



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

**CEREMONIAL SITTING OF THE FAIR WORK COMMISSION
TO WELCOME COMMISSIONER CONNOLLY AND COMMISSIONER PERICA**

Melbourne

10.00 AM, WEDNESDAY, 26 JULY 2023

PN1

JUSTICE HATCHER: At the outset I would like to begin by acknowledging the Wurundjeri people of the Kulin Nation, the traditional custodians of this land and I pay my respects to the elders past, present and emerging.

PN2

This ceremony today is for the purpose of acknowledging the appointments to the Fair Work Commission of Commissioner Connolly and Commissioner Perica. I welcome their families, the speakers at the Bar table and all the other guests present. I will start off by asking Mr Breen who is the senior executive lawyer at the Department of Employment and Workplace Relations and who is representing the Minister this morning to address the Commission first. Mr Breen.

PN3

MR BREEN: Thank you, President. If it pleases the Commission. I begin today by acknowledging the Wurundjeri people, the traditional custodians of the land on which we meet today. I pay respects to their elders past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

PN4

I am honoured to be able to be here today representing the Australian Government on behalf of the Honourable Tony Burke MP, Minister for Employment and Workplace Relations. He apologises that he is unable to be with us to welcome Commissioners Scott Connolly and Mark Perica.

PN5

I would also like to acknowledge, your Honour, the President, and all 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.

PN6

The Fair Work Commission was established over 14 years ago. This 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. This landscape has changed as our nation has changed.

PN7

Now that the Fair Work legislation covers the majority of Australian workplaces the decisions of this Commission have more broad ranging impact than ever before. These decisions are felt from every home and they are felt from every workplace.

PN8

As Minister Burke said in April when he was welcoming Justice Hatcher as president of this Commission there are three key 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.

PN9

The Commission's work will be more important than ever as the government progresses ambitious workplace relations reforms to lift wages, improve job security and close loopholes undermining the pay and conditions of workers. In particular gender equality and job security are now for the first time mandated objectives of the Fair Work Act which you must take into account on decisions that you will oversee. It's a historic change.

PN10

The Commission is required to perform functions and exercise powers under the Fair Work Act 2009 in a manner that is just and fair, open and transparent and in a way that promotes harmonious and cooperative workplace relations. Minister Burke is absolutely determined that the Commission will continue to perform its functions in this way under the government, and I echo that sentiment today.

PN11

Commissioner Connolly, you have extensive knowledge and experience in workplace relations having worked in the trade union movement for 25 years. Before that you worked as a junior employer representative for the Registered Clubs Industry in New South Wales and served as a workplace delegate while working in the retail sector in your youth.

PN12

In 1998 you graduated with a Bachelor of Arts with honours from the University of Sydney. In the same year you joined the Transport Workers' Union of Australia's New South Wales branch as an executive officer. You remained with the TWU for around 16 years working in various roles across three state and territory branches.

PN13

In 2010 you became the Assistant Secretary at the TWU Queensland branch. During your time with the TWU you worked to protect employee rights in the transport industry. You were involved in work to improve workplace safety which included legal changes to ensure a truck is considered a workplace, as well as ensuring bus drivers are protected from violence.

PN14

Between 2008 and 2010 you were a national aviation official at the TWU where you worked to protect employee rights in the aviation industry. An example of this was your involvement in improving parental leave for employees at Virgin. In 2015 you were elected as Assistant Secretary at the Australian Council of Trade Unions.

PN15

Commissioner Connolly, you bring to this Commission strong leadership skills having held this role for seven years. As an executive member you were involved in union governance, training and education, rules demarcation and coverage disputes. Recently you were involved in the ACTU's work negotiating national

agreements on workplace skills and training with the Business Council of Australia, the Australian Chamber of Commerce and Industry, the Australian Industry Group and the Tech Council of Australia in the lead up to the jobs and skills summit held by the Commonwealth Government last year.

PN16

You have also served as a member on the National Workplace Relations Consultative Council for seven years participating in consultations with the Commonwealth, employer representatives and other union members on workplace relations matters of national concern.

