

IN THE SUPREME COURT OF TASMANIA

CEREMONIAL SITTING FOR CHIEF JUSTICE SHANAHAN

ON THE 30<sup>TH</sup> OF JANUARY 2025

HIS HONOUR: I'm very honoured to announce that I have received a commission from her Excellency the Governor appointing me as Chief Justice of the Supreme Court. Let the commission be read.

5 REGISTRAR: Charles the third, by the grace of God, King of Australia and his other realms and territories, head of the Commonwealth. To all to whom these presents shall come, greeting. Where there is a vacancy on the bench of the Supreme Court of Tasmania by reason of the retirement of the Honourable Justice Alan  
10 Blow, the judge and Chief Justice of the Supreme Court of Tasmania thereof, and it is expedient to fill such vacancy.

Now, know ye that we have taken into our royal consideration the loyalty, integrity, and ability of our trusty and well-beloved  
15 Christopher Shanahan senior counsel. Denominate and appoint him to be the Chief Justice of the said court with effect from the 20<sup>th</sup> day of January 2025, to have, hold, exercise and enjoy the said office and place of judge and Chief Justice according to law, together with all rights, profits, privileges and advantages there unto belonging or  
20 appertaining. Provided that the said Mr Christopher Shanahan senior counsel shall actually reside within our said state of Tasmania and shall execute the said office in his own person, except in case of sickness or other incapacity.

25 In testimony whereof, we have caused these our letters to be made patent and the public seal of our said state of Tasmania and its dependencies to be here unto affixed. Witness our trusty and well-beloved the Honourable Barbara Baker, companion of the order of Australia, Governor in and over the state of Tasmania and its  
30 dependencies in the Commonwealth of Australia, at Hobart in Tasmania this second day of December 2024, and in the third year of our reign. Signed by her Excellency the Governor and countersigned by her Excellency's command by the Honourable the Attorney General.

35 HIS HONOUR: Thank you, Madame Registrar. Mr Attorney General.

ATTORNEY GENERAL: Thank you, your Honour. Your Honour, it is my very great privilege today to extend to you on behalf of the government and the people of Tasmania congratulations and a very  
40 warm welcome on your appointment as Chief Justice of the Supreme Court of Tasmania. I'd like to begin by acknowledging the many esteemed guests in attendance today. The Governor of Tasmania, the Honourable Barbara Baker AC, and Emeritus Professor Don Chalmers AO. On behalf of the Chief Justice of the High Court of Australia  
45 Stephen Gageler, I'd like to acknowledge Justice Simon Steward for his presence today, thank you.

To the Honourable Sir Guy Green, to the Honourable Alan Blow AO, to the Honourable Chief Justice Will Alstergren AO and his wife Kate Alstergren. To Justice Julie Ward, president of the New South Wales  
 5 Court of Appeal, and of course your Honour's wife Diana Shanahan, and of course to members of the Shanahan family, a very special welcome to you. In the period of just a few days over one year and three months in which I have had the privilege to be Attorney General it has been one of change and significant milestones for this court. It  
 10 has seen the court's bicentenary, the appointment of a new associate judge and the retirement, of course, of the long serving Chief Justice and now the appointment of a new one.

These events have provided us with opportunities to reflect on the  
 15 important role this court plays in our society and the ways in which it has shaped this state. The court is an essential and core element in upholding and strengthening democracy and the rule of law. And connecting us to the British legal and democratic tradition, the so-called invisible cargo of the first fleet. As the Supreme Court of Van  
 20 Diemen's Land this court commenced hearings, cases in 1824. In taking on this role, your Honour is just the fifteenth Chief Justice of this court in its proud two-hundred-year history.

Yours has been a varied and esteemed legal career spanning more than  
 25 forty years since you first entered the profession. This has provided you with the ideal qualifications to undertake the responsibility of this office. Your Honour has impressive credentials in both the practice of law and of course your continued engagement in the legal education and more broadly. In 1981 you graduated with a Bachelor of  
 30 Jurisprudence at the University of Western Australia. You then went on to graduate with a Bachelor of Laws in 1982. You obtained your Master of Laws degree with Honours in 1990 from the University of Sydney.

