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IN THE DISTRICT COURT
OF NEW SOUTH WALES

THE CHIEF JUDGE
THE HONOURABLE JUSTICE D PRICE AM
AND THE JUDGES OF THE COURT

MONDAY 11 FEBRUARY 2019

**SWEARING IN OF HIS HONOUR JUDGE TURNBULL SC AND HIS
HONOUR JUDGE WEINSTEIN SC AS JUDGES OF THE DISTRICT COURT
OF NEW SOUTH WALES**

Attorney General Mark Speakman SC MP on behalf of the New South Wales
Bar Association

Ms E Espinosa, President, Law Society of New South Wales, on behalf of
solicitors

(Commissions read)

(Oaths of office taken)

PRICE J: Judge Turnbull and Judge Weinstein, you both bring to this Court a
wealth of legal experience. I am sure you will make a very valuable
contribution to the Court. On behalf of all the Judges of the Court I
congratulate you and warmly welcome you both and I wish you both all the
very best in your judicial careers. Mr Attorney?

ATTORNEY GENERAL: May it please the Court. I begin by acknowledging
the traditional custodians of the land that we're gathered on today, the Gadigal
people of the Eora Nation and pay my respects to their elders, past, present
and emerging.

Your Honours Judge Turnbull and Judge Weinstein, it is my pleasure on
behalf of our State and our bar to congratulate you on your appointments as
Judges of this Court.

HIS HONOUR JUDGE GRAHAM TURNBULL SC

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Judge Turnbull, you are acknowledged as one of the best criminal barristers in New South Wales but your Honour is also something of a Renaissance man, an avid sportsman, a rock and roll son of a gun, a competitive sailor and a cattle farmer.

But above all your Honour is a humble family man devoted to Miriam, Calum and Ciara. You were born in Harborough Magna, a sleepy village in Warwickshire, England and around the age of two you migrated to Australia with Scottish parents, Jean and Andrew. You grew up in West Pennant Hills and attended the local primary school. Around the age of six you developed a lifelong love for soccer or football.

From year 5 until the HSC you attended Knox Grammar and then started a Bachelor of Arts degree at Macquarie University. In the university holidays you worked in the mines in Mount Isa and the Pilbara. Those experiences as an electrician's assistant helped shape the man you are today, tough as nails with an iron will and a strong work ethic.

Around this time the legal profession was almost cheated of your brilliant legal mind, not to the mines but we nearly lost you to rock and roll. You took off on a yearlong sabbatical with long hair and your band, Once Cheated, to tour the States supporting iconic rock groups like Australian Crawl, The Angels, Mental as Anything, Air Supply, Cold Chisel and INXS. After rocking out for a year your Honour returned to Macquarie University to play soccer. So much soccer and so well that you are a life member of the Macquarie University FC.

When you returned to Macquarie you also graduated with a Bachelor of Arts and with Honours in Law. You began your legal career in 1984 as a solicitor with Marshall and Schmidt in Raymond Terrace where you worked on

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all the matters that come past a country-based general practice; family law, workers compensation, contracts, welfare law and, of course, criminal matters as the rostered duty solicitor.

In 1985 you moved to the Commonwealth's Legal Aid office based at Bankstown and Ryde. In 1986 you moved to the New South Wales Legal Aid Commission in Sydney. As duty solicitor for Legal Aid you appeared in the diverse range of matters that ran on the busy lists in the Bankstown, Ryde, Redfern, Waverley and Newtown Local Courts. You represented clients in family matters and child welfare cases, bail matters and contested committals and hearings as well as appearing in the District Court and Mental Health hearings.

These early experiences developed invaluable skills in advocacy and insights into the nuances of representing all range of clients in the community particularly those in challenging circumstances. It may well have been that these were the early days that cemented your Honour's strong sense of passion for ensuring access to justice and representation for every person who stands before the law, even the most unfortunate, the most disadvantaged and the most unpopular.

You were exposed to the inner workings of government in 1988 when you were seconded to the Criminal Law Review Division of the New South Wales Attorney General's Department taking on responsibilities for briefing the Attorney General, drafting legislation, advising on legal reform, attending to the Attorney General on the floor of the bear pit in Parliament and writing speeches.

In 1989 you ventured back to taste life in the United Kingdom. Based in London you worked for the Special Case Work Division for the UK's Crown

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Prosecution Service. There you instructed counsel on behalf of the Director of Public Prosecutions in the Central Criminal Court, the Court of Appeal, The House of Lords and the High Court. You were called to the bar there in 1990.

Between 1990 and 1994 your Honour practised as a pupil barrister in the Queen Elizabeth buildings and then in private practice at 3 Hare Court in Temple in London. You had carriage of some of the most serious and complex matters for both prosecution and defence. You appeared in the Magistrate and Crown Courts in the Old Bailey, Central Criminal Court, English Court of Appeal and the Coroner's Court.

