



Selden Society luncheon
Level 16 Conference Room, Queen Elizabeth II Courts of Law
Friday 20 June 2014

**The Hon Paul de Jersey AC
Chief Justice**

I am honoured to have been asked to deliver this year's occasional address, especially as my departure from the court draws nigh.

The suggested title for the address is Sir Samuel Griffith and Sir Harry Gibbs and the Order of St Michael and St George, which I will pass upon, but leave to another to develop the detail, as will emerge. May I at once, however, acknowledge the presence today of members of the Order, Professor Strong CMG and Professor Johnson CMG.

In the eras of Griffith and Gibbs, judicial office and imperial honours were concomitants. High Court Justices were knighted on appointment, as indeed were as a matter of surety Chief Justices of Queensland. The knighthood of my predecessor the 16th Chief Justice of Queensland, having been recommended to Buckingham Palace, was thwarted by an incoming government revoking the recommendation: or such is the folklore. He was however the first State Chief Justice here not to receive a knighthood.

In the eras of Griffith, and even a century later Gibbs, the according of such honours was *de rigueur*.

As it will eventuate, half way through my Chief Justiceship, in 2006, my wife and I were brought into direct contact with this great tradition.

We were invited formally by, I think, the Chancellor of the Order of St Michael and St George, though at the kind instance of the Gibbs family, to the annual service in St Paul's Cathedral in the presence of the Duke of Kent. It was at this service that the GCMG banner of the late Sir Harry, which previously hung in the Order's Chapel at the Cathedral, was to be "laid up".



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As it happened, Kaye and I were planning travel to Europe including principally Trier in Germany (for a European law conference), and could be in London on the very day of the Service. With some adjustment, we ensured we were. The Agent-General John Dawson accompanied us in Queensland House's Jaguar car with the Queensland flag flying: the long-serving driver Robin told us afterwards that intrigued Queensland tourists came up to him during the service asking what was going on inside of relevance to their home State.

After the service, the Gibbs daughters, rather poignantly I thought, presented me with the banner, which I carried back to Australia in my carry-on baggage.

There was a question about insurance. To insure the banner would have cost, on recollection, some hundreds of pounds, and the only cover would have been against forcible removal. The Agent-General and I thought we could safely take the chance.

And so, last year, we saw the installation of that banner on this 16th level, on a staff sympathetically designed and created by the well-known specialist picture framer Mr Graham Reynolds; displayed in a complementary way to the similarly significant banner of Sir Samuel Griffith.

The Gibbs banner had hung proximately to the bench in the old Banco Court since December 2006, when it was acknowledged at the Christmas Greetings Ceremony with the Gibbs family present. How generous of the Gibbs family to select this court as the destination for the banner, together with all of Sir Harry's GCMG and AC regalia. A powerful competitor, of course, would have been the High Court, but no doubt it was Sir Harry's lifelong affection for his birth State which prevailed.

Our acquisition of the Griffith banner, only last year, was also unforeseen.

But before I come to that, I will complete my account of that memorable day in London which began at St Paul's Cathedral. The Gibbs family kindly and generously invited Kaye and me to lunch with them at the Dorchester Grill – frankly another powerful reason for the



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revision of our travel itinerary. The Agent-General did not come to lunch, but he allowed us the continued use of the Jaguar, and even the middle eastern potentate Dorchester patrons lifted eyelids when they noted the stylish arrival of the Queenslanders. What was somewhat less impressive was our being bumped off the desirable prime position reserved table by a group of “upstarts” with apparently greater appeal to the management – they included Barry Humphries and Sir Edward Fox! We nevertheless managed to enjoy a splendid luncheon of which Sir Harry would have been very proud, and our neighbours were careful not to bray too loudly.

Now we should pass back a century to the Griffith banner. It languished with the High Court in Canberra to the point where its colour faded dramatically. I was disarmed a couple of years ago when Justice Kiefel telephoned me to inquire whether this Court would be interested in housing the banner, on the basis the High Court would first, at its expense, restore it. I found this an amazingly generous approach from the High Court. Griffith was after all its first Chief Justice.

