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REPORTS

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FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE MICHAEL ERIC JOHN BLACK, AC

JUDGES

THE HONOURABLE BRYAN ALAN BEAUMONT, AO (resigned,
11 February 2005)

THE HONOURABLE MURRAY RUTLEDGE WILCOX

THE HONOURABLE JEFFREY ERNEST JOHN SPENDER

THE HONOURABLE PETER ROSS AWDRY GRAY

THE HONOURABLE DONNELL MICHAEL RYAN

THE HONOURABLE ROBERT SHENTON FRENCH

THE HONOURABLE MALCOLM CAMERON LEE

THE HONOURABLE DONALD GRAHAM HILL (died, 24 August
2005)

THE HONOURABLE TERENCE JOHN HIGGINS

THE HONOURABLE PETER CADDEN HEEREY

THE HONOURABLE RICHARD ELLARD COOPER (died, 14
March 2005)

THE HONOURABLE ANTONY PHILIP WHITLAM (resigned,
1 May 2005)

THE HONOURABLE CHRISTOPHER JOHN SEYMOUR
METFORD CARR (retired, 1 August 2005)

THE HONOURABLE MICHAEL FRANCIS MOORE

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THE HONOURABLE GEOFFREY MICHAEL GIUDICE
THE HONOURABLE MARK SAMUEL WEINBERG
THE HONOURABLE JOHN ALFRED DOWSETT
THE HONOURABLE PETER GRAHAM HELY (died, 1 October
2005)
THE HONOURABLE SUSAN CORALIE KENNY
THE HONOURABLE ROGER VINCENT GYLES, AO
THE HONOURABLE RICHARD ALAN CONTI
THE HONOURABLE MARGARET ACKARY STONE
THE HONOURABLE JAMES LESLIE BAIN ALLSOP
THE HONOURABLE GARRY KEITH DOWNES, AM
THE HONOURABLE PETER MICHAEL JACOBSON
THE HONOURABLE BRADLEY MAXWELL SELWAY (died,
10 April 2005)
THE HONOURABLE ANNABELLE CLAIRE BENNETT, AO
THE HONOURABLE BRUCE THOMAS LANDER
THE HONOURABLE SUSAN MAREE CRENNAN (resigned,
1 November 2005)
THE HONOURABLE ANTHONY NICHOLAS SIOPIS (appointed,
14 April 2005)
THE HONOURABLE RICHARD FRANCIS EDMONDS
(appointed, 5 May 2005)
THE HONOURABLE PETER ROSS GRAHAM
(appointed, 24 May 2005)
THE HONOURABLE ANDREW PETER GREENWOOD
(appointed, 4 August 2005)

Memorial Sitting for
THE HONOURABLE JUSTICE RICHARD ELLARD COOPER
Brisbane
Wednesday, 13 April 2005

PRESIDING JUDGES:

THE HONOURABLE MICHAEL BLACK AC, CHIEF JUSTICE
THE HONOURABLE JUSTICE SPENDER
THE HONOURABLE JUSTICE LEE
THE HONOURABLE JUSTICE HIGGINS
THE HONOURABLE JUSTICE TAMBERLIN
THE HONOURABLE JUSTICE KIEFEL
THE HONOURABLE JUSTICE DOWSETT
THE HONOURABLE JUSTICE ALLSOP
THE HONOURABLE JUSTICE JACOBSON

Black CJ: The Court sits today so that we, and the many others present, may pay tribute to the memory of the late Justice Richard Ellard Cooper and may together express our deep sorrow at his untimely death on 14 March this year.

The presence here of such a large and distinguished gathering demonstrates the great respect, and the great affection, which so many in the judiciary, the legal profession and in other fields as well, had for our late judicial brother.

Of those present, I must first acknowledge Richard Cooper's family. We are honoured by the presence of Penny Cooper and by Penny and Richard's children; Ben, Caitlin and Sean, and by the presence of Richard's brother, David Cooper of Counsel and other members of Richard's family.

As well as those whom will I later invite to address the Court, there are present with us: the Honourable Justice Ian Callinan of the High Court of Australia, the Honourable Paul de Jersey, the Chief Justice of Queensland, the Honourable Margaret McMurdo, the President of the Queensland Court of Appeal, other judges of the Supreme Court of Queensland and the Brisbane judges of the Family Court of Australia. Also with us are the federal magistrates resident in Brisbane. Her Honour Chief Judge Wolfe, the Chief Judge of the District Court of Queensland, and members of her Court, are also present. The Solicitor General for Queensland and Mr Cedric Hampson QC (the Senior Silk) are at the Bar table.

