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DRAFT

IN THE DISTRICT COURT  
OF NEW SOUTH WALES  
CRIMINAL JURISDICTION

THE CHIEF JUDGE  
JUSTICE D PRICE AM  
AND JUDGES OF THE DISTRICT COURT NSW

TUESDAY 22 MAY 2018

**SWEARING-IN OF HER HONOUR WENDY STRATHDEE OF THE DISTRICT  
COURT OF NEW SOUTH WALES**

Ms Elizabeth Cheeseman SC on behalf of the Bar Association of New South  
Wales

Ms Juliana Warner, on behalf of the Law Society of New South Wales

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(Commission read)

(Oaths of office taken)

PRICE CJ: The oaths will be placed in the court archives and the Bible will be suitably inscribed and presented to you, judge, as a memento of this occasion.

Judge Strathdee, on behalf of all the Judges of this Court, I very warmly welcome you and wish you all the very best in your judicial prayer.

STRATHDEE: Thank you, Chief Judge.

PRICE CJ: Ms Cheeseman.

CHEESEMAN: May it please the Court. I begin by acknowledging the traditional custodians of the land on which we meet and pay my respects to their eldest, past and present.

Your Honour, it is my privilege, both professionally and personally, to speak on behalf of the New South Wales Bar, to welcome your appointment as a judge of the District Court and the Dust Diseases Tribunal. My privilege in speaking on behalf, is greater still, when I look around this courtroom and see the many luminaries of the bar, particularly the common law bar, who stand

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together with me.

From 1992 until just now, you have been one of us and proudly claimed as one of ours. The turn out today marks not only the claim with which your Honour's appointment has been met but the warmth and the high regard in which you were held by all whose lives you have touched - barristers, solicitors, colleagues from all walks, friends, and of course, family. Today we come together publicly to acknowledge your elevation to the bench, an achievement that is yours and yours alone.

Arthur Moses SC, the President of the New South Wales Bar, is detained interstate and he regrets he cannot be here today. The President has hailed the Attorney-General's appointment of your Honour as the first woman to the Dust Diseases Tribunal and also as a judge of the District Court. In that context, I acknowledge President Beasley's presence here today, together with Justice Katzmann.

You fill the vacancy created by the retirement of Judge Bill Kearns SC, a highly respected judge who will be much missed. We are confident that your elevation will serve to salve the despair that has gripped the professional as it slowly dawned that Judge Kearns had in fact retired and was not on another holiday. I acknowledge Judge Kearns attendance in his new guise as Acting Judge of the District Court.

Your appointment is the culmination, or shall I say, the culmination of the first act of a professional life that has been rich and varied. Across the changing landscape of common law practice, you have had the courage to walk a road less travelled than many of your peers. A road that has uniquely equipped you for this next phase of your professional life. You have worked as a judge's associate in this Court and as a barrister and advocate, first in crime,

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then in Workers Compensation and Personal Injury, particularly in the area of Dust Diseases, and in more recent years, as a much sought after mediator but let me start at the beginning.

You grew up as the child of working parents who were wonderful role models for you and your brother, Stuart. Your father, Ian Strathdee QC, was a respected criminal law silk who introduced you to a life in the law. Your mother, Dr Marlene Strathdee, was a leading ophthalmic surgeon. She blazed a trail as a distinguished medical practitioner and as a working mother. For those here today who are fortunate enough to have known each of your parents, it is readily apparent that in your case, the fruit does not fall far from the tree. You embody the best of each of your parents and they are each enormously proud of you. I acknowledge Dr Strathdee's presence here today and it is with sadness that I note that ill health prevents your father, Ian, from being here.

Like your own mother before you, you are a working mother. Together with Dominic Priestley SC, you have two children whom you adore. Adam, who finished his HSC at Shore and is now studying Engineering at the University of New South Wales, and Lucy who is in Year 11 at Queenwood.