Your Honour made sure to balance the serious case load with a little play as well. You donned the soccer boots for Gray's Inn and for the Tufnell Park Rangers in North London. You also caught up with an old friend, Miriam when you were in London. Although you met back in Australia in 1985 when looking for housemates for a property on Cleveland Street in Surry Hills, you stayed in contact and in the early 1990s in London, well the rest is history.

You shared some great memories with Miriam in Camden and made some wonderful friends and 26 years later have two beautiful children and a loving family. In 1994 your Honour returned to Australia amid some tragic news about your mother's ill health. While both your parents have now sadly passed you keep their spirit alive by sailing your father's Catalina yacht, the Bonnie Jean, named after your mother and you've raced her in the Bench and Bar Yacht Race a couple of times and even sailed her to victory in 2006. Your parents would be extremely proud of everything you've achieved and your appointment today.

Back in Australia, your Honour was admitted to the Bar in New South Wales in 1994. You joined Forbes Chambers and took silk in 2007. You've

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worked for the prosecution and the defence, both here and abroad. You've conducted trials and sentences in intermediate and superior Courts in New South Wales, Queensland, Victoria, Northern Territory and Western Australia. You've run appeals in the New South Wales Court of Criminal Appeal and appeared before the Mental Health Review Tribunal, ICAC, various Crime Commissions, the Land and Environment Court and the Federal Court.

You've put your heart and soul into every matter that's made its way into your chambers. So much so that I'm told that your wife had to humbly request an alternative date for the birth of your first child because you were part-heard in a trial.

You've represented clients who stand accused of crimes which would test the strongest members of our community, yet you've always adhered the cab rank rule, for serial rapists, for multiple counts of manslaughter, for countless murders, for disgraced politicians, for the largest heroin importation in Australia's history including the appeal of that matter to a five judge bench at the Court of Criminal Appeal.

When one considers the gravity of the cases you've run it's no wonder that you've found such joy in your pursuits outside the courtroom and for your Honour, music is life. Rock and roll is firmly at the top of your list but you also appreciate opera and classical music and also support contemporary Australian music, an interest partly fuelled by your own interests, partly by your children's interests and partly by FBi Radio of which you're a paid-up supporter. You're also an exceptionally talented pianist and keyboard player. You can still be spotted at certain venues around Sydney playing for Blue Groove, along with some highly regarded musically talented members of the legal profession and you still haven't hung your laces for Pittwater RSL FC.

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You also shape up well on the field against your colleagues in the bar and bench soccer matches and the annual matches against your bar counterparts in Queensland and Victoria. You also enjoy the solitude of your farm, Manjara, at Oberon.

In your 35 year legal career you've proven your talent for trial advocacy beyond reasonable doubt. Along the way you've shown your passion for recognising the human side of legal matters. You're a fighter for the cause of justice and the integrity of the system. Among other pursuits you've been a vigorous advocate for improvements to legal access by prisoners. You go to the bench greatly admired by your colleagues, albeit the sentiment is that the bar has suffered a significant loss.

HIS HONOUR JUDGE RICHARD WEINSTEIN SC

Judge Weinstein, the remarks shared with me about your Honour commonly described an incredibly well-respected man of immense intellect who also has some eccentricities, the most enduring of which is your habit of bringing your beloved chocolate Labrador, Gertie, to chambers, perhaps followed closely by your Honour's love for wearing shorts any time of the day or night, in summer or winter, the only exception being if you're going to work.

Born to parents Sylvia and Lionel you grew up with your younger sister, Sally, in Montreal, Canada. Both your Honour and Sally attended the local elementary and high schools. You attended York University in Toronto and were awarded the University Scholar. You went on to study at the Concordia University in Montreal but your studies were not in the law. In fact, until the age of 30 your Honour followed a rather different career path.

You had and still do have a real love for the arts. You studied fine arts and in 1978 completed your Bachelor of Arts degree at Concordia, of course,

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graduating magna cum laude. You continued to pursue your artistic passions and moved to the University of California, Berkeley, graduating with a Master of Arts in 1979. Your Honour then obtained a Diploma in Acting from the Drama Studio in London in 1981.

With these qualifications under your belt you began the process of turning your dreams of acting into reality. Courageously and independently, perhaps for someone so far from his Canadian home, your Honour chased those dreams all the way to the shores of Australia and here to Sydney. You had some successes and starred in various theatre and stage productions, taking roles here and there.

