

seizures(15), or otherwise illegally obtained(16), or resulting from wrongly obtained confessions(17), is as admissible in Australia (and in England) as any other evidence, if it is relevant, even though steps may be taken to punish by other process the persons guilty of the illegality. It used to be so also in this and many other American states. Can you any longer afford the highly technical and expensive, but quite recently acquired, luxury of excluding it? Your own Professor Wigmore who pointed out that the object of all rules of evidence is to reach the truth, save only where to admit it would cause a greater community evil than to exclude it. At least, in the countries of the British Commonwealth whose laws I have quoted, we have far fewer guilty persons going free, in circumstances which scandalise and outrage the public, than you do; and I do *not* believe we convict any more innocent persons than you do.

We have in Australia some restrictions on wire-tapping, but there is a strong opinion in favour of reducing them. We have no restrictions on eavesdropping or "bugging", and we have never found it necessary to invent a "right of privacy" to justify any such laws. Such bugging as may be used does not prevent 12 million Australians leading very reasonably comfortable and prosperous lives without, apparently, any of the evil consequences contemplated by so many American writers of books and magazine articles. And so far as I know, 50 million people in Great Britain exist well enough without any such restrictions.

Personally, I have no doubt that the modern provisions against wiretapping, and the outcry against mechanical eavesdropping, so far as they affect the detection and proof of crime, have been taken far too far. There are already signs in your most recent Federal statutes that this view is beginning to prevail.

My general feeling on these matters, if I may re-

- (15) *Kuruma v. R.*, (1955) A.C. 157 (P.C.); Wigmore on Evidence, Vol. 8, Sec. 2143.  
 (16) Campbell & Whitmore, *op cit.*, pp. 50-51; Cross & Wilkins on Evidence, London, 1964, p. 161.  
 (17) Cross & Wilkins, *loc. cit.*

spectfully state it as a foreign lawyer, is that, in your enthusiasm for liberalism at all costs, you have developed perceptibly more than we in Australia, a hyper-legalism which is impeding legal administration. In a community with such already high crime rates as I have quoted, how stand life, liberty, and the pursuit of happiness, if your laws are interpreted to make crime more difficult to sheet home, and your penal provisions are more leniently administered? What is the real value to a decent law-abiding American citizen of being in less danger of possible abuse of power by the police, but in greater danger of fraud, theft, violence or death from criminals large and small, organised or unorganised? Does not the mounting lawlessness of society indicate that your priorities need re-thinking?

Do you credit the proposition that you can buy all the improvement you need by merely subsidising more employment, prosperity and leisure? Must you not also—and with urgency—set about the vigorous and extensive legal and constitutional reforms necessary to achieve, so far as human measures can do it, the really swift detection and the speedy, certain, and final punishment of criminal offenders?

I believe one important difference between law and order, your model, and law and order, our model, is that we obstinately regard that principle as just as vital a bulwark of civil liberty as any other principles of individual freedom.

As an Australian lawyer and a former Judge, I wish you from the bottom of my heart success in what has suddenly become a very urgent and very critical task, of vital moment to the whole world, in which you simply cannot contemplate failure. If the great American experiment in freedom were to degenerate into a mere jungle of violence, free men everywhere would be plunged into despair at the defeat of justice. In common with most of humanity, my fellow Australians and I say, with your great poet Longfellow:

"Sail on, oh ship of State!  
 Sail on, oh Union strong and great!  
 Humanity, with all its fears,  
 With all its hopes of future years,  
 Is hanging breathless on thy fate!"

## Appointments, Retirement and Honours

### Mr. Justice Walsh

The following is a transcript of part of the proceedings in the High Court of Australia at Sydney on Friday 3rd October 1969 on the occasion of the swearing in of Mr. Justice Walsh as a Justice of the High Court of Australia.

On the bench were Barwick, C.J., McTiernan, J., Kitto, J., Menzies, J., Windeyer, J., Owen, J.  
 THE HON. N. H. BOWEN, Attorney-General of the Commonwealth:

May it please the Court, it gives me great pleasure to appear this morning before your Honours to express on behalf of the Commonwealth Government and of the people of Australia a warm

welcome to his Honour Mr. Justice Walsh upon his swearing-in as a Justice of the High Court of Australia.

