission.
<b>Source</b>	2020-21 Corporate Plan p.12.
<b>Performance achieved</b>	<b>Achieved:</b> 80 per cent of survey respondents were satisfied with the relevance of information provided by the Commission.
<b>Analysis</b>	<p>The Commission met the 2020-21 Corporate Plan performance target with 80 per cent of survey respondents satisfied with the relevance of information provided by the Commission. This represents an increase of 1 per cent from 79 per cent in 2019-20.</p> <p>The Commission utilised user experience principles to review our information and information delivery platforms to make them more fit for purpose. Whilst this result a modest improvement from 2019-20, the Commission continues to work to improve the quality of our information and access to our services.</p>
<b>Target</b>	At least 75 per cent of survey respondents in individual matters following a staff conference or conciliation are satisfied with the information provided by the Commission about its processes.
<b>Source</b>	2020-21 Corporate Plan p.12.
<b>Performance achieved</b>	<b>Achieved:</b> 76 per cent of survey respondents were satisfied with the information provided by the Commission about its processes.
<b>Analysis</b>	<p>The Commission met the 2020-21 Corporate Plan performance target, with 76 per cent of survey respondents satisfied with the information provided by the Commission about its processes. This is in line with results in previous years and is a 1 per cent increase in satisfaction from 2019-20.</p> <p>The Commission continues to focus on improving information creation and delivery to ensure it continues to meet this performance target in the future.</p>

<b>Target</b>	Monitor and report on the use of technology that has been implemented in order to improve access to, or delivery of, Commission services.
<b>Source</b>	2020–21 Corporate Plan p.12.
<b>Performance achieved</b>	<b>Achieved:</b> The internal report was delivered in Quarter 4.
<b>Analysis</b>	The Commission met the corporate plan target to monitor and report on the use of technology that has been implemented in order to improve access to, or delivery of, Commission services. This is an internal report used to improve Commission services.

**Performance measure:** The Commission is efficient, accountable and transparent.

<b>Target</b>	Improve or maintain the time elapsed from lodging applications to finalising conciliations in unfair dismissal applications with a target of 34 days.
<b>Source</b>	2020–21 PBS, p.202 and 2020–21 Corporate Plan p.13.
<b>Performance achieved</b>	<b>Achieved:</b> Conciliation conferences were finalised in a median of 21 days from the lodgment of an unfair dismissal application.
<b>Analysis</b>	<p>The Commission met the 2020–21 PBS and Corporate Plan performance target, with a median 21 days elapsing from lodgment to first conciliation application in unfair dismissal cases. This is a 13-day decrease from the median of 34 days achieved during the 2019–20 reporting period.</p> <p>The improved performance primarily reflects lower unfair dismissal application volumes in 2020-21, compared to the previous year.</p>

<b>Target</b>	Annual wage review to be completed to enable operative date of 1 July with a target of publication no later than 30 June.
<b>Source</b>	2020–21 PBS, p.202 and 2020–21 Corporate Plan p.13.
<b>Performance achieved</b>	<b>Achieved:</b> The annual wage review was published on 16 June 2021.
<b>Analysis</b>	<p>The Commission exceeded the 2020–21 PBS and Corporate Plan performance target, with the annual wage review completed on 16 June 2020. This is 14 days earlier than the target date of 30 June.</p> <p>As in 2019–20, the 2020–21 review was undertaken during the COVID-19 pandemic with the review timetable again being extended to allow parties to provide submissions regarding the impacts of the pandemic as they unfolded and comment on the most recent data.</p> <p>Further information is available in the Expert Panel’s Annual Wage Review decision, published on the Commission’s website available at <a href="http://fwc.gov.au">fwc.gov.au</a>.</p>

<b>Target</b>	Improve or maintain the agreement approval time for agreements approved without undertakings with a target of 32 days.
<b>Source</b>	2020-21 PBS, p.202 and 2020-21 Corporate Plan p.13.
<b>Performance achieved</b>	<b>Achieved:</b> Agreements without undertakings were approved in a median of 14 days.
<b>Analysis</b>	<p>The Commission exceeded the 2020-21 PBS and Corporate Plan performance target, with agreements without undertakings being approved in a median of 14 days from lodgment. This surpasses the target by 18 days and is a 3 day improvement on the 2020-21 median.</p> <p>This strong performance can be attributed to the Commission's continued focus on improving timeliness in agreement approvals. The Commission is committed to maintaining this performance and will continue to explore opportunities for further improvement.</p>

## Activity Two: Organisational capability is enhanced

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

<b>Target</b>	Maintain or improve the number of professional development plans that specify individual and/or organisational professional development goals, with a target of 100 per cent.
<b>Source</b>	2020-21 Corporate Plan p.12.
<b>Performance achieved</b>	<b>Achieved:</b> 100 per cent of performance plans specified individual and/or organisational professional development goals.
<b>Analysis</b>	<p>The Commission met the 2020-21 Corporate Plan performance target, with 100 per cent of professional development plans specifying individual and/or organisational professional development goals. This is consistent with previous years.</p> <p>As part of the process, staff and managers must develop a PDP from a standard template. This template requires professional development goals to be set for the reporting period. This process ensures the performance target is met and builds a culture of ongoing learning and development across all staff.</p>

<b>Target</b>	At least 30 per cent of staff are offered an opportunity to experience work outside their usual role, participate in a cross-organisational project or be involved in a service improvement project.
<b>Source</b>	2020–21 Corporate Plan p.14.
<b>Performance achieved</b>	<b>Achieved:</b> 32 per cent of staff were offered an opportunity to experience work outside their usual role.
<b>Analysis</b>	<p>The Commission met the 2020–21 Corporate Plan performance target, with 32 per cent of staff offered an opportunity to experience work outside their usual role.</p> <p>In 2020-21, staff from across the organisation have participated in major Commission projects such as the website re-development project and case management system upgrade. The organisational restructure which occurred during this reporting period also provided staff with opportunities to move into different areas of the Commission.</p> <p>As a small organisation, it is crucial that the Commission is agile. This enables workforce resources to be moved to meet emerging priorities and ensure continued performance.</p>

# Management and accountability

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# Corporate governance

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

The framework supports the General Manager in meeting the responsibilities for the Commission's performance, financial management and compliance with the PGPA Act and the Public Service Act.

## Governance bodies

The Executive is the key decision-making body with strategic oversight of the Commission's administration and resourcing. It comprises of the General Manager and three Executive Directors and formally meets fortnightly. More information about the branches and Executive Directors is provided in the Overview. The Executive is supported by the Major Projects Control Committee.

## Audit Committee

The Audit Committee provides independent assurance to the General Manager on the Commission's financial and performance reporting, risk oversight and management, systems of internal control and 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 2020–21, the Audit and Risk Committee had 4 external members (including the Chair). It met 4 times during the reporting year.

The Audit Committee's charter is located at [fwc.gov.au](http://fwc.gov.au).

**Table 2: Audit Committee members**

Qualifications, knowledge, skills or experience	Name	Attendance at meetings	Remuneration (inc GST)
The skills and knowledge required of an Audit and Risk Committee for a regulatory agency are adequately covered by its current membership. This includes skills, knowledge and experience in: <ul style="list-style-type: none"> <li>• risk management</li> <li>• internal controls</li> <li>• industry/regulatory</li> <li>• government/public policy</li> <li>• information technology</li> <li>• financial management</li> <li>• governance</li> <li>• business management</li> <li>• accounting</li> </ul>	Mark Scully (Chair)	4/4	\$0
	Jill Jepson	4/4	\$0
	Adrian Walkden	4/4	\$11,242
	Marion van Rooden	4/4	\$7,500

**Major Projects Control Committee**

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

**Fraud management**

The Fair Work Commission is 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 specifically includes our Fraud Control Plan, Fraud Risk Assessment and Register. Fraud control awareness forms part of the induction program for new employees and during 2020-21 it was mandatory for all staff to complete our online fraud awareness training module.

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

- fraud control plans and fraud risk assessments have been prepared that comply with the Commonwealth Fraud Control Guidelines.
- appropriate fraud prevention, detection, investigation and reporting procedures and practices that comply with the Commonwealth Fraud Control Guidelines are in place, and
- the entity has taken all reasonable measures to appropriately deal with fraud relating to the entity. There were no instances of fraud reported during 2020-21.

## Risk management

In 2020–21, the Commission continued to embed a contemporary risk management culture and practices across the organisation, in line with the risk management framework introduced by the PGPA Act.

As part of its risk management strategy, the Commission has developed an annual internal audit program. The program, developed in consultation with the Executive and endorsed by the Audit Committee, reflects the Commission's purpose, and identifies strategic and operational risks and relevant regulatory requirements. Audits can cover any of the Commission's financial and non-financial activities and performance, policies and procedures. Internal audit reports are provided to the General Manager and Executive and discussed at meetings of the Audit Committee.

## Compliance with the finance law

Finance law incorporates the PGPA Act, including rules and instruments created under the PGPA Act, and Appropriation Acts. The Commission made no reports of any significant issues that relate to non-compliance with the finance law as it relates to the Commission in 2020–21.

## Ethical standards

The Commission's 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 2016 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.

The Commission's 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. It 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 other publications. The Code was developed in consultation with Members and is published on the Commission's website.



# External scrutiny

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**The Auditor-General issued an unqualified independent audit report on the Commission's 2020-21 financial statements. There were no other reports issued by the Auditor-General relating to the Commission in 2020-21.**

There were no judicial decisions, decisions of administrative tribunals or decisions of the Australian Information Commissioner in 2020-21 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 2020-21 and no agency capability reviews were released during the period.

# Complaints and feedback

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## Complaints about Commission staff

The Commission's service charter outlines the nature and level of service the public can expect from Commission staff.

The service charter is published on the Commission's website at [www.fwc.gov.au](http://www.fwc.gov.au).

The website provides information on how to make a complaint or provide feedback on the Commission's administrative activity. The Commission uses feedback and complaints to identify service problems and potential improvements, while recognising that each year some complaints involve issues that are outside the jurisdiction or authority of the Commission's administration.

The Commission aims to respond to written complaints within 20 working days. In 2020–21, the Commission responded within an average of 10 working days, the same response time as in 2019–20.

## Complaints about Members

The Commission has a separate process for dealing with complaints about Members, in accordance with the Fair Work Act. Information about the complaint handling process is available on the Commission's website.

When conducting hearings and conferences, Member responsibilities include listening to evidence, understanding relevant information and ensuring that proceedings are fair and that parties are treated with courtesy and respect. The Fair Hearings Practice Note is available on the Commission's website.

## Reporting about complaints

The President deals with complaints about Members, including by discussing them with the person concerned. Complaints concerning a Member's conduct are reported according to whether they were substantiated.

A substantial number of complaints involved issues that were outside the Commission's jurisdiction or authority or which are 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 2020–21, a total of 125 complaints were received, equating to 0.4 per cent of the 29,631 applications lodged in the reporting period, as set out in Table 3.

**Table 3: Complaints**

Subject	2020-21 <sup>1</sup>
<b>Total Member complaints<sup>1</sup></b>	<b>54</b>
Member conduct in relation to a conference or hearing – not substantiated <sup>2</sup>	44
Member conduct in relation to a conference or hearing – partially substantiated or acknowledged <sup>2</sup>	2
Member conduct – referral to external complaint handler	0
Member conduct – referral to the Minister	0
Member conduct – referral to another agency	0
Process <sup>4</sup>	48
Outcome <sup>5</sup>	29
Other <sup>7</sup>	4
<b>Total of all other complaints<sup>1</sup></b>	<b>71</b>
Staff conduct <sup>3</sup>	23
Process <sup>4</sup>	28
Administration <sup>6</sup>	7
Other <sup>7</sup>	3

1. A complaint can concern more than one subject. Accordingly, the results are not cumulative. As the Commission has changed its complaint classifications and reporting methodology, information from previous years is not available.
2. Complaints regarding conduct include whether Members met their responsibilities under the Practice Note: Fair Hearings and Member Code of Conduct.
3. Complaints about the conduct of staff conciliations, including whether staff conciliators listened to both parties and understood the issues, and whether staff acted in accordance with the service charter and APS Code of Conduct.
4. 'Process' relates to dissatisfaction with, or misunderstanding of, the Commission's processes. This includes complaints about timeliness, scheduling and adjournment of conferences and hearings and conflict of interest or bias of a Member. Complaints in this category can concern a fundamental misunderstanding of the Commission's role and authority. 'Process' includes individual categories previously reported for 'pay and entitlements', 'complaint relating to modern awards or enterprise agreements' and 'adjournment refusal request'.
5. Complaints about the outcome of a matter relate to decisions of the Commission. These matters generally cannot be dealt with through the complaints process and require the complainant to lodge a formal appeal of the decision or to seek judicial review.
6. 'Administration' includes administrative errors, information (including availability and accessibility of procedural information) and errors with the website and online lodgment service.
7. 'Other' includes complaints where there is insufficient information to permit assessment, the complaint is trivial, frivolous, vexatious or not in good faith and where a complainant makes a series of complaints about one or more applications and/or Members and/or staff.

