IN THE DISTRICT COURT

OF NEW SOUTH WALES

THE CHIEF JUDGE

THE HONOURABLE JUSTICE D PRICE AO

AND THE JUDGES OF THE COURT

MONDAY 27 FEBRUARY 2023

**SWEARING IN OF HIS HONOUR JUDGE MICHAEL ALLEN AS A JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES**

Gabrielle Bashir SC, President, on behalf of the NSW Bar Association

Cassandra Banks, President, Law Society of New South Wales, on behalf of solicitors

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(Commission read)

(Affirmations of office taken)

PRICE CJ: The affirmations will be placed in the Court archives and kept as a record of this occasion.

Judge Allen, in the last 12 months the Court has got to know you very well. You have been presiding as an Acting Judge in very difficult trials. In actual fact, as you know, today I was very concerned because you had a jury out on verdict whether you’d be able to be here. But thankfully they came back with a verdict on Friday afternoon.

You bring to this Court extensive experience as a judicial officer. You are welcomed by all the judges of the Court and I wish you all the very best in your continuing judicial career. Ms Bashir?

BASHIR: May it please the Court. I acknowledge the traditional custodians of this land, the Gadigal people of the Eora Nation and pay my respects to their elders past, present and future First Nations leaders. I extend my respect to First Nations people with us today.

On behalf of the New South Wales Bar it is my pleasure to welcome your Honour’s appointment as a permanent judge of the District Court of New South Wales. We join your Honour’s family in celebrating this happy occasion. Your Honour’s wife Dana, your children Jack, Greta and Thea and extended family.

This is your Honour’s third swearing‑in ceremony following your Honour’s appointment as a magistrate of the Local Court in 2009 and elevation to Deputy Chief Magistrate in 2018. The records of those earlier ceremonies document your Honour’s entry to the law and contributions to the legal profession at those times and I will try not to journey through all of your Honour’s vocational milestones again today.

Suffice to say that regional New South Wales is not only in your upbringing but in your heart. Your Honour gave 24 years to legal practice as a solicitor and then happily for the Bar, a barrister. Your trusty farm ute travelled the long distances from Court to Court across the central west where your Honour practised targeted and effective advocacy.

We have since been graced by your Honour’s 14 years of service as a judicial officer. First as Magistrate, then Deputy Chief Magistrate, Acting Chief Magistrate, Acting Judge and now your permanent appointment to this bench.

However, there are select additional insights from your Honour’s pre‑judicial life to add to the record, particularly from your Honour’s time at the bar. We have a little more detail about the outstanding performance that informed your Honour being awarded first prize in the Bar Readers’ Course in 2002. A fellow participant in the course recalls a late afternoon session in which you were each supported to present a short ten‑minute cross‑examination of a mock witness. I’m told that luckily for the rest of the group your Honour went first while others nervously awaited their turn. This was not a random pick by the course director. Your Honour was outstanding as a star of the class and the demonstration instructive.

The cross‑examination proceeded with now Chief Justice Allsop as mock judge. His Honour would have been a Justice of the Federal Court then prior to his appointment as President of the New South Wales Court of Appeal, and later Chief Justice of the Federal Court. It was a civil case about the fraudulent sale of a painting with the mock witness claiming that the painting was legitimate. Your Honour was tasked with demonstrating otherwise.

Your Honour’s ten minutes turned into an hour as then Justice Allsop was eager to see how far you could take the matter and kept telling your Honour to continue all the way to the end. His Honour was complimentary seeming to enjoy the intellectual sparring exercise as he urged you along.

After the session Justice Allsop congratulated your Honour on your performance and asked where your Honour had come from. Your proud answer was Legal Aid. It was late in the day. Your Honour demonstrated perseverance, formidable skills as an advocate and an intellectually engaging approach in legal argument. Those skills will be displayed many times thereafter at the bar including in a Supreme Court murder trial where your Honour conducted extensive cross‑examination over several weeks, including in relation to hotly disputed expert evidence.

In practice as a regional barrister with chambers in Orange your Honour’s perseverance was demonstrated by an occasion when your Honour diligently turned up to court before Judge Norrish despite being considerably ill having inadvertently poisoned yourself with a sheep delousing agent.

