

RSB:SND

IN THE DISTRICT COURT
OF NEW SOUTH WALES

THE CHIEF JUDGE
THE HONOURABLE JUSTICE D PRICE AM
AND THE JUDGES OF THE COURT

THURSDAY 7 FEBRUARY 2019

**SWEARING IN OF HIS HONOUR JUDGE WEBER SC AND HER HONOUR
JUDGE SHEAD SC AS JUDGES OF THE DISTRICT COURT OF NEW
SOUTH WALES**

Mr M McHugh SC on behalf of the New South Wales Bar Association
Ms E Espinosa, President, Law Society of New South Wales, on behalf of
solicitors

(Commissions read)

(Oaths of office taken)

PRICE J: Judge Weber, Judge Shead on behalf of all the judges of this Court

I congratulate you and very warmly welcome you. Each of you will bring a

wealth of great experience to the Court and I am sure you will make a very

valuable contribution to the Court. I wish you all the very best in your judicial

careers. Mr McHugh.

MCHUGH: May it please the Court. Apologies from our President, Tim

Game SC. On behalf of the New South Wales Bar Association it is a privilege

to welcome the appointments to the Court of two Senior Counsel who have

distinguished themselves in the law, one in private practice and one in the

public service. The Bar is proud of the appointment of two outstanding

barristers to the bench. It is a pleasure to acknowledge some of your Honours'

career milestones and share insights and remarks contributed by close friends

and colleagues, not all of whom are named but whom your Honours will, no

doubt, recognise from the detail.

RSB:SND

HIS HONOUR JUDGE ROBERT WEBER SC

Judge Weber, your Honour graduated from ANU with a Bachelor of Economics and a Bachelor of Laws with Honours. Your Honour was associate to Senior Member Todd at the Commonwealth Administrative Appeals Tribunal. Your Honour was then a solicitor working in commercial litigation before your Honour was called to the Bar in 1987 taking silk in 2001 in recognition of your exceptional abilities as an advocate.

Your Honour carved out a broad practice at the Bar ranging principally in commercial law but through Equity, Insolvency, Insurance, Professional Liability, Succession and, of course, Trade Practices and Competition Law. Your Honour also developed a successful appellate practice and specialities in Arbitration, Sports Law and appearing at Commissions of Inquiry and Coronial Inquests.

Often handling high profile and significant cases your Honour has appeared in the Federal Court as Senior Counsel for the Commonwealth in proceedings arising from the equine influenza outbreak.

Your Honour has demonstrated an impressive capacity for mastering subjects as diverse as a mining tenement dispute, misfeasance in public office and a pay TV contractual dispute. During the coronial inquest into the deaths in the 1998 Sydney to Hobart Yacht race as counsel for the Cruising Yacht Club of Australia, your Honour became fluent in complex maritime discourse.

Considering that your Honour has spent much time familiarising oneself with such a broad range of subjects in your Honour's professional life, one could be forgiven for escaping into worlds of fiction in your Honour's leisure time and yet your Honour has a love of reading non-fiction biographies and taking in the fine detail of political and military history.

RSB:SND

In Court your Honour is said to be a tough opponent, not overly aggressive, rather, skilled and prepared to back your Honour's judgment. Your Honour's arguments are well crafted and articulated in a strong, crisp and clear delivery.

It has not been unusual for judges to reference your clarity of argument when giving reasons for decisions in written judgments. In a matter heard by the New South Wales Court of Appeal in which your Honour appeared for the respondent the late Justice Meagher, Roddy Meagher, perhaps not well-known for praising counsel, credited your Honour with making "the final and fatal argument" against the appellant's submission.

Your Honour has been highly regarded as a cross-examiner and were a force to be reckoned with, I am told, even in mediations. It is not surprising that your Honour attracted loyal clients and regular arbitration work. Your Honour is a fellow of the Australian Centre for International Commercial Arbitration and a New South Wales Bar Association accredited mediator.

Particularly notable is your work related to sports as an arbitrator for the Court of Arbitration of Sport, Chairman of various Australian Olympic Committee panels determining Olympic selection disputes and ad hoc chairman of the National Rugby League Appeals Tribunal.

Colin Love, former Rugby League chairman and a friend and lawyer tells how your Honour was relied on heavily during your Honour's practice at the Bar to advise the Australian Rugby League appearing in a number of cases including the famous Super League case and yet outside of law it is AFL that attracts your fanatical love of the Collingwood Football Club, a team that is great at making the finals, perhaps not so good at winning them although they have had their share of titles, of course. Always hopeful you loyally always

RSB:SND

make the journey to Melbourne to barrack for the “Pies” in the finals each season. The most recent 2018 grand final was especially excruciating and as a fellow Pies fan myself I will not rehearse again those dreadful final few minutes.

