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## **SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY**

**THE HONOURABLE CHIEF JUSTICE McCALLUM**  
**THE HONOURABLE JUSTICE ELKAIM**  
**THE HONOURABLE JUSTICE MOSSOP**  
**THE HONOURABLE JUSTICE LOUKAS-KARLSSON**  
**THE HONOURABLE JUSTICE KENNETT**  
**THE HONOURABLE ASSOCAITE JUSTICE McWILLIAM**  
**THE HONOURABLE ACTING JUSTICE REFSHAUGE**

## **CEREMONIAL SITTING**

## **ON THE SWEARING IN OF JUSTICE BAKER**

## **CANBERRA**

**9.34 AM, FRIDAY, 25 NOVEMBER 2022**

MR SHANE RATTENBURY, Attorney-General, appeared.

MS REBECCA CURRAN, President of the ACT Bar Association, appeared.

MS FARZANA CHOUDHURY, President of the ACT Law Society, appeared.

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THE CHIEF JUSTICE: I acknowledge the traditional custodians of the land on which we meet and pay my respects to their elders past, present and emerging. Welcome all to this joyous ceremony for the swearing-in of Justice Baker. I would like to begin by thanking Uncle Billy, proud Ngunnawal and Ngambri man, to do the welcome to country. Thank you, Uncle Billy.

MR TOMKINS: Thank you, Belinda. Good morning judges and magistrates, and other distinguished guests in the room. My name is William Tomkins. I'm known in the community as Billy T. I used to be a radio broadcaster back in the day, and I have travelled all around Australia working in different radio stations, indigenous radio stations like TEABBA Radio up in Darwin; CAAMA in Alice Springs; for Triple A in Brisbane; Sydney and then back here where it all started at 2WX Community Radio back in 1989.

I'm a proud Ngunnawal/Ngambri man. It's taken a while for me to know who I was and where I came from. Like a few people know, I was taken away when I was a kid, brought up in Mittagong's boys' homes and I spent my childhood there and my teenage years, so eventually leaving Mittagong in 1983. So, and then, you know, travelling around and finding myself and stuff like that, so. I have never sat in a courtroom full of judges and magistrates before this huge, and especially in a witness seat. All I can say is, I didn't do it.

Anyway, I love where I work and I thank Michelle Abel, my boss, with the Galambany Court. She brought me on board because of lived experiences, and, you know, I'm proud to be in that courtroom with other elders, and Magistrate Thompson there, Thomas – Hopkins, sorry, and you know, and when we have our clients come in and, like, we try and keep them out of jail, you know? But we always give them a stern word that, you know, 'You can't keep doing this, and it's got to stop'. So, you know, I love being in that position to help, try and help my fellow indigenous Australians to stay out of jail, and, you know, get on the right footpath, you know, for their future.

But we're here today for Belinda, and to, you know, swear her in, and so on behalf of my elders, past, present and emerging, and my father, Harold Crow-Williams. Welcome to Ngunnawal/Ngambri country, and I'll sing a song. This is a – it's about the Ngambri/Ngunnawal country. It's about the Murrumbidgee, the buru, the kangaroos, yukumbruck, the black crow and the Murrumbidgee River and everything that goes with it. Welcome.

**WELCOME TO COUNTRY** **[9.45 am]**

Welcome Belinda Baker. Thank you.

THE CHIEF JUSTICE: Thank you, Uncle Billy, that was beautiful.

5 MR TOMKINS: Thank you.

THE CHIEF JUSTICE: Justice Baker.

10 BAKER J: Chief Justice, I have the honour to announce that I have been appointed a judge of this court. I present my Commission.

THE CHIEF JUSTICE: Thank you. Please sit while the Commission is read.

15 THE ASSOCIATE: Supreme Court Act 1933, Commission. The Australian Capital Territory Executive under section 4 of the Supreme Court Act 1933, appoints Belinda Baker as a resident judge of the Supreme Court commencing on 25 November 2022. Signed Attorney-General, Shane Rattenbury; Chief Minister, Andrew Barr; and dated 21 November  
20 2022.

THE CHIEF JUSTICE: Registrar, could I please have the oath. Justice Baker, I invite you to take the oath of office under the Australian Capital Territory Supreme Court Act 1933.  
25

BAKER J: I, Belinda Baker, do swear by almighty God 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. So help me God.  
30

THE CHIEF JUSTICE: And I invite you to subscribe to the oath and I will witness your signature. Registrar, could you please take this document and enter it in the records of the court.

