



HIGH COURT OF AUSTRALIA

CEREMONIAL SITTING

ON THE OCCASION

OF

THE RETIREMENT OF THE CHIEF JUSTICE

THE HONOURABLE SUSAN MARY KIEFEL AC

AT

CANBERRA

ON

MONDAY, 16 OCTOBER 2023, AT 10.00 AM

[2023] HCATrans 140

Coram:

KIEFEL CJ
GAGELER J
GORDON J
EDELMAN J
STEWART J
GLEESON J
JAGOT J

In addition to the members of the Court the following dignitaries were present on the Bench:

The Honourable Murray Gleeson AC KC, Former Chief Justice of the High Court of Australia

The Honourable Robert French AC, Former Chief Justice of the High Court of Australia

The Honourable William Gummow AC KC, Former Justice of the High Court of Australia

The Honourable Kenneth Hayne AC KC, Former Justice of the High Court of Australia

The Honourable Susan Crennan AC KC, Former Justice of the High Court of Australia

The Honourable Virginia Bell AC SC, Former Justice of the High Court of Australia

The Honourable Patrick Keane AC KC, Former Justice of the High Court of Australia

The Honourable Geoffrey Nettle AC KC, Former Justice of the High Court of Australia

Dignitaries seated within the Court:

Senator The Honourable Andrew McLachlan CSC, Deputy President of the Senate

Senator the Honourable Michaelia Cash, Shadow Attorney-General of the Commonwealth

Members of the Judiciary seated within the Court:

The Right Honourable Dame Helen Winkelmann GNZM, Chief Justice of New Zealand

The Honourable Debra Mortimer, Chief Justice of the Federal Court of Australia

The Honourable William Alstergren AO, Chief Justice of the Federal Circuit and Family Court of Australia

The Honourable Christopher Kourakis, Chief Justice of the Supreme Court of South Australia

The Honourable Alan Blow AO, Chief Justice of the Supreme Court of Tasmania

The Honourable Michael Grant AO, Chief Justice of the Supreme Court of the Northern Territory

The Honourable Peter Quinlan, Chief Justice of the Supreme Court of Western Australia

The Honourable Andrew Bell, Chief Justice of the Supreme Court of New South Wales

The Honourable Lucy McCallum, Chief Justice of the Supreme Court of the Australian Capital Territory

The Honourable Helen Bowskill, Chief Justice of the Supreme Court of Queensland

The Honourable Justice Roger Derrington, Federal Court of Australia

The Honourable Justice Sarah Derrington, Federal Court of Australia

The Honourable Julie Ward, President of the Supreme Court of New South Wales

The Honourable Justice Robert Beech-Jones, Chief Judge at Common Law of the Supreme Court of New South Wales

The Honourable Acting Justice of Appeal Carolyn Simpson AO, Supreme Court of New South Wales

The Honourable Justice Michael Walton, Supreme Court of New South Wales

The Honourable Acting Justice of Appeal John Griffiths, Supreme Court of New South Wales

The Honourable Justice Jenny Blokland, Supreme Court of the Northern Territory

The Honourable Justice Debra Mullins AO, President of the Queensland Court of Appeal

The Honourable Justice Philip Morrison, Queensland Court of Appeal

The Honourable Justice David Boddice, Queensland Court of Appeal

The Honourable Justice Glenn Martin AM, Supreme Court of Queensland

The Honourable Justice Susan Brown, Supreme Court of Queensland

The Honourable Justice Frances Williams, Supreme Court of Queensland

Former members of the Judiciary seated within the Court:

The Honourable John Byrne AO RFD

The Honourable Michelle May AM KC

The Honourable Mary Finn

The Honourable Ray Finkelstein AO KC

The Honourable Andrew Greenwood

The Honourable James Allsop AC

The Honourable Alan Robertson

The Honourable Arthur Emmett AO KC

The Honourable David Reid

The Honourable Sylvia Emmett AM

At the Bar Table the following persons were present:

