



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

**JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
VICE PRESIDENT ASBURY
DEPUTY PRESIDENT LAKE
DEPUTY PRESIDENT DOBSON
COMMISSIONER SIMPSON
COMMISSIONER HUNT
COMMISSIONER DURHAM**

**CEREMONIAL SITTING OF THE FAIR WORK COMMISSION
TO WELCOME VICE PRESIDENT ASBURY AND COMMISSIONER DURHAM**

Brisbane

2.00 PM, MONDAY, 15 MAY 2023

PN1

JUSTICE HATCHER: Welcome, everybody. Before we begin I wish to acknowledge the Jagera, Yuggera and Turrbal peoples, the traditional custodians of the land upon which we meet today, and I pay my respects to elders, past, present and emerging, and I extend that respect to Aboriginal and Torres Strait Islander people attending today.

PN2

I would also like to note two apologies. Unfortunately Commissioner Spencer and former Commissioner Booth could not be here today because of unavoidable commitments. I call on Senator Chisholm to speak first.

PN3

SENATOR CHISHOLM: Thank you, President. I begin today by acknowledging the traditional owners of the land on which we gather, and acknowledge elders, past and present, and I extend that respect to any 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, who apologises that he is unable to be with us today to welcome Vice President Asbury and Commissioner Durham. Mr Burke sends his heartfelt congratulations to Vice President Asbury and Commissioner Durham.

PN5

I would also like to acknowledge, your Honour, the President, and all members of the Fair Work Commission, and representatives from the Trade Union Movement, represented by Jacqueline King, the legal community, represented by Jim Murdoch, and industry that are here today, and I would also acknowledge that my parliamentary colleagues at the state level, Minister Grace Grace, and Minister Yvette D'ath.

PN6

I want to welcome and acknowledge our appointees, and the members of their families and friends on this significant occasion. It is great to see two people with diverse background and experience from Queensland, which I believe is important in national institutions, because at the end of the day we all know Queensland is different.

PN7

The Fair Work Commission was established almost 15 years ago. But this Commission and its predecessors have played an invaluable role in shaping Australia's workplace relations landscape for over 100 years. But Australia has a long and historic history of conciliation and arbitration. This Commission and its predecessors have been central to this country's workplace relations landscape.

PN8

Even over the last 13 years, we have seen a significant shift on a number of fronts:- the fight for gender equality; the rise of casual workers; the gig economy; the global financial crisis; and then the COVID-19 pandemic. These impacts are felt in every home and they are felt in every workplace.

PN9

The Commission's work will be more important than ever, as our government progresses ambitious workplace relations reforms to lift wages for workers, act to close the gender pay gap, improve job security, and close the existing loopholes undermining pay and conditions. There will be much work for the Commission to do.

PN10

Vice President Asbury, you bring a wealth of experience and strong leadership to the role of Vice President of the Fair Work Commission, I believe the first female Vice President of the Commission. After having served as Deputy President of the Commission for a decade, and having been a member of this Tribunal and its predecessors since 2001.

PN11

You graduated with a Bachelor of Arts from the University of Queensland in 1983, before graduating with a Bachelor of Laws from the Queensland University of Technology, and being admitted as a legal practitioner to the Supreme Court of Queensland in 2006. You became an Industrial Relations Research Officer at the Australian Sugar Producers Association in 1985.

PN12

Over the next ten years you developed extensive experience in dealing with workplace relations disputes between employees, employers and associations, during this time working as an Industrial Relations Officer for the Australian Sugar Milling Council, and as a Senior Industrial Officer for the Metal Trades Industry Association.

PN13

This experience led you to your role as the National Industry Group Manager for the Australian Industry Group in 1995. You provided workplace relations advice, and were responsible for major national resource and development projects across Australia. These included the Queensland Boyne Smelter Extension Project and the South Australian Olympic Dam Project.

PN14

In 2000 you were appointed as a Commissioner for the Queensland Industrial Relations Commission. In 2001 you were duly appointed as a Commissioner to the Fair Work Commission's predecessor, The Australian Industrial Relations Commission.

PN15

Since 2012, you have also served on various other workplace tribunals, including the Road Safety Remuneration Tribunal; the Northern Territory Police Arbitral Tribunal, and as President of the Defence Force Remuneration Tribunal. Your

roles within the Fair Work Commission and its predecessors have equipped you with more than 20 years of experience servicing the Australian public.

