

**IN THE LAND AND
ENVIRONMENT COURT
OF NEW SOUTH WALES
BANCO COURT**

**PRESTON CJ AND
THE JUDGES OF THE
LAND AND ENVIRONMENT COURT**

TUESDAY 15 NOVEMBER 2022

**SWEARING-IN CEREMONY OF THE
HONOURABLE JUSTICE SARAH ELIZABETH PRITCHARD
AS A JUDGE OF THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES**

1 **PRESTON CJ:** I begin by acknowledging the Gadigal people of the Eora nation as the traditional owners of the land on which we meet and I pay my sincere respects to their Elders, past and present. I extend that respect to Aboriginal and Torres Strait Islander Peoples here today.

2 **PRITCHARD J:** Chief Judge, I have the honour to announce that I have been appointed a judge of the Land and Environment Court of New South Wales. I present to you my Commission.

3 **PRESTON CJ:** Thank you, Justice Pritchard.

(Commission read)

(Affirmations of office taken)

4 Justice Pritchard, I welcome you to the Court both on my own behalf and on behalf of all of the Judges and Commissioners of the Court. It is with special pleasure to have you join us as one of the Judges of the Court. Mr Attorney, do you move?

- 5 **ATTORNEY GENERAL MARK SPEAKMAN SC MP:** May it please the Court I too acknowledge the traditional custodians of the land on which we gather, the Gadigal people of the Eora nation, and pay my respects to their Elders, past, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander people today.
- 6 Your Honour, Justice Pritchard, on behalf of our State and the Bar it is my great pleasure to congratulate you on your appointment as a judge of the Land and Environment Court of New South Wales. We are joined today by your Honour's husband, Bret Walker SC, your daughter Stella, your mother Barbara, your brothers David and Andrew, your sister Emma, cousin Sophie and their families. Your father Geoffrey and stepmother Betty are watching online from their home in Tumut. Many dear friends and colleagues are also here. We also welcome her Excellency, Ines Almeida, the East Timorese Ambassador to Australia, a country that holds great significance to you.
- 7 Your Honour was born in 1963 at Royal Prince Alfred Hospital to your mother Barbara, a nurse, and your father Geoffrey, a gastrointestinal surgeon. You were the second born with David arriving two years previously and then followed by Andrew and Emma. You first lived at the surgical registrar's cottage at Prince Henry Hospital at Little Bay. The family then followed your father to a posting in Seattle before returning to live in Mosman and then Randwick. You have been described by your family as a dazzling child, specifically the words used were precocious and somewhat naughty. David remembers many changes of hair colour and styles. He also recollects you going through a memorable goth phase. Emma recalls you being a loving and nurturing older sister. You were inclusive and she has fond memories of you taking her everywhere despite her younger years.
- 8 Your childhood featured bushwalking, books and gardening. Your siblings recall spending endless weekends with your parents at bookshops and native plant nurseries. Your gardening skills would come in handy later when your father and stepmother relocated to a farm in Tumut and when Bret and you found a parcel of land in the country. You first attended school in Mosman,

then Randwick, then the opportunity class at Woollahra public school. You moved to SCEGS Darlinghurst for high school and were a prefect. Your siblings also recall you being, “a passable hockey player”. High school is where your love of languages started with French and particularly German being favourites. You took part in the Rotary exchange program for high school students to live and study abroad. You spent a year in Germany with a host family near Cologne. Your love of the country and the language continued to grow over the years.