Such was your Honour’s commitment to both farm life and the law that before attending court your Honour had been roustabouting on the family property out of town and backlining which apparently involves having the sheep between one’s legs and delivering a concentrated dose of delousing chemical for diffusion in the wool.

Unfortunately the chemical must have diffused in your Honour’s direction and you became so sick that you couldn’t drive. Never one to miss court the ever‑patient Dana drove you to court while your Honour lay flat in the back of the car weak from illness.

On arrival at court your Honour sprung to your feet, no‑one else in court knew of your Honour’s predicament. It was a part‑heard sentence and your Honour was determined not to delay the process of justice that day. Sources don’t advise whether Judge Norrish had a story or two for you that day which may have prolonged proceedings.

When the Court was adjourned your Honour made it outside and then collapsed into the horizontal position again across the back seat of the car for the ride home. This story not only speaks to your Honour’s dedication to advocacy and justice but also the enormous support of your wife Dana has offered over the years.

Your Honour’s hands-on experience of farms and love of country life has informed your Honour’s down to Earth manner and relatability to people from all walks of life. Many a great conversation has been had at a local favourite pub between your Honour and the shopkeeper, sheep grazier, medical specialists, earth mover, meat buyer and cattle grazier. Your Honour has a great rapport with all and even though there is at least 50 years between the eldest and youngest of fellow patrons your Honour never fails to engage in solving the world’s problems over an old dark ale or two.

Your Honour’s regional and community connections have informed your understanding of people and down to Earth manner, plain communication skills and acute awareness of the impact that decisions of the Court can have for an individual. Your Honour appeared for people from very diverse financial and cultural backgrounds informing your breadth of understanding from your time at the bar.

A moving example of the impact that the judiciary can have on lives is demonstrated in a letter that was sent to your Honour from the parent of a young accused, I should say offender, at the end of a successful probationary period after your Honour had been persuaded that he should be given a chance to serve a good behaviour bond in a matter where drug addiction and related problems had been a factor.

The letter sent by the father at the end of the two‑year period credits your Honour’s decision as the catalyst underscoring him going on to turn his life around, hold down a job, and become a citizen of good standing once again. Evaluative and discretionary judgments of this kind within the application of the law that can change lives, and not only the lives of an accused, are made by judges of this Court day in day out. Your Honour has proved over and again that you are well‑suited to what can at times present a most difficult task.

Your Honour has demonstrated also an intellectual rigour in day to day decision‑making, pastoral support and the administration of judicial education programs, as particularly demonstrated during your time as Deputy Chief Magistrate. No doubt your Honour will continue such contributions on this bench.

Your Honour worked closely with the Judicial Commission and took care to program insightful topics for educational seminars and conferences. To name just two, Judicial Attitudes and the Proper Role of the Judicial Officer, and Artificial Intelligence and the Future of the Judiciary.

One topic has, of course, now been the subject of recommendations from the Australian Law Reform Commission and a revised Guide to Judicial Conduct by the AIJA. The other is evolving as we speak, with not only the judiciary grappling with the ramifications of artificial intelligence for the profession.

Your Honour also highlighted for seminars an understanding of the impacts of a background of gross disadvantage and the importance of equal justice for First Nations persons coming before this Court.

His Honour Judge Peter Johnstone, Chief Magistrate, has remarked that,

“Judge Allen made a significant contribution to the Local Court both as a magistrate and after his elevation to Deputy Chief Magistrate. In particular he was a significant force in the education and training of the Court’s bench and as Deputy Chief Magistrate he endeavoured to foster an environment of support and collegiality.”

Your Honour was also a helpful sounding board for your colleagues during your time as Deputy Chief Magistrate effacing problems. Colleagues could call your Honour to talk through issues knowing that you could be relied on to be respectful, discrete and direct with your advice.

Your Honour now serves on this Court alongside Judge Henson who was the Chief Magistrate during most of your time on that bench, and alongside your then fellow Deputy Chief Magistrate, her Honour Judge Mottley, now Senior Judge of the Drug Court.

As a leadership team your Honours were a force of nature, each wonderfully intelligent and with a deep respect for one another. Your different but complementary skills as judicial officers are reflected in the diverse range of matters each will preside over in the years to come in this Court.

