



**SWEARING-IN
OF
KATHRYN MARY BECK**

**AS A JUDGE OF THE
EMPLOYMENT COURT**

SPEECHES

**EMPLOYMENT COURT AUCKLAND
COURTROOM 2.01
4 PM FRIDAY 7 AUGUST 2020**

CHIEF JUDGE CHRISTINA INGLIS
on behalf of the Employment Court

E ngā maunga whakahī, e ngā wai whakaora o te whenua, tēnā koutou katoa. Ki a rātou mā kua whetūrangitia, kua haere ki Pohutukawa, haere, haere atu ra. Kei ngā pou o te ture, Kaiwhakawā Matua Goddard kōrua ko Kaiwhakawā Ford ārahi i tēnei e eke nei ki tō pae. Hoki ora mai ki a tātou, kei aku rangatira e noho mai nei, nau mai, haere mai. Ki a koe Kaiwhakawā Beck nau mai, piki mai. Haria mai o pūkenga, haria mai o whēako mō te onamata, te inamata me te anamata. Nō reira, tēnā tātou katoa.

I have acknowledged the ancestral mountains and the waters of the land. To those who have become stars and gone to Pohutukawa, go well. To the departed pillars of justice, Chief Judge Goddard and Judge Ford, guide the person now ascending to the bench.

Returning to the living, to all the esteemed guests welcome. To you, Judge Beck, welcome. You too will sit as a pillar of justice. You bring to the Court experience, balance and imagination – creating a bridge between the past, the present and the future.

It is my pleasure to welcome everyone here for this special sitting of the Employment Court – most particularly the new Judge and her family – her husband Wayne, her daughters Maya and Hannah, her parents Murray and Norma, the new Judge’s brother Mike, and Amanda, Harry and Finn, her Aunt Jan, her nieces Eloise and Waverly, and her cousin Mark. The new Judge’s sister Jo was not able to attend but is, I am sure, with us in spirit and feeling very proud.

I greet our many distinguished guests, including retired Chief Justice Dame Sian Elias, the President of the Court of Appeal, the Chief High Court Judge, the Chief Environment Court Judge, the Chief Coroner and retired Judges of the Employment Court – former Chief Judge Graeme Colgan and Barrie Travis – and welcome Judge Harland, Judges Couch, Adams and Earwaker – and retired Judge of the High Court Kit Toogood, Members of the Employment Relations Authority and Mediators from Mediation Services, the President of the New Zealand Law Society, the President of the Employment Law Institute of New Zealand, and senior officials from the Ministry of Justice – welcome.

I also wish to acknowledge the attendance here today of the partners and staff of the new Judge's previous firm who have both the pleasure and no doubt the pain of witnessing her transition from one side of the courtroom to the other.

Special sittings of the Court provide an opportunity to take a step back from the jousting that generally occurs within the confines of these courtroom walls. Today is a time of celebration and reflection. It offers us a chance to hear about - and from - the new Judge, her distinguished career and personal attributes, and what she is going to bring to the role.

The law is no stranger to tradition and the formal part of this ceremony is no exception. I will begin by taking the appearances of Queen's Counsel. Queen's Counsel are the people sitting in the front rows. They are the leading barristers of the legal profession and they have rights of first audience before the Court. Their presence today marks their respect for the new Judge and for the place of the Court in our system of justice.

The Judge will then be invited to take the Oath of Allegiance and the Judicial Oath. The Judicial Oath shines the guiding light in the exercise of this demanding, often difficult and sometimes all-consuming role. In taking the Judicial Oath the new Judge will be committing to serve the law, society and all those who come before the Court.

We will then hear speeches about the Judge. Dr Elkin will speak on behalf of the Attorney-General. We will then hear from Ms Dew QC on behalf of the New Zealand Law Society, the Auckland District Law Society and the New Zealand Bar Association. In accordance with this Court's longstanding traditions, Mr Cranney will then be invited to speak on behalf of the Council of Trade Unions and Mr Kiely on behalf of Business New Zealand. Ms Swarbrick, who has been a colleague and friend of the new Judge for many years, will then address the Court. The Judge will then have the opportunity to reply (which she may very well wish to do in order to correct anything Ms Swarbrick has had to say).

[CHIEF JUDGE INGLIS TAKES THE APPEARANCES OF THE QUEEN'S COUNSEL]

I have in my hand and have perused, a warrant of the Governor-General of New Zealand duly appointing Judge Kathryn Beck to be a Judge of this Court and I now read the warrant aloud.