PN17

Commissioner Connolly, you bring to this role strong leadership experience and with your experience in workplace relations I am confident you will execute your duties with impartiality and diligence.

PN18

Commissioner Perica, you have a wealth of knowledge and experience in workplace relations having practiced as a legal practitioner for around 37 years working predominantly in labour law. You graduated from the University of Western Australia with a Bachelor of Laws in 1987 after having completed a Bachelor of Jurisprudence the previous year. You went on to be awarded a Master of Arts from the University of Melbourne in 1994 and a Master of Laws from Monash University in 1996.

PN19

In 1987 you joined the Perth office of Mallesons Stephen Jaques, as it was then known. You practiced in various legal areas during your time with Mallesons, including mining law, litigation and commercial law, before joining the industrial employment law section in 1989.

PN20

Until 1993 you continued to work as a legal practitioner in private practice working for Freehill Hollingdale & Page, as it was then known, in their industrial practice and Gill Kane & Brophy. During this time you gave advice to and represented employers, workers and their representatives on a range of industrial and employment law matters across a number of industries.

PN21

In 1993 you took on a role as a National Industrial Officer with the AMWU within the vehicle division. You provided advocacy for all divisions of the union, appearing before the Fair Work Commission's predecessor, the Australian Industrial Relations Commission, as well as other industrial courts and tribunals across Australia.

PN22

You joined the Victorian Bar in 1996 reading with the now Honourable Justice Kevin Bell who sits on the Supreme Court of Victoria. Here you continued to practice primarily in industrial and employment law.

PN23

In 1998 you joined the Community and Public Sector Union as the senior legal officer for the Federal office of the CPSU, State Public Service Federation Group. You held this position for 24 years. During this time you have been involved in advocacy and negotiations on behalf of the CPSU and undertaken complex and lengthy proceedings in Commonwealth and State industrial tribunals across a changing workplace relations landscape.

PN24

For many years you have been involved in major policy and law reform developments with senior officers of the Australian Council of Trade Unions, including as an ACTU nominee on the Committee of Industrial Legislation working through major reforms, including the work choices legislation, the Fair Work Act 2009, and more recently the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act of 2022.

PN25

Commissioner Perica, you are no stranger to the Commission and I am confident your extensive experience in workplace relations, negotiations and litigation will greatly assist you to discharge your duties with integrity and impartiality.

PN26

The government has made clear that for the Commission to work as intended it needs to be properly balanced. The government is delivering on its promise to restore balance in the Fair Work Commission to give workers as equal a voice as employers in decisions that affect them. Your Honour, great responsibility is placed on Members of the Fair Work Commission.

PN27

The balance and fairness of the system depends on the integrity, judgment and skill of members of the tribunal and its senior leaders. If they are to discharge their responsibilities effectively they require the goodwill, understanding and cooperation of parties, employers, employees and their representatives. I trust this will be forthcoming from all concerned to Commissioners Connolly and Perica.

PN28

Commissioners Connolly and Perica AM, on behalf of the Australian Government I congratulate you on your appointments as Commissioners of the Fair Work Commission. I have no doubt you will make an important contribution of the work of the tribunal for years to come. I convey our goodwill and wish you well in the exercise of the responsibilities of your office. If it pleases the Commission.

PN29

JUSTICE HATCHER: Mr O'Brien on behalf of the Australian Council of Trade Unions.

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MR O'BRIEN: Thank you, your Honour. If the Commission pleases, your Honour, members of the Commission, family and friends of Commissioners Connolly and Perica and to all those joining us here today. I also want to begin by acknowledging the traditional owners of the unceded lands on which we are

meeting today, the Wurundjeri people of the Kulin Nation, and pay my respects to their elders past and present.

PN31

I also want to take this opportunity to express the ACTU's support heeding the call of First Nations people for a voice to parliament enshrined in the Constitution. A voice is about ensuring that those that are impacted by decisions are consulted and empowered. This institution knows only too well the importance of giving voice and agency to those that have none. Providing a voice is the least we can do. Our public policy and society will be much stronger for it.