Within the Courts your Honour is known for showing a high regard for registry staff and court officers, always appreciating the vital role of the registry, mindful of the pressures that staff are under and conscious of the impact that your decisions may have on the staff.

Your Honour’s appointment has been widely welcomed with glowing reviews of your Honour’s courtroom management style, harmonious, courteous and respectful of the roles of each person in the room.

In the past year as an Acting Judge, as we have already heard, your Honour certainly took your fair share of difficult and complex matters, sitting in a jury trial where multiple sophisticated fraud allegations were tried, and also presiding in a series of back‑to‑back judge alone trials involving multiple complainants and multiple counts of sexual assault.

Your Honour is well versed in the multitude of tasks that judges are called on to attend to day in day out in this jurisdiction including the trial work and diverse rulings that are thrown up, often at a fast‑moving pace, judgments, orders and of course sentencing.

Your Honour is known to have a particular skill in the area of complex mathematics which must come in handy once instinctive synthesis has been applied where there is a resulting imposition of multiple individual sentences, partly accumulated and/or backdated with varying commencement dates and lengths, and an overall or aggregate sentence calculated. Your Honour apparently quite likes mathematical formulas and even enjoys thinking about probability as a pastime.

In the middle of the pandemic on days when your Honour was in a good mathematical mood, you would inform colleagues of their individually calculated percentage or likelihood of getting COVID‑19, taking into account unique factors of variation based on attendant risk elements.

On the occasion of a swearing‑in ceremony it is conventional to introduce new colleagues to a judge’s interests outside of the law, but it is likely already known by now that your Honour is a loyal Parramatta Eels fan and there is no need to spoil today by recalling the last grand final.

Your Honour and Dana also share a love and appreciation for food and cooking, evidenced in the profession from your first days in the Bar Reader’s Court where your Honour’s packed lunches and homemade slices were the envy of the room.

Your Honour is regarded as a brilliant judicial officer and a very good person, someone who would rather be on the land and in a swag sleeping under the stars of the big southern sky, who continues to quietly give service in the knowledge of the extraordinary value of the contribution to fellow citizens through judicial life.

On behalf of the Bar, congratulations your Honour, and all the very best for the years to come. May it please the Court.

PRICE CJ: Thank you Ms Bashir. Ms Cassandra Banks, President of the Law Society of New South Wales.

BANKS: 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 I pay my respects to their elders past and present and their youth emerging.

Judge Allen, I am honoured to come before the Court on behalf of the solicitors of New South Wales to offer congratulations and wish your Honour well in your appointment as a permanent judge to the District Court.

You were born in Darlinghurst and raised in western Sydney, but whilst school friends were holidaying with their families in Port Macquarie or Kiama, you and your family spent all your breaks on the family property out at Alagala between Tullamore and Dandaloo. For those who don’t know, that means way past Dubbo.

In both spirit and preference your Honour is a country boy, as we have heard. Your father worked for a bank and had been relocated to Sydney. He managed the family property and so on your breaks he taught you and your siblings to build and mend fences, mark lambs, drive a tractor and all the other crafts of the bush.

There was time for recreation too. On one occasion you and a mate took off to a local pool. At the old turnstile entrance your mate, an Aboriginal boy, was refused admittance. You weren’t going swimming without him so you both headed in the opposite direction for the river where families were far more welcoming.

You knew what you had witnessed was not fair but at that time, in 1973, it’s just the way it was. This injustice helped plant the seed that would steer you towards a career in law.

When you were 16 your father, with whom you had a loving and close relationship, camped with you in a remote part of a friend’s property. You made your base in a region on the Barwon River that rarely shows up on a map. Your dad had to tend to business in Sydney but you were keen to stay so he left you with supplies and bedding. You fended for yourself quite happily, fishing for food and enjoying the Australian bush and sleeping under the stars. Dad came back to collect you a few days later, no doubt pleased at your resilience and fortitude.

You were a clever and diligent student who got good grades and excelled in music, art and sport. You were accepted to study an Arts degree at the University of Sydney, majoring in Philosophy and Psychology and decided to study law as well. While you studied you worked part‑time pulling beers at the legendary and now defunct Journalists Club in Surry Hills where you were privy to some extraordinary secrets and able to hear some fascinating speakers.