And here we may make yet another diversion. When the High Court was established in Canberra in 1979, Sir Garfield Barwick perhaps impertinently suggested to Sir Charles Wanstall, our Chief Justice, that the definitive judicial portrait of Sir Samuel, by renowned Queenslander Richard Godfrey Rivers, now hanging proudly relatively alone in the Gallery here on level 3, should go to the High Court. Sir Charles resisted. Griffith was after all the third Chief Justice of Queensland, and Rivers epitomized Queensland art of the time.

I think with great generosity, the Judges of the Court in 1979 out of their own pockets commissioned Sir William Dargie to paint a copy of our work, and it is that copy which hangs in the number one courtroom in Canberra. With great respect to the brilliance of Dargie, I have always personally felt the Canberra work looks like a copy. It is set up high, but I fear rather lacks the luminosity of the original. As Ian Callinan told us at this luncheon here last year, Dargie regarded the replica as more Dargie than Rivers. None of this is to suggest the work in Canberra is not of the finest execution.



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Ms Helen Jeffcoat from the Supreme Court Library has produced an interesting, impressively comprehensive, and scholarly article on the intended subject of my address today, and I hope that may be published in the forthcoming Supreme Court Yearbook, which is itself a most wonderful annual emanation of the authority of the library and the real dedication to history and heritage of those who support it. The paper is here for distribution. I am most indebted to the author for relieving me of the need for research. My occasional remarks today amount to no more than an appetizer: I strongly commend the article.

These two banners now hang side by side in the judicial corridor on the 16th level of this courthouse, fittingly, in that context, the Queen Elizabeth II Courts of Law. I would have preferred they hang in the public space. But it was only on the 16th level, in that particular space, that the lighting level was low enough.

We received the Griffith banner from the High Court in a frame. Of such amazing heritage value, it was transported from Canberra in a specially sprung container by a road journey over some days at considerable expense (to the High Court). We acknowledged the acquisition, an indefinite loan, at a function held here on 2 August 2013 attended, in addition to our Judges, by Chief Justice French and Justices Kiefel and Keane.

The Gibbs banner was installed after that, brought from the ground floor museum where we thought it was not sufficiently prominent – though the GCMG and AC medals, which remain there, certainly are. That the Gibbs family, thence this court, retained the magnificent and valuable GCMG collar, which would ordinarily have been recalled by St James's Palace, reflects a royal dispensation, again as I am informed.

The Gibbs banner is not as yet framed. Some of my colleagues would prefer it to be framed. For the moment, and things may change post July, I prefer to let those who are interested appreciate directly the beauty and history of the work. Incidentally, I understand Helen Jeffcoat has produced, or is producing, her own replica.



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I think our focus here, over the last 16 years, on realizing the really interesting and significant heritage works we have, has been tremendously enriching. It certainly was for me in one instance, compiling the booklet on the Supreme Court artworks, for which I am so grateful to the Library. It includes these banners, and I hope you will all accept a copy today.

In a real sense, the Library's large involvement in our securing these banners shows the absolute centrality of its historical role – as ultimate custodian and curator of such material.

I am greatly indebted to the Library Committee for its recent acceptance of my substantial personal collection, covering 40 years – not just menus, invitations and brochures, I should say, but including...well, I am not absolutely sure, which may make for an interesting exhibition at some stage!

Allowing for confidentiality within the court, I have retained most things over especially the last 30 years which I thought could be of continuing interest. Kaye, who is a librarian, inspired me in this.

I did not, I confess, follow Aladin Rahemtula's advice that I should keep a daily diary. I slightly regret that now, but all is a balancing exercise, and I do not think I would have had the time to do it properly.

The body of material I have at this time withheld from the Library, will certainly interest some of us when the time is right!

I have tried to organize the material to some extent, but I record my gratitude to the Library for its preparedness to do that more professionally.

The Supreme Court Library is the obvious home for this material, which may now be revelling in final detachment from its obsessive collector!



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I am afraid, ladies and gentlemen, this ‘talk’ has been somewhat discursive and less than scholarly, but I am probably best at that, and maybe that has fitted, now at this late stage of my career in the law, with John Selden’s ‘table talk’ tradition – though I would not claim for one moment to be a polymath.