We are also very pleased that Justice Cooper's retired judicial colleagues from two of the Courts on which he served are here today.

I know Richard would want me to recognise the presence too of the Court's Registrar and Chief Executive Officer, the District Registrar and the Queensland staff of the Court. He always recognised the importance of the support given to him by the Court's senior officers and staff. I know too that he was always *particularly* grateful to his personal staff for their loyalty and support. It is very good to see them here.

Finally I must acknowledge, in a general way, the many members of the Bar, the many solicitors and the many others from different fields who have joined us this morning. Thank you all for your presence.

The President of the National Native Title Tribunal, Mr Graham Neate, has sent his apologies. He regrets very much being unable to attend.

Richard Ellard Cooper was born in Sydney on 3 January 1947.

He was educated at Sydney High School and then, when his family moved to Queensland, at Nambour State High School. He studied law at the University of Queensland from which he graduated with the degree of Bachelor of Laws in 1969.

He excelled academically and won the university prizes in comparative law and legal problems. He was awarded a further degree in 1979 when the University of Queensland conferred upon him the degree of Master of Laws for a dissertation on the carriage of goods by sea.

After graduating in law Richard Cooper served his articles with Lippiatt & Co and then began practice at the Queensland Bar. He practised at the Bar from 1969 until

1973 when, following an interest that he had developed in trade practices and international trade law, he joined the Commonwealth Attorney-General's Department as a Principal Legal Officer in Canberra.

Whilst with the Attorney-General's Department he was involved in the policy development and implementation of the *Trade Practices Act 1974* (Cth). It seems a long time ago now, but Richard was there when it all began. His involvement in competition law and policy led to him being a member of the Australian delegation to the United Nations Diplomatic Conferences on the Convention for a Code of Conduct for Liner Shipping and to conferences of the OECD in Paris dealing with anti-competitive practices in liner shipping.

His experience of the interaction of competition law and policy with the carriage of goods by sea and with marine insurance expanded into a general interest in admiralty and maritime law, and so before returning to private practice at the Bar in 1976, Richard Cooper read in admiralty chambers in London with Mr Staughton QC, later Lord Justice Staughton.

On his return to the Bar, Richard Cooper developed a fine practice, principally in the areas of commercial law, admiralty and maritime law and marine insurance. He was counsel in early landmark cases in these fields. His practice grew rapidly and in 1982, at the young age of 35, he was appointed Queen's Counsel for the State of Queensland.

In the same year he was appointed a consultant to the Australian Law Reform Commission for its reference on Civil Admiralty Jurisdiction. The report on that reference was the foundation for the *Admiralty Act 1986* (Cth) upon which the admiralty jurisdiction of all Australia's superior courts now rests. Richard Cooper also followed his interest in trade practices and competition law and was for many years a member of the Trade Law Committee of the Law Council of Australia. He was, and remained, a strong supporter of the Law Council's activities in that and in other fields.

He served the Bar Association of Queensland in many ways, including as a member of its Committee.

Richard Cooper's interests in law reform extended well beyond the admiralty reference, important though that was. He was a part-time member of the Queensland Law Reform Commission for many years and became its Deputy Chairman in 1989. He was its Chairman from 1992 to 1993.

As a barrister, and later as a judge, he made distinguished contributions to legal education. These included his work as a Visiting Lecturer in Maritime Law at the University of Queensland, as a member of the Governing Council of King's College in the University of Queensland, and as a member of the Board of Management of the Queensland Bar Practice Centre.

On 6 February 1989, Richard Cooper was sworn in and welcomed as a judge of the Supreme Court of Queensland. He was only 42, a very young age to be appointed a judge of a superior court and his acceptance at that time demonstrates most powerfully, I think, his commitment to public life. He was appointed from the commercial side of the Bar and was quickly required to demonstrate, as indeed he did, great professional versatility when asked to serve as the judge in charge of the criminal list. He performed that role with distinction and initiated and carried out significant reforms.

Justice Cooper served as a judge of the Supreme Court until early 1992, when he

resigned his commission to take an appointment as a judge of the Federal Court of Australia. He was sworn in as a judge of this Court on 30 March 1992.