You thoroughly enjoyed working and being paid as a waiter at the Opera House and then at the Bourbon and Beefsteak, although you also thoroughly enjoyed the Baileys there too and were no longer employed at the end of the shift. You persevered and at one stage starred in a cabaret role in Kings Cross, but sadly the acting career didn't quite take off. While this is no reflection on the quality of your dramatic talent, in hindsight the legal profession has been a fortuitous benefactor of that struggle.

We can thank your mother Sylvia for the next turn of events. She struck a deal with you. If you didn't make a successful career in acting by the age of 30, you'd go back to study the law, and of course your Honour had agreed. Without any further ado on that Kings Cross cabaret, you returned to the University of New South Wales as a graduate. You attended to a law degree with the same passion that you gave the arts. You worked as a summer clerk with Allen Allen & Hemsley and in 1991 were awarded a Bachelor of Laws. You worked as a Tipstaff for the late Meagher J of the New South Wales Court of Appeal, and that began a long friendship. You also worked as the Research

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Assistant and proof-reader for the third edition of Meagher Gummow & Lehane's Equity Doctrines and Remedies.

In 1993 you were called to the bar. You read with Brereton J, as his Honour is now known, and Noel Hutley, and joined 8 Selborne Chambers. In 1994 on a trip to New York to visit your sister Sally you met your partner Richard Benedict. It was love at first sight and you've been together ever since.

At the beginning of your career at the bar, your Honour preferred not to specialise, but rather to collect as much knowledge as possible across as many areas of law as possible, and to appear in as many jurisdictions as possible, and that you did. The earliest indications of your career at the bar pointed towards criminal practice, but you took a diverse range of matters across common law, equity, disciplinary and commercial matters. Over time you ran fewer criminal matters, but maintained a diverse practice with specialties in professional negligence, medical negligence and the law of damages. You took silk in 2011 and the same year you went into practice in mediation. Also in 2011 your dear friend Meagher J sadly died. Roddy, as you affectionately knew him, was an immensely influential figure in your life, professionally and personally. He was the epitome of a great mentor and a wonderful friend. He would be nothing short of thrilled to hear of your appointment to the bench today.

Your Honour is praised for being extremely competent and well-prepared in representing your clients. Your Honour has a talent for advocacy, although this is something your humble nature may downplay, but your colleagues say that your drama school days have taught you the fine art of stage whispers and voice projections, and how to balance these for just the right effect. And

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while the courtroom could be considered your stage, your Honour also has an overriding common sense in regard for alternative dispute resolution. Such is the success of your Honour's mediation practice that by all accounts your Honour is considered an exemplary mediator, which comes as no surprise. You're blessed with a calm demeanour and the ability to act neutrally and impartially in all dealings.

Your Honour remained at 8 Selborne for 25 years. Your colleagues old and new will miss you immensely. You've left quite an impression on that floor, quite literally. Your love of art has never diminished and rather it's blossomed, possibly with Roddy's encouragement, and in a similar vein to Roddy, who had a habit of stashing art in his chambers, your collection engulfed your chambers, too. In one account, your Honour's chambers were likened to a Turkish bazaar, with three or four chandeliers hanging low from the ceiling, that one had to duck and scramble between, and you took some pleasure in asking your visitors to take a seat, enjoying watching their bemusement as they eyed over which of the 18 chairs to choose from.

Despite running a busy practice, learning the cello and swimming every day, even in the depths of winter, your Honour has also made substantial contributions to the legal profession more broadly. You frequently delivered lectures and professional development seminars, contributed to many legal publications, including being the general editor of the Australian Alternative Dispute Resolution Bulletin. You've had various roles with the Bar Association as a counsellor on education, diversity and equality and professional conduct committees, exam working party and also a member of the legal qualifications committee of the Legal Profession Admission Board.

As an Adjunct Associate Professor with the University of New South

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Wales you've shared your knowledge and expertise across the law of evidence, Court process, civil procedure and litigation. When it comes to nurturing the careers of readers and junior barristers, you've always been more than generous in spirit and with time. You would seek to get your juniors involved in cases, introduce them to other barristers and just be there as a friend and a mentor. You devoted yourself to pro bono pursuits and charity work, and continue to support the arts and local artists. These pursuits reflect your kind heart and great sense of empathy and human decency. You bring these nurturing qualities to the bench with a powerful combination of legal acumen, rationality and a fierce set of ethics.

To each of you, Judge Turnbull and Judge Weinstein, congratulations on your appointments, and I offer you the warmest of wishes for your careers on the bench, may it please the Court.

PRICE CJ: Thank you, attorney. Ms Espinosa.

ESPINOSA: May it please the Court. I acknowledge the traditional custodians of the land on which this honourable Court stands, the Gadigal people of the Eora Nation, and I pay my respects to their elders, past, present and emerging.