The Honourable Mark Dreyfus KC MP, Attorney-General for the Commonwealth

Mr Luke Murphy, President of the Law Council of Australia

Mr Peter Dunning KC, President of the Australian Bar Association

Mr Stephen Donaghue KC, Solicitor-General of the Commonwealth of Australia

Mr Peter Garrisson AM SC, Solicitor-General for the Australian Capital Territory

Mr Joshua Thomson SC, Solicitor-General for the State of Western Australia

Mr Michael Wait SC, Solicitor-General for the State of South Australia

Mr Nikolai Christrup SC, Solicitor-General for the Northern Territory

Ms Rowena Orr KC, Solicitor-General for the State of Victoria

Ms Sarah Kay SC, Solicitor-General for the State of Tasmania

Mr Gim Del Villar KC, Solicitor-General of the State of Queensland

Mr Brahmananda Dharmananda SC, President of the Western Australia Bar Association

Mr Damien O'Brien KC, President of the Bar Association of Queensland

Ms Gabrielle Bashir SC, President of the New South Wales Bar Association

Mr Sam Hay KC, President of the Victorian Bar Association

Ms Jane Abbey KC, Vice-President of the South Australian Bar Association

Mr Marcus Hassall, President of the Australian Capital Territory Bar Association

Ms Astrid Haban-Beer, President of Australian Women Lawyers Ltd.

Mr L King SC

Mr C Tam

Ms E Beechey

Ms N Oreb

Mr A O'Brien

Ms E Hoiberg

Ms J Jaffray

Ms C Ernst

Mr B Tomasi

Ms J Menzies

Mr M Maynard

Ms C Harris

The following Presidents of Law Societies were present:

Ms Cassandra Banks, President of the Law Society of New South Wales

Ms Tania Wolff, President of the Law Institute of Victoria

Mr Tim Dingwall, President of the Australian Capital Territory Law Society

Mr James Marsh, President of the Law Society of South Australia

Speakers:

The Honourable Mark Dreyfus KC MP, Attorney-General for the Commonwealth

Mr Luke Murphy, President of the Law Council of Australia

Mr Peter Dunning KC, President of the Australian Bar Association

TRANSCRIPT OF PROCEEDINGS

KIEFEL CJ: Mr Attorney.

MR DREYFUS: May it please the Court.

I would like to begin by acknowledging the Ngunnawal people, the traditional custodians of this land, and pay my respects to their elders past and present. I would also like to extend that respect to any Aboriginal and Torres Strait Islander people here today.

It is a great privilege to be here to pay tribute to your Honour's service as the 13th Chief Justice of the High Court of Australia. Your Honour retires after 16 years of dedicated service to this Court, and more than 30 years of service to the Australian judiciary. On behalf of the Australian Government and the Australian community, I express my appreciation for your exceptional leadership and significant contribution to the Australian judiciary.

Many of your distinguished colleagues in the judiciary and leaders from across the legal profession are here today. This is testament to the very high regard in which you are held. May I particularly acknowledge the Honourable Murray Gleeson AC KC, 11th Chief Justice of the High Court of Australia; the Honourable Robert French AC, 12th Chief Justice of the High Court of Australia; the Right Honourable Chief Justice Dame Helen Winkelmann GNZM, Chief Justice of New Zealand; the Honourable Chief Justice Debra Mortimer, Chief Justice of the Federal Court; the Honourable Chief Justice William Alstergren AO, Chief Justice of the Federal Circuit and Family Court of Australia; Chief Justices of the State and Territory Supreme Courts; the Honourable James Allsop AC, former Chief Justice of the Federal Court of Australia; Commonwealth, State and Territory Solicitors-General; Senator the Honourable Andrew McLachlan, Deputy President of the Senate; and Senator the Honourable Michaelia Cash, Shadow Attorney-General; other current and former members of the judiciary; members of the legal profession and distinguished guests. I also acknowledge the presence of your Honour's family, in particular your husband, Michael, who proudly share this occasion with you.

Your Honour's legal career commenced in 1975, when you were called to the Queensland Bar at just 21; at that time the minimum age. Your Honour had never practiced as a solicitor, and upon your admission you joined just two other women practicing at the Queensland Bar. This was a courageous move. All the more so as your Honour had left school at age 15, and, having resolved to become a barrister while working full time as a legal secretary, had studied for the Barrister's Admission Board at night.