Your Honour was admitted to practice in 1986 and for six years you had worked variously in civil and criminal matters starting at White Barnes McGuire in the Sydney CBD and moving further inland with Todd Hunter’s at Parramatta, the New South Wales ODPP in Penrith, and finally Elrington Boardman Allport in Queanbeyan and Yass.

You then worked in your own practice until 1992 when you joined Legal Aid for seven years and then spent two more years at Mark Mulock & Co in Penrith.

As we heard, you took first prize in the New South Wales Bar Readers Course and were called to the Bar in 2002. Robes, wig and a ute is how you described your work as a barrister.

You were based in William Owen Chambers in Orange and would travel regularly to major court precincts in Sydney, Penrith, Parramatta, Campbelltown and Wollongong, and to regional courts in Dubbo, Griffith, Bourke, Wagga Wagga, Condobolin, Mudgee, Newcastle, Forbes, Parkes, Albury, Goulburn and everywhere in between.

You took a lot of cases from Legal Aid and the Aboriginal Legal Service and will be heard in the Childrens Court, the District and Supreme Court, and the Court of Criminal Appeal.

In 2007 your Honour would take some time off to run as a Labor candidate for the prized independent seat of Calare, an electorate you’ve calculated to be roughly the size of Brazil and one that the National Party were very keen to win. You threw the kids in the ute and travelled every corner of the entire electorate, stopping to speak with locals everywhere.

A highlight for your daughter Greta on this trip was an invitation to a women’s circle in Brewarrina. This involved a group of Aboriginal women forming a circle to exchange news and stories and you and Greta were both honoured and delighted to be invited. Greta announced immediately that she never wanted to leave Brewarrina.

You were also invited onto Shootin’ The Breeze, a program on CUZ FM, the local radio station run by and for the Aboriginal community.

Politics’ loss is law’s gain. You didn’t win Calare but the National Party ended up running to preferences so you certainly gave them a fight they’ll remember.

You and your family were also invited to the Apology to Australia’s Indigenous Peoples at Parliament House in 2008 when the Rudd government was in its early days. This had a marked impact on you and remains one of the highlights of your life.

Your Honour has served in New South Wales courts since 2009, first as a Magistrate on the Bathurst Local Court circuit, then Deputy Chief Magistrate in 2018 and an Acting Judge at the District Court since January last year.

You are known for your gifts as a fine and subtle raconteur, your impish self‑deprecating sort of humour, and your relentless devotion to the law.

Magistrate Erin Kennedy, now serving as Deputy State Coroner, recalls the first time she met you at a conference at the end of a very long day. You were arguing passionately with another magistrate about a remote point of law when everyone else just wanted to pack up and go to the pub.

Her Honour was not impressed at first, but later when the drinks had been enjoyed, she was delighted at your funny and clever conversation. As she grew to know you as a colleague her Honour knew you as a person who cared for the welfare of all people and would always be looking out for other’s well‑being. Her Honour had the pleasure of many conversations with you at morning tea in the courtroom.

One of your regularly heard self-deprecating lines concerned your experiences and skills versus those of experts who you may have heard in matters or read in briefs with whom you may not have agreed with. “I am practically a neurosurgeon” you’d declare, or an architect, geneticist or surveyor, depending on which expert had displeased you.

Your colleagues could always tell when you were deep in thought because you would draw circles which would eventually become clear, precise works of art. One of your circle works is actually framed in the tea room.

Solicitor Paul Longhurst, an old friend from Orange, who instructed you in many matters suggests that anyone appearing before you who hopes to catch you out will have to get up early in the morning. He recalls you as a fine advocate with a defined sense of fairness and prone to remark on, and lament on the frailty of human nature and the rich tapestry of life.

Mr Longhurst remembers your deep respect for indigenous communities, your empathy and your appreciation for moments of unexpected humour. In one of your matters where both parties were Aboriginal the court had adjourned and you took the time to speak to an elder who you knew and respected who had been watching in court. She was not involved in the matter. “How do you think we’re going, Rosie?” you asked. “They’re all a bunch of liars” Rosie said without missing a beat. This had you chuckling for hours.

Amongst your busy life you are a devoted husband to Dana and a proud father to Jack, Greta and Thea. Your Honour loves sports and has been known to play a game of rugby union with the Orange Emulators, the local Golden Oldies team. You also admit to being a proud Parramatta Eels tragic.

