



SWEARING-IN

OF

JOANNA CURRAN
HOLDEN

AS A JUDGE OF THE
EMPLOYMENT COURT

EMPLOYMENT COURT WELLINGTON
FRIDAY 8 SEPTEMBER 2017

CHIEF JUDGE CHRISTINA INGLIS
on behalf of the Employment Court

E ngā mana, e ngā reo tēnā koutou katoa
Tēnā koutou kua huihui mai nei i runga i te kaupapa whakahirahira o te ra
Ka nui te mihi ki a koutou, me ō koutou whānau kua hui mai nei.
No reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Welcome, everyone, to this special sitting of the Employment Court to swear into office, as a Judge of the Court, Joanna Curran Holden, barrister and solicitor of Wellington.

I particularly want to welcome the new Judge's family, her children Alice and Niall, and her parents Anne and Harry Holden, and other members of her immediate family. I acknowledge, too, the presence of members of the judiciary including the new Judge's colleagues on the Employment Court Bench - Judge Perkins, Judge Corkill and Judge Smith.

I also acknowledge the presence of the Chief of the Employment Relations Authority along with members of the Authority and Mediation Services. I also acknowledge the presence before the Court of the Solicitor-General and Her Majesty's counsel, colleagues and friends of the new Judge. There are a number of people who would have wished to be here but who cannot be here, and they send their apologies and best wishes for the occasion, including retired members of the Bench.

The first part of today's ceremonial sitting will be the formal taking of the oaths of office by the new Judge. I have before me a warrant appointing Joanna Curran Holden as a Judge of the Employment Court commencing today 8 September 2017 and given under the hand of the Governor-General. Can I ask you to stand and read your first affirmation.

JUDGE HOLDEN READS AND SIGNS THE OATH (AFFIRMATION) OF ALLEGIANCE

Can you please read and sign your second affirmation.

JUDGE HOLDEN READS AND SIGNS THE JUDICIAL OATH (AFFIRMATION)

I am told that when Judge Holden was coming up to court today she was asked whether she was attending the swearing-in ceremony and she said yes she was. She was then asked if she was the wife of the new Judge! We have a long way to go.

Given Judge Holden's lengthy experience in employment law, most recently appearing as lead counsel before the Supreme Court in persuading (a majority) as to the strength of her arguments, the range and complexity of the work the Court deals with will come as absolutely no surprise to her.

She will be well prepared for the steady diet of work the Employment Court deals with, touching on the lives of many, if not most, New Zealanders. A review of the cases in the last 12 months reveals that the Court has grappled with a diverse range of issues, including: the lawfulness of rostering arrangements for McDonald's workers and availability provisions under recent statutory amendments; trial periods; the way in which penalties for breaches of minimum employment standards are to be assessed; triangular relationships and labour hire agreements; when does a volunteer morph into an employee?; jurisdictional issues relating to the boundary line between this Court's exclusive jurisdiction and what may be called the High Court's parallel jurisdiction; the framework for assessing appropriate compensation for non-pecuniary losses; complex choice of law issues and the extent to which our law applies to New Zealand-based employees (airline pilots) working for an overseas company; seafarers on foreign ships in New Zealand waters; the enforcement of minimum standards, migrant workers and dairy sector employees and issues relating to the seasonal work of those in the meat processing industry; a string of urgent cases over last year's Christmas period (thank you Judge Corkill; Judge Holden will be holding the fort this year) concerning strikes and lockouts in essential services; ongoing issues of contractual interpretation (the challenging nature of which has most recently been exemplified in a divided Supreme Court); sleepovers; the intricacies and subtleties of the Holidays Act; and the scope of the Court's inherent and implied powers to punish for contempt.

While it is impossible to predict all of the legal issues which will arise for consideration by Judge Holden and the other members of the Bench (not to mention the Court of Appeal and the Supreme Court) within the next 12 months and beyond, what is certain is that attention must be paid to some of the more fundamental underlying issues which the employment institutions, and those who engage with them, confront.

In particular, access to justice (both for employees and employers). What is the impact of adopting a costs-follow-the-event approach in employment matters, not only in the Court but at first instance in the Employment Relations Authority? An application of the daily rate of \$4,500 in the Authority, would require an employee on the minimum wage to work 350 hours, 44 working days or 8.5 weeks.