I am honoured to appear before this Court to congratulate two of the finest silks of the New South Wales Bar on your appointments to this Court on behalf of the State's solicitors.

HIS HONOUR JUDGE GRAHAM TURNBULL SC

Your Honour has been at the coalface of justice for 35 years, serving first as a solicitor in a country practice, then with the Legal Aid Commission of New South Wales, and then with the Crown Prosecution Service, Special Case Work Division in London. You were called to the bar in the United Kingdom,

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where you were born, practising first at Queen Elizabeth Buildings and then at 3 Hare Court for a total of four years before returning to Australia. For the last 25 years you have practised at the bar in this State, and you take to the bench as a respected silk of more than 11 years' standing. Along the way you have taken on a raft of tough, lengthy and complicated trials which would not be for the faint-hearted, as we have heard. In conducting these trials you have frequently gone beyond the call of duty. A fearless advocate, your Honour has been driven by the truest adherence to the cab rank rule colleagues have ever seen.

Through your experience with jury trials, criminal appeals, commissions of enquiry and inquests, you have assembled around you a dedicated band of instructing solicitors. They prize your Honour's lightning recall of legislation, case law and every last detail within that brief of evidence. Solicitors describe you as a powerful orator, with packed courtrooms hanging on your every word. You exhibit a natural empathy towards all jurors, seeing them as citizens who randomly find themselves with a huge responsibility on their shoulders. You have been described as the consummate jury advocate and the jury whisperer. Your Honour never speaks down to the jury, instead carefully choose your words for maximum impact, but also maximum understanding. As a result, you are able to take the jury on a journey through aspects of evidence that expose the weaknesses in the Crown case through straightforward language.

Solicitors also value your expertise, as well as the several years you spent as the legal officer, duty solicitor and policy adviser before being called to the bar. You have one of the best understandings of DNA evidence at the New South Wales Bar, famously coining a new phrase to explain a component of DNA analysis to a grateful Supreme Court judge, allele bingo.

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A big supporter of solicitors, your Honour has spoken at many seminars, including regularly at the annual Legal Aid Criminal Law Conference. You are well known for having appeared in several of the Xie trials arising from the Lim family murders. You held the distinction in that case of successfully arguing for bail twice for an accused on five counts of murder.

In Court, it's been said your Honour has the common touch, which one exchange with the bench recorded on transcript makes very clear. Your Honour was once cross-examining a witness speaking about a DNA sample when your awareness of pop culture came to the fore. Your question to the witness was, "Kim Kardashian could be in there, couldn't she?". You are of course referring to the DNA sample. "Possibly" replied the witness. This was too much for the Judge, "Who, who is Kim Kardashian?" his Honour demanded to know to which your Honour replied quite correctly, "Well she is married to Kanye West". Solicitors recall your Honour's manner in Court as follows: Your Honour will enter a court and first greet the court officer by name, often reminiscing about a matter or a personal event in that officer's life. You will then greet Corrective Services officers in exactly the same manner, the Tipstaff or Associate and, if present, the stenographers. You also greet the client genuinely.

For instructing solicitors you are a delight to work with. You are generous with your time, often buying lunch for the team and always want to hear other perspectives. You, importantly, refrain from the common practice at the Bar of stealing solicitors' pens. However, I am informed, reliably, that you will commandeer Post-it notes by the fluorescent tree load. Solicitors say you have a wonderful manner with clients and always want to know how they are really holding up. Your dealings with people are reminiscent of the famous

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saying of Ralph Waldo Emerson's, "In my walks every man I meet is my superior in some way and in that I learn from him".

In your home at Forbes Chambers you are a tremendous mentor to new barristers and a genuine exponent of the open door policy. Your Honour really does treat everyone equally which extends to your belief that the person to whom you are speaking is equally as interested in the results of the Manly Over-45s Football Team over the weekend as your Honour is which brings me to your Honour's extracurricular passions. You pride yourself as being a "Narra" local and to you it is the best place on earth. According to your Honour the best beer is served at the Narrabeen RSL and the best football is played by people at the Pittwater RSL Football Club. That said, the backline of the "Bar FC" is no stranger to your Honour's stalwart performance and fondness for a good, hard tackle.

Not all see how worthwhile soccer, which your Honour is adamant should only be referred to as football, can be at any age. Indeed, a colleague some years ago brought his young son with him to watch your Honour in a grand final. After studiously observing you and your team mates in action for some time the boy turned to his father and enquired, "Dad, why are those old guys doing that to themselves?"

