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REVISED

IN THE INDUSTRIAL RELATIONS COURT  
OF NEW SOUTH WALES

PRESIDENT TAYLOR  
VICE PRESIDENT J CHIN  
AND COMMISSIONERS OF THE INDUSTRIAL RELATIONS COMMISSION

THURSDAY 18 JULY 2024

**WELCOME CEREMONY FOR THE HONOURABLE JUSTICE JANE  
PAINGAKULAM AS DEPUTY PRESIDENT OF THE INDUSTRIAL  
RELATIONS COMMISSION OF NSW AND JUSTICE OF THE INDUSTRIAL  
COURT**

The Honourable Michael Daley MP  
Ms Jennifer Ball on behalf of the Law Society of New South Wales  
Mr Ed Yap on behalf of Unions New South Wales  
Ms Marina Rizzo on behalf of the Premiers

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PRESIDENT TAYLOR: Welcome to the ceremony to mark the appointment of the Honourable Justice Paingakulam as Deputy President of the Industrial Relations Commission of New South Wales and Justice of the Industrial Court of New South Wales. We are sitting here on the land of the Cadi people, the Gadigal of the Eora Nation. I acknowledge their elders, past and present, and extend that acknowledgement to all other Aboriginal and Torres Strait Islander peoples here today.

Justice Paingakulam, can I say how very pleased I was that you accepted this important public service. You have a well-earned reputation as a pre-eminent criminal law practitioner. The resurrection of the Industrial Court coincides with the return of the important Work, Health and Safety jurisdiction – a criminal jurisdiction. Having someone with your expertise and experience on the bench is, in my view, vitally important.

You are someone who has demonstrated outstanding values. Your commitment to public service has been demonstrated by your practice at the

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Bar. You represented before this State's highest criminal appellate court the most disadvantaged in our society, briefed by Legal Aid – work that requires some significant personal sacrifice. Your values, your good sense, your good humour and your strong intellect will stand you in good stead in dealing with the Commission's industrial jurisdiction. I am really looking forward to our years of working together.

Mr Attorney.

ATTORNEY GENERAL: Thank you, your Honour. May it please the Court. I, too, acknowledge the Gadigal of the Eora Nation and pay my respects to elders past, present and future, and I acknowledge Aboriginal friends and colleagues here this morning. Thank you, your Honour, for the invitation to address the Court today.

Your Honour, Justice Paingakulam, can I congratulate you on behalf of the Government, on behalf of the people of New South Wales and of the New South Wales Bar for your appointment and I, too, was very pleased that you accepted this appointment to serve.

Watching from Merimbula today, your Honour, are your proud parents, Joseph and Robyn. Joining us here today are your sister Lisa and her husband Simon. I had the honour of meeting them all the other day. It was lovely to meet your family. Of course, there are many other members of your family and many friends and colleagues both here and watching online. They are so proud of you, and they have loved watching your career unfolding to this point.

Your Honour was born in 1971 in Mackay. Your little family consisted of mum, dad and twin sister, Lisa. You did not stay too long in Mackay because in your early years, you moved around the State, from places like Sydney to

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Trundle, before settling in Merimbula. Growing up in a holiday destination was unique for you; it was your playground. You and your sister Lisa were besties. You did most things together and would sometimes even swap identities to trick others. I know because I almost congratulated her the other day on becoming a judge. When out and about, you enjoyed playing netball and riding your bikes. At home, you loved nothing more than watching cricket with your father. He was born in India and his sporting passion became yours.

You were a diligent child who, in your own words, “wasn’t terribly adventurous or mischievous.” You were then, and no doubt will be now, a stickler for the rules. Primary education was in Merimbula before attending Abbotsleigh, as a boarder, for your secondary school. You found moving away from home challenging – as you would, being from a tight family – but despite this, your endeavours were worth it. Your determination was rewarded. You were awarded honour prizes throughout school and appointed prefect in your final year.

You were also heavily involved in the choir and vocal ensemble, and I can just picture you and Justice Chin just ripping out a few Elvis duets in chambers after a long day. Singing was an important part of your life. You were cast in the school opera, Dido and Aeneas. You played Witch Number 1. Your friends remember that you were almost too nice at school. You were the most caring of friends.

