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TRANSCRIPT OF PROCEEDINGS

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O/N H-861203

FEDERAL CIRCUIT COURT OF AUSTRALIA

CERMONIAL SITTING TO WELCOME

JUDGE GREGORY EGAN

CHIEF JUDGE ALSTERGREN

JUDGE JARRETT

JUDGE LAPHORN

JUDGE HOWARD

JUDGE CASSIDY

JUDGE TURNER

JUDGE VASTA

JUDGE WILLIS

DOWSETT J

LOGAN J

BAUMANN J

O'BRIEN CJ

JUDGE KOPPENOL

JUDGE SMITH

BRISBANE

8.59 AM, WEDNESDAY, 7 FEBRUARY 2018

CHIEF JUDGE ALSTERGREN: On behalf of all present, I acknowledge the traditional custodians of the land upon which we meet and pay my respects to their elders both past and present. This is a very happy and important occasion for this court may I say to your Honours, distinguished guests, ladies and gentlemen. Firstly,
5 I would like to welcome on behalf of the Court Judge Egan's family and, in particular, his mother Beryl Egan, aunt and uncle Joy and Bill, his brother Kevin, brother Alan and most importantly, his children Samuel, Cassie and William. I understand Harry is away and overseas by video link, so hello, Harry.

10 Can I say that we are delighted that Judge Egan has joined our Bench. He has been sworn in, as many of you know, on 18 December and has hit the ground running. This welcome is an appropriate occasion to acknowledge not only him and the work he has done, but also the work of this Court, the important work the Court has been
15 doing as the busiest federal trial Court in Australia. 100,000 listings, 85 per cent to 90 per cent of all Family Law work in Australia, an enormous amount of migration work, fair work, admiralty and a number of other areas including intellectual property.

Judge Egan brings to the Bench an enormous amount of experience and an enormous
20 amount of skill as a lawyer over many, many years. I've had the unusual request to pass on the very best wishes of the Papua New Guinea Judges and particularly to the Honourable Justice Nicholas Kirriwom and the Honourable Justice Les Gavara-Nanu. In particular, one of them said that they both know the Judge very well as a good lawyer, a highly professional and important advocate in their system, and have
25 described him as a great asset to the judiciary in Australia. Mr Perry.

MR R. PERRY: May it please the Court. May I begin by acknowledging the Turrbal People, the traditional custodians of the Brisbane area, and pay my respects to all of Australia's indigenous people. The Attorney-General, the Honourable
30 Christian Porter MP, regrets that his ministerial commitments prevent him from attending this special occasion. He has asked me to convey to your Honour his sincerest congratulations and well wishes on your appointment to this Court.

It's a reflection of the high regard in which your Honour is held that so many
35 distinguished members of the judiciary and legal profession are here today to welcome you to this Court. May I particularly acknowledge the Honourable Justices Dowsett, Greenwood and Logan of the Federal Court of Australia, the Honourable Justices Ryan, Carew and Baumann of the Family Court of Australia, the Honourable Chief Judge Kerry O'Brien of the District Court of Queensland, current
40 and former members of the federal and state judiciaries and members of the legal profession. And may I also acknowledge the presence of your Honour's family, including your mother Beryl, your children Sam, Cassandra and William and your brothers Kevin and Alan who proudly share this occasion with you.

45 Your Honour's appointment to this Court marks another step in your notable career from lawyer to Barrister to flight lieutenant and now Judge of the Federal Circuit

Court of Australia. This morning I would like to describe some of the many qualities and experiences that have marked your Honour's career to date which will no doubt shape the important contribution you will make during your tenure as a Judge of this Court. Your Honour attended Mitchelton State School and then Brisbane State High School where you excelled as a student and as a school leader and sportsman.

Following School, you completed a Bachelor of Laws at the University of Queensland. And during your time at university, I understand your Honour gained some experience with Papua New Guinea which sparked your ongoing interest in and respect for that country and its legal system. In 1981, you were admitted to practice in the Supreme Court of Queensland. And following your admission, your Honour began your legal career as a solicitor at TW Biggs & Biggs in Brisbane. In 1984, you were called to the Bar in Queensland and you have practiced as a Barrister continuously since across a number of jurisdictions, including New South Wales, the Northern Territory and Papua New Guinea.

