

**IN THE SUPREME COURT  
OF NEW SOUTH WALES  
BANCO COURT**

**BELL CJ  
AND JUDGES OF THE  
SUPREME COURT**

**THURSDAY 5 MAY 2022**

**SWEARING-IN CEREMONY OF MICHAEL MEEK SC AS A JUDGE OF THE  
SUPREME COURT OF NEW SOUTH WALES**

1 **MEEK J:** Chief Justice, I have the honour to announce that I have been appointed as a judge of this Court. May I present my Commission.

(Commission read; oaths of office taken)

2 **BELL CJ:** Justice Meek, on my own behalf and on behalf of all the judges of the Court I warmly welcome you to the bench. You have been a deeply respected member of the Bar and you will, I have absolutely no doubt, make a superb contribution to the Equity Division of this Court, congratulations.

3 **THE HONOURABLE MARK SPEAKMAN SC MP ATTORNEY GENERAL OF  
NEW SOUTH WALES:** I acknowledge the traditional custodians of the land on which we gather, the Gadigal of the Eora Nation and I pay my respects to their elders past, present and emerging.

4 Your Honour Justice Meek on behalf of the State and our Bar it is my great pleasure to congratulate you on your appointment as a Justice of this Court.

5 Today in Court we welcome your wife Jennifer, your children Elspeth and Andrew, your twin brother Matthew, your older sister Louise, your parents in law Marilyn and Paul Christianson and your sister in law Sandra and her family. Your younger brother Ben lives in the United States and hopefully, like many others, is joining us today on You Tube.

- 6 Yours was a happy, warm family when you grew up in contentment in Castlecrag.
- 7 Your father Michael worked as an educator in the Australian Navy and in the late fifties moved to IBM where he worked in business volumes analysis. Your mother Thea had started her degree in medicine but literature won over science. She discontinued her medical degree and switched to Arts majoring in English and became an English teacher.
- 8 Your childhood home was filled with bookshelves stacked with literature and history texts. Your mother could quote poets and authors verbatim with little effort. Both your parents were devoted to giving you an informed and interesting upbringing.
- 9 A trip to the refrigerator might result in an explanation of the mechanics of a refrigerator motor or a discussion on the purpose of keeping fresh food cool. A hot cup of tea might be the start of a discussion of the boiling of water or the construction of cooking vessels or how they maintain heat.
- 10 Among this encouragement and learning you were able to enjoy some of the finest writers in the English language and to develop a hearty intellectual curiosity. You knew from an early age that you wanted to be a lawyer.
- 11 You were inspired by what you saw in popular culture, on television and in the movies. But you were most influenced by the novel that has inspired so many legal careers, Harper Lee's *To Kill a Mockingbird*.
- 12 You attended North Sydney Boy's High and then completed Economics and Law degrees at the University of Sydney.
- 13 Your legal career began in 1987 as tipstaff to Peter Young J. I am told you recall this time as delightful and regard the work you did here as shaping your expertise in Equity. Life as a tippy is delightful but brief so after a year you

sought full time work as a solicitor and found the perfect spot at Duncan Barron & Co in a role that had just been vacated by the now Paul Brereton J.

- 14 You undertook a range of commercial and equity work as well as estate law, trusts and probate. You were called to the Bar in 1992 and have kept your chambers on 13 Wentworth for 30 years.
- 15 The cases in which you have appeared concern some of the most reported and easily recognised issues in recent Australian history. They include the Chelmsford Hospital litigation, the action against National Parks and Wildlife Service by the landowners involved in the Thredbo landslide and litigation against the then Roads and Traffic Authority relating to the 1991 Tamworth bus crash.
- 16 More recently you have appeared extensively in trusts and family provision cases. You have appeared in cases regarding the estates of several well-known Australians, including Lady Sonia McMahon and Bart Cummings.
- 17 In the case of the Estate of Reg Grundy you represented the daughter of the Australian television icon in a matter that dealt with questions about disclosure of property located and property transactions effected beyond the territorial limits of the Court. Although the deceased having died leaving in New South Wales sufficient property to ground the Court's jurisdiction to make a family provision order under the *Succession Act* most of his very substantial wealth appeared to be located outside Australia.
- 18 The case underscored the fundamental importance the true value of an estate holds in determining family provision applications and enforced disclosure obligations upon the administrator of a deceased estate about property and transactions outside New South Wales even though the Court's jurisdiction was limited to property in New South Wales.
- 19 Other cases did not involve such well known people but were significant for the law. One such case was *Re Fenwick*. It concerned the power of the Court

under the *Succession Act* to authorise a Registrar to make, alter or revoke a will on behalf of a person who lacks testamentary capacity. This was the first time the Court had considered the law regarding statutory will applications.

