

Speech by the President at the Retirement Ceremony for the Honourable Conrad Staff

- 1 Many obligations of some gravity fall upon the President of this institution as may be witnessed by the weathered condition of my two predecessors here this evening. However, with the position comes some privileges. None can be greater than the opportunity to speak at the retirement ceremony for my dear friend, Justice Conrad Staff. (I have used some poetic license as to his Honour's title this evening.)
- 2 A good deal may be said about the Judge's commitment to public and community service, his excellence in legal practice and his singular, if not unique, contribution to this Court. However, I propose to commence with a different but equally significant consideration.
- 3 In his address at the swearing in ceremony for Justice Staff, Mr Michael Slattery, now Justice Slattery, described his Honour's character by reference to the description of Sir Thomas Moore recorded by Mr Robert Bolt in his play "A Man for All Seasons". Mr Bolt recorded that Sir Thomas Moore's contemporaries described the Lord Chancellor as a man who was "born for friendship". No truer statement may be made of our friend and colleague.
- 4 As I propose to have published the speeches given at this ceremony, it is important to record some part of, his Honour's legal and personal history.
- 5 It is well known that Justice Staff grew up in the country at Rylstone. It is less well known that he and his three sisters and brother were born at the Sydney Mater Hospital. His early education was, however, in western New South Wales, originally at the Rylstone Public School and later at the Kandos Good Samaritan College.
- 6 His secondary education was at the Oakhill College at Castle Hill. Here his Honour boarded and excelled. He was ultimately made the captain of

the school and, apart from some fine academic performance, he also performed at a high level in sport, particularly in Rugby Union where he represented New South Wales in a schoolboy team. It is interesting to note that the full back from that side, Kevin O'Hara, ultimately played for the Wallabies and another player, Alan McMahon, played for the Kangaroos and was the coach of Balmain for some years. Fortunately for us, the removal of a cartilage interrupted that successful sporting career and pushed his Honour towards the law.

- 7 His Honour completed the Solicitor's Admission Board examinations between 1973 and 1976 whilst working for the Department of Labour and Industry in the Industrial Registry of the Industrial Commission of New South Wales. That Registry was then located at 53 Martin Place and the Commission sat at the Barracks Building in Queens Square. Sir Alexander Beatty was the President. There was also appointed, during this time, from the ranks of Senior Commissioner, the late Justice Cahill, who later became a lifetime friend and mentor to his Honour, no doubt influencing a good deal of his career.
- 8 There then followed the Public Service Board between 1976 and 1978 and a long stint at Taylor and Scott solicitors (between 1978 and 1987) under the guidance of Ron Solomon, who, as you well know, later became a long serving judge of the District Court. Ron is here tonight. It was this period that witnessed his Honour's greatest achievement: marriage to Susie Falkingham.
- 9 It may reasonably be said that the turning point in his career was in 1987 when his Honour joined Ronald J Jones and Co. which, in the following year, morphed into Jones Staff and Co., where his Honour gathered clients as quickly as if he was on an Easter egg hunt. I will not mention all but some included the Labor Council of New South Wales, the Australian Workers' Union NSW Branch, the Public Service Association and, perhaps less well known, Berkelouw Books and Goodman Fielders. He also assembled, as his clients, a collection of politicians. One of those became

a lifelong friend, Paul Whelan. As a representation of his Honour's modesty, and the strength of demand for his services, all of these clients were required to attend for conferences from time to time at his Honour's salubrious offices at the Trades Hall. This remained his Honour's practice (albeit with a change in venue) until he came to the Bench in 2004.

- 10 It was during this latter period that two of Justice Staff's other strengths came to the fore. The first was his ability to get to the pith and substance of legal problems in a way that enabled him to give practical and reasonable advice to his clients, always to their great benefit. The other was his capacity as a legal entrepreneur although sometimes, as I will now hope to demonstrate, he may have regretted part of his success.
- 11 One of his acquisitions was the Storemen and Packers Union and the late Frank Belan. His Honour insisted on briefing me to appear in that work. One of those encounters brought the two of us before the then Vice-President, Justice Cahill. It is suffice to say, for those of you who have not experienced the late Vice-President's presence on the Bench, that his judicial manner was formidable. And that was certainly no less the case when hearing a case concerning the NUW when Frank had indulged in his penchant for creating industrial mayhem in certain warehouses. It was in one such proceeding that the Vice-President enquired, upon reading an affidavit, and with a raised eyebrow, about an apparent new organiser for the Union – "is there another Mr Belan?". I dutifully followed the instructions provided by his Honour by answering – "yes, frightening, isn't it?".
- 12 There are more amusing anecdotes of our time together on the bench, none of which are appropriate to publish, so I will restrict myself to one further example of our time in practice together which, in some respects, I think is now notorious.
- 13 We were representing the Police Association of New South Wales in a drawn out series of processes concerning police appeal rights but, in