Your Honour quickly excelled at the Bar, becoming known for the intellect, insight and indefatigable work ethic which has marked out your long and successful career in the law. After 10 years in practice, your Honour took a sabbatical year to study at University of Cambridge. I am told that your Honour sought alone to finance these studies. Your request was outside the bank's guidelines. Sensing that this was a

very worthwhile venture, a wise bank manager nonetheless approved your loan. It was an investment which paid dividends. Your Honour distinguished yourself in studies at Cambridge, receiving the Jennings Prize and the C.J. Hamson Prize for outstanding performance in Comparative Law, but also found the time to row for your college, Wolfson.

In 1987, soon after returning to practice in Brisbane, your Honour took silk; the first woman in Queensland to do so. In 1993, you were appointed to the Supreme Court of Queensland. Just a year later – to the Commonwealth’s delight, no doubt – you accepted an appointment to the Federal Court of Australia. You were also appointed to the Supreme Court of Norfolk Island. Your Honour found time to serve the community in additional roles alongside your judicial responsibilities, including as a Commissioner of the Human Rights and Equal Opportunity Commission, and also on the Australian Law Reform Commission.

In 2007, your appointment to this Court marked the first time in the Court’s history that two women sat on its Bench. You were only the third female justice of the High Court. In 2017, you were appointed the 13th Chief Justice of this Court. Your Honour was, of course, the first woman to occupy that office. Your elevation was a significant milestone for the diversity of the federal judiciary. With every step you paved the way forward for other individuals with diverse experiences and backgrounds to follow in your footsteps in establishing a career in law.

As a judge, your Honour is known for your incisive intellect, clear writing style and collegiality. Your Honour’s legacy as Chief Justice includes the promotion of greater clarity, confidence and consistency in the law. Under your leadership, the Court has strived to speak with one voice where appropriate. This was exemplified in the unanimous decision in *R v Bauer*, which significantly changed the approach to tendency evidence, a matter of critical importance to the nation’s criminal courts.

Chief Justices lead their courts outside the courtroom too, and the High Court has faced very serious challenges during your tenure. Your Honour’s leadership has seen public confidence in this institution upheld, including in relation to standards of conduct; a very significant legacy for a Chief Justice of this Court.

It is with great pleasure that I turn now to some of your personal qualities, accomplishments and pursuits beyond the Bench. Your Honour’s friends and colleagues have spoken warmly of your demeanour and strength of character. I am told that in addition to being thoughtful, fair and wise, as befitting of a Chief Justice, you are determined and courageous; personal qualities which shine through some of the anecdotes that have been shared with me.

I am told that you have learned patience, a description which surely hides a story or two, and I have also been informed that there are qualifiers to your excellent judgment. I hear it was tested in the 1980s by the purchase of a classic car, a Lancia

Beta with an allegedly chequered history. I am told that you always found time to visit during its lengthy stays in the workshop.

Beyond the Bench, I am sure that you will be pleased to spend more time on your personal interests. Your Honour is, I am told, an avid pianist, reader, and lover of the arts and theatre. Your rendition of “Ode to Joy” in the original German remains iconic amongst those of your co-workers who have witnessed you in celebration after a difficult victory. I am certain you will find even more causes for celebration in future. You have always made time for friends, family and, of course, your dog, Fletcher. I trust your Honour’s retirement will provide you with more time to spend with loved ones and advancing the many causes dear to you.

Your Honour, it has been a great privilege to celebrate your remarkable career in the federal judiciary and as Chief Justice of this Court. Your professionalism, dedication and commitment to the justice system, judiciary and the legal profession are truly a wonderful example to us all. On behalf of the Australian Government and the Australian people, I thank you for your extraordinary contribution to the judiciary. We wish you all the very best as you commence this new chapter in your life.

May it please the Court.

KIEFEL CJ: Mr Murphy.

MR MURPHY: May it please the Court.

I, too, respectfully acknowledge that we are meeting on the traditional land of the Ngunnawal peoples, and pay my respect to their elders past and present, and elders from other communities who may be here today. I acknowledge the Attorney-General, the Honourable Mark Dreyfus KC MP; President of the Australian Bar Association, Mr Peter Dunning KC; all judicial officers, dignitaries, family, friends, and most of all your Honour the Chief Justice.

I am honoured to appear on behalf of the national legal profession to congratulate you on an exemplary career. We have come today to honour your Honour’s contribution to the administration of justice in this country as the 13th Chief Justice of the highest court of our land. The words uttered by the then Attorney-General Alfred Deakin in support of establishing the High Court have been shared many times here. I apologise for repeating but they remind us that the objective of the High Court as envisaged over a century ago was that its highest function would be exercised in unfolding the *Constitution* itself. This role continues 12 decades later.