In 1987, as a mark of your discipline and skill, you were commissioned as a flight lieutenant in the Royal Australian Air Force Specialist Reserve. A commitment which led you to serve on the board of the United Services Club in Queensland for many years, eventually becoming its president. While maintaining a busy practice, your Honour has always been prepared to give back to the legal profession and to the community. In particular, you have assisted in the presentation of courses and practice papers to participants in the Bar Practice Course and have acted as a moot judge on several occasions at both the University of Queensland and the Queensland University of Technology.

Over the course of your 33 years at the Bar, your Honour has enjoyed a thriving and demanding practice across a range of areas including administrative, maritime, corporate and commercial law. Your Honour has appeared as a counsel in more than 35 Australian reported cases. And while a full exposition of your Honour's significant contribution to the Bar is beyond the confines of this speech, I will mention a few of your key achievements. I understand your Honour was the Commonwealth's expert in PNG law for the *Kamasae v the Commonwealth* asylum seeker litigation, and this is not surprising given your near 30 years' experience practicing in Papua New Guinea as counsel. I'm told there are few people outside PNG who would know more about PNG law, customs and society.

You were also a Court-appointed case appraiser for the Queensland Supreme and District Court proceedings and briefed to appear for the State of Queensland. Personally, you are known for exercising excellent judgment and commonsense when confronting challenging issues. In the legal profession you are admired for your sense of legal tradition and your respect for your colleagues. You are also commended for your immense humanitarian values and commitment to providing pro bono legal advice to members of the Pacific Island communities.

At the junior Bar, I am told that you were affectionally known as the Great White Hunter and have encouraged several members to get into practice in PNG. Further, I

understand your Honour is respected for your professional courage and conviction, at times taking on matters involving risks to your personal safety. And you have appeared in many high-profile and complex cases in PNG, particularly in matters involving anti-corruption. And I'm told while acting in a particularly high-profile case you were even required to engage a body guard and change your hotel due to the security risk.

Your Honour is described as someone who leads a balanced life, maintaining an active social and personal life outside of the law. I'm told that your Honour is an avid sportsman who actively participates in cricket, rugby and sailing and that your Honour never does anything by half measures. By way of example, I understand you've sailed in three Sydney to Hobart yacht races and Brisbane to Noumea races and previously competed in the Fastnet Yacht Race in the United Kingdom. I'm told that while it's a great privilege to be invited on some of your sailing trips, guests sometimes soon regret accepting your invitation once you've put them to work sailing.

Your Honour has played seven seasons of A-grade cricket in Brisbane and also captained the Queensland Bar Association Cricket Team. During your time at the Bar, your Honour also served as the convener of cricket and convener of golf activities for the Queensland Bar Association. Your colleagues at the Bar have remarked that while your Honour's appointment to the Bench will be a great loss to the Queensland Bar, it will also be a serious sporting loss in your inability to play for the Queensland Bar Association Cricket Team to which you have provided such great service for many years.

I'm reliably informed that on the cricket pitch your Honour is well-known for your no-nonsense approach in dealing with bowlers who may not have put in the appropriate preparation before delivery. This may be something for counsel who come before your Honour who may not have done the appropriate preparation to keep in mind. Outside of sport, your Honour has a keen interest in music and the arts, including being a continuing foundation member of the Queensland Art Gallery and a patron of the Australian Ballet.

To conclude, your Honour's appointment to this Court is a testament to your many years of hard work and dedication to the legal profession. No doubt your excellent judgment, commonsense and professional integrity will serve you well in this role. On behalf of the Australian Government, I extend to you my sincerest congratulations and welcome you to the Federal Circuit Court of Australia. May it please the Court.

CHIEF JUDGE ALSTERGREN: Thank you, Mr Perry. Can I now invite Mr Hughes.

MR C. HUGHES QC: Your Honour the Chief Judge, Justice Alstergren, Judges of this Court, both past and present, distinguished Judges and members both past and present of other Federal Courts and Tribunals, including particularly Justice Dowsett

and Justice Logan of the Federal Court and Justice Bowman of the Family Court, Judges and members both past and present of the Courts and Tribunals of Queensland, including particularly Chief Judge O'Brien and Judges Smith and Koppenol of the District Court and the retired Judge Clive Wall QC, colleagues,
5 ladies and gentlemen, I speak today on behalf of the Australian Bar Association as its Vice President. Mr Noel Hutley, the President, is unfortunately unable to be here.

While Mr Hutley sends his apologies to your Honour, might I say that he is well-aware that on this occasion – although perhaps on no other – I may be both better
10 qualified and better able to speak than him. Your Honour is a book which should not be judged by its cover. There is much to record about your Honour's remarkable life to date which you will bring to this important and busy Court. I have known his Honour Judge Egan since we were callow youth, both aged 17 years of age. Our paths first crossed on the playing fields of Churchie in 1974. Indeed, our paths
15 literally crossed.

