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Little William Bourke Pty Ltd (ABN 65 610 951 089).
AUSTRALIA Level 22
52 Martin Place
Sydney NSW 2000
Australia
ELECTRONIC victorianreports.com.au
littlewilliambourke.com.au
EMAIL sales@victorianreports.com.au

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Memoranda

2024

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| 18 April | Rowena Jane Orr KC was appointed a Judge and Justice of Appeal. |
| 10 June | The Hon Kevin Harcourt Bell AM, a Judge of the Trial Division from 2005 to 2020, was appointed an Officer of the Order of Australia. |
| 14 June | The Hon Elizabeth Jane Hollingworth, a Judge of the Trial Division since 2004, retired. |
| 20 August | Katherine Lorenz was appointed a Judicial Registrar. |
| 17 September | Kerri Elizabeth Judd KC was appointed a Judge of the Trial Division. |
| 20 September | Leonie Margaret Englefield, a Judicial Registrar since 2016, retired. |
| 8 October | The Hon George Hampel AM, a Judge of the Trial Division from 1983 to 2000, died. |
| 14 October | Natalie Burgess was appointed a Judicial Registrar. |

Corrigenda

In the front matter of each of volumes 69–72 VR, the reference to ‘The Hon Peter Ross Darling Gray’ should read ‘The Hon Peter Robert Darling Gray’ and the like correction should be made at 69 VR vii.

Obituary

The Honourable George Hampel AM KC

Professor The Hon. George Hampel AM KC had a long and distinguished career in the law, as a barrister and as a judge, and in legal education where he is considered a pioneer of modern advocacy training. He died on Tuesday 8 October 2024 at the age of 91.

His Honour was born to Jewish parents in Warsaw, Poland, on 4 October 1933. In 1939, his family fled to Russia when the Germans invaded Poland, and then moved to France at the end of the war. He lost many of his extended family members in the Holocaust. In 1946, his family arrived in Australia, where he was educated at Haileybury College, Melbourne High School, and the University of Melbourne. He described his determination to become a barrister as a 'one-eyed ambition'.

His Honour graduated with an LLB in 1956, and then began his legal career as an articled clerk to prominent criminal solicitor, Mr Ray Dunn. He signed the Bar Roll on 17 April 1958, reading with the Hon Harold Ogden QC, and was appointed silk on 23 November 1976. In 1975, he defended John Stonehouse, a high-ranking English politician who staged his own disappearance off the coast of Florida, and then reappeared in Australia. An infamous case at the time, his Honour represented Mr Stonehouse in the extradition proceedings, and later successfully represented him in a bail application before the High Court of England and Wales. His Honour was called to the English Bar in 1975, and admitted to the Honourable Society of the Middle Temple.

He was a member of the Victorian Bar for 65 years. He had five readers: Ian Heath, Tom Danos, his Honour Michael Rozenes KC, Kevin Jacobson, and Peter McGuinness. Considered a leader at the criminal Bar, he was regarded as a 'consummate advocate'. He initially focused on criminal law and developed an extensive practice extending from the Magistrates Court to the Supreme Court. During his legal career, he was involved in '100 murder trials', including a number of famous trials. In addition to Victoria, he was admitted in the ACT, NSW, WA, and Tasmania. After being appointed Queen's Counsel in 1976, his practice expanded to include civil trials and appeals.

His Honour was an enthusiastic contributor to life at the Bar. Elected to the Bar Council in 1976, he remained there until his judicial appointment. He was an active participant in many of the Bar committees, and was appointed to the Law Council of Australia, becoming Vice-President in 1982. His geniality and generosity made him a favourite at the Bar, where his close friends in chambers, together with his 'fearless' secretary, were known as the 'Hamplettes'.

His Honour was appointed to the Supreme Court of Victoria on 16 March 1983, where he presided over trials and appeals, until his retirement from the Bench. He presided over many notable criminal trials, including that of Julian Knight in relation to the Hoddle Street murders in 1987. He retired from the Bench on 31 August 2000.