[CHIEF JUDGE INGLIS READS WARRANT ALOUD]

[JUDGE BECK READS ALOUD AND SIGNS THE OATH OF ALLEGIENCE AND JUDICIAL OATH]

Judge Beck, let me be the first to congratulate you on your swearing-in as a Judge of the Employment Court of New Zealand. Your appointment reflects the confidence of the Government, the legal profession and more broadly that you have the qualities required to be a Judge of this specialist Court.

Judge Beck joins the Employment Court at an exciting time, with many challenges and opportunities. COVID-19, and the complexities, stresses and strains it has presented to employers and employees, is but one part of a rapidly evolving legal landscape.

I would like to take this opportunity to publicly acknowledge the constructive and collegial way in which the Employment bar (a large number of whom are here today) worked with the Employment Court during this most recent difficult time, and to publicly acknowledge the unflinching commitment, effort and professionalism that our Registry staff and the Judges' support staff brought to bear, ensuring that the wheels of justice in our Court kept moving.

Parliament has conferred on the Employment Court the exclusive jurisdiction to deal with employment relationship issues and to support the delicate balance in industrial relations, weighing often competing rights and interests.

It is imperative that the Court clearly articulates the law so that it can be understood and applied within the broader industrial relations framework – from the corporate multinationals to the corner dairy; from the most highly skilled employee to the most vulnerable worker. And we must work to ensure that our courtroom door remains firmly wedged open – not only figuratively but in substantive day-to-day reality – to enable those who cannot otherwise resolve their disputes to have them judicially determined effectively and efficiently.

These are, I think, challenges for the Employment Court. It must (and will) continue to actively search for ways to meet the demands upon it now and into the future. There are

going to be many players in this work and not everyone will have the same ideas but I hope we share a firm belief in the value of the end goal and a determination to get there.

Judge Beck's in-depth experience in this specialist jurisdiction and understanding of the constituent parts of the employment relations whole, her commitment to access to justice in a real – rather than a trendy catch-cry – sense, her genuine interest in people and problem solving in a fair and sensible way according to the law, and her boundless energy levels and innovative way of thinking will be necessary assets in this next phase of the Court's existence.

I recently took the opportunity to ask my teenage daughter what she thought the key attribute of a Judge of the Employment Court in 2020 might be. She answered definitively and without any hesitation. She said that a good Judge of the Employment Court would need to be "real woke". Judge Beck gives every indication of not only being wide awake, but sufficiently "woke" to meet even my teenage daughter's high competency standards for her new role.

Kia ora, katou, katoa

DR KATIE ELKIN
on behalf of the Attorney-General

E te kaiwhakawā hou, tēna koe
E ngā kaiwhakawā o te Kōti, tēna koutou

Your Honour, it is a great pleasure and privilege to appear on behalf of the Government as you are sworn in as a Judge of the Employment Court of New Zealand. The Attorney-General and the Solicitor General apologise for their absence and send you and your family their very best wishes and warmest congratulations as you take up this role, as do I.

Judicial office is a form of public service that is vital to civil society as it shapes and confirms our community values. In addition, it is vital to the rule of law which, as will be interpreted and applied by you, guarantees the rights of every individual in our society. This important function is particularly apparent in the Employment Court which plays an integral role in the lives of many New Zealanders, impacting both employees and employers alike.

Appointment to the bench is a recognition of your undoubted intellectual and legal ability. It acknowledges also public confidence in your possessing the qualities of character necessary for the bench: for example, the virtues of integrity, professionalism and dedication. I have it on good authority that the employment law bar is very supportive of your appointment as they too hold you in the highest esteem. Having worked with you on various matters in the past, I also have no doubt that you have the skills, expertise and qualities of character necessary to fulfil this vital service.

This leads me to one of the core functions of the Attorney-General or the person acting in his stead, giving a speech in these circumstances, which is to introduce the appointee to the judiciary and the public, and to proclaim on his or her credentials.

Your Honour graduated in 1991 from the University of Auckland with a Bachelor's of Commerce and Labour Relations and a Bachelor's of Laws. You were admitted to the bar in May 1991. Your Honour spent your first two years in practice in the litigation department of Earl Kent where you junioried on a wide range of litigation. In 1993 your Honour moved to

Haigh Lyon in order to focus on employment law but also maintained a general litigation practice with specialties in education and health law.