Looking at past history, it appears to be the exception rather than the rule for a Judge of another Court to be appointed to this Bench, although there have been some notable members of the Bench so appointed, including your Honour Mr. Justice Owen.

The qualities of your Honour Mr. Justice Walsh are, of course, well-known to us in New South Wales, although at this stage perhaps less well-known in other parts of Australia. After a notable academic career your Honour was admitted to the

New South Wales Bar in 1934. Although your Honour did not take silk before being appointed to the Supreme Court of New South Wales at the age of 44, those of us who have appeared in Court as counsel against you are able to testify to your capacity as an advocate while at the Bar. Also while at the Bar, your Honour was one of the assistant editors for some volumes of the first edition of the Australian Digest.

During your service on the Supreme Court Bench over a period of fifteen years, including service on the Court of Appeal since it was established in 1966, your Honour has displayed judicial knowledge and skill of a high order in dealing with a wide range of legal problems. In addition, your Honour has taken part in various other activities; amongst these perhaps I may be permitted to mention your Honour's membership of the New South Wales Law Reform Committee, presided over by Sir Leslie Herron. I think we are all pleased to see Sir Leslie present this morning at this swearing-in.

Also may I mention your Honour's representation of the Commonwealth at the ECAFE working party in Bangkok in January 1962 on the subject of commercial arbitration.

In coming to this Court your Honour is joining a Bench which enjoys, if I may say so, an extremely high reputation, not only in Australia, but throughout the English-speaking world where the English system of law has been adopted. As the final appellate court in general law and as the ultimate guardian of the Constitution, the High Court of Australia occupies a pre-eminent position in our legal and constitutional system. It is not always easy to find men who by their innate capacity, their experience and their performance in the profession are readily marked out as suited to take their place on this Bench. However, in the case of your Honour, I believe this Court has secured a lawyer with these necessary qualities, and I am confident that I am expressing the sentiments of the legal profession and of the people of Australia in wishing you a distinguished term of office upon the High Court and, so far as a Judge may expect it, personal happiness in the work which you are now called upon to undertake.

THE HON. H. H. SNELLING, Q.C., Solicitor-General for New South Wales:

May it please your Honours. Your Honour Mr. Justice Walsh, we of the New South Wales Bar learned with pride and pleasure of your Honour's elevation to this distinguished Bench. You were one of us for twenty years and we believe that in spirit you still are, after fifteen years of judicial office.

While at the Bar, you built up a large practice, especially in Equity, due to your qualities of mind and character. You were greatly respected by your colleagues, with whom you worked on terms of mutual friendliness, co-operation and courtesy. Your judicial record has been quite outstanding, both before and since you became a member of

the Court of Appeal of New South Wales. On a number of occasions, appellate courts have spoken in terms of appreciation of your valuable and learned judgments, as indeed they have been.

To counsel, arguing thorny and difficult questions, you have always been helpful, considerate, patient and receptive, so that it is a pleasurable experience to appear in a case with you on the Bench.

Hence we believe that you will make a valuable contribution to the work of the High Court of Australia, which we hope you will find stimulating and satisfying. We offer you our congratulations and best wishes.

MR. K. SMITHERS, Vice-President, Law Council of Australia:

May it please the Court. Firstly, I would like on behalf of the President of the Law Council to express his regret that, owing to his absence in Rabaul, he is unable to be present today. It therefore falls to me to express to your Honour, on behalf of the Law Council, representing through its constituent bodies the whole of the practising profession in Australia, its pleasure at your appointment to this office.

Your Honour comes to this Court after a most distinguished career on the Bench of the Supreme Court of New South Wales, where your Honour has had extensive experience, including a long period sitting in commercial causes and of latter years as a Judge of the Court of Appeal.

It is, of course, a matter of some regret to the members of the profession in New South Wales that your Honour will no longer be sitting as a member of the Court of Appeal, but they welcome your appointment and look forward to appearing before you in your new role.