Described as his 'life's work', his Honour's teaching of advocacy is the cornerstone of his professional legacy. When he was still relatively junior at the Bar, he believed that advocacy could be taught, contrary to popular opinion at the time. The general consensus had been that advocacy was a form of art gained only through experience. His Honour was determined to make the attainment of advocacy skills more accessible, relevant, and systematic. He began conducting workshops in 1972, and went on to teach advocacy to practitioners, students, and other professionals, in Australia and overseas, for more than five decades. A key pillar of his Honour's legacy is the 'Hampel Method', developed with his wife, her Honour Felicity Hampel AM SC. The Hampel Method of teaching advocacy is now used in all common law countries. He was a Foundation Member of the Victorian Bar Readers' Course, established in 1980, and taught in the course from its inception. He was Chair of the Leo Cussen Institute from 1987 to 2000, where he was known for his 'exceptional leadership and commitment to advocacy training'. In 2000, it is said that he was 'lured away from the Court' to become a Professor of Trial Practice and Advocacy at Monash University. His Honour was also founding Chairman of the Australian Advocacy Institute, established in 1991, through which he developed advocacy training methods that were adopted overseas.

His Honour's commitment to public service is evident from the number of leadership positions to which he was appointed, both inside and outside the law. Prior to his appointment as a judge, he was Vice-President of the Victorian Bar Council and of the Law Council of Australia. He was a member of the Correctional Services Committee, Vice-President of the Board of the Prahran College of Advanced Education, and Vice-President of the International Association of Jewish Lawyers and Jurists. Other positions to which he was appointed include Chairman of the Legal Practice Board of Victoria, President of the International Institute of Forensic Studies, President of ICLAR (International Criminal Law, Advocacy and Research Institute), and Chairman of the Constitution Commission of Victoria; his contribution to the last earned him a Centenary Medal in 2001 for outstanding service.

He also held leadership positions in the Victorian Council of Legal Education, the Victorian Council of Adult Education, and was a Fellow of the Australian Academy of Law. He was a board member of the Faculty of Law at the Australian National University. In 2006, he was appointed a Member of the Order of Australia for 'service to legal education, particularly in the field of advocacy training, and to professional organisations'. Amongst his numerous accolades, he received the Monash University Teaching Award in 2011.

He was a keen proponent of having a life outside the law, which he demonstrated through his sporting interests (skiing, windsurfing, tennis, kayaking) and cultural pursuits (dancing, travel, music, food, wine).

His Honour is survived by his second wife, Felicity, and his two children, Antony and Kristina. When asked about the role of chance in relation to the opportunities presented to him in the law, he replied: 'I have been lucky, but luck needs some assistance from commitment and hard work'. It also helped that this singular man who gave of himself very generously had a curious mind and a zest for life.

AF

CEREMONIAL SITTING OF THE SUPREME COURT OF VICTORIA
HONOURING FIRST NATIONS PEOPLE OF VICTORIA

Banco Court, 22 October 2024

FERGUSON CJ sitting with Ms THOMSON, Mr BELL, her Honour Magistrate FALLA and her Honour Magistrate BURCHILL.

AUNTY ZETA THOMSON: *Wominjeka*. I'd like to thank you all for taking part in that special smoking ceremony that all our people have on their countries in maintaining our cultural business.

Wominjeka liwik boorndup. 'Welcome' in the Woiwurrung language.

I pay respects to our ancestors. I'm known in my community as 'Aunty Zeta'. I am of the Wurundjeri tribe, Yarra Yarra clan, through my grandfather and father. I'm Yorta Yorta, of Ulupna clan, through my mother and my grandmother.

Biladu nganwarr? How are you all?

First of all, we acknowledge our ancestors, the knowledge-keepers of the oldest living culture on earth. The lore medicine men and women, song men and women, all of high degree. They were the guardians of our culture and we pay respects to all Elders and people right across the country and to our Torres Strait Island brothers and sisters. When we have ceremony, it is part of our cultural obligation to acknowledge the land and the people and, firstly, I acknowledge our past Ngurungaeta of the Wurundjeri tribe.

Your Honours, magistrates, distinguished leaders, Lore L-O-R-E men and women. *Burra lotjpa dunguludja*. In the Yorta Yorta language this means 'all the leaders from justice that talk on our people's behalf'. I pay respects now, as I must, to my grandfather of the Wurundjeri Woiwurrung tribe of the Yarra Yarra clan and my father. I acknowledge all the Kulin tribes that join us on our borders and the Boonwurrung, who we share parts of country with. We acknowledge our country and all the old sacred places that have been destroyed and are no more but we have the Birrarung River, the river of mist and shadows. A quiet and gentle river that's always been an important river for our people. A spiritual river, where they gathered to settle disputes, have ceremony and trade.

Each tribe has strong connection to all their special places on their country and it is important to have all the Elders here today: all the Elders and respected people that sit on the Koori Court, which we didn't have many years ago and they are to observe, in the interests of our people, and make change in a safe and cultural way.