35 You were admitted to the Supreme Court of Western Australia in 1984, incidentally the same year in which I was admitted to the Supreme Court of Victoria and indeed the High Court of Australia. Your Honour was admitted to the Supreme Court of New South Wales in 1989 and to the High Court of Australia in 1990, and you first joined the  
 40 independent bar in 1983. More recently in 2018 you were admitted as a fellow to the Australian Academy of Law which serves as an exemplar to your commitment in advancing the discipline of law.

You have had an extensive and esteemed career in the law having  
 45 practiced across for more than – for a number of decades in areas including civil, commercial, criminal, and administrative matters.

With a particular emphasis on appeals to superior courts. You practiced as a solicitor in Perth and Sydney, taught property law at Macquarie University and were appointed as senior officer to the Department of Prime Minister and Cabinet in Canberra.

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In 1995 you returned to full practice as a barrister at the Francis Burt Chambers in Perth where you remained for 22 years before establishing Murray Chambers in 2017 of which you served as inaugural head of chambers until 2021. And as a member prior to your appointment as Chief Justice of this court. In recognition of your irreproachable integrity and the superiority of skill you were appointed as a senior counsel in Western Australia in 2004. And one of the overarching themes in your Honour's career has been a commitment to the provision of legal education.

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I note your time as a member of the Australian Bar Association advocacy training counsel from 2007 until 2017, as well as your time spent lecturing in law at both Macquarie University and Murdoch University. You've also taught as an adjunct clinical professor at Curtin University since 2018, in a range of teaching roles including practical legal training. As acknowledged by the Australian Bar Association, you have been, and I quote:

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*A driving force in the development and success of the ABA's advocacy training counsel, coaching and mentoring numerous Australian and overseas barristers who participate in the training programs each year.*

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End quote. Your contributions to the law and to justice are both significant and far reaching. You served as a senior sessional member of the State Administrative Appeals Tribunal of Western Australia from 2004 to 2005 and then again 2017 until 2019. You also served more than seven years as acting commissioner of the corruption and crime commission of Western Australia. In that time, you lead a staff of over 160 individuals in the furtherment of government transparency and accountability. You also spent time as the Acting Freedom of Information Commissioner for Western Australia.

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For eight years you were a council member of the Western Australian Bar Association and for two years in that period you served as vice president. You have appeared across Australia in multiple jurisdictions and numerous fields of law including the High Court of Australia. In which you have appeared in many special leave applications encompassing a broad range of practice areas. Outside of your legal profession, your Honour recently confided that your passions included the three Gs: guitar, gardening, and the gym.

While your new role will no doubt keep you very busy, I'm hopeful that you will find time to indulge those passions as well. The office of Chief Justice plays a pivotal role in ensuring the integrity and independence of the Tasmanian judiciary as well as maintaining the confidence of the community in our Supreme Court and the justice system more broadly. The people of Tasmania can be justly proud of their Supreme Court and the extraordinary contributions that all of our current judges have made to our justice system.

I have no doubt that with your extensive experience in both the practice of law and the institutional accountability that you are well equipped for the task at hand. And I look forward to seeing this court flourish under your stewardship for many years to come. On behalf of the government and the people of Tasmania, I again congratulate you and I wish you well in your new position as Chief Justice of the Supreme Court of Tasmania. If your Honour pleases.

HIS HONOUR: Thank you, Mr Attorney General. Mr Justo?

MR JUSTO: Thank you, your Honour. I appear on behalf of the Law Society of Tasmania. And on behalf of the Law Society and of the profession that it represents, I both congratulate you on your appointment, your elevation and welcome you to Tasmania. The attorney has already listed your impressive set of credentials and achievements. But I'd like to turn more to the future and what we've got to look forward to. And I've had the opportunity to speak with you over the last month or so on several occasions and I've been heartened by just how much you are generally wanting to learn about our profession, the needs amongst our profession, the community, and the legal system and justice system in general, and that you've got such an open-door policy with consultation.

In that regard I'm really reminded of what the stoics would say, that we have two ears and one mouth. Although I'm very much looking forward to hearing what you have to say after you've listened. I too am from interstate and I have to say that it might take you another twenty or so years to be considered anywhere like a local. But you are not exactly a stranger to our shores. In 2023, I understand that you presented a seminar at the litigation convention which was extremely well received, and I've heard lots of great reports about that.

