

Swearing in of his Honour Judge Timothy Gartelmann SC as a judge of the District Court of NSW

His Honour Judge Timothy Gartelmann SC was sworn-in as a judge of the District Court of NSW at a ceremonial sitting on Tuesday, 3 October 2017. Attorney General Mark Speakman SC MP spoke on behalf of the New South Wales Bar, while Richard Harvey, treasurer of the Law Society, spoke on behalf of the solicitors' profession.

His Honour was raised in the Adelaide Hills, the son of an artist and an IT expert at the Woomera Rocket Range. His Honour was the eldest of four children and attended an Adelaide private school before leaving early to test alternative careers in landscaping and the army. It is rumoured that upon completion of his military training his Honour could speak in Morse code.

It was after completing the leaving certificate that his Honour took a punt and enrolled in a journalism degree in the Northern Territory, where it just happened that there was one compulsory law subject, and this began more than 25 years in the law as solicitor, barrister and senior counsel.

In fact it was one of his teachers in the journalism course who first saw a certain aptitude that his Honour possessed and enthusiastically recommended that he pursue a law degree. Promptly, he transferred to the Australian National University, where he obtained his degree in 1991.

In 1992 he completed the College of Law and embarked on a career as a solicitor at several specialist criminal law firms, after which he accepted a position at Legal Aid NSW. His Honour has spent more than two decades in the service of the people of NSW. Briefly his Honour was a solicitor advocate appearing in the Local and District courts, the quintessential sole practitioner before being called to the Bar.

Attorney General Speakman spoke on behalf of the Bar and reminded those in attendance of his Honour's superlative knowledge of the criminal jurisdiction, his insight and calm and measured temperament during his years as a barrister. His Honour appeared in nearly every type of application in the criminal jurisdiction from bail applications, severity conviction appeals, sentence hearings, fitness, as well as every 'special' hearing and of course he was an old hand at trials with juries. The attorney also shone the light on his Honour's many occasions before the Court of Criminal Appeal. In fact he was regarded as counsel of choice in that particular jurisdiction. The attorney recalled his Honour's personable

and often patient and generous personality; one who was always ready to advise and to calm a panic-stricken reader or junior with urgent questions.

Several high profile and important cases of legal principle were referred to; for example *Crickett in the CCA, R v RMC* in 2013, and in 2014 *CS v R*. These three cases were particularly grave examples of criminal behaviour and displayed crucial aspects of his Honour's customary frankness and candour before the court and his full appreciation of responsibility. These cases indicated a high esteem in which the bench held his Honour and the attorney indicated that his Honour's qualities of trustworthiness, consideration and fairness were unassailable.

Reference was also made to his Honour's predilection for mountain bike riding and road cycling. The attorney indicated that riding, although an enjoyable pastime, had caused his Honour physical injury and lengthy periods of rehabilitation rather than the more anticipated result of good health and improved physical ability.

Mr Harvey, on behalf of the Law Society, said that Judge Gartelmann had practised as a distinguished silk for some 15 years before taking appointment to the District Court. His Honour was first an accredited criminal law specialist as far back as 1999 and certainly in recent years has proven this to be his area of exceptional expertise. Mr Harvey then reminded his Honour's customary calmness and intelligence when faced with a curious (sometimes uncomfortably curious) judge during difficult cases.

Beyond cycling and a career as a leading silk his Honour was noted as having an artistic streak – most probably inherited from his mother, Roe Gartelmann – a noted South Australian landscape artist. However his Honour's greatest devotion was of course to his family as husband to Magistrate Nell Skinner and father to children Sam, Alex and Eliza – all of whom have exceptional original stories about adventures and travels. Finally, his Honour noted that he was not the first barrister or judge to have started his career eschewing public speaking however as things go he got used to it. His Honour remembered fondly being John Stratten's last pupil before becoming silk. His pupil master had encyclopaedic knowledge of criminal law but the real lessons learnt were more about John Stratten's advocacy style. After watching and spending time with his pupil master his Honour appreciated that a good barrister might not necessarily be the most theatrical, the most aggressive, colourful and full of movement. Rather it is often the opposite. The most important lessons learnt were those of method, preparation, and above all reasonableness. These made for by far the more effective style of advocacy. His Honour also remembered the great privilege it was to be led by Paul Byrne SC and Mark Ierace SC,

and he fondly remembered his other mentors Justices Latham Hulme and Johnson, among others including Michael Crawford-Fish and Carolyn Davenport SC. His Honour acknowledged how gratifying it was to come this far and look forward to the challenges of the future.

