IN THE DISTRICT COURT

OF NEW SOUTH WALES

THE CHIEF JUDGE

THE HONOURABLE JUSTICE D PRICE AO

AND THE JUDGES OF THE COURT

Tuesday 23 APRIL 2024

**SWEARING IN OF HIS HONOUR ROSS PATRICK HUDSON AS A JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES**

Mr Dominic Toomey SC, Senior Vice-President New South Wales Bar Association on behalf of the New South Wales Bar

Mr B McGrath, President, on behalf of the Law Society of New South Wales

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(Commission read)

(Oaths of office taken)

PRICE CJ: The affirmations will be placed in the Court archives.

Judge Hudson, it gives me very great pleasure to welcome you to the District Court of New South Wales. You bring to the Court a fine reputation as a magistrate in the Local Court of New South Wales, I am very confident you will continue to serve the administration of justice over the coming years. On behalf of all the judges of the Court, I congratulate you and wish you all the very best in your judicial career.

MR TOOMEY: As is customary on such occasions, I acknowledge the traditional custodians of the land on which we meet and pay my respects to their elders past and present.

It is my privilege to appear today on behalf of the Barristers of NSW to welcome your Honour’s appointment.

You join the ranks of numerous judges of this Court, past and present, not least of whom the Chief Judge, who have joined the Court after a period as a magistrate, your Honour having assumed that role in November 2015.

On the bench for your swearing in at the Local Court were Deputy Chief Magistrate O’Brien and Deputy Chief Magistrate Mottley, now both fellow Judges of this Court, and then Chief Magistrate Henson, who is now an Acting Judge of this Court.

As with those whom made the transition before you, your Honour brings to this Court considerable experience and knowledge gained in that jurisdiction, across a broad range of matters.

Thankfully I have more than the tabloid newspapers to inform my remarks today. Otherwise, one could be forgiven for thinking your Honour confined yourself to a rotation of matters at Waverley Court involving socialites, soap stars, television hosts, and bikini models.

But at Waverley there were, of course, other high profile matters that made for hard news - cases of alleged sex offences and assault, among others, that formed the daily diet of the Court.

There were also many matters of no media interest in which the accused’s first contact with the criminal justice system helped to set them on a path of recovery and rehabilitation.

There have been numerous cases in which your Honour recommended an offender for drug rehabilitation and other available services which resulted in that individual coming back before your court at a later date having made good progress - and at times expressing gratitude for their positive outcomes. Those were the matters which your Honour has said were most satisfying.

I have mentioned only Waverley Court but your Honour also sat on the North Coast in your earlier years as a magistrate - in Taree and Forster. There, again, your Honour heard a broad range of cases. One of the more high profile cases was that of *Gary Jubelin*, the former detective in the William Tyrrell case, who was accused and convicted of making illegal recordings in the course of his investigation.

In another matter, your Honour presided over a coronial inquest into the death of an 18 year old man who had injured himself after putting his arm through a glass window. The inquest was examining his medical treatment and the decisions made by emergency responders. Your Honour made broad recommendations to the Minister for Health.

Your Honour will also bring from the Local Court much practical experience in case management, having presided over so-called ‘super callovers’.

Counsel, who have appeared before you, report that your Honour is always organised in Court. You are said to have a deep and broad knowledge of the law and always to be across the latest decisions of the High Court.

Your keen knowledge of the law has been evident in your detailed citation of authorities in judgments concerning matters of all types.

Your Honour is also known for delivering judgments with great speed and efficiency, an observation with which any court reporter who has transcribed your Honour’s reasons will no doubt agree.

In your Honour’s court, justice was dispensed in a well organised, methodical manner and, importantly, in a way that could be easily understood by those whose cases were the subject of your decisions. No party could have left your Honour’s court reasonably believing they did not receive a fair trial. The apothegm “firm but fair” has been applied to you more than once.

Some of your Honour’s other contributions on the Local Court took place off the bench - in your services to the Local Court Education Committee for six years from 2018 and to the NSW Magistrate’s Association as secretary between 2017-2018 and then as president from 2019-2021.

Your Honour was an active colleague in those endeavours. Your contributions to education included the preparation of several papers and presentations that required a great deal of effort and personal time beyond court hours. Always without complaint, your Honour participated with enthusiasm and showed a desire to contribute to maintaining a standard of legal excellence on the bench.

Your work for the Magistrate’s Association also involved considerable time, meetings, correspondence and personal work, always with your colleagues’ interests in mind. In this regard, in particular, your Honour has been described as having a generosity of spirit.

