



VICTORIAN BAR

WELCOME

**ADDRESS AT THE WELCOME TO THE HONOURABLE JUDGE SCOTT
JOHNS, JUDGE OF THE COUNTY COURT OF VICTORIA
IN THE CEREMONIAL COURTROOM OF THE COUNTY COURT,
ON THURSDAY 23 AUGUST 2018 AT 9.15 AM
BY MATT COLLINS QC,
PRESIDENT OF THE VICTORIAN BAR**

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.

Your Honour's appointment to this court is a testament to your dedication to the law; especially the criminal law, which has provided you with a vocation, with a livelihood, and with many important friendships along the way.

It's also allowed you the time to pursue a secondary career as a guitarist, but more on that shortly.

Your Honour grew up in Geelong and completed your secondary schooling at the Geelong College. Your earliest memory of wanting to be a lawyer dates back to when you were in primary school, though this may simply have been the result of watching *Petrocelli*.

Younger counsel can Google this American classic of the '70s but they'll not be surprised to learn that Tony Petrocelli was a defense attorney. In every episode his client seemed doomed, only for the heroic lawyer to ingeniously uncover new evidence and secure an acquittal by the end of the hour.

Much like what happens in this building every day.

Your Honour's passion for the law waned after the show was axed in 1976, but by the time you were applying for university, a five year course seemed a good option, and off you went to Monash University, residing at Mannix College, completing degrees in Law and Arts.

Your Honour completed articles at Reichman and Co. and spent a further year there as an employee solicitor.

Your Honour was destined to head towards criminal law. You simply didn't have anywhere near as much interest in any other area of practice.

So it was that you joined the Victorian Office of Public Prosecutions, under the then Director, Bernard Bongiorno, later Justice Bongiorno of the Court of Appeal.

It was the ideal environment for Your Honour. There was work to be done, much to learn, and brilliant practitioners from whom to learn. Among them was Paul Coghlan, who followed his boss's path, becoming DPP and then a judge of the Court of Appeal. Another was the late Bill Morgan-Paylor – later, and all too briefly, Judge Morgan-Paylor of this court.



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The camaraderie at the OPP was also important to you. This is something that has remained a theme wherever you have worked. It is said that Your Honour has never been averse to a good night out – particularly in your younger days.

Towards the end of Your Honour's time at the OPP you were given numerous opportunities to appear as an advocate. It was more helpful experience as it cemented your determination to come to the Bar.

Your Honour left the OPP to spend a year in the Northern Territory working for the North Australian Aboriginal Legal Aid Service. It was a good way to travel while working, and it allowed you to gain experience defending instead of prosecuting. It was 2001, and the Territory's mandatory sentencing laws were disproportionately affecting indigenous people.

The facilities and services were well short of what we have here in Victoria, but the work was interesting and important, and life outside work was great fun.

One of your colleagues there, David Woodroffe, says Your Honour showed a deep understanding of Aboriginal people and their circumstances. You made lifelong friends among the Aboriginal staff, field officers and interpreters, and you have continued to support the Aboriginal Justice Agency during your time at the Bar, doing major trials in the Territory and in northern Western Australia.

You also served on the Bar's Indigenous Justice Committee.

On Your Honour's return to Melbourne, you worked for a year in Victoria Legal Aid's Criminal Law Division. You had always wanted to come to the Bar and you had always wanted to defend, and now you were ready.

Your Honour was called to the Bar in 2003, reading with the late Michael Rush. He was a great influence on you, as he was on so many others around him. Mick Rush had been the spiritual leader of Gorman Chambers. You moved in there and stayed for 15 years, until now.

Your Honour was appointed silk last year.

You have appeared across jurisdictions in all types of criminal defence matters. But one colleague describes observing Your Honour over a long period and feeling as if your briefs were nothing but back-to-back murders.

As is the lot of the criminal defence barrister, nay all of us, results varied. In one matter, a man and a woman were accused of murder, and were blaming each other for the killing. The woman was your client. Dermot Dann QC appeared for the co-accused, who entered a plea first and made a statement.

Dann's client described the murder weapon – a knife, subsequently thrown into a lake. The description of the knife was so implausibly detailed that you felt you had a chance to attack his credit. There was just a skerrick of hope.

The valuable lesson Your Honour learned was that police divers are very good at what they do. The knife was retrieved from the lake and bore an uncanny resemblance to the weapon that had been so implausibly described. The trial quickly became a plea.

Your Honour had four readers. They describe you as generous with your advice and time, a good listener and a calm presence.

Your friends and colleagues speak in similarly glowing terms of Your Honour's acumen, work ethic, generosity, and companionship. Your Honour is well-known for providing exactly the type of camaraderie you have so highly prized through your professional journey, especially with colleagues in Gorman Chambers.



They also mention Your Honour's devotion to your wife, Amber, and your three children.

Your friendship is a two-way street, though. You are not above calling for assistance when it's needed. It's fair to say Your Honour is not known as a fashion icon. Some colleagues question whether or not, if presented with an iron, Your Honour would know what it is or what to do with it.

It came as no surprise then when on one occasion Your Honour's junior was called upon to make running repairs. The lining of your suit jacket had come loose in the course of a committal hearing and was flapping in the breeze behind you. It was your highly-agitated client who mentioned it. Your junior made repairs in the next break – not with needle and thread, but with a stapler.

Your Honour has an interest in book collecting – specifically post-war first editions. One colleague says your recently-vacated chambers held around 500 rare first editions, and about five law books.

You are on the record as saying that when you left the Bar, you would start a second-hand bookshop. Eventually, you planned to expand it to become a café, serving nothing but toasted cheese sandwiches. While you may have left the Bar, your appointment will regrettably preclude you from realising your dream, at least for the time being, no doubt to the relief of restaurant and café proprietors everywhere.

Your Honour is an inveterate Geelong supporter, even over summer. You spend the off-season picking the best Geelong side for the next winter, fruitlessly including all top ten draft selections, even if the Cats had none of them.

The only person more hopelessly devoted to the cause is your mother, Lillian. You turned to her for solace in the wake of the devastating and unexpected 2008 grand final loss.

"Scott," she said, "I knew we were going to lose."

"How did you know that mum?"

"Because Hawthorn's banner was so much better than ours," Lillian replied.

Buoyed by this insight, Your Honour immediately began selecting the next year's impossible team.

Your Honour is also a guitarist of some note. One former reader recalls returning to chambers at the lunch break during a murder trial and being stunned to find Your Honour plucking away at your guitar. Apparently The Girl from Ipanema makes for good trial preparation.

Certain venues in Fitzroy are known to host a band called Café Samba. The band's website describes its repertoire as samba, bossa nova and rhumba flamenco. The band is "perfect for a super fun function, pool party, house party...or wedding."

The three members are Cesar, Kico and Roberto. Cesar and Kico are genuine South Americans, natives of Colombia. Roberto, on the other hand, is a big Geelong Cats fan who's known to moonlight in Melbourne's legal precinct. And I note that Your Honour's middle initial is R.

I join with your friends and colleagues in congratulating you on this appointment, even if it deprives us of that bookshop and cheese sandwich café for the foreseeable future.

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.