His Honour's pass was towards the try line at the southern end of the main rugby oval at Churchie and my path was towards his Honour's ankles, which I had hoped to intercept some distance before that try line. The scoreboard ultimately recorded that
20 his Honour reached his destination and that I did not. His Honour rarely lets me forget that occasion, nor the fact that his school, the state high school, was successful on that day. Our friendship continued over the summer of 1974 when we were both selected to represent Queensland in schoolboy teams.

His Honour is a cricketer, which no one would find surprising, and me as an athlete, which may surprise some of you. We continued our friendship throughout our time at university, where, of course, his Honour graduated with a degree, a Bachelor of
25 Laws, in 1980. During that time, I had the pleasure of meeting his wonderful parents Barry and Beryl and other members of his family, including his brothers Kevin and Alan. Sadly, Barry is no longer with us, but we have the company of his Honour's
30 godfather, Uncle Bill Moffett and Aunt Joy, as the Chief Judge has said, and, of course, we also have his mother's company today.

His Honour has been a man of many outdoor and manly pursuits, as you heard to
35 some extent already from Mr Perry. After successful schoolboy careers in rugby and cricket, his Honour continued playing A-grade cricket for seven years and he became known to many of the Barristers throughout Australia, on behalf of whom I speak, when he represented for many years the Queensland Bar's cricket team. His Honour still plays cricket, but with perhaps his dearest friend Christopher Morton, who is
40 here today. His Honour also maintained his interest in rugby.

But as time marched on, remarkably to some, his Honour's athleticism waned, but still he put back into these sports. He served as president of Norths QUT Rugby Union Club for several years after 2000, he served as a committee member of the
45 Valley's District Cricket club for many years and more recently he has been on the Disciplinary Appeals Tribunal for Cricket Queensland. I must say that I also saw some of his Honour on the golf courses of Brisbane and the waters of Moreton Bay.

We've played occasional golf over the years since our university days, sometimes with people who eventually became distinguished Brisbane businessman and even on occasions, back in the university days, with our retired Federal Attorney-General, Senator Brandis QC. On the bay, his Honour had a steering hand, if you will excuse the pun, in teaching me to sail. An art which I failed to gather, not through his Honour's endeavours. At one stage, his Honour and I had our own yachts on Moreton Bay. His was long and lean, bold and racy. Perhaps reflecting the different ownership, my boat was somewhat shorter, more modest and on occasion full to the gunwales with wine and food rather than the enthusiasm for the race.

As some of you will undoubtedly know, his Honour was in fact a very serious sailor and we've heard from Mr Perry that amongst those serious races, it was the Sydney to Hobart Yacht Race and the Brisbane to Noumea Yacht Race on numerous occasions, the Brisbane to Gladstone Yacht Race on 11 occasions, and of course the notorious Fastnet Race off the blustery southern coast of England. But lest one think that his Honour's interests were limited to sporting endeavours, what some of you may not know, and what Mr Perry touched upon, was that he has been a foundation member of the Queensland Art Gallery for two decades, he has been a patron of the Australian Ballet for nearly a decade and he has served on the board of Musica Viva Queensland for six years.

As Mr Perry said, he also found time for service in the Royal Australian Air Force. I won't mention the rank, because he seems rather old to still have that rank. He has also served, not only the service community, but the community generally on the committee as vice president and ultimately president of the United Service Club on Wickham Terrace. His manly pursuits were no doubt encouraged by his brother, squadron leader Kevin Egan RFD, a doyen, still to this day, of the Hong Kong Bar whom I've known for over 40 years and who happily is sitting here behind me.

After a brief period as a solicitor, his Honour came to the Bar 34 years ago where he has thrived. He developed, as we've heard, a busy general practice in covering many areas of the law. His particular interests lay in judicial review, mine and mineral exploration, maritime law, company law and commercial and contractual disputes. He has also been involved in trade practices litigation and estate work and he has been appointed a case appraiser for both the Supreme and District Courts, as we've heard.

Perhaps the highlight of his career have involved his work as a Barrister in constitutional cases in the superior courts of New Guinea. We often speak about the importance of a strong independent Bar. In most Australian courts the necessary strength does not involve bravery, but many of us admired the very brave manner in which his Honour has taken on difficult cases, often in highly charged political disputes, often against the government of the day, and has done so with great success. His Honour has appeared as counsel in litigation involving the former Prime Minister of New Guinea, Sir Michael Somare, following his removal as Prime Minister, in litigation involving the appointment of Peter O'Neill as Prime Minister,

an appointment subsequently ruled invalid, and in litigation with respect to the arrest of the Chief Justice of New Guinea at gunpoint.

