IN THE DISTRICT COURT

OF NEW SOUTH WALES

THE CHIEF JUDGE

THE HONOURABLE JUSTICE PRICE AO

AND THE JUDGES OF THE COURT

MONDAY 29 MAY 2023

**SWEARING IN OF HIS HONOUR JUDGE NEWLINDS SC AS A JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES**

The Honourable M Daley MP, Attorney General, on behalf of the New South Wales Bar
Ms Jennifer Ball, Junior Vice President, Law Society of New South Wales, on behalf of solicitors

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(Commission read)

 (Oaths of office taken)

PRICE CJ: The oaths will be placed in the Court archives and the bible will be suitably inscribed and presented to you, Judge Newlinds as a memento of this occasion.

 Judge Newlinds, it gives me very great pleasure to welcome you to this Court. You bring to this Court a very high degree of proficiency in the law, particularly in commercial law. I am sure you will find your new role a challenge and adapt to all the work of the Court in the future.

 On behalf of all the judges of the Court, I wish you every success in your judicial career.

JUDGE NEWLINDS: Thank you, Chief Judge.

PRICE CJ: Mr Attorney?

MR DALEY: Thank you, your Honour, may it please the Court, I acknowledge firstly the traditional custodians of the land, the Gadigal people of the Eora national and I pay my respects to elders, past present and future. I acknowledge all Aboriginal and Torres Strait Islanders people here this morning.

 Judge Newlinds, it is a great pleasure to speak on behalf of the New South Wales Bar Association today to mark your Honour’s appointment to the District Court of New South Wales. Of course, it is your first such appointment and mine so we will always share this personal bond. Your Honour, Judge Newlinds, I would like to take this opportunity on behalf of the government and the people of New South Wales to thank you for your Honour’s willingness to serve as a judge of this Court. I extend my best wishes to you for your career on the bench.

 Your Honour’s appointment to the Court is another success in an esteemed and eminent career and we welcome the extensive experience you bring to the Court. That so many of your colleagues in the judiciary and the legal profession are here today shows the high regard in which your Honour is held.

 May I particularly acknowledge Chief Justice Bell of the Supreme Court, President Ward, President of the Court of the Appeal, Justice Beech-Jones, Chief Judge at Common Law, of course your Honour, Judge Price, Chief Judge of the District Court, and her Honour Jayne Jagot of the High Court. Also present at the bar table alongside me are Acting Director of the DPP, Frank Veltro SC, Jennifer Ball, Junior Vice President of the Law Society, Dr Higgins SC of the Bar Association.

 Your Honour, there are also a number of other judges and Supreme Court justices in attendance as well as Ms Una Doyle, Chief Executive of the Judicial Commission, all of which further demonstrate the goodwill and the excitement we all hold for your future on the bench.

 May I most importantly acknowledge the presence of your Honour’s friends and family who proudly share this occasion with you. I welcome your partner, Helen O’Connor. Watching proudly are your children, Lucy, Charlie and Sam along with their mother, Michelle. Your siblings, Helen and Peter and their families are also here. Sadly some family members cannot be with us today. I know you would want me to make special mention of your parents, John and Mary Newlinds, I am sure they are deeply missed.

 Many dear friends and colleagues are also present. They, along with your family, have generously contributed to this address. Their honesty and good intentions also give us a clearer picture of the events that have led you to this day. Your Honour was born in 1961 at Crown Street Women’s Hospital in Surry Hills and lived there for the first two years of your life due to your father’s work. Your parents were both doctors with Mary a GP and John an obstetrician and gynaecologist. Each would come to be awarded the Order of Australia for their services to the community.

 You grew up in Sydney and apart from a brief stop in Manchester, England for your father’s medical training, you spent your childhood amongst the beautiful nature of Duffy’s Forest on the Northern Beaches. Helen and Peter arrived over the next few years and your childhood in Duffy’s Forest can be summed up in your mother’s daily instructions to you, “don’t come home until it’s dark”.

 Your Honour, I am told you have said that it was an unusual childhood living in such a rural and undeveloped area. You rode your bike to the quarry and played at the Bobbin Head Creek. Time was also spent at the family farm at Shark Creek on the New South Wales North Coast and sailing your father’s self-built boat on Pittwater.