35 Justice Baker, on behalf of the court and on my own behalf, I give you my warmest welcome to the court. I know that you will serve the people of the Australian Capital Territory well and we look forward to working with you.

40 BAKER J: Thank you.

THE CHIEF JUSTICE: Thank you. Mr Attorney.

45 MR RATTENBURY: Good morning, Uncle Billy. Thank you for your both warm welcome and your sharing of personal insights and culture with us here this morning. I think it is especially important on days like today when we meet for ceremonies in places of justice that we pause and consider the acknowledgement of country and how important it is to make sure that we do

right and be just with respect to First Nation's people who are so disproportionately affected by our justice system.

5 Chief Justice, Chief Magistrate, the ACAT President, members of the ACT judiciary, members of the New South Wales judiciary who have joined us today, colleagues, welcome to everybody here this morning. It is my pleasure to join you here today, and it is my particular pleasure to welcome Justice Belinda Baker to this jurisdiction.

10 Ms Baker joins us from New South Wales, a jurisdiction where she has enjoyed an illustrious career spanning more than 20 years. Her career as an advocate has been far-reaching and during that time she has had the opportunity to practise in several areas of law, the focal points of which have been her twin interests in criminal and constitutional law.

15 More recently she has focussed on criminal prosecutions, serving for several years as a Crown Prosecutor with the New South Wales Director of Public Prosecutions. Immediately prior to her appointment, Ms Baker was Deputy Senior Crown Prosecutor.

20 We are grateful that Justice Baker has decided to join us here, and I'm sure I speak for the ACT legal community when I say that we very much look forward to having the benefit of her considerable insight, acute expertise and capacity to manage complexity as we navigate the inevitable challenges that  
25 lie ahead of us.

Justice Baker has spoken publicly about how her desire to serve the public has propelled her career. Over the course of her many years practising, this commitment to furthering the public good has enabled Justice Baker to work  
30 in a wide spectrum of matters, including constitutional matters, coronial inquests, ICAC inquiries, administrative law matters and criminal appeals.

Ms Baker's passion for advocacy has seen her appear in more than 200 criminal appeals since 2016, including in the High Court. By all accounts  
35 and my own personal experiences, she is an intellectually curious person who, over the course of her career, has shown a willingness and enthusiasm for digging deeply into the legal matter at hand, and pulling apart its distinguishing elements.

40 The profile pieces written about her attest to an individual who has a vast appetite for knowledge, wide-ranging interests both within and without the law, and a rich and treasured personal life. I feel it fitting to say that I have received a lot of enthusiasm from the legal community about Ms Baker's appointment which has come alongside enthusiasm and praise for the other  
45 appointments we have made this year, namely of Chief Justice McCallum and Justice Kennett.

As a first law officer of the territory I am grateful that our jurisdiction has attracted appointees of such high calibre. Working in partnership with the existing judges of the Supreme Court, I am confident about the future of this court in your hands.

5

Aside from her reputation for legal excellence, we are also conscious that Ms Baker is an empathetic and engaged practitioner, who is both connected to her community, and cognisant of how to practise diligent and conscious leadership. Over the course of her career she has mentored and encouraged a large number of women students and lawyers.

10

The effect of mentoring and encouragement to new practitioners, particularly in the early stages of their career, cannot be overstated. At the announcement of her appointment in March, Justice Baker showed an appreciation for one of the qualities that makes the ACT Supreme Court unique, namely, that it encompasses for instance and appellate jurisdiction in both civil and criminal matters.

15

At the time, she noted that this broad jurisdiction enables the Supreme Court to fully understand the needs of the ACT community and to deliver justice that well serves those changing needs. It is our ambition, in the ACT to have a legal system that is close to, and meets the needs of, its users and understands and adapts to how those needs change. That Justice Baker is already alive to this priority of our jurisdiction is valued by the government.

20

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I have every confidence that Justice Baker will additionally be able to assist us with some of the challenge we face in the justice system here, particularly concerning the over-representation of Aboriginal and Torres Strait Islander people. I look forward to seeing what develops from her conscientious and practical approach.

30

With Justice Baker taking up her role, it brings to a close a series of appointments to our territory's Supreme Court. The face of the Supreme Court is very different now to what it was when Chief Justice Murrell retired not so long ago. This evolution of the court has brought new skills and perspectives, and the Supreme Court will now also have a majority of female justices.

35

The ACT community has been clear that the days of male-dominated positions of power in government must be left behind. In 2016, the ACT Legislative Assembly became the first Australian Legislature to have a majority female representation. Of course, this is not to say the task of seeking gender equality is done, but the fact of equality in such important positions in our community is indeed heartening.