PN16

Vice President Asbury, as a highly experienced member of this Tribunal and its predecessor, I am confident that you will discharge your duties as Vice President with the wisdom and leadership that you have shown over many years as a Tribunal member.

PN17

Commissioner Durham, you have helped the Queensland Government deliver important workplace relations reform in your role as Chief of Staff for the Minister for Industrial Relations. This has included leading and development, and the introduction of Australia's first labour hire licensing scheme, and establishing legislation which criminalises wage theft.

PN18

You have contributed to strengthening Queensland's Workplace Health & Safety laws; the Worker's Compensation framework, and you led the development of legislative reform which improved compensation and support for workers suffering from black lung disease. You also contributed to the development and interaction of new industrial manslaughter laws, and in inserting presumptive worker's compensation laws for firefighters.

PN19

You bring to the Fair Work Commission, experience in enterprise bargaining through your oversight of enterprise bargaining in the Queensland Public Sector. You also oversaw the formulation of public Sector wages policies for Queensland public servants.

PN20

In your role as a Senior Director for Industrial Relations and Workplace Relations at Queensland Health, you led a team of professionals to develop a framework of industrial relations solutions for the workforce and key stakeholders, for the 16 hospitals and health services geographically disbursed across Queensland.

PN21

You bring to the Fair Work Commission extensive experience in representing employees. Prior to joining the public sector you represented the interests of Queensland workers for 25 years in your roles within Queensland unions. It began as an Industrial Advocate in 1990 with the old State Public Services Federation. You worked as an Industrial Advocate for ten years before commencing your role as a Lead Industrial Officer with the Queensland Council of Unions in 2000, representing more than 350,000 Queensland workers.

PN22

You were then responsible for managing operations, regulatory compliance and workforce planning strategies for the Queensland Plumbers Union from 2011 to 2015. Commissioner Durham, your considerable experience in the cut and thrust world of Queensland industrial relations makes you eminently qualified as a member of this important institution.

PN23

I am confident that you will discharge your duties as Commissioner with absolute integrity and impartiality. The Australian Government is delivering on its promise to restore balance to the Fair Work Commission, to give workers an equal voice in (indistinct) which can affect them. The balance and fairness of the system depends on the integrity and skills of members of the Tribunal and its senior leaders.

PN24

Australian workers and employers expect a fair and industrial relations system, overseen by an independent and transparent industrial umpire. The role of this umpire has been central to the country's workplace relations landscape since its first inception. Vice President Asbury and Commissioner Durham, I have no doubt you will both make invaluable contributions to the future and maintain the integrity of this important institution.

PN25

Vice President Asbury and Commissioner Durham, on behalf of the Australian Government I congratulate you on your appointment as Vice President and Commissioner of the Fair Work Commission. I convey our goodwill and wish you well in the exercise of the rest of your duties. Thank you.

PN26

JUSTICE HATCHER: Ms King?

PN27

MS KING: Thank you, your Honour. May it please the Commission, appear on behalf of the Australian Council of Trade Unions, and offer an apology for Sally McManus today, the Secretary. The ACTU represents 38 affiliated unions, and around 1.8 million Australian union members. I am the current Acting General Secretary with the Queensland Council of Unions, representing 25 affiliated unions, and around 380,000 union members here in Queensland.

PN28

I would like to acknowledge also, the traditional owners of the lands on which we are gathered here today, the Turrbal and the Jagera people, and pay my respects, also, to their elders, past and present. This always was, is, and will be Aboriginal land. I would also like to acknowledge the members the Fair Work Commission, and also to Minister Grace Grace, and Minister Yvette D'ath, who I believe are here in the audience and who have both had a long interaction with both the Fair Work Commission and Queensland Industrial Relations Commission, in many different capacities.

PN29

Firstly to you, Vice President Asbury. Congratulations. I have been given the privilege of congratulating you today, both on behalf of the ACTU, and the QCU on your promotion to Vice President. It is a pleasure to welcome you to your position after many years of service to industrial relations, both within industry, as has been pointing out, in the Queensland Industrial Relations Commission, and with the Fair Work Commission.

PN30

It is fitting this year that we have already seen changes that have been introduced view the new Labour Albanese Government, which have gone towards strengthening the Fair Work Commission and its powers and functions, and we as the ACTU and Queensland Unions, look forward to those being implemented, and to the further changes which have been mooted in this space.

