



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

**CEREMONIAL SITTING OF THE FAIR WORK COMMISSION
TO WELCOME DEPUTY PRESIDENT SLEVIN AND COMMISSIONER
CRAWFORD**

Sydney

9.30 AM, MONDAY, 10 JULY 2023

PN1

JUSTICE HATCHER: Before we begin today, I would like to acknowledge the Gadigal of the Eora Nation, the traditional custodians of this land, and pay my respects to the elders, past, present and emerging. I'd also like to note an apology on behalf of Vice President Catanzariti. The ceremony today is for the purpose of acknowledging the appointment to the Fair Work Commission of Deputy President Slevin and Commissioner Crawford. I welcome their families, the speakers at the bar table and all the other guests present. I will now ask Ms Anderson, acting deputy secretary of the Department of Employment and Workplace Relations, who is representing the Minister, to address the Commission first.

PN2

MS ANDERSON: I begin today by also acknowledging the Gadigal people of the Eora Nation, the traditional custodians of the land on which we meet today and pay my respects to their elders, past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander peoples here today. I am honoured to be able to be here today representing the Australian government on behalf of the Honourable Tony Bourke, Minister for Employment and Workplace Relations, who apologises that he is unable to be with us today, to welcome Deputy President Tony Slevin and Commissioner Stephen Crawford.

PN3

I would also like to acknowledge Your Honour the President and all the members of the Fair Work Commission and representatives from the legal community, industry and the trade union movement that are here today. I want to welcome and acknowledge our appointees and the members of your families on this significant occasion. The Fair Work Commission was established around 14 years ago but the Commission and its predecessors have played an invaluable role in shaping Australia's workplace relations landscape for over 100 years. Throughout that time the functions and remit of this institution have grown and evolved to match the social, economic and legislative changes of our society.

PN4

This landscape has changed as our nation has changed. Now that the Fair Work legislation covers the majority of Australian workplaces, the decisions of this Commission have even more broad-ranging impact throughout the country. These decisions are felt in every home, they are felt in every workplace. As Minister Bourke said back in April when he was welcoming Hatcher J as President of this Commission, there are three differences to when this body was first established: it has new objectives and powers, new plans to deal with fresh jurisdictions and new expectations from the Australian community. The Commission's work will be more important than ever as the government progresses ambitious workplace relations reform, to lift wages, improve job security and close loopholes undermining pay and conditions. In particular, gender equality and job security are now for the first time mandated objectives of the Fair Work Act that you must take into account on decisions you will oversee. It is an historical change.

PN5

The Commission is required to perform functions and exercise powers under the Fair Work Act in a manner that is just and fair, open and transparent, and in a way that promotes harmonious and cooperative workplace relations. Minister Bourke I know is absolutely determined that the Commission will continue to perform its functions in this way under this government. Deputy President Slevin, you bring to the Commission a wealth of knowledge and experience, having worked in employer and employee organisations for 12 years and having practised as a barrister in workplace relations for the past 20 years. You commenced your career, I understand, in workplace relations around 34 years ago when you became an advocate and adviser for the Motoring Association and the Licensed Clubs Association for New South Wales.

PN6

I understand in 1991 you became an industrial advocate for the Liquor, Hospitality and Miscellaneous Workers Union before accepting a role as the national legal officer for the Mining and Energy division of the CFMEU. You were also a senior adviser to the New South Wales Attorney-General and Minister for Industrial Relations in 2000. In 2003 you were admitted to the bar, where you have been practising almost exclusively in workplace relations for the past 20 years. In this time you have advised extensively on industrial disputes, workplace relations matters and appeared before the Fair Work Commission and its predecessors and courts across Australia, including appearances in the High Court, testing provisions of the Fair Work Act.

