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DRAFT

IN THE SUPREME COURT
OF NEW SOUTH WALES
BANCO COURT

BELL CJ
AND THE JUSTICES OF THE
SUPREME COURT

TUESDAY 15 AUGUST 2023

**SWEARING IN CEREMONY OF ANTHONY MCGRATH SC AS A JUDGE OF
THE SUPREME COURT OF NEW SOUTH WALES**

(Commission read)

(Oaths of office taken)

BELL CJ: McGrath J, on my own behalf and on behalf of your new colleagues on the Court, I congratulate you on your appointment. I welcome you to the Court. You have had and have remained to have a huge reputation amongst the bar, not only for your legal ability, but your leadership in various roles through the Bar Association and establishing a very sublime set of chambers along with your colleagues in Alinea Chambers. I am sure you will bring that collegiate and leadership as well as your high technical ability to the Court and will be an excellent judge of the Equity Division. I congratulate you.

ATTORNEY GENERAL: I acknowledge the traditional custodians of the land: the Gadigal of the Eora nation and I pay my respects to elders, past, present and future. I acknowledge our Aboriginal colleagues and friends here this morning.

Your Honour, McGrath J, I welcome you here on this special day.

On behalf of the people of New South Wales and of the bar, it is my very great pleasure to congratulate you on your appointment as a justice of the Supreme Court of New South Wales.

I welcome your Honour's wife, Kate, and your family, Megan, Kayla,

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Annabelle and James. Sitting beside them today are your sisters, Sue, Lyn, Gai and Kim. We are also joined by your brothers-in-law, Ray, Allan and Glenn and your sisters-in-law, Sarah and Samantha.

Special mention to some people who cannot be with us. Unable to travel but celebrating from afar is your father, Tony and mother-in-law, Rose.

Many people have generously contributed to this address. They have helped paint a vivid picture, a true one I hope, of your life and the events that have led you to this appointment. Importantly, they are all more than happy to be quoted.

Your Honour, you were born at St Margaret's Hospital, Darlinghurst, as was I, in 1964 to Tony McGrath AM, a chief executive and Jill McGrath, a homemaker. You were the fourth of five and the only boy. Your early years were spent in Carlton in Sydney's south, but the family was on the move in 1967 due to your father's work.

London was home for a few years and it was in England where some lifelong passions emerged. You loved soccer, with Liverpool your team of choice. In addition, your interest in the law piqued at an early age. Your early love of the law, I am told, can be traced back to sitting on the couch with your mum and watching the TV series, Rumpole of the Bailey and Crown Court. You are quoted as saying to your mum when watching them, "Imagine doing that for a living?"

You attended Princes Plain Primary School in London for one year before the family moved to Christchurch, New Zealand in 1971. You attended Christ the King Primary School and then Christchurch Boys High School. Upon settling in Christchurch, you took the somewhat controversial choice for a NZ resident of not playing rugby union, to continue with soccer. The locals

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thought it was bizarre, but your skills were clear. No one would question such a choice this week.

You were an excellent soccer player and were eventually offered a trial with English giants Nottingham Forest. You are also a talented runner. Your sister, Gai, remembers you being hugely competitive. She also remembers you as not particularly academic because you were at the time obsessed with sport. We will find out later that you still are obsessed with sport and based on many comments from friends, family and still very competitive.

The family's adventures in New Zealand ended when you returned to Sydney in 1980. You lived in Killarney Heights and attended the local high school. Arriving at your new school, you discovered a newfound desire to learn. Your dreams of becoming the next Kenny Dalglish or Kevin Keegan [former British football players for the uninitiated, including me] were re-evaluated. You now knew that you wanted to do the law for a living.

After graduating high school in 1981, you attended the University of New South Wales and studied a combined Bachelor of Commerce and Bachelor of Laws.

Your friend and classmate, Barbara Lichti, remembers you being quite reserved, extraordinarily determined and intellectually sound. She also says, "You were a lovely guy." That is a recurring theme, your Honour. And to be clear, she still thinks you are a "lovely guy."