# Management of human resources

## Training and development

The Commission invests in a number of initiatives to give our employees the skills and experience to deliver Commission services.

Each year, areas for training and development are identified that will support the Commission in meeting its legislative requirements and to enhance our ability to deliver services.

Learning opportunities for staff included e-learning modules, support for formal study, short courses, attendance at conferences, and coaching and mentoring.

## Recruitment and separations

During 2020–21, 47 new employees (ongoing or non-ongoing) commenced, and 49 employees (ongoing or non-ongoing) departed the Commission.

## Conditions of employment

### Collective and individual agreements

All employees, except Senior Executive Service (SES) employees, are covered by the Fair Work Commission Enterprise Agreement 2017–2020. A Remuneration Determination was signed effective from 1 October 2020 which extended the operation of the Enterprise agreement for a further 3 years.

At 30 June 2021, the Commission had three SES Band 1 positions. Employment conditions for SES employees are set out in individual determinations made by the General Manager under s.24(1) of the Public Service Act. The determinations are comprehensive documents covering each SES employee's terms

and conditions, with many conditions aligned with those in the enterprise agreement.

### Flexible work

The Commission provides flexible working arrangements to help employees balance work and other responsibilities, including:

- Flextime – The majority of employees have access to flextime arrangements, allowing them to 'bank' time worked in excess of standard full-time, or agreed part-time, hours (banked time can subsequently be taken as leave).
- Part-time work – At 30 June 2021, 47 employees worked part-time.
- Home-based work – All ongoing and non-ongoing employees are able to request a home-based work agreement.
- Purchased leave – In 2020–21, 10 employees purchased additional leave.
- Job sharing – In 2020–21, six employees participated in job sharing arrangements.

### Non-salary benefits

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

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

annual influenza vaccinations and an employee assistance program.

## Statistics

At 30 June 2021, the Commission employed 299 staff (255 ongoing and 44 non-ongoing). This does not include Commission Members and is a decrease of two from the total headcount of ongoing and non-ongoing staff at 30 June 2020. The Commission had three casual employees at 30 June 2021. No Commission employees identified as indeterminate sex at 30 June 2021. The Commission does not have staff based overseas.

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

## Remuneration

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

Other highly paid staff are remunerated under the enterprise agreement with an individual flexibility arrangement, which provides additional remuneration benefits. The General Manager determines the level of additional remuneration based on the quality of professional service provided by the employee and external market conditions.

Commission employees do not receive incentive payments or bonuses.

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

Table C23 in Appendix C shows the salary ranges for APS employees. Except for SES Band 1 employees, the specified ranges are specified in the enterprise agreement, as updated by

the Remuneration Determination that commenced on 1 October 2020.

## Performance pay

The Commission does not provide performance pay.

## Work health and safety

Information about work health and safety at the Commission is provided in Appendix F.

# Financial management

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**The Commission continues 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.**

The Commission's financial results for 2020–21 are outlined in Appendix D Annual Financial Statements. The Commission achieved a net cash operating surplus which includes an amount of \$1.781 million which was received during the 2020-21 financial year and formally reduced on the 6th of July 2021. The deficit on continuing operations was \$2.746 million. The loss includes expenses of \$5.548 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

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

## Purchasing

The Commission's 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 the Commission's procurement framework.

## Consultants

During 2020-21, seven new reportable consultancy contracts were entered into involving total actual expenditure of \$319,209 (including GST). In addition, two ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$109,406 (including GST).

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website at [tenders.gov.au](https://tenders.gov.au).

Decisions to engage consultants during 2020–21 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 2020-21	Number	Expenditure
New contracts entered into during the reporting period	7	\$319,209
Ongoing contracts entered into during a previous reporting period	2	\$109,406
<b>Total</b>	<b>9</b>	<b>\$428,615</b>

Organisations receiving a share of reportable consultancy contract expenditure 2020-21	Expenditure	Proportion of 2020-21 total spend (%)
ACIL Allen Consulting Pty Ltd	\$108,834	25%
The Trustee for Birdanco Practice Trust trading as RSM	\$95,414	22%
Ipsec Pty Ltd	\$63,250	15%
Callida Pty Ltd	\$59,400	14%
Cube Group Management Consulting (Australia) Pty Ltd	\$39,875	9%
<b>Total of the Largest Shares</b>	<b>\$366,773</b>	<b>86%</b>

## Expenditure on reportable non-consultancy contracts

Reportable non-consultancy contracts 2020-21	Number	Expenditure
New contracts entered into during the reporting period	167	\$11,561,119
Ongoing contracts entered into during a previous reporting period	76	\$9,100,738
<b>Total</b>	<b>243</b>	<b>\$20,661,857</b>

Details of expenditure on reportable non-consultancy contracts has not reported because no organisations met the criteria of expenditure of at least 5% of the total expenditure on non-consultancy contracts.

## **Australian National Audit Office access clauses**

No contracts of \$100,000 or more (including GST) were let during 2020–21 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 they would disclose exempt matters under the *Freedom of Information Act 1982* (FOI Act).

## **Procurement initiatives to support small business**

The Commission supports small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SMEs) and small enterprise participation statistics are available on the Department of Finance’s website at [finance.gov.au](https://www.finance.gov.au).

The Commission’s procurement practices support SMEs, including by the use of the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000. The Commission communicates using clear, simple language that is presented in an accessible format throughout the procurement process.

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





# Mandatory information

## Advertising and market research

During 2020–21, the Commission did not conduct any advertising campaigns.

## Grants

The Commission did not award any grants during 2020–21.

## Disability reporting mechanism

The National Disability Strategy is Australia's overarching framework for disability reform. 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 will continue to be held accountable for the implementation of the strategy through progress reporting to the Australian, state, territory and local governments. Progress reports can be found at [dss.gov.au](http://dss.gov.au). Disability reporting is included in the Australian Public Service Commissioner's State of the Service reports and the APS Statistical Bulletin. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au).

## Information Publication Scheme

The Commission is subject to the FOI Act and is required to publish information to the public as part of the Information Publication Scheme (IPS). Under Part II of the FOI Act, the Commission must display on its website a plan showing what information it publishes in accordance with the IPS requirements. The Commission's information publication plan is available at [fwc.gov.au](http://fwc.gov.au).

## Remediation of information published in previous annual reports

### Appendix B: Members' activities, p.54, 2019–20 Annual Report

Omitted from Members' activities outside the Commission was Deputy President Hamilton's membership to the Australian Labour Law Association, and the Australian Society for the study of Labour History.

On page 59 of the 2019–20 Annual Report it was stated that Commissioner McKinnon delivered training in October 2019 as part of the Judicial College of Victoria's judgment writing program 'Judgment Writing: Good, Clear, Fast'. Commissioner McKinnon attended this training as a participant.

### Delivery of Commission Services, p.19, 2019–20 Annual Report

The number of conciliation conferences undertaken by experienced staff was reported incorrectly as 12,963 and should be 12,965.

## Complaints and feedback

On page 43 of the 2019–20 Annual Report two subjects of Member conduct complaints contained typographical errors. These subjects should have been 'Member conduct in relation to a conference or hearing – not substantiated' and 'Member conduct in relation to a conference or hearing – partially substantiated or acknowledged'.

# Appendices

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# Appendix A: Members

**Table A1: Fair Work Commission Members at 30 June 2021**

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

Commissioners	
Commissioner PJ Spencer (B)	Commissioner LAT Johns OAM (S)
Commissioner BD Williams (P)	Commissioner NP Wilson (M)
Commissioner DS McKenna (S)	Commissioner T Cirkovic (M)
Commissioner IW Cambridge (S)	Commissioner C Platt (A)
Commissioner PJ Hampton (A)	Commissioner K Harper-Greenwell (M)
Commissioner MP Bissett (M)	Commissioner J Hunt (B)
Commissioner CF Simpson (B)	Commissioner S McKinnon (M)
Commissioner T Lee (M)	Commissioner L Yilmaz (M)
Commissioner S Booth (B)	Commissioner BM O'Neill (M)
Commissioner B Riordan (S)	Commissioner S Mirabella (M)
	Commissioner P Ryan (S)
	Commissioner A Matheson (S) <sup>1</sup>

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

1. Commissioner Matheson commenced 5 July 2021.

**Table A2: Members of state tribunals who also held an appointment with the Commission, and members of expert panels, at 30 June 2021**

Fair Work Commission title	State title/expert panel
Deputy President DJ Barclay (H)	President, TIC
Mr Ferguson	Expert panel member
Ms Labine-Romain	Expert panel member
Professor Wooden	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 Ross is a Judge of the Federal Court of Australia, Fellow of the Academy of the Social Sciences in Australia (Discipline – Law) and an Adjunct Professor, Discipline of Work and Organisational Studies at the University of Sydney Business School.

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

Deputy President Hamilton is an Adjunct Professor of the School of Business and Law at CQUniversity Australia.

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

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

Deputy President Binet is a member of the Industrial Relations Society of Western Australia, Australian Association of Women Judges and the Australian Human Resource Institute.

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

Deputy President Dean is chairperson of the Alpine School.

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

Deputy President Beaumont was re-appointed to the position of Chair of the Pharmaceutical Benefits Remuneration Tribunal for another three year term commencing in early 2021; and a member of the National Judicial College of Australia, Australasian Institute of Judicial Administration Inc. and the UN Women NC Australia.

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

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

Commissioner Spencer is Chairperson of the Northern Territory Correctional Officers Arbitral Tribunal; Deputy Chairperson of the Northern Territory Police Arbitral Tribunal; and a Life Member of the Industrial Relations Society Queensland (IRSQ).

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

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

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 Law School Centre for Employment and Labour Relations Law.

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

Commissioner Wilson is a member of the Tasmanian Industrial Commission.

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

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

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

Association of Women Judges. The Commissioner is also a Professional Member of Resolution Australia, and an Ambassador for Bravehearts Foundation Ltd.

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

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

## **Commission-related engagements in 2020–21**

### **Domestic activities**

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

Justice Ross delivered a number of presentations during the reporting period. In September 2020, Justice Ross presented at the Australian Journal of Labour Law Workshop and to the Industrial Relations Society of Tasmania on the Commission's response to COVID-19. In October 2020, Justice Ross chaired the Ron McCallum Debate. Justice Ross also presented to PWS Payroll on the Future of Work and Flexibility and presented at the Cooperative Workplaces Symposium. In December 2020, Justice Ross presented to Unions WA Industrial Officers and Lawyers Network on the Challenges the Commission faced during the COVID-19 pandemic. Justice Ross also presented at the Keith Hancock Lecture on measuring what matters in the time of COVID-19. In March 2021, Justice Ross presented on the Gender Pay Gap to the University of Sydney. In April 2021, Justice Ross presented to the University of Melbourne on digital technologies. In May 2021, Justice Ross presented to the University of Sydney on appellate advocacy.

Vice President Catanzariti delivered a presentation in September 2020 to Leo Cussen Centre for Law

to provide an update from the Commission. In June 2021, Vice President Catanzariti presented to the Law Institute of Victoria, Government Lawyers Conference. The topic of this was 'Omnibus Impact: A permanent shift?'

Deputy President Hamilton gave a lecture in May 2021 to Human Resource Management and International Relations students at the CQUniversity on the operation of the Fair Work Commission.