- 20 The case examined the history and problems with statutory will provisions in other jurisdictions and discussed the proper and distinct approaches to cases involving lost capacity, nil capacity and pre-emptive capacity. You appeared in *Small v Phillips*, the first statutory will appeal in New South Wales.
- 21 You have subsequently appeared for many families in similar matters. One was *Salmon v Osmond*, an appeal relating to a Family provision application where the trial judge had not given sufficient weight to a deceased's wishes as expressed in his will.
- 22 These types of matters require not only a high level of skill but also compassion and empathy when dealing with families who may be concentrating on their own interests or uncertain how to proceed when the testator has not provided adequate details to compile a will. In other cases the testator is unable to make a will because they are incapacitated by health issues.
- 23 A colleague has described your fortitude and kindness when dealing with an incapacitated client and members of the client's family who were somewhat hostile in their approach. Your colleague noted that your legal counsel was, as ever, on point but more so that your communication with your client was clear and concise. You listened carefully to their instructions and conveyed your advice in concise language that they could understand easily.
- 24 Colleagues admire your ability to make your points in Court. You are consistently described as someone who makes his case known without affectation and communicates so clearly that you are understood first time every time.

- 25 You regularly assist with the education and advancement of the legal profession through giving continuing legal education classes and talks, especially in the area of estate law.
- 26 Your Honour is also widely published. Your book *The Australian Legal System* is now in its fifth edition. You have also published journal articles such as *Grants in Administration of Deceased Estates* in the *Australian Bar Review*.
- 27 For 15 years you have been a contributing author and assistant editor for *Ritchie's Uniform Civil Procedure*. For a number of years you have given seminal CLE papers and seminars on the topics of Estates, Trusts and Wills. These include chairing the Lexis Nexis Annual Conference on Wills and Estates New South Wales, presenting numerous times for the College of Law, the Bar Association, the Law Society and various Universities CLE seminars.
- 28 You have also been involved in the Equity component of the Bar Practice Court of the New South Wales Bar Association and assisted in classes and legal workshops at the College of Law and the law faculty at the University of Technology Sydney.
- 29 Friends and colleagues describe you as a quiet man, a humble man and an extraordinarily gifted legal practitioner. You are known to be very well prepared. Your briefs are unmissable because of your dedication to the use of coloured tabs in your folders. No judge has ever caught you unaware because you can always put your hand on the right answer with the assistance of those coloured tabs.
- 30 A good friend describes your kindness and your efficiency when as his elderly father lay dying in a Sydney Hospital he called you to take one of his briefs because he simply was not able to work on it at that time. You agreed immediately and went to the hospital to pick up the file. Your friend notes that you never hesitated to provide this help at a critical time and when you returned the brief a few months later it had been thoroughly sorted, was completely up to date and had been organised with an assortment of coloured sticky tabs.

- 31 You are a devoted family man and when your children were little you were routinely in chambers very early in the morning so you could leave early and spend time with them every evening. You are a devoted Christian and have acted ex officio as Chancellor to the Anglican Archbishop of Sydney since 2013. As Chancellor you are an adviser to the Archbishop on legal and related matters. This voluntary position dates back to 1876 before there was a position of Archbishop of Sydney.
- 32 Your family life often overlaps with church activities and you find time for quieter activities if donning the maroon and white and barracking for Manly Warringah Sea Eagles can be considered quiet. You still enjoy reading, although these days your reading is focussed on the law. Your favourite book is still *To Kill a Mockingbird* and you always enjoy re-reading the book of Hebrews in the Bible.
- 33 Your family life is a happy one and I have it on good authority that it revolves around Allegro, the cavoodle. So named to acknowledge your wife's musical talents and because Allegro means fast and lively which is possibly the most accurate description of a cavoodle.
- 34 Your Honour has been determined to practise law from an early age. Your appointment today recognises your determination and your diligence and the decades of work and service you provided to the law in New South Wales and Australia. It also recognises your compassion and empathy. In the words of Harper Lee or paraphrased words of Harper Lee in *To Kill a Mockingbird* you never really understand a person until you consider things from their point of view, until you climb into their skin and walk around in it. You have displayed this fine ability and will, I have no doubt, continue to do so on the bench.
- 35 Perhaps the last words should go to your twin Matthew who noted he would be proud of you in any circumstance because of the person you are and strive to be. Your Honour I offer you my congratulations and best wishes for your career on the bench.

