



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**CEREMONIAL SITTING OF THE FAIR WORK COMMISSION  
TO WELCOME DEPUTY PRESIDENT WRIGHT AND DEPUTY PRESIDENT  
GRAYSON**

**Sydney**

**9.30 AM, MONDAY, 24 JULY 2023**

PN1

THE ASSOCIATE: The Fair Work Commission is now in session, please be seated.

PN2

This is a ceremonial sitting of the Commission to welcome Wright DP and Grayson DP.

PN3

JUSTICE HATCHER: I'd like to start by acknowledging the Gadigal of the Eora Nations, traditional custodians of this land and pay my respects to the Elders, past, present and emerging.

PN4

This ceremony today is for the purpose of acknowledging the appointment to the Fair Work Commission of Wright DP and Grayson DP. I welcome their families, the speakers at the Bar Table and all the other guests present.

PN5

So to start off I'll ask Mr Breen, who is senior executive lawyer, from the Department of Employment and Workplace Relations, who is representing the Minister, to address the Commission first. Mr Breen?

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MR BREEN: May it please, your Honour.

PN7

I begin today by also acknowledging the Gadigal people of the Eora Nation, the traditional custodians of the land on which we meet today and pay my respects to their Elders, past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

PN8

I am honoured to be able to be here today representing the Australian government, on behalf of the Hon Tony Burke MP, Minister for Employment and Workplace Relations, who apologises that he is unable to be with us today to welcome Deputy Presidents Judith Wright and Alex Grayson.

PN9

I'd also like to acknowledge your Honour, the President, and all members of the Fair Work Commission and representatives from the legal community, industry and the trade union movement that are here today.

PN10

I want to welcome and acknowledge our appointees, and the members of your families, on this significant occasion.

PN11

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.

PN12

Throughout that time the functions and remit of this institution have grown and evolved to match the social, economic and legislative changes of our society. This landscape has changed as our nation has changed.

PN13

Now that the 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 every home and they are felt in every workplace.

PN14

As Minister Burke said, in April, when he was welcoming Justice Hatcher 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.

PN15

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.

PN16

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 in decisions that you will oversee, it's a historic change.

PN17

The Commission is required to perform functions and exercise powers under the Fair Work Act 2009, in a manner that is just and fair, open and transparent and in a way that promotes harmonious and cooperative workplace relations.

PN18

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.

PN19

Deputy President Wright, you bring to the Fair Work Commission a breadth of knowledge and experience in workplace relations, in the social, community and disability sector and pay equity, having worked in the trade union movement, community sector and private legal practice for the past 28 years.

PN20

In 1995 you started your career as a law clerk, at Jones Staff and Company, Lawyers, now known as McNally Jones Staff Lawyers.

PN21

In 1997 you were admitted as a solicitor in the Supreme Court of New South Wales and the High Court of Australia, after having completed your Bachelor of Laws at the University of New South Wales, in 1996.

PN22

You then began practicing as a solicitor at that firm, representing clients in matters before the Commission's predecessor, the Australian Industrial Relations Commission, as well as other courts and tribunals across New South Wales.

PN23

In 2005 you joined the newly founded Waitakere Community Law Service in New Zealand, as a solicitor. In this role you provided legal services to clients in a wide range of legal areas, including employment, discrimination, family, administrative and immigration law.

PN24

In 2009 you returned to Australia and took up a role as a Senior Industrial Officer at the Australian Services Union, NSW and ACT Services Branch.

PN25

You remained with the ASU for the next 14 years, becoming the Deputy Branch Secretary of that branch, in 2015.

PN26

During your time with the ASU you have represented members before the Commission and other industrial tribunals, on a wide-range of workplace relations matters. You were instrumental in leading the ASU Social, Community and Disability Services Equal Remuneration Order case, the first successful equal remuneration application in the Commonwealth jurisdiction, which achieved significant pay increases for workers in those industries.

PN27

More recently you were a lead negotiator on several enterprise agreements covering thousands of employees, including enterprise agreements for Sydney Water, Sydney Trains and NSW Trains.

PN28

Deputy President Wright, you bring to this role strong leadership experience, with your expertise and experience in workplace relations, the social, community and disability sectors, and pay equity. I am confident that you will execute your duties with impartiality and diligence.

PN29

Deputy President Grayson, you bring to the Commission a wealth of experience in workplace relations, having worked in private legal practice, the Industrial Relations Commission of NSW and at the Finance Sector Union.

PN30

You have received repeat recognition in Doyle's Guide, as one of NSW and Australia's pre-eminent and leading employment lawyers.

PN31

You have also held leading positions on both the Women Lawyers Association of NSW and the Law Society of NSW employment law committee.

PN32

You started your career as a national industrial officer in the Finance Sector Union, in the Commonwealth Bank section, which covered approximately 19,000 members. You remained with the FSU for six years, providing advice on workplace relations matters to members and senior officials, resolving workplace disputes and briefing and instructing solicitors and barristers in tribunal and court matters.

PN33

In 2004 you graduated with a Bachelor of Laws from the University of Technology Sydney. In that same year you commenced a role with the Industrial Relations Commission of NSW as a Tipstaff to the Honourable Staff J.

PN34

From 2006 until 2015 you worked in several roles in McNally Jones Staff Lawyers, preparing applications for various courts and tribunals, including the High Court of Australia, briefing barristers and providing advice on workplace relations matters, including the interpretation of awards, agreements and legislation. You also negotiated and drafted enterprise agreements and contracts of employment.

PN35

In 2015 you became the Principal Lawyer in the NSW and ACT employment and industrial law practice at Maurice Blackburn, leading and mentoring a team of up to 10 employees. You were responsible for providing quality advice, advocacy and representation to clients in all courts and tribunals in the Commonwealth and state workplace relations and discrimination systems. This included responsibility for preparing pleadings, submissions and evidence.

