

THE HON. JUSTICE DEREK PRICE AM
CHIEF JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES
FAREWELL CEREMONY FOR JUDGE RAYMOND MCLOUGHLIN SC
UPON THE OCCASION OF HIS RETIREMENT AS A JUDGE OF THE DISTRICT
COURT

15 MARCH 2017

- 1 Welcome everyone to this special sitting, which has been convened to mark the distinguished service to the District Court of our colleague and friend Judge Raymond McLoughlin SC. Although this ceremony has been publicised as a “Bench Farewell”, I will avoid the use of that terminology as Judge McLoughlin will continue to serve the community in the administration of justice as an acting judge. Statutory retirement from the full-time occupation of a judicial officer is a momentous event and deserving of recognition.
- 2 Judge McLoughlin, my remarks will be confined to your contribution to the work of the court. I anticipate that those who follow me will speak in more detail of your legal career.
- 3 I am delighted that the Honourable Reginald Blanch AM is present this morning as it was he who welcomed you to the Court on 17 February 2003. Prior to your appointment, you held a commission as an acting judge between 1995 and 1999.
- 4 At your swearing-in, Ian Harrison (now Justice Harrison) speaking on behalf of the NSW Bar, observed that your scope of practice was wide and varied. Your width of experience equipped you well for the diversity of work arising in this court and your dedication and thoroughness have allowed you to deal with all matters that arise in the court’s civil and criminal jurisdictions.
- 5 In an address to the National Judicial Orientation Programme in 1996, the Honourable Sir Gerard Brennan AC KBE, then Chief Justice of Australia spoke of the important attributes of a judge. Sir Gerard emphasised that the

first role of a judge is to preside and to hear. He explained that the atmosphere of the court is chiefly in the hands of the judge. A second point that Sir Gerard made concerned the function of presiding at a trial. A trial, is not the occasion for diminishing the dignity of any person in the courtroom. It is an occasion for the dispassionate findings of fact and application of the law.¹

6 The courtrooms in which you have presided have been marked by the customary courtesy that you extend to all participants. Ms Robyn Crawford, your associate, who also worked with you before your judicial appointment, describes you as a very calm person. Ms Crawford said that over a 40 year association, she has never seen you lose your temper, even though on many occasions your patience was sorely tested.

7 However, your courtesy does not lead to judicial inefficiency. Far from it! Your work has been done quickly, without panic or fuss. You require those who appear before you to uphold the high standards expected of legal practitioners. Ms Crawford recounted “heaven help those lawyers in the busy morning civil list who were not prepared or had not complied with court orders”. You would patiently hear all of their excuses but would rarely accept them. You worked hard and expected nothing less from members of the profession.

8 You maintained the decorum of your courtroom diligently and where appropriate, with humour. For instance, the *Newcastle Herald* reported on your remarks during a trial at Newcastle. When a mobile phone rang in the courtroom, you told the offender:

“I not only have the power of confiscation, but the power to order you to change your ringtone.”

9 Your capacity for hard work is well known. No matter what the subject matter or length of the trial over which you were asked to preside, you would accept the case. If one of your colleagues asked how you were coping, your response would often be:

“I do whatever comes down the chute – I like to be busy.”

- 10 As Sir Gerard Brennan pointed out, when a hearing is complete, the lonely moment of decision-making has arrived for the judge. You have admirably fulfilled this responsibility by providing, in a timely fashion your judgments thereby enabling the parties to understand the ultimate determination of their case.²
- 11 You have the utmost respect of your colleagues and the legal profession. On behalf of the judges of this Court, I thank you for your service to the Court and am delighted that it will continue.
- 12 I wish you and Loris the very best for the future.

¹ The Hon. Sir Gerard Brennan AC KBE, “The Role of the Judge” (National Judicial Orientation Programme Address, 1996) 2–3.

² The Hon. Sir Gerard Brennan AC KBE, “The Role of the Judge” (National Judicial Orientation Programme Address, 1996) 3.