

## **Swearing in of the Honourable Justice Verity McWilliam**

*2 May 2023 at the Supreme Court of the Australian Capital Territory*

Chief Justice, fellow Judges, Attorney-General, colleagues, friends and family. I too acknowledge the traditional custodians of the land on which we meet. I pay my respect to their Elders past, present and emerging, and recognise and extend that respect to all people and families with connections to the Territory.

Thank you to the Attorney and the respective Presidents of the Bar and the Law Society for your mostly generous report card to date. It is traditional at this point to neither confirm nor deny the stories you have told. In my case, although not all of your kind words are deserved, many of the things you have said about me are true.

To the rest of you cherished people, thank you for coming today. You do me great honour by your presence here. Two pm on a Tuesday, after the school holidays have ended, was a test of your love and devotion. You all passed! I very much know the logistics in people's personal lives at that are involved in attending ceremonies such as these, particularly for those who have had to travel. It really is appreciated. And, of course, many of you were in attendance at my first swearing-in, in the old courtroom with the red cedar, part of which is now a nostalgic bench in the court foyer.

For those who have come here for a second time, welcome back. I confess to feeling a little bit of self-inflicted anxiety to say something that was either wittier or more inspiring to make the second attendance here worthwhile. Naturally, I consulted the Bing artificial intelligence chatbot, having learned about such a thing from the more techno savvy Justice Mossop down the corridor. I curiously asked it, "Could you please write a funny speech for a ceremonial swearing in at the ACT Supreme Court?" After some thought, it replied:

I'm sorry, but I cannot generate a ceremonial speech for a legal swearing in at the Supreme Court that is funny as it would be inappropriate and disrespectful, however, I can help you with some tips on how to write a ceremonial speech that is respectful and engaging.

Although I may be far from being the first woman on this Court — that distinction lies with Hilary Penfold, who is here today — I think I am probably the first judicial officer to be gently reprimanded by a droll chatbot.

As I look around, it is humbling to see judges from the Supreme Court of New South Wales, former judges of the Family and Federal Courts, old colleagues of this Court, new colleagues, members of the profession, family and longstanding friends *en masse*. In particular, my mentors and friends, President of the New South Wales Court of Appeal, Justice Julie Ward and Justice James Stevenson. Thank you for taking time to travel today. Thank you for your ongoing support and your investment in me over the years.

I am also aware that other judicial officers in the New South Wales Court of Appeal and the New South Wales District Court and the Federal Court — hello, Anna, Benny, Justin, extended family, friends, barristers and solicitors — are participating from the Sydney Peanut Gallery online.

It is lovely to see the former Chief Justice, Helen Murrell, here, as she invested considerably in my professional development from day one in the job in 2017. As my experience grew, so, coincidentally, did my jurisdiction. As well as the current resident judges, and Justice Burns and Justice Elkaim (my dear friends whom I miss every day) — they have all supported me to ensure that if and when I became a resident judge, I had the necessary experience to hit the ground running and not be overwhelmed. I watched, listened, read, consulted and soaked up as much as I could over the past six years.

That investment has been continued by the current Chief Justice. Indeed, she has given me so much advice since I first came to know her at the Bar in 2006 that she might view me more as a bit of a money pit. She has even given me love life advice in the early years such as, “If you're still attracted to dark and dangerous, you're not ready to settle down.” It is a real privilege to now be a judge forming part of the McCallum chapter in this Court's service to the community.

That feeling of pride in the Court extends not just to my colleagues on the Bench but to the registry and the library staff and to the sheriff's officers and to the Magistrates Court, both the current and the former magistrates, all of whom make this workplace environment a real pleasure to turn up to every day. This Court is going places in terms of leading the jurisprudence and the legal conversations, and I am genuinely excited to be part of it.