It is not often that in welcoming a new appointment to the Bench, either of this Court or of other Courts, that one has the opportunity of knowing the manner in which the new appointee will carry out his judicial functions. We are fortunate in the case of your Honour that as the result of the long period for which you have held judicial office, we know full well your outstanding qualities.

Some years ago, Sir Owen Dixon, upon taking the oath of office as Chief Justice, expressed the view that respect for the courts must depend upon the wisdom and discretion, the learning and ability and the dignity and restraint which the Judges exhibit. Your Honour's possession of these qualities will, without doubt, lead to a most successful term of office.

We trust that your Honour's interest in Law Council affairs, which has been evidenced by your attendance at conventions of the Council, will not be diminished in any way as the result of your new appointment. We congratulate your Honour, and wish you a long and successful term of office.

MR. J. K. BOWEN, Senior Vice-President, Law Society of New South Wales:

May it please the Court. Your Honour Mr. Justice Walsh, it gives me very great pleasure

indeed to represent the solicitors of New South Wales on this occasion today to congratulate your Honour on your appointment to the Bench of this High Court of Australia.

An appointment to the High Court of Australia is, we think, the highest honour which can be accorded to a member of the legal profession in this country, and it is well-deserved by your Honour.

Your Honour had a brilliant academic career, but more importantly, your Honour has served with very great distinction first as a Judge of the Supreme Court of New South Wales and latterly as a Judge of the Court of Appeal. We will miss your Honour in New South Wales, but we will look forward to our appearances here before you, albeit on less frequent occasions. You may be assured of the loyal work of solicitors in this Court before your Honour.

I would like to conclude by wishing your Honour well, and hoping that you find your work enjoyable and satisfying.

#### MR. JUSTICE WALSH:

Mr. Attorney for the Commonwealth, Mr. Solicitor-General of the State of New South Wales, the Vice-President of the Law Council of Australia, and senior Vice-President of the Law Society of New South Wales: I cannot adequately express my thanks to those of you who have just addressed the Court and to all of you who have come here today.

I feel deeply grateful also to others in this State, and in other parts of the Commonwealth, who have been kind enough to give me their good wishes as I enter upon the high privilege, but very great responsibility, of being a member of this Court.

There is no need for me to stress that I am conscious of the importance of the work of this Court, which is the apex of the judiciary of this great and growing Commonwealth in which we have the good fortune to live.

This is so much in my mind that on this day on which I have the honour to become a member of the Court, I am filled with anxiety as to my capacity to render service of the quality which our country has received from those who will now be my colleagues and from their predecessors and not least from the distinguished Judge who has so lately gone from this Court and whose passing is so much lamented.

It is service of this quality which the legal profession and the community have a right to expect of me. Those expectations may be disappointed. My decisions may be impaired by the imperfections of understanding and reasoning from which no man is free and of which I have my full share. But it is my resolve to try to carry out my duties here in such a way that when the time comes for my work to be assessed, the verdict may be given that I have done my best to give to every litigant who comes before the Court, the attention to his case and the examination of it which are his right.

I feel no regrets that I devoted my working life and such talents as have been given to me to the service of the law. It has been said of the law that it is a jealous mistress and requires a long and constant courtship. As in other courtships, if a man is fortunate, the pangs and frustrations are outweighed by the pleasures and delights, and if the jealous mistress must be forever wooed and never wholly won, he may still enjoy the chase.

I have had in my life in the law much satisfaction. One source of it has been the friendships which I have made. I suppose that in most walks of life a man may make many good friends, but it has seemed to me that there is a special and rare quality in the friendships that I have been fortunate enough to make, when at the Bar and on the Bench, with members of both branches of the practising profession and with my colleagues on the Bench. In these friends there has been no fuss or ostentation, but they have imparted a warmth and richness to my life for which I must always be grateful.

In my time at the Bar, I had very great help indeed from many busy men who were unsparing of time and trouble, whenever I went to them for guidance.

In my time on the Bench my colleagues were equally generous to me. Throughout all that time as a barrister and as a judge I have received much help and kindness from the solicitors with whom my work has been associated.

