

**SUPREME COURT OF THE  
AUSTRALIAN CAPITAL TERRITORY**

**CEREMONIAL SITTING FOR  
THE HONOURABLE JUSTICE ELKAIM**

**TRANSCRIPT OF PROCEEDINGS**

**CANBERRA**

**9.31 AM, MONDAY, 4 JULY 2016**

MURRELL CJ: Judicial officers from other jurisdictions, former judicial officers, members of the legal profession, distinguished guests and friends of the Supreme Court, welcome to the ceremonial sitting for the swearing in of the first fifth resident judge of this court, Justice Michael Elkaim. In this  
5 NAIDOC week I am pleased that Mr Richie Allen will give us a Welcome to Country.

MR ALLEN: Thank you. I feel honoured to be here today representing my mother, Violet Sheridan, who is a traditional elder of this country, the  
10 Ngunnawal people. Someone asked me, you know, was I a little bit nervous, but I said like, "Oh no, not that nervous. Get pretty good touch judges when you teach kindergarten and preschool." Yes. So this is like a walk in the park. I look forward to Mr Elkaim continuing like that. I'd like to acknowledge his legal appointment to the Supreme Court as a significant milestone, and I  
15 understand he's well regarded in the legal community and has great achievements. I look forward to him applying his wealth of knowledge and understanding to the ACT justice system and extend a warm welcome to his family to the land of the Ngunnawal people.

20 I'd like to also acknowledge solicitor-general, Peter Garrison, other chief magistrates and justices, president of the ACT Bar Association Ken Archer, and also president of the ACT Law Society Martin Hockridge. Also I'd like to acknowledge all the other legal fraternities here today. Special guests, ladies and gentlemen, I'd like to start off by giving you just a bit of a spiel on a  
25 welcome to country.

Our tradition of welcome people is one that has been handed down by our people since the beginning on the Dreaming. Before renting someone else's country, you should announce your arrival and only enter the traditional  
30 owners of the land you walk upon when asked. The reason for this custom is to protect your spirit while you're there, but also show respect to the custodians of the land that you are entering. The Ngunnawal people, the traditional owners of this land, as with all Aboriginal people, have a great cultural heritage that we like to share with all Australians. As many of you would be aware,  
35 "Canberra" means meeting place. It's a meeting place for a lot of other tribes as well, including the (indistinct) and also the (indistinct).

For my people especially law is of great significance. It's important for us all to acknowledge and recognise our unique histories and gain  
40 understanding that our land and law is important and how the loss of land has disconnected many Aboriginal people from their law links cultural and heritage and identity. Hopefully the new system can help Aboriginal people to get those links back. Our Ngunnawal ancestors believe the importance of people getting together for the purpose of holding law, knowledge and building

relationships and to help celebrate the way that law shapes our lives.

5 I would like to also pay respects to Elkaim J and congratulate him. Because it's NAIDOC week, I would also like to apologise that I have to leave early, as I'm pretty busy like that and have many, like I said, cultural customs that I have to do as well, and that's only also pointed to my judge as well, my mum. In the spirit of the Ngunnawal people, I'd like to say something in language (Aboriginal language) In English, "Morning all. We are meeting together on Ngunnawal country. I acknowledge and pay respects to the elders. Our god  
10 Baiame is the Dreaming, so keep the pathway to the law of our ancestors alive and free." Thank you.

15 MURRELL CJ: Thank you, Mr Allen. The judges also acknowledge the traditional custodians of this land and we pay our respects to their elders past and present.

20 ELKAIM J: Chief justice, I have the honour to announce that I have been appointed a judge of this court, and I present to you my commission of appointment.

MURRELL CJ: Thank you, Elkaim J. Please sit while the commission is read.