As a judge of the Federal Court he heard cases at first instance and on appeal in all areas of the Court's jurisdiction. He wrote many fine judgments. It was a special pleasure to work with him as a member of a Full Court. In all his judicial work his intellectual qualities were very apparent, as also were his fine personal and judicial qualities, including patience and courtesy.

Justice Cooper also took a full part in the collegiate life of this Court. This is an important part of the life of any court but it has an added and important dimension in a court that is entirely self-administered within a collegiate framework, such as this Court is.

In 1997 Justice Cooper was appointed as an additional judge of the Supreme Court of the Australian Capital Territory. He greatly enjoyed sitting as a judge in Canberra. The Supreme Court of the Australian Capital Territory and the Federal Court have had a long and close connection and it is good that Justice Higgins, a judge of this Court and the Chief Justice of the Supreme Court of the Australian Capital Territory, is able to sit with us here today.

I should now make particular reference to three areas of Justice Cooper's work in the Federal Court: trade practices, admiralty and maritime law and native title, whilst stressing that his contribution to the Court, and the law generally, covered all its areas of work.

Justice Cooper particularly enjoyed his work in the expanding field of the *Trade Practices Act*, especially competition law. He contributed substantially to the developing jurisprudence of the *Trade Practices Act* and, in recognition of his work and interest in this area, was appointed a Deputy President of the Australian Competition Tribunal in 2003.

His contribution to the development of admiralty and maritime law was especially distinguished. As a barrister he had become President of the Queensland Branch of the Maritime Law Association of Australia and New Zealand and in 1992, now a member of this Court, he became the Australian Vice-President of that important association. He held that office until 1994. In 1997, he was appointed a presiding member of the Rules Committee, constituted under the *Admiralty Act 1906* (Cth). In the same year he became the Convenor of the Admiralty Committee of the Federal Court. He was a member of the Australian delegation to the Comité Maritime International at its meetings in Sydney, Antwerp and New York. He was made a titular member of the CMI in 2000.

In 1997, he had the singular distinction of being appointed to the Board of Governors of the World Maritime University in Malmö, Sweden. This was a very important international appointment and was an exceptional recognition of an exceptional talent. It was, rightly, something that he prized very highly and notwithstanding the constraints of distance, he was active in the affairs of the university. His work there was highly regarded.

Justice Cooper saw that excellence in admiralty and maritime law, and practice, is of great importance to Australia as a trading nation, whose overseas trade in goods and commodities is carried almost entirely by sea. One of the last projects in which he was engaged, as a member of the Federal Court's Admiralty Committee, was the substantial restructure, nationally, of the Court's practices in this area.

It was as an expert in admiralty and maritime law that Justice Cooper developed

close contacts with Canada. One of the first messages of sympathy I received after the medical catastrophe that had befallen Richard had become known was from the Chief Justice of the Federal Court of Appeals in Canada. There were other messages from Canada and messages from New Zealand and elsewhere in the world. The Chief Justice of the Federal Court of Canada, the Honourable Alan Lutfy, sent me this message yesterday:

The Honourable Richard Cooper was a friend of the Federal Court of Canada, the Canadian Maritime Law Association and Canada's admiralty Bar. Some of us were privileged to have met with him when he participated in professional meetings of judges and lawyers in Canada, where he was well-known for his thoughtful contributions. On some of these same visits, Mrs Cooper also shared her expertise with her Canadian counterparts.

Mrs Cooper is of course, a distinguished lawyer herself. The Chief Justice concluded:

On behalf of all the judges and the prothonotaries of our Federal Court, I wish to extend our deepest condolences to Justice Cooper's family and to his colleagues on your Court. We will remember him for his many years of dedicated service.

And finally, ladies and gentlemen, native title. This was another area in which Justice Cooper made a very substantial contribution. It is an area in which both the law and the practice are still developing. Justice Cooper's work made a substantial contribution to both. He heard the Wellesley Islands Sea Claim and the Lardil Claim on Mornington Island during 2000 and 2002. More recently he was particularly concerned with cases in the Torres Strait. I will mention Aurukun, also, in a moment.

