

ADDRESS AT THE CEREMONIAL SITTING TO WELCOME  
THEIR HONOURS MAGISTRATES TIMOTHY HOARE AND  
ALANNA DUFFY UPON THEIR APPOINTMENTS AS  
MAGISTRATES BY SAM HAY, HONORARY TREASURER  
OF THE VICTORIAN BAR, ON WEDNESDAY 12  
DECEMBER 2018

May it please the 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.

I appear on behalf of the Victorian Bar to  
congratulate Your Honours Magistrates Hoare and  
Duffy on your appointments to this Court.

Your Honours were appointed and sworn-in some  
time ago and are therefore well into sitting on the  
Court.

Your Honour Magistrate Hoare was appointed to  
the Court on the 10<sup>th</sup> of October.

Your Honour was admitted to practice in March  
1999 and signed the Bar Roll in November 2000.

Except for a few weeks after Admission to Practice (when you stayed on at Heinz & Partners in Ballarat, after completing your Articles), Your Honour has practised only at the Independent Bar. You were at the Bar for a little under 18 years – in recent years, mostly practising in Crime.

Your Honour was educated at Xavier College and at the University of Melbourne, from which you graduated in Law.

From a young age, you were steeped in the Law. Your late father Geoff Hoare was a Stipendiary Magistrate and served on this Court from 1973 to 1988. Your father came to the Magistracy through the Courts Branch of the Law Department working as a Clerk of Courts and completing, part time, the necessary subjects to qualify for appointment as a Stipendiary Magistrate. He later completed the balance of the subjects required for the Law Degree.

Your Honour was introduced to the Law at the Family Dinner Table. Your father would tell of his day in Court; and discuss the role of the Court and

discuss, as Your Honour has recalled, the role of the Court in reflecting and confirming community values. Favourite family television shows were *Rumpole of the Bailey* and *Rafferty's Rules* – a relatively short-lived Australian television drama in which the central character was a Stipendiary Magistrate.

Your Honour served Articles with the late Ian Hankin who was a Commercial Lawyer in Ballarat with the law firm of Heinz and Partners. You volunteered at the Ballarat Community Legal Centre.

Within just a few weeks of completion of Articles and Admission to Practice, Your Honour began as an Associate to His Honour Judge David Morrow of the County Court. Retired-Judge Morrow is in Court today.

Each year Judge Morrow sat 6 months in Crime and then 6 months in the Civil and Common Law jurisdictions. In just short of 18 months with the Judge, Your Honour acquired a broad base of experience.

Your Honour came to the Bar in the September 2000 Readers Course. You read with David O'Doherty in Gorman Chambers – the legendary third floor of Equity Chambers.

Pretty well from the outset, Your Honour got work in Crime – and you remained a few years in Equity Chambers – later moving to the second floor, then the seventh floor, of Owen Dixon Chambers East.

In early days, Your Honour developed a sort of sub-specialty in both prosecuting and defending canine capital cases. It is said that the dogs whom you prosecuted died; and those whom you defended lived.

Over the years, Your Honour also did some Family Law work; and some local government and planning work in large planning cases involving VicRoads and the acquisition of land for roads and freeways.

Your Honour became the Junior of Choice for Crown Prosecutor, then Senior Crown Prosecutor,

Michele Williams QC. Ms Williams is also in Court today.

You were Ms Williams' Junior in major, complex and long-running murder trials in, for example:

The murder, incest and molestation case of Thomas Halliday. The body of his murdered *de facto* partner was never found. The case stretched out over more than 5 years: from committal, through trial and, years later and courtesy of the Court of Appeal, a re-trial;

The Richard Watson stabbing and strangulation murder case where an unsuccessful defence was run involving unknown intruders and the alleged use of a nerve-agent. That trial ran some 6 weeks; and

The notorious re-trial of the serial killer and rapist Peter Dupas for the murder of Melvina Halvaxis in the Fawkner Cemetery.

A colleague remembers to this day Your Honour's return to Chambers from a conference with Melvina's father George. You were profoundly

moved and had a quiet determination to do *your* very utmost to succeed in the case.