Through the Association, your Honour promoted collegiality and advocated for the improved wellbeing of magistrates - informed by your empathy for the challenges of the role which can at times be isolating, particularly in country regions, and often stressful.

In all your services to the profession and in your role as a magistrate, your Honour has been motivated by a belief in giving back through public service.

In addition to your nearly 8½ years as a magistrate, your Honour brings to this Court an overall 25 years of commitment to the legal profession, predominantly in the field of Criminal Law.

Whilst studying law, you volunteered as a paralegal and researcher in the Public Defender’s Office before securing your first paid work as a paralegal at Peter Ash and Associates.

After graduating, you commenced working as a solicitor with, what was by then, William O’Brien Solicitors.

In 2007, you were accredited as a specialist in Criminal Law and in 2009 completed the Legal Practice Management Course, becoming a partner of your firm that year.

As a Criminal defence lawyer, your Honour, of course, worked closely with accused persons, frequently meeting with those clients in a gaol setting. That has given you an appreciation for the experience of an accused in the criminal justice system and particularly the conditions of custody.

You now bring those many years of experience of working in criminal law as a solicitor and as a magistrate to this, the busiest criminal trial court in the country.

Before studying or practising law, your Honour had already demonstrated an interest in aspects of the history of the criminal law. You undertook a Bachelor of Arts with Honours between 1995 and 1998 majoring in English and History with an Honours thesis on ‘The History of Long Bay Gaol’. There was also a journal publication on ‘The History of Darlinghurst Gaol’. As a budding historian, your Honour’s interest in the criminal justice system was plainly evident.

But it was athletics that was the only true challenger for your vocation in Law. Your Honour excelled as an athlete from 1992 to 2004 as a representative for NSW in athletics and as an Australian representative from 2000 to 2004, competing as a distance runner at world championship level and specialising in the 3000 metre steeplechase event.

I am told that you would run upwards to 160 kilometres a week in training. The punishing workload you endured as a runner will no doubt equip your Honour in coping with the workload of the Court’s endless flow of serious indictable matters.

Your Honour’s prodigious work ethic has been evident throughout your vocational life. You supported yourself through university by working overnight shifts at the flower markets and weekends at a retail sports shop as well as working for your father at the meat works on a Sunday morning.

Your Honour’s father, Ross, is a butcher by trade and your mother, Mary, a milliner. Today, we join with your family in celebrating another milestone in your Honour’s vocational life.

In your life in law, an early mentor was the late Peter Zahra, who your Honour was introduced to at the Public Defender’s Office before his Honour became a judge of this Court. Knowing that you were not from a family lineage of legal professionals, Peter encouraged you not to see yourself as limited in any way by your background and to “set your goals high in law.”

In a lighter moment, Zahra told you that his father had handled many briefs throughout his working life. As a young paralegal, your Honour was impressed, not knowing before then that Zahra Senior had, himself, been a barrister. As it happened, however, you were later to discover that he had, in fact, worked in the men’s underwear section of the Bonds factory.

Unfortunately, you will not be Judge Zahra’s colleague in this Court, after his sudden death in 2022 which was a tremendous loss to this Court and to the legal profession more generally.

There is already a record of your Honour’s vocational history as a solicitor from your swearing in as a magistrate and I will not revisit all your achievements from those years of private practice. It is sufficient to observe that your Honour worked on many significant cases with counsel of the highest calibre including Boulten SC, Game SC and Dhanji SC now, of course, a justice of the Supreme Court, among numerous others.

As was noted by Moses SC at your original swearing in, your reputation as a senior solicitor was such that all who worked with you had thought that you would ultimately be called to the Bar. Instead, that call came from the bench.

There are several solicitors who worked for your Honour in private practice who were ultimately called to the Bar. They have shared that it was a rewarding and edifying experience working for you as solicitors, being held by you, as they were, to the highest standards. You were, as a solicitor, thorough with every client, and it was invaluable for junior solicitors to learn from the meticulous forensic approach that your Honour took: lessons which carried over for them to life at the Bar.

It is evident that your Honour led by example. That was true both in law and with health and wellbeing. Your love of running and staying fit inspired your juniors to do the same, and you modelled work-life balance in strongly prioritising your family, always being home for dinner, even when that meant waking up at 3.30 the next morning to reply to emails.

Your Honour has managed to prioritise your family also throughout your time on the bench, a value which has been admired by your colleagues.

