

The Hon Justice Jayne Jagot

On 3 September 2008 the Hon Justice Jayne Jagot was sworn in as a judge of the Federal Court of Australia.

For all those who had believed there was a chance for the environment and for Sydney to come out of its industrial revolution, smog-infested thinking, it was a very bleak day indeed.

So said City of Sydney Councillor Chris Harris (The Greens) shortly after Justice Jayne Jagot handed down her judgement in *Drake-Brockman v Minister for Planning* in the Land and Environment Court in August 2007.

Whether because of despair brought on by the continuing industrial revolution in Sydney, or for some other reason, Cllr Harris is no longer the deputy lord mayor of Sydney. Justice Jagot is also no longer a judge of the Land and Environment Court of New South Wales, having been sworn in as a Federal Court judge on 3 September 2008.

Justice Jagot's transition is unlikely to have had anything to do with the assessment of Councillor Harris, but is certainly related to her Honour's reputation as both a brilliant lawyer and outstanding judge.

Justice Jayne Jagot was born in the United Kingdom, but migrated to Australia with her family as a young child in the late 1960s. Her parents, so she has said, looked to Australia to provide their children with the best and fairest of opportunities and in particular education. 'Australia', Justice Jagot said at her swearing in, 'did not let my parents down... their good judgement [in migrating] was my good fortune. Through its public school and university systems Australia offered opportunities that I believe would otherwise have been inaccessible to me.'

These opportunities lead to Justice Jagot completing an arts degree at Macquarie University, and her law degree at Sydney University. She graduated with first-class honours in both disciplines. On the way, she appears to have won every available prize in law.

In 1991 she was admitted as a solicitor and commenced her legal career at Mallesons Stephen Jaques. Just six years later she became a very young partner in that firm, practising primarily in environmental planning, local government, real property and administrative law.

After five years as a partner at Mallesons, she decided to join the bar. The then New South Wales attorney general, the Honourable Bob Debus, recounted at her Honour's swearing-in as a judge of the Land and Environment Court that one of her colleagues at Mallesons said upon her departure 'if you must leave, then the least you can do is leave us your brain in a jar'. Whatever might be the views of Councillor Harris, Justice Jagot did not do so.

In her four years at the bar, Justice Jagot maintained an enviable practice, acting on behalf of a number of Commonwealth and state departments and authorities in her various areas of expertise, and she quickly secured a reputation as the Land and Environment Court's leading junior.

On 1 February 2006 her Honour was sworn in as a judge of the Land and Environment Court of New South Wales. The solicitor general, Stephen Gageler SC said at her Federal Court swearing in that during her time on the Land and Environment Court Justice Jagot developed 'a reputation as a judge who has an ideal judicial demeanour, is clear thinking and practical, and listens carefully and politely to argument put forward.' Her move to the Federal Court may be a new challenge,



but her Honour will take fond memories of her time as a judge in the Land and Environment Court. At her swearing in as a Federal Court judge, her Honour said of the Land and Environment Court:

This legislative structure [of the Land and Environment Court] meant that I had the opportunity to hear and determine a variety of matters. These included environmental and planning appeals, determinations of compensation for the compulsory acquisition of land, appeals against land valuations for rating and taxation purposes and claims to Crown lands by Aboriginal land councils. They also included appeals on questions of law, judicial review of administrative decisions, civil enforcement, as well as criminal proceedings in the court's summary and appellate criminal jurisdiction. This range of work made my time on the Land and Environment Court very enjoyable. I also very much enjoyed the short period I had as an acting judge in the Equity Division of the Supreme Court of New South Wales.

It is certain that Justice Jagot will show the same qualities as a judge in the Federal Court that she displayed in the Land and Environment Court. It is to be hoped also that her new appointment brings her as much enjoyment.