



VICTORIAN BAR

WELCOME

ADDRESS AT THE WELCOME TO HIS HONOUR MAGISTRATE SHIVA PILLAI, COURT 1 MELBOURNE MAGISTRATES COURT BY MS SHARN COOMBES OF COUNSEL, THE VICTORIAN BAR TUESDAY 14TH MAY 2019 AT 9.15AM

May it please the Court.

I appear on behalf of the Victorian Bar to congratulate Your Honour on your appointment to this Court.

I acknowledge the traditional owners and custodians on 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 has been greeted with much joy by your colleagues and friends, and in particular, members of the Victorian Bar.

Your Honour was born in Fiji, one of a sibship of three, with an older brother and younger sister. Your Honour spent your early years educated at the local schools in Lautoka. Completing Year 10 at Natabua High School. Your Honour's father was a local police officer, a hardworking man, and an excellent role model to you and your siblings. Ultimately, it was his desire for you to receive the best education that you possibly could, so at age 15 you were sent to New Zealand with your older brother to study in Auckland. Your Honour completed years 11 and 12 in Auckland, before commencing an Arts Degree in 1982, majoring in Political Science at Victoria University in Wellington. However, after 3 years of study, you realised an interest in working within the financial sector, and as such, left study to take a position as an Investment Officer with National Provident Fund NZ in October 1985. There was no sign of a career within the criminal law on the horizon.

In 1987 whilst you were living in Wellington, your Fijian parents fortuitously came to New Zealand to visit you. Two weeks after their arrival the first Fijian coup of 1987 occurred. There was much social and political unrest between the indigenous Fijian and Indo-Fijians and as such, you did not want them to return to an unstable and volatile nation. You took your parents to the Department of Immigration in Wellington, and started the process that ultimately enabled them to remain there. From that time on, your parents lived happily in New Zealand, your mother still lives in Wellington.

Your Honour began carving out a successful career within the finance sector, working for National Provident Fund for 3 years, before taking on other roles for the next 6 years as treasury dealer and fixed interest dealer with the Rural Banking and Finance Corporation, and Ord Minnett Securities respectfully. You met your ex-wife, also Fijian, during this time, in 1989, and you later married.

Then, in 1993, Your Honour decided that you wanted to pursue a career in the law, specifically within the commercial sector. Your Honour returned to Victoria University, completing your law degree in 1996. Your Honour was admitted to practice in New Zealand in April 1997. Your wife had family living in Melbourne, and consideration was



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then given to where the two of you wanted to raise a family. It was decided that Australia was the best option, so with that, you first sought admission to practice in the ACT in 1997, followed by admission to practice in NSW in 1998. It was there Your Honour started work as a legal officer at First Netcom Pty Ltd, followed by a position as a solicitor at Wood Marshal Williams, a small commercial practice in Sydney.

As the initial objective was to move to Melbourne from New Zealand, in 1999 you and your wife made that final move, with your admission to practice in Victoria in June. Your Honour continued your work as a commercial lawyer, in various firms, including Wilmoth, Field & Warne, until March 2001 when you accepted a position as a property legal manager with Novare Asia Pacific. All was looking up, as your wife had fallen pregnant, and the two of you were excited about becoming parents. But then in November 2001, Novare Asia Pacific was liquidated, and Your Honour was faced with great uncertainty – unemployed, with your first child on the way, due in January 2002.

Your Honour had to find a solution, and so commenced by 'putting the word out' to friends that you were in the market for a job- you needed work immediately. A good friend informed you that there was a vacancy at Victoria Legal Aid in Frankston for a solicitor. Until this very moment, Your Honour had never considered practice within the criminal law. But, knowing that it was unlikely that any vacancies would be advertised within the commercial sector before Christmas, and faced with the immediate need of an income, with less than 2 months until your first child was due to be born, you applied for the position. A few days later you were contacted to attend for an interview, so, in preparation, Your Honour read the 'Bail Act' beforehand. In an example of what a quick-learner Your Honour is, and your capacity to impress, you were offered the position 2 days later. Your Honour accepted, and started work as a criminal lawyer the following week.