- 9 On returning to Australia in 1981, you attended the University of New South Wales, gaining a Bachelor of Arts in 1985 and a Bachelor of Laws in 1986. Upon graduation you worked for a year as a tipstaff in the Court of Appeal for Justice Michael McHugh. Later, in 1989, you were his Honour’s associate upon his appointment to the High Court of Australia. Justice McHugh recalls you having a calm and gentle demeanour. He was also impressed by your towering intellect and concern for others. In between these two roles you returned to Germany in 1988. By how you were fluent in German and obtained a Master of Laws from the University of Tübingen. You later returned to that university in 1994 to obtain a Doctor of Laws. You wrote your dissertation in German. It was entitled “International Legal Protection of Ethnic Minorities Historical and Contemporary Developments”. The theme of protecting ethnic minorities and Indigenous communities went on to feature prominently in your career.
- 10 You were called to the Bar in 1999. Your journey to the Bar was as unique as it has been productive. It is unique because you went straight to the Bar from academia, and the breadth of your work is outstanding and astounding. You were an Australian Research Council post-doctoral fellow and senior lecturer in the Faculty of Law at the University of New South Wales. You were also a former director of the Australian Human Rights Centre at UNSW. Starting in 1992, you were the director of the Diplomacy Training Program, a role you held until 2013. The program was established at UNSW in 1989 by East Timorese Nobel Laureate and President, Jose Ramos-Horta. It is an independent Australian non-government organisation, committed to advancing human rights and empowering civil society in the Asia Pacific region through quality

education and training. It started your long association with East Timor and Jose Ramos-Horta. You were closely involved in the development of the UN Declaration on the Rights of Indigenous Peoples and in advocacy at the UN and elsewhere in relation to East Timor. You were a great supporter of President Horta during his time in exile here in Sydney. In fact, you were the person who drove him to the airport so he could collect his Nobel peace prize in 1996.

- 11 Your work regarding East Timor mirrors the work you have done for Aboriginal and Torres Strait Islander peoples. Your colleague, Philip Boulten SC says your dialogue and considered views have been an important influence and sounding board for Aboriginal leaders across Australia. With Philip you were the co-chairperson of the New South Wales Bar Association Joint Working Party on the over-representation of Indigenous people in the New South Wales criminal justice system. You have also been a member of various working groups and committees at the Law Council of Australia. These include the Indigenous Legal Issues Committee and the Indigenous Incarceration Working Group. You are also a former chairperson of the New South Wales Bar Association's Human Rights Committee and a former Judicial Member of the New South Wales Administrative Decisions Tribunal.
- 12 In 2011 you were the lead author of the report of the Expert Panel on the Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. It was entitled "Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution". Today you are the chairperson of the Human Rights Committee of the Law Council of Australia.
- 13 On coming to the Bar in 1999, you practised in Constitutional law, public and private international law, environmental planning and property law, criminal law and, of course, human rights law. You were appointed Senior Counsel in 2012 and most recently have practised at Forbes Chambers here in Sydney. As an advocate you have appeared in numerous cases involving native title and the New South Wales Aboriginal Land Rights Act. Your colleague and friend, Acting Justice John Griffiths, comments that you are the go to senior advocate

in such matters by the New South Wales Aboriginal Land Council and many other Local Land Councils. Most recently you were environmental counsel to the New South Wales Environment Protection Authority and the EPA board. You have appeared in the High Court, the Federal Court of Australia, the Supreme Court of New South Wales and, of course, the Land and Environment Court.

14 Your Honour, it's clear that you have cultivated an extraordinary professional career, but most importantly you have also created an extraordinary personal life. It's full of culture, nature, travel, friends and family. You met Bret in 2000 while working on the same case in the High Court. You married in 2001 in Sydney and welcomed Stella into the world in 2002. You are a close family. Bret and you are both loving and dedicated parents, evidenced by your commitments to Stella's passion for horse riding in her teenage years. You spent many cold and often wet days watching Stella perform. Bret points out that Stella does not share your love of being a barrister. She is currently studying arts and public policy at the Australian National University. When asked if she wanted to be a lawyer, she replied, "No you two are more like embarristers." You split your time between Potts Point and Exeter in the Southern Highlands. It is there where your years helping at your father's farm have proved helpful. You have turned your small parcel of land into a wonderful refuge from the pressures of your careers, full of chooks and a much loved beehive. It's been described by your family and friends as a mini Versailles.