You’re a keen bushwalker and still enjoy surfing when you get a moment. Farming is in your blood and you’ve chosen a sizable property, not too far from Sydney this time, that takes most of your spare time with a little bit left over for Herb and Vince your loyal Staffordshire terriers.

Your Honour brings not only a wide range of legal skills and depth of experience to the bench. With your permanent appointment comes a deep and abiding respect for all Aboriginal people, respect for their connection to country and a true affinity with the land and people in regional and remote areas of New South Wales.

Everyone who knows you talks of your kindness, that you treat people with courtesy and respect and it is legendary. On your departure from the Local Court even one of the administrative staff wrote to say, “It has been an absolute honour and privilege to have you as one of the court officers and to have worked with you.”

Your Honour, you are an ambassador for country practitioners. Your service and inspiration to regional solicitors is greatly appreciated.

On behalf of all the solicitors of New South Wales I congratulate your Honour on your appointment and wish you the very best for your permanent appointment and ongoing career on the bench. As the Court pleases.

PRICE CJ: Thank you, Ms Banks. Judge?

ALLEN DCJ: I too begin by acknowledging the traditional owners of the land on which we meet to conduct the ceremony today, the Gadigal people of the Eora Nation. I also pay my respects to elders past and present and any First Nations people who may be present.

Chief Judge, Ms Bashir, Ms Banks, fellow judges, magistrates, members of the profession, court staff, my family and friends.

Thank you Ms Bashir and Ms Banks for your generous, kind and supportive words and for being here today.

I must say that some of the content of what you have each spoken of makes me sound as if I’m a cross between Bear Grylls and Harry Butler, as mentored by Atticus Finch, but I can assure you I am not.

I was, as a child, a sensitive kid who was moved by injustice. Socrates said of judges, “Four things belong to a judge: To hear courteously, to answer wisely, to consider soberly, and to decide impartially.”

That short phrase has served well as a guidepost to me since I learned it at an orientation program for new magistrates many, many years ago. That, of course, is not to say that the law and the administration of justice has remained static since the days of Socrates. Judicial officers are not images frozen in time incapable of action or inaction, akin to paintings on Keats’ Grecian Urn.

I have mostly loved my life in the law. Of course, that is not to say that it did not have its moments where I thought I should pursue a life in farming, cultivating organic garlic or breeding free range sheep or cattle - something. Such digressions have always been relatively short‑lived however.

I am reminded of the saying that the best way to turn a large fortune into a small one is to buy a farm and for good or bad I never quite amassed that large fortune.

I loved my time on my feet in the courtroom as a duty solicitor, mostly in the bush, all care and some responsibility. Then as counsel, mostly in the bush, all care and more, much more responsibility. Then as a Magistrate, again mostly in the bush, all care and even greater responsibility. Then as a Deputy Chief Magistrate, sadly not in the bush, and with lots more responsibility. And now as a District Court Judge, all care and enormous responsibility.

I say that because with the great honour and privilege that this appointment brings comes an onerous responsibility to serve the community well through the administration of justice. As judicial officers our audience is far wider than just our colleagues, appellate courts, courts of inferior jurisdiction or the broader profession. Our most crucial audience is the community, those who are the subject of our decisions. Their families loved ones and their friends, for it is ultimately the community that we serve.

Most people I speak with from all sorts of places and from various backgrounds wouldn’t want to be a judge in any of their lifetimes. They intuitively understand the nature of the work the judges do and the difficult decisions they have to make daily. I am sure these people would not say this if they did not have the confidence in our judiciary. Because they have confidence in the judicial system and largely trust judicial officers, they leave us to go about our work, but to do so with those necessary qualities identified by Socrates so many years ago.

If I was to be so presumptuous to add another quality to those identified by Socrates of judges, as oxymoronic as it may seem, it would be the quality of humility. I understand the irony of raising humility as an essential quality of a good judge on an occasion like this when I’m sitting here talking about myself.

As has been said, I am one of seven children. I grew up in western Sydney but not just there. As part of a large and close extended family whose footprint included central west and western parts of New South Wales, I spent much of my childhood in those places as well.

