

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

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

Tuesday 31 January 2012

**SWEARING IN CEREMONY OF
THE HONOURABLE GEOFFREY BELLEW
AS A JUDGE OF THE SUPREME COURT OF NEW SOUTH WALES**

- 1 **BELLEW J:** Chief Justice, I have the honour to announce that I have been appointed a Judge of this Court. I present to you my Commission.

(Commission read)

(Oaths of office taken)

- 2 **BATHURST CJ:** Justice Bellew, on behalf of all members of the Court we welcome you. We know your experience and past activities will make you an invaluable member of the Court. We all look forward to working with you and hope you find your career on the bench enjoyable and stimulating.

- 3 **THE HONOURABLE GREG SMITH SC MP ATTORNEY GENERAL OF NEW SOUTH WALES:** If the Court pleases. Your Honour on behalf of the New South Wales Bar and the State of New South Wales it is my great pleasure to congratulate you on your appointment to the Bench of the Supreme Court. I also extend my congratulations to your wife of 16 years, Joanne Bellew and your two daughters, Tamsyn and Ellen. They have shared your journey here and must be filled with pride. The only group with cause for complaint are footballers who get themselves into trouble. In fact, your Honour is renowned as an expert on head-high tackles and

other dubious ways of stopping an opponent. That is why we swooped in the off-season with an offer of judicial office. There were no large men blocking your door.

- 4 Your star has long been on the rise. I first encountered your Honour when you were a law student doing work at the Commonwealth Deputy Crown Solicitors office in the early 1980s. You were in charge of social security prosecutions which was a heavy responsibility for such a young man and an amazing role for someone of such youth at the time. Even then you were well organised, reliable and popular with your colleagues. After being admitted as a legal practitioner in November 1983 you went on from being a legal officer to an acting senior assistant director in the Sydney office of the Commonwealth DPP. Although you left that office at the end of the 1980s you maintained a strong relationship with them.
- 5 After leaving the Commonwealth DPP you worked as a solicitor in the Kogarah-based private practice of Colin Daley Quinn. While this only lasted for two years it was there that you started representing rugby league players in disciplinary tribunals. They probably weren't so saintly in those days. You were admitted to the New South Wales Bar in 1991. You started your career in the Bar on the 13th floor, Selborne Chambers where Davies, Harrison JJ and Hallen AsJ were juniors. After only six months you moved to the 8th Selborne and in 1998 you made a final move to 7th floor Garfield Barwick Chambers where you have remained for the rest of your time at the Bar. In 2006 you were appointed Senior Counsel.
- 6 Your practice at the Bar has been divided between the criminal and civil jurisdictions. Much of your criminal practice has involved working on behalf of your old employer, the Commonwealth DPP, on a wide variety of matters that included narcotics importations, revenue fraud, seizing assets under the *Commonwealth Proceeds of Crime Act* and people smuggling. You have been involved in landmark cases involving offences against the anti-terrorism provisions of the Commonwealth Criminal Code. Most significantly in 2008 and 2009 you appeared before the Supreme Court of

New South Wales as one of two senior counsel for the Crown in the trial of nine persons charged with conspiracy to commit acts in preparation for a terrorist act.

- 7 Due to your vast experience you have also been retained by the DPP to give expert evidence in Commonwealth criminal law and practice in extradition proceedings in foreign jurisdictions. Your civil practice has, in the main, involved advising and appearing for major and national and international insurance companies in commercial and personal injury litigation. However, the law is not your only interest in life. You have a passion for rugby league. Your late father, Tom Bellew OAM, was a former chairman of the Australian Rugby League and an acknowledged expert in the game and a very highly respected man. You have certainly followed in your father's footsteps, having been a former director of the National Rugby League Limited, a former director of the Manly Warringah Leagues Club and a former chairman of the Manly Warringah Sea Eagles Football Club. You have done your bit to keep the club players on the field.
- 8 And other clubs noticed too, to the point that you were retained at some point by 12 out of the NRL's 16 clubs. You became the first choice defence counsel at the NRL judiciary with the Daily Telegraph describing you as "a legal eagle with the best strike rate in the business". I am sure that means getting the charges struck out. You were also instrumental in setting up the inaugural NRL player/agents accreditation scheme. However, you do not limit yourself to rugby league players. You have regularly appeared for a wide array of amateur and professional sports people before disciplinary tribunals and the Court of Arbitration for Sport, including jockeys, soccer players and Olympic athletes. You have also appeared in applications for judicial reviews which have arisen from proceedings before such tribunals.
- 9 Outside the sporting arena I am told you have a love for the United States, particularly Hawaii, where you can often be found in January shooting down hotel water slides at a million miles an hour. Your liking for the rock

