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CORRECTED VERSION

IN THE DISTRICT COURT  
OF NEW SOUTH WALES

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

WEDNESDAY 23 JANUARY 2019

**SWEARING IN OF HIS HONOUR GERARD MARK PHILLIPS AS A JUDGE  
OF THE DISTRICT COURT OF NEW SOUTH WALES**

The Honourable Mark Speakman SC MP, Attorney General, on behalf of the  
New South Wales Bar  
President Espinosa, President, Law Society of New South Wales, on behalf of  
solicitors

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(Commission read)

(Oaths of office taken)

PRICE CJ: The oaths will be placed in the Court archives and the Bible will be  
suitably inscribed and given to you as a memento of this occasion.

Judge Phillips, on behalf of all the judges of the District Court of New South  
Wales I congratulate you and very warmly welcome you. I wish you every  
success in your task in your judicial career and as president of the Workers  
Compensation Commission of New South Wales.

PHILLIPS: Thank you, Chief Judge.

PRICE CJ: Mr Attorney.

SPEAKMAN: May it please the Court. Could I begin by acknowledging the  
traditional custodians of the land on which we are gathered today, the Gadigal  
people of the Eora Nation and pay my respects to their elders past, present  
and emerging and acknowledge any Aboriginal people here today.

Chief Judge and your Honour, Judge Phillips, on behalf of our State and  
the Bar it is my great pleasure to congratulate you on your appointment as a

RSB:SND

judge of the District Court of New South Wales and as president of the New South Wales Workers Compensation Commission. I also congratulate your family, to your wife, Frances, to your children, Miranda, Alex and Gabriel as well as Maxine, who is presently overseas, to your brothers and sisters, Adrienne, Gary, Jeffrey and Megan and to your parents-in-law, Don and Kathleen, as each of you shares this achievement with his Honour in some measure today. I also acknowledge your Honour's late parents, Bruce and Enid, who would be extremely proud today.

The wide array of colleagues and supporters here today shows the respect that your Honour has within the legal profession. Justice Johnson asks that I pass on his apology for today's ceremony, he would very much have liked to have been here today.

Your Honour was the second youngest of five children, born to Bruce and Enid and raised in Strathfield. Enid was a devoted mother, Bruce was an accountant who went into sole practice after returning from World War II. Your Honour always admired your father's work ethic and good nature and was proud of his skills at cricket and lawn bowls. This influenced your Honour's lifelong love of sport. Your Honour is somewhat of a sports buff, if anyone wants to know anything that is happening in the wide world of sports, they just need to ask your Honour. While it might have been a close tie with cricket, rugby won the toss and became your sport of choice. During high school, you were so devoted to the game they play in heaven that you disobeyed your mother's ruling that forbade you from playing. Your Honour mischievously played games of rugby in secret assisted by Neil Walsh's mum who regularly washed your Honour's dirty clothing. Your Honour played more than 150 games for the Sydney University Football Club and more still, representing

RSB:SND

St Patrick's College Strathfield, St John's College and what was London House in the UK. You toured internationally and have been both a coach and a captain. These days, your Honour is often in the crowd adamantly supporting the Sydney Uni Football Club and the Waratahs.

You are a loving husband to Frances, herself a talented lawyer who you met at the College of Law and with whom you have shared 28 memorable years of marriage. You are not shy to shower her with gifts and compliments and you are always sure to scoop up the leaves out of the pool before she has her morning swim. Frances and your Honour share devotion to your family. You also share your high achieving traits with your four children. Your eldest daughter, Miranda, is completing honours this year in a bachelor of design computing at the University of Sydney. Your second daughter, Maxine, is now in Bangalore India working with a social enterprise and studying a bachelor of engineering and arts at the University of New South Wales. And your twin boys, Alex and Gabriel, are in year 8 at St Joseph's College and share your love of sports and reading.

