



The Hon Justice Murray Tobias takes the Oath of Allegiance'.

The Honourable Murray Herbert Tobias

Murray Tobias QC was sworn in as a judge of the Supreme Court and a judge of appeal on 28 April 2003.

His Honour was welcomed to the court by Walker SC, speaking on behalf of the Bar. Walker SC recounted that his Honour had a long and distinguished career at the Sydney Bar, including as a member of the Bar Council from 1976 and as its president in 1993 and 1994. His leadership of the Bar came at a very testing time, particularly by reason of the introduction of what after many amendments would become the *Legal Profession Act 1987*. His Honour was also a member of the NSW Casino Control Authority and chaired a major inquiry by it in 1994 and 1995. He was also a captain in the Naval Reserves and presided over a number of inquiries as a Defence Force magistrate. On Australia Day in 1998 he received membership of the Order of Australia for services to the profession, particularly through the Australian Bar Association and New South Wales Bar Association, and for service to military law.

His Honour also maintained a busy practice in a broad range of work, including in administrative law, local government planning and development as well as equity and commercial law.

Walker SC, in welcoming his Honour's appointment, noted that in consulting authorised reports one comes up with case after case that not only settled the outcome of fortunes or government policy but also informed and

added to the development of principal in those areas. He went on to say that:

Two in particular stick out as having been decided some time ago, your Honour being victorious, that, no doubt being more than a mere coincidence, and of application to the position you are about to take. In *Heron v McGregor*, decided as long ago as 1986, your Honour successfully contended that even the pressing public interest of disciplinary action against professionals, like all other operations of the rule of law, would finally give way to the paramount dictates of fairness and justice in the administration and disciplinary system. The authority is a good one, the principal was age-old, the application was timely. A reminder of it is also timely.

And finally, joining a bench next after Justice Ipp in seniority, it is of course important to point out that *San Sebastian v The Minister* in which you appeared successfully for the council of the City of Sydney, was decided as long ago as volume 162 of the CLR. I'm not sure whether your erstwhile floor brother Justice McHugh would regard 162 CLR as still on the compulsory reading list or not, but it suffices to say that in *San Sebastian* matters were held, accepting your Honour's argument, in relation to the possibility of a duty of care with respect to governmental and quasi governmental actions of a kind which remain extremely current in the kind of doctrine which your Honour will be administering very shortly.

In reply his Honour was commendably brief, perhaps due to comments following his welcome address at the swearing-in of Justice Nicholas. Justice Tobias noted with pleasure that his fear of an empty courtroom at his swearing-in had not materialised.

The Honourable Ruth Stephanie McColl SC

The immediate past-president of the New South Wales Bar Association was sworn in as a judge of the Supreme Court and as a judge of appeal on 29 April 2003.

Her Honour was welcomed to the court by Bret Walker SC, speaking on behalf of the the Bar. Walker SC recounted that her Honour came to the Bar in February 1980 after receiving her education at Willoughby Girls High School and the University of Sydney and practice as a solicitor. Her Honour was on the Bar Council continuously from 1981 to 2001. Her Honour was secretary from 1987 to 1994, treasurer from 1995 to 1997, senior vice-president in 1988



The Hon Justice Ruth McColl takes the Oath of Allegiance.

and 1999 and was its first woman president in 2000-2001. Her Honour spent some 16 years on professional conduct committees and was also editor of *Bar News* from 1985 to 1997. She also acted as chair of the ADA and Arbitration Committee and the Equal Opportunity and Gender Issues Committee. Her Honour has become the first senior counsel to sit on the Court of Appeal.

Her Honour also found time to act as a board member of the Public Interest Law Clearing House, as a part time commissioner of the NSW Law Reform Commission, the advisory board of the Faculty of Law of the University of Melbourne and the president of the Australian Bar Association, chairman of the Law Council of Australia's Advisory Committee on Indigenous Legal Issues and president of the NSW Women