PN32

Your Honour, on behalf of the ACTU, our affiliates and the working women and men of this nation it is my honour to acknowledge Commissioners Connolly and Perica and to congratulate them on their appointment.

PN33

You join an institution that has done more to shape our society and way of life than any other over the last 120 years, and you do so at a time when its powers and jurisdiction are being reshaped to meet new and emerging challenges.

PN34

Firstly to Commissioner Connolly. There is no person more ready to meet this challenge than you. For 25 years you have served the working people of this country, including 17 years at the mighty Transport Workers' Union. It was here in the late 90s and early 2000s you championed chain of responsibility laws, laws that ensure that everyone who works with heavy vehicles from the businesses that employ them to the place where the goods are delivered are responsible for safety.

PN35

At the TWU you quickly built a reputation as a great conciliator and leader, being able to handle complex, politically difficult matters that required the management of seemingly irreconcilable views. It was a quality that covered you forward to the ACTU and one which will serve you well here.

PN36

There is a quality that you would later employ in reform of your union when you were integral to the refocusing of TWU's operations; the first in the ACTU and then later as my colleague said in Queensland where you were critical in modernising the union.

PN37

As a part of the TWU's leadership team you were instrumental in the development of the safe rates campaign, a campaign which continues to this day and has at its heart the objective of saving the lives of transport workers and those that interface with them on their roads.

PN38

In 2015 you left the TWU and were elected Assistant Secretary of the ACTU, (indistinct) a great challenge for our movement and for the ACTU specifically,

and your calm, methodical approach and strong work ethic were noted by your colleagues as welcome additions to the ACTU leadership.

PN39

In the eight years since you have led our movement's agenda in superannuation and skills. Today our superannuation system is the envy of the world and your contribution to it should be recognised. Thanks to your work in the coming years the SG will continue to rise to 12 per cent. In today's dollars that means an additional \$1,000 per year for the ordinary worker.

PN40

Equally important your efforts to remove the \$450 a month threshold that means that underemployed workers, including the more than 200,000 working women in this country are able to start building for their retirement.

PN41

Not only did you champion the expansion of superannuation but you also stood ready to defend it from unrelenting attacks. You understood the history and important industrial links to superannuation and were always ready to defend industry super and the equal representation model that means it delivers better retirement outcomes for workers.

PN42

On a personal note, you have been a great colleague and comrade over the journey. You are always ready to listen. You don't speak often but when you do, it is always considered and to the point.

PN43

You always put family first, and as a young father in a busy job it is something that I have looked, personally to emulate. You are a loving husband to Sarah and a proud father to Emily and to Leo, and it is a great pleasure and pride that I congratulate you on your appointment.

PN44

Next to turn to the appointment of Commissioner Perica. Commissioner Perica, you bring a wealth of legal and industrial experience, having appeared in all iterations of this institution since 1987. Whilst you may have started your career providing legal advice and support to employers, the call of working people was hard to resist.

PN45

In '92 you joined Gill Kane & Brophy where you provided industrial and workers compensation advice and representation to unions and workers in the food processing and meat industry. Not satisfied with the simplicity of labour law work though, you also applied your craft to the most noble of these undertakings in representing union officials in defamation proceedings in the Supreme Court and County Court of Victoria.

PN46

Not long after this, you joined the national office of the Vehicle Division of the AMWU where you continued to develop and advocate before this Tribunal's

predecessors. It was also here where you turned your hand to superannuation, joining the board of the MTAA as a trustee director.

PN47

'96 was a great year of change in this country, and on March 1, the day before John Howard defeated Paul Keating, you left the AMWU and joined the Bar, and commenced reading as my colleague said, Kevin Bell. It was at the Bar where you honed your legal and advocacy skills in the courts here in Victoria and the Federal jurisdictions, which no doubt my colleague from the Law Institute would no doubt speak to.

PN48

In '98 you returned to the movement and joined the CPSU as an advocate for the State Public Services Federation. It was here where you would stay for nearly a quarter of a century. At the CPSU you championed the interests of public service workers across Australia and took on governments, including here against the Kennett Government, and at the time when the state jurisdictions had been scrapped and where unions were fighting to establish instruments and protections in this federal sphere.

