



## Justice Taylor's Speech for the Welcome Ceremony

9 July 2024

*Ngyinari ngala wagnun Marbudgari Gadi nurada.* We are sitting here on the very beautiful land of the Cadi people. I acknowledge their elders, past and present, and extend that acknowledgement to all other Aboriginal and Torres Strait Islander peoples here today.

We were honoured Uncle Alan by your Welcome to Country. Thank you.

Thank you too, Attorney, Mr McGrath, Mr Morey and Mr Dansie – for your kind words about the Court – and your kind and sometimes true words about me.

Welcome, distinguished guests, judges, members and commissioners of the various courts and tribunals, my colleagues, friends, and family. It is an honour and a joy to have you here at this Welcome Ceremony for the Industrial Court of New South Wales and my appointment, whether you are here in the court room or in the various overflow areas.

In theatre it is a well-established principle that you pick a venue of a size that ensures a sell-out.

As other speakers have mentioned, this Commission has a long and proud history. It has, over its 123 years, set multiple conditions that became national standards: the minimum wage, redundancy pay, permanent part-time employment, and the equal remuneration principle amongst others.

The Commission, and now the revived Court, continues to have an important role in setting fair pay and conditions in a manner that promotes innovation and productivity.

Early in my career I had the privilege of being led by the author of the NSW Industrial Relations Act, Jeff Shaw QC, Attorney General and Minister for Industrial Relations.

In simple and direct language, unburdened by the myriad of mandatory considerations found in the equivalent federal legislation, that's 10 times its size, the Act confers on the Commission powers to resolve disputes by setting actual conditions of employment by reference to the simple criteria that they be *fair and reasonable*.

The High Court *WorkChoices* case (that the Attorney was good enough not to point out that I lost), reduced the jurisdiction of the Commission.

But the jurisdiction that remains is important.

It covers all Local Government employees and all State public sector workers. That's nurses, police officers, teachers and school support staff, correctional officers, ambulance officers and firefighters amongst others. Our society's most valued workers and professionals. Since the Court last sat in 2016, the COVID-19 pandemic has reinforced how our society depends upon these frontline workers.

Its importance is also emphasised by its economic impact – just a 1% increase in public sector salaries equates to about \$2b across 4 years.

The amendments that reestablish the status of the Commission, also repeal the section that empowered the Government to impose what became known as the *wages cap*. Its removal has the effect of reinstating Jeff Shaw's broad and unfettered power to arbitrate where conciliation is unsuccessful. This in turn enhances the Commission's primary duty to '*do everything that seems to be proper*' to resolve a dispute by conciliation.

The resurrection of the Industrial Court also sees the return of the important Work Health and Safety jurisdiction. Nobody should die or be seriously injured because their workplace is unsafe.

It has been enormously exciting to oversee the start of the new chapter of this historic institution. The amendments and our appointments took effect, last Monday, 1 July. Fifty-six applications for

increased pay and conditions were filed. I listed them all last Wednesday, and it was so good to see a courtroom here again filled with industrial advocates.

When I was a junior solicitor, then industrial officer and later junior barrister I appeared regularly before the Industrial Relations Commission in *this* building. Indeed in this *very* court room, before my three predecessors as President. They are here today, Justices Lance Wright, Roger Boland and Michael Walton.

From that time, my ultimate ambition was to be appointed a Judge of the Industrial Court – and I am honoured and excited that it has come to pass.

The importance I place on industrial justice and work health and safety I gained from both sides of my family.

My father was born in a small “back to back” house in one of the poorest parts of Manchester, in the North of England.

Industrial dust was everywhere. Clean the kitchen top and an hour later a wipe of your finger revealed a layer of black dust.

Five years ago he died of pulmonary fibrosis, a lung condition, which the specialist attributed to what he had breathed in as a child. He would have so loved this occasion.

His father was a boilermaker. His mother, my granny, Biddy, was a furrier.

Dad was a real life Billy Elliot. At 15yrs he went to London by himself to study ballet full time. He was trained by the Royal Academy of Ballet, and went on to become a professional dancer of renown, featured on billboards across London.