Your Honour was a very fair and ethical prosecutor; carefully prepared; and unshakeably calm even with the most difficult witnesses – the victim or the accused.

Your Honour prosecuted Circuits in Ballarat, Bendigo, Shepparton, Bairnsdale, Mildura and Warrnambool.

The core of your practice developed into prosecuting jury trials in the County Court – serious sexual offences and violence; culpable driving and drugs.

In recent years, you took on a greater number of difficult defence trials. A Chambers colleague recalls Your Honour's defence of an accused in an attempted honour killing case. The case turned out to be unwinnable – but, for years, Your Honour has continued, without fee, to take your former client's calls – giving him someone to speak with about his

plans for study – his plans for work on his release – and advising about parole hearings.

On a lighter side, as a student at the University of Melbourne, Your Honour played in bands. You were a bass player. In later years, you switched to guitar. You have, it's said, a relaxed style; you've been heard some nights in Chambers, strumming quietly. You now play in a band that rejoices in the name "Honk" – described as "a rhythm n' roots band who blend honest country music with their own gut instincts for a spaghetti-western drinking song".

Your Honour's practice in nearly 18 years at the Independent Bar reflects a real balance between the prosecution and the defence. It is said by those who know Your Honour that you have a remarkable mix of ability, passion, commitment and humanity for both sides. Those attributes will serve you well as you discharge your duties as a Magistrate on this Court.

Your Honour Magistrate Duffy was also appointed to the Court on the 10<sup>th</sup> of October – your appointment becoming effective on 15 October.

Your Honour was admitted to practice in April 1993. Your Honour brings to this Court a rich experience gained over 25½ years. Your Honour has particular experience in the Law of Employment and Industrial Relations. For the last 14½ years, Your Honour has been in practice at the Independent Bar which, recently, has seen Your Honour led by Silk in the Full Federal Court; and then before the seven Justices of the High Court of Australia.

Your Honour went to School at Kilbreda College in Mentone, completing the Higher School Certificate in 1985 and matriculating to Monash University to begin a combined-degree course in Law and Arts – majoring in your Arts Degree in English Literature.

You worked all the way through University – for some two or three years, you worked part-time in the Victorian Department of Labour. You also worked at Doyle’s Hotel in Mordialloc.

Your Honour completed your course at the end of 1991 and, in 1992, graduated Bachelor of Arts and Bachelor of Laws with Honours.

You served Articles with Tom Barrett at Maurice Blackburn & Co. Mr Barrett is now a Magistrate on this Court due to retire early next year.

After Admission to Practice in April 1993, you remained with Maurice Blackburn as an Employee Solicitor for about 6 months.

You were then an Industrial Officer with the Health Services Union of Australia.

In June 1994, Your Honour went to the Australian Industrial Relations Commission as Executive Officer to the President and Research Officer.

Your Honour worked directly with the President, the Honourable Justice Deidre O'Connor. Justice O'Connor had, a few years earlier, in July 1990, been appointed a Judge of the Federal Court of Australia – the first woman to be appointed to that Court. Her Honour had served 4 years as President of the Administrative Appeals Tribunal; then, in 1994, was appointed President of the Australian Industrial Relations Commission.

After nearly two years with Justice O'Connor at the Commission, Your Honour was an Industrial Officer with the Australian Services Union; then the National Industrial Officer of the National Tertiary Education Union.

In June 2001, Your Honour returned to private practice with the firm Gill Kane & Brophy for a little over 2½ years immediately before you came to the Bar.

During that time, you were a Senior Associate. You worked with Lillian Cooney and Brian Brophy; and you worked in employment, industrial relations, administrative and commercial law matters.

While you were a solicitor, in 2003, Your Honour completed a Master of Laws Degree at the University of Melbourne.

You then came to the Bar in the March 2004 and read with Melanie Young.

Your Honour signed the Bar Roll at the end of April 2004. With 11 years' experience in industrial relations law since Admission, your first brief was

from Holding Redlich to appear without a Leader in the Administrative Appeals Tribunal in a hard-fought Merits Review application. Your Honour won; and the judgment of the Tribunal, reserved for 3 months, ran to just short of 50 pages.