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5 Judicial diversity is noted in the Australian Law Reform Commission's recent report, without fear or favour, has been an important explicit goal of judicial selection. Diversity in our courts ultimately serves all of us. Jurisprudence is always evolving and evolution does its best work when it has a wide and varied range of influence.

10 In every way to deliver justice and respond insightfully to the needs presenting before our courts are important goals if we are to serve our community to the best of our ability. Each of us who contribute to the legal system has a part to play in ensuring our system evolves to meet the needs and aspirations of our community.

15 It is my sincere wish that Justice Baker enjoys her time working in the territory. We all know that Canberra has so much to offer, and taking the time to explore this city uncovers many hidden delights. I warmly welcome Justice Baker to our jurisdiction.

THE CHIEF JUSTICE: Thank you, Mr Attorney. Ms Curran.

20 MS CURRAN: Thank you. Chief Justice, judges of this court, visiting judicial officers, magistrates, Attorney-General, members of the profession, other distinguished guests, family and friends. I acknowledge the traditional owners of the lands on which we meet today and thank you, Uncle Billy, for your wonderful welcome to country.

25 I pay my respects to elders past, present and emerging. I recognise the role which law played in the traditional societies of Australia's First Nation's people, the first legal systems of this country, and acknowledge that sovereignty was never ceded. I acknowledge the importance of the Uluru Statement from the Heart.

30 The Bar Association of the Australian Capital Territory urges governments at all levels within our Commonwealth to do more to achieve reconciliation, to address issues of polity, disproportionate rates of incarceration, and blighted education and employment opportunities so as to give proper meaning to the word Commonwealth.

40 It is a great privilege on behalf of the ACT Bar to congratulate you on your appointment and to welcome you, Justice Baker. Your Honour will note, I hope, my colleagues from the Bar are standing as I address you. It is a tradition that has long been adopted in New South Wales at ceremonial sittings and one that is now to be adopted here to reflect the fact that I speak on behalf of my colleagues to welcome you. We, in the ACT, are not afraid of embracing good traditions from other jurisdictions, and claiming them as our own. In fact, we are unafraid to embrace anything fabulous from another jurisdiction, and that now includes you, Justice Baker.

I would like to acknowledge and welcome members of your family who are present here today. Your husband Bruce, your children, Josh and Ellie, your sister, Heidi, your dad, Roger, and his wife, Annette, as well as Bruce's niece, Lauren, and her partner Ben. I would also like to especially acknowledge and welcome remotely your mum, Olwyn, who is watching on-line. She had hoped to be here today. I finally welcome also your middle sister, Kirsten, and her husband, Guf, and their daughters, Jasmine and Chloe, who remain with your mum.

Like the High Court of Australia, the ACT Supreme Court Bench now has a majority of women. Of course, the first superior court Bench with a majority of women occurred in the High Court when Justice Jago was sworn in last month. However, Mr Attorney, I believe your announcement of Justice Baker's appointment in March, and the majority female Bench, came first in time.

Now, I am a lawyer and not an accountant, but I believe our majority, four of six, rather than the High Court's four of seven, is statistically greater. But seriously, the point I make is to celebrate the improving diversity within the Australian courts, including our court.

Justice Loukas-Karlsson recently spoke about the importance of diversity. She said:

Diversity in the law is not something that women, or other under-represented groups, alone must fight for. Rather, diversity should be viewed as an ideal that benefits our society as a whole. It must be viewed as a strength. In particular, it is only through a diverse profession that the ranks of judicial appointments will reflect the community and only through a diverse profession that we will achieve the depth of talent needed to respond to the emerging challenges of our legal system.

Your appointment, your Honour, is the next step in reflecting the diversity that our society demands.

Her Honour Justice Katzmann said of her Honour Justice Jago, in her appointment to the Federal Court, that she was a modest woman with nothing to be modest about, as are you, your Honour. You were a lawyer with a formidable intellect, yet the most humble of people. In fact, when trying to gather information about your achievements and background from you, your Honour deflected and expressed praise and admiration of the skills of all of those around you.

You grew up in the northern beaches of Sydney. You attended Macquarie University where you obtained your arts degree with a major in psychology and your law degree with first-class honours, and you were awarded the

University Medal. I am informed that your Honour had a gap year before university, and your Honour very nearly went down the path of physiotherapy, as your career choice, a very fortunate choice for our jurisdiction. You were the recipient of the Menzies Scholarship to study at  
5 Harvard University where you obtained your Master of Laws in June 2004, specialising in public law and advocacy. The President of the Law Society will speak in more detail about your stellar and remarkable career. We had to divide and conquer your CV.

