

The Hon Justice Ainslie-Wallace

Her Honour Judge Ainslie-Wallace was sworn in as a judge of the Family Court of Australia, assigned to the Appeal Division of the Family Court of Australia, on 9 July 2010.

Her Honour attended the Queenwood School for girls, and graduated with an Arts degree in psychology and a Bachelor of Laws from the University of New South Wales in 1978. Her Honour was admitted as a barrister the same year. Her Honour's practice at the bar involved many complex family law cases, including briefs from the Department of Community Services at first instance and in appeals from the decisions of the Children's Court and representing the state in various jurisdictions and at all levels as well as appearing as counsel assisting at inquiries and inquests. Her Honour was appointed a judge of the District Court of New South Wales in 1997 and was appointed a deputy chair of the Medical Tribunal. From 2000 to 2008 her Honour was the District Court's list judge managing child welfare matters.

Her Honour is a board member of the Australian Advocacy Institute, and now the vice chair of the institute. Since 2008 her Honour has been an adjunct professor of law at the University of Technology, teaching a special elective in trial advocacy.

Elizabeth Kelly, deputy secretary of the civil justice and legal services of the Attorney-General's Department spoke on behalf of the Australian Government. Chris Simpson SC spoke on behalf of the New South Wales and Australian bar associations. Ann Rees SC spoke on behalf of the Law Council of Australia. Mary Macken spoke on behalf of the solicitors of New South Wales. Ainslie-Wallace J responded to the speeches. Ms Kelly noted that her Honour had

been described as a youngster who could simply not miss an opportunity to be someone or to achieve something. It comes as no surprise to, therefore, learn that your Honour was front and centre in a newspaper photograph of a group of jubilant young girls pressed up against a barricade to shield the Beatles from excited fans during their Australian tour in 1964.

Ms Kelly noted that her Honour was able to find time for other interests:

I am reliably informed that you are an accomplished singer and pianist and that you are a member of a choir that performs regularly at church and that you are known to pass time in congested traffic by singing your favourite



hymns at the top of your voice with the windows down. Your Honour also has a passion for nearly all things Italian and has become almost fluent in the language.

Simpson SC referred to the historical and social context for her Honour's achievements:

In what would be your Honour's first full year of practice, no woman occupied a seat on the High Court, no woman sat as a judge of the Federal Court of Australia, no woman sat as a judge of the Supreme Court of New South Wales, no woman sat as a judge of the District Court of New South Wales and no woman was a Queens Counsel in New South Wales. It would not be until the following year that Jane Matthews, then a crown prosecutor, would become the first woman appointed to the District Court, and subsequently the Supreme Court. The recently created Family Court was presided over by the Honourable Justice Elizabeth Evatt, but she had come to that position after a career which was atypical in most respects and not one likely to be seen as capable of emulation by a young barrister at the start of her career.

Throughout the whole of Australia three other women only sat on the Family Court of whom only the Honourable Justice Josephine Maxwell, then a little more than four years into her long and distinguished career, sat in New South Wales. By my counts, your Honour, there were no more than about 20 women who were in active practice at the New South Wales Bar. Justice Margaret Beazley was then of five years standing only, and Justice Ruth McColl

was still a year away from her admission. ...You had none of the family or other connections that might have made the journey on which you were embarking easier or likely to be assisted.

Simpson SC also referred to her Honour's application to licence the Women's Lawyers Room within Frederick Jordan Chambers:

...made by undated letter addressed to, but mis-describing, Lionel Robberds QC, the Secretary of Chambers. As a sign that all is forgiven, Robberds is here today. ... [you] told the then board of Frederick Jordan Chambers that you brought with you a wealth of legal experience. It read, under 'Experience':

Redfern Legal Aid Centre: *One day per week in suburban legal firm (clinical legal experience); registration clerk, Commonwealth Court Reporting Service.*

Whilst the board may not have thought the deep learning obtained in those positions suggested you'd be likely to be of assistance to younger barristers, if indeed there were any in chambers, they were no doubt reassured by what your application told them about the range and breadth of the commercial and occupational experience that you informed them of and brought with you: shop assistant, switchboard operator, process worker and filing clerk. ... In 1979, your Honour was ready to strike out on your own, telling the board that you had become aware of shared accommodation available on the 12th floor which you wished to take up.

... by the time of your move, however, your Honour's manner of sparse and to-the-point written expression, which is now so well known, was beginning to take form. A communication that your Honour forwarded to the board and care of the secretary was expressed in these terms:

To Lionel –

Your Honour had, by that time, identified Robberds QCs correct Christian name –

To Lionel (in your role as secretary of the board) –

Quite what other capacity your Honour might have been writing to him, one doesn't know, but nevertheless, and proceeded to say:

Nash and I have terrible trouble with people barging into our chambers without knocking trying to sell, one, typewriters, two, pot plants etc, etc, etc. They never go to the seventh floor and we would have someone at

least once or twice a week come in. Is there any way, apart from mining the corridor that would force people to go to the seventh floor? Thanks.