Justice Cooper had a large part in the administration of native title matters in the Court. On the retirement of Justice Drummond he also became the provisional docket judge for all native title claims from Cairns to Cape York and in the Torres Strait. He assumed the responsibility for the administration of a very complicated and large list with the energy and intellectual curiosity that was, indeed, a hallmark of his whole professional life. He brought to his work an understanding of the difficulties faced by indigenous people by reason of language, remoteness, lack of formal education and unfamiliarity with legal proceedings. The historical and anthropological evidence he heard in these cases gave rise to his much broader interest in the cultural concerns that are closely connected with the law of native title. He read widely in the area and sought to understand as much as he possibly could. It was an intellectual challenge which he enjoyed and which, more significantly, reflected his broader concerns about people and, not least, indigenous people.

Of recent times Richard Cooper was especially concerned with cases in the Torres Strait. He had, in December 2004, heard seven consent determinations in six of the islands of the Strait and had put in place processes and procedures to case manage other such claims and also the complex Torres Strait Sea Claim. He had planned to return to the Torres Strait this year. He made clear his commitment to progress these matters, so that determinations would be finalised for the remaining islands and so that the Sea Claim was either on its way to being resolved by consent or by litigation within the foreseeable future. This was one of his passions and reflected his own vision of justice according to law.

Justice Cooper's reputation for fairness, courtesy, dignity and understanding has been reflected in the many very moving expressions of sympathy that have come

from Aboriginal people, from Torres Strait Islanders, from those involved in their affairs and, indeed, from all parties in those matters. I understand that other speakers will refer to at least one of these. I received such a letter yesterday evening. It is from the Mayor of Aurukun on the Cape York Peninsular. It is addressed to the Chief Justice and it reads:

I am writing on behalf of the Aurukun Shire Council, the Wik and the Wik Way People of Aurukun, to express our condolences on the passing of the late Justice Cooper. I would also like to express our appreciation to the Court and Mr Cooper's family for the way in which he handled the Wik Native Title determination for our people. A wonderful highlight of our community was the visit in October last year of Justice Cooper for the determination handing down. This was a wonderful day of celebration for our people and it was especially significant to have Justice Cooper take part in our celebration. Besides having the memories of this day in our hearts, we also have photographic memories of him with a lot of our children, who are the future of our community. Thank you for allowing me to express our appreciation.

It is signed by Mr Neville Pootchemunka, the Mayor.

In the tragic early death of Justice Cooper the Court has lost a great judge and we have all lost a dear colleague and a dear friend. We extend our heartfelt sympathy to his widow, Penny, to his children, to all of whom he was entirely devoted and who gave so much to him. For what consolation it may be, may I just add that Richard Cooper's contribution to the Australian people as a lawyer and as a judge is an enduring contribution for the common good.



Memorial Sitting for
THE HONOURABLE JUSTICE BRADLEY MAXWELL SELWAY
Adelaide
Monday, 23 May 2005

PRESIDING JUDGES:

THE HONOURABLE MICHAEL BLACK AC, CHIEF JUSTICE

THE HONOURABLE JUSTICE BRANSON

THE HONOURABLE JUSTICE FINN

THE HONOURABLE JUSTICE MANSFIELD

THE HONOURABLE JUSTICE LANDER

GUESTS ON THE BENCH:

THE HONOURABLE JOHN DOYLE AC, CHIEF JUSTICE OF SOUTH AUSTRALIA

THE HONOURABLE ROBERT FISHER AO QC

THE HONOURABLE JOHN VON DOUSSA QC

Black CJ: The Honourable Justice Bradley Maxwell Selway died suddenly at his home in Adelaide on the morning of 10 April 2005. Many of those present here this morning attended another ceremonial sitting in this Court in Adelaide when Brad was sworn in as a judge of the Federal Court. That was little more than two years ago. We all feel a great sense of loss at the passing of such a fine judge and such a good friend so soon after his appointment, and at such an early age.

In these sad circumstances the Court sits today to pay tribute to the memory of our late judicial colleague and to express our deep sorrow at his passing.

In paying tribute to his memory, we join with the very many others present on this occasion. We also join with them in expressing our deepest sympathies to his family, particularly to Christine and to his daughters, Jenny and Kathy. I acknowledge, first of all, our appreciation for their presence with us today and also for the presence of Brad's parents, Vernon and Dawn Selway.

We sit in the Sir Samuel Way Building at the kind invitation of the Chief Justice of South Australia, the Honourable John Doyle. We are grateful to him for his invitation to sit in a courtroom of sufficient size to accommodate many more than would have been possible had we been sitting in the Federal Court's soon to be vacated premises in Grenfell Street. We are particularly pleased and honoured that Chief Justice Doyle sits with us on the bench and that the first Federal Court judge in Adelaide, the Honourable Robert Fisher and the Honourable John von Doussa, now President of the Human Rights and Equal Opportunity Commission, also sit with us.