5 He has appeared, as Mr Perry said, in many cases involving allegations of official corruption. Indeed, your Honour's level of success was such that in 2015, you and your then-junior, Mr Terry Martin, were denied permits to enter the country to act on behalf of police officers who sought to execute a warrant of arrest to arrest the then-Prime Minister on charges of official corruption. I'm pleased to say that the Australian Bar Association and the Queensland Bar Association, for whom
10 Ms Treston will speak, both assisted in placing pressure which ultimately, together with the work of the government, resulted in those travel bans being lifted.

But as we've heard, your Honour's career at the Bar involved much more than merely attending the briefs. Your Honour has delivered many papers, particularly at
15 medicolegal conferences. You've assisted for nearly 20 years with the Bar Practice Course and you've worked as a moot judge. And on a less formal basis, your Honour has given tremendous assistance on a regular basis to many junior Barristers who have been your pupils on a formal basis or have otherwise sought your guidance and assistance. Many of them are here today.

20 Many of the Bar regard it as a mystery why someone of your Honour's intellect and energy and with your Honour's practice was never appointed silk. As one who does not do things in halves, as Mr Perry told us, your Honour has benefited from two marriages with two very capable women. And during the course of those
25 two unions, you've been blessed with four wonderful children, all of whom I have met, Samuel, Cassandra, Harry and William, and Harry, of course, is the only one not present today.

Justice Alstergren, please forgive me for having spoken so personally about
30 his Honour, but I'm sure you will understand because I know that you and I share common views about the importance of friendship and family, the importance of loyalty and the importance of recognising the achievements of our colleagues. Those are all qualities which will be important in this jurisdiction and in the work his Honour will undertake.

35 On behalf of the Australian Bar Association, I wish you, Judge Egan, my old friend, a long, successful and happy career on the Bench. Many of us are confident that you will discharge the often onerous duties of this Court, not merely without fear nor favour, but with intelligence, with rapidity, with a careful application of the law, with
40 an eye to the just result in any situation and finally, of course, with that inimitable style for which you have become so well known since you first pushed me aside to score that try. May it please the Court.

45 CHIEF JUDGE ALSTERGREN: Thank you, Mr Hughes. Ms Treston.

MS R. TRESTON QC: May it please the Court. Chief Judge of the Federal Circuit Court, Justices of the Federal Court of Australia and Family Court, Judges of the

Federal Circuit Court, Chief Judge of the District Court and Judges of the District Court, other serving and retired members of both state and federal judiciaries, fellow practitioners, ladies and gentlemen, the president of the Bar Association of Queensland, Mr Sandy Thompson QC, has asked me to express his regret that he is
5 unable to be here this morning and has asked me to speak these words in his behalf. Your Honour, however, had he known how much Mr Hughes would have to say about you, he might have suggested that I not bother.

10 The Bar Association of Queensland congratulates your Honour on your Honour's appointment as a Judge of the Federal Circuit Court. This is a busy and demanding jurisdiction and your Honour's appointment comes at a time when this Court is in need of diligent and hardworking judges. I will not repeat your Honour's CV, of which much has been spoken already, save to say that, as we know, your Honour commenced working as a practicing Barrister about 34 years ago. Your Honour was
15 then a long-time member of Level 20 of the Inns of Court during your time at the Bar.

Your Honour was also admitted to practice in New South Wales, the Northern Territory and, as we've heard, Papua New Guinea. The last-mentioned country, of
20 course, one where your Honour had a significant practice. As Mr Hughes has said, your areas of speciality included judicial review, mining and mineral exploration, maritime law, commercial and constitutional law, particularly in Papua New Guinea, and laws relating to injunctions. Your Honour has advised and represented the State of Queensland and the Australian Taxation Office.

25 It has already been mentioned that your Honour has been involved in complex constitutional and administrative law cases in Papua New Guinea. Your Honour has appeared in numerous cases in that jurisdiction over the length of your 34 years at the Bar and your Honour's legal experience is evident in the judgment in those cases.
30 Your Honour was commissioned as a flight lieutenant in the Royal Australian Air Force Reserves in 1986 and has conducted courts martial and provided legal advice to the Royal Australian Air Force Reserves ever since that time.

