Stacking the Commission:
Has it occurred and does it matter in unfair dismissal arbitration?[i]

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Stacking the Commission: Has it occurred and does it matter in unfair dismissal arbitration?

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The Keating and Howard governments were accused of stacking the personnel of the Australian Industrial Relations Commission (AIRC) with appointees from respectively, union and employer associated backgrounds. By January 2010, the Labor Government will have its version of an industrial umpire, Fair Work Australia (FWA), fully operational. Labor's claim is that the FWA appointment process will prevent the making of biased selections of members by the party in power. The unresolved question is whether such stacking, if it has occurred, matters? By conducting an examination of 883 unfair dismissal claims subjected to arbitration by the AIRC from 2001 to 2005, we conclude that the representation of employer and union members hearing unfair dismissal claims during the data collection period, is reasonably balanced in spite of the various figures produced by different bodies. A mildly significant correlation exists between the work background of the members and their substantive arbitration decisions, that is, members may be more likely to make a decision that is congruent with them having worked in either employer or worker focused positions, prior to AIRC appointment. Although when non-substantive arbitration decisions were analysed, the correlation between the members' backgrounds and their decisions was insignificant. Here it appears that jurisdictional guidelines may logically limit the potential to exercise bias in arbitral decision making.

Introduction

The Australian Industrial Relations Commission (AIRC) will be fully subsumed by Labor's new industrial umpire, Fair Work Australia (FWA) by January 2010. The Government believes FWA will address the ongoing controversy over appointments to the AIRC. During their leadership, both the Keating and Howard governments were accused of compromising the impartiality and neutrality of the AIRC by appointing personnel to the Commission from respectively union and employer association backgrounds.

In the lead to the 2007 election, the opposition described the Liberal Government of possessing 'a tawdry system of appointing political mates' to the AIRC (Norington & Hannan 2007). While in Opposition, Labor claimed that of the appointments made to the Commission by the Howard Government, only two had union backgrounds whilst 14 had backgrounds with employer associations (Gillard 2007). In a media release announcing its final two appointments, the Workplace Relations Minister, Kevin Andrews (2004) had put the Liberal Government's view differently:

> *These two appointments bring to 40 the number of Commission members, of whom 17 are former union officials, 16 are from employer backgrounds, two have worked for both unions and employers, seven were barristers or solicitors, six were public servants and one was an academic.*

At the time, Craig Emerson, ALP workplace spokesman was reported in *The Age* as describing these appointments as '*one of the last desperate acts of a desperate government*

trying to give its mates a job for life' (Robinson 2004). The ongoing debate about biased appointments to the AIRC led, in 2007, to the Labor Opposition (now Government) to commit to a new process of appointments to the Commission to ensure '*appointments will not favour one side over the other but will be made through a transparent selection process'* (Gillard 2008). The reality is that the composition of the members of the FWA will remain unchanged from the AIRC based on the current government reminding us that '*as announced previously, the existing full time members of the Australian Industrial Relations Commission will be offered roles in Fair Work Australia*' (Gillard 2009).

In view of the interest the employment background of AIRC appointments has generated for a number of decades in Australia, this paper looks at whether work experience bears a relationship to the members' judgements. To do this we examined 883 unfair dismissal arbitration decisions made by the AIRC between 2001 and 2005 in relation to the employment backgrounds of the 56 commission members who made those decisions.

Previous literature

Appointments to the federal tribunal have attracted some academic interest, although there is no definitive or detailed account of this matter available over recent decades when academic interest has waned. Dabscheck and Niland (1981) provided a detailed account of the matter up to 1980 and Macintyre (2004) provides a broad overview of these issues over the first century of the federal tribunal's life. Others have provided more detailed expositions of the backgrounds of commissioners at various times (Foenander 1952; Sheridan 1989). They have tended to advance both ad hoc observations about the tendencies of particular tribunal members and generalisations about the influence of particular sorts of backgrounds on decisions. But few systematic examinations of bias in decisions of commissioners have occurred in Australia, if not worldwide. Mills (1980) study into tribunal decisions did not seek to relate its findings of bias between tribunal members to the issue of member background. A 2006 study by Chelliah and D'Netto examined the relationship between the reason the employee was dismissed and the arbitration decision and remedies of the AIRC. A more recent study by Southey (2008) identified gender bias in unfair dismissal decisions of the AIRC. The uniqueness of this paper is that it contains an empirical examination of four years of arbitration decisions pertaining to unfair dismissal with the intention of determining whether members' working backgrounds are correlated to decisions favouring either the worker or the employer.