PN36

In the few years immediately prior to joining the Commission you were running the Aged Care Work Value case for the HSU.

PN37

Deputy President Grayson, I am confident your extensive experience in workplace relations, mediation and litigation will greatly assist you to discharge your duties with integrity and impartiality.

PN38

The Government has made 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.

PN39

Your Honours, 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 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 Deputy Presidents Wright and Grayson.

PN40

Deputy Presidents Wright and Grayson, on behalf of the Australian Government, I congratulate you on your appointment as Deputy Presidents of the Fair Work Commission. I have no doubt that 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.

PN41

JUSTICE HATCHER: Ms McManus, on behalf of the Australian Council of Trade Unions.

PN42

MS McMANUS: Thank you, your Honour.

PN43

May it please the Commission, I'd like to acknowledge the Gadigal Country and Gadigal people, where this ceremony is being held. Ceremonies have been held on this country for tens of thousands of years by the Gadigal people as part of the longest, continuous culture in the world. I pay my respects to their elders past and present and any First Nations people here today. I would also like to acknowledge your Honour and all the other members of the Commission. Adrian Breen from the Department, Jessica Tinsley from ACCI and Cassandra Banks from the Law Society of New South Wales.

PN44

On behalf of the trade union movement of Australia, what a pleasure it is to welcome such highly qualified and exceptionally capable women as Deputy Presidents of the Fair Work Commission. The union movement commends the Government on its progress to rebalance the Commission so it ensures a fair representation with those who have life experience representing workers as well as those who have life experience representing employers.

PN45

We also commend its progress on making the Commission more reflective of today's workforce which is now 48 per cent female. It's wonderful to see this occurring and may I mention Generation X finally taking their place in leadership roles. Firstly, to Deputy President Judith Wright. I've known Deputy President Wright for over 20 years, and you've nearly 30 years' experience in industrial law, spanning private practice, community organisations and unions, including being an elected leader of the ASU.

PN46

Your experience is, therefore, extensive and deep, dealing with all aspects of the Fair Work Act, its predecessor Acts, and New South Wales Acts. In addition, you've run major cases and countless disputes in the private, public and community sectors. You've led bargaining and been part of leading a registered organisation. One of the significant cases you played a leading role in was the successful equal pay case for community and disability workers.

PN47

There are very few in this country who are as experienced as you in the areas of gender equity and in the care and community sectors. Industrial law is part of your DNA. Growing up in and around it, with your father, the Honourable Lance Wright, KC, being one of our country's most senior and respected practitioners of industrial and employment law, serving as President of the New South Wales Industrial Relations Commission and the Court, for a decade, and who continues to be a mentor to so many.

PN48

You are one of the hardest working people I know, and I know a lot of really hardworking people. You have a razor-sharp mind and you're always all over every detail of a case, which at times, to be honest, I've found really superhuman. I've watched you go into bat for workers, knowing you would always give it absolutely everything. It's hard to admit these days, in my position, but on occasions, I've actually felt some sympathy for the person you are coming up against, thinking, "God help them, someone should tip them off they're better off settling before the first meeting to save themselves from being done like a dinner by Judith".

PN49

No person could ever do better having you in their corner. I've seen very few people have both your intellect and your ability to totally focus. When you dedicate yourself to something it gets all of your attention and capacity and that's something to behold. No doubt, much of your extraordinary capacity is due to your upbringing, but I know it's not just your Dad. You're kind, generous, and highly ethical, driven to also contribute to the greater good and a better world. I know this comes from your dear mother, Ros, who was all this, combined with your razor-sharp intellect. Deputy President Wright, she'd be so incredibly proud of you today.

PN50

Your friends and colleagues talk of your loyalty and how supportive you are, especially when anyone's in need. They also talk of you being an outstanding cook and lots of fun. I know your family's also here, Liz, Jenny and Chris, and of course, your wonderful and gifted daughter, Roya . I'm certain the contribution you will make to this Commission will be enormous. You will leave your mark, and anyone who appears before you can have confidence in your total commitment to fairness, your great intellect and your immense integrity.

PN51

Deputy President Grayson, you have 27 years' experience in industrial relations, including 17 as an industrial lawyer with 6 years as Principal at Maurice Blackburn. You've also been an independent trustee on a very large super fund. You've dealt with everything from National Employment Standards, awards, enterprise agreements, industrial action, minimum wages, equal remuneration, dismissals and bullying. You're also an expert in gender equity contributing to the Respect at Work Report.

PN52

People you've worked with speak of your empathy, your determination, and your dedication to the people you represent. That's what's made you a great lawyer and it's been recognised by the Doyle's Guide over many years, and it's also your tenacity and attention to detail, leaving no stone unturned for your clients. Your colleagues also talk about your compassion. This was recently demonstrated by your work on the equal pay case for aged care workers, work value case, I'm sorry, for aged care workers, your belief from the beginning in that case, and the care you took with the 40 or so statements from aged care workers.

PN53

You enabled the workers to open up and tell their stories and you invested much of yourself in the success of that case. These skills have also been evident when you represented those who've been experiencing sexual harassment and you have a very strong record advocating for women and workplace equality, as well as a broader advocacy for employment law over many years, on many issues, from sexual harassment to religious discrimination in schools. You've run many significant cases, both in the Federal and New South Wales jurisdictions. The work value case for aged care workers and allied health assistants, and Davie v the Industrial Relations Secretary in 2019, about the right of senior public sector workers to challenge terminations and decisions.

PN54

You've always given back to your profession, serving on the Executive Committee for New South Wales Women Lawyers Association, chairing their Law Reform Committee, and also generously contributing to conferences of legal and industrial officers here in Sydney. I'm certain that you'll make an outstanding contribution to the work of this Commission. The union movement of Australia welcomes you both. If the Commission pleases.