I could not pay tribute to your many professional achievements today without acknowledging, perhaps with some envy, your consummate skill in juggling the demands of a busy professional life and a rich and rewarding family life but I guess you had good teachers in that regard. Your Honour has been deeply involved in your children's school communities. You were the Chair of the Shore Parents Association and are about to conclude your role as President of Queenwood Parents Association. I trust I am not letting any cats of the bag in that regard. You have been an active and generous contributor

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and a leader of both communities at the schools. Your commitment to your children and to their development into accomplished and empathetic young adults, is one of your greatest achievements. You have instilled in both your children, a work ethic and a generosity of spirit of which you are rightly proud.

There is a serendipity to your Honour's elevation to the District Court, as it was in this Court that you entered in the legal profession in 1988 as an associate, first for a brief period with Judge Jim Conomos and then for a period of several years to Judge Phil Johnston with whom you were especially close. Together with Chris Hickey, who is also here today, Judge Johnston and your father, Ian, took the Solicitors Admission Board exams together and from there, the three of them forged an enduring friendship. You were called to the bar in 1992 and despite your familiarity with the law of the courtroom, your Honour did not escape the usual initiation rituals that confront junior barristers. Your Honour first Judge Johnston. Your Honour stood and promptly announced your appearance, "May it please the Court, I appear for the defendant". For the non-lawyers in the room, that is textbook perfect, the tradition being that barristers do not announce their own name. Judge Johnston, I am told, delighted in not only asking you, his recently departed associate of four years' standing, what your name was but how would you spell that.

Your Honour was fortunate to read with Peter Mooney SC, who in turn, had read with your father, Ian. Peter is here today not only as your former tutor, but as one of your longest standing and dearest friends. When you commenced reading with Peter, he presented you with a gift, an inordinately large locket, mounted on a string of pearls in the style of the early 90's. Inside the locket resided a photo of Peter. Peter required that whenever you were

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asked with whom you were reading, that you should open the locket to reveal the answer. Your Honour took the joke with grace and delighted in wearing the locket throughout your pupillage and beyond.

Your Honour is respected by colleagues and friends from all the chambers of which you have been a member, first Garfield Barwick, then as a founding member of Elizabeth Street Chambers, and more recently at Jack Shand Chambers. You have even from your early days in chambers, been a person to whom people gravitate and you have never hesitated to roll-up your sleeves when needed. You were admired for your pragmatism, generosity, conviviality, and good heart. You will be missed in chambers and by the many solicitors with whom you have worked, and especially by the many colleagues whom you have mentored.

As a barrister, you developed an extensive practice before the Dust Diseases Tribunal. The first president of the tribunal, Judge John O'Meally AM, whose presence I acknowledge in court today, recalls fondly your work as an advocate in the tribunal. You were known for fighting cases only on the real issues and was held in high regard by your opponents and by judges of the tribunal. Many plaintiffs were close to death and in uncontrolled pain. Your questioning of such plaintiffs was conducted with sensitivity. Your dealings with your opponents were marked by both strength and respect.

In the early years before the survival of general damages, the tribunal sat at night and on weekends, and on public holidays. Indeed, that flexibility continues to be a hallmark of the tribunal. With other counsels, you generously and willingly surrendered private time to attend to cases before the tribunal.

The history of Dust Diseases litigation in New South Wales, has had a

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number of interesting phases, since the tribunal was established in 1989.

Particularly significant was the introduction of the claims resolution process.

Your Honour has been instrumental in the success of compulsory mediation as part of the claims resolution process. As a mediator in this niche and difficult area, you have been a pioneer. You attracted substantial work and achieved extraordinary results whilst often juggling the associated contributions assessment at very short notice.

Your expertise as a mediator of Dust Diseases litigation cannot be overstated. You have mediated what is thought to be thousands of cases. One informed estimate is that you have mediated more matters related to mesothelioma than all other mediators in New South Wales combined. You bring to mediation a thorough knowledge of legal principles, issues, a forensic aptitude for the facts, and it must be said, an exceptional level of emotional intelligence. You are regularly retained to mediate in areas other than Dust Diseases, including many disputes relating to historical, institutional abuse and forced adoption.

