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Law Council
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Ceremonial Sitting of the Federal Circuit and Family Court of Australia (Div 1) for the Honourable Justice Mark Anderson

Speech delivered by Mr Greg Howe on behalf of the President of the Law Council of Australia at the Federal Circuit and Family Court of Australia, Parramatta, New South Wales

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May it please the Court.

I acknowledge Ms Knowles representing the Attorney-General; Your Honour the Chief Justice and other Justices of the Court, both in person and remotely; Ms Ward SC on behalf of the Australian Bar Association and all other judicial officers participating in this ceremony. And, of course, I acknowledge you, Justice Anderson.

I respectfully acknowledge that this ceremonial sitting takes place on the traditional land of the Dharug people and I pay my respects, and those for whom I speak, to their Elders, past and present.

And I speak today on behalf of the President of the Law Council of Australia (Mr Greg McIntyre SC), the President of The Law Society of NSW (Mr Brett McGrath), the President of The Law Society of SA (Mr Alexander Lazarevich) and on behalf of the Chair of the Family Law Section of the Law Council of Australia (Ms Di Simpson), its Executive, and 3,300 members.

I have been privileged to be the South Australian representative on the Family Law Section Executive since 2006.

And it therefore gives me particular pleasure to address the Court at this ceremony, as Your Honour has been a member of the Section for almost your whole career in the law, since you astutely ditched a fledging career in commercial law with Minter Ellison and saw the green fields of family law as a more enticing journey for you.

And it is a particular personal pleasure to address the Court today, as I have known Your Honour since you started in family law and my firm has regularly briefed you, with great confidence and satisfaction, for a number of years. And I'm pleased to note the presence here in person of a number of Adelaide practitioners – a lovely and appropriate compliment to Your Honour.

Not only has Your Honour been a member of the Section for many years, but in particular Your Honour has been a strong, steadfast and active supporter of the Section's work. Your Honour has faithfully attended flagship educational events held by the Section, namely our biennial National Family Law Conferences and our annual Family Law Intensive Series.

Your Honour has always been a willing contributor to those events as a speaker or panellist, most recently at the Intensive in Adelaide, and at the enormously successful National Family Law Conference in Adelaide two years ago.

As a former Federal Treasurer, Mr Hockey once observed, there are in life "lifters" and "leaners". Well, in family law, Your Honour has certainly been a lifter, a trait which will undoubtedly be an asset in your work as a judge.

In addition to presenting for the Family Law Section, Your Honour has also presented at CLE events for the Law Society of South Australia and the South Australian Bar Association. And, importantly, Your Honour has always been available to provide guidance, support and counsel to a number of younger practitioners who have sought Your Honour's help. In doing so, Your Honour has adopted the finest traditions of the Bar.

Your Honour joins the bench at a relatively young age. But much can be gleaned from Your Honour's time at the Bar which informs whether Your Honour will make a good judge. And the many practitioners who have entrusted Your Honour with briefs over Your Honour's time at the Bar are in no doubt that Your Honour will make a very fine judge.

It is not uncommon at the start of a hearing, particularly an interim hearing, for counsel or the solicitor advocate to enquire (diffidently, and respectfully of course!) along the following lines as to "*whether Your Honour has had the opportunity to read my client's material*". I can assure anyone who appears before His Honour that such an enquiry will not be required. Your Honour will have read every single word of every document on the Court file.

Practitioners who appear in this court, who understandably do not yet know Your Honour, need to be in no doubt about that. Practitioners will also learn that Your Honour will be unfailingly respectful and courteous to counsel, and be understanding and empathetic to the often stressful and confronting situation faced by litigants and sensitive to, and perceptive about the challenges of family violence and complex risk in parenting matters. Your Honour's reputation in South Australia is one of a very industrious counsel, but also one with an admirable "bedside manner" with clients.

Your Honour has a well-earned reputation of being one of the hardest working counsel at the SA family law bar, but I think it is fair to say that, on occasions, Your Honour took on one or two too many briefs, and found yourself double-booked. It will no doubt be a great relief to Your Honour to have learned that, in your new role, you will only have one case, in the one court room, to hear at the one time.

Again, for the benefit of the local profession, your fellow judges and Court staff, most of whom do not yet know Your Honour, Your Honour is possessed of a charming and gregarious personality, with an infectious sense of humour which instantly lights up a room or a gathering. The judges' common room, and the Court, will be a livelier and cheerier place for Your Honour's presence.

That is, of course, if Your Honour can gain access to the Court's premises. Your Honour was notorious at your Adelaide Chambers for locking yourself out of Chambers, and recently Your Honour also managed to break the key off, which meant no other member of Chambers could get in until the locksmith arrived. I am told that Chambers was on the verge of installing an external lockbox, just for Your Honour. Your Honour's timely appointment has saved Elizabeth Evatt Chambers that expense! It will be interesting to see how the Commonwealth's security specialists deal with this issue in these premises.

Another attribute of Your Honour's career at the bar was that, Your Honour never fell into the trap of believing everything your clients said, or failing to see the weaknesses in your clients' cases. Some solicitors and counsel never seem to have had an unworthy client! Your Honour has always had the judgment and perceptiveness to know when concessions had to be made, and Your Honour made them when appropriate.

And that is one reason why the judges of the Courts in South Australia have held Your Honour in high regard as counsel. Your Honour was not known for "flying kites" or putting unrealistically ambitious positions to the Court. And, again, these qualities will equip Your Honour for a long and successful judicial career.

Your Honour, the Law Council of Australia and its Family Law Section are delighted that a genuine family lawyer has been appointed to undertake the often difficult and challenging work of this Court and in this Registry. It is those authentic family law specific skills, that lived experience at the Bar, that genuine empathy and innate understanding of the unique work of this Court, that makes Your Honour a very sound choice to join the Court.

The family law profession in South Australia is poorer for losing you. There are solicitors all over Adelaide who are beside themselves. But the community who are served by the Court in this Registry, and the practitioners who appear before it, will be the winners.

May it please the Court.

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