That brings me to acknowledge the presence of your immediate family, your wife Kylie, son Ethan and daughter Alexis. Every contributor to the research for my remarks today as expressed how devoted your Honour is to them.

As you have been together since your first year at university, your story with Kylie covers the whole period of your vocational life.

You met at university through athletics and through mutual friends in running circles. Kylie was studying Education and you were in some of the same classes together. You bonded over a shared love of sport, both as participants and as spectators.

Kylie had been participating in athletics since the age of four and as a youngster had won State medals. As a young adult, she was playing Touch Football and Oztag at a representative level. Your early times together were often set around watching a wide range of spectator sports, rugby league, soccer, cricket and AFL.

A love of sport is now shared with your children who have each found their own specific interests. Ethan, I am told, excels at swimming and Alexis, at soccer. Your Honour proudly shares videos of their sporting moments with friends, you are one of them. The children also share your love of surfing.

When you moved your family to Forster, the children were in primary school. As a family in a new community, you were all able to make social connections through various sports activities including the Surf Club there.

As well as a love of sport, you share with Kylie other values that have informed your respective approaches in your working lives. Kylie was a PDHPE teacher before working for a non-profit youth organisation supporting at-risk youth. Your Honour as shown concern for the experience of young offenders in the criminal justice system. Kylie has a Masters of Public Health and currently works on staff health and wellbeing in the Department of Communities and Justice. Your Honour has advocated for staff health and wellbeing on the Local Court.

Before I finish, I wish to share a few other brief anecdotes.

Your Honour, it is said, has a wry sense of humour and a knack for storytelling. Those stories are frequently self-deprecating.

There was the time when, as a criminal defence solicitor, The Sunday Telegraph, in its infinite insight into the workings of the criminal justice system and the role of those acting for an accused, labelled you “scumbag of the week.”

Then there was your first appearance in the Supreme Court, when Justice Simpson informed you that ‘unrepresented persons do not sit at the bar table.’ Perhaps it was your long hair and unshaven face.

At your Local Court swearing in, you also recounted other amusing ‘firsts’ including your first mention in the Local Court, first memorable bail application, first District Court sentence and first trial.

I will not repeat those today, but will instead recount a ‘first’ from your time as a magistrate.

Your Honour had just returned from sitting in the country to take up the position at Waverley. That was not so long after your Honour had been in private practice during which time you had represented several members of a well-known surf gang, acting for them for many years. Let us just call them the young men of Maroubra.

On one of your first sitting days at Waverley, a Tuesday list day, with a full court waiting for their matters to be called, your Honour was in the middle of a sentence when you heard a familiar voice from the well of the court saying loudly to his solicitor, ‘Hey, Rosco’s the Beak, we’ll be sweet,’ then proceeding to call out to your Honour, ‘Hey, Rosco can you deal with my matter next, mate?’

Your Honour paused the matter you were doing, acknowledged the former client by surname, confirmed the charges, and informed him that his matter would be going to Court 2, to which he responded, ‘Oh, c’mon!’

Your Honour, those who know you well, expect that your new colleagues on this Court will, like them, come to know you as intelligent and empathetic, with a sense of humour. You enjoy a round of golf on Saturdays, have a love of cars and will likely keep a surfboard propped up in your chambers, not as an ornament, I am told, but ready to be deployed on any of the various breaks on the nearby eastern suburbs beaches.

Your Honour is the same young age that Barack Obama was when he became US President, 47, and you have many years of judicial service ahead, unlike Obama, you will not be limited to eight years.

The barristers of New South Wales wish you well as your Honour continues your judicial career on this Court.

MR MCGRATH: I too acknowledge the traditional owners of the land on which the Court stands, the Gadigal of the Eora nation, and pay my respects to their elders past and present. I extend my respects and welcome to all Aboriginal and Torres Strait Islander peoples here today.

Your Honour, it is a privilege to appear on behalf of the solicitors of NSW today, and congratulate your Honour on your appointment to the District Court of New South Wales.

It is a happy occasion when I can say a former solicitor, directly appointed to the Local Court came with such widely respected legal ability in Criminal Law, as your Honour did. That this reputation has only expanded in your Honour’s years since being appointed to the Local Court in 2015, is even better.

However, I know that your Honour is no fan of grandiose statements, obsequious praise or titles, and I am reminded of something Richard Feynman, the physicist once said, that ‘knowing the name of something doesn’t mean you understand it, it merely shows that one understands what human call things.’ Your Honour appears to have taken a similar approach to law and I will turn to this.