Your Honour received the HSC at St Patrick's College Strathfield in 1980, you then attended St John's College and studied law at the University of Sydney and graduated with a bachelor of laws in 1987. While at university, your Honour gained legal experience as a legal and industrial officer in the Catholic Education Office in Sydney. After attending the College of Law, you were admitted to practice as a solicitor in 1987. In 1988, your Honour began working as a solicitor with Carroll & O'Dea. In the early 1990s, you commenced a master of laws at the University of Sydney. In 1992, you embarked on work and study in the UK. Both Frances and your Honour were admitted to practice in the High Court of England and Wales. Your Honour

RSB:SND

became a legal officer for a large union, the United Kingdom's Confederation of Health Service Employees. During this time, a rather opinionated court official of Czech heritage, gave you a bit of a mouthful remonstrating that simply because you are Australian, you knew nothing. That official has not responded to our invitation to this ceremony.

Your Honour also undertook post graduate study at the University of London that was ultimately credited towards your masters. As a student, you were able to move into London House which meant you could indulge in cricket and rugby. Your Honour took on club captain duties for the London House rugby team and led the team on international tours that saw you play rugby in Berlin on the big stadium. And, I am told, would also find you protecting your naked tennis playing team mates from the gendarmes in Paris. Perhaps an early indicator of your Honour's fine leadership skills.

Back on home soil in 1994, you returned to Carroll & O'Dea and in 1995, were awarded a master of laws from the University of Sydney. In 1996, your Honour became a partner at Carroll & O'Dea, you acquired invaluable experience and expertise across a vast array of practice areas during your time there, from personal injury, equity, criminal matters and Royal Commissions to, of course, workplace and employment matters.

While your Honour had not previously considered leaving Carroll & O'Dea, you were sufficiently courted over a considerable period to take up a partnership with Middletons in 2007. There, your Honour led the expedient growth of the workplace relations team, taking it from a one man band that had just one partner and building it into a power house of 12 partners, not quite enough for a rugby side but quite a feat and an example of your leadership and management which are said to be invaluable in your role as president. As

RSB:SND

a long time member on the Middletons board, your Honour was instrumental through the merger of the firm with K&L Gates in 2013. You remained as a partner with K&L Gates until very recently and also served on its global executive committee.

Throughout three decades, your Honour required a level of legal expertise that your colleagues and those whom you have briefed at the bar described as simply outstanding. You have seen in intricate detail what it means to be on each side of the dispute. You have prosecuted and defended workplace safety matters before the Industrial Relations Commission. You have taken the case for union bodies as well as WorkCover and employers. You have acted for the plaintiff and the defendant. You have represented clients in both civil and criminal matters. You have appeared before the Local Court, the District Court, the Supreme Court, the Court of Criminal Appeal, the High Court, numerous Royal Commissions, the State Crime Commission, the Independent Commission Against Corruption and the Coroner's Court.

We are honoured that you will bring this depth of knowledge to the bench and to the people of New South Wales. Those whom you have instructed cite many more characteristics that they will miss and while you will be a highly respected member of the bench they say that your Honour has a brilliant legal mind, quick to find where an opportunity exists in a case. Your Honour's approach to case planning and submissions is meticulous. I am told you remain without fear in your approach to strategy, tactics and making hard decisions. Your Honour is a straight shooter with a no nonsense approach and those appearing before your Honour will need to be mindful of this when preparing their addresses.

Your Honour's sense of humour is well-known, you like to tell a good

RSB:SND

story and make people laugh and whether it is reminiscing about the speech that Gerhart made in Berlin about peace before your German rugby hosts or your Latin classes with David Harrington, a class of only two, your Honour has a contagious and jovial side that can warm even the most rigid of audiences.

Your Honour has said that litigation is not for the faint-hearted, those words rang true during one unfair dismissal matter. Your Honour had been diligently filtering through credit card transactions only to uncover the applicant in the matter had spent a large amount of money on firearms, although had not disclosed to the police an existing psychiatric condition that would have prohibited him from keeping guns. The police were informed and went to recover the guns but not before there were drive-by shots fired at the WorkCover building. Following these events, you gently reminded your counsel, litigation is not for the faint-hearted.

