



**SUPREME COURT
OF QUEENSLAND**

Farewell Dinner for the Hon. Walter Sofronoff,
President of the Court of Appeal.
Friday, 20 May 2022
Tattersall's Club, 215 Queen Street, Brisbane.

Chief Justice Helen Bowskill

We are here this evening to farewell our dear colleague, Walter Sofronoff, from the Court. The irony has not been lost on anyone that we do so, dressed to the nines, in circumstances where Walter's preference, on any given day at work, would usually be for black jeans and a T-shirt. But we've all scrubbed up pretty well, and it's been an absolutely lovely evening already.

Walter is no doubt looking forward to his unconditional release, after what has been a relatively short – in terms of judicial life at least – sentence of five years. But he has packed a lot into that five years. Superficially, Walter has been involved in more than 550 decisions of the Court of Appeal. Although large, that number does not reveal the substantive contribution that he has made to the jurisprudence of the State, and the nation, in terms of explaining, clarifying and at times changing the law, in energetic decisions crafted with enviable brevity and clarity and, at times, punch.

As you all know, that contribution followed upon a career of over 40 years at the Bar, 30 of those as a silk. As counsel, Walter was involved in some of the most significant decisions of a generation, including over the course of almost a decade as Solicitor-General for Queensland. A survey of the decisions in which Walter appeared in the High Court reveals the extraordinary breadth of Walter's practice – well and truly justifying our friend, former Chief Justice Holmes' description of Walter as "one of those rare all-rounders in the profession, who can turn your hand to anything, and perform it at a rare level of excellence".

One example, which reflects that breadth of practice, as well as Walter's dedication to the art of advocacy is *Wik Peoples v Queensland*, in 1996, in which the High Court determined, albeit by a narrow majority, that the grant of a pastoral lease did not necessarily extinguish native title. One of the members of the High Court for that decision, Michael Kirby, subsequently wrote extra-judicially of the "powerful", "electric" moment when Walter, appearing for the Wik People, approached the central podium. "He did not squander that historic moment", said Kirby, "he opened his submissions in a most unusual way. He did so by talking in word pictures... with a vivid description of the beauty of the Wik country [on which] the Wik people were going about their daily lives as they and their ancestors had done for aeons", whilst at the very same moment, a pastoral lease was being registered somewhere in a town far away.

Walter is someone who has always been fearless in his defence of the independence and the integrity of the judiciary. By his own admission, he avoided judicial life for too long, but described it in the very early days as "heavenly". I have not checked with him to see if that description remained apt, once the relentless workload of the Court of Appeal set in. But given Walter's demonstrated love of writing I suspect it did.

Apart from his enormous contribution to the development of the law, Walter has also made significant contributions more generally to the practice and procedure of the court, and the community's understanding of it. Some of these include: dealing with applications for leave to appeal in an expeditious way; leading by example in terms of encouragement to give *ex tempore* reasons whenever appropriate; endeavouring to ensure an even distribution of work by allocating matters using a rating system taking account of the nature of the matter; interstate exchanges of judges of appeal; encouraging senior counsel to give junior counsel appearing in appeals a speaking role; inviting representatives from the community to see first-hand what happens in the Court of Appeal; and refusing to hear an advocate who would insist on the affectation of coloured robes.

Walter brought authenticity and individuality to his judicial role. The following book-ends to his time on the court serve to demonstrate these characteristics:

In *Manning v Queensland Police Service* [2017] QCA 151, one of Walter's first *ex tempore* decisions, the following exchange took place:

SOFRONOFF P: The order of the Court is that leave to appeal is refused. Adjourn the Court.

ASSOCIATE: All rise.

APPELLANT: Excuse me - - -

ASSOCIATE: The Court is adjourned.

APPELLANT: - - - your Honour. Could I get you Judges' names, please?

SOFRONOFF P: My name is President of the Court of Appeal. Adjourn the Court.

And just recently, in *Lim & Anor v Zhou* [2022] QCA 60, in the context of an application for leave to appeal against a decision to summarily dismiss a claim for about \$20,000, the last application Walter heard as President of the Court of Appeal, he acknowledged the substantial injustice experienced by the applicants, despite the small sum involved – recognising that whilst it might be a small sum to some, it was not a small sum to the parties involved in that case, and they were nevertheless entitled to pursue it. At the end of his Honour's *ex tempore* reasons on that occasion, he said:

SOFRONOFF P: Adjourn, for my final time.

On a personal note, I wish to thank Walter for the support he has given to me, from the very start of my time on this Court, and especially in the past few weeks. Many young lawyers – especially young women lawyers – have commented to me what an impact Walter's words, at my swearing in ceremony had on them. The impact of someone of Walter's standing and reputation in the legal profession, making reference to the generational shift that has come to pass, and to the observations of Ruth Bader Ginsberg about the point at which the fact that a woman should hold a role such as this should be unremarkable, cannot be underestimated.

Selfishly, I could wish to have had the benefit of Walter's counsel for longer. But as many a rock star has failed to learn it is always better to leave with the people asking for more. Walter leaves us with our very best wishes, for him and Margaret and Sasha, for new adventures, an open sky and an open road ahead; and with our gratitude for the energy, enthusiasm and creativity he has brought to the role of President.

Could I ask you all to stand, and raise your glasses in a toast to Walter Sofronoff.