To what extent is the largely relational (rather than strictly commercial) nature of much of the litigation in this jurisdiction relevant? In the employment sphere overseas, for example, it is common to adopt a starting point of costs lying where they fall (absent vexatious or improper conduct). That, of course, has synergies in New Zealand with public law, family law and Bill of Rights litigation.

And if (as the Judges of the Court are being told) a number of prospective employers Google-search decisions of the Authority and the Court to ascertain whether an applicant for a job has previously had the audacity to take a personal grievance (or even appear as a witness in a case), and takes this into consideration in making (adverse) employment decisions, how does this sit with the statutory right to take a grievance and how are the principles of open justice to be weighed in deciding whether non publication orders ought to be made?

And if legislation is always speaking, as Professor Burrows assures us it is - no matter its advancing age and the speed with which it is being overtaken by technological developments – what, if anything, is the Employment Relations Act and other minimum rights legislation saying about new and emerging ways of working, Uberesque-like set-ups and multifaceted gig economy arrangements?

None of these issues are easy, but (in my view at least) they warrant careful and considered reflection, and an unpicking of assumptions about what motivates and incentivises litigants in this area of the law.

It was probably just one of those odd coincidences of timing that, when flying down on the aeroplane, the most recent version of Law Talk fell open on my knee at a page which had the eye-catching title: “What’s it really like being a Judge?” It contained a number of interesting reflections of a recently retired Judge of the Court of Appeal, Justice Randerson, most particularly his observation that judging was like riding a surfboard – you have to keep on top of the wave or you will fall off and drown.

I had never thought of judging in this way, but reading those words of wisdom has inspired me to hire five wetsuits and hold our next Judges' conference at the surf life saving club in Raglan. I am confident that Judge Holden is destined to cut quite a figure on the judicial surfing circuit – riding her surfboard with great poise, agility and dignity.

Judge Holden exemplifies many other attributes which Justice Randerson touches on. She has a formidable reputation for intellectual rigour; she brings to the Bench a broad range of experience in the law, much broader than just employment law which, to my way of thinking, is a very good thing; and a demonstrable ability to exercise sound, practical, judgment and to get to the heart of an issue.

These are, of course, important attributes for anyone working in employment law (Judges and practitioners alike). It is undoubtedly an area of the law which is challenging, constantly evolving (sometimes in quite unexpected ways) and involves often complex clashes of rights, obligations, duties and interests.

So, Judge Holden, let me be the first to congratulate you on your new role and to reinforce the message that it is now too late for you to change your mind!

MS UNA JAGOSE QC
on behalf of the Attorney-General

E te kaiwhakawā Holden, tēna koe. E te kaiwhakawā matua o te Koti, tena koe. E nga kaiwhakawā, tēna koutou katoa. Ara te korero: Kua takoto te manuka.

Your Honour, the Attorney-General regrets that he cannot be here today and has asked me to pass on his best wishes to you. His absence means that it is my great personal pleasure to be able to appear in front of you on behalf of the Government today on this happy occasion of your Honour's swearing-in, and to convey to you the Government's congratulations, both to you and to your family.

I have had the privilege of working with you at the Crown Law Office for the past 13 years your Honour, and I have seen first-hand your fine legal skill and judgement, your sensible and pragmatic approach and your constant composure even in, I must say, some of the most provoking of circumstances. All of these traits will serve you in good stead on the Bench of this honourable Court.

Your Honour graduated with an LLB and a BA in Mathematics from Victoria University in 1984, an unusual combination some might say, but I must say that at Crown Law we have called on both your Honour's degrees over the years! Your Honour was admitted to the Bar in 1985, starting your legal career at Kensington Swan, practising employment law and general civil litigation.

It is only fitting to note that your first case, over thirty years ago, was an alleged breach of the Industrial Relations Act 1973, the relevant sections having since been reborn in the Employment Relations Act 2000.

Your Honour then went on to work at Chapman Tripp, continuing to specialise in employment law but extending your practice to public law and general litigation.

We were lucky enough to recruit you, Your Honour, in 2004 as Crown Counsel at Crown Law in our then Employment team. The diverse range of advisory and litigation experience of a Crown Counsel

saw Your Honour continue to hone your skills, to develop further, and to excel as one of the Crown's counsel.

