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DURING THE CURRENCY OF THIS VOLUME

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ACTING CHIEF JUSTICE

THE HONOURABLE JUSTICE DAVID NORMAN ANGEL  
(retired 20 January 2010)

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# MEMORANDUM

FAREWELL CEREMONIAL SITTINGS FOR  
THE HONOURABLE JUSTICE DAVID NORMAN ANGEL

18 JANUARY 2010

## PRESIDING JUDGES:

THE HON CHIEF JUSTICE B R MARTIN  
THE HON JUSTICE D ANGEL  
THE HON JUSTICE D MILDREN RFD  
THE HON JUSTICE T RILEY  
THE HON JUSTICE S SOUTHWOOD  
THE HON JUSTICE J KELLY  
THE HON ACTING JUSTICE T OLSSON AO MBE RFD ED

## IN ATTENDANCE:

THE HON JUSTICE MICHAEL DAVID  
THE HON AUSTIN ASCHE AC QC  
THE HON JOHN GALLOP AM RFD QC

MARTIN CJ: Justice Angel, Attorney-General, Judges, ladies and gentlemen.

Welcome to this special ceremonial sitting of the Full Court of the Supreme Court of the Northern Territory. We gather to recognise and celebrate the outstanding service given to the law and the wider community by his Honour, Justice David Angel.

The Judges have and will express their individual and collective gratitude and best wishes on other occasions. This sitting is the opportunity for the voices of the community and the profession to be heard.

Madam Attorney, do you move?

MS LAWRIE: May it please the Court. I rise on behalf of the Northern Territory community to pay tribute to the distinguished service of your Honour, Justice Angel.

As was celebrated in 2008, your Honour holds the distinction of being the longest serving resident Judge in the history of this Court. It helps to put that in some perspective.

At the time of your Honour's appointment to this Court in 1989, Allan Border was captain of the Australian cricket team and Germany was still divided by the Berlin Wall. At the ceremonial sittings for your swearing-in held on 8 May that year, your Honour was welcomed by the now famous radio host, Daryl Manzie. The President of the Bar Association was Dean Mildren, now Mildren J. Your taking of the oath was preceded by a young barrister announcing his appointment as one of Her Majesty's counsel. That barrister was Trevor Riley, now Riley J. Your Honour promised to uphold the lustre and importance of this Court and during the last 21 years, you have more than kept that promise.

Of course, your Honour's legal career dates from well before your appointment and commenced following your graduation from the University of Adelaide in 1966 with Mildren J and John Waters QC who are contemporaries of yours. Between 1967 and 1974, your Honour was a partner in the Adelaide firm of Piper, Bakewell and Piper.

In 1975, your Honour became one of the first barristers to join the South Australian independent Bar. Your Honour's abilities were quickly recognised and, in 1981, you took silk at the notably young age of 37. During your time in the South Australian profession, your Honour served variously as a Council Member of the South Australian Law Society, Chair of the South Australian Parole Board, a member of the Disciplinary Tribunal, a member of the Supreme Court Admissions Board and ultimately as President of the South Australian Bar Association.

Your Honour developed an expertise in equity and complex commercial matters. You appeared frequently before the South Australian Full Court and the High Court. Your Honour also enjoys the distinction of having appeared before the Privy Council in London before the avenue of appeal to that Court was closed.

But your Honour's range was not limited to esoteric proceedings in London, Canberra and Adelaide. You were also a regular visitor to the Territory where you appeared in more colourful cases involving hotel shootings and cattle stations. Your Honour's performance in those cases was so admired that you were head-hunted for appointment as a Judge of the Supreme Court of the Northern Territory.

It says much for your Honour's character that you chose the particular challenges of dispensing justice in the Territory over a comfortable existence at the South Australian Bar that would have inevitably led to appointment at the South Australian Court.

Your Honour has now been the Senior Puisne Judge of the Court since the retirement of Sir William Kearney in 1999 and has acted as Chief Justice many times since then including for a lengthy period between the retirement of the former Chief Justice and the appointment of the current Chief Justice.