The courts need to remain culturally informed to ensure best practice and opportunity for our men, women and children prior to incarceration, with so many of our people carrying intergenerational trauma and psychological distress that affects them all. Our culture is healing for our people and it

is embraced by all our mob that are incarcerated with lots of programs and activities. I'll mention a couple: Dardi Munwurro, the men's group, which they all look forward to, and the Djirra women's program, which they all love and the Torch art program, which is very much in demand around the prison by all the men and women.

Yawal mugudjina Elders visits are also a very important connection for all the people in there. They have lots of other programs which are there for them. They have football players, rappers, music, lots of things happening. That's all good for them, keeps them occupied. We have the Aboriginal independent prison visitor, who watches out to see if all their issues and complaints have been addressed while they're in there. Everyone that works in the Justice area that has been dedicated over the years, it's important to have you there and it is appreciated by our people, improving the life in the justice system regarding so many deaths in custody and many other important issues for our people.

There is Lore and there is Law but our old law has always stayed the same, grounded in our cultural beliefs. As we live in two worlds, the Aboriginal world and the non-Aboriginal world — when we're all together, we're in the Aboriginal world, but it's good to be able to celebrate our survival, our history, our culture and our achievements that you've all taken part in, places of significance on our country today for our people and all Aboriginal organisations. Our oldest is the Aborigines Advancement League and we remember all our leaders that paved the way for us.

Aboriginal communities have always attended organisations that were established by our old leaders. They had humble beginnings but were essential services for all our people and a gathering place which they still are today and everyone catches up. Our people would gather at Gore Street Church of Christ in Fitzroy — remembering we are spiritual people — when they came down to Melbourne from the country towns, as there wasn't anywhere else. Uncle Sir Douglas Nicholls was the minister there and our community would go to get support for their families as there was a white Australia policy back then in place and we were not citizens. So the past life that we all had, or some of us we still have today — I think it's important to remember our past because we take that with us on our journey through life. We had no organisations, no medical centre, no legal service, no Aboriginal Advancement League, no rights like other people. That was in my growing up time, so it was worse for the older members of our community.

Community members, along with my family also, were involved in the movement at that time to have services established for our communities because of the unfair treatment of our people and our country, where there were so many people with poor health and were dying at young age and high incarcerated numbers, like they are today. The Aboriginal Legal Service was in high demand back then. I tell you because we do have a history where all our old people were taking part in trying to make things better. A group of leaders along with my mother and family members, they went to Canberra in the 1930s to talk with government about having the chains removed off

our people's necks that were all chained up back then. There are a lot of stories that should be told.

I'll finish in the Woiwurrung language. *Wominjeka Wurundjeri balluk year-men condibik*. Welcome everyone to the beautiful lands and waters of the Wurundjeri people and may you all keep safe. Thank you.

FERGUSON CJ: Thank you, Aunty Zeta, for that heartfelt, but, most importantly, meaningful, Welcome to Country.

This Court has had the benefit of sitting on this land for over 150 years. For almost all of that time, the Court did not acknowledge that this place is built on the sacred land and waterways of the Wurundjeri peoples. They are custodians and maintain their connection to country, culture, knowledge and stories and so I make this heartfelt acknowledgement today.

I also wish to acknowledge the traditional owners of the Kulin Nations and all other lands on which this Court and other courts sit across the State. I pay my deepest respect to all the elders who have joined us here in the Banco Court and online and of course to those who have gone before us. The knowledge that you bring and devotion that you show to community in the very difficult work that you do within our courts is truly remarkable. We are profoundly grateful for the wisdom you share and the insight that you give us.

I extend my respect to all Aboriginal and Torres Strait Islander Peoples present. We are honoured by your attendance. This is undoubtedly the greatest number of First Peoples to have gathered in this courtroom. As Aunty Zeta has so generously welcomed us to this Country, I welcome you to this institution. We strive to be a court for all people but for many, we know, that this has not been their experience and particularly for First Peoples. Respect is at the heart of what we do. Today, we particularly want to show that this is a place and this is an institution in which you are and will be respected and where you are welcome.

Acknowledgements of Country are now a regular part of all court ceremonial sittings, when we admit new lawyers, appoint new senior counsel, or welcome a new judge or we farewell a judge. In November 2023, the Council of Judges of this court, the Supreme Court, decided we wanted to do more. We consulted with Elders and First Nations staff on the idea of a ceremonial sitting that was devoted to acknowledging Country and First Peoples and to recognise the contributions made by Elders, Koori staff, First Nations judicial officers, barristers and solicitors and so here we are today, almost a year on from that decision being made.

