



Remarks of the Hon. Anne Ferguson, Chief Justice of Victoria on the occasion of a Welcome sitting in the Banco Court

Thursday 12 October 2017

Thank you to everyone who is here today and watching online. In particular, thank you to Aunty Joy Murphy, Attorney-General and Presidents of the Victorian Bar and the Law Institute of Victoria, for your generous remarks. As is the tradition on these occasions, you have embellished some stories and no doubt started some myths about me that will grow over the years. I'm sure that it will give me (and perhaps others who know me well) some cause for amusement. I thank you for that, because I do like a good laugh.

To more serious matters. First, I wish to acknowledge the leadership of the previous Chief Justice, Marilyn Warren AC. She led this Court into a new era and I, and the judicial officers and staff of this Court, are very grateful to her for doing so.

The last few weeks have given me time to ask myself, what does it mean to be the Chief Justice of the Supreme Court of Victoria and what should a Chief Justice do? I don't profess to have the complete answer at this early stage. But what I do know is that it is a precious and unique opportunity to make a tangible contribution to the justice system in this State, to influence and help shape how justice is delivered and, in that context, to serve the community.

I want to focus first on the last of these things. As always, communication is very important. In serving the community as Chief Justice, I will treat it as part of my responsibility to do everything that I can to make sure that what judges do, how we do it and why we make the decisions that we do is easily understood by all people. While the result that we reach might be obvious from our decisions, I am not sure that why we have reached the result is always as clear. So we may have to put



further thought into how we communicate – both as to the methods of communication and the language that we use.

For example, one method of communication we use is our judgments. Judgment writing is a skill. To non-lawyers, perhaps even some lawyers, it may come as a surprise that judges attend training sessions to develop this skill. For example, we are taught that the first paragraph of the judgment should set out what the case is about in a way that would explain it to a neighbour over the back fence. That is sometimes very difficult and we don't always achieve it. Indeed, I'm reminded of the saying 'if I had more time, I would have written a shorter letter.' Time is sometimes short. But we are committed to improving our judgment writing skills through continuing training to write in a way that makes it clear to 'our neighbour' what our decision is and, most importantly, why we have come to it.

In the age in which we live and work, judgments are just one form of communication. There are many others, including through the traditional media, websites and social media. I want this Court to continue to develop and improve how we use those means of communication, to look for others and to keep up with changes in communication as they emerge.

I also want to touch on another topic today. In my view, my role as Chief Justice is to serve the State of Victoria; not just the Supreme Court. All Tribunals and courts make an equally important contribution to the justice system in this State. It is not possible to have them all represented on the bench with me today. However, I do have the President of the Court of Appeal of this Court and Justice Kidd sitting with me. As President, Justice Maxwell heads the last part of the court system in this State. Justice Kidd is not only a judge of this Court but he is the Chief Judge of the County Court. He represents a different part of the court system. His Court, the County Court, shoulders a huge responsibility, particularly in the criminal justice sphere. I am very pleased that the President



and Justice Kidd agreed to sit with me today.

Much has been made by some of the fact that I am a woman and had been a solicitor before coming to the Court. I don't think of these things as relevant distinguishing features. I can't wait for the day when diversity – not just gender, but cultural, intellectual and other forms of diversity – is not worthy of mention because it occurs so commonly. From my own observation, organisations that have diversity function better and make better decisions. The Court and the legal profession can make a difference in encouraging and developing diversity so that our judiciary can be drawn from a wide pool of people who have different backgrounds – whether that be gender, culture, race or experience. In the context of the Court, the beneficiary of a diverse judiciary is the community which itself is diverse.

As to my background as a solicitor, I have now been on the bench for many years. The experience of being a judge of the trial division and Court of Appeal is the most relevant part of my professional background to equip me to be Chief Justice. Having said that, my time as a solicitor and life experience, working and living in the community provide the personal background that is necessary to equip me for the position. My experiences include working at the local milk bar in Mulgrave when I was a student, sitting in the outer at the MCG watching the mighty Tigers, participating and observing people in every day pursuits.

It is usual during welcome ceremonies for the judge to thank those who have helped and supported them in their careers. I am in the unusual situation of having already been welcomed to this Court and this is my second welcome. Consequently, I won't mention individually those that I thanked on the occasion of my first welcome. Suffice to say that I am still as grateful to each and every one of them as I was on the first occasion. They each made a significant contribution to my development both professionally and personally. Thank you.

During my time on the Court, many people have helped and supported me in my role as a judge. My thanks to my associates, the tipstaves, secretarial staff, registry and other support staff



who work behind the scenes who have assisted me during the past seven years. They each go about their work without fuss but without them, I could not have functioned as a judge. I would like to particularly thank my personal staff for ensuring that today's ceremony has run smoothly. They have all been terrific. Thank you.

Over the past few weeks, I have had the benefit of working more closely with our CEO, Louise Anderson. She is a remarkable person. I am very grateful to her for helping and guiding me as I start in my new role.

To all the judicial registrars, associate judges and judges, thank you. You welcomed me to this Court openly and warmly. It made my transition to the role of judge so much easier than it might have been. Your positive reaction to the announcement of my appointment as our next Chief Justice was overwhelming. At the same time, it encouraged and reassured me that the challenges I now face are not insurmountable and that I will not face them alone.

The independent Bar is an important part of the justice system. At my first welcome, I said that I would rely on the members of the Bar to help me. They did not let me down.

Seven years on, I do not presume to know all there is to know about the office of Chief Justice. Again, I invite my colleagues, members of the independent Bar and the broader legal profession to work with me to make a real contribution to the justice system in this State, to influence and help shape how justice is delivered for the benefit of the community.

Before closing, I want to thank the members of my family. I am grateful to each and every one of you for the love and support that you give me. To my husband, Kim, [aka Justice Hargrave to some] I would not be sitting here today if it were not for your encouragement and support to take on the position. I could not do this without you. Thank you.

On Monday, I was sworn in at Government House as the 12th Chief Justice of Victoria. I repeat the affirmation that I gave on that occasion; that is, to discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour or affection. Put another way, I will do the very best that I can as Chief Justice. I will act fairly. I won't let what has



been or might be said about me or done to me influence how I do my job.

To finish, as one of my wise colleagues said to me last week, 'Anne, just be yourself.' For better or worse, that's what I intend to do.