



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

**CEREMONIAL SITTING OF THE FAIR WORK COMMISSION
TO WELCOME COMMISSIONER ALLISON AND COMMISSIONER TRAN**

Melbourne

9.30 AM, WEDNESDAY, 9 AUGUST 2023

PN1

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

PN2

This ceremony today is for the purpose of acknowledging the appointment to the Fair Work Commission of Commissioner Allison and Commissioner Tran, and I welcome their families, the speakers at the bar table, and all other guests present.

PN3

So I will now ask Ms Godden, Chief Counsel at the Department of Employment and Workplace Relations who is representing the minister, to address the Commission first.

PN4

MS GODDEN: May it please the Commission. I begin today by associating myself with your acknowledgement of country, President, and pay my respects to elders past, present and emerging, and extending that respect to all Aboriginal and Torres Strait Islander peoples here today.

PN5

I am honoured to be here today representing the Australian government on behalf of The Honourable Tony Burke, Minister for Employment and Workplace Relations, who apologises that he is unable to be with us today to welcome Commissioner Susie Allison and Commissioner Oanh Tran.

PN6

I would also like to acknowledge your Honour, the President, and all Members of the Fair Work Commission, 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 who are here today on this significant occasion.

PN7

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 the institution have grown and evolved to match social, economic and legislative changes in our society. This landscape has changed as our nation has changed.

PN8

Now that 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 in almost every home. They are felt in almost every workplace.

PN9

As Minister Burke said in April, when he was welcoming your Honour 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.

PN10

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 that you must take into account on decisions you will oversee. It's an historic change.

PN11

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 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.

PN12

Commissioner Allison, you bring to the Fair Work Commission a wealth of knowledge and experience in workplace relations, having worked in the field for over 20 years. In 1999 you graduated with a Bachelor of Arts from the Australian National University, then went on to obtain a Bachelor of Laws with honours from the University of Melbourne in 2001. That same year you became an associate to his Honour, Marshall J, in the Federal Court of Australia.

PN13

In 2002 you joined the National Union of Workers as an industrial officer and organiser. You remained in this role for 10 years. During this time you were an industrial advocate for employment matters across Victoria and negotiated numerous enterprise bargaining agreements for NUW members, including for workers at Bosch, Uncle Tobys, Yakult and Bostitch.

PN14

In 2012 you became lead industrial lawyer at the NUW, supervising a team of six lawyers. In this role you represented members before the Commission in matters relating to unfair dismissal, for general protections, right of entry and bargaining disputes. You also led workplace negotiations with major employers in a variety of industries across Victoria, including (indistinct), Nestle, Caterpillar and Fonterra.

PN15

You bring to the Commission strong leadership skills, having served as the Assistant Secretary of the NUW from 2014, before becoming Victorian Secretary for the NUW in 2018.

PN16

In 2019 you became the Victorian Secretary and National Executive Director of the United Workers Union. There you led a large team of union officials who

investigated and pursued breaches of the Fair Work Act, across industries including aged care, early childhood education, food processing, manufacturing and hospitality. Of particular note during your time with the UWU, you worked closely with industry and government during the COVID-19 lockdowns to ensure food workers could safely attend work and continue food supply.

PN17

In 2021 you joined the Victorian Public Service, becoming Director of the Fair Jobs Code Unit at the Department of Jobs, Skills, Industry and Regions. You were instrumental in operationalising the code which seeks to ensure that businesses which contract with the Victorian government comply with workplace relations and workplace safety laws. In this role you established and oversaw an assessment team to review compliance of businesses with these laws.

PN18

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

PN19

Commissioner Tran, you similarly bring to the Fair Work Commission a breadth of experience in workplace relations, having worked in private practice, in the union movement, and the community legal sector for the past 15 years. You also bring a passion for ensuring that working Australians, particularly women, young and migrant workers, achieve fairness, dignity and respect at work.

PN20

In 2002 you graduated with a Bachelor of Arts with honours from the University of Queensland, and then went on to obtain a Bachelor of Laws with honours from that same institution in the following year.

PN21

In 2004 you became an associate to her Honour, Roslyn G Atkinson J, at the Supreme Court of Queensland. In 2005 you joined private practice at Macrossan Lawyers, as it was then known, in Brisbane as an article clerk. In 2006 you began practising as a solicitor, after being admitted to the Supreme Court of Queensland and being entered into the registrar of practitioners in the High Court in that same year.

PN22

In 2007 you moved to the United Kingdom, becoming a legal assistant at Lamport Bassitt Solicitors in Southampton. After being admitted to the Supreme Court of England and Wales, you continued to work in private practice as a solicitor in the UK until 2010.