PN49

You also appeared in some marathon proceedings, including in South Australia where you appeared in a 28-day proceeding for an award for general staff employed in kindergarten, schools and TAFE, and endurance that will serve you well here.

PN50

Not content to simply apply your services and interests of your union's members though, you have been a leader in the wider trade union movement in Australia and internationally. You have been an active member of the AIER and since joining the CPSU you have been involved in all major policy and law reform matters and been a trusted advisor to senior officers of the ACTU including myself.

PN51

You were critical in devising and executing strategies to protect not only state public service employees but workers more broadly from the effects of work choices, and have been critical to our movement's policy development, ever since.

PN52

However, your skills are not confined to Australian labour law only. On numerous occasions you have represented the ACTU and Public Services International at the ILO. You have made interventions in cases involving slavery in Thailand and some harassment of trade unions in Cambodia and Belarus, and child sex trafficking in Afghanistan.

PN53

The most notable of your international work though is your support of Fijian Trade Union Congress in defending attacks in that country on the right to collective bargaining and freedom of association.

PN54

Whilst your work has taken you across the country and around the world, you are also a committed member of your local community. A previous committee member of the North Melbourne Legal Service, a life member of the Kensington/Flemington Junior Sports Club, and a tragic North Melbourne supporter, you are the embodiment of the shinboner spirit.

PN55

Karen Batt, your colleague and boss at the CPSU describes you as an integral part of the organisation, and possibly the loudest person she has ever worked with, a trait I'm sure your new colleagues are very fond of. You are also a devoted husband to Jane, and a proud father to Nicholas, Luke and Sofia. It is also a great pleasure that I congratulate you on your appointment, and wish you and Commissioner Connolly all the success. Thank you.

PN56

JUSTICE HATCHER: Mr Fuimaono-Page, on behalf of the Australian Chamber of Commerce and Industry.

PN57

MR T. FUIMAONO-PAGE: Thank you, your Honour. If it pleases the Commission, my name is Fuimaono-Page, initial T, from the Victorian Chamber of Commerce and Industry, representing the Australian Chamber of Commerce and Industry, and employers in general.

PN58

I would like to begin by acknowledging that we are meeting on the traditional land of the Kulin nation and I pay my respects to the elders, both past and present, and elders from other communities who may be here today. I would like to acknowledge those Members of the Fair Work Commission in front of me, and those next to me at the Bar table, and of course, I acknowledge our two newest Members of the Commission, Commissioners Connolly and Perica, and their family and friends who join us today.

PN59

The Fair Work Commission, as the cornerstone of Australia's industrial relations system, plays a pivotal role in fostering a stable and productive economic environment. By striking a balance between the interests of workers and businesses, the Fair Work Commission weaves a fabric of industrial harmony that contributes significantly to Australia's economic resilience and growth.

PN60

In a world grappling with rapid changes, the Fair Work Commission stands as a beacon of stability, effectively moderating the relationship between workers and employers and guiding our economic landscape with a steady hand. Today we gather to welcome two steady hands into this esteemed institution, in Commissioner Scott Connolly, and Commissioner Mark Perica, AM.

PN61

Commissioner Connolly, your journey from your first job at Woolworths, to Assistant Secretary of the Australian Council of Trade Unions embodies the

Australian spirit of hard work and dedication. Your extensive experience across various industry domains including transport, aviation, logistics and supply chain management afford you a unique understanding of the intricacies of our economic tapestry.

PN62

This vast knowledge, coupled with your expertise in strategic risk assessment, public relations and workers capital management, render you more than capable of comprehending the complex task that is balancing employer/employee rights. Such experiences, coupled with your tenure on the board of Telstra Super, have equipped you with a profound grasp of the relationship between worker welfare and business growth.

PN63

Across your career you have proven yourself to be a leader. You have fought strongly for what you believe in and for the people you represent. We ask and have no doubt that you will now apply these values to your role in the Fair Work Commission, balancing the interests of businesses and workers.