PN31

Vice President, we first knew each other in your role with the Australian Industry Group, the then Metal Trades Industry Association, in Queensland where you had a reputation as a fearsome, strong advocate on behalf of your members, and you are well respected not just within the employer industry but within government and also from the union movement.

PN32

I worked as a ministerial advisor to the Queensland Industrial Relations Minister when you were first appointed to the Queensland Industrial Relations Commission in 2000, and then subsequently appointed in a dual capacity to Fair Work in 2001. So, Vice President, my experiences from both those times, and from all accounts from my colleagues since those times, clearly indicate that you were and continue to be, highly respected from all sides of the industrial relations club, if I can put it that way.

PN33

In fact, as I was leaving Peel Street to come here this afternoon, I ran into a work colleague who asked me where I was going, and when I told that person, they said, 'Well, congratulations, it is a most well deserved appointment indeed.'

PN34

Your legal skills, your insight, but your practical skill and capacity to resolve industrial disputes has preceded you, and is something that I think you bring to this role well. Clearly, your administrative skills in terms of the Commission are also there. But we look forward to your leadership, and continued integrity and impartiality that you bring to this important institution.

PN35

If I could turn to Commissioner Sharon Durham, I also take this opportunity to welcome you to your new role. Again, we first crossed paths many years ago when we were both quite young. It was only a decade, or so, ago but when you undertook the then Anna Stewart Memorial Project when you were with the State Public Services Federation of Queensland, and I was your organiser at the time of the old Federated Clerks Union, Central & Southern Queensland branch.

PN36

They were certainly interesting times, but from there forward, that has been our interaction, and I believe that you have, more than fulsomely, used your time to progress in your career to hone your industrial relations skills and your knowledge within the union movement, if I could say, taking to industrial relations like the proverbial duck to water.

PN37

We've crossed paths many times in different roles since that period of time, in both unions and in government. We have shared similar roles, both having worked as industrial officers with the Queensland Council of Unions, and also as staffers to different Industrial Relations Ministers but including as chief of staff.

PN38

In both of those roles, both within the Queensland Union Movement and as a Ministerial Chief of Staff, it can be said that you rose immensely to the occasion. You have my deep and personal respect for the work that you did and your approach that you took, at all times, to often difficult situations and issues, which nevertheless, you managed to navigate successfully on behalf of unions in that role, on behalf of your minister, and on behalf of the government.

PN39

I would also like to acknowledge during your long career in industrial relations, as so many professional women do, your capacity to undertake your role, to study, and also to raise a family. This may seem trivial to some, but these everyday experiences of being able to balance work life and family life are important experiences to bring to the field of industrial relations and workplace law.

PN40

They provide us with a modern context of the need to ensure flexible workplace arrangements, the need to prevent gender based discrimination or harassment, the need to ensure equal remuneration, and the need for flexible and modern parental leave practices. The list goes on, and the ACTU and the Queensland union movement join in thanking the Albanese government for introducing these already new reforms into the Fair Work Act, as well as those that will come on line.

PN41

It is this understanding of the everyday lives of working families and working people, that we believe are instrumental to how institutions like the Fair Work Commission can ensure fairness and equity, and how industrial relations laws are applied in practice. And that's why it is important that we ensure that we have a balanced Commission, with balanced representation from all sides with industrial relations.

PN42

Finally, we have a saying in the union movement that strong women make strong unions. So, I would simply end by saying on a similar note, that I believe that strong women also help make strong institutions, like the Fair Work Commission, and on that note, on behalf of the Australian Council of Trade Unions and the Queensland Union Movement, we welcome you both as Vice President, and as Commissioner to the Fair Work Commission.

PN43

We wish you well in long and productive careers, and also wish your families well. Thank you. May it please the Commission.

PN44

JUSTICE HATCHER: Mr McKellar?

PN45

MR MCKELLAR: Thank you, President. Indeed, I am delighted to be able to welcome Vice President Asbury and Commissioner Durham to their respective roles today, on behalf of the Australian Chamber of Commerce and Industry, and employers generally.

PN46

Vice President Asbury is one of the most experienced and widely respected members of the Fair Work Commission. There are no better candidates for her new and important role. The Vice President has indeed been a trailblazer for female representation in the industrial relations system.