Unbeknownst to your new employer, you had accepted the position, with the secret plan of simply doing the work only for a few months, to tide you over until February, when the commercial lawyer vacancies were advertised once again. The intention was to then recommence work within the commercial law sector.

However, as those of us whom work within the criminal law will attest, the work is beguiling and gratifying, and Your Honour quickly comes to realise this. For when the commercial lawyer positions start being advertised, to use Your Honour's words "I had already fallen in love with criminal law practice". Your Honour knew that criminal law was your calling, and you ceased looking for a new position. The profession and the community can be thankful for that fateful and fortuitous intervention, that is, the loss of your job in November 2001. Although at that time it appeared to be a negative event, it led you to the start of your career in criminal law, ultimately bringing you here to your appointment as Magistrate.

Your Honour was overjoyed to not only have found a new love in the law, but to have found an even greater one, in becoming a father for the first time, with the birth of your daughter Ambali, in January 2002. Your Honour's second daughter Radhika, was born two years later in 2004. Your two daughters are both in court here today. Being a father is your first priority, to ensure your daughters are loved, supported and properly guided. Your Honour delights in seeing women flourish and advance, to be strong, and these are the attributes you wish for your two daughters. Strength is a value you want to instil in your daughters. You want them to see, and know strong role models. Not only does Your Honour encourage this of your own daughters, but also of others. It is these qualities, of wanting to elevate, nurture and support others that will hold you in fine stead, as you sit as a Magistrate in this court on a daily basis.



It was in your practice at Victoria Legal Aid in Frankston, nearly 20 years ago, that you demonstrated, even then, your willingness to support, elevate and encourage women. I was a baby-barrister, with only 12 months of work at the Bar under my belt when we met at the Magistrates Court at Frankston. I recall Your Honour was immediately impressed with my ability in court, at a time when I was not receiving a lot of work, given my youth and recent move to Melbourne. Your Honour started to brief me, nearly on a daily basis, in often multiple matters, and was heavily reliant on me. That work really kick-started my bona fide practice in the criminal law. Your Honour continued to regularly brief me for many years to come, even when I was heavily pregnant, and upon my return from maternity leave.

In those early days of my starting out at the Bar, I was so grateful that you had recognised my abilities. I was young and relatively unknown, but that did not deter Your Honour from briefing me. But now, upon learning Your Honour had come into the position with little more knowledge than the provisions of the Bail Act, I have a greater understanding as to why you may have been so impressed with me! However, there was no hint of your lack of experience in the criminal law in those early days. In contrast, Your Honour quickly impressed upon me your incredible interpersonal skills, your dedicated work-ethic, your insight, and your ability to listen. Your Honour's ability to listen to clients, to counsel, to the Bench, to quickly analyse the issues, and be adaptive were some of Your Honour's greatest attributes as a lawyer. Your Honour possesses so many great skills that will now be of benefit to this court and the community.

Your Honour continued work with Victoria Legal Aid, moving to the Melbourne office in 2003 and running an indictable crime practice until 2007. Your Honour was an instrumental part of that office, with a great capacity to service clients respectfully, diligently and efficiently.

Your Honour was then called to the Bar, undertaking the September readers course, signing the Bar roll on 22 November 2007. Your Honour read with His Honour Judge Georgiou SC, who coincidentally, was appointed to the County Court bench on the very day Your Honour was appointed Magistrate, on the 16th April 2019. I am told it may well be unprecedented that mentor and reader have ever been appointed to the Judiciary on the very same day. You were His Honour's first reader, and His Honour recalls your first day in chambers. Back in 2007, His Honour had chambers on the 5th floor of Owen Dixon East, with limited space, and had acquired the tiniest desk for readers. His Honour recalls you in chambers, at that desk, looming large, unable to even fit your knees under the desk. But you did not complain, you simply went about your work. You describe His Honour Judge Georgiou as incredibly supportive, generous and a great mentor.