 Not academically inclined is how you have described your school years but what you did excel at was sport. You played rugby and were a first class rower. Many people interviewed for this address have mentioned your success in being part of the Sydney Grammar crew that famously won the Head of the River in 1978 breaking a 23 year drought. The win made you an instant school celebrity, something you would have been very comfortable with and being 1978 Head of the River champion defined you in the following years, so much so that a few years later you made a commitment to yourself to not be defined by this triumph. I think everyone in this Court can agree that you have been successful in redefining yourself.

 Your new role in title might even be the culmination of this redefinition, the Honourable Robert Newlinds SC, Judge of the District Court of New South Wales even though some of your friends have urged me to bestow on you the title, the Honourable Robert Newlinds SC, 1978 Head of the River champion and also Judge of the District Court of New South Wales. You can fight over that over a Pinot Noir.

 Graduating from Sydney Grammar presented another defining moment in your life, studying law and you certainly did it the hard way I know because I followed the same course. Over four years you studied night classes while working during the day as a clerk for various solicitors and graduated through the SAB. You were admitted as a solicitor in 1986 and called to the bar in 1990. You read with Michael Cashion SC and your great mentor at this time was Bernard Coles KC. You have said that Bernie taught you everything.

 The scale of your work over the last 30 years plus is extraordinary. This might have been the moment to talk over a few career highlights but there are simply too many to mention. You are simply one of Australia’s pre-eminent barristers. You have conducted hundreds of cases across all jurisdictions. You are a leader in the field of corporations law, especially insolvency and you have an expertise in regulatory matters. You have appeared in many large scale inquiries and Royal Commissions. You have represented some of Australia’s highest profile companies and individuals including a former Wallabies captain, CEOs, banks and even a dog called Angus and a landmark strata judgment over the right to keep pets in apartments.

 You are renowned for your cross-examinations, even of former prime ministers, directors of major listed companies and many others experiencing your skill at the bar. Your adversaries consider you an intimidating and forceful opponent. Others have said strident, bullish and firm. Most have said formidable, all have said fair. Colleagues have called you an instinctively brilliant barrister bearing all of how ruthlessly efficient you are in getting to the heart of a case. One said, this takes courage and a great understanding of the humanity of it all.

 Your colleagues at Banco Chambers speak of how you love being a barrister and tell of your love of the law. It was at Banco that you took silk in 2003 and served as head of the chambers from 2012 until 2020. Your colleague Madeline Hall has said you are a generous mentor, that your door has always been open and you are the first person to go to for advice. Your colleagues have also stated you are not perfect. You do not read your emails, everything must be in hard copy and you only reply to text messages. Others have said that if they ask you anything to do with sixties culture or music, then they might be trapped for ages as you dive into the minutia of it all.

 During COVID you were one of the driving forces to keep cases running online but had to adjust they say to the technology. Once or twice in Zoom meetings you forgot to mute yourself and swore. I should say you are probably not on your own there but one of the things that they all agree on is that you are a brilliant human being who has brought colour to their lives. They are sad that you are going but excited by your next steps and you will take these next steps with the full support of your family.

 You have three wonderful children in Lucy, Charlie and Sam. You continue to have an amazing and supportive friendship with their mother, Michelle. Both of you have been hardworking and devoted parents. Lucy has said you are always passionate about their lives. She says this has manifest itself in both positive and negative ways. You were always there for early morning sports but unfortunately for the kids you were sometimes there in your Qantas pyjamas. We can tell which way you turn when you get onto the plane. They would like me to put on record that this was not a good look but they have forgiven you. You have always been there when it is counted, you have supported their life choices and aspirations. Lucy is particularly grateful for your support in her law studies. Your kids say you are a wonderfully passionate person, you love life and you love being social.

 You live in Manly with your partner, Helen. You still love rowing and you have won a few masters titles in your time. Rugby is a focal point and you enjoy riding your bike. With your brother and sister, you have been renovating and reconstructing the family farm at Shark Creek. This has become a labour of love in dedication to a place that contains so many happy family memories and so, your Honour, these passions in life compliment your passion for your career. Your sister Helen has said that you are always up for a challenge. The skiing, you want to find a steeper slope. With music you want to learn a more complex song.

