



VICTORIAN BAR

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## WELCOME

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### WELCOME TO THE HONOURABLE JUSTICE KEVIN LYONS AS A JUDGE OF THE SUPREME COURT OF VICTORIA

May it please the Court.

I appear on behalf of the Victorian Bar to congratulate Your Honour on your appointment to this Court.

I acknowledge the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin nation, and pay my respects to their elders past and present.

Churchill wrote that he was naturally biased in favour of all students being made to learn English. But, he went on to say, “Then I would let the clever ones learn Latin as an honour, and Greek as a treat.”

It is a quote that neatly encapsulates the ways in which Your Honour’s colleagues regard and admire you:- undoubtedly clever; sufficiently humble to be grateful for the honours bestowed on you; and just quirky enough to view the study of Ancient Greek as a treat.

Your Honour was born in Tasmania but you and your family moved to Melbourne when you were about five.

You completed your secondary schooling at Xavier College before undertaking degrees in Law and Arts at the University of Melbourne.

Your Arts degree was in Latin and Ancient Greek. While in the past a classical education was commonplace for judges of this Court, these days Your Honour is such a rare example of it as to provoke admiration and some amazement among your colleagues.

The English crime writer and linguist Dorothy Sayers said that “even a rudimentary knowledge of Latin cuts down the labour and pains of learning almost any other subject by at least 50 per cent.” It is certainly Your Honour’s view that this is true for you in respect of your journey in the Law.

Your Honour was an articled clerk at Galbally and O’Byrne where much of your education came from often driving Mr Frank [Galbally] home in his own car after Friday lunches.

You then worked at the firm as a solicitor, for three years and, despite its relatively small size, you are now one of four Galballys alumni currently serving on this court, along with Justices Beach, Terry Forrest and Jane Dixon.

In 1993, Your Honour left Galballys to work as associate to then Justice David Harper of this court.

He describes you as a wonderful associate, saying you are extremely bright with your feet firmly on the ground, with an ability to meticulously sort through fact and fiction, and a huge amount of detail.

After two years in that position you came to the Bar in 1995, reading with Kim Hargrave, now Justice Hargrave of this court. Following your readership, you took chambers not far from him and beside me and thereafter we shared chambers for some years until the demise of Latham Chamber in 2008.



As so many others have, you started out in the crucible of the Magistrates Court.

In those early days you were once asked what your area of practice was. You reflected for a moment and answered, “Frankston.”

Soon though, you were appearing almost exclusively in the higher courts, and you were appointed Senior Counsel in 2012.

Among the more notable matters in which Your Honour has appeared was the long-running Lindberg case, in which you acted for the former managing director of the Australian Wheat Board, a very public and controversial matter.

You also appeared in what was then the largest class action of this Court, concerning a waste site producing large levels of methane in Cranbourne.

These are just two among many but Your Honour has also been of great service to the profession.

You have been a member of the Legal Practice Committee and the Fidelity Fund Committee of the Legal Services Board of Victoria.

You were a long-standing member of the Ethics and Applications Review Committees of the Victorian Bar. You were also a board member of the Victoria Law Foundation.

There is another story that is worthy of relating. Your Honour at least once applied the law in a very different manner to the manner one would expect. The story is recounted by your friend and colleague, Matthew Barrett.

You were returning home late one evening, walking through the inner city when you observed a man and a woman down an alleyway, he assaulting her and she quite clearly in distress.

Without any regard for your own safety you approached and asked the crying woman if she was alright. The assailant, who had hold of the woman’s arm, told you to mind your own business.

Your Honour replied, “It is my business if you are assaulting a woman in the street.”

The assailant asked, ‘How do you define assault?’

“An assault is the direct or indirect application of force to someone else without authority or consent.”

“Jeez, how do you know that?”

“Because I am a lawyer.”

“What kind of a lawyer?”

Your Honour responded, “I am a very experienced commercial lawyer but that’s not important right now.”

Your Honour kept talking to the man as others called the police, who duly arrived and arrested him.

As comical as it has become in the retelling over the years, Your Honour admits to leaving the alleyway and immediately experiencing a minor buckling of the knees in the aftermath of an



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incident that might have been so much worse. We commend both for your sense of duty and your courage.

Away from the law, Your Honour derives much pleasure from time spent with family, especially your nieces and nephews.

You are regarded somewhat fanatical about exercise around which, like many athletes, you've built a robust appetite. Unsurprisingly, you are also known for being a good cook; a sign of Your Honour's pragmatic disposition.

One of your six readers, Thomas Warner, recounts that on his first morning in your chambers, you invited him to lunch. But at 11.30 you prepared and quickly consumed a large steak.

[Nonetheless], lunch proceeded as planned.

Then at 3.30 you emerged from the kitchen with a slab of salmon and ate that too.

Mr Warner suggests that counsel appearing before you in the future should assume that there will be both a morning and afternoon recess, lest Your Honour fade away.

Your Honour is regarded as tremendous company and you laugh often and loudly – so loudly that another barrister from the other side of your floor once came to your chambers just to ask you to keep it down. Having chambers beside Your Honour, and thus slightly more proximate to your chambers than the barrister concerned, I'd be less than honest if I didn't admit, that on the very odd occasion I may have considered alerting you to the fact that I could hear your mirth as well. But that thought evaporated pretty rapidly when I reflected, for one brief instant, on how much more often you'd had occasion to hear mine.

It is the mark (the wonderful mark if I may say) of the quirky sense of humour to which many of Your Honour's friends refer. And, it is one of the many reasons for their genuine affection for you. They willingly express their joy for you on the occasion of your appointment to this Court.

Your Honour's family history is also of note.

Your father Kevin, after whom you are named, was a member of the Tasmanian parliament from 1948 until 1972, serving as Speaker and deputy Premier at times during that period.

Your grandfather, Joseph Aloysius Lyons, whose names you also bear, was the Premier of Tasmania, then Prime Minister of Australia from 1932 until his death in 1939.

And your grandmother, the formidable Dame Enid Lyons, was the first woman elected to the Australian House of Representatives and the first woman to serve in the federal cabinet. It must also be said that she had 12 children.

You are enormously proud of this history. Indeed, at your recent swearing in you used a bible given to your grandfather by King George V.

But it is a mark of Your Honour's humility that many of your colleagues did not know about this illustrious family history until your appointment to this Court.

It demonstrates the proposition that the family business is not politics – it is public service.

Your Honour's late mother, Pauline, raised six children of her own but otherwise worked teaching intellectually disabled children and helping them integrate into the community.

You regard this work as being just as important as that carried out by other family members.

With this appointment, Your Honour joins the family business. This is your time to serve.



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It is with that in mind that, on behalf of the Victorian Bar, I wish Your Honour joy in your appointment and long, satisfying, and distinguished service as a Judge of this Court.

May it please the Court.