15 A love of the arts has been a constant throughout your life. You are a dedicated supporter of film. You have an extensive collection of Aboriginal art. Your colleagues say that your chambers is one of the best art galleries in Sydney. Both Bret and you have a love of chamber music. You support the Australian String Quartet and often attend their annual retreat. You are also excited to return to Germany after two COVID-impacted years to attend the week long Schloss Elmau chamber music festival in Bavaria. Germany continues to have a special place in your heart. The host family you lived with in 1981 is your second family. You return again and again to reconnect with friends and you're

delighted to be able to now share it with Bret and Stella. You're a wonderful wife, mother, friend and colleague.

16 All describe you as very caring and a person that brings people together. All the people that you bring together are excited about what you will offer in your role as a judge of this Court. Michael McHugh notes your capacity to get on with people who hold very differing views. He also notes your inherent sense of fairness. Acting Justice Griffiths believes your unwavering commitment to human rights and the rule of law, coupled with your deep and genuine compassion, will equip you well in the challenging role of judge. Your sister, Emma, feels your independence and diligence will be great assets. Bret says you'll have a deep respect for all parties and stakeholders, you will be industrious but above all your appreciation of the human importance in the administration of justice will be clear to all.

17 Your Honour, all here and watching at home agree. My warmest congratulations to you on your forthcoming career on the Bench.

18 **PRESTON CJ:** Thank you, Mr Attorney. Ms Banks, do you move?

19 **MS BANKS:** May it please the Court. I too acknowledge the Gadigal people of the Eora nation, the traditional owners of the land upon which this Court stands and pay my respects to their Elders, past, present and emerging, while recognising their strength, capacity and resilience. I acknowledge and extend my respects to all Aboriginal people who are with us today.

20 I come before the Court on behalf of the solicitors of our State to offer congratulations and wish your Honour well on your appointment to the Land and Environment Court of New South Wales. Your Honour's first job in the law was as tipstaff to Michael McHugh in the Court of Appeal. In 1987 all the tipstuffs except Justice Kirby's tipstaff were older men without legal qualifications. On his appointment Mr McHugh decided that, like Justice Kirby, he would employ tipstuffs who were law graduates who could assist him by doing legal research. Mr McHugh says:

“In 1986 my then tipstaff strongly recommended Sarah for the vacancy for that position which would occur in 1987. When Sarah arrived for her interview she had a punk rock spiked hairdo coloured purple. My initial reaction was to wonder whether she would fit in with the rest of the tipstaffs. However, I was so impressed with her at the interview and with her academic record that I did not hesitate to employ her. When she arrived at the Court on her first day the punk haircut and the purple hair were gone and she was dressed demurely. Her gregarious personality ensured she quickly became friendly with the other tipstaffs.”

- 21 Although your Honour’s traditional tipstaff duties and the hours spent in the courtroom reduced the time you could spend on legal research. Your research and discussion of legal issues were invaluable to Mr McHugh. After a year as a new kind of tipstaff, you began post-graduate studies in Germany. You had been absorbed in student life in Germany for several months when you took a call with the ominous salutation, “It’s your judge.” Mr McHugh had been appointed to the High Court and was calling you to offer you a position as his associate. These vacancies don’t come up every day and you recognised the importance of the position and took a flight home. This role kept you busy for most of 1989. When you told Mr McHugh of your intention to apply to the Bar, he was not convinced that this was a good career move for you. He recalls:

“When Sarah told me that she had decided to come to the Bar I thought that was a mistake because I thought she was too nice and too gentle to succeed in the roughhouse of the Bar but I had overlooked that underneath her gentle disposition is a woman of steel and determination.”

- 22 Your Honour would make an application to the Bar Association the very next day. You read with Neil Williams SC and Brian Preston SC who is of course now the Chief Judge of the Land and Environment Court. As a barrister you built a solid reputation for being very easy to work with and courageous in your advocacy. Nick Thomas from Clayton Utz worked with you on a wide range of matters over the last several years and says:

“Sarah’s seamless integration of her supreme intellect and good sense in her approach to the issues my clients raised gave all of us real confidence in her advice and her advocacy and in my experience that confidence was always well placed.”