PN7

Your work has spanned a diverse range of industries, including hospitality, mining, construction, social community services, aged care, maritime and aviation. Deputy President Slevin, with your extensive experience and background in workplace relations, advising and advocacy, we are certainly confident you will execute your duties as Deputy President with impartiality and diligence. Commissioner Crawford, you are also no stranger to the Fair Work Commission, having appeared in and instructed on matters before the Commission and its predecessors since 2007 as an industrial and legal officer for the AWU and in private practice. You have extensive experience in workplace relations acquired in your service with the AWU as both an industrial officer and senior national legal officer and in private practice. You have instructed and advocated on a broad range of workplace relations matters including underpayment claims, enterprise bargaining, unfair dismissals, general protections and right of entry.

PN8

You have also been a strong advocate for the protection of workers in modern award reviews and variations, notably in 2021 when the AWU was successful in securing a guaranteed minimum rate of pay for pieceworkers in the horticultural industry. The knowledge and experience you bring to the Commission span a vast array of industries, including construction, mining, agriculture and manufacturing. Indeed, I understand you have handled cases across many of the industries represented in the 79 modern awards that fall under AWU coverage. You also bring to your role as Commissioner strong leadership skills,

having been elected as national vice president of the AWU in 2020 and assistant national secretary of the AWU in 2022.

PN9

Commissioner Crawford, your wealth in experience in workplace matters will assist you in your ability to start your duties with integrity and impartiality. I'm sure you'll be successful as a Commissioner of the Fair Work Commissioner. The Australian government is delivering on its promise to restore the balance to the Fair Work Commission, to give workers an equal voice in decisions that affect them. Your Honour, great responsibility is placed on members of the Commission. The balance and fairness of the system depends on the integrity and skills of members of the tribunal and its senior leaders. If they are to discharge their responsibilities effectively they require the good will, understanding and cooperation of parties, employers, employees and their representatives.

PN10

I trust this will be forthcoming from all concerned to Deputy President Slevin and Commissioner Crawford. So on behalf of the Australian government, I would like to once again congratulate you on your appointment to the Fair Work Commission. I have no doubt you will make an important contribution to the work of the tribunal for years to come and I convey our good will and that of the Minister and wish you well in the exercise of the responsibilities of your office. Thank you.

PN11

JUSTICE HATCHER: Ms McManus for the Australian Council of Trade Unions.

PN12

MS MCMANUS: May it please the Commission. I want to acknowledge the Gadigal People of the Eora Nation where this ceremony is being held. No doubt so many ceremonies have been held on this land or around it for hundreds of thousands of years because it's the longest continuous culture in the world. I pay my respects to elders also, past and present. I'd like to acknowledge you, Your Honour, and all the members of the Commission, as well as my colleagues, Jessica Tinsley representing ACCI, Jody Anderson for the Minister and Dr Ruth Higgins SC for the New South Wales bar.

PN13

I just note I don't know how many times there's all been women to the front. It's quite nice. This Commission is one of our country's key institutions. Thirteen million working people rely on it to ensure fairness at work. Public trust is so important and it can only be maintained when it's balanced and fair. This expectation means it is also so important that members of the Commission have backgrounds and experience in the perspectives of both working people and of employers. That is why the action of the Minister to begin restoring the balance is so important. It's about fairness but it's also about public confidence.

PN14

I'm honoured to welcome new members of the Commission today. Both of them as sons of the Hunter, the great city of Newcastle, the place of so many significant workplace disputes. Firstly, Deputy President Tony Slevin: congratulations on

your appointment. You bring extensive experience to the position, having worked for over 30 years in employment law, representing both employer organisations and unions as well as representing governments, advising governments and as was mentioned it's now over 20 years at the bar. You have worked on numerous significant appellant level cases in all areas of employment law, where I first met you and worked closely on the community sector equal pay case and also the Qantas lockout proceedings and numerous, numerous cases related to bargaining.