You are well-recognised throughout the government legal sector for your excellent legal judgement, your wise counsel and your concise expression in opinion or submission alike. You became a manager of one of our public law teams in 2013, and quickly became a key contributor to the leadership of the Office, and you acted as Deputy Solicitor-General for close on a year.

Your Honour has also contributed greatly to the legal profession, and I know others will speak to that today. You have been a longstanding member of the Government Legal Network's Employment Practice Group and the Wellington District Law Society's Employment Law Committee, taking on the role of convenor for a time. Your Honour has been actively involved in the continuing education profession also as a presenter of seminars and as a speaker at conferences over the years.

Your Honour, you will long be remembered very warmly indeed at the Crown Law Office for your generosity and care for others. You are known as someone who will go the extra mile for your colleagues, and as a manager who well cared for and developed your team of lawyers. You have been a valuable source of wisdom and humanity to us as an organisation and your contributions to Office-wide matters was always thoughtful and influential. It is no surprise today to see this Court filled to standing room only, a clear mark of the regard that people hold for you, both colleagues from the Crown, from outside the Crown, from those you have appeared with and those you have appeared against. And I say, too, it is a mark of the warmth with which your appointment is welcomed.

For myself, if I may, can I say that your Honour should be very proud of what you have achieved at Crown Law, both for the Office, for government lawyers and for the Crown more broadly.

Of course your legal skill and collegial spirit also mean that you will be deeply missed by those of us who continue to work at Crown Law. Even those appearing opposite Your Honour hold you in high regard, admiring your integrity and your reliability. On your appointment congratulations from clients of the Office were coupled with cries of woe, lamenting the loss of a trusted "go to" advisor on complex employment and industrial relation issues. Apparently Your Honour also has a very keen sense of smell, because many of the comments referred to your valuable 'sniff test' that you were able to give any problem.

We know the anguish of this loss will be short lived because your specialist knowledge and skill will continue with you onto the Bench and exercised by you with the same incisiveness, rigour and prevailing sense of practicality and justice that we have come to expect of you.

Your Honour's career to date has been marked by frequent appearances in courts at all levels, including a number of notable appearances in the Supreme Court, right through to the many specialist tribunals and courts, of course including the Employment Relations Authority and this Court. Your Honour's resumé is most impressive, both in terms of the sheer number of appearances as well as in the range of matters in which you have appeared.

Doubtless others will touch on some of those later but, briefly, you were counsel in the high-profile *Osborne* case, a challenge to a decision made by WorkSafe not to prosecute. That matter will soon be heard on further appeal in the Supreme Court. In Your Honour's last appearance, you received the Supreme Court's decision in respect of *Lowe v Ministry of Health*, more colloquially known as the relief carers' case. I understand that if it was not for the delivery of that judgment in August, your last appearance as counsel would have been before the Employment Relations Authority, equally as apposite to book-end your career as a lawyer.

Perhaps less well-known, however, is your quiet hand in a claim that is in the 1992 Guinness Book of World Records. Laurence Watkins holds the title for the most Christian names, 2,310 Christian names in fact. Many people here will not know that this record was achieved by Your Honour's successful challenge of the decision rejecting his application for a name change by way of deed poll. I have been told that the 2,310 names run over several pages and comprise a complete soundtrack for a walk to the summit of Rangitoto Island so I'll refrain from delving any further into that particular success.

Your Honour's career has been marked by one of ever increasing success which has led you to this accomplishment today. Counsel and all parties appearing before Your Honour will have the confidence you will bring to your role as Judge, the vast experience, wisdom, wit and humanity that you have always carried with you as a lawyer.

Your Honour, I started with the whakatauki or proverb "Kua takoto te manuka" – "The leaves of the manuka tree have been laid down". That is a challenge - the laying of the leaves - and that challenge

now lies before you. Without doubt you have the skill, experience and the temperament that make you ideally suited to face your new challenge.

Your Honour, on behalf of the Government, and the Attorney-General, and, if I may, from me personally, I wish you all the very best in this new phase of your career.

Ka rite ki te pai o te Kōti (as the Court pleases)

MS KATHRYN BECK
on behalf of the New Zealand Law Society, the Auckland District Law Society
and the New Zealand Bar Association

Greetings to you all, Judges and lawyers, and a special greeting to you, your Honour Judge Holden, both as a Judge and a recent colleague in the law.

