

Commissioner John Murphy

John Murphy was sworn-in on 4 December 2015 as a Commissioner of the NSW Industrial Relations Commission. Arthur Moses SC spoke on behalf of the New South Wales Bar.

Commissioner Murphy attended De La Salle College Caringbah and St Gregory's College Campbelltown and was a bright, enterprising young man who once sat for an IQ test, which ranked him among the brightest in NSW.

As Mr Moses noted, 'somewhat unusually for a teenage male' Cmr Murphy and a neighbour hit upon the idea of breeding pigeons, which were used to send messages to one another. The pigeons were released with notes strapped to their legs. The birds were neither seen nor heard of again.

Cmr Murphy's passion for pastimes involving animals did not end there. His passion for horses and horse racing is well-known and shared with close friends and family.

Cmr Murphy's mother worked as a settlement clerk at one of the large law firms and it was she who encouraged him to study law. He graduated from the University of New South Wales with a combined Bachelor of Laws and Bachelor of Jurisprudence in 1975.

Early in his career he was employed as a senior industrial officer with the Health and Research Employees' Association. Over the next decade Cmr Murphy conducted cases in both the Commonwealth and NSW industrial relations jurisdictions.

He was called to the New South Wales Bar in 1986 and licensed rooms at Frederick Jordon Chambers. His tutor was Greg Maidment, who went on to become a justice of the NSW Commission and who was present at Cmr Murphy's swearing-in.

Cmr Murphy proceeded to build up the diverse, thriving industrial practice, appearing in a gamut of state and federal jurisdictions, from the High Court to the Federal Court, NSW Court of Appeal and various tribunals. Mr Moses stated that his opponents at the bar table 'describe him as tough and

persistent but, in the best traditions of our profession, always fair and polite'.

Mr Moses noted that Cmr Murphy had for some time 'been acknowledged as a preeminent counsel in matters of employment law, in particular industrial disputes, discrimination, unfair contracts, equal remuneration and dismissals'.

Cmr Murphy represented the State of New South Wales and the minister for industrial relations in numerous, significant test cases. In particular the *Equal Remuneration Principle Case* (2000) 97 IR 177; the *ACTU Living Wage Claim in 1998*; the *Review of the Principles for Approval of Enterprise Agreements* (2000) 101 IR 332; and the *Secure Employment Test Case* (2006) 150 IR 1.

Cmr Murphy was junior counsel to Bernie Gross QC for the NSW Department of Housing in the Gyles Royal Commission into Productivity in the Building Industry between 1991 and 1992.

He also appeared as junior counsel to Jeff Shaw QC in the High Court in *Re Alcan Australia Ltd; Ex parte Federation of Industrial Manufacturing and Engineering Employees* (1994) 181 CLR 96. As Mr Moses noted, it is difficult to identify a State Wage Case in which Cmr Murphy did not appear.

Mr Moses concluded by saying:

the stakeholders of this important institution in NSW – unions, employers and government alike – will be well served by your appointment. You are an able, experienced practitioner who enjoys the healthy respect and deep affection of your peers. You are a first class lawyer who has compassion and integrity. However, you are also known for not resiling from having to make a tough decision which may draw criticism.