

---

Ceremonial Sitting to mark the swearing in of the Honourable David O'Callaghan as  
a Judge of the Federal Court of Australia, 10 February 2017.

Speech by Will Alstergren QC,  
President, Australian Bar Association

---

1. May it please the Court.
2. I acknowledge the traditional custodians of the land upon which we meet and I pay  
my respects to their elders past and present,
3. It is my great pleasure to appear at this wonderful occasion on behalf of the Australian  
Bar Association, and each of the independent bars of Australia, to sincerely  
congratulate Your Honour on your appointment to this Court.
4. As we have been told by the Attorney General, Your Honour read with Ray  
Finkelstein QC. (fondly referred to as Fink).
5. You and Fink have had a lot in common:
  - You both commenced your schooling at local Schools,
  - You both were high achieving students (although Finkelstein unlike you was  
noted to be rather disobedient and unpredictable).

- You both were highly regarded Academics, having taught at Universities,  
  
You at Yale, Fink at Monash you both at the University of Melbourne
- You both have an affection for the United States and love American cars,  
  
yours a 1965 Wimbledon white convertible Mustang with red interior, Fink's  
  
a 1954 bright blue T/Bird. (You both still argue which is better)
- You both love rock and roll music;
- You are both modest in stature but giants in the legal profession.
- You both had substantial and highly successful commercial practises at the  
  
Victorian Bar and Nationally and were regularly briefed by some of  
  
Australia's largest corporations
- You both were in the same Chambers being 27<sup>th</sup> Floor of Aickin; and
- You are both much loved and admired by your colleagues and friends.

6. It is only appropriate that you have now found yourself appointed to the same Court  
  
that Fink served on as a Judge for many years with distinction.

7. Fink, being one of the finest intellectuals the Victorian Bar has seen and a  
  
distinguished judge has described Your Honour's appointment to this Court as:  
  
the most exciting,

highly anticipated,

thoroughly deserving appointment

of any Judge,

appointed to the Federal Court,

in the Victorian Registry, ....

so far.....

This year.

8. Fink has noted that he and Justice Finn have sighted more American authorities in their decisions than any other Judge of this Court. However, he is of the view that Your Honour, with your extraordinary legal knowledge of the law of the United States, will sight it even more; he certainly encourages you to do so. Given the events taking place there now Your Honour's expertise would be at a premium.
9. Needless to say Your Honour is a fine example to all of not only your legal knowledge, but also your National practice. As you have appeared in most States in Australia and regularly in Western Australia. You have built up a large amount of friendships with colleagues nationally and it was no coincidence that Alister Wyvil SC flew from Darwin to attend your swearing in.

10. I will leave it to Ms Batrouney the President of the Victorian Bar to speak about Your Honour's extraordinary contribution to the Bar and it's members.
11. However, may I say that, according to past and present Presidents, Peters QC, Anastassiou QC, Batrouney QC and myself, you and Justice Jonathan Beach go down as the finest acting Chairmen the Victorian Bar ever had. You would have made an excellent Chairman. The Bar's loss is the Commonwealth's gain.
12. Your Honour has been keen to make a contribution to society and that has been paramount in much of your practice at the National Bars and in the community.
13. Part of that also comes from the great relationship you have with your family. I also acknowledge and welcome your wife Wendy, your three handsome sons Sashie, Sam, and Ben and you mother Anne and sisters Angie and Suzie. In particular, Sam who flew in from Tel Aviv to surprise you late last night.
14. Your kindness and care for your fellow Barrister has been well recognised by your colleagues and admired.
15. Your Honour not only brings a great deal of legal knowledge to the Court, you also come with a great deal of life experiences.

16. The title of a play written by Robert Bolt in 1954 about Sir Thomas More the 16<sup>th</sup>

century Chancellor of England perhaps best describes Your Honour best:

“A man for all seasons”.

This includes Your Honour’s talent as a sportsman.

17. Whilst Your Honour has been a great runner over the years, you soon discovered that

your son Sashie was able to almost lap you around the Tan, and you couldn’t beat Ben

in tennis, so Your Honour looked for another sport. In true style of the late Justice

Peter Buchanan that included a need for speed. In your case it was of a particular

equestrian flavour.

18. Your Honour and your wife Wendy have ridden horses at places as far and wide as

Mansfield to Wyoming. Whether it is cow herding, polo or show jumping, Your

Honour has been fearless and determined. Perhaps so fearless that sometimes your

endeavours have got the better of you.

19. The great equestrian author MR Hunt has just described Your Honour as being the

exponent of the phrase the “unscheduled dismount”.

20. Your propensity to ride horses at great speed, with a total disregard for your own safety was never more apparent than when you travelled to Ballan to look at a famous Polo Pony that was being retired.
21. Upon arriving there you had no sooner got on the horse, than Darby, later to be known the “Mighty Darbs” felt your nervous seat and although trained to go from a standing start to a quiet canter, took off at break neck speed.
22. Your Honour simply leaned forward with a rye smile and proceeded to thunder around the entire polo field seven times without stopping.
23. You were said to resemble the Duke of Wellington on his famous horse Copenhagen at the Battle of Waterloo.
24. At one stage as you were flying past the Polo Professional did ask you *“everything all right there DOC ?”* to which you answered, *“Everything is fine, carry on”*.
25. It was only when the Polo Pony noticed a bag of oats on the back of the one of the horse trucks it decided to come to a sudden halt and Your Honour, much to the delight, and perhaps relief of all there, managed to dismount with true acrobatic skill landing on your feet still holding the reins.

26. After this adventure you admitted that you had no control whatsoever, but loved the horse. You went on to buy it and you and “Darby” has been riding flat out ever since.
27. Your recent horse riding exploits on New years Day left you so badly bruised that the Chief Justice was minded to remind you that you hadn’t been sworn in yet, and may have to be vet checked before you were. I am glad you passed.
28. Your Honour will be a great judge of this court.
29. Your friends and colleagues are so incredible proud of you and we join with your family, especially Sashi, Sam, Ben and Wendy in celebrating this great occasion.
30. On behalf of the ABA I wish you a long and satisfying career as a judge of this Court.
31. May it please the Court.