35 As all of the above shows, your Honour has had a long career at the Bar which the association hopes will place you in good stead to carry out the role of a judicial officer in this important and busy Court. Beyond your practice at the Bar, your Honour has been an active member of the Bar and of the wider community. The Bar Association, in particular, is grateful for your Honour's contributions to pro bono work, to the mentoring of the junior Bar and the assistance your Honour
40 has given to the Bar Association with the Bar Practice Course.

Your Honour has, as we know, also been an active coordinator of the Association's golf days and cricket days. Your Honour has previously served as president of the United Services Club and president of Norths Rugby Club. It's fair to say that it is
45 common place at ceremonies such as these to tell an anecdote from the newly-appointed Judge's past. I have been the recipient of many such anecdotes over the last week. Some, however, distinctly less appropriate to this occasion than others.

I've settled on mentioning that your Honour was, in fact, a most talented cricketer in your youth, making a first-grade debut with Norths at the young age of 16.

5 Your Honour played first-grade cricket for many years, both with Norths and Valleys. Your Honour, I understand, had the dubious pleasure of batting against that famous Australian fast bowler, Jeff Thomson, on several occasions and living to tell the tale. I'm told, apparently, your Honour has been known to tell the tale on more than one occasion. Your Honour's grade cricket adventures provide you with the necessary experience to step up to the line for the ultimate test for all cricketers, and that is representing, firstly, the Queensland Law Society 11 and after that a greater step up to the Queensland Bar 11.

15 We hope your Honour's patience with the bat will provide a sound basis for the patience needed to be exercised on the Bench of this Court. In such a busy and demanding jurisdiction such as the Federal Circuit Court, your Honour will, no doubt, need all of those skills. The Bar joins with the Chief Judge and Mr Hughes and Mr Perry in making special wishes to your Honour's mother Mrs Egan, your Honour's children Samuel, Cassandra and William who are here today and to Harry who cannot be here. The Bar also welcomes, in particular, your brothers Alan and Kevin, the latter of whom is a barrister, a member of both the Hong Kong Bar and the Queensland Bar. And particular mention on your Honour's behalf to your uncle and aunt Mr and Mrs Moffett who are here today. The Bar extends its hopes for your Honour to have a most successful career on the Bench. May it please the Court.

25 CHIEF JUDGE ALSTERGREN: Thank you, Ms Treston. Mr Potts.

MR B. POTTS: May it please the Court. I'm honoured to be here today on behalf of the Queensland solicitors to welcome your Honour to your new role on the Bench. 30 At the outset, I must say that I stand here today representing the president of the Queensland Law Society, Mr Ken Taylor, who extends his sincere apologies to your Honour and to the Court for being unable to attend. I must also pass on the apologies of the Law Council Australia president, Mr Morry Bailes, who also regrets his inability to be here in person, but has authorised me to speak on his behalf.

35 In short, I attend here today as effectively three presidents, although all here, no doubt, will be relieved to know that this does not mean that I will be speaking three times as long. It is perhaps appropriate that there are three of me here as it is reflective of your Honour's long and busy career at the Bar where you have packed the work of three barristers, as we have heard, into one career. Your Honour's well-earned reputation for not shirking hard work will serve you well as you work for a very busy and vital Court. It is that workload which has prompted the Law Society in the past to call for more resources and more Judges to be appointed to this Court.

45 And it is pleasing to see that the government was listening and has been prepared to find someone with a tireless work ethic to truly make a difference to this Court's capabilities, work load and responsibilities. To put it another and perhaps more

simple way, we, the Queensland Law Society and the Law Council of Australia, are very happy to see you. A role on the judiciary involves more than just legal nous and a strong work ethic. It also requires a strong commitment to the service of the justice system and to the public, both the people who appear in the Court and those who do not but still rely on the Court to do its job, in short, is public service in the truest and most noble sense.

I, similarly, sought to try and find some acceptable and quotable anecdote which may flatter your Honour's appearance and the only thing I could find was that we share a secretary. My secretary, Jackie Hesp, who has been with me for 18 years, recalls your Honour as being hardworking, diligent, a strong and early proponent of the Dragon dictation scheme or system, and that she felt that she was effectively secondary to the computer, that your Honour wielded it so wisely. She expressed her fondness and wished your Honour well through me.