10 You have a reputation for excellence in an array of complex areas, from your advocacy, intellect and specialised knowledge in coronial inquests where you are a co-author of our bible, Waller's Coronial Practice; the Bugmy Bar Book Project; your skill and knowledge of constitutional law and native title; and  
15 of course your work as Deputy Crown Prosecutor. Your Honour has an enviable depth of practice. Your Honour is the only Crown Prosecutor I believe who is a fellow in constitutional law.

The theme that has come across from your colleagues, where there were no stories or anecdotes, per se, you are respected; you are valued as a friend, as a  
20 lawyer and a colleague; but the theme that did come across from my conversations was of your generosity. Your Honour is generous with both your time and your intellect.

25 Your Honour has served on countless committees for the New South Wales Bar Association and moonlighted on many more. Your Honour's contribution to New South Wales Bar news was significant over the years, and among many other achievements you established the regular column, 'With My Own Two Hands', which was focussing on and celebrating  
30 barristers and the judiciary who were involved in charitable activities with the aim to improve society.

Another of your Honour's many contributions to the legal community which continues is your role in the Bugmy Bar Book Project Committee. The  
35 committee comprises of judges, barristers, solicitors, psychologists, First Nation's people, with the objective of the project to provide credible and reliable research and information in an accessible form for use across jurisdictions about the impacts and experiences of disadvantage, and although initially set up for use in criminal law, specifically bail applications and sentencing, the work is expanding the reach of this resource by educating the  
40 profession, including judge.

Not only has your Honour been a committee member, but you have taken it upon yourself to provide education across Australia about the existence of the  
45 resource and how it can be used in practice. Your Honour has been involved in a vast array of Court of Appeal and High Court cases of significance as counsel. The time that has been allocated to me today does not allow me to list the cases or their significance. Suffice to say that your involvement in



cases from *Smith v The Queen* in 2001, through to *Park v The Queen* in 2021, highlight that your contribution to this country's jurisprudence as counsel over 20 years is extensive. We look forward to your ongoing contribution to the law from the Bench.

5

The true breadth and seniority of people who have consulted with you is unknown to me, but I understand it is extensive, and I'm told that on your commute from the northern beaches it often provided a window of opportunity for consultation and advice which you generously provided, provided that someone was up early enough to catch your Honour. The commute from your Honour's new location is not nearly as long. Let's hope your Honour hikes to work to enable the early morning advice service to continue.

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15 Your Honour has many other talents, and they were somewhat difficult to uncover, but uncovered they have been. Your Honour's career and academic background speaks for itself. However, your Honour's commitment to fitness, exercise and adventure sports is equally impressive. Amongst your usual activities are mountain bike riding, hiking, skiing and back country skiing – yes, that is a thing – I'm told that when Ellie was still a baby, you, Bruce, Josh and baby Ellie went off-grid, camping and hiking in the snow, and of course your Honour is an accomplished surfer.

20  
25 Not only is your Honour an active member, and I think founder of the Surfing Lawyers' Association, but it is rumoured that you have taught more than one of the judges from New South Wales how to surf, or at least tried to. Hardly surprising when, as a young woman, you represented Australia in the World Surfing Championships in Hawaii. Speaking of your high standards, your Honour studied at Harvard, and I have it on good authority that you made your daughter, Ellie, watch the Hollywood movie 'Legally Blonde', mostly so you could show her where you once studied.

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35 Sticking with the Hollywood theme, it is rumoured that your Honour was once an extra in a Hollywood-based television series filmed on the northern beaches. I will leave it to your Honour to deny or confirm that story and to disclose the name of the series.

40 We look forward to your continued influence on the development of jurisprudence and on the influence on our community that you will make, your, with your own two hands. On behalf of the ACT Bar Association, may I warmly welcome your Honour. Thank you.

THE CHIEF JUSTICE: Thank you, Ms Curran. Ms Choudhury.

45 MS CHOUDHURY: Chief Justice McCallum, other justices, magistrates, tribunal members, Attorney-General, members of the legal profession and friends and family, good morning. Thank you so much, Uncle Billy, for your

5 very warm and energetic welcome to country. I, too, would like to acknowledge that we are meeting on the lands of the Ngunnawal and Ngambri peoples and I pay my respects to the elders past and present. I extend that respect to any Aboriginal and Torres Strait Islander peoples who are present here today.

