



Law Council
OF AUSTRALIA

20 December 2018

The Hon Justice Iain Ross AO
President
Fair Work Commission
PO Box 1994
MELBOURNE VIC 3001

By email: MSTProjects@fwc.gov.au

Dear Justice Ross

Proposed amendments to the Fair Work Commission Rules 2013

1. The Law Council is grateful for the opportunity to formally comment on the proposed changes to the Fair Work Commission Rules 2013 (**the Rules**).
2. The Law Council strongly supports the proposed amendments to rules 11 and 12 as set out in Item 1 of Schedule 1 to the draft *Fair Work Commission Amendment (Entry Permits and Other Measures) Rules 2018*.
3. As you are aware, the Law Council considers that section 596 of the *Fair Work Act 2009* (Cth) can create significant access to justice issues and can be burdensome and time-consuming to administer.
4. The Law Council appreciates that the proposed amendments to rules 11 and 12 are the product of careful consideration by the Fair Work Commission's (**the Commission's**) Benchbook and Rules Committee, which is made up of various representatives of users of the Commission, including a representative nominated by the Law Council.
5. The Law Council appreciates that the new rules will reduce complexity and simplify the process for seeking the permission of the Commission to appear, as well as clarify the circumstances in which permission is required.
6. The Law Council does not wish to comment on the other proposed changes.
7. Should you wish to discuss, please contact Mr Ingmar Taylor SC, Chair of the Industrial Law Committee of the Law Council's Federal Litigation and Dispute Resolution Section on 02 9151 2927 or at ingmar.taylor@greenway.com.au, in the first instance.

Yours sincerely

Margery Nicoll
Deputy Chief Executive Officer