My mum, who is here today, was born in Amsterdam to an educated middleclass family. She recently gave me this doctorate in law thesis written by her grandfather, Isaac van Rossem, in 1889, titled “Concerning judgements of disputes between employers and workers”. Amongst other things it calls for is compulsory mediation before arbitration. Now ‘mediation’ in Dutch is ‘*verzoening*’ – derived from *zoen*, ‘to kiss’. An expression that some may think has a more romantic ring than ‘mutual gains bargaining’.

After living through the Nazi occupation Mum too became a professional dancer. Later in life she became a successful theatre director, and has directed for leading companies including the Sydney Theatre Company.

My parents met in 1961 as young dancers in Amsterdam and within 6 months they were married and dancing at Ballet Rambert in London. Dad was 21, Mum 22.

I was brought up in Richmond, London, the eldest of three children.

For a while I did ballet classes at the same dance school as my dad had studied. Mum remembers picking me up from the underground, and me standing on the platform at peak time shouting ‘look Mum’ and proudly demonstrating a *tour en l’air*.

By his mid-30s my father’s dancing days were over and he was offered the position of Artistic Director of the Australian Dance Theatre.

And so my family, including my two younger sisters (here with us today), emigrated to Australia when I was 11 in 1976. When my twins turned 11yrs I reflected on what a momentous decision that must have been for my parents.

We arrived in Adelaide in early November. It was hot. Really hot. We stayed for the first two weeks in Scotty's Motel, which featured a 5-metre concrete Scotsman in a kilt – one of Australia's first 'big things'. Nearby were the Adelaide parklands – replete with *yellow* grass hiding a multitude of three-cornered razor-sharp bindies. Talk about culture shock.

All three Taylor children worked as professional actors at one time or another. My first *union* was Actor's Equity. None of us however ultimately pursued theatre careers – Juliet went to NIDA but then qualified as a primary school teacher and became a Principal. Rebe is an Associate Professor of History at the University of Tasmania and the award-winning author of two books.

No-one gets to a position like this without mentors.

My first, at Baker & McKenzie, was Fiona Inverarity. This was a time when even large firms had no more than one associate doing employment law. When Fiona went on holiday, she instructed me to send my draft letters to her friend Lyn Brynes who worked at Mallesons, 6 floors up.

Next, as an industrial officer at APESMA, NSW director Martin O'Connell taught me how to understand the human dynamics of an industrial dispute – and demonstrated how to be a good leader.

From there I went to the Bar, starting at H B Higgins Chambers on the same day as Adam Hatcher, now President of the Fair Work Commission.

Those formative years at H B Higgins Chambers led to strong friendships, including three I'll mention: Vice President, Justice Chin, Mark Gibian, now Vice President of the Fair Work Commission, and Peteris Ginters, who we all sadly miss.

In my early years at the Bar I had the privilege to learn from the best. Richard Kenzie KC, led me in the High Court on a number of occasions, and in my view was the pre-eminent industrial advocate of his time. While Max Kimber SC, my excellent tutor, taught me, amongst many other things, how to identify what in a case is *red hot*.

I have made great friends at the Bar – including at State Chambers and then at Greenway Chambers and on Bar Council – who have all lifted me and assisted me in so many ways. I am glad so many of you are here today. I look forward to our continued friendships.

Finally I want to thank some people.

First and foremost, my wife Louise, the love of my life, my most valued adviser and my best friend. There is nothing I enjoy more than being with her.

My two children, who are here today – Ellie and Nye – from whom I have learnt so much.

Ellie, who is a rower and a photographer, lifts the spirits of all those around her and is a strong advocate for equality. Nye, who is about to start a doctorate in pure maths, is a thoughtful young man with outstanding values. We are so proud of them both.

And Domonique Elder, who has worked for me for 20 years, who has followed me to the Court and is sitting below me today. She was instrumental to my success at the Bar.

Can I thank Una Doyle of the Judicial Commission and the judiciary for their warm welcome. We have been overwhelmed by the good will of so many.

Can I thank my Registrar, and my fellow Commission members, for being so welcoming. And my fellow new Justices, Chin and Paingakulam, for their work and collegiality since our appointments were announced. I am really looking forward to our years of working together.

Thank you to our staff, including our stage manager for today, my associate, Rebecca Seraglio, for organising this event.

And my thanks to all of you for being good enough to join me today, either in person or online, to mark the reestablishment of the Court.

In the words of the Cadi people, *Didjurigura (did-jiri-gora) yanna jannawee*. Thank you for walking with me. Let's walk forward into the future together.