10 While I express my sorrow for the impacts of colonisation to Aboriginal and Torres Strait Islander peoples here, I am so grateful to be welcomed here so graciously and I hope that everyone here in this room does what we can to actively ensure the full realisation of equality and justice for the traditional custodians of this land.

15 On behalf of the ACT Law Society and legal practitioners of the ACT, I am very pleased to welcome your Honour as a new justice of the Supreme Court of the ACT. We have heard about your Honour's extensive and very impressive credentials from Mr Rattenbury and Ms Curran today, and I am keen to find out what show you have been on as I'd love to see you in action in other ways too.

20 But wait, there is more. We in Canberra are so fortunate to be gaining what your colleagues of the New South Wales Office of the DPP describe as an irreplaceable font of legal knowledge. Those you have worked with speak of you not just as a brilliant lawyer and prosecutor, but also as the perfect colleague.

25 You are an invested guide dog puppy trainer which I was very excited about, being a dog lover myself; an adventurous holiday goer which we have heard a little bit about from Ms Curran today; a keen noodle soup lunch companion, and I'm sure many of us here in Canberra will be keen to introduce you to all the good noodle soup places around here. There are many of them near the courts actually. And also the occasional fancy cocktail appreciator, so lots of things that add to the very glowing endorsements that we have heard this morning.

35 You have also been described as someone who is consulted by everyone, from legal clerks to senior counsel across many areas of law. You are not just known for your breadth of knowledge, but also for your sound and excellent judgment and reasoning which are all characteristics that are going to serve you incredibly well and also benefit the ACT community here.

40 There was only one former co-worker which thought it was maybe a good thing that you were leaving. I won't say who, but according to them your departure means that they will no longer be everybody's second choice for guidance. They said, "Whenever somebody calls me for legal advice, they always open with, "I tried Belinda Baker but she was unavailable", so clearly the New South Wales loss of the font of legal knowledge which you bring is definitely Canberra's gain.

45

5 On a more serious note, you were also known for the grace with which you mentor and encourage those around you and the contribution that this makes to organisational capability and knowledge, and this is something that no doubt will make an excellent contribution to the judiciary in the ACT, but also the legal profession as a whole.

10 One colleague said that you could often be spotted having breakfast with a new lawyer or law student and want to chat about anything and anything from thesis proposals to career options, and that's so wonderful to hear, and actually brings me to a very important aspect of your new role which might have been left out of the job description, but is arguably most important, which is that traditionally in our jurisdiction, the most recently appointed Supreme Court judge has the honour of undertaking the role of patron of the ACT Law Society's new Lawyers' Committee.

20 This role comes with weighty tasks like judging the Golden Gavel. It's the very funny, comedic speaking competition which we actually had very recently; and also judging for the ACT New Lawyer of the Year Award which is always an incredibly difficult task. Unfortunately for Justice Kennett, he only had a really short stint in this prestigious role, thank you very much for that, and also now hands this honour over to you. So we do really look forward to your patronage in advance, and putting your sound reasoning, excellent judgment and strong work ethic to practise outside of the courtroom.

30 It is your hard work that came up so many times in speaking to your colleagues, and I am reliably informed that your final piece of work as a Deputy Senior Crown Prosecutor at the New South Wales Office of the DPP, while you were actually meant to be on leave, was recording a podcast interview with a historical child sexual abuse survivor about his experience with the criminal justice system, and this really highlights your level of commitment; really says everything about why your Honour is such an eminently suitable appointment to this court.

35 On behalf of members of the ACT Law Society, huge congratulations on your appointment, and I wish your Honour all the best here in your new role I am not going to seek advice from you about surfing, that sounds a bit scary, but I do hope you have a wonderful time here and that you and your family – 40 I'm sure you will be really happy here in Canberra. Justice Baker, welcome and thank you so much.

45 THE CHIEF JUSTICE: Justice Baker, would you be so kind as to confirm or deny whether Baywatch is the program.

BAKER J: I refuse to be drawn on anything.

5 I acknowledge the traditional owners of the land on which we sit and I pay my respects to their elders past, present and emerging. I recognise that the land on which we sit is the land of Australia's First Nation's people who have cared for this country for over 60,000 years, and by whom it has never been surrendered.

10 Uncle Billy, I am honoured by your presence here today. Thank you so much for your warm welcome and thank you especially for your inspiring song. Distinguished guests and fellow judges, practitioners, and the academics, family and friends, and all of you who overlap in each of those categories.

15 Thank you, Mr Attorney, Ms Curran and Ms Choudhury for your kind and generous words. Thank you also to the ACT legal profession for your warm welcome of me, and thank you also to all of those who have travelled from interstate to be here today from places as far away as South Australia, and Sydney.