The goal has been, in your Court, to turn technical legal understanding towards efficient, effective and balanced justice. Understandable by all.

Stepping back to the days before the bench, an old solicitor colleague remembers a formidable advocate, a man of extreme intelligence in Criminal Law. His views were echoed by others who noted your understanding of the law is quite simply, superior.

I would note of the record that what underpinned this approach by all accounts was discipline, structure and oodles of hard work. Your former employer in your first position as a solicitor mentioned that it was common to see emails sent from very early in the morning. Once you became a partner, 4am became a favourite work time. Others noted that the gym or a run was somehow sandwiched in, then into the office before 7.30 every morning, to start a full day of work. After which you would pick up your children. People said that you did everything at a constant 110%.

After years of this approach, a colleague close to your Honour floated the idea of the bar or the bench. When this was mentioned, it was said that your Honour’s response was something like, ’Oh yeah, I wouldn’t mind.’ In your own words, ‘there was no 15-year plan.’

What belies this light-heartedness is that your elevation to the bench was a deep vote of confidence from the legal profession. It was a result of their nomination for a position as a magistrate, a nomination made and supported by excellent solicitors, which eventually led to your original appointment to the Local Court.

Over the years, those who have appeared for clients before your Honour in Waverley Local Court, noted your Honour’s straight, clear thinking. An uncanny ability to grasp facts and evidence and then regularly deliver ex tempore judgments. Whilst being thorough, fair and efficient.

Your Honour was described one former Court colleague as one of those rare ones, with a walking encyclopaedic knowledge of the Criminal Law, able to apply it in high stress situations with clarity and conviction. And despite a similar approach to work as when younger, never once complaining of being tired or even mentioning it.

At this point your Honour, it would be remiss of me not to mention a point, which amongst all this praise stood out from the interviews: your Honour is said to have terrible handwriting. If one earns respect, rather than demands it, then it was with absolute disrespect that people spoke of your Honour’s handwriting. Comments here ranged from ‘you cannot read his writing’ to ‘impossible to decipher’ and ‘it continues to this day when you get bench papers with his scribble on it.’

Beyond this excursion into joyously petty humour it is possible to go back to your youth and trace a deeper discipline which has been the structure of your career. As we have heard already, you were a talented runner when younger, and by the time you were running over 160 kilometres a week, as a sponsored semi-professional distance runner in your university days, you were also balancing fulltime legal studies, and working close to fulltime as a paralegal, this is the antecedent to your working adult life.

It, however, merely begs the question: where did this drive come from? As a magistrate, your Honour noted that one can make a change in people’s lives for the better when approaching the law and legal decision making with structure and discipline. And throughout your life, it is not through conceit but hard work that your Honour has realised all that is available to you. From humble origins, it was a lesson learnt young and which has stayed with you.

On the bench, your Honour’s regional service helps to clarify that possibility. After your initial ten months or so in the Downing Centre when first appointed, your Honour and your family spent around three and a half years living north, while you worked in the Local Court in Taree and Forster, as we have heard.

There, you were the Coroner, the Children’s Court Magistrate, the Civil, Family and Criminal Magistrate. And wearing all those hats in a smaller population allowed your Honour closer access to the community. You saw the real valuer of your position.

This was particularly evidence in the Children’s Court in Taree, which had a significant element of juvenile offending. However, through strategies liked increased involvement with people directly in the lives of juvenile offenders, your Honour made real change.

It often came through simple things, like asking a young offender, why they could not get their license? And realising reading and writing was an issue. And working with those in their life to address these foundational issues, and finding pathways out of offending.

It helped reduce aspects of offending dramatically, and was refreshing. It also helped your Honour see the real significance of the position that you held. And this has driven you to go on to greater lengths than many would go in your work.

Your Honour has said that one of the biggest things for you in the Local Court was consistency. Knowing that a person could be in front of you at 3.55pm on a Friday afternoon, the last matter of the week, and it could have been a very tough week, however, for that person, it could be the only contact they ever have with the criminal justice system. Your Honour said, and here I will quote, ‘You have to make sure as best you can, that their experience in the justice system, is equal to the person that you thought you were on Monday morning.’

This desire to be consistent, and respect for interactions in what can be life changing moments in Court, is not taken lightly.

This also comes from your time as a solicitor. Where honestly knowing one had worked as hard as one could on a matter, and the right result came from this work, even if the result was against your client, this was your training. That, and so many of the best parts of magistrates and judges you appeared before, their Honours influenced you and as best as one can, they illustrated the person you wished to be on the bench. This is what guided you.

