



Address by the Chief Justice at a Welcome by the Profession

Tuesday 18 February 2025

Thank you Aunty Joy Murphy AO for your gracious welcome to country.

I acknowledge that we gather on the land of the peoples of the Eastern Kulin Nation. I pay my respects to their elders past and present. May I also acknowledge the presence in Court today of Professor Aunty Eleanor Bourke AM, Uncle Mookeye Bell, Magistrates Falla and Burchill. I have worked with each of you either at the private Bar, as Solicitor-General or as a Judge. Each of you has shown great dedication to the advancement of First Nations people particularly in relation to the law. I have been inspired by your continued work and optimism. I also pay my respects to other First Nations people who are with us today.

To the speakers, Attorney-General, Mr Hannebery and Mr Hibbins. I observe that I sit today with the President, Justice Emerton and the senior puisne judge of the Trial Division, Justice Elliott. Each of them is renowned for having a low tolerance of hyperbole and extravagant submissions, but I rather enjoyed them and at least for today, the minority opinion will prevail. So thank you.

The Court is honoured by the presence of many distinguished guests. It is a great pleasure to have the Hon Chief Justice Gageler AC, Justice Gordon AC and Justice Steward of the High Court of Australia join us this morning. Your presence and the presence of Chief Justice Grant AO, Chief Justice Bell, Chief Justice Bowskill, Chief Justice Alstergren AO, and Chief Justice Mortimer and judges of the Federal Court, NSW Supreme Court and courts of this State is a mark of the importance



of the office I now hold and the Court as a whole is most grateful for the respect you show by your attendance.

Your presence is a physical reminder that the Commonwealth Constitution establishes a national integrated court system in which this Court operates both separately and as a constituent part of a whole. We can each learn from the experiences of other courts as we address the present and future challenges to the administration of justice.

I am especially pleased to be working with my friend Chief Justice Mortimer. It is now some years since we worked together at the Bar and I look forward to working with her Honour on the Council of Chief Justices.

May I also acknowledge the Hon Ken Hayne AC KC and the Hon Geoff Nettle AC KC. Each of whom was a distinguished justice of the High Court and a member of a small but distinguished group of judges of this Court who have gone on to serve in the High Court, which of course includes Chief Justice Dixon and Justice Stephen. I know that both of you remain intensely proud and supportive of this Court. I thank you for your attendance.

I am pleased that there are many members of the profession here today including many from the Bar. I regret that the physical confines of the courtroom cannot accommodate all those who might have wished to be here.

I am delighted that Mr Dunning KC of the Queensland Bar, and Mr Gleeson SC, Mr Lenehan SC and Mr Tran from the NSW Bar have joined us. I worked with Mr Gleeson and Mr Dunning when I was



Solicitor-General and observe in them the finest traits of their respective Bars, including eloquence, and in the case of NSW, occasional exhibitions of brute force.

May I also acknowledge the work of the solicitors. Although much of the contact this Court has with solicitors arises in the context of their acting for parties or in probate, it should be emphasised that, unlike other courts, this Court is not just a court of litigation. It is in this courtroom that we admit persons to the legal profession and as officers of the Court. Last year alone around 2000 people were admitted. The supervision of the profession remains a crucial aspect of the Court's work. All of the judges retain a very strong interest in and care for the profession as a whole.

My job as Chief Justice is to foster an environment of excellence, both in this Court and through my work on Courts Council across the courts of the State.

The judicial function is a human endeavour and like any human endeavour perfection is unobtainable. But the community can and should expect excellence. Excellence in judicial decision making is not just about getting the right legal answer, as important as that is. It is also about the application of the judicial method, with its demands for fairness. It is about the character and standing of judicial officers. It is about timely decision making supported by reasons that are capable of being digested and understood by a wide cross-section within the community.

The ideal of public service and the importance of thriving institutions are under challenge. The challenges of today are sometimes described as existential or unprecedented and certainly the times are unsettled. In meeting those challenges, societies such as ours function best when there are strong, robust and complementary institutions of government. For our part, the continued strength of the



judicial branch depends on the pursuit of excellence in all of its dimensions.

Challenges are not new for this Court. Since before Federation, this Court and all of the courts of the State, continued to sit through calamitous economic times in the 1890s and 1920s, two world wars and smaller regional conflicts, the 1917 Spanish flu and the more recent pandemic. Through each the judges of this Court continued to serve with distinction. It is an institution which is always changing and adapting, but which remains constant to its core values.

I take on the role at a time where the Court is exceptionally well served by its judges, associate judges, judicial registers and staff. When I joined the Court, I was greatly impressed by the conscientious and respectful environment which I had entered. My faith in the diligence, skill and commitment to public service of my colleagues has been strengthened during my time on the Court. I am grateful for their support as I take on this role.

I am optimistic and ambitious for the Court's future.

Although now is not the time for private thanks, may I acknowledge some of those whose help has led me here. I thanked many of them at my welcome in this Court as a Judge of Appeal and I will not repeat them. My debt to them remains owing.

Both as a practitioner and a judge and more importantly on a personal level, I have greatly benefitted from the wisdom, encouragement, advice and friendship of a number of people of, how shall I say this, an earlier generation. Without any disrespect, I will leave off their honorifics and titles, they are: Hanks, Merkel, Hayne, Ashley, Osborn, Coghlan and Weinberg. I am pleased that with one exception



they are all here. The exception is Mark Weinberg who regrettably is unable to be here.

Taking the lessons from earlier generations while being agile enough to meet changing circumstances remains critical to the life of a court. To prosper a court needs both continuity and change.

As an example of change, you may have noticed that the mentors I have mentioned are all men.

When I joined the Bar in 1995, and despite its existence of almost 150 years no woman had yet been appointed to the Supreme Court, that did not occur until the appointment of the Hon Rosemary Balmford in 1996. There were very few women silks.

Since that time there has been a profound and important change in the composition of the judiciary and senior profession. I have learned and continue to learn, a great deal from the women I have worked with on the Bench and at the Bar. Their contribution has been and is outstanding.

I would like to mention just three.

The Hon Marilyn Warren AC, the first woman to hold the office of Chief Justice and who served in it with distinction for over 13 years. I joined the Court two months after her Honour's retirement, but observed from the outside how the Court transformed during her tenure with the benefits of that being experienced by Judges like me.

Finally can I express my appreciation to two leaders of the Court under whose leadership I have served.



It has been a delight to work with Justice Emerton as President of the Court of Appeal, as it was under her predecessor the Hon Chris Maxwell AC.

Next, the Hon Anne Ferguson, who led this Court for over seven years as Chief Justice, through challenges beyond anyone's imagining at the time of her appointment. Your focus on serving the community and the wellbeing of the judiciary, the profession and court staff served the Court well through difficult times. I acknowledge in particular all that you did to support me in my transition to this office. You leave the Court with the respect and deep affection of your judicial colleagues and all the staff of this Court and the court system as a whole.

One last indulgence is to thank my family. My late parents instilled in me the ideal of public service. Without my wife Helen and children, partners and grandchild Lucy, any accomplishments I have achieved would be hollow.

Thank you for your attendance this morning.

Please adjourn the Court.