I am delighted to be joined on the Bench by Aunty Zeta, Uncle Mookeye, and by Magistrates Falla and Burchill. It is a true privilege for me.

I now invite Uncle Mookeye to say a few words.

UNCLE MICHAEL MOOKEYE BELL: Thank you. Firstly, I'd just like to thank Aunty Zeta for the Welcome to Country and the acknowledgement of Country of the Wurundjeri people, who I pay respects to, them and their

elders, past and present and, yes, pay respects to all Elders and respected persons here today and, yes, I'm honoured to sit at the Bench with Aunty Zeta, Magistrate Falla, Magistrate Burchill and Chief Justice Ferguson. I acknowledge all the judiciary who are here today and thank the Chief Justice for her invitation to this court ceremony and her opening comments.

My name is Michael Mookeye Bell, a Gunditjmarra/Boandik Man, from the far southwest of Victoria. I also pay respects to my elders, past and present, and Gunditjmarra mob in the building today. I also sit as a Koori Elder and respected person on the Warrnambool County and Magistrates' Koori Courts down that way and it's an honour to do that with others and it's great to be a part of the process.

I'm also an elected member of the First People's Assembly of Victoria and we will be negotiating a Treaty this term.

In August 2019, on the Gunditjmarra Country, the Budj Bim Cultural Landscape was inscribed by UNESCO as a World Heritage Site. It's Victoria's second World Heritage Site. The other site is the Exhibition Building in the Carlton Gardens.

To me, these two significant sites clearly demonstrate the two worlds, as Aunt mentioned, that have existed in this State for over 150 years. So to be here today and witness the Supreme Court of Victoria acknowledge that the Court sits on the traditional lands of the Wurundjeri is a step towards a more inclusive world. I look forward in seeing the new members of the courts, there and their innovation for justice and thank those who are leaving for their innovation over time as otherwise I wouldn't be sitting here today. Thank you.

FERGUSON CJ: Thank you, Uncle Mookeye. And I'll now ask Mr Goodwin to address the court.

MR TIMOTHY J GOODWIN: May it please the court. I appear on behalf of the Victorian Bar at the invitation of the Supreme Court at this ceremonial sitting.

As is ancient custom, a custom that has been performed on this land for tens of thousands of years, I acknowledge the Traditional Owners of the land upon which we are meeting today. I pay my respects to the ancestors that inhabit the land and protect stories of Country, to the Elders that teach and pass on those stories of Country and to the younger generations that continue to learn and protect those stories of Country.

I thank Aunty Zeta for her generous welcome and both her and Uncle Mook-eye for their words. I do that as a member of the Yuin Peoples from the south east coast of New South Wales, who often traded with the Traditional Owners of north and north east Victoria.

Your Honours and distinguished guests, we're here in the Banco Court to honour First Nations people today. The Banco Court has seen many firsts. The first sitting in the court occurred on 15 February 1884. It was reported that no ceremony was held and a criminal trial proceeded without much

fanfare. The High Court held its first sitting here in this court on 6 October 1903. It is a setting where most Victorian lawyers are admitted to practise for the first time. It is a setting where newly appointed senior counsel first take their bows.

Today, it is the setting for the first ceremonial sitting of the Court to honour First Nations peoples. I thank the Chief Justice for Her Honour's leadership in holding this sitting.

No doubt many other firsts have occurred in this Court, many of them less auspicious. The first charge being heard, the first sentence being handed down, the first win or a first loss for a barrister in their career. Behind all those firsts are a multitude of stories, of characters, of excitement, of disappointment, of the burden of leadership, of the weight of expectation. However, the stories that inhabit this space, 140 years old this year, form only the smallest fraction of the stories that inhabit the land upon which it was built. What firsts may have happened here form the dreaming and the cultural and spiritual DNA of traditional owners; a creation story, a birth, an initiation ceremony, a trade, a negotiation, a smoking ceremony, like the one we participated in today.

What connects this space, the gloriousness of Banco Court, looking at its best today with possum skin and plants, what connects this space with the ancientness of these lands and the Traditional Owners that still care for and protect it, is Law. Aboriginal Law and Lore has been practised on this land since before the common law and the Napoleonic Code. That Law, practised over millennia, regulates the relationships Traditional Owners have with Country, with kin, with neighbours, with nature and with themselves. That Law flows within the blood of the descendants of the ancestors that walked this land and cannot be erased or extinguished.

