

the tenure of office as Chief Judge of His Honour Judge Staunton. I am also pleased that the Bench this morning is made up of His Honour Judge Thorley and His Honour Judge . Torrington both of whom served with my father.

My late father, Judge Aaron Levine, was a member of this Bench from 1955 to 1972. During that turbulent decade of the 60s he delivered judgments on the crucial issues of freedom of speech and censorship which displayed an enlightened view well in advance of those times he did not live to see. At the end of his career he made rulings on the law of abortion the consequential liberalisation of which to this day is, in some quarters, the subject of passionate debate.

He had a consuming love for the law as an institution and as a discipline. Hence he had a deep knowledge of it, particularly of the criminal law. His belief in the Rule of Law was unshakeable and his expectation of integrity in professional and personal conduct and in the Administration of Justice was uncompromising. He had great personal: moral and intellectual courage. He had however one quality which made him the ideal judicial figure: a quality nurtured in his family heritage and his faith and anchored in his respect for the dignity of his fellow men: that quality was his compassion - his humanity.

If I strive to follow so fine an example, not only will I do honour to his memory but also, I trust, shall I go far in the proper performance of the obligations of the oath it has been my privilege just now to swear." □

Judge Wheelahan

Chief Judge, Judges, Mr Solicitor, President of the Law Society, members of the profession, ladies and gentlemen and the Redlands contingent.

This event reminds me of award night in the television industry and I have won the gold logie.

I was a steward at a wedding once and I heard the father of the bride say "I have been abundantly clothed in the epaulettes of eulogy:"

I am not sure what he meant but I think it has happened to me.

I am confident that the august presence of the Solicitor General for the State is attributable to the fact that Judge

Levine is being sworn in, but it has a beneficial consequence for us all. It has spared you, and more importantly me, hearing the hurtful remarks which might have been made by the President or, God forbid, President Emeritus Meagher, the latter who insists on describing what is happening today as my "Coronation".

I am informed that Judge Levine has received a confidential letter from Mr Justice Hunt entreating him not to bring all of Sydney's defamation work to this court.

I in turn, have been invited to revitalise the Chancery Jurisdiction of this Court. This I am willing to do on the basis that the originating process clearly reveals the date and place of accident.

The Bar was always an exciting, vital, varied, rewarding and most importantly, an overwhelmingly worthwhile profession. Simply put, I loved it.

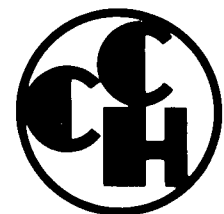
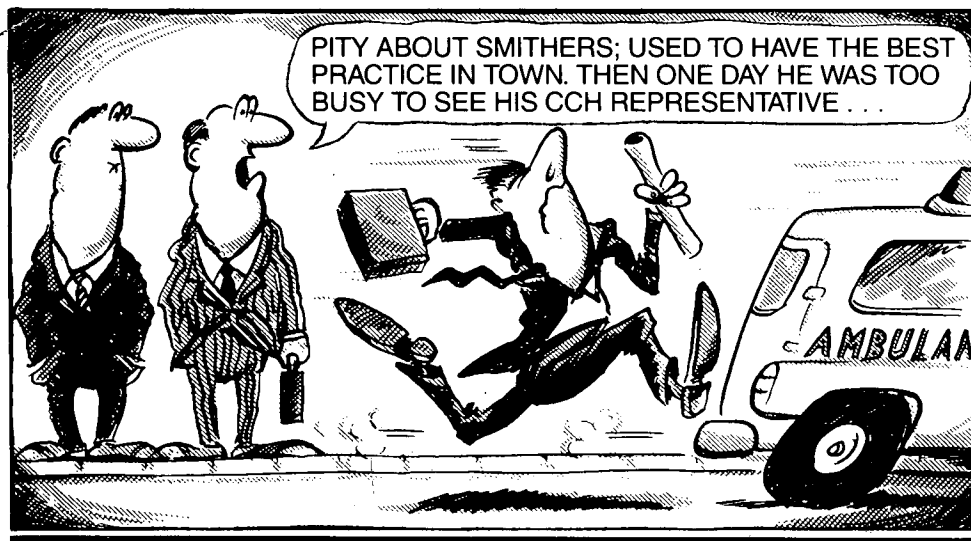
Being appointed provides me with an opportunity to expand and develop my knowledge of and regard for the law.