25 MOSSOP AJ:

*Supreme Court Act 1933 commission. The Australian Capital Territory executive under section 4 of the Supreme Court Act 1933 appoints Michael Abraham Elkaim to be a resident judge of the Supreme Court from 4 July 2016.*

30 Dated 27 April 2016 and signed by the attorney-general, Simon Corbell MLA, and Minister Meegan Fitzharris, MLA.

35 MURRELL CJ: May I have the affirmation, please, and I invite you to take the affirmation.

40 ELKAIM J: Thank you. I, Michael Abraham Elkaim, do solemnly and sincerely affirm that I will well and truly serve in the office of judge of the Supreme Court of the Australian Capital Territory and that I will do right to all manner of people according to law without fear or favour, affection, or ill-will.

MURRELL CJ: Thank you. Would you like to sit and execute that document, and I'll witness your signature. I direct the registrar to take this document and enter it in the records of the court. Elkaim J, on behalf of the judges of this

court I welcome you to the court and I assure you of the support and goodwill of all your colleagues. Mr Garrison will now speak on behalf of the attorney-general.

5 MR GARRISON: May it please the court, I appear for the attorney, not in my usual role. I deliver his apologies for not being able to be here today. On behalf of the attorney, and on my own behalf, I am pleased to be here today for the ceremonial sitting to welcome our fifth judge, Justice Michael Elkaim to this court. I first wish to acknowledge the traditional custodians of the land  
10 we're meeting on, the Ngunnawal people. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. Thank you, Richie Allen, for the welcome to country. I would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

15 On behalf of the attorney-general, and on my own behalf as solicitor-general, I am pleased to join the justices and associate justice of the ACT Supreme Court, magistrates, judges of the federal circuit and family courts, Levy and Robertson JJ of the New South Wales District Court and leaders of the legal  
20 profession to warmly welcome you to your new role and to extend on behalf of the attorney-general the government's congratulation on your appointment. I am also pleased to welcome your wife, Susannah, your daughters, Natalie, Jessica and Rachel and their families, who are all here today to celebrate this occasion.

25 Your Honour's curriculum vitae is impressive with over 35 years of experience in the legal profession and almost eight as a judicial officer. I have not doubt that the court will be strengthened by having your skills and experience on the bench. Born in South Africa but raised primarily in Northern Rhodesia, today's  
30 Zambia, you completed your bachelor of laws from the University of Rhodesia in 1974. Soon after graduation you travelled to England to undertake a master of laws at the University of London.

35 At this prestigious institution you studied international economic law, the law of international institutions and the law of armed conflict, with the intention, as we understand, of joining the United Nations to do good works through that organisation. With this in mind, you also undertook a diploma in air and space law at the London Institute of World Affairs. In 1978 you were called to the bar of England and Wales. As the best laid plans often goes, your Honour's  
40 career path took an unexpected turn when you met the Australian nurse who would become your wife. In 1980 you and Susannah migrated to Sydney where you raised your three daughters and began practising at the New South Wales Bar in June 1980.

Your colleagues have described you as a person devoted to your family and faith. One wouldn't think of Australia as a place where you would be practising air and space law, but one of your first major briefs at the bar was in the Advance Airlines of Australia inquiry where you drew on your Honour's  
5 knowledge of air law during your studies, which was an investigation into a light aircraft crash that occurred in February 1980, a tragedy resulting in the death of 13 people. The inquiry lasted about 12 months and gave you a start, one would suggest a very good start, at the bar in Sydney.

10 You took silk in October 2002, practising primarily in common law, but also in criminal, family and commercial law. In your successful practice at the bar, you appeared before all levels of the court system and was also heard in this court. In 2008 your Honour was appointed to the bench of the New South  
15 Wales District Court where you have spent close to eight years presiding over a long list of cases, principally in the civil lists.

During this time you were also appointed as a deputy chair of the New South Wales Medical Tribunal. At your ceremonial welcome then New South Wales  
20 attorney-general, now your colleague, Justice John Hatzistergos, noted that you had been described as an advocate whose, "Easygoing charm could disarm unsuspecting witnesses during cross-examination to such devastating effect that an alleged injured plaintiff would happily admit they had never hurt  
themselves at all, and then thank you for asking."