I think though perhaps your Honour that the true test about whether you're going to be a local or not is whether you do ditch the Perth Scorchers like you were suggesting the other day, and you jump on in favour of the Hurricanes. Yeah, the cane train, thank you Tom. And

if you do, I'll even get you the hat. In any event, your Honour, I'll cut this short. I wish you the very best of luck in fulfilling your duties. The Law Society of Tasmania will support you in your efforts and please remember that we also have an open door. Thank you.

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HIS HONOUR: Thank you, Mr Justo. Mr Cox.

MR COX SC: If it please the Court. On behalf of the Tasmanian Bar and the Australian Bar Association, it is my privilege and pleasure to welcome and congratulate your Honour on your appointment as Chief Justice of the Supreme Court. The president of the ABA, Róisín Annesley sends her apologies together with her warmest congratulations. Many good things come from the west, like Dennis Lillie and Rod Marsh, along with fine wines from the Margaret River.

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Others have mentioned your outstanding credentials from the west, but I just wanted to share with the court what you already brought to these shores. In just the ten days since being sworn in, your Honour has brought fine qualities including a desire to meet with all parts of the profession, an understanding of the concerns and hopes of those parts of the profession through collective and individual meetings. A passion for reform to tackle the many challenges that face the profession and the court and leadership in seeking such reform.

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Specifically, from the Bar's perspective, you've demonstrated a keen interest in resolving the court backlog. A commitment to working with the Bar to improve its junior ranks and leadership in promoting – I beg your pardon, advocacy, and legal education generally across the profession, as well as capturing the knowledge of our aging elder Bar. Today is not a day for long speeches and nostalgia from me. The Bar holds much optimism for the future with your appointment and it stands ready to support your Honour in your new well-deserved and challenging role. If it please.

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HIS HONOUR: Thank you, Mr Cox. Ms Webb.

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MS WEBB: Thank you, your Honour. I pay respect to the Muwinina people, the original custodians of this land on which the court is holding this ceremony today. I acknowledge the contemporary Tasmanian Aboriginal people who are the continuing custodians of the land and their enduring culture and resilience. And I extend that acknowledgment to all Aboriginal and Torres Strait Islander people and pay my respects to their Elders, past and present. If this was a Tasmanian Aboriginal ceremony being held on this land today, there would be much singing and dancing as part of Tasmanian Aboriginal culture.

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It is a pity we are focusing on speeches on this occasion and not music. Unless your Honour has got your guitar secreted away behind the bench to surprise us? It was a hope. While it may yet be a mystery to most  
 5 of your Tasmanian colleagues, your Honour's talent as a guitarist and passion for music will, I am sure, not continue to hide under a bushel. So too your Honour's predilection for conducting entire conversations in song titles and lyrics. Don't worry friends, you'll get used to it.

10 Having been fortunate to share part of my rather too long career at the Bar with your Honour, I thought it useful to use my few words here to introduce your Honour to those who are just embarking on that journey as colleagues of your new Chief Justice, those on the bench and those at the Bar who will appear before him. After all, a good lawyer knows  
 15 the law, a great lawyer knows the judge, in the sense of being familiar with the qualities of the judge that they bring to their task.

But first, a short bit of history. In 2004, both your Honour and I were appointed silk. I was in the Northern Territory; your Honour was in  
 20 Western Australia. We are both from families of educators. My father was a teacher in South Australia. Your father was an inspector of – your grandfather was an inspector of schools in South Australia, and likely inspected my father's teaching. Not surprisingly, with education in our veins, we both became involved in pressing for Bar readers  
 25 courses to be run in our respective jurisdictions.

And your Honour was particularly instrumental in the development and introduction of the Australian Bar Association advocacy courses from 2007. We were both on the Australian Bar Association advocacy  
 30 training counsel and we were both trainers in their courses. Our paths crossed again in late 2017 when I was planning my return to the Bar after my term as president of the National Native Title Tribunal based in Perth. Your Honour had just established Murray Chambers in Perth in an [indistinct words] of Curtin University with which it had a  
 35 collaborative arrangement.

I remained in Murray Chambers, and other colleagues from Murray Chambers are also here today to support and congratulate your Honour on your appointment. But knowing more about Murray Chambers  
 40 discloses the heart and soul of your Honour. Murray Chambers Perth has three key values: excellence, collegiality, and collaboration. These are the characteristics prized by all its members and particularly by your Honour in all that you do. And yes, the rule of three still has currency. I'm told that it is still taught at advice advocacy courses.