In particular, it's a privilege to formally convey to you the best wishes on behalf of the profession throughout the country and the New Zealand Law Society and, as her Honour the Chief Judge has indicated, on this occasion I'm also speaking on behalf of the New Zealand Bar Association and ADLS. Your Honour we all warmly congratulate you on your appointment to the Employment Court Bench.

Your Honour's distinguished legal career has already been well covered and I would like to start with the contributions you have made to the profession and the Law Society. You have been an active contributor in Law Society matters for which we are incredibly grateful. You have been an invaluable member of the Wellington Branch's Employment Law Committee for many years. Indeed you were the Convenor and Chair of that Committee for quite some time. You were also a member of our national Employment Law Reform Committee for six years and during that time the Committee considered a number of amendments to key employment legislation.

The work of our Law Reform Committees is vital to the administration of justice and rule of law in New Zealand and we are deeply grateful to those who give generously of their time to ensure that the Law Society's voice in these matters is accurate and authoritative and, your Honour, you have made a considerable contribution in that way.

It is due to the hard work of volunteers such as yourself that the Law Society's submissions have become an invaluable part of the law reform process. The Law Society is also particularly grateful for the continuing legal education that you have provided to the profession. You have been a contributor to our regular employment conferences which are always popular with the employment

bar and we very much hope that in your new role we can still benefit from your wisdom and experience, and hope that you will continue to contribute to legal education in the employment area.

As with all these addresses, we ask the profession, particularly your former colleagues, about what characteristics you are going to bring to the Bench. I very much hope that you are already aware of how well respected and well liked you are by your colleagues. If not, then I am about to embarrass you horrendously; not, however, with terrible stories. It is a credit either to the impeccable way in which you have conducted yourself over the years or the fact that you were held in great affection or perhaps fear that no embarrassing stories were forthcoming.

Some of the adjectives used by your colleagues, many of whom have been on the other side of transactions with you, are astute, thoughtful, logical, measured and fair-minded. These do not seem to be bad characteristics at all to have in a Judge of this Court. One colleague also put it perfectly when he said you can handle things, and handle things you do, calmly and unemotionally. You are viewed as being incredibly sensible, practical and legally robust. As one lawyer said, not easily swayed in the wrong direction. Now for some of us, of course, that will not be a particularly attractive trait in a Judge and we are probably not going to look forward to receiving some of your first judgments, depending on which side we are on. However, to quote another, even though you acted mainly for employers, you were also considered to be very fair and even-handed.

As well as respecting your legal skills, quite frankly you are incredibly well liked as an individual. Your Honour is viewed as being a compassionate, caring and community-minded person. You are known as someone who cares about the whole individual's wellbeing. You are a popular work colleague, as we have already heard, because you are always concerned about those you worked with as people, not just lawyers.

You will bring to the Bench this consciousness of the full life experience of the person and the impact that has had on them and why they are before this Court. Your Honour's engagement with other people has always shown an absolute cognisance and awareness for their whole life, not just for their work life. This will make you a popular member of the Bench with your judicial colleagues. They will find you as a colleague who is thoughtful, generous and caring.

We are truly delighted with your appointment and wish you all the very best for your future.

MR PETER CRANNEY
on behalf of the New Zealand Council of Trade Unions

May it please the Court: I would like to make very clear, on behalf of the New Zealand Council of Trade Unions, that your Honour has the fullest support on your appointment as an Employment Court Judge.

Your Honour, you are known to the New Zealand Council of Trade Unions. For a number of years now, you have had a direct involvement as counsel for the Crown in various important court proceedings in which the New Zealand Council of Trade Unions, or the affiliates of the New Zealand Council of Trade Unions, has been involved, either directly or indirectly. These cases, it has been said, are not limited to this Court. There have been cases in the High Court as well as cases here; and not an insignificant number of cases have moved on to the Court of Appeal and to the Supreme Court.

The CTU would like to place on record, ma'am, that they have great respect for you and, in particular, the manner in which you have conducted litigation for the Crown over a long period of time in cases involving the CTU and the affiliated unions. In any litigation you have been involved in, ma'am, you have always treated the opposing party and opposing counsel very well. You are known as a highly ethical person, moderate and firm in your approach.