Now ordinarily such a result might send your Honour into a dark mood and indeed it was a blow but this time one which was counteracted by delight at the arrival of your first grandchild, Marnie, who was born just a few weeks before the grand final and is here in Court already bringing joy to her proud “pa”.

I am reliably informed by a well-known Sydney racing identity and someone who your Honour would know, and someone who would know, and indeed who we both have a connection with, your Honour is in the fraternal sense the broader chambers neighbour, mine is paternal. That person stated that your Honour is a keen student of racing form, buying the Sportsman every Friday and apparently a quite successful punter. The discipline of a successful punter may have left your Honour, however, when crossing over into race horse ownership with varying levels of success. Apparently one horse was retired into a slower-paced equestrian life after losing by 35 lengths.

Indeed, your Honour once sported a handle-bar moustache and it looked a lot like the one worn by Australian fast bowler, Dennis Lillee. Such was your Honour’s resemblance to Lillee that your Honour was at least once stopped by a young fan. The story goes and, of course, it must be a story that your Honour obliged the young boy’s request for an autograph sending him off happy as Larry to have met his hero.

Your Honour, I mentioned roles as Chair of various panels and tribunals and there is another which is perhaps the most auspicious of all, that of

RSB:SND

Chairman of a lunch club called "Table 10" which comprises a number of business and sporting personalities. It was a role in which your Honour excelled, such is the appreciation for fine food and good wine. I am told your Honour performed the Chairman's role with such distinction that your Honour was appointed by the members of that club, "Chairman for Life".

Your Honour is highly suited to the judicial task and someone who will strive to get it right and make quality judgments through the application of your Honour's intelligence, diligence and common sense.

Judge Weber, on behalf of the New South Wales Bar, I extend sincere congratulations and well wishes to your family, wife Kathryn and Angela, Ben, Kate and Matthew.

HER HONOUR JUDGE KARA SHEAD SC

Judge Shead, it is fitting that your Honour should be appointed to this Court as it brings your Honour full circle from the first days of your Honour's entry into the practice of law.

Your final year of university, your Honour was a Clerk for the Office of the Director of Public Prosecutions preparing matters for arraignment in this Court. Your Honour undertook that work three days a week which I am informed your Honour enjoyed immensely.

Your Honour had been a summer clerk at the ODPP in a program which offered a rotation through different areas of the organisation. After graduation from the College of Law your Honour returned as a solicitor and carved out a reputation as a skilled lawyer instructing in trials in the Sydney office.

In a career spanning close to 25 years your Honour worked in various areas across the organisation and in numerous roles including early on doing committals at the Parramatta office, being seconded to, what was then, the

RSB:SND

Criminal Law Review Division and working as a “professional assistant” in the Director’s chambers. Nicholas Cowdery AM QC, who I saw as I came in, was then Director. Your Honour had started in the same month at the ODPP and were influenced by the speech the Director gave at your Honour’s induction, in which he shared what would become a guiding principle throughout your Honour’s legal career: “Prosecutors never win or lose, only facilitate justice”.

Your Honour went on to work closely with Mr Cowdery, assisting at crucial times in his tenure and he has watched with satisfaction as your Honour rose through the ranks gaining the experience at both ends of the Bar table that will assist your Honour in bringing a balanced approach to the task of judging.

Mr Cowdery views your Honour as a consummate prosecutor and lawyer whose compassion, humanity, intelligence, industry and wit will be great assets on the District Court bench.

Your Honour remains in touch with friends and family and your Honour’s gourmet talents are yet another enjoyable means of sharing your company outside the professional sphere. I will say a little bit more about cooking shortly but first it cannot be overstated how thoroughly experienced your Honour is in the criminal law at the ODPP having worked in every level of the organisation from clerk up to Deputy Director.

At the Campbelltown office as a level 3 lawyer your Honour was kept busy running trials including apparently five in one week. Now a respectful word of warning if I might your Honour. Should your Honour keep up that pace as a judge, no doubt this Court will soon be shot of any backlog. However, with respect, that backlog may just shift to the Court of Criminal Appeal, with

RSB:SND

respect.

Now your Honour was made a prosecutor in 2005 and worked in the Sydney office for a decade running your own trials, finishing as junior to Mark Tedeschi AM QC in the Robert Xie trial of the Lin family murders.

Next, your Honour was at the other end of the Bar table as Deputy Senior Public Defender and working in the rolling list court and after some doing appeals and Supreme Court work your Honour finished at the Public Defenders with, among others, the challenging Robert Rogerson and McNamara trial.

Your Honour took silk in 2016. Your Honour's junior in that trial, Rogerson and McNamara, describes your Honour collegiate approach of being open to the sharing of ideas and various views on the strengths and weaknesses of the case. Your Honour would, of course, lead from the front yet always in a way that was patient and kind and it built up confidence in the defence team instead of tearing it down.