 As always, you will face the challenge of becoming a judge in the District Court head on. I am sure you are excited by what is in front of you. As with everything else you have done, you want to be outstanding at it. Friends, family and colleagues have offered many reasons on why you will make an exceptional judge. Tim Trumper believes your natural sense of equity will bring the required balance. People coming through your Court will be offered clarity and know that they have been treated fairly. Madeline Hall says you will knock it out of the park and you are the perfect person for the District Court. She further adds that everyone and everything will benefit from your ability to identify the core issues of a case. David Sulan offers your ability to learn quickly and your love of the process as examples of your suitability. He thinks you are a natural fit.

 Your candour in Court has been offered as another quality you will bring to the rule. Greg Sirtes believes that you will create a highly efficient environment in your Courtroom because of this. He knows you will demand that people participating in your Court will engage in the essentials of the case. You will also demand high standards of counsel in terms of their preparation. The person as usual that you will demand the most of is yourself. You believe a judge should be decisive and fearless. It is clear your ability to work hard and your dedication to fairness and your instinctive legal mind will make you an outstanding judge. So your Honour, my warmest congratulations on behalf of the bar, on behalf of all the people of New South Wales and those here present today for your wonderful appointment. May it please the Court.

PRICE CJ: Thank you, Mr Attorney. Ms Ball?

MS BALL: Thank you, Chief Judge.

 May it please the Court, I too acknowledge the Gadigal people of the Eora Nation, the traditional owners of the land on which this Court stands and I pay my respect to the elders, past, present and emerging. I acknowledge and extend my respects to the Aboriginal and Torres Strait Islander people who are with us today.

 Judge Newlinds, I am honoured to come before the Court on behalf of the solicitors of New South Wales to offer congratulations and wish your Honour well in your appointment to the District Court. What a magnificent moment this is for you, your partner Helen, your former wife Michelle and your three children, Lucy, Charlie and Sam who are all here today. How proud your parents would be of your achievements culminating in today’s proceeding.

 I have had the privilege of observing your Honour over the past 30-odd years at relatively close quarters during some of your formative years as a junior barrister at St James Hall Chambers and later at Banco Chambers, having briefed you in various commercial and insolvency cases including the test case of shadow directors known as Buzzle. In fact, I flatter myself that my influence upon you over the years is at least partially responsible for making you the lawyer that sits on the bench before us today.

 In representing the solicitors of this State, it is my duty to re-enforce to this Court the virtues of our branch of the profession. After all, it is the branch from which sprang your Honour and the vast majority of those arrayed on the bench today.

 Your Honour may have absorbed your virtue and early work ethic as a solicitor from that childhood neighbour of yours up at Duffy’s Forest, Skippy the busy kangaroo. Skippy’s skill set was vast, somewhat like any solicitor. The great authority of Wikipedia states that Skippy could understand everyone, open doors, carry things in her pouch, cross streams on narrow logs, foil villains, rescue hapless bushwalkers, untie ropes, collect the mail and even operate the radio. Remarkably, this heroic marsupial was said to have been capable of near human thought and reasoning. Perhaps she had a bit of a lawyer in her after all. Your Honour, like Skippy, also knows your way around a stream. Today may not have been the first time that people gathered here and heard of your part in Sydney Grammar’s historic, although in the eyes of some former Newington students, not uncontroversial, Head of the River victory in 1978 which broke a 23 year drought, a feat that has not been equalled by your old school until 2011.

 You continue to pursue your love of rowing as we have heard making it a lifelong passion. A regular competitor in masters rowing, your Honour flew from a regatta in Hobart to a Courtroom in Melbourne wearing your victor’s medal over your heart and under your jabot, just for that extra bit of luck. This is just one of several sporting interests you have outside the law. Your Honour is also a keen skier having been a member of the Geebung Ski Club at Thredbo for more than 40 years as well as a keen cyclist.

