



VICTORIAN BAR

SPEECH

ADDRESS AT THE WELCOME TO THE HONOURABLE JUSTICE LISA NICHOLS, JUDGE OF THE SUPREME COURT OF VICTORIA IN THE BANCO COURT OF THE SUPREME COURT, ON THURSDAY 14 NOVEMBER 2019 AT 9.15 AM

BY DR MATT 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 too 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's appointment to this Court caps a career that has to date been marked by intellect, rigour, dedication to the administration of justice and compassion.

It is an appointment that is warmly welcomed by your many friends and colleagues, in part because they know that you will bring all of those values to the Court. That so many of them are here this morning says much about your Honour.

It is also true that very few of them are surprised at your Honour's appointment. They have regarded it as a matter of 'when, not if'.

Your Honour was born in Canada after your parents David, an engineer, and Sheila, a teacher, heard there was work available there. Your parents, and your sister Emily, are here this morning.

After you were born, the next couple of years were a Jack Kerouac-inspired tour of the world, taking in many unforgettable experiences, none of which you remember. Much like the members of the Beat Generation of the time, albeit for different reasons. And perhaps a good thing. In Iran, you and Sheila were kidnapped. The story is too long to recount here but clearly it did not end as badly as it might have.



Your Honour has the same curiosity for the world and ideas as inspired your parents' trip.

"There was nowhere to go but everywhere, so just keep on rolling under the stars", wrote Kerouac. When it was over, the family settled in Melbourne.

In time, your Honour undertook a degree in law at Monash University, with honours. In common with the Chief Justice, a few years earlier, you were awarded the Supreme Court Prize.

In 1997, you joined Slater & Gordon as an articled clerk, and then stayed at the firm after admission. You became a partner just three years later. A meteoric rise by any standards.

Mr Pandya will speak about this period in your Honour's career and some of the remarkable litigation your Honour had a hand in—including Rolah McCabe's case against the tobacco industry and the Esso Longford explosion litigation.

Your colleagues from that period remember it, and you, fondly. It was a fun environment working under the late and much-missed Rob Lees. There was also much hard work and the team's trips to the pub were frequent.

It is not that you didn't go to the pub from time to time. It is just that, if anyone were ever to skip it and keep working into the night, it was almost invariably your Honour.

In 2007, your Honour came to the Bar. You took silk ten years later, almost to the day. Another meteoric rise.

Your friend and regular junior Kate Burke says that your stellar rise to seniority is unfortunate in only one respect: since mentors must be of ten years' call but not a senior counsel or Queen's Counsel, your Honour was destined never to take on readers. Now, as I reflected on that story, I detected a sting in its tail. Kate was my first reader. But I think it is best not to overthink these things. One is not allowed to have favourites among readers, much as one cannot have favourites among one's children.

Your Honour has always found other ways to be a mentor.

Kate Burke served a portion of her articles under your Honour at Slater and Gordon. She describes the experience as going to intellectual bootcamp. "You start off thinking you're in good shape," she says. "After the first round, you realise what BAD shape



you're in—an amateur going up against an Olympian. You get to the end and you're exhausted, but you didn't know you could produce such good work."

It is telling how frequently your Honour's colleagues and friends use the same words as each other to describe you: compassionate, honest, loyal, generous.

Women colleagues, in particular, speak of your Honour's generosity with your time and skill. As one put it, "Some women want to walk all over other women. Lisa wants to empower us all as women."

Your Honour, Rachel Doyle SC, and a group of other women lawyers have formed an informal group that gathers occasionally to share triumphs, disasters and camaraderie. One male barrister, upon hearing about it, unkindly dubbed the group, "Women who are doing quite well at the Bar, despite the odds." Sounds like someone is jealous. Although, of course, we all know that male barristers never share their disasters, only their triumphs.

Less than two years after you were called to the Bar, your Honour was appointed junior counsel assisting the Victorian Bushfires Royal Commission, led by the Honourable Jack Rush QC. You later described this as your most memorable junior brief.

It was a crack team. Of the six, your Honour is the third appointed to this court, after Jack Rush, and Justice Melinda Richards. Another member of the team, Dr Stephen Donoghue QC, is the Commonwealth Solicitor-General.

Your fellow then-junior, Rachel Doyle, now SC, recalls the charged atmosphere of that time. The Honourable Bernard Teague, a former judge of this Court, was appointed Commissioner just six days after the fires that took so many and destroyed so much. Your Honour was given carriage of the so-called electricity fires, while Rachel handled the arson fires. Subsequent litigation explored the consequences of the fires that were found to have been caused by faults and shortcomings in the electricity transmission network.

Each afternoon, the Commission heard from a community witness, someone who had lost a loved one, or property, or both. Many of them were deeply traumatised.

Your Honour examined a substantial number of these witnesses. You showed great compassion and care in allowing them to tell their stories through their pain, with their dignity intact, and having been empathetically heard.



It was a remarkable display from a barrister from a commercial background, at just two years' call.

Jack Rush says of your Honour's contribution that your ability to drive through and find the salient points was unbelievable; your ability to grasp extraordinarily complex factual scenarios was absolutely outstanding.

In your time at the Bar, your Honour was briefed in a number of memorable matters—memorable for good and bad reasons.

Your Honour's most recent appearance was in *Cargill v Viterra*. In terms of hearing days—111—it is said to be the longest commercial trial in this Court's history. Along the way, Kevin Lyons QC became Justice Lyons of this Court. Then, Paul Anastassiou QC was appointed to the Federal Court bench, and now your Honour is here. As one wag put it, the matter was such a black hole, a judicial appointment was the only way to escape it. Which leaves one to wonder about what the poor trial judge is supposed to do.

Following the Bushfires Royal Commission, your Honour appeared in other judicial inquiries, including as senior counsel for the Australian Securities and Investments Commission in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry; and as senior counsel assisting the Royal Commission into Victoria's Mental Health System.

You took on that role while you were still briefed in the *Cargill* litigation.

This touches on two strong themes that have arisen constantly in your practice: your diligence and capacity for hard work; and your dedication to justice and the public good.

Your Honour is reserved, but in a way that should not be underestimated. You are someone with deep self-assurance who wears it in a quiet, unassuming way. Someone who is profoundly principled, with a deep sense of justice and compassion. Someone committed to the administration of justice, access to justice, and the rule of law.

I know that it is a particular joy for your partner, Justice John Dixon, to be here today to celebrate your appointment to this Court.

The Victorian community is fortunate that there are people with your Honour's talents prepared to accept judicial appointment, and the community can be assured that your Honour will discharge your judicial responsibilities with independence, intellect, legal rigour and humanity.



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.