We've heard some successful and some less successful reference to your Honour's sporting commitments. So at the risk of testing this Court's tolerance for bad puns, your Honour will require in your role the great abilities of a batsman, that is, sometimes to block stoically, sensibly, quietly and build a big score of course, sometimes to hook wildly, sometimes to drive to the covers, sometimes to slice and sometimes to take it on the body. And in those circumstances, your Honour's experience will bear you well. Your Honour holds those qualities of a great batsman, a great sportsman, an excellent advocate and a strong proponent for the rule of law in great measure.

And this has been evidenced, not only by your long legal career, but even more obviously given your extreme experience in martialling those under your direction and control. I image that herding lawyers around your Court will be no more difficult than martialling military personnel, bowlers and fielders of various rank and ability and, of course, errant crewmen who are not pumping or getting those sails set as quickly as they could, albeit the lawyers, of course, will complain more often and perhaps more eloquently. The solicitors of Queensland and Australia roundly welcome your Honour's appointment and we wish you all of the best in your new role on the Bench. May it please the Court.

CHIEF JUDGE ALSTERGREN: Thank you, Mr Potts. Judge Egan.

JUDGE EGAN: Chief Judge Alstergren, Judges Jarrett, Laphorn, Howard, Cassidy, Turner, Vasta and Willis, Justice Dowsett and Justice Logan of the Federal Court, Justice Baumann of the Family Court, Chief Judge O'Brien and Judges Koppenol and Smith of the District Court of Queensland, Mr Perry, Mr Hughes, Ms Treston, Mr Potts, members of the AAT and QCAT who are here today, Honourable Kerenga Kua of the PNG National Parliament, members of the Bar and of the Law Society, ladies and gentlemen.

Thank you, Chief Judge, for your kind openings. And thank you, Justice Baumann, not for your interminable list of cases which I have inherited, but for the fast lane

which you have left me to traverse consequent upon your elevation. An elevation which constitutes a new chapter for you for which I wish you the very best. My life has certainly changed since my appointment. It has been an interesting journey. I've been required to learn an entirely new language. My life now revolves around such
5 terms as lists, dockets, mentions, interim hearings, trials, adjournments, case tracks, self-reps and even a very strange creature called the Portal, something which solicitors can apparently access but about which counsel don't have a clue. Like batting on a sticky wicket or negotiating Toga Lane on a dark night, it's just something that I will have to get used to.

10

I look forward to being part of what is clearly a well run and happy Court. I have already been welcomed and helped by my judicial colleagues, and I thank them all for that. Chief Judge, under your astute and energetic leadership, I'm sure we will have those pesky Court lists licked in no time at all. My family has fundamentally
15 fashioned my life and my character. In order of seniority, I honour my mother and father, my uncle, who is also my godfather and mentor, my aunt and my brothers. And I particularly recognise my brother Kevin, a member of both Bars, who has made the effort to be here today. Collectively, they inculcated in me both a desire to strive for success and an acceptance of the inevitable disappointment one encounters
20 along life's path.

They all taught me how to laugh, but more importantly to never throw my bat in the face of adversity, for which I thank them. I proudly recognise those of my children present here today, Samuel, Cassandra and William. Harry, the other prince of
25 whom I'm also proud, is overseas on a preplanned holiday and can't be with us. My children each inspire me daily with their respective exploits and stories. So too do I recognise two of my godchildren who are present today, Dr Fraser Morton and Ellie Grace Grant-Taylor. Johnno Bridgford, the absent, lives in Shanghai and couldn't be here. All their early exploits with my children at parties, Moreton Island and at the
30 United Service Club father, son and daughters dinners will never be forgotten.

Mr Hughes, hearing you address the Court today reminds me how shortly after you purchased a yacht in 1983, you then asked me to teach you how to sail it. Wanting to know how well-founded your vessel was, I asked what you had on board. You
35 replied that there was plenty of food, lots of pretty girls and the best of red wine. My recollection is that from the time we left Manly Harbour, you dangerously at the helm, I never knew what to expect next. You were incapable of making any mark, your sails luffed and cracked almost at one, you always sailed too close to the wind and you failed to appreciate that, though it was a lot of fun to lay the lovely vessel
40 over at any opportunity you had, it didn't do much for either crew comfort or for keeping the valuable red inside the handsome goblets you had provided. But weren't they fun times. I thank you today for your sober observations as to my character.

Ms Treston, thank you for your remarks. Apart from one treacherous act of base
45 duplicity, I enjoyed all of my time at the Bar. I was lucky to start at the Bar as a pupil of Griffin QC who quickly taught me three things. (a) there's nothing better in life than fees. (b) why take on only one trial brief per day if you're offered three.