Your Honour's generous nature flows through your enthusiastic contributions to the legal sector more broadly. You have been a skilful mentor and supervisor for your junior solicitors and devoted pro bono services including for Girl Guide Associations. You have authored a vast number of publications on workplace and industrial matters and shared your knowledge throughout the legal profession through lectures and presentations by continuing legal education sessions.

Your Honour is well-known as an all-round good Aussie bloke with strong family values and devout principles. You are known as an all-round excellent lawyer who has achieved many top lawyer titles and accolades. Now, you embark on a new chapter. Your Honour brings a unique wealth of experience, intellect, legal acumen, balance, common sense and let us not forget, good humour. Congratulations on your appointment and I offer to you the warmest

RSB:SND

of wishes for your career on the bench. May it please the Court.

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

We have all gathered here today this morning to pay tribute to the appointment of one of our Nation and State's most well-known and experienced industrial lawyers to the bench of the District Court and to the presidency of the Workers Compensation Commission.

Judge Phillips, I am honoured to be able to convey to you, personally, the congratulations on behalf of 34,000 solicitors of the State of New South Wales this morning. Your service to the Commission will help to uphold the essential processes in which workers and employers all around this State put their trust for the resolution of disputes. We know these disputes can be difficult for those involved as we have just heard but they can also be greatly aided by a modern approach to cost effective, flexible and communicative dispute resolution which your Honour will champion.

Your Honour has over 30 years of experience in collective labour relations, work health and safety prosecutions, acting for a broad range of clients and industries. You have been consistently recognised in Doyle's Guide, Chambers Asia-Pacific as a leading labour and safety lawyer. Acting for both sides of the ledger, many clients have sought your Honour out for uniquely strategic advice, particularly, in the industrial relations field. Much of the advice you have given to public and private sector corporations have mapped out long term strategies for these organisations that are fit for the future. The standing which your Honour has attained in our profession is in no

RSB:SND

small part due to the varied experiences you have had of the law early in your career.

You spent two years working for a large union in London while undertaking post graduate study at the University of London as well as working for the Rochester-upon-Medway City Council as a legal officer. It was while working for this Council that you had your first introduction to acting as a lawyer trying to balance both sides of the ledger. At evening functions, when libations had been flowing freely, certain members of this English council would sing the famous socialist anthem, The Internationale, others would stand up after a few drinks and engage in a rousing rendition of Land of Hope and Glory. This was your entrée into a somewhat polarised legal landscape where you had to serve all without fear or favour.

When you returned to Australia, you gained significant experience in the domestic firm, Carroll & O'Dea, and you developed a large industrial relations practice, you did a lot of work for unions, gradually began doing more work for significant mining and construction companies. By the time you moved to Middletons, now K&L Gates and became a partner, your Honour was involved in mining, building, industrial relations, inquests, serious accident work including prosecutions under Work Health and Safety Act.

Next to me at the bar table, I have a colleague of yours who I understand worked with you at Carroll & O'Dea and is now special counsel for K&L Gates and I understand you said to him, you wanted to get the band together and that was part of the team building that we just heard.

As a solicitor, your Honour has been a dedicated and direct communicator in dealing with counsel. Just as you have offered strategic advice to many corporations throughout your career, counsel have found your



RSB:SND

advice highly strategic and sound. One prominent silk has even called your Honour the best instructing solicitor he ever had. Clients were never in any doubt as to what your view was nor were they in any doubt as to the fact that your strategies were firmly in their best interests.

Your Honour has a relaxed, personable style which strongly resonates with clients, you have been able to relate easily with all of whom you deal whether an underground mine worker or a CEO of a large corporation, firm but fair. Your Honour has a reputation as a tough opponent but one who has friends from both sides of the courtroom.

Throughout your time at Middletons and then K&L Gates, you were renowned for your management skills and your ability to keep up morale and good cheer. As your role as president will have both managerial and legal aspects, these attributes will serve the Commission very well.