Whilst concerned with fairmindedness from a young age, your Honour has also credited your wife, Kylie, with helping affirm your purpose. Your Honour has ascribed more than 30 years of conversations with Kylie about her amazing sense of social justice, values and her work, as not just helping unite you in your relationship but heling affirm your own nuanced understanding of people’s lives. And how they can unravel. The impact this can have on the justice system is immense.

For her part, Kylie mentioned that she can often forget your work, that you are a loving father, and despite your legal ability, not the winner of all debates by any means. This is possible because your work is not something you bring home, a choice your Honour has steadily maintained in life.

The only exception Kylie mentioned was when you were a busy partner running a criminal law practice. Back then, if you had friends over say for dinner, it was not uncommon to see you nod off in the lounge. A sleeping lawyer was a regular feature of social gatherings.

But when your two wonderful children, Ethan and Alexis were born in the late 2000s at the height of your working as a criminal lawyer, even then, you could switch off and be present with your young children. This devotion continues to this day, not least in your second job as a taxi service for your children’s sporting engagements.

Solicitors who have appeared before your Honour have said that this appointment will be a huge loss to the Local Court, as much as it is a gain for the District Court of New South Wales. But an exceptional ability at law, built by hard constant intellectual exertion, respected by friends, colleagues, staff and acquaintances alike, and transformed into a judge, is a pleasure to see. And whilst your Honour may have some healthy apprehension, as well as enthusiasm and readiness, for your new role, none of this side of the bench doubt that this is an astute appointment.

On behalf of your former profession, the more than 40,000 solicitors in this State, may I convey our congratulations, your Honour.

JUDGE HUDSON: Thank you your Honour, Chief Judge, Justices of the Supreme Court, Judges of the District Court, Magistrates, members of the profession, family and friends. I acknowledge the Gadigal people of the Eora nation traditional owners of this part of Sydney upon which this Court stands. I also pay my respects to elders past and present and any first nations people who are present here today.

Thank you everyone who has attended in person today and everyone who is watching online. I would also like to thank the District Court staff for their generosity since my first conversations with many of them and for all the work behind this ceremony today. Thank you, Mr Toomey, and thank you, Mr McGrath, for your very kind supportive and generous words.

I would like to thank all those persons who have sent messages of congratulations. I note that I have attempted to respond to each and every message and if there is a case where I have not responded to those messages, I apologise and I thank you now.

I appreciate this is a significant occasion for myself, personally. I also note the significance of this occasion for the Chief Judge, who has been Chief Judge of this Court since 2014 and previously a Magistrate from approximately 1988 and Chief Magistrate from 2002, Judge of the Supreme Court in 2006 and is to retire on 26 April 2024. So this represents his last swearing in ceremony, a ceremony which he has been involved in and conducting on so many occasions over so many years. It also represents like the Chief Judge an elevation of a solicitor to a magistrate to the District Court. I will enjoy the fact that I share that small aspect and I am truly honoured to share that with the Chief Judge.

I can start by saying that the path which I have taken in law was not planned and truly not on my list of objectives or goals. In truth, I never had a list of goals or objectives in law. Like I was, at school, university and athletics, it was always about having a very high work ethic, being disciplined, committed and being the absolute best you could be at what you were doing at that particular time. Whatever I chose to do, I made sure I did it well. I was not taught that work ethic, I was not told to have it, thankfully, I always had that drive and always have been determined to keep achieving.

I did not come from a family of lawyers or professionals as has been said, I did not come from a family where it was a natural progression to go from school to university. It has been a path which has developed and changed over time. Sometimes straight with hills and curves, sometimes a path has been made up of old rough pavers which have had to just fit and make the path continue.

At times, I have never had no real destination planned. I have dealt with life, what life has thrown at me and in terms of those matters, I have been very fortunate for the people I have had around me and their constant support.

As I sat in the lecture theatres at Sydney University at Law School in Phillip Street, I knew I was studying law to do crime, that is, to practice it not commit it.

I had already completed a degree at Sydney University, as has been said, majoring in History and English and receiving Honours in each of those. I completed a number of journal articles, as has been stated in terms of Darlinghurst Gaol and Long Bay Gaol. My love for history, crime and criminology grew and established very quickly.