The 'stacking' debate

Australians have criticised appointments to the AIRC and suggested biased sympathies since the appointment of Justice Higgins in 1907. To keep within the word limitation, we will reflect briefly on the more recent governments, Howard and Keating.

As a starting point, Dabscheck and Niland (1981) tabulated the appointments made between 1956 and 1980. Between 1956 and 1972 there were 15 presidential appointments of members with a background as a 'barrister/solicitor'. After the change to the mandatory legal qualification rule in 1972, there were a further 15 appointments up to 1980, of nine were barristers/solicitors, one unionist, one academic and three with a government background. In the same period (1956 to 1980) including the leftovers from the Chifley years, there were 49 commissioners, of whom 21 had a union background, 17 had an employer background, 9 had a government background, and 2 were in the legal profession.

The 1980s saw an emergence of vocal criticisms of the Commission. Some indication of the reasons for this can be found in Macintyre (2004: 95) where Bill Kelty, the ACTU president claims the Commission was biased in favour of employers.

> *Kelty claimed that the National Wage cases were 'rigged' to favour employers. Kelty referred here to the role of the President in composing the bench for such cases. By his reckoning, there were fifteen members with employer backgrounds, seventeen with union backgrounds and thirteen 'independents', yet he found that those with employer backgrounds made up a majority of the bench in nearly half of the National Wage Cases.*

By another account, Kelty's analysis was flawed, because of his mis-classification of barristers who had worked with employer groups as 'employer'; moreover it is alleged that this sort of thinking inspired the Keating government to begin appointing more union-based members. Many years later, in announcing Labor's new unbiased appointment process for FWA, Deputy Prime Minister Gillard freely acknowledged Labor wasn't immune from temptation (in Steketee 2007). The Keating government attracted its share of criticism at its appointments to the AIRC. In 1994 the ACTU was reported to be promoting a particular candidate (Ian MacPhee) to be president of the AIRC. A feature article in the Sydney Morning Herald (1994a: 12) stated:

> *The realities of the Industrial Relations Club dictate that the Government would be foolish not to consult the ACTU in making its decision. It would be equally foolish not to consult employers' representatives. But neither party should be acting as the Government's head-hunter for the position.*

In the end, Labor appointed Justice O'Connor as president. Justice O'Conner was viewed to be 'without links to the established IR networks' (Green 1994: 26). The appointment was met with Howard's response, as Opposition spokesman that, *'she is anything but distant from the NSW Right. She many not pay her dues but she is certainly not distant from them. It is all very cosy, isn't it?*' (Johnston 1994:2) It was reported that employer groups criticised the appointment of Justice O'Connor on the basis that she did not have an industrial relations background (Green and Johnston 1994). Around the same time the Opposition and several industry groups also spoke against the Keating appointment of Iain Ross, touted as the likely successor to the ACTU secretary Bill Kelty, with sentiments they would '*rather have someone who is perceived to have an independent background*' (Handberg in Johnston 1994:2). By the end of 1994 the press was critical of the Labor Government appointments. The following quote appearing in the Sydney Morning Herald (1994b: 6)

> *The federal government must take much of the blame for the commission's current problems. For some years now its appointments to the commission have been biased in favour of the trade union movement, thus destroying the balance which had previously been so important in maintaining the commission's credibility.*

Initial criticisms of the Howard Government's approach to Commission personnel were concerned with a *lack* of appointments rather than biased ones. In the late 1990s, the government offered existing personnel voluntary redundancy packages, prompting ten or so to take early retirement. With only one new appointment, this led to a reduction in personnel from 55 in 1996 to 40 by 2000 (*Illawara Mercury*, 27 June 2000). The one appointment made between 1996 and 2001 was triggered by the resignation of Labor's President, Justice O'Connor. Justice Giudice was appointed President in 1997 without generating much controversy, although the ACTU was reported as being critical of the decision, suggesting