PN15

Over the years I've observed your work, I've seen your calmness under pressure, and a wonderful ability to relate to all people of all backgrounds in the most stressful of situations, which they usually are. Your calmness and your confidence builds trust. I've heard what working people like about you the most was that you're not too up yourself. You know how to have a laugh, even at your own expense, sometimes too rare an attribute to some people in your profession. But most of all one of the abilities I admire the most other than of course your being a top-shelf under-15s basketball coach, is the taking of the complicated and bringing clarity through logic and reasoning. Too often the essence of a matter can be obscured by facts or opinions or emotions that try and attach themselves to that essence and it only makes what is important harder to see. You apply the skill of never losing sight of the essence, of being able to cut out the noise and bring it forward unencumbered. This is a great clarity of thinking and I'm certain you'll bring it to the work here.

PN16

In the best of worlds our laws should be this: simple, clear and common sense. Fairness is essentially a simple concept. I know you don't mind a beer and you love cricket. I have also heard you fancy yourself as a sportsman. I have been told and I've been led to believe you're actually a champion skier. One of your other loves is always having the latest technology and you'd spend spare minutes honing your ski skills on virtual slopes with the attention only serious sports people would show. But it seems there is a gap between fantasy and reality and I'm reliably told your skills may have been more about staying upright than going fast. But I'm sure your partner Julie and your children Grace, Zach and Darcy could comment more.

PN17

Many people talk of your generosity and your desire to make a difference. You are also a big thinker who concerns themselves with the bigger questions. Employment law is your life's passion and you will bring great experience and skill, which will benefit this institution and people who come before it enormously. To Commissioner Stephen Crawford: you've been a senior elected leader of the AWU and private practice for 16 years in employment law and industrial law. So you bring hands-on experience with disputes, bargaining, awards, as well as governance of registered organisations. The AWU has more experience with more awards than any other union and I believe it's around 50 per cent of awards – according to the AWU, anyway.

PN18

So as the AWU's senior national legal officer, who went through the reviews of modern awards as well as working day-to-day with them, I can think of no one

else who would have such deep and wide knowledge of awards in the country. This knowledge is of course not just of award clauses but the practical application in real workplaces, the understanding of the current circumstances of a particular industry, whether it be the pressures employers are under in trade-exposed industries or the pressures workers are under, such as fruit pickers in the horticulture industry. Indeed, as it was mentioned, you led the successful case for fruit pickers in the horticultural industry to be given guaranteed minimum rates of pay. The breadth of cases you have led traversed most parts of the Act, most awards and a great diversity of Australia's industries. In addition your experience as an elected official of a registered organisation means you intimately understand compliance and governance obligations of registered organisations, which of course now is a function of the Commission. The recent changes to the Fair Work Act give a greater role to the Commission in facilitating bargaining and one of your greatest skills is mediating and settling disputes. This is a skill which involves more than a great understanding of the law but of human behaviour and motivation.

PN19

Bargaining has its own dynamics and being skilled at understanding these, how to bring people to a settlement that both value is a skill I'm sure my colleagues here from the employers would agree is something highly valued by all. Your track record speaks for itself, having settled hundreds of disputes, big and small throughout your career. Your colleagues put this down to your ability to establish a high level of trust with all parties and your integrity. Your colleagues described you as diligent and highly ethical. They also describe you as polite and generous and a mentor to many. I'm sure your wife Debbie and daughters Florence and Anastasia are very proud of you. On behalf of the ACTU and the union movement of Australia, I congratulate and welcome you both, if the Commission pleases.

PN20

JUSTICE HATCHER: Ms Tinsley, on behalf of the Australian Chamber of Commerce and Industry and Employers generally.

PN21

MS TINSLEY: Thank you, Your Honour. If it pleases the Commission, I appear on behalf of the Australian Chamber of Commerce and Industry. I too wish to acknowledge the Gadigal People, traditional custodians of the land on which we meet and wish to pay my respects to their elders, past and present. I also acknowledge Your Honour, President Hatcher, members of the Commission and my friends at the bar table, Ms McManus, Ms Anderson and Dr Higgins. So it is my great pleasure to welcome the appointment of Deputy President Slevin and Commissioner Crawford to the Fair Work Commission on behalf of Australian employers today. The Commission plays a pivotal role in maintaining our system of workplace relations. It holds the rights and interests of both employers and employees in its hands.