- 23 Your compelling reasoning guided Clayton Utz to several precedent-setting judicial decisions, thankfully favourable ones. Your advice shaped significant client policies and strategies which have served those clients very well and your astute recommendations enabled them to avoid some unpleasant pitfalls. Lawyers who have worked with you were very encouraged by your approach and have explained how important your mentoring has been for them in their professional growth.
- 24 Andrew Chalk and Jason Behrendt from Chalk and Behrendt have both told of your very significant contribution to the jurisprudence around Aboriginal rights through your work at entry level. This includes the Land and Environment Court, as well as rights in land under the Aboriginal Land Rights Act of 1983 and rights to protect cultural heritage through your advocacy in the Calga Quarry case. The Calga Quarry, case involving a sacred women's place threatened by sand quarrying operations, was a nationally significant decision of the Court concerning how Aboriginal cultural heritage should be evaluated and protected at a landscape level, rather than as a collection of independent or unrelated items. It also involved the Court having to deal for the very first time with the challenge of confidential gender-sensitive evidence.
- 25 Your Honour has appeared in at least 20 other Aboriginal land claim appeals before the Court, as well as claims that have gone on to the Court of Appeal and the High Court. Some of these cases have set important precedents or been significant outcomes in their own right. This includes claims over beaches, former fire stations, police stations and post offices and cases concerning the use of evidentiary certificates which successive governments have employed to avoid land claim appeals being heard on the merits. You have also been involved in many further land claim appeals that have been settled before a final determination. Solicitors who have briefed you invariably comment on your diligence, courtesy and humility. They describe you as a person of great principle and compassion who throughout your career has been extraordinarily generous in devoting your skills to serving people at the margins.

26 Your work at the United Nations over many years on behalf of Indigenous people in the negotiation and drafting of the Declaration on the Rights of Indigenous Peoples deserves particular mention. It was a project that you started while working at the Aboriginal Legal Service. Your early experience with the process evolved into a career as an international human rights lawyer and academic, including completing your doctorate in German in 1994.

27 Your Honour has shown a determination to translate your deep academic knowledge into practical social justice outcomes, including your work with the Diplomacy Training Program at UNSW, as we heard before. You have trained community leaders from around Australia and other parts of the world in international law processes and the advocacy options available through the UN. Andrew Chalk says:

“Both for her skills as a lawyer and her qualities as a human being Dr Pritchard belongs in a rarefied class of the country’s great human rights lawyers occupied by the likes of the late Hal Wootten and Ron Castan.”

28 Professor Paul Redmond, an Emeritus Professor in the law faculties at the University of Technology and University of New South Wales recalls the work you did with the DTP. He says:

“For over two decades Sarah Pritchard played a foundational role in the DTP’s work. She delivered programs across South-East Asia, as well as within Indigenous communities across regional Australia. She developed strong bonds with those communities as an exceptional trainer with a deep commitment to supporting the promotion and protection of human rights by those working in grass roots communities, sometimes in circumstances of personal peril. She was an inspiring trainer and developed a deep level of connection and respect with those whom she served as trainer.”

29 Your Honour’s busy and complex career suggests there is little time for relaxation. Happily, as we have heard, you have calved out a small slice of paradise not far from Sydney where you can rest with your husband, Bret Walker SC, your daughter Stella and Bret’s sons Claude and Kemble. You are able to nurture your garden which includes fruit trees and vegetables. The paradise is also home to five heritage chickens, two horses, Ruby the unnaturally tall Dachshund, and hives of bees, a gift from Tim Game SC who

gathered them during a swarm incident and assured their safe passage to your home. Mr Game still assists when it's time to harvest the honey. And it is no surprise that you also enjoy reading, especially German language books.