Your Honour has also been a long serving member of the governing council of the Judicial Conference of Australia.

Your Honour's output on the bench has been prodigious. In addition to your criminal trial work, your Honour has written 486 judgments. The quality of those judgments is reflected in the fact that 313 of them have been reported in various law reports.

Your Honour's approach to the law as a judicial officer has always been marked by a conviction that the law must be informed by moral and philosophical considerations. That approach was reflected in your dissent in the challenge to the euthanasia legislation where your Honour said:

In a context such as the present, I do not think that the legal question can ignore the philosophical questions, both moral and political, involved and the values at stake.

Your Honour has also been a fierce defender of the rule of law and the independence of the judiciary. In a much quoted address given in 2001, your Honour stated:

There is in each jurisdiction of Australia a need of an Executive that respects the rule of law and of an Attorney-General who holds himself or herself responsible for upholding the rule of law and thus the integrity of the legal system and who respects the institution of the judiciary and the enduring principles of legal justice which the judicial system administers.

During your time in the Territory, your Honour has displayed a deep understanding of and respect for Aboriginal culture. That respect found its place in your judgments. In *Tangentyere Council v The Commissioner of Taxes* which was a dry taxation case, your Honour observed:

Helping those who cannot help themselves to retain and observe their customary values, traditions and culture, western or not, is benevolent, at least in the sense that it is for their social and spiritual welfare and the welfare of society as a whole.

Together with your wife, Anita, your Honour has an active involvement in the arts community with a particular affinity for the artwork of the Western Desert. Your Honour is a patron of the Arts Law Centre of Australia and, together with Mrs Angel, is a patron and benefactor of the National Gallery of Victoria.

Perhaps more than anybody, your Honour has been responsible for the development of this Supreme Court building as a cultural centre. You have been a founder and curator of this Court's nationally recognised collection of Aboriginal art. You were instrumental in the commissioning of the Wukidi poles which now stand in the foyer of this building and symbolise the reconciliation with the Dhuruputji community.

Your Honour played a lead role in commissioning the portraits of this Court's Chief Justices that hang outside this Courtroom. Your Honour can take much credit for the fact that this building richly and appropriately reflects the unique society it serves.



At the same time as your Honour is a private and unassuming person, you have also been a mentor to many Associates and junior practitioners. It says much for your Honour's qualities that you have maintained those relationships.

As a mark of respect to your Honour, a group of former Associates and personal assistants gathered on 8 May 2009 to celebrate your milestone of 20 years on the Bench. Many travelled from interstate to be here. During your time on the Bench, your Honour has contributed much to the quality of this Court and to the life of our broader community. For that, the community both thanks you and congratulates you.

We wish you and Mrs Angel every satisfaction and happiness in the next chapter of your lives.

May it please the Court.

MARTIN CJ: Madam President of the Northern Territory Bar Association, do you move?

MS WEBB QC: May it please the Court. On behalf of the members of the Northern Territory Bar Association, I offer to your Honour our thanks and our best wishes upon your retirement.

It is almost 21 years since your Honour was welcomed as a Justice of this Court at the old Supreme Court on the corner of Herbert and Mitchell Streets. In 1991, the new Supreme Court was opened and it is here today that we farewell you. None of the Judges who sat with your Honour at your swearing-in ceremony is still a Judge of this Court although the Honourable Austin Asche QC, who was then Chief Justice, is here today at your farewell.

No matter the changes of both venue and composition of the Court during your judicial career, your Honour has remained constant in your courtesy to practitioners. Your innate sense of justice and your insight has assisted your Honour in acting impartially, independently and fairly as a Judge of this Court. For your Honour's courtesy and efficiency in dispensing justice fairly and according to law, the legal profession and the broader community thank you.