PN23

In 2011 you returned to Australia and joined the Textile, Clothing and Footwear Union of Australia as an industrial officer advocating for the rights of TCF outworkers. From 2011 to 2014 you were also a volunteer caseworker at the Disability Discrimination Legal Service in Melbourne.

PN24

In 2018 you became a national legal and industrial officer at the Construction, Forestry, Maritime, Mining and Energy Union, after the TCFUA merged into the CFMMEU's manufacturing division. During your time with the TCFUA and the CFMMEU you advocated on behalf of individual members in relation to workplace disputes, including underpayment of wages, termination of employment, bullying and discrimination. You also advised and assisted officials and organisers within the union on workplace relations and discrimination law, including in relation to right of entry and workplace disputes and enterprise agreement negotiations.

PN25

In 2019 you became principal solicitor at the Young Workers Centre in Victoria, operating out of the Victorian Trade Council Hall. Here you led a team of solicitors to provide information, advice and ongoing legal assistance to young people under 30 in Victoria on employment law issues.

PN26

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

PN27

The government has made it 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 to the Fair Work Commission, to give workers as equal a voice as employers in decisions that affect them.

PN28

Your Honour, great responsibility is placed on Members of the Fair Work Commission. The balance and fairness of the system depends on the integrity, judgment and skills of the 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 Commissioner Allison and to Commissioner Tran.

PN29

Commissioner Allison and Commissioner Tran, on behalf of the Australian government I 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. I convey our goodwill and wish you well in the exercise of the responsibilities of your office. Thank you.

PN30

JUSTICE HATCHER: Ms O'Neil, President of the Australian Council of Trade Unions.

PN31

MS O'NEIL: Thank you, your Honour. Your Honour, Commissioners Allison and Tran, your proud family members and friends, Members of the Fair Work

Commission and all of those joining us today, I want to begin by acknowledging the traditional owners of the lands we're meeting on, the Wurundjeri people of the Kulin nation, pay all of my respects to their elders past and present. It always was and it always will be Aboriginal land.

PN32

I also want to take this opportunity to express the ACTU's support for a voice to parliament to be enshrined in our constitution. Having the voices of Aboriginal and Torres Strait Islander people listened to and respected in the decisions that affect them is key to improving their lives, and the union movement has proudly committed to supporting the yes campaign in the referendum.

PN33

What an honour and pleasure it is, on behalf of the Australian Trade Union movement, the ACTU, our affiliates and working people, to welcome and congratulate two extraordinary, highly capable and trailblazing women on their appointments as commissioners to the Fair Work Commission.

PN34

Firstly, to Commissioner Susie Allison. Your career has been one of dedicated and passionate service to working people. Throughout your time working in the union movement your values have shone through. You have demonstrated your conviction that fairness and justice should be at the centre of workplace relations, and that all workers have the right to be treated with dignity and respect.

PN35

Commissioner, you were awarded, as we heard, a Bachelor of Arts from the Australian National University and a Bachelor of Laws with honours from the University of Melbourne, and in 2002 you began work as an industrial officer at the NUW. In this role your strong commitment to justice and equality were on clear display. This commitment has been demonstrated in your more creative endeavours. In 2005 your 10-minute play on striking migrant workers, *The Winter Solstice*, was one of 30 plays out of 1000 that was selected by the Melbourne Arts Centre to be performed as part of its Short+Sweet competition.

PN36

You worked in a number of roles at the NUW, spanning from organiser to industrial officer, to leading the union's national industrial team. You are remembered as conscientious, dedicated and passionate. You also demonstrated toughness and resilience and you did everything you possibly could to make sure every member's voice was heard and to represent and advance their interests. Colleagues remark upon the strong impression you made with your deep commitment to social justice, fairness and equality.

PN37

They noted your strategic and curious legal mind and the way you applied your expertise to leading significant legal campaigns with the union's women members in the food manufacturing sector. This was evident in your leading role running the first good faith bargaining application under the Fair Work Act in 2009, and in the successful strike of women workers at Jindi Cheese for equal pay in the dairy industry, and it was evident in your role leading union members who had been

subject to a six-week lockout by McCormick, workers who had been trying to protect hard-won conditions who stuck together and ultimately won back their rights, and I want to acknowledge the presence of one of them, April, the delegate from that workplace who played a leading role in the struggle who is here with us today.

PN38

Commissioner, I came to know you at this time and saw that you were as comfortable on the back of a truck as sitting in a boardroom.

PN39

In 2014 you were elected as Assistant Victorian Secretary of the union, and in 2018 you were the first woman in the union's history to be elected as State Secretary, a groundbreaking and historic accomplishment in a male-dominated union. As State Secretary you demonstrated an absolute commitment to union's members and support for their campaigns for fairness, justice, equality and respect. This dedication was further evidenced in your role in the creation of a new union, the United Workers Union, and in the merger between the NUW and United Voice.