There was a long list of matters in that case, it was an enormous prosecution brief, material spanning more than 40 years, your responsibility for the team of lawyers, interns and clerks. There was a large media publicity. There was a real cut-throat defence. There were testing witnesses. You had an assertive client in the dock, the cramped Darlinghurst courtroom, Supreme Court judge with a keen mind, regular family commitments and Bar council meetings happening all at the same time and not once, I am reliably informed, was your Honour anything other than a consummate professional, amiable and warm.

Another colleague at the ODPP with whom your Honour now shares the same bench describes your enthusiasm when preparing a case and in the

RSB:SND

midst of a difficult criminal trial when your love of your work is clearly visible and infectious.

Your Honour has been a strong and courageous prosecutor and defender, always acting with integrity and your commitment to the high standards of ethical legal practice is unwavering and unquestionable and your Honour is known for your Honour's demeanour in Court and a distinctive speaking voice which, of course, are inadequate without your Honour's powerful intellect, quick thinking and hard work.

Contributions from your Honour's colleagues have been overwhelmingly positive, other than a note that your Honour is apparently something a punctuation and case citation pedant apparently particularly disliking double quotation marks being used incorrectly. The Bar is forewarned.

Your Honour's love of clothes is a recurring theme. Indeed your Honour is always impeccably groomed including the use of a scent of perfume that came to be referred to, apparently, as "the scent of litigation".

Generous in spirit and with a devilish sense of humour your Honour is delightfully self-deprecating. Your Honour's new colleagues may be pleased to know your Honour is not one to tell boring war stories of Court. They may be even more pleased to hear that your Honour is a highly accomplished chef and gourmet. Friends say it is a delight to receive an invitation to dinner or lunch which is inevitably delicious and a lot of fun. Your Honour's elevation to the bench is a widely welcomed appointment.

On behalf of the of New South Wales Bar, warm congratulations and all the very best to your Honour and the family, partner Bob, Jamie, Sam, and Claudia. May it please the Court.

PRICE CJ: Thank you. Ms Espinosa.

RSB:SND

ESPINOSA: May it please the Court. I acknowledge the traditional owners, custodians of the land on which this Honourable Court stands, the Gadigal people of the Eora Nation and pay my respects to their elders, past, present, and emerging.

HIS HONOUR JUDGE ROBERT WEBER SC

Judge Weber, it is a privilege to come before the Court as President of the Law Society of New South Wales today to congratulate your Honour on this appointment.

Your Honour grew up in Canberra, as we have heard. You attended Sir Edmund's College at the Australian National University attaining a double Degree in Economics and a Bachelor of Law with Honours.

We can also trace to your Canberra antecedents an affinity for that sport somewhat distant from the experience of a New South Wales raised lawyer, Australian Rules Football.

Following graduation, your Honour spent 1981 as an associate to Senior Member R K Todd of the Commonwealth Administrative Appeals Tribunal, before being admitted as a solicitor the following year.

The five years you spent as a solicitor in Sydney established an outstanding reputation, first, at Westgarth Baldick, later to become part of Corrs Chambers Westgarth, and then four and a half years with Stephen Jacques, now King & Wood Mallesons.

The several years you spent at Stephen Jacques saw you work on several notable cases as a solicitor. One of the most well-known of which was the titanic struggle to recover assets of the notorious Peter Klein. This involves your Honour personally confronting rather surprised looking banking

RSB:SND

officers in Vienna. As a result, you brought back to Sydney very significant assets of Mr Klein, the recovery of which then became the subject of fiercely fought litigation back in New South Wales.

The other of these cases was the pioneering auditors negligence suit in Australia. Your clients were the receivers of Cambridge Credit who brought a case against its auditors Fell & Starkey. This was ultimately tried by Andrew Rogers J in the Commercial List before going to the Court of Appeal.

When your Honour was called to the bar at the end of 1987, you made a name for yourself as a methodical and bright junior and proved yourself as a fearless and articulate advocate. Although you specialised in Corporations Law, Corporate Insolvency, Banking Law, and Professional Negligence, your Honour's practice was broad. Significant matters found their way into your Honour's hands including briefs for the liquidators of GPI Leisure and for the liquidators of Spedley, for the Australian Rugby League and the Super League litigation, the extraordinary litigation involving the estate of Charles Woodhouse, father of Bill, in which you appeared for the beneficiaries under that will. In that last case, you were led by Ian Barker QC, who helped shape your Honour's outstanding cross-examination and broader advocacy skills.

Your appointment as Senior Counsel in 2001 was seen by your colleagues as an inevitable development and you quickly cemented your reputation as a formidable opponent. Instructing solicitors say what established your Honour as a worthy member of the league of leading silk at the Sydney bar were three qualities, the application to every case of your astute and learned legal mind; the measured and unshakable manner you exhibited in and out of the courtroom; and thirdly, impeccable integrity informed by your belief in quiet adherence to principle.