All too often, there are attacks on the judiciary by the media and others suggesting that Courts and Judges are out of touch with the community. Such an accusation could never fairly be levelled against your Honour. During your many years on the Bench, your Honour has remained in touch and is much admired by the community as a consequence.

When welcomed to the Northern Territory Supreme Court in 1989, your Honour referred the real significance of the 1688 Act of Settlement provisions concerning appointment of Judges as guaranteeing the impartial administration of the law and judicial independence observing that:

It cannot be said that the hard-won battle for independence of the Judges and hence the supremacy of our law is one that the Act of Settlement forever laid to rest. Evidence to the contrary abounds today.

Throughout your time on the Bench, your Honour has rigorously defended the independence of the judiciary and the maintenance of the rule of law. There has

been much debate about whether Judges should speak out and respond publicly to general or specific criticism of the judiciary or other matters involving the administration of justice.

It was your Honour's concern for the administration of justice and the maintenance of a strong, independent legal profession and judiciary which led to your Honour speaking out at an Admissions Ceremony in February 2001 against political intermeddling in the independence of the legal profession exhorting all practitioners to rage against the dying of the light, Dylan Thomas-like, and to uphold fearlessly the legal profession's highest principles and to assist ordinary people to understand their supreme worth in the community. For your staunch defence of the rule of law and the independence of the legal professional offer and of the judiciary, thank you.

It is well known that your Honour has a passion for literature and for art. Your Honour has been particularly moved by a passage from the writings of Octavio Paz. Octavio Paz was a Mexican writer who studied both law and literature, but chose not to complete his degree.

He received the Nobel Prize for literature in 1990. In that same year, your Honour spoke through the eloquent voice of Octavio Paz in two cases. The first was in *R v Barida*, sentencing a young man from Port Keats for manslaughter in April 1990. The second was *Tangentyere Council Incorporated v The Commissioner of Taxes*, a payroll tax case decided in May 1990 which considered the status of an Aboriginal community as an object of benevolence.

Despite the different issues involved in these cases, the underlying point your Honour was making through your resort to Octavio Paz was the need to tolerate and accommodate and, indeed, nurture individuality and diversity. The words of Octavio Paz from his book, 'Convergences: Essays on Art and Literature', given to us by your Honour, should be held deep in the hearts and minds of all Territorians and, indeed, all people wherever they are,

Traditional societies must be defended if we wish to preserve diversity. History has thus far been plural. Different visions of humanity, each with a different vision of its past and future. To preserve this diversity is to preserve a plurality of futures, that is to say, life itself. We must cultivate and defend particularity, individuality and irregularity - life.

Your Honour's passion for art shared with your wife Anita is reflected in the Supreme Court art collection. This outstanding collection of Northern Territory inspired art by Indigenous and non-Indigenous artists celebrates cultural diversity and difference. Both the legal profession and the broader community are indebted to your Honour and to Anita for this exceptional and accessible art collection which has developed under your joint care and curation.

When your Honour was welcomed as a Justice of the Supreme Court of the Northern Territory in May 1989, the then president of the Northern Territory Bar Association, now his Honour, Mildren J, referred to one of Shakespeare's most famous monologues on the seven ages of man and wished your Honour a long and happy fifth age as a Justice of this honourable Court delivering wise saws and modern instances.

At your farewell, we thank you for your wise saws and modern instances and wish you a continuation of the fifth age of man. With the benefit of any additional wisdom acquired from your Honour's time on the Supreme Court in the Northern Territory, we wish you many more years to enjoy with your wife, Anita, the finer things of life.

If the Court pleases.

HIS HONOUR: Mr President of the Law Society of the Northern Territory, do you move?

MR STOREY: May it please the Court, I do.

Your Honours, I must confess that a sitting of this sort poses some problems for me, some difficulties. Normally in this sort of address I might, as President of the Law Society, speak of my personal acquaintances with his Honour.

Well your Honours, that is difficult because when his Honour was contemplating the commencement of his legal career in 1967, I was contemplating the commencement of my primary studies. So I could not claim to have a huge personal acquaintance with his Honour.