PN40

You are remembered for not being a 'look at me' leader. Your selflessness and commitment to putting the interests of union members first was demonstrated clearly when you stepped down from your position as State Secretary to help create space for the new union structure. At the UWU you continued to work with great passion and dedication for the benefit of union members as National Director of Food and Beverages from 2019 to 22.

PN41

After this you took up the position as Director of the Fair Jobs Code Unit at the Victorian Department of Jobs, Skill, Industry and Regions. Your commitment and passion for workers' rights has extended beyond Australian shores, advocating for justice and the freedom of association for workers globally, and this included your role in the International Union of Food and Hotel Workers.

PN42

Commissioner, throughout your career you have put your beliefs and your convictions in fairness and equality into action. We know that you will continue to do so and serve in your new position with diligence and distinction. It's vital that in its deliberations this Commission draws on the experience and understandings of those people who have been directly involved in representing working people. This is a perspective that you will bring to this Commission, alongside your extensive expertise and knowledge of the law. It's my privilege to congratulate you on your appointment to this Commission.

PN43

Let me turn to Commissioner Tran. I had the great pleasure of working alongside you for many years at the TCFUA and what I know is your working life has been driven by your values, by your belief in listening to and understanding the perspective and experience of others, by your belief in collaboration and supporting others, especially migrant workers and young workers, by your belief

in the inherent dignity of all working people, no matter where they come from, the language they speak or the work they do.

PN44

Commissioner Tran, yours is an inspiring story of courage, resilience and determination, and this story began with you being in a Malaysian refugee camp as the youngest of eight children to Vietnamese parents fleeing their war-torn homeland, six of whom, six of those children are with us in the Commission today. Alongside, with your parents and seven siblings, you made it to Australia and moved to Brisbane where your parents worked as outworkers in the clothing industry.

PN45

Commissioner, I know that as a child you and your sisters and brothers helped your parents sew thousands upon thousands of garments as part of this work, clipping threads, stacking material, doing your bit to make their job easier and faster.

PN46

In these formative years you honed your profound understanding of the struggles faced by refugees and migrants, working class people and low paid workers, and I would add your sewing skills, which I know you still put to beautiful, creative and practical use.

PN47

As you grew older your passion for justice and empathy for others led you to pursue a career in law. You achieved a Bachelor of Arts and a Bachelor of Law from the University of Queensland. You worked as an article clerk and solicitor with Macrossan Lawyers in Brisbane, and as a judge's associate with the Honourable Roslyn G Atkinson J at the Supreme Court of Queensland, and Atkinson J also joins us in the Commission today.

PN48

You earned high praise for your exceptional work ethic and commitment to this position. I know that when a former colleague of ours contacted Atkinson J to conduct a reference check she referred to you as one of the best associates she had ever had.

PN49

After this period of service you moved to the United Kingdom where you worked for a labour law firm for a number of years, leaving a lasting impact on the lives of many workers. Luckily for us, you decided to come home. Soon after returning to Australia you applied for the position of Industrial Officer with the Textile, Clothing and Footwear Union of Australia Victorian branch.

PN50

When we interviewed you, you were asked how you would manage dealing with sometimes difficult and abusive employers in the textile clothing and footwear sector. You thought about your answer for a few moments and then responded in your typically steely, yet calm and determined way, 'That's okay. People have been underestimating me my whole life. I can deal with that.'

PN51

You were right. In this role you demonstrated immense commitment, passion and intelligence in your work advocating on behalf of the union's members, many of whom were low paid and award dependent. As industrial officer you were involved in a vast array of work, including drafting and negotiating agreements, supporting union members in individual and collective disputes, taking action on award and enterprise agreement breaches, recovering money for workers subject to wage and superannuation theft, recovering workers' entitlements when companies collapsed, and working in policy and endless numbers of submission writing, and, of course, the 2012 modern award review.

PN52

You played a vital role in the union's work for the landmark textile, clothing and footwear outworker reforms to the Fair Work Act in 2011 and 12, a world leading example of rights for workers throughout supply chains.

PN53

In March 18, following the amalgamation of the TCFUA with the CFMEU, you took on the role of National Legal and Industrial Officer for the CFMMEU in the manufacturing division, and your dedication to workers' rights never wavered, whatever the challenge, and you continued to have a significant impact on the lives of many.

PN54

In February 2019 you were appointed as the principal solicitor at the Young Workers Centre at the Victorian Trades Hall Council where you provided invaluable support to young workers in their quest for justice and fair treatment. In this role you helped countless young Victorians seek redress from exploitation, exposure to unsafe working environments, sexual harassment, bullying and wage theft. During your time there the Young Workers Centre recovered a remarkable \$2 million for young workers subject to wage theft, discrimination and unfair dismissal.

