



WELCOME

ADDRESS BY MR GEOFFREY R DICKSON QC, CHAIR OF THE FAMILY LAW BAR ASSOCIATION OF THE VICTORIAN BAR AND REPRESENTING THE PRESIDENT OF THE AUSTRALIAN BAR ASSOCIATION AND THE PRESIDENT OF THE VICTORIAN BAR

May it please the Court.

I appear on behalf of the Australian Bar Association the Victorian Bar and the Family Law Bar Association 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's appointment is truly a recognition of the many years of hard work - both as to the remarkable 19 years on the bench of the Federal Magistrate's Court/Federal Circuit Court, but also the 15 odd years at the Bar that preceded that appointment.

It is difficult to conceive of starting a new gig, even if one to which Your Honour will have no trouble adjusting, when you have done nearly 2 decades on another Court. It is worth reflecting on how much has changed in that time. Our jurisdiction, while remarkably harmonious given what we do, is nonetheless quick to move on and forget what has gone before. We all remember some of the funny stories (now Judge Alice Carter's story of Kviiln is still one of my favourites), but quickly forget people and the way things once were. Perhaps it's the need for barristers to squeeze out the sponge, but Your Honour is like a live time capsule - you've truly seen so much.

To put it in context, when Your Honour started in family law in (lets call it) 1982, practitioners in family law land (I'm told - I was on year 9 camp at the time) were still in mourning for the loss of disclosure statements and the fact that fault had ceased to be relevant, Michael Jackson had released Thriller, and Chariots of Fire won the Oscar for best movie

By the time Your Honour started at the Federal Magistrate's Court in 2000, Sydney hosted the Olympics, American Beauty and Kevin Spacey won the Oscars, and we were only just over the Y2K bug. The GST had just come in, and we were all still alive. The Family Court in Melbourne at that stage had, as best I can recall, 8 judges. Remarkably, we have just returned to those numbers again now, albeit after a seriously bumpy journey. It is fair to say that the establishment of the Federal Magistrate's Court at that time was controversial, but Your Honour was there from the very beginning. You didn't always intend it to be such a long stay, but thoughts of returning to the Bar were overrun by both the realisation that you could not appear in that Court until a lengthy period on the sidelines, and the fact that you found you actually loved it.

That said, it was still a bumpy journey. I first got to really know Your Honour in Mildura, once you were appointed. While I knew you as a member of Foleys List (the premier list) , I was a baby barrister when I had the good fortune to inherit the Mildura



circuit from David Brown. This was only shortly before Your Honour was appointed but you were understandably put out by my inheritance, which was probably rightfully yours. That said, Your Honour was not long thereafter sent to Mildura (by yourself, as Judge administrator in the Federal Circuit Court) whereupon not only were you gracious about my good fortune, but you told, as is your want, stories against your own interest. As what happens on circuit stays on circuit, I of course won't reveal them today.

Prior to Mildura, I had come to experience Your Honour's strong control of your courtroom, which has been a feature of your time in the Federal Circuit Court. I was appearing for a most unsympathetic wife, with Mr Weil for her husband. It had been a short relationship, which regrettably had produced one child. The husband had been shot in the stomach, while selling, outside a nightclub "hot dogs". No one in the courtroom believed they were hotdogs but the gunshot was real. My client thought her husband a total malingerer. He said he was suffering significantly with the after effects of being shot. As I recommenced my cross examination on day 2, as sympathetically as my instructions permitted, the husband began to look a strange colour. Your Honour looked aghast, and asked if he was going to be sick. When he said he thought so - Your Honour exclaimed "well not in here - out you go right now!" And promptly left the bench. Once it was apparent that Your Honour had swallowed this malingering stagemanoeuvre, the matter resolved.

There had been one small bump in the road as you came to the Bar. You were close to completing your MBA when you started the Readers Course. In a trademark act of full disclosure, you told the relevant committee and asked for 3 days off to study for the exams. That honesty cost you an additional 30 Defences you had to do for your penance. But of course you sailed through your MBA.