'Mr Giudice had shown a consistent propensity to accept briefs from extreme employers which was not offset by a willingness to represent workers' (in Gordon & Way 1997: 1). Justice Giudice had been a barrister specialising in labour law and industrial relations since 1980. In announcing the appointment, Minister Peter Reith made mention that Giudice's first job after leaving university was as a research officer with the Health and Community Services Union (Reith 1997). A point also noted by ACTU president Jennie George in her welcoming speech at Giudice's appointment which Way (1998: 38) suggested was used to illustrate that '*he wasn't always a hired gun for employers'*.

Criticism of the Commission seemed to intensify by 2000, with the CFMEU media release labelling the AIRC as '*the puppet of the Federal Government and big business'* (CFMEU 2000). This was partly a result of the Commission's handling of a number of major disputes, which included unfair dismissal hearings for mineworkers at the Blair Athol mine in Queensland. The union's president, Tony Maher, '*called for the overhaul of the Commission, saying that its incompetence was partly due to the practice of favoured political appointments over the years of people who were not capable of doing the job'* (CFMEU 2000). Up until that point, Giudice was the only appointment made by the Coalition, so the union's criticism seems to have been directed almost exclusively towards earlier Labor appointees.

The first tranche of the Liberal Government's new appointees was announced in December 2000 with four new senior deputy presidents. According to a report in the Australian Financial Review, '*Senior union officials*' were said to have '*accused the Government of "stacking" the commission with ex-employer representatives and trenchant critics of the AIRC who are philosophically opposed to such "third party" tribunals'* (Long 2000). Shortly after this, a feature article by Shaw (2001) in The Age reported:

> *The unions claimed Mr Reith had breached a long-standing political tradition of making balanced appointments to the commission. They also claim he broke convention by failing to discuss the appointments with the trade union movement.*

Sheldon and Thornthwaite (2001: 220) interpreted the appointment of this set of senior deputy presidents as a sign that:

> *... the networks of federal government patronage in industrial relations have become ever narrower in ideological terms; that there is no longer even a pretence of bipartisanship in appointments to crucial "umpire" positions.*

There were two relatively uncontroversial appointments during 2001 but perhaps the greatest controversy arose in September 2001, following Minister Abbott's appointment of four new deputy presidents and two commissioners just prior to the 2001 election. Of the six, five were described as 'conservative' and only one unionist (Abbott 2001a). ACTU president Sharan Burrow responded to the appointments as breaking the tradition of balancing appointments 'on the eve of an election campaign' (Robinson 2001: 3). She was reported to have said:

> *The government had stacked the AIRC to shore up its conservative workplace agendas and to suit its political purposes. They are trying to destroy the independent umpire and undermine bipartisanship and political neutrality in industrial relations (Robinson 2001: 3).*

The Government's response to these criticisms was that it was addressing resource issues in the Commission as requested by the ACTU (Norington 2001). Norington (2001) also reports

that a Liberal Government spokesperson stated, 79 per cent of the Commission consisted of appointments made by the previous Labor Government and pointed out that Labor had also made appointments in large batches, such as six in March 1994 and two just prior to the 1996 election.

In 2002, three appointments were made, of which one, at commission level, was union-based. In March 2002, the CFMEU's Tony Maher continued his attack, saying the government had *'nobbled the commission as an independent industrial arbitrator and conciliator'* (Kirkwood 2002). Maher assessed that 11 of the last 12 appointments and 30 of the 49 current members were from the employer side (Kirkwood 2002). Labor MP Kelly Hoare backed this, stating: '[The Howard Government] *can't say they were just balancing up the numbers, because in 13 years of the Hawke-Keating governments just 27 of 61 appointments came from unions'* (Kirkwood 2002)

In 2003, one 'conservative' appointment was made. According to ACTU president Sharan Burrow, the appointment '*contravened the practice of replacing union-oriented commissioners with like-minded nominees'* (in Robinson 2003: 3). The ABC reported at the time that this was the 16th appointment to the commission by the Howard Government and only two of those have a union background (ABC Newsonline 2003). Two further Howard appointments, sourced from the public sector, were made in 2004 with an announcement by the Minister that the Government had maintained balanced numbers in the Commission (Andrews 2004).