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Of excellence I say no more. It is something we all aspire to. Your Honour has excelled in all you have done. Collegiality is of course what binds an institution, be it a chamber or a court, and gives it resilience and flexibility. It is what allows any institution to renew and negotiate change. Your Honour's leadership is what has allowed Murray Chambers to grow and excel as a boutique set of chambers in Perth, sought after by barristers who also value collegiality underpinned by respect and mutuality.

Your Honour's passion for excellence and unwavering support for bringing out the best in others underpins the third Murray Chambers plank: collaboration. Both within chambers and externally. Uniquely, Murray Chambers in Western Australia is affiliated with Murray Chambers in South Australia and Murray Chambers in the Northern Territory. Whilst each chambers is independent, members enjoy reciprocal rights pursuant to an affiliation agreement. This was your Honour's vision for chambers from the start. And it was a particularly sweet day when Murray Chambers in the Northern Territory was launched with, by happenstance, an all-female team of barristers, I think the first in Australia.

No one was more delighted by the strong Northern Territory Murray Chambers team than your Honour. It's a mark of your Honour's leadership that even from afar, the three Murray Chambers planks of excellence, collegiality and collaboration remain the focus for our colleagues in the north. There is, of course, a theme emerging here, and that's the emergence of the national legal profession. No longer are the various jurisdictions islands under themselves. Now, an Australian legal practitioner is an Australian lawyer, who holds a current practicing certificate from an Australian jurisdiction.

Many barristers, me included, have national practices. After spending more time out of jurisdiction than in, your Honour similarly had a national practice. Jurisdictional borders now have less force both in keeping lawyers in their home jurisdiction and keeping other lawyers out. This allows an exchange of ideas and the ability to learn from elsewhere, again, a key focus of your Honour's career to date in all of your activities and one I'm sure will continue. I've said enough. To sum up your Honour's skills honed over forty years of practicing law, and twenty years as senior counsel with significant leadership and quasi-judicial experience is it in a nutshell.

Your Honour the Chief Justice brings to your role the ability to think openly and laterally in a number of ways. Flexibility, a commitment to ongoing education in the full breadth of the general law and a commitment to new ways of doing things which are more inclusive.

Congratulations to your Honour on your appointment and congratulations to Tasmania for poaching one of our best. If your Honour pleases.

5 HIS HONOUR: Thank you, Ms Webb. I wish to pay my own respects and would like to acknowledge the traditional custodians of the land upon which we meet today, and express my respect for all Tasmanian Aboriginal people as first peoples. I'd also like to pay my personal respects to Elders, past, present and emerging and to all the Aboriginal  
10 and Torres Strait Islanders present here today. This acknowledgment is very important to me as I begin my judicial career, due to the deep engagement I've had with many Indigenous people both growing up and during the course of my practice over many years.

15 From time to time, I've been asked why such acknowledgments have been introduced or why they are important, indeed, why they should be part of my remarks today. The answer to that question is very simple, it is a matter of respect. The Supreme Court is and must continue to be accessible to all Tasmanians. I'd like to welcome everyone here  
20 today. Your presence honours this court, and I thank you for your attendance. My wife and I have been greatly moved and very grateful for the warmth of the welcome we have received from all Tasmanians.

In particular, I'd like to welcome some distinguished guests. Her  
25 Excellency the Governor, and Emeritus Professor Chalmers, and I'd also like to thank Chief Justice Stephen Gageler for his apologies and the presence of his Honour Simon Stuart in his stead. Thank you. I also like to acknowledge Justice Julie Wood, Ward sorry, president of the New South Wales Court Of Appeal and the Chief Justice of the  
30 Federal Circuit and Family Court, Mr Will Alstergren and his wife Kate. Thank you for coming. I also acknowledge the Chief Magistrate Ms Catherine Geason.

I'd like to – wish to acknowledge and welcome the attorney general,  
35 the Honourable Guy Barnett MP, the president of the Law Society, Mr Will Justo, president of the Tasmanian Bar Association Mr Tom Cox, the Solicitor General, Ms Sarah Kay, the Director of Public Prosecutions, Mr Daryl Coates, other senior counsel, members of the Tasmanian legal profession, colleagues from Murray Chambers, court  
40 staff, family, and friends. Judicial appointments have at their heart the requirement of service. And it's my very great privilege to serve the people of Tasmania as their fifteenth Chief Justice.

