

## Fair Work Ombudsman Advisory Group – Terms of Reference

### Terms of operation

1. The Fair Work Ombudsman Advisory Group (**Advisory Group**) is a collaborative forum convened by the Fair Work Ombudsman (**FWO**) that will operate until at least 31 December 2026.
2. This term may be extended by agreement of the Advisory Group, taking into consideration any reviews or evaluation of the group's role.

### Purpose and role

3. The activities and outcomes of the Advisory Group aim to increase harmonious, productive, cooperative and compliant workplace relations in workplaces across Australia.
4. The FWO is an impartial and independent regulator. Accordingly, the Advisory Group is advisory only and not a decision-making body of the FWO.
5. The Advisory Group is the FWO's core consultative and collaborative mechanism for workplace relations matters of strategic importance to the FWO. Its role is to:
  - provide advice and information relevant to our work assisting the regulated community.
  - allow ongoing dialogue with key stakeholders and for them to provide advice and feedback to the FWO on particular workplace relations issues.
  - leverage members' collective expertise, knowledge and awareness of emerging trends in workplace relations to support the identification of strategic opportunities and initiatives to take on responsibility (either separately or together) that drive a culture of workplace compliance in Australia.

### Membership

6. The Advisory Group will comprise of:
  - a Chair, the Fair Work Ombudsman.
  - two representative members each from the:
    - Australian Chamber of Commerce and Industry (ACCI);
    - Australian Industry Group (Ai Group);
    - Business Council of Australia (BCA); and
    - Council of Small Business Organisations of Australia (COSBOA).
  - eight representative members from the Australian Council of Trade Unions (ACTU).
  - two senior representative members from the FWO.
7. The FWO will ask other FWO representatives to attend meetings as required.
8. The five member organisations represent the key industrial relations institutions and the broad interests of workers and business.
9. Member organisations are appointed by the Chair. Members may be reviewed and updated by the Chair in consultation with members. Members may opt out of the group by informing the Chair in writing.

### Responsibilities

#### Chair

10. With the support of the Secretariat, the Chair will lead meetings and guide the Advisory Group in a way that:
- promotes full participation by all members.
  - fosters collaboration.
  - focuses the discussion and deliberations of members on strategic issues and outcomes.
  - facilitates evidence-based and informed decision-making.
  - ensures clarity of decisions taken.
  - clearly articulates next steps and action items arising out of any discussions.
11. If the Chair cannot attend a meeting, the FWO may appoint a FWO representative as a proxy to Chair.

#### Members

12. Members are expected to:
- attend Advisory Group meetings (or arrange a suitable proxy with the approval of the Chair).
  - actively participate in discussions and activities, demonstrating a willingness to contribute to joint discussions and problem solving.
  - foster collaboration whilst demonstrating mutual respect and trust amongst members.
  - approach discussions with a constructive, interest-based approach which recognises competing or different interests.
  - share / provide relevant information, data and insights that inform the group's understanding of issues being discussed (with appropriate safeguards in place, where required).
  - provide insights and strategic, workable solutions to systemic workplace relations issues.
  - advocate and promote workplace relations compliance, including through the provision of information, supports and assistance to workplace participants.
  - disclose any conflicts of interest in relation to their role on the Advisory Group to the Chair.
  - maintain confidentiality.

### Operations

#### Meetings

13. The Advisory Group will generally meet for two hours, three to four times per year, unless otherwise agreed. This will include at least one in person meeting per year with the remainder to be conducted virtually via Microsoft Teams.
14. Representatives are encouraged to attend in person meetings. Videoconferencing will be made available for those who cannot do so. Where a representative member is unable to attend a meeting, efforts to send a suitable proxy, where feasible, should be made with the approval of the Chair and with notification to the Secretariat.
15. The Advisory Group and its Chair will be supported by a secretariat from the FWO.

16. A meeting agenda and papers will be circulated by the Secretariat via email one week prior to each meeting. Advisory Group members may submit agenda items to the Secretariat, providing enough notice and time to circulate any associated papers to members.
17. High-level outcomes and action items will be circulated to members following each Advisory Group meeting by the Secretariat. There will be no public communique or joint messaging.
18. Representatives from within the FWO, other government agencies or stakeholders may be invited by the Chair to address the Advisory Group and/or attend meetings. Members may also make suggestions to the Chair.

### **Confidentiality and disclosure**

19. To achieve the objectives of, and best fulfil the functions of, the Advisory Group, members agree to maintain strict confidentiality regarding the discussions and sensitive information shared during meetings.
20. A member may seek the approval of Advisory Group members to share non-sensitive information beyond the Advisory Group on the basis that disclosure supports these Terms of Reference and contributes to the broader objectives of the Advisory Group.

### **Co-opting of expertise**

21. The Advisory Group may co-opt expertise or assistance with the approval of the Chair.

### **Research**

22. An independent research team from The University of Sydney Business School will invite member representatives to take part in interviews, which members can agree to participate in at their discretion. The aim of the research is to identify the advantages and challenges of tripartite compliance activities, for the benefit of the FWO and equivalent state agencies, workers, and businesses.

### **Recommendations**

23. Recommendations may be sought by the Chair within the scope of the Advisory Group's role and expertise. The Chair will notify the Advisory Group of the parameters and scope of any recommendation(s) being sought and how it/they will be considered and by who.

### **Expenses**

24. Expenses related to Advisory Group membership are to be borne by members. This includes expenses relating to travel and accommodation to attend Advisory Group meetings.

### **Reporting**

25. Following each meeting, the Chair will report on the high-level outcomes of the Advisory Group to the FWO's Corporate Board.

### **Review**

26. A review of the operation of the Advisory Group will commence in June 2026. A decision on the extension or termination of the Group will be made by 30 October 2026.

## **Sub-committees and Interaction with Reference Groups / Consultations**

### **Sub-committees**

27. Sub-committees of the Advisory Group may be established where there is a need for deeper consideration of particular matters.
28. Sub-committees will be established at the discretion of the FWO and members of the Advisory Group will be invited to nominate suitable representatives.
29. Secretariat support for any sub-committees will be provided by the FWO.
30. The Advisory Group will receive updates on the activities of any sub-committees.

### **FWO Reference Groups**

31. As appropriate, Advisory Group members will be kept informed of:
  - the FWO's sector reference groups focused on the FWO's priority areas; and
  - opportunities to inform or collaborate on activities of these groups.

### **FWO consultation and engagement**

32. There are other interest groups that FWO regularly consults with and values their input. The Advisory Group does not displace that consultation and engagement, however input from the Advisory Group may be sought to help inform these engagements.

## Variations

33. The Terms of Reference may be amended, varied or modified in writing after consultation with and by agreement of Advisory Group members, and endorsement by the Chair.

**Date Terms of Reference were agreed:** 17 June 2024.

### **Version History**

Version	Date	Author	Comments
V0.1	15 March 2024	FWO	Draft provided to Advisory Group members for consideration ahead of approval.
V0.2	16 May 2024	FWO	Agreed amendments made following Advisory Group members' feedback.
V1.0	17 June 2024	FWO	Approval given by Advisory Group members.