During this time, you met your first wife, Kathryn. She was also studying law, but you first encountered her when you went on the TV Show, Perfect Match, just for a dare. You did not find your perfect match on the show, but you did remember the woman holding the cue cards from that day when you

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met her again at university. You and Kathryn would marry in March 1990, have Megan in 2001 and be together until Kathryn's death in 2013 from cancer. Kathryn was a huge support to you during your studies and your lovingly returned the favour. You graduated from UNSW in 1987. Post-graduation you were a tipstaff and research assistant to President Kirby, Glass Hope JJ of the New South Wales Court of Appeal. You also performed the same duties to Hunt CJ at CL of the Supreme Court of New South Wales. 1988, took you back to England to the University of Cambridge where you studied for your Master of Laws.

You returned to Sydney in 1989 and took up a solicitor position with Mallesons Stephen Jaques. In 1992, you went back to London and worked at Herbert Smith. You stayed there for three years until you re-joined Mallesons in Sydney as a senior associate and partner.

Your Honour, you were called to the bar in 2000, which was a huge year for Sydney with the Olympics. You were somehow able to get involved in the Closing Ceremony whilst also taking part in a 14-week trial.

It all started in August when you competed in that year's City to Surf and you were asked by a random woman in the crowd if you could dance. Naturally, you said, "Yes," and was soon selected to attend Sydney Dance Company for rehearsals. Come September, you were in a group of fit young men dressed as lifesavers carrying Kylie Minogue around the running track atop the most iconic of Australian footwear, a giant thong. This was clearly the highlight of your year because I have no further information on how that 14-week trial turned out. I will just assume due to your obvious legal skills that you were successful.

Your early work as a solicitor and your 23 year career as a barrister has

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been nothing short of extraordinary. Your friends sum it up well, you have been an amazing ambassador for the legal system in New South Wales.

Colleagues say, you bring dignity to everything. You treat every matter as if it is the most important and you have a high level of integrity. You are an active listener. People feel heard when they talk to you. You instil confidence in your collaborators. You are a master of detail and you have exceptional intellectual rigour on the issues.

Your colleague, Zoe Hillman, says you command respect from everyone who works with you. It has also been said by a number of people that it is hard to keep up with you because you have been deemed to be the fastest walking barrister in Sydney. Scott Nixon on the bike and you on the shoes.

You regularly leave people in your slipstream when walking to court, but this appears to be the only time you intentionally leave people behind. The breadth and complexity of your work is astounding. Focusing on your commercial work, you have appeared in complex cases involving trademarks, branding and advertising disputes between food manufacturers, fuel companies and telecommunication giants. Your other areas of practice include equity, professional negligence, banking law and you have represented persons and organisations during royal commissions and inquiries.

You took silk in 2013. Since 2014, you have been repeatedly recognised by instructing solicitors, clients and peers as being amongst the top ranks of silks in Australia.

Running alongside your flourishing legal career has been your strong advocacy for improved diversity and the elimination of sexual harassment at the New South Wales Bar. You served as Chair of the Diversity and Equality Committee of the New South Wales Bar Association. You are currently an

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Advocate for Change on gender, appointed by the New South Wales Bar Association. Many contributors to this speech have said the same thing about your work on diversity and equality, you have walked the walk. This can be witnessed in you being one of the founding members of Alinea Chambers in 2018, Sydney's first commercial chambers with gender-equal membership. Colleagues have said that it is a wonderful place. The appeal is that it is non-traditional but thoroughly excellent in its work and commitment to clients. Your Honour, you have been able to realise your vision because you are intellectually committed to diversity. Your calmness, openness and thoughtful leadership has left a strong cultural stamp on the chambers. They are saddened, of course, that you are leaving but excited for your next steps.

Your Honour, what a professional life you have cultivated. It is exceeded only by the personal life you have created. It has not been without hardship and adversity, but it has been a life filled with love and passion. Top of the list is your friends and family. You are a wonderful husband. Your first date with Kate began when a restaurant opened and did not wind up until you were both kicked out after midnight. You have been together since, having married in 2020. You have said it has been a delightful second chance at love. You both share the same desires in the way you want to live life. This involves travel and adventure. Walking the dogs, reading, catching up with friends and spending time at your place on the South Coast. You are still very fit and active and, yes, many people confirm that you are still incredibly competitive. Kate now joins you cycling and you have taken up skiing. People who have witnessed your skiing skills have kindly reviewed you as an "emerging skier." Some friends have generously found other terms to describe your skiing. Chris Fox has also called you the biggest cleanskin ever. No drinking, unless

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it is champagne. Mark Finlay says you are a chocolate snob. Lindt is your favourite, and it is a sad day when you stooped to accept Cadburys.