As a solicitor advocate, your courtroom style is open, honest and accompanied by a good sense of etiquette and propriety. The cases of which you had carriage are a landmark in industrial law, I will mention just three. You acted for the successful defendant in the leading discrimination case in the area of carer's responsibilities, the case of Gardiner v WorkCover New South Wales. You also secured the acquittals of five managers who were prosecuted arising from the Gretley mining disaster as well as securing an acquittal for Laing O'Rourke in the Cyclone George prosecution in Western Australia. You assisted in the West Link M7 and the Cross City Tunnel Projects as well as the reform and modernisation of industrial relations within the New South Wales Electricity Industry.

As well as working on these significant cases, your Honour has contributed to the profession as a whole. As a legal practitioner, you are highly

RSB:SND

attuned to legal practice issues in your field of expertise and you have lobbied the courts for better ways of working. In the profession, you have also served for four years on the highly respected Employment Law Committee of the Law Society of New South Wales. Counsel and clients have appreciated your Honour's ability to work both sides of the fence, they believe it would translate into an ability to hold empathy for all of those in your courtroom.

Some have wondered whether such an ability has roots in your early days when you were a ball boy for rugby union clubs. You were famed for being willing to engage all manner of people, fellow ball boys and players from both sides and perhaps even those on the sidelines. So fond, in fact, were you of talking that on one occasion the touch judge complained to the Western Suburbs Rugby Club about that ball boy, "He's annoying the living daylight out of me, he just won't stop talking." You had your merits as a ball boy, you would stop at nothing to retrieve that ball for the players, in fact, during one match in Port Hacking, the ball was plunged deep into a muddy creek, it took your Honour getting chest deep into the mud in your pure white pants and jersey to retrieve that object but you fulfilled that key performance indicator of your job description, you got the ball.

This typically gung-ho approach and characteristic willingness has formed your career as a solicitor. In this light, one counsel recalls your famous catchphrases showing your determination and readiness while working on a case. The first was, "I'll make the bullets, you just tell me which ones you're going to fire." The second catchphrase, "We're going to rev up the B52s and carpet bomb them with subpoenas."

Now, the Attorney General just described you as a straight shooter and I understand that in forming this unique commitment to military analogies may

RSB:SND

stem from the frequent trips to the United States your Honour had to take as part of your role in the international board of K&L Gates. These trips were highly educational, I understand, both in a legal sense and in the way that they taught your Honour the art of skeet shooting, which for the uninitiated is, because I had to look it up, *“a recreational and competitive activity in which participants using shotguns attempt to break clay targets mechanically flung into the air from two fixed stations at high speed from a variety of angles.”* Those coming before the Commission should rest assured that the process behind skeet shooting is not a neat analogy for any proceedings that are likely to unfold within these walls during the Phillips’ presidency.

Outside of the law, your Honour is a devoted family man and a keen rugby union follower. Your own playing history is with the Sydney University Football Club as we have heard, the first club to have played any kind of football in the University of Sydney. They have had a very successful past decade and your Honour is among their most unstinting supporters, your history with the club was playing as a second row lock and on occasion as a breakaway.

As the Court has heard, you and your wife Frances, who is also a lawyer share four children. You were admitted as solicitors on the same day in 1987. Frances’s support has been constant and has been instrumental in your Honour’s success. I note that Frances’s supportive parents, Don and Kathleen, are here today. Your daughters are at university, one of whom followed in your footsteps by coincidentally being assigned the exact same room at St John’s College that you had as an undergraduate. Meanwhile, your twin boys are attending St Joseph’s Hunters Hill and are also following in their father’s footsteps, both in the rugby union stakes and in the wicked sense of

RSB:SND

humour they have inherited from your Honour.

Judge Phillips, you are regarded in this profession as a tremendously courageous, even handed lawyer who has acted for a wide variety of organisations, both registered associations, large employers, plaintiffs, workers. This history has given you a unique insight into the drivers involved in the modern workplace. This insight will truly equip you for the honourable tasks over administering justice that now lies ahead.

It is my honour, privilege and pleasure to confirm that solicitors of New South Wales hold great confidence in your appointment to this bench and to this Commission and warmly welcome and congratulate you as you commence your new role. As the Court pleases.