PN64

Commissioner Perica, your unwavering dedication to ensuring a fair, equal and safe working environment is both inspiring and encouraging for our business communities. Your broad experience from your practice at the Victorian Bar to your time at several prominent law firms, provides a comprehensive understanding of the legal landscape within which our businesses operate.

PN65

Your significant contributions to the field of industrial relations, especially your role as the Senior Legal Officer of the CPSU, and directorship in Industry Super Funds reflect your understanding of the intertwined nature of workers' rights and business growth. It is a balance that is crucial to the sustainability of our economic eco system.

PN66

Your international experience in labour rights, including fighting and slavery, and child trafficking, showcases your ability to apply global best practices in our local context, enhancing our industrial relations landscape, whether it be in Thailand, Cambodia, Belarus or Afghanistan, you have pursued justice and good.

PN67

We trust that you will use your time in the Commission to continue this effort and we are privileged to welcome you today. As you join the Fair Work Commission, Commissioners Connolly and Perica, you carry with you the expectations and hopes of both our workforce and our business community. The decisions made within this institution have far reaching implications to the economic stability and growth of our nation.

PN68

We, at the Victorian Chamber of Commerce and Industry, and the Australian Chamber of Commerce and Industry, are confident in your ability to navigate

these complex dynamics, contributing to the continued stability and robust growth of Australia's economy.

PN69

As we look to the future we are hopeful for an era where fairness, prosperity and growth are within the reach of all stakeholders in our economy, guided by your capable stewardship. Here's to the fortification of our Australian economy and the promotion of harmonious work environments. If it pleases the Commission.

PN70

JUSTICE HATCHER: All right, Ms Belot from the Law Institute of Victoria.

PN71

MS BELOT: If the Commission pleases. Your Honour, Members of the Commission, former members of the Commission in the gallery, colleagues and friends, I too acknowledge the traditional custodians of the lands on which we meet, the people of the Kulin nation, and acknowledge traditional owners of country across Victoria and Australia. I pay my deep respects to elders past, present and emerging.

PN72

I appear on behalf of the Law Institute of Victoria to welcome Commissioner Mark Perica AM, and Commissioner Scott Connolly. The Law Institute of Victoria represents the interests of more than 18,000 lawyers and people working in the law across Victoria, interstate and internationally, and our President, Tania Wolff, has asked me to extend her welcome and congratulations to you both, and to send her deep regrets for not being able to be present today.

PN73

Commissioners, we have heard from my colleagues about your dedication to the law and to the advancement of a more fair and equitable employment environment for all workers. Commissioner Connolly and Commissioner Perica, I congratulate both of you on your appointments. I have been asked specifically to address my welcome to you, Commissioner Perica, and I am honoured to do so.

PN74

I have known and worked with you, Commissioner Perica, for a number of years and have always been impressed by your formidable legal mind, your dedication to achieving an equitable, fair and safe working environment for all workers, and your commitment to building strong and diverse community organisations. Commissioner Perica, you are enormously respected in the legal profession given the legal work you have undertaken in the union movement and in defence of workers rights, both here at home in Australia, and internationally.

PN75

You have been part of the brains trust that has driven legal industrial policy in our country. The knowledge that you bring to this Commission is informed by your experience of working across the legal sector for law firms Gill, Kane and Brophy, for then Freehill Hollingdale and Page, and then then Mallesons Stephens Jacques, practicing at the Victorian Bar and working for the Australian Manufacturing Workers Union and, of course, the CPSU.

PN76

Your impact has been felt at a local level through your dedication to the North Melbourne Legal Service, now Inner Melbourne Legal, for a decade assisting those in legal need. You have also represented Australian workers as we have heard today, in international forums such as the International Labour Organisation, and have made interventions internationally in cases involving slavery, harassment of trade unionists and preventing child sex trafficking.

PN77

As to your legal prowess, as an example I worked with you on the National Disability Insurance Scheme's rollout in Western Australia, you representing the CPSU and I, the NDIA. It was a complex implementation and it demonstrated both your legal knowledge and your virtuosity, and your unparalleled ability to navigate the complexity of the public sector.

