

Chief Justice, Judges and Magistrates, Mr Attorney, Ms Banks, distinguished guests, friends and colleagues

I was born and raised on the unceded territory of the Kanien'keha ka nation on the island known as Tiohtia ke, commonly known as Montreal in Canada, where my ancestors settled about 125 years ago. I pay my respects to Kanien'keha ka elders past and present, and I acknowledge their continuing stewardship over those lands and waterways which are historically known as an important meeting place for First Nations people.

As a young man I emigrated to this country and settled on the unceded lands of the Gadigal people of the Eora nation, where I have lived and worked for more than 40 years. I acknowledge the elders of our First Nations people: past, present and those coming forth. I acknowledge their unending connection to and care of the lands and waterways surrounding the place upon which we meet today. I acknowledge their living culture and its essential contribution to the diverse nation we have become on their land. It is now more than 30 years ago since the High Court in *Mabo* acknowledged what was self-evident: that Aboriginal and Torres Strait Islander people have had a continuing connection with this land from time immemorial.

Nothing in my professional career has been more rewarding than my involvement with the Walama List at the District Court

of New South Wales. I acknowledge the extraordinary contributions made by those engaged in that List: my colleagues Justice Dina Yehia, Judge Warwick Hunt and incoming Justice Deborah Sweeney, our Associates, the Aboriginal Service Unit of the Department of Communities and Justice, the Elders and Respected Persons (whose wisdom knows no bounds) and the Walama participants, each of whom who has given me insight into the dynamism of indigenous culture and its essential connection to country. That Aboriginal and Torres Strait Islanders are over-represented in our criminal justice system is well-known and tragic. What is less well-known and is cause for hope, is that some of our future leaders and elders will come from amongst those currently participating in the Walama List. I am humbled by their kindness, their sharing of culture and their tolerance of my ignorance.

Just before my last swearing in, Justice Bellew told me that I should enjoy what people said about me at that event because the next time they were going to be so publicly complimentary would be when I was eulogised at my funeral. One does not need to sit a bench of five to know that Justice Bellew's comment was plainly wrong, and I thank you Mr Attorney and Ms Banks for your kind words today. It is even better the second time around. I thank all of you for coming to celebrate this occasion with me.

As many of you know, after several years as a WAM (ie waiter/actor/model), I graduated from the Law School at the University of New South Wales, and I then came to work in this building as Tipstaff to Justice Roddy Meagher. As Justice Leeming once said to me when we were young barristers, we started our career at the top working in this building, and when we left we went straight to the bottom, only to inch our way back up.

I know this building very well. With a nod to my previous career, I quote from a well-known musical:

"I know my way around here.

The cardboard trees, the painted seas, the sounds here.

There's a world to rediscover, and I'm not in any hurry.

Everything's as if I never said goodbye."

I have lived a very lucky life. I had an exemplary legal education at the institution where I have now lectured for the past 15 years. I then worked for RP Meagher who taught me a lot about life. I read with Justice Brereton and Noel Hutley SC who taught me at least half of what I now know about the law. I then practised on the 8th floor of Selborne Chambers for the entirety of my career with colleagues whom I still call my friends. I pause to remember my friends and colleagues Peter Comans and Katrina Dawson whose lives were cruelly cut

short. I was briefed during the entirety of my career, in particular, by the women solicitors of New South Wales. I am ever grateful for the many opportunities they afforded me. Some of them are here today, and I mention only a few: Lynn Boyd, Kerrie Chambers, Melinda Conry, Eliza Faulk, Tiffany Fozzard, Cathy Hogan, Lisa Robinson and Kerry Stewart. I have been fortunate to have been a Judge of the District Court of New South Wales for the past four years where I have dedicated much of my time to learning the criminal law, which Judge Flannery says makes me equal to a reader at Forbes Chambers. I thoroughly enjoyed the time with my District Court colleagues and registry staff, all of whom welcomed me and generously gave me their time.

For many years at the bar and on the bench, I have devoted myself to promoting diversity in the law. I am happy to say that today, the bench and the bar are far more diverse than when I was admitted as a barrister in this very court 30 years ago. There is, of course, still a way to go. As a white, gay, cisgender male, I have diminishing diversity value. This is a good thing. However, Justice Beech Jones recently reminded me that I speak with an accent that is not typically recognised as Australian. I believe that I am the first Canadian/Australian to be appointed to this court, although Justices Katz and Pepper preceded me in the Federal and Land and Environment Courts respectively. Many of our citizens speak in ways that reveal

their countries of origin. I am very proud to be amongst the few to be appointed to this court who speak with a distinctive foreign accent, and I hope that the bench will continue to look and sound more like the community it serves, as it is essential to instilling confidence in the administration of justice. To paraphrase Justice Elena Kagan of the United States Supreme Court: part of what it means to be Australian is that our institutions are reflective of who we are as a people - in all of our variety.

Finally, I do not think that it is appreciated by people outside of this precinct just how much of a toll life in legal practice takes on our spouses. My husband Richard Benedict has made many sacrifices on my behalf because of my career. We have been together for almost 30 years. By far the luckiest day of my life was meeting him. It has been grand, every step of the way.

And now, to the next chapter.

May it please the court.