The main passion in your life is and has always been your family. It has become beautifully blended since your marriage to Kate. Your stepdaughter, Kayla, says family is one of your deepest and strongest core values. This is evident in how you carry yourself in every moment, she says. The family's WhatsApp group, FamBam, is a constant source of support and amusement. It is here where your wicked sense of humour comes out.

Your friends also regularly witness this humour. They think you are wonderful person. In hard times, you have been a loyal friend. Nicole Faest has said it best, "I treasure Anthony's friendship to the end of the world." She saw you deal with the passing of Kathryn with great dignity and love. Your family and friends also witnessed you become an extraordinary parent to Megan. You continued Kathryn's 100% commitment to your daughter's wellbeing. Your success can be summed up in the accomplished person Megan is today. She considers you to be witty, wise and sensitive. You were always there. You redefined parenting through your resilience. You are her greatest role model.

Music is a huge part of your life and family and friends appreciated your eclectic taste. Most have witnessed your dancing skills. Again, your friend, Chris Fox, has come up with the very best description, very "fluid" and "unashamed," he said. Nicole has even experienced your singing skills at a school event. As with most things in your life, you have mastered that too.

Your Honour, everyone knows you will be an exceptional judge. They are all witnesses to your love of the law.

Kate remembers your first date and you telling her, "Since I was a

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teenager I've wanted to be a judge." She believes your appointment is a wonderful recognition of your investment in the law. She adds that your natural curiosity, diligence and high standards make you a perfect fit.

Megan thinks the bench is lucky to have you because of your core values. You will not suffer fools, says Hayden Martin. You will expect counsel to be well prepared and have full knowledge of the case. You will not tolerate argumentative performance and you will always demand civility. You will also foster a positive working environment.

Craig Smith believes you will create great rapport in your court. You are a quick learner, he says. You are decisive and you will be able to communicate your thoughts clearly.

Colleagues at Alinea Chambers speak for everyone when they say every client will want you to be the judge who determines their case.

Your Honour, my warmest congratulations to you on your forthcoming career on the bench is a delight to have with exceptional advice made this appointment today. May it please the Court.

BANKS: 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 people who are with us today.

It is a privilege to come before the Court on behalf of the solicitors of New South Wales and congratulate your Honour on your appointment.

We are joined today by your family and friends, and I would like to acknowledge those present, and their support in helping you arrive in this position.

First, the facts.

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As we have heard your Honour was born in Darlinghurst, and your family moved to the United Kingdom, then New Zealand. When you were 15, you moved back to Sydney, attending Killarney Heights High School for two years. Gai, your older sister, one of four sisters, remembers your ability at sport from a young age. Soccer could have been your calling, playing for Canterbury as a teenager and playing for Manly semi-professionally while at university.

Your sister said it has been a privilege to know you from the beginning and your siblings could not be happier about your appointment. She has observed a great sense of humour and fun. But in relation to sport, and life, she offered the helpful advice of an older sister, which is to occasionally take a chill pill. Your competitiveness in supposedly social sport was remarked on by a friend who said your squash games were a rather precarious and intense affair.

And your friend Barbara Lichti, self-described as having no love of exercise, has a weekend H-I-I-T training session from 1998 burned into her psyche. It brought her close to hospitalisation, and a weekend in bed recovering. She recalled specifically that her knees would not stop perspiring all weekend; never before, and never since, has she partaken in such things.

However, after moving so much while growing up, an international football career was not relished. Instead, your Honour chose education. As with many members of the Bench, it was not the writings of Sir William Blackstone, but television legal dramas that sparked the interest in law. As we have heard, watching these with your mother, with whom you were very close, formed a desire to become a judge. I think she would be very proud of this moment.

Your parents came from humble upbringings but your father's success in

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business and focus on education, combined with your mother's love, helped you towards a Bachelor of Commerce, and a Bachelor of Laws from the University of New South Wales, graduating in 1986.

After you did a summer clerkship and secured a position at Mallesons Stephen Jaques, we have heard this went on hold for a position of Tipstaff to Justice Glass in the New South Wales Court of Appeal, in 1987. The experience crystallised your desire to become a Judge. To start your path, you completed your College of Law course.