I was extremely fortunate in terms of one of my early interactions with a person who was involved in the Criminal Law, Richard Button, who is here today, aka Justice Button. My early discussions with Richard Button, as he gave a lecture to classes in university, led me to undertaking some voluntary work at the Public Defenders’ and also crossing paths with Peter Zahra. Each Richard Button and Peter Zahra would and did have an enormous impact early in my years as a paralegal, finishing university and my early years as a solicitor. Whilst completing my studies, effectively, I was able to bounce around the offices of the Public Defenders’ chambers and ask multiple questions, annoying as they were, on most occasions I would receive an answer.

One of the first matters I sat in with Peter Zahra was a doli incapax matter where a young person was charged with murder. Peter Zahra was instructed by Matthew Johnston who is now of senior counsel, who I later would instruct in the Skaf brothers retrial after legislation was amended to allow the complainant’s evidence to be played, in that instance it was not recorded so thereafter it was read in Court in terms of complainant’s transcript. Interesting enough, our firm acted for Mohammed Skaf, instructing Matthew Johnston and Peter Zahra acted for Bilal Skaf. The progression in terms of the my legal career I saw had accelerated very quickly.

Peter Zahra’s passing in May 2022 was a tremendous loss to the Criminal Law world. He was a man who did so much as a Public Defender and as a District Court Judge. A person who I briefed in so many matters and would later appear before in the District Court. A person who always was generous with his time, had a love of the law, and an unbelievable knowledge and expertise. In my view, he was the ultimate Judge. He was wise, he was intelligent, he was humble, a man of immense humility, compassion and patience who understood the enormity of the task which he undertook so well. It is those characteristics and features which I truly hope to be able to emulate in part or in whole as I take my role on this bench.

Similarly, Richard Button, was someone who when I was in practice and working on so many cases together ranging from many murder matters, appeal matters and also the Sydney terrorism matter, which effectively ran for many years - a trial interesting enough in which both my children were born, was such a great influence.

I am still not sure Richard is thankful for taking my call one late afternoon as I said to him, ‘Hey mate, I have this case are you interested?’

Over the years, Richard Button and I have shared many laughs in regards to the characters we have represented and there are many debriefings after gaol visits which I still laugh about today.

I commenced my law career to private firm working at a firm, Peter Ash, Bill O’Brien, Stewart Devine were working there. It was a firm where eventually through various twists and turns that I would become a partner and my love for law in the partnership with Bill O’Brien flourished. I loved appearing in Court, the harder the case the better, the trickier the legal argument, the better. Small or large, I would take on the case with a view to get the result. All through my early years and through my career, I was lucky to be surrounded by incredible mentors and minds and people who were so generous with their time and advice, including people who still support me today, Phillip Boulten, Tim Game, Hament Dhanji and Richard Pontello. I worked closely with these persons over many years. Phillip Boulten over the years has always simply been a text message away and has been an ongoing and major support.

Over the many years working on trials, sentences and appeal matters each Phillip, Tim, Hament and Richard were thoroughly enjoyable to work with and like me, wanted to get the job done and get the result. With each of Tim and Hament, we had many successes in the Court of Criminal Appeal, and also in the High Court.

Over many years of practice I have also had the privilege of working with so many talented lawyers, briefing many whilst working on various criminal matters such as Grant Brady, Simon Buchen, Tim Gartelmann, David Barrow, Sean Grant, Matthew Johnston, Avni Djemal, Peter Hamill, Caroline Davenport, Paul Maguire, Stuart Bouveng, Andrew Haesler, Peter Krisenthal, Ian Nash and Philip Hogan, from all those persons, I learnt so much.

In 2015, I was appointed as a magistrate. At first I did not necessarily understand the full extent of the impact I could have or should have in terms of my overall role within the community. Notwithstanding, I appreciated the significance of the position I held. I soon learnt that what I did within the four walls of a courtroom could have much wider application and ramifications within the broader community.

I was initially in the Downing Centre and will always be grateful to Jane Mottley and Chris O’Brien for their patience and generosity of their time as I started an entirely different path becoming a magistrate. Each Jane and Chris would always take my calls as I was treading water and no question was a silly question. The same extends to Michael Allen, and the same extends to each of Sharon Freund and Theo Tsavdaridis. The work and contribution by all the deputies has been very much appreciated. The same goes for each of the respective Chiefs in terms of Chief Magistrate Graeme Henson and Chief Magistrate Peter Johnstone.

During my country service which I undertook for three and a half years in Taree and Forster and at times later on in Port Macquarie, I started to realise the real impact that court could have and play within that broader community. As a country magistrate, as has been said, you wear various hats.