RSB:SND

Junior counsel and readers say you have always made a point of spending time with them to impart knowledge or to brainstorm a legal issue. Again, as silk, you appeared in a number of significant cases, some we have heard of already. Appearing for the liquidators as one of the lead counsel in the HIH litigation, appearing for the Commonwealth in equine influenza litigation of *Clasul v Commonwealth of Australia*, and appearing in the high profile ICAC matters including appearing for the Roads and Maritime Services in the Operation Cyrus Inquiry. As we have heard, you also mastered the mysteries of the maritime world in order to appear at the inquest of that ill-fated 1998 Sydney to Hobart Yacht Race.

Your Honour has become the go-to source of advice and advocacy for the sports industry, appearing in matters involving the racing industry, rugby league, and even body building disputes. You are an arbitrator appointed to the Court of Arbitration for Sport and have sat as chairman on the Olympic Selection Tribunals for those contesting the unsuccessful bids for selection. Notwithstanding your passion for Aussie Rules, your talents were especially recognised by Australian Rugby League, for whom you are the first choice counsel.

On your floor at 11 Wentworth, you have been a warm and supportive colleague over decades. In fact, the same year you took silk in 2001 was the year that your Honour helped the 11 Wentworth team to victory against the Edmund Barton Chambers in the hotly-contested Lady Bradman Cup, aptly held on the Bradman Oval in the Southern Highlands.

Outside of the law, your Honour is an avid reader as we have heard with a special interest in political history and military history. You enjoy time with your family and these are justly proud of your elevation to the bench. You also

RSB:SND

enjoy fine wine and a good meal.

Finally, as we have heard, you are a passionate supporter of Collingwood Magpies and they have dealt you their fair share of heartbreak over the years despite the occasional success.

Your Honour, you have been well regarded by colleagues and clients for your ability to maintain the common touch despite great expertise and experience. This ability will serve you and those who come before you well as you undertake this judicial role. You have all the attributes of a great judge including a genuine interest in and command of legal principle, a talent for identifying the real issues in dispute, flexibility of mind, and notable patience.

Solicitors of New South Wales believe you will be a wonderful addition to this Court. I congratulate you on behalf of the solicitors of New South Wales and wish you well in the next chapter of your life in the law.

HER HONOUR JUDGE KARA SHEAD SC

Judge Shead, your Honour has led a dynamic and distinguished path through the world of law. Today's appointment is a fitting tribute to such a significant contribution.

Your Honour was the first person from your family to attend university, gaining a double Degree in Arts, majoring in English and Law at Macquarie University. Your Honour always said this decision was informed by desire to take on a career where you can get paid for reading, talking, and arguing.

In what would set the ball rolling on a decades long connection with the Office of Director of Public Prosecutions, you spent one summer as a summer clerk there for eight weeks, and one could say the rest is history.

You then spent your final year of university as an arraignments clerk for three days a week before returning as a solicitor in 1996. You worked first as

RSB:SND

a Level 1 lawyer in the Sydney office instructing in trials before being seconded to the Criminal Law Review Division where you had the opportunity to work with the then Attorney General, the late Geoff Shaw, and Director of the division, now Richard Button J.

Following the secondment, your Honour went to Parramatta office as a Level 2 solicitor doing committals. You took on a dedicated committals list weekly at Penrith with a view to facilitating early guilty pleas.

When you moved to the Directors chambers, at that time occupied by Nicholas Cowdery AM QC, you prepared advices for the Director and his Deputies before moving to the Campbelltown office as a Level 3 solicitor. You ran trials as an advocate, as we have heard, cutting your teeth on high volume work and jury trials.

Following your appointment as Crown Prosecutor in 2005, you spent nine years in the Sydney chambers before being made Deputy Senior Public Defender in 2014. As part of this work, you appeared in the rolling list court, the Supreme Court, and the Court of Criminal Appeal.

2016 was a significant year for your Honour. In May, your Honour became Deputy Director of Public Prosecutions, and in September, you took silk.

In your time both prosecuting and defending matters, your Honour has acted in a number of significant trials. Some of these have been mentioned but I note the High Court case of Hughes and McPhillamy dealing with tendency evidence; the trial arising from the 2014 murder of the Sydney student Jamie Gao, appearing for the accused Glen McNamara; prosecuting the pioneering case of ARS in 2010 with a reference to s 66EA of the Criminal Act, a pattern of persistent sexual abuse against a child to be run as a

RSB:SND

single case; and your Honour's participation of the participation team for the Robert Xie trial relating to the Lin family murders in North Epping, 2009.

In the courtroom, instructing solicitors had the sense that they were part of the team and that you valued their opinions. Despite the serious nature of the matters, solicitors remember your Honour's smile and sense of unflappable calm.