PN55

JUSTICE HATCHER: Ms Tinsley, on behalf of the Australian Chamber of Commerce and Industry.

PN56

MS TINSLEY: Thank you, your Honour.

PN57

If it pleases the Commission, I appear on behalf of the Australian Chamber of Commerce and Industry and I too wish to acknowledge the traditional owners of the land on which we meet today and pay my respects to their elders past and present. I would like to acknowledge those members of the Commission in front of me, and those beside me at the Bar table today. And of course, I'd like to acknowledge and welcome the two newest members of the Fair Work Commission.

PN58

It is my distinct privilege to stand before you to welcome, on behalf of the employers, two women of exceptional merit and dedication, Deputy Presidents Wright and Grayson. The Fair Work Commission is one of the foundations of Australian's economic landscape. The success in trade and commerce in this country relies on the Commission's stabilising effect. Our common prosperity in



this nation can only be accessed when there is balance and fairness in our workplace relations system. When the going is steady, businesses and workers are enriched. When the waters are rough, we all suffer.

PN59

In the trying economic conditions that we find ourselves in today, stability is absolutely crucial. If we are to navigate these waters, we require leaders that can steady the ship. And from what we've already heard today we clearly have two such navigators with us in Deputy Presidents Wright and Grayson.

PN60

Deputy President Wright, your years of service with the ASU have fortified you with the key knowledge of the challenges faced by parties in our industrial relations system. As Deputy Secretary of the ASU, you played a key role in advocating for your members and have been described as your union's legal mind. Your work towards establishing universal domestic violence leave in Australia has been a beacon of hope for many who are suffering. The "We Won't Wait" campaign was instrumental in bringing about the introduction of 10 days of paid leave for those afflicted by domestic violence.

PN61

This was a long-fought campaign and it speaks to your strong resolve. You possess a career that has been steeped in the law, roles in community law, and as a senior associate. They both speak to the breadth and depth of your experience. You are precisely the type of individual that the Commission requires at the helm.

PN62

Deputy President Grayson, your achievements are impressive in their scale, reach and diversity. In the legal realm, your tenure as Principal Lawyer with Maurice Blackburn demonstrated an aptitude for understanding and addressing the complex workplace challenges faced by both Australian employers and employees. Your contribution to the Respect at Work Inquiry and your advisory role on the proposed statutory changes relating to religious discrimination in schools underscore your commitment to inclusivity in the workplace.

PN63

Your leadership as the Chair of the Operations Committee of Superannuation Business Hostplus, sorry, I'll get there, in addition to being an independent director, showcased your ability to effectively steer high-impact organisations. Combined decades of experience in these roles means that you will undoubtedly add value to the Commission.

PN64

Deputy Presidents Grayson and Wright, your appointments come at a time when the work of this Tribunal has never been more critical. Over the past years, Australia's economy has faced immense challenges, the effects of the pandemic, shifts in workplace dynamics, and the increasing complexities of industrial relations, just to name a few. To conclude, your appointments represent more than just a personal achievement. You are powerful role models for women

everywhere, a testament to the difference that can be made through dedication, hard work, and a commitment to justice.

PN65

So again, on behalf of the Australian Chamber of Commerce and Industry, and employers more generally, we welcome to the Commission Deputy Presidents Wright and Grayson. We look forward to supporting and learning from your leadership. So if it pleases the Commission.

PN66

JUSTICE HATCHER: Ms Banks for the Law Society of New South Wales.

PN67

MS BANKS: May it please the Commission.

PN68

I'd like to acknowledge the Gadigal people of the Eora Nation, the traditional custodians of the land on which we meet and I extend my respects to their elders past and present.

PN69

Deputy President Wright and Deputy President Grayson, congratulations.

PN70

Deputy President Wright, I start by acknowledging your family and friends who are with us today and to them, I'd also like to extend a sense of congratulations. Your family history is threaded through your career. Your parents grew up in Western Sydney and were the first in their families to attend university. You were born in Hornsby Hospital, a twin, and your sister is ever so slightly the eldest of four. And your father was a trade union official when you were born. He studied law later and became a barrister when you were seven, and this wider background, no doubt, deeply influenced you and your siblings, and you now all work in industrial relations or law.

PN71

Your mother is no longer with us, but you and your siblings, with whom you have said you were very close, remember your mother as kind and intelligent, making all the children individually feel loved. And this is something that you have all carried with you into becoming grounded and successful adults. Both of your parents encouraged you to go to university, and your mother encouraged you to study the things you loved most. Honours in History nearly took you, but through your father's work, you saw you could do quite interesting things with a law degree.

PN72

You gained entry into law at the University of New South Wales as a graduate. You gravitated towards subjects that you saw as purposeful uses of the law, family, immigration, employment and industrial relations, alongside volunteer work at the Immigration Advice and Rights Centre and the Marrickville Legal Centre. As we have heard, you graduated from law and joined the law firm,

Jones Staff & Company in 1995, before you were admitted as a solicitor in April 1997.

PN73

The Honourable Conrad Staff, who retired in 2015, was your employer, along with Richard Brennan. The Honourable Conrad Staff noted that whilst at Jones, Staff & Company, you were involved in several major cases and worked with a number of the leaders of the Industrial bar, or if they weren't at the time, they quickly became so. It was a small firm doing big work for employees and unions. You've represented the Public Service Association in the Pay Equity Inquiry, run by the Industrial Relations Commission, in the late '90s, and briefed counsel in the Secure Employment Test Case, which enabled casual employees to convert to permanent employees in the 2000s.

PN74

There was always a focus on collegiality, conciliation and resolving matters, a foundation you bring with you today. The year after you joined Jones, Staff & Company, your father, the Honourable Lance Wright, KC, was appointed as the President of the New South Wales Industrial Relations Commission and Court, serving from 1998 to 2008. Twenty-five years later, you're in a very similar position. In 2005 you went to Auckland and set your sights on another branch of the law that you found meaning in, community legal work.