For my part, I commit to the pursuit of justice, best judicial practice,  
45 and to making and maintaining this court as the best version of itself. There are a four major touchstones of good judicial practice, they are

independence, impartiality, fairness, and competence. And they will inform the discharge of my duties in this court. Service as a judge is neither servile nor unrequited, but rather an opportunity to contribute to the community whilst learning more about us and exploring our values. The principles of ethics, equity, and justice are timeless and must inform judicial practice and conduct. It is those values that drew me to the practice of the law in the first instance.

Judges hold individual commissions from the Crown to discharge their duties. The role of Chief Justice is both to sit as a judge but also to ensure the effective, orderly, and expeditious discharge of the business of the court, and to manage its administrative affairs which can be a significant burden from time to time. The office of Chief Justice is often described is that of the first amongst equals, which acknowledges that all judges hold independent commissions in their own rights. Collegial engagement lies at the heart of successful judicial administration and progress.

Judges can never lose sight of their service obligations, and in that regard I acknowledge the recent passing of the Judicial Commission Act 2024 Tasmania and the creation upon the Act's proclamation of a new judicial counsel which is to be led by the Chief Justice. As the oldest Supreme Court in Australia, this court has a wealth of history and mine is only the most recent chapter in a very lengthy story which my colleague Justice Stephen Escourt's recent publication so ably records. It's a human story and as such demonstrates all the characteristics of the human condition.

Learning from the past serves the future. My incumbency as Chief Justice will build on the work of those that have come before, address the current needs of the state and anticipate the needs of those who come after. There's much to be proud of in the unbroken administration of justice within the Tasmanian community for over 200 years. In that regard, I acknowledge the considerable contribution made by my immediate predecessor, the Honourable Alan Blow AO KC, and his lengthy service to the Tasmanian people.

In the first instance, albeit with some exceptions, I intend to commence my sitting in the court's criminal jurisdiction. That is because the – crime makes up the vast majority of this court's work. In the course of doing so, I'll be going on circuit to Launceston in the first instance, and Burnie later in the year. This is a particularly beautiful state, I have to say. And aspects of the natural environment here are simply breathtaking. I'm looking forward to meeting all the court staff and local practitioners in Launceston and Burnie, and intend to travel to do so as soon as that can be arranged, and prior to sitting in each location.

Like every Australian supreme court, this court faces challenges, and as it seeks to bring to account available resources, the requirements of justice and the inexorable pressure of increasing demand. A court is not just a service provider, it has wider obligations. Pressure points have to be carefully negotiated to ensure that the court efficiently uses its resources to discharge its obligations, but without diminishing its commitment to delivering justice. In the short time since I've been sworn in, I've sort to engage with all those with an interest in the court's operation, and many in the broader legal community, but there are, of course, some I'm yet to meet.

I continue to reach out as I seek to gain a clearer appreciation of the needs of the court, the justice system and the profession in this state. I participated in a recent justice forum on the 23<sup>rd</sup> of January 2025, chaired by the Attorney General, the Honourable Guy Barnett MP, which broke many stakeholders together to discuss these challenges, which face the whole of the criminal justice system in Tasmania. It's important to acknowledge, in that respect, that demand on this court is the product of the whole of the criminal justice system, which has many different layers. These include police investigation, prosecution resources, interlocutory hearings, the availability of defence counsel, trial listing and judicial resources, to name but a few.

Backlogs in this court might best be understood as warning signs that require a review of the many different layers that contribute to those figures. Systemic issues require systemic, and often creative solutions. I'm not here today to proffer specific plans or a prescription for change; wise men always come from the east. I wish to get a sense of work done to date and the nature and depth of those challenges, before seeking to identify practical solutions. Whilst practice in other places can provide a pallet of potential reforms, Tasmanian challenges require Tasmanian solutions.

My leadership seeks to privilege collegiality, consultation and engagement, and I hope that's been evident from the exchanges that I've had to date. The court's paramount obligation is to ensure public confidence in the administration of justice, by delivering justice according to law. That obligation is satisfied only by ensuring timeliness and the application of the law, without influence, prejudice or prejudgment. Doing so represents a very heavy responsibility on every judge of this court, and emphasises the significant obligations of the office to which I have been appointed.