Research Method

The data for this analysis were collected from the unfair dismissal decisions made by members of the Commission between the 1st January 2002 and 31st December 2005. These decisions are publicly available on the AIRC website (now transferred to the FWA website). We isolated, for analysis, unfair dismissal arbitration decisions made by a *single* member of the Commission (not bench decisions). This included substantive and non-substantive arbitration decisions. Substantive arbitration decisions occur when the parameters of a claim fall within the jurisdiction of the Commission thereby allowing it to make a determination as to whether or not the termination was harsh, unjust or unreasonable. Non-substantive decisions are those where the Commission ruled the application was out of its jurisdiction for reasons such as the dismissed employee was a trainee, apprentice, short term casual or on probation. Non substantive cases were collected for analysis on the basis that they too require an assessment by the Commission as to the jurisdictional suitability of the claim. Decisions excluded from the analysis were full bench hearings of appeals made against arbitration decisions, 'out of time' cases, and claims by non-award employees or salary earners above the remuneration limit.

Information pertaining to the work history of the various members of the Commission presiding decisions from 2002 to 2005 was collected via reference to the Australian Who's Who, parliamentary records, literature and media searches. The categorisation of Commission members according to their work history involved identifying the member as 'union' if the member had worked for a union and 'employer' if they had worked for an employer association or management of an organisation. Members were classified as 'neither' where they had worked for both a union and employer association, or had careers in the legal, academic or public service. An appendix contains the listing of Commission members and the work history classification as used in the statistical analysis. The appointing party was

allocated according the party in Government at the time of the member's selection to the AIRC.

Descriptive analyses were performed to calculate frequencies and decision rates for each value within the independent variables to provide a profile of the unfair dismissal arbitration decisions returned for the four year sampling period. Chi-square tests, with significance recognised if p <.05, were performed to determine whether the variations in the decisions were associated with either the appointing political party or the work history of the Commission member.

Results and discussion

The analysis of the 883 cases revealed 352 cases (39.8%) were arbitrated in the workers' favour, 292 (33.1%) in the employers' favour and 239 (27.1%) were found to be out of jurisdiction (non-substantive claims). Labor appointed members of the Commission determined 585 of the cases (66.3%) and Liberal appointees determined 298 of the cases (33.7%). Commission members with a previous union based career presided 375 cases (42%) while members with a previous career in management or employer associations determined 266 cases (30%). Finally, 242 cases (27.4%) were settled by members affiliated with both union and employer focused positions, or alternatively, non specific employer/union backgrounds.

Decision rates were calculated for each of the variables because of the diversity in the proportions of cases heard by members when classified according to their appointing party and employment background. The decision rate identifies the percentage of decisions that are made in favour of the worker, in favour of the employer or ruled out of jurisdiction in relation to the various classifications of the Commission members. These rates are presented in Table 1 and allow for a fair comparison of decisions.

Table 1. *Decision Rates by Independent Variable*

Decision ***(n = 883)***	**Variable: Appointing Party**		**Variable: Work History**		
	Labor	Liberal	Union	Employer	Both/Neither
Worker's Favour	41% (n=240)	38% (n=112)	44% (n=165)	35% (n= 93)	39% (n= 94)
Employer's Favour	32% (n=185)	36% (n=107)	30% (n=112)	38% (n=102)	32% (n= 78)
Outside Jurisdiction	27% (n=160)	26% (n= 79)	26% (n= 98)	27% (n= 71)	29% (n= 70)
Totals	100%(n=585)	100%(n=298)	100%(n=375)	100%(n=266)	100%(n=242)

Table 1 illustrates Labor and Liberal party appointees have only a three to four per cent variance in their decisions rates. Labor appointees made decisions favouring workers 41% of the time and 38% of the time by Liberal appointees. Decisions favouring the employer were 32% and 36% by Labor and Liberal appointed members respectively. Out of jurisdiction decisions were similarly determined with both parties showing a close 26% and 27% of their cases ruled out on jurisdictional grounds.

