

**IN THE SUPREME COURT  
OF NEW SOUTH WALES  
BANCO COURT**

**BATHURST CJ  
AND THE JUDGES OF  
THE SUPREME COURT**

**MONDAY 22 MARCH 2021**

**WELCOME CEREMONY FOR THE HONOURABLE JUSTICE KATE  
WILLIAMS AS A JUDGE OF THE SUPREME COURT OF NEW  
SOUTH WALES**

- 1 **BATHURST CJ:** I welcome you all here today and particularly acknowledge the presence of her Excellency the Honourable Margaret Beazley AC QC Governor of New South Wales and of course a former member of this Court.
- 2 Justice Williams was sworn in on 15 April 2020 in the midst of a pandemic. A formal welcoming ceremony was of course not possible at that time. Since that time she has become a really well liked and highly regarded member of the Court. We are delighted to have this belated welcoming.
- 3 **THE HONOURABLE MARK SPEAKMAN SC MP ATTORNEY GENERAL OF NEW SOUTH WALES:** May it please the Court. I begin by acknowledging the traditional custodians of the land on which we gather, the Gadigal of the Eora Nation. I pay my respects to elders past, present and emerging.
- 4 Your Honour Justice Williams on behalf of our State and the Bar it is my great pleasure to congratulate you belatedly on your appointment as a Justice of the Supreme Court of New South Wales. I acknowledge and pass on my congratulations to the members of your family here with us today. To your husband Scott, your children Sophie and Hamish, your parents Robyn and Peter and your brother Nathan, welcome.
- 5 Memories and anecdotes shared by your family, friends and colleagues paint a portrait of a diligent, meticulous, consummate professional. An independent thinker and a kind and generous human being. Growing up in Lindfield your

Honour was an advanced reader from an early age. When Nathan was a baby in a bouncinette you, still small yourself, would sit and read to him. Read being in inverted commas because you had memorised all the stories and knew exactly when to turn the page. Reading was and still is a great love. You read anything and everything you could lay your hands on. One of the earliest novels was E B White's *Charlotte's Web*. That classic tale about friendship, affection, protection and life and death resonated with you.

6 Your Honour has always been musical. You learned the trumpet and played in many high school musicals. You also taught yourself to play piano by ear on an old upright that had belonged to your great grandmother.

7 High school was at the selective North Sydney Girls. Here you were a diligent student and showed a natural ability in German. In year 10 you went on a three month exchange to a little town called Gehrden just outside Hannover. You were one of four Australians doing the exchange program in Gehrden at the time. Together you all improved the social lives of the young people in the town. So much so that the Goethe Institute, the organiser of these exchanges in Australia, suggested it might be the last time they put four young Australians in a small town together.

8 One of these four was a dashing young man from Wahroonga. While he liked sauerkraut and pork knuckle, you were more partial to spaetzle and rosti. But none of this mattered. He was of course Scott Kennedy the man who became your husband. You studied German at university and have maintained your fluency. You have also kept up contact with your exchange partner and family. It is roughly 11.20pm in Germany right now so "Wilkommen und guten abend" to your friends if they are tuning into the live stream.

9 You remain connected to Germany and for at least one period of time you were dreaming in German. It was a matter of some distress for you when those dreams suddenly stopped. One day around this time your mother decided that a good mother daughter outing would be to go to the city and visit the Supreme Court. Your mother and you watched a murder trial. This was to be formative

and your mother in her wisdom had seen that your natural calm, organised, measured and diligent nature would be a natural fit for the law.