25 Known for treating practitioners and litigants with courtesy in the courtroom, your associate commented that, "Everyone who comes into contact with you in the court or on country sittings respects and likes you." She also mentioned your keen enjoyment and a good story, a characteristic that is often remarked  
upon.

30 Your Honour is held in high regard by colleagues in the profession, known for your intelligence, diligence and decisiveness. You are recognised as being hard working and knowledgeable, and to possess a keenly developed sense of justice. These traits, as well as the good humour and approachable style you  
35 will bring to our court system and your Honour hopefully retain, are qualities that the attorney-general is confident will ensure that you serve the people of the ACT with distinction.

40 The attorney-general is particularly pleased today to welcome you as the fifth judge appointed to the ACT Supreme Court. Speaking on his behalf, the government is committed to improving access to justice and to ensuring that the Territory's court system serves the community's needs. The appointment of you as a fifth judge is a significant commitment made to provide the Supreme Court with the resources it needs to continue to manage it's work load.

5 The attorney-general observes that the assistance provided to the chief justice by the government and the directorate has supported the court to make substantial progress in reducing the number of long-wait cases, including delayed reserved judgments, at the same time as improving court systems to aid efficiency. We have seen significant reduction in the backlog of pending cases in the last few years under the guidance of your Honour the chief justice, and support of the other judges of the court and the directorate.

10 Civil matters pending for more than 12 months have reduced from 800 in 2009/10, to 210 in 2014/15. This is against a backdrop of a steady increase in civil lodgements over this time. Your appointment to this court, Elkaim J, will further this objective by providing increased flexibility to the court structure so that it may best meet the demands of the court and address the remaining  
15 backlog of cases in the court's criminal and civil jurisdiction.

20 At this point I would like to take the opportunity to state on the record on behalf of the attorney-general that your Honour's appointment to this position followed an extensive and merit-based appointment process, which included seeking nominations from key justice system stakeholders and the publication of public notices seeking expressions of interest and nominations to ensure that we attracted a wide range of strong candidates.

25 One of the key considerations in making this appointment was the ability of the appointee to act promptly and decisively to ensure that cases proceed expeditiously. The attorney-general knows from your record with the New South Wales District Court that this is a particular strength of yours, with your judgments there usually delivered within two weeks, and never beyond two months.

30 Your appointment, your Honour, is a testament to the high regard in which your Honour is held and a further acknowledge of the skills, experience and personal attributes that you possess and that you will bring to this bench. Elkaim J, again on behalf of the attorney-general, I congratulate you on your  
35 appointment and welcome you to the ACT and to the ACT Supreme Court. May it please the court.

40 MURRELL CJ: Thank you, Mr Solicitor. Mr Archer, president of the Bar Association.

MR ARCHER: Your Honours, distinguished guests, and I too want to acknowledge the traditional custodians to the land and to thank you, Richie, for the welcome to ceremony that you have just conducted. Your Honour, welcome to the ACT. You are no stranger to this jurisdiction and, although

personally I haven't met you, I don't think, you were before your appointment to the District Court a regular practitioner down here, and those who I have spoken to who were engaged in combat with you down here, both on your side and against you, always speak highly of the measured and the reasoned and the polite way that you conducted your litigation and, from what Mr Garrison has said, and what has been said to me, that those qualities have been reflected in the way you have conducted your court in the District Court in New South Wales.

I want to return to matters personal to your Honour a bit later, but can I pick up something that her Honour adverted to in introducing the ceremony this morning, and that is that this is the first sitting of a court with a fifth resident judge and I just want to dwell for a moment on the significance of that because, as many in the room would be aware, there has been a campaign waged for a long time, both by members of this court and by the profession, to seek to have an additional judge appointed to the Territory.