PN75

Thankfully, a brand new legal centre opened in West Auckland at the time. Drawing on your volunteer work, you gained extensive experience in the community legal centre sector by becoming Waitakere Community Law Service's first and initially sole lawyer.

PN76

Following a pleasing symmetry with your own experience, law students from the University of Auckland volunteered and eventually you were able to work with the university to get the students credits for their studies. You spent four years there. It was high volume, high demand work and you excelled at it.

PN77

You had a landmark experience during this period, bigger than any case. Your daughter was born in 2007, and at the end of 2009 you decided to return to Australia. At the time the Australian Services Union was considering the first equal pay case for social and community services workers under the new Fair Work Act. Your outstanding work history and reputation led the Australian Services Union to approach you to see if you would like to be involved in the case. You said yes, and the case ended up taking two-and-a-half years. It would become a landmark case, the Equal Remuneration Case.

PN78

One of the people involved was Patricia Lawson, barrister at Garfield Barwick Chambers, with whom you had worked before going to New Zealand. Ms Lawson recalls you as a consistent professional, responsive and excellent at working cooperatively, and for those who will appear before you, Ms Lawson noted that

you are balanced, compassionate and also very forthright, not one to suffer fools gladly, yet always professional.

PN79

Ms Lawson also noted the huge juggle you both experienced working on the Equal Pay Case while being mothers to young children. She described it as 'crazy nuts.' Ms Lawson also said your appointment to the Fair Work Commission will give it some strength and awareness in dealing with the matters before it, along with the new focuses on equity and where women workers fit in everything. 'Judith is bringing an enormous background and an enormous talent.'

PN80

Since returning from New Zealand you have spent 14 years at the Australian Services Union, and in 2015 you were elected Deputy Secretary of the NSW and ACT Branch. In your words, you've absolutely loved it. You have led a team of industrial officers, and worked at the top level on big enterprise agreement negotiations.

PN81

The Honourable Conrad Staff reflected on this in your appointment today. He said although you are relatively young, your diverse career of over 25 years in law, legal practice, industrial relations and industrial law has given you an acute understanding of fairness and industrial equity, together with a commonsense approach to industrial and employment issues. And I quote:

PN82

*The public interest is well-served by the appointment of members with the personal qualities, skills and abilities and experience, and universal respect possessed by Judith Wright. This appointment is the culmination of all of this work.*

PN83

In your words, it's daunting and exciting, a sound sense of the task in front of you. However, your outstanding experience makes you exceptionally well-versed to balance the matters before you.

PN84

Deputy President, you understand the privilege, the weight and the value of the position of the Fair Work Commission in society. You have attained this appointment through merit, hard work and outstanding ability. I wish you the utmost luck in your appointment.

PN85

Grayson DP, I would like to also acknowledge your family and friends who are with us today. As with your colleague, Wright DP, you have had an outstanding career in employment law and industrial relations. You have also advocated for undervalued workers performing significant work, work that is often hidden from public consciousness, but necessary for our society.

PN86

Your focus on equity in the working world runs deep. Born in the Sutherland Shire to two incredible parents, Richard and Gai Grayson, they were very warm and loving people. Your mother was an English and Ancient History teacher and very inspiring, and your father was a surveyor, whom you recall as smart, warm, loving and funny.

PN87

They were both also union delegates. That lineage runs to your great grandfather, Sydney Chapple, who founded a union in NSW. It was a background and family focused on social justice and politics, and you first joined a union when you were 14 years old in your very first job.

PN88

Your parents also had expansive lives. They encouraged a good sense of humour and wanted to help you grow into an open and capable person. They saved to travel, and you were very fortunate to go with them. I think it's worth noting here that you had an experience in Years 5 and 6 of your schooling that sounds remarkable. You and your parents travelled the world for two years. You traversed continents in a motorhome, including all over Europe and parts of Africa. When you returned, you entered Year 7 no doubt with an expanded sense of the world after your travels.

PN89

Your adolescent education took place at Menai High School. You achieved Dux in English, Ancient History, and Society and Culture. However, I note [name redacted] beat you in Maths.

PN90

When university came your parents encouraged a general degree to help you figure out what you wanted to do, and you opted for a Bachelor of Commerce at the University of Wollongong. While first year may have been a little insipid, something fundamentally changed when you were inspired and engaged by Professor Di Kelly.

PN91

Professor Kelly sparked a huge passion in you for industrial relations. You went on to major in Industrial Relations and Management, and this would eventually lead to Law by extension.

PN92

You did well at university and afterwards you applied for two positions, one at the Finance Sector Union, which as we have heard you landed. No day was ever the same at the union. It was fast-paced work and you loved industrial relations, an important formative experience.

PN93

However, as the representative of solicitors in this state I'll stick to the law and only put on record two points: one, the first place that you appeared as an advocate in the mid 1990s was the Australian Industrial Relations Commission, and two, this work sparked your conversion to law.

PN94

During litigation in the Federal Court on behalf of the Finance Sector Union, you sought an injunction and worked with several top tier barristers. This included now Bromberg J of the Federal Court and Julian Burnside, a prominent lawyer, and it was here with people at the top of their profession, fighting for the injunction, which your team won, that you decided you wanted to become a labour lawyer.

PN95

It was a natural extension of the work you had been doing and you decided to start a law degree. The only course that was geared for working women was UTS, which was where you went, studying at night and working during the day. The union work was amazing, but demanding. To help your study you left, and after a stint tutoring in industrial relations at the University of Western Sydney you were fortunate to gain work as tipstaff with Staff J.