 You have always known that those who work hardest make their own luck. You demonstrated this as you undertook the Solicitors Admissions Board course and you commenced your clerkship at Pryor Tzannes & Wallis in Mascot. From there, having been admitted as a solicitor in 1986, your Honour moved to Henry Davis York where you worked mostly in workers compensation and personal injury alongside Tom Goudkamp whose name has become a byword in this area of law in New South Wales and the now Justice Richard Cavanagh. You moved on to Truman, Stocker and Scutts where your Honour concentrated mainly on conveyancing, leasing and litigation.

 Your almost nomadic early career journey reached a high career when you landed at Kemp Strang where you would make a name for yourself in insolvency and commercial litigation. A contemporary of yours at that stage describes your Honour as a big self-confident bloke and very sure of yourself. Your excellent work led to you quickly being promoted to senior associate. This was the era following the 1987 market crash and while stocks did not do too well, the insolvency and commercial litigation enjoyed somewhat of a boom. Kemp Strang was also where you happened upon the learned Mr Bernard Coles KC from whom you gained valuable experience doing insolvency work and whom made it his mission for you to hear a call to the bar.

 Once at the bar your Honour thrived starting out with multiple small insurance claims and commercial litigation matters instructed by your former firm, Henry Davis York. Your Honour also began appearing in insolvency applications and provisional liquidations from another of your alma maters, Kemp Strang. Susan Warda, your former clerk and now a partner of Mills Oakley says you were always the busiest of junior barristers.

 In 2001, I briefed you in the long running and successful Buzzle litigation in which you were led by Mr Coles KC. When your Honour was appointed silk in late 2003, I was one of perhaps a few instructing solicitors in New South Wales who was fortunate enough to receive from your Honour a framed colour photograph of you in your new silk robes walking down Macquarie Street.

 In 2005, you were one of the founding members of Banco Chambers and served as head of chambers from 2012 to 2020. Conferences with your Honour at Banco Chambers usually involved abundant cups of tea, a large red pencil and ended up with your Honour’s words, “good conference”.

 From early on, you demonstrated an allergy to unmeritorious arguments. Your Honour is described as an advocate that is constitutionally incapable of fluff. Proceedings in the Network 10 case before Justice Black are a case in point. One of several non-represented litigants where in their inimitable way protracting proceedings and your Honour was determined not to devote another day to the matter. “I don’t want to charge my client for coming back tomorrow” you informed Justice Black. “That’s a waste of money. I’m not just talking about my own sanity, I’m talking about cost to a real client”. At length the witness completed their evidence. Justice Black asked your Honour how long you would need to reply. “Four minutes, your Honour.” Your reply ended up taking a little longer than that but not much. Your ability to get to the nub of the matter, to cast aside peripheral points and even to abandon causes of action you consider a distraction to the main game earned you a reputation as a no nonsense litigator.

 Your Honour was observed by a report from the Australian Financial Review in the hearings before the High Court regarding dual citizenship. The report wrote that after speaking with another public viewer, your Honour was the only barrister that they both entirely understood and that your Honour’s spirited defence of Senator Malcolm Roberts succeeded where 23 other barristers had failed.

 This no nonsense extends to not calling witnesses in your case, sometimes at the last minute which in one case really upset the opposing KC who travelled all the way from Victoria, who then found himself in a position where he was not prepared to call his first witness having been asked twice to do so by the former Justice Bergin having only come prepared for two days of cross-examination.

 On another occasion, your Honour even urged the judge to reject the evidence of your own witness. The matter involved a few people who might be described as colourful Sydney identities. As the case entered closing submissions, Justice Sackar inquired of your Honour how much of your witness’s evidence he should accept. You responded, “hardly anything”. “Hardly anything” Justice Sackar inquired. “She’s not reliable.” “All right, so I should reject much of what she has said both in her affidavit and the witness box should I?” “Yes, unless it’s otherwise corroborated” you replied. In his judgment, Justice Sackar described your approach as refreshingly candid and an example par excellence of discharging your duty of candour to the Court.

