

**Introduction of The Honourable Justice Geoffrey Giudice AO  
by Heather Ridout, Chief Executive of  
the Australian Industry Group**

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It is my pleasure to introduce the Honourable Justice Geoffrey Giudice AO to speak to our National PIR Group for the last time as President of Fair Work Australia. Recently the Judge announced his retirement from the Tribunal from the end of February.

It is very fitting that Ai Group and its members recognise the enormous contribution which the Judge has made to industrial relations in Australia.

Justice Giudice was appointed President of the Australian Industrial Relations Commission (AIRC) in 1997 after 13 years at the Bar. In 2009 he was appointed as the first President of Fair Work Australia.

The Judge has been an outstanding President of the Tribunal. He has shaped the organisation and Australia's workplace relations system over a long period and through a time of major change.

There are a very large number of major decisions which Justice Giudice has made during his Presidency, and numerous achievements. I'll mention just a few.

In 1997 when Justice Giudice was appointed, the *Workplace Relations Act 1996* had recently been enacted implementing many significant changes to Australia's workplace relations system, including reducing the content of awards to 20 allowable matters. The Judge headed the Full Bench which determined the *Award Simplification* test case decision in 1998 which set the principles for the massive award simplification exercise.

From 1998 to 2005 and then from 2009 to 2011, Justice Giudice headed the Benches which determined the level of minimum wage increases for Australian workers. Not surprisingly, we did not always agree with the quantum, but the decisions were always very comprehensive. Clearly, a great deal of analysis and thought went into endeavouring to strike the difficult balance between giving low paid workers a fair wage increase and the broader economic considerations.

In July 2002, the *Reasonable Hours* test case concluded after months of hearings with an important decision of a Full Bench headed by Justice Giudice. The principles that came out of that decision are today embedded in the hours of work provisions of the National Employment Standards.

In March 2004, the Judge headed a Full Bench which handed down the *Redundancy Case* decision after more than 12 months of hearings. This was quite a controversial decision as it extended redundancy pay to small businesses. Ai Group subsequently pressed the Howard Government to introduce legislative amendments to overturn this aspect of the decision. The Act was amended but other aspects of the decision, including the scale of redundancy payments, are now part of the NES.

In September 2004 the High Court handed down its decision in Ai Group's *Electrolux* appeal, leading to a great deal of uncertainty about how the decision should be applied by the AIRC. In March 2005, Justice Giudice headed the Full Bench which made the decision in the *Schefenacker* case which determined how the High Court's decision would be applied by the AIRC.

In August 2005, Justice Giudice headed the Bench which handed down the *Family Provisions Decision* after more than two years of hearings and conciliation proceedings. Ai Group had reached agreement with the ACTU on a significant number of new clauses during a 12 month conciliation process and the Bench adopted a number of the proposals.

In 2006, the WorkChoices legislation was implemented which resulted in the AIRC losing its role in approving workplace agreements and most of its national wage setting powers. Despite the major changes, Justice Giudice kept above the politics and applied the legislation in a neutral and judicious way in the key Full Bench decisions of the period.

Between 2008 and 2010, the Judge faced perhaps the biggest challenge of his time at the Tribunal with the award modernisation process. Many hundreds of industry awards were turned into 122 modern awards over an 18 month period. The exercise exhausted Ai Group and it must have exhausted the Tribunal Members. Justice Giudice headed the award modernisation Full Bench and he also oversaw the huge body of work that was done by the Tribunal Members and staff. Along the way, the Judge even found time to personally handle the consultations for modernising the horse racing awards.

During award modernisation the Tribunal achieved what looked impossible within the timeframe. Justice Giudice's leadership and wisdom was critical to the success of the process.

The award modernisation process is not yet complete – there are still many hundreds of enterprise awards to be modernised over the next few years. In May 2010, Justice Giudice headed the Full Bench which handed down the decision in the *Bank of Queensland Case* which has placed a high bar on parties who want to maintain their enterprise awards rather than falling back to industry awards. This decision will be a key one over the next few years as the enterprise award modernisation process is worked through.

We should also mention the enormous changes which have been made, under the Judge's leadership, to the Tribunal's filing and hearing procedures to increase access and improve efficiencies. The Tribunal's extensive use of the web, email and video-conferencing made life so much easier for Ai Group and other parties during award modernisation and the benefits are continuing.

In addition, who could forget the many Full Bench bargaining and unfair dismissal decisions under the *Fair Work Act* which the Judge has made, including the decisions in a number of appeals in which Ai Group has been involved such as the *Woolworths*, *Dunlop Foams*, *Trimas*, *Armacell* and *JJ Richards* cases.

There is also of course the recent decision of Justice Giudice and other members of the Full Bench to terminate the industrial action at Qantas given the threat that the dispute presented to the economy.

Yesterday, the Judge was in Melbourne for the final hearings of the *Equal Remuneration Case*. After more than 18 months of hearings, Justice Giudice and other Members of the Bench will shortly hand down what most likely will be the last test case decision which the Judge will make as President of Fair Work Australia. No doubt the decision will embody all the qualities which we associate with Justice Giudice.

I could go on and on. It is a remarkable series of achievements which will continue to play a major role in Australia's workplace relations system over the decades ahead.

Over the past 13 years, the Judge has performed his functions in an extremely judicious and fair manner. Throughout a period of great change he has applied the workplace relations laws of the day in an impartial manner, with respect for Parliament and the Government of the day, whatever its political colour. He has never been drawn into making political statements from the Bench.

He has also shown respect for the important role of business organisations like Ai Group and the important role of unions. We have greatly appreciated being consulted by the Judge about important matters relating to the workplace relations system and the operation of the Tribunal and I am sure the unions would have a similar view.

He personally epitomises the fairness and justice of Fair Work Australia.

Throughout it all he has maintained the utmost integrity and professionalism.

On behalf of all the Members of Ai Group, our National Executive and Branch Councils, our Directors and all of our staff, we wish you the warmest and best wishes for the future and we thank you for the enormous contribution you have made to Australia.