PN55

Commissioner, those who have worked with you all attest to your intelligence, your deep commitment and your extraordinary work ethic, but you are also a warm, welcoming and collaborative colleague. Despite all of your accomplishments, you do not condescend to anyone. You treat people with respect. You are never pushy. You listen carefully and give people the time they need to tell their story. You are driven by justice and fairness in both process, and importantly, outcomes.

PN56

Commissioner, your appointment comes at a pivotal moment. Australian workers are enduring extraordinary strain with the cost of living crisis and we know that women, migrant workers and young workers are disproportionately suffering from the effects of insecure work, a lack of bargaining power, exploitation, bullying and harassment, and declining real wages. The actions of this Commission will be pivotal in delivering fair and just outcomes to workers in this country in the times ahead. It's vital that this Commission better reflect the workforce whose decisions it is affecting.

PN57

Commissioner, I am so honoured, on behalf of the Australian union movement, to congratulate you on your appointment. You bring an accumulated knowledge and understanding of the realities on the ground for working people, whose life experiences are fundamentally shaped by the laws that we have and the manner in which they are applied.

PN58

The decisions that are made by this Commission are not abstract. They have a very real impact on the lives of literally millions of working people. It's so important to have a Commission that is slowly starting to reflect who we are as a nation. Better decisions are made when the lived experiences of the people making them is more diverse.

PN59

We know that you will stand in the finest traditions of this Commission in recognising the reality of working lives in its decisions as you play a new and important part in its role as an independent and impartial umpire delivering equality and justice in our workplace relations system. If the Commission pleases.

PN60

JUSTICE HATCHER: Ms Minster from Live Performance Australia on behalf of the Australian Chamber of Commerce and Industry.

PN61

MS MINSTER: Thank you, your Honour. I would like to begin by acknowledging that we are meeting on the traditional lands of the Wurundjeri people of the Kulin nation and pay my respects to elders past, present and emerging, and any elders from other communities that may be with us today.

PN62

I would also like to acknowledge, your Honour, the President, other Members of the Fair Work Commission, fellow representatives at the bar table, from the trade union movement, the legal profession, federal government, and in particular, the two new Commissioners and their friends and family.

PN63

It is a privilege to appear before the Fair Work Commission today on behalf of the Australian Chamber of Commerce and Industry and my organisation, Live Performance Australia, to welcome two of the newest appointments to the bench, Commissioner Allison and Commissioner Tran.

PN64

The Fair Work Commission performs a crucial role in the Australian economy. Industrial peace, social cohesion, economic productivity and workplace relations all depend on its efficacy. As a result, it is imperative that its functions are performed by exceptional and trusted tribunal members of which today we officially welcome two more. Commissioner Allison and Commissioner Tran, on behalf of ACCI and employers more broadly, I sincerely congratulate you on your appointments to the Fair Work Commission.

PN65

Commissioner Allison, your industrial advocacy while Executive Director of the United Workers Union and Victorian Secretary of the National Union of Workers will hold you in good stead for this role.

PN66

In 2019 you helped bring public attention to the exploitation of migrant workers in Melbourne's food suppliers. During your time in the union movement you have demonstrated your commitment to promoting an industrial relations system that is fair and safe for all workers.

PN67

Later, in the Fair Jobs Code Unit for the Victorian government, you transferred these skills from advocacy and representation to procurement, maintaining that same commitment to ensuring compliance with workplace obligations. Commissioner Allison, you will be a great asset to the Fair Work Commission.

PN68

Commissioner Tran, it is fitting that you, alongside Commissioner Allison, are to be one of the youngest members of the bench, after having advocated so strongly for the rights of youth workers during your time as principal solicitor at the Young Workers Centre. Your success, as it is impossible to miss when surveying your extensive industrial credentials, has clearly been driven by a profound sense of social justice and a desire to enshrine it within the workplace relations system.

PN69

As a national legal and industrial officer at the CFMMEU and the Textile, Clothing and Footwear Union, and later as Principal Solicitor at the Young Workers Centre, you dedicated yourself to fighting for the rights of workers. During the pandemic, while businesses and workers across the country were suffering, you continued your advocacy by running information sessions and joining expert panel discussions on wage and underpayment rights of recovery.

PN70

In a speech to the Jobs and Skills Summit you recently declared that unions act for members, but they also act for a system whereby minimum standards are met so that people can help the economy thrive. It is, therefore, plainly clear that you do not only appreciate the importance of Australia's industrial relations system, promoting cooperation between business and workers, but also their productivity.