30 Your Honour has lived a life less ordinary, a life where you have used the law for the betterment of people who are sorely in need of an advocate. Professor Michael Dodson observes:

“Sarah is a long-time friend and colleague. She’s been at the frontline with Indigenous peoples not only here in Australia but also internationally fighting for us and our basic human rights and fundamental freedoms. She is humble, unassuming, generous and intellectually brilliant. She will be a great addition to the work of the Court.”

31 Michael McHugh adds:

“Predicting whether a barrister will make a good judge is often a risky enterprise, but in this case I have no doubt that Sarah will be an outstanding judge and will enhance the standing of the Land and Environment Court.”

32 Your Honour, there is no doubt your reputation precedes you and is celebrated by people who love you and are in awe of your work. Your reputation shows us a woman of courage, intelligence, scholarship, determination and infinite compassion for those around you. It shows a barrister who has practised law for the good of their client and the wider community. It is my pleasure on behalf of the solicitors of New South Wales to acknowledge your fine achievements and to offer our congratulations and best wishes on your career on the Bench.

33 **PRESTON CJ:** Thank you, Ms Banks. Justice Pritchard, I invite you to reply.

34 **PRITCHARD J:** Chief Justice Bell, Chief Justice Allsop, the Honourable Paul Keating, your Excellency Ambassador Ines Almeida, Senator Patrick Dodson, the Honourable Michael McHugh AC KC, the Honourable Michael Kirby AC CMG, the Honourable Keith Mason AC KC, Mrs Carla Gageler, Justice Preston, other judges former and current, of the Land and Environment Court, senior commissioner Dixon, commissioners and acting commissioners, Court staff, Dr Judith Preston, former and current judges of other courts, members of the legal profession, members of my family, dear friends, ladies and gentlemen: Each of

you extends to the Court a great honour by your attendance. Thank you. I thank the Attorney General, Mr Speakman SC, and the Senior Vice President of the Law Society of New South Wales, Ms Banks, for your far too generous speeches. Some discipline was required on my part to desist from interjecting to protest hyperbole and ensure the correctness of the record.

- 35 The trajectory to where I sit today could hardly be described as linear. After finishing secondary school in 1980, I attended for a year Plettenberg Gymnasium near Cologne in North-Rhine Westphalia. For a mild-mannered young person from Australia, accustomed to wearing a school uniform and being subject to a regime of Wednesday and Saturday detentions, it was rather eye opening.
- 36 Upon returning to Australia, at the University of New South Wales, in arts I majored in German studies, having the opportunity to take courses with each of Professors John Milfull, Gerhard Fischer, Bernd Hüppauf and Konrad Kwiet. Professor Milfull and the learned professors he had recruited to Australia designed and taught courses not just in German language studies, but in history, social sciences, politics, film and media. This was before cultural studies became more customary in the language departments of English speaking countries. At UNSW, studying law became more and more interesting. There had been established an Aboriginal law centre, a human rights centre. There were many outstanding legal academics, amongst them Emeritus Professor Reg Graycar whose ground-breaking feminist legal analysis had gained international recognition. I was for a while Reg's research assistant at UNSW, and was struck by her important scholarship.
- 37 After law school, I applied for the position of tipstaff/research assistant to Justice Michael McHugh at the New South Wales Court of Appeal. At this point I need to disclose that my future career as a barrister commenced with something in the nature of a fib. During the interview, the judge asked whether I intended coming to the Bar. I said something to the effect of yes. Actually, it had never occurred to me to aspire to becoming anything as grand as a barrister. Justice McHugh was and remains the most significant influence on

my career, at all times an unfailingly generous and encouraging mentor. I next undertook studies for an LLM at the Eberhard Karls University, a university founded in 1477 in Tübingen, a lovely medieval town in the foreland of the Swabian Jura. I was supervised by Professor Hans Von Mangoldt, a constitutional and public lawyer of enthusiasm, kind-heartedness and wit. I studied comparative law with Professor Dietrich Rothoefl whose erudition and pedagogy sparked an abiding interest in the subject.