Mark Finlay, retired lawyer, remembers meeting your Honour in 1988 at the College of Law. To this day, your Honour is credited as the most principled and ethical person he knows, with the right temperament for the Bench. I However, he does see your support of Manly in Rugby League as a major failing.

Katherine, your first wife was also in this course. You courted there, travelled, and became engaged - not telling a soul. When you came back, your Honour soon left to undertake a Master of Laws at the University of Cambridge, England, and Katherine worked in Sydney. On your return, your Honour entered the position secured earlier at Mallesons and in 1990, your Honour and Katherine married.

Your time as a solicitor was bright and it was clear that litigation was your calling. From '92 to '95, you were a solicitor at the large commercial firm of Herbert Smith London.

Family illness, returned you and Katherine to Sydney and Mallesons, initially as a senior associate, then for three years as partner in litigation. Jason Munstermann, now a Partner at McCullough Robertson, worked at Mallesons back then. He remembered that junior solicitors loved working with

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your Honour; a great mentor to many solicitors, your door was always open. An aptitude for law, well beyond the average, was also apparent. You took those skills with you when you were called to the New South Wales Bar in 2000. You worked hard and aimed to become a Silk.

However, both you and Katherine, herself a partner at Freehills by this stage, decided you should also place importance on family. When your daughter Megan was born, Katherine took six months off. In 2001, after only being at the Bar for two years, your Honour then took six months off to care for Megan. Your Honour has said that this was unbelievably rewarding and despite people then telling you, you were mad for doing so, you loved it. However, at the end of six months, Katherine was diagnosed with breast cancer.

Over the next ten years, family became incredibly important and you juggled this with the demands of being an emerging junior barrister, in heavy-weight commercial litigation. Your exceptional ability at law was increasingly sought after, while there were rounds of chemotherapy and surgery. You were also a hands-on father, and then took ten months off from being a Senior Junior Barrister, before Katherine sadly passed away in 2013.

In October 2013, you were appointed Senior Counsel. You then juggled being a full-time father, a widower, and a Silk. There were not a lot of hours of sleep. That void could pull many of us apart. However, those at work said you balanced your professionalism and tragedy with grace, never troubling those who did not know. Be that as it may, you knew what it was like to have career breaks, and you devoted yourself to making a real change to gender equality at the Bar, while maintaining a busy commercial practice.

As we have heard, in 2018 your Honour and Michael Henry founded

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Alinea Chambers, Sydney's first commercial chambers with gender-equality and equity, key to membership. A one dollar buy-in reduced a major barrier for junior barristers, along with equal votes on issues before the Chambers (the Silks at times, being outvoted). Nine women and five men joined.

As we have also heard, your Honour was a huge force in the Bar Association's Diversity and equality committee, and the Advocate for change on gender.

Your Honour has appeared regularly before the Supreme Court of New South Wales and the Federal Court of Australia, the Independent Commission Against Corruption and in Royal Commissions. You have acted in many high-stakes cases, like *Kraft v Bega* and *Chevron v Ampol* and most recently, *Anderson v Canaccord*, in a successful defence of claim for damages of \$140 million. There are many more.

Your Honour has also been consistently recognised as one of the best lawyers in Australia every year since 2014, in guides like The Legal 500 and Chambers & Partners. These are the basic facts of the matters. Now here are the opinions.

Stephen Gorry, solicitor, instructed by your Honour on several matters. He said your Honour was beloved by clients, and first saw this while acting for pop group Bardot. Your Honour explained law and contracts with ease, the band in turn thinking your Honour was "gorgeous".

Tamasin Jonker, barrister, also used to brief your Honour when she was a solicitor. When she came to the Bar, she joined Alinea Chambers for its equity and gender equality. She remarked on your Honour's intellectual rigor, integrity, commitment to equality, generosity with time and leadership through action and that you will be sorely missed, a pang only alleviated by seeing this

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appointment.

Jeremy Clarke SC, first met you on the 12th floor in the very early 2000s and remembers an initial impression of someone quietly spoken, mature and intelligent, modest. Professionalism and ability were unsurprisingly clear, coming as you had, from being a partner at one of the largest commercial law firms in Sydney. He often sought your perspective and very good judgment. You became friends and colleagues, and he remembers your consistently insightful advice. He also noted that the right kind of people can attract luck. This was most clear when your Honour met Kate Mason, an outstanding light in your life.