band the Doobie Brothers is well know and another reason for your frequent trips to America. You have been known to fly over for a long weekend and then back again just to see them in concert and did you really once get up on stage and take part as they belted out one of their hits? There could be a future for you in music in Sydney as well. You have a number of literary achievements, having been a co-author and editor of *Ritchie's Uniform Civil Procedure New South Wales*, a general editor of the motor vehicle reports as well as a contributor to various publications.

- 10 You also have a commitment to sharing your knowledge and skills with others. Since 1997 at the request of the New South Wales Bar Association you have provided advocacy training for newly admitted members of the Bar enrolled in the New South Wales Bar Practice Course. You are also a faculty member of the Australian Advocacy Institute. A great strength of yours, which serves you well in these roles, is your desire to encourage contributions from others and to listen to their views. Juniors who have worked with you particularly appreciate this attribute as it gives them the opportunity to develop and test their own ideas. You are regarded very highly throughout the legal profession for your high professionalism, your diligence and your genuine character. Your courteous and polite nature along with your outgoing personality has made you a very pleasant and easy person for your colleagues and your clients to work with.
- 11 You bring to the Bench a reputation for diligence, highly developed legal skills and a passion for fairness, particularly when it comes to those wearing a Manly jersey. On behalf of New South Wales and the New South Wales Government I wish you all the best in your new role. If it please the Court.
- 12 **MR JUSTIN DOWD PRESIDENT LAW SOCIETY OF NEW SOUTH WALES:** May it please the Court. It is a great honour to be here today on behalf of the Law Society and its 25,000 members. We congratulate your

Honour on the appointment and welcome you to the Bench today. Your Honour's appointment is a fitting recognition of a fine legal career.

- 13 The learned Attorney General asked if you really got up on stage with the Doobie Brothers. My information is that it is not only true but it has happened twice, firstly in the United States in 2006 and later at a Sydney concert, the date for which I do not have but I understand you were invited to join them on stage during an encore. We have heard some of your Honour's achievements in the rugby league arena. Perhaps a short lived or bitter sweet moment, would have been when your Honour joined the board of North Sydney Rugby Leagues Club, only to find that your first vote would be to put the club into voluntary administration. North Sydney then merged with Manly to become the Northern Eagles. The Northern Eagles folded and controversially your Honour ended up director of the Manly Warringah Leagues Club.

- 14 Your Honour, I hope this day proves to be life changing when you realise a dream come true and on behalf of the solicitors of New South Wales I am pleased to add my congratulations of your appointment to the Bench. With regard to the Doobie Brothers it seems that your brother, Terry, is the responsible person. As a base player in a Sydney band called Ol' 55 it was Terry who nurtured your early interest in the music of the multi award winning American band. While it was not until 1997 that your Honour was given the opportunity to meet the band members back stage after a concert in Las Vegas, members of the 7th floor Garfield Barwick Chambers attest that as a result of that meeting their colleague contracted a serious disease called Doobie-mania.

- 15 The fact that this band continues to tour and to release albums has resulted in this condition developing into a chronic affliction. Your Honour manages to fly out for long weekends to catch their shows and, in fact, has just returned from the US and Hawaii where you and your wife, Joanne and daughters, Tamsyn and Ellen enjoyed their company yet again.

