



VICTORIAN BAR

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## WELCOME

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### **ADDRESS AT THE CEREMONIAL SITTING TO WELCOME HIS HONOUR MAGISTRATE PHILIP GINNANE ON HIS ELEVATION TO BE A JUDGE OF THE COUNTY COURT OF VICTORIA BY WENDY HARRIS QC, VICE-PRESIDENT OF THE VICTORIAN BAR, ON FRIDAY 14 SEPTEMBER 2018**

May it please the Court.

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

I also acknowledge the Traditional Owners and Custodians of the land on which we meet, the Peoples of the Kulin Nation, and pay my respects to their Elders past and present.

Your Honour comes to this Court from a-little-short-of 7 years as a Magistrate – of those, for the last more than 1½ years, as the Supervising Magistrate for the Civil Jurisdiction of that Court.

You had, before that, practised at the Bar for exactly 21 years, having been appointed to the Magistrates' Court on the anniversary of your signing the Bar Roll.

Your Honour studied Law at the University of Melbourne, from which you graduated Bachelor of Laws.

Your Honour served Articles with Peter Colbeck, the eminent Insurance lawyer and sometime Senior Partner at Hall & Wilcox.

After admission to practice, you remained with the firm as a Solicitor for only about 6 weeks.

You served as Associate to the late Mr Justice John Keely on the Federal Court for more than a year.

Your Honour came to the Bar with the September 1990 Readers. You read with David Curtain (now QC).

You began at the Bar, as most do, taking whatever came and appearing in the Magistrates' Courts in the suburbs and in the country.

Your Honour's practice moved into employment-related sphere in the Industrial Relations Court and insolvency matters in the Federal Court.

Representing a Bank in an application for substituted service on a barrister, Your Honour was called upon to cross-examine that barrister's Clerk – who was also your own Clerk – Mr John Dever.

Having to cross-examine one's Clerk, especially, it might be said, that particular Clerk, might reasonably be feared as having the potential of being seriously career-limiting.

However, Your Honour went ahead – and went on to build a substantial and broad civil practice including Commercial Law; Industrial and Employment and Equal Opportunity Law; Insolvency Law; and Administrative Law.



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A major Instructing Solicitor was the Australian Government Solicitor's Office – both in Melbourne and Sydney.

You appeared regularly for the Australian Trade Commission in cases involving Export Development Grants – in the Commonwealth Administrative Appeals Tribunal and in the Federal Court.

Your Honour appeared in every Court and Tribunal in Victoria; and as Junior Counsel in the High Court for various Commonwealth Government Departments.

A Silk, with whom Your Honour ultimately worked frequently, recalls with amusement your mutual reservations when the AGS first suggested that you work together.

This was in a major case in the Federal Court before Justice Finkelstein involving the Westpoint Group of companies – which had collapsed with debts totalling some \$388 million.

“Phil Ginnane? Yes, I know him – but not well. He's a lot of fun – but I don't know anything about his work.”

In turn, Your Honour's reservations were that the Silk seemed “perhaps just a bit on the dreary side”.

Happily, neither line of reserve was borne out. You worked well together – and came subsequently to do a number of cases together. You became her Junior of choice – and you were kind enough to say that she was, in turn, your Leader of choice.

Your Honour's steady hand as Counsel was shown in a high-profile sexual discrimination case in what is now the Human Rights List at VCAT.

You represented the Applicant, a male Executive claiming sexual harassment against a female Director.

Your client was in the Box. After lunch, he imploded – it was as if “the lights were on; but no-one was home”.

Your Honour held it together; you held the case together – though, not enough to win – indeed, it's believed to have been one of the earlier cases in that List in which costs were actually awarded against the Applicant.

The client later explained that he'd had his usual lunch – one that included his medication – “oh, and a few beers – I suppose about 5 or so” – not to be recommended.

At the Bar, Your Honour participated in the noir video exercise in the Bar Readers Course. You also taught in the Victorian Bar Intensive Advocacy Skills Workshop at the Legal Training Institute of Papua New Guinea. And you were a Committee Member of the Industrial Bar Association.

Your Honour was appointed a Magistrate on the 29th of November 2011.

For the first couple of years, you sat in various jurisdictions of that Court – but then came to specialise in the Civil jurisdiction – and in the Industrial and WorkCover jurisdictions.

You sat in the City Court; occasionally at Ringwood; and on the Geelong WorkCover Circuit.

In December 2016, Your Honour was appointed the Supervising Magistrate for the Civil Division of the Court – and Chair of the Civil Practice Committee.



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You were also a member of the WorkCover Users Group; and the Magistrates' Court representative on the Supreme Court Legal Costs Committee. In February this year, you were appointed to the Municipal Electoral Tribunal.

But it hasn't all been work. It's been said that the art of lunching, and of luncheon conversation, will not die out while Your Honour has an appetite.

It's said that at University, Your Honour and a fellow Law Student used to repair to Jimmy Watson's; and that in your Articles year at Hall & Wilcox, you naturally became the Social Secretary of the "lunch-a-lot" group. Then, as Supervising Magistrate of the Civil Jurisdiction, Your Honour organised the annual lunch for both Magistrates and Staff – which is believed to have originated when then Deputy Chief Magistrate Lauritsen was in that position.

Also on the lighter side, Your Honour is a gifted mimic. Your John Wayne and your Columbo (with the trademark raincoat) are said to be uncannily good. And it's rumoured that you have been known to expertly mimic the Chief Magistrate – so Chief Judge Kidd – beware!

More seriously, people who know Your Honour well, see in you qualities of those people they understand as having been foundational in your vision of the Law as your profession: your late father, John Ginnane; and the late Honourable John Keely, to whom you were Associate from shortly after your admission to practice.

Your father grew up in Footscray and, from his admission on the 1st of October 1946, went straight into practice as a sole-practitioner Solicitor in Footscray. John Keely's father was a Clerk of Courts in the country – in Sale and Mildura before his return to Melbourne. Like Your Honour's father, John Keely had an affinity with "ordinary people" and was not entirely comfortable in the company of the powerful.

Each had a quiet dignity in their person and manner; a natural rapport with their clients and, in Justice Keely's case, those who came before him; and deep compassion.

Your father was, for most of his professional life, a Solicitor and Solicitor-Advocate. One of Your Honour's Law School and Bar contemporaries recalls being counsel for one of three co-accused – Vietnamese-Australians who had been at a party to which a neighbour had called the Police. They ended up being charged with assaulting the Police.

He for one co-accused, and another young barrister for a second co-accused, benefitted from your father's defence of the third co-accused and learned a lot. All three co-accused were acquitted.

Your father came to the Bar after he'd retired from 34 years of sole practice and another 7 or so years as an employee and then consultant to his old firm.

Your brother Tim was well-established at the Bar by the time your father came. Your Honour came to the Bar 2½ years after your father. Although you quickly established a practice, your father would call by your Chambers and suggest that you have a coffee, leaving you a couple of dollars for that purpose.

Your Honour was a successful barrister for 21 years. You have been an outstanding Magistrate and Supervising Magistrate; and, both around the Court generally, and in your contributions to discussions in the Council of Magistrates, Your Honour has been sound, and calm, and steady – a positive influence in the Court.

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.