School was where you also fell in love with languages, especially French. You became fluent and spent time in France between Years 11 and 12, and you excelled in that subject academically. You placed in the top ten of the State for your HSC and came third in a national French competition. Growing your passion for languages was your initial priority upon graduation. You

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wanted to do an Arts degree at university. Your parents' rebuttal was that, "it doesn't qualify you to get a job." Still picking on the Arts degree. But you conciliated and arbitrated with your parents and struck an accord; a combined Arts and Law degree. You attended the University of Sydney. You loved it. Your interest in linguistics was satisfied with your Arts degree, and you jumped fully into the world of law.

The first three years on campus you found to be really fun. You studied hard, made the most of your opportunities and did very well. The last two years of your law studies were the most enjoyable. You loved coming into the city to attend lectures at Phillip Street, or, "The Dungeon" as many students dubbed the underground rooms. It was at this time when you decided how you wanted to move forward in the law. You did not want to practise at this time; you wanted to serve. A real desire to use your gifts to make a difference. To help people. To make the world a little bit of a better place for your efforts. It would, in fact, be the start of a long and distinguished service.

Your first job was with the Refugee Review Tribunal. During your graduate program there, you rotated through various departments, such as the Sydney Registry and Legal Research, where you honed your skills and acted as a hearing officer in tribunal hearings. At the same time, you embarked upon a Graduate Certificate in Legal Practice at UTS. You were admitted as a solicitor in 1996. Emil Ford & Co were your life and practice as a solicitor began, gaining hands on experience in probate, conveyancing, debt recovery and family law.

But you were what you were. The desire for public service still burned inside you, and so the next step in your varied journey led you to the Office of the Employment Advocate. It is where you discovered your love of law

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enforcement. As a lawyer, and then senior lawyer in the legal and compliance branch, you conducted investigations into breaches of the *Workplace Relations Act 1997*. ASIC was your next destination.

Starting as a lawyer in the enforcement directorate, you would advance to senior lawyer and eventually act as National Manager of Enforcement. You contributed significantly to investigations of criminal matters which included fraud, market manipulation and insider trading. During your time at ASIC, you wanted to get management experience in a non-legal environment, and you certainly got that when you joined the APEC 2007 task force on secondment. You played a pivotal role in planning and executing the APEC forum. I should ask whether there's any members of The Chaser here today. Well, there were last week, so I welcome them if they are. This required working closely with various agencies and stakeholders to ensure the success of events, culminating in Leaders Week in Sydney. It also meant unique discussions about birthday cakes for world leaders and whether the seats were comfy at each location. It was a unique and eye-opening experience.

Following ASIC, you joined the Australian Public Service Commission. You enjoyed your time at the APSC. To quote you directly, you said, "I loved, loved, loved this job." One of the reasons was the opportunity to work with Lynelle Briggs, the APSC Commissioner, a person you admire greatly. You started as the New South Wales Regional Director and managed operations supporting APSC agencies in Sydney. You later assumed the role of Group Manager of the Regional Services Group in Canberra. In your time in APSC you led investigations into significant APSC whistleblowing cases involving senior staff, emphasising integrity and accountability within the public service at all times.

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Former colleagues have highlighted your focus on the crucial importance of upholding standards and fostering professional excellence. It was unwavering and left a lasting impact on the organisations you have served and the people you served with. You are an outstanding public servant, and this was recognised with you being awarded with the Australia Day Medal for Public Service.

It was while living in Canberra that a turning point came in your career. You decided you wanted to go to the Bar. You drily summed up your feelings by declaring that as good as things were, life is too short to live in Canberra. And too cold as well.

The start of your legal career was all a bit quick. You decided to become a barrister one Thursday morning and enrolled to do the Bar exam the following Monday. Then it was three months of mad study, and you passed. You were a barrister, but by your own admission, one with “much to learn.” Frederick Jordan Chambers in 2009, then Denman Chambers from ‘13 to ‘23 and it all ended this year at Sir Anthony Mason Chambers. You said that you love the argy-bargy of being a barrister. It was enormously satisfying work. Your practice was predominantly criminal. You appeared for both prosecution and defence in the Local Court, District Court, Supreme Court, Court of Criminal Appeal and the High Court. You have worked on matters concerning fraud, tax offences, complex sentencing and child pornography. You appeared for the Crown in jury trials in relation to a range of offences.