PN78

Personally, I will always be appreciative of how we worked collaboratively, meaning that ultimately the decision with respect to copied state instruments was done on the papers so as to avoid the daunting prospect of a fight in front of a Member of the Commission, the irony of which is not lost on me today.

PN79

Your dedication to the community has not only been felt through your work with community legal centres, I am reliably informed that you have also made a significant contribution to your local community as former president for a number of years, of the Kensington-Flemington Junior Sport Club where you put your legal skills to good use to spearhead new rules of association, resulting in increased community involvement in local sports.

PN80

Commissioner Perica, again I congratulate and welcome you on behalf of all solicitors in the state of Victoria as a Fair Work Commissioner, and wish you a fulfilling term on this Commission. If the Commission pleases.

PN81

JUSTICE HATCHER: Yes, I'll now invite Commissioner Connolly to speak.

PN82

COMMISSIONER CONNOLLY: Thank you, Mr President. Good morning, everybody. I too acknowledge the traditional owners of the lands on which we gather today, and pay my respects to the elders past, present and emerging. My sincere thanks, Mr Liam O'Brien, Mr Breen, Mr Page and Ms Belot for your kind and generous words this morning.

PN83

Thank you also to my Melbourne Commission colleagues for joining us here today, who have been so warm and generous with their time and advice, these past few weeks. To Commissioner Perica who I am delighted to be sharing this morning with you, and our associates, particular thanks to you and all your help in assistance in getting us here today.

PN84

Could I also acknowledge Mr Furlong and your extraordinary team of staff that make so much of the Commission's function possible, along with my wider Commission Members. Like many before me, in preparing for today I have reflected on the significant events, people and influences that have led me to apply to be considered for appointment to this Commission.

PN85

Working in industrial and employment relations is something I recall aspiring to since my early days in the workforce. I first started working, as we've heard, collecting trolleys for the local Woolworth store in Cabramatta, Western Sydney where I grew up. Before long, I became involved in my workplace union, the SDA, and began learning from its experienced delegates and paid officials.

PN86

Watching and helping them assist other young casuals and long serving staff, particularly on the night fill, I quickly learnt the value and power of having collective voice and independent authority and knowledge in my workplace.

PN87

The support and encouragement I received from the SDA both back then and on many occasions in many capacities since is something for which I am very grateful. Their leaders like Mr Joe de Bruyn, along with the current national leadership team of Gerard Dwyer and Julia Fox are all people I am honoured to acknowledge for their contribution to my journey. I am grateful that Gerard and Julia are here today.

PN88

To my parents to whom I owe so much, you gave up everything and left all you had known to come to this country on a promise for a better future for yourselves and your family. Making the most of your sacrifice and the opportunities you provided to us, of course with a strong sense of social justice, was something instilled into my elder sister, my younger brother and I from an early age. I am so thankful for the chance you both took on coming to this country and all that you have done for us and continue to do. I love you so much, mum and dad, I am so happy you are able to be here today. Thank you both.

PN89

In my time of almost 10 years as a casual at Woolworths I was enabled to start living independently while completing studies at university. Through an introduction to the late Senator Stephen Hutchin's I was able to gain access to the files, as they were, of the TWU and embarked on a thesis into the history of the union during the accord.

PN90

In short the central thesis was that the leadership of the TWU made the decision to leave the ACTU because it disagreed with the shift to the centralised system of enterprise bargaining, and saw their members best interests served through ongoing industry-wide outcomes. Principled, determined, proudly rank and file and focused on the best interests of members regardless of the personal or political consequences was my impression of the TWU and its key decision-makers.

PN91

Unfortunately for me in terms of career prospects the TWU's industrial team at the time was staffed by some of the best in the field, including of course yourself, Mr President. Consequently my first opportunity to begin working as an IR practitioner presented itself with the former Australian Transport Officers' Association. My first appearances were before this tribunal in a previous form, the New South Wales Transport Appeals Board and the New South Wales Commission. Again there was significant demand for industrial relations jobs at the time, so my first opportunity for full-time work present as a junior researcher's role at the Registered Clubs Association.