Another reason for my satisfaction with my choice of the law as a career is that I found much of the work stimulating and enjoyable. Of course some of it could hardly be called exciting. Many people would think there are better ways of spending a fine day than in listening to long and complicated arguments about such topics, shall we say, as the Landlord and Tenant (Amendment) Act or the Mining Act of the State of New South Wales. Yet the processes of clarifying the problem and of exchanging views about it, even in cases which appear to be dreary, are all grist to the mill of the mind and I have found those processes satisfying.

But in many cases of course the facts loom larger than the law and although we hear sometimes of the clanking of medieval chains and of ghosts flitting around us, yet in trial work and in appellate work I have found often that the questions to be resolved have touched very closely the emotions and the cares and troubles of men and women being the people concerned. In my experience it is wrong to say that the law and the material on which it works are remote from life and humanity. So I have found personal gratification in much of the work that I have done, but at the same time I have felt that we who spend our time as lawyers engaged in the adjustment, by the application of the rules of the law, of the relations between one man and another—or sometimes between the State and its citizens—and in the enforcement of their rights and obligations, are

doing a thing which is well worth doing and which is of fundamental importance to our fellow men.

There are, of course, other professions which minister nobly to the needs of men, but in the end the rock upon which the whole edifice of our civilized society stands is the maintenance within it or a system of law by which order is preserved and the rights and liberties of its members are protected.

Those who work to uphold and to improve that system of law may fairly claim that their time is well spent.

I have spoken of wooing the law and of a love for the law. This is not to say of course that I think there is no room for improvement in it. I have looked with great satisfaction on the recent growth of serious and organized efforts towards law reform.

Mr. Attorney mentioned that I played some little part in this when the Chief Justice's Law Reform Committee was working in New South Wales, before the Law Reform Commission was established, and I think that it is important that here in New South Wales and in other States there are now men working full time on this task, because if you are going to reform the law you really want to look at it and see that the new that you are substituting is better than the old, and see that it fits coherently with other parts of the law.

I should not like to let this occasion pass without some reference to the Court which I have just left. It is more than 15 years since I was appointed to be a member of the Supreme Court of New South Wales. During that time the number of its judges has greatly increased. Of those who were on the Bench at the time of my appointment to it, I think that ten have since left it and two others who were appointed later than I was have also gone from it. Many others have come along in that period and are still doing the work of the Supreme Court. It is not for me to evaluate that work, but I do wish to say on this occasion that I am proud to have been a member of it, and to have been in the company and enjoyed the friendship of its members. I am grateful indeed for many kindnesses they have shown me, and there is sadness for me in leaving them. The volume of work which they are called upon to do in all the main jurisdictions is quite staggering, and it is a tribute to the Chief Justice of that Court that he seems to remain calm and genial in the midst of the problems which beset him because of the pressures of the work. I am indeed honoured by his presence here this morning. He knows well the affection I have for him and for the members of the Court over which he presides.

I have come now to join those who sit on this Court. With some of them it was my privilege as a barrister to work and to learn much from their experience and guidance. With one of them I had the privilege of doing judicial work and am now taking up again that sharing of work. With all of them I feel that I am on terms of

friendship; all of them have heartened me by their warm welcome, for which I thank them sincerely. I must look to them for help in my efforts to wear worthily the high honour that has been accorded to me by my appointment to this Court.

To you, Mr. Attorney, I offer my thanks for your words of welcome and of encouragement, and give my assurance that I will try to justify the confidence that has been reposed in me.

To you, Mr. Solicitor, and through you to the Bar of New South Wales, I want to give my thanks for what you have said and for their support, and I have a deep appreciation of the debt which I owe to you all.

I would ask the Vice-President of the Law Council of Australia to believe that I am grateful to the profession throughout the Commonwealth for the good wishes offered to me. I look forward to a better acquaintance with many of them, and I know that they will continue to give to the Court their help, without which it cannot do its work well.

To the Vice-President of the Law Society of New South Wales, and through him, I give my thanks to him and to the solicitors, on whose behalf he has spoken. They play a very important part in the administration of justice and their integrity and their abilities are well-known to me.

