

WHATS ON

3 October - 2006 Julian Small 10th Foundation Annual Address Tuesday 3 October 2006 at 5.30pm. Law Society of New South Wales dining room. For bookings call 9921 4814 or email: michelle.fiddes@minterellison.com

11 October - IRS Twilight Seminar Nick Wilson, Head of Office of Workplace Relations at 5.30pm Sydney Mechanics School of Arts. \$15 IRS members. \$20 non members. For bookings go our website www.irsnsw.asn.au or contact us on 9630 5211 or irsnsw@bigpond.com.au

18 October - Performance Management, Disciplinary Action and Termination – do you have appropriate processes in place? BDW Workplace Training. Cost of workshop is \$850 + GST. For further information and registration please see the program flyer: <http://www.bdw.com.au/areas/ir/workplace.asp>.

13-14 November – Workforce Annual Conference Crown Promenade Hotel Southbank, Melbourne. Confirmed speakers include: AIRC SDP Jennifer Acton, Flinders University Professor Andrew Stewart, ACTU Industrial Officer Cath Bowtell, AiG Director National IR Steven Smith, OWS Director Nick Wilson. Choose either a day or a package. For further information and registration call Janelle Torr 8587 7686 or email: janelle.torr@thomson.com.

14 November – IRS Women in IR Event. Women and Work Choices. Unions NSW Auditorium. 5.30pm. Speakers Commissioner Whelan AIRC and Justice Schmidt NSW IRC. For bookings go our website: www.irsnsw.asn.au or contact us on 9630 5211 or irsnsw@bigpond.com.au

20-21 November – IQPC 3rd Annual Industrial Relations Summit 2006 Adjusting to Change to Ensure IR Excellence. Sydney Marriott Hotel. Speakers include The Hon Kim Beazley, MP and The Hon Chris Hartcher, MP. For further information or to register phone 9223 2600 or email: registration@iqpc.com.au or go to website: www.iqpc.com.au/au-3107-003

21-22 November – Essential Employee Relations. Darlington Centre, University of Sydney. This 2 day course is aimed at the new HR/ER practitioners and line managers. It is based on a small group interactive format where participants are able to share experiences and acquire knowledge by meeting other practitioners from a wide range of organisations. www.wrc.org.au Workplace Research Centre, The University of Sydney (formerly accirt)

8 December – IRS Christmas Drinks 6pm American Club

18 May 2007 – NSW IRS Conference Fairmont Resort Blue Mountains

August 2009: International Industrial Relations Association World Congress, Sydney Australia

NEW MEMBERS

NEW MEMBERS SINCE MAY 2006

Ms Debbie Arrebola	NSW Premier's Office	Mr Kyle Kutasi	NECA NSW
Mr Steve Berriman	Fisher Cartwright Berriman	Ms Michelle Lam	Workforce NSW
Mr Pranav Bhatt	University of Sydney	Ms Suezane Lam	University of Sydney
Ms Leah Bombardiere	Australian Business Limited	Ms Nicole Leggett	Rinker Australia P/L
Mr Paul Bradley	NSW Dept Commerce OIR	Ms Millen Lo	Clayton Utz
Daniela Burton	Employers First	Ms Wendy Loder	Moran Health Care Group
Mr John Cahill	Public Service Assn of NSW	Ms Alicia Mataaere	Stevens & Associates
Mr Michael Collins	Clubs NSW	Miss Sarah Maxton	University of Sydney
Ms Kristine Cruden	Public Service Assn of NSW	Ms Anna Morris	Unilever Australia Limited
Ms Emma DeCean	ABC	Mr Leon Paap	
Ms Lauren Dewsnap	Department of Juvenile Justice	Mr Geo Papas	PSA NSW
Mr Michael Doherty	McClellands Lawyers	Ms Lisa Pham	University of Sydney
Ms Katherine Dommerson	University of Sydney	Mr Daniel Pilmore	Deacons Lawyers
Mr Johnny D Escobar	Nicholas George Lawyers	Mr Gerald Puse	REEF
Ms Carly Fielding	Employers First	Mr Matthew Robinson	Fisher Cartwright Berriman
Mr Darren Gardner	Maddocks – Workplace Services	Mr Alistair Salmon	Fisher Cartwright Berriman
Mr James Gissua	OK Teddi Mining Limited PNG	Ms Winny Shum	University of Sydney
Ms Julie Gordon	NSW Premier's Office	Mr Troy Stolz	HMAA
Ms Gail Gregory	Department of Juvenile Justice	Mr Stuart Sutherland	Logical Legal Solicitors
Mr Nick Guidera	Fisher Cartwright Berriman	Mr Richart Tait	Clubs NSW
Mr Douglas Gum	Recent Graduate UNSW	Ms Frances Thomas	Holding Redlich Lawyers
James Hall	Employers First	Ms Catherine Thorpe	David & Goliath Consulting
Ryan Hall	Employers First	Mr Stephen Trew	Holding Redlich Lawyers
Ms Lenore Hankinson	NSW Teachers' Federation	Mr Irving Warren	The People Management Co
Mr Richard Hardy	Mullane & Lindsay	Ms Erin White	Employers First
Ms Alisha Hughes	Unions NSW	Ms Meg Wood	Holding Redlich Lawyers
Mr Andrew Keijda	NSW Premier's Office		

