

The Hon Justice Stephen Gageler

Justice Stephen Gageler grew up on a property in Sandy Hollow in the Hunter Valley, and attended Muswellbrook High School.

In 1980, Gageler J graduated from ANU with a Bachelor of Economics degree. He has used economics analysis in competition, anti-dumping and commercial cases, including competition and market impact analysis in *Betfair v Western Australia*.

In 1982, he graduated from ANU with a Bachelor of Law, and worked in the Commonwealth Attorney General's Department. In 1983, he became associate to Justice Anthony Mason in the High Court at the time of the *Franklin Dams* case.

In 1987, his Honour graduated with a Master of Laws degree from Harvard University, partly through a dissertation on the foundations of Australian federalism. He also became principal legal officer and assistant to the Commonwealth solicitor-general, Gavan Griffith QC.

In 1990, he was called to the NSW Bar and read on Ground Floor Wentworth Chambers and in 1992, moved to the Eleventh Floor. In 2000, he took silk. He had a thriving constitutional and commercial law practice, as well as some cases in litigation funding, native title and anti-dumping. He was also involved in public interest litigation highlighting the killing and interference with whales in the Australian Antarctic Territory in contraventions of Commonwealth environmental protection legislation.



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In 2008 his Honour was appointed solicitor-general. His cases included the defence of the Commonwealth's fiscal stimulus package, the defence of the government's Malaysian people-swap deal, as well as the Commonwealth's success in the plain cigarette packaging.

Justice Gageler has a deep knowledge and understanding of constitutional law and Australian federalism. In 2009, he gave the Maurice Byers Lecture, a vision of the structure and function of the constitution. He said that the constitution exists within the collecting imaginations of those who practice and administer it, they are the custodians for the present of a constitutional tradition.

His Honour has vast experience appearing as an advocate in the High Court. At his swearing in he

remarked that he had presented oral argument in the court on close to 100 occasions, adding:

I have appeared before four Chief Justices and before 17 of the High Court's previous total of 48 Justices. Never were those appearances easy. More than occasionally, they were gruelling. Once, now some years ago, after a particularly testing day on my feet and in anticipation of backing up for another case the next day, I was quietly taken aside by a court attendant for a sympathetic, but frank, assessment of my performance. 'If you were a boxer', he said 'you wouldn't come back'

He may also be the first High Court judge with a black belt in taekwondo.