Mr Clarke said that Ms Mason is an amazing person, warm and wonderful, with an easy ability to make people comfortable. It is to your Honour's credit that you found each other. You have grown happy, supportive lives with one another since your first outstanding date, and you are now very happily married.

Your Honour has said that when Ms Mason came into your life, she gave you new direction. Very few are fortunate to experience this powerful force twice. I would like to close with Ms Mason's voice. She pointed out that you set a goal as a teenager, and delivered. And although you may not be so good at accepting compliments or skiing for that matter, today, we are seeing a rare thing. Furthermore, none of your respective children have every outwitted you in the family WhatsApp chat, despite desperately trying, remember that in the tough times.

With an exceptional, versatile ability at law, your Honour brings over 30 years of tremendous experience to this Court. It will benefit from your intellect consideration, and care, and on behalf of the solicitors of New South Wales, I

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offer my sincere congratulations on your appointment. As the Court pleases.

MCGRATH J: Your excellency, Chief Justice, Attorney, Ms Banks, your Honours, distinguished guests, colleagues, family and friends. My immense gratitude to you all for being here today, whether in person or remotely. You are each honouring me and sharing an incredibly special day in my life and the lives of my family.

Those of us present today are in the beautiful city of Sydney, known as Eora by our first peoples. Sydney is defined by its fine golden sand beaches, its glistening sandstone etched harbour and the fertile plains that reach out to the misted Blue Mountains. A city within the abundantly resourced State of New South Wales. I acknowledge the Gadigal people of the Eora nation who have been the careful traditional custodians of these precious lands and waters for tens of thousands of years, nurturing and protecting their geology, ecology and mythology. I give my respects to their past, present and future elders and leaders.

I want to heartily thank the Attorney and Ms Banks for the beautifully crafted speeches they have each made about me. I recognise the care and attention that has been taken to obtain the contributions from my family and friends and colleagues for content.

They have mostly done justice to me sprinkled with the odd injustice of no importance. Speaking for myself the Equity Division of this Court declines to intervene.

Since the announcement of my appointment I have been so moved by the kindness and generosity of the congratulatory words that have flowed to me from so many. I have truly valued everything that has been said to me and I will treasure it always. It will serve as an antidote to restore my spirits on any

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particularly difficult days that lie ahead.

There is a well-worn expression that it takes a village to raise a child. For my purposes today I truly recognise that it took a village to raise this Supreme Court Judge. My village has been well-populated, kind-hearted and plentiful in their love, sustenance, care and support of me at all stages of my life. This is my tribute to my village.

From my start in life and beyond I owe everything that I have achieved to the love, affection and devotion showered on me by my mum and dad, Jill and Tony McGrath. Both of them came from very impoverished circumstances with no thread of any of the advantages that one might imagine would produce a Supreme Court Judge from one of their children.

My mum Jill was the second youngest in a family of 11 children. At six years old she lost her own mother to the scourge of breast cancer. My mum was then brought up by her two much older sisters. Her own education was curtailed at 14 yet my mum was one of the smartest people that I ever met. She devoted her life to her five children, she was passionate that my four sisters and I could achieve as far as we dared reach supported by the scaffold of our education and the love of my father and her. She sacrificed her all for us, I was very close to my mum and I spent countless hours alone in her gentle company talking about events and dreams in my life and hers, including watching television of those episodes you have heard about and it was from that influence that I developed a secretly held dream as a teenager to one day become a barrister and ultimately a Judge.

My mum passed away in 2016, I miss her every day. I can feel the pulsing pride in my heart that she would have felt on the arrival of this day.

My dad Tony was the middle of three brothers, his parents Reg and

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Hazel also had very little means. At one long stage of their lives Reg and Hazel lived in a tent pitched beside the North Coast railway line where Reg laid the track. This was no place for my dad and his two brothers to live so each son was sent to the long-term care of a different relative.

From sheer force of character, will and hard work my dad improved himself by studying to be an accountant at night while working full-time and raising a young family with my mum. His intelligence and endeavour were recognised as he was constantly promoted across a very successful business career. My dad worked long hours, many of them spent travelling away from our home and family. It left my mum to often parent five children alone but dad was always back home with his family for weekends.