- 10 From this experience you started researching and mapping your path. At the University of New South Wales you undertook combined Arts and Law degrees. You edited the UNSW Law Journal. You also took part in mooting, winning competitions and travelling to New Zealand.
- 11 While at university you also worked as a waitress at a German restaurant at Campbell's Cove called Wolfies Bar and Grill. Many here know the story I am about to tell. It is a favourite of the Honourable Kevin Lindgren AM QC.
- 12 One evening at that bustling restaurant down by the harbour, while customers enjoyed their lager and schnitzel, one of the male staff behaved in an untoward manner with a female staff member. Your Honour took the matter in hand and quickly devised a solution. While the male staff member took a trip to the cool room you closed the door and locked him in. He was allowed to come out on the condition that he would never do such a thing again, and by all accounts there was no further trouble.
- 13 After graduating you were an associate of Justice Kevin Lindgren. He recalls your Honour in particular as being cool, calm, collected and organised. From there you practiced in-house for an international transport company. This was valuable experience but your Honour's sights were always set on the Bar and you were called to the Bar in 2001. You worked on a number of long and demanding cases with now Justice Andrew Bell. Your Honour did not shy away from raising issues and your clear-thinking advice was valued.
- 14 You were appointed Senior Counsel in 2016. I am told you were encouraged to apply two or three years earlier and would have been a strong candidate. While many others would have thrown their hat in the ring, you held off in keeping with your careful, considered approach. For you it was not about the accolade or status as much as making sure the time was right to take the responsibility.

- 15 At Eleven Wentworth your Honour worked on some high profile and complex cases. You built your reputation primarily in commercial law and equity as well as commissions of inquiry. You were an experienced advocate before ICAC, appearing at compulsory examinations and public inquiries on many occasions.
- 16 In 2016 you appeared for the Commissioner of the Australian Federal Police in proceedings in the Supreme Court in which the plaintiff was suing the Commonwealth and the State of New South Wales for alleged breach of duty of care, trespass and malicious procurement of a search warrant.
- 17 You represented ANZ in the Royal Commission into misconduct in the banking, superannuation and financial services industry. You led counsel teams in the hearings relating to financial advice, lending to indigenous customers and life insurance.
- 18 You advised ASIC in relation to ongoing investigations concerning the conduct of financial services licensees and company directors.
- 19 Your Honour represented the respondent in the Federal Court class action relating to alleged PFAS contamination at the RAAF base at Tindal.
- 20 In many cases you defended clients facing considerable trouble or painted by the media as guilty. This of course is the test of our legal system. Defending such clients shows just how fair our legal system really is. It is also excellent training for the Bench.
- 21 Your Honour was a regular advisor to the Bar Council and appeared in professional disciplinary matters concerning barristers and solicitors. All this experience earned you a reputation as a very well prepared advocate with an impressive courtroom presence.
- 22 Your reputation as a cross-examiner was one of a methodical, careful, analytical approach and always in control of your materials.

- 23 Your Honour is very much missed at Eleven Wentworth. Had you not been called to the Bench you would have been Chair of the Floor this year, the first female Chair. At Eleven Wentworth your Honour was the go-to person for advice with a well-worn path to your chambers.
- 24 Your Honour was on a Professional Conduct Committee since 2010 and was a diligent and conscientious member of that Committee.
- 25 You gave your time generously to talks and seminars and more recently for the New South Wales Bar Association's open day for female law students.
- 26 Your Honour started on the Bench just as COVID hit and no special dispensation was given. You dealt with complex and sometimes very old cases from day one. You are already a prodigious publisher of judgments. You have already established a reputation both on the Bench and in chambers as a consummate professional. In the spirit of your early mentor Justice Kevin Lindgren and others who mentored you, your Honour is always looking to mentor younger staff. They have been touched by how much you value their input and advice.
- 27 Your focus, work ethic and natural ability mean you are able to do justice in a relatively quick fashion, allowing time for your family and to travel and these days you have taken up the piano again to decompress.
- 28 Often some of the greatest lessons we learn are those we learn in our youngest years. Now, as you continue to embark on this new chapter in a glowing legal career, I have searched for words to encourage you further on that journey, conscious you have already started it. I come full circle and return to *Charlotte's Web* as I urge you to never hurry and never worry as you continue to provide your service to the law.
- 29 In your Honour's life thus far you have taken a careful, considered and confident approach in your decision making. This will continue to serve you well on the Bench. Your appointment is an acknowledgment of your skills, expertise and

specialised knowledge that you have acquired throughout your service to the law and of the hard work, dedication and personal sacrifices you have made. Congratulations belatedly on your appointment and I offer you the very best wishes for your career on the bench. May it please the Court.

