



**SUPREME COURT  
OF QUEENSLAND**

Valedictory Ceremony for the Honourable Hugh Fraser, Judge of Appeal  
Banco Court  
Friday, 15 July 2022

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**The Hon Helen Bowskill  
Chief Justice**

We hold this ceremonial sitting of the Court today to pay tribute to and say farewell to our dear colleague and friend, Justice Hugh Fraser. The Court sits today here in Brisbane and with Justices Henry, North and Crow joining us on the bench, from Cairns, Townsville and Rockhampton. Some of our judges are unable to be here, but all join in farewelling, with our very best wishes, and more than a little sadness, Justice Fraser.

We are honoured to be joined today by Chief Justice Kiefel, and Justices Keane and Edelman of the High Court, as well as many serving and retired judicial officers of Federal and State courts and tribunals. Of the retired judges, we note with pleasure the presence of two former Chief Justices of this Court, Paul de Jersey and Catherine Holmes and two former Presidents of the Court of Appeal, Margaret McMurdo and Walter Sofronoff. Many other retired judicial officers have sent their apologies and best wishes to Justice Fraser. The Honourable Richard Chesterman, who served for many years on the Court of Appeal with Justice Fraser, has particularly asked that his apology be mentioned. I note the Attorney-General has sent her apologies also.

I also acknowledge the first and traditional owners of this land, and pay my respects to their Elders, those who have spoken for the land in the past and who do so today.

There are some particularly special guests here today, including his Honour's wife, Margie, and their children and their partners, grandchildren, brothers and sisters, and other members of his Honour's extended family and many friends. I understand at least one of his Honour's

grandchildren might be watching the ceremony from the comfort of his chambers, where apparently there is greater freedom for youthful exuberance. And of course we welcome his Honour's associates – all of them I think – many who are here in person, but some who are joining us virtually.

We welcome you all, distinguished guests, members of the profession, ladies and gentlemen.

Justice Fraser has served with great distinction as a judge of appeal for 14 and a half years, having been appointed to the Court of Appeal on 30 January 2008. That is the second longest tenure of any judge of appeal in the Court of Appeal's 30 year history – beaten only by its second President, Justice Margaret McMurdo. It's also beaten, but only by one month, by the Court of Appeal's invaluable Research Officer, Bruce Godfrey, who commenced his tenure just one month before Justice Fraser.

His Honour's appointment to the Court of Appeal followed upon a remarkable career at the Bar, including 16 years as Queen's Counsel. As counsel, Justice Fraser appeared in some of the most important cases of the last 30 years including, in the High Court, *Mabo v Queensland*, *Wik Peoples v Queensland*, which dealt with native title and pastoral leases, and *Commonwealth v Yarmirr*, which dealt with native title in the sea. That did not so much reflect his Honour's broader practice at the Bar – which was principally in commercial litigation and advice – but rather a recognition of his Honour's high intellect and expertise. Indeed, such was the complexity and importance of those cases that the list of counsel appearing in them is eye-watering – in *Wik*, for example, the Bar table also included, just to name a few, people such as Sofronoff, Keane, Mullins and Bond. In *Yarmirr* Fraser lead Flanagan; and in *Mabo*, his Honour was led by Geoff Davies QC – all of whom went on to serve as judges of appeal on this Court.

During his tenure as a judge of appeal Justice Fraser has made an enormous contribution to the law and to the administration of justice. In terms of sheer numbers, his Honour has contributed to almost 1800 judgments of the Court of Appeal, which cover every area of law imaginable. Although I tried to identify some seminal decisions to mention here, there are quite frankly just too many to choose from. Justice Fraser has left an indelible mark on the jurisprudence of not only the State, but the nation. His exegesis of the law on many topics will continue to be cited and followed for generations to come. Coming to the Court as an

expert in many areas of the law including commercial, administrative and public law, his Honour leaves us an expert in criminal law as well.

His Honour has also made a significant contribution to the administration of the Court, including through his role, from 2009 to 2017, as Chair of the Supreme Court Library Committee. The “Fraser era” in the library’s history, as it has been described, was one of transition and significant challenges, as the library moved from its traditional role – as a great repository of research materials required for the administration of justice, to which many members of the judiciary, the profession and students flocked for assistance – to having a virtual presence, providing online legal information and research services. His Honour has also played a key role in the training and development of new barristers, through his role as Chair of the Bar Practice Course Management Committee for seven years, from 2015 until now. More generally, Justice Fraser has, I know, always been a valuable source of wise counsel and support to the Chief Justices, Presidents and Senior Judge Administrators of the Court over the whole of his tenure, and to his colleagues, to whom his door was always open and his wisdom and knowledge always generously shared.

Over his lengthy and distinguished service as a judge of appeal, Justice Fraser has amply demonstrated that the trust and confidence placed in his loyalty, learning, integrity and ability – to adopt the words of the commission by which he was appointed – was well-placed. His Honour is a person of the highest intellect and integrity, balanced by humility and a self-deprecating wit. His Honour has regularly demonstrated the accuracy of the description of him, at the time of his swearing in as a judge, as having an “intimidating capacity for hard work and the transforming knack of being able to reduce the complex to the simple”.

Justice Fraser is also the consummate gentleman; and one of the kindest, most thoughtful and courteous people you could have the good fortune to come across. He will be sorely missed from the court, not merely because of his prodigious work ethic, superior intellect and long experience, but also for his very good company and friendship. However, we know that his family awaits more time with him, and him with them, and we wish him and Margie all the very best as they embark on their next adventure.

Mr Solicitor ...

Mr Sullivan...

Ms Thomson...

Justice Fraser...

All present are invited to join Justice Fraser and the Judges for morning tea in the portrait gallery.

Let these proceedings be recorded.

Adjourn the Court.