IRS PRESIDENTS REPORT

The 2005-2006 annual general meeting and following lunch were once again held at the NSW Parliament House and the functions were well attended. As at the AGM I would like to thank outgoing committee members for their assistance and dedication. Some committee members did not re-nominate because of changes to their circumstances and I would especially like to thank them for their many years of contribution. They are

- ☞ Warwick McDonald, President 2001- 2003, and over 10 years on the committee;
- ☞ Yaseen Shariff, with over 7 years on the committee, and various roles such as assisting the National Secretary, NSW Assistant Secretary and chairing the development committee;
- ☞ Nicole Law, joined the committee in 2001, and very active on the convention sub-committee;
- ☞ Minna Knight, joined the committee in 2002, and active in women in IR and the programme sub-committee;
- ☞ Sue Ern Tan, joined the committee in 2002, and active first as a student rep and later as assistant secretary;
- ☞ Aaron McKinnon, joined the committee in 2004, and active on the programme sub-committee.

A number of new members were elected to the committee and I look forward to working with them. John Counter was elected as a Vice-President for the first time and Sharlene Wellard was elected the new Assistant Secretary working with Christine Badcock. The full committee is available on the web site.

The Minister for Industrial Relations (the Hon John Della Bosca) kindly hosted the lunch and also spoke at it. A number of members subsequently commented on his talk, which amongst other matters, addressed the values underlying Australian industrial relations.

The AGM lunch gives members the chance to catch up and there certainly was evidence of that happening, both at the lunch and for some time afterwards in various places nearby. The Strangers' Dining Room no longer enjoys the same level of subsidy as in the past, which means that next year's lunch will cost a little more, but the tradition is well established and the venue popular. Both it and the Jubilee Room have been booked for next year (Friday 3 August 2007).

2005-2006 was a pretty busy year and, I think, a successful one, but the committee is really looking forward. Apart from twilight seminar at the Sydney Mechanics School of Arts (Nick Wilson, Head of Office of Workplace Relations, 5:30, 11 October) and the Christmas party at the American Club (6pm, 8 December) it is starting to put together next year's conference (18 May 2007).

2007 will be the third conference to be held at the Fairmont, and usually we look to move to a new venue after that. However 2008 will be the Society's 50th annual conference and the committee is starting to think about something special to mark the event. We would welcome your views about what makes a good conference or what you would like to see at the 2007 conference and also your views about the 50th.

Over all this hangs a shadow. Sadly, John Cahill passed away on 21 August. He will be missed. Not only was John Cahill a long serving and highly respected Vice President of the Industrial Relations Commission of New South Wales and its predecessors but he was the Society's patron until 2005. The Society was represented by Commissioner Alistair McDonald at John's funeral. We have asked John Cahill Jnr to write an appreciation of John Snr for the December newsletter.

Dick Grozier
President

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INTERVIEW WITH - COMMISSIONER PATTERSON

Long serving member of the NSW Industrial Relation Commission due to retire 9 October 2006.

Recently it was my pleasure to interview Commissioner Patterson on his experiences as a Commissioner of the Industrial Relations Commission of New South Wales for 26 years.

Commissioner Patterson was raised in Balmain and left school at 14 to pursue an electrical fitter-mechanic's trade. He worked at Cockatoo Dockyard as an electrical draftsman working on naval destroyers and submarines.

After leaving the dockyard he occupied various operational and administrative positions for Ford Motor Co, Shell Oil Refinery and heavy engineering companies before joining Tooths and Co. as an Assistant Industrial Officer. Prior to his appointment as a Conciliation Commissioner in May 1980 he had been elevated to Chief of Human Resources for the Tooth's group of companies and was involved in massive restructuring and rationalisation programs for the group.

Commissioner Patterson has been married for 41 years and has 2 children and 5 grandchildren.

How long have you been a Commissioner?

26 and a half years. I started in May 1980 and will retire on 9 October 2006 and worked with three Commission Presidents.

How has the Commission changed over the years?

I worked under three Acts: 1940, 1991 and 1996.

I joined the Commission during a volatile period in industrial relations where "wild cat strikes" were common and the Commissioners sometimes had to sit on weekends and after hours. At that time the most volatile industries were building and construction, warehousing and transport, bread industry, water and sewerage, electricity, prisons, Broken Hill and the steel industry in Port Kembla and Newcastle. Disputes were often knock down drag out affairs. There were very few resources in those days. The Commissioners flew by the seat of their pants. Unfair dismissals were dealt with as industrial disputes that had often resulted in industrial action.

The 1990s saw massive restructuring/downsizing occurring in the private sector due to corporate amalgamations, acquisitions, globalisation and new technology. This led to unprecedented redundancies. I presided over many disputes about redundancies and other matters such as work value, multi-skilling and best practice over this period.