PHILLIPS: Chief Judge, judges of this Court, judges of other Courts, Mr Attorney, staff and members of the Workers Compensation Commission of New South Wales, members of the legal profession, family and friends. Your presence here today on this special occasion for my family and I is most touching. At this time of the year, there are many delights to be involved upon in this city, the weather is warm, the surf is cool and there is cricket being played. There are many things you could have been doing and your presence here this morning is something I am particularly grateful for.

I particularly want to thank my new colleagues for the very warm welcome they have given me to what will be a very different life after 30 years of private practice. I have been very touched by the offers of assistance and congratulations from my new colleagues and the profession as I embark upon this new adventure.

I thank you, Mr Attorney and Ms Espinosa, for your kind and generous words. I am told by friends who have previously become judges that being

RSB:SND

present at one's swearing in is an experience to be compared with being present when the eulogy is given at your funeral, faults and mistakes are forgotten and praise is unrestrained, and I am pleased to say these opinions from friends have been satisfied in full this morning.

In the 17th century an English poet, John Donne wrote that, "No man is an island." Now, while this poem has been regularly interrogated by scholars over the years, one meaning regularly attached to it is that nobody is self-sufficient, we all rely upon others. My appointment here today gives truth to this statement because I most decidedly did not get here on my own.

My parents are no longer with us but present here today are my brothers and sisters and many of their children. Mum and Dad were part of that generation revered by the Americans as their greatest generation. They were born in the Depression and despite all of this they answered their country's call when the World War came. All of us from our family owe Mum and Dad an enormous debt of gratitude for the hard work and sacrifice they put into our happiness and education. Dad was a gentle fellow, he was born and raised in the Pilliga, the son of a police officer. The police house he grew up in, a place called Come-By-Chance, in fact, doubled for the police station so during the Depression times, the family was often joined by a prisoner for dinner. When the war came, like most country lads, dad joined the Army and was soon in the 9th Australian Division heading to fight. Mum was a city girl, who was kind and gracious, she was ambitious for her children to do well and use the talents the good Lord had given us all. Her mother had died young so family was very important to her and I think you could see that from the effort she put into family life.

Our home in Strathfield was happy, often filled with friends and

RSB:SND

neighbours, in fact, some friends who are present here today would come around and have a drink and simply talk with dad whether I was home or not because they knew if they were there at dinner time there would always be room for them at the table.

The education that my brothers and sisters and I had was due to mum and dad's self-sacrifice and good judgment. I had the great good fortune to be taught by the Christian Brothers at St Patrick's Strathfield. Whilst the Brothers have had their problems in recent times, the men I knew were terrific and dedicated fellows who instilled in us the need to work hard, to care for those less fortunate and to never take a backward step on the rugby pitch. This latter direction was, in fact, a mandatory requirement if we played any school from the North Shore. They were happy times and I am very pleased to see a number of friends from those years here today having all made our way in the world. I think the Brothers would be quite pleased. I know mum and dad would be completely chuffed and very proud of not only where I find myself today but how all of their children have made their way.

In the past few weeks, I have reflected upon my professional career and I have indeed been most fortunate there as well. I have been a partner and worked in two of Sydney's great firms whose support and kindness has benefitted me greatly. I am not sure where my career would have gone had I not been so lucky to have been picked up straight out of university by Carroll & O'Dea. Many of their past and present lawyers and staff members are present here today. A better training ground for a young lawyer you would not find. Three weeks after my admission, I was conducting an inquest, by myself, with no counsel before the then State Coroner, Mr Waller. I soon worked out that the firm rewarded initiative and soon found myself out prosecuting

RSB:SND

shearers in the bush who had sheared on Sundays and, yes, in 1988 that was against the law, or people who had failed the signed shearing agreements under the Pastoral Industry Award. I worked in the big petrol disputes in the late 1980s where the Industrial Commission sat late in the night to keep the pumps running. They were the days of the annual Christmas petrol and beer strikes, the past is indeed a different world. Even better were the cases where one was pursuing an ex-union member for unpaid union fees as a debt in various Local Courts in the bush. To say one used to find a hostile or incredulous audience on the bench would be an understatement but it was a wonderful learning experience and the firm's union clients had many and varied legal needs which kept us all very occupied.