As you've heard, I have a lifelong commitment to legal education and training, and have written extensively in the area. I've organised,

designed and taught in many advocacy training courses, both around Australia and overseas. I've already met with the Dean of the Law School at the University of Tasmania, Professor Gino Dal Pont. The training and education we give to today's students, and the standards we accept, are the standards in our profession going forward. I intend to continue my work in these areas, as appropriate and commensurate with my other responsibilities.

I'd like to build upon and grow the relationship between the court, the university and the local student body, to ensure that Tasmania retains all its law graduates, including its best and brightest, and that our legal profession continues to thrive and grow. From engagement with the profession to date, there are some fantastic opportunities for law graduates in this state. I want to acknowledge the presence today of Mr Phil Greenwood and his wife Wendy. Phil has made an enormous and abiding contribution to advocacy standards in Australia. First, as leader of the NSW Bar Readers' course, and for over a decade as the inaugural chairman of the ABA Advocacy Training Council.

Phil's skill, generous and selfless engagement, friendship and considered judgement over the years have been invaluable, and the Australian legal profession owes him a very considerable debt of gratitude. I also wish to acknowledge Mr Ian Robertson-Clark SC, Phil's successor as chairman of the council, and his wife Kerry Robertson-Clark SC, who can't be with us today as they are celebrating their recent marriage in Italy, in Adelaide over the upcoming weekend. Diana and I are unable to be with them, and I wish to record our congratulations to them both.

I want to warmly thank those who have spoken today. I thank the Attorney-General, the Honourable Mr Guy Barnett MP, for his constant support, encouragement and engagement, in what has been a very busy time. It has been, and continues to be, greatly appreciated. And, Mr Attorney, as a representative of both the executive and the legislative branches of government, your presence today is both acknowledged and deeply valued. Reciprocated respect between separate arms of government is a foundational, vital and valued characteristic of Australian democracy.

I look forward to engaging with you, as appropriate, to ensure that Tasmania's courts and legal system realise their full potential, and best serve the people of Tasmania. I thank Mr Justo for his remarks. We spoke immediately after my appointment, and I've recently met with Will and the Law Society's Chief Executive Officer. I enjoyed delivering two papers at the Litigation Convention in Orford in 2023, and have recently accepted an invitation to do so again this year. The

Society performs an essential representative function, and I anticipate useful and fruitful engagement.

5 I acknowledge and thank Mr Cox for his observations on behalf of the  
Tasmanian Bar Association. I've enjoyed a lengthy career as a member  
of an independent referral Bar in a state whose profession is organised  
as an amalgam. In some states, where the profession is traditionally  
divided between solicitors and barristers, the Bar is simply an arm of  
10 the profession, but in states, such as Tasmania, where practitioners  
have to elect to practise solely as barristers, the independent referral  
bar is built on historical and continuing need, both professional and  
commercial.

15 Being built on need, such Bars have become essential to the  
administration of justice, and I hope to see the Tasmanian Bar grow  
and flourish. Ms Raelene Webb KC is a longstanding professional  
colleague, fellow Director of Murray Chambers and stalwart friend,  
excellent lawyer and talented advocate. She is a great mentor to junior  
members of the profession, her links with Western Australia, South  
20 Australia and the Northern Territory demonstrate a truly national  
practice in an emerging national profession. I thank her for her kind  
remarks and acknowledge all the members of Murray Chambers that  
are here today.

25 I acknowledge the very warm welcome Diana and I have received from  
my fellow judges and their partners. It was great to have them all at  
my swearing in, in what is a very beautiful Government House. It was  
also a delight and privilege to meet her Excellency the Governor, Ms  
Barbara Baker AC, and her husband, the Emeritus Professor Don  
30 Chalmers AO. We all look forward to welcoming the Honourable Ms  
Kate Cuthbertson SC as a judge of this court next week. I want to  
thank and acknowledge my indebtedness to Justice Helen Wood for her  
kindness, ready assistance and very generous support whilst  
commencing my duties.

35 I also wish to acknowledge the longstanding and productive  
professional engagement I have had with Justice Stephen Estcourt,  
including our work in the Australian Bar Association's advocacy  
training programs. It would also be remiss if I didn't acknowledge his  
40 wife Mary for her friendship and considerable support. I've now met  
many of the Court staff, each of whom has been professional, amiable  
and welcoming, and I thank them for that. I wish to express my  
considerable thanks to my executive assistant, Ms Karen Dean, who  
has welcomed and greatly assisted me in all aspects of my role as Chief  
45 Justice.