PN22

The government is certainly keeping those hands very busy at the moment. It would appear that no part of the Fair Work Act will be left unchanged by the end of this first term of government, which is of course a matter for government. In

this landscape the Commission must serve as a beacon of stability, providing guidance and regulation to promote healthy and productive workplace practices. For this the Commission needs experienced and astute minds among its ranks and from what we've heard today it's certainly the case that the Commission has found such minds in Deputy President Slevin and Commissioner Crawford. So first of all to the new Deputy President: today we have the privilege of recognising the Deputy President's career and wealth of experience that he will be bringing to his role as Deputy President of the Commission.

PN23

Deputy President, you have been practicing in industrial and employment law at the bar since 2003. You have represented unions in high-flying cases, as we've heard, involving Qantas, and deep-sea cases involving De Costi Seafood. So on land, on sea and even in the air the Deputy President has gained a rich understanding of the legal problems that the Fair Work Commission engages with every single day. Serving as senior adviser to the New South Wales Attorney-General and to the Minister for Industrial Relations, Deputy President Slevin, you have been equipped with a wide understanding of the legal and political issues faced by employers and employees across this country.

PN24

Furthermore, your work in various unions, as we've heard today, demonstrates your broad ability to cooperate with a diverse range of people in complex workplace disputes. We are confident that Deputy President Slevin will contribute significantly to the Commission's mission of creating a harmonious and productive workplace environment for all Australians. Commissioner Crawford, you bring today a wealth of experience of industrial experience, having served as the assistant national secretary and senior national legal officer of the AWU's national office. With your extensive experience in labour law, and your commitment to advocating for the rights and welfare of workers, you will be a true asset to the Fair Work Commission.

PN25

Throughout your career, Commissioner Crawford, you have demonstrated unwavering dedication to achieving fair and equitable outcomes in the workplace. Your involvement in significant Fair Work Commission proceedings, particularly with respect to the horticultural and pastoral awards highlights your deep appreciation of the complexities and challenges faced by workers in those industries. It also means today that this will not be your first rodeo at the Fair Work Commission corral. From championing improved conditions for casual employees to fighting for the rights of learner shearers in the pastoral industry, Commissioner Crawford, you have consistently demonstrated your commitment to ensuring justice and fairness for all so on behalf of Australian employers, Deputy President Slevin, Commissioner Crawford, welcome and congratulations on a fantastic day.

PN26

JUSTICE HATCHER: Dr Higgins for the New South Wales Bar Association and the legal profession generally.

PN27

DR HIGGINS: May it please the Commission. I acknowledge the traditional custodians of the land on which we meet, the Gadigal People of the Eora Nation and pay my respects to their elders, past and present. I extend my respect to First Nations peoples with us today. Your Honour President Hatcher, it is a privilege to appear on behalf of the New South Wales Bar Association and the legal profession more generally to welcome the appointments of Deputy President Slevin and Commissioner Crawford whom as we have heard each brings to the role extensive experience in industrial law, employment law and industrial relations. Deputy President Slevin, you are known to the bar as a fellow barrister, whether as a colleague in chambers at HB Higgins or as a fellow court room advocate with expertise in industrial law and a deep understanding of industrial relations.

PN28

You are renowned for a collegiate approach to sharing your knowledge of the law and practical experience with other legal practitioners. You have also sought to disseminate that knowledge through publications. After appearing in the trade unions royal commission and following the publication of its final report, you published an article in the journal Precedent, focusing on the application of the referral power under section 6P of the Royal Commissions Act. Before that in 1998 while the national legal officer for the mining division of the CFMEU, you published an article in the Alternative Law journal about the operation of the Workplace Relations Act, noting the history and changing legal framework of industrial relations and presenting a case study of the Hunter Valley Mine industrial dispute.