Ms Rees SC noted that:

In about 1981, the representation of children in family law proceedings in the Family Court in Sydney took on a particular impetus, spearheaded by, amongst others, Justice Josephine Maxwell and a small group of family lawyers at Legal Aid, which included Justice Ryan, Anne Charlton, as she then was, now Anne Connor, and me. And we began to develop the jurisprudence of the role of separate representative.

Your Honour was one of the counsel of choice of that group, and you went on to carve out a pioneer role in that work.

...What distinguished your Honour as a barrister was an absolutely fanatical devotion to preparation. Whether you appeared for the applicant, the respondent or the separate representative, your Honour had prepared the cross-examination of every witness before the commencement of the hearing. During a particularly ghastly trial when you were briefed by me as separate representative for a 10-day trial before Justice Basil Hogan, he announced that the separate representative would cross-examine every witness first, and you were able to proceed with the trial without hesitation.

... You had a reputation as a devastating cross-examiner. I can recall you cross-examining a man who was in protective custody in a – I can't quite remember how he came to be applying for time with his children, given that he was in protective custody, but that was the issue. And your Honour looked at him and said to him so sweetly, "And was that so that others could not prey upon you as you had preyed upon the children?" I don't remember what his answer was, but I don't think it mattered.

Simpson SC said of her Honour's time in the District Court of New South Wales:

Your Honour quickly demonstrated that no noisy bluster, no pedantry or no creation of side issues would stand in the way of your sureness of touch in identifying the issues in a trial, and so it was in crime as well. Your judgments demonstrated restraint; you didn't hound down witnesses and you didn't unnecessarily savage the unsatisfactory witness. As was said of the late Justice Lehane you did not cite authority with such indiscriminate relentlessness, but the reasoning became only a thin trickle, oozing almost invisibly through a marshy and slimy morass of case names.

Ainslie-Wallace J said in a sense it was as though she was coming home:

In the early months of 1979 I made my first ever court appearance here in the Family Court. It was a very difficult adjournment by consent, and I liked the work and I forged quite a career for myself in consent adjournments. I made many more appearances and before I knew what had happened twenty years had passed, as had the flower of my youth.

And in 1997 I accepted an appointment to the District Court and I'm sad to be leaving it. The work and its variety has been endlessly stimulating and challenging and it's an extraordinarily busy court. It has achieved an enviable reputation for efficiency, thanks to the hard work and dedication of the judges of the court, who work prodigiously under the stewardship of the chief judge, Justice Reg Blanch. He has been an inspirational chief judge and I hold great affection for him, and I'll miss him.

I suspect he will have much more time on his hands now that he's not dealing with my endless requests for leave. He may even take up a hobby...

My formative years as a lawyer were spent here, much of it in the company of Justice Ryan, Mrs Rees and Gay O'Connor. Those of you who know them will agree with me that they are formidable women, highly professional and effective lawyers and they are very dear friends. On one occasion the late great Joe Goldstein came upon Anne, Judy and myself in a conference room and commented – I'm giving you the edited version, you will understand – that it looked like the first act from Macbeth.

He may be gone but the analogy lives on, because just a week ago an old friend, seeing the three of us in what he described as a conspiratorial huddle, stirred an imaginary cauldron.

The Hon Justice William Johnston and the Hon Justice Ian Loughnan

Judicial Registrars William Johnston and Ian Loughnan were sworn in as judges of the Family Court of Australia on 12 July 2010.

Toni Peroni spoke on behalf of the Australian Government. Robert Lethbridge SC spoke on behalf of the New South Wales and Australian bar associations. Amanda Parkin spoke on behalf of the Law Council of Australia and the Family Law Section. Justin Dowd spoke on behalf of the solicitors of New South Wales. Their honours responded to the speeches.

Johnston J was admitted as a solicitor of the Supreme Court of the Australian Capital Territory in 1972 and practised as a solicitor in regional New South Wales, then was an officer of the Commonwealth Attorney-Generals Department in Canberra between 1973 and 1980. During this period, his Honour advised the then attorney-general on the administration of family law legislation, and was also involved in other high-profile law reforms, including Australia's first counter-terrorism legislation, and preliminary work in relation to the Hague Child Abduction Convention.

His Honour was appointed deputy registrar of the Family Court of Australia in 1980, and in 1986, principal registrar he joined the Family Court in 1980 as a deputy registrar, becoming the court's principal registrar in 1986. In 1989 his Honour returned to private practice, at Barker Gosling solicitors, where he was responsible for the firm's family law practice, including numerous complex property matters. He was appointed a judicial registrar of the Family Court in 1990.

Loughnan J was admitted as a barrister of the Supreme Court of New South Wales in 1981 after obtaining a Diploma of Law from the Barristers Admission Board and in 1984 a Diploma in Criminology from the University of Sydney. He held a number of clerical and administrative positions up until 1982 in the Family Law Division of the Supreme Court of New South Wales and the Family Court of Australia.