PN96

You learnt a great deal about the workings of the Industrial Relations Commission of NSW and met many wonderful people in the law. After a few years, possibly the most important decision of your life took place: you decided to have a child. This decision would only be rivalled by your second child.

PN97

But back then you continued to work while pregnant and study at night until the birth of your son. During maternity leave you were fortunate in the sleeping habits of your infant and you finished your degree.

PN98

This theme of doing it all is a constant. Realising the path into law was opening, you started looking for legal employment. One day you saw a tiny ad in the newspaper for a job at a firm called McNally Jones Staff and called the number. A gentleman called Bill McNally picked up and he was to become your first employer at law. Mr McNally was a fantastic, creative, strategic lawyer and you learned much from him, and you stayed with the firm for around nine years.

PN99

Nathan Keats and Alison McRobert were some of your colleagues who you got on with very well. Ms McRobert knows you as a warm person with a wicked sense of humour and an excellent lawyer, and remembers that you were very supportive professionally and personally.

PN100

This shone through when you had your second child, with Ms McRobert having had a child a little before. She remembers that you both danced the delicate balance of work and motherhood very well and she enjoyed your support in that.

PN101

Ms McRobert also spoke to the Registrar of the Industrial Relations Commission and passed on the fact that the registry officers still remember you very fondly from your time as tipstaff, testament to your working ability and personal

qualities. Ms McRobert noted your massive achievements legally, but you were down to earth.

PN102

Over your career you have kept your warmth, care, compassion for your clients in the matters you have been involved in. You were pleased to be in a firm focused on employment and industrial relations law, but then Maurice Blackburn unexpectedly approached you with a great offer. Leaving was not easy, nonetheless they were looking for someone to develop into a principal and it was an excellent opportunity.

PN103

Tragically, weeks after starting your father passed away. I'd like to acknowledge your father, as you have noted the huge influence he was in your life, as well as being a friend. I have no doubt he would be extremely happy seeing you here today.

PN104

Within a year of starting you were leading the NSW practice in employment law and worked on several major cases, including the aged care work value case. This major case even has its own part of the Fair Work Commission website, and I'd just like to point out that the hearing book is 30,644 pages long. I wish you a lot more than luck should hearings of such magnitude come your way.

PN105

Nonetheless, Deputy President, your legal litigation experience is apt for your appointment. You have been recognised by Doyle's Guide as a pre-eminent employer lawyer and leading lawyer in employment. You were also a spokesperson for Maurice Blackburn on workplace discrimination and sexual harassment, and regularly appeared on TV, radio and in print. You've also found time, as we've heard, to be involved in many other projects and board positions.

PN106

Few people find a way to combine passion and work and then excel, and you're one of the lucky few. Congratulations. I wish you the utmost luck in your appointment as Deputy President of the Fair Work Commission of Australia.

PN107

Wright DP and Grayson DP, it is a pleasure to see two such brilliant appointments to the Commission today. As the Commission pleases.

PN108

JUSTICE HATCHER: Now I invite Wright DP to speak.

PN109

DEPUTY PRESIDENT WRIGHT: Thank you, Hatcher J. I'd like to acknowledge the traditional owners of the land on which we meet today, the Gadigal people of the Eora Nation, and pay my respects to their elders, past, present and emerging.

PN110

Thank you to Adrian Breen, Sally McManus, Jessica Tinsley and Cassandra Banks for the gracious and lovely things that you've said today.

PN111

To be part of an institution carrying out vital work for the employees and employers of Australia is a great honour and I promise all of you and the Australian people that, consistent with the affirmation that I took when sworn into office on 11 April this year, I will always faithfully and impartially perform the duties of the role of Deputy President.

PN112

The Fair Work Commission can only discharge its duties with input from those whose lives and livelihoods are affected by its decisions, and it is for this reason that I want to pay tribute to the hundreds of thousands of women and men whose stories have informed the work of this Commission and its predecessors for more than 100 years of workplace regulation in Australia.

PN113

These stories provide the evidentiary basis for the Commission to apply workplace laws and also bring life to the practical consequences of increasing pay, changing conditions of employment and intervening in workplace disputes.

PN114

Throughout my working life in industrial relations, I have listened to many of these stories and facilitated the sharing of these stories in proceedings before the Fair Work Commission and its predecessor, the Australian Industrial Relations Commission.

PN115

It takes a lot of courage for people who are unfamiliar with legal processes and hearings to share their stories, and I saw this in action on a large scale during the Social, Community and Disability Services Equal Pay Case, which has already been mentioned by a number of the speakers today.

PN116

This was a case which sought to address the undervaluation of work on gender grounds. This undervaluation occurred over many decades, because the work was regarded as an extension of women's unpaid caring work in the home, the complex nature of the work was not well-understood, and because the work was hidden from view, as many of the beneficiaries of the work were suffering from some form of difficulty or disadvantage.

PN117

In order to support the claim for higher wages to address this undervaluation, it was necessary for hundreds of workers around Australia to share their stories with the Commission, both in witness statements and during workplace inspections. This often involved having to disclose very personal information about the impact of low wages on their financial situation and their families' wellbeing.

PN118



It involved explaining the complex work of supporting people to overcome challenges in relation to domestic violence, homelessness, poverty, disability, in circumstances where workers were used to minimising the life-changing and life-saving nature of their work in the interests of preserving the dignity and autonomy of their clients.

PN119

It was a great privilege for me to hear these stories and help shape them into a form that assisted the Commission in its deliberation of their claim. Ultimately it was these stories which the Commission took into account when concluding that for workers in the social, community and disability services industry there was not equal pay for work of equal or comparable value and awarding pay increases of between 23 and 45 per cent.

PN120

Following the Equal Pay Case, a number of those who told their stories continued to do so in subsequent proceedings, including the 2012 and 2014 Modern Award Reviews and by contributing as lay witnesses to the Family and Domestic Violence Leave Case. Rather than talking about their own pay and conditions, these workers participated in the case as professionals working in the area of family and domestic violence support services, assisting people who have experienced and are experiencing family and domestic violence.

