

Speech delivered by Anna Katzmann SC

At the swearing in of Virginia Bell

As a judge of the High Court

3 February 2009

May it please the Court.

Until recently there was only one woman on the High Court bench. Now there are three. The surge appears to be working.

On behalf of the NSW Bar I congratulate the Federal Government on its decision to offer your Honour the appointment and your Honour on your outstanding achievement. We will miss you but we are used to sacrifice in NSW. We will get over it. Or at least most of us will.

In Verdi's *Rigoletto* the Duke of Mantua sings: "La donna è mobile" or woman is fickle. When I learned about your Honour's appointment I had visions of Chief Justice Spigelman singing the aria to himself in chambers as he rued the loss of one of his finest.

Much has been made of your Honour's past, considered by some to be an unconventional route to the High Court. Whilst I would

not want to deflate the expectations of those who think otherwise, this is, however, no radical appointment. After all, you are a graduate of Sydney University and you were appointed from the bench of the NSW Court of Appeal. What is more, you are a stickler for form. You are also deeply conventional. Indeed, you are the most respectable person your friends have ever met!

Above all, your Honour's ascension to high office has come about as a result of the combination of raw talent and hard work.

Your Honour is an astute judge of personality. You have a great deal of commonsense, a very important attribute in a judicial officer. You also have a genuine humility, an equally important commodity in a judge but often difficult to find. Your humour, which is well known (and has led to you becoming a much sought-after after-dinner speaker), is frequently self-deprecating and unlike some other quick wits on the bench, you never use your wit to belittle others, perhaps proving the truth of that old English proverb: "Women in mischief are wiser than men".

Your Honour once said that "the essence of after-dinner speaking is to be inconsequential". You added: "I've always managed that".

I don't think so.

At the bar your Honour was a marvellous trial advocate. For many years you were the defence counsel of choice in NSW. When you left the bar soon after taking silk the loss was keenly felt. On the bench you have applied your broad experience of life, your sound judgment and your fierce intellect. You will bring all those qualities and the same zest for life to this court as you brought to the NSW Supreme Court.

You share with your predecessor on this bench many characteristics, not least, an empathy for people and a passion for securing justice and protecting the rights of the underprivileged. Like Justice Kirby you are also unfailingly courteous, generous with your time and a prodigious worker.

Yesterday I referred to Justice Kirby's decision to be painted in the style of Goya. As a self-described 'really, really private extrovert' (that's you, not Justice Kirby), I have some doubts about whether your Honour would consent to having your portrait painted at all. However, if you did, the work of such a modernist like Goya would be a manifestly inappropriate model. As your passion is

late medieval art, specifically the art of the Sienese school, I suggest nothing less than a *maestà* in the style of Duccio. Perhaps the artist could look to the one that hangs in the Kunstmuseum in the Swiss capital, Bern, which features a splendid Madonna and child surrounded by six angels.

I see five of them now.

Your Honour, the New South Wales Bar hails your appointment and wishes you every success in the years to come.

May it please the Court.