To all who have addressed the Court, and to all on whose behalf they have spoken, I say that your generous goodwill has almost overwhelmed me and I must strive to be really worthy of it.

I am honoured by the presence of all who have come here. I am glad that my wife and two of my sons and some members of my own family are here to share this occasion with me. I have nothing more to say, except to repeat that I am truly grateful to you all.

#### Mr. Justice Meares

Rarely has an appointment to the bench been such a loss to the bar as was the recent appointment of Charles Leicester Devenish Meares to the Supreme Court of New South Wales.

Mr. Justice Meares was educated at Newington College and at the Sydney University, from which he graduated in law in 1932. He was admitted to the bar of New South Wales on 25th May of that year and except for service in the armed forces has practised constantly in his profession.

He enlisted in the A.I.F. and served with that force both in the Middle East and the islands north of Australia in the Corps of Signals and was finally discharged with the rank of Lieutenant-Colonel.

His practice at the bar was varied and extensive, and he took silk in 1954. He practised in all jurisdictions, was prominent in many outstanding cases and inquiries and is, perhaps, best remembered for his success in the Wagon Mound case.

His service to the bar and kindred interests was prodigious and indefatigable.

He was a former President of the New South Wales Bar Association and the Australian Bar

Association, in the formation of which he took a leading role. He has been President of the Sydney University Law Graduates Association, and has been Chairman of the Barristers' Sickness & Accident Fund Pty. Ltd., the Barristers' Superannuation Fund Pty. Ltd., and the Council of Law Reporting for New South Wales. He has been on the Executive of the New South Wales Medico-Legal Society, the Commercial Law Association and the Australian Academy of Forensic Sciences. He was also a member of the New South Wales Committee of Law Reform appointed by the Government under the presidency of the Chief Justice, and was one of the original members of the Council for Continuing Legal Studies.

He was instrumental in founding the New South Wales Council of Professions. Not only did he have the foresight to understand the value that could accrue from the professions meeting together to discuss mutual problems, but he had the drive to do something positive about it. He called together representatives of the organised associations of law, medicine and dentistry and the New South Wales Council was formed on 15th April, 1964. He was the first President and held office for two years, during which time the constituent membership expanded and the enthusiasm of the members never waned. He favoured the formation of a national body and with this in view similar Councils have been formed in Victoria, South Australia and Queensland.

For many years just prior to his appointment, he played hockey and was also an ardent skier. His interests included primary production in pastoral, agricultural and horticultural pursuits.

His appointment is indeed a loss to the bar, and in particular to the junior bar who could always rely upon his able assistance and guidance. He goes to the bench with the best wishes of all who knew him in practice.

#### Mr. Justice Burt

On 23rd March 1969 Francis Theodore Page Burt Q.C. was appointed a Judge of the Supreme Court of Western Australia. His Honour was educated at Guildford Grammar School and at the University of Western Australia from which he holds the degree of Master of Laws.

His Honour was admitted to practise as a barrister solicitor and proctor on the 18th March, 1941, and, after war service, practiced in a large Perth legal firm. On the 31st October, 1960 his Honour announced that he would in future practice solely as a barrister on the 1st March, 1961 and it was this act which began the independent bar of Western Australia. His Honour had previously taken silk in 1959, and, after T. A. Walsh (in November 1961) and J. L. C. Wickham (now the Hon. Mr. Justice Wickham) and G. D. Clarkson (now the Hon. Mr. Justice Clarkson) had made similar announcements he became one of the foundation members of the W.A. Bar Association and its first President. There is no doubt that his Honour's presence and position as a leader of the bar contributed materially to the survival of the inde-

pendent bar which was his creation, and which he actively led in its formative years.

His Honour was prominent in most fields and it would be idle to attempt to list the important cases with which he has been involved. Immediately before his appointment he was acting as Royal Commissioner in the Royal Commission enquiring into the affairs of Wool Exporters Pty. Ltd. (Counsel assisting the Commissioner was J. L. C. Wickham Q.C.).