30 **MS JULIANA WARNER PRESIDENT LAW SOCIETY OF NEW SOUTH WALES:** May it please the Court. I too acknowledge the Gadigal people of the Eora Nation, the traditional owners of the land on which this Court stands, and pay my respects to their elders, past, present and emerging. I extend that respect to other indigenous people who are present or who may be watching.

31 I come before the Court on behalf of the solicitors of New South Wales to offer congratulations and wish your Honour well in your appointment to the Supreme Court of New South Wales. Mindful of the important role that your family has played in your Honour's life, I would like to acknowledge your family members and friends who are joining us today and who are applauding your appointment. In particular I acknowledge your husband Scott and children Hamish and Sophie. I must say I am really pleased to see another North Sydney Girls High old girl.

32 At your Honour's farewell from Eleven Wentworth chambers your Honour was remembered as "diplomatic yet effective, clever but humble and an enabler of the right kind". Today I would like to reflect on how these three attributes made your Honour the silk of choice for solicitors, the mentor of choice for junior counsel and the candidate of choice for the highest bench in New South Wales.

33 So, diplomatic yet effective. Your Honour's many achievements within the law are well known as is your effectiveness in the courtroom. Your Honour's persuasive advocacy style was evident as a young law student competing in moots and has only developed over the following decades. After being admitted to the Roll of solicitors in February 1998, on Valentine's Day no less, your Honour would be called to the Bar and go on to appear in many high profile and high consequence cases in commercial law and equity as well as quite a few outings in front of ICAC.

- 34 Your Honour is known to be very calm and measured and you must have certainly needed that in your ICAC practice where one has to expect the unexpected. One is never quite sure what is going to come out of the woodwork or the next phone tap.
- 35 However, your colleagues believe that what truly distinguishes your Honour are the cases that are not listed on your CV. A barrister at Eleven Wentworth remembers one such case. Your Honour was unwilling to sign off on a pleading until a whole lot more work had been done and some more facts shaken out of the client. Your Honour understood that this might jeopardise the brief, hardly a desirable outcome for a barrister running their own successful commercial practice. But according to your former colleague at no point was that even a factor in your decision making. Your Honour did go on to lose the brief but not your commitment to doing things properly. Might I say that saying no to a client is one of the difficult things that we sometimes have to do.
- 36 Your Honour's success over more than two decades has been built on that strong foundation of integrity and, in addition, diplomacy and tact. In particular in your dealings with junior counsel. Your Honour is known as having mastered the art of the cone of silence. Your colleagues know they can confide in you or, if need be, vent, and it will go no further. Your Honour is also known for treating everyone frankly and fairly whether clients, solicitors, colleagues, opponents or judges.
- 37 The second attribute mentioned was clever but humble. Your Honour possesses a formidable intellect and your former colleagues are effusive in their praise for your deep understanding of legal matters. However, your Honour has never been one to dispense with preparation or to "wing" it in the courtroom.
- 38 Your Honour's humility is reflected in how diligently you prepare for each case and the amount of thought you put into each matter. In the words of one barrister, I have never met any silk that has approached a case with the same amount of rigour and diligence as Kate does.