Similarly I might speak about the times I have appeared before his Honour. Well indeed, I have appeared before his Honour and from those occasions I know his Honour to be courteous, helpful and kind. Well, when I say kind I lost every matter I appeared before his Honour in.

And as I say, things were looking a bit grim on the weekend when I was thinking how to progress this further, but in reflection a phrase sprang to mind to describe his Honour. And that was this. It was a 'renaissance man', your Honours, and I looked up the definition, using the Internet as one does these days, and the following definition appeared:

A man with extraordinarily broad and comprehensive knowledge.

Then I thought well, this is getting somewhere. That is apt, but not really quite enough. There were two things that concerned me, your Honours. The first, one could have an extraordinarily broad and comprehensive knowledge of many things from woodwork to how to shave a dog. It does not make one a renaissance man so I was not entirely happy with that.

The other thought that vaguely concerned me, your Honours, is of course the Renaissance followed the Dark Ages. If I was to pursue the path that his Honour was a renaissance man in this Court, implicitly what I was suggesting was that prior to his Honour's appointment we had in fact the Dark Ages.

Then looking at the date of his Honour's appointment, I thought well, I am on relatively safe ground and then I see his Honour, Mr Asche here today, your Honours and I will just have to beg forgiveness.

But I pursued the path of the renaissance man. I looked again, as one does, at electronic resources and many of my former students will know I have condemned them for using Wikipedia but I did and I have a useful definition from it that I think may be suitable for today, your Honours.

That source of contemporary wisdom tells us not so much about the definition of the renaissance man, but the philosophical underpinnings of that notion. It talks about renaissance humanism and if I could, your Honours, I will take the Court to it:

Renaissance humanists believe that the liberal arts, art, music, grammar, rhetoric, oratory, history, poetry, using classical texts and the studies of all of the above should be practised by all levels of richness. They also approved of self human worth and individual dignity and that man's privilege is to be able to choose his own path.

And I thought, your Honours, that in fact is very apt. But the text took me further and it extracted a phrase from the author, Pico Della Mirandola, and I thought the passage was quite befitting a barrister from South Australia that chose to take up a position on the Northern Territory Bench. Talking about the creation of the universe and man's place in it, Mirandola wrote:

He therefore took man as a creature of indeterminate nature and, assigning him a place in the middle of the world, addressed him thus:

'Neither a fixed abode nor a form that is thine alone nor any function peculiar to thyself have we given thee. Adam to the end that, according to thy longing and according to thy judgment, they mayest have and possess what abode and what form and what functions thou thyself shall desire.

The nature of all other beings is limited and constrained within the bounds of law. Thou shalt have the power to degenerate into the lower forms of life which are brutish. Thou shalt have the power out of thy soul's judgment to be born into the higher forms which are divine'.

Now your Honours, I would not suggest that with the retirement of his Honour this Court has become any less divine but I would suggest, your Honours, that with the retirement from this Court of his Honour an element of the Renaissance has perhaps left the Court.

May it please the Court.

MARTIN CJ: Justice Angel, would you care to respond?

ANGEL J: Chief Justice, Madam Attorney-General, Madam President of the Bar, Mr President of the Law Society, distinguished guests, ladies and gentlemen. Thank you all who have attended today for the honour you have done me by your presence. I am particularly grateful to the people who have travelled from afar, a number from interstate. That in itself is a compliment.

I am particularly pleased by the presence of the Hon Austin Asche QC. He was my first Chief Justice and also the Hon John Gallop QC, the longest serving non-resident Judge of this Court. He has come from interstate and I regard it as a great compliment that he has come to see me off. I am also particularly pleased by the presence of Doyle CJ and David J of the South Australian Supreme Court.