Deputy President Gostencnik in October 2020 delivered a lecture to Labour Law Masters Students at University of Melbourne's Law School on 'Labour Standards and their Enforcement – Role of the Fair Work Commission'. In November 2020, Deputy President Gostencnik presented about the 'JobKeeper jurisdiction on the Commission to the Industrial Relations Society of Victoria'. In December 2020, Deputy President Gostencnik presented to the UnionsWA Industrial Officers and Lawyers Network on enterprise agreement making and approval.

Deputy President Clancy in February 2021 participated in a Law Institute of Victoria panel discussion about working from home. In June 2021, Deputy President Clancy represented the Commission at the Council of Australian Tribunals National Online Conference.

Deputy President Dean presented in July 2021 to the Australian Labour and Employment Relations Association, ACT Branch Annual Conference about advocacy in the Commission.

Deputy President Anderson presented in October 2021 to the Thomson Reuters Mental Health and Employment Law Conference about mental health in the workplace.

Deputy President Masson delivered a number of information sessions on enterprise agreements including to the Rail, Tram and Bus Union.

Deputy President Beaumont delivered a presentation in November 2020 to the CCIWA Workplace Relations Conference on 'the Fair Work Commission post COVID-19, and what is expected from employers' and facilitated a mock hearing.

Deputy President Lake presented to ClubsQld's Workplace Relations Seminar in November 2020.

Commissioner Hampton gave a presentation in January 2021 about the work of the Commission and workplace relations law in Australia to Post Graduate students of the University of South Australia.

Commissioner Johns in March 2021 delivered the keynote address to the Legalwise Workplace Law Conference on 'Insights from the Fair Work Commission'. Commissioner Johns presented in April 2021 to Monash University students about current issues in workplace law. Commissioner Johns officiated the University of Sydney's Anti-bullying MOOT. In May 2021, Commissioner Johns also gave a presentation to the NSW Industrial Relations Society Annual Conference on the Commission's response to COVID-19. Commissioner Johns also presented to the Civil Contractors Federation NSW, Industrial Relations Conference on the future of workplace agreements and also provided training to the Rail, Tram and Bus Union on reviewing enterprise agreements.

Commissioner Wilson presented in October 2020 to the Thomson Reuters Industrial and Workplace Relations Conference to provide updates from the Commission. In February 2021 Commissioner Wilson presented to Fletcher Building on 'Dismissals, Disputes and Advocacy in the Commission'. In March 2021, Commissioner Wilson gave the keynote address to the Legalwise Workplace Law Conference on 'Insights from the Fair Work Commission'.

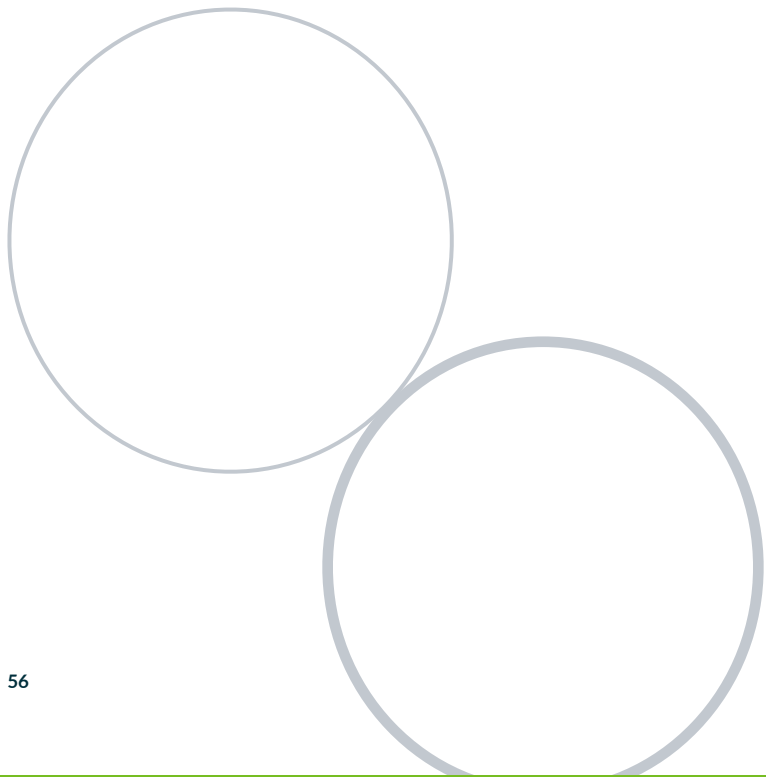
Commissioner Yilmaz gave a presentation

in October 2020 to the Thomson Reuter Mental Health and Employment Law Conference on the 'Fair Work Act and Mental Health Update'.

**International activities**

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

Commissioner Johns gave a presentation in June 2021 to the Workplace Dispute Resolution (WDR) Study Group of the International Labour and Employment Relations Association (ILERA) on the paper titled 'COVID and the JobKeeper Jurisdiction of the Fair Work Commission'.





# Appendix C: Reference data

## Tables for the delivery of Commission services

**Table C1: Decisions and orders published**

	2020-21	2019-20	2018-19	2017-18
Decisions and orders published	9,951	10,030	10,974	9,717

**Table C2: Hearings and conferences conducted by Members, by location or method**

Location or method	2020-21	2019-20	2018-19	2017-18
Canberra				
Adelaide	67	173	240	240
Brisbane	176	595	847	647
Canberra	4	126	105	101
Darwin	4	15	19	35
Hobart	1	48	86	58
Melbourne	192	1,442	1,797	1,989
Newcastle	30	89	117	93
Perth	374	204	427	522
Sydney	412	972	1,406	1,277
Wollongong	0	0	0	0
Other places	43	149	240	294
In chambers	2,480	2,965	2,894	2,316
Telephone	7,263	5,798	3,020	2,839
Video	1,241	530	504	785
<b>Total</b>	<b>12,287</b>	<b>13,106</b>	<b>11,702</b>	<b>11,196</b>

**Table C3: Applications lodged, by matter type**

<b>Matter type</b>	<b>2020–21</b>
<i>Fair Work Act 2009</i>	28,957
Rule 7 (FWC) - Directions on procedure	2
s.66M - Application to deal with a dispute about the right to request casual conversion	2
s.120 - Application to vary redundancy pay for other employment or incapacity to pay	274
s.122 - Transfer of employment situations that affect the obligation to pay redundancy pay	3
s.156 - 4-yearly review of modern awards	1
s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective	8
s.158 - Application to make a modern award	1
s.158 - Application to vary or revoke a modern award	67
s.160 - Application to vary a modern award to remove ambiguity or uncertainty or correct error	12
s.185 - Application for approval of a greenfields agreement	316
s.185 - Application for approval of a multi-enterprise agreement	18
s.185 - Application for approval of a single-enterprise agreement	3,419
s.210 - Application for approval of a variation of an enterprise agreement	364
s.217 - Application to vary an agreement to remove an ambiguity or uncertainty	32
s.222 - Application for approval of a termination of an enterprise agreement	60
s.225 - Application for termination of an enterprise agreement after its nominal expiry date	270
s.229 - Application for a bargaining order	76
s.234 - Application for a serious breach declaration	1
s.236 - Application for a majority support determination	105

Matter type	2020-21
s.238 - Application for a scope order	6
s.240 - Application to deal with a bargaining dispute	121
s.248 - Application for a single interest employer authorisation	4
s.251 - Application for a variation of a single interest employer authorisation	2
s.252 - Application to extend single interest employer authorisation	4
s.285 - Annual wage review	1
s.302 - Application for an equal remuneration order	1
s.318 - Application for an order relating to instruments covering new employer and transferring employees	51
s.318 - Application for an order relating to instruments covering new employer and transferring employees in agreements	2
s.319 - Application for an order relating to instruments covering new employer and non-transferring employees	28
s.320 - Application to vary a transferable instrument	1
s.320 - Application to vary a transferable instrument - agreement	3
s.365 - Application to deal with contraventions involving dismissal	4,102
s.365 - Application to deal with contraventions involving dismissal (consent arbitration)	19
s.372 - Application to deal with other contravention disputes	1,010
s.394 - Application for unfair dismissal remedy	13,281
s.400A - Application for a costs order against a party	2
s.401 - Application for costs orders against lawyers and paid agents	4
s.418 - Application for an order that industrial action by employees or employers stop etc.	23
s.423 - Application to suspend or terminate protected industrial action - significant economic harm etc	1
s.424 - Application to suspend or terminate protected industrial action - endangering life etc.	8

Matter type	2020-21
s.425 - Application to suspend protected industrial action, cooling off	2
s.437 - Application for a protected action ballot order	475
s.447 - Application for variation of protected action ballot order	52
s.448 - Application for revocation of protected action ballot order	27
s.459 - Application to extend the 30-day period in which industrial action is authorised by protected action ballot	124
s.472 - Application for an order relating to certain partial work bans	1
s.483AA - Application for an order to access non-member records	5
s.505 - Application to deal with a right of entry dispute	28
s.510 - Upon referral, revoke or suspend an entry permit	4
s.512 - Application for a right of entry permit	1,286
s.516 - Application to extend entry permit	36
s.520 - Application for an affected member certificate	1
s.526 - Application to deal with a dispute involving stand down	247
s.533 - Application for an FWC Order	1
s.576(2)(aa) - Promoting cooperative and productive workplace relations and preventing disputes	10
s.602 - Application to correct obvious error(s) etc. in relation to FWC's decision	6
s.603 - Application to vary or revoke an FWC decision	3
s.604 - Appeal of decisions	221
s.739 - Application to deal with a dispute	1,452
s.739 - Application to deal with a dispute in relation to flexible working arrangements	49
s.768BA - Application for an order about coverage for transferring employees under a state instrument	2
s.773 - Application to deal with an unlawful termination dispute	146
s.773 - Application to deal with an unlawful termination dispute (consent arbitration)	1
s.789FC - Application for an order to stop bullying	782

<b>Matter type</b>	<b>2020-21</b>
s.789GV - Application to deal with a dispute under Part 6-4C	291
<b><i>Fair Work (Registered Organisations) Act 2009</i></b>	<b>257</b>
RO Act - Education activities - FWC	1
RO Act - Request for advice and assistance – FWC	137
s.18(b) RO Act - Application for registration by an association of employees	1
s.18(c) RO Act - Application for registration by an enterprise union	2
s.26(6) RO Act - Application to issue a copy of or certificate replacing the certificate of registration	1
s.30(1)(a) RO Act - Application by organisation for cancellation of registration	4
s.94(1) RO Act - Application for ballots for withdrawal from amalgamated organisation	1
s.158(1) RO Act - Application for alteration of eligibility rules	7
s.158(1) RO Act - Application for change of name of organisation	2
s.158A RO Act - Application to GM for alteration of eligibility rules	1
s.159(1) RO Act - Notification of alterations of other rules	95
s.180 RO Act - Conscientious Objection to Membership of Organisations	3
s.246(1) RO Act - Application for determination of reporting units	1
s.249(3) RO Act - Application for revoke certificate	1
<b><i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i></b>	<b>151</b>
Sch. 3, Item 10 - Application to vary transitional instrument to remove ambiguity - agreement	1
Sch. 3, Item 15 - Application by agreement to terminate collective agreement-based transitional instrument	7
Sch. 3, Item 16 - Application to terminate collective agreement-based transitional instrument	43
Sch. 3, Item 17 - Application by agreement to terminate individual agreement-based transitional instrument	83
Sch. 3, Item 19 - Declaration for unilateral termination with FWC approval to terminate individual agreement	16

<b>Matter type</b>	<b>2020–21</b>
Sch. 5, Item 9 - Application for an order remedying reduction in take-home pay resulting from a modern award	1
<b><i>Work Health and Safety Act 2011</i></b>	77
s.131 WHS Act - Application for a WHS entry permit	77
<b><i>Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021</i></b>	1
cl.48, Schedule 1 of the Fair Work Act 2009	1
<b><i>Coal Mining Industry (Long Service Leave) Administration Act 1992</i></b>	1
s.39D CMILSLA Act - FWC may deal with disputes relating to long service leave	1
<b>Administrative</b>	185
Request for a Board of Reference	185
<b><i>Workplace Relations Act 1996</i></b>	2
s.170LW - Pre-reform Act – Application for settlement of dispute (certified agreement)	1
s.709 - Application to FWC to have a dispute resolution process conducted (Div 5)	1
<b>Grand total</b>	<b>29,631</b>