PN71

Commissioners Tran and Allison, where you both come from a union background and today I represent an employer one, I lack any reservation about your resolute commitment to the impartial discharge of your duties as Fair Work Commissioners, and finally, it is worth noting the significance of two more women being appointed to the Fair Work Commission. Gone are the days of Australia's industrial relations system being dominated by men. Commissioners, your leadership in your new roles will no doubt serve as an inspiring example for countless young female advocates who appear before you.

PN72

Commissioners Allison and Tran, on behalf of the ACCI network, we extend our warmest welcome and sincere congratulations to your appointments.

PN73

JUSTICE HATCHER: Mr Farrugia on behalf of the Law Institute of Victoria.

PN74

MR FARRUGIA: President, Deputy President, Commissioners, colleagues and friends. I, too, acknowledge the traditional custodians of the lands on which we meet, the Wurundjeri people of the Kulin nation, and acknowledge traditional owners across country in Victoria and Australia. I pay my deep respects to elders past, present and emerging.

PN75

I appear on behalf of the Law Institute of Victoria to welcome Commissioner Susie Allison and Commissioner Oanh Tran. The LIV represents the interests of more than 18,000 lawyers and people working in the law in Victoria, interstate and overseas, and our president, Tania Wolff, has asked me to extend her welcome and congratulations to you, and to send her regrets for not being able to be present here today.

PN76

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

PN77

Commissioner Tran, you have a deep knowledge of employment law and your career spans work in the United Kingdom, Queensland and Victoria. Commissioner, you are enormously respected amongst your peers for caring deeply about achieving justice for young workers. You were described by your colleagues as being tireless in your support for individual clients, but also in advocating for systemic change.

PN78

You bring to the Commission the life experience of a child refugee. You grew up in a home sweat shop, helping your parents and your siblings sew T-shirts. You know, as well as many, the struggles that may be faced in employment by young people, and it is these people who have felt your impact. A colleague from the Young Workers Centre describes that you have gone above and beyond to assist vulnerable members of the community. You have also always given up time to collaborate with community legal centres and assist where you can.

PN79

Since 2011, and for some years, you devoted countless hours volunteering at the Disability and Discrimination Legal Service where you assisted people with disability in discrimination and equal opportunity matters. During your tenure as a legal and industrial officer at the Textile, Clothing and Footwear Union of

Australia, which was later amalgamated with the manufacturing division of the CFMMEU, you assisted union members with a variety of industrial, employment and equal opportunity matters.

PN80

Commissioner Tran, your work has led to tangible outcomes. During your tenure as principal solicitor for the Young Workers Centre more than \$2 million has been recovered for young workers for wage theft, discrimination and termination of employment matters. In one matter you acted on behalf of an applicant in a sexual harassment proceeding in which the Victorian Civil and Administrative Tribunal awarded one of the highest ever orders for compensation, but it is your generosity that your colleagues speak most dearly of.

PN81

You have been instrumental in the development of those studying employment law and labour relations. In a partnership with JobWatch, an employment rights community legal centre that supports workers, you were involved in delivering presentations concerning young workers, migrant workers and the gig economy to students at the University of Melbourne. You have mentored countless young lawyers to develop the next generation of social justice advocates.

PN82

You are described as a generous leader and mentor. 'Indeed', says one, 'her generosity and kindness sets her apart from others in the profession.' You are also described as having a positive outlook and always having a smile on your face.

PN83

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

PN84

JUSTICE HATCHER: I now invite Commissioner Allison to speak.

PN85

COMMISSIONER ALLISON: Good morning. Can everybody in the back row hear me okay?

PN86

JUSTICE HATCHER: Yes.

PN87

COMMISSIONER ALLISON: All right. Thank you. I would like to acknowledge the Wurundjeri people of the Kulin nation, the traditional owners of the land on which the Fair Work Commission sits and does its work. I pay my respects to elders past, present and emerging.

PN88

I look around this room and I see so many friendly faces and people who are really, really important to me, and I want to thank you for taking the time to be

here this morning to share this special morning with myself and Commissioner Tran.

PN89

I would like to thank the speakers at the bar table for their generous and humbling kind words. I would like to thank President Hatcher, the other Commission Members, and the staff of the Fair Work Commission for making me feel so very welcome over the last few weeks, and I would like to specially thank my wonderful associate, Jonas Tang.

PN90

I am so happy to be sharing this welcoming ceremony with the extremely talented Oanh Tran, who brings just such a wealth of life and work experience to the Commission, and I am so excited and proud to be one of the new women Commission members starting at the Fair Work Commission with you.

PN91

I want to speak briefly on why I am so deeply committed to my new role as a Fair Work Commissioner. A few years ago, as State Secretary of the NUW, I had to make what was a heartbreaking decision to discontinue a court proceeding relating to underpayment claims for a group of workers. The claims were for thousands and thousands of dollars which would have made a big difference to those workers' lives.

