

Final Sitting on the occasion  
of the retirement of  
**The Honourable  
Justice Terence 'Terry'  
Sheahan AO**  
Judge of the Land and  
Environment Court NSW

On Friday, 16 August 2019, the Land and Environment Court farewelled Justice Terence William 'Terry' Sheahan AO, one of its longstanding judges. It was the Judge's final sitting in Court 12A, the Court in which he was sworn in on 9 April 1997. The public gallery was packed with well-wishers, members of the Bench and of the Bar who commemorated the Judge's significant career of public service and the 22 years on the bench during which he administered justice for the people of NSW.

Ms Gabrielle Bashir SC spoke on behalf of the NSW Bar and reminded those in Court of the ample and wide-ranging contributions of the Judge to the Court and indeed outside of his career in the law. Justice Sheahan's contributions spanned the legal system generally from the administration of justice and improvements to Australian society. The significant public dimension will no doubt continue in the Judge's post judicial life.

The Judge was awarded an AO in 1992 for services to the law, particularly ADR and services to the NSW Parliament and to the Community through organisations concerned with health, aged care, human rights and the environment.

Before judicial appointment, his Honour was the State Attorney General in the mid-late 1980s and was notable, in any event, having been member for Burrinjuck since the early 1970s. His political career saw him in the office of minister of several major portfolios over time. His Honour's CV reads like a review of the pivotal matters affecting law and society in the 20th century. The public dimension of his work in politics can only be described as significant.

As far back as 1986, as Attorney General, he took a leading role in establishing the Australian Commercial Disputes Centre – one of the first real proponents of ADR and out of Court dispute resolution in the Australian context.

By 2001, he led a move to reform the old Workers Compensation System in NSW. This was a momentous time. It is recalled that the rules, practice and procedure of the Land and Environment Court were to



light the way of the Workers Compensation Commission. It became a body which dealt with disputes by the conciliation-arbitration approach which gave rise to the notion '[of being] focussed on the end from the very beginning' a slogan dating from the Sir Laurence Street years.

Furthermore, under the auspices of the Judicial Officers Bill, his Honour was instrumental in establishing the NSW Judicial Commission. This was no casual act of law reform – it was ground-breaking at the time, if not revolutionary. As an unknown entity at the time, it became the envy of the common law world.

There was a certain blaze of publicity which surrounded the Judicial Officers Bill which would ensure a checking and regulatory mechanism for the judiciary, public accountability of judges, scrutiny of decision makers and facilitate further education of judicial officers.

This reform became the envy of the common law world.

His Honour established the Office of the Director of the Public Prosecutions, as a politically independent office by the *DPP Act* 1985. This had a significant impact on the Attorney General's office and role, which had, since the inception of the colony in Australia, brought prosecutions in its own capacity. It was the guiding notion that criminal justice be administered free of political interference and influence by an impartial office. This was another major reform in the legal history of Australia.

The formidable legacy of reform derives from a significant family history. The Judge's late father was William Francis Sheahan QC or 'Bill' Sheahan QC was also a member of the Legislative Council and Attorney General of NSW. In his day, Sheahan QC was credited with bringing about major reforms such as the abolition of the death penalty, the promulgation of the *Mental Health Act* 1958 and the *Clean Air Act* 1961. Sheahan QC also held the seat of Burrinjuck, the seat seamlessly passed to his Honour by vote.

As is readily observed, whether in Burranjuck, the Gundagai Races or in Macquarie Street, his Honour is always attended upon by former constituents as well as friends and colleagues who greet him. This popularity and advanced sociability is a hallmark of his Honour's personality. It explains his extraordinary trajectory through politics and life in the law.

