



THE LAW SOCIETY  
OF NEW SOUTH WALES

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7 February 2013

Fair Work Commission  
Level 8, Terrace Tower  
80 William Street  
SYDNEY NSW 2000

Email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Sir/Madam

**Draft Fair Work Commission Rules 2013**

I am writing on behalf of the Law Society's Employment Law Committee (Committee), regarding the *Draft Fair Work Commission Rules 2013* (Draft Rules) which have been released by the Fair Work Commission for comment. The Committee welcomes the opportunity to comment on the Draft Rules and is grateful to have received an extension of time within which to do so.

The Committee largely supports the changes made to the Draft Rules, with the exception of the proposed deletion of Rule 14 which allows an application for an unfair dismissal remedy to be made by telephone. In the Committee's view, the removal of this avenue of lodgement may have a disproportionately adverse impact on applicants who do not have ready access to email or fax machine facilities and are unable to attend a Fair Work Commission Registry. The effect on applicants in regional and remote areas (including, for example, in indigenous communities), or in disadvantaged circumstances is of particular concern. In the absence of the ability to lodge an application by telephone, prospective applicants in these circumstances would be precluded from filing an application at short notice in order to meet the limitation period. It is unclear to the Committee how removing an avenue for lodgement of applications achieves the objective of improving the Tribunal's processes.

The Committee welcomes the changes made to the layout and content of several of the revised Forms, such as the inclusion of the "tick box" list in Form F8. In the Committee's view this will enhance the utility of the Form and resulting management of the Conciliation process for all participants in the dispute. The Committee agrees there is value in assisting applicants to identify exactly what section of the *Fair Work Act 2009* (Cth) is claimed to have been contravened, and that this in turn will enable respondents to better understand the nature of the claim being made against them.

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If you have any questions in respect of this letter, please contact Gabrielle Lea, Policy Lawyer, Employment Law Committee (02) 9926 0375 or [gabrielle.lea@lawsociety.com.au](mailto:gabrielle.lea@lawsociety.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Dobson', with a horizontal line underneath the name.

John Dobson  
**President**