However, as we know, the law practised now in this space has had a fraught relationship with our First Peoples. The Supreme Court of Victoria has been the arm of justice, but also the arm of injustice. In 1841, five Tasmanian Aboriginals were accused of the murder of two whalers and were represented by the famous member of our Bar, Redmond Barry, during their trial. Following an arguably unfair or irregular trial, the Aboriginal men were found guilty and sentenced to death. Accordingly, on 20 January 1842, the first execution since the establishment of the Port Phillip District was of those Tasmanian Aboriginal men. The story of rapid expansion in Victoria and the devastating effect on the local Aboriginal population, decimated through massacre, murder and disease, has recently been highlighted at the Yoorrook Justice Commission. For Aboriginal Victorians, the administration of justice was a lofty ideal rather than a lived reality. This is not to wallow in the politics of grievance. Rather, it is to understand the history of the State and the continuing legacy of that history, so that we might begin to carve out a better future.

Over its history, this Court and the judicial branch of the Victorian Government have each done its best to grapple with that history and contribute in

whatever way it can to a better future. Most especially, the Bar is proud of the Court's strong commitment to the longstanding Indigenous Clerkship Program and the Indigenous Mentoring Program, along with the Federal Court and now the County Court. These programs provide important opportunities to First Nations law students and lawyers to build relationships with the judiciary and the Bar that breakdown the mythology of the courts and the judiciary and create opportunities for two-way learning between participants that enriches the knowledge and experience of all involved.

A matter of great pride to me and many others is the rapid growth in numbers of Aboriginal and Torres Strait Islanders working in the legal profession.

The first Aboriginal barrister at the Victorian Bar was the great Michael or Mick Dodson AM, a Yawuru man from the Kimberley in Western Australia. Mick graduated with a Bachelor of Jurisprudence and Bachelor of Laws at Monash University in 1975. After doing articles at the Victorian Aboriginal Legal Service, Mick came to the Bar in 1981. Mick would go on to work as a lawyer and director for the Northern Land Council, Counsel Assisting the Royal Commission into Aboriginal Deaths in Custody and as the inaugural Aboriginal and Torres Strait Islander Social Justice Commissioner. Throughout that time, Mick has remained on the Victorian Bar roll in different categories.

However, it was not until 2006, that the second Aboriginal barrister and first female, Linda Lovett, joined the Bar. Another 12 barristers followed; Hans Bokelund, Brendan Loizou (now an interstate member of our Bar), Robin Robinson, Magistrate Abi Burchill, Munya Andrews, Cathy Dowsett, Jacki Turfrey, John Heard, Greer Boe, Sophie Coulson, Candice Jackson and myself. Many are here today.

I'm extremely proud to count myself amongst them. They are a group of the most proud, resilient, talented and intelligent barristers the Victorian Bar could hope to have amongst their ranks. That each has a story of overcoming adversity, let alone having to deal with the burdens of racism and low expectation that can at times feel pervasive, is further testament to their strength of character. At 14 barristers in total who practise or have practised at our Bar, the Victorian Bar is far ahead of any other State or Territory. While this is something to be proud of, it is also incumbent on us to share stories of success and challenge with our State and Territory counterparts in order to continue to build the pipeline of talented First Nations lawyers and law students interested in coming to the Bar, wherever they are located and wherever they wish to practice. It is investment in those lawyers and law students that makes a significant impact.

My own story is one that has been shaped and moulded by that type of investment, most prominently by members of my own community. My parents and grandparents taught me the importance of education, of pride in my identity and the power of activism. I was an Indigenous Education Ambassador for the Federal Department of Education with the late great Uncle Kevin Coombs OAM, who I had the honour of travelling with and learning

from during high school and university. It is with great pride and humility that I appear before his daughter, Magistrate Falla, who not only does her father's memory proud, but extends and expands the honour of her family by her own deeds.

It is no small accident that Mick Dodson supervised my honours thesis and employed me as his research assistant at ANU when he was there as Professor of Law. Something must have rubbed off on me when he sent me on my way to Melbourne to be Associate to Justice Tony North of the Federal Court. One of my first steps in Melbourne was to join the Tarwirri Committee at such time when the chair was Magistrate Burchill. Her leadership, mentorship and friendship made me feel welcome in Melbourne and that I had a community to which I could belong.

When I first came to the Bar, Magistrate Burchill, Jacki Turfrey and Cathy Dowsett would take me out to lunch regularly. Our catch ups represented our carving of a culturally safe space to support each other, to share war stories, and to laugh. We have tried our best to continue these lunches as our numbers have grown in order to continue that tradition and to ensure that each of us First Nations members know that we belong at the Bar and can count on each other as a First Nations community of barristers.