PN47

When she began her first IR role, as has been mentioned, at the peak body for the Australian Sugar Producers Association, she was the first woman employed there in a non-administrative role. Indeed, she recently told the Industrial Relations General Workplace Review, in an interview, of the challenges this posed, such as when she was invited to a Christmas lunch at a club with exclusively male membership, and had to respond by asking whether she would be admitted to the dining room. Thankfully, in most cases, times have well and truly moved on.

PN48

When she was later appointed to the Australian Industrial Relations Commission in 2000, there too she was one of the few women on the Bench. No doubt the Vice President has not only inspired cultural reform in the system, but also the careers of other female advocates that have appeared before her since in industrial disputes, by showing them the heights that can be achieved and the invaluable work that can be performed in the service of Australian businesses and workers.

PN49

After representing the Sugar Manufacturers, the Vice President continued her employer advocacy at ACCI's peak employer counterpart, the Australian Industry Group, which is where I first met her. Indeed, we were briefly colleagues there during 2000, and I have to say, I'm not a practitioner at all, in the field of industrial relations, but working with Vice President Asbury then, I had my first opportunity to appear as an expert witness in a state wage case, so thank you for that introduction.

PN50

Although before joining the Industrial Bench the Vice President was an employer advocate, she is renowned for her impartiality, and thereby she has gained significant respect from those right across the industrial divide. She recently said, and I quote, 'I am still amused by attempts from the barrackers, to coin a term from former Justice Paul Munroe, who categorised members of the Commission based on whether they are appointed by a Labor or Liberal government.

PN51

I like to think that given my background, I am difficult to categorise. I believe the strength of the Commission is diversity among members, and the work and life experiences we bring to the role. The oath we take says everything you need to know about the role, to faithfully and impartially perform the duties of the office

according to law.' Indeed, it is this devotion to impartiality that has gained the Vice President such wide and deep respect from both employers and union bodies alike.

PN52

While her experience at Ai Group has equipped her with an important understanding of the needs and functioning of businesses, such as the needs of the ACCI network, the Vice President performs her role with unwavering fairness and complete neutrality.

PN53

It is fitting that the Vice President, with a background of employer advocacy, was appointed as a Commissioner at the Queensland Industrial Relations Commission, appointed as an inaugural Commissioner of Fair Work Australia, elevated to the Deputy President of the Fair Work Commission, and most recently, appointed Vice President of the Commission during the tenure of four separate Labor governments.

PN54

The Vice President epitomises the great and crucial tradition of governments appointing the most meritorious candidates to positions on industrial relations tribunals while in government, rather than those of their respective political persuasions. During her time at the Commission, the Vice President has played a key role as a member of the expert panel which conducts the annual wage review, a significant responsibility given the impact its decisions have on so many businesses and industries across the country.

PN55

The Vice President was also, for a time, a member of the former Road Safety Remuneration Tribunal, an institution that the government now, I think, seeks to, at least, resurrect in some form through legislation that will be forthcoming later this year.

PN56

Finally, the Vice President's experience of having been a member of the Commission from the inception of the Fair Work Act, makes her elevation even more necessary at this pivotal time as the statute undergoes the most radical changes since.

PN57

The overhaul of the enterprise bargaining system, particularly the expansion of multi enterprise bargaining reforms to equal remuneration, sexual harassment, flexible work, and dispute resolution, as well as those forthcoming changes which may see an expansion of the Commission's jurisdiction to independent contracting arrangements, all justify the appointment of steady and experienced hands at the top of the Federal Industrial Relations Tribunal.

PN58

We are of the firm view that Vice President Asbury's contributions in this capacity will be indispensable to ensure that the Commission continues to promote a co-

operative and productive workplace relations system that balances the needs of all stakeholders.

PN59

And to Commissioner Durham, Commissioner Durham brings extensive industrial relations experience to her new role. The Commissioner learnt the ropes within the trade union movement while working with the Queensland Council of Unions, Queensland Plumbers Union, and Together Queensland. The Commissioner also spent time with Queensland Health where she was involved in the bargaining process for Queensland nurses and midwives, and indeed, my wife is a former Queensland nurse, so I think it's certainly a very important cause, which makes her very well equipped to manage the challenges of the complex enterprise agreement approval process and related disputes that may arise in her new role.

PN60

More recently, the Commissioner was the Chief of Staff to Queensland Minister for Employment & Industrial Relations, the universally respected, the Honourable Grace Grace who is here today, also with her colleague, Minister D'Ath. There she worked closely with the Minister to oversee extensive reforms to the Queensland Industrial Relations system including the implementation of a new statute, the Industrial Relations Act 2016.

