

Speech by President Deborah Awyzio at the special ceremonial sittings of the Family Court of Australia upon the retirement of His Honour Justice Barry – 24 June 2011

It is an honor to speak at the retirement of the second longest serving Family Court Judge, His Honour Justice Barry.

As president of the Family Law Practitioner's Association of Queensland and on behalf of our members I wish to extend our gratitude to His Honour for his service to the Family Court for 27.5 years, or 10,057 days, in the tradition of His Honour belief of a day being a true measure of time.

The Brisbane Registry of the Family Court of Australia is also home to the longest serving Judge of the Family Court, His Honour Justice Bell. Between their Honour's Justice Barry and Bell, they have served for a combined 63.5 years on the bench.

As we know His Honour commenced his appointment to the Family Court on 12 December 1983. To recreate the era of His Honour's appointment I have done some research and it is noteworthy that two other famous people commenced their careers in 1983 in line with His Honour:-

1. Tom Cruise debuted in a supporting role in "The Outsiders" and starred in his break-out movie role in "Risky Business"
2. Nicole Kidman starred in BMW Bandits her film debut.

If only Tom and Nicole could have benefited from His Honour's wisdom and experience, perhaps Australia would still be able to claim one part of Hollywood's Golden Couple.

The number one song in 1983 aptly was "Billie Jean" by Michael Jackson. A song about a woman, Billie Jean claiming that a man was the Father of her Son and a man denying he was the Father.

The number five song in 1983 was “Every Breath You Take” by the Police. This song also was a precursor for what His Honour would have to deal with on a daily basis:-

In the Words of Sting:-

Every breath you take
Every move you make
Every bond you break
Every step you take
I'll be watching you

Every single day
Every word you say
Every game you play
Every night you stay
I'll be watching you

Us Family Lawyers are a special breed who are able to read between the lines of that song and recognize it for what it really is - a controlling, domestically violent, stalker ex partner trying to assert his power.

1983 was also home to some important Australian History:-

- Australia won the America's Cup and Bob Hawke declared a national public holiday for the day, famously stating, “any boss who sacks anyone for not turning up today is a bum”.
- There was a double dissolution of both Houses of Parliament
- The High Court handed down their decision in the Tasmanian Dams Case blocking the construction of the Franklin Dam
- The Australian Dollar was floated

His Honour from 12 December 1983 until today has assisted hundreds of Australian families in resolving their disputes. His Honour has always brought a practical common sense approach to determining disputes. His Honour greatly aided by the introduction of Less Adversarial Trials in the Family Court was renowned for trying to get to the heart of issues and giving pointed lectures to litigants with the aim of having them develop some insight into their actions.

I recall particularly one matter where I appeared before His Honour involving a Mother who lived in Brazil having to work and save for one year to purchase an airfare to come to Australia to be reunited with her daughter who had been taken from Brazil by her Husband. In that case there was evidence of letters being written to the Department of Immigration by the Husband's relatives seeking to discredit the Mother in respect of her application for a visa to remain in Australia. In cross-examination the Husband's relative denied writing a particular letter and His Honour was quick to point out his power to issue a subpoena to the relevant Immigration official to give oral evidence about the matter. This resulted in the witness the next day writing a formal letter of apology to His Honour about lying in court.

His Honour has throughout his judicial career assisted in educating Family Law Practitioners. His Honour developed a SOAP program of intensive training and education where participants were presented with a "dummy case" including fact scenarios, subpoenaed documents, and affidavits and were required to act out the roles of solicitor and barrister and even client. The program was developed by His Honour to have a Shakespearian five act format in line with his Honour's love of theatre stemming from His Honour majoring in English Literature at University and also partaking in some amateur theatre in his younger years. Notably making an appearance as Chief Weasel in a production of Toad of Toad Hall.

His Honour was required at times to reign in the performances of some practitioner's, notably past Family Law Practitioner's Association President Michael Haberman who

was relishing the role of an emotional Husband and causing a newly admitted solicitor to become distraught at having to deal with such a difficult client. In these educational events His Honour was also forthcoming in providing practical advice to practitioners such as the benefits of firing particular clients.

His Honour further reports that he called in the services of some barristers of the day to perform the role of Judges, with his first two Judges roles being filled by Mr Bernie Warnick as he then was and Mr Brian Jordan as he then was, both of whom were shortly thereafter appointed to the Bench. For all future SOAPS His Honour was never short of volunteers to fill the role of “Judge”.

His Honour served over half of his appointment in Townsville and was actively involved in the Legal Community in that region, including adjudicating moots for James Cook University Law School.

His Honour has had the benefit of working with a team of Colleagues from his Townsville Days including

- John Matheson, Roley Ellison and before his appointment to the Bench, John Coker as his Honour’s Registrars
- Lesleigh Mayes as his Deputy Registrar who was invaluable to His Honour during His Honour’s appointment as Chair of the Rules Committee
- His Honour was also well served by his Associate Janine who was with him for ten years and moved to Brisbane before His Honour, to take up a position as Associate to the Honourable Justice Buckley.

His Honour recalls with humour an incident involving his new legal associate at the time. His Honour was sitting on the bench and had forgotten to bring his bench book with him into court and scribbled a note and handed it to his Associate, asking that she collect it from his chambers. His Honour’s associate looked at him blankly upon receiving the note and then left the court room. Not long after His Honour received a message through from his current Associate Jane, whom had been consulted by the new associate, asking

why did His Honour need his lunch box on the bench. Since that time His Honour's bench book has been referred to as his lunch box by his Associates.

Last week the Family Law Practitioner's Association organised a farewell celebration for His Honour and presented His Honour with a travel journal to document his upcoming travels in August. Your Honour I have to beg your indulgence as the Family Law Practitioners Associate need to reclaim that journal as we neglected to have it engraved with the label "Lunch Box".

Your Honour as can be seen by the esteemed members of the audience today your service as a Family Court Judge is respected and acknowledged and we understand that you will be offering your services as a mediator upon your retirement. The Family Law Practitioner's Association supports you in your future endeavours and we selfishly hope that we will be able to call on your vast experience and skills to continue to educate and mentor up and coming Family Law Practitioners.