



VICTORIAN BAR

WELCOME

ADDRESS AT THE CEREMONIAL SITTING TO WELCOME HER HONOUR MAGISTRATE MIA STYLIANOU UPON HER APPOINTMENT AS A MAGISTRATE BY DR MATTHEW COLLINS QC, PRESIDENT OF THE VICTORIAN BAR, ON THURSDAY 2 AUGUST 2018

May it please the Court.

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

Acknowledgement of Traditional Owners

I also 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.

Your Honour practised law for more than 25 years – from your admission to practice in April 1993 to your appointment to this Court on the 26th of June 2018.

Your Honour was more than 10 years at the Bar; and, before that, more than 10 years with Victoria Legal Aid – immediately before you came to the Bar, as an Associate Public Defender.

At the Bar, you acted for the defence in a number of serious criminal cases – though your major focus has been on prosecution work.

Your Honour is meticulously thorough – a very able, balanced – and tenacious and courageous – advocate – described by a Judge before whom Your Honour appeared often as “an outstanding appointment”.

Your Honour was born in Cyprus.

There had been violence and political unrest in Cyprus for years. In July 1974, a military coup d'état by the Greek army ousted the then President, Archbishop Makarios. Within days, Turkish forces invaded.

Your family migrated to Australia in the late 1970s when you were almost 8. You spoke not a word of English.

Between the ages of 3 and 11, your family had nine different homes. Your Honour attended 6 different primary schools – four in Cyprus; two here.

You quickly mastered, and came to love, English. You majored in English in your Monash arts degree. More recently, you were seen in chambers gathering materials on Shakespeare for a school exercise for one of your sons. I understand that he did very well in that assignment.

You completed law at Monash and served articles with Robert McBain at Henty, Jepson & Kelly in the city. You remained there briefly as a solicitor; then moved to GWP Aarons & Co.

Your Honour found two years in commercial litigation, and I quote, “largely uninspiring” – so much so, that you “ran away and joined the circus” – actually, you joined the Melbourne French Theatre Company.



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It was, however, a serious move – you got an agent and joined the Actors’ Guild.

Your family was relieved when, after a few months, you “came to your senses” and returned to the practice of law.

At Victoria Legal Aid, Your Honour first led a team of other lawyers in the Grants Division; then moved to the Criminal Law Division – and, as they say, “the rest is history”: Duty Lawyer; Regional Senior Duty Lawyer; Associate Public Defender; and then to the Bar.

Your Honour read with Martin Grinberg – now Magistrate Grinberg. From San Sebastián, Spain – on long service leave – Martin texted: “She was a joy as a Reader. Sorry I’m not there.”

Being in San Sebastián on holiday is, no doubt, some consolation.

Your Senior Mentor, Michael Tovey QC, is in court. Knowing of your reputation in your particular specialty of prosecuting sex-crime cases, he was only half-joking when he said that if he found himself opposed to you in one, and his client wouldn’t plead, he’d hand back the brief.

Not long after you completed your reading, Martin Grinberg was appointed to this Court; and it was about then that Your Honour was briefed by the Victorian Government Department of Transport and Marine Safety in the significant coronial inquest into the death of an elderly couple in a boat explosion.

You achieved a good result. The Coroner attributed blame to the seller of the boat and, although he recommended amendment of the boating legislation, there was nothing adverse to the Department.

After that significant case, Your Honour was briefed in jury trials. You did most cases alone, but you were briefed as junior to leaders such as John Champion SC (former DPP and now Supreme Court Judge), Michele Williams QC (Senior Crown Prosecutor) and Michael Tovey QC (your former Senior Mentor).

In a recent County Court jury trial – a cold-case, historic sex charge – Your Honour was for the accused. It was a very substantial case and you had your long-time chambers colleague Stephen Devlin brought in as co-counsel.

Your Honour’s meticulous attention to detail yielded fruit. A key part of the prosecution evidence was that the accused’s acts were committed on a day when a witness had been swimming in a public pool. The witness produced her dated credit card record of having paid the admission charges for the pool for herself and a number of others.

Your Honour ascertained – and then marshalled the proof – of the admission charges that were struck by the Municipal Council. On the day in question, as a matter of simple arithmetic, the amount that should have been charged did not match the witness’s account of the number of people in attendance.

The trial judge then made a speculative comment – and here, Your Honour’s tenacity and courage as an advocate saved the day.

It was, in every sense, David – or perhaps Davina – and Goliath. Your Honour is somewhat diminutive. The trial judge was 6 foot 3 – a former first-grade VFL football player; a silk appointed to the Court from the ranks of the Senior Crown Prosecutors.

Your Honour stood your ground and pressed your arguments. Finally, Your Honour managed to persuade the Judge – and, the next morning, His Honour gave careful directions to the jury.

In the end-result, the jury acquitted your client.



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In another defence case – charges of armed robbery in a hotel – Your Honour secured an acquittal by direction.

A major case for the Crown was DPP v Pimentel. It was only the second baseline sentencing case in Victoria. The first, R v Walters, was before the Court of Appeal on a Director's Appeal.

Ultimately in DPP v Walters, by a panel of five Judges, the Court of Appeal struck down baseline sentencing.

In Pimentel, Your Honour had been briefed alone in the trial. After several days of pre-trial argument, in which Your Honour prevailed against every submission of the defence, the accused decided to plead.

Other cases with pleas, or for sentencing, were being adjourned pending the outcome in R v Walters in the Court of Appeal, but your Judge would not adjourn.

The Director himself, John Champion SC (now Justice Champion) came in to lead Your Honour – to argue that the County Court should not follow the first instance decision in R v Walters.

Less than an hour before the hearing, the Director called you on your mobile to say he was jammed and you were to argue the case alone.

I don't believe Your Honour knows this but, in a private, off-the-record conversation, it was reported to the Director that Your Honour had done an excellent job.

In the end-result, baseline sentencing became moot because the Court of Appeal decision was delivered before judgment in your case. The point of the story is Your Honour's thorough preparation; and your calm under the pressure of less-than-an-hour to prepare when you lost your leader.

Another major case for the Crown was DPP v Dalgleish. Your Honour was junior, at first to the Director, and then at the Court of Appeal hearing, to Chris Boyce SC.

There were two sets of submissions for the Director: one set, a traditional Director's appeal against sentence; the other set, on current sentencing practices. Your Honour drafted the latter set.

This case, its appeal to the High Court and reference back to the Court of Appeal became front-page news under headlines such as "Top Judge [and] DPP in Crime Sentencing Row".

This was fearless advocacy in the finest traditions – although bringing it up now rather reminds me of John Cleese as Basil Fawlty in that episode when a number of German guests visited Fawlty Towers – "Don't mention the War".

Your Honour's submissions in relation to current sentencing practices have had a lasting impact. The Court of Appeal and High Court judgments in Dalgleish are widely cited.

Beyond the law, Your Honour is a serious artist. In 2010, there was a solo exhibition of your oil paintings in the Essoign Club; and two of your large, abstract portraits were selected for Hidden Faces of the Archibald in 2012, 2013 and 2014. And there is a splendid illustrated article on your painting in the Victorian Bar News in 2014.

Your Honour has also contributed to the community of the profession. You have mentored law students; addressed final year law students about legal practice; and Your Honour has often been called upon to judge university moots.



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On behalf of the Victorian Bar, I wish Your Honour joy in your appointment, and long, distinguished, and satisfying service as a Victorian Magistrate.

May it please the Court.