I learnt much from my dad, we spent many hours together over the years as he drove me to hundreds of soccer games all over the Canterbury Plains and later the Sydney Basin. He taught me to be ambitious, to learn, to be curious, to apply myself and to treat people with respect and value no matter who they were.

For him the value of a life was never about the position you held, it was what you did in it that mattered. He extensively volunteered the most precious gift we each have time, which was later recognised by his award as a Member of the Order of Australia. I will carry the model of his weighty words and actions into my future judicial work.

My dad cannot be here today as he is now in full-time dementia care, almost completely robbed of the power of speech. Yet last weekend I had been appointed a Justice of this Court, he grabbed my hands, drew them to his lips, kissed them and started to cry. He knows of today and he is proud.

My parents gave me the bonus of four beautiful and spirited sisters, Sue,

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Lyn, Gai and Kim my parents did not like to go beyond three letters. Our house was gender equal in theory, although more often than not I felt the brunt of sex discrimination against me. I await their equality explanation for why all inside family household chores were shared between us but every outside chore fell to me alone. Secretly I know that they skilled me to become a fully functioning human and much better man.

I am so proud of each of my sisters for who they are and what they have achieved. They have given me living examples of how to make the best of yourself to strive to reach goals, be authentic and raise children while balancing a demanding career. They are married to fine men, my brothers-in-law Ray, Allen and Glen. I did not grow up with brothers so you each taught me so much about relationships with men and I am also very grateful that you each replaced me as the principal subject of my sister's justifiable complaints.

In 1988 as you heard I met a remarkable and beautiful woman, Kathryn Everett in the most amusing circumstances that you have also heard we actually met the year before but that does not count because I made no impression on her at all which was good in a way given that at least it is not a bad one.

Kathryn became accomplished, successful and admired in her life and career in the law to my good fortune she also married me. Kathryn and I were together as life partners for 25 years before she was cruelly stolen from us by breast cancer in 2013 more than ten years after her diagnosis.

Kathryn left an immeasurable legacy in her life defined by her love of her family and friends, her brightness of spirit, her grace, her sense of justice and her determination that her workplace welcome, listened to and respect the

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voices of people from all backgrounds, genders and cultures. I share those values which will always guide me forward as I administer justice bolstering the legitimacy of the powers I will now exercise as a Judge of this Court.

As I recounted in my eulogy at Kathryn's funeral amongst her final words to me jokingly were "always have a black or red suit" that is my motto in life. I have never truly understood her guidance until now. She was telling me to become a Justice of this Court, looking at me today wrapped in vibrant red with the black trial garments awaiting for me to wear in the future I have done my best to fulfil Kathryn's motto by taking this appointment, but maybe today she might think I have taken it a bit far.

Kathryn gave me the greatest gift a child in our own images our 22 year old daughter Megan who has filled my heart by especially flying in from London to be here to share this day with me and our extended family. Megan has shown me enormous courage and resilience to face without her mum. She taught me so much about keeping moving forward no matter how hard you get hit. She also carried her father in grief. Megan is now making her way in the world possessing quality she has been given by her parents but mainly her mother if I am really honest.

When Kathryn passed Megan and I were unconditionally supported and held close by our village, Kathryn's sister Sarah Everett and her family, Megan's nanny of ten years Gabrielle Watson and four families from Megan's primary school. I would not have seen this day without the extended love to carry on that was given to us by Georg and Nicole Faest, Colleen and Marco Cassarlo, Shaynen O'Neill, Kathy McArdill, and Chris and Jenny Mattes. They fulfilled their promises to Kathryn to care for Megan and me and so much more, my unending gratitude to you all.

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Four years ago the full brightness of the sun unexpectedly returned to my life. I met the gorgeous force of nature who is now my wife Kate Mason. She lit up a present and a future I could no longer see for myself. Her happiness, authenticity, optimism, vibrancy, trust, open heart and belief dragged me to my feet and gave me a horizon painted in technicolour again. We now dream together of new passions and excitement and new purpose and she has encouraged and supported me to dare greatly again by taking this appointment, I simply would not be sitting here today without her.

Kate has also given us three more adult children in her image, Kayla, Annabelle and James who are here today to form our modern family with Megan. Your support for me is so valued and treasured by me as is that of your partners Jack Ewan(?) and Megan's partner Jonathon who is watching from London, hi Jono.

