



## Justice Angus Morkel Stewart

### Ceremonial Sitting – Federal Court of Australia

Angus Morkel Stewart was appointed to the Federal Court of Australia on 25 February 2019 and a ceremonial sitting took place on 25 March 2019 in Court 1 of Level 21 in Queen's Square.

Justice Stewart practised at the Bar in Sydney from 2011 to February 2019 and was appointed Senior Counsel in 2014. His practice at the Bar included public law and private law specialising in Admiralty/shipping and international trade, commercial disputes and arbitrations. Justice Stewart was appointed a Fellow of the Chartered Institute of Arbitrators (FCIArb) in 2014.

Stewart J graduated from the University of Natal (BA LLB *cum laude*) and the University of Oxford (BCL *first class*) where he was a Rhodes Scholar (Natal 1992). From 1996 to 2010, he practised at the Bar in South Africa and was appointed Senior Counsel in 2006.

His Honour acknowledged the traditional custodians of the land on which the ceremony took place and the traditional custodians of the land on which he grew up, the San or Bushmen people who inhabited that area for tens of thousands of years before it was then settled by others.

The Judge's key theme was 'belonging'. To illustrate it he quoted the evocative lines from a South African novel:

'There is a lovely road that runs from Ixopo into the hills. These hills are grass-covered and rolling, and they are lovely beyond any singing of it. The road climbs seven miles into them, to Carisbrooke; and from there, if there is no mist, you look down on one of the fairest valleys of Africa. About you there is grass and bracken and you may hear the forlorn crying of the *titihooya*, one of the birds of the veld. Below you is the valley of Umzimkulu, on its journey from the Drakensberg to the sea; and beyond and behind the river, great hill after great hill; and beyond and behind them, the mountains of Ingeli and East Griqualand.' (*Cry the Beloved Country* by Alan Paton 1948.)

The quote describes the countryside near where his Honour grew up and named a river in which he most loved to kayak, and the mountain range over which he often hiked and climbed. It was, his Honour said, a profoundly beautiful place to be.

His Honour also captured another theme, 'community' and in the *isiZulu* phrase, '*umuntu ngumuntu ngabantu*' – a person is a person through other people. For the Judge it meant that we live our lives among and through other people, as others live their lives with and through us and others. The notion recognised our common humanity and the responsibility we bear to each other.

In that regard, his Honour reflected that he had been born into privilege. He was born white, male, able-bodied, cis-gendered and heterosexual, to parents who had themselves been born into similar privilege. He did not suffer the discrimination, inequality, marginalisation and disadvantage that people of colour, women, people with disabilities and LGBTQI+ people faced, and still face in this world. His Honour recognised that just as he had advantages, there were others did not have such things. That recognition informed the responsibility that he bore to others.

His Honour thanked and acknowledged his wonderful, intelligent and modern parents, Iona and Greig, from whom, he had learnt so much. He paid tribute to their industry; their demonstration by example of the act of living, that through hard work and application one can make the most of one's circumstances to literally create an interesting life. By their engagement with the world, their energy and enthusiasm, and their scientific scepticism and critical thought, they set an example of critical public service.

The Judge recalled that he enjoyed life at the Bar in Durban, where he did a wide variety of commercial, maritime, international and public interest work. Perhaps the most rewarding was the public interest work. It is very special to live and to practise law under a justiciable bill of rights; where the exercise of public power is set within universally adopted value-boundaries, including the values of equality and human dignity, and not only the executive but also the legislature has freedom only within those limits; where the tyranny of the majority is confined to history.

The Judge made reference to the circumstances of he and his family leaving South Africa and coming to Sydney with his wife Lyndsay. His Honour's first contact was with Dr Andrew Bell, now President of the Court of Appeal, whose acquaintance he had made at Oxford, and his wife, Jo Bird who had been in his BCL class. His Honour recalled that Dr Bell had thoughtfully arranged for a meeting with the Hon David Ipp, who sagely said once, describing the experience of appearing as a recent immigrant in an Australian Court as being 'like a blind man floundering around in a room full of traps'. It was also to be true for his Honour.

In one example illustrative of the array of problems and challenges which plague newcomers, his Honour recounted a story of when in Court he challenged a witness' version of a story that a particular person could not readily have been called as a witness because he was 'in Silverwater'. After first establishing that that was no more than an hour away, his Honour asked facetiously, 'so you are saying that it is not possible to travel from Silverwater?', not appreciating that the reference was to a gaol.

About ten years before his Honour and his family came to Sydney, his father's youngest brother, Robbie, and his family, made the move from Cape Town. That family has been an extraordinary support to his Honour and his family. The same is true of his cousin Jinty, and her family who relocated at the same time as his Honour. He expressed deep gratitude for their unwavering support.

His Honour noted gratitude to the members of the 12th Floor for accommodating him in the early days and assisting him.

In due course, his Honour worked with Gail Furness SC, the Senior Counsel Assisting the Child Sex Abuse Royal Commission; he paid tribute to her extraordinary work that contributed to making that Royal Commission the success it was.

His Honour subsequently moved to New Chambers where he was a founding member.