His Honour was prominent in professional affairs. He was a member of the Council for Law Reporting and of the Barrister's Board, and had served as President of the Law Society of W.A., of which he was a Council Member of long standing.

#### Mr. Justice Wickham

On the 12th of May, 1969 John Leonard Clifton Wickham Q.C. was appointed a Judge of the Supreme Court of Western Australia.

His Honour was educated at Guildford Grammar School and the University of Western Australia from which he holds the degree of Bachelor of Laws.

His Honour was admitted to practise as a barrister, solicitor and proctor in 1942, and after a few years in the country, joined a large city firm. In July 1962 his Honour became the third person in Western Australia, after F. T. P. Burt Q.C. (now the Hon. Mr. Justice Burt) and T. A. Walsh to announce that he would in future practice exclusively as a barrister and on the 31st October, 1963 he became a foundation member of the Western Australian Bar Association, the body controlling the independent bar. His presence and his influence were instrumental in establishing the independent bar during its early period.

His Honour has long been recognized as a leader of the bar in Western Australia, and he was prominent in commercial and common law matters, taking silk in April 1967. He was also prominent in professional affairs, being editor of Western Australian Reports since 1960, an elected member of the Barrister's Board, a lecturer at the University, and a Vice-President of the Law Society. He held the last position immediately prior to his elevation to the bench. Outside his profession his Honour has held numerous important positions, and among these the best known were his service as a fellow of the Council of Guildford Grammar School for twenty years, including chairmanship of that council.

#### Mr. Justice Helsham

On 18th August, 1968 Michael Manifold Helsham Q.C. was appointed to the Supreme Court of New South Wales. This followed a period as an Acting Justice which began on 29th May, 1968.

His Honour received his final education at Sydney Church of England Grammar School where he was Head Prefect, a member of the debating team and as well, prominent in sport. He was awarded there, the Russell Sinclair Memorial Prize in 1938 for general merit in the 6th Form, the A.B.S. White Scholarship and the Brian Hockley Memorial Prize for 1939. The last mentioned is a scholarship for the best all round boy in work, games and character.

Leaving school after passing the Leaving Certificate in 1939 his Honour served with the Royal Australian Air Force, in particular as a bomber pilot in the South Pacific. It is not surprising but merely within character to note that his service earned him the Distinguished Flying Cross. After discharge he completed his law course, graduating and being called to the bar in 1951.

Thereafter his practice grew quickly, in early years being mainly in the Equity Court, but in more recent years in all jurisdictions including appearances in constitutional cases and before the Privy Council. Additionally he was appointed an inspector under the Companies Act and completed a long and difficult investigation in this capacity which required constant attention for more than a year.

In service on the Bar Council and as one of the first directors of the Barristers Sickness and Accident Co. Pty. Ltd., his Honour has worked well and unselfishly for the bar; and it is more than mere turn of phrase to say that as a barrister his door was always open to younger men seeking advice and assistance.

Meanwhile his association with the Air Force has been maintained on the legal side, duties on one occasion requiring him to travel to Vietnam. He is now Judge Advocate-General of the Royal Australian Air Force with the rank of Air Vice-Marshal.

His Honour is presently sitting in the equity jurisdiction of the Supreme Court dealing as well with probate and company matters. His considerable academic ability, wide experience and knowledge of life will be of great advantage in the administration of justice in this State.

#### Mr. Justice Anderson

Kevin Victor Anderson Q.C. was appointed a Judge of the Supreme Court of Victoria on the 29th April, 1969. He was chairman of the Victorian Bar Council in 1966 and 1967 and did much in that office to bridge the gap which may have been thought to exist between the bar and solicitors and sectors of business and public life. He once spoke on television to explain to the general public the views of the Bar Council concerning delays in the bringing of Supreme Court actions to trial. For many years he has been editor of the Victorian Reports and he has written and edited text-books on a host of legal subjects.

Mr. Justice Anderson obtained a degree of notoriety when he sat as a board of inquiry into the practice in Victoria of the activity known as scientology. As a result of his report the *Psychological Practices Act* 1965 was passed which proscribed scientology and regulated some of the practices associated with it.

