



VICTORIAN BAR

WELCOME

ADDRESS AT THE CEREMONIAL SITTING TO WELCOME THEIR HONORS MAGISTRATES KIERAN GILLIGAN AND VICKY PRAPAS UPON THEIR APPOINTMENT AS MAGISTRATES BY DR MATTHEW COLLINS QC, PRESIDENT OF THE VICTORIAN BAR, ON TUESDAY 21 AUGUST 2018

May it please the Court.

I appear on behalf of the Victorian Bar to congratulate Your Honours Magistrates Gilligan and Prapas on your appointment to this Court.

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 Magistrate Gilligan practised Law for more than 35 years – from your admission to practice in March 1983 to your appointment to this Court on the 31st of July 2018.

For the last more than 14½ years, you have served as a Crown Prosecutor. Your Honour was appointed a Crown Prosecutor on Remembrance Day 2003 – you and Douglas Trapnell – he took Silk and was last year appointed to the County Court.

Both as a Prosecutor, and in your role conferring with and instructing members of the Independent Bar briefed to prosecute cases, Your Honour was utterly rational and realistic, with a common sense approach.

You understand what is required by Law; what is expected by the public; and what can, as a matter of humanity and compassion, appropriately be factored into the equation when representing the Crown. Your Honour is balanced and reasonable – the most effective form of Prosecutor – one who is honest, direct and straight as a die.

Your Honour was educated at Wesley College and Monash University, graduating Bachelor of Economics and Bachelor of Laws.

You served Articles with the late Patrick Cannon at the firm of Cannon, Coburn & Associates in Sunshine.

You remained with the firm as a Solicitor for two years.

In that time – both in Articles and as a Solicitor, Your Honour worked closely with Pat Cannon's partner, Bernie Coburn – later to become a Magistrate, now retired.

The Bar and Practical Jokes (most neatly, I think, told here because the first instance was in his early days at the Bar)

You read with the late Fred James – he of the silver tongue – with whom Paul Coghlan also had read. Paul Coghlan was the Director when Your Honour was appointed a Crown Prosecutor – later a Judge of the Supreme Court, Judge of Appeal, and now Reserve Judge.

You signed the Bar Roll in May 1985.



Your Honour began at the Independent Bar in the usual way – taking whatever briefs came – mostly in this Court.

On completion of your Reading, Chambers accommodation was short. The Bar relaxed its rules on sharing Chambers and permitted new barristers to share Chambers at subsidised rates on the 5th and 6th floors of Aickin Chambers that were about to be closed.

Your Honour and Meryl Sexton (later a Crown Prosecutor and now a County Court Judge) had overlapped at Monash and were in the same Bar Readers' Class.

You agreed to share Chambers – and acted promptly to take up the offer of Chambers in Aickin.

Your reward for promptness was a long, windowless internal room that had been vacated some time earlier. The tardiness of your fellow-Readers was rewarded with the later vacancies, which were wonderful rooms with windows.

Judge Sexton's desk was by the door; and Your Honour's at the other end of the long room. To Her Honour's considerable and understandable irritation, your Instructing Solicitors and clients assumed Judge Sexton to be your Secretary.

Your friendship survived that strain; and you both moved to the 6th floor of Four Courts Chambers (now Douglas Menzies Chambers) – a couple of rooms apart.

Your Honour is something of a jokester – another fellow Crown Prosecutor describes Your Honour, in that regard, as “a very naughty man”.

A Senior Crown Prosecutor with whom Your Honour appeared as Junior, puts it higher – “the worst sense of humour of anyone I've come across”.

On one occasion, Judge Sexton took a phone call. Even though she knew your voice from years of shared and nearby Chambers in which the two of you conversed constantly – pausing only for breath or work – she did not, for some time, realise it was you.

You said you were Myers calling to arrange delivery of an expensive washing machine – dismissing Her Honour's protestations that she had not ordered it and would never have ordered such an expensive one.

Of course, what goes around comes around. Your Honour has also been the victim of “April Fools” pranks – such as the conspiracy of your wife and mother as a result of which your wife called you to say that there'd been a radio announcement of a bomb-scare at Prosecutors' Chambers.

Your Honour passed this on to other Prosecutors. Then, when you got to work, you found the Director, Paul Coghlan QC, outside in conversation with Mark Gamble SC (now Judge Gamble) – “Bomb-scare? What bomb-scare?”

And it wasn't even April the 1st – it was the 31st of March!

Suffice to say that your new Magisterial colleagues need to beware – not the Ides of March – but the 1st of April.

Resuming the Professional narrative – following the excursion into practical jokes

I have, however, got ahead of myself. Returning to Your Honour's professional progress at the Bar – you came to specialise in Criminal Law work and did a number of trials for the Defence.

You were strongly supported by Bernie Coburn, who had been your mentor in your early appearance work as a Solicitor-Advocate, and by your old firm.



By about 1994, you had settled into Prosecution work.

You were appointed a Crown Prosecutor on, as I've said, Remembrance Day 2003.

Your Honour appeared, over the years, in major criminal matters from bail applications and committals to trials and in the Court of Appeal – across the spectrum of offences – from dishonesty and drugs to sexual and other violent offences, including murder.

You appeared as Junior to leading Prosecutor Silks such as Paul Coghlan QC, Bill Morgan-Payler QC, Geoff Horgan QC and Ray Elston QC.

You appeared as Junior to the Crown Prosecutor, the late Nigel Parkinson, in 8 of the 15 murders, in which, all in a row, he secured convictions – apparently something of a record.

You appeared without a Leader in important and complex cases.

And you were the Leader in a number of two-Counsel prosecutions.

Without a Leader, Your Honour prosecuted, on behalf of the Victorian Department of Sustainability & Environment, the first trial of indictable offences – conspiracy, theft and criminal damage – involving ancient hardwood timber and tree ferns over a number of years – to the value of some \$2 million.

Your Honour secured convictions from the jury and a total effective sentence of four years' imprisonment for the principal conspirator.

Mark Gamble SC (now Judge Gamble) for the Crown in the Court of Appeal, held onto both the conviction and sentence.

You also appeared in a number of prominent cases – such as:

- the “Saigon Tiger” trial – the vicious kidnapping, drugging and violation of 5 women – a trial that ran 6 to 8 weeks; and
- the prosecution of a 36-year-old married Physical Education teacher who had an affair with her 15-year-old male pupil.

You worked for some years in the OPP Specialist Sexual Offences Unit and appeared in a number of major prosecutions.

You were responsible for co-ordinating the prosecutions arising out of the June 2015 Metropolitan Remand Centre prison riot – Operation Gallium. This may be the largest number of people charged out of a single event in Victoria. You had the assistance of Grant Hayward of our Bar as your Junior from January 2017. The matter is not yet entirely finished, but Your Honour is, of course, now out of it.

And, in recognition of the balance and reasonableness of which I've spoken, Your Honour was the Inaugural Head of the Early Resolution Advocacy Unit in the OPP – established to explore the resolution of matters at the committal stage, and on pleas in the County Court.

In accordance with the practice in ceremonial Welcomes in this Court, I defer to the Law Institute to address the Court in relation to Magistrate Prapas.

On behalf of the Victorian Bar, I wish both Your Honours joy in your appointments, and long, distinguished, and satisfying service as Victorian Magistrates.

May it please the Court