One highlight of your work for the Crown was appearing as junior counsel in the \$105 million Plutus payroll tax fraud case, an extensive and exhaustive 11 month trial. It took a huge amount of skill and determination and a total lack of sleep to complete the work you did. The result was in the Crown’s favour.

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Your work was exemplary.

You have undertaken many hundreds of matters. Your work with the Legal Aid Board has been meaningful to many. You said that your simple purpose as a barrister is to give good legal advice and advocate for people that need it and to make a real difference in their lives. You did that and more, your Honour. You treated everyone with dignity. You did everything with compassion and professionalism. You said it has been a privilege to help get people on a different path.

Your colleagues have said it has been a privilege to work with you. They admire your willingness to help. Innumerable people have benefited from your advice, with your policy of your door always being open. And it has been noted by contributors to this speech that the door was not always open for you. As a woman with dual heritage, you were not always welcome. Advancement was sometimes tough. Perceptions were, at times, engrained. Persistence was required. Fortunately, your Honour is blessed with bucketloads of that.

A love of community, of people, the empathy, passion and compassionate is one of the foundations of your life. It starts with your close bond from your family. Your parents continue to live in Merimbula. You visit them often. Watching cricket with your father is still a favourite pastime. As is tennis. Playing is less of a priority now, but watching is non-negotiable, even though it keeps you up throughout the night.

Lisa and you are as close as ever. She, along with your friends, think you are a lot of fun. They love your bone-dry humour. They appreciate the investment you put into human connection. Your faith has been important to you since childhood. You are an active member and have been a churchwarden at several parishes across Sydney. Your numerous selfless

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acts have helped countless people. Friends still say you are the nicest person, generous and kind. They admire that you take life in your stride. Of course, you will do this with your upcoming role in this Court.

Your Honour, I could keep going on and on, but there are a number of other speakers and I just wanted to conclude by saying that I am very thankful that you have put your hand up for a next very long chapter of public service. I thank you on behalf of the Government, of the people of New South Wales, and of the Bar. May it please the court.

PRESIDENT TAYLOR: Thank you, Mr Attorney. Ms Ball.

MS BALL: May it please the Court. I, too, acknowledge the Gadigal of the Eora Nation, the traditional owners of the land on which this Court stands, and pay my respects to their elders past and present. I acknowledge and extend my respect to all Aboriginal and Torres Strait Islander peoples who are with us today.

Your Honour, it is a privilege to appear on behalf of the solicitors of New South Wales and offer our congratulations on your appointment to the Industrial Relations Commission and Industrial Court of New South Wales. I would like to also acknowledge your Honour's family, friends and colleagues, and all distinguished guests who are in attendance today.

Today, we are far from your early upbringing in the 1970s Trundle. Far from your memories of fishing for yabbies on a friend's property in Central West, from the bright red carpet of the in-house doctors' surgery your father ran in Merimbula. Far, perhaps thankfully I am told, far from your boarding school. We are far, too, from the beginning of industrial law in New South Wales, nearly 125 years ago, from the individuals who first came before this



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Court.

It is a privilege, then, to speak at the elevation of an outstanding barrister to this Bench, chosen because of your proven extraordinary legal skills. It is also accurate that despite all that distance in time since industrial relations came to the fore in New South Wales, female barristers still make up only 25% of the Bar in our state and that, in the history of this superior court, a female barrister appointment is still notable. In spite of these odds, your Honour, today, shows just how much your legal skills are valued with this reborn new Industrial Court. Today is a happy celebration on a historic professional and personal level.

Admitted to the Roll of Solicitors in 1996, after a year in private practice, it was as a solicitor that your Honour gained your first legal experience in areas related to this Court within the Office of the Employment Advocate. Three and a half years of breaches of the old *Workplace Relations Act 1997* sparked a love of law enforcement, something which has guided your Honour's legal practice to this day.