As many counsel here today will confirm, your distinguished prior career in the field of litigation has always been marked with courtesy, competence, co-operation and the respect shown by you to others. You were also, ma'am if I may say so, a somewhat formidable opponent. In many cases in which you were involved, I remember waiting with trepidation for the arrival of legal submissions from the Crown Law Office because they were always cogent, broad and full of learning. While your elevation to the Bench is of course welcome, it needs to be said that this Court surely will regret the loss of you as an advocate. The reason why I say that, ma'am, is that strong and powerful advocates – and you were one of those – and an ethical advocate - are the lifeblood of proper decision-making in this Court. It is very important that the type of advocacy that was the mark of your Honour's career is continued on both sides of any question, and so there is, I think, a loss in

your elevation as well as your gain. I do say that I am relieved that you have been elevated in some ways, particularly in terms of a case which has been referred to a couple of times, *Lowe v Ministry of Health* which is now the subject of a recall application in the Supreme Court; I am relieved I will not have to face your Honour on that case.

You will be sorely missed as counsel by many in the profession, especially here in Wellington. We have now lost three outstanding members of our profession as counsel to this Court, Chief Judge Inglis, Judge Corkill and now yourself, and all three are sorely missed.

I am also well aware, ma'am, that you will be missed by the Crown Law Office, as has been said, and of course it is very well represented here today. The Crown Law Office's loss is a significant gain for this Court. There is also comfort, I think, in the fact that you have very carefully and thoroughly mentored a number of younger lawyers in the Crown Law Office. Even those of us who don't work there know this because they have talked to us about their work and about their lives from time to time, and I think that particular contribution will have an influence on these people for a very long time. One of those Crown lawyers is Madeleine Conway who is a daughter of Peter Conway, a greatly loved and respected leader in the trade union movement. As you know, ma'am, we lost him; he died on 9 June 2015. He was a person known to Judges here and to you, and his loss was followed by another of our leaders, Helen Kelly, who died on 14 October 2016. The union movement will remember the support provided at the time by many at the Crown Law Office in trying to deal with these difficult issues, including supporting Madeleine Conway. Both Helen Kelly and Peter Conway were strong supporters of this Court and both often attended occasions such as this. I think it is appropriate that they be remembered briefly on this occasion because they were both known to you ma'am.

It is customary on these occasions for the unions to speak about the importance of the rule of law to the unions and to the workers. On every occasion a new Judge is appointed, the unions and the workers ask union lawyers the same sorts of questions. "What do you think of this Judge?" "Do you think she will be fair to us?" "Will she be a good Judge?" "Will she be a strong Judge?". Your Honour, the answer in this case is very clear. The unions' position is they not only think you are going to be a fine and fair Judge; they know that already before your first decision is delivered and they want to express their respect for you ma'am.

The unions have asked me to make clear today that in your new position you sit with the full support of organised labour and the trade union movement. The unions are also well aware of your deep personal commitment to human rights and to human dignity in this country which so strongly marked your approach as a litigator.

It is my very pleasant task, Judge Holden, to wish you well on behalf of the workers and on behalf of the unions. We want to wish you and your family very well on this very important occasion and to make it clear that you will be supported in the future.

MR PETER CULLEN
on behalf of Business New Zealand

Your Honour, Business New Zealand welcomes you to the Employment Court Bench and fully supports your appointment. You and I have been colleagues in the profession for many years and it goes back a very long way. I am deeply honoured to be able to welcome you personally and to stand before you as a voice of welcome personally because of our long friendship which goes back such a long time. So I feel very delighted to be able to express my welcome to you today.

You are a Wellingtonian to the core but I understand you are being migrated to Auckland – best wishes with the move.

I have always admired you greatly. You have always carried a large work load wherever you have been, but in Crown Law most recently, and also you have a great affection for your family and put a lot of time into that like many lawyers do. You have been an extremely popular colleague - great integrity, great ability, very thoughtful, and one always felt, in any interaction with you, the respect that you show for other people which is really quite a special thing.

Someone would only ever underestimate you once, as someone said to me, and that would be at their peril. I was interested in the ‘sniff test’. I had a different test. Your Honour – I’m not sure I’m allowed to say this today – has what I call the Mona Lisa smile. I always know I’m in deep water when that happens because it’s not an affectionate smile – you’ve seen right through whatever I’ve said and you’re on the road to victory. That has been my test.