Your Honour has been led by Richard Kenzie QC (a Sydney Silk since 1984), by Warren Friend QC, and by Steven Moore QC (now Justice Moore of the Supreme Court) – both of our Bar and both in Court today.

Apart from the intensity and quality of work expected of Counsel who is Junior to a senior Silk, there is also the worry that, for whatever reason, it is possible that the Leader may, at the last minute, not appear. That fear came upon Your Honour when you were led by Richard Kenzie in resisting a High Court Special Leave application in Sydney. However, you need not have worried. The Court did not trouble your super-Leader for a response – and merely asked if he sought costs. All he had to say was “Yes, Your Honours, we do”.

The case, by the way, that I referred to in my opening, in which Your Honour appeared as the Senior Junior in the Full Federal Court, and before all of the Justices of the High Court, was that of the *Shop Assistants Union v Aldi* last year. Your Honour was led by Warren Friend QC. You are, of course, out of it now, but the case is still going.

In recent years, Your Honour has also received Statutory appointments and, for some years, had Sessional work as:

A Member, then Deputy-President, of the Review Division of the “Police Registration and Services Board”; and

Deputy-Chairperson, then Chairperson of the Harness Racing Victoria “Racing Appeals and Disciplinary Board”.

Your Honour has, over the years, also served the Community of the Bar. You served on the New Barristers Standing Committee from October 2004 to January 2009. You also served on the Bar’s Equality & Diversity Committee; and were appointed a Bar Conciliator earlier this year.

Your Honour has always had a strong social conscience – and has stood up and been counted. Your Honour was a Founding Committee Member and Volunteer at the HIV/AIDS Legal Centre in 1993.

You were a Founding Committee Member of the Victorian Gay & Lesbian Rights Lobby in 1997.

And you were a Board Member of the Melbourne Queer Film Festival from 2000 to 2006, and the Secretary and Public Officer for most of that time.

And you have stood up and been counted in your professional life too. In very early days, perhaps even Articles, you were representing a group of women prisoners at the Fairlea Women's Prison. They were under threat of being moved to the men's prison at Pentridge as Fairlea was to be temporarily closed.

Your clients staged a 24-hour Vigil; and Your Honour joined in it.

Your Honour has always been straight-forward and direct in your advice to your clients and, for that matter, in discussion with your professional colleagues. One recalls a familiar form of words in Your Honour's professional legal analysis: "Well – that's just silly!" Cogent legal analysis and reasoning would follow Your Honour's down-to-earth conclusion.

Beyond the Law, Your Honour has played Cricket for about 25 years – modestly, you say, always playing above your level. Alas, you have not played for the Bar against the Solicitors – but you did play for Monash and for Melbourne – until about 5 years ago.

Your favourite Club is the "EMP" – The Essendon Marybyrnong Park Ladies' Cricket Club – founded in 1905, it is the oldest continuously-existing Ladies Cricket Club in the world.

Your Honour is also one of the first female Full-Members of the Melbourne Cricket Club.

You have served as a Board Member and Office-Bearer of a number of Cricket and Basketball Associations and Tribunals; and it was on an Australian Sports Commission Leadership Grant that Your Honour completed the Australian Institute of Company Directors' "Company Director's Course".

Your Honour's father, the Honourable Michael Duffy – who is in Court – is a long-time Solicitor – now retired.

He was a Member of the Commonwealth Parliament from his election in 1980 to his retirement before the 1996 general election. He had a number of ministerial portfolios – including that of Attorney-General. Indeed, he was Attorney-General when Your Honour served Articles.

Your Honour has confessed that, in your very early days in the Profession – with youthful eagerness to make your own way – you sought to conceal and – without any actual admission, even these years later – it is possible that you just might have denied

that you were related to the Commonwealth Attorney.

It is, no doubt a relief that you can both now revel in each other's achievements.

On behalf of the Victorian Bar, I wish both Your Honours – Your Honour Magistrate Hoare and Your Honour Magistrate Duffy – joy in your appointments, and long, distinguished, and satisfying service as Victorian Magistrates.

May it please the Court.