

CEREMONY FOR THE ANNOUNCEMENT OF NEW  
APPOINTMENTS AS HER MAJESTY'S COUNSEL  
WEDNESDAY, 15 NOVEMBER 1989

IN THE SUPREME COURT )  
 )  
OF NEW SOUTH WALES )  
 )  
COURT OF APPEAL )

CORAM: KIRBY P  
PRIESTLEY JA  
HOPE A-JA

WEDNESDAY 15 NOVEMBER 1989

CEREMONY FOR THE ANNOUNCEMENT OF NEW  
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MR D A COWDROY QC announced his appointment as one of Her Majesty's Counsel

KIRBY P: You have appeared before the Court of Appeal in many recent cases. The ones that spring most readily to mind are those involving prosecutions by the Egg Corporation which required a great deal of painstaking attention to detail. These cases, through no fault of yours, took quite a little time. I am sure it is just a coincidence that soon afterwards the Egg Corporation was wound up by Parliament by the Egg Industry (Repeal and Deregulation) Act 1989. I hope that no future client mortality of that kind is suffered by you in your new career or, for that matter, by your clients. On behalf of the Judges of Appeal I congratulate you in this new step which you have taken in your career. Mr Cowdroy, do you move?

MR J J J GARNSEY QC announced his appointment as one Her Majesty's Counsel

KIRBY P: You and I have known each other since University days. You played a very active part in University affairs. You have kept your alliance with the University which is a good thing because ours is a scholarly and intellectual tradition in the law furthered by the Universities.

We have seen you from time to time in this Court. On those rare occasions when David Hunt J is said to have made error, it seems to come here and you help us, where it is necessary, to put things right. We look forward to seeing more of you in the future in the Court of Appeal. I congratulate you on behalf of the Judges of Appeal. Mr Garnsey, do you move?

MR C C BRANSON QC announced his appointment as one of Her Majesty's Counsel.

KIRBY P: You come to this new rank with a marvellous academic career behind you, including a University Medal in Law. You also spend a period of service as an Associate to Sir Garfield Barwick. You are also known for sporting prowess. Sporting prowess is applauded by all of the Judges of Appeal, except myself and Meagher JA. Your intellectual prowess is what will secure great achievement in your new rank in the years to come.

I congratulate you. We look forward to your assistance on many occasions in the Court of Appeal. Mr Branson, do you move?

MR J N WEST QC announced his appointment as one of Her Majesty's Counsel.

KIRBY P: You are here in this Court almost every week. We have had your assistance in many leading cases, including cases with litigants in person where it has been my impression that you have acted with diligence, dignity and fairness. We look forward to further assistance from you in the years to come.

I congratulate you on this new appointment. The Court wishes you well. Mr West, do you move?

MISS C C SIMPSON QC announced her appointment as one of Her Majesty's Counsel

KIRBY P: You too are a frequent visitor to this place. You with Hope A-JA, myself (and perhaps Priestley JA) share a link through the Council for Civil Liberties. Indeed, it is interesting to reflect upon the people who served as Presidents, or were otherwise associated with the committee of the Council, and who went on to important service in our profession. One of the finest, and we both knew him, was the late Trevor Martin - an exemplar of the lawyer dedicated to liberty under the law. Such lawyers struggle in sometimes difficult cases and often without fee to uphold the rule of law and fairness in procedures. You have done that many times before this Court, even in the time I have been here. We look forward to your further help in the same and other cases in the future. Miss Simpson, do you move?

MR M G CRAIG QC announced his appointment as one of Her Majesty's Counsel

KIRBY P: Your practice, though not exclusively, is substantially in that very difficult and intricate and taxing area of land and environment. It is very important work as Hope A-JA's career demonstrates and as popular and political opinion now belatedly realises. It is often work of statutory construction which is very difficult. It requires great assistance to this Court from the Bar when the matters come here, usually on points of law.

We look forward to your help in the future as we have had it in the past. We all congratulate you on your new appointment. Mr Craig, do you move?

MISS W L ROBINSON QC announced her appointment as one of Her Majesty's Counsel

KIRBY P: Yours is, in many ways, a special achievement. You are the first woman prosecutor for the Crown to be appointed as one of Her Majesty's Counsel. So far as I am aware, this is also the first time in any court on the Commonwealth of Nations that there is a husband and wife each of whom is of Her Majesty's Counsel. I see Mr Hamilton is here today in Court to see marked, in this public way, this important step in your career.

We have had your assistance in the Court of Criminal Appeal recently in a case in which I presided. It was a very difficult case of alleged incest involving issues of great sensitivity. You presented the case with that fairness that

is the tradition of Crown Prosecutors. At the time the Court complimented you on the way that you did so.

We, the Judges of Appeal, were for a short and unhappy time not sitting in the Court of Criminal Appeal. Under the leadership of Gleeson CJ that has been changed. We sit there regularly as is appropriate, for no area of the law is more important. Therefore, we will look forward to your assistance in that Court, and in the Court of Appeal, on many occasions in the future. Miss Robinson, do you move?

KIRBY P: Ladies and gentlemen of the Inner Bar. A week ago I was in Geneva at the meeting of the Executive Committee of the International Commission of Jurists. We reviewed the state of human rights and rule of law in our blue planet. Of course, there are some very happy developments. In the Soviet Union only yesterday, laws were passed by the Supreme Soviet for jury trial of capital and serious crimes and to introduce a greater measure of the rule of law in the Soviet Union. However, there are also some rather unhappy developments. The killing of judges in Colombia. The murder of human rights lawyers in the Philippines. The removal of judges in Fiji. The removal of the Lord President of Malaysia. The preventive detention in Singapore of a brave lawyer, the defender of her clients' rights. Even in our own country there have been developments of which we cannot be proud.

The Inner Bar plays a very important role, as you all know, in helping courts to advance the rule of law. Your

role in the future will be tremendously important both at that table and later in many cases, I am sure, on the Bench.

I would ask you to consider whether in the future you should not, as Queen's Counsel in the past have done (and King's Counsel before them) on occasions - and perhaps more frequently than has been the case of late - take cases as volunteers. Take up appropriate matters for worthy causes to ensure that the rule of law is obeyed and that people without funds nevertheless have matters presented properly to the courts. Legal aid has tended to remove or at least reduce that element of service and duty which was formerly the special badge of honour of leading counsel. I do not think it should be so. I think it should be a proud duty of the Inner Bar to take worthy cases and to ensure that the rule of law is upheld.

I would hope that we will see you from time to time in this Court in that function, as well as in the more regular work you do. With the Judges of Appeal I congratulate you. We wish you all great success and, what is more important, personal happiness.

(The Court then proceeded to its other business)