- 39 Your Honour's case notes are apparently the stuff of legend at Eleven Wentworth. For some lawyers case notes mean one or two pages of high level thoughts, a bit like a one pager for a university student preparing for exams. But for your Honour it was more likely to be a novel size documents, 70 pages plus setting out a clear chronology and including extracts from and references to all of the material in the brief.
- 40 The reason that your Honour's case notes reached such legendary status was that your Honour would share them freely with fellow barristers who joined the brief. She had this incredible capacity to generate work that was just so useful for everyone, one said. On countless occasions your Honour would find herself correcting an expert or challenging a witness and their error was clearly evident with a quick reference to your detailed case notes.
- 41 Your Honour was also remembered as the very best of mentors and as the most supportive of colleagues, or in their own words the right kind of enabler, someone who helps others to be successful. From sharing insights into commercial litigation to giving tips on managing and commercial practice your Honour has been for many barristers and their lawyers a phone a friend over the years. She was always able to offer wise and steady counsel and you also had great comfort in trusting her opinion, said one.
- 42 Your Honour has been lauded for your consistency, for doing the right thing and for doing it well, day in and day out. Your Honour helped your colleagues to remain balanced and to take care of themselves as well as their clients. Your Honour was never afraid to encourage junior counsel to speak up for themselves and to back their own approach.
- 43 In reviewing your career I am reminded of an observation made by Her Excellency The Honourable Margaret Beazley AO QC Governor of New South Wales. Her Excellency said, you can be very, very good at this game without being aggressive. You just have to know when and how to stand your ground.

- 44 Since taking silk in 2016 your Honour has helped many junior counsel to stand their ground, modelling diplomacy, tact and strength. As one barrister put it, she will be a wonderful Judge. She will listen. She will not have the need to demonstrate that she is the smartest person in the room. She will listen and she will also make it very clear when she has heard enough. Another colleague has said she will be a wonderful Judge because in her daily life she is measured, self-contained and judicial, and I am sure you are honing those judicial skills on your teenagers.
- 45 Before I conclude and possibly because of the fact that I watched a bit of Brazen Hussies on iview last night, which is a documentary about the women's movement in the sixties and seventies, I would like to channel my inner second wave feminist for a moment. Can I say how terrific it is that women at the Bar are being recognised for their talent and outstanding ability in much greater numbers than ever before. May that recognition increase exponentially.
- 46 In fact it appears that many of those outstanding women are named Kate. For example I have heard solicitors say when considering who to brief, "Why don't we brief one of the Kates". I have also heard one of the Kates laugh that she has been confused with one of the other Kates. So one Kate has gone to the Bench allowing the other Kates to consolidate their Kate power and the Bench has also benefited from some Kate power. It is terrific to see talented women from the Bar and also from the ranks of solicitors appointed to our Courts and Tribunals, because you are role models for those who follow.
- 47 Your Honour will bring a wealth of knowledge, personal integrity and diligence to the Supreme Court of New South Wales. The people of New South Wales are privileged to be served by you in this role and the solicitors of this State have every confidence that you will make an exceptional judicial officer of the Supreme Court of New South Wales.
- 48 So on behalf of the solicitors of this State congratulations your Honour. You will be a wonderful role model. As the Court pleases.

- 49 **WILLIAMS J:** Chief Justice, Judges, Mr Attorney, Ms Warner, distinguished guests, family and friends. I too begin by acknowledging the traditional owners of the land on which we gather this morning, the Gadigal people of the Eora Nation. I pay my respects to their elders past, present and emerging.
- 50 What a wonderful gathering this is, particularly after the events of the past year. Thank you so very much for taking the time and doing the honour that you do to the Court and to me by being here this morning.
- 51 Thank you Mr Attorney and Ms Warner for your very kind words. I am grateful to your informants for sharing with you all of my best qualities and keeping some of my other qualities to themselves. They have most certainly understated their own role in the progress of my career. No person comes to this point without an army of people having supported and encouraged them along the way. My army is magnificent and it has far too many members for me to thank them all individually today. But I do welcome the opportunity to publicly thank those who have been my key influencers and supporters, both in my career and in my life.
- 52 I am deeply honoured by the presence here today of Her Excellency The Honourable Margaret Beazley AC QC, Governor of New South Wales. I believe that I am a member of the first generation of women in the Australian legal profession who have been able to look up to and draw inspiration from other women in very senior roles in the profession. Her Excellency has always been a leading light amongst those senior women, as has the Honourable Patricia Bergin SC, former Chief Judge in Equity of this Court, who also honours me by being here this morning. There is great truth in the saying that it is difficult to be what you cannot see. My peers and I were able to see what we wanted to be.
- 53 The Honourable Margaret Stone AO is another extraordinary woman who had an enormous influence on me at the very start of my career. Working for Margaret as a law student and then as a junior solicitor, I began to learn the art of independent critical thinking, starting from first principles and taking nothing

as given. I also learned that adrenaline and coffee can sustain that critical thinking for up to 48 hours non-stop when absolutely necessary.