Your Honour's employment law practice at Haigh Lyon involved the full breadth of employment law matters. Your Honour advised employees, employers and unions, and appeared in administrative tribunals, the Coroners Court, the District, Family, High and, of course, Employment Courts. In addition your Honour worked extensively with John Haigh QC, the first QC to specialise in employment law. From 2000 to 2005 your Honour headed the litigation department of that firm before leaving to form Swarbrick Beck with Penny Swarbrick.

Swarbrick Beck, now SBM Legal, was one of the first boutique employment law practices in New Zealand. While there, your Honour furthered your expertise in employment law. I understand that your breadth of experience, acting for employers, employees and unions, is relatively unique among employment lawyers, and I know this will enable you to bring a well-rounded perspective to the role.

While at SBM Legal you also developed expertise in alternative dispute resolution and regularly acted as a mediator and facilitator and conducted independent investigations in both the private and public sectors. As an example of your Honour's work in this space, I note that you were the chair of the panel appointed by New Zealand Rugby to undertake a respect and responsibility review.

In addition to your stellar legal career, your Honour has contributed hugely to the legal profession. Most notable, of course, is your Honour's leadership role in the profession during your tenure as President of the New Zealand Law Society from 2016 to 2019. In addition to this, your Honour was Vice-President and Board member of the New Zealand Law Society from 2013 to 2016, and the Auckland Branch Council member from 2012 to 2014. You were a Council member of the Auckland District Law Society from 2009 to 2011, a Board member and then Chair of the Auckland Community Law Centre from 2013, a member of the Association of Workplace Investigators from 2019, and have produced various employment law publications for NZLS Continuing Legal Education. You are also a contributing author of Employment Law published by Thomson Reuters.

Shortly Ms Dew QC will speak further about your accomplishments as President of the New Zealand Law Society but one thing I would particularly like to mention is the support your Honour showed for ILANZ during your time as President. Although your Honour had not practised as an in-house lawyer, you still showed a great deal of interest in, and gave your attention to, the in-house section of our profession.

Throughout your Honour's career you have consistently demonstrated the personal qualities, the judgement and the professionalism required for those on the bench. Those qualities, and your experience and expertise in employment law, will serve you well on the bench and the Government has every confidence that you will discharge this role with the same spirit of service and commitment that you have demonstrated throughout your career.

Once again, your Honour, on behalf of the Government, I congratulate you, and your family, on your appointment.

Nō reira, tēnā koutou, tēna koutou, tēna koutou, katoa

MS MARIA DEW QC
on behalf of the New Zealand Law Society, the Auckland District Law Society
and the New Zealand Bar Association

Tēnā koe
Kaiwhakawā e te Matua
Tēnā Koutou
e ngā Kaiwhakawā
Otirā, rau rangatira mā,
Tēnā koutou, katoa.
E te Honore
Kaiwhakawā Beck
Nei rā, te mihi mahana
Me te, mihi mauriora
Nā tō
Te Kāhui Ture o Aotearoa
E ngā roia, o te motu.
E te Rangatira, tēnā koe.

Your Honour Chief Judge, members of the judiciary, the profession and Judge Beck's family and friends, I greet you all.

It is my very great pleasure today to appear on behalf of the profession, the President of the New Zealand Law Society, the President of the New Zealand Bar Association and the President of the Auckland District Law Society.

Judge Beck, we are all here today to honour your appointment and your achievements both within and for the legal profession, and the wider community. We also acknowledge the further contributions that will inevitably come from your appointment to this bench.

Judge Beck, you have already been one of our leaders for the past 20 years, both in the profession and in employment law. Your path to this appointment has not taken a straight line, and it is this weaving pathway and your variety of experiences and the leadership roles that make you such a valuable appointment to this Court. We are very fortunate that throughout your career, you have always retained a steely eye on the important role of employment law for civil society.

Judge Beck we know you have always had a passion for the employment law jurisdiction. Not content to complete a law degree, you also did this alongside a Bachelor of Commerce and even that had to be with a Major in Labour Relations.

After completing your degrees, you took your first role with Haigh Lyon, solicitors in Auckland, stepping straight into the original boutique law firm that has delivered some of our finest employment lawyers. Many of the former partners of that firm are here today in this Court – former Employment Court Judges, Chief Judge Colgan, former Judge Coral Shaw, and one partner of that firm who is sadly no longer with us, John Haigh QC.