 A member of the chambers you leave described you as forceful, direct and a persuasive advocate. Another very senior member has said, on the occasion of each of our engagements, I had been worried about being able to match you as an advocate. You have been one of those opponents I always felt nervous about because you have an uncanny knack of upending the debate in ways that disarmed the judge and helped your client. Your cross‑examinations of people including the former Prime Minister, Malcolm Turnbull, former billionaire Nathan Tinkler, Clive Palmer, Roger Rogerson and Rex Jackson’s best customer Howard Hilton are the stuff of legend.

 Your Honour has also cross-examined solicitors, some of whom have said they left the witness box thinking they had done a great job giving evidence only to learn they had been unwittingly sliced and diced by your cross‑examination. Your Honour is said to be extremely adept at reading people, to have the ability to develop a rapport with witnesses enabling you to extract from them, often with charm, what you need to advance your case.

 As one former Federal Court judge has said, it would be wrong to think your Honour’s talents were confined to shirt fronting witnesses. You have a strong grasp of legal principle and a shrewd commercial insight into the strategic dimensions of a case. He noted that your Honour’s talents also extend to conciliation. You have concluded some peacemaking efforts as a mediator and sometimes appeared as counsel in difficult mediations.

 Those your Honour has left behind through your ascent into judicial ranks offer some advice to those who will appear before you. We already know that fluff is a no no. Solicitors and expert advocates in your Court are advised to be extremely focussed, get to the heart of the matter, do not mess around, your clear eyed efficiency will result in you getting through a huge case load. Your expectations of senior practitioners will be exacting. Such patience as your Honour is capable of demonstrating will likely be reserved for younger advocates who are clearly doing the best they can with the limited experience they have.

 Your generosity extends to your pro bono work into which you throw yourself without reserve, delivering with empathy all your professional ability for clients who without you would find no justice at all. This approach is entirely consistent with your Honour’s support for younger colleagues. Your open door is legendary. In your time as leader of your chambers, you would walk the floor offering encouragement and help. You have a reputation for being approachable, offering characteristically clear guidance for colleagues hitting a sticky patch in their case. Countless colleagues tell stories of your Honour making yourself available, often at odd hours to help them with a key strategic call or an important cross-examination. Your Honour would often insist on colleagues rehearsing their cross-examinations on your Honour to help prepare them. Shorter questions, fewer documents, press the witness and remember your case theory were your Honour’s favourite pieces of advices.

 Your Honour’s membership is so highly valued among the Banco’s younger members that news of this important prompted at least a couple to shed a tear. Your colleagues at the bar will miss you dearly, especially your junior colleagues to whom you have been such a mentor and a teacher. No doubt the late Sandy Dawson SC and the late Simon Kerr SC, both of whom were close colleagues of yours at Banco will also be raising a glass to congratulate you.

 Your Honour, this appointment marks a remarkable stage in your career. I said before that you would be missed at the bar. You will also be greatly missed by your instructing solicitors and I dare to think that you too may miss being at the bar table. You loved the banter and exchange of information about who is doing what and where but above all, you love being in court. In your new role, you will be in court every day and I suspect you will love it.

 The people of New South Wales are privileged to be served by you in this role. The solicitors I represent here today have every confidence you will make an exceptional judicial officer. On behalf of the solicitors of New South Wales, congratulations your Honour. As the Court pleases.

PRICE CJ: Thank you, Ms Ball. Judge Newlinds?

JUDGE NEWLINDS: Thank you, Chief Judge. Well, thank you everyone for coming. Looking around the room, I am completely humbled by the calibre and quantity of people who have turned up. May I particularly acknowledge Justice Jagot of the High Court, Chief Justice Bell of the Supreme Court, President Ward, Justice Beech-Jones and there is too many to mention, judges of the Family Court, the Federal Court and I hope Magistrate Jim Viney is here somewhere.

 By custom and convention, I have been through many, many of these ceremonies over the years and I do understand that at this point I am supposed to say something self-deprecating about the speeches but time is tight so I will come back to that if I can.

 It is true that I have loved every minute of being a barrister, that is true. It was a job I felt I was born to do although I really fell into it and I did not have any inkling of the fact that I would like it before I did it. I genuinely found being a barrister rewarding, fun and I got paid for it which is an amazing thing. To find a job that you love which you get paid for is, if I may say so, the great secret of life but I do appreciate how rare it is, how few people get that opportunity and how lucky I have been.