The *Constitution*, as Australia’s supreme law, establishes the framework of Australia’s system of democratic government. The High Court led by your Honour is the interpreter and protector of this supreme law. It seems fitting, then, that this ceremony follows on the heels of a referendum on constitutional change. As we are

all aware, referenda are historic and rare occasions in Australia's history, but a vital part of our democratic process.

Today is the closing of a chapter in our nation's legal story. It is a chapter which will tell of the significant positive impact and influence your Honour has had on our nation's legal history. As was evident at the ceremonies held in 2007 to welcome your Honour's swearing-in as a justice of this Court, and again as Chief Justice in 2017, the adjective "first" was generously thrown about in recognising the many firsts and doors opened throughout your Honour's career. I will allow others to address those details, except to note that sadly, for our community and profession, your invaluable contributions and wisdom as the first female Chief Justice of the High Court shortly comes to an end. You will be missed.

I recently had occasion to reflect on the importance life stories of other noted legal leaders of the profession in Queensland had played in their contributions and impact on the profession. What was very evident from those reflections, and also from your own story, Chief Justice, is that many leaders of our profession have, contrary to commonly held popular belief, not come from what is described as traditional legal backgrounds. It is, I think, a credit to our profession and our community that this occurs and continues to do so. It ensures our profession and our community benefit from balanced, considered and compassionate leadership, and, Chief Justice, the entire Australian legal profession and community thanks you for that.

Your Honour has been an exceptional leader of the nation's highest Court. Your Honour's unwavering commitment to justice, the people and our profession has been reflected in many ways, again, which have been addressed. Your Honour has been a generous supporter of the legal profession and has never hesitated to share your expertise and experience whenever called upon. Indeed, only a few weeks ago, your Honour was the keynote speaker at the 2023 National Access to Justice and Pro Bono Conference in Brisbane. Your Honour closed your address on that occasion by saying, "Views about how access to justice may best be achieved may have changed over time, but there can be no doubt that this goal continues to be worth pursuing."

Your Honour has inspired us all with your integrity and willingness to make hard but fair decisions in the public good and in pursuit of that goal. On the occasion of your swearing-in, your Honour said, "I have been given a great responsibility. With the co-operation of my colleagues I trust that I shall discharge it well and justify the confidence that has been reposed in me."

As you leave the High Court, I think you can be very sure and very proud that you have not only achieved the goal you set yourself but exceeded it. Your Honour, the nation owes you a great debt. On behalf of the Australian legal profession, I thank you most sincerely and deeply for the contributions you have made, and I wish you well for your retirement.

May it please the Court.

KIEFEL CJ: Mr Dunning.

MR DUNNING: Chief Justice Kiefel, Chief Justice-Designate Gageler, Justices of the High Court, former Chief Justices and Justices of the High Court, distinguished guests all, it is my pleasure and privilege, in equal measure, to speak on behalf of the Bar nationally to say thank you, Chief Justice Kiefel, for your distinguished service of more than a generation to the courts in Australia, more than half of it on this Court.

It is a significant day in the life of Australia when there is a retirement of the head of the third arm of government. All the more so when that retirement occurs to the backdrop of overwhelming societal acceptance of the activities of that arm of government in its important task of quietening controversies peacefully and in an orderly fashion, and standing as the arbitrator between the State and the citizen. Again, all the more so when that is done with the unwavering admiration of the practitioners who have the privilege of appearing before that Court because of the fine exercise of its jurisdiction. That that is so, Chief Justice Kiefel, says everything, and certainly more than I can hope to convey in the next couple of minutes of your Honour, your Honour's leadership of this Court, your colleagues on the Court, those who come after you and those who have preceded you.

It has been my great good fortune throughout the year to speak on a number of occasions when you have been speaking. On one of those, I took the liberty of describing your Honour as a trailblazer for women in the law. Epitaphs like that are apt to be overused, but not on that occasion, and for all the reasons and more that have been outlined by those who have spoken before me.