You had the joy of working alongside John Haigh for many years in some of New Zealand's most significant union-employer battles before this Court. Later, you led some of those cases as senior counsel yourself. Former Chief Judge Colgan has permitted me to share his memory of you in those later years. What stood out for his Honour was that you never descended into the personal or time-wasting arguments in front of his Court. Your conduct was always expressed as the simple pleasure of a good argument debated and the collegial relationships with your opposing counsel that stood out.

After achieving success and partnership at Haigh Lyon, you were not content to leave it at that. In 2005 you established your own extremely successful boutique firm that has been spoken of. Along with Penny Swarbrick and Don Mackinnon, you have created a legacy in that firm for quality and care in employment law. Your mentorship of young female and male lawyers has contributed to a new generation of passionate employment lawyers and for that we thank you.

Among your many leading roles was your role as Chair of the Review of Culture at New Zealand Rugby. This has been described by the Chair of New Zealand Rugby, Brent Impey, as a “transformational report”. You then remained on with New Zealand Rugby to see through the recommendations of that report and embed the change in culture for one of our nation's sports, ensuring the participation of women, Māori and Pasifika, at all levels of that organisation.

And just when you think you might have done enough, you decided to run for President of the New Zealand Law Society. On your appointment as President in early 2016, you were

interviewed, possibly blissfully ignorant at that point about the national legal storm that was brewing about conduct in the workplace. What stood out for me in rereading an interview you gave in the first days of your Presidency, was that even in those early days of your Presidency, you were alive to the need for real change. You referred to the woeful figures for women and sexism in law, the need for better inclusion of Māori and Pasifika, access to justice issues, and mental health and wellbeing issues in the profession.

There is no doubt that for the remainder of your Presidency you well and truly had the opportunity to tackle all of those issues, head on. The years of your Presidency from April 2016 to April 2019 were some of the toughest for the legal profession. Throughout all the intense media scrutiny and the demands for urgent change, you showed us your strength – the strength that can only come from core values of integrity, care and respect.

I have no doubt that you had to ‘hold on tight’ at times and believe that you could lead change and bring the profession with you, which you did. The workplace culture, gender equity, diversity, inclusion, wellbeing, access to justice work you started paved the way for our current President, Tiana Epati, to continue to change the legal profession.

Finally, a personal observation because we have worked off and on over 20 years together. My own observation is that you care enough, and are respected enough, to have taken on some very big roles. You didn’t do it out of ego, and you don’t take yourself too seriously. You have always managed to have a laugh along the way. This was obvious to all when you were interviewed at the end of your Presidency and you were asked “How has it been for you personally?”. You immediately answered “Ask me again in a few months because at the moment I’m knackered”.

The profession wishes to honour your achievements, your contribution, your bravery.

We have no doubt that you will continue to display these same qualities as a Judge of this Court.

May it please the Court.

MR PETER CRANNEY
On behalf of the New Zealand Council of Trade Unions

If the Court pleases

Judge Beck, it is a great honour – it is a great personal honour for me – to be invited by the New Zealand Council of Trade Unions to speak at this important occasion.

The union movement places great importance on this Court and places great importance on any appointment to this Court. We have more bush lawyers per square metre than any other sector of society, and we have many people (who should be working!) in warehouses and meat works and so on who are actually reading court cases. So your judgments will be closely scrutinised. The reason why the union movement puts such importance on this Court is because it is aware of the fragility of the rule of law in the workplace and how difficult it is for many hundreds of thousands of workers to have meaningful legal rights in the country as it currently is.

You may recall, ma'am, in the newspapers a week or two ago there was a person convicted in the criminal courts – 13 charges of dealing in slaves and 10 charges of trafficking. The people at issue were 13 workers between the years 1994 and 2019, the youngest being 12 and the oldest being 50. Now that's not an issue in this Court but the reality of servility in servile relationships is one which has increasingly expanded, as well as issues of actual slavery, particularly in some industries such as horticulture, restaurants and other workforces which this Court has had to deal with. And it is for that reason that this Court plays such an important civilising role in New Zealand society. It is true that in the past it was largely, or perhaps to a greater extent, engaged in union-employer battles. As unionism has weakened, the Court's role has also changed and – correctly I say – it has pushed into large society-wide issues such as equal pay and other broad exploitation issues such as working for nothing, not being paid for work and so on. It's very important that there be a continual conveyor belt of such cases into this Court.