 What all courts do is important and what they do is serious business. What this Court does is important and serious. I intend to take this job seriously and to do the very best I can to uphold the oaths I have just taken.

 The truth is, I do not really know how I got here. Tomorrow never knows what it will be until it becomes today. I certainly had no grand plan to be a barrister, let alone a silk, let alone a judge. So there is a lot of luck involved but also a lot of help by a lot of good people.

 At primary school I wanted to be an astronaut. At high school I wanted to be a member of a rock and roll band . NASA never wrote back and the Apollo program got shut down and when John was so tragically shot down in New York City in 1980, Paul never called so I needed a back-up plan. I decided to do law, I had a feeling I might like it but I did not get the marks to get into university so I studied at night starting in the very early 1980s. I did not have any contacts in the law and I could not find a job. Everyone told me you needed to get a job as a clerk but I could not find one so I worked as a storeman and packer in a factory for a while and then I was lucky enough to get a job as a registration clerk at a firm at Mascot called Pryor Tzannes and Bradstreet. I used to get the bus to and from the city where I would file documents, go to the stamp duties office, register, attend settlements, deliver the DX and the like. I will be forever grateful to Paul, Ross, Michael and Phil for the opportunity they gave me in that first job.

 In 1984 I again, and Ms Ball, you slightly got the chronology wrong here, chronologies are important. Otherwise a very good speech. In 1984 I again fell into a job at Henry Davis York working for Tom Goudkamp doing workers compensation and personal injuries for plaintiffs. That was my first exposure to courts and barristers. During that time I had the privilege of meeting a very, very young Richard Cavanagh, who is over there in the corner looking embarrassed, who taught me more than he will ever know.

 In 1986 after I finished the College of Law, I failed to find a job at a prestigious law firm. Indeed, I failed to find a job at any law firm at all. I finally got one at a small two partner firm in the city called Truman Stocker and Scutts. The only reason I got that is that I had met the registration clerk from that firm at my earlier job. Thank you to David, Rob and Tim for the opportunity you gave me back then and everything you taught me.

 In 1988, because and only because I was able to say that I had done one possession matter in the Supreme Court or at least prepared the documents for such a matter, I got a job at Kemp Strang and Chippendall working for a very young and very handsome partner, Jock Baird. I am so glad to see Jock over there today, still as handsome as ever, perhaps not so young.

 Obtaining that job really did change my life. It was at that firm that I was first exposed to commercial litigation, insolvency, equity and I met my great friend and mentor, Bernie Coles. At the time, he was the busiest commercial junior of the time, perhaps that there has ever been. Again, can I thank from the bottom of my heart everyone at Kemps during that period, in particular, and I know I have forgotten some people here so I am sorry, but not limited to Peter Kemp, Alex Lindon, Jim Graham, Jock Baird, Jim Eager, Scott Hedge, Peter Harrison and Lisa Burton.

 In 1990, I went to the bar. I think Bernie talked me into it. I read with Michael Cashion and shortly after that I was lucky enough to get a room at a brand new floor, 11th Floor St James Hall, which was a group of people who at the time saw ourselves as some sort of group of misfits and oddballs who did not really fit into what we saw as the mainstream. Now in saying that, I do not, I want to make this clear, I do not purport to speak for the young David Hammerschlag. In 1991, he was not the man that he is now. He was not so racked with self-doubt. He was not indecisive. He was not terrified of appeal courts. Indeed, I can very clearly recall saying things about almost everything that came before him, that it was “very straight forward”. He was in fact a very confident young man, I just do not know what happened there.

 We are in fact wrong as to our perception of ourselves. During my more than 14 years on that floor, its members included, and if I can without disrespect use the titles that they had then, John Spender QC, Robert Beech-Jones, David Hammerschlag, Gay Murrell, Nigel Rein, Peter McClellan QC, Jayne Jagot and Andrew Coleman. What an extraordinary bunch of people for any floor to have produced, let alone one that perceived itself as a group of outsiders. Most importantly though, at the time they were all very friendly, supported and encouraged me as a young barrister.

