

**SPEECH GIVEN BY
JUSTICE CONNOLLY**

**SUPREME COURT OF THE
AUSTRALIAN CAPITAL TERRITORY**

CEREMONIAL SITTING

CANBERRA

FRIDAY, 31 JANUARY 2003

CONNOLLY J: Mr Attorney, Chief Justice, Justices, family, friends and colleagues, thank you for your kind words of greeting and the confidence you've expressed in me. It's with a deep sense of humility that I accept the honour of serving this community as a judge of this court.

This court, as the Chief Justice noted, is the youngest Supreme Court in Australia, dating back only to 1933/1934 but it has, I believe, established its reputation on the basis of the diligent and conscientious performance by the judges who've gone before me in upholding in their daily judicial work the noble sentiments expressed in the Oath of Office that the Chief Justice and I have just made before you.

Mr Attorney, Mr President of the Law Society, Mr President of the Bar, I thank you for your kind words, it's always humbling to hear such remarks, but particularly so in Canberra at this time when we are all so much in debt to the many volunteers and emergency services workers, both from our own community and from across Australia who've come to our aid in the time of fire crisis.

It is both traditional and deeply appropriate on an occasion such as this to thank those who played an important role in the development of a legal career. My father passed away only a couple of months before I began my service in the ACT Legislative Assembly, and so never had a chance to see me as a parliamentarian or as a judge. I'm sure that he would have felt that he made the right decision as an Irish bricklayer to come to a country where his son would have the opportunity to rise to serve as an Attorney-General and then as a judge.

My mother, I'm proud to say, is present in court today. I of course owe so much to my parents. Our home was always a place where books were read, ideas discussed and learning encouraged. My wife, Dr Helen Watchirs, and my daughters Lara and Madeline have been a great source of support in my life. Helen has lived through the life of a political spouse, one of the most difficult of roles and there are a number of people present today who would attest to that, and I'm very proud of her professional achievements in the field of international health and human rights.

Helen had a difficult choice to make in the early years of my appointment as Master, when after a six month secondment as the Legal Adviser to the United Nations AIDS Agency, an agency of the UN based in Geneva, she was offered this prestigious position on a full-time basis, and I'm glad to say she declined.

I've been very fortunate over the years in my personal staff, both in the Legislative Assembly and at the court, and I thank past and present staff members and friends for their support, particularly Jo Baker and Chris Grady present today from London.

I received on my original appointment seven years ago and continued to enjoy the support and friendship of the court staff, and I thank you all for this, particularly Registrar Circosta and Deputy-Registrar Glover, who was my assistant during my early years with the court.

When I was first appointed Master I was overwhelmed by the support and friendship I received from the judges of the court, and I sincerely thank my colleagues, past and present, and in particular former Chief Justice Miles. The support of the judges has made the task of Master of this court so much easier, and I'm sure that a new Master will also receive the same support I received.

I should add my thanks to former Justice Gallop, it was a privilege to work with him on the court, as I had been his Associate on first graduating from law school. I was fortunate in the educational grounding I received at Woodville High School in South Australia, a school which more than made up in spirit what it may have lacked in resources or glamour.

My under-graduate legal education was from Adelaide University, a university with strong links to this court. Sir Richard Blackburn of course was that university's distinguished professor who became this court's distinguished first Chief Justice to be followed by Chief Justice Jeffrey Miles and now Chief Justice Terry Higgins, Chief Justice may I add my voice to the congratulations you've received today, and I look forward to working with you as you assume leadership of our court. I've been honoured to count you and your family as personal friends for almost 20 years.

I'm delighted to serve with Crispin J who I had the honour to appoint as the ACT's first Director of Public Prosecutions some 12 years ago. And I note with pleasure that Gray J is of course also an Adelaide University graduate. Chief Justice, Adelaide University now makes up half of the strength of the full time resident judges of this court.

One thing strikes me from my undergraduate days. I'd returned from a successful inter-varsity meeting foray in the eastern states and I was extolling the wonders of the then new, and to our eyes fabulously modern, of the joints court complex in Phillip Street occupied by the Federal Court and New South Wales Supreme Court. Our professor of contract who'd been a boy in pre-war Germany made a remark that's always struck with me. "What is important", he said, "is the quality of the justice administered within a court, not the quality of the architecture of the court". The longstanding difficulties in this building are well known, but I hope that this community remains confident about the quality of justice administered within it.

I was privileged to be able to undertake post-graduate study at the Australian National University, and for a time be a part time member of the faculty teaching constitutional law, and I value continuing links with the law schools.

No two lawyers' paths through the profession to the Bench are the same, but mine has perhaps been more unconventional than most, being a career spent in public service as a lawyer in Commonwealth Government employment, and then as a parliamentarian minister, and for the last seven years as Master of this court.

I've had the unique experience of participating in the legislative, executive, and judicial branches of government. This has heightened my awareness of the important role an independent judiciary plays in a healthy democracy, and the value of the commitment we all share as Australians to the rule of law, or perhaps in more popular terms as we understand it, to the fair go.

I enjoyed and valued my time as a government lawyer. Robert Kennedy when he was recruiting some of Harvard's brightest for service in his justice department after his brother appointed him Attorney-General used as an incentive the argument that there could be nothing more honourable for a lawyer than to have the community as their client. And that sense of commitment is alive and well in the many fine lawyers who practice in the service of the Commonwealth, state, and territory governments. I was privileged to share that experience.

My period of service in the Legislative Assembly was an exciting journey. There were grave misgivings in the early years of self-government throughout the community. But I think it's fair to observe that due to the hard work and dedication of members of the Assembly from all sides, the work of our local parliament is now being afforded the respect it deserves.

I can personally attest to the very hard work and long hours that members put in on behalf of their community, and I'm delighted to see, along with our Chief Minister and Attorney, my former leader, Rosemary Follett and former counterpart, a political foe but respected personal friend, Senator Humphries present here today, along with colleague Annette Ellis, the first person to move from the Assembly to the national parliament. And of course Brendan Smyth who moved from the national parliament to the Assembly and to leadership of the opposition.

Members of the Legislative Assembly, whatever their politics, are united in a fierce love of their city and their community, and a determination to contribute to its development. Wayne Berry, a former colleague and now Speaker, is also present today, and Mr Speaker, it was a privilege to have served amongst members of the Legislative Assembly.

I should add that the conduct of members of the Legislative Assembly over many years stands them in rather good stead in comparison with some other places in Australia in relation to the so-called law and order debate, and the mutual respect that the separation of powers expects of parliaments and courts.

We've been fortunate in this community that, by and large, partisan politics have not intruded into the judicial role of sentencing, and politicians have not been falling over themselves to demonstrate toughness. Indeed, a degree of bipartisan support has existed for innovative approaches to dealing with offenders, particularly the diversionary conferencing scheme.

The Canberra legal profession has been a pleasure to work with. I've lived in this city and in this community now for 20 years. It's my home and I see myself as a part of the local

profession. On my appointment as Master there was no doubt some anxiety as to how a former attorney with a background in constitutional and international law would fair as a trial judge in personal injuries litigation. I've worked hard and done my best and I hope that I've earned your respect and friendship, and I trust that this will continue for many years in my new role.

I've taken the judicial oath before all of you today and I pledge to do my best to live up to that oath. I'm honoured by your presence today, and particularly friends that have come from a distance, Michael Down from Sydney. Flattered by your remarks, Mr Attorney, Mr President of the Law Society, Mr President of the Bar, and humbled by them, and privileged to share your friendship and support.