You divide your time between your rural property near Oberon where you breed Black Angus, your home on the northern beaches and Ireland where your wife's extended family live. You are devoted to your wife, Miriam, and enormously proud of your children, Calum and Ciara. As we have heard, in your early years you've traded life in West Pennant Hills for the mines of Port Hedland, often to be found hanging precariously off stanchions. You returned to Sydney, found yourself working at Luna Park before you assumed your

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identity as a long, blonde-haired keyboardist of Once Cheated and other bands I've been told reliably, Hot Vinyl Heroes, Lie Detectors and then the Darlinghurst based Sons of Guns. You were prominent in Queanbeyan and Canberra in the music scene touring New South Wales, as we've heard, in support of Air Supply, Australian Crawl, Cold Chisel and INXS, among many others.

I understand your Honour made a special appearance at a prominent birthday of Justice Hamill's recently. I further understand that you were wearing a long, Mozart-style wig and played 80's music to the appreciative guests in the presence of your band.

Now on the bench your colleagues expect your Honour will be fair, impartial, empathetic and hardworking. You will not be swayed by any forces in society that seek to influence Judges or the sentences they impose. Defendants will receive a fair trial and a reasoned judgment, informed by a well-grounded assessment of the issues at hand.

Above all, your Honour will approach your task as Judge of this Court as you have your task at the Bar to fairly and diligently apply the law to the best of your ability. I congratulate you on behalf of the solicitors of New South Wales and wish you the very best for your time on the bench.

HIS HONOUR JUDGE RICHARD WEINSTEIN SC

Judge Weinstein, your Honour has had a distinguished career of some 25 years at the Bar, specialising in mediation, coronial inquests, medical and professional negligence, personal injury, wills and probate.

As we have heard, you are originally from Montreal, your ancestors having left Kalarash, a village in southern Russia, for Canada following turmoil in what was then the Russian Empire. You graduated magna cum laude with

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a Bachelor of Arts from Concordia University before attaining a Master of Arts in Drama from the University of California in Berkeley. Your thesis was titled “Antonin Artaud and the Theatre of Cruelty”. This theoretical conception of Artaud’s imagined theatre as “a primitive, ceremonial experience intended to liberate the human subconscious and reveal man to himself”. We can only hope this morning’s ceremony approaches such a description.

You arrived in Sydney in the 1980s, attaining your Bachelor of Laws from the University of New South Wales in 1991. You contributed to the Australian Law Reports as a reporter and to the preparation of Meagher, Gummow and Lehane’s Equity Doctrines and Remedies as a Researcher and proof-reader. You served as Tipstaff to the late, great Justice Roddy Meagher AO QC who was, in the words of past Chief Justice Spigelman, “one of the most beloved Judges of our time”. It was your Honour who penned an obituary for Justice Meagher in the Sydney Morning Herald. He spent virtually his whole career on what would become your home floor, 8 Selborne.

Such is your Honour’s knowledge, inherent understanding of your cases and eloquent advocacy that you have been described as a barrister par excellence. Your practice has taken you all over the country. You are an expert in your field and a particularly skilled mediator and cross-examiner. You are hardworking and efficient and your advices have a way of being “on the money”.

For many instructing solicitors, having the opportunity to brief and work with your Honour was a personal highlight in their practice. One has said the experience of seeing you in Court was like watching an opera. The storyline and performers are familiar but there will be twists and turns, outrage, joy, captivation and melancholy, all leading to an inevitable end but one which

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leaves the viewer wanting more.

In inquests you could hold fire when necessary and stay out of things when they did not concern your client. This was in order to secure your client's interests in the most efficient, effective way. Solicitors had the highest degree of trust in their dealings with you and knew you were committed to the best interests of the client. Meanwhile, as an opponent your Honour was direct and trustworthy. Your Honour could reach out across the divide in order to ensure the smooth running of litigation and the settlement of cases and the settlement of cases. Your ability to see both sides of a case and your direct, practical approach were instrumental in achieving many negotiated outcomes in matters.

You have been an enormous contributor to the bar, serving as Chair of the Professional Conduct Committee for three years and getting heavily involved in bar education, including the Association's Education Committee. In September 2017 your Honour was appointed the New South Wales Bar Association Advocate for Change.

You joined Jane Needham SC and Hament Dhanji SC in this role. This strategic platform represents and promotes diversity at the Bar and honours the work you have done in promoting LGBTI inclusion.

In your role as Adjunct Associate Professor at the University of New South Wales where you lecture in the law of evidence you have a reputation for using interesting tales of your own experience to engage students. What some here might not know is that while at university you undertook a summer clerkship at what was then Allen Allen & Hemsley. Your assigned paralegal from that time says your commitment to educating others was apparent even then.

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Your Honour taught this paralegal the important talent of being absent from the firm while seeming like one was very much there. Now, key modules of this short course included three things: (1) leaving one's jacket slung around the chair; (2) leaving an open file and some scattered papers strewn across one's desk and, importantly; (3) leaving a hot cup of tea piping away on the table before slipping out the door. As a result football training was never missed.