After coming to the Bar, Your Honour primarily practiced in crime, balancing a successful career whilst continuing to support your two growing daughters with your encouraging presence and guidance. Whilst at the Bar Your Honour also assisted in running ongoing advocacy workshops for students through the Springvale Monash Legal Service.

Your Honour has had two important mentors whom have helped shape and influence your career. The first, your father, who was a superintendent of police in Fiji, and later a police prosecutor. You have said that your father equipped you with the necessary tools for life - humility, dignity and kindness to others. Your Honour's father was very pleased that you pursued a career in the law, although he was happier with your first choice of practicing within the commercial law, and it took some time for him to accept your transition into criminal law, particularly given Your Honour 'was at the other end of the Bar table' - so to speak, from the life that your father had known.



Ultimately the common experiences within the criminal law brought the two of you even closer together, providing context for amazing banter, laughs and cherished conversations. Your Honour's father passed away in 2011, and would no doubt be extremely proud of your appointment to this Court.

The second person who has been a mentor to you is His Honour Magistrate Robert Kumar OAM, who was the first Fijian Magistrate appointed to this Court. Your Honour is the second. You first met His Honour Magistrate Kumar at Broadmeadows Magistrates' Court, after an appearance. His Honour recognised a potential cultural similarity, and asked you into his chambers to make further enquiries. His Honour was correct to identify this, as you were both Fijian. However, upon further exploration of each other's origins, an outrageously coincidental connection was then discovered.

His Honour Magistrate Kumar was educated in the 1970's in the United Kingdom before accepting a Crown Prosecutor position back home in Fiji in Suva. At that time, Your Honour's father was working as a police prosecutor in Nausori, not far from Suva. His Honour Magistrate Kumar had travelled to Nausori to appear and met your father. Here, the two struck up a friendship, which included His Honour Magistrate Kumar attending lunch at your family home. His Honour then recalled you as a child, running around in the yard when he visited your home. The two of you could not believe the coincidence and connection, and it was from that moment your friendship with His Honour commenced.

His Honour has been an enormous mentor to you, and has been a pivotal influence in your life, providing guidance and advice over the years, particularly since your father passed away. Your Honour is extremely grateful for that mentorship. Your Honour now joins his mentor in the Magistracy, the two of you shining examples of the cultural diversity that exists, both of Indo-Fijian heritage, within the Victorian justice system.

At the Bar Your Honour was hard-working, respectful of others and compassionate. No doubt Your Honour will call upon those same qualities in your role as a judicial officer of this court, facilitating the administration of justice in Victoria. Your Honour will be a fine Magistrate, and the Bar's loss is this Court's gain.

On behalf of the Victorian Bar, I warmly congratulate you on your appointment; and I wish you a long, satisfying and distinguished career, as a Magistrate of this Court.

Before I defer to the Law Institute of Victoria, I wish to congratulate Her Honour Magistrate Suzette Dootjes on her appointment to this court. I also had the pleasure of working with Her Honour, Her Honour briefing me to appear on behalf of the Director of Public Prosecutions, both at the Bar, and in my capacity as Crown Prosecutor. Her Honour was always astute, industrious and thoroughly committed to her work. Her Honour is greatly experienced, and is now an asset to this Court. I have no doubt Her Honour will be sadly missed at the Office of Public Prosecutions. On behalf of the Victorian Bar I also wish you a long and satisfying career as Magistrate of this Court.

This court has received two incredibly dedicated and knowledgeable members of the legal profession in your appointments, and as such, this court is all the more richer and well-equipped to ensure the administration of justice in Victoria is dispensed equally, temperately, and fairly to all.

May it please the Court.