- 16 As noted your Honour, your late father, Tom Bellew was a former New South Wales Rugby League chairman and ARL director. He was awarded a medal of the Order of Australia in 1986 in recognition of service to the sport of rugby league and for public service. With your parents, Tom and Ellen, and siblings Terry and Anne your Honour grew up on the north shore, a born and bred North Sydney Bears supporter.
- 17 A product of Marist College North Shore Sydney where your Honour also was college captain in 1977. Your Honour gained your admittance to practice via the Barristers Admission Board in 1983. While gaining your qualifications, your Honour worked in the Crown Solicitors Office as a law clerk in the area of social security prosecutions.
- 18 Your Honour was one of the original members of the Sydney office of the Commonwealth Department of Public Prosecutions established in 1984. In 1989 your Honour went to work for the personal injury firm Daley & Co, (now Colin Daley Quinn) at Kogarah where you practised common law and personal injury law.
- 19 It was around 1989 that Dragons' chief executive, Geoff Carr, enlisted your help to represent Saints Peter Springer in 1989. Never mind that you failed to get him off a high tackle charge, your Honour's subsequent overriding successes gave you a certain notoriety with the press has been keen to indulge referring to your Honour as the National Rugby League's nemesis, and I quote:

"He has never played first grade and never made a tackle but Geoff Bellew SC has suddenly become the Blues most important player."

recorded the Herald Sun in June 2010, and that was on the eve of your Honour's defence of Parramatta's Jarryd Hayne and Penrith's Luke Lewis. As a Parramatta supporter myself I thank you for your efforts on that day.

- 20 Your Honour was also instrumental in setting up the Agents Accreditation Committee of which you were the inaugural chairman and you steered the scheme through its formative years. That role has now been taken up by former Federal Court judge and Member of Parliament, Tony Whitlam QC. Your Honour's career at the Bar commenced in 1991. I believe your Honour, your barrister's wig was a farewell gift from the firm Daley & Co. Your Honour joined 13 Selborne Chambers where the infamous musketeers, the Honourable Harrison, Davies JJ and Hallen AsJ, all of whom were then juniors also resided
- 21 Just six months later, your Honour, moved to 8 Selborne where Dyson Heydon QC, now Justice of the High Court of Australia, was the leader of the floor. Your Honour moved to 7th floor, Garfield Barwick Chambers where you continued to develop your criminal law practice acting for both Crown and defence representing insurance companies and engaging in other civil work. Your Honour regularly appeared for the Department of Public Prosecutions, particularly with regard to narcotics importation and revenue fraud. During one of these trials, your Honour came to the attention of one of the jury members and subsequent to the trial received a 'Dear Mr Crown' letter. The member of the jury later became your Honour's wife.
- 22 As we have heard your Honour in recent years has had a leading role in several high profile cases including the longest terrorism trial in this country's history. That trial involved more than 181 days of evidence and judgments and closing submissions, more than 2000 physical exhibits and 2100 witness statements. Your colleagues have described your Honour as a terrific bloke, down to earth, a loyal and trustworthy friend with a great sense of humour and who loves sharing a yarn. The only indication of any stress that has been noted by those who have instructed your Honour in trials has been your habit of removing your watch. By all accounts, your Honour is a very forgiving man.

23 This was particularly so during the Pendennis trial when a man in a trench-coat and hat delivered an ASIO safe to your Honour's chambers in which all documents had to be stored. Certain members of the floor proceeded to decorate the safe with pictures of Inspector Gadget and James Bond. Your Honour's response was to be neither shaken nor stirred. In fact, the safe was returned to ASIO with those adornments intact.

24 In wishing your Honour every success in your new role, I also acknowledge the loss of the Bar. So I thought it might be fitting to conclude with a couple of lines from the Doobie Brothers' first hit single of 1972:

"Some are happy, some are sad. Wo, we got to let the music play."

25 If the Court pleases.

26 **BELLEW J:** Chief Justice, your Honours, ladies and gentlemen. I thank you Mr Attorney and Mr Dowd for your sometimes very kind words. I had often wondered before today about the source of the information that finds itself into speeches of that nature. I think I now know and it is very troubling to learn at this stage of my career that my clerk of the last 10 years is not the bastion of credibility that I once thought he was, but more about him later. My appointment to the Court has necessarily caused me to reflect on many things and foremost in my mind has been a reflection on those people who have assisted me through their support and encouragement in reaching this position.