What followed, as we have heard, was an extensive career in the Australian public service, but always in the back of your mind, the Bar loomed. Continuing professional development with David Bennett AC KC, who had acted then recently in the *Haneef* case was the catalyst. Afterwards, enrolling in the Bar exam and then, when you passed, your Honour said you were almost pinching yourself in disbelief. I imagine today is similar.

The Bar's gain was someone who brought a wealth of legal law enforcement understanding from your days at ASIC and the Office of Employment Advocate. A person with high level management skills, someone who wanted to contribute to law in a manner that was critical to the orderly

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functioning of society. Your Honour came with the intention of practicing criminal law. Starting at the Bar can be daunting, but with the energy your Honour brought to the 15 years at the Bar, you found a great deal of work. In fact, one recent trial where your Honour had two days off, a total in 11 months, may well have helped propel your Honour to this bench. Nevertheless, instructing solicitors whom the Law Society has spoken to say that your Honour never placed unreasonable expectations on their working hours.

The view from the profession that I represent today was extremely encouraging. Despite an Olympian's work ethic, you were noted as reassuring; always respectful of instructing solicitors' health, embracing the need to say go for a run or have weekends off. Your Honour was noted for being kind, generous, and considerate in all aspects of engagement.

One principal solicitor who worked with your Honour for around eight years remarked on how great your Honour was at working closely with solicitors; listening carefully and engaging with the observations that they brought forward. She said it was always felt like you were in a team working on something important together, with a collaborative, intelligent approach everyone was part of. An approach adopted in all matters consistently, regardless of how difficult or how challenging they might be. This, and your many positive qualities as an advocate, made your Honour an informal mentor to many solicitors.

Your Honour came to develop a well-regarded criminal practice at the Bar, as instructing solicitors know. There you acted in hundreds of matters for Legal Aid and developed an appeals practice. Your time at Frederick Jordan over the three years grounded you in this and grew further as a member of Denman Chambers, where your Honour practiced for ten years. I know your

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Honour has said you loved your time at the Bar; you found your people. In turn, I know the Denman family are proud to see your Honour here today.

Solicitors who instructed your Honour there said your legal practice was exceptionally well organised, and your legal knowledge was a delight to encounter. The two main areas at Denman Chambers were employment and Work Health and Safety law. While your Honour was predominantly a criminal practitioner, your Honour appeared in several Work Health and Safety matters in the District Court and the Supreme Court, often with Bruce Hodgkinson. Other criminal matters, such as *Pullen*, around intensive corrections orders, initially surprised you at just how big they became. Cases like *Rae v R* also made a serious impression.

There was, of course, news coverage over this time of some high profile matters as well. As such, public practice took growing, in your words, “a thick hide.” Your Honour has said that your legal experiences in such matters will inform a very considered, compassionate approach for those appearing before your Honour at the bench. An awareness for both the individuals at the heart of matters as well as the legal counsel. As a calm, courteous and fearless advocate, your Honour brings to the bench deep experience with criminal matters, the *Evidence Act*, and legal standards of proof amongst many aspects of law. This will be of great value in considering much of this Court’s work, including the criminal penalties in this jurisdiction.

Whilst today is a great loss for instructing solicitors, there is much joy in the profession that your Honour now brings your marvellous legal talents and skills to this bench. On this momentous occasion, 28 years since you first became a solicitor, there are now 42,000 solicitors in New South Wales.

Sincerely, from the whole of the profession, we wish you the very best

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and congratulations, your Honour. May it please the Court.

PRESIDENT TAYLOR: Thank you, Ms Ball. Mr Yap?

MR YAP: May it please the Court. Good morning, President, members of the commission, Attorney, colleagues, comrades, family and friends of Justice Paingakulam. I begin by acknowledging the Gadigal people, the traditional owners of the lands of which we are gathered and pay my respects to elders past and present.

On behalf of Unions New South Wales, the union movement, and the working people of New South Wales, we extend our warmest welcome to Justice Jane Paingakulam on your appointment to the Industrial Relations Commission and the Industrial Court. We also wish to welcome your Honour to the broader industrial community.