38 Over the next almost two decades, with Aboriginal and Torres Strait Islander delegations, I attended annual meetings of the UN Working Group on Indigenous Populations and subsequently the UN Commission on Human Rights in Geneva. Special and enduring friendships were formed, notably with Olga Havnen, Professor Michael Dodson, Senator Patrick Dodson and Professor Megan Davis, each of whom I am delighted to say is here today. An acquaintance was established with Professor Davis over a photocopier in the UN Library at Geneva. There was no internet in those days, no electronically accessible documents, only hard copy summary records and reports, and photocopiers. There was the privilege of working with Jose Ramos Horta, since Foreign Minister, Prime Minister and several times President of a now independent East Timor.

39 In late 1988, I was living in the Pfliegshof, a building constructed in 1398 as the trading house in town for the nearby Cistercian monastery in Bebenhausen. Late one night, I was told that there was a call from Australia. There were no mobile phones then, and international calls were exceptional. It was quite unexpected to hear a deep voice on the other end, as you've heard, "Sarah, it's your judge". Justice McHugh had been appointed to the High Court and was sworn in on February 1989. It was the honour of a lifetime to be asked to return to Australia in early 1989 to take up the role as one of his first two associates in Canberra. In June 1992, in Tübingen, I received an A4 envelope from Parkes Place, Canberra. On 3 June 1992, the High Court had handed down its decision in *Mabo v The State of Queensland (No 2)*. Coming off the Bench, Justice McHugh had sent me in hard copy, as were the times, a copy of the decision. It was one of the most thoughtful gestures I have known.

- 40 Having returned to Australia and settled into life at UNSW again, the judge once remarked that I had left my run to be a barrister too late. The following morning, as you've heard from the Deputy President of the Law Society, I rang the New South Wales Bar Association to enrol in the next bar readers' course. In 1999 I commenced as a reader at 11 Selborne/Wentworth Chambers. 1999 was a momentous year.
- 41 On 30 August 1999, the Peoples Consultation or Independence Referendum was held in East Timor. The voters' rejection of the proposed special autonomy resulted in a humanitarian crisis in East Timor. A group of East Timorese women, including the now president's mother, Natalina, held a vigil outside the UN Information Centre in York Street. It was cold in early September, especially during the night. In the early hours of 15 September 1999, we were together on York Street listening to the proceedings of the UN Security Council when we heard, in real time, that the Security Council had ratified the resolution for the formation of a multi-national force, INTERFET, to be immediately sent to East Timor to restore order and security and end the humanitarian crisis. In December 1999, with a small group, I accompanied the now president, who had left his country at the end of 1975, on his return to East Timor. It was deeply affecting to tour East Timor at this time. In Dili, I stayed with a number of East Timorese women, including my friend, her Excellency the Ambassador to Australia, Ines Almeida who had also left East Timor as a refugee in 1975.
- 42 In 2000, life as a barrister resumed a more regular course. At 11 Selborne/Wentworth Chambers, I read with the Chief Judge and with Neil Williams of 6 Wentworth. I was fortunate to be led by, and learn a great deal from, Frank McAlary QC, Richard Conti QC, as well as by Stephen Gageler and John Griffiths, as they all then were. Upon finishing my year as a reader, Malcolm Holmes KC extended to me the kindness of sharing his room until one became available to license. On the 11th Floor, I was assisted by Paul Daley, that most celebrated and unwaveringly loyal of clerks, for a short time by Paul's able and amiable successor as clerk Zac Rymer, and by my friends, Anne Deighton, Mandy Allen, Mary Boneham, Melinda Morris and my dear secretary and now associate, Samantha Gee.