PN29

Through these publications and your learning more generally you have provided valuable insights to the application of law and the effects of law reform. As an advocate you were known for having a common sense approach to case preparation and a practical, reassuring attitude to litigation, interacting with clients and opponents with good humour. You conveyed all the confidence and calm that clients quintessentially need from their advisors while always doing your absolute and diligent best for your client. This approach of knowing what matters and when it matters is a product of decades of thoughtful advocacy and advisory work. That expertise served your clients well. You have also found other ways to motivate yourself, including a bet with a colleague in chambers about who could win the most unfair dismissal reinstatements in a calendar year. I am very reliably informed that your triumph in that bet was skewed by the addition to your tally of six reinstatements in a single case.

PN30

Deputy President, you had more success backing yourself in legal practice than you had for participating in the not the New South Wales Bar Association women's World Cup tipping competition. In the last World Cup you placed 43rd in the tipping comp, with 123.5 points, only comfortably beating two barristers, three children, and Commissioner Janet McDonald of the New South Wales Industrial Relations Commission. Above you on the table were a number of industrial lawyers who will likely soon appear before you and who I am sure wish you the best of luck in the soon to start 2023 tipping competition. With

Commissioner Janet McDonald this time elevated to games master, Deputy President, you will be carrying the reputation of the Fair Work Commission.

PN31

Deputy President, you have a profound knowledge of the workings of the Commission, having appeared before it in its evolving forms as counsel in numerous matters. The earliest published decision showing your appearance was a matter heard by the Australian Industrial Relations Commission in June 2003, with the most recently published decision showing your appearance as counsel in the Fair Work Commission in March 2023. You bring, as we have heard, two decades of experience at the bar to guide and inform your time on the bench at the Commission. Deputy President Slevin, the New South Wales bar thanks you for your service to the bar as an advocate and we wish you all the very best as you commence public service.

PN32

Commissioner Crawford, you are well known to the bar as a senior legal officer working with court room advocates on industrial and employment law matters during your time at the AWU and as a partner in private practice as Crawford de Carne, with a reputation for being an excellent solicitor and as a litigator, a very practical lawyer. You have pursued litigation with a practical strategy informed by litigating when that is worthwhile and avoiding reactive litigation. It has been a thoughtful approach, showing great judgment about the prospects of success of an individual matter and as to the limits of what may be achievable in a particular case, however, always mindful that industrial laws are a way to balance power and resource imbalances in the workplace and society more generally, you have briefed court room advocates in matters that were - in a word - difficult, but which you pursued because you considered them important and representative of a broader difficulty. Upon determining matters to pursue, you were a tenacious litigator who cared deeply about the outcomes.

PN33

Commissioner Crawford, as we've heard, your work for the AWU led you to traverse legal issues and matters across a broad range of occupations and industries, from horticulture and issues of minimum wage for migrant fruit-picking workers to the working conditions of contract cleaners and matters involving heavy industry, construction and mining. This breadth of subject matter has required you to have and to demonstrate a comprehensive knowledge of Australian labour law. Also essential has been the honing of specialised skills and industrial relations, developed through extensive front line experience of managing relationships with all actors involved in industrial disputes: workers, employers and union representatives.

PN34

Nothing about that task is easy. Your success in discharging it has perhaps been aided by your famously laconic and matter-of-fact style, reacting to the more outrageous manoeuvres of opponents and clients with little more than a 'Yep', followed by calm action while maintaining a good sense of humour in difficult circumstances. Your approach to dispute resolution has been intelligent, practical and down to earth, with little fanfare, never flustered and always thinking

constructively, which are traits that will serve you well in your time on the bench. As senior national legal officer for the AWU, you prepared countless submission documents and applications to the Fair Work Commission and routinely participated in Commission conferences with the parties.