Doyle CJ and I graduated on the same day in 1966 from Adelaide University and we were appointed Queen's Counsel on the same day in 1981

and we had many a battle in court together. David J is someone with whom and against whom I played cricket both at primary school level and secondary school level. He has conceded that I can bowl a cricket ball occasionally, but he has never conceded that I can bat. That great lack of judgment however seems to have been overlooked by his recent appointment to the Supreme Court.

I am also particularly pleased by the presence of someone regarded as the queen of the Tiwi Islands, Jean Baptiste Apuatimi.

I want to thank the speakers for what they have said. They have been very kind and generous in their remarks. It has been an honour and a privilege to have served the Court since 8 May 1989, as has been said, before the fall of the Berlin Wall.

It is a great honour and privilege to have been permitted to play a part - however small - in the administration of justice in the Northern Territory. I leave the practice of the law with many happy memories, associations and friendships.

I have at all times enjoyed a cordial relationship with the profession both here and in Alice Springs. The Territory has been a very formative experience for me. It is where I met Anita, *sine qua nihil*. It is where we intend to remain.

On the great authority of Dixon CJ, when one retires one should only indulge in retrospect a little.

Of course, much has changed in the course of my life in the law. Matriculation Latin was a necessary prerequisite to doing a law degree at Adelaide University. Capital punishment had not yet been abolished. Corporal punishment had not yet been abolished. The third edition of Halsbury was the current edition of Halsbury. It contained no entry under the heading 'Administrative Law'. That was only introduced in the fourth edition of Halsbury.

There was no Trade Practices Act. There was no consumer protection legislation save for some ancient sections in the Sale of Goods Act. The great case of *Hedley Byrne v Heller* was decided while John and I were at university, liberating the law of negligence that we now recognise today.

There was fault based divorce. Of adultery, Bray CJ once said in the context of the changing of the law:

What was once an ecclesiastical crime is now no more than a social accomplishment.

The great text book, 'Goff and Jones on Restitution' in its first edition was first published in 1967. It was a 540-page volume with hard covers. It cost \$17.10. By way of comparison, the current Journal Of Contract Law, which you get in three loose parts unbound, costs \$445.80 and, mark this, plus freight.

The first firm of solicitors for whom I worked after completing my articles was, as has already been mentioned, Piper, Bakewell and Piper. They had manual typewriters. They had inkwells, dip pens and blotters for the accountants. They had Roneos which was the only method of copying things.

Notwithstanding that, they were the solicitors at the time of General Motors Holden, the Broken Hill Company, the Commonwealth Bank. They had a reasonable clientele, one might say. Nonetheless when I became a partner, one of the first decisions I had to participate in was the momentous decision as to whether we would convert to electric typewriters.

I am appalled at the mention today that in all I have delivered 486 judgments, 313 of which have been reported. I had no idea I had such an output. It appals me because I think there's far too much reporting of judgments. My first reported judgment, as far as I am aware, is in the back of volume 88 of the Australian Law Reports. The current volume is volume 260.

Prime Minister Keating once infamously said that the best way to see Darwin was from 35,000 feet on the way to Paris. Ian Callinan, the former High Court Judge, has recently written an article in Spectator magazine that I recommend to you. He is far more complimentary about Darwin and expressly disagrees with former Prime Minister Keating.

The art historian, Francis Haskell, said it's always easier to study the past than the present.

The famous Kenneth Clark, of 'Civilisation' fame, said:

We have no idea where we're going and sweeping confident articles on the future seemed to me intellectually the most disreputable of all forms of public utterance.

With that admonition I am not going to make any predictions about the future, particularly about this unpredictable place called Darwin. However there are many aspects of Darwin that make me wonder particularly about the past and the present. I sometimes wonder whether Robert Rauschenberg's quip about Los Angeles is applicable to Darwin today, namely, that 'It's miles wide, yet only half an inch deep.' I wonder whether it is still true to say of Darwin as was said by Ernestine Hill in her 1951 book, 'The Territory', that apart from a few old faithfuls there are only two classes of people in Darwin - those paid to stay here and those with no money to leave.