Amongst all these matters of the heart as a sideline I have had a career in the law. I was blessed with excellent schooling and the finest legal education at all of the schools and institutions I attended.

When I was studying law at the University of New South Wales in 1983, during my study of criminal law I came to this building to observe and report on bail hearings and appeals. I often sat in this very Banco Court as a wide-eyed 18 year old boy watching the two and fro with criminal appeals wildly dreaming that one day I could be a barrister presenting a case or even the Judge deciding it and those dreams continued during my year working as a tipstaff and research assistant for President Michael Kirby and Justices Harold Glass and Robert Hope in the Court of Appeal and Justice David Hunt as Chief Judge in Common Law. In the most unfortunate circumstances I received the most fortunate of experiences. Within my first month of working for Justice

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Glass he was diagnosed with an incurable cancer which unfortunately took his life a couple of years later.

It appeared that my work at this Court would come to an early end as my position with Justice Glass was personal to him. I will be forever grateful for the immense kindness and care of the Honourable Michael Kirby because he insisted on finding a place for me on his staff so I could then be available as a tipstaff for all of the Judges of the Court of Appeal and also for the Chief Judge in Common Law. My passion and connection with the law blossomed from his generosity and your Honour meant so much being here today.

The first ten years of my life in the law were spent working as a solicitor at Mallesons Stephen Jaques where I was fortunate to become a partner and in London at Herbert Smith. In my first year at Mallesons I worked for Bob Wilcox where I learned much about the machinery of modern commerce but I was forever drawn to working in dispute resolution and I want to specifically thank Chris Fox and Justice Ward, now the President of the Court of Appeal from whom I received excellent tuition on how to prepare and run cases with skill and diligence.

Ultimately the irresistible lure of the bar proved too much. I received invaluable advice and guidance from my tutors when I first came to the bar in 2000 who were Justice James Stevenson of this Court and Loughlin Giles SC. I am indebted to you both for the interest you have each shown in me as a person and in my career at the bar. I especially look forward to serving as a Justice of this Court in this division alongside my long-term admired mentor Justice Stevenson who I consider to be the judicial master of the short sentence. For 18 years at the Bar I would happily practice at 12 Wentworth Selbourne Chambers, I am very grateful to Justice Steven Rares of the

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Federal Court and Justice John Robson of the Land and Environment Court for taking a brief from me to appear in Fiji and over dinner encouraging me and then being instrumental in me going to that floor and you also honour me by your presence here today. I have made lifelong friends in those chambers, so many of you who are also here today.

In 2018 I left the 12th floor to found Alinea Chambers with some courageous and daring barristers creating our vision for diversity in commercial practice at the Bar. We overcame considerable challenges to create a flourishing workplace where all of us could grow and thrive from a new line of thinking. Alinea Chambers now has its respected place in the Australian legal world, I have loved being a member of Alinea Chambers, the companionship of its members and staff and I will greatly miss it.

I also want to acknowledge the invaluable support that I was given in my career by my two clerks Bob Brimer at 12 Wentworth Selbourne and Sarah McShane at Alinea Chambers and my personal assistants Ming Ly Chan, Linda Bussell and Karen Hopman. My life as a barrister was supported by some wonderful solicitors who loyally briefed me over many years and by skilful and talented juniors who toiled hard to make my task easier than it ever would have been if I was left to my own devices. I will not mention any of them by name but I want for you to know that I would also not be sitting here without you.

Life as a legal practitioner in dispute resolution in an increasingly complex world can be very hard. It is so important that the legal profession maintains a healthy culture. Culture is really about how you do things rather than what. As a Judge of this Court I regard myself as one of the culture carriers for the legal profession in this State. My intention is to conduct myself

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and exercise power in all of its forms in a respectful and inclusive way making the task of those before me easier not harder.

I only sit here today taking the oath of allegiance and the judicial oath to devote the balance of my working life as a Justice of the Supreme Court of New South Wales because of every advantage I have received from the collective love, support and contributions from my village. It is because of each of you that I can truly and proudly say we made it.

I will always do my best to honour the trust and faith that has been placed in me to exercise the jurisdiction of this Court in accordance with my oaths into its 200th year and beyond.

BELL CJ: Thank you Justice McGrath.