Interestingly the Canberra Times reported your appointment as a judge here, your Honour, before the profession knew the identity of the judge, and I reflected upon what was set out in the Canberra Times, and much of the history of the struggle to have a fifth judge appointed here was set out in the article, which I think may have the fingerprints of the chief justice upon it, but I could be wrong. It said this, amongst other things, and it spoke very highly of your personal attributes:

*The appointment will provide much relief to the ACT Supreme Court, helping to ease pressures on the existing four judges and associate justice. Pressure has been applied on the government to appoint a fifth permanent judge for more than seven years, including by former ACT Supreme Court Chief Justice Terence Higgins who was warning as early as-2009 that four judges were not enough to meet the court's rising caseload.*

*It was argued a fifth judge was desperately needed to ensure cases were dealt with quickly, without compromising the quality of decision-making. A backlog of cases was creating significant delays, frustrating nearly all parties involved in the court process, including victims, offenders, witnesses, lawyers and judges. The government resisting, arguing delays could be solved through the more efficient operation of the court. A new chief justice was brought in from the New South Wales District Court -*

and this perhaps is where her Honour's briefing comes into it -

Chief Justice Helen Murrell, who implemented changes including a new system of intensively listing criminal trials. Since then there has been considerable reductions in the backlog. By May last year just 45 cases, or 15 per cent, had stretched out beyond 12 months.  
5 That is a significant reduction on 2011 levels of 169 cases, or 28 per cent which were outstanding for more than a year.

The attorney was quoted, and repeated things that Mr Garrison has just said about your capacities on the bench in New South Wales, and notes that the  
10 selection was a competitive one. The attorney said this:

*He brings the temperament, the skills, the intellectual capacity that's needed for the important role of a Supreme Court judge. I am confident he will discharge his duties very effectively.*  
15

Can I say on behalf of the profession, and I think I speak for both arms of the profession, that the appointment of a fifth judge to the Territory is a welcome one. It will give the court greater flexibility and capacity to deal with its increasing workload, and the many attributes that your Honour has will be  
20 important in having the court deal with its body of business in a timely and efficiency way, and we welcome you on that basis.

Now, in relation to matters more personal to his Honour, I took the opportunity of introducing myself to your family before you came down to court, and I had  
25 read something about your children before rising to speak about them, and I understand that your wife Susannah may be known to the chief justice as well from times past. Clearly there is in your children great talent, and in my researches for the preparation of this speech I discovered that Rachel, for example, is a very good swimmer and towards the end of 2014, I think at the  
30 end of that year, swam the English Channel no less. Now, I asked her whether or not you had the same capacities as a swimmer, and to summarise her perhaps unfairly, she said that you couldn't swim out of sight in a week. She said tennis was more your bag. I understand outdoors matters are a passion, and that walking and riding are interests that you pursue with great enthusiasm.

35 It was interesting to read about Rachel's swimming of the English Channel because I was looking for possible connections between her methods of relating to the world and your Honour's, and in preparation for her swim she apparently, so her blog tells me, undertook a number of quite lengthy swims to  
40 prepare for the English Channel. One of them was a swim from Hamilton Island to Airlie Beach, or perhaps the other way around, was it? I don't know. I looked that up last night. I look at Google maps. There's about 26 Ks between those two. Now, I'm with your Honour. I can't swim out of sight in a week either, and I was amazed and amused by Rachel's description of

that particular swim. She said this in her blog:

5 *In between the start and finish there were a series of ups and  
downs, swings and roundabouts, ebbs and flows. I may or may not  
have chucked a Linda Evangelista and said something along the  
lines of "I don't get out of bed for less than 30 kilometres." A  
notable down was when I all of a sudden got irrationally pissed off.  
Swimming about 25 metres to the left of the kayak I was sick of  
swimming alone and wanted some company. Unfortunately my  
10 rate coincided with a food stop, and boy did I let me feelings be  
known. Let's just say Rob (paddler) didn't leave my side after that.  
Highlights: finding a rhythm and body roll like a boss, travelling  
fast near to the shore and just feeling awesome belting out I  
Dreamed a Dream by Les Mis and surfing the face of the giant  
15 swell. Whew. Lowlights: getting angry. What di I learn: I get  
angry.*