Ma'am you are taking up your position with the full respect of organised labour and with the full support of organised labour, and they will support you publicly and privately in everything you do while you are on the bench. You are among a very respected group of Judges, all of whom, as you have done both before appointment and after, played a very important role in New Zealand society protecting human rights, protecting people and protecting citizens in these difficult times. So we say, ma'am, we are very glad to see you there on the bench. It is a very significant occasion. It's a bit daunting having so many QCs all looking at me at once. I'd rather be sitting behind them than be against some of them. So you will find support from all of us. It's probably a bit more difficult getting here from Wellington than normal so probably more Wellingtonians could have been here but are not, but it's not that they're not with you in spirit ma'am.

I also want to say, in terms of the employment law bar on its own, that it is a very good bar ma'am. There are such good people, such supportive senior members of this bar that help each other and everybody unanimously supports your appointment and will continue to support you in public and in private.

So ma'am it is a great personal pleasure to see you there and I very much wish you well and all the best for the future in your new position.

MR PETER KIELY
On behalf of Business New Zealand

May it please your Honours

I am delighted to appear on behalf of Business New Zealand to convey its congratulations on your Honour's appointment as a Judge of the Employment Court. CEO, Kirk Hope, and Manager Employment Relations, Paul Mackay, have also asked me to convey their very best wishes to you at this ceremony.

Your Honour's long experience on employment matters concerning large and small enterprises, as well as union and employer representation, will be of valuable assistance to the Court in dealing with the often overlapping aspects of employment-related legal jurisdictions. Certainly the years and number of cases you've had at Kinleith, for example, will mean that it will be very hard to 'pull the wool over your eyes' with all that experience!

Your Honour's appointment comes at a time of significant new employment legislation. The week before last, Parliament unanimously passed the Equal Pay Amendment Act which received royal assent yesterday. The Government, Business New Zealand and the CTU were all involved in developing the processes for raising and resolving pay equity claims. A key feature of this new legislation is that it will mirror the collective bargaining framework of the Employment Relations Act. So it will mean that some issues, in terms of pay claims, will come here but only when everything else has failed, and so it does align with the Employment Relations Act.

Similarly, changes permitting collective bargaining in the screen industry – this, too, is new territory which will be before you. As well, raising personal grievances has been widened with the introduction of rights of third parties on new issues such as triangular relationships, a new reverse onus in cases involving alleged discrimination by reason of union membership, and perhaps fair pay agreements are on the horizon as well. Suffice to say you are coming to the bench in interesting times, not the least of which, as her Honour the Chief Judge has referred to, will be new challenges arising from the COVID-19 pandemic. Issues

such as the adequacy of consultation over redundancy, the ability to change wages and conditions of work and, as my learned friend Mr Cranney has mentioned, the application of the minimum wage. No doubt at least some of these will reach the Court in short order and you will be one of the first to consider them.

Business New Zealand is the largest and most representative organisation of New Zealand business, often engaging in matters before this Court, as does the CTU. We are together privileged on occasions to be asked to intervene in cases of significance beyond the immediate parties. This is much appreciated. Not only is this consistent with the longstanding convention that the most representative organisations of both employers and workers be asked for their views when deliberations of the Court might affect the wider employment environment, but it also supports the International Labour Organisation and UN obligations and the concept of social partnership, epitomised in the practice by the relationship between the CTU, Business New Zealand and the Government of the day. We look forward to the continuation of this constructive tripartite relationship.

I see – which is a great honour to you – the President of the Court of Appeal in the Court today but I do note that the vast majority of decisions and judgments of this Court remain as good law and there are very few appeals. It is a clear statement that the Employment Court serves litigants well and is respected accordingly.

Your Honour will be a welcome addition to maintaining the Court's ability to continue to deliver and uphold the respect with which it has been held by the current Judges and those here sitting at the side of the Court today.

May it please your Honour Judge Beck, congratulations and welcome. May it please this Court.

MS PENNY SWARBRICK

May it please the Court

I'm very privileged to have been invited to address the Court today on this wonderful occasion, so thank you for that.

Your Honour, this is the only occasion on which I'm going to appear in front of you and I'm going to make it count.

Warmest congratulations. I am delighted but, like many others who have worked with you over the years, not surprised at your appointment. Your trajectory has been evident from an early age. You burst away from high school after the sixth form, such was your rush to get on and make a difference in the world, and you've barely paused for breath since, and we've heard a little bit about that.

Your legal career, as we've heard, has involved a very quick rise to the top where it remained for many years but with each step along the way cementing your path to the bench. Your Honour is, in my humble submission, an inspired addition to this Court.

