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THE DISTRICT COURT  
OF NEW SOUTH WALES

THE CHIEF JUDGE  
THE HONOURABLE JUSTICE D PRICE AM  
AND THE JUDGES OF THE COURT

TUESDAY 15 SEPTEMBER 2015

**SWEARING IN OF HIS HONOUR JUDGE GREGORY FARMER SC AS A  
JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES**

The Honourable G C Gabrielle Upton MP, Attorney General, on behalf of the  
New South Wales Bar  
Mr John Eades, President, Law Society of New South Wales, on behalf of  
solicitors

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JUDGE FARMER SC: Chief Judge, I have the honour to announce that I have  
been appointed a Judge of this Court. I present my commission.

(Commission read)

(Oaths of office taken)

PRICE CJ: The oaths will be placed in the court archives and the Bible will be  
suitably inscribed and presented to you, Judge Farmer, as a memento of this  
occasion.

JUDGE FARMER SC: Thank you, Chief Judge.

PRICE CJ: Attorney.

ATTORNEY GENERAL: Your Honour, Chief Judge, ladies and gentlemen, on  
behalf of the State of New South Wales it is with great pleasure that I  
personally congratulate you on your appointment to the bench of the District  
Court of New South Wales. I also extend my congratulations to your wife Jane  
and to your two children, Aidan and Prudence. I understand that members of  
your family and, of course, your friends are here today enjoying what is a  
satisfying moment for all of you together.

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You bring with you to the Bench a very distinguished legal career. You graduated from Macquarie University in 1983 with a Bachelor of Laws whilst working full-time with the Magistrates Courts Administration. I understand that a few of your early years as a solicitor were spent in gaols, not as an inmate, of course, but as a legal officer with the Corrective Services. Your Honour then worked as a solicitor at the office of Commonwealth Director of Public Prosecutions.

Just prior to becoming a barrister, you instructed Mr Barry Toomey QC in the matter of Hawkins, a solicitor who committed fraud to the extent of \$4 million. Mr Toomey, with whom your Honour has shared a floor ever since becoming a barrister in 1990, commends you as a calm and judicious lawyer and states that he has never known anyone who could be more perfectly suited in temperament and in conduct to be a judge.

After being admitted as a barrister in 1990, you were appointed to the position of in-house counsel at the DPP. You appeared on behalf of the Crown in jury trials in the District Court and as junior counsel in Supreme Court trials, and on many occasions in the Court of Criminal Appeal. You have also appeared in the Federal Court, the Supreme Court and the District Court in sentence matters, appeals and proceeds of crime matters. Clearly, these experiences have provided a great platform for achieving that goal that a good barrister should have a wide breadth of experience and to be able to appear anywhere.

A friend of yours, Judge Henson, Chief Magistrate of New South Wales, has commented that you are what is traditionally known as a good bloke. Judge Henson also describes you as a laconic and a laid back individual with the ability to see humour in life. I understand that your friendship with

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Judge Henson stretches back to your days playing cricket together in the late 70s and early 80s at the Petty Sessions Justice Cricket Club of which Judge Henson was the captain.

I can report to those gathered here today that the general consensus amongst your fellow cricketers is that Polly Farmer, as you are known after the famous Australian Rules football player, was a very good high order batsman and a more than useful medium pace change bowler. These all-rounder skills will stand you in good stead on the bench of the District Court.

The criminal court has also benefited greatly from your contribution. In *R v Saengsai-Or* [2004], a case dealing with recklessness and intention, your successful submissions resulted in the amendment of the Criminal Code concerning directions to a jury. Additionally, in *Dellapatrona v DPP* [1995] you contributed to the development of case law about when a conviction occurs and reform to the Proceeds of Crimes Act.

