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THE SUPREME COURT
OF NEW SOUTH WALES
COURT OF APPEAL

KIRBY P
MEAGHER JA
HANDLEY JA

Monday 2 December 1991

CEREMONY OF THE ANNOUNCEMENT TO THE COURT OF APPEAL OF THE
APPOINTMENT OF COUNSEL AS HER MAJESTY'S COUNSEL

PETER EVAN COLEMAN

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend.

KIRBY P: Mr Coleman, my researches show that you were admitted to the Bar in 1970. That is a very long haul worshipping at the altar of the common law. We congratulate you on your appointment. We look forward to your assistance in this Court in the years to come.

Mr Coleman, do you move?

DAVID HENRY LLOYD

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Peter Evan Coleman.

KIRBY P: Mr Lloyd, your practice has often taken you to the Land & Environment Court. And in this Court, we receive many appeals from that Court. They are appeals which require a great deal of attention to detail and concern matters of the greatest importance for our society. In them we now look forward to your increased participation. We congratulate you on your appointment.

Mr Lloyd, do you move?

IAN DOUGLAS STRATHDEE

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend David Henry Lloyd.

KIRBY P: Mr Strathdee, your practice has taken you to many places over your years of service in the Bar including in the criminal courts. There was an unhappy, short time when the judges of the Court of Appeal were not sitting in the Court of Criminal Appeal. However, under the new Chief Justice we now frequently sit there and we look forward to your help there as here. You are one of a number of new senior counsel today who has drunk from the chalice of the Royal Commission on the Building Industry. From all accounts that I have heard, and from a most reliable source, you have done so with some little success. We congratulate you on this new step in your career and wish you well.

Mr Strathdee, do you move?

JOHN DAVID HISLOP

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Ian Douglas Strathdee.

KIRBY P: Mr Hislop, you and I were joined in a kind of battle which concluded last Friday when I favoured arguments which you, most skillfully, put to this Court. Sadly, the majority of the Court did not see the obvious merits of the arguments you pressed upon us. I am sure they will do so on many occasions in the future. Your background in the teaching of the law will help you

especially in appellate work. I congratulate you on your appointment.

Mr Hislop, do you move?

RONALD SACKVILLE

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend John David Hislop.

KIRBY P: Mr Sackville, I first knew you when you were a professor in a southern city. After that, we were in almost daily contact in the struggle for law reform. You have also served honourably and intelligently in the Federal sphere and in South Australia. Now you have an even more important role to serve in this Court and other courts of New South Wales as a leader of the Bar. Your skill as an advocate is demonstrated by the fact that in a recent case you were able to persuade Meagher JA to apply with relish and even gusto the beneficial, reformatory provisions of the Contracts Review Act. I hope your advocacy will be equally successful on many occasions in the future, in this Court and elsewhere.

Mr Sackville, do you move?

TERRENCE JOSEPH CHRISTIE

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Ronald Sackville.

KIRBY P: Mr Christie, my first recollection of you is when you were junior to the late Clive Evatt QC in the Morosi case. You are one of the remaining members of the Bar who can talk of that

well known, indeed legendary figure from close first hand experience. Particularly as on many occasions he was not there and you had to conduct the case yourself. Your frequent work in common law and defamation will undoubtedly in the future bring you to this place. We congratulate you on your appointment.

Mr Christie, do you move?

PETER MICHAEL HALL

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Terrence Joseph Christie.

KIRBY P: Yet another counsel from the Royal Commission on the Building Industry. Still greater achievements lie ahead of you, Mr Hall. Your serious and scrupulous attention to detail in cases we have often seen in this Court. I have clear recollection of many cases which you have argued yourself with erudition and success. We congratulate you on your appointment and look for your successes in the future.

Mr Hall, do you move?

CLARENCE JAMES STEVENS

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Peter Michael Hall.

KIRBY P: Mr Stevens, I have it on good authority from a member of the Court that your skill as a barrister is only marginally greater than your skill as a tennis player. In that respect you are extremely well equipped in the volleys of another court. We look forward to vigorous exchanges with you from time to time in this place. You will understand that my brother Meagher and I

have not much interest in your other realm of your prowess. That is one matter on which we always see eye to eye, and on other matters as well, of course. On your appointment we also see eye to eye. We wish you every success.

Mr Stevens, do you move?

COLIN EMMETT O'CONNOR

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Clarence James Stevens.

KIRBY P: Mr O'Connor, you come to this high office from a most distinguished Floor of Wentworth Chambers, which has been the Floor from which many leaders of our profession have come. Your background in that nursery of lawyers beginning in the Workers' Compensation Commission and under the arduous work of that place through to your success as junior counsel and now to your appointment as a leader of the Bar in the common law and elsewhere is a mark of the high regard in which you are held by our profession. We congratulate you and look forward to your assistance in this Court in the future.

Mr O'Connor, do you move?

KEVIN EDMUND LINDGREN

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Colin Emmett O'Connor.

KIRBY P: Mr Lindgren, you are now one of three, possibly more, leaders of the academic stream of our profession who has taken the step to enter the practising profession and has received its

highest mark of commendation - Professors Heydon, Sackville and now you. We were associated in the University of Newcastle when I was Deputy Chancellor there. You helped to establish the Legal Studies Department which is now to flourish into a new Law School. A lot of the credit for this beneficial development goes to the firm foundation which you laid. We have seen you in this Court arguing for yourself many difficult issues. We look forward with particular relish to your assistance in the future. Mr Lindgren, do you move?

