

Thank you Damien and good evening to you Chief Justice, [JUDGES], distinguished guests, ladies and gentlemen.

It gives me great pleasure to offer this evening's toast – I'm particularly pleased as it provides me with an opportunity to say something, on behalf of the Bar, publicly, of the respect to be had for our judiciary. A lot has been said about them behind their backs over the years, so tonight is a welcome chance for me to say something in their presence.

I'll hopefully leave a better impression than I did with my wife who last attended a Bar function at the Silks' dinner, the year I took silk. When I recently told her that Damien had asked me to offer the toast this evening she said that she thought the speaker at that dinner was okay as they didn't harp on and at times had been quite funny, so I should just copy that approach.

I'm still trying to find the right moment to remind her that it was me who gave the speech that night.

I wanted to open my remarks though by saying something about aspiration. Legal practice is a pyramid of aspirations – to finish university well, to enter the profession, to build a practice - for some, to take silk - and perhaps, for a select few, to be appointed to the Bench.

But as the Bar grows, the window at the top of the pyramid gets relatively narrower – think of the number of truly meritorious Barristers you have to be in front of to be offered an appointment now – I was around number 425 when I signed the Roll, today the newest barristers are signing nearer to 1000 and there are well more than 100 Silks.

There remain however relatively few appointments to the Judiciary each year – perhaps 1% to 2% or so of those of us in practice. There can be no doubt that our Judiciary is populated by only those truly deserving of the honour.

The Silk aspirants list is growing too. 49 this season – a similar number in the last. It can be hard now to say you are familiar with all on the list, such is the size of the Bar, but if you aren't, you need not be concerned, because quite remarkably, every single one of them is here tonight, ready to mingle.

You can't miss them – they are still sober and will remain that way until the last Judge has left. And they are, to the last, the most generous group of people – they clambered over each other to offer the Chief Justice a lift home tonight, for example - and polite, they are so polite, you could say whatever you wanted about them, right to their face, and they would take it all in with a smile so firm it will look like it is painted on.

But I shouldn't laugh. I understand what it is like to be aspirational. I was aspirational for a period. I aspired to develop a practice in defamation - then I started receiving briefs to act for media defendants. More than \$7,000,000 in damages and four permanent injunctions later, I now find myself aspiring to develop a practice in liquor licensing, dangerous dog prosecutions or dividing fence disputes.

But it is the aspiration to join elite company on the bench that I wish to focus on. It is a funny aspiration in many ways - it is to aspire to a role that is difficult, both technically and personally; it is a role that can be lonely; it is heavily scrutinised and it can be thankless. There are sacrifices, and it is a true public service. It does not suit everyone.

The bench can though be a safe place, particularly if you suffer from low self-esteem. You could be the worst comedian on the block, but in your Court, you are going to be the funniest person on the planet, and you are forever receiving praise for things you thought were well beyond you. You might never have practiced in corporations law, or personal injuries, or crime for example, but you can be guaranteed that if you are hearing a matter in that area, someone will preface a submission with words to the effect, 'of course your Honour knows more about this aspect of the law than all of us at the Bar table combined'. How uplifting.

It seems to be a very forgiving place, the bench, which is one of its attractions. If Raygun were a judge she would have won gold in Paris for sure.

But from time to time, when I have considered whether I truly hold that aspiration myself, my thoughts turn to the question - how do I measure up against some of the key elements of the job description. As it happens, the criteria for appointment are set out in writing and available at the Queensland Government website.

Criteria 1 is concerned with intellectual capacity. Fair enough. You must have, amongst other things, an appropriate knowledge of the law and its underlying principles, and the ability to acquire new knowledge. Well, I am willing to learn, but I have to confess, I didn't see the bench as one of those learn-as-you-go type places.

Nonetheless, embedded in a knowledge of the law, is having a good grasp of legal history. To know where you're going, you have to know where you've been as Talking Heads kind of used to say. And this sadly is where I fall down - for example, for the last 25 years I have thought *lex loci* was a villain in the DC

Universe, and the Magna Carta was a sedan made by Mitsubishi for the Italian market.

Criteria 4 is concerned with communication skills. You not only have to communicate in clear standard English, okay, but to do so in a way that inspires respect and confidence.

Take the example provided by Justice Lee in the Lehrman defamation proceeding, and his Honour's magnificent and entirely apt use there of the term, omnishambles. One word that so perfectly reflected on the complex situations the parties and countless others found themselves in. That would have been beyond me. Personally, I would have rolled with clusterf\$@! and trusted the readers to fill in the blanks.

Criteria 5 is concerned with efficiency. You must have an ability to work expeditiously, and to work constructively with others. And this is where I thought I really could excel. I would be very happy to work constructively with the parties to oversee the outcome one of them seeks. Because you see this is where the job of being a Judge should be pretty easy. Let's face it, one of the two parties is giving you the right answer. It should be a 50/50, so treat it like a multiple choice quiz. At school I was stoked if I could eliminate the two obvious wrong answers in a multiple-choice question, leaving myself with only two options to decide between – here, the parties have done all of that early work for you – now that's efficiency.

It turns out of course that being a Judge is nothing like that. The party that is not giving you the right answer actually is trying to con you into reaching the wrong answer and there's never a 50/50 chance of simply landing on the right result – indeed often enough when the parties are giving the court options A and B, the correct answer may well be D or E, and as the Judge, you have to navigate yourself there.

So, I've shelved that aspiration for the time being. But I will conclude with this - with aspiration, comes admiration for those who hold the office you aspire to. Our judiciary truly is serving the public. Not one Judge does it for the perks, or the generous salary and benefits, or for the headlines. It is a public service in the truest sense of the term that, in reality, only a few are ever well suited to.

Decision making is a burden – deciding on the rights of fellow citizens, telling ordinary members of the public who is right and who is wrong in a dispute they have invested so much of their lives in - all jokes aside, it's a tough gig. And when was the last time you read the headline in the Courier Mail, 'excellent judge gets decision right, again!'. At the Bar it is our role to support the

judiciary, not only by assisting them reach the right result, but by standing by them as they navigate their way through the proper administration of justice.

So, can I ask you to stand, and, to lean just a little again into the criteria for appointment, to raise your glasses to the learned, to the integrous and the impartial, the leaders and those committed to justice, independence, public service and the fair treatment of all – to the judiciary.