27 The first two people that I have to thank in that regard are unfortunately two people who are not here today and I refer, of course, to my mother and father both of whom have passed away. Many of you here knew my parents and, indeed, many of you knew them well. They were quite simply outstanding parents and outstanding people and I could not have wished to have had a better mother and father. It was only as I grew up as a

teenager that I started to have some realisation of the enormous sacrifices that they made – both financial and otherwise – to ensure that each of their three children would be given the best possible opportunity to make their way in life. I cannot thank them enough.

- 28 And I have lost count of the number of people who in the past several weeks have commented to me that my father, in particular, would have loved this occasion today and those of you here who knew him would appreciate the sentiment of those comments. One of the many opportunities that my parents gave me was to be educated by the Marist Brothers at North Sydney. I am grateful, indeed, I am indebted, in particular, to John Vance who was the Principal of the school in my Higher School Certificate year and with whom, notwithstanding the passing of the years, I maintain a very close contact. I think the only disappointing experience about school that I can remember was the day that the Year 12 students were visited by the vocational guidance officer.
- 29 For those of you who might not otherwise be aware, those persons in those days were assigned to students to help them with their career choices. In my case, even as long ago as that, there was only one real choice and that was a career in the law. But I remember coming out of the interview being almost crushed by what I had been told. It wasn't the academic performance, thankfully, that was the problem. It was, I was told, the job market. "There are too many law schools", I was told, "And they're producing too many lawyers and there won't be a job when you finish". I was warned of the dangers of spending years at law school only to find myself in the ranks of the unemployed.
- 30 In a very stark illustration of what the officer saw as the problem, she looked at me with a very steely glaze and said, "There are a lot of taxi drivers with law degrees, you know". Given the number of occasions on which I have been asked to dispense free legal advice to taxi drivers in the years since, I can only assume that that particular trend has since been reversed. But in any event, I decided that she must know what she was

talking about and that I should heed her advice and so, accordingly, I decided to get a job in the law and study part-time, which I thought might give me some advantage. My first position was the exalted role of the mail clerk at the Manly Local Court. It involved, in the main, addressing envelopes.

- 31 It did not have a lot to do with the law other than the fact that I was sitting in a room within a courthouse but I figured that it was a start.
- 32 As the Attorney General mentioned, I later found myself in the fortunate position of being given a job as a clerk with the then Crown Solicitors Office in Sydney. It was whilst I was at the Crown Solicitors Office that I first met a barrister. My supervisor came in one morning with an envelope, sealed and marked "confidential", and told me that I was to go to the District Court. The instructions were to deliver the envelope to a person to whom he referred only as "Sully QC" and so off I went. I walked up to the District Court, which was then sitting at Darlinghurst. I walked in and I was immediately overcome.
- 33 This was supposed to be a jury trial, I had been told, but there was no jury. That did not mean, however, that there was a lack of numbers in the Court. There were 10 accused and what seemed to be an endless stream of barristers in front of them. And as I sat there for the next 45 minutes the entirety of the proceedings sailed well above my head. They kept referring to something called the voir dire. I could not pronounce it, let alone have an understanding of what it was. At the end of the 45 minutes, the proceedings adjourned and I suddenly realised that although I had instructions to deliver the envelope to this person, I did not have a clue who he was. I had never met him. Drawing on my years of experience I said to myself, "Well, if he's a QC he must be old, so look for the man with grey hair", and I did. Thankfully, there was only one person who fitted that description and so I made my way, thrust the envelope into his hands, mumbled an introduction and started to make my way away, all the time hoping that I had actually got the right person and that I was not

disseminating confidential information about the Crown case to counsel for one of the accused. What struck me at the time was that Mr Sully QC, as he then was, stopped and spoke to me. What struck me even more was that in doing so, he gave me the genuine impression that he was not just going through the motions, but that he was genuinely interested in what I had to say.