FWC = Fair Work Commission, ROA = Registered Organisations Act, WHS Act = Work Health and Safety Act

**Table C4: JobKeeper applications by subject matter**

Subject matter	2020-21
Wage condition or minimum payment guarantee (ss.789GDA, 789GDB)	68
JobKeeper enabling stand down (s.789GDC)	70
Duties of work (s.789GE)	16
Location of work (s.789GF)	19
Days, times of work etc (s.789GG)	40
Taking paid annual leave (s.789GJ)	41
Secondary employment, training for professional development (s.789GU)	6
Matters that appear to be outside Part 6-4C	130
Period of service, accrual of leave, redundancy instead of notice <sup>1</sup>	3
Legacy: Days, times of work etc (s.789GJD) <sup>1</sup>	2
Legacy: JobKeeper enabling stand down (s.789GJA) <sup>1</sup>	5
Legacy: Location of work (s.789GJC) <sup>1</sup>	1

1. These provisions were introduced within Part 6-4C of the *Fair Work Act 2009* on 28 September 2020.

**Table C5: JobKeeper applications – finalisations**

<b>Outcome</b>	<b>2020–21</b>
Application withdrawn	160
Resolved at conciliation or mediation	125
Finalised by decision	22
Finalised by administrative dismissal (s.587)	16
Finalised at arbitration: resolved	1
Finalised at arbitration: Setting aside JobKeeper direction	2
Finalised at arbitration: Substituting JobKeeper direction	2
Finalised by arbitration: Orders JobKeeper direction desirable	1
<b>Total finalisations</b>	<b>307</b>

**Tables for ‘Management and accountability’****Table C6: Details of accountable authority during the reporting period**

<b>Name</b>	<b>Period as the accountable authority or member</b>		
	<b>Position title/ position held</b>	<b>Date of commencement</b>	<b>Date of cessation</b>
Bernadette O’Neill	General Manager	01/07/2020	05/04/2021
Murray Furlong	Acting General Manager	06/04/2021	30/06/2021



**Table C7: Ongoing Employees by location as at 30 June 2021**

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

**Table C8: Non-Ongoing Employees by location as at 30 June 2021**

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

**Table C9: Ongoing Employees by location as at 30 June 2020 (Prior Reporting Period)**

	Male			Female			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	10	0	10	23	2	25	35
QLD	8	1	9	7	1	8	17
SA	5	0	5	4	2	6	11
TAS	0	0	0	0	2	2	2
VIC	52	3	55	78	24	102	157
WA	1	0	1	7	1	8	9
ACT	2	0	2	2	0	2	4
NT	0	0	0	3	0	3	3
<b>Total</b>	<b>78</b>	<b>4</b>	<b>82</b>	<b>124</b>	<b>32</b>	<b>156</b>	<b>238</b>

**Table C10: Non-Ongoing Employees by location as at 30 June 2020 (Prior Reporting Period)**

	Male			Female			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	9	0	9	6	0	6	15
QLD	1	0	1	2	1	3	4
SA	1	0	1	2	0	2	3
TAS	0	0	0	1	0	1	1
VIC	8	1	9	21	4	25	34
WA	2	0	2	1	0	1	3
ACT	0	0	0	3	0	3	3
NT	0	0	0	0	0	0	0
<b>Total</b>	<b>21</b>	<b>1</b>	<b>22</b>	<b>36</b>	<b>5</b>	<b>41</b>	<b>63</b>

**Table C11: Ongoing employees by classification as at 30 June 2021**

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

**Table C12: Non-Ongoing employees by classification as at 30 June 2021**

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

**Table C13: Ongoing employees by classification as at 30 June 2020 (Prior Reporting Period)**

	Male			Female			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 1	2	0	2	1	0	1	3
EL 2	10	3	13	14	1	15	28
EL 1	10	0	10	14	7	21	31
APS 6	23	0	23	38	14	52	75
APS 5	17	1	18	35	1	36	54
APS 4	15	0	15	20	8	28	43
APS 3	0	0	0	1	0	1	1
APS 2	1	0	1	1	1	2	3
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>78</b>	<b>4</b>	<b>82</b>	<b>124</b>	<b>32</b>	<b>156</b>	<b>238</b>

**Table C14: Non-ongoing employees by classification as at 30 June 2020  
(Prior Reporting Period)**

	Male			Female			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 1	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0
EL 1	0	0	0	0	1	1	1
APS 6	1	0	1	1	0	1	2
APS 5	14	1	15	24	2	26	41
APS 4	6	0	6	11	2	13	19
APS 3	0	0	0	0	0	0	0
APS 2	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>21</b>	<b>1</b>	<b>22</b>	<b>36</b>	<b>5</b>	<b>41</b>	<b>63</b>

**Table C15: Employees by employment status as at 30 June 2021**

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

**Table C16: Employees by employment status as at 30 June 2020 (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	24	4	28	0	0	0	28
EL 1	24	7	31	0	1	1	32
APS 6	61	14	75	2	0	2	77
APS 5	52	2	54	38	3	41	95
APS 4	35	8	43	17	2	19	62
APS 3	1	0	1	0	0	0	1
APS 2	2	1	3	0	0	0	3
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>202</b>	<b>36</b>	<b>238</b>	<b>57</b>	<b>6</b>	<b>63</b>	<b>301</b>



**Table C17: Employment type by location as at 30 June 2021**

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

**Table C18: Employment type by location as at 30 June 2020 (Prior reporting period)**

	Ongoing	Non-ongoing	Total
NSW	35	15	50
QLD	17	4	21
SA	11	3	14
TAS	2	1	3
VIC	157	34	191
WA	9	3	12
ACT	4	3	7
NT	3	0	3
<b>Total</b>	<b>238</b>	<b>63</b>	<b>301</b>

**Table C19: APS Indigenous employment**

	30 June 2021	30 June 2020
Ongoing	1	1
Non-ongoing	0	1
<b>Total</b>	<b>1</b>	<b>2</b>

Table C20: 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	Long service leave	Other long term benefits			
Justice Iain Ross AO <sup>1</sup>	President	514,980	-	25,981	-	51,498	-	-	592,459	
Bernadette O'Neill <sup>2</sup>	General Manager	308,129	-	-	20,300	7,892	-	-	336,321	
Murray Furlong <sup>3</sup>	Acting General Manager	92,564	-	-	10,234	2,007	-	-	104,805	
<b>Total</b>		<b>915,673</b>	<b>-</b>	<b>25,981</b>	<b>30,534</b>	<b>61,397</b>			<b>1,033,585</b>	

1. The President is eligible for a pension under the Judges' Pension Scheme (JPS) pursuant to the *Judges' Pensions Act 1968*. The Fair Work Commission does not contribute towards the cost of the JPS, which is an unfunded defined benefit scheme recorded in the Department of Finance Financial Statements.
2. On the 6 April 2021, Bernadette O'Neill was appointed as a Member of the Commission and resigned as General Manager. The remuneration in the table above is to 5 April 2021.
3. The remuneration of the Acting General Manager is from 6 April 2021.

Table C21: Information about remuneration for senior executives

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits		Other long-term benefits		Termination benefits	Total remuneration
		Average base salary (\$)	Average bonuses (\$)	Average other benefits and allowances (\$)	Average superannuation contributions (\$)	Average long service leave (\$)	Average other long-term benefits (\$)	Average total remuneration (\$)		
\$0-\$220,000 <sup>1</sup>	1	65,329	-	-	7,706	1,446	-	-	74,481	
\$220,001-\$245,000 <sup>1</sup>	1	183,807	-	-	32,847	4,656	-	-	221,310	
\$245,001-\$270,000	1	229,341	-	-	26,130	5,487	-	-	260,958	
270,001-295,000	1	225,149	-	-	45,188	5,924	-	-	276,261	

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

Table C22: Other highly paid employees

Total remuneration bands	Number of senior executives	Short-term benefits			Average other benefits and allowances (\$)	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	1	220,311	-	-	19,892	5,406	-	-	245,609	

**Table C23: APS employment salary ranges by classification level, current reporting period (2020–21)**

	Minimum salary (\$)	Maximum salary (\$)
SES <sup>1</sup>	-	234,000
EL 2	125,653	147,054
EL 1	108,978	117,935
APS 6	85,606	98,473
APS 5	79,041	83,769
APS 4	70,900	76,942
APS 3	63,680	68,669
APS 2	56,589	61,974
APS 1	49,893	51,864

1. The General Manager determines the salaries of SES employees.

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

# Appendix D: Annual financial statements

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# Audited Financial Statements 2020-21

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## FINANCIAL STATEMENTS 2020 - 21

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**FAIR WORK COMMISSION**

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## INDEPENDENT AUDITOR'S REPORT

### To the Minister for Industrial Relations

#### Opinion

In my opinion, the financial statements of the Fair Work Commission (the Entity) for the year ended 30 June 2021:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements 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 2021 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 2021 and for the year then ended:

- Statement by the Accountable Authority and Chief Finance 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 a 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 Manger 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 – Reduced Disclosure Requirements and the rules made under the Act. The General Manger is also responsible for such internal control as the General Manger 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 Manger 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 Manger is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

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

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

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

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

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

Australian National Audit Office



Peter Kerr  
Executive Director  
Delegate of the Auditor-General

Canberra

7 September 2021

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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 2021 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  
Acting General Manager  
6 September 2021

Signed 

Jack Lambalk  
Chief Financial Officer  
6 September 2021

**Statement of Comprehensive Income***for the period ended 30 June 2021*

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits	1.1A	49,985	50,747	50,540
Suppliers	1.1B	20,881	18,864	21,156
Depreciation and amortisation	3.2A	15,910	17,172	17,441
Finance costs	1.1C	240	476	242
Write-down and impairment of other assets	1.1D	115	3,865	-
<b>Total expenses</b>		<b>87,131</b>	<b>91,124</b>	<b>89,379</b>
<b>Own-Source Income</b>				
<b>Own-source revenue</b>				
Revenue from contracts with customers	1.2A	357	426	200
Rental income	1.2B	1,843	1,841	1,800
Other revenue		57	173	56
<b>Total own-source revenue</b>		<b>2,257</b>	<b>2,440</b>	<b>2,056</b>
<b>Gains</b>				
Other gains	1.2C	-	332	-
<b>Total gains</b>		<b>-</b>	<b>332</b>	<b>-</b>
<b>Total own-source income</b>		<b>2,257</b>	<b>2,772</b>	<b>2,056</b>
<b>Net cost of services</b>		<b>(84,874)</b>	<b>(88,352)</b>	<b>(87,323)</b>
Revenue from Government	1.2D	82,128	76,896	80,347
<b>Deficit on continuing operations</b>		<b>(2,746)</b>	<b>(11,456)</b>	<b>(6,976)</b>
<b>OTHER COMPREHENSIVE INCOME</b>				
<b>Items not subject to subsequent reclassification to net cost of services</b>				
Changes in asset revaluation reserve	3.2A	-	1,328	-
<b>Total comprehensive loss</b>		<b>(2,746)</b>	<b>(10,128)</b>	<b>(6,976)</b>

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

### **Budget Variances Commentary**

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

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

### **Revenue from Government**

The variance against revenue from government was due to additional funding provided at the Mid-Year Economic and Fiscal Outlook.

### **Deficit on Continuing Operations**

The deficit on continuing operations was lower than budget, due to additional revenue from Government being provided at the Mid-Year Economic and Fiscal Outlook, and depreciation and amortisation for the year being lower than expected.