- 36 **MS JOANNE VAN DER PLATT PRESIDENT LAW SOCIETY OF NEW SOUTH WALES:** I too acknowledge the Gadigal people of the Eora Nation the traditional owners of the land on which this Court stands and pay my respects to their elders past, present and emerging.
- 37 I come before the Court on behalf of the Solicitors of our State to offer congratulations and wish your Honour well in your appointment to this Court. Mindful of the important role families played in your Honour's life I would too also like to acknowledge your wife Jennifer, children Elspeth and Andrew and your beloved dog Allegro.
- 38 Your Honour's ascension to this bench brings your remarkable legal career full circle having once served as a tipstaff to Peter Young J. Many of the things for which your Honour is known, the quiet demeanour, incredible intellect and determined work ethic were evident early on. I have been informed that on more than one occasion Young J had trouble getting you out the door. Your Honour would stay late until you were satisfied that the work was completed.
- 39 The former Chief Judge in Equity is modest about his impact on your legal career but he did suggest to the Superintendent of your Sunday School he might have played some small role in steering your Honour towards the law.
- 40 After being admitted to the Roll of Solicitors in 1986 your Honour would serve as a Solicitor at Duncan Barron & Co. Growing in stature under the mentorship of Stewart Cuddy. The placement was fortuitous because Duncan Barron & Co prided itself on its work with regional clients and connections with the bush. This meant your Honour often found yourself in a courtroom for country clients and it paved the way for a smooth transition to the Bar. I often say that some of our best judges and magistrates are the product of country courtrooms.
- 41 After being called your Honour thrived in the challenging and ever changing intellectual environment. Your colleagues, both juniors and silks have been in awe at your ability to gain command of a brief. According to one silk on more than one occasion the expert witness of an opposing counsel was left

wondering who the expert really was. The former Chief Justice James Spigelman was particularly impressed when your Honour appeared before him in the Court of Appeal in a complex case involving Indonesian Probate law.

42 Your Honour also brought your tremendous work ethic to the bar. Visitors to your chambers have noted that your light was routinely on at 6.00am. As an early riser your Honour also diligently made sure you left on time to be at home with your family in the evenings.

43 Family and faith are two of the great foundations of your Honour's life. Your Honour's mother was once described as a super librarian so it is perhaps not surprising that your Honour would also add author to your long list of achievements.

44 An entire generation of law students is familiar with your work on the Australian legal system and in the words of one lawyer it is a much smaller book than most on the subject and all the better for it. Your Honour brings an economy to language both in the courtroom and in your writing. Perhaps the only other trait that the profession has lauded more than your intellect and your legal nous is your kindness. As one barrister said, and I quote:

"There are a thousand kindly deeds that he has done and no one will ever know about them".

45 Considering your Honour's universal reputation for humility and avoiding the limelight I hope today is not too painful.

46 I would like to conclude today by giving the final words to a fellow barrister. He welcomed your appointment and simply said your Honour was "born to be a judge" by which he meant your Honour's intellect, good sense and commitment to the administration of justice make you a superb candidate and the legal profession in New South Wales completely agrees.

47 The people of New South Wales are privileged to be served by you in this role and Solicitors have every confidence that you will make an exceptional judicial



officer of this Court. So on behalf of the Solicitors of New South Wales congratulations your Honour as the Court pleases.

48 **MEEK J:** Chief Justice, your Honours, distinguished guests, family and friends. Thank you Mr Attorney and Ms Van Der Platt for your kind and generous words.