The work history values suggest a trend matching the proposition that union background members will tend to favour workers and employer background members will tend to favour employers. The decisions rates show members with a union background decided in favour of the worker 44% of the time whereas members with an employer background decided in

favour of the worker only 35% of the time. In between the two extremes are those members who are not clearly either union or employer affiliated, deciding in favour of the worker 39% of the time. An opposing trend presents when cases decided in favour of the employer are reviewed. These decision rates show that employer related members most frequently decided in favour of the employer with a 38% decision rate. At the other extreme, the union associated members decided in favour of the employer only 30% of the time, with the 'neutrals' again showing a mid-range rate of 32%.

Table 2. *Unfair Dismissal Decisions χ^2 Results: Substantive Claims*

Variable	Worker's Favour	Employer's Favour	χ^2, df, *p* value
Appointing Party *(n=644)*			
Labor	240 (37.3%)	185 (28.7%)	$\chi^2 = 1.6561$, df 1, $p = .1981$
Liberal	112 (17.4%)	107 (16.6%)	Not significant $p > .05$
Work History *(a) (n=472)*			
Union	165 (35.0%)	112 (23.7%)	$\chi^2 = 6.5111$, df 1, $p = .0107$
Employer	93 (19.7%)	102 (21.6%)	Significant $p < .05$
Work History *(b) (n=644)*			
Union	165 (25.6%)	112 (17.4%)	$\chi^2 = 6.5110$, df 2, $p = .0386$
Employer	93 (14.5%)	102 (15.8%)	Significant $p < .05$
Both/Other	94 (14.6%)	78 (12.1%)	

The chi-square analysis, presented in Table 2, reveals first that no statistically significant difference occurs between decisions by Commission members based on whether they were appointed by a Labor or Liberal government. However, statistically significant differences occur within the variable, work history, in terms of the 644 *within jurisdiction* decisions. This finding provides statistical support for the trends observed in Table 1 with the chi-squares indicating the decision rates occurred beyond simple random variation. In Table 2, the chi-square test labelled 'work history (a)' analyses the dichotomised positions of union versus employer background. The 'work history (b)' test introduced the third category 'both/other' in order to detect whether the potentially neutral background diluted the dichotomised results. Both tests showed that the arbitration decisions are associated with the work background of the Commission member. The tests both suggest significant differences between the decisions favouring workers and employers in relation to the work history of the presiding Commission member. We do note that the level of significant is at 95% confidence, the traditional and acceptable probability level used in statistics (Collis and Hussey 2003). Ideally, a 99% confidence would have provided us with more certainty of the result.

Table 3. *Unfair Dismissal Decisions χ^2 Results: All Claims*

Variable	Substantive Claims		Non-Substantive Claims	χ^2, df, *p* value
	Worker's Favour	*Employer's Favour*		
Appointing Party *(n=883)*				$\chi^2 = 1.7329$, df 2, $p = .4204$ Not significant $p > .05$
Labor	240 (27.2%)	185 (21.0%)	160 (18.1%)	
Liberal	112 (12.7%)	107 (12.1%)	79 (8.9%)	
Work History *(n = 883)*				$\chi^2 = 7.1732$, df 2, $p = .1270$ Not significant $p > .05$
Union	165 (18.7%)	112 (12.7%)	98 (11.1%)	
Employer	93 (10.5%)	102 (11.6%)	71 (8.1%)	
Both/Other	94 (10.6%)	78 (8.8%)	70 (7.9%)	

Table 3 analysed the data for all 883 cases by incorporating a third value in the dependent variable: non-substantive claims. No statistically significant differences in decisions were found for variables assessing both the appointing party and the work history of the commission member. The introduction of the 'outside jurisdiction' cases diluted the existing significant differences in decisions made by commissioners.