You would instantly develop a professional rapport with all stakeholders at the trial and carried on your duties with the utmost professionalism. This was paired with your lively commanding presence in the courtroom, where you instantly held the attention of those around you, especially the juries.

As Deputy Director your Honour showed excellent judgment, integrity and the highest level of legal skills. You exhibited a tangible commitment to improving and advancing the criminal justice system and the organisation of the ODPP. There is a large staff and a large set of responsibilities that come with that role and your Honour discharged them with aplomb. Your dedication to mentoring over more than 20 years has stood out to those around you and you have also championed training with a real focus on advocacy and tried to smooth the path for the next generation of lawyers within the office.

Fostering a collaborative approach between fraternal organisations your Honour has organised sessions for the Aboriginal Legal Service to conduct training for ODPP solicitors. Your sense of genuine fun and lively personality will be greatly missed from the office.

One of your now sister judges, Judge Jenny Girdham, fondly remembers long car pools to and from the Campbelltown office in your early days though the first of these trips got off to a frosty start after Judge Girdham knocked, in your Honour's opinion, a little too long and a little too vigorously on your front

RSB:SND

door. These car pools began a cherished tradition of laughing and swapping stories for 50 minutes on the way there and 50 minutes on the way back. Most of all colleagues and friends have paid tribute to your Honour's generosity of spirit and warmth of heart. You have a distinct ability to make a solicitor feel comfortable and good about themselves in their deepest moments of self-consciousness, a direct product of your Honour's open, good humoured personality. You will often pick up a nick nack at a thrift store because it reminds you of the taste of somebody in the office and you relish cooking a delicious meal as we have heard for a group of friends at your home.

Your family are undoubtedly the focus of your life outside the law. However, I have been instructed to mention that Australian designer, Camilla Franks, considering your Honour's extensive collection of her colourful kaftans will also have to rate an honourable mention.

Justice is incredibly important to your Honour. You have viewed your role as Crown Prosecutor and later Public Defender as a facilitator of justice, not one arguing blindly for a conviction or barracking for an accused. Having stood on both sides of the courtroom and now on either side of the bench your Honour will bring a fair, balanced and inspired approach to the task of public service and administering justice for this Court.

I congratulate you on behalf of the State solicitors and wish you all the best for your time on the bench. As the Court pleases.

PRICE CJ: Judge Weber?

WEBER DCJ: Thank you, Mr McHugh and Ms Espinosa, for your kind remarks. Actually I should be more specific, I would like to thank you for your kind remarks that are reasonably well based in fact. I want to thank you especially for your kind remarks whose basis in fact is at least tenuous. Yes, it

RSB:SND

is true that I am a Collingwood supporter of some passion and thank you for reminding me about last year's grand final, Mr McHugh, I was almost over it. You certainly learn to cope with disappointment barracking for the Pies. As to racehorse ownership which you mentioned, Mr McHugh, I am now cured of it, and lest anybody be concerned from an animal rights point of view as to the fate of the horse that ran 35 lengths last at its first start, it has gone to a good home courtesy of Ron Quinton.

I have been to many of these ceremonies, as no doubt have most of you and the most painful is where the most junior member of the Court gives a homily about the rule of law and judicial independence. You will be relieved to know that I am not going to do that although you will also be relieved to know that I support both.

I would like to thank and publicly acknowledge my mother and father. Mum is not here today, she succumbed to the pernicious Alzheimer's disease four years ago to this day. I miss her most days. I miss her especially today. Dad is here, he is nearly 90 and he has travelled from Canberra for which I am deeply grateful. Mum and Dad brought up five sons of which I was the eldest on a not generous salary. They sent us to Catholic schools, they encouraged us to work hard, they encouraged us to go on to further study which we all did and we all graduated and when educating my own four children on a much more generous income I came to really realise the struggle that that must have been, and I deeply appreciate what they have done and, Dad, hopefully today is some sort of vindication of the struggle.

I acknowledge my children who are here today. I am enormously proud of them and those with partners, they're here too. They are great members of the community and I'm deeply proud of them. I'd like to acknowledge their

RSB:SND

mother who in common with many barristers' wives played a disproportionate role in their development as young children. Kathryn is here with me. I won't embarrass her with protestations of love although I do love her, she's my soul mate, my rock, a person on whom I primarily depend. She keeps my feet firmly on the ground, so much so that one of the aspects of this new role which I am looking forward to is making directions, because I certainly don't do much of it at home.

I have been at the Bar, as you have been told, for 31 years, 17 of which as a silk. In 1990 I was invited onto the 11th Floor, one of the proudest moments of my life. To be a floor member with the likes of Conti, Hunter, Sheller, Emmett, Staff, Simos, I could keep on going on, was just heaven to me, and to learn from senior counsel of that ilk, both by being led by them and having drinks with them and just listening to their words of wisdom was something which I will always treasure. I always wanted to be a barrister. I love the art of advocacy, and as a consequence there is a tint of disappointment and regret in the decision I've made in coming to the Court and thus leaving the Bar.