Mr. Justice Anderson is 56. He attended Xavier College and pursued legal studies part time while a clerk of petty sessions. He came to the bar in 1939 and read with Mr. C. McC. T. Stafford. He took silk in 1962. During the war he served in the R.A.N.V.R. His appetite for the sea thus whetted, he spends a goodly part of his vacations sailing the yacht which he himself made.

Few men in his position at the bar have been as well known to and as popular with so many of his fellows of all years.

#### Mr. Justice Nelson

On 25th March, 1969, his Honour Judge Nelson of the County Court was appointed a Judge of the Supreme Court of Victoria. He had been an Acting Judge of the Court at various times in the preceding twelve months. Mr. Justice Nelson was admitted to practice in 1930, signed the Roll of Counsel in 1936. He took silk in 1950 and was Crown Counsel for the State of Victoria until his appointment to the County Court in 1954. As a judge he established the reputation of possessing in abundant measure the judicial qualities of being fair and incisive. He is the seventh old Scotch Collegian on the present bench of the Supreme Court.

#### Judge Southwell

Alec James Southwell Q.C. was appointed a Judge of the County Court of Victoria on 1st April, 1969 to fill the vacancy resulting from the appointment of Judge Nelson to the Supreme Court. He is 43. Judge Southwell was educated at Melbourne Grammar School and the University of Melbourne where he won a double blue for cricket and football. He later played district cricket with Hawthorn-East Melbourne. He saw naval service from 1944 to 1946.

Judge Southwell was admitted to practise in 1951 and signed the Roll of Counsel on 4th May of that year when he became a pupil of Mr. B. J. Dunn. He became a formidable advocate on the common law side where he was considered to exemplify the traits of character commonly associated with red hair and a solid jaw. He took silk in 1968. One of his last engagements was as leading counsel for the only successful appellant before the Victorian Racing Club committee in a matter which excited a degree of interest in a country of South-East Asia.

#### Judge O'Shea

The appointment was announced on 29th April 1969 of Joseph Raymond O'Shea Q.C. as a Judge of the County Court of Victoria. Judge O'Shea attended St. Patrick's College, East Melbourne, and the University of Melbourne. He was admitted to practise in 1949 and then entered the chambers of Mr. W. A. Fazio. He took silk at the end of 1968. Judge O'Shea is 42.

He acquired a large general practice at the bar. Amongst the cases in which he appeared was the *Dennis Hotels Case* and in all he appeared three times before the Judicial Committee. If good barristers make good judges the County Court is fortunate in the accession of Judge O'Shea.

#### Judge Heenan

Desmond Charles Heenan, a member of the bar of Western Australia was, on 17th of March 1970 appointed a Judge of the District Court of Western Australia. About two weeks earlier he had been appointed a Deputy Chairman of the Third Party Claims Tribunal, which office he, and the other District

Court judges will hold simultaneously. His appointment was extremely popular.

Judge Heenan practised, first as a barrister and solicitor, as a senior partner in the firm of E. M. Heenan & Co. and then, as a member of the independent bar, which he joined on 3rd April 1967. At the bar he practised in most fields, with great success, and he was regarded as such an obvious choice for his present appointment that it came as no surprise when it was announced.

This District Court has a large civil and criminal jurisdiction, and is required to go on circuit. Judge Heenan will have an interesting and challenging task in helping to establish this court in its proper position in Western Australia's judicial system.

#### The Commonwealth Solicitor-General

For some considerable time Ellicott Q.C.'s career at the Bar has been overshadowed by what is known as "the bung in the barrel case". It may be expected that he will now conduct on behalf of the Commonwealth as its Solicitor-General the type of busy and varied practice which he conducted before becoming involved in the recent hearing. Ellicott attended Fort Street Boys' High School and is a graduate of Sydney University in Arts and Law. He was admitted to the Bar in 1950 and took silk in 1964. He is now aged forty two years.