It says much for the respect and affection that people had for Brad Selway, that so many from the judiciary, the legal profession, the Public Service of South Australia and other walks of life are here to join us in paying this tribute to him.

As well as the Chief Justice of South Australia and those whom I will later invite to address the Court, and who are especially welcome, there are present with us many judges of the Supreme Court, resident judges of the Family Court, judges of the District Court, members of the Administrative Appeals Tribunal and the National Native Title Tribunal. Practitioners from the Northern Territory have expressed their regret at being unable to be here, but I will later read messages sent on their behalf from the Northern Territory.

There is one other group of people I should mention generally: they are personal staff and other members of the staff of the Court. He would have wanted me to acknowledge their presence and their assistance. They were important to him.

Bradley Maxwell Selway was born in Gawler on 9 January 1955, the son of a South Australian railway family and thus the inheritor of a tradition of a service to the public. Much of his primary education was at Peterborough where his father was the stationmaster. His secondary education, supported by a scholarship, was in Adelaide at Westminster School. In his address on the occasion of his swearing in as a judge of our Court, he spoke of his good fortune and what he saw as the many aspects of it. He said that he was lucky, first, in the choice of his parents and siblings and he acknowledged the sacrifices that they had made to ensure that, as he put it, he was properly educated. Westminster School had given him, he noted, a full scholarship for his secondary education and he added "I had good teachers". He later served as a member of the Council of Westminster School.

After leaving Westminster School, Bradley Selway studied law at the University of Adelaide, from which he graduated with the degree of Bachelor of Laws with honours. He then commenced in 1977 a period of remarkable service to the people of South Australia.

He began, as I suppose we all did in those days, as an articled clerk. His principal was the then Crown Solicitor, Mr Graham Prior, for whom he had an abiding affection and respect and who later became Justice Prior of the Supreme Court of South Australia. It is particularly good that he is with us today. Others will no doubt speak from more personal knowledge of his service to the people of South Australia in the public offices that he held in this State.

Having been admitted to practice, he served as a solicitor in the Crown Solicitor's Office until 1987 when he was appointed Assistant Crown Solicitor. The Crown Solicitor at that time was Catherine Branson, with whom he appeared, from time to time, as junior counsel. He was always keen to acknowledge the encouragement and assistance he received from successive Crown Solicitors; Graham Prior and Catherine Branson.

In 1989 he was himself appointed Crown Solicitor for South Australia, an office he held until 1995 when he was appointed Solicitor-General, following the appointment of his predecessor, John Doyle, as Chief Justice of this State. Brad Selway readily and often acknowledged the great benefit that he had received from appearing as John Doyle's junior in very many important cases, especially in the High Court.

In 1990, during his term of office as Crown Solicitor, he was awarded a British Foreign Office Scholarship (The Chevening Scholarship) to study at the University of London, the organisation of legal services in the British Government. It was a distinction of which he was rightly proud.

Also at about that time he published the first of his major works *Public Law and the South Australian Crown*, a second edition which was published in 1992. His second book *The Constitution of South Australia* was published in 1997 after he had become Solicitor-General. That book, and many of his other extra-judicial writings, have been cited in the judgments of the High Court of Australia and in the judgments of superior courts in many parts of this country. That fact alone is testimony to his fine scholarship.

At the time of his appointment as a judge of the Federal Court of Australia in November 2002 Brad Selway had been Solicitor-General for South Australia for some eight years. In that time he had developed a national reputation as a constitutional lawyer and in public law generally. He had also developed an enviable reputation as an advocate before the High Court. His appointment to this Court was welcomed by the judges of the Federal Court everywhere. He made the transition to judicial life seemingly effortlessly and easily. "Effortlessly", however, is not a word that should be misunderstood in this context. It soon became apparent — as it already was to those who knew him — that Brad Selway had a prodigious capacity for producing work of very high quality very quickly. In these and in many other respects he was an exceptionally fine judge; remarkably acute and agile of mind, truly a learned judge and also courteous and congenial of manner.

