

# The Hon Justice Bryan Beaumont AO

On 10 February 2005, Court 21A overflowed with dignitaries, judges from other jurisdictions, practitioners and well-wishers to mark the retirement of Justice Bryan Beaumont AO. Amongst those present were Sir William Deane AC KBE, with whom Justice Beaumont had read on coming to the Bar, Sir Anthony Mason AC KBE, Sir Gerard Brennan AC KBE and the Hon JJ Spigelman AC, Chief Justice of New South Wales. The Bar was represented in very high numbers and the occasion was one of immense goodwill, marking the retirement of the longest serving judge of the Federal Court and a highly popular and personable man.

Speaking on behalf of the Commonwealth Government, Attorney-General Philip Ruddock acknowledged Justice Beaumont's 22 years of distinguished service on the Federal Court Bench, noted his recent appointment as an Officer of the Order of Australia and highlighted, in particular, Justice Beaumont's extensive involvement in the propagation of the rule of law in the Pacific region through his several appointments as chief justice of the Supreme Court of Norfolk Island, and an ad hoc judge of the Tongan Court of Appeal, the Fijian Supreme Court and the Supreme Court of Vanuatu. The attorney also made reference to Justice Beaumont's role in the establishment of the South Pacific Centre for Judicial Training and the key role he had played in improving legal education facilities and judicial infrastructure in the Pacific. His Honour had also been an early and dynamic president of the Australian Institute of Judicial Administration and was a 'distinguished foreign member' of the prestigious American Law Institute and one of its international advisers on its important project concerning the harmonisation of transnational rules of civil procedure.

The attorney concluded:

as a judge you have displayed the highest degree of skill and professionalism. We have valued greatly your talents and your contribution and, knowing you as I have, I very much wanted to be here today to acknowledge your career, the immense benefit to both Australia and the Pacific that you have offered. You are known by your colleagues as a conscientious judge who has displayed patience and courtesy at all times.

Ian Harrison SC, speaking on behalf of both the Australian Bar Association and the New South Wales Bar captured the sentiments of many, saying:

Members of the Australian legal profession and more importantly, those who they represent, can look back at your Honour's career with justifiable satisfaction at the way you were able to dispense justice to people whose lives had entered a state of painful turmoil often and whose ability to discriminate between their own understandable prejudices and a wise judgment was often significantly impaired. Too often judges are made the subject of ill-informed criticism by commentators who were neither present in court during the whole of a trial or who make assumptions about the

background of judges which are both inaccurate and unfair.

Nobody analysing your Honour's credentials before you became a judge of the Federal Court or with the benefit of reviewing your years of contribution to it, could have formed any view other than that you were eminently qualified for the task, you managed to achieve that elusive mix of judgment and grace. You might well have been the first graduate of the John Kearney School of judicial style and temperament. It is very pleasing to see that your old headmaster is behind me today.

Your contribution to Australian native title jurisprudence stands like a beacon. You sat on *Peko-Wallsend v The Minister, Commonwealth of Australia v Yamir* and *State of Western Australian v Ward*. You also sat on *Arnotts v Trade Practices Commission*, *Amman Aviation v The Commonwealth*, *PetroTimor v The Commonwealth*. The attorney was even a litigant before you in *Ruddock v Vadarlis*.

I challenge today the Murdoch Press to suggest that the work you performed as chief justice of Norfolk Island since 1992 as an acting judge of the Supreme Court of Vanuatu, as we've heard, as a judge of the Court of Appeal in Tonga and as a non resident judge of the Supreme Court of Fiji were no more than pleasant overseas excursions. Being a judge of the Federal Court or indeed, any court is a difficult job at the best of times. Your contribution to the administration of justice in the South Pacific and to the rule of law in these small nations and territories is your enduring legacy.

Justice Beaumont, in a typically modest and dignified address, concluded his remarks by saying:

If I have made any contribution to the law, it is as part of the judicial system. Most people appearing in a court have their shirt riding on the outcome. The system must somehow ensure that their expenses are not overwhelming and that courts deal with their lists with appropriate expedition. Only within a just and fair system do judges make a worthwhile contribution to society.



The Hon. John Kearney QC and Justice Bryan Beaumont.