I wonder also about John George Knight's lament in the 19th century that he feared he had come to Darwin too soon. Perhaps in some funny way we all have. I also wonder at the accuracy of the remark, 'Darwin has a great future and regretfully it always will have.'

I wonder at the all too ready acceptance of the notion that uniformity of law throughout Australia is a desirable thing. I once attended a legal convention in Adelaide. There were High Court Judges there, there were eminent jurists, academics of the highest order and everyone was agreed we should have uniform laws. Why should we go across a state border and have a different speed at which one can drive? Why should we have different procedures from state to state? Everyone was agreed we should have a uniform law throughout Australia. Then right at the end of the session, a man stood up - I will never forget it - and he said something along these lines with an American accent: 'I've been here for about a fortnight and I want you to know something. Hobart is different from Alice Springs'.

He undid in that one statement everything that had preceded it.

I wonder at the advisability of on-line law teaching, especially of legal ethics. I wonder what is achieved by statutes which state the obvious. For example under our Sentencing Act, the Judge is required to have regard to the seriousness of the offence when passing sentence. Thus enlightened, the Judges of this Court pass sentence.

I wonder at the apparent influence and power of large law firms which now have separate representation on the Law Council of Australia. This not only seems undemocratic but it also appears to involve conflicts of interest.

I wonder at the uniform Legal Practitioners Act which contains more sections than the number of legal practitioners in the Territory. Surely this is some indication that something may be amiss.

I wonder whether other Territorians wonder about the things that I wonder about. After all it was Socrates who said:

Wonder is the beginning of wisdom.

In 1994 I had the great experience of working in the commercial division of the New South Wales Supreme Court. It was part of an exchange organised between Asche CJ and the then Chief Justice of New South Wales, Murray Gleeson. It was a humbling experience. Priestley J from New South Wales, a very eminent Judge of Appeal in New South Wales for many years sat on our Court, particularly on appeals and did great service for our Court and I was appointed as one Judge of a number to reciprocate.

This Court has always had the benefit of Judges from interstate participating in its work. I am sitting with amongst others today, Olsson AJ, who continues to do sterling work for the Court. The idea for some reason fell away after Gleeson CJ's appointment to the High Court. It has never been explained to me or to anyone else that I am aware as to why this reciprocal arrangement was dropped. However there is now renewed interest in the idea of cross fertilisation between Supreme Courts of the states.

One of the great advantages of the Federal Court, which I remind everyone is not a court of general jurisdiction, is that they do sit all round Australia and I think it is a very healthy thing for Judges to sit elsewhere than in their home state.

There are many people whom I must thank today. I record my debt to two particular mentors each of whom I mentioned when I was first appointed, the first being the Hon Robert Fisher QC, a former Judge of the Federal Court. It was he who taught me that many a good case was ruined by the facts. It was he who taught me that equity prevailed over the common law.

At my retirement sitting late last year in Alice Springs, one of the counsel I suppose they thought they were giving me a compliment - said that I was a good common lawyer. Bob Fisher would have been appalled. He agreed with Gummow J, namely, that the lifeblood of equity should not be clogged by the cholesterol of the common law.

The other mentor that I wish to mention is Robert Newenham Irwin, the senior partner of Piper, Bakewell and Piper. It was he who taught me not to treat a law degree as simply a passport to making money. It was he who really drove into me what being a professional really is and the goodness of just doing good work and that everything else will follow from that.

I wish to thank all those who helped me along the way in my career. I acknowledge the loyal devoted and most efficient and conscientious support of my three secretaries over the years: Ann-Marie Nuttall, Joan Bourke and Karyn Wernham, my current secretary, at least until midnight. I thank them in particular for their unfaltering support during my difficult times. I prefer the word 'secretary' to the compound 'personal assistant' which is commonly displaced by the acronym 'PA'. I'm somewhat sceptical of both acronyms and euphemisms. As an aside, the best euphemism is the 1970's reference to CIA hit squads as 'health re-arrangement committees'.

