



VICTORIAN BAR

SPEECH

**ADDRESS AT THE WELCOME TO
HER HONOUR JUDGE ROSEMARY CARLIN,
JUDGE OF THE COUNTY OF VICTORIA
IN THE COUNTY OF VICTORIA
IN COURT 3-3 OF THE COUNTY COURT ON
THURSDAY, 3 OCTOBER 2019 AT 9:15AM
BY MATTHEW COLLINS AM 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 as a Judge of 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.

Could I also acknowledge, for those who are not in Court but who may read these remarks, that today I appear before a bench of 10 judges. Apart from the Chief Judge, all are women. What a marvellous testament to the progress that has been made towards gender equality in the judiciary.

Your Honour's appointment is the culmination of three decades of experience in the administration of justice and the law as a solicitor, barrister, magistrate and coroner.

With each hat, your Honour has earned a reputation as tenacious, committed and conscientious; qualities which you now bring to your new role at this Court.

Those qualities, however, well pre-date your Honour's time in the law.

When your Honour was nine years old, your mother, Elizabeth, announced you were getting a family dog. Your Honour was so excited that in anticipation you decided to study for the "Animal Lovers" badge at Brownies. It was known to be a difficult badge to obtain, even requiring knowledge of animal health including dog vaccinations. Your Honour studied diligently and duly won the award. You were the first Brownie in the long history of the club to receive it. The reason, it turned out, was because the club had for years been inadvertently administering the Girl Guides test, which was designed for much older girls; clearly, your Honour was a high achiever from an early age.



Your Honour went to Mentone Girls Grammar. You were an excellent student, completing your HSC in 1978 and going on to the University of Melbourne, where you graduated with a Bachelor of Science degree, majoring in biochemistry, and a Bachelor of Laws with Honours.

Your Honour graduated in 1983 and did articles at Clarke Richards, commencing in 1984. You were admitted to practise in April 1985 and worked as a solicitor, gaining experience in general corporate work, property and commercial litigation.

But your Honour loved court work and you were drawn towards practising criminal law. In late 1985, you took a role at the Commonwealth Department of Public Prosecutions. You worked there for six years, cutting your teeth on prosecuting drug importations, welfare and revenue fraud and other Commonwealth offences, and instituting proceedings to restrain and recover the proceeds of crime.

It was only natural that, in time, your Honour would be called to the Bar.

There were an extraordinary number of readers in your Honour's intake—63 in total, many of whom remain your friends to this day, including his Honour Mark Gamble, Magistrate Graham Keil, Andrew Combes, Carolyn Sparke QC and David Colman ... David Colman ... I'll get back to him later.

You signed the Bar Roll on 30 May 1991 and immediately developed a busy practice, in particular as a prosecutor, acting in a wide range of matters for various law enforcement agencies. You built a reputation as an expert in public interest immunity and were frequently briefed by the Australian Government Solicitor and the Australian Federal Police.

Your Honour loved life at the Bar. You particularly enjoyed the role barristers play in the administration of justice, revelling in its challenges and camaraderie.

You left the Bar in 1998 upon appointment as an associate crown prosecutor for the State of Victoria. You became a crown prosecutor in 2000. In those roles, you prosecuted a wide range of offences at all levels and in all courts, including over 60 matters in the Victorian Court of Appeal and appearances in the High Court of Australia as junior counsel.

You appeared in the County Court scores of times; with jury trials being your favourite and most intense experiences.



Your Honour took a leave of absence in November 2003 to work as a senior crown prosecutor in the Northern Territory, working with Indigenous accused, witnesses and victims in remote areas such as Gove Peninsula, Groote Island and the Tiwi Islands. Your Honour has very fond memories from that time—of your colleagues, your friends and the picturesque Northern Territory which you took time to explore.

Returning to Melbourne in 2004, you returned to your crown prosecutor role, before taking up a position as in-house counsel for the Commonwealth Director of Public Prosecutions in 2005, where you worked for two years.

At the Commonwealth DPP, your Honour prosecuted the first jury trial to conviction under the (then) new Commonwealth slavery offences. The conviction in *R v Tang*, which was overturned on appeal but then reinstated as the result of a Crown appeal to the High Court, established the modern formulation of the offence of slavery in Australia.

