

The Australian Women's Register

Entry type: Person

Entry ID: AWE5662

Rayner, Moira

Occupation Commissioner, Lawyer, Solicitor, Tribunal Member

Summary

Moira Rayner is a senior lawyer with particular expertise in workplace relations and anti-discrimination law, management and policy advice and investigations with a penchant for working closely with employers who appreciate the benefits of diversity and workforce participation. She chaired the Law Reform Commission in WA; was Commissioner for Equal Opportunity for Victoria; a Hearings Commissioner for the Australian Human Rights Commission; and an Acting Anti-Corruption Commissioner.

In 2016 she is a practising lawyer, conciliator, mediator and educator: some of her research and other appointments have included Melbourne University (Advisory Board Labour Law Centre; Senior Fellow), Deakin (Adjunct Professor, Centre for Human Services), RMIT (Adjunct Professor School of Social Inquiry); Murdoch (Visiting Scholar), UWA (Lecturer, Senior Fellow Law School, Visiting Fellow at the Australian Centre) and Curtin (Lecturer) and Australian Institute of Family Studies (Deputy Director, Research).

Go to 'Details' below to read a reflective essay written by Moira Rayner for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Moira Rayner and is reproduced with permission in its entirety.

Moira Rayner was born and educated in New Zealand. She was raised in a family environment of high academic expectations and Presbyterian values within a large network of extended family, in Dunedin. In her childhood New Zealand was socially, if not economically, a thriving and egalitarian country gradually coming to terms with its history of dispossession of the first Polynesian inhabitants and deliberate failure to meet its obligations under the Treaty of Waitangi (1840). Moira's family had been early settlers, and her great grandfather the Minister for Native Affairs, John Bryce, who was held responsible for much of the violent confrontations between Pakeha militia and Maori and especially for the dire consequences of imprisoning pacifist activists during the second wave of Land Wars in the latter part of the 19th century.

In her final year at Columba College, aged 16, Moira's family moved to Western Australia. At that time Perth was and seemed to her the most isolated capital city in the world.

Throughout her subsequent career Moira has been and remains committed to the principle that every person has and should be able to exercise fundamental human rights at any age, whatever their personal characteristic such as social origin, 'class', race, disability and gender, particularly to participate effectively in the decisions that affect their lives.

She established and ran her own law firm in Western Australia for 14 years, chaired the Social Security Appeals tribunal for 7; then chaired the Law Reform Commission in WA for 4 years, publishing reports on the evidence of children and other vulnerable witnesses, consent to medical treatment, laws prohibiting incitement to racial hatred and the authority of Justices of the Peace, among others.

Moira Rayner became Victoria's Commissioner for Equal Opportunity in 1990 and then a full time consultant to the international firm now known as Norton Rose Fulbright, where she established the firm's Discrimination Law Practice, for 6 years while she was also a Hearings Commissioner of the Australian Human Rights Commission.

After setting up the Office of Children's Rights Commissioner for London (2000) she was appointed to the Anti-Corruption Commission and then its successor, the Crime and Corruption Commission before she returned to Victoria.

She is (2016-2017) Chair of the Law Institute of Victoria's Workplace Relations Section, which has 2700 members.

Moira represents and advises employers on managing employee and management participation in workplace decision making as a solicitor in her current Melbourne practice. She has handled thousands of complaints and grievances as investigator, conciliator, mediator and arbiter; and conducted many law reform and quasi-judicial or investigative reviews including ethics and professional standards within the Anglican and Catholic churches; is an inspiring speaker, educator and trainer; mentors and supports people affected by investigations as well as managers affected by problems, and has also published two best-selling books.

Career Highlights

Moira established her own legal firm in WA (1975): this practice regularly provided free legal services to grossly disadvantaged people particularly mental patients, Aboriginals, migrants, children, and abused and battered women from that time, and she continued to do so at the Western Australian Bar (1985-1990).

Founding member of the WA Association of Family Law Practitioners and of the Family Law Section of the Law Council of Australia: as member of its then Courts (Federal) Committee was responsible for drafting the Council's recommendations on the future of the Family Court (1987) under the chairmanship of the Hon. Daryl Williams QC later Attorney General in the Howard Coalition government.