Justice Samuels, on his appointment, observed that the law was remarkable in that it afforded an opportunity to practitioners to embark on a compelling, useful and exciting career on the Bench at an age when some professions, especially the services, were dispensing with their senior officers.

It is with a great deal of pride that I have accepted an invitation to perform what I regard as probably one of the most important jobs in the country.

It would be inapt, indeed churlish for me not to acknowledge, in broad terms, those who have contributed in large measure to my success at the Bar and, in turn, my elevation to the Bench. Those who are omitted from this litany are and are hereby directed not to be offended.

Bernard Wheelahan Senior had a career in the police force. That combined with his love of the English language provided me with an early interest in the law. The only man who would be happier than I am today, would have been my father. I recall my father imitating Shand Q.C. in the kitchen of the police cottage where we lived in Armidale. The Shand Q.C. referred to is not the show pony who does advertisements for the Wool Corporation and appears on television a lot but his venerated father.



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Judge Wheelahan and Margaret Wheelahan

My six brothers and sisters each helped mould and shape my character and provided me with the impetus to complete my university education.

My first clerk, the legendary Harry Peel, guided what he found to be a brash and headstrong young barrister through the difficult and penurious early years.

David Rofe of Her Majesty's Counsel was the most patient and generous of masters and my pupillage with him continued for more than a decade.

Justices Samuels and McInerney provided enormous assistance and guidance in my early years and Meagher Q.C. persuaded me to enter bar politics. Meagher's friendship and leadership led me into what was perhaps my most useful and fruitful 7 years at the Bar.

The Bar Council and the Navy are generously represented today.

The former permitted me to be its secretary and licensee of its fermented and spirituous liquor department the second position for which I was, by experience and inclination, admirably suited.

The Navy - and this is Navy Day on the District Court - makes me wear a ridiculously obvious life jacket whenever on board one of Her Majesty's ships simply because I failed an impossibly difficult swimming test - underwater indeed.

The presence of you both pays Judge Levine and me a great compliment.

I am deeply grateful to all my friends and professional associates who have attended to share this occasion with me. Those deserving a special mention are the collected attorneys from the bustling megalopolis of Goulburn who, jointly and severally, tried, alas in vain, for nearly 20 years, to make me wealthy.

The other is my very dear friend and loyal supporter, the former Mayor of Casino who, to my absolutely impeccable recollection, did his very best to make me poor.

I will turn briefly to the ladies.

Margaret Wheelahan Junior has been my best and sometimes only friend. She has been my fiercest defender and someone whose faith in me never permitted me to consider doing anything other than go forward.

There are two ladies who it would be positively dangerous not to mention and they are, of course, my daughters Kellie and Erin.

They are all that I could have ever hoped for even if as a result of their cavalier, egalitarian, neo-populist attitude towards discipline, I will be driven to an early grave.

Then of course is the remarkable Diamond Lil to whom I must have constituted a modest surprise in her 43rd year.

She has been the major influence for good in my life.

But she has never lost an acute appreciation of life's more sordid realities. Over a year ago she took the first enquiring telephone call from the Attorney General. He simply left a message for me to ring him. Lillian, in delivering the message said "Now what have you done this time?"

She reminded me yesterday that she and my father considered having me apprenticed to a tradesman at the conclusion of the intermediate certificate. She blandly observed that she was pleased that she and Dad had made the effort to keep me at school. I think "pleased" is a little vapid Lillian.

Having demonstrated the respect and regard I have for this office and its trappings, may I be permitted a light recollection at its expense and to explain what would otherwise be an obscure reference by Mr Dufty.

When I was a responsibly confident young barrister I was on circuit in Broken Hill. I kitted myself out in an understated velvet suit, a colourful cravat and patent leather shoes.

I decided to do a lap of Argent Street before dinner. I was observed by a lady solicitor who muttered to those within hearing:

"Holy Mother of God, it's the rainbow trout."

If only she could see me now.

I wrote a speech recently. It was wickedly plagiarised by a silk. I will read part of it:

"The Anglicans of Sydney have a bizarre attitude towards mitres. They use them on school crests, on ecclesiastical writing paper, on the gates of archbishopical residences - in fact, anywhere except where they belong - on a bishop's head. So too, Judges will do anything anywhere except what they are paid to do: To decide the cases in front of them, and otherwise remain silent."

I propose to take my own advice.

I am deeply moved by this appointment. It is the highest honour that anyone could possibly have paid me and I propose to discharge the duties of this office to the best of my skill and ability. □