**Statement of Financial Position***as at 30 June 2021*

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and cash equivalents	3.1A	524	559	559
Trade and other receivables	3.1B	43,232	39,868	39,899
<b>Total financial assets</b>		<b>43,756</b>	<b>40,427</b>	<b>40,458</b>
<b>Non-financial assets<sup>1</sup></b>				
Leasehold improvements	3.2A	54,152	66,023	54,011
Plant and equipment	3.2A	2,895	2,012	1,869
Computer software	3.2A	1,959	1,087	1,037
Other non-financial assets	3.2B	1,323	1,523	1,523
<b>Total non-financial assets</b>		<b>60,329</b>	<b>70,645</b>	<b>58,440</b>
<b>Total assets</b>		<b>104,085</b>	<b>111,072</b>	<b>98,898</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	3.3A	1,120	1,346	1,346
Other payables	3.3B	902	796	796
<b>Total payables</b>		<b>2,022</b>	<b>2,142</b>	<b>2,142</b>
<b>Interest bearing liabilities</b>				
Leases	3.4A	47,659	54,765	47,148
<b>Total interest bearing liabilities</b>		<b>47,659</b>	<b>54,765</b>	<b>47,148</b>
<b>Provisions</b>				
Employee provisions	6.1A	15,651	15,154	15,185
<b>Total provisions</b>		<b>15,651</b>	<b>15,154</b>	<b>15,185</b>
<b>Total liabilities</b>		<b>65,332</b>	<b>72,061</b>	<b>64,475</b>
<b>Net assets</b>		<b>38,753</b>	<b>39,011</b>	<b>34,423</b>
<b>EQUITY</b>				
Contributed equity		52,337	49,849	52,237
Reserves		13,738	13,738	13,738
Accumulated deficit		(27,322)	(24,576)	(31,552)
<b>Total equity</b>		<b>38,753</b>	<b>39,011</b>	<b>34,423</b>

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

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



**Budget Variances Commentary**

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

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

**Trade and other receivables**

The variance against trade and other receivable is due to additional revenue from government provided at the Mid-Year Economic and Fiscal Outlook, and subsequently quarantined. Refer to Note 5.1A for further information.

**Plant and Equipment**

The variance against plant and equipment is due to increased investment in technology and hardware infrastructure to enhance operational efficiency.

**Computer Software**

The variance against computer software is the result of upgrades to the Case Management System and Website.

**Accumulated Deficit**

Refer to Statement of Comprehensive Income.

**Statement of Changes in Equity**  
for the period ended 30 June 2021

	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>CONTRIBUTED EQUITY</b>			
<b>Opening balance</b>	<b>49,849</b>	47,474	49,849
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental capital budget	2,488	2,375	2,388
<b>Total transactions with owners</b>	<b>2,488</b>	2,375	2,388
<b>Closing balance as at 30 June</b>	<b>52,337</b>	49,849	52,237
<b>ACCUMULATED DEFICIT</b>			
<b>Opening balance</b>	<b>(24,576)</b>	(21,472)	(24,576)
Adjustment on initial application of AASB 16	-	8,352	-
<b>Adjusted opening balance</b>	<b>(24,576)</b>	(13,120)	(24,576)
<b>Comprehensive income</b>			
Deficit for the period	(2,746)	(11,456)	(6,976)
<b>Total comprehensive income</b>	<b>(2,746)</b>	(11,456)	(6,976)
<b>Closing balance as at 30 June</b>	<b>(27,322)</b>	(24,576)	(31,552)
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>	<b>13,738</b>	12,410	13,738
<b>Comprehensive income</b>			
Other comprehensive income	-	1,328	-
<b>Total comprehensive income</b>	<b>13,738</b>	1,328	-
<b>Closing balance as at 30 June</b>	<b>13,738</b>	13,738	13,738

**Statement of Changes in Equity**  
for the period ended 30 June 2021

	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>	<b>39,011</b>	38,412	39,011
Adjustment on initial application of AASB 16	-	8,352	-
<b>Adjusted opening balance</b>	<b>39,011</b>	46,764	39,011
<b>Comprehensive income</b>			
Deficit for the period	<b>(2,746)</b>	(11,456)	(6,976)
Other comprehensive income	-	1,328	-
<b>Total comprehensive income</b>	<b>(2,746)</b>	(10,128)	(6,976)
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental capital budget	<b>2,488</b>	2,375	2,388
<b>Total transactions with owners</b>	<b>2,488</b>	2,375	2,388
<b>Closing balance as at 30 June</b>	<b>38,753</b>	39,011	34,423

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

**Accounting Policy**

*Equity Injections*

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

**Budget Variances Commentary**

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

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

**Deficit for the Period**

Refer to Statement of Comprehensive Income.

**Cash Flow Statement***for the period ended 30 June 2021*

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Appropriations		78,841	71,101	80,316
Sale of goods and rendering of services		2,282	2,425	2,000
Net GST received		3,092	2,371	-
<b>Total cash received</b>		<b>84,215</b>	<b>75,897</b>	<b>82,316</b>
<b>Cash used</b>				
Employees		(49,360)	(49,622)	(50,509)
Suppliers		(24,172)	(20,513)	(21,100)
Interest payments on lease liabilities		(240)	(476)	(242)
<b>Total cash used</b>		<b>(73,772)</b>	<b>(70,611)</b>	<b>(71,851)</b>
<b>Net cash from operating activities</b>		<b>10,443</b>	<b>5,286</b>	<b>10,465</b>
<b>INVESTING ACTIVITIES</b>				
<b>Cash used</b>				
Purchase of leasehold improvements		(210)	(196)	(848)
Purchase of property, plant and equipment		(1,146)	(503)	(1,252)
Purchase of computer software		(1,248)	(633)	(288)
<b>Total cash used</b>		<b>(2,604)</b>	<b>(1,332)</b>	<b>(2,388)</b>
<b>Net cash used by investing activities</b>		<b>(2,604)</b>	<b>(1,332)</b>	<b>(2,388)</b>
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Departmental capital budget		2,488	2,375	2,388
<b>Total cash received</b>		<b>2,488</b>	<b>2,375</b>	<b>2,388</b>
<b>Cash used</b>				
Principle payments of lease liabilities		(10,362)	(6,489)	(10,465)
<b>Total cash used</b>		<b>(10,362)</b>	<b>(6,489)</b>	<b>(10,465)</b>
<b>Net cash used by financing activities</b>		<b>(7,874)</b>	<b>(4,114)</b>	<b>(8,077)</b>
<b>Net decrease in cash held</b>		<b>(35)</b>	<b>(160)</b>	<b>-</b>
Cash and cash equivalents at the beginning of the reporting period		559	719	559
<b>Cash and cash equivalents at the end of the reporting period</b>	3.1A	<b>524</b>	<b>559</b>	<b>559</b>

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

### **Budget Variances Commentary**

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

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

#### **Operating Activities – Cash used – Suppliers**

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

#### **Investing Activities – Cash used – Purchase of Computer Software**

The variance against computer software is the result of upgrades to the Case Management System and Website.

**Administered Schedule of Comprehensive Income***for the period ended 30 June 2021*

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Application refunds paid	2.1A	531	477	500
<b>Total expenses</b>		<b>531</b>	<b>477</b>	<b>500</b>
<b>Income</b>				
<b>Revenue</b>				
<b>Non-taxation revenue</b>				
Application fees received	2.2A	1,325	1,141	1,078
<b>Total non-taxation revenue</b>		<b>1,325</b>	<b>1,141</b>	<b>1,078</b>
<b>Total revenue</b>		<b>1,325</b>	<b>1,141</b>	<b>1,078</b>
<b>Total income</b>		<b>1,325</b>	<b>1,141</b>	<b>1,078</b>
<b>Net contribution by services</b>		<b>794</b>	<b>664</b>	<b>578</b>
<b>Surplus</b>		<b>794</b>	<b>664</b>	<b>578</b>
<b>Total comprehensive income</b>		<b>794</b>	<b>664</b>	<b>578</b>

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

**Administered Schedule of Assets and Liabilities***as at 30 June 2021*

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>LIABILITIES</b>				
<b>Other liabilities</b>				
Application fees liabilities	4.2A	<u>(124)</u>	<u>(270)</u>	<u>(270)</u>
<b>Total other liabilities</b>		<u>(124)</u>	<u>(270)</u>	<u>(270)</u>
<b>Total liabilities administered on behalf of Government</b>		<u>(124)</u>	<u>(270)</u>	<u>(270)</u>
<b>Net assets/(liabilities)</b>		<u>(124)</u>	<u>(270)</u>	<u>(270)</u>

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

**Administered Reconciliation Schedule**  
for the period ended 30 June 2021

	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>Opening assets less liabilities as at 1 July</b>	<b>(270)</b>	-	(270)
Adjustment on initial application of AASB 15/AASB1058	-	(139)	-
<b>Adjusted opening assets less liabilities as at 1 July</b>	<b>(270)</b>	(139)	(270)
<b>Net (cost of)/contribution by services</b>			
Application fees income	<b>1,325</b>	1,141	1,078
Expenses			
Payments to entities other than corporate Commonwealth entities	<b>(531)</b>	(477)	(500)
Special appropriations (limited)			
Transfers from Official Public Accounts	<b>592</b>	603	500
Appropriation transfers to Official Public Account			
Transfers to OPA	<b>(1,240)</b>	(1,398)	1,078
<b>Closing assets less liabilities as at 30 June</b>	<b>(124)</b>	(270)	(270)

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

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

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



**Administered Cash Flow Statement***for the period ended 30 June 2021*

	2021 \$'000	2020 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Application fees received	1,240	1,398	1,078
<b>Total cash received</b>	<b>1,240</b>	<b>1,398</b>	<b>1,078</b>
<b>Cash used</b>			
Application refunds paid	(592)	(603)	(500)
<b>Total cash used</b>	<b>(592)</b>	<b>(603)</b>	<b>(500)</b>
<b>Net cash from operating activities</b>	<b>648</b>	<b>795</b>	<b>578</b>
<b>Cash from Official Public Account</b>			
Appropriations	592	603	500
<b>Total cash from official public account</b>	<b>592</b>	<b>603</b>	<b>500</b>
<b>Cash to Official Public Account</b>			
Appropriations	(1,240)	(1,398)	(1,078)
<b>Total cash to official public account</b>	<b>(1,240)</b>	<b>(1,398)</b>	<b>(1,078)</b>
<b>Cash and cash equivalents at the end of the reporting period</b>	<b>-</b>	<b>-</b>	<b>-</b>

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

**Budget Variances Commentary**

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

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

**Applications fees received/ Appropriations**

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

## Overview

### Objectives of the Fair Work Commission

The Fair Work Commission is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the Fair Work Commission is to deliver simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements and deal with disputes.

### The Basis of Preparation

The financial statements are general purpose financial statements and 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 – Reduced Disclosure Requirements issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

### New Accounting Standards

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

### Taxation

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

### Reporting of Administered activities

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

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

## Events after the Reporting Period

### Departmental

On 6 July 2021, in accordance with section 51 of the *Public Governance, Performance and Accountability Act 2013*, access to \$1.881m (\$1.781m operating and \$0.1m capital) of the 2020-21 Appropriation previously quarantined was permanently withheld.

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

### Administered

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

## Impact of the COVID-19 Pandemic

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

## Departmental Financial Performance

This section analyses the financial performance of Fair Work Commission for the year ended 2021.

### 1.1 Expenses

	2021 \$'000	2020 \$'000
<b>1.1A: Employee benefits</b>		
Wages and salaries	39,193	39,876
Superannuation:		
Defined contribution plans	4,540	4,567
Defined benefit plans	1,506	1,518
Leave and other entitlements	4,348	4,381
Separation and redundancies	224	201
Other employee expenses	174	204
<b>Total employee benefits</b>	<b>49,985</b>	<b>50,747</b>

#### Accounting Policy

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

### 1.1B: Suppliers

#### Goods and services supplied or rendered

Tribunal/member services	1,505	1,919
Information Communications Technology	4,396	4,027
Property expenses	3,424	3,554
Office expense	979	689
Contractors	9,430	7,832
Other	717	380
<b>Total goods and services supplied or rendered</b>	<b>20,451</b>	<b>18,401</b>

Goods supplied	912	809
Services rendered	19,539	17,592
<b>Total goods and services supplied or rendered</b>	<b>20,451</b>	<b>18,401</b>

#### Other suppliers

Workers compensation expenses	85	88
Short term leases	20	57
Variable lease payments	325	318
<b>Total other suppliers</b>	<b>430</b>	<b>463</b>
<b>Total suppliers</b>	<b>20,881</b>	<b>18,864</b>

The Fair Work Commission has short-term lease commitments of \$20,218 as at 30 June 2021.