PN92

My career as an employer advocate however was not for me. Before long I had the opportunity to join the team of new TWU secretary, now New South Wales Senator Tony Sheldon, in a somewhat obscurely titled position of executive officer. Here I had the privilege and opportunity to work with members, the men and women of the union who brought the principles I had identified in my thesis to light. Leaders like Tony, his successor Mr Wayne Forno, the current leadership team of Richard Olsen and Mick Pieri in New South Wales, Mike McNess and Mem Suleyman in Victoria, and the entire national leadership team, led of course by current National Secretary Michael Kaine, I am honoured and grateful for all your support, advice and encouragement in my many capacities at both the TWU and the ACTU over many years. Thank you.

PN93

At its best the relationship between employers, employees and union representatives in the transport industry, and other industries I might say, is one shared by a drive and vision for a safe, sustainable and prosperous industry serving the Australian community. Principled and determined transport employers and their representatives are critical to this and I would like to acknowledge all those I have had the opportunity to work with over the years, including of course Mr Cameron Dunn and Mr Peter Anderson who are here today.

PN94

In my years at the TWU a constant source of inspiration was the courageous members and delegates whose tireless work and ongoing sacrifice makes all that that union has achieved possible. People like Mr Paul Walsh who is here today and I would also like to acknowledge.

PN95

Most recently I have been serving at the ACTU where my exposure extended beyond transport to cross all unions, all employers and industries. For me the cohesion of our national industrial response to the COVID-19 pandemic is a testament to our capacity as industrial parties to put differences aside in the interests of the nation. I am honoured to have been able to play my part. Working alongside yourself, Mr O'Brien, Ms McManus, Ms O'Neil, and the entire ACTU leadership team has been a privilege.

PN96

For many years at the ACTU my responsibilities included stewardship of one of our most significant national success stories, our superannuation system. In this I was generously advised by many in the sector, including of course Mr Paul Schroder of AustralianSuper and the team of Chris Davies and Anne-Marie O’Loughlin AM at TelstraSuper, whom I would also like to acknowledge and thank for their attendance today.

PN97

I look forward to further opportunities to assist employers, employees and their respective representatives, put new differences aside in the national interest in the years to come in my new capacity. For over 100 years this institution has played a unique and at times critical role in our nation's history. The parliament has indicated a desire for this role to again be more prominent as we navigate our uniquely Australian path in the world of work for the century ahead.

PN98

I am acutely aware of our history, the significance of our role, and the responsibility that comes from the trust placed in us here by the parliament and the people of Australia. It is a great privilege to have been appointed to this position, which I am honoured to commit myself to.

PN99

My service both until now and ongoing would not of course be possible without the love and support of those closest to me. To Sarah, my wife, who is everything to me, I love you and thank you so much for sharing your life with me. Much of what has been said today would not of course have been possible without you. To Emily and Leo, our two children who are here today, I love you both and look forward to the pride and joy you both bring us every single day. Long may it be so. Thank you, Mr President.

PN100

JUSTICE HATCHER: Commissioner Perica.

PN101

COMMISSIONER PERICA: I want to thank everyone at the Bar table for your kind words and everyone else for coming. First I want to congratulate my colleague, Commissioner Connolly. I have personally been involved in some very intractable disputes he heroically tried to resolve when he was at the ACTU. Those considerable talents will be put to good use here I am sure.

PN102

My first engagement with a predecessor of this Commission was in 1988 in my restricted practice year in Perth. It was a bans clause application in the Australian Conciliation and Arbitration Commission, and it was before the scowling and heavily Brylcreemed countenance of Justice Terry Ludeke.

PN103

Since then over the last 35 years I have appeared and had sometimes bitter contests in this Commission and each of its predecessors. I feel then I have some authority to say the functions and operation of this Commission show a particular

Australian genius. From the beginning this Australian genius was regarded as worthy of international recognition.