This Commission is an important institution, both in terms of the industrial system of this state and the industrial history of this country. In its 123-year history, this Commission has set many labour standards that have become national standards. This Commission is an institution that unions and employers respect to resolve disputes in a fair and just way. I am honoured to be here today in a revived Industrial Court, which will exercise restored powers including, and importantly for our purposes today, jurisdiction to deal with criminal offences under the *Work Health and Safety Act*.

Your Honour, you bring extensive experience and distinctive expertise to this Commission. Your Honour was called to the Bar in 2009. Your practice was predominantly in criminal law, which is unique to this bench. In the past decade you have successfully established yourself as one of the most respected advocates in the Court of Criminal Appeal.

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You have appeared in many important cases, including in the recent high profile Cranston case which, by many accounts, including the Attorney's today, was a long and arduous matter, producing some 30 or so judgments.

Your Honour, your colleagues describe you as formidable advocate with a wealth of knowledge, and very collegiate. Your Honour's unique skills in criminal law will no doubt enrich the Commission's consideration of all matters before it, not least in its restored criminal jurisdiction.

Your Honour's faith underscores your Honour's commitment to fairness, to justice, to compassion and to service in both your professional and private life. In your Honour's professional life at the Bar, much of that practice was dedicated to Legal Aid work. Those who know you say your commitment to Legal Aid work was to ensure that justice is widely accessible in the criminal law system and based on a commitment to public service.

Your Honour's commitment to public service and justice was no doubt an important factor in your appointment to the Court, and in your Honour's personal life and through your church, you advocated for refugee rights, and you supported meaningful initiatives to better the lives of refugees in this country.

Though I do not know you personally, it is evident that you share with the union movement a common dedication to the principles of fairness, justice and compassion. We have confidence that the moral foundation of your Honour's faith will continue to guide your Honour's work on the bench.

Finally, speaking as a migrant to this country, it is incredibly encouraging and inspiring to see diverse appointments to the Court. For me and many of my colleagues, it is confirmation that we have a place in this legal profession, and for the diverse members of unions, this Bench will give comfort that their

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perspectives will be seen and heard. For this I wish to thank your Honour, Justice Paingakulam, and also Justice Chin for your excellence and being role models to us all.

Once again, on behalf of Unions New South Wales and the New South Wales union movement, welcome and congratulations to your Honour, Justice Jane Paingakulam, on your appointment to the Industrial Relations Commission and Industrial Court. May it please the Court.

PRESIDENT: Thank you, Mr Yap. Ms Rizzo.

MS RIZZO: If the Court pleases. I also would like to start by acknowledging the traditional custodians of the land on which we have gathered today, the land of the Gadigal People of the Eora Nation, and pay my respects to their elders past, present and emerging. I would also like to extend my respect to our Aboriginal and Torres Strait Islander colleagues and friends present today.

Today I am honoured to appear on behalf of the Premier's Department and, on behalf of the Department, congratulate your Honour, Justice Jane Paingakulam, on your appointment to the Industrial Court and the Industrial Relations Commission of New South Wales.

This appointment is an important milestone of the Government's commitment to restructure the Commission and restore the Industrial Court as a court of superior record. Deputy President Paingakulam brings extensive experience as a solicitor and barrister with particular expertise in criminal law. Her professional background is impressive and varied. During her time working as a barrister at Denman Chambers, she developed a robust practice focused primarily on criminal appeals with involvement in Work, Health and Safety matters.

As we have heard throughout today's speeches, Justice Paingakulam is

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known for her collegiate approach to work, always willing to discuss matters, collaborate and support colleagues with cases. Furthermore, her talented criminal appellate work was evident from the start. She quickly became known for her success rates in court appeals, a clear testament to your skill, hard work and dedication.

Her Honour's work as a barrister was meaningful and of high calibre. She worked closely with Bruce Hodgkinson of Senior Counsel on the Workplace, Health and Safety inquiry into the Dreamworld tragedy in Queensland. You played a central role in the long-running investigation into large scale tax fraud and money laundering conspiracies as counsel with recently appointed Judge Paul McGuire SC. The investigation known as Operation Elbrus resulted in a number of individuals being convicted and sentenced with a range of tax crime offences.

Her Honour is well respected by her peers and colleagues. You are described by many, including her Honour Chief Justice McCallum, as a very, very able appellate advocate who presents submissions thoughtfully and with much welcomed enthusiasm.