Your love of, and aptitude for, employment law was fostered by your time at Haigh Lyon where there must surely have been something in the water – there are so many luminaries produced from that firm – some of them here today, some of them not.

Not only did you exhibit a fine legal mind from an early stage of your career but, just as importantly in our area of law, you brought with that a heavy dose of integrity, empathy and an uncanny ability to see what needed to be done strategically and get the best results for your clients.

There are also very few practitioners – and dare I say especially young women – who, in the 1990s or indeed at any time, have had to stand on a table in a union hall in Kawerau, addressing a room full of striking pulp and paper workers and actually have them listen to you and take your advice. That is not common.

Employment of course pervades the lives of every New Zealander in some way and employment law practitioners need to always take into account the human element in the advice they provide. Your Honour has brought to your practice of the law the ideal mix of expertise, humanity and humour, all tempered with just a touch of cynicism. These seem to also be ideal attributes that will serve you well on the bench. I add to these the skills which you refined during your Presidency of the Law Society, which will also further enhance your abilities as a Judge of this Court. I refer here of course to the ability, even when hugely provoked by the circumstances, to be impassive, measured and not roll your eyes – also the all-important trick of unobtrusively hiding your glass of chardonnay whenever there was a camera nearby.

The number of people present here today to support you is a huge demonstration of the esteem with which you are held in the profession. Aside from your well-deserved and widely-acknowledged status as one of the leading employment lawyers in the country, your personal and social networks are extraordinary. To be frank, you do love a good party – and you've thrown a few in your time – but the reason we're all here today is to show you the respect you've earned by the way you've conducted yourself in everything you do. You've always genuinely cared for people. No matter how busy you were, you've given your time generously to mentor not only people within the firm but others in the profession. You're generous and considerate; you never hesitate to help anyone; your calm and wise words of advice have defused or even averted many sticky situations for practitioners and for your clients.

Your early years of practice at Haigh Lyon exposed you to the sharp end of employment and industrial law importantly, mainly from a union perspective. So what could be more natural than for the Law Society to arrange, when the Employment Relations Act came around in 2000, for you and a more employer-focused employment and industrial law person to do a roadshow explaining this new legislation to the profession. As we quickly learned, there was more than a bit of employer in you and, strangely, there's more than a bit of employee in me. So that was the genesis of Swarbrick Beck that came into being on 2 February 2005. Naturally, opening day involved a party.

We never looked back. We grew and eventually became SBM Legal. Over the years, we have produced many talented solicitors – a lot of them here today – and without exception, your influence and mentorship of them have contributed to their success.

On behalf of other partners (now of course your former partners), Bridget, Anthony and Matt, and also Deborah and the rest of the team, can I say that we are immensely proud of you. We'll miss you and it has yet to sink in really that you won't be coming into the office.

Your former partner, Don Mackinnon, has particularly asked that I convey to you his regret that he's unable to attend today, despite his efforts to rearrange another commitment out of Auckland. He has asked me to say this on his behalf:

“I'm very sorry I can't be there to celebrate your elevation to the Employment Court bench. I'm delighted you've accepted your appointment as you have all the qualities to make an outstanding Judge – fairness, empathy, integrity and a very strong knowledge of the law. And just think, no-one will ever badger you to fill out a timesheet again, not that you ever listened to me anyway. I look forward to sharing a celebratory drink with you soon. Best wishes, Don.”

The profession's loss is your other Honours' gain. You are acquiring a colleague who will not only contribute at the highest level to the important work of this Court, but who will also brighten your day-to-day working life, and that of the Court staff. I can assure you you've struck it lucky.

Your Honour, it's now official. Not only are you forever off the hook with time recording, you no longer practise law. From now on you get to tell us what it is.

Finally, it would not be right to let this occasion pass without mentioning – he's already been mentioned – your mentor and great friend, the late great John Haigh QC. There really should be a seat here with his name on it but we're a bit pushed for space. He would have been so proud to see you here today. You will recall that he often provided you with excellent advice about work, sometimes even shouting out at you from across the street as you set off to Court – four succinct words of encouragement.

I have it on the highest authority I may not repeat those words in Court. They were to the effect "Don't mess it up". He can rest easy knowing that you won't.

May it please the Court.

JUDGE KATHRYN BECK

E te tī, e te tā, tēnā koutou katoa

Kei ngā ihi o te rā, kei ngā mana o te whenua, tēnei au ka mihi.

Koutou kua takahia te arak i te pō, e tangi an ate ngākau.