As you'd mostly know, the mentoring system at the Bar, well, back in the old days when I came to the Bar was called that of pupil and master and it can be a hit and miss affair. When it hits it's a marvellous relationship and I have been enormously privileged to have had Alan Sullivan QC as my master. He has been an enormous assistance to me legally, personally and in every respect through my entire career. I hope, Alan, that I've been able to reciprocate to some extent, thank you.

For the last five years of my time at the Bar I have been on an annex of the floor rather exotically known as 11 East with Michael McHugh senior. It's

RSB:SND

been a great privilege working in that environment with Michael and his excellent secretary, Haidee. Each morning when our commitments permit it we have a cup of tea which usually lasts 20 or 30 minutes in which politics, history, sport, the law, legal personalia, all get a run, as does the never ending battle to find a winner, an activity at which, like most activities, he's much better than me. I'd like to thank the floor staff, my clerk Zach Rymer, Anne Deighton and Mandy Allen, who I can see here. Annie has been buying me Lan Choo teabags for a very long period of time even at her own peril. When Phil Greenwood a couple of years ago became the floor chairman there was a stark austerity campaign launched, Anne was told that the varieties of tea that were to be bought was to be limited and Lan Choo was to get the chop. Annie very bravely continued to buy the Lan Choo and smuggle it to me and she's still here on the floor so, thank you, Annie, you needn't do that anymore. J Alfred Prufrock is said to have measured out his life in coffee spoons. I've measured mine out in Lan Choo teabags.

I suspect if one searched the transcripts of swearings-in there would be one name that appears more than any other, I'm about to utter it. Paul Daley. Paul is a friend and confidante of governors-general, High Court judges, Chief Justices, all manner of judicial officers and barristers. He's my friend and confidante too. He was my clerk for 25 years. He was a clerk for over 50 years on the floor. He is a life member of the Bar Association which says it more than anything else I think. Well after his retirement he has been ushering me through this process from silk to judge and I have enormous debt to him. It used to be said, erroneously, that Paul was the best clerk in Phillip Street. That's quite wrong, Paul was the best clerk in any street, anywhere.

I'd like to thank the solicitors branch of the profession for their support

RSB:SND

over the years. To those who have supported me, thank you very much; to those who haven't, well you'll never know what you missed out on now. I'd like to single out three people, if that's not a bad thing to do, Colin Love, John Emmerig and D'Arcy Kelly, who have been very generous in their support by way of briefs and their personal support and they're close friends and I value their friendship enormously. It was mentioned earlier that Colin introduced me to rugby league work which is true and that was one of the most, and probably the most, personally profitable relationships I ever built up with a large client. I found the rugby league people enormously friendly, helpful, hospitable and I've had a number of phone calls from senior rugby league people of the Super League era in the last week congratulating me and I really appreciate that connection.

Lastly I want to mention my granddaughter, Marnie, who is the most beautiful child in the world. I just thought I'd get her name on transcript because unless she follows her mother and I into the law I hope it's the last time she's mentioned in a transcript in a court. So having made such a terribly biased utterance there's a neat segue back to the oath that I've just taken.

I have been reflecting on the oath during the week, and obviously as you would hope when I took it this morning, it is a heavy responsibility to be charged with the duty to do justice disputes between citizens, between State and the citizen, and especially in criminal matters in which the citizen's liberty is at risk. I can assure you, Chief Judge, and all present, that I will endeavour to carry out that responsibility to the very best of my ability.

PRICE CJ: Thank you, Judge. Judge Shead.

SHEAD DCJ: Thank you, Chief Judge. Chief Judge, Judges of the Supreme Court, and District Court, distinguished guests, family and friends, I

RSB:SND

acknowledge the Gadigal people of the Eora Nation, the traditional owners of the land on which we are gathered, and I pay my respects to their elders past, present and emerging.

Today is obviously a special day for me but its significance is increased enormously by the presence of so many of my family, friends and colleagues. Thank you for honouring me by your presence here today. I would also like to thank the members of this Court who have welcomed me so warmly.

Judge Weber, it is an Honour to be sworn in with you today. I propose that from now on you be my phone-a-friend for civil matters and I will endeavour to return the favour for criminal matters. For my part, get ready to take some questions.

Mr McHugh SC and Ms Espinosa, thank you for your kind and overly generous words.

I would like to begin by acknowledging my parents Keith and Chris. I had a very happy childhood filled with opportunities. I suspect I terrorised my older sister, Jessica, a little too much when we were young but we have long since shared a close and supportive bond. We were raised to value advancement through hard work and independent thought. There was always a sense of endeavour and fun. To put it plainly, I was a bit of a handful growing up and sometimes responded poorly to the hard work that was required. Regardless, I was also encouraged by my parents to achieve and pursue goals of my own choosing. I am very grateful for the love and support I have received from my family.