PN121

To me the sharing of these stories has been so important in informing the Commission's work. Also by referencing these stories in decisions, which are publicly available, the Commission has shone a light on current and emerging workplace issues, which has contributed to public discourse about care work, and family and domestic violence as a workplace issue. I can't talk about the Equal Pay Case, or the Family and Domestic Violence Leave Case without acknowledging the extraordinary work of current and former ASU leaders, including Sally McManus, Michael Flinn, Natalie Lang, Angus McFarland and Jan Primrose.

PN122

Thanks to all of the current ASU leadership group, all of the staff, current and past members of the ASU Executive and Committees of Management and workplace delegates. I admire each of you greatly and thank you for the opportunity to work with ASU members in the Social, Community and Disability Services, Public Transport, Water, Aviation and IT Industries over the last 14 years. I also acknowledge the brilliant legal minds of Patricia Lowson and my colleague, Deputy President Tony Slevin, who were the ASU barristers in Equal Pay Case.

PN123

As has already been mentioned, I started my legal career at Jones Staff and Company in 1995, working for Conrad Staff who headed up the industrial law practice. Conrad was a fantastic mentor and teacher, showing me how to write short, sharp letters of demand, deal empathetically with distressed clients, and achieve the best results in conciliation with gentle but persuasive advocacy.

PN124

One of my most enduring memories of working with Conrad was the small notebook he kept in the top drawer of his desk which was produced whenever I popped into Conrad's office with an insurmountable complex problem presented by a client. Conrad would methodically thumb through the pages and inevitably locate a case which was on point and paved the way for a highly successful legal strategy. This was pre-internet days and I've always marvelled at the way that Conrad's notebook seemed a far more effective way of identifying the leading authority on an issue, than the plethora of legal databases we have today.

PN125

Thanks to all my colleagues at Jones Staff for your support, guidance and friendship over many years, including Conrad, my other wonderful boss Richard Brennan who's here today, Mark Turner, Vicki Hutchinson, Alison McRobert, David Chin, Carol Reavell, Julian Morrow, Tony Howell and Diana Noss.

PN126

Throughout my working life and before it my family has been everything to me - my source of happiness, inspiration and advice. I'm thrilled that my father Lance, twin sister Jenny, younger siblings Chris and Liz, sister-in-law Rosie, my wonderful daughter Roya, her father Mohsen, my uncle Greg and aunt Suzanne are all here today. I would not have had the life opportunities I've had without the extraordinary love, support and guidance of my parents Ros and Lance.

PN127

My mother Ros died nine years ago after a long illness and would have celebrated her 78th birthday two days ago. She was a devout Catholic who, in her vision of what her afterlife was to look like, would have been convinced that she was looking down proudly today, so I will adopt the belief that she is doing just that, in her honour.

PN128

From an early age Mum and Dad instilled in my siblings and me the importance of working hard, taking an interest in the world around us, looking out for and helping people who are doing it tough, and being welcoming and friendly, down to earth and accepting of others. I've lived my life according to these values and I'm so grateful that I grew up in a loving family which is still very close.

PN129

Thank you to three of my four grandparents who played a huge role in my life. Sadly, Ross, father of my Mother and Uncle Greg, died before I was born. However, my Dad's parents Fred and June, and my Mum and Uncle Greg's mother Patricia, were constantly around during my childhood and all lived until I became an adult and saw me qualify as a lawyer in 1997. Poverty and hardship saw them all leaving school and joining the workforce at 13 or 14 years of age, but they were so supportive of all their grandchildren and proud of our achievements.

PN130

Thanks also to all of my wonderful women friends who are here today, who include those I met as a 17 year old in 1990 when studying at Sydney University, others who I met from 1993 to 1995 when studying at UNSW, and also those who

I met early in my legal career. The love, support and friendship you've all given me throughout the last three decades has been immeasurable and I feel so grateful to have all of you in my life.

PN131

In closing, I would like to thank Hatcher J, Catanzariti VP, Asbury VP, and all of the Members and staff at the Commission in Sydney and around Australia for making me feel so welcome and ensuring my first three months at the Commission have been smooth and, dare I say it, enjoyable. I really appreciate the friendship and generosity of my colleagues in sharing advice and insights.

PN132

Thanks to my talented and incredibly helpful Associate, Charlotte Smee. Your work ethic, positive energy and quick thinking have enabled us to manage everything so well, and I thank you for all of the help you give to me and your colleagues. Finally, congratulations, Grayson DP on your appointment. It's wonderful to be sharing this ceremony with such an outstanding advocate and lawyer who has contributed so much to improving the lives of working people, and particularly in relation to gender equity.

PN133

Our respective careers have travelled in parallel for so many years, and I'm delighted they've finally crossed over and that we've both been appointed to this Commission. I look forward to working with you and other Members of the Commission in carrying out the important work of implementing the Fair Work Act, including the recent Secure Jobs Better Pay amendments.

PN134

JUSTICE HATCHER: Deputy President Grayson.

PN135

DEPUTY PRESIDENT GRAYSON: Thank you. I'd like to acknowledge the traditional owners of the land upon which we meet, the Gadigal people of the Eora Nation, and I pay my respects to elders past, present and also emerging leaders. I'd like to thank the speakers today for your incredibly warm words, including representatives of the Minister, trade union movement, employers and the legal profession. I'd also like to thank my family and friends for coming along today and esteemed guests including Senator McAllister, Minister Graham, and Anthony D'Adam MLC.

PN136

I have always thought of this place as a place where equity, good conscience and the merits of the matter prevailed, and in the last long week of my appointment I've seen that in place, but I've also seen everybody given equal support and equal encouragement before the Commission. Represented, unrepresented, individuals, employers, unions, and that's something that I will endeavour to adopt.