STEPHEN BERRY AUSTIN

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Kevin Edmund Lindgren.

KIRBY P: Mr Austin, you are no stranger to this Court room. Generally, you have brought us the intricacies of the Land & Environment Court Act and its companion legislation which require so much careful, lawyerly attention to detail. Your assistance will no doubt broaden into many other areas and we look forward to it with anticipation.

Mr Austin, do you move?

BERNARD ANTHONY JOHN COLES

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Stephen Barry Austin.

KIRBY P: Mr Coles, it seems a century ago that we were associated in the student affairs at university - you as a young person, I as an old and already venerable member of that body.

You have joined a most select company of leaders of our community who began in that way which includes the Premier, the Ambassador to the United Nations, Federal Ministers, the Head of Treasury and so on. They were happy days. We have had the benefit of your appearance in this Court arguing very complicated matters with great assistance to the Court. We look forward to more of it in the future.

Mr Coles, do you move?

PETER JOHN DEAKIN

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Bernard Anthony John Coles.

KIRBY P: Mr Deakin, you seemed at one time to have enjoyed a corner on the motions list of this Court: arguing all of the motions with extreme attention to the technicalities which can easily arise there. The technicalities are the reasons why many people will come to your door now. We look forward to your help in many appeals in the future. We congratulate you on this appointment and wish you well.

Mr Deakin, do you move?

PETER MELDRUM BISCOE

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Peter John Deakin.

KIRBY P: Mr Biscoe, it is the nature of your practice you will often be here, as you have been in the past. You were here a week or so ago where you were quite happy to embrace, with

extreme good sense, the propositions I was putting to you but which were rebuffed by your opponent - both of you acting vigilantly in the interest of your clients. I hope I can be of equal assistance to your advocacy in the future. We congratulate you warmly.

Mr Biscoe, do you move?

MALCOLM FRASER HOLMES

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Peter Meldrum Biscoe.

KIRBY P: Mr Holmes, yet another, and the last of those, who has participated in the Building Industry Royal Commission. What a distinguished company they must be there. Your practice is very unusual including a combination of industrial law and defamation law. Each of those areas are areas of considerable importance. On behalf of my colleagues in the Court and on my own behalf I congratulate you.

Mr Holmes, do you move?

FREDERICK LANCE WRIGHT

I have the honour to announce that I have been appointed one of Her Majesty's Counsel for the State of New South Wales, taking rank and precedence next after my learned friend Malcolm Fraser Holmes.

KIRBY P: Mr Wright, your practice has been very much in the area of industrial law. That is a field in which, amongst leading counsel there is a certain laying on of hands. Mr Sweeney laid his hands on Mr Murphy. Mr Wran on Mr Fisher. I crept in at one stage. Then the Hon. Jeffrey Shaw, a distinguished member of the Inner Bar, and now you. It is an

area of the law often not fully appreciated by the legal profession. As one who has practised there I know how important it is. Handley JA was a frequent visitor to that field of practice. I know his influence on your career. We welcome your appointment and congratulate you.

Mr Wright, do you move?

CONCLUDING REMARKS OF WELCOME BY THE PRESIDENT

KIRBY P: I began this week in Adelaide and now sit in Sydney. I shall finish the week in Nigeria.

Not content with the examples of Ottawa, New Delhi, Pretoria and Canberra the good people of Nigeria have established a new Federal capital on a dusty plain near Abuja. I will be there for the opening of the Supreme Court of Nigeria. With the judges will be the advocates of that country and others from West Africa.

The members of the Inner Bar in Nigeria are given the appellation SAN - Senior Advocate of Nigeria. However, the tradition is exactly the same as here. They are the senior counsel of that country. With them there will be senior counsel from Ghana, Sierra Leone and the Gambia and from the other countries of the common law. It is really a wonderful family of lawyers that we are members of.

In the past we have tended - a little less so lately - to be blinded by brilliance of the jurisprudence of the English. We have concentrated our attention on English Law - particularly because of the books we have on the jurisprudence of that centre of the common law, also because of the historical origins of Australia and of its legal systems.

I have a firm conviction that, in your careers as leaders of the Bar, it will become much more common to look elsewhere for legal inspiration. Not, perhaps, to Nigeria. Because, although in the dusty plains and small villages there are court rooms where they are quoting the All English Law Reports and occasionally the Commonwealth Law Reports - it is very difficult to get their jurisprudence and so it is difficult for us to use it.

But it is not so difficult to get help from Canada. And there is a most distinguished court in the Court of Appeal of New Zealand. I believe that will be part of your leadership of the Bar to look at those other places for arguments by analogous reasoning. There is a great treasure house there that can be of assistance to you as advocates. The judges of Australia are increasingly willing to look elsewhere. So should you.

Brennan J says that we, the judges and lawyers, are, in a sense, ministers of justice. A special function necessarily falls on the members of the Inner Bar. They are the leaders of the profession additional to the judges. You now have that rank. It is a great, personal responsibility. I am sure that you all know it.

I say again, on behalf of the Court that this is an important milestone. You enter a great company, with a great history. We wish you well: with success for your future and also for personal happiness.

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