

The Hon Justice Peter Graham



On 24 May 2005 the Hon Justice Peter Graham was sworn in as a judge of the Federal Court of Australia.

His Honour was a student at Sydney Church of England Grammar School as well as Sydney and Harvard universities. He graduated with the degrees of Bachelor of Arts and Bachelor of Laws from the former university in 1959 and 1962 respectively. He completed a masters degree in law at Harvard University in 1964.

Having served as associate to Manning J of the NSW Supreme Court, and after working as a solicitor with Allen Allen & Hemsley for a short period, Graham J came to the Bar in 1966. He was appointed queens counsel in 1982. His Honour's practice was remarkably broad and predominantly concerned with commercial matters.

At Graham J's swearing in, the Commonwealth attorney-general spoke on behalf of the government, Ross Ray QC for the Law Council of Australia and the Victorian Bar, Ian Harrison SC for the NSW Bar and the Australian Bar Association and Gordon Salier for the solicitors of NSW. Graham J responded to these speeches.

The attorney spoke of Graham J's contribution to legal education and his mentoring of junior barristers:

Throughout your career your Honour has acted as mentor to others, being particularly encouraging to juniors at the Bar, and maintaining close ties with the academic institutions you attended. In your early years you worked as a part-time tutor

at Sydney University. More recently your Honour has served as president of the University Law Graduates Association and you continue as president of the Harvard Law School Association of Australia, a position you've held since 1966. Your Honour has lectured in Bar practice courses for the New South Wales Bar Association since 1988.

Of Graham J's practice at the Bar, Ray QC said:

Your Honour's manner and advice were always professional, astute, dispassionate and highly valued by those you represented. Your Honour expected your instructor to be prepared. You were sometimes used to break in over-confident young solicitors, and they would return to the office from a conference with more humility, resolved never to be less than prepared in the future. To those who measured up, your Honour was charming and generous. One former instructor speaks of your Honour's extraordinary generosity in encouraging his ambition to come to the Bar, introducing him to other solicitors who instructed you and recommending him for junior work.

Harrison SC said:

When you took silk in 1982 after 16 years at the Junior Bar your reputation as a powerful advocate had already been established. You practised widely in commercial matters with an emphasis on equity and probate. You developed extensive experience in arbitrations and mediations. You made significant contributions to Corporations Law and to the work of the Australian Securities and Investment Commission. Your name is, of course, synonymous with the ninth floor of Wentworth.

Also acknowledged were his Honour's interest in and contribution to issues of corporate governance. As Ray QC said:

Your Honour's directorship of the Australian Shareholders' Association mentioned by the attorney reflects a commitment to the principle that companies need to be held to account in the matters of fairness to individuals as distinct from institutional shareholders. That commitment continued long after you left the board of that association. For example, you spoke out publicly about the machinations and the restructuring of BHP and Elders Holdings in the 90s. That same ability, determination and tenacity that has brought you success in your profession you have also brought to bear for the public good, both formally on committees and boards and informally in the press.

Graham J said the following about his appointment to the Bench:

As I move from the ranks of the Bar to join the Bench, I am reminded that one of the bulwarks of our society is having a free and independent judiciary. We often think of barristers as being free and independent, and indeed, they are. They are not beholden to anyone and may speak out fearlessly in

support of causes. No doubt this explains why they are sometimes feared by politicians.

For judges, freedom and independence is quite a different thing. The essence of freedom and independence for a judge is freedom and independence from the executive and legislative arms of government, including economic independence.

When one assumes judicial office, one has to forego the freedom of expression that barristers enjoy and adopt a much more neutral position in society. For me this will mean no more letters to the editor of the *Sydney Morning Herald*, although I don't consider the last one I wrote to have been all that controversial. It was one sentence in length, and simply asked 'Is the water that has been leaking into the southbound carriageway of the Sydney Harbour Tunnel for the last couple of months fresh water or salt water?' I never

received a response but did notice that it was only a matter of days before the carriageway in the tunnel was dry once again.

Another freedom that I, personally, will now forego is the opportunity to attend meetings of listed public companies and express opinions as to how their standards of corporate governance might be improved. I fancy that a few company chairmen may breathe a sigh of relief.

I guess I must qualify as the most senior member of the legal profession ever to be appointed to this court, at least since its formation. I am most grateful for the honour and the privilege that has been afforded to me, and trust that I may bring a youthful enthusiasm to the tasks that lie ahead. Russell Fox QC, who moved my admission as a barrister, was, of course, one of the leading members of this court from its inception. He set a fine example for me to follow.

The Hon Justice Richard Edmonds



The Hon Justice Richard Edmonds was sworn in as a judge of the Federal Court of Australia on 5 May 2005.

Edmonds J was educated at Trinity Grammar School in Sydney and at Sydney University, graduating from the latter with a Bachelor of Arts degree in 1967, a Bachelor of Laws degree in 1970 and a Master of Laws degree in 1979. His Honour was a solicitor at and later partner of Allen Allen & Hemsley between 1970 and 1985. He was admitted to the Bar in 1985 and was appointed senior counsel in 1995. As both solicitor and barrister, his Honour was one of Australia's leading taxation lawyers.

Attorney General Ruddock spoke on behalf of the Australian Government, John North for the Law Council of Australia, Tom Bathurst QC for the New South Wales Bar and the Australian Bar Association and John McIntyre for the solicitors of NSW. Edmonds J replied to these speeches.

Of two themes which dominated the addresses, one was His Honour's career as a rugby prop.

On this theme, Bathurst QC had the following to say:

Your Honour studied law at Sydney University where I am told you devoted 30 per cent of your time to your studies, 50 per cent to rugby and 20 per cent to miscellaneous activities which probably shouldn't be dealt with at the present time. Your Honour played first grade rugby for a period of eight years. That was despite an early setback when as a young