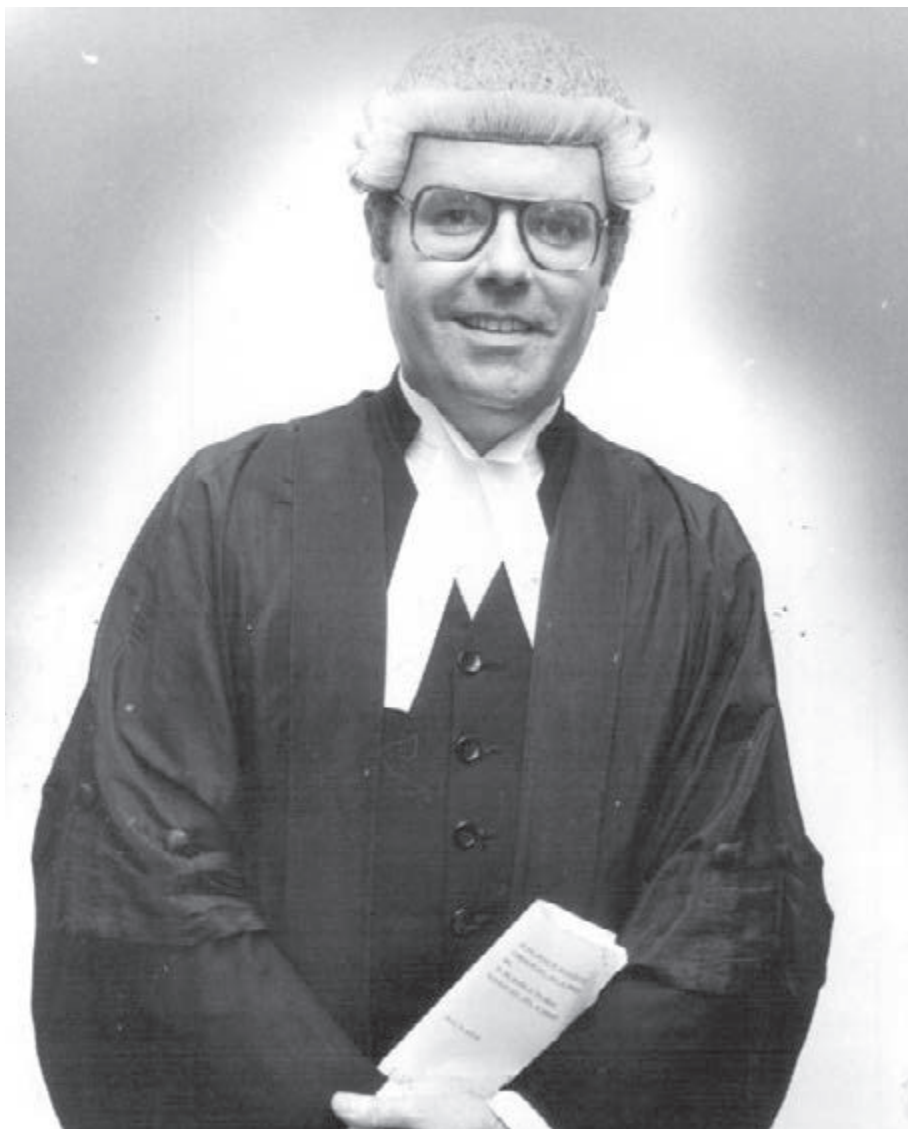
His Honour was the Member for Burrinjuck for 15 years and held notable ministerial portfolios spanning Housing, Transport, Energy, Finance, and of course, Planning and Environment. In addition, he was the President of the ALP in NSW from 1989 to 1997.

Ms Bashir SC mentioned that Sheahan J has had such a trajectory in the law and politics chiefly because of his eminent personal qualities – he was an active Member of Parliament who made friends across party lines – a quality of the highest order. The list of personal qualities most admired about Sheahan J counts a wonderful personality, an irreverent sense of humour, ample generosity and unmistakable genuineness.

More than 500 judgments of his Honour have appeared on Caselaw since 1999. It should be noted also that during 2001 to 2007, his Honour was President of the NSW Workers Compensation Commission, and 94 of those cases have been reported in notable reports. The subject matter and the locations about the above cases were across the jurisdiction and are too numerous to list – a magnificent track record.

In retirement, his Honour and his wife Dr Jennifer Hardy hope to experience a more leisurely pace, but one no less community minded. As the father of eight children and multiple grandchildren his Honour's extensive family no doubt will occupy a significant amount of his post judicial time.

On 9 August 2019 the Environmental and Planning Law Association of NSW held a dinner in recognition of the contribution made by his Honour to the jurisdiction. Members of Judiciary, the Bar and solicitors (city and rural), colleagues, family and friends celebrated his Honour's lengthy and remarkable service. It was observed that the wrench of his Honour's retirement would be a loss felt by the profession. His Honour had been a forerunner and major ally in the development of this jurisdiction and his Honour's vivacious nature will be greatly missed by all.



854203, ex Blacktown. Pic, John Hobley. Story, R. Hacey, S.M.H. NEWS. Pic shows Attorney General Terence Sheahan announces the setting up of a model court at Blacktown Court, with his wife L-R John Aquilina, Member for Blacktown and Ian Pike Director of Local courts administration.