5 And (c) always tell solicitors about the great victories you had achieved and never tell them about your losses. At the time of my admission in 1984, both senior and junior counsel at the Queensland Bar had a reputation for being robust, not only in their cross-examination, but also in their approach to life. If you didn't frequent Milano Restaurant, you would never succeed as a barrister.

10 Having a love of sport and actually playing sport was regarded as commendable. Being a member of a team was seen as character building and as a good grounding for understanding the virtues and foibles of fellow members of the community who were not blessed with having had a law degree conferred upon them, but nonetheless had to be understood in providing their instructions. The Bar had regular intra-Bar tennis, cricket, boating and golf events. There was even a much-anticipated annual Bar ball. Early on at the Bar, I was lucky to be briefed in some long matters.

15 Three come to mind. First, I was appointed examiner for the taking of evidence on commission for the Midland County Court in Texas, USA in connection with dependency proceedings commenced in respect of seven deaths arising out of the Sea World helicopter crash on South Stradbroke Island. A one-month appointment which was extended to a five month all expenses paid stay at the Marina Mirage
20 Resort at the Gold Coast for the duration of sittings. Secondly, I was retained by the Australian Government Solicitor to act as counsel to freeze assets, recover moneys and act in subsequent bankruptcy proceedings in relation to assessments issued by the ATO arising out of findings of the Fitzgerald Inquiry relating to corrupt police paybacks, unlawful gaming, prostitution and money laundering.

25 Just before the commissioning of the Fitzgerald Inquiry, I obtained a Mareva injunction freezing Jack Herbert's assets before his flight overseas back to England. Something which starved him of funds and ultimately resulted in his returning to Queensland to turn Crown witness. Third, I was lucky to be briefed to appear in
30 many Australian Securities Commission and Australian Securities and Investment Commission matters. The most difficult of which was being briefed to make a claim for public interest immunity privilege before Justice Drummond without being allowed to read any of the documentation, the subject of the claim. Those were interesting times.

35 During my practice at the bar I saw judges both kind and curt. I've been refused a rest break by Justice White, been subjected to a stare-off with Justice Byrne and studiously avoided mentioning cigars, big or small, when appearing before
40 Justice Atkinson. I've known one Judge whose only contribution to contemporary legal jurisprudence has been an erroneous and meandering dissertation as to the evils of using the words "and/or" in a pleading. I've seen the absolute humanity and sincerity of Master Bill Lee, later Justice Lee, when bringing before him applications for injunctions to restrain domestic violence against women living in shelters who I came to represent in my short pre-Bar life as a solicitor.

45 I've had the pleasure of listening, when they were counsel, to the cold steel logic of a Keane and the silky delivery of a Callinan. I've also been lucky to have engaged in

much convivial banter with some judges when appearing before them. Shortly before my swearing in, I had been briefed to appear in a commercial fraud trial in the District Court. It was not common for me to be briefed in criminal matters. I was told by my instructors that I was required to attend a criminal callover before Chief Judge O'Brien. I confirmed with Kimmins, a Chamber colleague, the appropriate procedures to be followed on such occasion and the whereabouts of the Court.

As it happened, the callover was on the morning some hours after the same sex marriage bill had been passed in Federal Parliament. The world was aglow. The Chief Judge entered the Court and my matter was called first. I announced my appearance and his Honour, noting my unexpected presence before him, asked me if I was in the right Court. I replied that I was and that I had just followed the rainbow. His Honour seemed unsettled by my response. May I assure you, Chief Judge, that I was referring to the pot at the end of the rainbow and nothing else.

Over the last 20 years I have seen a change in style at the Bar, and I'm not referring to just dress and hairstyle. I've never accepted that false piety or sanctimony should be part of our system. I've also seen changes in the way that junior counsel have come to be regarded as counsel of distinction. Some current criteria for such recognition appear to be as follows: (a) one has to be able to efficiently push a shiny trolley full of one's leader's briefs to court, sometimes twice daily, without mishap. (b) one has to always use the word "absent" at least once or twice during the two sentences allowed of them during a three-week trial.

(c) one has to always, by word and deed, ensure that one's leader is assured that they are the most urbane and intelligent of senior counsel living on the planet. (d) one has to fly the right flag. (e) one has to have made it widely known that they are wedded to the then most fashionable social cause of choice. (f) one has to walk around, most obviously up and down George Street, wearing a frown depicting perpetual gravitas. It just won't do to appear happy. And (g), and last, one must not be taller than either their leader or the President of the Court of Appeal, whoever is the shorter. I anticipate that there will be procurement difficulties in the longer term.