By Kevin Tang

Local Court of NSW

Magistrate Brett Shields

Brett Shields was sworn-in as magistrate of the Local Court of NSW on Monday, 28 August 2017. His Honour graduated from law school in 1985, after which he practised as a solicitor at Ebsworth & Ebsworth, then at Mallesons. He was called to the bar in 1994 and read with Mark Williams, now Judge Williams SC of the District Court. Eventually he took a room on 12th Floor Wentworth and built up a practice that included commercial, industrial and employment law, as well as personal injury.

Magistrate Theresa Hamilton

Theresa Hamilton was sworn-in as a magistrate of the Local Court of NSW on Monday, 11 September 2017. The majority of her career was spent in Queensland. She studied law at the University of Queensland and was admitted as a barrister in that state in 1978. Initially, she worked for the Commonwealth Crown Solicitor's Office in Queensland as a Crown prosecutor. In 1983 her Honour joined the Aboriginal and Torres Strait Islander legal service. In 1990 she joined Queensland's Crime and Corruption Commission, rising to general counsel and other senior positions over the next 17 years. In 2007 she joined the Independent Commission Against Corruption in NSW as a deputy commissioner.

Magistrate Christopher Halburd

Christopher Halburd was sworn-in on Monday, 11 September 2017. His Honour received a Diploma in Law from the LPAB and joined a busy practice in in the Albury Wodonga area. He was appointed by the Victorian health minister to sit on the board of Albury Wodonga Health. His Honour is committed to lifelong learning and has three masters degrees, including business administration from Charles Sturt University and international law from the University of Kent's Brussels School of International Studies. His Honour Magistrate Halburd is known as a compassionate, considerate and thorough practitioner and has the added distinction of having lived and worked overseas in Brussels, Vietnam and the UK.

Senior counsel appointments 2017



Back row, left to right: Huw Baker, Lesley Whalan, Melissa Gillies, Michael Wright, Michael Elliott, Francis Hicks, Greg Waugh
Front row, left to right: Naomi Sharp, Ruth Higgins, Kate Morgan, Richard Scruby

Huw Baker

Crown Prosecutors Chambers Sydney

Huw Baker commenced practice at the New South Wales Bar on 24 January 2005, when he was appointed as a Crown prosecutor. He specialises in the area of criminal law as both trial and appellate counsel. He is the chairperson of the ODPP Indigenous Lawyers Mentoring Pilot Program and regularly gives informal presentations concerning criminal law, practice and procedure, advocacy and evidence at conferences. [BA Australian National University; DipL Legal Practitioners Admission Board]

Michael Robert Elliott

8th Floor Selborne Chambers

Michael Elliott came to the New South Wales Bar on 15 February 2002. His major area of practice involves commercial disputes, with a particular focus on professional negligence, insurance, contract law, trade practices, corporations law, equity and fraud. He also has appeared for a range of organisations and individuals in royal commissions, ICAC hearings and other inquiries. More recently, Michael was counsel assisting the Heydon Royal Commission into Trade Union Governance and Corruption. [BA, LLB (Hons) University of Queensland]

Melissa Anne Gillies

Culwulla Chambers

Melissa Gillies commenced practice at the New South Wales Bar on 23 February 2001. Since 2003 she has specialised in the area of family law, appearing in the Family Court and Federal Circuit Court, along with family-related matters and some criminal matters in the Local Court. Melissa is an accredited family law arbitrator and regularly presents papers to various groups on various aspects of family law. [LLB University of Technology Sydney]