In October 2011 your Honour was appointed Senior Counsel. Your relationship with prosecutions did not end upon leaving the Commonwealth DPP. You have been briefed by the Directors of Public Prosecutions for the Commonwealth, New South Wales, ACT and the Northern Territory. You have also been briefed by the Australian and New South Wales Crime Commissions. You have also acted for the defence. Robert Bromwich, Director at the Commonwealth DPP, has advised that he considers you to be a terrific judge due to your experience at both ends of the bar table.

Your Honour understands what it is like to navigate the entire criminal process, something that will be appreciated by those who appear before you in the District Court, I am sure.

One particular case that has been brought to my attention where your

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Honour was lead counsel in relation to 14 prosecutions arising from the Villawood Detention Centre riots, not many barristers could claim to having dealt with 14 different opponents in one trial. The instructing solicitor at the Commonwealth DPP has noted the constant composure that you maintained in dealing with the demands of all those legal representatives was admirable.

In the same case there were a number of security officers I am told, providing witness testimony, who waited in the meeting room outside the courtroom. In the room there was a magazine on the table and a number of the officers commented that your Honour appeared to feature on the cover of the magazine. Your instructing solicitor caught a glimpse of the cover and thought it was a Bar Association magazine. It was only at the end of the court day that it was discovered that in fact it was a copy of GQ, a men's lifestyle and fashion magazine with Pierce Brosnan on the cover and for the rest of the trial I am reliably told that your Honour was known as 007.

Although somewhat of a criminal law specialist, your practice has not been limited to the criminal law. Becoming a barrister at Jack Shand Chambers allowed you also to develop a civil practice. I am also certain that there are many junior barristers in New South Wales who have directly benefited from your extensive experience and your calm manner as a result of your responsibility for readers at Jack Shand Chambers for over 17 years. Indeed, your commitment to contributing to the learning of others is also reflected in the papers and training programs that you have delivered to solicitors at the DPP over the years.

Your Honour has also been involved in public inquiries. You have acted as counsel assisting to the Independent Commission Against Corruption and the Police Integrity Commission. Some of those inquiries of particular note

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include the inquiry into Rockdale Council, the inquiry into the conduct of the former minister Richard Face, the inquiry into the theft of exhibits from the Australian Museum and the inquiry into State Rail.

Finally, your Honour, I could not overlook your important work in the Dust Diseases Tribunal and related appeals to the Court of Appeal having appeared for both plaintiffs and defendants. This is a jurisdiction that requires empathy, compassion and commitment, characteristics which you appear to embody in all aspects of your work.

I am reliably informed by your colleagues that you will bring great diligence, quiet reserve and ability to retain calm under immense pressure to this Bench. Apparently, some of your colleagues consider you somewhat of a duck on water, smooth sailing above but paddling furiously underneath but no one can see it. No doubt you will continue to do so in your role as a District Court Judge.

I am also informed that you bring a deep sense of respect and empathy for all members of the community, something that will be of great use to you in the District Court of New South Wales where people from all walks of life may appear before you.

It goes without saying that your Honour's appointment was only a natural progression of your legal career. Given your outstanding ability, your intelligence, your reserve and vast experience, I have no doubt when I say this, for the great benefit of the people of this State that you have taken the robes of a judge of the District Court.

I will finish with one last mention of your Honour's unbridled passion for cricket. I am informed that his Honour lives by one simple piece of advice that Sir Donald Bradman gave to Sir Richard Hadlee, we are just custodians of the

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game of cricket. Your Honour, I am confident that you will continue to apply this same ideal to your role as a custodian of the law in the District Court. I have every confidence that in your new role your Honour will preside with the integrity, fairness and independence that you have already demonstrated.

Your Honour, I wish you a long and rewarding experience on the Bench. Once again, I congratulate you for answering the call of the Bench. May it please the Court.

PRICE CJ: Thank you, Attorney. Mr Eades.

EADES: May it please the Court. It is a great honour on behalf of some 28,000 solicitors of this State to welcome you to this Bench.

You may have noticed by talking quietly to the Attorney before and after her speech it seems we have the same speech writer, so perhaps with a little bit of liberty I can change some things that otherwise might have been said. However, the Attorney has clearly outlined the very distinguished career you have given to the law and which you are now sharing to the Bench.