- 34 In a short time, the conversation turned round to what I had seen in the court earlier that morning. I was forced to embarrassingly admit that I found it all beyond my comprehension. “In particular, Mr Sully”, I said, “I didn’t understand a word of what the judge said.” “Oh, don’t worry about that, dear boy, none of us did”, was his response.
- 35 There are events in one’s life which – although we don’t know it at the time – play a part in shaping one’s future. The meeting with Brian Sully QC –as he then was – that day, the conversations that followed, and the occasions on which I had the opportunity to instruct him when I had completed my legal studies, all combined to confirm my then tentative ambition that one day I wanted to go to the Bar. In that time, the Honourable Brian Sully QC, as he now is, has been a number of things: he has been a close friend, a confidante and a trusted mentor. And today’s proceedings give me an opportunity to publicly thank him for all of those things, to say nothing of the fact that he is the godfather to my eldest daughter. I am also grateful for the fact that today’s ceremony did not happen to coincide with the opening night of the New York Opera because I figure that if it did, despite the fact that we are close friends, I might have run second. In those circumstances, I would have been left to console myself that with such a deep-rooted interest in music there is still some hope that I will get Brian to a Doobie Brothers concert.
- 36 As the Attorney mentioned, when I completed my studies I was fortunate to be given a job in the newly formed Director of Public Prosecutions in Sydney. Ian Temby QC was the Director at that time and his support and encouragement of my career has continued right up until the present day

for which I sincerely thank him. I spent five years as a lawyer at the DPP and even though I learned a great deal, I decided in my own mind that before I made the move I needed to know some more. The southern suburb of Kogarah might seem an unlikely place for that to happen but the two years that I spent at Colin Daley Quinn & Dwyer were two very important years in my development as a lawyer. The fact is that the partners did not have a clue who I was but gave me complete freedom and autonomy in relation to the work that I was able to do and, again, today's proceedings give me an opportunity to publicly thank Geraldine Daley, in particular, for her support in what were two very important years of my career.

37 When I came to the Bar, my association with the DPP resumed almost immediately. For the next 21 years, the offices of the DPP throughout Australia gave me the opportunity to do what was undoubtedly some of the most complex, important, challenging and interesting criminal work available in this country. I was privileged to work with the lawyers of that office who were, without exception, intelligent and hardworking and I thank each and every one of them. In more recent years, I have worked closely in particular with Jim Joliffe, the current Deputy Director in Sydney whom I have known for almost 30 years, and with Chris Craigie SC, the current Director. Each has been unequivocally supportive of me and I thank both of them, who are present today. Of course, as the Attorney has mentioned, my practice was not confined to the criminal law. I was fortunate to have a practice which involved work in the civil jurisdiction as well. Time does not permit me to name all of the solicitors for whom I have worked over the past years. Many of you are here today and I thank each and every one of you sincerely for your attendance and for your assistance and for your opportunities.

38 When I was junior counsel, I found myself working with many eminent Queen's Counsel and Senior Counsel, two of whom I must mention in particular. The first is Peter Hastings QC who led me in many cases in my early years at the Bar. A young barrister, quite frankly, could not have had

a better role model. The second is his Honour Judge Maidment of the County Court of Victoria. I worked with his Honour, in particular, in the last four or five years in cases for the DPP in Sydney. Putting it as simply as I can, working with his Honour was, without doubt, one of the highlights of my career at the Bar.

