

**Eulogy for The Honourable Rosemary Balmford AM
on the occasion of her funeral service
Trinity College Chapel
University of Melbourne**

16 August 2017

The Honourable Rosemary Anne Balmford AM gave long and distinguished service to the people of Victoria, the legal profession, the judiciary and the Courts. On behalf of the Supreme Court of Victoria I wish to pay tribute to Rosemary's distinguished career in the law. In particular, on behalf of the women judges of the Court, present and past, I wish to say thank you to Rosemary for being our trail-blazer, and farewell.

Rosemary was the first woman to be appointed a judge of the Supreme Court of Victoria.

This was in March 1996 and Rosemary had decided well before then that she enjoyed what she described as 'sitting at that end of the room' - that is, 'the process of hearing evidence and argument and going away and making a decision'.¹

She was drawn to Law as a school girl. She was studying history for matriculation. The teacher instructed on the development of the Australian Constitution and the *Engineers case*.² Returning home she found her father kept in his study a copy of Geoffrey Sawer's *Cases on the Constitution of the Commonwealth of Australia*. She 'found [she] liked the style of discourse'.³ Law it was to be.

She was admitted to practice on 1 March 1957, as one of five women and 27 men. To underscore the changes in the profession, this compares with an admission ceremony over which I presided yesterday where 69 per cent of the applicants were women. No longer can it be said that Law is a 'funny course for a woman', the response Rosemary received in the 1950's, which she chose as the title to her memoir.

¹ Rosemary Balmford, *A Funny Course for a Woman* (Australian Scholarly Publishing, 2013), 237 ('Memoir').

² *Amalgamated Society of Engineers v Adelaide Steamship Company Ltd* (1920) 28 CLR 129.

³ Reply speech to Welcome, Supreme Court of Victoria, 12 March 1996, 10.

She became a solicitor and partner at Whiting & Byrne. She returned there after the birth of her son Christopher and then worked as part of the in-house legal team at the University of Melbourne. While there she did a MBA.

In 1971 she was appointed as the founding Executive Director of the Leo Cussen Institute for Continuing Legal Education.

It was at the Equal Opportunity Board that Rosemary became aware that she liked adjudication.⁴

In 1979 she heard the landmark case of *Wardley v Ansett Transport Industries (Operations) Pty Ltd*.⁵ This was the first sex discrimination in employment case contested before the Board. The Board ruled that Ansett's refusal to employ Deborah Wardley was unlawful. Wardley then became the first female commercial pilot in Australia.

In 1982 Rosemary was appointed as a senior member of the Commonwealth Administrative Appeals Tribunal.

Suddenly she was in the centre of Australia's leadership role in the field of administrative law. She reviewed a decision involving a single parent of a handicapped child who was not entitled to a supporting parent's benefit because her child was adopted.⁶ Rosemary recommended the legislation be changed and within a day or so of handing down her decision the Minister announced that the legislation would be appropriately amended.⁷

Ten years later she was appointed to the County Court of Victoria. In 1993 there were no women serving on that Court. The majority of the work was crime, largely jury trials.

As a judge of the County Court Rosemary made public her view that there was an overwhelming argument for the opening up of the professions to women. Her argument was that to exclude women was simply to waste the abilities of half of the population.

Two years later and the Attorney-General Jan Wade approached her again – this time to accept an appointment with the Supreme Court. It would be difficult to over-estimate the symbolic significance of this appointment.

⁴ Memoir, 237.

⁵ (1984) EOC ¶92-002 (I G Sharp (Chairman), R Balmford and S Horne (Members)).

⁶ *Re 'W' v Director-General of Social Security* [1983] AATA 172.

⁷ Memoir, 245.

I recall as a junior barrister there being a palpable sense of euphoria at the Bar amongst the women, and men, that historically the ground had shifted. Rosemary said at her Welcome that she hoped her appointment would help in the process of establishing in the minds of other women an awareness that they could aspire to appropriate positions in the State. In a very real sense Rosemary's appointment was the foundation for the establishment of women judges both on the County and Supreme Courts.

Soon she was joined by other women judges. As soon as there were three at the same time, Chief Justice Phillips instantly listed an all female Full Court to sit on the admissions ceremonies in August 2002. Rosemary sat with Justice Marilyn Warren (who regrets that she cannot be here to speak today) and Justice Julie Dodds-Streeton. Rosemary has described presiding at those ceremonies as 'certainly a highlight of my working life'.⁸

At the Supreme Court Rosemary occupied the chambers that her father Sir John Norris had occupied. She became the first woman to preside over a murder trial in Victoria. She sat in every area of the Court's jurisdiction, crime, common law, commercial and equity, and the Court of Appeal. She was the judge in charge of the Valuation, Compensation and Planning list.

Rosemary served the Supreme Court with distinction until her retirement from the bench in 2003.

The women judges of Victoria owe Rosemary a great deal. She was an inspiration to all of us.

More generally, the legal profession of Victoria is indebted to Rosemary for her pioneering contribution.

Thank you.

⁸ Farewell Reply Speech, Supreme Court of Victoria, 12 September 2003, 14.