It is from the grass roots, from your gaol experience but more importantly something as a clerk originally in the Local Courts, you learned to type. A depositions clerk was a skill which now, with computers, I am sure you are using very usefully.

And, of course, there has been mention made of cricket. The custodians of the game is very real and on the Bench today, on your left and my right, was your former captain, and if I may commit a heresy and look at a phone because I received a message from Justice Hamill also of that illustrious cricket club who apologised for not being here today and also to remind you of a story which illustrates your wit and humour. There was a series of crown prosecutors around one court and you were asked the question "What is the

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collective noun for such a collection of prosecutors?” The answer was “A fairness of Crowns”, which was quite appropriate.

At Macquarie University you took your degree and started with Corrective Services, Health Care Complaints Commission, and then in 87 you joined the Commonwealth DPP. You were later appointed as in-house counsel and then had a distinguished career appearing in the Local Court, surprisingly, the District Court, the Supreme Court and the Court of Criminal Appeal. In fact it might be said you have been a very regular attender at such court, which is punishment sublime I would have thought. You moved into private practice and then had a very wide range of practice including what our learned Attorney has spoken about, the Dust Diseases, that was a very critical part of your Honour's training.

Outside the mystery and the mistress of the law you have a fulfilling life. Your wife and two children are here today and very proud of you, and justifiably so. But there is one tragedy that befalls your Honour today, you come with sorrow that your beloved St George has now been excluded from any further competition this year. It was a tough loss on the weekend.

With this relationship we often hear of courts and barristers and solicitors forming groups mentoring each other. Certainly the cricket club has done that for you. We have heard from the Attorney you're a good opening order batsman and a fine bowler under the ministrations of his Honour on my right, but there is an example which might mean that after your service on the cricket association in the judiciary where your opinion is final it may also reverberate in this Court. If they come before you and your decision is not final, they may get Justice Hamill. If they come before his Honour Judge Henson, they may get you and then in the ultimate ignominy Justice Hamill.

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It is a delight, sir, to have you come to this bench. In an old fashioned way it is an adornment the bench requires. I certainly wish you well in your service. The solicitors have a profound respect for you and your capacities you bring to this Bench. May it please the Court.

PRICE CJ: Thank you, Mr Eades.

Judge Farmer, on behalf of all the judges of this Court I very warmly welcome you and wish you all the very best in your judicial career. Judge.

JUDGE FARMER SC: Chief Judge, Attorney, Mr Eades, judges and former judges of this Court and judges of other courts, distinguished guests, colleagues, ladies and gentlemen. Attorney and Mr Eades, I thank you both for your kind words. Attorney, I was called Polly for a while until I actually went to the DPP and strangely enough it hadn't been used for some time, but we'll see how it goes now.

To each of you here today, I thank you for your attendance and trust that you will bear with me while I say a few words. I have been given some advice about what to say today. One person said to be funny, another said don't try and be funny. It is what it is. In short, a simple exercise in giving thanks.

On my wedding day I had cause to thank numerous people and I set about doing so, indeed I thought I had done a pretty good job. But shortly afterwards I spoke with my mother who asked, in her inimitable fashion, why was it that I had not thanked her. Although that error can never be set straight, I propose to avoid a recurrence and commence today by thanking my mother.

Mum, you have dealt with more than a fair share of setbacks in life. Most cruel was being left with five children aged between five and eleven and apparently with no visible means of support. As testimony to your resilience, you took up an offer of a scholarship and set about every day for the next for

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four years driving to and from Bringelly to Kensington on your way to becoming a teacher. In context, and I am speaking of the 1960s, you told us of one lecturer who would arrive and say “Good morning, gentlemen and Mrs Farmer”. Of course, all of that was made easier because you had locked Brian and me away in a boarding school, but that’s another story.

