



Australia's National Workplace  
Relations Tribunal

7 July 2014

Michael Lawler  
Vice President  
Fair Work Commission

The Honourable  
Justice Iain Ross AO  
President

By email:

Dear Michael

### **Federal Court mention on Friday 20 June 2014**

I refer to your correspondence to Vice President Hatcher of 23 June 2014, regarding your participation on Friday 20 June 2014 in a mention of Federal Court proceedings involving your partner and the Health Services Union (HSU).

I note that you have been on sick leave from the Commission since 22 May 2014.

You indicate in your correspondence that your participation in the Federal Court mention occurred in extraordinary circumstances, including that your partner found herself at the eleventh hour unrepresented, her request for an adjournment had been refused, she could be held in contempt of court if no representation was made, and that you had adjudged that her participation unrepresented in the mention could have seriously injured her health.

I do not doubt your concern for your partner's health and wellbeing and that the course of matters has also had an adverse impact upon your own health.

Importantly, your correspondence notes that you ceased to have any official responsibility for AIRC or Fair Work Commission matters involving your partner, the HSU or the health industry, long before there was any controversy surrounding the HSU.

Whilst acknowledging the extraordinary circumstances on 20 June 2014, I must inform you that in my view any further participation in the Federal Court proceedings or participation in other proceedings involving your partner, would not be consistent with the principle that Members should avoid involvement in matters of public controversy.

Accordingly, I seek your assurance that you will not participate further in the Federal Court proceedings or participate in other proceedings involving your partner.

A second matter that I need to raise is your attendance at the workplace whilst you have been on sick leave from the Commission. A number of Members have raised concerns with me about your attendance and that you might have used Commission facilities and resources in assisting your partner to prepare for proceedings. I am also concerned that attendance at the workplace is not consistent with the purpose of sick leave.

In all of the circumstances, you should not attend the workplace whilst you remain on sick leave.

I also ask you to confirm that you will not use Commission facilities and resources in assisting your partner to prepare for proceedings.

I would appreciate your response to this letter by close of business on Monday 14 July 2014. If you are able to give me the assurance and confirmation I have requested, I will then be in a position to indicate, should I be asked, that I consider that the above matters have been resolved.

Yours sincerely,

**JUSTICE IAIN ROSS AO**  
President