PN92

Because of the underpayment nature and a number of other reasons the dispute hadn't come to the Fair Work Commission, it had gone straight to the court system, and my recollection is it was nine months until there was a facilitated mediation, and by that time most, if not all of the workers, had left the company, and at least one of the workers, who was on a working visa, was no longer in Australia.

PN93

The mediation didn't go anywhere and then after a long and expensive discovery process it became apparent that some essential pay records no longer existed. What that meant was that our case to run would be based solely on days and days of witness evidence. As most of the workers spoke English as a second language, that would be translators, as well as counsel, as well as lawyers, and the estimated bill for the proceeding blew out to half a million dollars which well exceeded the underpayment claims for the workers. On that basis the union could not responsibly continue to spend union membership money pursuing the matter through the court system.

PN94

I know that many of you will have been in a similar sort of scenario before. Of course, litigation is expensive and it has to be taken into account. But where does it leave the parties in that sort of situation? At best it meant that all the parties, including the employer, were in no man's land where there was no resolution to a dispute. At worst, it meant that vulnerable workers had been exploited and that the time and the cost of accessing justice meant that there was no justice.

PN95

In either scenario there was an unresolved dispute and all likelihood that it would continue to fester, create a toxic work environment, more workers would leave and productivity would be impacted.

PN96

I wanted to use this example to highlight that timely and accessible dispute resolution is pretty fundamental in industrial relations. I know because this room is brimming with industrial relations nerds that you are all going to agree with me that that's right. but for me, why it's so important is because of the human impact of industrial relations.

PN97

I think for all the talk of artificial intelligence and not if, but when, a robot will take over your jobs, it's ironic that human relationships, industrial relationships remain absolutely fundamental to work, to the majority of work. It is rare that work is just a checklist of skills and tasks. Most employers rely heavily on human interaction to function, produce, share, evolve and succeed. And while humans remain fundamental to the majority of work, work remains truly fundamental to humans.

PN98

For most workers, work is a means of surviving, of being able to provide for themselves and for their family, to be able to provide for a dignified life. For many, work is also important to mental health and identity. Given the amount of time we spend at work, the relationships we form at work are often some of the most important in our life. Conversely, if we are not treated properly at work, this has an impact on all areas of our life.

PN99

Given the inherent human nature of industrial relations, it's not surprising that disputes arise around work. Often parties can resolve this through consultation and discussion, a disputes resolution process, or sometimes through collective bargaining and industrial action. But it is so important that unresolved disputes have a way of being addressed fairly and quickly. That is why the Fair Work Commission, with its unique focus on resolving industrial matters in a fair, just, quick and informal way, is so important to our society. What is fundamental is to have a body that workers, unions and employers trust to deal fairly, promptly and impartially with matters. Trust is fundamental.

PN100

I feel honoured to be appointed to the role of Commissioner to assist workers, unions and companies to quickly and fairly resolve their industrial disputes, and I commit myself to this task with the whole of my heart.

PN101

Noting how important working relationships are, there are many people here today who have been very important to me during my working life. I want to thank you for your support. I would not be here today without you. I do want to mention just a few people by name.

PN102

Shane Marshall J, your love for industrial relations was addictive and it was you who, when I said I wanted to work in the industrial relations, you said to me, 'You should go straight to the frontline. You should go work for a union.' So that was just wonderful advice. Thank you.

PN103

To my dear former colleagues from United Workers Union, thank you for being here today. Thank you for your ongoing friendship and support. I want to particularly acknowledge Tim Kennedy, the National Secretary, who is a brilliant leader and has been a great friend and mentor for me for many, many years. Thank you.

PN104

Gary Maas MP. I loved working with you, particularly when you were State Secretary of the NUW, after which you were elected to the Victorian parliament. Thank you for your ongoing support and friendship.

PN105

I am absolutely delighted today to have April Astuti and Tracey Lidsey here who are two brave, strong women delegates who lead their workplaces and have led collective bargaining and collective industrial action at their worksites for fair and decent conditions of employment. I have learnt a lot from both of you. Thank you.

PN106

To my friends and colleagues from the Victorian government, and particularly from the Fair Jobs Code Unit, I am so proud of the work that we did to establish the Fair Jobs Code. Thank you for being here today.

PN107

To my dear friend, Cheryl Chan, you're one of the best industrial lawyers I know and one of my best, best friends. Thank you.

PN108

To my dear James Wilkinson, you make me very happy. Thank you. Michael Mitchell, you're not here today. Thank you for your support over the years and thank you for being a wonderful father to our two daughters.