You have heard a little of my path to fully fledged resident judge, as some have described me in recent weeks. At the time at Canberra Church of England Girls Grammar School, as it then was, I had no appreciation that the intelligent, courageous and determined young women surrounding me were forging friendships that would see them turn up here 35 years later —

yes, ladies — along with other trusted and long-suffering friends collected through university and through various employments. We have been through so many adventures that have ranged from Potts Point to London to Botswana to Italy to weddings in Mexico, and more recently the Southern Highlands. The childhood nicknames still stick but perhaps I will casually change my name in the WhatsApp groups to include 'The Honourable' Vez.

You have heard my legal career started in 1995 at Sneddon Hall & Gallop and I had the opportunity to see first-hand how a law firm of solicitors ticks. Three of the partners for whom I worked, now directors, are still there, Richard Faulks, Gerald Santucci and Dennis Martin. As far as employers go, in the liquor cabinet of life, they were the single malt. Also at Sneddon Hall & Gallop, I also met a law student who was the part-time receptionist there, Rowena Hanby, now Blewitt. Years later, amid a weather event, the COVID pandemic and a jury trial, she was the celebrant who married Ian and me, and she is also here today with her sister.

This leads me to pause and acknowledge the work of solicitors more generally. I have worked for many; I was one myself and I am married to one of the best. They are the unsung heroes of the justice system. They have the same cases, their hours are often just as long and they have a layer of stress in dealing with clients that judges and barristers rarely experience. When a counsel in court calmly promises a document to a judge or an opponent in the middle of a hearing, it is the solicitor sitting behind who silently leaves the courtroom to put the wheels in motion. I take what is one of the very few opportunities to recognise the collective service of that profession today.

When I finished my law degree at the ANU, as you have heard, I went to work as an associate first for Justice Mary Finn in the Federal Court in Sydney, in the Family Court, and then Justices Beaumont and Rod Madgwick in the Federal Court in Sydney, and I take great delight that Mary is here today and that Rod is watching online. They have been so influential in the type of judge that I have become. Because of the nature of the work and the reliance a judge places on their associates, the bond between a judge and associate is very strong. Their counsel and friendship through the years has been invaluable and at times, life changing, for me.

As a light-hearted example of tacit influence, Justice Madgwick was known to enjoy the dead parrot sketch from Monty Python. His then associate, Daniel Tynan, now of counsel, who is also here today, went to great lengths, with the assistance of his mother, to create a diorama of the judge in chambers, and it included a parrot in a cage as a reference to that sketch.

Last year when I was drafting a judgment, I found myself referring to a Pythonesque exchange in cross-examination. There was debate in chambers as to whether it was appropriate to use such a description. I was reassured when research by my associate disclosed that Justice Gageler had, in fact, used the same word in a High Court judgment some years earlier. My associate later gave me a parrot pencil puppet for Christmas. My first reaction was to laugh and my second reaction was to think, "Uh-oh, I've turned into Rod".

I now have almost six years of my own associates, many of whom are here today or watching online. I won't name them all, but they have worked tirelessly for me and become part of my family both for their year of employment and beyond. Even some of those who were working for other judges were at various times co-opted into working in my chambers down the corridor, and I thank you all for your tremendous support that you've given over the past six years and again beyond.

There is an impressive sea of black in the courtroom. I am busting to just come and hug you all. Thank you for coming. Looking back, the work, the volume, the intellectual rigour; it's Herculean what barristers are required to do sometimes, it really is. The magicians who keep us all going are the clerks. Three of those clerks are either here today — hello — or watching online. They are Nick Tiffen from 7 Wentworth Selborne; Michelle Kearns on Martin Place Chambers; and Di Stratthdee from the Tenth Floor, along with Emma Hoolahan and all the Tenth Floor members who are also watching on the live stream.

I describe these particulars clerks as old-school clerks. They give their all to the job and to the barristers that they supported. I cannot fault their loyalty, their service and their friendship over the years. Thank you again for supporting me, along with my first bookkeeper, Victoria Bradshaw, who made sure that I kept up to date with my records and paid my tax in the short term and thus helped me be in the running for judicial office in the longer term.