Discussion

Our analysis initially suggests that it is inconsequential which governing party made the appointments. We found that the appointing party – Labor or Liberal - is not directly associated with members conferring unfair dismissal decisions that are more likely to favour the employer or worker. We found that of the members overseeing unfair dismissal decisions, the balance of appointments appeared to be on an reasonably even keel, with 21 members assigned a 'union' background, 19 members assigned an 'employer' background, and 16 'neutrals', two of which held both union and employer related positions and the remaining 14 from largely the public service or legal professions. We acknowledge the challenge of clearly defining a member's background. To limit misrepresenting the data by incorrectly classifying the members, we took a conservative approach before assigning a clear union or employer label to the various members. That is, if their work history did not enable us to determine a clear employer/union alliance we assigned the 'neutral' category. We accept that there may be debate about our final classification of members as shown in the appendix.

Of most interest is the finding that the direction of the decision in *substantive* arbitration cases correlates with the work history of the commission member. This association remained consistent when we tested decisions determined only by members classified with a clear union or employer background, and when testing decisions that also incorporated decisions made by members with a mixed work history. Bearing in mind this is a correlational analysis, the results serve as a preliminary indicator that members with an employer background are more likely to favour the employer, members with a union background tend to favour the worker and members with either a mixed background and/or from other areas such a legal, public service or academia may also favour the worker. Another pattern was also identified amongst the members that were not clearly distinguished from an employer or union background. These 'neutral' members demonstrated decision rates that sat between the union/employer extremes. These findings suggest appointments to the Commission made by a political party when in power may bear some influence on the arbitration outcomes and subsequent industrial environment.

When *non-substantive* arbitrations are incorporated into the analysis we found a different phenomenon occurred. The association between background and the arbitration decision weakens to a point of statistical insignificance. People making an unfair dismissal claim first have to fit within the jurisdictional boundaries of the AIRC and our analysis indicates that the interpretation and application of those boundaries are not being applied more or less favourably by any of its members and regardless of their previous work history and alliances. This suggests that arbitrators operating within guidelines to determine what may be within jurisdiction and what is not, such as deciding whether the employee was a short term casual, on probation or a trainee, are showing less differentiation amongst their decisions. This is logical, as the jurisdictional guidelines provide less scope to flex a bias.

The issue of whether decisions were made by senior or junior members of the Commission was not addressed within the scope of this study. This factor presents a potential area of future

investigation which may generate interesting results as a higher number of cases would be heard by 'commissioner' level members compared to the senior or presidential members.

Conclusion

We note that arbitration decisions are influenced by many factors specific to each case. The attention channelled over the years to whether a Labor appointed commissioner or one that has a union background, is more likely to favour the interests of workers and vice versa for a Liberal appointed commissioner provided the inspiration for the narrow focus of this study. We suggest the union/employer member balance is not disproportionate despite the many accusations of the Keating and Howard governments 'stacking' the commission with members aligned to their interests. Moreover, the members least represented are 'the neutrals': those people exposed to the challenges faced by both parties in the employment relationship. That said, our research suggests future appointments to FWA should continue to accommodate the balance between union/employer members on the basis that there is preliminary evidence to support the proposition that the decisions made by the tribunal members, in substantive unfair dismissal arbitration, corresponded with the previous work and professional associations they held.

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Appendix. *Employment background classification of Members of the AIRC arbitrating unfair dismissal claims from January 2002 to December 2005*