 In that first decade as a barrister the support I got from solicitors generally, but in particular those I have mentioned at Kemp Strang, was extraordinary. It remains a source of constant amazement to me that any solicitor would stumble upon me and brief me once, let alone send me a constant stream of work. To all those solicitors represented by Ms Ball today, who herself has briefed me for more than 30 years, I am eternally grateful. During this time, the only silk I really dealt with was Bernie Coles. We did countless cases together, he taught me so much about the law, procedure, traditions of the bar, forensic tactics, advocacies and of course long lunches. Most importantly and critically, I learnt from him the ability to find joy in working up and running every case. He taught me that every case is a good case and that to do a case for anyone, no matter how good or bad the case is, no matter how popular or unpopular the client is, is a joy and a privilege. Bernie taught me all of that, and for that and his friendship, I will be eternally grateful.

 In 2004 I made the controversial move to Banco Chambers, again as a founding member. I think it was a good move. I was talked into it by my friend, the late Simon Kerr. He told me, in the way only he could, that it was time for me to be exposed to what he described as the “heavy hitters”, some of whom I can see over there and to start getting work from what he described as “the big end of town”, but I was not so sure. I knew that the people that had gathered as that group, were all academically brilliant. They all have multiple degrees, they all had degrees from overseas university, they all had multiple university medals, most of them had PhDs. I had none of this and so I was slightly intimidated. So I told Simon I did not think that I would fit in. He told me “don’t worry, they assume everyone is like them, they won’t ask”. He was of course right.

 We were very young and energetic, some might have said unfairly, a touch arrogant, group led by the really extraordinary Justin Gleeson. I have made many good friends at Banco and learnt so much from so many outstanding barristers on that floor over the last 15 or so years. Too many to mention, but I do want to pay special tribute to Sandy Dawson, who for more than 10 years occupied the room next to me. He was a great guy, a great friend, a terrific barrister and he made me laugh or at least smile on a daily basis even when he himself was going through the most extraordinarily difficult time himself. I wish he was here today. One of the very last conversations I had with him late last year, we discussed the idea of me becoming a Judge and I told him that, “well if they asked, I would probably say yes”. He was incredibly enthusiastic and supportive of the idea, he told me he thought I would be really good at it, and so I will try my very best to prove him right.

 Time does not permit me to thank everyone else who has helped me over the last 33 years. But looking over there in the corner, I cannot let this moment pass without mentioning The Honourable P A Bergin AO SC, or Paddy Bergin as I am still too scared to call her. Her quiet support of my career over so many years has meant so much and if I can go as close to emulating her wonderful example of how to conduct the day to day business of a court in a way that is firm and efficient and with just a glint of good humour in my eye, I will have done very well.

 Can I also single out my good friend James Stevenson over there. I have known him for more than 35 years, although disappointingly, he does not remember the bit when I was junior clerk at Henry Davis York and he was a partner. His friendship and support have to been steadfast and invaluable and it is not just because we share a mutual and somewhat obsessive love of The Beatles.

 I would like to now single out a selection of my favourite juniors I have had over the years. These are the ones who have gone on to take silk; Ian Pyke, Jeremy Giles, Peter Newton, David Sulan, Andrew Coleman, Nick Bender, Anne Horvath and William Edwards. Each of them has in their own way taught me more than I have ever taught them. When each of them became silk it was always a bitter sweet moment for me, a bit like a child leaving home, but I have watched them all flourish and I have had to move on to find some other favourite juniors.

 In more recent times, they have included; Darrell Barnett, Madeline Hall, Sophie Jeliba, Ryan May, Robert Yezerski, Amy Campbell, Talia Epstein, John Anderson and Karen Petch. They have all assisted me wonderfully. I am good at picking this and I know each and every one of them will go onto a wonderful career at the bar.

 So if I love the Bar so much and if our esteemed speakers are to be believed if I am good at it, then why am I doing this I hear you ask? Well the answer is manyfold. Firstly I do think that if you are someone who has been prepared to criticise, as I have some of those in this role, I should step up. Secondly I do think it is important that experienced advocates are prepared to take on this role. I think if you have a good judge and two experienced advocates, all of whom have done lots of cases the system works extremely well.

