

**On the occasion of the State Funeral for**  
**the Hon Justice Terence Connolly**  
**Eulogy delivered by the Hon Chief Justice Terence Higgins,**  
**Chief Justice of the ACT Supreme Court**  
**3 October 2007**

I am honoured to have been asked by Helen to speak to you about Terry today. Moreover, I am honoured to have known this devoted husband, doting father and loving family man. He was a person of admirable character, a judicial officer whose principles never deviated from the expectations of the public whom he served and, I am proud to say, a personal friend: the Honourable Terence Connolly.

His Honour completed law at the University of Adelaide and was admitted as barrister and solicitor in South Australia in 1982 and in the ACT in 1985. His Honour came to Canberra, as many do, to join the federal public service, where he worked in the Departments of Foreign Affairs and the Attorney General as a legal advisor.

Terry and I shared much in common, not just our first names. We shared over 20 years of personal friendship and were both proud of our Irish heritage.

Terry and Helen married in 1988 and moved to Narrabundah, where they lived opposite my house. We were near neighbours. Terry became a member of what was known as the ALP's "powerful" Canberra South Branch, although why it was

powerful remains a mystery. Kevin Rudd was also a member of it but in those days, he was mostly overseas.

In any event, in 1990, my colleagues and I proposed Terry to fill the vacancy left by Paul Whalan. It was, basically, up to Rosemary Follett, David Wedgwood and Wayne Berry to decide who was suitable to replace Paul. Once they met and talked to Terry, they approved of him, despite the fact he was not of the Left.

As Terry later commented, in opposition as, inter alia, legal spokesperson, he sat opposite Bernard Collaery, who was then the ACT Attorney General. When asked recently concerning the duty of care, particularly that which might arise if Mr. Collaery fell into the Lake and got into difficulty, his Honour acknowledged that the law imposed no duty on a stranger, in no special position, to rescue him. His Honour did comment, however, on Mr. Collaery's hypothetical plight. He said of it "I did sit across the Chamber from Mr. Collaery and even I would not enjoy it"

But why did Terry choose law as his first love? His inaugural speech in the Legislative Assembly on 1 May 1990 gives the clue. "I chose to develop a career in law because law, as well as being an instrument of social control, is the primary weapon in the fight for social justice."

He highlighted law reform and human rights protection. I will not dwell further on those matters. The legislators have done so and I have no doubt they would acknowledge their debt to Terry's reforming zeal particularly as Attorney-General between 1991 and 1995.

It was in 1996 that Terry's career came back to its principal direction. He joined me and Justice John Gallop, to whom he had been an Associate, under the judicial leadership of Chief Justice Jeffery Miles, in the Supreme Court as Master.

Jeff can, no doubt, speak for himself but I know he was delighted that Terry proved such a capable and efficient judicial officer. Both John Gallop and I were able to reassure Jeff Miles that the Attorney-General of the day, Gary Humphries, and his government, though elevating their most effective opponent, had chosen well.

Terry tackled with skill and enthusiasm anything asked of him, including with the then Registrar, Jill Circosta, and the Director of Public Prosecutions Richard Refshauge, that which, after Terry became a judge, was the greatest and most comprehensive reform of the Rules of the Court that this Territory has seen. I suggest that those rules put this Territory ahead of every other State and Territory of this Commonwealth.

Terry became a judge in 2003, filling the vacancy left by my appointment as Chief Justice to succeed Jeffery Miles. Terry was the choice of the Stanhope Labor Government and was the perfect choice.

In a Court the size of the ACT, collegiality is essential. We have no party discipline. Each of us is independent of each other. There is no appeal to electors. We have, each of us, Ken Crispin, Malcolm Gray, Master David Harper and I, been privileged to be, not only colleagues, but friends of Terry and, I would add, of each other.

Yes, there were problems with Terry. At times, his cycling lycra was so bright sunglasses were needed, even indoors.

Terry took on the Rules Advisory Committee, the Rules Harmonisation Committee and Law Reporting. We will soon have our own ACT Law Reports. I

can announce that the first Volume will soon appear. It will be dedicated to Terry.

What are the qualities that made Terry a great judge? Terry was a natural leader. He had a unique aura about him, a mix of eagerness and purpose and pride. No matter how seemingly mundane the task, if it was for the public good then it was good enough for Terry to be engaged in. He would see things through to their conclusion and it was impossible for those around him not to join in his enthusiasm.

Terry possessed an innate important judicial skill. He was always able, even when presented with complex facts in difficult cases, to get straight to the point. In civil matters, counsel were in no doubt about what Terry thought of the case before him, no matter what tactics they might choose to employ. When sentencing criminal offenders or granting them bail, Terry would send a clear message, and to be sure to be sure, would deliver the same message a second and third time.

Terry also saw it as his public duty to promote the values in which he believed to young people. At admission ceremonies, Terry would inevitably refer to Arthur Miller's "The Crucible" and to Atticus Finch from Harper Lee's "To Kill a Mockingbird" as examples of the importance of the rule of law and why all lawyers should strive to uphold it. When young lawyers and law students needed a patron for a group or an event, the question was not whether Terry would say "yes" but at what time he would be available.

Most importantly, despite the pressures of being a judge, Terry remained devoted to his family.

It is easy in a busy life pursuing many interests and duties to neglect the important priority of your family. Terry, admirably, I thought, always gave priority to Helen, to Lara and Maddy, even unto their netball or any other pursuits they might have. He was a devoted husband and father.

In this again, there is a lesson for all of us. Anyone who revels in working 16 hours a day take note.

I would like to conclude with an observation echoing the tribute of Speaker Berry in the ACT Legislative Assembly last Wednesday. He observed that all of us, like Terry, could and should make it our goal to leave the world a better place for having lived in it. Terry aspired to this goal and succeeded in achieving it.

The Courts, the legal profession and many within our community will never forget him. He will be remembered as a fine example of an admirable and virtuous life.

“Remember me when I am gone away,  
Gone far away into the silent land  
When you can no longer hold me by the hand  
Nor I half turn to go yet turning stay

.....  
For if the darkness and corruption leave  
A vestige of the thoughts that once I had  
Better by far you should forget and smile  
Than that you should remember and be sad”

(Remember: Christina Rossetti)

No, we will never forget you, nor will we let sadness overwhelm our joy in the privilege of having known you. May you rest in peace.