What this early education belies, as we heard, is your Honour's reputation for absolute tirelessness at the Bar. In acknowledging your life outside the law, I honour the presence here today of your partner of almost 25 years, that is Richard Benedict. Friends know your Honour, as we have heard, is a keen collector of art with many an artefact, painting or chandelier taking up residence in your room in chambers. One fellow counsel described the atmosphere in your chambers after a hall as reminiscent of Indiana Jones and the Temple of Doom. Some have speculated that this accumulation in one self-contained site was in order to prevent the discovery on the home front. Your Honour is well-known for your adventurous sense of dress. You are not afraid to pair shorts with a blazer or don an asymmetrically patterned suit. You enjoy your constitutional morning swims and love walking, be it around the block with your dog, Gertie, your Labrador – he is a favourite in chambers – or hiking through Nepal with Richard.

Your Honour will be an enormously fair Judge. Your courtroom will be a place in which compassion, justice and genuine balance between parties abound. Your Honour, the life of the late Justice Meagher, to borrow your Honour's own words from his obituary, shone with the value of, "beauty, honest, humour, loyalty and scholarship and the most devoted friendship

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imaginable". Those close to your Honour, and the way you choose to live and conduct your career at the Bar, see these values alive in you. They also anticipate that these themes will animate this next chapter.

The solicitors of New South Wales warmly welcome your Honour's appointment and congratulate you as you undertake this honourable role in service of the people of New South Wales.

PRICE CJ: Thank you, Ms Espinosa. Judge Turnbull.

JUDGE TURNBULL: Family, Attorney-General, President, colleagues and friends, I note the acknowledgement of the traditional owners and I adopt those. I am going to speak quickly because next door, the 9.30 list is unfolding and most of my colleagues are probably going to have to get there.

I was told that today would be a situation where a lot of nice things might be said about me and they have. Diligent enquiry has led to a lot of details of life past and present, and most of them are true, and some of them may be true.

I am going to read this out which is something which is unique to me as those who know me know, no ex-tempering involved. So excuse me as I have my head down. I have not got a history of attending these ceremonies myself. My reply will be, I trust, really brief. Irrespective of the event, I have noted that there is that call over and my colleagues will stand there in queue patiently at security and watch the fully armed get waived through.

I am very pleased and proud to be sitting here today. My parents are not here, sadly, but my uncle Bill and Aunty Kay are. My parents emigrated from Scotland, leaving the environment where my maternal grandfather, a wood yard foreman who lost a few digits but none of those at Gallipoli, where he had fought, where my other paternal grandfather after whom I am named, a union

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man through and through, proud to be working class, sent my father to work in a factory. My great grandfather came and got my father out of that factory and said, "Son, you need to get educated". He got him a job at the Rosyth Dockyards as an apprentice electrician. Dad did well in his exams and got a scholarship to Heriot-Watt University and through hard work and sacrifice, he became an electrical engineer.

My mother was raised, like he was, in an environment of bomb shelters and privation as children in a World War. Proximity to industry, bridges and docks led to that, and there was the rationing of turn-of-the-war survivors. My Uncle Wullie had flown daylight raids over Germany. I got to know him well in later life. My grandmothers both raised and nurtured their families and worked as they must, difficult and backbreaking tasks. When the opportunity arose, they brought their family to Australia and it was not just for the weather. I was given by them these opportunities. I went to school with kilts and bagpipes, where my mother and father made it clear to me, with the breadth of opportunity available in the New World, I could be anything I wanted as long as I was a doctor - or a lawyer.

It was a summer's day like today, and the heat was rippling off the asphalt. I am sure we all remember that, and the fresh haircut which exposed my neck to the sun, when we were walking from John of Rome's in Thompsons Corner to McDonald's Bakery for a Redskin, a Musk stick, and a caramel malted milkshake, I think mum was talking about a Prime Minister or two, or a Premier or two, who were barristers, about being called to the Bar. The idea of calling, contributing to public life stuck and now I have just taken an Oath here today. They were both there - mum and dad - when I was called to the Bar by Grays's Inn. They bought me my robe, my wig, my jacket. They

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stood behind me in the photos and I was pleased and proud, mostly of and for them.

I am here today with my wife, Miriam, and my children, Calum and Ciara, and I am pleased and proud for and of them too. I am pleased and proud for them without any particular reference to myself beyond being a father and partner. I have been a trial lawyer all my professional life. I have been a private practitioner for most of it. I have done some pretty serious cases and I have done them in circumstances of significant pressure - they have loved me and supported me. They have tolerated me and taught me. For that I am grateful and they are people who in their own right, I am very proud and privileged to know. They are compassionate, intelligent and good-humoured. They are immensely engaging people with a sense of the world and its issues.