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

#### Accounting Policy

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

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

	2021 \$'000	2020 \$'000
<b>1.1C: Finance costs</b>		
Interest on lease liabilities	240	476
<b>Total finance costs</b>	<b>240</b>	<b>476</b>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.2B, 1.2D, 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	29	3
Impairment on intangible assets	86	3,862
<b>Total write-down and impairment of other assets</b>	<b>115</b>	<b>3,865</b>

## 1.2 Own-Source Revenue and Gains

	2021 \$'000	2020 \$'000
<b>Own-Source Revenue</b>		
<b>1.2A: Revenue from contracts with customers</b>		
Sale of goods and rendering of services	357	426
<b>Total revenue from contracts with customers</b>	<b>357</b>	<b>426</b>
<b>Disaggregation of revenue from contracts with customers</b>		
Major product / service line:		
Hire of hearing rooms and video conferencing facilities	330	424
Other	27	2
	<b>357</b>	<b>426</b>
Type of customer:		
Commonwealth Governments	96	-
State and Territory Governments	234	424
Non-government entities	27	2
	<b>357</b>	<b>426</b>
Timing of transfer of goods and services:		
Point of time	357	426
	<b>357</b>	<b>426</b>

### Accounting Policy

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

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

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

### 1.2B: Rental Income

Operating lease		
Lease income	1,843	1,841
<b>Total rental income</b>	<b>1,843</b>	<b>1,841</b>

### Operating Leases

The Fair Work Commission in its capacity as lessor received rental income from subleasing part of the Sydney office during the 2020-21 financial year. The Fair Work Commission retains substantially all the risks and rewards incidental to ownership of the underlying asset.

	2021 \$'000	2020 \$'000
<b>Maturity analysis of operating lease income receivables:</b>		
Within 1 year	2,204	2,127
One to two years	-	2,204
<b>Total undiscounted lease payments receivable</b>	<b>2,204</b>	<b>4,331</b>

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

**Gains**

**1.2C: Other Gains**

Lease gain	-	243
Write back of make good	-	89
<b>Total other gains</b>	<b>-</b>	<b>332</b>

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

**Accounting Policy**

Lease gain

For a lease modification, the Fair Work Commission requires to allocate the consideration in the modified contract, determine the lease term of the modified lease and remeasure the lease liability by discounting the revised lease payments using a revised discount rate.

The revised discount rate is determined as the interest rate implicit in the lease for the remainder of the lease term, if that rate can be readily determined, or the lessee’s incremental borrowing rate at the effective date of the modification, if the interest rate implicit in the lease cannot be readily determined.

The Fair Work Commission accounts for the remeasurement of the lease liability by:

- a) decreasing the carrying amount of the right-of-use asset to reflect the partial or full termination of the lease for lease modifications that decrease the scope of the lease. The lessee shall recognise in profit or loss any gain or loss relating to the partial or full termination of the lease.
- b) making a corresponding adjustment to the right-of-use asset for all other lease modifications.

**1.2D: Revenue from Government**

Appropriations		
Departmental appropriations	82,128	76,896
<b>Total revenue from Government</b>	<b>82,128</b>	<b>76,896</b>

**Accounting Policy**

Revenue from Government

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

## Income and Expenses Administered on Behalf of the Government

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

### 2.1 Administered – Expenses

	2021 \$'000	2020 \$'000
<b>2.1A: Expenses</b>		
Refund of application fees	531	477
<b>Total expenses</b>	<b>531</b>	<b>477</b>

### 2.2 Administered – Income

	2021 \$'000	2020 \$'000
<b>Revenue</b>		
<b>Non-Taxation Revenue</b>		
<b>2.2A: Fees</b>		
Application fees received	1,325	1,141
<b>Total fees</b>	<b>1,325</b>	<b>1,141</b>

#### Accounting Policy

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

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



## Departmental Financial Position

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

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

### 3.1 Financial Assets

	2021	2020
	\$'000	\$'000

#### 3.1A: Cash and Cash Equivalents

Cash on hand or on deposit	524	559
<b>Total cash and cash equivalents</b>	<b>524</b>	<b>559</b>

#### Accounting Policy

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

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

#### 3.1B: Trade and Other Receivables

##### Goods and services receivables

Goods and services	4	59
<b>Total goods and services receivables</b>	<b>4</b>	<b>59</b>

##### Appropriations receivables

Appropriation receivable	42,841	39,554
<b>Total appropriations receivables</b>	<b>42,841</b>	<b>39,554</b>

##### Other receivables

GST receivable	387	255
<b>Total other receivables</b>	<b>387</b>	<b>255</b>
<b>Total trade and other receivables (gross)</b>	<b>43,232</b>	<b>39,868</b>

##### Less impairment loss allowance

	-	-
<b>Total trade and other receivables (net)</b>	<b>43,232</b>	<b>39,868</b>

Credit terms for goods and services were within 20 days (2020: 20 days).

#### Accounting Policy

##### Financial assets

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

### 3.2 Non-Financial Assets

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

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Computer software \$'000	Total \$'000
<b>As at 1 July 2020</b>				
Gross book value	77,827	2,012	4,788	84,627
Accumulated depreciation, amortisation and impairment	(11,804)	-	(3,701)	(15,505)
<b>Total as at 1 July 2020</b>	<b>66,023</b>	<b>2,012</b>	<b>1,087</b>	<b>69,122</b>
<b>Additions</b>				
Purchase	210	1,146	90	1,446
Internally developed	-	-	1,158	1,158
Right-of-use assets	3,079	286	-	3,365
Depreciation and amortisation	(3,366)	(486)	(290)	(4,142)
Depreciation on right-of-use assets	(11,734)	(34)	-	(11,768)
Impairments recognised in net cost of services	-	-	(86)	(86)
Other movement of right-of-use assets	(60)	-	-	(60)
Disposals	-	(29)	-	(29)
<b>Total as at 30 June 2021</b>	<b>54,152</b>	<b>2,895</b>	<b>1,959</b>	<b>59,006</b>
<b>Total as at 30 June 2021 represented by</b>				
Gross book value	81,056	3,407	5,208	89,671
Accumulated depreciation, amortisation and impairment	(26,904)	(512)	(3,249)	(30,665)
<b>Total as at 30 June 2021</b>	<b>54,152</b>	<b>2,895</b>	<b>1,959</b>	<b>59,006</b>
Carrying amount of right-of-use assets	41,562	253	-	41,815

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

The carrying amount of computer software included \$67,998 purchased software and \$1,890,612 internally generated software.

#### Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.4. On 30 June 2020, an independent valuer conducted the revaluations.

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

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

**Accounting Policy**

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

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

Asset Recognition Threshold

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

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

Lease Right of Use (ROU) Assets

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

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

Revaluations

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

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

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

Depreciation

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

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

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

	2021	2020
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 2021. 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 (2020: 3 to 10 years).

All software assets were assessed for indications of impairment as at 30 June 2021.

	2021 \$'000	2020 \$'000
<b>3.2B: Other Non-Financial Assets</b>		
Prepayments	1,110	1,167
Lease receivables	213	356
<b>Total other non-financial assets</b>	<b>1,323</b>	<b>1,523</b>

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

### 3.3 Payables

	2021 \$'000	2020 \$'000
<b>3.3A: Suppliers</b>		
Trade creditors and accruals	1,120	1,346
<b>Total suppliers</b>	<b>1,120</b>	<b>1,346</b>

Settlement terms for suppliers are 30 days. (2020: 30 days)

### 3.3B: Other payables

Salaries and wages	804	642
Superannuation	96	154
Other	2	-
<b>Total other payables</b>	<b>902</b>	<b>796</b>

### 3.4 Interest bearing Liabilities

	2021 \$'000	2020 \$'000
<b>3.4A: Leases</b>		
Lease Liabilities		
Property	46,985	54,246
Car parking	421	519
Plant and equipment	253	-
<b>Total leases</b>	<b>47,659</b>	<b>54,765</b>

Total cash outflow for leases for the year ended 30 June 2021 was \$10,601,734 (2020: \$6,964,449)

### Maturity analysis – contractual undiscounted cash flows

Within 1 year	11,936	10,345
Between 1 to 5 years	27,749	30,234
More than 5 years	8,535	14,978
<b>Total leases</b>	<b>48,220</b>	<b>55,557</b>

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

As at 30 June 2021, there were no administered financial assets that required disclosure (2020: nil).

### 4.2 Administered – Financial Liabilities

	2021 \$'000	2020 \$'000
<b>4.2A: Other liabilities:</b>		
Application fees liabilities	124	270
<b>Total other liabilities</b>	<b>124</b>	<b>270</b>

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

**Funding**

This section identifies the Fair Work Commission funding structure.

**5.1 Appropriations****5.1A: Annual Appropriations ('Recoverable GST exclusive')****Annual Appropriations for 2021**

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

1. An amount of \$1.881m (\$1.781m operating and \$0.1m capital) was quarantined during the 2020-21 financial year and formally reduced on the 6th of July 2021. (Refer Overview section Events after the Reporting Period). Because at balance date no formal reduction had been made, the full amount of the available appropriation including quarantined balances has been recognised.
2. PGPA Act Section 74 receipts.
3. The variance between total annual appropriation available and total appropriation applied in 2021 relates to unspent appropriations funded from current year appropriation items, or spending from both current year and prior year appropriation items.
4. Departmental Capital Budgets are appropriated through Appropriation Acts (Nos. 1, 3 & 5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

Annual Appropriations for 2020

	Annual Appropriation <sup>1</sup> \$'000	Adjustments to Appropriation <sup>2</sup> \$'000	Total Appropriation \$'000	Appropriation applied in 2020 (current and prior years) \$'000	Variance <sup>3</sup> \$'000
Departmental					
Ordinary annual services	76,896	2,267	79,163	72,703	6,460
Capital Budget <sup>4</sup>	2,375	-	2,375	1,333	1,042
<b>Total departmental</b>	<b>79,271</b>	<b>2,267</b>	<b>81,538</b>	<b>74,036</b>	<b>7,502</b>

1. Appropriations reduced under Appropriation Acts (Nos. 1, 3 & 5): sections 10, 11 and 12 and under Appropriation Acts (Nos. 2, 4 & 6): sections 12, 13 and 14. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament.
2. PGPA Act Section 74 receipts.
3. The variance between total annual appropriation available and total appropriation applied in 2020 relates to unspent appropriations funded from current year appropriation items.
4. Departmental Capital Budgets are appropriated through Appropriation Acts (Nos. 1, 3 & 5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.



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

	2021 \$'000	2020 \$'000
<b>Departmental</b>		
Appropriation Act (No.1) 2019-20	-	7,620
Supply Act (No.1) 2019-20	-	30,460
Appropriation Act (No.1) – Capital Budget 2019-20	-	1,043
Supply Act (No.1) – Capital Budget 2019-20	-	990
Supply Act (No.1) 2020-21	<b>39,667</b>	-
Appropriation Act (No.3) 2020-21*	<b>1,781</b>	-
Appropriation Act (No.1) – Capital Budget 2020-21	<b>424</b>	-
Supply Act (No.1) – Capital Budget 2020-21	<b>1,393</b>	-
Appropriation Act (No.3) – Capital Budget 2020-21*	<b>100</b>	-
<b>Total departmental</b>	<b>43,365</b>	<b>40,113</b>

Notes:

\* An amount of \$1.881m (\$1.781m operating and \$0.1m capital) was quarantined during the 2020-21 financial year and formally reduced on the 6<sup>th</sup> of July 2021. (Refer Overview section Events after the Reporting Period). Because at balance date no formal reduction had been made, the full amount of the available appropriation including quarantined balances has been recognised.

