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REMARKS ON THE CELEBRATION
TO MARK THE APPOINTMENT OF
THE HON CHIEF JUSTICE MURRAY GLEESON AC
TO THE OFFICE OF CHIEF JUSTICE OF AUSTRALIA

The Hon Justice Michael Kirby AC CMG

Justice of the High Court of Australia

THE UNIVERSITY OF SYDNEY
FACULTY OF LAW
FUNCTION TO HONOUR THE APPOINTMENT TO THE OFFICE
OF CHIEF JUSTICE OF AUSTRALIA OF
THE HON MURRAY GLEESON AC
LAW SCHOOL ASSEMBLY HALL, SYDNEY
16 JULY 1998

MURRAY GLEESON - LAW STUDENT

The Hon Justice Michael Kirby AC CMG*

Justice of the High Court of Australia

I hope no-one will accuse me of uncharacteristic immodesty if I say that the year in which Murray Gleeson and I graduated together was truly an annus mirabilis of this Law School. It included four future judges of the Federal Court of the Australia¹; four future

* Justice of the High Court of Australia. President of the International Commission of Jurists.

¹ Einfeld J, Hill J, Mathews J, Tamberlin J.

Supreme Court judges²; two future judges of the Family Court of Australia³; three future District Court judges⁴; at least one Local Court magistrate⁵, countless senior counsel⁶; the deputy head of the Department of Foreign Affairs and Trade⁷; a Lord Mayor of Sydney⁸, leading businessmen⁹, a beachcomber, two wine experts¹⁰ and, looking on quietly, a future Prime Minister of Australia (the Hon John Howard MP).

It must be rare that the three great officers of state are all graduates of the one faculty of the same university. It happened in 1975. It is so again today.

History comes in cycles. At the time of our graduation in 1962, of the seven Justices of the High Court, five were graduates of

² Gleeson CJ, Kirby P, Hodgson CJ in Eq, Mathews J

³ Goldstein J (retired), Waddy J.

⁴ Davidson DCJ, Mahoney DCJ, Conomos DCJ (retired).

⁵ Lillian Hawler (née Bodor).

⁶ Including P R Capelin QC and L P Robberts QC.

⁷ Mr Kim Jones AM.

⁸ Mr Nelson Meers.

⁹ Mr Charles Curran AO.

¹⁰ Mr John Beeston and Mr Jim Halliday.

Sydney Law School - Justices McTiernan, Kitto, Taylor, Windeyer and Owen. Again, today, five of the six Justices come from Sydney.

Chief Justice Gleeson, as a youth, before cultivating his reported recreational interest in raising piranhas (as Justice Meagher assures us) was a quiet, retiring pious lad given to prayer and reading the *Catholic Weekly*. But already with a strong reputation in debating and for intellectual prowess. He soon shone in his studies.

In 1959, after our first year at the Law School, he proposed, and I agreed, that we should share lecture notes and research together. A bond was forged which we continue today. If it should appear that I am ever so slightly uncertain in subjects such as revenue law and company law, I declare that this is because Murray Gleeson kept from me vital notes on key legal doctrine. If per chance he should ever be seen to stumble in his mastery of Australian constitutional law (now uniquely in his charge) I am sure he will blame me for keeping vital sections - say on the *Engineer's* case - from him. Future researchers of our judicial work will doubtless analyse our respective mastery of legal topics and trace it to our division of the spoils of study forty years ago.

The new Chief Justice has often told the tale of his nomination of me, in my absence, for a position on the Sydney University Law Society which led on to numerous student offices. It set in train what he has been pleased to call a juggernaut of student politics. What he has not owned up to was that this was a clever device of his to divert

me from a single-minded pursuit of academic excellence into a completely selfless devotion to the protection of my fellow students and their urgent interests. It was in this way that Murray Gleeson set in train a course of conduct by which he has skilfully overtaken me at every turn in our lives. It is a course of conduct which has lasted to this very day.

By it, he clambered over me in the Law School Honours List. He stole a march by his earlier admission to the Bar. But then I jumped over him with an earlier appointment to judicial office. As President of the NSW Court of Appeal I had the exquisite pleasure of having him appear before me. Humbly, he had to respond to my every interrogation. But then, once again, he jumped ahead and became Chief Justice of the Supreme Court of New South Wales. When I was appointed to the High Court in 1996, I thought at last it was checkmate. But, lo and behold, yet again, he has pipped me at the post. He now stands at the apex of legal and judicial appointments in our country, never to be surpassed.

It is as well that I am no Richard of Gloucester, hungering Olivier-like for the Crown. Despite all these provocations, I just can't help liking the guy. And admiring and respecting him. In the High Court of Australia he will enjoy the loyalty, admiration and, I believe, affection of his colleagues. Fortunate is a country that has such an accomplished and experienced Chief Justice.

Back in the 1950s, his subtle endeavours to have me see the

truth of the Church of Rome extended to the presentation of a book called *Inside the Vatican*. I still have it. In it, the author describes the ascent of the newly elected Pontiff to the Papal Throne (a kind of churchly equivalent to appointment as Chief Justice of Australia). As the ballot papers of the newly installed Pope are burnt in his presence, he is reminded of his mortality. *Sancte Pater. Sic transit gloria mundi*: Holy Father. Thus pass away the glories of this world. So it doubtless will be, for all of us, in whatever offices we attain - high or low.

I was reminded of this in London last week when I attended a ceremony touching one of Chief Justice Gleeson's distinguished predecessors and another alumnus of this Law School. I refer to the Right Honourable Sir Garfield Barwick. In St Paul's Cathedral the biennial service of the Order of St Michael and St George took place in the presence of members of the Royal Family and members of the Order. I was there, the sole Australian and the last Australian appointed to the Order in 1983. I saw the Banner of Sir Garfield Barwick, Knight Grand Cross of the Order of St Michael and St George, one time Chief Justice of Australia, carried in solemn procession down the great nave to be laid reverently on the High Altar, marking his passing. The service was thus a solemn tribute to a most important Australian jurist. No future Chief Justice of Australia will enjoy that banner.

Yet in some ways the occasion seemed a little alien to the realities of Australia today. It was a specifically Christian and even

Anglican State occasion: no hint of the diversity of religious conviction that marks Australia today. Overwhelmingly, the distinguished participants were old, white males. Very few women. Only one person of colour - a Governor-General from the West Indies. The Court over which Murray Gleeson presides serves a very different and a changing society. For however long he serves we can be sure that he will act faithfully and devotedly for the interests of all Australians, blessed as we are to live under the rule of law upheld by the Constitution he will safeguard.

The Sydney Law School is properly proud of this distinguished son. Rightly, it honours him today.