PN35

Again, this knowledge of Commission procedures will inform an efficient and pragmatic style of case management. Those who appear before you at the Commission will find you to be a person of integrity, giving parties a fair hearing and listening carefully to those who appear before you. New colleagues at the Commission will find you to be professional, hard-working and diligent, self-effacing, without a hint of arrogance and someone with a joyful sense of humour who is a pleasure to work with. Deputy President Slevin and Commissioner Crawford, the bar welcomes your appointments as a significant gain for the public good. The bar is confident that you will each bring excellence and great integrity to your respective roles and on behalf of the New South Wales Bar Association and the legal profession more generally, sincere congratulations and good luck in this next step of your respective careers. May it please the Commission.

PN36

JUSTICE HATCHER: I'll now invite Deputy President Slevin to respond.

PN37

DEPUTY PRESIDENT SLEVIN: I acknowledge the lands of the Gadigal People and all First Nations people whose lands fall within the jurisdiction of this institution. I thank you for your kind words and well wishes. I thank you all for being here this morning, on what is an important occasion for me in my life. I've come a long way, as you've heard, but I've come a long way with a lot of friends, family and supporters and I'm forever grateful for that. I remember starting with the Liquor Trades Union shortly after graduating law, being thrown into unfair dismissal cases, underpayment cases, running these cases from go to woe within months of graduating and thinking what a hoot this is.

PN38

My contemporaries were doing title searches for conveyancing and pouring over commercial contracts and providing advice to others. You really were thrown in the deep end, doing that work, and I'm not sure whether I'm better for it. Certainly there are those I appeared before who would have appreciated a little more learning before I landed in those spots, no doubt. I remember appearing before people like Commissioner McKenna, who is on the bench here, when she was a Commissioner at the New South Wales Industrial Relations Commission. Many years ago Vice President Ross at the time in a matter involving Lilianfels, one of the first non-union agreements to be presented to this Commission for approval.

PN39

I remember cross-examining (indistinct) as if it was yesterday and finding that he hadn't taken into account the casual loading and knocking that agreement off. There was great satisfaction in that because it was about applying the law in the circumstances where I was driven by my union to strive for fairness, to ensure that people did get paid well. That was an important aspect of that case and so many cases that I was involved in. I remember working with people like Karen

Endicott, way back then. So many of you here today I've worked with over that time and appreciated your support. It wasn't long before I found myself at the Mine Workers' Union involved in all sorts of imbroglios with people like John Maitland and Tony Marr, Lorraine Usher, advising people on what to do on a picket line, ensuring there was access and egress and when there wasn't, dealing with police and legal representation for those who didn't follow our advice. Those sorts of matters for a young lawyer really do shape you and inform the way that you see the world and see how working people need the assistance of our institutions, institutions like this. We're fortunate to live in a nation like this with a strong economy and a cohesive society. That cohesion, given the importance of the world of work, is very much underpinned by the work of institutions like this.

PN40

The Commission in its many guises over the last 120 years has been a cornerstone for fairness in our society and it is quite an honour to accept an appointment to work on the bench in this place. Remembering some of the other work I did – the equal pay case with the likes of Sally McManus and Deputy President Wright who is on the bench with me today; those days were great days. You forge great friendships when you perform that sort of work. You rely on the support of others and they rely on your support and again, it's character-building and such a fulfilling way to go about your working life, I've found.

PN41

There were the dark times: the trade union royal commission with John Agess and Deputy President Roberts, who is here with me. They weren't great cases but that was important work too. And to have the support of people like John and Tom in those sorts of cases was invaluable. I look around the room and the support I've got from so many of you – I see Martin Carrick there, the sledge-hammer cases, the prosecutions of the banks who allowed their teller machines to be in open view of rascally robbers with sledge hammers. I remember working with people like Steve Crawshaw and again, Martin in the Gretley disaster, where we saw sad things. But we did the important work of ensuring that avoidable disasters like that were punished appropriately.