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

<b>Authority</b>	<b>Appropriation applied</b>	
	2021 \$'000	2020 \$'000
<i>Public Governance, Performance and Accountability Act 2013 s.77, Administered</i>	<b>(592)</b>	<b>(603)</b>
<b>Total special appropriations applied</b>	<b>(592)</b>	<b>(603)</b>

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

	<b>Department of Finance – to make payment to beneficiaries under the Judges Pension Scheme 2021 \$'000</b>
<b>2021</b>	
<b>Total Receipts</b>	<b>7,431</b>
<b>Total Payments</b>	<b>(7,431)</b>
<b>Department of Finance – to make payment to beneficiaries under the Judges Pension Scheme 2020 \$'000</b>	
<b>2020</b>	
Total Receipts	7,461
Total Payments	(7,461)

## 5.2 Net Cash Appropriation Arrangements

	2021 \$'000	2020 \$'000
<b>Total comprehensive income/(loss) – as per the Statement of Comprehensive Income</b>	<b>(2,746)</b>	<b>(11,456)</b>
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injection) <sup>1</sup>	<b>4,142</b>	5,368
<i>Plus:</i> depreciation right-of-use assets <sup>2</sup>	<b>11,768</b>	11,804
<i>Less:</i> lease principal repayments <sup>2</sup>	<b>(10,362)</b>	<b>(6,489)</b>
<b>Net Cash Operating Surplus/(Deficit)<sup>3</sup></b>	<b>2,802</b>	<b>(773)</b>

### Notes:

- 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 injections. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.
- 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.
- The Net Cash Operating Surplus includes an amount of \$1.781m which was received during the 2020-21 financial year and formally reduced on the 6<sup>th</sup> of July 2021. (Refer Overview section Events after the Reporting Period).

## 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

	2021 \$'000	2020 \$'000
<b>6.1A: Employee Provisions</b>		
Leave	15,606	15,076
Separations and redundancies	45	78
<b>Total employee provisions</b>	<b>15,651</b>	<b>15,154</b>

### 6.1B: Administered – Employee Provisions

As at 30 June 2021, there were no administered employee provisions (2020: nil).

#### Accounting Policy

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

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

#### *Leave*

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

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

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

#### *Separation and Redundancy*

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

#### *Superannuation*

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

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

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

The liability for superannuation recognised as at 30 June 2021 represents outstanding contributions for the final fortnight of the year.

#### Judge's Pension

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

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

## 6.2 Key Management Personnel Remuneration

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

	2021 \$'000	2020 \$'000
Short-term employee benefits	942	927
Post-employment benefits	31	25
Other long-term employee benefits	61	62
<b>Total key management personnel remuneration expenses<sup>1,2</sup></b>	<b>1,034</b>	<b>1,013</b>

The total numbers of key management personnel that are included in the above table are 3 (2020: 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 entity.
2. On the 6th of April 2021, the General Manager – Bernadette O'Neill was appointed as a member of the Commission. The remuneration of the Acting General Manager is disclosed in the table above from this date.

## 6.3 Related Party Disclosures

### Related party relationships:

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

### Transactions with related parties:

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

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed (2020: 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 2021, there were no quantifiable contingent liabilities or assets requiring disclosure (2020: nil).

#### **Unquantifiable Contingencies**

As at 30 June 2021, there were no unquantifiable contingent liabilities or assets requiring disclosure (2020: nil).

#### **Quantifiable Administered Contingencies**

As at 30 June 2021, there were no quantifiable contingent liabilities or assets requiring disclosure (2020: nil).

#### **Unquantifiable Administered Contingencies**

As at 30 June 2021, there were no unquantifiable contingent liabilities or assets requiring disclosure (2020: nil).

#### **Accounting Policy**

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

## 7.2: Financial Instruments

	2021 \$'000	2020 \$'000
<b>7.2A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Financial Assets at amortised cost</b>		
Cash and cash equivalents	524	559
Trade and other receivables	4	59
<b>Total financial assets at amortised cost</b>	<b>528</b>	<b>618</b>
<b>Total financial assets</b>	<b>528</b>	<b>618</b>
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Trade creditors and accruals	1,120	1,346
<b>Total financial liabilities measured at amortised cost</b>	<b>1,120</b>	<b>1,346</b>
<b>Total financial liabilities</b>	<b>1,120</b>	<b>1,346</b>

### Accounting Policy

#### Financial assets

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

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

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

#### Financial Assets at Amortised Cost

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

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

Amortised cost is determined using the effective interest method.

#### Effective Interest Method

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

#### Impairment of Financial Assets

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

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

#### Financial liabilities

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

#### Financial Liabilities at Amortised Cost

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

### 7.3: Administered – Financial Instruments

As at 30 June 2021, there were no administered financial instruments that required disclosure (2020: nil).

### 7.4 Fair Value Measurement

#### Accounting Policy

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

#### 7.4A: Fair Value Measurement

	Fair value measurements at the end of the reporting period	
	2021	2020
	\$'000	\$'000
<b>Non-financial assets<sup>2</sup></b>		
Plant and Equipment <sup>1</sup>	2,498	2,012
Leasehold Improvements <sup>1</sup>	12,582	15,745
<b>Total Non-financial assets</b>	<b>15,080</b>	<b>17,757</b>

1. No non-financial assets were measured at fair value on a non-recurring basis as at 30 June 2021 (2020: nil).
2. 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 non-financial assets is considered their highest and best use.

### 7.5 Administered - Fair Value Measurement

2021	2020
\$'000	\$'000

As at 30 June 2021, there was no administered fair value measurement that required disclosure (2020: nil).



## Other Information

### 8.1: Current/non-current distinction for assets and liabilities

#### 8.1A: Current/non-current distinction for assets and liabilities

	2021 \$'000	2020 \$'000
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	524	559
Trade and other receivables	43,232	39,868
Other non-financial assets	1,323	1,310
<b>Total no more than 12 months</b>	<b>45,079</b>	<b>41,737</b>
<b>More than 12 months</b>		
Leasehold improvements	54,152	66,023
Plant and equipment	2,895	2,012
Computer software	1,959	1,087
Other non-financial assets	-	213
<b>Total more than 12 months</b>	<b>59,006</b>	<b>69,335</b>
<b>Total assets</b>	<b>104,085</b>	<b>111,072</b>
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Suppliers	1,120	1,346
Other payables	902	796
Leases	11,758	10,107
Employee provisions	4,675	4,623
<b>Total no more than 12 months</b>	<b>18,455</b>	<b>16,872</b>
<b>More than 12 months</b>		
Leases	35,901	44,658
Employee provisions	10,976	10,531
<b>Total more than 12 months</b>	<b>46,877</b>	<b>55,189</b>
<b>Total liabilities</b>	<b>65,332</b>	<b>72,061</b>

#### 8.1B: Administered – current/non-current distinction for assets and liabilities

	2021 \$'000	2020 \$'000
<b>Liabilities expected to be settled in:</b>		
No more than 12 months	124	270
<b>Total liabilities</b>	<b>124</b>	<b>270</b>

# Appendix E: Entity resources

Table E1: Fair Work Commission resource statement 2020–21

	Actual available appropriation for 2020–21 <sup>3</sup> \$'000	Payments made 2020–21 \$'000	Balance remaining 2020–21 \$'000
	(a)	(b)	(a) – (b)
<b>Departmental<sup>1</sup></b>			
Annual appropriation - ordinary annual services <sup>2</sup>	124,694	81,329	43,365
Total departmental annual appropriations	124,694	81,329	43,365
Total departmental resourcing	124,694	81,329	43,365
<b>Total resourcing and payments for Fair Work Commission</b>	<b>124,694</b>	<b>81,329</b>	<b>43,365</b>

1. *Appropriation Act (No. 1) 2020-21, Appropriation Act (No. 3) 2020-21 and Supply Act (No. 1) 2020-21.*  
This may also include prior-year departmental appropriation and section 74 external revenue.
2. Includes an amount of \$2.488 million in 2020–21 for the departmental capital budget.  
For accounting purposes, this amount has been designated as a 'contribution by owner'.
3. Actual available appropriation for 2020–21 includes an amount of \$1.881 million which was received during the 2020–21 financial year and formally reduced on the 6 July 2021.

**Table E2: Fair Work Commission expenses by outcomes 2020-21**

<b>Expenses for Outcome <sup>1</sup></b>			
<b>Outcome 1:</b> Simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements and deal with disputes.	<b>Budget 2020-21 \$'000</b>	<b>Actual expenses<sup>1</sup> 2020-21 \$'000</b>	<b>Variation 2020-21 \$'000</b>
	(a)	(b)	(a) - (b)
<b>Program 1.1:</b> Dispute resolution, minimum wage setting, orders and approval of agreements			
Departmental expenses:			
Departmental appropriation <sup>2&amp;3</sup>	82,347	81,526	821
Expenses not requiring appropriation in the budget year <sup>3</sup>	17,497	15,967	1,530
<b>Total expenses for Program 1.1</b>	<b>99,844</b>	<b>97,493</b>	<b>2,351</b>
Outcome 1 totals by appropriation type			
Departmental expenses:			
Departmental appropriation <sup>2&amp;#</sup>	82,347	81,526	821
Expenses not requiring appropriation in the budget year <sup>3</sup>	17,497	15,967	1,530
Departmental total	99,844	97,493	2,351
<b>Total expenses for Outcome<sup>1</sup></b>	<b>99,844</b>	<b>97,493</b>	<b>2,351</b>
	<b>2020-21</b>	<b>2020-21</b>	<b>Variation 2020-21</b>
Average staffing level (number)	321	314	7

**Full-year budget, including any subsequent adjustment made to the 2020-21 budget at Additional Estimates.**

1. Expenses in this table are reported on an accrual basis.
2. 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.
3. Expenses not requiring appropriation in the Budget year are made up of depreciation and amortisation expenses, and free of charges such as audit fees.
4. Departmental appropriation principle payment of lease liabilities.

# Appendix F: Other mandatory information

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## Work health and safety

The Commission has work health and safety management arrangements consistent with the *Work Health and Safety Act 2011* (WHS Act).

The arrangements set out a statement of commitment, a workplace health and safety policy, consultation arrangements, agreed employer and employee responsibilities, and work health and safety structures and arrangements. They also set out guidelines for workplace inspections, training and information, and emergency procedures.

The Commission supports employees' wellbeing by providing access to free, confidential counselling services, and influenza vaccinations. A focus during the year was on the psychological wellbeing of Members and staff during the COVID-19 pandemic when many of the Commission's staff worked from home. Specific training sessions conducted during the year included training for staff in managing challenging interactions and a program of sessions on workplace mental health.

In August 2020 the Australian Human Rights Commission (AHRC), Comcare and Fair Work Commission commenced a collaboration project relating to Work Health and Safety. The aim of the project is to equip organisations characterised by high power imbalances with the tools and support to provide positive workplace cultures and harassment-free workplaces. The Commission is determined to ensure our workplace is as free from inappropriate behaviours such as bullying and sexual harassment as possible, and that it reflect best practice when performing its functions.

## Work health and safety incident reporting

Under s.38 of the *WHS 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 two notifiable incidents reported to Comcare during 2020–21.

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 *WHS Act 2011*. There were no investigations conducted or notices received during 2020–21.

## Advertising and market research

The Commission is required to disclose payments to advertising agencies and to market research, polling, direct mail and media advertising organisations. Payments of \$14,000 or less (including GST) are excluded, consistent with s.311A of the *Commonwealth Electoral Act 1918*. The Commission did not make any payments above the threshold in 2020–21.