You have spent most of your life in Wellington. I'm not sure if your schooling was all here but certainly your university time and your work life (which has been covered by others), the different tasks and the different places you’ve worked.

Your Law Society involvement, which I was going to mention, has also been covered but I found an interesting seminar that you gave. You might remember that conference. It goes back a while,

presumably in Auckland. Justice Toogood chaired it. The topic was “As time (and a half) goes by the Holidays Act three years on”. That was in 2006. So I imagine you will be very keen to get all of these complex technical holiday pay cases that have never stopped coming. There was an Air New Zealand case analysed and a firefighters case analysed. Where would a paper be without those two prodigious litigators? And most recently you have come out on the winning side in the *Lowe* case which others have mentioned.

You have a depth of experience, your Honour, which stands you in good stead for your new position. Business New Zealand – I'll just stay a couple of words about Business New Zealand – is the largest and most representative organisation of New Zealand business. It often engages with matters before the Court and sees it as a privilege on occasion to be asked to intervene in cases of significance beyond the immediate parties and that is much appreciated. It is consistent, first, with the longstanding convention that the most representative organisation of employers be asked for their views when deliberations of the Court might affect the wider environment; and, second, it upholds the international concept of social partnership epitomised in the practice involving the Council of Trade Unions, Business New Zealand and the Government – those tripartite gatherings which we believe are very constructive and useful.

You may well be dealing – who knows – with some new laws on bargaining by the end of this month or you may not – we don't know – but it is an exciting time that we live in.

In concluding, I wanted to acknowledge the high quality of your Honour's new work environment. The jurisprudence of the Employment Court has deepened and developed over the years and I well remember, when I first started, the rather cryptic judgments that used to emerge and now we get very lengthy and thoughtful reflections from their Honours. Judgments have certainly deepened a lot over the years that I have been practising. One of the marks of the Court is the tolerance and respect that you always see it according to witnesses and parties appearing before it, and also, helpfully, to counsel. It is held in very high regard. I see your Honour as a perfect appointment to those traditions because that is the way you have always conducted yourself and I believe you will strengthen that very valued element of the Court's work.

It is with great delight that I say how welcome you are in your appointment to the Court. You will be hugely missed in Wellington, as others have said. We really will miss you greatly and there is always

a bit of a gap; once someone becomes a Judge you don't see them as often. But a very warm welcome to your Honour and thank you for the opportunity to make this address.

HER HONOUR JUDGE HOLDEN

Thank you your Honour and thank you for your remarks, and Madame Solicitor, Ms Beck, Mr Cranney and Mr Cullen. You have been very kind, as have the many people who have written to me sending messages of congratulations. It is particularly special for me to have speakers here today who I know so well and respect so much. Thank you all.

Your Honour, as they say, it has been a pleasure doing business with you, so far, as we have put in place the arrangements for my move to the Bench and my move to Auckland. I greatly appreciate your thoughtful help.

My Uncle Frank once loudly remarked at a wedding breakfast that the best speeches were where the speakers sat down before they stood up. Ah well, I have done that and I am sitting down, so I feel free to speak!

Apart from the speakers I also thank the other Judges of the Employment Court for being here this afternoon to share this occasion with me and for the friendship you already have shown to me. I feel very welcome as I take up my new role.

In addition, I take this opportunity to thank the Ministry of Justice staff, including at the Employment Court, who have accompanied me through the appointment process and my establishment with the Employment Court. I appreciate your help and support very much.

As I take up this role I am very conscious of the importance of this Court to the industrial relations framework and to the wider community. I know that I, along with my fellow Judges, have a responsibility to ensure that the Court continues to have credibility and that it operates in a way that best meets the needs of its users and others impacted by our decisions.

In the past few weeks I have been reflecting on my route to this day. I am not descendent from lawyers. I come from people who were typical of the Anglo Irish immigrants that travelled so far to

settle here in New Zealand. They include Irish farmers who left their failing farm to journey with their young family to settle in Port Chalmers; Wesleyan settlers who bought an undeveloped piece of land, sight unseen, in Paparoa, north of Auckland; Coromandel goldminers; Northland gum diggers; flounder fishers from the Otago Harbour; seamstresses; and many teachers.

More recently we are public servants – my father Harry, my brother Lewis, my sister Caroline, and my sister-in-law Carmel, all of whom are here today. And of course I come to the Bench from Crown Law. Include in that mix books and architecture, and that is my family.