I also note, as others have noted today, that you have extensive experience in the public sector, a key feature of this Commission and Court.

On a personal note, it is inspiring to know the Deputy President has strong ties to her family and community. I am told, as we have already heard today, that family is a central pillar in your life. You are close to your mother and father, a retired medical doctor, who studied at the University of Sydney, and who immigrated from Kerala, South India. Her Honour grew up with a twin sister in Sydney and parts of regional New South Wales.

I understand that your faith provides you with a strong moral compass

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and a sense of community, which undoubtedly is a positive influence in all aspects of your approach to law and justice.

This will undoubtedly help you maintain integrity, compassion, and a commitment to serving others, qualities which were invaluable in your role as barrister and solicitor and will undoubtedly continue to guide you as you take on responsibilities in the Industrial Court.

Her Honour's appointment to the Industrial Court is not just a career milestone but a recognition of your contribution to the legal profession and your dedication in upholding justice. Your journey from your father's migration to Australia, to your stellar legal career, reflects resilience, determination and a commitment to making a meaningful impact in your field.

The Premier's Department is therefore very confident that Deputy President Paingakulam will carry out her duties with professionalism, impartiality and fairness. As please the Court.

PRESIDENT: Thank you, Ms Rizzo. Justice Paingakulam.

DEPUTY PRESIDENT PAINGAKULAM: Thank you Mr Attorney, Ms Ball, Ms Rizzo and Mr Yap for your very kind words. I too acknowledge the Gadigal People of the Eora Nation, the traditional owners of the land on which this Court stands, and I pay my respect to their elders past, present and emerging.

I am humbled to see so many distinguished guests, judges, family, friends and colleagues here today and I am honoured by your attendance.

In particular, I thank the Honourable Justice Robert Beech-Jones of the High Court of Australia, the Honourable Chief Justice Andrew Bell, Chief Justice of New South Wales, and the Honourable Justice Julie Ward, President of the Court of Appeal, for your attendance today.



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I also thank those who travelled from interstate or regional New South Wales to be here, and those who changed their school holiday plans to attend.

It is an enormous privilege to be appointed as a judicial officer of this Court. A new chapter in what for me has been a career of public service. I thank Justice Taylor and Justice Chin for their confidence in me and their collegiality. I have already enjoyed working with you and am looking forward to the future of what this Court holds. I also thank the Commissioners for their warm welcome.

It is a particular Honour to be part of the re-establishment of the Industrial Court of New South Wales and I want to take this opportunity to thank the people who have supported the President, the Vice President and myself in the three months since the appointments were announced.

It has been a herculean effort to have the Court ready to operate on 1 July 2024 here in Bridge Street, in particular by Mr Chris D'Aeth, Ms Rebel Kenna and her team. They have done a terrific job and continue to provide us with excellent support.

In addition, as Justice Taylor said last week, Ms Una Doyle, CEO of the Judicial Commission, and so many judges have been generous in giving us their time and the benefit of their experience as we commence judicial life, and I thank them also.

My path to this role is perhaps unorthodox. I first want to thank mum and dad for the support that they have given me throughout my life. They travelled to Sydney and back for my swearing in on 1 July. It truly made my day to have them there, they are very much in my thoughts today. My father Tony

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Paingakulam's life is remarkable. Born in the village of Mayyanad in Kerala India on a date that nobody is quite sure about but in approximately early 1931, he left home at the age of 11, at which point he was essentially fending for himself. By age 13 he was working as the union representative in a munitions factory on Butcher Island in the later stages of World War II.

With that start in life, and very little formal secondary education, he nevertheless became a Sydney University educated and Royal Prince Alfred Hospital trained general surgeon. Incidentally, whatever it is that enabled him to cut people open, I definitely did not inherit it. I am therefore more than a little anxious about how I might fair in some of the more gruesome Work Health and Safety matters that I anticipate will come before the Court. I am hoping that my very efficient tipstaff Karie Maymanis not going to have pick up me off the floor.