PN61

This experience will hold the Commissioner in very good stead as she works closely with industrial matters that will arise from the considerable legislative challenges being made to the Federal Industrial Relations system in the months ahead. This is a critical time for the Fair Work Commission, in which it will be forced to resolve matters which greatly affect Australian businesses, in particular, the expansion of multi-enterprise bargaining.

PN62

Commissioner Durham is well prepared for these challenges and will undoubtedly be an asset to the Bench. ACCI and my employer colleagues look forward to working very constructively with you, Commissioner. Welcome.

PN63

JUSTICE HATCHER: Mr Murdoch?

PN64

MR MURDOCH: May it please the Commission. I am pleased to stand in today for Mr Damien O'Brien KC, President of the Bar Association of Queensland, and also for Ms Chloe Kopilovic, President of the Queensland Law Society.

PN65

The Associations join in the acknowledgements of the traditional custodians of these lands which have already been put on record, this afternoon. We welcome the new Vice President and the new Commissioner, both of whom bring with them a wealth of knowledge and skills in the areas of employment and industrial law.

PN66

Vice President Asbury, you move into the senior leadership role of Vice President of the Commission, following an already distinguished career on state and commonwealth industrial tribunals. You were initially appointed Commissioner of the Queensland Industrial Relations Commission in the year 2000, and have been a member of the Fair Work Commission since 1 January 2010.

PN67

That followed a dual appointment to the former Australian Industrial Relations Commission which went back as early as 13 December 2000. You have been a Deputy President of the Commission since 2013. You were President of the Defence Force Remuneration Tribunal from 2016 to 2021, and a Chairperson of the Northern Territory Police Arbitral Tribunal.

PN68

Along the way you graduated in law at QUT and obtained admission as a legal practitioner of the Supreme Court of Queensland in 2006. Vice President, you came as a youthful appointee to the Queensland Commission 23 years ago, but already well rounded and well grounded from your previous role as the National Industry Group Manager for the AiG.

PN69

The experience in heavy engineering and major projects gave you considerable expertise in dealing with the hurly-burly of blue-collar industrial relations. Those experiences equipped you well for your commission work which has often involved significant industrial disputes in mining and construction projects.

PN70

Your cheeky sense of humour is well known to your family and colleagues, as is your liking for AFL, and support for the Brisbane Lions. Your foray into racehorse ownership was short-lived but there are still plenty of opportunities for a comeback. Less known, perhaps, is your generosity in which Andy joins you, as a donor and supporter of worthy charities in the health sector.

PN71

Your dad, the late Albert Asbury, was an eminent ABC journalist in Western Queensland, Papua New Guinea, and later, Brisbane, as Queensland Chief of Staff. The lawyers of Queensland extend to you and to your husband, Andy, your mother, Maureen, and your extended family, their best wishes on this well-deserved appointment.

PN72

Commissioner Durham, you joined the Commission after a distinguished career in Public service and the Trade Union Movement. You have been a Senior Director, Industrial Relations & Workplace Arrangements for Queensland Health; Operations Manager for the Queensland Plumbers Union; Lead Industrial Officer for the Queensland Council of Unions; and industrial advocate for Together Queensland, under various of that body's name changes.

PN73

For some years you have been Chief of Staff to the Honourable Grace Grace, Queensland Minister for Education, Industrial Relations & Racing. Assisting the

Honourable Grace Grace to manage those large and important portfolios has required a significant capacity for hard work. The job also showcased your high level of people skills, and it should be noted that your contribution to legislative reform in Queensland has been significant, and has benefited Queensland workers by strengthening the statutory protections available to them under Queensland law.

PN74

The Queensland Bar's Employment & Industrial Relations Committee acknowledges your help and courtesy over the years in juggling your minister's jam-packed diary to ensure she had availability to speak at our two-yearly conferences. The Bar and the members of the Queensland Law Society wish you and your family well as you move into this new role.

PN75

May I finish by congratulating the Honourable Tony Burke, Minister for Employment & Workplace Relations, for the astute selection of the appointees. They bring a combination of legal and industrial skills to ensure the Commission can successfully manage its increasingly diverse workload of cases. It is particularly pleasing to have, for the first time, a Queensland based Vice President of the Fair Work Commission. If the Commission pleases.

