

## ADDRESS

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Judge Corkill, on behalf of the Judges of the Employment Court who are all present, I welcome you as the 35<sup>th</sup> Judge of this Court and its predecessors to hold this office since the Honourable Mr Justice Joshua Strange Williams was appointed as the first Judge of the Arbitration Court in 1896. That first appointment was made two years after the enactment of the Industrial Conciliation and Arbitration Act in 1984 and until the early 1920s the office of Judge of the Arbitration Court was held by the most junior puisne Judge of the then Supreme Court, what we know now as the High Court. Without mentioning names of living current or former Judges, the list of our alumni includes such prestigious names as Mr Justice Wilfred Sim, Judge Sir Arthur Tyndall, Judge AP Blair and Chief Judge Jack Horn.

Other than those times when Supreme Court judges presided in the Arbitration Court, you are, I think, the first appointee to this Court and its predecessors from the inner bar, that is as one of Her Majesty's Counsel. That is both an honour for the Court and a mild disappointment because, as others have said, your appointment leaves the bar without one of our most senior and experienced lawyers. Having senior counsel, especially to argue difficult cases here and important appeals in the Court of Appeal and the Supreme Court as you have, is very important to the development of the law and no less in the field of employment law.

Indeed, I suspect that you are only the third Judge of this bench to have come directly from the independent bar – and the other two of us are sitting here with you on the bench today.

As with other recent appointments to this Court, you arrive with judicial experience already under your belt. As others have said, your experience in the Health Practitioners Disciplinary Tribunal and with other occupational bodies, not to mention as counsel in many employment cases, will equip you well for the full workload that awaits you from next week.

There is no greater testimony to your skills of advocacy, your objectivity and commitment to the law that you have been asked to represent both employers and unions or employees at the highest levels of appellate advocacy in this field. You have the confidence of all sides to perform your new role.

These sittings provide an opportunity for some considered speculation and I will identify just two features that I predict will be both particularly important ones in employment law and for the Court in the immediate future, and that will affect and be affected by you. First is the increasing tendency to have unrepresented or inadequately represented parties in proceedings before the Court. The costs of privately retained legal representation, reductions in legal aid availability, litigants exhausting their resources before the Employment Relations Authority, and an increasing distrust of lawyers by some people all contribute to growing numbers of litigants in person before the Court which, in turn, generally makes proceedings more difficult and lengthy. Your experience of people and of their strengths and foibles, will equip you well for dealing with the cases in which such litigants and witnesses will appear.

The second feature that I predict, and of which you will probably be already aware, is the effect of increasing professional and vocational registration and disciplinary procedures for persons who are also employees. This sees health professionals, teachers, and a number of other occupational groups challenging dismissals from employment, which also have the potential or actual effect of jeopardising those persons' professional registration and, therefore, future access to employment in their fields. This has resulted and, therefore I predict will result increasingly in more and harder fought litigation in the employment jurisdictions. Deciding the justification for a dismissal that may well have the consequence of ending a person's ability to ever again practise in their field requires very careful consideration and wise judgement. In this regard also, you are as well equipped as could be any new judge

Judge Corkill, my colleagues and I are very pleased to welcome you to the smallest (by numbers) of New Zealand's courts, but one whose influence on the working lives of citizens is an awesome (in the old sense of the word) responsibility. And just to

show that we don't always use arcane language, may I say that my colleagues and I, your new colleagues, assure that you are up to and "up for" it.