



VICTORIAN BAR

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## WELCOME

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### **ADDRESS AT THE WELCOME TO THE HONOURABLE JUSTICE MELINDA RICHARDS, JUDGE OF THE SUPREME COURT OF VICTORIA IN THE BANCO COURT OF THE SUPREME COURT, ON THURSDAY 10 MAY 2018 AT 9.15 AM BY DR MATT COLLINS QC, PRESIDENT OF THE VICTORIAN BAR**

May it please the Court.

I appear with my learned friend and colleague in chambers – Mr Lang – Your Honour’s partner – 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.

Among Your Honour’s friends and colleagues, the trait most frequently ascribed to you is that of a sense of fairness. It is a quality obvious not just in your dealings with people but also borne out in your career to date.

That career, and Your Honour’s capacity to live by the principles dear to you, reach their apogee with this appointment.

Your Honour was born in Adelaide but you spent most of your childhood in Melbourne after your father was relocated by his employer.

After completing your secondary schooling, you undertook degrees in Law and Arts at the University of Melbourne, the former with Honours.

Your fine academic results were achieved while participating in student politics, culminating in your term as president of the Student Union in 1989 – the year that marked the end of free, or near-free, tertiary education with the introduction of the HECS scheme. It was a tumultuous time in the history of higher education in Australia, and an era that spawned a number of student politicians who went on to political careers, most notably in Your Honour’s birthplace, Adelaide, where in 1989 the student leaders included Penny Wong, Mark Butler and Christopher Pyne. At Melbourne University, other student politicians of the era included Sophie Panopoulos, now Mirabella, a former member of the Victorian Bar, who was President of the Melbourne University Liberal Club; Nicola Roxon and Richard Marles, who you succeeded.

Far be it from me to say anything defamatory about any of those fine individuals, particularly any who may have recently succeeded in a defamation action in another Court of this State, so let me make it clear that I exempt all of them from what I am about to say.

As a student and a student politician, Your Honour achieved a rare double. Most student politicians only suspend politicking for the purpose of begging lecturers for extensions. They do not, as a rule, earn academic honours as well. Your Honour was very much the exception.

Your Honour’s lecture notes were much sought after. Indeed, your contract notes were famous, remaining in active circulation long after your graduation, and long after they ceased accurately to reflect either the curriculum or the law.

While studying, Your Honour undertook clerkships in more than one large commercial firm, a relative rarity in those days, but ultimately you decided to take a different path.



You were an articled clerk at Holding Redlich, where you worked as a solicitor for three years after admission, for David Andrews, who later came to the Victorian Bar, becoming the clerk for Your Honour's list, List A Barristers, and then David Shaw.

Your Honour came to the Bar in 1996 after reading with Susan Cohen, now Judge Cohen of the County Court. You were appointed Senior Counsel in 2013.

You initially steered towards industrial and equal opportunity law.

Your Honour and Herman Borenstein, now QC, appeared in Schou's case, acting for a state parliamentary employee who was seeking more flexible work arrangements in order to care for her child.

Your friend and colleague Rachel Doyle S.C. regards you as a real leader in equal opportunity law. She says your pleading in Schou remains the gold standard.

Schou lost her case but, only a few years later, the law was changed in a way that largely reflected your submissions. It is well recognised, now, that true equality in the workplace cannot be achieved without meaningful flexibility in working hours.

Sometimes in the law, even when you lose, you still win, although it can take some time to savour the victory.

This was certainly true of the landmark Stolen Generations case, in which Your Honour was led by Jack Rush Q.C., later a judge of this Court, and Mark Dreyfus Q.C., later Commonwealth Attorney, and now shadow Attorney-General.

Mark Dreyfus says you were an extraordinarily good junior, producing work of incredibly fine quality.

The battle went on for three years, some of it spent working in the Northern Territory, and heartbreakingly, in the end, you were unsuccessful.

Nonetheless, Mark Dreyfus is convinced the 2008 parliamentary apology to the stolen generations could not and would not have happened had the litigation not kept the issue – the generations of injustice inflicted upon Australia's first peoples – firmly lodged in the public and political consciousness.

A loss that became a win.

Your Honour also made a mark as one of the junior counsel assisting the Victorian Bushfires Royal Commission, led by Jack Rush and alongside Rachel Doyle and others.

It was an arduous 18 months. Your command of planning matters as they related to bushfire-prone areas is said to have led to lasting change as Victorians struggled to cope with the risk of similar events happening in the future.

But it was also a unique task, calling for empathic skills, given the number of grieving family members and other victims appearing before the Commission.

Several colleagues have mentioned the humanity Your Honour displayed – a sentiment echoed by Royal Commissioner Bernard Teague, formerly Justice Teague of this court.

Bernard Teague says he found you to be particularly good at making witnesses feel at ease. You were able to communicate in ordinary language.



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You must then have seemed a natural choice to act as senior counsel assisting in the Hazelwood Mine Fire Inquiry in 2014, again with Bernard Teague chairing.

In 2015 you were appointed Crown Counsel, a position you held until this appointment.

During your time as Crown Counsel, Your Honour advised the executive on matters including the review of the Charter of Human Rights and Responsibilities, the Access to Justice review, and the development of Victoria's landmark and pioneering assisted dying bill.

Assistant Victorian Government Solicitor Alison O'Brien praises your work. She describes Your Honour as democratic, opinionated, open and generous. She says you ask questions to gain answers, not to self-aggrandise.

These are sentiments that are echoed by others, relating to you both professionally and in your private time.

Those who know you know that you have a light-hearted side, while at the same time being a great source of strength to family, friends and colleagues alike. You are often the first port of call for people seeking advice on personal matters.

You love travelling with your partner, Tony – who proudly appears today with me at the Bar table, and your two teenage children.

However, in the normal course of events, on Friday nights you slip seamlessly into the role of basketball mum.

You are a sports fan and in this, as in the law, principles are important to you. During your first pregnancy you told Tony, "They can have your surname so long as they barrack for my footy team." And so it is that both your children are afflicted with a black and white sporting curse.

As for this appointment, it is the fulfillment of much that those around you have anticipated.

Mark Dreyfus says that when he first met you, he thought to himself, "Here's someone with a judicial temperament." He adds that, in his view, this is an all too rare characteristic among barristers.

Your Honour will bring to your new role a measured approach, coupled with an innate sense of fairness; a willingness to listen; and a steely, forensic *modus operandi*.

You say that you have always found the practice of the law to be a satisfying intellectual exercise, best brought to life when applied to real people with real issues.

I have no doubt that that is the approach you will bring to your new role and to this 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.