The story of this Court and the barristers that serve as its officers continues. It is both ancient and young. It is celebratory and reflective. It is both backward looking and forward looking. It is full of firsts and seconds and thirds and so on. What is important — what is an integral part of the administration of justice, which we are all bound to uphold — is that the next chapter of the story learns from the ones that have preceded it, so that the tale continues to improve. If the Court pleases.

FERGUSON CJ: Thank you, Mr Goodwin. Mr Williams.

MR ANDREW WILLIAMS: May it please the Court. I appear on behalf of Tarwirri, the Indigenous Law Students and Lawyers Association of Victoria, on behalf of the Law Institute of Victoria, and on behalf of solicitors of this State, to speak at this ceremonial sitting of the Supreme Court for First Nations Peoples. I too would like to begin by acknowledging the Wurundjeri people of the Kulin Nation as the traditional owners of this land on which we gather today and extend my thanks to Aunty Zeta for welcoming us to your Country. As a Palawa man, this is not my Country, but I have lived and worked on it for most of my life. Thank you. It is an honour to be here.

I also wish to pay my respects to your Elders, past, present and emerging, and I extend those respects to all the Aboriginal and Torres Strait Islander People here today and note how powerful it is to see so many of our Elders and First Nations People from amongst the legal profession here together for this ceremony. It demonstrates that our sovereignty was never ceded and that we operate in a legal profession that needs to understand that First Nations Law (l-a-w) and Lore (l-o-r-e) are needed before anyone could really practise in the modern Australian law system.

So it is an honour today to stand here as a proud Palawa man, as a First Nations lawyer and in my capacity as President of Tarwirri. This ceremonial sitting is no small thing. This is a historic day of recognition for First Peoples in the legal profession. To see you, Chief Justice, as a staunch ally of First Nations rights there on the Bench with Your Honours, each Aboriginal Magistrates, and Uncle and Aunt, respected Elders of the Koori Court, demonstrates that despite the ongoing effects of colonisation, First Peoples are making a mark in the legal profession.

First Nations people are important in a myriad of roles within the legal profession from our members of the judiciary and the Elders in the Koori Court, inspiring barristers, like my learned friend, Mr Goodwin, and all of his colleagues at the Bar and, of course, all the court services and Justice support staff. However, I want to speak today about the importance of First Nations legal practitioners more generally.

First Nations lawyers are important and beneficial to the profession for a number of reasons and I want to focus on three compelling reasons today.

The first is the benefit to the community. Despite growing numbers of incredible allies, the profession still has a majority of people who do not, cannot, or will not understand the lived experiences of Aboriginal and Torres Strait Islander Peoples.

We know, however, that the role of a First Nations legal professional extends far beyond the role of that of an advocate in a courtroom — if you can excuse the irony of me making that point here right now.

We bring to the profession a unique understanding of our community's needs, our people's rights and the complex relationship between the legal system and our Culture. Our people have been engaging with and navigating laws — both our own and those imposed upon us — since time immemorial.

Navigating the complex interactions of colonisation, intergenerational trauma, cultural connection and then the displacement from our culture can all add important context to the interactions that First Peoples clients have with the law.

As First Nations lawyers, our shared understanding of what self-determination means, the importance of free, prior and informed consent and an ability to connect with our clients, share who our mob is and be honest and credible allows us to empower and advise our First Nation's clients on how they can navigate the legal system, and improves access to justice.

As First Nations lawyers, we have a unique perspective to help our First Nations clients by providing culturally sensitive legal support, advocating for relevant reforms and ensuring clients feel heard, respected and understood. You only need to look to the work of organisations such as Djirra and the Victorian Aboriginal Legal Service and the leadership of Antoinette Braybrook AM and Nerita Waight respectively, to see this in action.

This impact, though, is not only in the criminal justice system. This holds just as true for positive rights-based interactions like we are seeing now in Victoria's progress towards a Treaty with the First People's Assembly or discussing other areas of regulation and law reform. Just last week, we saw Terri Janke speaking on the impacts of artificial intelligence on Indigenous cultural and intellectual property. It is just as important there as it is in the areas of criminal justice.

It shows it is not just our knowledge of the law, but our lived experiences that make us indispensable. We understand the injustices, systemic barriers and cultural disconnections that our people face and this understanding shapes the way we approach our work.