20 I am particularly honoured by the presence of the justices and judges of the courts of New South Wales, including the President of the New South Wales Court of Appeal, and the Chief Judge at Common Law. Thank you for taking the time out of your unrelenting court lists to travel here to share this day with me.

25 I commence my role today after what I understand to be the longest lead-in time of any judicial appointment in the history of Australian Federation. My appointment was first announced in March, some nine months ago, long enough to gestate a baby or, in my case, to produce a baby judge.

30 Justice Leeming of the New South Wales Court of Appeal has described my long lead-in time as a period of purgatory, no doubt suggesting that my soul required purification before I could carry the heavy weight of judicial office. My purgatory has certainly provided me with much time for contemplation about the role that I have just accepted.

35 The contemplation began in this very courtroom on the occasion of the swearing-in of the Honourable Chief Justice earlier this year. The court's assigned seating placed me together with some other Sydney barristers in the document. There is something very humbling about hearing the words of the judicial oath as sworn by the Chief Justice when one is seated in the dock. It was even more humbling for me to know that in a little over nine months' time I would be called upon to do right according to law to an accused who may be seated in that very same seat.

45 The task of doing right according to law requires careful adherence to legal method, particularly of precedent and principles of statutory construction.

5 The recent experience of the United States demonstrates the importance of legal method, and particularly precedent to the integrity and respect of the court. However, those words 'according to law' are only one part of the oath that I have just sworn. I am acutely conscious of the need to not lose sight of the fact that justice involves people. It's not simply translating Latin phrases. Every decision that's made in this building by the judges of this court and by the magistrates of the Magistrates' Court irrevocably affects the lives of all involved, victims, complainants, accused, plaintiffs, defendants, applicants, appellants and respondents, and the judicial oath that I have just sworn requires that in acting according to law, I do right to each and everyone of these people who come from all manner of backgrounds, experiences and histories.

15 Of course, the task of complying with each and every aspect of the judicial oath is not always easy. The experience of the Aboriginal people of this country is an aching testament of the justice system's past failures to do right to First Nation's people. Such failures have, as we have heard very eloquently from Uncle Billy, led to deep trauma, including intergenerational trauma.

20 I believe that cultural and standing and facilitating cultural connection is essential for courts to properly do right by First Nation's people. As Vanessa Edwige and Dr Paul Grave have so eloquently described, 'The intergenerational wounds that have been wrought by dispossession can only be held by cultural medicine', and cultural connection is best achieved when courts engage and make use of the experience, the lived experience of Aboriginal elders such as occurs in courts like the Galambany Court. For this reason, it is my deep hope that we can extend the important work of the Galambany Court to this court.

30 More generally, I believe that another important aspect of each and every one of those aspects of the judicial oath is for justice to be delivered promptly. My experience as a Crown Prosecutor has given me first-hand experience of the harm that's caused to all, victims, accused, witnesses and the public when justice is delayed.

40 Whilst my judicial oath is a personal one, I recognise that it will be impossible to achieve it alone, and I am very much looking forward to working with my new colleagues, in particular my fellow resident judges, Associate Justice McWilliam, and additional judges from the Federal Court such as Justice Stewart who is here with me today. Together they join compassion with a wealth of experience and knowledge across every aspect of this court's broad jurisdiction, and as Justice Kennett said at his swearing-in earlier this year, they are also nice people to boot.

45 I am also honoured to be filling the position previously, actually currently occupied by Justice Elkaim. I would say that I have big shoes to fill, except

that he hasn't got out of his shoes yet. I am glad that I will have a couple of weeks where I can have the benefit of learning also from him. Most importantly, I am particularly grateful for the opportunity to serve in this court under Chief Justice Lucy McCallum. Her Honour is an inspiring jurist who is the very embodiment of the judicial oath. She is also the most energetic person I have ever met. I suspect that the robes that I'm wearing today were given this Adidas stripe as part of the territory's secret plan to woo her to this jurisdiction. I am proud to serve under the Chief Justice most likely to win Australian Ninja Warrior Judiciary.