20 The blog also records her swimming of the Channel, and I think your Honour  
was there to witness the event, and it was an amazing feat. In seeking out  
information about you I asked the Sydney barristers who frequent our  
chambers things about you. "What's he like?" "He's a really nice fellow," and  
everybody I spoke to said exactly the same thing. "Is he interested in the  
theatre?" "Yes, very keen." "Is he a traveller?" "Inveterate" was the word that  
25 was used. And in respect of his daughters it was suggested that he accepted the  
appointment in the ACT to get one up with them, and that his wife is a person  
who provides him great support and who, as I've indicated, is known to the  
chief justice as well.

30 I looked for a story that said something about your Honour. Some were  
prepared to tell me stories but they promised that I wasn't to repeat them. You  
were described as a prankster who enjoyed a joke, and that his Honour Levy J  
was a fellow in chambers who also enjoyed sharing a joke. But somebody told  
me a story that said something about the man perhaps. It's a funny story, I  
35 think. You were on the road away from Sydney in a country spot and in the  
best traditional of the bar, I don't know if you personally were responsible, but  
the case had been estimated to last two days and it was looking that it was  
going to last a week. Your instructing solicitor had not prepared appropriate  
and was under-resourced so far as smalls and shirts were concerned, and he  
was living in digs that weren't perhaps as grand as yours, although in this  
40 particular environment I don't think yours were particularly grand either, and  
it's said, although this may be apocryphal, that he presented at your door one  
night with smalls in hand and with dirty shirts in hand as well.

He knocked on the door and you answered. Your Honour is alleged to have

said, "Well, what can I do you for," and he said, "Well, can I use your bathroom? I need to wash these smalls and these shirts." Your Honour said, "Don't worry. Just leave it to me. I'll do them" - I take that back. I think your Honour said, "I'm happy to do your shirts," and for the duration of the  
5 case, and it went on for some period of time apparently, each day the instructing solicitor would bring a shirt to your hotel room, it would be washed and ironed and be available for him the following morning.

10 Now, that sideline, your Honour, could be utilised in the Territory, I think. The standard of dress sometimes at the bar tables here, jabots in particular, suggest that they could be washed more often. So perhaps if we could come to some sort of standing arrangement with your associate as to used jabots being brought to court and your Honour will no doubt see to their starching and their ironing.

15 Your Honour, it is a tradition of this jurisdiction that a judge is welcomed by a party and perhaps even fireworks. So can I indicate to your Honour that there's a bus leaving outside the court this afternoon at about 5 o'clock. It will take you and those who are prepared to accompany you to, I understand, the  
20 American Embassy who are putting on a do for you today. Your Honour, welcome to the ACT. Welcome to the court, and the bar formally welcomes you as the new judge, the new fifth judge of the ACT. May it please the court.

25 MURRELL CJ: Thank you, Mr Archer. Mr Hockridge, president of the ACT Law Society.

MR HOCKRIDGE: Thank you, chief justice. May it please the court. I too acknowledge that we meet this morning on the ancestral lands of the  
30 Ngunnawal people. I note their strong and enduring cultural heritage. I pay my respects to their elders, past and present. I am privileged to represent the ACT Law Society on this celebratory occasion. The society has over 2200 members, private practitioners, government lawyers and legal assistance sector solicitors.

35 But it also the case that I have the pleasure of representing the Law Council of Australia as a director of the Law Council. The president, Mr Stuart Clark AM, is away overseas; he sends his apologies. The Law Council, as you know, is the nation's peak legal representative body. It's membership  
40 comprises the country's law societies and bar associations as well as Law Firms Australia, who used to be known as the Large Law Firm Group.

