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## SPEECH

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### ADDRESS AT THE WELCOME TO HIS HONOUR MAGISTRATE JUSTIN FOSTER IN THE MAGISTRATES' COURT OF VICTORIA ON WEDNESDAY, 28 FEBRUARY 2020

### BY NICHOLAS ANDREOU AND TIM GREENWAY ON BEHALF OF THE VICTORIAN BAR

May it please the Court.

I appear with Mr. Greenway to congratulate your Honour on your appointment to this Court.

We acknowledge the traditional owners and custodians of the land on which we meet, the peoples of the Kulin Nation, and pay our respects to their elders past and present.

Few people here would know His Honour's fondness for rhyme

So in that tradition we intended to proceed one at a time,

Mr. Greenway known for his courtesy and resilience

tactfully suggested that I needed the appearance

The eldest of four from the suburb of Werribee.

The only one of your clan to complete a law degree.

The son of an accountant and a student with promise

It is little wonder that you majored in commerce

From home to Monash Uni in a beloved Ford Fairlane

late nights at the Monash Legal Service, was a common refrain



A passionate footy player with known ferocity,  
Why you were overlooked by the AFL remains a curiosity  
Was it the frightful rule of folly and chance?  
Or was it because your true love was dance?  
On weekends there were tails, patent leather, nothing too drastic  
With your fiancé Lisa you'd trip the light fantastic  
The foxtrot, the tango, the cha-cha, what a sight,  
Now married with three children, you must have done something right.

Articles at Purves Clarke Richards, now Gadens the firm  
Practicing commercial litigation during the work term  
With excellent clients, it was your best work by far,  
That was until, you were called to the Bar

Michael Scarfo was your mentor, now sadly passed  
You were one of several barristers whose mould he helped cast  
A prodigious work ethic, you help at the drop of a hat  
Must have inherited it from your dear father Pat,

Latham Chambers was where your practice began  
Most barristers walk, but you took it and ran  
Instructors would ask whether you would accept the brief



You'd say 'yes', of course, much to their relief.

You then moved Melbourne Chambers on level two

A corner office with a considerable view

For advice, kind words or even just jokin'

The door to your chambers was always open

Your chambers were always full they could have been neater

There was not enough room for you, let alone your reader

In the use of spreadsheets you are known to excel

The complexity of cost orders you will easily dispel

Local fine eateries fear your elevation

Nervous less cash flow may lead to their administration

You appeared in too many cases for us to surmise

But to all those here, it will come as no surprise

Time permits us to mention only a few

To these cases I now turn without further ado

In the case of Theonas, you honour showed grit and determination

Resulting in three certificates against self incrimination

Your client was successful as the reasons reveal

Your powers of persuasion were upheld on appeal



In the Court at Ringwood there was a criminal dispute  
Where the case required Counsel of considerable repute  
Your opponent cried out:  
'he's leading the witness at his own instigation'  
JP Foster replied:  
'yes it's called cross examination!'

As a barrister it is said you never ran from a fight,  
Defending and prosecuting many a dog bite  
You were often opposed to those of a celebrated ilk  
With your share of success against numerous silk  
At the last law exam you yourself made a pact  
To never again look at the Domestic (Feral and Nuisance) Animals Act  
books packed away, no longer a priority  
Within a couple of years you were the leading authority

One day this Court sat so late there was no one about  
The last thing anyone expected was the lights to go out  
Your honour unfazed and without consternation  
Continued to speak without illumination  
By that we do not mean your submissions lacked spark,  
We only mean to say that were delivered in the dark



You appeared regularly in this Court, regionals and the city,

You were also member of its rules committee.

At a 10 year anniversary, your experience at the Bar you summarised

A booklet called "Fosters Follies" which I now will plagiarise:

'treat other Counsel with respect, what goes around comes around'

Your Honour's respect for your opponents was well renowned

'Preparation is everything, don't just have it written'

Had I headed that advice I might not have been bitten.

'The best submission is proposed by the judge' or words to that effect

You Honour, I now adopt that submission, with respect.

The aphorisms are eight in total, recounted to raucous cheers

When recently you celebrated being at the bar for over 15 years

The time at the bar brought your skills to the fore

A worthy appointee, you have been steeped in the law

You can now deliver justice to the community you serve

You have the capacity and capability to do it with verve

Integrity, impartiality, common sense, clarity of thought

Attributes shared by you and this Court.

On behalf of the Victorian Bar, we congratulate you on your new role.



May it please the Court.