Your Honour was known as a focussed advocate—nothing could distract you from the task in hand, especially when you were on your feet making submissions.

On one occasion, while on your feet in the County Court, your Honour was handed a note by a colleague that said “just ignore him”. You were baffled, oblivious to the fact that someone had been doing their best to distract you from your submissions.

Your Honour was appointed to the bench of the Magistrates Court in 2007, sitting in the Geelong, Colac and Warrnambool regions from 2008 to 2010.

During this period, you had your first exposure to the coronial jurisdiction as, at the time, regional magistrates were responsible for investigating reportable deaths.

In 2014, your Honour was assigned as a coroner at your own request. You found the role of coroner to be challenging, but extremely rewarding; it is unique within our judicial system because of its inquisitorial nature and mandate of prevention. As a coroner, you found opportunities to effect meaningful change for the benefit of the community, through the making of recommendations.

The role involves balancing competing considerations of thoroughness and timeliness, demanding considerable interpersonal skills.

The notion of judicial officers living in ivory towers, removed from the outside world, could not be further from the truth. As a barrister, a magistrate and a coroner your Honour has been asked every day to deal with deep human tragedies and to stare



unblinkingly at very harsh realities, when the rest of society has the privilege of being able to look away.

Luckily, your role in the administration of justice is balanced by family, friends and rescue cats.

I said I would come back to him, and so let me turn my attention to your husband, David Colman, a member of our Bar, who is inordinately proud to be here today.

David has asked me to warn everyone that no practitioner should ever risk appearing before your Honour without a submission that is strictly grounded in the evidence.

Your Honour and David met on the first day of the Bar readers' course in 1991. David approached your Honour—completely out of the blue, mind you—to ask you out on a date.

And you did, indeed, go out on a date—18 years later. You are now happily married with two cats, Pip and Coconut.

Your Honour's mother, Elizabeth, is here today, together with your brother Rob and his wife Julie.

On occasions like today, it is natural to think about those who can't be here. I am told that your Honour's late father Arthur would have been very proud of you. He was very keen on the sport of boxing, so much so that he had a big library of fight videos and a special projector on which to view them. In 1969, Johnnie Famechon, the French-Australian featherweight boxer from Aspendale, was lined up to defend his WBC featherweight title against "Fighting Harada" of Japan. Johnnie's father, Andre, asked Arthur whether he and Johnny could come over to your house to watch the films of Harada's previous fights so that Johnny Famechon could study his rival's technique.

Your Honour was eight years old at the time and on hearing this news, off you went to school, excitedly telling all your friends that Johnnie Farnham was coming over. You were the envy of the school until the wrong Johnnie turned up.

I wonder whether this formative experience might have something to do with the development of your Honour's motivation for meticulous fact-checking and attention to detail.

Your Honour is passionate about keeping fit and hiking, fuelled by your standard lunch of alfalfa sprouts and rocket. You have visited the USA twice to hike in Yosemite,



Yellowstone, Zion, Bryce and Mesa Verde national parks. On these trips, you and David are accompanied by a plush toy frog, which even has its own social media page and is a prolific poster of holiday snaps. On one of your trips in 2001, you travelled to the Grand Canyon where you were warned at the tourist information office that it was not possible to hike down to the Colorado River and back in one day. Recognising a challenge, your Honour set off with David the very next morning. You returned with daylight to spare.

Which brings me back to this Court.

Your Honour has a photograph on your phone, taken by David, of an important moment; what you describe as 'coming home'—here—to the County Court of Victoria.

When your Honour received the call to the bench of this Court, you left the Coroners Court, making your way through a protest that was gathered outside. It might have been a lonely moment, leaving the support and friendship of your Honour's colleagues and staff.

But when you arrived here, you were met at the front entrance by two former colleagues from your days as a crown prosecutor; their Honours Judges Cannon and Quin.

The photograph of that moment shows your Honour smiling with a friend on each arm.

Their Honours accompanied you inside. They are, fittingly, seated by your side this morning.

On behalf of the Victorian Bar, I hope that your Honour will always enjoy the support and friendship of colleagues, and offer them support in turn; such collegiality is vital to the wellbeing of everyone in the legal profession.

May it please the Court.