

Welcome and Introduction: The Hon Justice George Palmer Lex Musica Dinner, Newstead House, 16 September 2005

The Honourable Justice George Palmer and Mrs Penny Palmer
Judges of the Supreme and District Courts
Ms Janet Conrad AM, Chairman of the Board of Trustees, Newstead House and Mr Bill
Conrad
Mr Stephen Sheaffe, Board of Trustees, Newstead House and Mrs Glenda Sheaffe
Dr Clem Jones AO, Patron, Friends of Newstead Inc and Ms Dell Townsend
Members of the legal profession
Maestro Barry Singh, conductor of the Northern Rivers Symphony Orchestra
Musicians
Mrs Carolyn Turtin, President, Friends of Newstead Inc
Newstead House Friends
Distinguished Guests

What a wonderful start to what I am sure will be a splendid evening! Like many of you, I had the ubiquitous Scottish great-grandmother who, I am told, predicted that "bagpipes would be the music played in heaven"! Those of you without Scottish great-grandmothers, like our guest of honour Justice George Palmer, might find this news a little discomfoting!

This evening does promise to be heavenly despite the wild and windy weather! We are about to feast on magical music, fine food and wonderful wine. For thousands of years the local Aborigines fished, hunted, feasted and made music on this popular spot. The first recorded European contact came with John Oxley when he and his party breakfasted here in 1823: (hence "Breakfast Creek") but I suspect without wine and music. Newstead House is Brisbane's oldest surviving house. It was built initially as a cottage in about 1845 by Patrick Leslie and his wife Kate, who grew their own fresh vegetables and fruit and supplied top quality produce to the Brisbane area. I am confident they would approve of the quality of tonight's fare.

In 1847 Leslie sold Newstead Cottage to his brother-in-law, John Wickham, the Moreton Bay Police Magistrate, making Newstead House a particularly appropriate venue for this inaugural Lex Musica dinner. Wickham extended the cottage into a handsome house which became a focus for Brisbane's social life in the second half of the nineteenth century. When Moreton Bay separated from New South Wales in 1859 and became Queensland, Wickham expected to become the first Governor but it was not to be and he returned, disappointed, to Scotland with his family later that year. Newstead House was then leased by Queensland's first Attorney-General, Ratcliffe Pring, continuing its connection with legal circles.

In 1918 the house was sold to the City of Brisbane and became one of the earliest heritage houses in Australia to be preserved by its own act of parliament, the *Newstead House Trust Act 1939* (Qld). Newstead House is now administered by a Board of Trustees appointed by the State Minister for the Environment and Heritage. Since 1975 the Friends of Newstead, a group of enthusiastic volunteers, some of whom are here tonight, has assisted the Newstead House Trust with the conservation and presentation of the house. We are privileged to be enjoying its special ambience this evening.

I now move from places to people, and our star attraction, Justice George Palmer. Many of you may be wondering why I am introducing Justice Palmer tonight. I have a copy of his works on the CD *The Attraction of Opposites* and, like many of you, I feel I know him after hearing him interviewed on ABC radio and enjoying the episode of *Australian Story* in which he featured. But I did not meet him until tonight.

We do have some common ground. Like him, I have been a lawyer for many years and a Supreme Court judge, but unlike him and many of you here tonight, I am not renowned for my musical abilities. They are limited to playing only CDs and to appointing in 1992 as my second associate the talented, enthusiastic law graduate and violinist, Julian Wagner, who organised this evening.

Justice Palmer and I also share a common background in that his parents, like mine, were not musical and that when we were young children there was no piano in either of our homes. From that point our early lives took very divergent paths.

Justice Palmer had a cousin Tessa who played the piano and led him to pester his parents to get him a piano and music lessons. Although I pestered my parents constantly, I had neither a cousin Tessa nor a piano and music lessons. That deprivation is no doubt why, unlike Justice Palmer, I did not become a distinguished school musician and organist and a classical scholar writing poetry in Latin and why I have not written "stacks" of music, whereas he has. It is also no doubt why in 1998 I did not conduct the Sydney Opera House Orchestra in the curtain-raising program for the Ray Charles Tour which, it is said, was rewarded with greater applause from the packed audience than that given to Mr Charles himself. Perhaps it is also why I did not lead a team of four barristers and 10 solicitors in one of the largest and longest running commercial cases in Australia's legal history, the Estate Mortgage Litigation. It certainly is why, according to the Sydney Morning Herald, Justice Palmer, unlike me, scores when he is not on the bench! Before you start to feel sorry for Penny, I am of course, referring to his scoring of the opera "The Bean Counter", a satire inspired by Jack and the Beanstalk about a Wall Street broker who, in searching for the perfect girl, must avoid becoming dinner for a bunch of ogres: in his Honour's words, "*Bonfire of the Vanities* meets *Shrek*". Justice Palmer's experience as a Sydney commercial lawyer and as President of the Arts Law Centre of Australia must have greatly assisted him in that work.

In some unmusical circles his Honour is, however, still far better known for his fine legal ability as a judge of the Equity Division of the Supreme Court of New South Wales than for his musical compositions. One of his Honour's decisions was recently quoted to me in the Court of Appeal in a complex contract case in which the appellant's counsel, Mr O'Donnell QC, was claiming the parties had altered their contract under a common mistake so that it should be rescinded. Mr O'Donnell quoted a recent decision of Justice Palmer on the topic of common mistake. My colleague Justice Atkinson enquired as Mr O'Donnell handed up a copy of Justice Palmer's judgment, whether it was set to music. Mr O'Donnell looked perplexed. I added that perhaps it was music to Mr O'Donnell's ears anyway. Mr O'Donnell looked more perplexed until the bench explained that Justice Palmer had a night job as a composer. Justice Palmer's growing fame as a composer means that the mistake made by Mr O'Donnell is no longer a common mistake!

If I could finish my introduction of this remarkable lawyer and musician by quoting from Justice Palmer's own words on *Australian Story* to demonstrate something else which he and I, and, indeed, all the other judges here tonight, do have in common. We are "doing a job that's difficult. [We] may have tried a case ... and got it all wrong! But [we are] ... after all,

... human [with] ... passions, interests, failings and foibles, just like everyone ... [we are] poor bastards trying to do [our] best".

Welcome to the inaugural Lex Musica Dinner and especially to our guests of honour Justice George Palmer and Mrs Penny Palmer.