PN137

Could I start by congratulating Wright DP on her appointment, and also the rest of the class of 2023. I look forward to working with all of them and share the

very same views about Wright DP. Our careers have travelled in parallel, and I look forward to that occurring further in the future. I also particularly want to thank the President for all of his support and encouragement, and also my other 15th floor mate, Easton DP, for his warm welcome and all of his answering of all of my questions.

PN138

I'd like to start by perhaps talking about the institution a little bit. It's obviously been around quite a long time now, in one form or another, as has my family who have been coming here, and its New South Wales counterpart, since the early 1900s.

PN139

My great-grandfather, Sid Chapple, a fairly modest man by all accounts and a fellmonger, which sounds quite terrible but actually is someone who deals with hides, was a humble man but a man who decided that a trade union needed to be set up. And so he set up the Wool & Basil Workers Union in the early 1900s with a gentleman called John Dacey, who ended up being a member of parliament himself. That is, Mr Dacey, not good old Sid Chapple my great-grandfather. Mr Dacey also had a suburb named after him; sadly, no Chappleville currently exists, nor a Graysonville as yet.

PN140

So that's perhaps the background by which I come here today. Mr Chapple was the State Secretary for over 15 years and was described by the press as a fierce warrior for his union at the time. My grandmother Phyl, indomitable, his daughter, recalled being on eight-hour floats as a very young woman, horse-drawn I think. And that's something that has been perhaps passed down to me as a part of our family.

PN141

The other part of our family that I wanted to talk about today - and there's a lineage of fairly extraordinary, ordinary women, is some of the struggles that they've had to indeed overcome. My grandmother, Phyl, who was brilliant, was offered a spot at a selective high school but unable to go because her family couldn't afford for her to attend. Despite that, she taught herself to be a brilliant bookkeeper, tallying all the numbers in her head, and went on to her own incredible achievements running some butcher shops with my grandfather, Eddy.

PN142

My other grandmother, June, mother of three fabulous daughters, all of whom are here today was the daughter of German immigrants who had rocks thrown through their windows at their grocer shop. She went on to be offered a place in the first OC class in New South Wales. She was just able to afford to attend, and then went on to Fort Street selective High School.

PN143

Sadly after that what she was allowed to do was work for just a very few years with her mate Shirl, doing incredible work in the war effort. But as soon as she was married, she had to give up her job. She never worked again despite being absolutely brilliant. And these are some of the challenges that the women in my family have faced and overcome to great effect.

PN144

Just turning to my mother very briefly before I talk about myself for way too long. She faced similar issues. She wanted to be a journalist but was told as a young 18 year old who had just gotten married, that indeed that wasn't a stable career and instead she should be a teacher. So, a teacher she was, and a fabulous teacher. An English and ancient history teacher. Nevertheless, it was not her first choice.

PN145

She went on to be the first of our family to get a university degree followed by those two fabulous sisters. And she became a wonderful teacher. Interestingly, she was one of the first group of married female teachers that was allowed to work. She wasn't allowed to wear red, and she wasn't allowed to wear pantsuits for fear she might incite the boys. So that is perhaps the history that I come here with today, a family history of incredible ordinary and extraordinary women, and incredible men as well.

PN146

I guess my story, if I tell it in brief, is that I went to the local high school, having spent a couple of years wandering the world with my parents. At the time the women of my high school were referred to as the Menai Moles which gives you a picture again of some of the issues that I think women have faced over the generations and not that long ago.

PN147

I was dux of a few things, did all right. I was School captain. I wanted to be an archaeologist. This may sound like a familiar refrain now, but I went and spoke to several archaeologists, all men, and what they told me was that it was not a job for a woman. It was not secure, it was not safe, and I should do something else. I had no idea what that something else was.

PN148

So I went off to study commerce at Wollongong Uni, which was a small trip down the hill from the Sutherland Shire, and there majored largely in beer bingo for the first year, and then moved on in the second year to find what has become one of the great passions of my life, industrial relations. Thank you to Professor Di Kelly for inspiring me. It was a great town to go to university in and to get a picture of industrial relations first-hand.

PN149

And that has led me on the path today. I started at the Finance Sector Union shortly afterwards, where the wonderful Peter Riordan was my boss, brother of Riordan C, and son of Joe Riordan. And indeed he brought me down here to appear for the very first time, which was both scary, daunting and incredibly exciting.

PN150

And I spent many years at the Finance Sector Union, running their national legal strategy and the enterprise bargaining strategy, and appearing here. And what he taught me was to study, study, study, prepare, prepare, prepare, and come up with the best arguments that you could, which I have endeavoured to continue with.

PN151

But I wouldn't have got that job if it weren't for someone very special who's here today, referred to by many of my clients over the years as Great Uncle Ralphie. Ralph Warren in the front row, who is my uncle, sat down with me before I went for that job and showed me how to interpret an award, how to understand the environment within which I was working. And he must have done a decent job, despite his misgivings about my union application because I got the job.

PN152

So just moving on perhaps to what happened shortly after that, where I started running big cases for the Finance Sector Union and ran the incredible case seeking an injunction against the Commonwealth Bank for rolling Australian workplace agreements out across the entity in the middle of bargaining. And it was an incredible moment because it was that moment that I knew that not only that I wanted to practice in industrial relations, but I wanted to be lawyer who specialised and practised in industrial relations. It was a pivotal moment.

PN153

So I started my law degree. Doing my degree at night, working all day, and it was hard doing that with such a big job. So I left and started studying, and that was where I came to the attention of the Honourable Staff J, who is here today, and I joined him shortly afterwards as his tippy at the Industrial Relations Commission, which was an incredible time for me, because he allowed me to see the law in practice, to understand how courts work, but also how to treat people who came before him with dignity and respect, and also he was always across everything. So – a theme perhaps to my career, and I'm very grateful for that time with him at the Industrial Relations Commission.