Dad arrived in Australia on 26 January 1952. He started as an engineering student at Melbourne University, before a work accident saw him present at a hospital where he told the attending doctor that he had always wanted to do medicine. Having started his second year in engineering, he got a phone call telling him to present himself at Sydney University Medical Faculty for an interview the following week. He was accepted. In order to pay his fees, he worked as a tram conductor, he painted the Harbour Bridge and he worked on the wharves.

Having done Arts/Law at Sydney University myself many years later, I was asked at a Sydney University function a couple of years back whether I was the first in my family to study there. I was proud to say that I was not. That my father graduated from the medical faculty in early 1960, and that some of his work is in the medical museum there. Dad was also very caring

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and compassionate towards his patients, a characteristic that impressed my mother Robyn Stuart, a trainee radiographer at the old Western Suburbs Hospital in Croydon where dad was the new medical superintendent. As they say the rest is history and she and dad married when she was barely 21.

The last Katherine Hepburn and Spencer Tracy film, "Guess Who's Coming to Dinner" is a favourite in our family as it is so much like their story. According to mum who must have had a dose of Joey Drayton's determination in her, her mother's attitude to the marriage was just like that of Katherine Hepburn and dad, the much older black doctor, was like Sidney Poitier, but without the height. As is obvious, I take after him in that department.

Like dad, mum has a very strong work ethic. In those times x-rays were manually developed in a dark room and she became allergic to the fluid used to develop the films and had rashes on her arms. It did not stop her. No doubt the standard operating procedures in those days would not meet modern Work Health and Safety requirements. The important role that this Court will be playing in its Work Health and Safety jurisdiction will help ensure that those sorts of stories remain consigned to history.

I would also not be here today without the support of my grandmother, mum's mother, Sheila Stuart. Her parents owned the newsagent at Brighton-Le-Sands during the second world, a business at the centre of the local community. We kids were told stories about how they tried to hide the papers from my grandmother during the battle of Milne Bay in Papua New Guinea where my grandfather Geoff Stuart was stationed with the Australian Army. Nan would be very proud if she was here today.

I also want to thank mum's brother Barry Stuart and his partner Anna Bartetzko, mum's sister Jan Davis and her son Craig Davis and daughter Alex

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Chung for being here to support me today.

At Sydney University I was resident of the Women's College. My own college experience was very different to the experience of residents at UNSW's New College, where I was on the board for ten years before stepping down in May. The sense of community and pastoral care at New College is second to none and I thank board members including Board Chair Janet Simpson and College Master Associate Professor Bill Pearson who honour me with their attendance today.

As you have heard, I went from university into the Australian Public Service at the Refuge Review Tribunal. I then did a brief stint in private practice but soon returned to government, and my first experience in the industrial relations space at the Office of the Employment Advocate. It was in the Legal and Compliance branch, and it was there that I got bitten by the law enforcement bug and so, after three and a half years, I headed off to ASIC to do criminal investigations.

It was at ASIC that I moved from a legal role into a management role, and then to the APEC taskforce, after which I was given the opportunity to head up the Australian Public Service Commission's New South Wales Office. It was a privilege to work for Lynelle Briggs AO and to benefit from her wisdom, particularly during my stint as part of the executive team when I was the Acting Regional Services Branch Head down in Canberra. But as you have heard, I decided life is too short to live in Canberra. So, within a few short weeks of returning to Sydney, having attended an excellent seminar given by the then Solicitor General David Bennett AC KC to do the end of year CPD scramble for points – and no doubt because of the confidence that I had gained from being a Regional Agency Head, operating in a fee for service environment – I started

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the process for coming to the bar.

As my executive coach from my ASIC days reminded that I had told her when we reconnected years later, it was something that I had always thought that I would like to do. I told myself, if it does not work out, I know the head of the office of every other Commonwealth agency with a presence in Sydney and someone will give me job. And I knew that I wanted a criminal practice, so I asked the head of the Sydney office of the Commonwealth DPP to recommend a tutor. He made the excellent suggestion of Ian Bourke, now Judge Bourke SC and Ian's guidance in those early months and beyond was in accordance with the best traditions of the New South Wales Bar. I have also greatly appreciated his ongoing friendship and I am delighted that he is here today.