As we all know, your Honour commenced the Bar in Queensland in 1975. Your Honour went to the Supreme Court of Queensland in 1993, just as I was coming to the Bar in Queensland, so I never had the privilege of appearing either alongside or against your Honour, but since then I have had the privilege of appearing before your Honour many times. Your Honour's practice at the Bar was wide and varied. You did everything from complex commercial cases to vexed defamation proceedings before juries. Your 18 years of the Queensland Bar left an enduring practice amongst barristers in Queensland. Likewise, your busy and varied practice equipped you well for the distinguished career in the judiciary that would follow.

Your short stay on the Queensland Supreme Court and your 11 years on the Federal Court based in Brisbane has done much for the promotion of the best attributes of the Bar in Queensland. However, it is your Honour's work on this Court that is rightly the proper focus of today, and particularly in the discharge of your office as Chief Justice. I could not, of course, in the time available hope to critique the many ways in which your Honour has so significantly contributed to the law in Australia and to the life of this Court, so I have chosen to touch on just four:

intellectual leadership, the promotion of certainty, the maintenance of the institutional integrity of the Court, and the place that courtesy and dignity has in the efficient and effective operations of a court.

Intellectual leadership in any court is important. It falls, predominantly, on the head of jurisdiction and is never more important than in the apex Court. Your Honour's intellectual leadership across all aspects of the law in this Court has been exceptional and will be your Honour's enduring legacy, or among them.

Your Honour's commitment to the promotion of certainty has done a great deal for the efficient development of the law in Australia. Your Honour's preference for joint judgments when possible, but never at the expense of individual expression, has done much to ensure that people like me and those who stand alongside me, when clients come to them with their predicament, can, as far as possible, say this is where you stand. The importance of that in a coherent legal system cannot be understated.

Thirdly, your Honour has taken important steps to maintain the dignity and currency of this Court, including, as the Attorney-General for the Commonwealth touched on, during difficult days which your Honour handled with skill and aplomb.

Finally, your Honour's commitment to courtesy and dignity in your dispatch of business before the Court has been a crucial feature of your Honour's time on the Court, and a great feature of your Honour's legacy. If ever there is something upon which judges must lead by example it is their conduct in court, as that reflects on other judges and those who appear before it. Not, I might say, that that stops your Honour from being able to ensure that politeness came with the expense of efficiency. Your Honour had a delightful combination of courtesy, patience and firmness in announcing to counsel from time to time of the grim news that their argument was just not going to make it today. Indeed, I can give eyewitness account that your Honour was exercising that jurisdiction as recently as last Friday.

I hope I will not be criticised for descending to the parochial when I observe that when your Honour concludes your term as Chief Justice your Honour will be the fourth Queenslander to have occupied that office, starting with Sir Samuel Griffith, the inaugural Chief Justice, and later Chief Justices Gibbs and Brennan, providing a safe pair of hands for the head of the High Court for a quarter of its life – without, of course, suggesting that safe hands are not also available in New South Wales, Victoria and Western Australia.

Of course, nobody achieves where your Honour has arrived to today without the love and the support of family and friends. Your Honour has been fortunate to have the love and support of your husband, Michael, your sister, Jennifer, your brother-in-law Brian, your sister-in-law, Katrina, your niece, Eleanor, and your nephews, Hamish, Max and Leo. They are, and are entitled to be, justifiably proud of your Honour's quite extraordinary legal career and service to the Australian community. Unfortunately, your parents and your brother are unable to be here. The

wide array of judges from not only the Supreme Court of Queensland and the Federal Court, past and present, attests to the indelible mark you made on those courts.

As your Honour leaves this Court shortly, though, I am reliably assured that you are not free of all weight of your responsibilities. You and Michael are now, I am told, the custodians of a young Rottweiler who has previously been identified as Fletcher. No doubt, the same combination of courtesy, patience and firmness might be required on occasion. Your Honour will, in the next phase of your career, have more time to spend at your property in the mountains of Brisbane, pursuing your interests of cooking, music and the like.

Chief Justice Kiefel, on behalf of the Bar throughout Australia, in every place and in every area of practice, I salute your distinguished service to this Court and to the Australian people. You leave this Court with the respect, admiration and affection of the Australian Bar. Those of us who had the good fortune to appear before your Honour are better barristers for it. The Bar wishes you every happiness in the next phase of your career.

May it please the Court.

KIEFEL CJ: Mr Attorney, Mr Murphy and Mr Dunning, thank you for your kind words and your good wishes.