So on behalf of the profession both within and extending beyond the borders of the ACT I am very pleased to welcome you, Elkaim J, to the bench of the Supreme Court of the Australian Capital Territory. This court gains for itself a

fine, tried and true judicial officer. Your Honour will no doubt master all that is involved in this new role, as you have done with previous appointments. You have demonstrated as a judge of the District Court of New South Wales that you will bring with you a keen appreciation of justice, together with a  
5 commitment to equality for all before the law. The ACT will benefit greatly from your broad experience in common law, in particular, equity commercial law, criminal and appellate matters.

10 As is usually the case at these ceremonies, the earlier speakers have outlined your biography and listed some of your achievements. I turned in prepared for this occasion to that well-known research assistance, Google. Nothing controversial or salacious, I might say, although I will return to that. But I have discovered that there are others who share with you your name.

15 So unless you're a bit of a moonlighter, there is a Michael Elkaim in Hollywood and another one who is an inventor of an Internet shopping portal. Another is a company director in the city of London, who may still be crying into his warm English beer, I fear, first in despair of the Brexit result, and then as a result of Icelandic heroics in a certain football tournament. As for the  
20 salacious, I learned that in your previous life on the District Court you became an expert in what is to me the enigma of the Twittersphere, having decided a defamation case involving publication on Twitter and Facebook of some rather unsavoury material after a relationship break-up.

25 We also like our judges to show commonsense and to be able to draw mental pictures in their judgments. I was interested to read, for example, of a case you heard where a shopper slipped on a wet disabled sign in a carpark. Your Honour sagely observed:

30 *A pedestrian, be it on a road or a carpark, should not be expected when it's raining to avoid painted areas on the road surface. To do so would create an absurd, if not comical, picture of pedestrians hopping over and around road markings when it's raining.*

35 Speaking of comical, counsel who I have spoken to who have appeared before you, have noted your very good sense of humour, always a great asset in a tense courtroom. We look forward to experiencing that first-hand.

40 As third speaker I have been rather gazumped in my next comments because I too was going to talk about what the New South Wales attorney-general said at your swearing in in the District Court. So I will move on from that. We offer as warm a welcome as we can, given your arrival in early July. Canberra, despite its occasionally forbidding weather, is quite a welcoming place. As you settle into our fair city I am sure you'll find any number of locals who will

share with you their favourite coffee shops, cafes, restaurants, cycle routes and hiking trails. I have understood from reading the New South Wales Bar News that you are both a squash player, and indeed the winner of the best and fairest trophy in 1991, as well as a tennis fan. So no doubt we will be seeing you on Territory courts of a different variety.

The legal profession in the ACT, as Mr Archer has outlined, has long advocated for the appointment of a fifth resident judge, and we are delighted to see you join the other four justices and associate justice of this court. The court has been constrained by a lack of judicial resources in recent years, and that has resulted in a backlog of cases and problematic delays in handing down reserve judgments. Those issues are being addressed, but your appointment will help with the efficiency of the court and ensure increased access to justice and timeliness.

As you have been told and, I am sure, have noticed yourself by now, the court building is being redeveloped. In your time on the District Court bench you will have seen many of the small towns in New South Wales with their beautiful old courthouses. Canberra's Supreme Court building perhaps lacks some of the Victorian era gravitas, but it has an important history and charm all of its own, and you and your fellow judges will have the opportunity of watching at very close quarters the next phase of the building's life unfold.

The profession congratulates you on your appointment. We trust you and your family will enjoy your move to the ACT. We look forward to appearing before you, and establishing with you the productive and collaborative relationship out of the courtroom that we share with the other judges of this court. May it please the court.

MURRELL CJ: Thank you, Mr Hockridge. Elkaim J, would you like to respond?

ELKAIM J: Thank you. Thank you, Mr Allen, for your welcome. I acknowledge the Ngunnawal people as the traditional custodians of this land, and I pay my respects to their elders past and present. Chief justice, your Honours, Mr Solicitor, distinguished guests, members of the legal profession, family, friends and colleagues, thank you for coming to my swearing in. Thank you, Mr Solicitor, Mr Archer and Mr Hockridge, for saying so many nice things about me.