I arrived at Taree to be faced with a tremendous workload, largely adult and children criminal, coronial, and some civil matters. It was the young offenders that caught my attention. The crimes were serious. The offenders were very young. At a point I realised that I needed to try and make a change within the community and see what was really happening. In terms of this, I started to understand the true nature and extent of my role. Over a number of months, and ultimately years, I started to work with various stakeholders, including having surfs with a number of juvenile offenders, through various programs, ensuring young persons, many of whom were illiterate from violent households, suffering from a myriad of mental health and drug issues, were as the best resources could provide, started on a path of rehabilitation. They started to get treatment in terms of stopped self-medicating and took time out and began to understand what rehabilitation could mean to them in terms of who they were and what they wanted to be in the future.

In my view, that gave me a better insight into my role and the role judicial officers have in a community and can have in a community.

It was during my country service where I gained and value so many friendships, be it through children’s sport, be it through court staff, be it through sheriff’s officers, be it through police. And in terms of those friendships, many of them I still hold very closely to this day.

An example of the ongoing generosity, in particular, at Forster Court, on Forster Court days each of Ethan and Alexis would walk down, that is a block from primary school, to the Court and they would wait until I finished work. It was on many occasions where I would go into the morning tea room looking for Ethan and Alexis, the court staff would see my face slightly concerned face, probably the helicopter blades going at full pace. Effectively, I was told, ‘All good, Ross, the kids have arrived, John has just taken them down the road for an ice cream.’ If they were not down the road for the ice cream with John, who was Court’s sheriff’s officer, effectively, they would be in the tea room and eating their second or third pack of Tim Tams.

In terms of John thankfully he has moved to Sydney and that friendship has maintained and is one which I cherish and will cherish for a long time.

I will digress from more serious matters to more of a funny matter, I think it is funny, hopefully, not bad humour. So everything in terms of my first time as a magistrate was not smooth sailing. I do recall one of my first civil matters at Taree. It involved a dispute in relation to unpaid agistment costs. As my legs under the bench were moving like out of control egg beaters, the case started. I was saying to myself, ‘Oh no it is civil; Oh no there are barristers; Oh no they are instructed by solicitors.’ I knew how much trouble I was in. I was a criminal lawyer. I then, however, made everyone feel very uncomfortable or comfortable depending what perspective. The first exhibits were a series of photos which were tendered. On receiving the photos, I said unfortunately out loud, ‘Gee that’s a sick looking horse.’ The parties jumped to their feet immediately and stated somewhat exasperated, ‘Your Honour, that’s a cow.’

The next morning, the court staff kindly set up in chambers alphabet cards of particular note and underlined was the picture of a cow for C and H for horse.

After the completion of my time in Forster and Taree, I returned to Sydney in approximately 2020. One of my first cases, that has been noted this morning, was a matter which obtained significant media interest. I looked at that case a different way and then many cases which followed. These types of cases for a period of time seemed to follow me, I had to remind myself the sun just does not come up for me and the moon go down at night. However, in all seriousness, what I did realise was this, whilst these cases received a lot of attention and scrutiny, that should be the case. It was during the recent period of time that I realised that the Courts and what judicial officers do should be scrutinised. This process, itself, ensures that one would hope instill confidence in the judicial system and what we do as best it can be understood by the community and, as I said, scrutinised appropriately.

On a positive note, being at Waverley was a great experience. It was a two out court, that means I had a colleague, I had a friend to talk to. Someone to pester and someone chat to. However, on my initial arrival at Waverley, I did feel somewhat self-conscious that my first three colleagues left fairly quickly. Greg Grogan was first. Jackie Trad, I think I scared her so much she took up circuit in Broken Hill. Carolyn Huntsman, who is present this morning, first went to the Coroner’s Court and then went to the Mental Health Review Tribunal. However, in saying that with a laugh, they were all experienced and excellent lawyers and they tolerated my barging into their chambers, chatting, bragging, asking questions and having a laugh.

With my appointment, I obviously leave the Local Court, I will sincerely miss the Court. I acknowledge the ongoing work of my colleagues who on a daily basis front up to the coalface, face crushing lists and unexpected matters popping into your list with fresh custodies at times with limited resources. When I talk about workloads of various courts, I do so respectfully, acknowledging the words of the Chief Judge in stating that all courts work hard and to quote the Chief Judge from a recent Law Society journal article, “What’s significant is that each of the courts understand what the other courts do.” And I do understand the tireless work of all courts and the function and roles that are performed within our community in this State.