My parents, my father Ron who passed away in entirely preventable circumstances some years ago now, and my mother Flora now 92 who couldn’t make it today, were great believers in two core values, family and education.

The latter meant doing your best at school and later at university and of course at work. Education is the great elevator. It provides all children with the opportunity to be greater contributors to our society and live a more engaged and rewarding life. Family I think is the great civiliser. It keeps individuals grounded. It is a bridge to their past and a mirror to their true identity.

It’s no fluke that my siblings have become teachers, the most undervalued of professions, an engineer, now an artist on the cusp of international recognition, and others engaged in various caring professions. My brothers and sisters cannot be here today, as, like the children of Abraham, they are scattered far and wide all over this great continent. They have each wished me well with the whisper, “Better you than me, Michael.” You don’t get to choose your family but if I did get such a choice, I would choose them and I thank them for their support.

As I alluded to earlier, the role of judicial officers and the administration of justice is and must be adept at not only adjusting but also leading in a rapidly changing and increasingly cynical world. One need only watch the nightly news to heed the warning that the gentle current of community disquiet and cynicism can quickly become a raging torrent of dysfunction, bitterness and division.

It brings to mind the words of Robert F Kennedy when he said, “Let us dedicate ourselves to what the Greeks wrote so many years ago, to tame the savageness of man and make gentle the life of this world.”

Whilst it is likely Bobby Kennedy may have penned these words whilst on the political hustings, for me they remain highly relevant to judicial officers in our rapidly changing community. I think most would agree that, for whatever reason, there is a growing disquiet and distrust of the political class and community leaders in certain quarters of our community.

We live in a time of profound change. It is said we are now in the age of the fourth industrial revolution. The first three used water and steam, electric power and information technology respectively. The fourth will use artificial intelligence, nanotechnology and biotechnology. The age of AI, nanotechnology and biotechnology, the hallmarks of the fourth industrial revolution, will have a profound impact upon our communities and our lives. The judiciary and the wider legal profession will not be and are not immune from such change.

By way of quick example, most, if not all of you, will remember watching cricket or tennis on the TV before ball tracking technology, which is AI. I’m sure you remember a time before Siri or Amazon’s Alexa, and a time before the iPhone. The first iPhone was only released on 29 June 2007, less than 16 years ago. Now, more than 5.3 billion people or nearly 70% of the world’s population own a mobile device. Rapid and momentous change is upon us.

So why is it in such a rapidly changing world do I pitch for those values identified by Socrates more than two and a half thousand years ago, to which today I have added the quality of humility? For me the answer is simple. As I earlier implied, the judiciary I feel is the last great institution that the community, sadly, not the entirety of the community, but nonetheless the community broadly trusts.

When people go to court, they expect no less than to be given a fair hearing. If the Court gets it wrong, then the appeal court will rectify the error and justice to the individual will be served. People need courts to be accessible. The community needs confidence in the judiciary. Courts and judicial officers cannot stand divorced and aloof, unfeeling and/or ignorant of individual and collective human experience. It is incumbent upon judicial officers and also the profession to maintain this trust and confidence. I am certain humility is the super glue that helps bind this trust and confidence together.

I want to share three short stories with you. They have been, upon reflection, constant in my professional life and guide those values I will endeavour to bring to my new role.

The first story was told to me in the early 1990s by my father’s uncle. His name is Ted who had effectively raised my father on a property called Hopevale near Alagala between Narromine and Tullamore. That’s a place well known to the Chief Judge. Ted was born on Hopevale and did not leave that farm until he was 17 years old. As a teenager in the 1920s he and one of his brothers, Burke, would walk among the river gums along the Bogan River which wound its way through the property for about 20 kilometres. Ted and his brother would often come across First Nations people. The groups usually consisted of two or three men and a dozen or so teenage boys. They spoke in language and wore traditional dress. They would often stop and smile and provide Ted and his brother with some freshly caught fish before continuing along the riverbank to the next camp or fishing spot. Later Ted came to learn that they were from a nearby mission and the men had brought the boys to the place where they had once lived for traditional ceremony.