The many people here and the words that have been spoken have truly made me feel quite humble. I appreciate Australia is currently awash with humility, but I do really feel quite overwhelmed by your present. In addition to thanking you all generally, it is necessary to make some specific acknowledgments. I

thank my wife for being here. She has had some tough times recently. I thank my daughter, Natalie, and her daughter, Ada, who have come from London. I thank my daughter, Jessica, who has come from Singapore, and my daughter, Rachel, and her partner, Michael, who have travelled from Sydney.

5

I am particularly pleased to see some of my fellow District Court judges here and also members of the New South Wales Bar. I especially note the presence of my pupil master, Dennis Wheelahan, of Her Majesty's Counsel, who inspired me to be a judge for more than six months. I also thank sincerely

10 friends who have come to support me just because they are our friends.

May I begin by saying that I like Canberra, as does my wife. It is very cold, but I have a decent coat, gloves, a scarf and a hat. I often came here to run cases as a barrister, and always enjoyed it. I was always impressed by the

15 welcome shown to me by the court and by the local solicitors and barristers. I cannot of course say why I was chosen for this appointment. I'm sure the reasons included my performance as a District Court judge in New South Wales. In that position I did my best to be fair, to listen and to make timely

20 decisions.

20

I was only able to do that because of the environment in which I worked. The environment included a chief judge always concerned for the welfare of his judges, the friendship and advice of other judges, and the support of staff. I am looking forward to making friends in Canberra, to working under a chief

25 justice who has established a reputation as a sound leader of this court, and to work with my colleagues and staff in the hope of being a good Supreme Court judge. I add here that I am very grateful for the welcome and assistance I have received in my preparations for today.

30

I am also looking forward to sitting as a judge of appeal. I think a system in which judges sit at both first instance and on appeal has the huge benefit of enabling the appeal court to fully understand the process that occurred before the primary judge. I am, however, disappointed that the chief justice has directed me that I am not allowed to sit on appeals from my own decisions.

35

I've often thought it would be very useful to attend an appeal from one of my decisions and be able to assist when confusion arises as to what I meant to say.

Since my appointment many people have asked me why I'm leaving the District Court, why I'm leaving my apartment in the eastern suburbs and the

40 social life that I enjoy in Sydney. In 2014 my sister received a global achievement award from Johns Hopkins University. As you have heard, also in 2014 my youngest daughter Rachel and her boyfriend, Michael, swam across the English Channel, and my father received a posthumous medal for his services to Zambia.

Over the last year my eldest daughter Natalie, while bringing up three children, has received a string of distinctions in her master's degree at the London School of Economics. At the same time my middle daughter Jessica has been  
5 leading a program dedicated to HIV treatment and training in a Singapore hospital and is about to be a guest lecturer at Singapore University. I had to do something to catch up. Accordingly when I saw the advertisement for this position I thought this is it. I immediately applied and was asked to an interview.

10

I obviously will not disclose what was said during the interview, but I would like to applaud the ACT Government for engaging in an approach which allowed for applicants to be chosen on their merit rather than by a less open process. On the subject of interview, however, I would like to take this  
15 opportunity to dispel two rumours that have been widespread since my interview for the District Court. Firstly, I did not take a chocolate cake to the interview. Secondly, when asked if I could make a decision quickly, I did not say, "Can I get back to you on that?"

20 I'm aware that the appointment of a fifth judge to this court has been debated for some time. I'm honoured to be the first fifth judge, and I hope I will justify the creation of the position. My swearing in at the District Court occurred jointly with Judge Leonard Levy. That had the benefits that the room was not empty and I did not have to speak for very long. It is not in my nature to make  
25 long speeches, so I will end now with once again thanking you all very much for your presence and enabling me to start this appointment in the knowledge that it rests on so much goodwill and encouragement. Thank you.

MURRELL CJ: The court will now adjourn.

30

**MATTER ADJOURNED AT 10.14 AM ACCORDINGLY**