Francis Paul Hicks

Greenway Chambers

Francis Hicks commenced practice at the New South Wales Bar on 17 February 2003. He generally undertakes commercial matters, being primarily engaged in technology and construction disputes concerning commercial, retail, industrial, mining and infrastructure projects (including renewable energy) and large scale residential developments. He has worked on Halsbury's Laws of Australia *Building and Construction* title and given numerous papers at Building and Construction Disputes Workshops, CLE seminars and insurance forums. [BA, LLB University of New South Wales]

Dr Ruth C A Higgins

Banco Chambers

Dr Ruth Higgins commenced practice at the New South Wales Bar on 1 May 2006. Her principal areas of practice are competition law and economic regulatory law (especially energy and telecommunications). She also appears in class action proceedings, public and constitutional matters, corporate criminal matters and general commercial disputes (including insolvency). Ruth has been a visiting scholar at Columbia University in New York and a lecturer in law at Corpus Christi College, Oxford. In 2007 she was the co-convenor of the New South Wales Bar Association's rhetoric series of lectures and was a co-editor of *Historical Foundations of Australian Law: Vols. I and II*. [LLB (Hons) Glasgow University; DPhil Oxford University]

Katharine Clare Morgan*Tenth Floor Selborne/Wentworth Chambers*

Kate Morgan commenced practice at the New South Wales Bar on 16 February 2004. She practices in the areas of regulatory litigation, including civil penalty proceedings, commercial and taxation law, competition and consumer protection, constitutional and administrative law and criminal matters, among others. Kate was the co-vice chair of the Women Barristers Forum for 2014 and 2015 and has been a member of Bar Council's Working Party on the Equitable Briefing Policy and is currently a member of the Equitable Briefing Working Group. She has addressed the Bar Readers Course and presented Bar Association seminars regarding CPDs for the Bar Association in relation to practice at the bar and family responsibilities. [B Ec, LLB (Hons) University of Sydney; LLM (Yale)]

Richard Craig Scruby*Tenth floor Selborne / Wentworth Chambers*

Richard began practising at the New South Wales Bar in September 2002. His main areas of practice are equity and commercial, bankruptcy and insolvency, tax and revenue law. In 2015 he was junior counsel assisting the Royal Commission into Trade Union Corruption. He is a member of the Diversity and Equality Committee. [BA LLB (University of Sydney), BCL M Phil (Oxford)]

Naomi Louise Sharp*Sixth Floor Selborne / Wentworth Chambers*

Naomi began practising at the New South Wales Bar in 2002 after she had received the Blashki Award for coming first in the Bar Exams. Her principal areas of practice include competition and consumer law, contract, equity and trusts, public and administrative law, as well as inquests and inquiries. In 2014 she was counsel assisting in the Australian Human Rights Commission Inquiry into Children in Immigration Detention. Similarly, she was counsel assisting in several case studies for the Royal Commission into Institutional Responses to Child Sexual Abuse. She has also served on Bar Council, as well as a Bar Association Professional Conduct Committee and its Human Rights Committee. [BA (Hons) LLB (University of NSW) LLM (McGill University, Montreal)]

Gregory Richard Waugh*12th Floor Selborne / Wentworth Chambers*

Greg began practising at the New South Wales Bar in 1990. His principal areas of practice are commercial, equity, with a particular focus on probate law, and alternative dispute resolution. Greg has served on the board of 12th Floor Selborne/Wentworth Chambers. [LLB BComm (University of NSW)]

Lesley Anne Whalan*Frederick Jordan Chambers*

Lesley began practising at the New South Wales Bar in 1998. Her main areas of practice are medical negligence, product liability, commissions of inquiry and coronial inquests. Between 2013 and 2015 Lesley was a member of a Bar Association Professional Conduct Committee. [BA (Australian National University) LLB (University of NSW)]

Michael Luscombe Wright*Frederick Jordan Chambers*

Michael began practising at the New South Wales Bar in 2000. Prior to that he had practised for some years as a solicitor in Papua New Guinea. His main areas of practice are environment and planning, native title, administrative law and alternative dispute resolution. Michael is currently a member of the Bar Association's Joint Working Party on Over-representation of Indigenous People in the NSW Criminal Justice System. [BA LLB (University of Sydney)]