

**SPEECH FOR THE SWEARING IN OF ANTHONY MEAGHER SC
AS A JUSTICE OF THE SUPREME COURT OF NSW
10 August 2011**

Your Honour, on behalf of the State of New South Wales – and the NSW Bar – I congratulate you on your appointment as a judge of appeal on the NSW Supreme Court.

You have long been recognised as one of Australia's leading barristers, with a commercial practice that has attracted everyone from disgruntled footballers to captains of industry.

You have also frustrated your fellow barristers on a consistent basis with the obvious respect you have earned from the bench. "It's very annoying," said one. "They take far more notice of what he says. He is regarded as very reliable."

Whether those who accompany you on skiing trips or your weekly 20-kilometre run would agree is a matter for exploration.

But first I would like to record the journey Your Honour has taken on the way to joining this court – the oldest in Australia.

You were born in Sydney on September 4 1953 to Andrew and Jill Meagher. I am pleased to be able to acknowledge the presence of your mother in court today.

The genesis of your notorious competitiveness probably lies in the fact you are one of eight children. You have told of how even the simple act of eating weet-bix would turn into a race – because whomever finished first could move onto toast before the others.

After leaving St Ignatius College in 1971, you took on a commerce-law degree at the University of New South Wales. It was there that you first encountered the

unforgiving regime of John Basten, now a judge of appeal on this court. You managed to finish near the top of his exam for Law Lawyers and Society, but the then Mr Basten took a dim view of your poor – some say it was zero – attendance at his lectures.

He decided you should do some supplementary work before you passed, which Your Honour considered was a great injustice ... on the basis that you probably contributed as much as those who actually attended lectures.

You graduated in 1976 and joined Minter Simpson as a solicitor. But advocacy was always on the horizon, and in 1982 you were admitted to the Bar.

It didn't take long before you gained a reputation for honesty, integrity and an attention to detail that only comes from discipline and hard work.

The admiration of clients was soon followed by the respect of your peers and the judiciary. In fact, Justice Dyson Heydon of the High Court has asked that his

congratulations – and apologies for being absent today – be passed on to Your Honour.

In 1995 you joined the ranks of senior counsel, and since then your stature has grown.

You have been chair of the Professional Indemnity Committee of Bar Association, which put your unmatched expertise on insurance law to good use. Bret Walker SC noted at the time that it was “impossible to overstate the debt we all owe to Tony Meagher SC for his masterly efforts as our shepherd (and, perhaps, sheepdog for the underwriters) in a savagely cyclical market”.

Your standing has ensured regular appearances in the media - whether the case involves, trade practices, media law, mergers and acquisitions, shipping, professional negligence or banking.

In the marathon C7 litigation you represented Publishing and Broadcasting Ltd.

In the Lehman Brothers litigation you looked after 72 Local Councils in a class action aimed at recouping GFC losses.

You acted for the former chief executive of David Jones in a sexual harassment case, and then for the Seven Network as they attempted to prevent an employee joining the Ten network as chief executive.

In the CSR demerger, you represented the Asbestos Injuries Compensation Fund. You also appeared for British Airways as they defended a claim by a passenger who suffered deep-vein thrombosis after a four-day return trip to London.

It was in the case that your ability to master unfamiliar territory came to the fore – on this occasion, the medical condition known as "economy class syndrome".

Occasionally your work has been a labour of love. I speak in particular of your role in the Super League litigation involving News Ltd and South Sydney – and

briefs to represent the NRL, in their salary cap proceedings against the Melbourne Storm Rugby league football club, and Wallaby Lote Tuquiri.

Some may have reminded the winger that he was getting exemplary service from a former outside centre of some note. Indeed, your Honour played 99 first grade games for the Eastwood Rugby Union club in the Sydney grade competition. One trait when you were on the field involved you putting both hands behind your back until the ball was approaching.

So Your Honour perhaps approved when one of your teammates at Eastwood, Mick Mathers was involved in the notorious “up-the-jumper” try. The play involved one of the players stuffing the ball up his jumper and the remaining pack scattering throwing confusion on the opposition as they had no idea who had the ball. The practice was later banned for not being in the spirit of the game.

Another loophole closed.

Mr Tuquiri's claim against Australian Rugby Union for wrongful dismissal involved a frank exchange with Justice Einstein, another of your new colleagues. You were less than impressed when he asked what your reaction would be to "reading out aloud the contents of the pleading".

You replied: "Your Honour is joking."

The good news for you and your opponent on that day – another new colleague in Justice Sackar – is that you now get to decide what's funny – or not – in court.

One suspects some things won't change, such as your penchant for jumping out of helicopters on skiing trips with a number of fellow barristers

You only took up the sport relatively late in life, but the juices soon began to flow. "He was determined to be very good," offered another of your new colleagues. "Because Tony would compete with a lamp post."

On one trip, you decided to get some practice on the slopes before tackling the wild terrain that goes with heli-skiing.

On your first run, you were confronted with a choice of routes – “double-black” or “blue”.

More conservative thinking would opt for a warm up, but without a moment’s delay you went “double black”.

Forty-five minutes later you were in the infirmary getting treatment for various bumps, bruises and strains.

Yet the following day – armed with anti-inflammatories and pain killers - you were back on the slopes.

And when you moved to the heli-skiing part of the trip a couple of days later you were - as usual - first to hit the snow. “Tony doesn’t like to wait for the helicopter to land,” one companion said. “It’s part of his go-for-it personality.”

You bring the same attitude to your 20-kilometre run around the eastern suburbs on a Saturday morning with a posse of legal types, be they instructing solicitors or fellow silks. After a recent knee operation you were back on the road in no time at all – and ensuring anyone who beat you up that final hill earned it.

Another thing that won't change is your devotion to your wife Frances and your four children – Alexandra, Henry, Joanna and Saskia. All are here today, with Alex flying back from London where she now works as a lawyer for a Magic Circle firm.

Frances, or Fran, has carved out a significant career in her own right - as a long serving member of the Centennial Park Trust and co-ordinator of the annual Veuve Clicquot Business Woman Award.

Your Honour now enters a new phase of your career, one that will ensure the bench is more than a match for the bar.

I wish you and Fran, the best for the years ahead.