Commission Member		Sample Work History	Appointing Party	Union/Employer Background
Com	Bacon	Qld Mining Council; Qld Coal Association	Labor	Employer
Com	Bartell	Liquor Hospitality and Miscellaneous Workers Union	Liberal	Union
Com	Blair	Vehicle Builders Employees Federation	Labor	Union
Com	Cargill	Industrial Registry (Brereton 1994)	Labor	Neither
Com	Cribb	Consultant in HR	Labor	Neither
Com	Deegan	Industrial Registrar; DIR	Labor	Neither
Com	Eames	NUW	Labor	Union
Com	Foggo	Australian Teachers Union	Labor	Union
Com	Gay	Ansett Airlines	Labor	Employer
Com	Grainger	Solicitor; Dep Chair A Broadcast Auth; SBS; NSW rail	Liberal	Neither
Com	Harrison GJ	AMWU	Labor	Union
Com	Hingley	Finance Sector Union	Labor	Union
Com	Hodder	Australian Workers' Union (dual appointment QIRC)	Labor	Union
Com	Hoffman	Qld Confederation of Industry	Labor	Employer
Com	Holmes	Victorian public service	Labor	Neither
Com	Jones	AMOCO and ESSO	Labor	Employer
Com	Larkin	Hawker de Havilland, Cathay Pacific etc Lea	Labor	Employer
Com	Lawson	Dir, Chamber Manufactures NSW, GM Broken Hill mine	Labor	Employer
Com	Lesses	Trades and Labour Council	Liberal	Union
Com	Lewin	AWU	Labor	Union
Com	Mansfield	ACTU	Liberal	Union

Commission Member		Sample Work History	Appointing Party	Union/Employer Background
Com	O'Connor	Transport Workers' Union	Labor	Union
Com	Raffaeli	Fed Misc Workers Union	Labor	Union
Com	Redmond	AWU - FIME	Labor	Union
Com	Richards	COS Min WPR PK Reith; BCA	Liberal	Employer
Com	Roberts	CPSU	Liberal	Union
Com	Simmonds	Hospital Employees Federation, ACTU	Labor	Union
Com	Smith	Con. Australian Industry	Labor	Employer
Com	Spencer	Aust Retailers Assn; Sugar Milling Cl	Liberal	Employer
Com	Thatcher	Royal Com Bldg & Construction, Qld Depart Training & Industrial Relations, BCA	Liberal	Employer
Com	Tolley	PKIU, NSWLC; Linfox, Aust Road Trans Industry Org	Labor	Both
Com	Whelan	ACTU	Labor	Union
DP	Blain	Pres Ac Staff Asn UWA; Academic; Govt; Business	Liberal	Both
DP	Hamilton	Australian Chamber Commerce and Industry	Liberal	Employer
DP	Hampton	SA Employers Chamber	Liberal	Employer
DP	Ives	Gen Manager HR WMC and others	Liberal	Employer
DP	Leary	Brambles Industries Limited	Labor	Employer
DP	McCarthy	Chamber of Commerce & Industry WA	Liberal	Employer
SDP	Acton	ACTU	Labor	Union
SDP	Boulton	ACTU	Labor	Union
SDP	Cartwright	Managing Director ER Telstra; Comalco	Liberal	Employer
SDP	Drake	Lawyer	Labor	Neither
SDP	Duncan	Solicitor; Coal Industry Tribunal	Labor	Neither
SDP	Hamberger	Employment Advocate; Advisor to Min IR	Liberal	Neither
SDP	Harrison AM	Partner Baker O'Loughlin Solicitors	Labor	Neither
SDP	Kaufman	Barrister 1974-2001	Liberal	Neither
SDP	Lacy	Barrister; Asst Dir, IR Bureau; District Registrar Federal Court Australia	Liberal	Neither
SDP	Lloyd	A Bldg & Constn Commission; Fed Dept E&WPR	Liberal	Neither
SDP	Marsh	ACTU	Labor	Union
SDP	O'Callaghan	Exec Dir SA Employers Federation; Govt departments	Liberal	Employer
SDP	Polites		Labor	Employer
SDP	Williams	Barrister	Labor	Neither
VP	Lawler	Barrister; NSW Atty-Gen Dept	Liberal	Neither
VP	Ross	ACTU	Labor	Union
VP	Watson	Partner Freehills; Mines & Minerals Assn; Comalco	Liberal	Employer
J	Munro	Sec ACOA	Labor	Union

Adapted from: *(AIRC Annual Reports from 1985 to 1996 inclusive; Abbott 2001a, 2001b, 2002, 2003; Andrews 2004; Brereton 1994; Dabscheck & Niland 1981; Long 2000; Reith 1997, 2000; Who's Who in Australia 2007)*

[i] *This paper has been peer reviewed by two anonymous referees*.