My wife Diana and I have been regular visitors to Tasmania for any years. As Vice-President of the WA Bar Association, which you've heard of, I was present at, what I understand was the very first Bench and Bar dinner in Hobart, towards the end of March 2007, which was hosted by the former Chief Justice, the late Honourable Peter Underwood AC, and I remember that occasion with some affection. I'm most grateful for the attendance of all the members of the Tasmanian legal profession present today. Your participation in this ceremonial welcome is highly valued, and I look forward to engaging with you all in due course.

I've indicated to many that my door will always be open to those members of the profession who wish to engage with me regarding issues that impact upon this court. I wish to acknowledge, specifically, all those attending from Murray Chambers in Perth. I won't name you all individually, but please be assured, your presence is of special significance to me today. In that regard, I note Mr Anthony Power, current Head of Chambers, is unable to be with us because of a sudden family bereavement.

I'm very glad that Ms Penelope Giles SC could make the trip, as we've shared so much in the development of Murray Chambers and worked closely together when Alice McShera was tragically taken from us in 2023. Of the three foundation members of Murray Chambers, I believe we also have Mr Stuart Shephard and his wife Chrissy with us today. Her Honour, the Honourable Linda Black, a judge of the District Court of Western Australia, is not with us today, but any account of the formation and development of Murray Chambers would not be complete without acknowledging Linda's contribution.

We were neighbours and friends on the 16<sup>th</sup> floor of Sir Francis Burt Chambers for many years, before deciding to establish a separate set of barristers chambers. Linda was the preeminent trial counsel in crime at first instance in Western Australia, prior to appointment to the bench. I recently attended the funeral of her father, with whom we shared a number of lunches at Parliament House. He was a very interesting man with a love of politics and the operation of parliament. It was through my engagement with him that I delivered a paper on hung parliaments in the Legislative Assembly of Western Australia.

Murray Chambers has grown from three members in 2017, to a membership approaching 20, in just on seven years. It's now located at three separate sites, one of which is a co-location with the Curtin Law School. The educational synergies which emerge from co-locating barristers with an undergraduate law program, have lain at the heart of this arrangement. In that regard, I acknowledge and thank Professor

Doctor Robert Cunningham who, whilst a member of Murray Chambers, is also Dean of the Curtin Law School.

I'd like to thank some juniors, if you'll give me the privilege, who I have worked with over a number of years. First, I'd like to thank Mr Anthony Willinge, who's made the trip to be here today, whose support has been indispensable. His assistance has been a pivotal part of my practice for a number of years. He's regularly appeared as my junior across a wide range of matters, from Commonwealth prosecutions to historical property disputes. Importantly, I've enjoyed working with him and he's always added value with incisive observations and a willingness to work.

I wish him all the best, and anticipate he will continue to shine as an advocate. I thank his wife, Jacqueline, for her support and lending me her husband on occasions when that was not always convenient. I also wish to thank and acknowledge two other juniors, the now Honourable Alan Troy, Judge of the District Court of Western Australia, who was my junior in Smith in Western Australia; my last High Court appeal, which successfully addressed the limits of the privilege that attaches to the deliberations of Jurors.

Another longtime junior to whom I wish to record my thanks, is Mr Alan Hershowitz of Sir Francis Burt Chambers, who assisted me in matters from mining disputes to nuisance claims, including a very successful special leave application to the High Court in 2020. Turning to senior members of the community who have given me their advice and support, I acknowledge the Honourable Mr Neil McKerracher KC, former justice of the Federal Court, who was my predecessor as leader on the 16<sup>th</sup> floor of Sir Francis Burt Chambers.

Neil has been a friend for many years, and I acknowledge both Neil and his wife Leith, who are with us today. In every professional life there are moments of angst, when we struggle with others' perceptions, the weight of work, or simply the responsibilities which we bear. Neil has always been a steady hand, and his advice and care have been invaluable to me. I thank the Honourable Mr Ian Viner AO KC, former Minister in the Fraser Government, former President of the Australian Bar Association, and the Western Australian Bar Association, and longtime friend, and his wife Ngaire, for their friendship and support.