PN42

The work in the aviation industry – I can see David Taylor there – working with the pilots in particular to ensure that terms and conditions in that industry were maintained when they came under attack. Working with so many of you on so many of these cases, it was just such a privilege. You were the people I learned from, the people I leaned on. These things, as you can tell, were important to me and still are important to me and I thank you for all your support over those years. Others – I see John Connor and Stephen Long and David Vincent – friends outside of work who put up with my bad moods often created by work. I'm eternally grateful to you as well. Of course, family – I learned about conflict very early in life, being one of seven children. I learned about conflict resolution from my mother, whose skills in conciliation and mediation are second to none. I think she'd given even Commissioner Riordan a run for her money on that front. Thank you, mother. It's a shame that people like Josie and Maureen, my aunties, and my dad couldn't be here – long gone. I know my dad would be overjoyed. And I

know that because as a father I know what joy you get from seeing your children achieve, Darcy and Zach and Grace.

PN43

And last, the last person to thank, of course, is Julie, who has been my rock for many, many years. I'm lucky to share my life with someone who's so tolerant, patient and strong. And I'll always be grateful for that. I may have gone over, Judge, but I just want to say something more about this institution and how important it is to – how important I see it as an institution that underpins fairness in our nation. There are changes coming. There are changes that have been introduced recently and there are changes coming which means the institution will be somewhat restored to have the broad powers that it has had previously to ensure fairness. I look forward to that and I look forward to contributing to this institution and to live up to its reputation as an institution based on fairness. So thank you all again for coming this morning.

PN44

JUSTICE HATCHER: Commissioner Crawford.

PN45

COMMISSIONER CRAWFORD: Thank you, Your Honour. I'd like to start by acknowledging the traditional owners of the land. I thank the minister and the peak bodies for their kind words today and also the bar association. I thank the other Commission members for taking the time to attend today. I want to particularly thank my associate, Jessica Black, who is sitting down the front here, who has been a massive help for me since I started off at the Commission. She's doing a great job. And most importantly, she's also a Dragons supporter. If I'd known that I wouldn't have even bothered with an interview. I want to thank my parents, Dean Crawford and Lucea Szabunia, who are here today, for all their support, advice and help over the years.

PN46

They gave me every chance in life. I probably didn't take many of them. Mum used to get me to try and play musical instruments and learn languages. I just played and watched sport. But I do now listen to classical music and I enjoy cooking so maybe I'm getting a little bit cultured as I age. But I went to high school at Irrawang High School in Raymond Terrace. There were a lot of disadvantaged kids, many living in housing commission properties and it really highlighted to me how lucky I was. I want to mention my late grandparents, Anton and Anastasia Szabunia. They came to Australia from the Soviet Union after World War II. My mother was born in a refugee camp at Greta in the Hunter Valley. Our family home is on 10 acres of bush, about 5 kilometres from the town of Medowie in the Hunter Valley. When I grew up, the main road to our place was unsealed. There were no school buses, garbage, mail and other services, so as a result we used grandma and granddad's place in Medowie as a second home.

PN47

I spent a lot of time there. I was very close to both of them and I miss them a lot. I also want to mention my late grandmother, Elvie Hornton, who was also always very supportive of me. It was a big change for me, moving effectively

from the bush to Sydney to work as a lawyer. I remember one time early on in my days with the AWU we went for dinner at China Town after a Unions New South Wales meeting. I ended up being nominated to drive my boss, Russ Collison, back to the office at Granville. Russ was waiting in a laneway behind Sussex Street and my car was a few blocks away towards Town Hall. I don't recall exactly what happened after I left the parking station but about five minutes later I found myself heading north on the Harbour Bridge.

PN48

So I had to put a call in and say, 'Russ may need to find another lift', and I think that set my career back for a few years. But since then I have always said you haven't lived until you've accidentally crossed the Harbour Bridge and you have to try and make your way back. I also remember back to the early days of travelling on the train from Granville into the city to do Fair Work hearings. It was the paper era. I'd often be lugging a suitcase with all the material. I'd rarely get a seat during peak hour. The trains were packed and generally not air conditioned. I'd often end up sweating and as you get self-conscious about sweating you seem to sweat more and more.