While at the Bar, you taught and mentored numerous students at Leo Cussen. You also served on the Bar's Ethics Committee and Equality before the Law committee

As a barrister - you arrived in an era of great change. The mid 80s wasn't a friendly time to be a female barrister. But you didn't flirt or flinch - you just got on with it. You didn't see yourself as up against it - you simply got on with doing your job, which was advocating for your client. You cared not a bit about whether people thought you were "too tough" or "too friendly" with the other side - you had a job to do and you did it incredibly well. You may not have known it at the time, or even know it now, but the fact is that you were a role model to many young practitioners coming out of that time when most people's idea of family law came from watching Corbin Bernsen on LA Law. Gender simply wasn't an issue for you as a barrister, and unsurprisingly, that continued on the Bench.

And it's Your Honour's ability not to let your own self (call it ego) get in the way of doing your job that makes you so very suited to your past and current role. For a judge, you are very non-judgmental. I know it sounds like a strange thing to say, but it's true. You have an innate ability to look at a dispute from outside of yourself, genuinely "without prejudice", and that is a remarkable skill.

That's not to say that Your Honour is always receptive to an argument if, as Kent J often expresses it "it is not burdened with merit". It is a bold advocate who seeks to advance an overly optimistic argument before Your Honour. There is a phrase about an ability to smell a rubbish argument that would not be appropriate to publicly express on a day like this.

Counsel (and solicitors) were always acutely aware they had better know the matter extremely well before appearing even to call a matter over before Your Honour. I wondered whether it was the groaning workload in the Federal Circuit Court that bred



this but I tend to recall Your Honour was like this back in the Foleys days. Efficiency was an absolute prerequisite in the Federal Circuit Court, and no one was better at turning matters over, while still doing justice, than Your Honour.

Your Honour took on numerous roles beyond simply managing your own docket. You have been on circuit every year for the 19 years you have been on the Court. You have served on numerous committees (including the Policy Advisory Committee, audit, and finance committees). Upon your departure from the Federal Circuit Court you were Judge in charge of Family Law for the southern region. Yours will be big shoes to fill on that Court.

I spoke of Mildura earlier. That circuit developed such that the Monday effectively became a Duty List, sometimes leaking into Tuesday, before the Defended matters commenced. While the Duty List matters were hardly complicated, they at least gave the solicitors a chance to photocopy the briefs for the Defended matters, and the barristers (occasionally) the chance to read them. In Your Honour's first circuit there, Your Honour had disposed of all of the Duty List matters by lunchtime, leaving the Monday afternoon available for counsel to settle trials, once they had got themselves up to speed on their client's names. I think the Circuit finished by lunchtime Thursday that week.

Your Honour has had to balance your hard won but incredibly successful career with managing a family that has included a husband also in the law (a formula for success, in my view) and three fabulous children, two of whom were tennis prodigies, with all the demands on one's time that that brings. Family has always come first, as it must. If there's one thing we learn from this crazy jurisdiction, it's the importance of hugging your own kids (and occasionally your husband or wife). And despite Your Honour's career success, it's your sense of perspective that has made your life such a success.

It's for all of those reasons that Your Honour's appointment was so well received by the profession. Despite having left the Bar 19 long years ago, you are still seen as one of us. To say your appointment came at a good time would be an understatement. To say there was a good deal of speculation about the supposed "last spot" would be likewise. There were many rumours, some of them started quite mischievously. However, the announcement has been universally seen as a highly meritorious, and a deserved and unifying appointment. You need none of our best wishes to make this next chapter a success, but you have them nonetheless.

On behalf of the Victorian Bar, the Australian Bar Association and in particular the Family Law Bar Association, I warmly congratulate and applaud your elevation, and trust that it will be as rewarding for you as it will be for us.

May it please the Court.