

REMARKS AT THE RACV DINNER

20 August 2015

1. I again extend a very warm welcome to each and every one of our guests this evening. I have made individual acknowledgements earlier at the seminar in the Banco Court. However I now also acknowledge the presence of the Attorney-General for the State of Victoria and the Minister for Racing, the Honourable Martin Pakula, MP. It is excellent that you were able to join us this evening Attorney. Your presence is indicative of the significance of the Victorian Court of Appeal to the administration of justice in this state.
2. At the outset I express deep appreciation to Georgie Hawkins and the President for organising the dinner, to the College and my staff for organising the seminar and the reception – especially Jan Funston.

Tribute

3. Tonight might well be said to be a night of 'the Presidents'. We have four Presidents of Courts of Appeal here this evening and quite appropriately we gather for dinner to celebrate the 20th anniversary of the Victorian Court of Appeal in the President's room. No doubt it was specifically built, designed and named in honour of our presidents here this evening.
4. There is something I wish to share with you and that is the fact that I have been a very fortunate Chief Justice. When first appointed in 2003 my then president was Justice Winneke. I again express my appreciation to him for the support that he gave to me. I also know that he ensured together with former Chief Justice Phillips that there was a strong bridge between the Trial Division and the Court of Appeal of the Supreme Court of Victoria. This evening, in addition to marking the 20th anniversary of the Court of Appeal it is time to pay tribute to our President, my current President, Chris Maxwell.

5. Recently, on 18 July 2015, he marked his 10th anniversary as President. He is now the longest serving Victorian President as he moves into his second decade.
6. When Chris came to join us we knew quite a bit about him as an advocate. We knew he was an outstanding advocate particularly in the administrative law, constitutional law and public law areas. He appeared quite frequently in the Court of Appeal in state taxation matters. We knew him as an excellent lawyer and, also, as a person of the utmost integrity with a devout commitment to fairness and human rights. He was recognised as a tenacious, articulate and forceful advocate.
7. These attributes he has brought to his role as President of the Victorian Court of Appeal.
8. His contribution to the appellate jurisprudence is well known and I will not pause to go through the Victorian Reports citing his judgments other than to note that within a month of being appointed he sat on his first case to be reported in the VRs. This of itself was an indicator of things to come. Whilst Chris has sat in all jurisdictions he has been especially interested in and devoted to the criminal law. He has provided fine jurisprudence for example with respect to community corrections orders – *Boulton* – and mental health – *Verdins*.
9. However being an intellectual leader of a court, very much an essential attribute of an appellate president, is a given factor. I would highlight Chris's contribution to the administration of justice in this state through his work with respect to taking the framework laid by John Winneke and further enhancing the Victorian Court of CJ Appeal.
10. Under his leadership criminal appeal lists (through the Ashley-Venne) reforms have been slashed to a fraction of what they were.

11. The civil lists have been dramatically reduced under Chris's leadership with the nettle reforms.
12. The criminal appeal reforms were challenging, even confronting for everyone: judges, barristers and lawyers. They required persuasive advocacy to achieve their implementation and effectiveness. Chris was a leader in achieving that change such that the judges and the profession have embraced civil appeal reforms and on the criminal appeal reforms.
13. The proof of the success of the total reform lies in the 2015-16 statistics:

The number of criminal appeals pending as at 30 June 2015 were 142 (cf well over 600 just a few years ago). Of those only 7 appeals are over 12 months old.

The number of civil appeals pending were 80 (I repeat 80 civil appeals) (cf ? earlier in time). Of those only 7 appears are over 12 months old: an all-time low.
14. We know across the trial courts the jury directions legislation which – Geoff Eames provided the policy for and Mark Weinberg developed the template – Chris pursued through various phases. The reforms are having an impact in our criminal trials by reducing them in the order of at least one– third, let alone, achieving a higher quality of justice in this state.
15. Chris has also been a significant leader in relation to the Human Rights Charter application and also raising legal and public awareness of the value and the need to protect human rights. He is a favoured speaker at events from various academic, public interest and human rights groups.

16. The list of achievements does not stop there. In addition to his court work and also his various reforms, he has contributed to improvement of the administration of the whole of the Supreme Court through occupational health and safety reforms and that recognition that has been transformative for judges and staff. This is especially evident in his pastoral care of judges.
17. Then there was the library review where Chris played a pivotal role in the establishment of the Law Library of Victoria amalgamating the libraries of all the courts and paving the way for desktop access in the long term for all Victorian lawyers.
18. As part of my good fortune as Chief Justice there have been many times when I have had to deal with people from government departments who have been, sometimes, unfortunately, unappreciative of the nature of judicial work and the essential needs we have. I have found it invaluable on occasion to have Chris beside me to provide additional advocacy and persuasion when necessary. A formidable front.
19. And, indeed, his list of activities do not stop there. Judicial education is an area to which Chris has been very devoted. He has led programs focusing on statutory interpretation, sexual offences and, importantly, judicial wellbeing. He has played a leadership role in the establishment of the Judges and the Academy seminar series co-sponsored by the Court of Appeal in conjunction with the Melbourne and Monash Law Schools. The seminars have been of an extraordinary intellectual and stimulating level and attracted national and international interest.
20. I continue. Chris has acquired an interest in forensic science and the refinement of criminal trial processes in the management and use of forensic evidence.

21. He has become very active in the National Institute. I could go on at length but there is one final area I must mention. Chris has been very committed to achieving gender equality. Most recently he has embarked as a judicial representative on the Victorian Equal Opportunity Commissioner's program, *Male Champions for Change*. This group is endeavouring to achieve significant change with respect to the treatment and recognition of women in public, corporate and legal circles. He has also been a key contributor to the Commercial Bar workshop programs on gender equality in briefing practices by the large law firms and institutions.
22. Of course through all this Chris has been ably assisted by his Personal Assistant, Georgie Hawkins, by Robyn Lansdowne when the Associate Judge for the Court of Appeal and in the last few years by the Judicial Registrar, Mark Pedley.
23. Ultimately, Chris has joined me in creating a cooperative, collaborative and collegiate environment across the whole of the Supreme Court. Chris's second decade has begun. His first decade was recognised, most appropriately by his being made a Companion of the Order of Australia in the Queen's Birthday Honours.
24. Would you kindly join with me in applauding and acknowledging Chris Maxwell's contribution as current President of the Court of Appeal.
25. Shortly Chris will close the evening.
26. It is now my delight to introduce our former colleague Geoff Eames and, also, after he left us the former Chief Justice of Nauru. Geoff has been an extraordinary contributor since his retirement from the Supreme Court to the administration of justice in the Pacific and, also, locally. I now invite Geoff to propose the toast to the Victorian Court of Appeal.