The second reason First Nations lawyers are important is the benefit that we can bring to the legal profession as a whole through the addition of cultural diversity. The Law Institute of Victoria has long recognised the importance of cultural diversity to the profession. It has been raised in other ceremonial sittings to welcome new judges. The LIV President has spoken about the importance of the legal profession reflecting the society in which we live. Data and practice have long shown that diversity of people leads to diversity of thought and that allows for better outcomes and better solutions. In a problem-solving industry such as the legal profession, it couldn't be more important. It serves all practice areas, all clients and the entire profession to increase its diversity. Embracing this approach allows First Nations legal professionals to bring their lived experience as strengths to a range of different practice areas, offering new and unique perspectives that lead to better outcomes for clients. There is no need or requirement for First Nations lawyers to be pigeonholed into just serving First Nations clients, or only in particular justice or reform practice areas. The diversity that a First Nations lawyer can add to a team allows the entire profession to constantly be a whole that is greater than the sum of its parts.

The third point on the importance of First Nations lawyers that I want to make is one that applies to all roles within the legal profession and is one that is particularly important today, surrounded by our Elders and such esteemed members of the Aboriginal and Torres Strait Islander community, and one that is easily demonstrable with their Honours on the Bench and Mr Goodwin here next to me.

It is the benefit to our young people. The ability and opportunity of one generation to follow in the footsteps of those who came before us. The common refrain is that 'you can't be what you can't see'. The importance now of having First Peoples, as magistrates, as barristers, managing law practices, working as lawyers in firms, in-house and in government, cannot be understated. It is imperative that we maintain this visibility and ideally increase it much further, to aid the next generation and let them be inspired by these careers so they can then stand on their shoulders and reach even further. I know I wouldn't be here without the work done by those who came before me. In light of the importance of First Nations lawyers to the legal profession, it is

worth highlighting the role of Tarwirri.

Tarwirri, as the Indigenous Law Students and Lawyers Association of Victoria, was originally created as an outcome of the Aboriginal Justice Agreement over 20 years ago. Even back then it was recognised that Aboriginal justice outcomes will be improved with more First Nations lawyers and therefore this also means improved pathways for Indigenous law students were required. Tarwirri, in its current form, still has the same goals and in my time as President, our Committee's focus has been on what we have designated as the four pillars of Tarwirri:

1. supporting our students and professional members through their journey as First Nations legal professionals;
2. working with the entire legal profession to improve employment pathways and talent recognition, so that the number of First Nations legal professionals continues to grow (including at senior levels);
3. contributing to advocacy on justice and other legal issues that impact on our First Peoples communities; and,
4. contributing to the broader education of Indigenous legal scholarship.

As we heard from Mr Goodwin, Tarwirri is more than just an advocacy group though. It is a vital touch point for Aboriginal and Torres Strait Islander law students, graduates and professionals. We understand the unique challenges that come with walking in two worlds — the world of law and the world of our People. Tarwirri provides a platform for our members to excel professionally and to thrive within their own identity and culture.

Through mentorship, peer support, professional development and advocacy, Tarwirri ensures that the next generation of Indigenous lawyers is equipped with the skills, confidence and connections they need to succeed. We are working to increase the visibility of Indigenous lawyers in Victoria's legal landscape, so that the profession is enriched and the broader community can benefit.

In closing, I want to ask us all to reflect on how we can contribute to a more inclusive and just legal system. To all remember and cater to the needs of First Nations clients. To celebrate the strength and resilience of the world's oldest continuous living culture and to emphasise the importance of First Nations lawyers to the legal profession as a whole. Our involvement in the legal profession is not just about the cases we argue or the clients we represent. It is about ensuring that Aboriginal and Torres Strait Islander Peoples have a voice in shaping the laws and policies that affect our lives. It is about ensuring that our voices are not tokenised and are integral to the conversations that lead to real change.

On behalf of Tarwirri, the Law Institute of Victoria and the solicitors of this State, I thank the court for the opportunity to speak at this ceremonial sitting. May it please the Court.

FERGUSON CJ: Thank you, Mr Williams. This building and this courtroom is a daily reminder of our history. All around are markers of colonialism and echoes of the Anglo-Celtic legal tradition. It is a history which we must confront. The Yoorrook Justice Commission last year recorded the systemic injustices suffered by First Peoples in the child protection and criminal justice systems. It was a powerful reminder that within the confines of our roles, we must do all we can as members of the judiciary and legal profession to live the values of justice and fairness and make them real for people.

Within the court today are: the message stick presented to the Court, this message stick over here, by Elders and Respected Persons upon the launch of Court Services Victoria's Koori Employment Plan; the bowl made by Uncle Wally Harrison presented to Courts Council earlier in the year when we were hosted on Country by Dja Dja Wurrung Elders; and lastly the message stick here that was presented to me at my welcome in 2017 as Chief Justice by Aunty Joy Murphy. I've kept the message stick on a table just inside my Chambers door. It is the first thing that I see every day when I come into work. For me, it is a very important and visual reminder that I am on Country that I've been welcomed to by Aunty Joy. I treasure it greatly and I feel privileged that I was welcomed so warmly by her.