I am grateful for the attendance of everyone here today for this ceremony and for the trouble many have taken to be here. I extend the welcome of the Court.

I am pleased to have joining us on the Bench former Chief Justices the Honourable Murray Gleeson and the Honourable Robert French together with other former colleagues, the Honourable Kenneth Hayne, the Honourable Susan Crennan, the Honourable Geoffrey Nettle, the Honourable Virginia Bell and the Honourable Patrick Keane. The Honourable William Gummow is with us in Court, and Justice Beech-Jones, who will soon join the Court, is also present in court.

I am honoured that the other members of the Council of Chief Justices of Australia and New Zealand are here today: the Chief Justice of New Zealand, The Right Honourable Dame Helen Winkelmann and the Chief Justices of the States and Territories. I have had the privilege of chairing meetings with the Council and have valued the opportunity to discuss issues affecting the judiciary in Australia, New Zealand and more recently the Pacific region.

I acknowledge the presence of the Deputy President of the Australian Senate and the Shadow Attorney-General.

Counsel at the Bar Table including the Solicitors-General of the Commonwealth and of the States and Territories together with the President of the Bar Associations of the States and Territories. Presidents of Law Societies are also

present in Court as are the Presidents of the Australian Academy of Law, the Australian Judicial Officers' Association and the Australasian Institute of Judicial Administration.

I am especially pleased to have here today my husband, members of my family and many friends. I am grateful that many of my former associates are here as well as former executive assistants.

I am proud to have been a member of the Australian judiciary for the past 30 years. I have learned much from other judges and have made many friends amongst them. My service on various courts has enabled me to appreciate and value the work of trial judges as well as our appellate courts. My time on this Court has allowed me to observe the work of judges of other courts in Australia. I can attest to the high standard of the work of judges in Australia and to their diligence. Judges bear a great responsibility in the work that they do. The appointment of judges is also a great responsibility.

I believe that most lawyers who accept appointment as judges have a sense of vocation. They understand that it is a public duty which they are undertaking and that it will consume a large part of their life. They know that the work of the courts is essential to our society and they appreciate that as judges they collectively form part of an institution and that it is the maintenance of that institution and its reputation which is important.

The existence of a competent, independent, impartial, dedicated and ethical judiciary is largely taken for granted in our society. It should not be. An understanding of our system of law and the governance of our society should be regarded as fundamental to the education of every person.

During my time as Chief Justice the courts in Australia faced a great challenge brought about by the COVID-19 pandemic. The virus and public health measures taken to avoid its spread caused great disruption, including to the courts and to the administration of justice in this country. As a result of travel restrictions and restrictions on social interaction many hearings, both trials and appeals, had to be conducted, in whole or in part, remote from courtrooms. When in-person hearings became possible, requirements such as social distancing created other difficulties.

It is a credit to the courts and their staff, particularly those supporting the technology necessary for the hearings, that they adapted to difficult situations as they arose and dealt with the many technological issues that were presented by video-link hearings. The legal profession is also to be commended for working within the limitations of such hearings. I think it would generally be accepted that not only are hearings by this method challenging, they are also exhausting.

It may be that one result of the experiences of this period will be that the use of video-link will be maintained for some hearings, particularly of short matters, because

of their cost effectiveness and now that courts and the profession have become more familiar with their use. But I believe the experience of these hearings also confirmed the importance of in-person hearings. From the perspective of an appellate court, such as this Court, in-person hearings are essential for proper advocacy and for dialogue with the Bench.

My journey to a life in the law has sometimes been remarked upon as unusual and for that reason, of interest. Of course, it is not so interesting for the person, who is simply making their way as best they can. But if my experience has encouraged others to aspire to being a lawyer, then I am pleased.

I enjoyed my career as a barrister and developed an enduring respect for the legal profession, the Bar in particular. It is often said, for it is true, that the courts could not function without the assistance of a legal profession which has high standards of legal skills and ethical behaviour and whose members are conscious of their duties to the court. The importance of the quality of legal argument has been even more evident to me as a member of this Court.

I took appointment as a judge at a relatively young age. I have never regretted that decision. I had always assumed that I would find the work of a judge to be satisfying and that it would provide me with a sense that what I was doing was worthwhile. That assumption proved correct.