Ian was a pivotal player in the initial steps to establish advocacy training by the Australian Bar Association in Australia. And whilst I'm there, I might just pause and note the passing of George Hampel in more recent months, and the contribution that George made to advocacy training in Australia. He was an outstanding man. I also

wish to acknowledge the Honourable Mr Graeme Murphy KC, former Justice of Appeal of the Supreme Court of Western Australia, and his wife Linda, for their enduring friendship and support.

5 I also note the longstanding friendship and professional engagement with Mr Greg Paull, a solicitor who briefed me over some 30 years of practice, and also the engagement of Forbes Kirby with Murray Chambers, in particular led by Mitch Tolcon and Huan Vu.

10 Turning to my family. My family, like many in Australia, was part of the first Irish catholic diaspora to Australia in the mid-1800s. That was a wave of immigration driven by many factors, which included marginalisation, discrimination and hunger. That history teaches a ready empathy with those who seek to appeal to the protection of the  
15 rule of law and its objective application. Both sides of my family arrived in the colony of South Australia. My mother's side of the family, the Fitzgeralds arrived in 1840 and my father's family in 1876.

My 91-year-old father Michael, who is with us today, is a retired  
20 general surgeon and my eldest brother Tim has brought him across to Tasmania. And I'm indebted to Tim for that and welcome to both of you. Whilst my mother Anne Marie is present in spirit and will be watching the recording of this event from her couch in Perth with considerable interest. I have been very lucky in my parents who have  
25 always sacrificed their own interests for those of their six children. Self-sacrifice can have many emanations and certainly that was present in my father's attitude to his patients and my mother's parenting.

As exemplar as they have been loving, considered and patient. My  
30 father's approach has always been somewhat stoic, I might say, with a readiness to excise any infection with a scalpel. My mother, as well as raising six children, has worked as a scientist including a period at the Woomera rocket range. My mother's father Bart was the inspector for schools and Ms Webb has mentioned him today. He was an  
35 inspector for schools in South Australia and I owe my love of history and the humanities to him. I continue to miss Bart and Marge, his wife, and remember my time in Adelaide with them with deep affection.

To my siblings, Tim, Simon, Joanna, Paul, and Michael, many of whom  
40 cannot be here today, Joanna because she is caring for my mother. You have my abiding, love, and deep respect. How my parents came to produce three lawyers, a dentist, a nurse and a property manager is a mystery. Just lucky, I guess. I want to acknowledge my wife's father, Ron Waters, a 95-year-old retired marine engineer whose love and  
45 support are deeply valued. Ron reminds us of how a life lived caring about others and refusing to worry about anything that is not actually

in your face can guarantee a long and successful life. We have long missed his wife, Thelma.

5 To Diana's sisters, Kim and Paula, and their partners Kevin and Mark,  
I treasure your support, and we look forward to seeing you when you  
are able to visit us in Tasmania. In my immediate family present with  
us today we have my wife Diana, resplendent in blue, my stepson Jesse,  
father of our grandchildren, Harry, eleven, and Maisie, eight, and my  
10 son Liam and his partner Bella. Jesse is an extremely capable engineer  
who has travelled from Fremantle to be with us today. Harry and  
Maisie will be watching from afar, no doubt with Penny the groodle.

Liam and Belle have flown in from Melbourne. Liam met Bella when  
she was dancing for the Bavarian Ballet company in Munich and Liam  
15 continues to build on his first class honours degree in art history, his  
diploma of conservation from the University of Melbourne, and his  
current study for a master's degree in librarianship. Diana and I love  
you all very deeply and are so happy that you could be with us here  
today. We look forward to sharing our lives in Tasmania with you.  
20 Your congratulations and best wishes are priceless, and we thank you  
for the joy and love you bring into our lives.

There are no words for the abiding – for the abiding love and support  
of my wife, she has shared all the considerable ups and downs of what  
25 has been a very lengthy professional journey, all the joy of our family  
life and has generally supported me in accepting this appointment.  
Indeed, I might say with Tennyson, if I had a flower for every time I  
thought of you, I would walk through my garden forever. I'd like to  
finish with the words of Sixto Rodriguez:

30 *It started out with butterflies on a velvet afternoon. It  
started out so nice. It started out so nice.*

The court will now adjourn.

35 <THE COURT ADJOURNED