I am extremely lucky to have my parents here today. They are extraordinary people. As I have said, I don't come from a family of lawyers, but my mother started a law degree the year I was born and finished it after my sister Caroline finished her law degree, by which time my mother was in her early 60s. My mother's day job was teaching, but her passion was writing and she has written a number of novels and plays. The combination of writing and law made her a natural for appointment to the Indecent Publications Tribunal and so I am not the first in my family to sit in judgement although I am not sure that the content will always be as interesting - possibly. My father has lived New Zealand 20th century history. He grew up in Port Chalmers during the depression, and began his working life as a delivery boy in Dunedin. He fought for New Zealand in World War II, including at Monte Cassino, and returned to New Zealand to the growing public service. I always have thought my family was very lucky that my father's career at the Department of Trade and Industry took us to London in the '60s and Washington DC in the second half of the '70s - amazing times in both places.

People who know my family know we are a tight unit. With my parents today are my brothers Mark and Lewis, my sister-in-law Carmel, my sister Caroline and her partner Markus, (I think) my nephew Harry and his partner Florencia, my nieces Mia, Tess, Mary and Sina, and my very patient great-niece Lucia. Don't worry Lucia, I am the last speaker and soon there will be cake!

That brings me to my immediate family. It is usual and entirely appropriate at most swearing-in ceremonies for new Judges to thank their spouse or partner. You will not hear that from me today. As many of you will know, I had and raised my two children on my own. Alice now is an adult; she is almost 20 and in her second year at Victoria University. Niall still is at high school. He is 17 and in year 12, so another full year of school to go. There is no question they are the source of my greatest pride and love. I have been extremely lucky that they always have been great companions,

and lots of fun, and they never get sick. When this Auckland-based role was advertised, the first thing I had to do was talk to them about whether I should apply. We were nervous about the disruption to our family life, but Alice and Niall have been very encouraging. Of course we remain nervous – or at least I do - but I am confident we will work it out.

And what of me? As Ms Jagose said, I studied law and mathematics at university, just like Lord Denning. I am not like him in many other ways, but I am eternally grateful for the law.

My career so far has been in three parts, and I picture today as the start of my fourth quarter.

I began as a Court filing clerk at Young Swan Morison McKay, and luckily came under the wing of John Beattie. My first court appearance after admission was as his junior in the Arbitration Court, as Ms Jagose mentioned. The case involved a man who, as soon as he was able after unionism became voluntary, resigned from the New Zealand Engineering Union. Consequently, the unionists at his workplace would not work with him, and the employer transferred him to other, less well-paid, duties. He sought a penalty, claiming discrimination on the basis of his non-union status. The employer argued he had not been transferred on the grounds he was not a union member but rather because the union members would not work with him, and the employer wanted to avoid industrial trouble. We acted for the non-union employee, and were unsuccessful. It now seems like a different world from today

Young Swan Morison McKay became Kensington Swan, and I stayed with that firm for over 10 years. Then I went to Chapman Tripp, again staying for over 10 years, and enjoyed amazing work there. My third quarter has, of course, been at Crown Law, which, I suspect, has the most interesting work of any legal practice in New Zealand, at least for people who are interested in the actions of Government and their consequences.

At each place I have worked with many excellent lawyers: supervisors, mentors, friends and colleagues. There are too many to name - if I attempted to do so, I would surely leave out people who are very important to me. I also have worked with many excellent non-legal colleagues, amongst whom I would like to single out three women, each of whom is smart, capable, and loyal. The first of these is Luisa Strickland (who I see at the back), my secretary for much of the time I was at Chapman Tripp. The other two were my secretaries at different times at Crown Law. They are Michelle Brown (who I also see at the back) and Shona Taylor. I know Shona was very disappointed

not to be here today as she is on holiday in the UK. I told her that you just can't do everything. But I hope the Crown Law people here let Shona know I noted my appreciation for the great support she has provided over the years. All three women are incredible individuals and colleagues, and I was very lucky to work with them.

Finally, I thank all of you here today - my colleagues at the Wellington employment bar, from Crown Law and more broadly, and my friends and family who have taken the time to be here. I greatly appreciate your support.

Thank you.

[WAIATA]

The Court now is adjourned.