This experience was subsequently shown to be first rate when Frances and I spent two years living and working as solicitors in London. This was an interesting time in my career especially so when I got to appear in English employment tribunals. I remember once taking an objection to a proposition my opponent was putting only to be told by the judge that, "Chaps didn't interrupt." So who knows, maybe this form of ruling on objections could become popular here. But what these two years in London did tell me was that the legal education and experience gained here in Sydney was first rate and completely equipped me for practice and legal study in a world city like London.

Which now leads me to K&L Gates. K&L Gates has been extremely good to me over the past 13 years. I have been entrusted with a number of leadership roles including head of practice, board member, for a time Chairman of the Australian firm and member of the firm's Global Management Board.

RSB:SND

I have had the opportunity of conducting cases in every State of Australia and see first hand how large United States practices serve their clients.

The sheer scale of some of the client cases that the firm works on in the US is astounding and, yes, they are all matters conducted before juries.

Since news of my appointment became known to the firm in America, I have been inundated with two types of communications. The first is to congratulate me on my appointment to the bench, the second was to offer such assistance as I might need in any confirmation hearings. Needless to say there was some disappointment that I would not be needing that assistance out here and the prospect of escaping the Northern Hemisphere Winter, if only briefly, was not available.

The firm was always supportive of my endeavours and has enabled me to act on behalf of this city and country's largest clients. The work was challenging and interesting whether in courts here or in other States or attending mines or industrial facilities in the northwest of Western Australia or in the Northern Territory. It was always interesting and always challenging. I am very appreciative of the trust placed in me by these clients, a number of whom are here today. One can only do well in the profession if people give you work.

As has been noted this morning, litigation in Sydney is not for the fainthearted. I have over the past 30 years had the great good fortune to brief some of the leading barristers in the State and have learnt much from them. A number are present here today, I will mention a few to whom I am deeply indebted. Bruce Hodgkinson SC, I have known since before we both started work, in fact, I think I met him first in 1980 when he took over Jeffrey's role as industrial advocate at the Iron Workers Union. Bruce and I both played rugby



RSB:SND

for Sydney University and when we commenced practice, he was the one to whom I always turned with my largest cases. Whether it was the petrol disputes in the late 1980s or large work health and safety prosecutions or industrial disputes in the electricity industry, he was always a model of preparation and tenacity. He is one of the best cross-examiners about conversations I have seen even to the point where the hapless witness, once out of the witness box, has been left doubting whether they were present when the conversation took place, or whether the conversation happened at all. Kylie Nomchong SC, likewise, has been one of my long term counsel. Kylie is a bit more like an old fashioned silk who can turn her hand to a number of areas and be completely in command of the brief. We have had matters in a number of different courts and commissions and she was always prepared and always fun. Then, of course, there was Jeff. He encouraged me all the way through Law School and during my legal career. He once punched me at rugby training to toughen me up. I think he had spent too much time with the Curran brothers. He is a highly regarded silk although I think perhaps he missed his true calling as a comic opera singer. I remember with great fondness prosecuting one of his clients one day in rural New South Wales before the late great Chief Industrial Magistrate, George Miller. I was the prosecutor's advocate and Jeff was for the defence. His instructing solicitor, a prominent fellow from the Orange region, could not quite understand what was happening seeing Jeffrey and I go for each other only to be warned by the bench that he would refer our conduct to our mother. I recall that I won and Jeff's client got a small fine and so justice was truly done. But now, Jeffrey, I am afraid I can retire from practice with the score for ever being one nil in my favour. But I have greatly enjoyed working closely with the bar over the years.

RSB:SND

New South Wales is well served by a highly skilled bar and I have greatly benefitted from working closely with them. But I will say this about barristers, they are very observant. I am told that they have already noticed that I do not come from their number, I am sure they will cope.