My appointment was not the only one made of a relatively young woman silk or lawyer at the time. I believe many women took early appointment out of a sense of duty. The general view then was that it would be beneficial to the profession for women to be part of the judiciary and for society more generally to see women in positions of authority.

Much has been achieved since then. It is my hope that now women lawyers will not feel the same sense of duty to accept appointment at an early age. There is still much to be done within the profession to advance women, particularly as leaders in it and as advocates in the highest courts. That may be better assisted by women remaining as senior counsel at the Bar or as senior solicitors and having a longer experience of leadership roles whilst at the same time providing a role model and being a mentor to other lawyers.

At my swearing-in as Chief Justice, I said that there seemed to be no reason why the appointment of women to this Court would not be maintained, if not improved. Since then there has been a period, albeit brief, on this Court where the majority of its members have been women.

It has been an honour to be a judge of all the courts on which I have served. But this ceremony today marks my impending retirement from this Court and from the office of Chief Justice. It has been a great privilege to have served as a Justice of this

Court and to have been the Chief Justice of a court which states and develops the law for our society.

I believe that this Court has maintained a high reputation and the confidence of the community since its inception. The public perception of the judges of the Court as independent is critical to the regard in which it is held. It is achieved in large part by the separation of powers for which our *Constitution* provides and by the respect afforded by each of the branches of government to the role of the other branches. That respect is maintained on the part of the Court by its Justices being conscious of its constitutional role and its limits.

The High Court is probably best known as a court which deals with questions concerning our *Constitution*. It is less well known that it hears appeals from other courts in all manner of matters, subject to leave being granted. A significant part of its work involves criminal appeals because of the importance which is placed upon the process of a criminal trial being fair and free of error. Such is the value placed upon a person's liberty.

Justices of the Court must routinely deal with many areas of the law. It would be almost impossible for a person to be appointed to the Court to have in-depth knowledge of every area of the law. But it is to be expected that they will have sufficient depth of knowledge of the law and its principles to be able to fill the gaps in their knowledge. Needless to say, this requires much dedication and hard work.

I have previously expressed my views about judgment-writing. I am unable to let this occasion pass without recording them. I believe that it is preferable, where possible, for there to be fewer judgments so that the Court is seen to speak with a stronger voice. This is especially important in the area of criminal law, where trial judges must look to the Court for guidance. A substantial majority judgment makes the reasoning of the Court clearer and the principle to be applied by lower courts more readily discernible. This is not to say that there will not be dissenting judgments, respectfully stated. On occasions a Justice may feel it necessary to state different reasoning to the same conclusion. I was especially proud, during my time as Chief Justice, when the Court was able to speak with one voice in some difficult and important matters despite some colleagues having held different views in the past.

I am grateful to my colleagues past and present for the many valuable discussions we have had in the course of decision-making. I have had the good fortune to observe some of the best legal minds in the country at work. I thank them for their collegiality and for the support which has been given to me as Chief Justice, especially in difficult times.

I thank the Chief Executive and Principal Registrar, Ms Philippa Lynch for her advice and assistance, especially during the pandemic, and I thank her predecessor, Mr Andrew Phelan. The Court is fortunate to have highly professional staff of long standing who have worked with many Chief Justices. I take this opportunity to thank

the Senior Registrar, Ms Carolyn Rogers, the Senior Executive Deputy Registrar, Mr Ben Wickham and the Court's Publications Manager, Mr Stan Emmerson as well as the Deputy Registrars. I thank all the Court staff for their dedication and service to the Court, their support of me as Chief Justice and their co-operation during the pandemic.

I thank the 45 talented and able young lawyers who have been my associates since I first became a judge. Their enthusiasm for the law has at times sustained me.

Judges, especially Chief Justices, cannot carry out their role without professional administrative assistance. I have been fortunate to have had that support during my time on the Court from my Executive Assistants in Brisbane and in Canberra.

I thank my family, my sister in particular, for their understanding and support. My most heartfelt thanks are reserved for my husband, Michael, whose support and counsel I have always been able to rely upon.

It remains to congratulate my colleague and successor, Justice Stephen Gageler and Justice Beech-Jones and to wish them and the Court well for the future.

Thank you all for attending today.

The Court will now adjourn to 10.00 am on Tuesday 17 October.

AT 10.37 AM THE COURT ADJOURNED

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