In relation to my professional life, I have had some pretty profound experiences which have arisen from being taught by some exceptional people. I am not going to talk about them in name but boy oh boy, I do remember Geoff Cleary and Darcy Leo, two Magistrates who were people in my early life who set standards of judicial bearing and efficiency, and fairness, at a time when I was learning. I have seen a lot since then and as I sat down to write this, those names did leap out. My pupil master in England, David Bate QC, a finer advocate you could never hope to meet, or a finer man. Paul Byrne, my friend and mentor, John Turnbull, my friend and mentor, both silks and then of course, there are all the advocates I have been alongside and against. All the junior barristers I see and admire. All the readers I have taught or taught me, and all the solicitors who instructed me because being a criminal lawyer is like being a bower bird, you pick things up. You throw things out. One day you just hope to be in a nice non-monochrome environment surrounded by useful

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and beautiful things like pegs. I have always thought of myself as a criminal lawyer. I do not try to place myself in any niches. I do not think that way. I have appealed. I have responded to appeals. I have prosecuted. I have responded to prosecutions. I have defended but I have worked principally with a fantastic array of fellow criminal lawyers, people who are ethical, committed, passionate, insightful and they deal with all manner of people from the community and they do so in a context where they understand only too well their responsibilities of candour, their responsibilities of kindness, their responsibilities of compassion. They implement the process and the rule of law in a manner which I know I will rely upon as a Judge, as I have relied upon them as a lawyer.

I have been proud to be a member of the New South Wales Bar and I am proud to be a colleague of the people I see here today. The business of law for the private practitioner is a challenge when every paperclip and every photocopy is yours to provide, where it is money upfront, it so often runs out, where it is phone calls and conferences with the commonly bereft and denied, the reviled, the desperate, trips to gaols to wait in line and talk through grates and screens, to take responsibility for the system's problems in crowded lifts, in front of overworked Magistrates and Judges, just because you are in the role that comes so often in public with no right of reply. And then the trial does not get on, the sentence is adjourned or the result is unexpectedly harsh. It has always been the profession, more than the money, that distinguishes us.

I went to Gray's Inn. That was an English court which took its griffin in 1590, which has as its motto, a Latin saying I cannot remember, but one which I like to remind myself of its English form as paraphrase. The bit I actually remember is, "Impartial justice... without fear or favour rules men's (I know it is

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a sign of the time) causes a right". I believe that; I am true believer and I have noticed some people seem to think that has been the case. As many of you might know, I am an earnest man. I believe in the presumption of innocence and the onus and standard of proof in a jury system that, not just in this country, has been at the core of community function and freedom. These are things which are worth preserving, maintaining and ensuring are applied. The reality is that in the world in which I moved and move now, the language of justice is our dialect. We talk about justice. We talk about rights, fairness, due process, punishment, contrition, remorse, denunciation, about mercy, about rehabilitation, about reliability, the protection of society, compassion, all that kind of stuff. When we talk about Judges we do not necessarily use that kind of language.

I am told that next year I will be the first permanent circuit Judge on a circuit involving Bathurst, Orange and Parkes. Personally, that is an exciting thing as I know that community well having scored the winner in the Burruga Derby game in 2003, and as someone who takes a bit of account of history I am immensely proud to be involved in a process of ensuring that communities have better access to justice, that they can participate more fully and reliably in the administration of justice in their community.

There will be opportunities to innovate, to include and to deliver. The first resident Judge on a permanent circuit that will service a growing and vibrant area of our State. I do not intend to comment to you the obvious in the challenges ahead. I know as criminal lawyers this audience understands the agenda for attention and reform, what has to be done better, what has to be worked out practically and legally. As society evolves, so does the common law and so does the lawyer and so do the courts. The community expects it.

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In my time as a lawyer I worked at Redfern during the heyday of the verbal. I have seen directly the consequences to Aboriginal people of the criminal justice system. I have seen it throughout my life. I have seen the efforts made by the community, by the Aboriginal community, by decent people, by the judiciary, by the law makers to try and resolve so many of those problems and I am alert to that particular challenge and I do not see anybody, any of my colleagues, walking away from it in the criminal justice system and I am pleased to be given the opportunity to help address it.

I was in England when my boss was dealing with the Guildford Four; had been there about a week. I was there when the case of Judith Ward was determined, when the Birmingham Six was determined, the Maguire Seven were being dealt with. Look them up. Old matters, terrorism matters, terrible consequences from the criminal activities but, in the end it seems, wrongful convictions, overturned years later when the forensic evidence finally became better understood and therefore impugned and the failure to disclose alibis, failure to discuss methodology, failures to disclose evidence which changed the narrative in a way which made it no longer incriminating, where people were framed, beaten and overborne.