PN49

I'd often arrive at Town Hall or Museum covered in sweat. I'd then walk down to the Commission building. I'd often be so nervous and anxious that I could barely talk. I'd have to try and pull myself together and run cases often against counsel or experienced solicitors. It was quite stressful and I dealt with a lot of anxiety but it was also challenging, interesting and very rewarding. I learned a lot. I hope these experiences ensure I stay compassionate and understanding towards people as they endure the stress and anxiety that is often associated with legal proceedings while I'm a Commission member. And I certainly couldn't have dealt with all that without the support of my wife Deborah, who's here today. She's definitely the smart one in the marriage. She's an associate professor in psychology at UTS and has had an extremely successful career, in particular doing a lot of research into trying to help people with eating disorders. She has had to do all that while juggling time off around the birth of our two beautiful little daughters, Florence and Anastasia, who are both here today, and undertaking most of the caring duties. I've seen firsthand the struggle she has faced with the career disadvantage arising from time out of the workforce.

PN50

She has always been supportive of me and very reasonable about the balancing of our work and family commitments. I'm very grateful for all of that. I wouldn't be sitting here today without her support. I want to thank some of the great legal minds that I've had the pleasure of working with and learning from over the years: from the bar, Hatcher J, Deputy President Slevin, Mark Gibian SC, who is here, Tony Howell as well, who I think I can see at the back. From private practice I want to thank Kamal Farouque, who was really a great mentor for me during my time with the AWU, Aron Nielsen and also Steve and Greg Masselos. I've worked with some wonderful lawyers over the years at the AWU. I want to name Alistair Sage, Zach Duncalfe, Jamila Gherjestani, Zoe Angus and Marc de Carne.

PN51

I've also worked with some great lawyers across the broader union movement. I want to mention Trevor Clarke and Sunil Kemppi, Stuart Maxwell, Alex Bukarica, Adam Walkaden, Alistair Kentish, Michael Wright and Vivienne Wiles. I also worked with some great lawyers from the employer side of things, particularly during what I could call the 14 year review of modern awards. I want to particularly mention from the AIG Stephen Smith, Brent Ferguson and Ruchi Bhatt and from Australian Business Lawyers, Nigel Ward, Luis Izzo, Kyle Scott and Julian Arndt. I want to thank everybody at the AWU that I've worked with over the years. I want to particularly thank Daniel Walton, who I can see here today.

PN52

Daniel is an extremely capable and impressive person. I've really enjoyed working very closely with him over the years. It's a bit strange as we sit here today that I've got my welcome ceremony here today and we've got a farewell function for Daniel from the AWU later in the week but I certainly wish him all the best with the future, whatever that holds and I've got no doubt he'll be an outstanding success. I also want to name Misha Zelinsky, Liam O'Brien, Tony Callinan, Paul Farrow, Mark Fagan, Deborah Bushell, Jeff Buhler – although he's a Roosters supporter – Russ Collison, Vern Falconer, Paul Noack, Kevin Brown, Scott Bean, Helen Teo and Wendy Chen and I want to thank all my other family that are here today, especially my aunty Judy Coverdale, for all her support over the years, including at Bowral bookshops. I want to thank my auntie Lida Szabunia also for all her support over the years and I wish her all the best with the health struggles she is having at the moment.

PN53

I feel very lucky, honoured and privileged to have been appointed as a Commissioner. I think industrial relations is a very important and interesting part of our society. I certainly intend to work hard and do my best in the role in the future. Thank you.

PN54

JUSTICE HATCHER: On behalf of all my colleagues, I'd like to congratulate Deputy President Slevin and Commissioner Crawford for their appointments and I thank all of you who have attended today, both at the bar table and as guests. I'm told that there are some morning tea refreshments on level 12, which you're all invited to attend and we'll now adjourn. Thank you.

ADJOURNED INDEFINITELY

[10.14 AM]