While conducting a busy commercial practice involving many important cases in relation to taxation,

patents, trade marks and company law he has maintained an interest in rural pursuits. It has always been somewhat of a mystery that he managed to conduct a large practice in the city while living at Baulkham Hills.

Those who know him have always found Ellicott to be a person of deep principle and quick to reach firm and businesslike decisions.

#### Judge Vickery C.B.E., M.C.

His Honour Judge Norman Alfred Vickery was made a Commander of the Order of the British Empire (Military Division) in the New Year Honours List of 1969. Judge Vickery has been a judge of the Victorian County Court since 1962. He holds the rank of Major-General in the Australian Military Forces and is commander of the 3rd Infantry Division. Since 1966 he has been the Citizens' Military Forces representative on the Military Board.

#### A. E. Woodward O.B.E., Q.C.

Also in the 1969 New Year Honours (Commonwealth of Australia list) was the announcement of the appointment of A. E. Woodward Q.C. of the Victorian bar to the rank of Officer of the Order of the British Empire. He took silk in 1965. Since 1965 he has been chairman of the National Stevedoring Industry Conference. The citation to his award referred to his services in that sphere.

## Notes and Comments

#### New South Wales Bar Association

The following are office bearers and members of the Council of the New South Wales Bar Association for the year 1970.

President: P. M. Woodward Q.C.

Vice-Presidents: G. J. Samuels Q.C.; J. H. Staunton Q.C.

Honorary Secretary: M. H. McLelland

Honorary Treasurer: J. P. Slattery Q.C.

Other elected members of the Council are:

T. R. Morling Q.C., J. Badgery-Parker, H. H. Bell, P. R.

Capelin, J. S. Cripps, M. D. Finlay, K. G. Gee, J. B.

Kearney, P. A. Leslie, J. A. Melville, P. J. Newman,

C. A. Porter, G. H. Smith, B. M. J. Toomey.

#### Victorian Bar Council

Following annual elections in September, 1969 the following office-bearers of the Victorian Bar Council were elected:

Chairman: P. A. Coldham D.F.C., Q.C.\*

Vice-Chairman: W. Kaye Q.C.\*

Honorary Treasurer: Sir James Tait Q.C.\*

Honorary Secretary: Douglas Graham.†

Assistant Honorary Secretary: P. C. Heerey.

Other members elected to the Council were: M. E. J.

Black‡, S. P. Charles†, F. X. Costigan†, J. G. Gorman

Q.C.\*, W. O. Harris Q.C.\*, L. S. Lazarus\*, P. Murphy

Q.C.\*, P. U. Rendit\*, J. L. Sher†, N. M. Stephen

Q.C.\*, F. P. Walsh†, A. E. Woodward Q.C.\*, J. McI.

Young Q.C.\*.

\* Counsel of not less than 12 years' standing.

† Counsel of not less than 6 nor more than 15 years' standing.

‡ Counsel of not more than 6 years' standing.

#### Bar Association of Queensland

Following the election of 16th May, 1970 the following were elected to the committee of the Bar Association of Queensland for the ensuing year:

President: E. S. Williams Q.C.

Vice-President: J. D. Dunn Q.C.

Honorary Secretary: D. J. Draydon.

Honorary Treasurer: I. V. Gzell.

Members: F. G. Brennan Q.C., C. D. Sheahan Q.C.,

J. M. Macrossan Q.C., B. W. Ambrose, G. L. Davies,

C. E. K. Hampson, J. P. Kimmins, J. B. Thomas.

#### Western Australia

The new chambers for the Western Australian independent bar are now completely occupied by its thirteen members. Facilities have been constantly improved since the present chambers were acquired. The number of members of the bar in Western Australia reached a peak of fourteen in 1968, but has now stabilized at thirteen.

Since the last issue of the Bar Gazette the following new members have joined the bar:

Edward Morrissey Franklyn, Peter Victor Batros and Malcolm Cameron Lee.

#### Australian Capital Territory

The office bearers of the Australian Capital Territory Bar Association for the year 1969/1970 are as follows:

President: W. K. Nicholl.

Vice-President: J. J. A. Kelly.

Secretary/Treasurer: L. G. O'Sullivan.