Over my 33 years as counsel I was briefed in matters which took me to Singapore, New Caledonia, Vanuatu, Fiji, Papua New Guinea, New Zealand and Indonesia, as well as most Australian states and territories. It wasn't always hard work. Here I must mention my time in PNG. Often called the land of the unexpected, I appeared in a host of interesting and intriguing matters such as the big coffee case, the big fish case and of course the two Prime Ministers case. In the latter, though not recorded as counsel in the reported judgment, I appeared for Sir Michael Somare who was found by the PNG Supreme Court to have been unconstitutionally removed from office as Prime Minister.

Notwithstanding an order that Sir Michael be restored to power forthwith, the usurper and his supporters failed to budge, thumbing their noses at the Court's authority and thereby overtly and unabashedly undermining the rule of law of a sovereign state. That abuse of power was later perpetuated by the usurper's sacking

of an Attorney-General, the disbanding of a crime detection task force, the attempted prevention of my attendance at Court with Terry Lambert of counsel to support the good cause and the eventual removal of a number of litigants' fundamental rights to legal representation.

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In that context, I welcome to this ceremony three of the bravest lawyers I've ever met. Honourable Kerenga Kua who lost his job as PNG Attorney-General because he refused to be party to such abuse of process, Sam Koim, whose valiant attempts to keep Taskforce Sweep alive eventually faulted when all resourcing was stopped and
10 McRonald Marlay who, as the litigation partner of a small Port Moresby practice, at much personal cost continued to almost daily turn up to Court to appear against a horde of well-funded government briefed counsel. I salute each of you for your courage and bravery in the face of overwhelming odds.

15 I also wish to acknowledge the public support provided to me and Lambert during the period of our restricted travel ban to PNG by Fiona McLeod SC in her role as president of the Law Council of Australia, of the Australian Bar Association, and later for support provided by the then-members of the council of the Bar Association of Queensland and of the Law Society of Papua New Guinea.

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Mr Potts, as to the solicitors' branch of the profession I have many great and enduring friendships with your members. I have, in most cases, maintained a good relationship with my instructors, although that has not always been possible. After a long and demanding trial representing a liar and a thief, as so found by the presiding
25 Judge, one instructing solicitor said to me that he would never brief me again. Like manna from heaven, I thanked him for his kind consideration. Your members are integral to the efficient functioning of the judicial system. How else might the Bar survive?

30 To my dear friends, I thank you for your guidance, a sense of esprit de corps and tolerance over the years. My chamber colleagues at Level 20 at the Inns of Court have been wonderful companions. The testament to which is that over a period of 16 or so years I can only ever remember having two chambers meetings. I would also particularly like to thank the eponymous members of the Bardon Tennis Club for
35 their efforts on the court, in the water, in the surf and only occasionally at lunch. They have been great friends over many years.

Though friendship does sometimes cost you. I was stopped by a lawyer in the street one day and he said it was a shame I hadn't been available for the High Court
40 appearance that coming Friday. Taken aback, I later discovered that a new secretary had, some days before, taken a call over a lunchbreak inquiring as to my availability, but had told the caller, after consulting my diary, that I couldn't appear as I was busy. I raced to my diary, opening it on Friday's page. In large letters it had printed:

45 *Golf at RQ – Tex and Noxy – 1 pm???*

Last but not least, I would like to thank the kindness and loyalty shown to me by my secretaries over the years. I particularly would like to mention Clair Carlim, Sharee Frea, Genevieve Lester and Bridget Miles. Bridget now being my Associate. Thank you, Chief Judge.

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CHIEF JUDGE ALSTERGREN: Judge Egan, on behalf of the Court and all your sister and brother Judges, and many of whom are watching on video link from registries around the country, I warmly welcome you to the Bench. Can I also again welcome and thank their Honours and Chief Judge for appearing today. The relationship this Court has with the Federal Court, the Supreme Court, the Family Court and the District Court is so very important. We rely upon your sound advice and your support. And I also want to thank Jamie Crew in the Federal Court for making this courtroom available to us for such a big crowd.

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Can I also thank the profession for coming and for literally standing in support of Judge Egan on this welcome. It's a fine tradition the Bar has to stand in support of their speakers and from the Bench's point of view it's very impressive. I have to say when I first saw it happen in the New South Wales Bar in Newcastle at a welcome, I thought they were actually demonstrating over something. May I also thank the leaders of the Bar for their attendance and leaders of the profession. And, Ms Brash, a leader of Family Law Bar for her attendance. The Court will now adjourn.

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