

said the word 'yourself' your Honour glanced down and noticed that his Honour had only one arm. His reply was a credit to him; 'I can tie them myself, my dear' he said 'but I cannot tighten them'. Your Honour's dislike of silences is unlikely to be a problem on the Bench of this court.

In the second half of the 1970s your Honour completed your post doctoral research on spermatozoa and then made the move you'd contemplated eight years earlier by enrolling in a graduate program of law at the University of New South Wales.....

Your Honour came to the Bar in 1980 and rapidly developed a practice in commercial law and professional discipline. In the professional discipline field your Honour has acted on all sides; as counsel for the accused professional, as prosecuting counsel and as a decision maker in relation to a variety of professions. The only role your Honour has not fulfilled before disciplinary tribunals is the role of accused professional and your Honour will now never get a chance to do so.

The Bar enabled your Honour to combine your qualifications. Your Honour developed a very extensive intellectual property practice with an emphasis on biotech patents. Your Honour has acted for Dolly the sheep and in a case involving the patent for Viagra...

In 1994 your Honour was appointed senior counsel in New South Wales in the second batch of appointments under the new regime....

It's usual on occasions like this to identify some first which your Honour's appointment represents. The most conspicuous, so to speak, is that your Honour is almost certainly the first Australian judge to be less than five feet tall. The High Court, to its credit, has recognised your Honour's inability to see over the podium and provides a special item of furniture for your Honour to stand on when your Honour appears there. No doubt it will now be stored for some future date when another practitioner with your Honour's commanding height emerges. Whether structural changes need to be made to the furniture of this court remains to be seen.

Your Honour has taught advocacy both in Australia and in Bangladesh. Most importantly of all your Honour was a member of the Council of the

Australian National University and for the last four years its Pro-Chancellor. Only this and the Sydney Children's Hospital will survive your appointment to this Bench but your Honour's elevation has not deterred you from accepting new appointments. Only last week your Honour was appointed to the board of the Centennial Park & Moore Park Trust.

Your Honour is a brilliant cook and your dinner parties are legendary. Your dress style has created a new standard for the female Bar. I understand that plans are now afoot for water jugs in this court to be filled with Evian water and for the standard uninspiring furnishings of your Honour's new chambers to be replaced by tasteful pastels simultaneously with the installation of a dressing table containing your Honour's signature chocolate drawer thermostatically controlled to an ideal temperature. Your Honour has complained that the court robes are too long and is having them adjusted but they are to be re-designed by a committee which will include nominees of Yves St Laurent.

There is one final matter; some years ago a judge was sworn into the Supreme Court of Manitoba. His wife was the president of the Manitoba Bar Association so it fell to her to speak at his swearing in. She concluded with these words; 'I want you to listen very carefully to what I am about to say because, as I will never be able to appear in front of you, this is the first and last time you will ever hear me address you this way, My Lord.'

That witticism is not available to me since we don't address judges as My Lord or My Lady but for the same reason this is the first and last time on which I'll be able to address you as your Honour. Notwithstanding that I will never cease to honour you and your incredible achievements.

The Honourable Jeffrey William Shaw

Former Attorney General Jeff Shaw QC was sworn in as a judge of the Supreme Court on 4 February 2003.

His Honour was welcomed to the court by the current Attorney General, the Hon Bob Debus MP. The Attorney recounted that his Honour grew up in Beronia Park, a small Sydney suburb between Gladesville and Hunters Hill. The area was described by the actress and writer Pamela Stephenson as 'a sparsely landscaped desert, dotted with mounded dwellings and indigenous giant red biting ants' and inhabited by 'fierce magpies, striped goannas and funnel web spiders'. Children walking to the bus stop 'became accustomed to leaping over venomous black/brown snakes that lay sunning themselves on the path'.

Surviving such travails, his Honour went on to attend Beronia Park Public School, Chatswood Public School and then Hunters Hill High School before studying arts and law at Sydney University. He was admitted as a solicitor of the Supreme Court of NSW in 1975 and a barrister the following year. After ten years of practice he was appointed Queens Counsel in 1986.

In May 1980 his Honour was appointed to the NSW Legislative Council to fill a casual vacancy and was the shadow minister for industrial relations and local government from 1991 to 1995. In government he served as attorney general and minister for industrial relations from 1995 to 2000 and also as minister for fair trading from 1998 to 1999. After more than five years as a minister, he announced his intention to retire from politics and return to the Bar. On his last sitting day in the Legislative Council the accolades were strong and sincere from both sides of the chamber.

