Abstract

The Workplace Relations Act 1996 severely curtailed the traditionally strong arbitral powers of the Australian Industrial Relations Commission; rather, a key thrust of the legislation was the make unions and employers primarily responsible for resolving industrial disputes. Despite this legislative change, the two main parties continue to seek the assistance of the AIRC in resolving industrial disputes. This paper investigates the processes and practices used by the AIRC in managing these dispute notifications, particularly the relative roles of conciliation and mediation. It argues that, overall, the AIRC continues to play a significant interventionist role and that this level of intervention is strongly supported by practitioners; indeed, many employers support a more interventionist role. The actual forms of intervention utilised vary but practitioners are not concerned about the process; focusing, rather, on the outcome, a resolution of the dispute.