- 43 I thank everyone at Forbes Chambers which I joined almost six years ago for your collegiality and for the exceptional contribution you make to the administration of criminal justice in this country. It really would detain the administration of justice if I were to mention each of you. In particular, could I refer to and thank for your friendship Malcolm Ramage KC, David Buchanan SC, Philip Boulten SC, Tim Game SC and Gabrielle Bashir SC. It is notable that over the last ten years Forbes Chambers has produced three presidents of the New South Wales Bar Association. At Forbes Chambers, Ryan Coleiro has been the most supportive and reliable of clerks. As a junior, I was led by a number of gifted barristers.
- 44 I thank in particular for his conspicuous generosity to a conspicuously unskilled barrister, Noel Hutley SC. I also thank the chief judge Justice Preston, Acting Justice Griffiths, Justice Adamson, Bret Walker SC and Tim Game SC. Together with Tony Bannon SC and Robert Beech-Jones SC, I had the singular pleasure of being instructed over a number of years by Brigitte Markovic in the ASIC v James Hardie Directors proceedings. Her Honour was the embodiment of quiet composure and I learned a great deal from the adroit application of her formidable legal skills.
- 45 It would be remiss not to express my particular gratitude to Jason Behrendt of Chalk and Behrendt. Jason has made a remarkable contribution to securing justice for Aboriginal land councils, claimants and communities, and to the development of law and policy affecting Indigenous Australians. It has been the greatest privilege to be instructed by Jason for almost two decades, and I thank his clients for the trust they have placed in me. I will miss Jason's humility, legal acumen, forensic skills and the exceptional level of assistance provided to those instructed by him.
- 46 To my family: my mother, Barbara, is the epitome of kindness and grace. She has given to each of David, Andrew, Emma and me endlessly of herself, and encouraged each of us to do and be the best we possibly can. She has warmly welcomed in her home and at her table all manner of friends and visitors. My father Geoffrey is characterised by the breadth of his interests and skills, his

liberality and his public mindedness. He imparted to each of us an interest in and respect for the environment. I am pleased that he and his wife Betty are watching the live stream, at least I hope they are.

47 I thank each of my siblings, David, Andrew and Emma, for your love and friendship, David for the encouragement to become a barrister and for the support you provided me, especially in the early years. To Bret, to borrow from W.H. Auden, “a private face in often public places”. He has been the most exemplary of companions, generous in every respect, considerate and thoughtful, and quite good fun. His sensible advice for today was to keep it short. I am afraid I appear not to have followed it. I acknowledge Bret’s beloved sons, Claude and Kemble. Our daughter Stella, at least in her mother’s devoted eyes, long ago earned the “r” in her name. At the age of five, as you have heard, she first referred to her parents as “embarristers”. From today, she is relieved of that burden in the case of one of us.

48 Today, I have the honour of joining the Land and Environment Court. For some in attendance who may not be familiar with the Court, it was established in 1979, providing for the first time in one location for merit appeals, important work carried out for the most part by the Court’s commissioners, and for the declaration and enforcement of environmental law. It was the first specialist environmental superior court in the world. On the occasion of his swearing-in as chief judge in August 2003, Peter McClellan AM KC provided typically erudite reflections on the origins of environmental law in New South Wales, the role which the Court plays, the importance to its continuing legitimacy resting on consistent decision-making in accordance with identified principles, and the contribution of each of the three first three chief judges, Justices McClelland, Cripps and Pearlman, to the Court’s work.

49 Since his appointment as chief judge in 2005, Justice Preston has forged an international reputation for the Court. At his swearing-in, he made observations on the number of ways in which the Court has been and will continue to be of importance to current and future generations, including through engaging with

and explicating emerging (and since emerged) international concepts and principles, including that of ecologically sustainable development.

50 The recent appointment to the High Court of Justice Jayne Jagot has been greeted with universal acclaim. In her swearing-in speech as a judge of this Court, she recognised the significance of the opportunity to contribute to the jurisprudence of the Court and trusted that she approached the task in the right spirit, with recognition of that responsibility, a large dose of humility and a commitment to doing her best. Having had the good fortune to appear before her Honour in this Court, I can attest that she achieved all of that in spades.

51 I will do my very best to fulfill the judicial oath I have taken this morning. Thank you.

52 **PRESTON CJ:** The Court will now adjourn.