In her swearing-in speech, Chief Justice McCallum rightly described this court as small but mighty, and my purgatory period has given me plenty of time to consider why that may be so. My judicial colleagues, both in this and in the Magistrates' Court are a particular strength of this jurisdiction. Another strength is the ACT profession. Like this court, the ACT profession is small but mighty. You are led by two inspiring women, Ms Curran for the Bar, and Ms Choudhury for the solicitors. I look forward to working with both of you in my new role

And Ms Choudhury, I must say, I am very pleased that as the most junior judge I will be taking on the role of the Patron of the Young Lawyers. As you have heard from the Attorney, and other speeches, one of my favourite aspects of practice so far has been mentoring young lawyers, and I must say that when I heard at Justice Kennett's swearing-in that he was to be the patron as the most junior judge, I thought to myself, 'Yes, I'll get to do it for longer than him'.

You are also a profession that are committed to justice. I recently had the privilege of attending a round table discussion concerning indigenous over-representation in custody which was attended by the Attorney, the Director of Public Prosecutions, the heads of Legal Aid and the Aboriginal Legal Service and others. It was inspiring to be in a room where so many leaders of the profession were so personally committed to positive change. I'm excited to be working with all of you in this task.

] A third strength of this jurisdiction is the connection between the profession and the local universities. As you have heard, in 2003 to 2004 I had the privilege of attending Harvard University on a Menzies' Scholarship. As with many American universities, Harvard had a particularly close relationship with the profession. I was taught administrative law by the then Dean of the University, Elena Kagan who is now a Justice of the United States Supreme Court.

As a student, I, in turn, assisted practitioners both in government practice and in pro bono litigation, in particular representing prisoners in Massachusetts jails, and together with Professor Carol Steiker, working with the public defenders to challenge the constitutionality of mandatory sentencing

legislation. This kind of close connection between the profession and academia is sadly absent in much of Australia and the chasm between them operates to the disadvantage of both.

5 From the perspective of a new judge, I would like to particularly recognise the essential role played by academics, in particular, in assisting us to reconcile contradictory authorities and principles in imaging solutions to the recurrent issues that plague us. Could one of you please explain to us how the proviso should operate? And most importantly, in holding us to account  
10 when we fail to do right according to law.

Perhaps because of the physical proximity of the court to the universities, or perhaps simply because of the absence of Sydney traffic between the two, the chasm between the professional and academia is largely absent in the ACT.  
15 Whatever the reason, I am glad to be joining a jurisdiction where there are such close connections between academics, practitioners and the court, and I'm very much looking forward to working with both the Australian National University and the University of Canberra in my new role.

20 The final strength that I wish to mention has already been mentioned by the Attorney which is this court's broad jurisdiction encompassing both first instance and appellate jurisdiction in both civil and criminal matters. I am very much looking forward to working in this broad jurisdiction. Throughout my career, I have tried to avoid specialisation.

25 At the Solicitor-General and Crown Advocate's Chambers, the Crown Solicitor's Office and at the private Bar, I was fortunate to be able to practise in a wide range of jurisdictions. Any given week could see me appearing in a prosecution of a person for keeping bees without a beekeeper's permit; or as  
30 counsel assisting in an inquest, examining the adequacy of communications between police and ambulance officers; or in constitutional litigation concerning the validity of provisions of the Anti-Discrimination Act. In each of these places, I was fortunate to be supported by many talented and dedicated lawyers, particularly my tutors, Nick Owens of Senior Counsel, and now Justice Anna Mitchelmore of the New South Wales Court of Appeal.  
35

40 As you have heard over the past seven years, I have become more specialised, practising as a Crown Prosecutor within the Office of the New South Wales Director of Public Prosecutions, and as you have also heard, most of my time within that office was spent in the Appeals Unit. For my first years in that unit, I worked under Sally Dowling of Senior Counsel, now the New South Wales Director of Public Prosecutions.

45 Sally brings an elegance to the DPP which is not often seen in public practice, but more importantly, she brings intellectual rigour to every case in which she appears; an intellectual rigour which I have and will continue to

endeavour to emulate. It is often said that the role of a Crown Prosecutor is a lonely one. I have not found it to be so. At the DPP I was surrounded by colleagues, the Director, my fellow Crown Prosecutors, my instructing solicitors who each shared a common objective of achieving justice in each case, rather than a personal win. They generously shared their time and knowledge, experience and advice, and I have learned much from them, all of which will assist me in my new role. I am honoured to have so many of my colleagues from each of these places, from the Crown Solicitor's officer, the private Bar and the DPP here today. Thank you all for sharing this day with me.

Dr Heather Roberts, an expert in swearing-in speeches, amongst many other things, has advised me that one of the most important qualities of a swearing-in speech is that it should be short. She is watching on-line today and will no doubt be pleased to hear that I am almost at the end. However, before I conclude, there are some people that I do need to particularly acknowledge.