It was at that time that his Honour started to feel that he belonged in Australia. When he first arrived on these shores, he noticed the eucalyptus trees, which are a source of environmental harm in South Africa, and were eyesores. Over time, in Australia, he came to appreciate their beauty, and their majesty in the landscape. The raucous cockatoos and laughing kookaburras had been an affront at first, but he had also come to love their sounds and their musicality. This was part of his Honour's crucial sense of belonging.

His Honour paid tribute to his spouse of 30 years, the indefatigable Lyndsay Brown. He spoke of her extraordinary energy, passion, tenacity, empathy, and straight-out directness which had brought them through so much to this country.

The judge also referred to his children, twins, Stirling and Olivia, who continue to be the principal source of joy in his life. He expressed his pride in their courage, their engagement with the world, their intelligence and sense of humour.

Thus it was proven, that his Honour had lived his life among and through other people. In turn others live their lives with and through him. This is now his community. This is how his Honour came to belong here.

**Kevin Tang**



## Recent Judicial Appointments

### **His Honour Judge Justin Smith SC – District Court of New South Wales**

Admitted in 1992, his Honour came to the Bar in 1997, and took Silk in 2014. His Honour was then appointed to the bench of the Federal Circuit Court of Australia in 2015 at the Parramatta registry. Appointed to the District Court on 11 February 2019

### **His Honour Judge Ian Bourke SC – District Court of New South Wales**

His Honour was a lawyer for more than three decades including seven years with the Commonwealth Director of Public Prosecutions, 22 years at the NSW Bar and four years as Senior Counsel, formerly of Frederick Jordan Chambers. Appointed to the District Court 4 February 2019

### **His Honour Judge Jonathan Priestley SC – District Court of New South Wales**

First admitted as a lawyer in the Northern Territory, his Honour then moved to NSW where he practised as a solicitor for a time before coming to the Bar in 1995. His Honour was appointed Senior Counsel in 2014, formerly of 9 Wentworth Chambers. Appointed to the District Court on 4 February 2019

### **His Honour Judge Robert Webber SC – District Court of New South Wales**

Admitted as a solicitor in 1982, his Honour was admitted to the Bar in 1987 where he practised for 14 years before taking Silk in 2001, formerly of 11 Wentworth Chambers. Appointed to the District Court on 7 February 2019

### **Her Honour Judge Kara Shead SC – District Court of New South Wales**

Formerly of the Office of the Director of Public Prosecutions for some 20 years, her Honour then spent 18 months as Deputy Senior Public Defender, she then returned to the role as Deputy DPP. Her Honour was admitted in 1996 and came to the Bar in 2005 before taking silk in 2016. Appointed to the District Court on 7 February 2019

### **His Honour Judge Walter Graham Turnbull SC – District Court of New South Wales**

Admitted to practice in 1984, his Honour came to the Bar in 1994 and was admitted as a Silk in 2007. Formerly of Forbes Chambers, his Honour has been appointed to sit as a full-time judge of the District Court at Orange, Bathurst and Parkes. Appointed to the District Court on 11 February 2019

### **His Honour Judge Richard Weinstein SC – District Court of New South Wales**

Having been raised in Canada and having completed a Bachelor of Arts and a Masters of Arts, his Honour also holds a Diploma in Acting. He pursued an acting career for a time, which brought him to Australia. He honoured a promise to his mother that, if he had not made a success of acting by age 30, he would return to university to study law. His Honour was admitted to practice in 1992 and was called to the Bar in 1993. He took Silk in 2011 and was a member of 8th Floor Selborne Chambers. Appointed to the District Court on 11 February 2019

### **His Honour Judge Sean Grant – District Court of New South Wales**

Admitted in 1985, his Honour came to the Bar in 2011. His Honour's practice spanned a number of states including Victoria. Formerly of Henry Parkes Chambers, he will return to his hometown in 2020 as he has been appointed as the first permanent Judge to sit at Albury and Griffith. Appointed to the District Court on 14 February 2019

### **Her Honour Judge Nanette Williams – District Court of New South Wales**

Admitted in 1981, her Honour commenced with the Department of Public Prosecutors where she spent over 30 years. She rose to the position of Deputy Senior Crown Prosecutor. Her Honour came to the Bar in 1999. Her Honour also holds the rank of Commander in the Royal Australian Navy Reserves Appointed to the District Court on 14 February

### **Her Honour Judge Sharon Harris – District Court of New South Wales**

Admitted as a solicitor in 1993, her Honour joined the Office of the Director of Public Prosecutions (NSW) in 1996. She was then called to the Bar in 2014, and was appointed a Crown Prosecutor that year. Appointed to the District Court on 18 February 2019

### **His Honour Judge Alister Abadee – District Court of New South Wales**

Admitted in 1995, his Honour came to the Bar in the year 2000. His Honour has also served as a Navy Reservist and was formerly a member of 7 Wentworth/Selborne Chambers. Appointed to the District Court on 21 February 2019

### **Her Honour Judge Susan Cole – Deputy President of NCAT**

Admitted in South Australia, her Honour worked in the Crown Solicitor's Office for some time. She was appointed to the bench of the District Court South Australia and the Environment Resources and Development (ERD) Court in 2002. Appointed to NCAT on 27 February 2019



Photography: Michele Messop