



VICTORIAN BAR

WELCOME

**ADDRESS AT THE WELCOME TO
HIS HONOUR JUDGE ARUSHAN PILLAY,
JUDGE OF THE COUNTY OF VICTORIA
IN THE COUNTY OF VICTORIA
IN COURT 3-3 OF THE COUNTY COURT ON
FRIDAY, 16 AUGUST 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 to 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.

Your Honour was born in South Africa where you spent your early childhood to the age of five. After the death of your father, you and your mother moved to Launceston in Tasmania.

You attended the University of Tasmania in Hobart where you graduated with a Bachelor of Arts (majoring in politics) and a Bachelor of Laws in 1995.

Your Honour was drawn to the law, seeing it as an agent for change, informed in part by your experience as a child during the apartheid era in South Africa. You are passionate about social justice and see the law as a way to help people.

Your first job as a solicitor following admission to practise in 1996 was at Slater & Gordon. You remained there until 2000, in the worker's compensation division managing a large civil litigation practice.

In 2000, your Honour took a contract position with the Australian Aid Agency to work as a solicitor with an Australian government project in Vanuatu. You were the principal solicitor advising the Vanuatuan public service on matters of administrative law.

Your Honour returned to Australia in 2002, taking up a role as solicitor to one of the parties in the Cole Royal Commission into the Building and Construction Industry. There, you met Kristine Hanscombe QC.

Your Honour undertook the Bar readers' course, signing the Bar roll in November 2003. You read with Dr Hanscombe before she took silk, then with David Neal SC for the remainder of your pupillage.

Dr Hanscombe recalls your Honour as being a very considerate occupant of her chambers. You always went to great lengths to ensure that you were not in the way—



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polite to a fault—excusing yourself and leaving the room if, for example, your mobile phone rang.

Funny, though, isn't it, how people forget the thousand acts of kindness and consideration and remember only the one, isolated lapse? In your case, it involved bringing your own lunch to chambers, and then eating it at your desk—a can of pungently smelly, tinned fish. Dr Hanscombe did not allow the occasion to pass unremarked upon. That was the first and last time it happened.

Your Honour established yourself as an expert in the occupational health and safety, administrative law and personal injuries fields.

You were regularly briefed by both plaintiff firms and insurers. Your instructors speak of your integrity, not shying away from uncomfortable conversations when demanded about the prospects of the case or the propriety of proposed strategies.

Your Honour is thorough, preparing meticulously. To the untrained eye, some might consider your preparation to border on the excessive, but no: your preparation involves methodically working through every possible scenario, no matter how implausible, in order to be across every conceivable eventuality. After a case was over, you engaged in a similar exercise, as a kind of post mortem, thoroughly deconstructing all that had happened in order to work out how you could do better next time.

Your Honour was involved in a number of notable matters while at the Bar. In February 2014, you were led by John Noonan QC in the first case for damages brought by an asylum seeker for injuries sustained while detained on Manus Island.

You appeared as lead counsel at the inquest into the death of Numan Haider on behalf of the deceased's family. The inquest dealt with the shooting of an alleged terrorist who had attempted to behead two police officers in Melbourne in September 2014.

This led to your Honour being nominated, with co-counsel Megan Fitzgerald, for the Victorian Bar's Pro Bono award in 2017.

In 2010, your Honour appeared in *Panlock v Da Cruz*, which related to the workplace bullying and ultimate death of a young woman, Brodie Panlock. The circumstances of her death led to the introduction of Brodie's law, which made serious bullying a crime in Victoria.

I must mention one of your Honour's High Court appearances. You had turned up in the morning and indicated to the Court that you did not wish to make any oral submissions. During the course of the lunch break, you had a change of heart—young barristers do not get many opportunities to address the High Court, and you could not let this one pass you by.

When proceedings resumed after the lunch adjournment, you confidently rose to your feet and told the Court that, contrary to your earlier indication, you did wish to make an oral submission after all, and then set about earnestly doing so—about what, exactly, is not entirely clear. It is not something you were allowed to live down—colleagues later presented you with a framed copy of the transcript of your submissions on that day: all 34 words of them.

Your Honour is dedicated and conscientious; qualities which will serve you well in your new role. You are also known for being immaculately presented; not just in your approach to cases, but also in your choice of attire.



Your Honour's fashion choices have not always, however, commanded universal acclaim. Or so I am told. According to some sources, your Honour had a fascination, circa 1993, with the Jackson Black fedora. Incidentally, I'm told you are an authority on rap music from the 1990s and can bust out the words to Tone Loc's *funky cold medina* (whatever that is). Actually, I looked it up and that didn't really help. It's a song, and the lyrics begin:

*Alright, dig it
Cold coolin at a bar, and I'm lookin for some action
But like Mike Jagger said, I can't get no satisfaction
The girls are all around, but none of them want to get with me
My threads are fresh and I'm lookin def, yo, what's up with L-o-see?*

Anyway, you thought the fedora was "cool". "Cool" is not the word I would have used, but then I don't know what a funky cold medina is, so perhaps I'm not the best arbiter. The best that can be said about the fedora was that it was a step up from another of your fashion choices from the same era: sandals with tracksuit pants.

The late Karl Lagerfeld, former head designer at the fashion house Chanel, had something to say about tracksuit pants or, as the Americans more accurately describe them, sweatpants. He said: "*Sweatpants are a sign of defeat. You lost control of your life so you bought some sweatpants.*" To your Honour's great credit, you have since recognised this truth.

Fashion did, however, catch your Honour off guard in court on one occasion. It didn't quite rise, perhaps, to the level of Janet Jackson's wardrobe malfunction at the 2004 Superbowl, but it may be the juridical equivalent. You had an appearance in the Court of Appeal on the day after a black tie Bar dinner—the sort of brief that a more experienced practitioner would have managed to have rescheduled. The previous evening, you had stored your bow tie inside your wig and forgotten all about it. While in court the following day, you took to your feet to make a submission, and the bow tie became dislodged, falling from the top of your head down your back and landing on your seat. You would have gotten away with it, save that on sitting down, you realised you were sitting on something and produced the bow tie for examination in full view of the bench.

The college of the Bar depends upon members being prepared to invest their time and expertise for the benefit of future generations.

Your Honour had two readers and was mentor to other aspiring and young lawyers. You gave lengthy service to the Bar's Legal Assistance and Pro Bono Committees.

You were a member of the Race, Ethnicity and Cultural Diversity Working Group of the Bar—a working group I asked to be formed in 2018 with the purpose of devoting attention to a much neglected subject, the impediments faced by barristers from culturally and linguistically diverse backgrounds in a traditionally Anglo-Saxon and male-dominated profession.

The working group has already made a difference to the life of the Victorian Bar, drawing attention to the array of diverse barristers practising in Melbourne, and reminding us that we are all diminished if we do not recognise and nurture the talent of the whole of our membership.

Your Honour is a dedicated family man. Your wife, Jacklin is here today to celebrate with you, as are your two children, Anealan and Kliment, your mother, and many aunts, uncles and cousins.



Your Honour recognises the importance of a healthy work-life balance. In late 2010, you and your family moved to the United States for six months, living in Seattle while Jacklin was studying at the University of Washington.

Last year, you spent six months in Macedonia, where your children were able to experience their mother's culture.

Your Honour is a keen bush walker, a passion that you discovered while growing up in Tasmania. Every year you make time to walk in a remote place with a group of close friends. This is something that will no doubt be a tonic in addressing the challenges of work-life balance in your new role.

On behalf of the Victorian Bar, I congratulate your Honour, and I wish you long, satisfying, and distinguished service as a Judge of this Court.

May it please the Court.