PN109

Now, to my two teenage daughters who are sitting there in the front row, and I might just take a moment or two on them. I just want to say you know how much I love you and how very, very proud I am of everything you do, and I just learn so much from both of you. Talking about learning, if you want to learn about dispute resolution, have a couple of teenage daughters. So they are both excellent negotiators. They have slightly different styles. Penelope, she excels in the sort of interest-based, guilt-trip type of bargaining, whereas Anastasia, you know, if Ana doesn't get what she wants, it's just indefinite strike straightaway. I have seriously been locked out of her bedroom for six months now.

PN110

To my sister, Jane-Louise, you are my best friend. Thank you so much for your support. You are always challenging me on how to live a better and more ethical life. Thank you.

PN111

To my mum and dad, Elizabeth and Robert Allison, I am just so incredibly lucky to have parents like you. You constantly support and inspire me, which I think really proves that a parent's job is never done, and my values of fairness, empathy, courage and hard work come from you.

PN112

In finishing, I just want to say I recognise what a great privilege it is to be appointed to this role and I want to publicly pledge that I will work hard to perform the role in a way that is fair, impartial, inclusive and timely. Thank you.

PN113

JUSTICE HATCHER: Commissioner Tran.

PN114

COMMISSIONER TRAN: I too wish to pay my deep respects to the traditional custodians of the land on which we meet today, the Wurundjeri people of the mighty Kulin nation, and acknowledge their elders past, present and emerging.

PN115

Your Honour, my colleagues on the Commission, especially my fellow newbies, Ms Godden, Ms O'Neil, Ms Minster and Mr Farrugia, current and former members of the judiciary, members of parliament, Commissioner Allison's loved ones, family and friends, and my loved ones, family and friends, hi.

PN116

Most of you probably know that it is very difficult for me to sit and listen, especially when people say nice things about me, and when speaking it is incredibly hard for me to resist the desire to not stand. That's a change I'm going to have to deal with.

PN117

I have been thoroughly and warmly welcomed by the current Members of the Commission, both here in Melbourne and all around Australia. The Commission staff have done an admirable job of introducing me to all of the internal processes and systems and the associates here have been terrifically helpful; in particular, my associate, Nathan Retmock, has been unparalleled in his excited welcome of me and his adept assistance.

PN118

I look out at all of you and I know that it was your guidance and your encouragement and your love that has got me here today. You are all my tailwind and I deeply appreciate you.

PN119

Guidance, encouragement and love, well, the starring role for that goes to Nic. You recently reminded me about failing to open your published PhD, to read

your acknowledgement of me. Well, all of this is so you cannot avoid my public, forever, on the record, celebration of just how much everything is better and easier and more feasible because of you. You honed my tactical skills by introducing me to board games, but never once letting me win. You are my compass and my map. Thank you isn't quite enough, but it will have to do.

PN120

Thea, I can't see you. Hello. Go you for sitting quietly and patiently through this. I'm sorry it's kind of boring. As you have heard from Commissioner Allison, children really do a lot to teach you some major skills. You have done more than anyone in this room to teach me patience, forbearance, how to drive a hard bargain and agile negotiation and mediation tactics. You're the best and my absolute favourite.

PN121

My parents are no longer with us and it saddens me that they're not here today. My parents taught me to always do the right thing. My father, that it had to be done straight up and with no nonsense, even, and especially, when it was hard, and my mother, that it had to be done with warmth, kindness and compassion, and it's because of my mother that I smile a lot, but if I fumble my parents' lessons that is wholly my own fault.

PN122

My parents left Viet Nam seeking refuge in Australia. More than that though, they sent some of their children away first, not really knowing when or even if we would all be reunited. Their bravery and sacrifice, their love and care, and strictness too, is no small part in me sitting where I am today, and also in all of my brothers and sisters' successes because our family really are something.

PN123

I am the youngest of eight as you have heard. I was two when we left Viet Nam. Three when we arrived in Australia, and our family were eventually reunited. Wonderfully present are almost all of my brothers and sisters and siblings-in-law.

PN124

My siblings are older than me and at all stages of my life a lot more mature. They fed me through my university studies. They bought me my first mobile phone. They helped me buy my first computer, which was actually an electronic typewriter, and they got me my first car. So cảm ơn hĩa; cảm ơn che. Thank you for looking after me and indulging my extended adolescence. I think I'm all grown up now.

PN125

Also present are my nieces and a nephew as representatives of my 17 nieces and nephews. You make me feel old, but you keep me grounded. Helen and Tony, Michael and Anne, Claire, Hunter and Lara, thank you for welcoming me into your family, even if Nic and I never gave you any clear indication of when it was that I became a permanent fixture.