PN104

In 1915 the editor of the Harvard Law Review wrote a letter begging Justice Henry Higgins, of course then President of the Commonwealth Court of Conciliation and Arbitration, to write what became the three articles on the Australian system of conciliation and arbitration that appeared in the Harvard Law Review in 1915, 1919 and 1920 entitled 'New Province of Law and Order.' In that letter the editor wrote:

PN105

Especially on a topic such as labour law we in America have much to learn from foreigners. Your realistic and sensible treatment of this branch of law in your conduct of arbitration proceedings in Australia contrast so favourably with artificial and fruitless discussions of natural right and liberty to contract in which American law has indulged.

PN106

Despite being subject to what the late Geoff Giudice once called the lamentable pendulum conception of labour law reform in Australia, that particular Australian genius endures, and that is why it is such a privilege to serve here.

PN107

There are many women and men who serve or have served on the Bench of this Commission and its predecessors who I either admire or have admired deeply. I will try my level best to honour their legacy.

PN108

Thank you to the members, officers and staff of the CPSU SPSF group, particularly Wayne Townsend and Tom Lynch. My first two years at the CPSU were intense, or you could say brutal. Over that period we dealt with the death of the Victorian State system, tried to work out the extent the Federal system could regulate State Government employment, tried to discern the meaning of the Victorian State referral, and we made one of the first applications for an MX award. All these matters were hotly contested against a tag team of silks.

PN109

Over the next 22 years the people I had the great privilege of representing and those that I worked with were all exceptional. The work I did over my time at the CPSU was ever new because of the staggering variety of the occupations in the state sector and the different regulatory regimes and industrial instruments across each state as well as the Federal system. I express my profound gratitude to my former boss of 14 years Karen Batt. The responsibilities, freedoms and opportunities you gave me over the years we worked together were one of the reasons I ended up here. You are and always will be my dear friend.

PN110

I would also like to thank Ian Jones and my friend Alix Sachinidis who I worked with at the vehicle builders. I had a wonderful experience there because each vehicle manufacturing plant was like a small town with its own culture and

personality. I learnt the valuable lesson that cultural nuances are important to inform approaches to bargaining and dispute settlement.

PN111

Thank you to the officers, executive and staff of the ACTU. The international and policy work I have been involved with through the ACTU over the years have been highlights of my professional life, particularly on the committee on the application of standards at the ILO, and on the council on industrial legislation known as the COIL here.

PN112

Deputy President Roberts and I were the only two of the 20 participants in the COIL for the secure jobs and better pay bill last year, who had also been on the COIL for the Fair Work bill 13 years earlier. I explained to Sally McManus it was like the band Kiss, there are only two original members left. I love Gene Simmons, I want to be Gene Simmons.

PN113

I also thank my colleagues in the legal profession, especially the late Lillian Cooney and the very much alive Bernard Brophy who were more like parents than principals to me. They showed me it was possible to run a legal practice informed by deep ethics. I thank Mark Dean and Mordy Bromberg as they then were at the Bar, and my friends in academia, particularly my good friend Anthony Forsyth who never complains about my sick obsession with the limits of the boilermakers decision.

PN114

I thank the Victorian Perth Industrial Relations diaspora; Mark Rinaldi, Warren Swain, Lisa Heath and my good friend Dave Noonan and his partner Kerrie Homan. I also thank my inspirational colleagues at the Australian Institute of Employment Rights who all have taught me something valuable.

PN115

Thanks also to my magnificent wife Jane, Nick and his partner Rachel, Luke and Sofia. As the song goes you are my soul and my heart's inspiration. Like Commissioner Connolly said my family is everything to me. I love and admire each one of them. Jane has not only been my steadfast partner and friend, but as the best lawyer I know, a source of peerless strategic advice over the years. Lastly I want to thank my associate Ruben Mao whose cheerful and intelligent manner has eased my transition to this side of the Bar table. Thank you.

PN116

JUSTICE HATCHER: On behalf of all my colleagues I would like to congratulate Commissioner Connolly and Commissioner Perica on their appointments. I thank all those who have attended today, both at the Bar table and those who have come here as guests. I think we have got some morning tea organised on Level 7, so I invite you all to join us, and we will now adjourn.

ADJOURNED INDEFINITELY

[10.42 AM]