another sense, their entitlements. The matter had reached a crisis point in a stand-off which could have literally meant the absence of a functioning police force for a period of time in this city. Last minute and desperate negotiations stumbled from one place to another until finally his Honour found himself in a series of meetings with sundry persons throughout the New South Wales Parliament, most particularly the Police Minister, Mr Whelan, and his Honour's good friend, the much missed Jeffrey Shaw QC as Minister for Industrial Relations and Attorney General. As my recollection has it, there were some fleeting appearances by the Premier. The whole thing had gone terribly until a last minute breakthrough which had at its centre (reminiscent of times to come) that no one would take responsibility for the agreement, but would be content for the Commission to make the decision to the same effect.

- 14 It transpired that an eclectic mix of lawyers, industrial representatives and political advisors, led by his Honour, then careered towards the former premises of the IRC at 50 Phillip Street. I distinctly remember darting past reporters who were earnestly giving live television interviews about the imminent demise of the State whilst at the same time his Honour raced past them with the scribblings of an agreement clutched in hand.
- 15 His Honour attended to the advanced communications with the Commission, or so it seemed. The group assembled gasping at the rather large green doors still found at 50 Phillip Street but could find no means to raise a soul other than banging on the door. What came as some considerable surprise was that the President himself opened the door, there being no one else remaining in the building. As the night unfolded, his Honour displayed great skills as a tipstaff, associate, sometimes as a clerk and, ultimately, the sitting Member on a dispute between the Commissioner of Police and the New South Wales Police Association.
- 16 The matter was called in a conference room and the mildly hysterical recounting of the last minute agreement was ground to a steady calm by the careful recording of the parties' positions by the then President. After

hearing the parties he announced that he would make an award provided that someone could find a means of recording it. It was at this point that Justice Staff's vast knowledge of this place came to bear. Notwithstanding being locked out of the computers, his Honour not only managed to find one of the old 'golfball selectric' typewriters but also persuaded the Minister's Chief of Staff to type the decision. I will not dare recount the utterances from this high level Public Servant as she endeavoured to use 'tippex'. Many years later, it took some composure on my part not to respond to an advocate's remarks, on tendering a copy of that very same decision, that the various strange typographical markings on the document must be in some way associated with its photocopying.

17 His Honour's contribution did not end there. The crescendo of his efforts was to co-opt initially the President and ultimately upon the President's demonstrated absence of the requisite skillset, the Minister (who had arrived just in time) to photocopy the decision.

18 I recount this story because, in addition to its humorous elements, it is a quintessential example of his Honour's earthy approach to industrial relations and adherence to the basic principle that, first and foremost, attention needs to be given to the actual resolution, in the most practical way possible, of workplace disputes. It is also a reflection on the great flexibility exhibited in this place over a very long time in the resolution of industrial and workplace problems. I intend that it will continue.

19 Let me now turn to his Honour's judgeship. I am sure that many, including myself, would have thought that Justice Staff would emulate, as far as he was able, Justice Cahill, given the respect that Justice Staff held for him. If he had done so that would be no small tribute. However, it would have to be said that his Honour dispatched himself with some real aplomb in a manner much more consistent with his own qualities as a lawyer and as a person.

- 20 My reflection of this decade old judge of the Industrial Relations Commission is that he imbued the traditions of this place – a robust adherence to the notion of an independent judiciary and the adoption of the mores of the general court system, tinged with the practicality, robustness and sense of fairness necessary to discharge his statutory functions in an often volatile and complex industrial relations environment. To that may be added his own special character of being a humanist; someone very capable of finding empathy with ordinary working people.
- 21 To this may be added his Honour's steady hand in managing the Parliamentary Remuneration Tribunal, particularly after the relatively troubled period under a judge formerly possessed of the role, and his well recognised capacities in the Medical Tribunal.
- 22 It is no surprise at all that his Honour is held in the utmost esteem by the profession and by industrial parties alike. It is a privilege to have worked with Justice Staff for the better part of a quarter century. I will dearly miss his counsel and cordiality on the bench but not his friendship, which will continue well beyond this place.
- 23 We wish his Honour a very happy retirement – one he will hopefully enjoy after the follow on provisions of the *Industrial Relations Amendment (Industrial Court) Act 2013* abate.

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