In the past few weeks, one regret which has been expressed to me by a number of people is the fact that there will no longer be any opinion pieces penned by me in the Australian Financial Review. The editor always liked the pieces because they tended to produce two types of reaction, either violently in favour or violently against. At least, they were being read. I have been told the attraction of those pieces was the certain fair and balanced Fox News type quality they possessed. Whether this style will lend itself to the task of judgment writing will ultimately be a matter for the Court of Appeal but I think they should give it a chance.

The one constant through all of this though has been my wonderful wife, Frances. I met her at the College of Law in 1987 and we have been together ever since. Today's students do not know what they are missing by undertaking practical legal training online rather than in person.

We were both admitted on the same day in 1987 and as everybody in the room knows legal practice is tough and challenging and involves long hours of work. Frances, a very accomplished lawyer in her own right, was a partner in a large firm and so she was aware more than most of the pressures of legal practice. My practice has frequently taken me interstate to conduct lengthy trials and there is, of course, firm management which required attendance at board meetings in the United States on a regular basis. She has borne these absences stoically and to the great benefit of the kids and I. Many of the kind remarks I have received on my appointment have rightly been directed to both

RSB:SND

of us. As I said at the start of the speech, no one does anything alone and I certainly would not be here today without her constant love and support. So not only do I owe the College of Law for my admission, meeting Frances there has provided me with years of enduring joy. Although, at this point I should apologise, Mr Attorney, because Frances is a girl from the Shire so I am afraid I have denuded you of a voter. Fortunately, her family still lives down there and I am told you are very popular south of the river so her vote might not be critical.

As you know, we have got four terrific children, Miranda, Max, Alex and Gabe, between work and these four there is never a dull moment for Frances and I. It is always somewhat grounding to come home and swap clients' problems for more pressing matters such as why certain homework has not been done, who are these engineering students passed out on the floors and are Joey's 13Gs going to win this weekend. The twins also take a great deal of delight in trying to identify potential or actual boyfriends of their older sisters. It was in this context that I received the call from the Attorney General offering me these appointments. In fact, it was the second shock I had received in a space of about ten minutes because prior to Mr Speakman's call, I got off the phone to the orthodontist who told me what the twins' braces were going to cost. So still reeling from this information, the Attorney's call was as big a surprise as the bill. Two very different messages but consistent with the eternal contest between family and professional life.

And now to the challenges ahead. I am delighted to be assuming Judge Greg Keating's position, the immediate past president of the Commission. He is some act to follow. He leaves the Commission in an excellent state. It deals with its work quickly and effectively, it works like a well-oiled machine and is

RSB:SND

rapidly becoming a model for modern alternative dispute resolution processes. Judge Keating's shoes are big to fill and I know I will have my work cut out for me. The blended model of mediation and arbitration is a tried and tested model which has been part of our industrial relations system since 1904. As a long term practitioner in that area I am well acquainted with this approach to the resolution of disputes. Judge Keating leaves a terrific set of staff and members who even before today have offered me every assistance and encouragement for the future. It is an appointment I take on with much buoyancy and optimism.

And now to life as a judge. As you all may be aware the Attorney has recently raised the age of judicial retirement to 75 years so I feel much like WG Grace walking out to the wicket, settling in for a long innings. But I have been asked by a number of folks, what sort of judge do you want to be? It is a fair question and one that requires thought and reflection. Reading some papers over the last week, I read about one of the great judges this country has produced, Sir Harry Gibbs, Chief Justice of the High Court. An eloquent supporter of the rule of law and the freedoms provided by the Constitution, he once said this, "*The rule of law was an idea that cases, civil or criminal, are decided by applying legal rules, antecedently established, to facts dispassionately found.*" If you have read any of his judgments you will find this simple statement of principle in operation in clear and succinct terms. As a judge, he was a model of courtesy and civility to all. I think I would do well to follow his example.

I thank you all for your presence here today, your confidence and good cheer is most touching. I will work hard not to let you down. Thank you all, thank you, Chief Judge.

RSB:SND