49 Many of you will know at least a little bit about me and the road that has brought me to this point today. Our relationships with people form us and change us. Many here today have played a part in my journey and in refining me and my character. Today is not the time to tell the whole story. However, it is appropriate that I set out at least some of my background and the path I have travelled and take the opportunity to thank many of you for the role that you have played in that.

50 With my older sister Louise, my twin brother Matthew and my younger brother Ben I grew up in a loving family environment. Our parents had different gifts, but principally both were educators.

51 My father was remarkably capable in mathematics and statistical analysis. He had an intuitive flair for probability. He loved problem solving, whether it be mathematical puzzles, cryptic crosswords or other challenges. He employed analysis and strategy in playing chess at an exceptional level.

52 My mother grew up in a Christian family and loved Jesus. She had a remarkable command of English literature. She had, when we were young, and continued to amass a library of varied books which were, to use a phrase she commonly repeated, all “read, marked, learned and inwardly digested”.

53 We lived a very simple life and my parents’ ability to teach was rarely, if ever, formalised but imparted in practical ways through basic everyday life tasks and events around the house and on outings.

- 54 Whilst Mum and Dad both played their part in imparting knowledge to me, my mother's role took on a more profound aspect and both she and my twin brother Matthew were the catalyst for my Christian conversion.
- 55 Louise and my brothers and I are grateful for the loving care of our parents through teenage years and into University.
- 56 Each of us has ventured into different fields, Louise, with her creative vein into film and documentaries, Matthew is gifted in languages and has used it to great effect in Christian ministry with international University students. Ben has extraordinary analytical skills and he has used them to great effect in business.
- 57 From as early as I can remember I was drawn to the law and in particular the drama of the courtroom. My only real exposure to that as a child was through books and film. Thus, what I knew about what happens in court was gleaned from watching films such as Witness for the Prosecution and reading books as has been mentioned, in particular Harper Lee's poignant novel To Kill a Mockingbird.
- 58 Whilst I enjoyed my early education it was really at University when I embarked on the study of law that I knew that I had found my vocation. As I attended each lecture and tutorial, the content resonated with me in a way that no previous area of academic study had. I felt as if it was almost second nature to me.
- 59 In addition to academic study there is importantly the practical application of the law. Whilst many of my colleagues from University went directly to the College of Law, after University I travelled with my mother and then attended the College in the second half of the year. The timing worked out well.
- 60 I was admitted as a Solicitor at the end of 1986. In 1987 a position became available as tipstaff to Peter Young J and he kindly took me on. That year was a wonderful experience for me, I am extremely grateful to Peter for the

opportunity he gave me. I started to see how law was actually administered within the Courts and I loved the time that I spent with him.

61 Peter has been a great encourager and mentor for many people in the law. He continued to take a keen interest in my development in the law and has remained a good friend.

62 Following my year with Young J I applied for a number of positions as a Solicitor. There was a small firm in the city Duncan Barron & Co. Stewart Cuddy was one of the partners there. Paul Brereton, now Brereton JA, had worked there.

63 As Paul left I was taken on by Stewart. Stewart was then and remains to this day a man of great honesty and virtue. In my first interview with him I told him of my desire to practice as a Solicitor for only a few years and then go to the Bar. Whilst to some, it might not have been a great move to tell your potential employer that you were not going to hang around, Stewart was not entirely surprised by my declaration and kindly employed me nonetheless.

64 A considerable advantage of working in a small firm, and in particular that firm, was that opportunities came up to do court work including mentions and interlocutory hearings. The firm had a very large country agency practice and that increased the scope for me to engage in court advocacy work for country principals.

65 As the firm disbanded in 1990, Stewart took a partnership in the firm of Blessington Judd. Stewart, rather than leaving me to fend for myself, very graciously asked and was given permission to bring me across with him into that firm. I was most grateful to Greg Judd and the other partners of Blessington Judd for taking me on in that way.

66 In 1992 I made the move to the Bar. I applied to a number of floors and was given the reading position on 13 Selborne Chambers. I remained on the 13th floor until my appointment to this Court.

