

**Address on the occasion of the swearing in of and welcome to Her Honour
Judge Katherine Bourke in the County Court of Victoria on Tuesday 18
December 2007 by Peter Riordan SC, Chairman of the Victorian Bar Council**

May it please the Court.

I appear on behalf of the Victorian Bar to offer our warm congratulations to Your Honour Judge Katherine Bourke on your appointment to this Court.

Your Honour was educated by the Presentation Sisters first at O'Neill College, and then at the Presentation Convent.

Your Honour practised as a solicitor before coming to the Bar.

You've practised as a barrister for more than 18 years, and contributed significantly to the Bar and the Common Law Bar Association. The Bar welcomes your appointment to this Court.

That was the welcome that Your Honour ordered; but it leaves out so much detail from the fabric of such a rich career – I might fill in just a little colour to the canvas.

Your Honour was one of five girls. It's a little late for brothers to be of any use to you now – however, perhaps better late than never – and as a Judge of this Court, Your Honour has a positive abundance of judicial brothers – as well as a few extra sisters of the judicial variety.

Your Honour did very well under the tuition of the nuns and we wonder if, in your younger days, you were something of a nerd. You played cello in the school orchestra, and in the State Catholic Schools Orchestra. You were Dux of the School and completed your year 12 in the top 100 students in the State of Victoria overall.

You studied law at the University of Melbourne, and graduated with a Bachelor of Arts and a Bachelor of Laws.

You have since completed the Master of Laws degree at Melbourne, not by coursework, but the serious research degree by major thesis. Your thesis was on Crimes Compensation.

Your Honour played competitive soccer at the University of Melbourne. You were a foundation member in establishing the University Women's Soccer Club, which is still very strong.

The University has you and your friends to thank for that. And you have soccer to thank for major knee reconstruction surgery.

There's nothing very good about that sort of surgery – other than that not having it is worse.

But, at least in Your Honour's line of work, it was part of the bank of personal experience you were able to draw on.

You served articles with Andrew Lumb of the firm Ford & Co – now Nevett Ford of Melbourne and Ballarat.

You continued with that firm after admission, first as an employee solicitor, and then as an Associate of the firm.

You came to the Bar in 1989 and read with John Monahan.

Your Honour had one reader, Rebecca Boyce.

In May 2000, Your Honour was appointed Chair of the Bookmakers and Bookmakers' Clerks Registration Committee – succeeding Mr Don Hammond, a former Stipendiary Magistrate.

It would be fair to say that racing is in the blood. Your Honour's father, Dr John Bourke, served for many years as the Chief Veterinary Surgeon for the Victoria Racing Club, and for Racing Victoria Limited.

Your uncle, David Bourke CBE, served nearly 20 years on the Committee of the VRC – 7 of those years as Chairman.

You never let family relationships interfere with your work as a barrister.

Offered a junior brief with Tobin SC, in a case in which your uncle David, as VRC Chairman, was the named defendant, you could smell a winning brief and you didn't hesitate. No room for sentiment.

Your Honour has had interests with Tim Tobin in a number of horses. You give them their names: *Bold Litigator*, *Tortfeasor* and *Malfeasance* are a few.

You had intended the last to be *Misfeasance*, but the mare turned out to be a colt – hence the increase in turpitude to *Malfeasance*.

You have some idiosyncratic methods of picking bets. You consult with an octogenarian trackman which, I'm informed, is about as reliable as reading tea-leaves.

Your other system is that you'll go for anything trained by Gai Waterhouse, combined with an intuitive "feel" for jockeys' names. This system has not fared much better although it did result in a good Trifecta win recently – sort of. The system indicated a loser; but as vanity intervened and you refused to be seen in glasses, you misread the number and bingo you accidentally got the Trifecta. The luck of the Irish.

In July 2004, you were elected to the VRC Committee, and you were recently re-elected for another term.

Following the tradition of Mr Justice Crockett and Justice Peter Young of the Family Court, Your Honour is being permitted to retain your place on the Racing Club Committee.

In your practice, Your Honour has been a circuiteer *par excellence*.

I have practised in a circuit town and I know what goes on on circuit.

However, you have very loyal friends. Called upon for anecdotes, they've sheltered under the defence that what occurs on circuit stays on circuit – hence so many stories about racing.

However, it's premature for Your Honour to relax. I do have some – and I'm only a little intimidated by Your Honour's threat of a citation for contempt in the face of the Court.

There was the circuit in Mildura, when the circuiteers found time to escape the incessant strain of circuit work; and took out a fast-moving houseboat on the river. Your Honour was a good sport and rode behind on an inner-tube. The details are sketchy but it seems that Your Honour was able to maintain your poise while being thrown around on the wake of the boat – even after there was, what Jennifer Hawkins would call, a wardrobe malfunction.

A transcript you may remember is from the Wangaratta circuit in a case before Deputy President Coghlan.

Your Honour had to cross-examine an 80-year-old medical witness, whose temper had not improved with age. He was deaf, and came to the Tribunal without his hearing aid – probably just to be difficult.

I shall call him John Smith.

Plaintiff's counsel: "Your name is John Smith"?

Witness: "Well, sort of"

Plaintiff's counsel: "What do you mean, 'sort of'????"

Witness: "It's Dr John *Henry* Smith"

All this shouted so Dr Smith could hear without his hearing aid. And things went downhill from there.

Given permission to refer to his voluminous handwritten notes, Dr Smith complained loudly that: "There are pages and pages and pages . . . [this] will take me forever!"

Asked by plaintiff's counsel to remain in the witness box for cross-examination by Your Honour, the good doctor looked at Your Honour and responded "This is nonsense!"

After you completed cross examination, Dr Smith wouldn't even go until, after being told 3 times that he could now leave, the witness stood up, turned around, and walked to the bench, and bowed to the Deputy President, and thanked her for her attendance!

Similar good times await Your Honour – and for the next 24 years.

You served as a member of the Victorian Bar Council for 2 years, in 2000 through 2002. During that time you were a member of the Counsel Committee of the Bar Council and, with Jack Rush QC and James Gorton, constituted the Common Law and Compensation Bar Portfolio of the Bar Council. You were also on the Pro Bono and Major Events Portfolios.

You served on the Executive of the Common Law Bar Association for 6 years, and on that Association's Litigation Procedure Review Committee.

You served a year on the Bar Equality Before the Law Committee.

You were a Director of the Essoign for 3 years. But you have, single-handedly, established and run the Calcutta at the Essoign for about 10 years – and to this day the legendary Jack Styring still does the phantom race call.

The acid test of any advocate is what those who have been opposed to them say. Your Honour passes with flying colours.

Those who have been regularly opposed to you say you have been a strong advocate – both effective *and* pleasant – and an honourable opponent whose word is her bond.

On behalf of the Victorian Bar, I wish Your Honour long and satisfying service as a Judge of this Court.

May it please the Court.