First, Justice Sackville who, when I was his associate, taught me much about justice, the importance of hard work and precision in legal thinking and writing. I have also had the privilege of working with Justice Sackville in the past year as one of the counsel assisting in the disability Royal Commission. The work of that Commission is profoundly important. Addressing the systematic issues that cause abuse, violence and neglect and exploitation of some of the most vulnerable people in Australia. It was there that I had the honour to meet Sophie, a brave young woman who gave eloquent testimony about her experiences as a young woman living with disability.

Next, I wish to acknowledge the many judicial officers who have, during my gestation period, generously given me advice on matters ranging from judgment writing to court management to how to efficiently manage my computer systems. I particularly wish to thank Justice Tony Payne for the many hours of judicial CPD he has given me, as well as the encouragement that he has given me over the last few months. I also wish to thank Dr Anthony Hopkins for introducing me to the Galambany Court, for his friendship and advice about all things Canberra, and for letting me have his associate, Abby.

Next, my friends. For a child who started life as a skateboarding, surfing and tree-climbing tomboy, in my adult years I have been fortunate to be surrounded by many women who have nurtured and supported me. Many of you are here today. In fact, a number of you are seated in the dock. I have been warned against the dangers of thanking too many people by name, but I do need to single out three for specific mention.

First, Justice Natalie Adams of the Supreme Court of New South Wales is my very good friend and mentor. She has encouraged me, supported me and



5 taught me pretty much everything I know about criminal law. She is that rare  
friend who can do everything at once, and who somehow manages to  
convince you that you can too. Like a character in a Dr Seuss novel, she can  
mentor a young lawyer whilst delivering a home-cooked meal to an unwell  
friend, whilst personally catering the court's Christmas party, whilst also  
writing a clear, definitive judgment on a complex question of law that will  
later be upheld by the High Court. She is the glue of many friendships, but  
most importantly, she's been the glue that has held me together when times  
have been hard, particularly over the last few weeks while my mother has  
10 been unwell.

15 My closest friends, Helen Roberts of Senior Counsel and Kirsten Edwards,  
from the DPP and Forbes Chambers respectively, you are two of the most  
talented counsel in New South Wales. You have been in my life now for  
close to two decades, providing me with legal advice, ethical advice, life  
advice and a notional support. I was fortunate to work closely with Kirsten  
when we were advocates at the Crown Solicitor's Office, and then with Helen  
in heading the Appeals Unit at the DPP. I am not really sure how to do  
professional life without one of you in the office next door and I fear that the  
20 ACT may find me to be a third of the person that New South Wales considers  
me to be.

25 Finally, I must turn from the document to the jury box where you will find  
the people who have most supported me in my life. My dad,  
Roger Sayers OAM, and his wife, Annette; my younger sister, Heidi; and as  
has been mentioned, my middle sister Kirsten and her husband, Guf, and  
their children, Jasmine and Chloe should be seen as virtually in the jury box  
at the moment; together with my family in law, including my niece, Lauren  
and her partner, Dan, who we are very excited to be moving closer to.

30 With them you will see my husband, Bruce, and our children, Josh and Ellie.  
Bruce has supported me through law studies, legal practice and every aspect  
of my life. He has also been a stay-at-home dad for both of our children  
since they were very young, and because of his dedication I have been able to  
35 pursue this career which I love. Bruce, I could not do this or really any  
aspect of my life with you.

40 Josh and Ellie, I'm so proud of you both. Josh is a young man who carefully  
follows the laws of government but does not regard himself as bound by the  
laws of physics whenever he skis or mountain bikes. Josh, I know that you  
will love this city with its music and its mountains. Ellie is a young woman  
with the cross-examination skills of at least a senior junior. It was her  
additional talents for written advocacy that resulted in our acquisition of  
Nigella, the guide dog puppy last year. Ellie, I know that you will also love  
45 this city, particularly its vibrancy, its art and its proximity to pony riding  
schools. Bruce, Josh and Ellie, I'm very much looking forward to embarking  
on this new adventure with you.

5 My sister, Heidi, has supplied me with mascara which she assures me will not run if I cry, but to be safe, I have left the acknowledgement of somebody very special to me to last, my mum, who has always been my greatest supporter. Whilst I am sad that she was not able to be here in person today, I am grateful beyond words that she is able to watch this ceremony on-line. I love her so much.

10 All that remains for me to say now is that I am truly honoured by this appointment and to reiterate my commitment to every aspect of the judicial oath which I have just sworn. So now to morning tea and then to work.

THE CHIEF JUSTICE: The court will now adjourn.

15

**ADJOURNED**

**[10.24 am]**