PN76

JUSTICE HATCHER: Vice President Asbury?

PN77

VICE PRESIDENT ASBURY: Thank you. Justice Hatcher, Vice President Catanzariti, Members of the Commission, Senator, the Honourable Anthony Chisholm, the Honourable Grace Grace, the Honourable Yvette D'Ath, Ms King, Mr McKellar, Mr Murdoch, and friends, family and distinguished guests, I am deeply honoured to be appointed as a Vice President of this extraordinary institution that has been part of the fabric of Australian society since 1904.

PN78

It is a great privilege to be involved fundamentally in the relationships between workers, employers, and those who represent them and to have an opportunity to make those relationships better. It is slightly surreal to be here today, 23 years after I was downstairs, and being welcomed as a member of the Queensland Commission in September 2000. The Honourable Grace Grace reminds me that she welcomed me at that ceremony on behalf of the Queensland Council of Unions, and Minister, you said then we'd known each other a long time. Well, clearly, we were five when we met.

PN79

It seems only yesterday though, that much to the horror of our respected bosses, we formed a women in industrial relations group, and I can imagine the conversation when Harry Hauenschild from the Labour Council, called my then boss, Adrian Bloomfield and said, 'AB, they must be stopped. 'They will be comparing their salaries and talking about us', and Adrian wisely said, 'Double H, I don't know how we can stop them, they are entitled to a lunch break.'

PN80

So, like all great organisations it went on and even, at one point, had a number of factions. The Honourable Yvette D'Ath may have been in the younger faction but I think we'd known each other for a very long time, as well, and it's wonderful to see her here today.

PN81

I know Mr Murdoch will recall a former President of the Queensland Industrial Court querying whether he really needed to draw back the dusty veil of history. I think it was about the meaning of 'ordinary and customary', and 'turnover of labour', Mr Murdoch. But you bravely persevered with your submission and in that vein, I'm going to persevere and do the same thing.

PN82

I am delighted that my dear friends and former colleagues from the Queensland Commission, Dianne Linnane and Glenys Fisher are here today, and I acknowledge with great gratitude, their friendship and support for many years. I also acknowledge Adrian Bloomfield who is unable to attend today, and without Adrian's support and friendship, I would not be sitting here.

PN83

As well as being a valued colleague at the Queensland Commission, he employed me as an Industrial Officer at the former Metal Trades Industry Association on the strength of my experience of some, a bit less than five years as an Industrial Officer with the Sugar Producers Association, and a fake it till you make it approach to advocacy, and somehow entrusted me with his very meagre travel budget of the Queensland branch and sent me interstate where I was so privileged to work with some extraordinary people who I also acknowledge, the late Bert Evans and Roger Boland, who went on to be President of the New South Wales Commission.

PN84

My appointment to the Queensland Commission brought me the bonus of a dual appointment to the Australian Industrial Relations Commission, and members of the AIRC were incredibly collegiate, particularly Iain Ross, who was then Vice President, and I am so grateful to have had the opportunity to engage with legends of Industrial Relations, many of whom I had previously appeared before.

PN85

I particularly acknowledge Tony McIntyre and Colin Polites. I never dreamt I would be appointed to a role held by Tony McIntyre, another former Vice President of the AIRC, and I know if he was here today he would give me his usual advice, which was delete the adjectives. Sadly, I never paid much attention to that.

PN86

I also acknowledge Paul Munro whose wisdom and humour, I value. Preparing this speech, I found an old email exchange with, 'Munro, J', as we affectionally called him, about an agreement that I had approved, and across it on every page was emblazoned, 'It's time', and there was a little bit of barracking from the sidelines about whether that should have been approved with that slogan on

it. And Paul's response, which he described as, 'barracking from the sidelines', to that approach was, what it really meant is, it's time get back to work, from the employer's view; and from the union's view, it meant whatever an employee does at or near work, it's time. So, I always valued Paul's support and guidance.

PN87

I am grateful to the late Geoffrey Giudice for his friendship and support, particularly in March 2012, when after three years as a dual employee I decided to make the leap and resign my primary appointment with the Queensland Commission to take up an appointment with Fair Work Australia.