E John, ka rongo tonu au, i o kupu ārahi, I o kupu akiaki. Kaiwhakawā matua Goddard ko tō taurira ka whai tonu. Koutou te pō, kei a mātou te awatea, mauriora kit e whare.

E aku raukura e pae nei, e aku manukura o tēnei pae, tēnā tatou. He orange wairua te kite atu I a koutou I tēnei rā, “ko au, ko koe, ko tāua”.

Kei te tuawahini, Kahurangi Sian Elis, nōku te whiwhi e te māreikura. E aku hoa mauroa, e aku hoa haere o SBM nā koutou au I whakapakari e rere ana ngā mihi.

Kei taku whanau, “ehara taku toa I te toa takitahi”, ko tatou ka toa, ko tatou ka eke. Mum, dad – ko kōrua te hāpai ō ki muri, I tēnei ra ko kōrua hoki aku amorangi ki mua. Taku taituarā, aku kura tongarerewa, Wayne, Hannah, Maya – mōu ēnei, e kore e taea te kupu te whakaatu atu I taku arohanui.

Nō reira, tēnā tatou katoa.

To those from all walks of life, I have acknowledged you. To the rays of the sun and the mana of the land that shelters us all, I acknowledge you. To those who have passed, my heart still mourns. John, your guiding words and support can still be felt. Chief Judge Goddard, we still follow your example. To you the night, to us the daybreak, mauriora to all those gathered.

To the esteemed guests before me, to my respected colleagues of the bench, I acknowledge you. I am elated to see you all here today, “for I am you and you are me”. I acknowledge the great Dame Sian Elias. To my friends through it all from SBM, it is because of you I stand strong and I thank you.

To my family, my achievements are not just my own. We have all succeeded. Mum and dad, you are the strength in the background and on this day you are both my prestigious leaders. To my backbone and my most precious taonga, Wayne, Hannah and Maya, this is for you and words cannot express my love for you.

Thank you and welcome.

I am very grateful for you all being here today. I'm a little bit overwhelmed that we are pressed for seating space. I know some of you have travelled, perhaps even against midwives' wishes, and I thank you.

Chief Judge, thank you for those very kind words and thank you for making me feel so welcome and for offering cold compresses in the week leading up to today. It may interest you to know that you are taking on heroic stature in our house. When I was asked who was speaking today, I went through the list and I described you as my new boss. I was quite gratified that Hannah seemed astounded that I would ever have a boss. It made me wonder whether she had ever met Penny.

Dr Elkin, thank you for your very kind words. I enjoyed my time working with you as part of ILANZ and I enjoyed the way in which we were able to work together very collaboratively through some sticky moments and so thank you for that. I value the work of our in-house lawyers; they are an essential component of the legal profession, so thank you for being here today.

Ms Dew, thank you for joining me on my weaving pathway. Those were very kind words. I started not to recognise myself. The weaving pathway was not always deliberate but I'd like to think that actually I am now where I am meant to be and I am very grateful for that.

Mr Cranney, thank you for your words and thank you for reminding us of the importance of this Court. It is an important Court. It is essential to the functioning of Aotearoa New Zealand and the workplaces here. We do important work; we will take care to do that work; and I will join in with that. Thank you.

Mr Kiely, you've painted a very busy picture for me in this Court. Thank you for your words. I have enjoyed working with you on the other side and sometimes together over the years. Thank you for being here today.

Ms Swarbrick – imagine calling you “Ms Swarbrick”! – what can I say? I will desperately miss you and my colleagues at SBM. I have learned a lot from you; I have valued being your colleague and your friend and your partner. You are an incredibly strong advocate and one

of my greatest disappointments will be that for quite some time I would expect, if ever, I'm not going to have the benefit of having you as counsel in front of me. The chardonnay trick came from Justice Grice who was unable to be here today. She always said "Never have a photo holding a glass of wine – it can come back and bite you" and I must admit I was very grateful for that down the track.

In preparing for today, as you do at these moments, I looked back because those experiences are what shaped the lawyer I am/was until a few minutes ago and I think the Judge I will be, although I will always continue to develop and question and inquire. This is not a stagnant profession as a lawyer and it's not a stagnant profession as a Judge.

Who knew, when I was standing on – actually they were rubbish bins outside the Kawerau Rugby Club in the carpark in the middle of winter, freezing cold, addressing a group of locked-out pulp and paper workers – isn't that typical of an employer advocate to call it a strike? I was the lady lawyer from Auckland and I had no idea that 24 years later I would be sitting here today.