The second story was also recited to me by my father’s uncle. By the time he told me this story Ted was in his late 80s and it was not long before his death. We were sitting in the rear yard of my parents’ house in Merilba Street in Narromine. It would have been, I think, 1995. This story was also about Ted’s early life on Hopevale; he spoke of a large property nearby. He knew that I knew the property well; I had fenced about 4 kilometres of the common boundary between the two properties when I was about 17 years old. Ted talked of the men, the land owners who’d come together and had a meeting in an outbuilding on this property. He and his brother were there eavesdropping, as teenagers do. They heard the men speak of the drives and the muster. The property at the time was many tens of thousands of acres and fronted the river for tens and tens of kilometres. It was at this point in the story, as it was recited to me, that my great uncle Ted leant forward and whispered, he said he hoped it wasn’t what he thought but deep in his heart he knew that it was. The men were not talking about driving or moving sheep or cattle. The muster that was to take place was of men, women and boys and girls. This was in the late 1920s in central western New South Wales.

The third story: Around 1999 I was working as the solicitor in charge at the Legal Aid office at Campbelltown. I was called to the cells downstairs in the Campbelltown court complex. In the interview box I saw a man who I immediately thought was too old to be in that position. He was a tall, rangy man with greying hair and a good shock of it. His skin was dark; he was a First Nations man. My guess is that he would have been in his 50s at the time. I will call him Steven. On this day Steven instructed me to apply for bail. He told me he lived close to the Campbelltown court complex. I asked him in our conversation where he was born and where he had grown up. He spoke to me of a property at Alagala along the Bogan River. I told him that I knew the property well as I had fenced the short common boundary between it and an adjacent property that had previously been in my family. I asked Steven how old he was when he left the property. He told me he had never lived there and that he would never go back. He told me that his mother, long deceased, had been taken from the property in a drive when she was a little girl, maybe three or four years old.

I have been privileged thus far in my life. I thank my parents who, above all, saw the true value of education and my siblings, far flung and disparate as they are, for starting and continuing this journey with me.

My children, Jack, Greta and Thea, all here today, who now forge their own journeys and their dreams. I simply say this: Until you are a parent you cannot know the depth and complexity of the love of one’s children. You have the ability to change all those things about which you exercise some control. And you have the wisdom, I have no doubt, and the courage to accept those things that are beyond your control. You should never stop striving and try to enjoy whatever your journey is because there are no practice runs.

To my wife Dana who has always supported and stood by me, and let’s face it, from time to time a model husband and father I have not been. Sometimes absent even when I am present. Without your love and support there is no way I would be in this place today. Thank you for all you do, our journey continues, as does my love for you.

To the judges of the District Court, thank you for your warm wishes of support and your offers of help. I have been totally blown away by your kindness and your warmth. It is indeed a great honour to be appointed as one of the judges of this fine court.

To my former colleagues in the profession and to the magistrates where I have spent most of the last 15 years of my life. There was never a time when I was sitting as a magistrate or on my feet in a courtroom that I did not learn something nor enjoy. You’ve been wonderful, wonderful workmates. Many of you I count as my friends. Thank you for all your support and your wishes. I will miss you.

To all the fantastic registry staff, those in all those far flung courts where I sat as a magistrate and at the Downing Centre and my new colleagues in the District Court registry, you are such wonderful work colleagues and I thank you for all your support over the years and recently and for the years to come.

To the former Chief Magistrate Judge Henson with whom I had the privilege of working for the four years up until his retirement in August 2021 as one of the Deputy Chief Magistrates. His Honour saw in me abilities I’m still yet to fully identify. I think abilities beyond drawing circles. I thank you for your support and the warm wishes from you and Pam upon my appointment.

My former Deputy Chief Magistrate colleagues, now Judges Mottley and O’Brien, you have consistently offered great friendship and support. I thank you for your kindness.

I trust the experiences of my life as that sensitive kid moved by injustice, those times I spent in the bush, all the sport I played as a child, the times of study, my work as a solicitor and a barrister, travelling from town to town in rural New South Wales, and my life on the Local Court, have forged in me the necessary resilience and capacity to add meaningfully to the life of this Court. I will strive to do so remembering the words of Socrates with that additional quality of humility.

Thank you Chief Judge for your support and guidance.

Thank you everyone for being here today, I am completely overwhelmed by your support and your kind wishes.

PRICE CJ: Thank you Judge.

I warmly invite you all to join us for morning tea.