The issues ventilated in the mediations over which you preside, are often difficult and confronting. Throughout, you have always shown great humanity and resilience. Your warmth, sensitivity and caring approach, has served both litigants and their lawyers well. Litigants and practitioners have witnessed your grace and steel under pressure in trying circumstances. You have taken time to make litigants comfortable and to ensure they understand the processes. You have never been hesitant to travel, to make it possible for sick people to be present at their own mediation. Your compassionate handling of the matters which have come before you, as a mediator, is a credit to your, and you, your Honour is a credit to our profession. Your considerable skills will

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now be deployed with equal effect in a different forum.

Your Honour, the New South Wales Bar celebrates your appointment. It is confident that the Court and the tribunal will benefit from your extensive experience in dispute resolution. Congratulations on your appointment to the Bench. We wish you well for the years ahead. May it please the Court.

PRICE CJ: Thank you, Ms Cheeseman. Ms Warner.

WARNER: May it please the Court. I first acknowledge the traditional owners of the land on which we meet today, the Gallicho people of the Inora nation, and I pay my respect to their elders, past and present.

Your Honour, it is my very great pleasure to come before the Court as treasurer of the Law Society of New South Wales, to wish you well on your appointment to the District Court and Dust Diseases Tribunal of New South Wales. I do so on behalf of Doug Humphreys OAM, our president, and the 30,000-odd strong profession of population of solicitors in this State. Doug is unfortunately detained today but I must say, it is absolutely delightful to welcome you on behalf of the profession, together with the leader of the New South Wales Bar, to welcome another fabulous female judge to this Court, in this year of the 100th anniversary of the legislation in New South Wales, that enables women to practise law. So I think we have come a long way.

This appointment has been very well warmly welcomed by solicitors. Your Honour is regarded as a highly skilled barrister and mediator, a legal specialist in the area of Dust Diseases and a person with whom many solicitors have greatly enjoyed working. More recently, as your practice has increasingly focused on mediation, your Honour has been appreciated amongst solicitors for your exceptional charm and skill of bringing the opposing parties together, in a mediation that is a difficult thing to do with people who

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are walking into a room ready to kill each other, and you managed to achieve many, many, many successful outcomes.

For clients and for instructing solicitors, nothing has ever been too difficult for you or too much to ask, and this has often been in very difficult circumstances to you but you have always made yourself available and moved mountains to obtain favourable outcomes for clients and for both parties where you have been mediating, or disputes.

I am told by my spies that you are likened to a legal barometer. Someone with an amazing ability to read people, sense the mood in a room and find a way through it all. That is a very rare skill. You are an influential and respected advocate and your Honour has used all of these qualities to bring together the Dust Diseases Tribunal fraternity together. The Tribunal is very well-known for being very fast-paced and time is often of the essence. I am told that there was one matter where your Honour was retained early in your career. The matter and hearing over five days, involved an application for an extension of time, pursuant to a limitation fact in the relevant State. Your Honour was able to deal with that application and secure judgment for your clients in circumstances where, ordinarily, it was considered difficult to accept a limitation period. Without comprising your compassion, your Honour very skilfully dealt with the application, conducting yourself fairly and properly under very difficult circumstances. I am told that as a sign of their awe of your ability and devotion to your Honour, I hear your instructing solicitors presented you with a beautifully framed and sealed copy of the judgment which hung in your chambers for many years.

In this and many other matters, your Honour has exhibited intelligence, professionalism and above all, fairness, and it is the firm belief of this



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profession that your Honour will conduct yourself in the same vein as a judge. In the courtroom, opponents and instructing solicitors alike, speak of your Honour's impartiality, professionalism and respectful manner. One instructing solicitor described your Honour in action as, "absolute grace and pure style", which is a terrific accolade.

You have appeared in many highly cited cases, including *Bale Sparks Proprietary Limited v Jamie Adams*, which considered whether a duty of care was owed by the principal for the conduct of an independent contractor, and *Wackett v Amaca Proprietary Limited*, a Dust Diseases case in which the Judge praised your Honour's judicious concession as to appropriate figures in compensation. During the times when your Honour has held the brief for the defendant and has had to attend bedside hearings, you have always put your questions with sensitivity and succinctness. You have been respectful and mindful in the presence of sick clients and their families, and these qualities of understanding will make for very strong judicial attributes.