Otherwise, the life of the barrister is a lonely one if not for the camaraderie of the other barristers in chambers and the support they give each other along the way, intellectually, emotionally and psychologically, from those in my readers group to those who are more senior silks and who mentored me along the way. I mentioned a number by name at my last swearing-in, so I will not repeat myself, but trust that you are still acknowledged and appreciated. Some of you are here today and many could not make it due to the time, but I am grateful for the efforts you have each put in to make me a half decent lawyer over the years. Thank you also for not telling the really terrible and embarrassing calamity stories to the speech givers today.

Of course you can do nothing about the stories that I have generated since returning to Canberra, and predominantly I look to the local Bar regularly appearing in my court for those stories, suffering my constant interjections to make sure I really understood the argument with good grace and patience. I know that I am no picnic to appear before but I have received the most lovely and moving notes from members of the profession upon my appointment and I will add that I have received today the most lovely flowers from individuals and from chambers. It really is very, very special.

You have heard mention of my close family. I paid tribute to them at my swearing in. Since then, the man I previously described as the calm in my storm, the zest in my day and the class in our double act, has for six years split his life between Sydney and Canberra so that I can do this very demanding job that I mostly love. Thanks, honey. It comes at even greater personal cost now that we have Genevieve in the mix, now three and a half, part angel, part hurricane, who is accustomed to sitting in the antechamber, as she is now, watching Teletubbies and counting the rabbits on Vernon Circle while I conduct the business of the Court. She and her cousin, Immy, are part of the excitement with their very own security escort in my beloved sister Dimity and brother-in-law, Ed O'Leary.

And alongside them are my brother, Tristan, my Aunt Charmaine and Uncle Owen and my cousins watching online, all pitching in, showing up and keeping each other on track. Collectively, we manage a kind of harmonious bedlam. Ian and I could not do all that we do without my parents, Felicity and Andrew, now renamed simply as the collective Grammy-Grandy. Many a judgment, and even this speech, would not have been written without the village support that we are fortunate to have from you both every day.

I have also drawn into the craziness Ian's mother, Lenore, who is here today, his two children and his siblings, one of whom, Andrew, is here today with his partner, Lisa. What could have been a disaster is actually a daily triumph and I am so grateful for the support and care that I receive.

Which brings me to life as a judicial officer and working parent, often single working parent. One of the first messages I received when the news of my appointment started to filter through was a reference to mum life goals. I have to say it was no part of any grand plan in my life to be a mother of a young child, serving the Territory, in such a demanding job. It is exhausting and many of those appearing before me know that sometimes, more often than not actually, chaos reigns, but I think there is a tangible benefit when litigants and those serving the courts can see a judiciary that is truly representative of their life experience.

One of the aspects of the diversity to which we all aspire and which we laud when we achieve is recognising that in order to support diversity, we might have to accept that people need to work in different ways and to be more flexible about that. It took a pandemic to move the legal profession in that direction. Now that it has moved, we must keep going. Judges are always looking for ways to make it easier for people to access the court and to run their cases at a cost proportionate to the dispute. Whether that is through technology, education or systemic change, I look forward to being part of that conversation.

Finally, for those looking for a hint of judicial philosophy at this swearing in, I have said that I wanted all those who appeared before me to know that they had been heard and that they had been listened to. Many litigants and counsel over the years have told me that I'm living up to that promise. Can I go one step further now, and say that in addition, I think we, as judges, have an obligation not just to understand and apply the law ourselves and to impartially decide cases in a timely manner, but to explain, to educate and to help others to understand it. Fundamentally, law is about regulating the society in which we live and that very much depends upon the community accepting the legitimacy of the law in the way it is made and applied. So, the more people that understand what is going on in our courts and in our justice system, the better. Things like the colourful metaphors and analogies that I use in my judgments and public speeches to the profession and the wider community are the various tools available to engage and educate the community. Access to justice means not only reducing the barriers in coming to court, but delivering a product that people can understand when they get here.

I pledge to do that for the ACT community, in this role, every day. Thank you for your attention.