

South Wales Bar is unashamedly proud of what is happening today. We wish you well in all of your discharge of your onerous office, and we simply note that when your Honour wrote last year in a collection of essays, that...we live surrounded by a legal world drifting towards chaos. Your Honour is now at the apex of the system. It is an apex from which more than one broad field is supervised by this court. Your Honour's activities, we are confident, will do something to contribute to this court's arrest of that drift towards chaos.

In reply, Justice Heydon began by paying tribute to Justice Mary Gaudron. The resignation of Justice Gaudron, he said:

has left an immense hole in the ranks of those who administer the judicial branch of our federation. She stood high among those best equipped for the task by capacity, by training, particularly at the hands of the late Mr Justice Hutley, by experience and by achievement...Personal experience of her abilities in oral argument cannot survive oblivion in the minds of those who had it, but there is another benefit which will remain available for much longer. Any lawyer attempting to analyse a novel or difficult problem can do no better than examine any relevant judgments of hers. If they are read slowly, line by line, repeatedly, carefully and sympathetically, they create a much fresher and clearer vision of the issue. One might not agree with either her reasoning or her conclusion, though very often one would, but the question of agreement is not to the point. The value of her judgments lies not so much in compelling acceptance of a conclusion as in aiding readers to their own conclusions. For that reason they will be read as long as any parts of the *Commonwealth Law Reports* continue to be read.

Justice Heydon also paid tribute to the Honourable TEF Hughes QC and Justice Meagher, praising their high intellectual and professional abilities and their loyalty, and to the members of 8 Selborne Chambers, past and present.

The floor is not just to be compared to a group of Irish or Northumbrian monks vainly trying to preserve civilisation through the strife of a new Dark Age. Its leaders were masters at conducting the classical common law trial.

The Honourable Justice Annabelle Bennett

On 5 May 2003 Annabelle Bennett SC was sworn in as a judge of the Federal Court of Australia. The Commonwealth Solicitor-General, David Bennett AO QC, began his speech to welcome Justice Bennett to the court by noting that the Attorney-General, who would otherwise have delivered the address, was not there to speak in person because 'sometimes the first law officer accepts and acts on recommendations from the second law officer'. The following is an edited version of his entertaining and informative welcoming remarks.

When your Honour was in the third class of Wenona school for girls primary school a defining event occurred in your Honour's life. Your Honour came second in the class. This was a defining event because it was the only occasion in your Honour's primary and secondary school career in which your Honour did not top the year both overall and in every subject.

Ironically, your Honour never finished school. This is because you were in the first year of the Wyndham Scheme under which secondary education was increased from five to six years. At the end of fifth year your Honour decided to spend a long vacation studying and to sit for the matriculation examination in January. This enabled your Honour to proceed to enrol in science at the University of New South Wales, without completing the final year of school in a year when your Honour's only fellow students are people who are repeating the year and people who have taken the year off. Your Honour thus had the luxury of uncrowded lecture theatres and virtually individual tuition.

Your Honour had always intended to enrol in law but your Honour's father who had graduated in law in Poland before the Second World War advised you that law was unsuitable for women for two reasons; first, you would need to be better than the best just to succeed and, secondly, it was a career that did not travel. This was before women silks and judges and before travelling practising certificates. Hopefully, 36 years later we've moved a long way in the legal

profession to remedy both these deficiencies. Your Honour, however, would have satisfied his criteria in being better than the best.

Your Honour's father, incidentally, came from the small Polish town of Sosnowiec. There must have been something in the water, because four descendants of residents of that town have joined the Australian judiciary; Chief Justice Spigelman of the Supreme Court of New South Wales, Justice Hampel of the Supreme Court of Victoria, now Professor Hampel, Chief Justice Rosenes of the Victorian County Court and your Honour. Naturally, at the end of three years of science your Honour proceeded to do an honour's year. Your Honour wrote a thesis on *Mitochondrial populations in chick embryo livers*, a tome which no doubt changed the world. Your Honour proceeded to do a doctorate in biochemistry and delivered a thesis entitled *Some aspects of the nature and role of phospholipids in spermatozoa of ram, bull, boar, dog, fowl, rabbit and human* - that no doubt being their scientific order of importance. Nineteen scientific publications have flowed from your Honour's thesis.

Then as now your Honour was uninhibited in discussing such matters. In 1973 your Honour attended a dinner at Admiralty House where you were seated next to the then governor-general Sir Paul Hasluck. His Excellency inquired what your Honour did and your Honour told him in some detail the nature of the work you were doing for your thesis including the fact that the Department of Veterinary Physiology was prepared to pay students \$2 per ejaculate to be used for experimental purposes. Your Honour inquired whether he was interested in contributing, an invitation which His Excellency politely declined.