Having completed the first of a number of degrees you forged a career in education, a career which I believe is worthy of public recognition. You taught at high schools and then universities. You were a high school principal and then a district superintendent. You co-authored textbooks, some of which I used myself, and you were often called upon by the director general to formulate policies for the Department of Education. You taught me, and I thought it was terrible, you teased me and nominated me for every misdemeanour that had occurred in the room. But there can be no doubt that you helped thousands of children and adults achieve better results, and improve their grammar, simply because they were fortunate enough to have met you.

Nearly 50 years later, as you approached your 83rd birthday, you retired from full-time work. By my reckoning, it was the third time you had retired. I don’t expect to match any of those records, indeed the law states that I will not notwithstanding that Jane has pencilled me in to work until I am at least 85.

Throughout those years your support for me, my sisters Helen, Susan and Stella, and my brother Brian and their families has never wavered. We now cover a broad range of endeavours from gardening, nursing, forestry, accounting through to the law. Unfortunately, distance and work commitments means that they cannot all be here today. But Susan and her equally charming daughter Erin are here to represent them and I thank you.

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Mum, your knowledge of English and history is phenomenal, as is your capacity to accurately quote from any number of novels, plays or texts. But for all that, for me, what resonated most has always been a simple saying: "Answer the question". Those words have a variety of applications, each of which can be supplemented by a subtle change in the tone of voice. If politicians - present company excepted, of course - were being interviewed on television, it frequently got a run. Importantly, you used it when advising anyone about the best approach to upcoming examinations, to me, your students, and most recently in discussions with Aidan and Pru. The words were also put to great use when interrogating people, me as to why, for example, my nose was broken when it hadn't been when you left Brian and I at home earlier that day. When used in that instance, the words were usually accompanied by a particular look. I have resorted to those words often over the years, especially when dealing with a witness whom I had concluded was being as evasive as I was when I was answering you all those years ago.

We have heard a little today about my start in Petty Sessions. You were responsible for that as well. I recall coming home one morning during the summer not long after finishing the HSC. You were at the front to greet me. That was nice. But as I got closer I saw the look. Apparently, you had expected me home the night before. You had a copy of the Herald's employment section and had circled an advertisement offering employment in Petty Sessions. You slapped the Herald into my chest, told me that I was booked on the train from Lismore to Sydney that night and wished me luck. My gap year was over, and it had only just started. Notwithstanding the initial shock, I have never really looked back. For all of that and more, I thank you.

Perhaps coincidentally, where I went in Sydney was to your future

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husband's place at Leppington. It was some 500 metres away from the local petrol station. I was allowed to ride his motorbike and I pulled into the station one day and was immediately confronted with my lack of knowledge about what to do next. But a slim, young, blonde child approached and sorted me out. She immediately humiliated me by knowing much more than I did, but I couldn't care less because I got what I wanted. Twelve years later, that same person was organising our wedding. It was just one of those things.

Jane, Aidan and Prudence, I trust you all know how I feel about you and how proud I am of each of you.

Jane, like your mother and sisters, you seem incapable of sitting still. Every minute of every day seems to be filled with one task or another and it is usually for the benefit of someone other than you. It is probably why you are not very good at golf! While doing just about everything for me, you were at the same time organising the practices and lives of senior partners of law firms and, later on, judges. Their praise for you and what you do for them has been a recurring theme over the years. I never tire of hearing their compliments about how essential you are to their lives and to their capacity to function efficiently. Each time I do hear them, I simply think "I know". As I said in my first floor dinner, having been called on at the last minute, Mr Tiffin, to propose a toast to the partners of the members, I said that it was due largely to your support that I was even there. I looked around the room and I thought that each one of the members was thinking: "We know". It remains the case today. Of course, I remain happy to be guided by you, although apparently judicial independence requires a line to be drawn. We shall work on that. But for all that, and more, I thank you.