PN88

I acknowledge former President, Iain Ross, who I had the enormous privilege of working with both as a Vice President and a President; my first and only panel head, Anne Harrison, who I thank for her friendship; former Senior Deputy President Lea Drake, who I'm so delighted has travelled from Sydney to be here today; I'm delighted that former Commissioner Errol Hodder is here today, and you're not sitting next to Lea Drake by accident, Errol, just in case you decide to remember some stories about me, as I have done about you, in past times.

PN89

I thank our President, Justice Hatcher, for his support. I know from working with his Honour in his former capacity as Vice President, that he will make an enormous contribution to the vital work of the Commission and I look forward to continuing to be part of that work, and I'm sure that it's purely coincidental that his Honour is the second Vice President I have worked with who went on to bigger and better things.

PN90

I also thank Vice President Catanzariti for his support and guidance, and look forward to continuing to work with him and colleagues and friends who sit on the tribunal.

PN91

I particularly acknowledge my colleagues in Queensland. You are committed and dedicated to the important work we do, and I do not doubt that the appointment of a Vice President in Queensland, which would have been unheard of back in the day, is the recognition of the important role you all play, and the significance of Queensland in the national system.

PN92

I am delighted to be sharing this welcome with Commissioner Durham, and congratulate her on her well-deserved appointment. Associates, past and present, some here today, I simply could not do anything without you, and there's several of you here. My current associate, Jesse, every day when I say, 'It will settle down soon', I'm probably not being completely forthright.

PN93

To my family, thank you for your constant love and support. I am so fortunate to have my mother, Maureen, here today. Sadly, my late father, Albert, is not here although I must say, having a journalist for a father was difficult, as he was

always on the hunt for a story, and would have attempted to get TV cameras in here today and would probably have made a quip comparing me to Dame Nellie Melba, given this is the third time I would have dragged my family here for a welcome ceremony, and would always ring me, 'just for a chat', on days when I had a major dispute where I did not want the media within cooe.

PN94

But I am very grateful for all the opportunities my parents gave us, as my siblings, Kristine and Michael, who are here today know. I am grateful to have my brother-in-law, Peter, and his love and support; my niece, Isabella, who is here today, and Bella, you were not around 23 years ago, so it's lovely to have you here; to my wonderful stepson, Bryce, and daughter-in-law, Samantha, thank you for your love and support; and to my beautiful granddaughters, Catherine and Eleanor, who are the joys of my life, that you did not think would be joyful to have here, given the time of this sitting.

PN95

And finally, my wonderful husband, Andy, who puts up with my many idiosyncrasies, usually with good humour. Thank you for your loving support and your extraordinary organisational skills, which even I cannot evade. Thank you.

PN96

THE PRESIDENT: Commissioner Durham.

PN97

COMMISSIONER DURHAM: Good afternoon, everyone. I acknowledge and welcome Minister Grace, Minister D'Ath, Senator Chisholm, my fellow members, my family and friends, and Vice President Asbury's family and friends.

PN98

Can I start by congratulating Vice President Asbury on her well-deserved appointment, and thank her and the many members and staff of the Commission who have made me feel so welcome and supported. In particular, my associate, Justin, for making my transition, so far, such a smooth one.

PN99

My sincere thanks to Senator Chisholm, Ms King, Mr McKellar, and Mr Murdoch for your very kind words and warm welcome. It is a great privilege to have been appointed as a member of the Fair Work Commission and I thank Minister Burke and the Australian Government for the trust that they have placed in me.

PN100

It is not lost on me that I am joining the Commission at a time of significant change, with a focus on the vitally important issues of gender pay equality; sexual harassment; and supporting enterprise bargaining.

PN101

These are all issues that I have had a long association with, making my appointment even more meaningful to me. Throughout my career I have had the privilege of working with some truly amazing people whose trust in me has

provided the most incredible opportunities, all of which have led me here today. I'd like to take some time to acknowledge just a few of them.

PN102

Firstly, to the team I worked with at the Queensland State Services Union way back in the 1990s. It was here as a 17-year old print room assistant that I found my thing, surprisingly, in industrial relations.

PN103

With the encouragement and support of Industrial Officers like John Merrell, now Deputy President of the State Commission; Jenny Gribaudo; Barry Watson; Peter McKay and Brian Mann, I gained the confidence to undertake the further study I needed to reach my goal of becoming an industrial officer. Deputy President Merrell was my Principal Industrial Officer during much of this time, and I'm always extremely proud to say that I learnt from one of the best.