In the short period during which he was a member of the Court, he delivered very many judgments at first instance and was a party to over 60 judgments of Full Courts. About one in every six of his first-instance judgments appears in the law reports and at least a third of the judgments of the Full Courts which he wrote, or

to which he contributed or was a party. Some of these judgments were in especially important areas of public law. But his writing, judicial and extra-judicial, was, of course, not confined to those areas. I speak from personal experience when I say it was always a delight to sit with Justice Selway in any appeal. It was a particular delight to sit with him in any matter involving his special passion: public law.

I have mentioned Justice Selway's remarkable output during the short period he was a judge. There is also a formidable list of his publications. As well as his two major books, he wrote chapters on the legislature and on the executive for the *The Laws of Australia*. He wrote chapters in other scholarly works and many articles in legal journals. The articles and papers continued after his appointment as a judge. As well as the recognition of judicial citation, these articles and papers also received academic recognition.

Brad was keen to maintain his connection with the academic study of law and had been an Adjunct Professor of Law, at the University of Adelaide, since 2000.

He also played an active role in the affairs of the Australian Association of Constitutional Law being a council member, Secretary and, at the time of his death, President of that distinguished association; represented here today by Professor Geoffrey Bell.

Brad Selway rapidly became an important figure in the collegiate life of the Court, making valuable contributions, particularly to the work of the Information Technology Committee and, more broadly, at meetings with the whole Court. He was a truly admirable and congenial colleague.

I should mention too, that he and Christine were generous hosts to judges visiting Adelaide. Evenings at the Selways were remarkable in many ways, not least because of the generosity of the host and hostess, complemented by the essential gentleness of Brad Selway's wit.

I have mentioned the Northern Territory and its practitioners. There are, as we all know, strong connections — historical and otherwise — between South Australia and the Northern Territory. So too there are strong connections between the Federal Court — particularly its South Australian Registry — and the Northern Territory. Brad enjoyed sitting in the Northern Territory and he felt very welcome there. I recently received a message from the Solicitor-General, Tom Pauling QC, which I would like to incorporate in these remarks:

The Solicitor-General on his own behalf and on behalf of the Aboriginal Land Division, Department of Justice, Darwin, expresses deep regret at the untimely passing of Justice Brad Selway. He had discovered something of the unique Territory life on his frequent visits once disguised as a Judge in the Admiralty Division of the Court. His last great assignment was at Blue Mud Bay in remote Arnhem Land which Chris was able to share. A large pole from the region in the lounge will keep that happy time alive.

The Northern Territory Bar also sent a message, it reads:

The members of the Northern Territory Bar deeply regret the passing of Justice Selway.

His Honour was well known for his exceptional capacity to research and absorb knowledge and was generous in his sharing of the knowledge with the legal profession through his many well-written and informative journal articles and his books.

His Honour also willingly presented papers at conferences including the Criminal Lawyers Association of the Northern Territory's Bali Conference 2001 before his appointment to the bench.

In October 2004, his Honour, together with Justices Mansfield and Allsop, conducted a most informative and helpful marine and admiralty course in Darwin.

I pause there to say that these matters emphasise his willingness to teach and to maintain his profession:

Those in the Northern Territory who have appeared before his Honour have appreciated his undoubted sharpness of mind, combined with his no-nonsense and general approach to litigation.

Justice Selway was highly respected and warmly regarded by those privileged to know him. Our lives and careers have been touched by a brilliant lawyer, albeit his presence amongst us was cut far too short by his untimely death.

I should also mention Justice Selway's connection with the Australian Capital Territory where he was very happy to be an additional judge of the Supreme Court.

On an occasion such as this, it is customary to speak primarily of a judge's professional and judicial life. All this is attributed to our departed judicial colleague.

I should mention, however, that those of us who were able to attend Brad Selway's funeral last month speak of a man who was deeply committed to his large and united family, and also to the family of Christine, and who was greatly loved by all of them and by his friends as well. It had, of course, soon become apparent to us who had come to know Brad as a colleague of the Court that he was completely devoted to Christine and his two daughters, of whom he was enormously proud. It was also apparent he was deeply grateful to them and ever keen to recognise the enormous contribution that they made to his work in the law, and for the people.

Australia has lost an exceptionally fine judge and we have all lost a dear friend and colleague. For such comfort, as it may be, it is the undoubted fact that the many threads of his distinctive ways and his scholarship, both as a servant of South Australia and a judge of the Federal Court, will remain woven into the fabric of our law.