To each of my colleagues I extend my sincere thanks. Since starting my

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law degree through to this point I have admired your work, your dedication to your clients' causes, your competitiveness and your ethical approach to practices. I may not have told you these things at the time. Indeed, in some cases I deliberately didn't tell you. I was, however, perhaps somewhat fortunate in the path I chose, but initially it was simply a following of a young man, Gary Cleary. He worked in Petty Sessions, so did I. We got a law degree, we spent a year at Corrective Services. I went sideways, perhaps, to the Health Department's Complaints Unit, as it then was, and then ultimately followed him to the Commonwealth Director of Public Prosecutions. I chose, however, not to follow him to the Central Coast to work as a solicitor and I am pleased that I didn't. But we have remained friends regardless. It is a shame that he can't be here today.

Whilst at the DPP, Justice Mark Weinberg QC introduced in-house counsel positions, as has been mentioned. The Honourable Francis Backman and I, and later others, accepted those positions as soon as they were offered. It was a fantastic introduction to the Bar - a great range of briefs, a relatively new area of criminal law and none of the usual financial hassles. Rising stars from the private bar, most notably Justice Fullerton, the Honourable Terry Buddin and Mark Ierace, senior public defender, also took up appointments with the Commonwealth DPP. Each of us there, myself included, was truly fortunate to have been allowed access to such gifted practitioners and guided in our future area of work.

As you have heard, I then made my way to Jack Shand Chambers where I read with Judge Charteris and where I remained until now. Some 22 years later, I am leaving Jack Shand and, somewhat serendipitously, replacing Judge Charteris in this Court. Jack Shand has been capably led over the

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years by two formidable common law lawyers, Toomey QC and Wheelahan QC, and I am so proud that you are both here today. Of course, they have been supported by others and two of those have also presided in this Court, and Judge Kearns of course remains here. Again, I feel as though I am leaving at a good time as I hear the economic downturn has led to reconsideration of the supplies in the kitchen.

To each of the members of Jack Shand, and I see that there are many of you in the audience, both past and present, thank you for putting up with me whilst I persevered with my criminal practice and for your guidance when I made occasional forays into common law.

To each of the clerks, and it's nice to see you sitting together, and to each of the support staff at Jack Shand, I thank you for the assistance you have provided to me over the years, for keeping me posted on gossip and for providing a much needed distraction from matters legal.

Over the years solicitors from the private sector and from both State and Commonwealth governments have briefed me. Time does not permit specific nomination, but to each of you I sincerely thank you for your loyalty. More importantly, for the quality of the briefs sent to me, for the assistance you provided in presenting that work to various tribunals and for the good humour that you maintained throughout, especially when the circumstances of the particular case, or the likely outcome for us, appeared grim.

To each of you who rang, sent notes or cards or emails, all of which I read and, I trust, replied to, I again thank you for the time you took to correspond. Although I said from time to time that your submissions were doomed to failure, I truly hope that your predictions as to the manner in which I fulfil this role are correct. Of course, you should not rely solely on any current

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complimentary remarks for future matters.

To my friends who are here today, including Ms Coutts-Porter all the way from Melbourne, to my sporting companion for the past 40 years and to those who could not attend but have passed on their congratulations, I thank you for keeping me grounded, for being unwitting sounding boards to problems I was mulling over and for providing an absolutely necessary balance in my life.

Finally, Chief Judge, to you and the members of your court, I thank each of you for the warmth of your collective welcome. I have been honoured by the notes received from some and by the offers of assistance from others.

Judge Charteris helpfully took me through some of the potential traps confronting a new judge. I should footnote, of course, that his Honour never fell into any of them. Another kindly went so far as to offer tips for the gymnasium. Your Honour, I thank you for that, but as I intimated in my reply to you, *gymnasiums* are Greek to me.

Chief Judge, I look forward to my new role. I will endeavour, in the variety of circumstances in which it will arise, and in conformity with the oaths I have taken, and in compliance with my mother's wishes, to answer the question.

Thank you, Chief Judge.

PRICE CJ: Thank you.