Vice Chair of the Welfare and Community Services Review (WA, 1983-1985) which, inter alia, caused a controversially adapted behaviour modification program in a children's detention centre to be abandoned, introduced the concept of community-based services for children into the Department for Community Welfare, legislation and practice, and significant reform into the then child protection system (1983-84)

Chaired the WA Child Care Planning Committee (1984-85) – this

Commonwealth/State/non-government collaborative body was responsible for planning, implementing and coordinating the first ever provision by government of planned child care services in Western Australia. The Committee involved all three levels of government – Commonwealth (establishment and recurrent fees, sitting fees), State (provided land, architectural services and project management) and Local (support to centre management committees.) in a new collaborative model. Its Chair reported to both the Commonwealth and the State Ministers for Community Services. The Committee, with minimal resources, planned and eventually caused to be built and operate 11 community-managed child care centres/community houses with government-provided child care services, and changed the child care regulatory and inspection structure to enable a cost-effective model and an effective matching of supply and demand for child care across the community.

Established Childright Inc, a voluntary association of lawyers for children and expert social workers, whose object was to improve the quality of decision-making by courts and tribunals affecting children in Australia, in 1986, on the model of the (then) effective Guardian ad Litem network in the UK After completing a Churchill Fellowship (1987) to study legal representation of children in the UK, established (with WA Law Society funding) the first training program for lawyers representing children in Australia (1988) through Childright.

First woman Commissioner (full-time) (1986) and then first woman to be twice elected to chair the Law Reform Commission in Western Australia (second woman in Australia, after Elizabeth Evatt, to chair any LRC) 1988-90

Consultant to the HREOC Inquiry, Our Homeless Children, wrote a report on WA's compliance with the Declaration on the Rights of the Child (1988).

Helped establish and fundraised as well as chaired the Board of Directors of the National Children's and Youth Law Centre Inc. (1993-2000) (based in Sydney) raising the profile of children's rights and advocacy of their status and participation with government, including test cases on behalf of classes of children (Mt Druitt children's successful civil action for defamation against a newspaper that profiled their 'failure') and individuals. Its website, Kidstuff, won international recognition (2000).

Responsible for the report for the (federal) minister for Family Services, The Commonwealth's Role in Child Protection, while Deputy Director of the Australian Institute of Family Services (1995)

In 2000, established the Office of Children's Rights Commissioner for London, which modelled effective participation of children in its own activities and at regional government level, by the Mayor of the Greater London Authority. This office also consulted effectively with children on their views of government and their city, published the first of a series of ground breaking research reports, The State of London's Children (2001) and in partnership with the Greater London Authority, created the first children's strategy for one of the world's great cities to be predicated on the UN Convention on the Rights of the Child (2003, 2004) and which obliged the GLA to require consultation and evaluation of all mainstream strategies in terms of the Convention right of children to participate in decisions that affect them.

As Acting Commissioner for Equal Opportunity, WA, 2002 introduced a public inquiry into the reasons for the persistent and rising rate of complaints by Aboriginal people about their access to public housing and allegations of discrimination against the State Housing Commission (2002)

Was a commissioner of the WA Anti Corruption Commission (2002-2004) and an acting (occasional) commissioner of its successor, the Corruption and Crime Commission (until 2005).

As Commissioner for Equal Opportunity in Victoria (1990-1994):

Established the first Koorie community education and conciliation program by allowing it to be devised and run by Aboriginal staff to meet the unique needs of Aboriginal and TSI community in accessing equal opportunity complaints and a responsive community education regime

By instituting proceedings for injunctive relief pending the resolution of the Commission's finding that women prisoners detained in men's prisons were subjected to discrimination, preserved the rights of women prisoners and ensured that government plans to close women's prisons and collocate women with male prisoners were abandoned. The then Kennett government had proposed to close women's prisons and co-locate men and women detainees in Pentridge Prison, in 1993. The Commission had conducted a formal statutory investigation into co-detention of women and men prisoners and concluded that such would be unlawful discrimination against women. Her public stand on this issue led to the proposal not being proceeded with, and her role being temporarily abolished.

Rayner has been a social commenter and advocate of the rights and civil liberties of all peoples to participate fully and on terms of moral equality as citizens of their chosen communities, throughout her career. She has published and participated publicly on the proper uses of power in a representative democracy, civil society, ethics, and the human rights of disadvantaged groups, particularly children.

Details of many of Moira Rayner's published articles, conference papers, magazine and newspaper columns and speeches can be found at or through her website.

Published resources

Book

The Women's Power Handbook, Kirner, Joan and Moira Rayner, 1999

Rooting Democracy - Growing the Society We Want, Rayner, Moira and Lee, Jenny, 1997

Article

Feminist Fighter, Rayner, Moira,
<http://home.vicnet.net.au/~abr/FebMarch00/ray.html>

Book Section

Foreword, Rayner, Moira, 2000

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Author Details

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