PN104

The 90s was also when I met Yvette D'Ath. Yvette was working in the Registry Office of the Industrial Relations Commission, and had also found her thing in industrial relations. Having taken similar paths, we ended up together studying part-time at QUT while making our way up the ranks. I was making my way as an Industrial Support Officer at the union while Yvette, ever the over-achiever, had become Commissioner Swann's associate before heading to the Australian Workers Union as an industrial officer.

PN105

From there, she was off to Federal Parliament, and of course, is now the State Minister for Health & Ambulance Services. Yvette, thank you for over 30 years of friendship and your unwavering support. I am in awe of everything you have achieved.

PN106

After ten years at the union I returned from maternity leave to take up the role of Industrial Officer at the Queensland Council of Unions. It was there that I first met Grace Grace. I can sum up my ten years at the QCU with something she said to me, many, many years ago. I must have been having one of those days and she said, 'You know, you'll never find another job like this', and I knew exactly what she meant. I truly was an amazing job.

PN107

I got to work across every industry:- blue collar; white collar; private sector; public sector, and I got to witness daily, the incredible impact that unions have on the lives of their members and society as a whole. The opportunity to work on such significant matters as gender pay equality; workplace bullying, and the successful campaign for paid parental leave, even though I hadn't got it myself, were all experiences that I could not have got anywhere else, at least not all at the same time. I can't thank Thommo, Grace, the QCU and its affiliates, enough for the opportunities and experiences gained during this time.

PN108

After ten years at the QCU I was ready for a change. My thanks to Brad O'Carroll who is here today, the then State Secretary of the Queensland Plumbers Union, for breaking with tradition and employing me as the union's Operational Manager, overseeing governance and industrial strategy, all functions that traditionally had only ever been performed by elected officials.

PN109

Brad, the trust you placed in me gave me so many opportunities to grow. You showed me industry partnerships in action, and taught me your 80/20 rule, that 80 per cent of what's good for the worker is good for the employer. So, when we agree on the 80 per cent, it makes the 20 per cent where we don't agree, so much easier. And, of course, Brent(?) and I will never forget your bickie tin rules of accountancy.

PN110

In 2015 I was given the incredible honour of being asked to join the Honourable Grace Grace as her Chief of Staff. After years operating within the industrial relations system, to suddenly play a part in designing and controlling the system, was such a privilege. Grace, together we created the most incredible team and I am so pleased that many of them are here today.

PN111

Together we passed nation-leading legislation for industrial manslaughter, wage theft, labour hire licensing, and in what I think will prove to be our proudest achievement, we took immediate and decisive action to protect workers in the engineered stone industry and the life-threatening impacts of silicosis, all under your incredible leadership, and at the same time as we were running an education system, and of course, the racing industry.

PN112

Grace, you are one of a kind. Thank you for your friendship and trust. There are so many things I have learned from you, but I think I can sum it up with your two favourite sayings, 'attention to detail', and 'question everything.'

PN113

To my wonderful friend, Tania, having worked with you so long at the QCU, I couldn't leave you, so I dragged you with me to the Plumbers Union, and then in 2015 we got the old team back together again in the Ministerial Office. Thank you for being my sounding board, release valve, and chief proof reader for 20 odd years, especially as none of these things were ever part of your actual job. You, Gary and Mauve, will always be such a big part of our lives and I thank you both for your friendship and for always having my back.

PN114

To my dear friends, Vanessa and Justine, thank you for sticking with me through the unanswered text messages, and late birthday wishes, there is something very special about friends that have known you for your whole life. To my brothers, Chris and Jim, thank you for being such great big brothers.

PN115

I know you share with me, a huge sense of gratitude to our parents who instilled in us the values of social justice.

PN116

They taught us to fight for what we believed in, but to always respect the rights of others to their own views and beliefs. While sadly, mum and dad are no longer with us, having their partners, Brent and Rhonda here today, means so much.

PN117

Finally, and most importantly, I want to thank Brent, Lucas, Cooper and Abby, who even after the longest days, and there have been some very long ones, when my sense of humour should be all but gone, can still make me laugh. It is your love and support that ultimately has allowed me to be sitting here today. Thank you.

PN118

JUSTICE HATCHER: All right, I thank you all for your attendance here today. We have some refreshments organised in Conference Room A across the way, so I invite you stay, and we will now adjourn.

ADJOURNED INDEFINITELY

[2.48 PM]