His Honour has been a prolific academic writer, having written for a wide variety of publications and on a wide variety of topics including, in particular, the area of industrial law. The Attorney noted that he had written on subjects as diverse as the enduring influence of Trotsky on Sri Lankan politics and the sartorial pitfalls of wearing sandals with or without socks. On a more academic level his Honour

has received appointments as a member of the Council of the Sydney College of Advanced Education, visiting professor of law at the University of New South Wales, adjunct professor at the Sydney University Faculty of Economics and adjunct professor of law at the University of Technology. He has also been deputy chairman of the NSW Law Reform Commission.

In reply, his Honour referred to his experience in the executive government, stating that his five years as attorney general was gratifying both in terms of the administration of the criminal and civil justice system and the opportunity for legislative reform. His Honour said as follows:

Although the doctrine of the separation of powers might not apply *stricto sensu* to a sovereign state parliament, nonetheless the central doctrine of our liberal democracy is the independence of the courts. This requires the fearless adjudication of matters whatever might be the criticisms that come from individuals, the media or even the executive government in relation to such decisions.

It's important I think there should be an understanding knowledge and respect in the relationship between the executive government, the legislature and the courts...although some of my former colleagues in the legislature might disagree. I accept the view of the American writer Alexander Hamilton whose 1787 commentary on *The constitution of the states* referred to the judicial sphere of government as the least dangerous branch. It is a check against possible excesses of the executive and the legislature.

Justice Heydon recently quoted George Orwell in his Honour's well-publicised *Quadrant* speech on 'Defence of traditional legal institutions'. I would only enter those controversies with great trepidation but I do venture to refer to the English historian EP Thompson who when referring to some of our old legal terms said that the rule of law is an unqualified human good and supported institutions which have proved to be flexible, capable of modification through centuries of conflict and after protracted studies of reform.

The Honourable William Henric Nicholas QC

On 5 February 2003 Henric Nicholas QC was sworn in as a judge of the Supreme Court.

His Honour was welcomed to the court by Murray Tobias QC, speaking on behalf of the Bar. Tobias QC, in an address which has been noted for its comprehensiveness, recounted that his Honour was educated at the Kings School and Sydney University. He was articled to Major General John Broadbent at what was then Stephen Jaques and Stephen. His admission as a solicitor was moved by Mr R P Meagher as his Honour then was. After taking a working passage on a cargo ship to Europe, his job being to paint the hull, his Honour worked as research assistant for the International Commission of Jurists in Geneva. Upon return to Australia, his Honour was an employed solicitor before being admitted to the Bar in October 1966. His Honour evidently spent much of his reading year improving his knowledge of classic novels and foreign cinema. His Honour joined 6 Selborne Chambers in 1971 and rapidly developed a leading practice in defamation.

His Honour had two terms as an assistant commissioner of the Independent Commission Against Corruption and served as a member of the Legal Profession Disciplinary Tribunal and later the Legal Services Division of the Administrative Decisions Tribunal. He was a member of the Bar Association's Arbitrator Panel and a member of the Bar Council. His Honour also served as a director of Counsels Chambers Limited and participated in the Bar Association's Olympic Pro Bono Scheme.

Outside the law his Honour was chairman of the NSW Publications Classifications Board and a trustee of the Centennial Park Trust. In the area of the arts he served as a director of the Sydney Theatre Company, chairman of the Eleanor Darke Foundation/Veruna Writers Centre and a director of the Blake Society for Religious Art. He is currently chairman of the Kimberley Foundation of Australia which promotes research into ancient Aboriginal rock art in the Kimberley region. His Honour has

been for many years a councillor of the Royal Agricultural Society of NSW and a commercial breeder of cattle.

His Honour follows his paternal grandfather Harold Sprent Nicholas to the Bench. H S Nicholas was chief judge in equity.

On behalf of the Bar, Murray Tobias QC warmly welcomed his appointment, saying:

Your Honour has already made a significant contribution to the law and to a large number of other fields of endeavour and to numerous community causes. Your great experience as a jury trial and appellate advocate and your undoubted energy, work ethic and legal skills coupled with your wide experience of the world and life in general can only result in your Honour being a judge of great distinction exhibiting all the wisdom, humility, judgment and common sense and not unimportantly courtesy and humour which your family, friends and colleagues have come to expect from you...

My wife asked me whether she could read this speech in one of its earlier drafts. Having done so, her only criticism which was somewhat devastating was that she thought it read like an obituary. I prefer to think of it as the profession's version of 'This is your life', albeit without the feigned surprised and sudden cameo appearances of long lost and usually forgotten relatives and acquaintances. And indeed, what a full and productive life it has been...

Your Honour now seeks to further that life and continue your effort in public service by commencing a new and exciting phase of your career. You do so with the warmest best wishes of your friends and floor colleagues in particular and the Bar in general.