On a person level, solicitors and fellow counsel alike, think of you as a personable and dependable friend with a great sense of humour. Colleagues say they look forward to watching your Honour reinvent the lifestyle of the Bench. So we are looking for two parties of judges.

Your Honour also enjoys the support of a loving and caring family, many of whom are here today. Your father, Ian Strathdee, was originally a motorcycle policeman before going into the law. He went to the bar, took silk and practising in criminal law. Your Honour's father who I am told, was something of a bon vivant in his day, has been a great inspiration to you in your own career. Your Honour's mother, Marlene Strathdee, has had a career as a specialist eye doctor and has always been supportive of you and your

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brother, Stuart. Your Honour, and Dom Priestley SC - I asked him if he was Mr Judge, he said yes - have two children, Adam and Lucinda. Adam is a keen young scientist studying science and engineering at UNSW this year, while Lucinda is doing well in Year 11 at Queenwood. That is a fabulous school where both of my children went and, I should say, I have done my time on QPA as well. So we can exchange stories about rowing barbecues and the like, when we have a cup of tea afterwards.

Before your own career at the bar, you on-erved as an associate to several District Court Judges, most notably the late Phillip Johnston QC. No doubt this close association with the judiciary, couple with your long and distinguished career at the bar, will hold you in fine stead as a judge of this Court.

Judge Strathdee, for a quarter of a century, which sounds like a very long time but it actually is not, your Honour has led a fine career as a barrister, arbitrator and mediator. You consistently treated your instructing solicitors with respect, intelligence and professionalism, and those who come before you will surely benefit from these same qualities, as they seek from your Honour a positive way forward. You will be a true asset to the District Court and to the Dust Diseases Tribunal.

On behalf of the solicitors of New South Wales, I congratulate you most heartedly on this appointment to the Bench.

PRICE CJ: Thank you, Ms Warner. Judge Strathdee.

HER HONOUR: Chief Judge, Ms Warner, Ms Cheeseman, judges and former judges of this Court and judges of other courts, distinguished guests, colleagues, ladies and gentlemen. Ms Warner and Ms Cheeseman, I thank you both for your kind words on behalf of the Law Society and the Bar

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Association. Ms Warner, your preparation must have been somewhat challenging as I have never been a solicitor but what a wonderful job you did anyway, thank you. It is incredibly touching for me that my best friend from my days at Sydney University is here speaking on behalf of the bar, and kept my secrets safe. Thank you.

To everyone here today, I thank you for your attendance and trust you will bear with me whilst I say a few words. I have been given some advice about what I should and should not say today, and I have taken it all on-board. That put most simply, it is my chance to say thank you to so many people who have been part of my life. As you have heard, there are a number of examples of my professional life coming full circle. I started my legal career as an associate in the District Court and could not have had a better training ground. They were wonderful that I had as an associate and it is lovely to see my friends from those days, that I met 30-odd years ago, here today. Particularly, thank you, Angela Foley, John Millington, Simon Mitchell and Adam Flohm, for your friendship and support, and yes, I do understand, it is too weird for you to call me judge.

When I went to the bar, I was very fortunate to read with the wonderful Peter Mooney SC, which was made even more special by the fact that Peter had read with my father, Ian, when he first came to the bar. I could not have hoped for a better pupil master, despite the locket. Peter taught me all the skills that make a great advocate, and although I listened and tried to emulate your talent, I was never a patch on you. Your generosity of time, support and guidance has been extraordinary and I needed you more than ever in recent times when you again propped me up and helped me make the tough decisions. You are a very dear friend and I can never thank you enough.