## Ecologically sustainable development and environmental performance

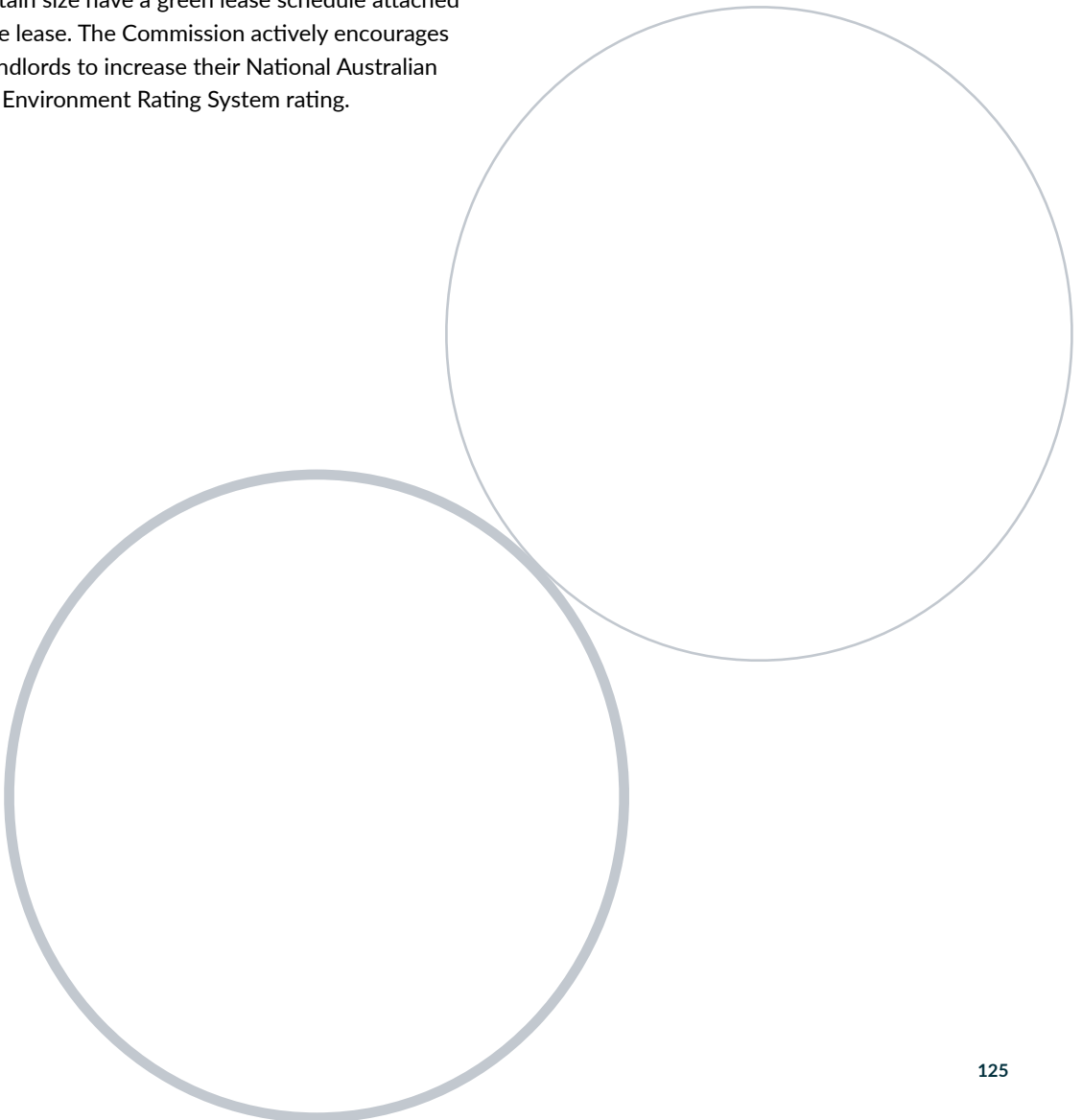
Australian Government agencies are required to report on their performance regarding the environment and ecologically sustainable development under s.516A of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Commission does not develop or administer

legislation or policy relating to the environment but takes steps to ensure that it utilises energy resources as efficiently as practicable and maintains a healthy working environment for members of staff and the public.

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

The Commission ensures that new leases over a certain size have a green lease schedule attached to the lease. The Commission actively encourages its landlords to increase their National Australian Built Environment Rating System rating.



# Appendix G: List of requirements

PGPA rule reference	Part of report	Description	Requirement	Page
<b>17AD(g)</b>	<b>Letter of transmittal</b>			
17AI		A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report	Mandatory	4
<b>17AD(h)</b>	<b>Aids to access</b>			
17AJ(a)		Table of contents	Mandatory	6
17AJ(b)		Alphabetical index	Mandatory	138
17AJ(c)		Glossary of abbreviations and acronyms	Mandatory	134-137
17AJ(d)		List of requirements	Mandatory	126-133
17AJ(e)		Details of contact officer	Mandatory	2
17AJ(f)		Entity's website address	Mandatory	2
17AJ(g)		Electronic address of report	Mandatory	2
<b>17AD(a)</b>	<b>Review by accountable authority</b>			
17AD(a)		A review by the accountable authority of the entity	Mandatory	11-12
<b>17AD(b)</b>	<b>Overview of the entity</b>			
17AE(1)(a)(i)		A description of the role and functions of the entity	Mandatory	13
17AE(1)(a)(ii)		A description of the organisational structure of the entity	Mandatory	14
17AE(1)(a)(iii)		A description of the outcomes and programmes administered by the entity	Mandatory	29
17AE(1)(a)(iv)		A description of the purposes of the entity as included in corporate plan	Mandatory	30-36

PGPA rule reference	Part of report	Description	Requirement	Page
17AE(1)(aa)(i)		Name of the accountable authority or each member of the accountable authority	Mandatory	29
17AE(1)(aa)(ii)		Position title of the accountable authority or each member of the accountable authority	Mandatory	29
17AE(1)(aa)(iii)		Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	29
17AE(1)(b)		An outline of the structure of the portfolio of the entity	Portfolio departments – mandatory	29
17AE(2)		Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change	If applicable, mandatory	N/A
<b>17AD(c)</b>	<b>Report on the performance of the entity</b>			
	<b>Annual performance statements</b>			
17AD(c)(i); 16F		Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule	Mandatory	26-36
<b>17AD(c)(ii)</b>	<b>Report on financial performance</b>			
17AF(1)(a)		A discussion and analysis of the entity's financial performance	Mandatory	46-48
17AF(1)(b)		A table summarising the total resources and total payments of the entity	Mandatory	122-123

PGPA rule reference	Part of report	Description	Requirement	Page
17AF(2)		<p>If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including:</p> <ul style="list-style-type: none"> <li>• the cause of any operating loss of the entity;</li> <li>• how the entity has responded to the loss and the actions that have been taken in relation to the loss;</li> <li>• 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.</li> </ul>	If applicable, mandatory	N/A
<b>17AD(d)</b>	<b>Management and accountability</b>			
	<b>Corporate governance</b>			
17AG(2)(a)		Information on compliance with section 10 (fraud systems)	Mandatory	38-40
17AG(2)(b)(i)		A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared	Mandatory	39
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	39
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	39
17AG(2)(c)		An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance	Mandatory	38-40
17AG(2)(d) - (e)		A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to noncompliance with Finance law and action taken to remedy noncompliance	If applicable, mandatory	N/A



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

PGPA rule reference	Part of report	Description	Requirement	Page
17AG(4)(aa)		Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees (b) statistics on part-time employees (c) statistics on gender (d) statistics on staff location	Mandatory	64-78
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"> <li>• Statistics on staffing classification level</li> <li>• Statistics on full-time employees</li> <li>• Statistics on part-time employees</li> <li>• Statistics on gender</li> <li>• Statistics on staff location</li> <li>• Statistics on employees who identify as Indigenous</li> </ul>	Mandatory	64-78
17AG(4)(c)		Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i>	Mandatory	44-45
17AG(4)(c)(i)		Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c)	Mandatory	44-45
17AG(4)(c)(ii)		The salary ranges available for APS employees by classification level	Mandatory	78
17AG(4)(c)(iii)		A description of non-salary benefits provided to employees	Mandatory	44
17AG(4)(d)(i)		Information on the number of employees at each classification level who received performance pay	If applicable, mandatory	N/A
17AG(4)(d)(ii)		Information on aggregate amounts of performance pay at each classification level	If applicable, mandatory	N/A

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

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

PGPA rule reference	Part of report	Description	Requirement	Page
<b>Financial statement</b>				
17AD(e)		Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act	Mandatory	79-121
<b>Executive remuneration</b>				
17AD(da)		Information about executive remuneration in accordance with Subdivision C of Division A of Part 23 of the Rule	Mandatory	75-78
<b>17AD(f) Other mandatory information</b>				
17AH(1)(a)(i)		If the entity conducted advertising campaigns, a statement that 'During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website.'	If applicable, mandatory	N/A
17AH(1)(a)(ii)		If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, mandatory	49
17AH(1)(b)		A statement that 'Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]'	If applicable, mandatory	49
17AH(1)(c)		Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory	49
17AH(1)(d)		Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found	Mandatory	49
17AH(1)(e)		Correction of material errors in previous annual report	If applicable, mandatory	49
17AH(2)		Information required by other legislation	Mandatory	124-125

# Glossary

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

<b>Fair Work Act 2009</b>	The principal Commonwealth law governing Australia's workplace relations system.
<b>Fair Work Commission Rules</b>	A legislative instrument made under the Fair Work Act setting out rules and procedural requirements for matters heard by the Commission.
<b>Fair Work (Registered Organisations) Act 2009</b>	Legislation regulating federally registered unions and employer organisations, including their registration and rules.
<b>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</b>	The legislation that governs transitional arrangements in connection with commencement of the Fair Work Act on 1 July 2009 and other related matters.
<b>Full Bench</b>	A Full Bench is convened by the President of the Commission and comprises at least three Commission Members, one of whom must be either the President, a Vice President or a Deputy President. Full Benches are convened to hear appeals and other matters specified in the Fair Work Act.
<b>General protections</b>	General workplace protections are specified in the Fair Work Act and include freedom of association; protection from discrimination and sham contracting; and the ability to exercise, or to not exercise, workplace rights.
<b>Individual flexibility arrangement</b>	An agreement between an employer and an individual employee that modifies the application of a modern award or enterprise agreement. The individual flexibility arrangement must satisfy the better off overall test. There is no requirement to register an individual flexibility arrangement.
<b>Key performance indicator</b>	A type of performance measurement (based on qualitative or quantitative data) used in assessing the efficiency or effectiveness of activities in achieving purposes.
<b>Mediation</b>	One of the informal processes used by the Commission to facilitate the resolution of a grievance or a dispute between parties by helping them to reach an agreement. Conciliation is another informal technique used.
<b>Modern award</b>	An award created by the Commission. Modern awards came into effect on 1 January 2010. Modern awards are expressed to cover entire industries and/or occupations, and include terms that complement the National Employment Standards. The Commission must ensure that, together with the standards, modern awards provide a fair and relevant minimum safety net.
<b>National Employment Standards</b>	A set of 11 minimum employment standards that came into effect on 1 January 2010 and apply to all employees within the federal system. An additional standard was added on 27 March 2021.

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



# Acronyms and abbreviations

<b>ALERA</b>	Australian Labour and Employment Relations Association
<b>APS</b>	Australian Public Service
<b>Commission</b>	Fair Work Commission
<b>Fair Work Act (FWA)</b>	<i>Fair Work Act 2009</i>
<b>FOI Act</b>	<i>Freedom of Information Act 1982</i>
<b>FWC</b>	Fair Work Commission
<b>GST</b>	Goods and services tax
<b>ILO</b>	International Labour Organization
<b>IPS</b>	Information Publication Scheme
<b>IR</b>	Industrial Relations
<b>IRS</b>	Industrial Relations Society
<b>KPI</b>	Key performance indicator
<b>NES</b>	National Employment Standards
<b>PBS</b>	Portfolio Budget Statements
<b>PGPA Act</b>	<i>Public Governance, Performance and Accountability Act 2013</i>
<b>Public Service Act</b>	<i>Public Service Act 1999</i>
<b>Registered Organisations Act (ROA)</b>	<i>Fair Work (Registered Organisations) Act 2009</i>
<b>SES</b>	Senior Executive Service
<b>SME</b>	Small and medium enterprise
<b>UNSW</b>	University of New South Wales
<b>WHS Act</b>	<i>Work Health and Safety Act 2011</i>

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*Even successful institutions have a tendency to decline unless they continue to innovate and adapt to changes in their environment.*

Justice Iain Ross AO

President

# Contact us

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## Online

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

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

## Telephone

You can contact us by telephone between 9am and 5pm, Monday to Friday, on **1300 799 675**.

If you need an interpreter, call the Translating and Interpreter Service on **131 450**.

If you are deaf, or have a hearing or speech impairment, call the National Relay Service on **133 677**.

For more information visit [www.relayservice.gov.au](http://www.relayservice.gov.au).

## Offices

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**Annual Report**

**2020-21**



Fair Work  
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