I was also tutored by Peter Singleton until his appointment to the New South Wales Crime Commission during that year and I thank him for his input in my early days. I read at Frederick Jordan Chambers where Ian was in chambers but just over three years into my career, I joined Denman Chambers where I later became the floor treasurer. I am so thankful for my ten years at Denman Chambers. It was a terrific community. It was there that I encountered Work Health and Safety at prosecution for the first time, working with Bruce Hodgkinson AM SC, Martin Shume and Colin Magee and I thank them for their support. I also thank Commissioner Dan O'Sullivan who introduced me to the floor, Taran Ramrakhawho was an excellent sounding board for many of my criminal appeals, Jeremy Gormly SC and our clerk Michelle Borg. Sadly, the Denman chapter came to close in early 2023 but the friendships remain.

I thank Sir Anthony Mason Chambers for giving me a home over the last 15 months of my career at the Bar, in what is undoubtedly the nicest work

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space that I have ever had.

During my career I did a few criminal trials as part of the prosecution team, including very early on with the late Lionel Roberts KC and with Judge Bourke, and much more recently, the eleven month Plutus payroll trial as you have heard, with now Judge Paul Maguire SC, Chris Tran and our then fabulous instructing solicitor Edward McGuinness, now of 7 Garfield Barwick Chambers, all of whom I also thank for coming today.

But I did literally hundreds of Legal Aid indictable appeal matters. I thank the Legal Aid Commission's Indictable Appeals Team for their support over many years. As a long term member of the New South Wales Bar Association's Legal Aid Committee, I want to acknowledge those practitioners who donate many hours of their time to appear for legally aided clients. The criminal justice system simply would not function without the willingness of capable practitioners to support it at significant personal cost.

My appeal practice did not start well. Appearing in the Court of Appeal with Jim Johnson during my reading year, the wheels of my chair stuck in the carpet when I went to pull myself in at the commencement of the proceedings. I can only imagine what Justices Macfarlane, Young and Sackville must have been thinking as the chair tipped over and I ended up in a heap on the floor. Jim Johnson requested that my squeal be removed from the transcript, and the proceedings continued.

Happily, things did pick up from there, but it wasn't always smooth sailing. At her swearing in, another of my valued mentors, Justice Lucy McCallum as her Honour then was, observed that she had lost plenty of cases for both sides. I however have the distinction of having managed to lose a criminal appeal for an offender when both sides of the bar table submitted that I should

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win.

Those criminal appeals are largely the reason I find myself sitting here today, and my criminal appeal practice is the result of the support from one person in particular. Judge Warwick Hunt, who got my appeal practice started, and supported me to get onto the Legal Aid panel from which most of my work then flowed. I am so thankful both to and for you, for your support and friendship over the last fifteen years; even though you did once tell me your two twelve year olds were taller than me. Having already found me my fabulous associate Katie Hsin, I hope you are willing to again be my phone a friend as I embark on judicial life. Because your efficiency in running the list in 3.1 is widely known in criminal law circles and as I am now going to be doing the Work Health and Safety list among things, I am hoping you can give me some tips.

But I would not be here without the support that I have had outside the law. Mark and Kerrie McCarthy and Aleks and Susannah Pinter have made me members of each of their families, involving me in their lives and godparenting their children. It is so special to have you and some of those children here today.

My church family at St Matthias have been so genuinely excited by my appointment and there are lots of you here today. It is such a joy to do life with you week in and week out. Your care of me during the COVID lockdowns and the long-running Cranston trial were a demonstration of what Christian family is supposed to look like.

And to my twin sister Lisa, who has been with me from the start, and to her husband Simon, who tolerates us spending hours on the phone most

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weeks, thank you for your love, support and encouragement over the years. I would not be here today without you.

I am well aware that while it was a work accident that gave my father the opportunity to do what he had always wanted to do in life, most people in that position are much less fortunate. On 1 July I swore the oaths of office, seeking God's help as I undertake the responsibilities of my new role. I will endeavour with that help to honour the great privilege shown to me by being appointed to this Court. May it please the Court.

PRESIDENT: The Commission is about to adjourn. Everyone is very welcome to join us for morning tea in the room directly behind where we are sitting. If the Commission could now be adjourned.