54 I learned the value of speaking less, but saying more. I saw how, if you were at the top of your game and spoke your opinion plainly, a room full of people jostling for dominance would quieten down to hear what you had to say. When Margaret spoke they could not afford not to listen, and they knew it. Perhaps most importantly, I learned that maintaining a sense of humour is even more sustaining in any stressful situation than coffee and adrenaline.

55 I have fond memories of Margaret moving my admission as a lawyer in this very courtroom just over 23 years ago on Valentine's Day as Ms Warner reminded me, and of then attending her swearing-in ceremony on her appointment as a Judge of the Federal Court just a few years later.

56 I am delighted that Margaret is able to be here today, together with two of the friends I first met working with team Margaret at Freehills all those years ago, Danielle Kelly and Sinead Eastman.

57 I am also touched that Margaret's daughter Elizabeth Stone who has always been at the centre of that small friendship circle is here this morning.

58 In these friendships as in my friendships with Kate Richardson and Erin Kennedy, two wonderful women I first met at the Bar, the good times and bad are shared, the long periods of radio silence due to work demands and other commitments are tolerated and all hands are on deck in times of crisis. I treasure them.

59 Most young lawyers would give anything to have someone like Margaret Stone take them under her wing, but my lucky cards dealt me another wonderful mentor: the Honourable Kevin Lindgren AM QC. Kevin is also a great one for speaking less and saying more. His intellectual brilliance, extraordinary work ethic and unfailing courtesy and fairness had already won him a reputation as an outstanding Judge by the time I started work as his Associate a little more

than a year after his appointment to the Federal Court. Outside the courtroom Kevin went out of his way to create a happy environment in chambers. He was generous enough to share his thinking with me in the process of writing judgments and kind and patient enough to allow me into aspects of that work. Thinking back to Kevin's approach to the work of a Judge has given me much to aspire to as I find my feet in this new role.

60 Kevin was of course instrumental in my being offered a readership on the Eleventh Floor Wentworth Chambers when I first came to the Bar. That opened opportunities to work with many leaders of the Bar, those opportunities of course being brokered by the legendary Paul Daley OAM. My practice simply would not have taken off as it did without those opportunities and without the generous support and encouragement of the very busy and talented barristers on the Eleventh Floor.

61 Throughout the whole of my time at the Bar, the one constant thing was that I loved the place that I came to work and the people amongst whom I worked each day. I shared many war stories and tales of my opponents' tactics with my neighbours and good friends Peter Braham, Ian Pike and Perry Herzfeld, although their stories always seemed more colourful than mine. The occasional bout of mother guilt was shared and halved with Vanessa Whittaker. I would call on Kelly Rees, now Justice Rees, or Amy Munro when I needed an island of calm in the midst of a storm. Justice Rees could always be relied on to put the fire back in my belly before I had to re-enter that storm. Many of life's dilemmas were solved over a cup of tea with Phil Greenwood, and if I needed a quick chat with a friend to get me through a late night working marathon I would invariably find the light on in the room on the other side of the floor that was then occupied by Justice Bell.

62 I will always feel privileged to have been a member of the Eleventh Floor and I thank all of the floor members for their friendship over the years. I also thank the wonderful staff, Anne Deighton, Melinda Morris, Amanda Allen and Zach Rymer for keeping the wheels turning for all of us.