I have admired so many colleagues that have gone about their craft with a smile and without complaint in the Local Court. I am grateful to have been part of the Local Court. I am extremely grateful to have been able to give back to the Local Court through the Local Court Education Committee and my work within the Magistrates Association. I thank my Local Court colleagues for all their support, sharing of wisdom, their experience, and, information over many years. I also thank the wonderful court staff, who I have worked with, the laughs and the hours of tale telling that I have shared and I will cherish.

It was only last Thursday at Waverley Court when I dropped in to speak to the court staff after I had come back from leave when one of the court staff asked if he could record my laugh for his ring tone. I will take that as a compliment.

Overall, part of the reason that I sit here today is because of the work I have been able to undertake in the Local Court. The work which is demanding, fast paced, onerous, it is work which I undertook as part of a group of colleagues who I will truly miss. In many respects, it is a chapter that part of me is reluctant to close, however, today with this appointment, I will take the step further down the next path.

Specifically and individually I say thanks to Caleb Franklin, what amazing colleague and great mate. We spoke more times to each other every day than we did to our respective wives, our shared love for surfing and family, and an ever burning desire to get it right. We constantly asked each other legal questions, to test each other and see who effectively it was most up-to-date with the latest law. In terms of me being called an encyclopaedia, I think that is a mislabel. In my view, Caleb Franklin is a walking legal encyclopaedia, he does it with humility and he is so humble. And as I end most of our regular chats as I say to Caleb, ‘thanks mate’.

Thanks to Jackie Milledge, my work mother. Over the past several years, Jackie has shown me to be true kindness, loyalty and generosity. All the morning tea, lunchtime chats will be missed. Her approach to life of not taking fools lightly and asking those questions which one would never imagine to ask someone, I found that as admirable and courageous. Jackie was a person in so many ways who has been a pioneer both in her policing career and also in her legal career and I actually cannot wait to read her book.

And to family, John, Margaret, Belinda, Georgia, Sam, thank you for your ongoing support.

The next three are my best friends. I probably should apologise to my wife, Kylie, for making her put up with me for 30 years. Twenty years of marriage, I am truly sorry. All jokes aside, you are an amazing person, you are my rock, you are an incredible wife and mother and professional in your own field. Thanks for your ongoing encouragement and constant support and thank you for being you. Ethan and Alexis, my two superstars and you know I am not biased. Watching each of you grow, develop, mature, make up some of my absolute proudest moments in my life. To watch each of you excel at everything you do makes me the happiest dad there could be. Each of your commitment, perseverance, and, tenacity is a credit to each of you. Getting through each of our very busy weeks and into what are even busier weekends is something which I look forward to. Chasing each of you around the countryside throughout the State every weekend, as a biased spectator, is the highlight of my week. Keep achieving, keep being humble, and keep being true to you.

Overall, I am not entirely sure how my path led me here today. However, the pavers so to speak have joined to here and here I am. I am not sure whether I found the law or the law found me. However, I am excited to be on this path now and pursue it with a work ethic, discipline and commitment that I have always demonstrated facing a new stretch, challenge or section of the path. I am sure my life experiences, my life as a solicitor and a magistrate will all form part of the type of Judge I am, a Judge who acknowledges the enormous responsibility that I have on behalf of the community, a Judge that will be fair, can sit in determination and the application of the law. My new role as my previous role is one which I acknowledge is a great honour and privilege. Thank you Chief Judge for your support and congratulations on your esteemed career and your service to the judiciary and the community over so many years.

PRICE CJ: Thank you, judge. Thank you for your very complimentary words to me.

I have been informed though I have not checked this, that I have presided over some 72 swearing-in ceremonies. The only reason I mention this today is that I want to thank a very special person publicly for all the work she has done in arranging these 70-odd ceremonies and that is Lisa Freeman, who is sitting there who is the Court’s executive officer. A huge amount of work goes into each new judge who comes into the Court right from the beginning with liaising with the Attorney General, then with the Bar and the Law Society, arranging chambers, robes, the ceremony, itself, the judges who sit on these ceremonies and Lisa has done that for over 70-odd swearings-in. Each one is very special. And your occasion this morning is very special to me and to all of the Court, judges of the Court.

I would also like to thank James Howard who is our Judicial Registrar. James has read the commission with distinction close to over 60-odd swearing-in ceremonies and he does a very good job on each particular occasion. I would like you all this morning just to join with me in thanking them.