PN126

I was never one of those people who always wanted to be a lawyer. As a matter of fact, during law school I definitely did not want to become a lawyer, and during my career I often wanted to stop being a lawyer. I actually do like being a lawyer most of the time and anyone who knows me knows that I'm a big nerd, but I loved being a union industrial officer. You really got to do everything, as we have all heard from Ms O'Neil, and then leading a community legal centre, well, you really, really had to do everything, but you never do any of it alone.

PN127

I have been extremely fortunate in my entire working career to have worked with inspiring people who care about my development as a person and who taught me to care about the people whom my work affects.

PN128

Atkinson J, you were the first. I tell the story of describing myself as your number 1 fan a lot. So thank you for giving that awkward, starry-eyed law student her shot, and for all your years since as my mentor, my cheerleader, but maybe more accurately, my hard-nosed coach. I will never forget, Judge, when you said to me very sternly after I returned to Australia from the bicycle tour, 'Now, let's get your career back on track.' I hope today demonstrates that despite the wayward cycling adventure we did that.

PN129

Peter Gray J, I have thoroughly enjoyed getting to know you as you have monitored the governance of the Young Workers Centre. Thank you for your wisdom and your anecdotes, and the most pithy encapsulation of what this new role means for me, which is that I have to sit and listen and not talk.

PN130

In 2007 I left Australia. I like to joke that I left when WorkChoices came in and returned for the Fair Work Act, which is a perfect example of the logical fallacy that correlation does not equal causation.

PN131

I was in the UK working at a kind of Jekyll and Hyde firm in Southampton. I was shielded from the Hyde part by Jonathan Gray, my supervising partner and now a judge of the Employment Tribunal of England and Wales, and who has made the exceptional effort of getting up in the middle of the night in the UK to be here by video link. Thank you, Jonathan. You gave me all of the opportunities I sought and very much developed me as an employment and equality lawyer.

PN132

Michele, Jenny, Viv, Beth, Ly, Nguyet, Michael, all at TCFUA and the CFMMEU manufacturing division, TCF sector, you took a chance with me when you were done looking for industrial officers. I remember that job interview really well, but I remember a different thing. It was the first time I had told anyone professionally that my family were outworkers. You asked a question about what knowledge or experience I had of outworkers and I stumbled on my answer, but took a deep breath and owned my family history.

PN133

Carita, thank you for the pull that took me away from the TCFUA. I don't know that I ever would have left it because I didn't know where else could suit me so well, but you did.

PN134

Luke, and Amanda who is not here, Will, Felicity and Carina, thank you for your leadership, your guidance and also just how much of a free rein you gave me to lead the centre as I needed to. Young Workers Centre team, I won't name you all, but without you I would never have found my leadership style, such as it was. Thanks for being there, for sticking around and for schooling me on lots of young things as you are a different generation than I am.

PN135

I have also had the benefit of the comradeship of knowledgeable industrial officers all over Australia, the collegiality of those in community legal centre land, barristers whom I have worked with, and academics whom I have shared policy thinking with. I can't name them all because we will be here forever.

PN136

I have also learned and gained so much from the many law students who undertook placements at the Young Workers Centre and from union members and clients whom I have had the privilege to assist over the years.

PN137

This organisation, the Fair Work Commission, has been around for a long time. It has an important place to play in the lives of Australians. Representation does matter and it's imperative that such an institution reflects what Australian workplaces might look like, so I congratulate the Albanese Labor government for appointing two Asian Australians to this Commission.

PN138

I remain a little shell-shocked, but deeply honoured that I am one of them. The other is Commissioner Pearl Lim, and she also joins us by video link from the other side of the nation. Commissioner Lim, how wonderful that neither of us ever have to say we were the only ones.

PN139

It is still remarkable when a woman of colour takes up a position of power. There are so many others who have celebrated our historic appointment. I have been overwhelmed by people - law students, former associates, this Commission, judicial officers, barristers, lawyers of all stripes, union members, employees and activists, some I knew, many I did not - who reached out to offer their warm congratulations and express their vicarious joy.

PN140

So I wish to end with a message to all who look a bit like me, whose names look difficult to pronounce or who are other, a minority, whose diversity is invisible, hidden or masked, or who just don't fit. There are plenty of times when you feel or are made to feel that you should not be there. To quote the words made famous by Hugh Jackman and beautifully sung by Keala Settle, there's nothing you're not

worthy of. If the story of my career offers you anything, let it be this. Take a deep breath. Occupy the space. Thank you.

PN141

JUSTICE HATCHER: On behalf of all of my colleagues, I would like to congratulate Commissioner Allison and Commissioner Tran on their appointments. I want to thank everyone who has attended today, both those at the bar table as speakers and those who have come here as guests. I understand there's some morning tea being arranged on level 7 so I invite all of you to join us there and help celebrate these wonderful appointments, and on that note we will now adjourn.

ADJOURNED INDEFINITELY

[10.35 AM]