I came back to Australia, there was a Royal Commission into the police. I have been involved in cases thereafter where vigilance is required to ensure that those errors are not repeated. It is in my memory, it was in my lifetime, and vigilance is required to ensure that those errors are not repeated where the role of the Judge in the past has led to the compounding of those injustices and where the community has been let down, not just the wrongly convicted but the community. These are things which are on my mind because I have learnt the lessons by participation.

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I have been drawn from the ranks of the profession to be a lawyer in a judicial role. I am going to do my best. I will rely upon my colleagues at both ends of the bar table to exercise the candour, the capacity, the kindness and the ethics to ensure that justice is not only done but being seen to be done. Without you the system cannot work, that is why you work as hard as you do. You do it together, prosecution and defence, as colleagues, increasingly drawn from the diversity that fuels our nation. I will miss you greatly.

Being a lawyer has been a calling, a barrister as a servant of all but none a calling, and now I am a Judge I hope to do the best I can with what I have got. What I have got has been given to me by so many. There is more to come, I understand especially from Rob Fornito, who tells me that I will be sitting tomorrow at 9.30. Thank you.

PRICE CJ: Judge Weinstein.

JUDGE WEINSTEIN: As most of you know, I do not mind public speaking.

Thank you, Attorney and Ms Espinosa, for saying such nice things about me today. Justice Bellew, who I see is here today, tells me that I must enjoy this occasion because the next time people will be so complimentary about me in public will be when I am eulogised at my funeral.

I am truly honoured to be here today. I came to this country on a work holiday in about June 1981 as a very young man having just completed some study in London. When the plane landed in Sydney, two men in shorts, long socks and grey zip up shoes came down the aisles of the airplane and sprayed the contents of a can in each of their hands into the air, presumably to fumigate me. That night I saw my first – and only – drop bear. The next day I was swimming in the ocean at South Bondi beach, I was the only one in the

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water. Strolling down the promenade were women in fur coats. I could not understand why this was so as it was about 20 degrees outside, which as most of you will know is a fine summer's day in Canada, also known as the land of the Frozen Sepo.

At once I fell in love with this country, which I would soon adopt as my home. Arriving here serendipitously was amongst the luckiest moments in a very lucky life. I look out today and see many of my friends from my earliest days in Sydney, and I am thrilled that you are here today.

I have been the object of many kindnesses of countless people throughout my legal career, most of whom, to use an excellent Australian colloquialism, did not know me from a bar of soap. I would like to acknowledge them today.

First I thank all my lecturers at the law school of the University of New South Wales, some of whom are now my colleagues. I have taught at the University of New South Wales now for the last ten years, and it has been the greatest privilege to pass on my knowledge and experience to the most charming and intelligent students of this State. I look forward to continuing that association.

I remember with great fondness today the late R P Meagher QC for whom I worked in the Court of Appeal. He taught me so much about life, and he reminded me that you can love someone even though you profoundly disagree on matters of importance and substance.

I thank my tutors Justice Paul Brereton and Noel Hutley SC who I drove crazy for an entire year, and who never once were too busy to field my thousands of questions. They taught me half of what I know today.

To each of my clerks, the late Bill McMahon, Di Strathdee, Simon Walker,

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Sally Flynn, all of whom in different ways helped me to manage my life over the course of my career, I express my deepest gratitude. To Sally Flynn, who started on the eighth floor of Selborne Chambers on virtually the same day as me, I really am not sure how I am going to manage without you.

Thank you to the solicitors of New South Wales and in particular the women solicitors of New South Wales (with a special shout out to Pamela Michael and Lynn Boyd if they are here today). They took a chance on me in the early years, bossed me around for 25 years and to the end provided me with challenging and fascinating work. My practice was the envy of many, many barristers.

I am most grateful to the members, past and present, of the eighth floor of Selborne Chambers where I remained for the entirety of my career. I cannot tell you how lucky I was to end up on that wonderful floor of barristers. They always had my back and they accepted me for who I was. There is no more loyal group of barristers in New South Wales.

To my many friends and colleagues at the New South Wales Bar, at the New South Wales Bar Association and to those who are now on the bench of various courts and tribunals, what would I have done without you and your friendship? It has been grand and you have made it all worthwhile.

The biggest thank you, of course, goes to Richard Benedict, my husband and partner of almost 25 years. Simply put, by far the luckiest moment in my life was meeting you. What a wonderful journey this has been.

Finally, and I have been waiting a long time to use this phrase, to counsel and litigants who will soon appear before me, do not come the raw prawn!

May it please the Court.

PRICE CJ: Thank you, Judge.