Strathfield Girls High School provided me with an excellent education. I loved the public speaking opportunities while simultaneously lamenting the lack of boys. It was there that I met my closest friend, Jenny Parkes, at 11.

RSB:SND

We were thick as thieves and remain so. Jenny, I refer to you as “the vault and our lives have been full of rich experiences together. We are godparents to each other’s children, and I am very proud of my godson, Maxwell, who is here today.

At 15 I met Paul Midaletti. He and his friends admirably filled the boy gap and we holidayed together for years, our respective houses filled with friends and laughter. Paul, I am sorry I did not believe you about the abdominal pain. I am also sorry about the two bottles of prune juice and the emergency appendectomy. My judgment has improved somewhat since those days.

My parents were gracious when I deferred university, first for one, but then ultimately for three years, and for that time I worked at the Regent Hotel. It was there that I learned to make a mean martini and got a taste for fine food, champagne and cognac. I also met my dear friends Joss, William, and Julia. As an aside, Julia has acted as my mock jury for 20 years and has come back with the same verdict as the real jury for every case that I ran past her.

As has been said, I was the first person in my family to go to university and the first lawyer. I chose Macquarie University because it was close to home and I had a ball there. On my first day I met my friend Athena Pythagoras; who could resist that name. Together with Annabelle Daniel, Danh Nguyen and David Thomas, we navigated the university years, jointly writing rather a crass book called “Barglewood” in class. Thankfully it never got confiscated although we were frequently in trouble for laughing.

At university I started a relationship with my former husband, Nick Turner. He and I worked hard as we started our careers and he was a deep source of love and support for me in those years. I am grateful that he is here today. He has gone on to become an immensely successful architect and he is also the

RSB:SND

co-author of our best work, our daughter, Claudia. More about her soon.

As you have heard I started at the DPP in 1994 and since that time I have been to many swearings-in and confess that I have shed a tear or two at every one of them, always tears of happiness, as I witness colleagues being appointed in this setting.

It is one that I think of as the gathering of the tribe, and on each such occasion I am reminded of what a mighty tribe of barristers and solicitors we are. Collectively, it has inspired, challenged and rewarded me for 25 years of practice in the criminal law. That reward came in many ways, most importantly though through the people that I have connected with, in particular those that became my friends and mentors.

I owe a huge debt of gratitude for many of them for guidance and support in my early days of practice, and I acknowledge in particular Nicholas Cowdery, AM QC, who gave the first legal speech I have ever heard. His words, which Mr McHugh has already referred to, gave me goose bumps that day. They informed my practice as a prosecutor every day thereafter and I will repeat them because they bear repeating, "Prosecutors never win or lose a case but act as ministers of justice who endeavour to fairly put the case on behalf of the community". Nick was my role model and many years of mentoring and friendship continue and I am delighted that he is here.

Another influential figure for me was an early opponent, Virginia Bell QC, as she then was. I was an inexperienced solicitor in a sentence matter and I tried inadvertently to muck it up terribly. She stopped me kindly and explained what to do. Those few moments outside Court, no doubt utterly inconsequential for Justice Bell, were enormously important for me, elegantly demonstrating a model of honourable advocacy that many opponents since

RSB:SND

then have repeated.

It is that collegiality and decency that is one of the reasons I have tremendously enjoyed my professional life.

Justice Peter Hamill was my opponent when I cross-examined a witness for the first time. In that case he was devastatingly brilliant; I just tried hard. What I can clearly recall is how my whole body shook with nerves and excitement and the feeling that I had when I sat down, exhilarated with the thought that yes, this is what I want to do with my professional life. That feeling has stayed with me for all of these years.

My early managers as a solicitor at the DPP, Craig Hyland, now the solicitor for Public Prosecutions, and Joanna Pheils, now Deputy Solicitor Legal, gave me challenging work and deftly kept control of my overly enthusiastic approach, particularly to advocacy work.

Judge Peter Berman SC and Chris Maxwell QC were my early Advocacy Institute instructors and they were enormously influential and supportive. They fostered my love of the craft of jury advocacy, work that has had an almost magical hold on me for decades.

My instructing solicitors at the ODPP were brilliant and always made me look much more polished than I really was. To name but a few Emma Curran, Stephanie Lind, Karl Prince and Katharina Buck, thank you for your support, teamwork, outstanding ideas and enduring friendship.

Likewise, the Witness Assistance Officers I worked with taught me much about compassion and helped me to be resilient in the face of some pretty harrowing cases.

What really got me through the hardest cases of course were my colleagues in the Crown Prosecutor's chambers. My corridor, which was

RSB:SND

dubbed “Wisteria Lane” after the TV show Desperate Housewives, was populated by a talented and engaging bunch. Justice Natalie Adams, also then my next-door neighbour at the time; it was not a very quiet spot with the two of us, Judge Gina O’Rourke, SC, Tania Smith, now Acting Deputy Director, with frequent visits from Judge Sarah Huggett and Sally Dowling SC.