That was not the only occasion when your Honour made a *faux pas* when confronted by a senior dignitary. Some years ago your Honour was at a black tie function at a legal conference in Queensland. Your Honour was introduced to the chief justice of Queensland, Sir Dormer Andrews. Immediately after the introduction there was a silence. If there is anything your Honour dislikes it's silence. So in a desperate attempt to make conversation your Honour admired his bow tie and asked him 'Do you tie it yourself'. As you

said the word 'yourself' your Honour glanced down and noticed that his Honour had only one arm. His reply was a credit to him; 'I can tie them myself, my dear' he said 'but I cannot tighten them'. Your Honour's dislike of silences is unlikely to be a problem on the Bench of this court.

In the second half of the 1970s your Honour completed your post doctoral research on spermatozoa and then made the move you'd contemplated eight years earlier by enrolling in a graduate program of law at the University of New South Wales.....

Your Honour came to the Bar in 1980 and rapidly developed a practice in commercial law and professional discipline. In the professional discipline field your Honour has acted on all sides; as counsel for the accused professional, as prosecuting counsel and as a decision maker in relation to a variety of professions. The only role your Honour has not fulfilled before disciplinary tribunals is the role of accused professional and your Honour will now never get a chance to do so.

The Bar enabled your Honour to combine your qualifications. Your Honour developed a very extensive intellectual property practice with an emphasis on biotech patents. Your Honour has acted for Dolly the sheep and in a case involving the patent for Viagra...

In 1994 your Honour was appointed senior counsel in New South Wales in the second batch of appointments under the new regime....

It's usual on occasions like this to identify some first which your Honour's appointment represents. The most conspicuous, so to speak, is that your Honour is almost certainly the first Australian judge to be less than five feet tall. The High Court, to its credit, has recognised your Honour's inability to see over the podium and provides a special item of furniture for your Honour to stand on when your Honour appears there. No doubt it will now be stored for some future date when another practitioner with your Honour's commanding height emerges. Whether structural changes need to be made to the furniture of this court remains to be seen.

Your Honour has taught advocacy both in Australia and in Bangladesh. Most importantly of all your Honour was a member of the Council of the

Australian National University and for the last four years its Pro-Chancellor. Only this and the Sydney Children's Hospital will survive your appointment to this Bench but your Honour's elevation has not deterred you from accepting new appointments. Only last week your Honour was appointed to the board of the Centennial Park & Moore Park Trust.

Your Honour is a brilliant cook and your dinner parties are legendary. Your dress style has created a new standard for the female Bar. I understand that plans are now afoot for water jugs in this court to be filled with Evian water and for the standard uninspiring furnishings of your Honour's new chambers to be replaced by tasteful pastels simultaneously with the installation of a dressing table containing your Honour's signature chocolate drawer thermostatically controlled to an ideal temperature. Your Honour has complained that the court robes are too long and is having them adjusted but they are to be re-designed by a committee which will include nominees of Yves St Laurent.

There is one final matter; some years ago a judge was sworn into the Supreme Court of Manitoba. His wife was the president of the Manitoba Bar Association so it fell to her to speak at his swearing in. She concluded with these words; 'I want you to listen very carefully to what I am about to say because, as I will never be able to appear in front of you, this is the first and last time you will ever hear me address you this way, My Lord.'

That witticism is not available to me since we don't address judges as My Lord or My Lady but for the same reason this is the first and last time on which I'll be able to address you as your Honour. Notwithstanding that I will never cease to honour you and your incredible achievements.

The Honourable Jeffrey William Shaw

Former Attorney General Jeff Shaw QC was sworn in as a judge of the Supreme Court on 4 February 2003.

His Honour was welcomed to the court by the current Attorney General, the Hon Bob Debus MP. The Attorney recounted that his Honour grew up in Beronia Park, a small Sydney suburb between Gladesville and Hunters Hill. The area was described by the actress and writer Pamela Stephenson as 'a sparsely landscaped desert, dotted with mounded dwellings and indigenous giant red biting ants' and inhabited by 'fierce magpies, striped goannas and funnel web spiders'. Children walking to the bus stop 'became accustomed to leaping over venomous black/brown snakes that lay sunning themselves on the path'.

Surviving such travails, his Honour went on to attend Beronia Park Public School, Chatswood Public School and then Hunters Hill High School before studying arts and law at Sydney University. He was admitted as a solicitor of the Supreme Court of NSW in 1975 and a barrister the following year. After ten years of practice he was appointed Queens Counsel in 1986.

In May 1980 his Honour was appointed to the NSW Legislative Council to fill a casual vacancy and was the shadow minister for industrial relations and local government from 1991 to 1995. In government he served as attorney general and minister for industrial relations from 1995 to 2000 and also as minister for fair trading from 1998 to 1999. After more than five years as a minister, he announced his intention to retire from politics and return to the Bar. On his last sitting day in the Legislative Council the accolades were strong and sincere from both sides of the chamber.

His Honour has been a prolific academic writer, having written for a wide variety of publications and on a wide variety of topics including, in particular, the area of industrial law. The Attorney noted that he had written on subjects as diverse as the enduring influence of Trotsky on Sri Lankan politics and the sartorial pitfalls of wearing sandals with or without socks. On a more academic level his Honour