Koori staff have brought possum skin cloaks used in different Koori specialist courts and programs. You can see them on the Bar table. What a difference manna gum leaves make. The fragrance of manna gum leaves fills the air. I don't think that has happened before in this courtroom. We bring together these treasured items in this courtroom as we gather to show our commitment to working together and to acknowledge that our history includes a rich culture that has endured for tens of thousands of years.

We are fortunate to have within our courts, Elders and Respected Persons who sit as part of our Koori Courts and guide us as we develop projects and policies in court administration. I spoke earlier of the venues the court sits at across the State. Where we have had an opportunity to renew those facilities, the contribution and input from Elders and community into the design has delivered some very special results of which we can all be immensely proud. For example, the new Bendigo Law Courts, which opened last year, are anchored in Bendigo's history, heritage and the culture of the Dja Dja Wurrung. The new court complex reflects the Dja Dja Wurrung's connection to land, to community and culture, which has remained unbroken for so very, very long. For those who haven't had an opportunity to visit Bendigo recently, I encourage you to do so.

We do not have a Koori Court within the jurisdiction within the Supreme Court but I have been fortunate in my role as Chief Justice to learn about them, to see first-hand how they work and the difference that they make. The persistence and continued advocacy of community and the hard work of Elders has ensured that these jurisdictions have endured and persuaded many doubters who now embrace their operation. Koori Elders also sit

as part of the Koori Committee, co-chaired by Magistrate Falla and Justice Richard Niall, as a critical part of our court governance structure and implementation of Court Services Victoria's Self-determination Plan. I'm very thankful to them and their Committee for all the work that they do.

Court Services Victoria has committed to an ambitious target of a minimum of 3% First Nations employment by 2025, with 20% of that cohort in senior leadership roles. At last count, it was 2.71% or 79 staff. If we include Elders and Respected Persons employed on a sessional basis, it's more than 5%. I am so pleased to see many Koori staff here today. I want to acknowledge the work that you do to make our courts and tribunals more culturally safe and improve justice outcomes across all areas of our court and tribunal system and embedding self-determination. That you help First Nations court users is so important, but your contribution doesn't end there. You help to educate your colleagues and the judiciary, to improve systems and create new and better ways of working.

I recognise the burden that First Peoples working in the court system can carry. The weight of expectation that can come from community and the profession, feeling responsible or conflicted when the system fails. Please know that your work is valued and that we will continue to do our best to adjust or lighten your load. I particularly want to thank the Dhumba Murmuk Djerring Unit led by Melissa Harrison for their never-ending enthusiasm and their amazing assistance in bringing together this event today. I have personally benefited from the sage advice you've given me not just about today's ceremony but over many years and I sincerely thank you for that.

The role of barristers and solicitors in our court system is crucial in the advice, representation and advocacy they provide. I thank Mr Goodwin and Mr Williams again for being a part of this ceremony and demonstrating those skills in abundance. I also acknowledge the tremendous contribution of dedicated indigenous legal organisations, including the Victorian Aboriginal Legal Service and Djirra, who are represented here today. I commend the work of Tarwirri in supporting Aboriginal and Torres Strait Island law students and members of the legal profession and the Law Institute and the Bar for their initiatives, including the indigenous clerkship and mentoring programs, in which this Court is proud to participate.

Many of the other legal organisations represented here today have made tremendous efforts to promote and support careers in the law for First Peoples and to support First Peoples in the justice system. This is work that must continue. There is always more to do but it is helpful to reflect on what has been achieved as we tackle the challenges ahead. I am pleased to see a number of students here who have been part of the indigenous clerkship program and we hope many indigenous law students are joining us online. I hope today illustrates some of the pathways open to you in the law. I hope to see you appear before this Court demonstrating the kind of skills you have just seen. I hope that you see before you the possibility of

being a part of this Court. Whatever path you choose, know that there are helping hands to support you along the way and that your capacity to make a difference is powerful.

To all the non-indigenous people here, our commitment must be to ensure that we are doing all that we can to make our courts, tribunals and profession inclusive and respectful. Not just in words, but in our actions. To ensure that as we apply the law, our courts and tribunals are experienced by First Peoples as places of fairness and cultural awareness.

I thank everybody for their attendance this morning.