Under the Greiner Government the floodgates were opened to non-union members to access the Commission in the form of unfair dismissal claims. This opened my eyes to a lot of things happening in small industry – there was and still is considerable exploitation. The Commissioners were given added jurisdiction to award compensation as an alternative to reinstatement. The Commissioners were also provided with discretion to grant leave to lawyers to appear in any proceedings. Due to this the unfair dismissal jurisdiction became a more formal affair with the filing of affidavits and the like which was rarely seen previously. The use of Deeds of Release increased markedly in line with this increased formalisation.

I found that social changes influenced the types of disputes and dismissals that were filed with the Commission. For example, in 2000 the Commission began to experience a new style of reason for dismissal: video surveillance and inappropriate use of the internet.

What was your most memorable moment as a Commissioner?

Wait until I write my memoirs and the lawyers have checked it for libel.

What kind of cases did you prefer?

I preferred disputes. Disputes regarding restructures could run for a long time and you got a real rush of adrenalin with them. I also derived a lot of satisfaction from resolving unfair dismissal cases involving exploited workers. However some unfair dismissal cases could be depressing.

What kind of future does the IRC of NSW have under Work Choices?

It is hard to say until the High Court decision is handed down. When I was an advocate I found the IRC of NSW the most accessible and most practical tribunal and nothing has changed so far as I know. The IRC of NSW now has an evolving role under Work Choices whereby parties access the Commission by entering referral agreements under S146A of the Act.

In my opinion, Work Choices is not user friendly.

If you had 5 minutes with Kevin Andrews what would you say?

Work Choices is not so much an attack on the unions; it is an attack on the workforce who become cannon fodder in the process. The workforce will be the casualties, particularly casuals and part-timers. I say this as someone who was a Senior Manager of employees, has been a member of three trade unions and as a member of the Commission – before Work Choices I thought I had seen it all.

What plans do you have for your retirement?

Resume my passions for the great outdoors. Undertake some charity work as the opportunity arises. I am also planning on undertaking consultancy work by way of mediation and I will also be writing my memoirs.



Dick Grozier, Commissioner Patterson & The Honourable John Della Bosca

Annual Patron's Lunch

By Mimi Zou, IRS Committee Member

The crowd at this year's annual patron's lunch were entertained by comedian Brian Doyle, renowned as the "amiable Irishman with the weight of the world on his shoulders". Set in the prestigious ambience of the American Club, the guests enjoyed fabulous food and entertainment with spectacular views overlooking the Opera House, Botanical Gardens and the Harbour.

Doyle's whimsical and witty humour had the crowd laughing incessantly, including our Patron the Honourable Paul Munro. Much to the relief of the audience, the word "Work Choices" was not mentioned even once throughout his presentation.

The event was well-attended, with over 170 guests from both state and federal Commissions, government departments, employers, unions, law firms and consultants.



Commissioner Greg Harrison & Brian Doyle

Member Profile - Philip Marchionni

Current Position

Industrial Officer – Department of Corrective Services

What is your favourite football team?

Udinese (Italy) Collingwood (Australia)

What were your first jobs in IR?

Organiser with the Australian Bank Employees Union (ABEU) – the predecessor to the FSU – then Assistant Secretary and Secretary of the NSW Branch of ABEU.

What advice would you give those entering the field on the ground floor?

Consult with stakeholders. Think about what motivates people. Do your homework.

What does IR mean to you?

IR is fundamental to work. The industrial relationship is a strange and perplexing contract between the competing interests of capital and labour. Getting it right – or trying to correct poor industrial relationships is a never ending task. When good industrial relationships are in place, work is fun.

Highlights of your IR career?

Being a part of the team that crafted the amalgamation of five unions to form the Finance Sector Union. Obtaining good results for injured workers through the – old – workers' compensation system in NSW and through personal injuries claims. Negotiating awards and enterprise agreements that provided genuine productivity benefits for employers and genuine gains for workers.

Lowlights of your IR career?

Being lied to by employers and being lied to by union officials. Meeting for the sake of meeting without any idea of why you are meeting. Agendas and Minutes can be very useful.

Suggestions to people starting out in IR?

'Be just and fear not' and 'to thine own self be true' are two maxims that were told to me by mentors. Work hard and keep trying to find the kernel of the problem that faces you. Form good working relationships, especially with difficult people.

If you had your choice of careers, would you choose IR again?

Probably – but if not IR it would be graphic art or architecture or managing Udinese.

Who inspires you the most?

Nelson Mandela. His capacity to move on and not seek retribution from those who persecuted him is astounding.

What motivates you?

Achieving good outcomes for people. Witnessing natural beauty.

What is the latest book you read?

Rethinking Work – an excellent tome edited by Mark Hearn and Grant Michelson.
The Latham Diaries – a borrowed copy – and
Sydney – A guide to recent architecture by Francesca Morrison.

Favourite holiday destination?

Italy – anywhere in Italy.

Any regrets?

WorkChoices – incredibly stupid legislation. NSW Workers' Compensation changes that gutted the system. The Australian Government's disdain for international conventions and Sydney disappearing under concrete and glass.



Philip Marchionni