
TRANSCRIPT OF PROCEEDINGS

SUPREME COURT OF VICTORIA

CRIMINAL JURISDICTION

MELBOURNE

TUESDAY 9 DECEMBER 2025

BEFORE THE HONOURABLE JUSTICE BEALE

MR M. GIBSON appeared on behalf of the Crown.

MS N. SMITH appeared on behalf of the Accused.

1 MR GIBSON: Justice Christopher Beale, Supreme Court Justice,
2 whilst Your Honour has a judgment to deliver next
3 Tuesday, as I understand it, today marks the final
4 criminal jury trial over which Your Honour will be
5 presiding. Your Honour is retiring on Friday 19 December
6 2025.

7 Accordingly it is fitting for me to say a few words
8 on this significant occasion. On behalf of the
9 barristers and solicitors of this state and the legal
10 profession more broadly, my learned friend, Ms Smith, and
11 I would like to heartily thank Your Honour for your more
12 than 11 years of service and for the enormous
13 contribution that you have made during that time to the
14 administration of justice in this state.

15 Your Honour was appointed to the Supreme Court on
16 2 September 2014, just over 11 years ago, and having
17 taken silk on 27 November 2012. Most of that time has
18 been spent in the criminal division of the Supreme Court,
19 although a quick search of Austlii shows that
20 Your Honour features in over 40 published judgments in
21 the Court of Appeal.

22 In the trial division Your Honour has presided over
23 more than 80 trials, criminal trials. Some of those
24 trials have been complex, hard fought matters, requiring
25 difficult rulings. Difficult rulings seems to have been
26 a task that Your Honour has relished. They seem to have
27 brought out the best in Your Honour.

28 Since the ruling of Ishan El-Chakik on 6 October
29 2014, which was a relatively simple severance argument
30 about theft and reckless endangerment offences being on
31 the one indictment, since that time Your Honour has

1 presided over some of the most serious and important
2 criminal cases in this state. To name just a few that I
3 am aware of, Rapovski in 2015, Semaan in 2016, Crupi in
4 2020 and 2021 and even beyond those dates, El-Nasher in
5 2023, Ryder and Ong in 2023, Emil Petrov in 2024 and
6 Toby Loughnane in 2025, as I say just to name a few.

7 Although no matter what the case or who the accused
8 or victim was, every case Your Honour has presided over
9 was treated with the same degree of importance and
10 respect, acknowledging the awful subject matter that
11 transcended just about every case that has come before
12 Your Honour.

13 It would be remiss of me not to mention some
14 notable recent high profile cases Your Honour has
15 presided over such as Borce Ristevski and Erin Patterson.
16 These two cases seem to have gripped Melbournians over
17 many months.

18 Before being appointed a judge Your Honour was a
19 barrister for many years, honing your skills to be an
20 accomplished advocate. You then spent some years as a
21 Crown Prosecutor where you worked hard to see that
22 justice was achieved.

23 I well remember one day observing Your Honour from
24 the back of court and it may well have been this court,
25 arguing stridently before Justice Curtain the matter of
26 Clinton McCrae, and I was present watching Your Honour,
27 the issue being whether the Crown could cross-examine a
28 co-accused, Michael Flattery, whom you argued was an
29 unfavourable witness under s38 of the Evidence Act.

30 The admissibility of the inculpatory statements by
31 Flattery in his record of interview proved crucial to the

1 ultimate verdict against McCrae in that case.

2 Your Honour's knowledge of the Evidence Act is legendary,
3 and arguably one of your main legacies. As a Crown
4 Prosecutor you researched and studied the Evidence Act to
5 within an inch of its life, and my recollection is that
6 Your Honour spent nine months of study in that regard,
7 which resulted in you mastering the rules of evidence as
8 provided for by the Evidence Act.

9 It also resulted in a book or text called Pocket
10 Evidence or, to some, the Bible on Evidence. This book
11 has been a valuable guide for young and old advocates
12 alike and it is a quick and easy ready reckoner for
13 everything there is to know about the rules of evidence.

14 The constant updating of that book has ensured that
15 it remains as relevant today as it was all those years
16 ago when the first iteration was released. We hope that
17 Your Honour continues with further editions of that book.

18 Your Honour has always brought to the role of judge
19 a calm, methodical and analytical approach. Your manner
20 has always been easy going, measured and composed, yet at
21 all times maintaining a firm authoritative control over
22 court proceedings. Practitioners always knew where they
23 stood and where they stood regarding their submissions.

24 These traits engendered confidence in all the
25 decisions you have had to make. Your Honour has
26 discharged your duties as a judge of this court with
27 continued diligence, sound judgment, hard work, courtesy
28 and politeness, and speaking for myself it has always
29 been a pleasure appearing before Your Honour.

30 Most importantly, Your Honour has always been fair
31 to all comers, no matter the side they represent. It is

1 well known that your charges are thorough, fair and well
2 balanced. Despite the enormous time commitment required
3 to be a Supreme Court judge, Your Honour has never
4 allowed your family to take a back seat. They have
5 always been right beside you.

6 They have been of huge importance and priority for
7 Your Honour throughout your entire career, but especially
8 as a judge. Your commitment to your wife, Madeline, and
9 your five children, especially during difficult periods
10 of judicial office, has been a mainstay.

11 Your Honour, following a distinguished career in the
12 law spanning 40 years, 11 years as a judge of this court,
13 on behalf of the legal community of Victoria may I wish
14 Your Honour a happy and fulfilling retirement filled with
15 much adventure and fun. If the court pleases.

16 HIS HONOUR: Thank you very much indeed, Mr Gibson and
17 Ms Smith. I am a little lost for words. It is hard to
18 believe that I have reached this stage and, Mr Gibson,
19 you have appeared in quite a few of those challenging
20 trials that you mentioned, and I am particularly pleased
21 that you were here today to make that lovely speech. It
22 showed your typical thoroughness and eloquence.

23 It has been a great privilege to have been a member of
24 this court and one of the things I have most enjoyed
25 about being a judge is to see fine advocates at work and
26 to engage in discussion with them about interesting
27 aspects of the law, and try to come up with the right
28 answer.

29 So I am very grateful for your words and it is a
30 fine note on which to end my last trial. Thank you very
31 much to both of you.

1 MR GIBSON: If the court pleases.

2 HIS HONOUR: Adjourn the court please.

3 - - -