- 63 I was also very fortunate to have the opportunity to work with many wonderful leaders and, in more recent years juniors, from other chambers at the New South Wales Bar and also from the Melbourne Bar. I thank all of them for their outstanding work and their companionship through many interesting and challenging matters.
- 64 Many who were my friends at the Bar are amongst my new colleagues on the Court. I have been quite simply overwhelmed by the generosity with which all of the Judges have welcomed me and offered advice drawn from their own experience of the transition to the Bench. I remain deeply grateful for their support and I look forward to serving on the Court with them. I am honoured to have been given the opportunity to do so and I am conscious of the responsibilities that travel with that honour. I am touched that many Judges who are unable to sit on the Bench this morning due to social distancing requirements have taken seats in the public gallery of the courtroom for this ceremony.
- 65 I also wish to thank my staff, Jasmine Geary, Lachlan McIntyre and Isabella Fahmy and, until recently, Harry Simons. It is genuinely a pleasure to spend each working day with these intelligent, insightful and considerate young people. It never ceases to amaze me how they calmly keep everything in order regardless of what might have unfolded in court or behind the scenes on any given day.
- 66 Finally, but most importantly, I wish to thank my family. I owe them everything.
- 67 My brother Nathan is quite simply the best brother in the world, and he and I agree that we have the best parents in the world. Our parents were raised surrounded by love, joy, integrity and resilience, but they could only dream of the opportunities of the kind that they later provided for Nathan and I. In their early twenties they made what must have been a difficult and daunting decision to move to Sydney, leaving their established lives in Northern New South Wales. Nathan and I are in awe of the life that they built for us here from scratch.

- 68 It is really quite difficult to capture the essence of our parents in words. So the best I think I can do is to share with you that Nathan and I, by some source of authority that remains a mystery, bestowed on Mum the post nominals “QFE” on the occasion of her birthday a few years ago. It stands for Queen Of Everything, and Dad is undoubtedly the King Of Everything. I am so very happy that the King and Queen of Everything are able to be here today together with Nathan, his lovely wife Danielle and their two beautiful daughters.
- 69 As you have already heard from the Attorney General, when I was not quite 16 years old Mum and Dad sent me to Germany on a student exchange program. Only after becoming a parent myself did I truly appreciate what courage it must have taken for them to send me to an unknown family on the other side of the world for three months.
- 70 As you have also heard, that courage changed the course of my life. That unknown family remain our very close friends today. I arrived back home not only with a greater appreciation of German language and history, but with something else that I suspect Mum and Dad had not quite bargained on when they bid me farewell. A boyfriend who had been one of my fellow exchange students, and who began arriving at their home with what must have seemed like alarming frequency in a roaring bright red VW Beetle that you could hear coming from several blocks away.
- 71 Scott and I married almost ten years to the day after we first met on our flight to Germany. He has been my best friend and my partner for the whole of my adult life.
- 72 It was Scott who encouraged me to go to the Bar and supported me financially while I established my practice. He continued to support me at every stage, bearing with amazing good grace and good humour the vicissitudes of being married to a barrister, even whilst rising to the demands and challenges of his own very busy and successful career and even during the joyful but chaotic years in which we were raising two young children.

- 73 When it all seemed too much, Scott was the calm voice of reason beside me, encouraging me to carry on.
- 74 In raising our children we had the constant love and support of both of our parents and extended families, for which we are both very thankful. I am delighted that Scott's parents David and Dianne are able to be here today together with my own family.
- 75 We also had Karen, who came to work with us when we first started our family and has been with us ever since. Karen has played many roles over the years but most importantly she is a unique combination of best friend and extra parent to our children and a friend to us as well. We are very grateful to her.
- 76 Our children are now emerging young adults. They have brought us more joy than I can begin to describe and have challenged us in ways that have undoubtedly made us better people. They have created many hilarious moments that form the fabric of our family folklore, but I am not going to share those today because I am saving them for 21st birthday speeches in years to come. We are immensely proud of both of them.
- 77 When my youngest niece was told about my appointment she wanted to know the name of the television show on which I would be appearing as a Judge. I know it is not Dancing With The Stars darling, but I have always thought these ceremonies were a pretty good show, so I hope you have enjoyed it.
- 78 Thank you all again, each and every one of you, for being here this morning.

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