- 67 Since that time I have had two clerks, Ruth Ross and Paul Walker. Each in their own generous way were extremely kind to me. Both directed work my way and enabled me to work efficiently in chambers.
- 68 I formed great friendships with the counsel on the 13th floor and could not have wished for better colleagues. I had the privilege of coming to know and work with extraordinary lawyers who by their legal skills, insight and integrity were powerfully formative in my progression at the Bar.
- 69 On the 13th floor David Davies was my tutor and others, in particular Phillip Hallen and Ian Harrison, all now judges of this Court, inspired me and helped me along the way. Whilst I enjoyed taking on work unled I had the privilege of working with Paul Brereton on many matters as his junior and in particular the Chelmsford litigation. That included opportunities to appear as his junior in the Court of Appeal and in the Bailey Estate appeal to the High Court.
- 70 Work with other skilled counsel was afforded to me that included working with Geoff Lindsay, now Lindsay J for several years in the Wentworth Estate litigation and other Estate matters.
- 71 One of the enduring legacies of my time with Peter Young was his encouragement to me to engage in legal writing. From an early point of time I commenced writing for publishers then known as The Law Book Company and Butterworths. I had the privilege of working with Peter Taylor SC as a contributing editor to the Ritchie's for many years.
- 72 As my career at the Bar developed I took on a number of readers, with whom I was fortunate enough to continue to work, even up until now. Following my appointment as senior counsel in 2009 I had the benefit of increasingly working with many capable juniors. The ability to discuss and prepare cases with the assistance of a junior counsel, especially as a sounding board, cannot be underestimated.

- 73 Whilst work at the Bar can be effectively done with the assistance of juniors, it is both generated and enhanced by instructing solicitors. I have had the advantage of working with many remarkable instructing solicitors too numerous to name.
- 74 In Estate law, I have had instructors of the highest calibre. In particular I do wish to mention both Vivian Evans and Michaela Money who apart from being exceptional Solicitors, are caring and compassionate people.
- 75 I had very significant hearings with each of them about to commence in 2009 and 2018 at the times my father and mother respectively became gravely ill and passed away. Each of Vivian and Michaela without hesitation immediately released me and encouraged me to spend whatever time I needed with my parents. I was then, and remain, deeply grateful to them for that mercy.
- 76 Counsel are uniquely placed to deploy their skills in playing their part in contributing to and hopefully enriching the community and society generally. For my part, that path has been through my involvement with the Anglican Church.
- 77 I have had the honour and pleasure of serving the current and last two Archbishops of the Anglican Diocese of Sydney initially as a Deputy Chancellor to Peter Jensen and then as Chancellor to Glen Davies in 2013 and recently as Chancellor to Archbishop Kanishka Raffel since May last year.
- 78 I have formed many lasting friendships through the Christian community and am honoured that so many of those dear friends have been able to attend today.
- 79 Although by what I have already mentioned you would have detected that I have had a blessed life, I was further blessed when I met my wife Jennifer. I had been warmly included in and loved by her family over the last 24 years.
- 80 Jennifer is a wise and gifted woman. She graduated from University majoring in Music and adeptly plays a number of instruments. She attained a graduate

degree in Arts Management and for many years now has worked part time as an Assistant to the General Manager of the Opera Australia Capital Fund.

81 Jennifer has sacrificed herself for me and our family, including giving up opportunities to pursue a full time career. Her life of sacrifice is quintessentially the model of Christ. I owe her a deep debt of gratitude that can never be repaid.

82 Obviously each family is different, however Jennifer's sacrifice in a career sense has enabled her to play a vital part in the upbringing of Elspeth and Andrew, our two wonderful children, whom I love dearly and who inspire me by their joyful characters.

83 It has also released Jennifer to devote a significant amount of time in voluntary service with our local church and on the Council of Roseville College. We now embark together on yet another and different chapter of our lives.

84 You should know that I am excited by the challenge ahead. God willing I will do the very best I can do. However I know that I cannot do that without Christ's help and without your help and so I conclude where I began.

85 Our relationship with people changes us and I will be fortunate to be blessed by your continued help and involvement in my life. From the bottom of my very grateful heart, thank you.

86 **BELL CJ:** The Court will now adjourn.