Somehow Craig Everson and Huw Baker SC laughed through stints in that raucous corridor. Some of the best laughs I had come in those days, and I cherish each of the special friendships we made.

In the toughest of days I found myself in the room of the then Senior Crown Prosecutor, Mark Tedeschi, AM QC. I will be forever grateful to Mark for how he deftly steered me through challenging personal times with compassion and immense humanity. I was sometimes his junior, and marvelled at his skill and ability to communicate with a jury. I am also very grateful for the professional opportunities he provided me.

I owe an enormous debt of gratitude to my mentor, Professor Terry Buddin. He is the wisest man I know and gave me the best advice I have been given, which was to go to the Public Defenders.

My too-short stay there was the best of times. On the first day I sat in Judge Dina Yehia SC’s room and wished that her eloquence would enter me via osmosis - it didn’t happen - but the work was brilliant and my colleagues were so welcoming and just as collegiate as my Wisteria Lane friends.

Janet Manuell SC and I spent many an early morning and late evening preparing trial work and discussing our cases. Craig Smith SC was a source of inspiration and I admire him greatly. Justice Mark Ierace provided me with outstanding opportunities and unstinting support. It was incredibly enjoyable work.

RSB:SND

The Legal Aid and Aboriginal Legal Service lawyers I worked with there were superb in every way. They answered some very basic questions from me, and smoothed the way. To name but a few thank you to the brilliant Sally McLaughlin, Sophie Williams and now magistrate, Stuart Devine.

Since that time my work as a Deputy Director has been challenging and engaging. It has been my absolute privilege and honour to work for Lloyd Babb SC. The Director is a leader with vision and he is simply one of the best people I know. My fellow Deputies were a source of constant support, encouragement and friendship.

The greatest recent challenge for me was no doubt embarking on High Court work. I peppered my friend Wendy Abraham QC with questions, which she answered sagely and with her customary generosity. The best decision I made was to seek the assistance of superb juniors Belinda Baker and Helen Roberts. I remain in awe of their knowledge, legal skill and cannot overstate how grateful I am for their unfailing encouragement and some of the lies they told me about how things went in Court. Both women are legal superstars as well as fabulous human beings, and I know they have stellar futures ahead of them.

The legal advisers I work with every day in directors chambers are simply some of the best lawyers I know. Alex Brown, Natalie Gouda, James Dorney and Esther Kwiet I know you are all destined for greatness. The administrative support in chambers from Executive Assistants Rebekah Majdis, Renee Armstrong and Fiona Parsonage has been superb and I will miss you all greatly.

The judicial roster tells me that as of Monday next week I'm off to Campbelltown District Court for the first half of the year. I am delighted to be

RSB:SND

heading there as there is a pleasing sense of symmetry, because it was at Campbelltown District Court that I began, with much more enthusiasm than skill, my career as a jury advocate. The high volume trial work at Campbelltown created an extraordinary environment, and it was there that I forged the close bonds that I have with two of the finest lawyers of our generation, Judge John Pickering SC and Judge Jenny Girdham SC. Each of them is very important to me personally and it is incredibly meaningful to me that they are on the bench today. Their friendship, support and encouragement have been central to my professional life.

I would like to thank my partner Bob for being the very best pit crew that there is, his term, not mine, and for routinely putting up with me thinking about a case when I should have been paying attention to him and the family. One of the few times we have had cross words was after the only time Bob has seen me on my feet in court. I was enthusiastically cross-examining an accused, this time in a murder trial, and Bob told me afterwards that he had felt sorry for the man. I had been hoping for an expression of admiration, but true to form, what Bob told me ensured that my feet stayed firmly on the ground, and his comment was a reflection of his innate kindness and decency.

It is very meaningful to me to be able to publicly acknowledge the support and love I have had and continue to receive from Bob. It has been an enormous factor in my capacity to take on the challenging work that I have for the last decade. My stepchildren, Sam and Jaime, are both adventuring overseas at the moment. I am hugely proud of them both and adore the richness and love they have brought into my life.

Now to the most important person in my life, my daughter Claudia. I am immensely proud of the person you are and what you achieve each and every

RSB:SND

day. You are a spirited, insightful and brilliant young woman. Your negotiation skills in particular leave me speechless they are that good. You often tell me how amazing you are and just so that there is no doubt, I publicly declare that I totally agree with you. Claudia recently told me that she thought I would be a pretty good judge because I am quite opinionated. Well, right back at you with that one, Claudia.

I am deeply honoured to have been appointed to this Court. I promise to always strive to achieve the high standard for which it is recognised. Thank you all for your presence.

PRICE CJ: Thank you, Judge.