- 39 In the years I spent as Senior Counsel, I led numerous and talented members of the junior Bar, some of whom themselves are now Silk and others of whom are destined to follow that path. I thank each and every one of them.
- 40 As the Attorney also mentioned, I started life at the Bar at the 13th floor of Selborne Chambers for a short period of time. Given the fact, as the Attorney referred to, that I was in the company of the likes of Harrison and Davies JJ as well as Hallen AsJ, it was evident that I was in pretty good company right from the start. Although none of them will remember it, each of them was selfless in the time that they spent answering the inane questions of a newly admitted barrister. I have warned Davies J that he may be in for a situation where history is repeating itself, except for the fact that he will now have to deal with the even more inane questions of a newly appointed judge but I promise that I will try and keep them to a minimum.
- 41 The next eight years I spent on the 8th floor of Selborne Chambers when it was under the leadership of Dyson Heydon QC as his Honour then was. He too, despite the fact that he had an enormously busy practice, was selfless with his time. On the occasion of the announcement of my appointment, I was honoured that his letter of congratulations was amongst the first received. I do not think I am breaching a confidence to say that his Honour thought that one of the greatest advantages of my appointment was that I could now watch a DVD from start to finish without being preoccupied in finding the part where the arm hit the head.

- 42 When I was a member of the 8th floor of Selborne Chambers my clerk was Bill McMahon. He was regarded, quite properly, by many as the quintessential barrister's clerk and I was grateful for his guidance in my early years. He was replaced by Di Strathdee, who was the epitome of professionalism in that role.
- 43 My period on the 8th floor of Selborne Chambers was followed by 13 years on the 7th floor of Garfield Barwick Chambers. The reason for the change simply was that I had a number of friends on the 7th floor whose practices were similar to mine. In the 13 years that I spent there, I have maintained those friendships and have made many more with those who have joined the floor since. One of the many things that I will miss about the Bar is its collegiate atmosphere and I thank all of my former floor members for their well wishes and support.
- 44 For the last 10 years I have had the good fortune to have Mark Grace as my clerk. Despite his obvious breaches of confidence which are evident from the speeches which have been given this morning, he has done an outstanding job. I cannot begin to set out in detail the things that he has done for me and the assistance that he has given me in my practice, and I am indebted to him. I have also been greatly assisted in my time at the Bar by Sally Flynn who I have known for longer than either of us care to remember and who has worked for me in a variety of capacities over that time. It was a matter of some regret that she was not able to follow me in this stage of my career but I thank her sincerely for her friendship and her support, all of which I know will continue in the future.
- 45 Finally, I thank the members of my family. A number of them – including my in-laws – have travelled a long distance to be here today. Indeed, one of Joanne's uncles who is not in particularly good health has not only travelled a long distance but has had to negotiate floodwaters in northern New South Wales to get here. To you, Wayne, in particular, thank you for your attendance.

- 46 I say a particular thank you to my daughters, Ellen and Tamsyn. Each of you are extraordinary young ladies. In understanding my busy life over the years and the ramifications that sometimes it has, you have shown a maturity far beyond your years and you make me increasingly proud each day.
- 47 Whilst I was on holidays last week, I had the opportunity to give some thought to what it was that I wanted to say this morning. One of my predominant thoughts was a desire to express my gratitude to my wife of 16 years, Joanne. When we met, I had only been at the Bar for a very short time. Those of us who have been through those early years – and there are many of us here this morning – know that they can be very stressful. We also know that even if you make it through those years and you build up a practice, the stresses do not become any less. They might change and, in fact, invariably they become greater.
- 48 I remember, and have had cause to remember on a number of occasions over the years, the day on which I first came to the Bar and we were addressed by the then President of the Bar Association, Barry O’Keefe QC, as he then was. The President told the group of readers that one of the most important things needed to succeed at the Bar was to have an understanding partner. I have thought on a number of occasions since that time that when he said that, the then President must have had somebody like my wife in mind.
- 49 To you, Joanne, I can only express my thanks. You have done an extraordinary job of maintaining our household and tending to the needs of our daughters whilst I have pursued my career. Your love, your support and your encouragement have been unwavering and unequivocal and it is highly unlikely that I would be sitting here today were it not for your support. Putting it again as simply as I can, today, Joanne, is as much your day, as it is mine.

50 I have been overwhelmed by the support of friends and colleagues since the announcement of my appointment and I thank each and every one of you for your attendance this morning. I will spend each day in the future ensuring that I do everything possible to justify the faith which has been shown in appointing me to the Court, something that I regard, quite frankly, as the greatest possible honour.