 As I have said I think it is a very important job and I think I just might be able to do it adequately. Next if I am good at it and this is a bit of a risk but if I am good at it, and I hope I will be, I know I will enjoy it. I also feel privileged at this stage in my life to get the opportunity to start a new job and to have a new career with new challenges with all that will involve. Not many people at the age of 62 get that opportunity. Most of them, when I look around my friends outside the law are starting to tail off and starting to use phrases such as transitioning to retirement.

 Can I acknowledge the many clerks and members of staff I have had over the years. Again too many to mention but in particular, of course, Michelle who I married and Jay Cateno who I did not marry, both of whom were extraordinary but in, of course, different ways. May I also mention Patricia Oswald. Now this is a controversial part of the speech. She has been my secretary for more than 20 years. Whilst we have had our ups and downs and to outsiders it may appear to be some sort of miserable bickering old married couple who stay together only for the kids, she has been steadfast loyal and reliable and I will miss her very much.

 Finally I turn to my family. First my parents. It is true I did grow up in the semi-rural outpost of Duffys Forest and it is also true that Skippy the bush kangaroo was my neighbour which did make me quite popular at primary school I have to say. It was as far from suburbia as you could imagine although it was kind of middle class so it was this strange and different childhood. The community of people out there though were terrific. We were surrounded by wonderful families with young children who I grew up with and remain firm friends with.

 In particular the neighbours on either side. The Bryants to one side and the Vineys to the other. Mrs Bryant is here today. She is 96 years old. She is deaf as a post so she did not hear that. Why she came to a ceremony involving speeches is beyond me but is incredibly touching. I hope Magistrate Jim Viney is here. He said he was going to be here. We have come a long way from playing cowboys and Indians until dark Jim. I could not be more touched by their efforts for coming here today.

 My parents would be a little surprised and maybe a little proud if they were here. They were children of the depression. They went to school in the war and they would have found the attention or as mum would have said “the fuss” awkward. They both supported me through what was probably a difficult adolescence and nothing I have achieved would have happened without their encouragement and support. They taught me lots of things but just picking out some examples, mum taught me to work out what you think is the right thing to do and then do it regardless of what other people think. I have taken that on board and sometimes to my detriment but it is a good lesson. Dad taught me to never give up and to keep trying no matter what happens. My brother and sister are both here today and I thank in particular my brother, Peter, who has made the effort to get here from Tasmania.

 Being a barrister is a very, very demanding job regardless of whether you love it or not. It involves long and unpredictable hours and an obsessive dedication to the case at hand. Being a barrister’s wife is most definitely a very demanding job. Being my wife was undoubtedly an impossible job - that is the self-deprecating bit. Michelle and I are no longer married but we have an extremely good relationship and continue to regard ourselves and our children as a family unit.

 She has been a wonderful mother to our three beautiful children and they are a credit to her.

 Someone very wise once said that behind every successful man there is a very surprised mother-in-law. It is true. Carol and Des, Michelle’s parents, wanted very much to be here today but illness has prevented them. One day I hope they will watch the video replay of this ceremony. They will not be able to manage that by themselves but one of the kids will help them. Carol and Des thank you very much for all the help and support you have given me and Michelle in raising our children.

 To Lucy, Charlie and Sam you are three of the most excellent children one could ever hope for. You are each doing wonderfully in your lives and we are very proud of you and we love you.

 Helen, my partner, you brought calm and order to my life, you are wise, funny and loving and I think we are well on our way to building a loving stable life together.

 May I conclude by thanking you Mr Attorney for this opportunity. Thank you Chief Judge and to all the other judges here today for the extraordinary warm and generous welcome you have given me. Thank you to everyone who has sent me kind words by note, email, text message or even stopped me in the street to say nice things. In particular thank you to the people who have sent me text messages but whose name I do not have in my phone. I have worked out a generic response but it’s nice to know that there are people out there who like me.

 I am really looking forward to and am excited by this new challenge. I will try my very hardest to be true to the oath I have taken and hope to one day to be known as having been a good judge. Again thank you all for coming.

PRICE: Thank you Judge, I warmly invite you all to join us for morning tea.