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Mooney SC however, did not practice in the DDT and was in fact out of chambers when my first Dust brief was offered. I had been at the bar less than a year when my clerk came into the room and told me I was briefed in a Dust matter. As uncertain as I was, I readily accepted and thought I would have a busy couple of days learning about the law and procedure of the tribunal. Alas, that was not to be. I was ushered into a shiny white hire car from outside my chambers about half an hour later. I was then driven to Bridge Street and the car stopped outside the offices of Diamond Pesiah, where I was informed by my driver, that we would wait for the arrival of my instructing solicitor, Mr Gotis-Graham, who would then presumably bestow upon me a brief. After 45 minutes of anxious waiting in the car, Mr Gotis-Graham appeared with armloads of folders, some for me and some for him. Once we were safely travelling on our way, the frightening truth was revealed. We were travelling to Concord Hospital where we would be taking evidence of a plaintiff in extremis, before Arthur Leslie QC, as a commissioner for the Tribunal.

I was told by Mr Gotis-Graham, to read the brief so as I would be prepared to start cross-examining the plaintiff shortly after our arrival at the hospital. Thus arose one of the greatest dilemmas I had experienced in my short life at the bar. This was a solicitor who briefed the leaders of the dust practitioners on my floor, Jim McIntyre, Tony Bartley, and Brian Ferrari. What a fantastic opportunity for a baby barrister. I knew precious little about dust litigation, and therefore I really needed to start reading the brief. However, the thought of vomiting all over my instructing solicitor, the brief, the driver and the shiny white car, was too frightful to think about, so I had fess up about my inability to travel in a motor vehicle and read, without vomiting.

We travelled the remaining distance to Concord in silence. I will not

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continue with what happened at the hospital, save as to say, the evidence was taken at about 4pm and the cavalcade returned to 131 Macquarie Street, for a further hearing before President O'Meally. It was dark outside and the assembled lawyers entered the courtroom for further directions. The matter was adjourned to see if the parties could try and come to a resolution. In those olden days, there were no mobile phones and the one phone box on level 8 was the only means of communication with the outside world. Unfortunately, the phone box did not have door. I emerged from the courtroom to overhear part of a fairly loud telephone conversation from the phone booth.

Ms Segelov, as I later found out, was calling to speak to the kingpin of Dust Diseases litigation, Mr Gardiman, who remained in his office at Turner Freeman HQ in Parramatta, no doubt waiting to hear of the progress of the proceedings. I did not hear the whole conversation, however, the following statement by Ms Segelov, is seared in to my mind, "some woman called Strathdee, she's got no idea what she's doing". Never a truer word has been said.

Happily, I still have the very loyal support of Mr Gotis-Graham and after the passage of some time, that also of Mr Gardiman and Ms Segelov. I have met and worked closely with the rest of the profession that practise in the DDT and feel incredibly lucky to have done so. It is highly emotive litigation and often done at high speed. It is a credit to all those that practise in the DDT, the manner in which the cases are dealt with and the exemplary way that practitioners conduct themselves. It is a small group that I have been most privileged to work with and I thank you all for your incredible loyalty, support and friendship. I will very much miss seeing you all on a daily or weekly basis, in a far more informal setting that we enjoyed in our mediations, but I hope that

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I will still remember all our coffee orders and biscuit preferences.

Thank you too, to everyone who sent cards, messages, notes and gifts. Your thoughtfulness is overwhelming and I am so grateful for the messages of support. Thank you also to the judges of this Court, and the others, for welcoming messages and kind offers of assistance. I have no doubt I will be calling on some of you in a very short passage of time. In particular, my thanks to the Chief Judge, Judge Scotting, Judge Russell and Judge Kearns. You have all been very generous in your support and encouragement.

Thank you also to Registrar Chia, Lisa Freeman, associate to the Chief Judge, and to my associate, Nick Ainsworth, as you have all helped me enormously in making this transition. However, I can never thank Judge O'Meally enough for his enduring support of me and many other women at the bar. Thank you John from the bottom of my heart. You created this extraordinary Tribunal and facilitated the resolution of such difficult cases, either by settlement or judgment, in the most difficult of circumstances.

During my 26 years at the bar, I have been on three wonderful floors: 11 Garfield Barwick, briefly with my dad, then Elizabeth Street Chambers and finally, Jack Shand for the last seven years. I have enjoyed every floor and wish to thank all the members who have supported me throughout my time at the bar, whether it was for some expert legal advice, propping me up after a particularly hard day in court, or listening as I winged about Judge X, solicitor Y or client Z.