I have seen this jurisdiction from a number of angles – from a very personal angle acting for someone like a Customs Officer suffering from PTSD who was terribly damaged by his work in his workplace, to arguing about availability provisions for a large multinational. I have been engaged in collective bargaining, done personal grievances and pay claims. I have gone from pulp and paper mills in Kawerau to boardrooms in Auckland and most things in between. So I have seen the law from a number of angles and this will be a new one.

I suspect I will never feel that more than I do today as I sit here in this place for the first time and I feel very privileged to do so.

Employment law has been my passion since before law school. I knew that's what I wanted to do – tragic maybe but I knew. For me, employment law is the perfect combination of law, society and economics. It impacts the individual of course but also broader society and this Court, as we've heard today, is essential in ensuring that this aspect of the rule of law within the workplace is maintained. We have a wonderful current example of that today, as has already been talked about, the Equal Pay Amendment Bill that was assented yesterday.

That is a piece of legislation that will make a significant difference in Aotearoa New Zealand and the genesis of it was here in this Court in *Bartlett v Terranova*.

Just like my experiences have shaped me, so too have the people that I have shared them with. They say it takes a village to raise a child. It also takes a village to raise a Judge. In my time I have been very privileged to work with wonderful people. My mentor, John Haigh – one of my strong memories of working with him – and I don't know if Judge Travis and former Chief Judge Colgan will remember this – was the drug case that we did for the EPMU against Air New Zealand. I can remember late at night going down a rabbit hole of looking at the ways in which people avoided having to provide their own urine and he said "Put that in submissions, get some pictures" and I was saying "It's not really that relevant to the issues" but he said "No but the Judges will **love** it". So, I encourage you to come up with stuff that the Judges will love.

I was very privileged to work with John and it is deeply sad to me that he is not here today although I suspect that there is a part of him that will be rolling his eyes and telling me not to "stuff it up".

The other wonderful people have been my colleagues whom I have worked with throughout my 30 years of being an employment lawyer. They have challenged me. I have learned so much from everybody I have worked with and have had on the other side and no doubt you will all continue to challenge me as I sit here in this role.

My colleagues at SBM, and in particular Bridget, Penny, Don (who's not here) and Anthony, thank you very much for your support. I know that this is not ideal for you although you'll probably be glad to see the back of me after the last few weeks. Part of the reason you don't feel like I left of course is that I only did leave at 1 o'clock this morning. Thank you so much for your support over the years. Bridget, you've been an absolute rock and have stepped in when I was swamped with other things and I greatly appreciate that. Penny, you've been an enormous support and one of my best champions and I am very grateful.

I have learned so much from everybody; I've been challenged in my thinking and in my assumptions; and I want to continue to keep an open mind in that way. So maybe I am 'woke'. No doubt all of you, if you appear in front of us, will continue to do that.

In the last few years I have become very aware that the collegiality of this profession is a precious thing. I am grateful for the kind and warm way in which I have been welcomed by this bench, but also the kind words of support that I have received from the profession to this appointment. Just when you're starting to suffer imposter syndrome, it's very nice to get those notes.

Lastly, my family – I could not do this without them. Mum and dad, you have helped make me who I am today. You always encouraged us to have enormous self-belief but not be arrogant, to inquire and continue to learn, to have an open mind and be inclusive and accepting of difference, and I am very grateful for that.

Wayne and Hannah and Maya, thank you very much for all of the support that you have given me over the years. I know the last few years have been a bit tough and I'm hoping these next few will be a bit better for you. Your love and support have been unconditional and I am very grateful for that.

So I have gathered my treasures here today and this robe is a wonderful example of the kete of knowledge. It is very special to be able to wear this today, Dame Sian, because, as President of the Law Society, I was able to sit in Dame Sian's chambers and look at swatches for these robes when they were being developed. So they are very meaningful and it is a great pleasure and an honour to be able to wear it, and in particular to be wearing it in front of you today. So thank you.

So in my kete I have gathered up a number of things and they are incredibly important to me. They are my experiences, the people who have supported me, the people who have challenged me, the people who have helped me learn, the law itself which I love, and my various experiences over time. But most of all it is the people. They stand behind me and I hope that I will honour them in this position. I hope that I will honour all of you and your support. Thank you for your support today. I am deeply grateful.

Nō reira, tēnā koutou, tēna koutou, tēna tatou katoa