



AMMA MEDIA STATEMENT

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LATEST APPOINTMENT TO FAIR WORK AUSTRALIA SWELLS UNION RANKS WITHIN THE TRIBUNAL

The number of current and former trade union officials in Fair Work Australia's (FWA) ranks has again been boosted with the appointment last week of Australian Workers Union (AWU) Queensland senior industrial advocate, Chris Simpson, as a commissioner.

Deputy Prime Minister and Workplace Relations Minister, Julia Gillard, made the announcement on May 20 that Simpson, who has worked for the union since 1995, would be joining FWA as a Brisbane-based commissioner.

Simpson's appointment follows the appointment last December of six new commissioners and a raft of 'dual' appointments to the federal tribunal of state industrial commissioners.

At the time, AMMA criticised the partisan nature of the commissioner appointments, given five out of the six were current or former trade union officials, and none had any experience operating a business in the private sector. These appointments were:

- **John Ryan** - former national industrial officer with the shop employees union, the SDA;
- **Julius Roe** - the serving president of the Australian Manufacturing Workers' Union (AMWU) at the time he was appointed;
- **Anne Gooley** - former senior official with the Media Entertainment and Arts Alliance (MEAA);
- **Danny Cloghan** - former secretary of the WA Prison Officers Union;
- **Michelle Bissett** - former senior industrial officer with the ACTU; and
- **Peter Hampton** - former director of policy and strategy for SafeWork SA.

With Simpson's appointment, **the Rudd Government is now six for seven in terms of the number of current or former trade union officials it has appointed to the tribunal.**

The dual appointments of state commissioners – part and parcel of the states referring their Industrial Relations powers to the Commonwealth – reflect a similar over-representation of those with a trade union background.

Of the dual appointees, five also have union backgrounds:

- **Deputy President Peter Sams** of the NSW IRC was the secretary of the NSW Labor Council (now Unions NSW) from 1994 to 1998;
- **Commissioner Ian Cambridge** of the NSW IRC was the joint national secretary of the AWU from 1994 to 1996;
- **Commissioner Alastair Macdonald** of the NSW IRC was an official with the Federated Clerks Union and the Australian Services Union (ASU) NSW Clerical and Administrative Branch for 28 years before he was appointed to the state commission in February 2002;
- **Commissioner Deidre Swan** of the Queensland IRC was a former AWU Queensland heavyweight and member of the ALP who was appointed to the state commission in 1990; and

- **Deputy President Karen Bartel** of the South Australian IRC was a former official of the LHMU in SA, having been appointed to the state commission as a 'lay' commissioner in 2003.

The dual appointments also included two former representatives of the Australian Industry Group, towards which the Federal Government has often been accused of bias:

- **Commissioner Ingrid Asbury** of the Queensland IRC was formerly the national industry group manager of the Australian Industry Group; and
- **Commissioner John Stanton** of the NSW IRC was the former manager of the Newcastle and Northern NSW Australian Industry Group-Hunter Manufacturing Council.

The other dual appointees announced last December were:

- **Commissioner David Steel** who was appointed to the SA IRC in 2003, having formerly been Business SA's general manager of industrial and employee relations;
- **Deputy President Patricia Leary** - president of the Tasmanian IRC, who formerly held senior positions in the private and public sectors and was a member of the Defence Force Remuneration Tribunal from 1995;
- **Deputy President Peter Hannon** of the SA IRC, formerly a personal injury lawyer and partner with SA law firm Duncan Basheer Hannon;
- **Deputy President Rod Harrison** who is a long-serving member of the NSW IRC, having been appointed in the late 1980s; and
- **Commissioner Peter Connor** who is another long-serving member of the NSW commission appointed in the late 1980s.

While AMMA in no way seeks to undermine the professionalism and capability of those the Rudd Government has appointed to FWA, their backgrounds do reflect a particularly partisan approach, despite the Government's earlier promises this would not be the case.

"I will not be Prime Minister of this country and appoint some to staff the key positions in this body," then-Opposition Leader Kevin Rudd told The 7.30 Report back in April 2007. *"I will not stand by and have this body become the agency of ex-trade union officials. People will be appointed on their merit."*

Then-Deputy Opposition Leader Julia Gillard made similar promises in a May 2007 National Press Club address: *"Our new industrial umpire will be independent of unions, business and government. It will definitely not be a return to the old industrial relations club. Appointments will not favour one side over the other. Labor will remove all perceptions of bias."*

AMMA Chief Executive Steve Knott has called on the Deputy Prime Minister to stop her partisan appointment process to Fair Work Australia and ensure future appointments to the tribunal reflect a balanced approach.

"It belies belief that no private sector business appointments, with practical experience in running a business, have been represented in the Deputy Prime Minister's FWA appointments," Mr Knott said.

"This is particularly so given the increased powers of FWA can have such a profound impact on the Australian industry and the economy.

"The Deputy Prime Minister can't hide behind a short list process handed to her by public servants as the reason for these decisions, as such appointments rightly rest with the Minister.

"Clearly the Deputy Prime Minister is not engaging in meaningful discussions with other stakeholders, such as promised consultation with the Shadow Industrial Relations Minister."

The partisan appointment process may also reflect the Deputy Prime Minister's differing view from that of Kevin Rudd, or a change in position from the Prime Minister, as the appointment of *an endless tribe of trade union officials or ex-trade union officials* continues.

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