PN154

So perhaps I should actually start looking at my notes because I don't want to forget people. And, indeed, somebody I have forgotten, or a whole bunch of people that are sitting in this room are the people that I met at the FSU who have remained friends and indeed have become family over many, many years. They have gotten me through the good times, the bad times, been the cheer squads and been the people who have threatened to come to my coronation today with a band so that I could reprise my 'April Sun in Cuba' turn on Rockwiz. So I declined that at my coronation today, but nevertheless they are friends of the heart and ones who will be with me for all the years and in my children's life as well. Many of them are also in my book club/wine club.

PN155

So at the end of my time with Staff J, I had had my beautiful boy while I was working with him, and I had finished off my law degree, which I'd been doing at night and on parental leave, and then I decided I needed a new job, being a big grown up lawyer, and so I saw a note in the paper which said, 'Employment lawyer wanted. Call Bill McNally.' Well, I called Bill McNally, not knowing who Bill McNally was at that point in time, and a fairly roguish conversation ensued. I decided perhaps we were kindred spirits and applied for the job.

PN156

I was very fortunate to get that job. I got to work with the core industrial team. It was a fabulous firm at McNally Jones Staff, and I got to work with the core industrial team of Bill McNally, Alison McRobert and Nathan Keats over many years, formidable lawyers and wonderful friends and colleagues all.

PN157

Bill taught me how to not be a black letter lawyer and to bring your best game to all matters that you took on, and it was during that time at McNally Jones Staff that I started running large cases for the Public Service Association, and many of my friends from that time are here today.

PN158

And I also started to be instructed by the Health Services Union, and perhaps that was the start of running their big cases. There had been lots of little cases along the way as well, for incredibly deserving people, but those cases were incredibly exciting, and perhaps the first one – I won't talk about them all today, because that could be a really long time – but one of the first and most important was running the Critical Care Paramedic case for the Health Services Union where we were arguing, at that time, that they deserved a significant pay increase, despite section 146C which said effectively they could only get 2.5 per cent. Nevertheless we managed to get them between approximately 9 and 11 per cent as part of a work value claim.

PN159

Which brings me perhaps to my time at Maurice Blackburn, which has been an incredible time and my most recent role. I worked with fabulous, fierce, passionate, brilliant lawyers at Maurice Blackburn every day – many of them are here today, including Mia Pantechis, Penny Parker and Tanya de Almeida, I'd like to acknowledge them and their contributions to the profession and industrial relations – we ran cases large and small in my time there and I was very proud to work alongside them, and Josh Bornstein, who really encouraged me to be an advocate for gender equity for sexual harassment victims and for discrimination victims. We ran many cases, including for rape victims during my time at Maurice Blackburn, something that I will always be very incredibly proud of.

PN160

And that perhaps brings me – it's perhaps an opportune time to thank my friend, Mark Gibian SC, who is here today, and who was my counsel in the Allied Health Assistants case and in many others. Indeed, I think we ran one case with President Hatcher and Commissioner Crawford, back before they were on the Bench, where it was: when is a firefighter a firefighter; is a firefighter a firefighter always when fighting fires or only when fighting fires? I think we won that one – yes. The President just asked me.

PN161

Amongst other cases that I have had the great joy of running with Mark Gibian, along with the Allied Health Assistants case, the Pykett case in front of this Commission where we successfully obtained a good outcome on the reasonableness of redeployment by obtaining a slightly expanded view from the Fair Work Commission on that, and we toddled off to the Federal Court and held that, the Mahoney case, the O'Connell case, and indeed the Aged Care Work Value case, which will turn out to be the last case I ever run, which is an incredible way to finish a legal career.

PN162

So I just wanted to acknowledge Mark's intellect, his support of me over many years, his calmness, his determination.

PN163

Just finishing on the aged care work value case before I turn to my family - who I have left to the end because I cry at the drop of a hat and I didn't want to do that today – whilst I have offered my services to the President on the Bench of the Aged Care Work Value case he has declined, which is a bit of a shame I think, but that indeed has been the case of a lifetime, and I can't say too much about it today obviously because the matter is still in front of the Commission, but I did want to thank Gerard Hayes, Ayshe Lewis and Lauren Hutchins for granting me the privilege of running that case, of meeting those workers, of coming up with those arguments, which relied upon the gender undervaluation of a highly-feminised workforce. It has been, I think, a defining moment for me and one that I'm incredibly proud to have been involved in, so I'm very grateful for that.

PN164

I've talked a lot today, in closing, about the barriers for my family, and society, from having equal access to study and work. The women in my family have overcome those barriers and I'm very proud of all those extraordinary ordinary women that came before me. I stand on their shoulders. I'm very grateful for everything they have contributed to my life and to society in general. I hope to make them proud.

PN165

In closing I'd like to finish by thanking my incredible family, my wonderful aunties and uncles, all of whom are here today, on both sides, on my husband's side and my side; my brilliant children, who make me laugh, cry and feel happy to be alive every day; my husband, who is my number one supporter, confidante, very smart, and he helps me get through every day as well. He also cooks great food!

PN166

So thank you to my cheer squad, my mum - I wish my dad was here today. My mother and father taught me to be strong, to be kind, to be honest, and to work hard for what I believe in, and I am very grateful for all of that. Thank you.

PN167

JUSTICE HATCHER: All right. On behalf of my colleagues I'd like to congratulate Wright DP and Grayson DP on their appointments, and I thank everyone who has attended here today, either as speakers or as guests. I think we've got morning tea organised on Level 12, so you're welcome to attend, and we'll now adjourn.

**ADJOURNED INDEFINITELY**

**[10.32 AM]**