



Swearing in of Justice Bond QC
Banco Court
Tuesday 31 March 2015, 9.15am

The Hon Tim Carmody
Chief Justice

Swearing in of Justice Bond QC

Introduction

I am delighted to welcome you all to the Banco Court to mark the formal swearing in of Justice Bond to the trial division of the Supreme Court of Queensland.

Can I begin by acknowledging His Honour's wife, Rowena, their family – and many friends. This is their special day and this ceremony is all about them.

I note that our regional Supreme Court judges are with us via live streaming from Townsville and Cairns.

It is also my honour today to recognise the presence of the Honourable Yvette D'Ath MP for the first time in her role as the Attorney-General, Minister for Justice and Minister for training and skills, and the Shadow Attorney-General, the Honourable Ian Walker MP, Minister for Justice, Industrial Relations and Arts; as well as the Presidents of the Bar Association and the Queensland Law Society and the Solicitor General; the Honourable Justices Kiefel AC and Keane of the High Court, judges of the Federal and Family Courts, judges of the District Court, the Chief Magistrate and Magistrates, Land Court and Tribunal members, retired judges of this court and other courts.

The Acting Director-General, David Mackie, and Acting Deputy Director-General, Ms Jenny Lang, are also here.



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I am also very pleased to welcome the Crown Solicitor, the Legal Services Commissioner, the Director of Public Prosecutions, the Deputy Director of Public Prosecutions, the Public Defender and the Director of Criminal Law Services from Legal Aid Queensland.

Senator George Brandis QC, Attorney-General for the Commonwealth, cannot be here this morning due to prior commitments but extends his best wishes as do Justice McMeekin, the Chief Judge and the Honourable Ken McKenzie QC who regret being unable to join us.

A judge's life

The President of the Supreme Court of Israel, Aharon Barak, describes judging in the modern era as a burden not always easy to bear. It is not, he says, an attempt to please everyone:

“... but a firm insistence on values and principles; not surrender to or compromise with interest groups but an insistence on upholding the law; not making decisions according to temporary whims but progressing consistently on the basis of deeply held beliefs and fundamental values ... There should be no wall between the judge and the society in which the judge operates. The judge is part of the people.”¹

Judicial qualities

The faith of the community is the sole source of our ongoing relevance, authority and legitimacy. It will be lost without confidence in the dispensation of justice.

The early Greek philosopher Plato saw justice as the power that makes it possible for people to grow in society and that preserves them for as long as it remains there. Aristotle believed that just decisions stem from a strong ethical foundation. Practical wisdom and

¹ The Hon. Sir Anthony Mason, 'The Art of Judging' (2008) 12 *Southern Cross University Law Review* 33, 42.



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sound judgment which sets the best judges apart is impossible, he wrote, without moral virtue.

One of Justice Bond's early mentors, the former Chief Justice of the High Court, Sir Gerard Brennan, who he served as associate in 1985, has published widely on the value of a judge's role in society. As he explains:

“No conscience other than the judge's own can be the guide. No pen but the judge's own can write the reasons for the decision or sketch the summing up. No expression of satisfaction can satisfy the judge unless the judge's own standards be satisfied. In those quieter moments that we allow ourselves for reflection, we know that the security, the dignity and the freedom of our citizens depend on the faithful performance of the judiciary.”²

Sir Gerard also identified four defining characteristics of lawyers and judges³:

- legal competence of high order;
- a willingness to serve the community;
- professional commitment going well beyond the call of duty; and
- (of course) personal integrity.

To that list Justice Ronald Sackville recently added a fifth attribute – courage and resilience in the face of hostile criticism and public disapproval.⁴ As his Honour rightly noted, judging is not just a job but a way of life that includes an impartial search for truth.

² The Hon. Sir Gerard Brennan, 'Why be a judge?' (2011) *Judicial Officers' Bulletin* 23(5) 39.

³ G Brennan, 'Pillars of Professional Practice: functions and standards (1987) 61(3) *Australian Law Journal* 112.

⁴ Justice Ronald Sackville, 'Lawyers and Judges: The fifth attribute' (2015) *Judicial Review: Selected Conference Papers: Journal of the Judicial Commission of NSW* (12)(2) 187.



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This is why even in a mature democracy like ours, judges may be called upon to show uncommon fortitude in discharging their functions and responsibilities.

His Honour and I have known one another since our school days. He has changed little in character and the fundamentals. If I remember correctly, he always came first in the class.

His graduation from the University of Queensland with a Bachelor of Commerce and a Bachelor of Laws with First Class Honours was another early indicator that he was a top talent of uncommon ability.

Since then His Honour has turned his early promise into a sparkling professional career. He is cited in Doyle's Guide as one of the three pre-eminent Senior Counsel practicing construction law in Queensland. This is a rare distinction reserved for the best of the best.

His Honour's academic brilliance and long list of past achievements in practice will help him meet the intellectual challenges of his office, but it is personal integrity and strength of character by which he will hold fast the high ideals and ethical demands of contemporary judicial life and service.

Once more I warmly congratulate him and those who love and support him on reaching this milestone in his professional career and wish him every future success.

The Attorney-General