I would also like to thank the clerks that I have had over years: Vicki Hofman, Louise Ferraro, Alyssa Lynn, and Stephen Upton. Your kind assistance and unwavering support has been incredible and I am indebted to you all for the outstanding job you did managing me and my sometimes crazy

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practise in recent years. In particular, Vicki Hofman, my clerk at Elizabeth Street Chambers and most recently at Jack Shand. Vicki, your steady and firm hand has calmed me over some quite troubled waters, and managing to get me to the right venue at the right time for mediations, has been no mean feat. You secured me my first brief in the Court of Appeal. You wheeled the trolley up there with me to ensure I did not get lost, and calmed me down. Well Vic, it worked. I won the appeal and have maintained my 100% success rate in the Court of Appeal without a leader, by never returning on my own again. I hope not to trouble the Court of Appeal in my future role.

By moving to the bench from Jack Shand Chambers, a somewhat serendipitous event, as I replace his Honour, Judge Kearns, who also hailed from Jack Shand. The District Court has been home to Judge Col O'Connor, Judge Colin Charteris and the late Judge Greg Farmer, in whose room I have spent my last years at the bar. For rest of my colleagues at Jack Shand, many of whom are here today, I thank you. You all welcomed me from the start and have put up with me monopolising the floor conference rooms for my mediations. The support that I have received from the members and support staff of the floor has been unending and warm. I will miss everyone - the welcoming faces, happy smiles and in particular, the protective support and love I have received continuously from Terrie Crawford, Kim Caldicott and Kathy Lane. You have been both mothers and sisters to me and I would have never made it through without you. I can never thank you enough.

To my friends that are here today, thank you all for being here and I hope that you know how much it means to me that you are here and how fortunate I am to have you all in my life. To Peter, Neroli, Liz, Mark, Bronwyn, Jackie and Debra, you could not have been better friends and supporters if you had tried

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and I thank you. Bronnie, I should have known on the first day that I met you, when you knocked over a full ice bucket in a crowded underground restaurant in King Street, that the writing was on the wall. We were, at least in our minds, a pretty dynamic duo in the heydays of the Compensation Court, when you were a partner at Back Schwartz Vaughn and briefed me with your compensation matters. Since your very early retirement from legal practice, a decade or so ago, to train to play golf for Australia, you have remained my closest confidant and I would not be here today without you. Thank you.

Of course, the one person who I think would have enjoyed today more than anyone is my father, Ian. Unfortunately due to his very poor health, he cannot be present although I have visited him and told him of my news. He opened his eyes and smiled broadly. When I related to him all the things that have happened concerning my appointment, he cried - it runs in the family. I know he understands what is going on and I know he is proud of me. I am also so grateful to the close friends of dad who have rung me and congratulated me, telling me that dad would be so proud - thank you.

The bragging however, would have been somewhat of a competition between mum and dad, and mum seeing as you are here, I guess you win. You are an extraordinary woman, professionally and personally mum. Stuart and I grew up knowing every day that we were loved and cherished by you and I am so delighted that my brother is here today, and I thank you Stu, for all your love and support. Mum, you inspired to go and do whatever I wanted to do and you had faith in me. You led by example. I have always been proud of you and your amazing achievements. You gave me the best advice, and that was that you must always be able to work and support yourself and your children no matter what happened, and you encouraged my endeavours in that



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regard. Thank you mum, for everything. I love you and I hope I have made you proud.

Then to my family, Adam, Lucinda and Dom. You all know how I feel about you. Adam and Lucy, you are the sunshine in my life and you know how proud I am of you. You have suffered as children of a working mother as sometimes I could not be there. Despite that, you have handled it with grace and humour. I am still here for you and always will be. I love you both unconditionally and I hope I have made you proud.

Chief Judge, I look forward to my new role. I will hold in the forefront of my mind and deep in my heart, the Oaths I have taken today. Thank you, Chief Judge.

PRICE CJ: Thank you, judge. The Court will now adjourn.