I wish also to thank my former Associates. Steven Barra was my Associate in 1994 and he phoned me the other day to apologise that he could not be here. He phoned me from the family property in Queensland where he was visiting his sister. Steven is a very successful lawyer, an in-house lawyer in Milan in Italy for an energy company. When I was on the phone I said to Steven, 'Look Steven, it's very difficult retiring. You have to say things. What should I say about the Associates?' And he replied 'Just say nice things.' From all of my Associates I have learned something and I hope they have learned something from me. I am a much better educated person as a consequence of this drip feed of education. It was the American poet, Robert Frost, who said the best educated person is the one who has been matured at just the proper rate, seasoned but not kiln-dried.

I wish to thank all the Court staff without whom the Court could simply not function. I particularly wish to thank Ben and the security and custodial team for their long hours of work. At night I would be sitting in chambers and all of a sudden Ben with a smile on his face would arrive with a ladder and a new globe and would quietly replace the globe in my ceiling, leaving me on to work. I do not know what hours he kept, but he keeps extraordinary long hours and the Court owes him much.

I wish to thank Frieda and Bronwyn and the staff of the library who have always been most accommodating with anything that I have required of them.

I wish to thank Lenore and the Registry staff, the Sheriff, Peter Wilson, Mickey and the staff of the Sheriff's office with all of whom I have enjoyed a very cordial relationship.

I wish to acknowledge and thank the Director of Courts, Chris Cox, surely the least bureaucratic of bureaucrats. He is a great one for cutting through red tape and getting things done.

I also wish to thank the former Masters of the Court, Phil Lefevre and Terry Coulehan, who over the years each gave me various advices keeping me out of trouble.



I wish to acknowledge and thank the legal profession. As I have said, I have always enjoyed a cordial relationship with the profession in particular those who have toiled before me in Court. Co-operation between Bench and Bar and between the barristers at the Bar is indispensable to the proper and timely disposal of Court business. As Thomas J said on her retirement last year we in the Northern Territory are well-served by the legal profession. There is a healthy participation by interstate counsel, often senior counsel in large cases in the Territory, and as we all know competition sharpens the edge.

I wish to thank members of the Court, both past and present, with whom I have worked for their help and solicitude and for putting up with me. The Court is in good hands and I wish the Court well for the future.

On the verge of his 60th birthday, Noel Coward wrote to a friend:

I don't write plays for the idea of giving some great thought to the world and that isn't just coy modesty. As one gets older, one doesn't feel quite so strongly anymore. One discovers that everything is always going to be exactly the same with different hats on.

Hopefully not everything in the Territory is always going to be exactly the same. I for one fervently hope that the number of serious criminal cases heard by the Court in Alice Springs does not remain the same. One despairs at the volume and gravity of Aboriginal offending there.

King's Counsel, Villeneuve-Smith, the leader of the South Australia Bar at the time in the 1940s gave an after dinner speech in the course of which he said the following:

I share pride in the profession to which we belong. Indeed I think too little praise has been bestowed upon members of the legal profession while elaborate eulogies are poured upon judges whom people are prone to regard as particularly exalted persons. People seem to overlook the fact that judges were once lawyers. It is indeed strange that where the chrysalis was so evil, the butterfly should be so immaculate. Not that one should liken a judge to anything so ephemeral and polychromatic as a butterfly. An eminent physician psychoanalysing a judge has remarked 'You can lay bare the soul of a judge in all its repellent nudity by the simple process of reading one of his judgments'. The idea has much to commend it, but what this physician has only lately discovered by scientific methods, we long knew by empiricism.

Villeneuve-Smith was a very wise man. Of course, Judges are not eulogised any more let alone elaborately. Indeed they are treated fair game by certain elements of the press. It has always struck me as strange that journalists untrained in the law appear to have little or no difficulty in correcting legal decisions by Judges trained in the law, and all this when the law is ever-increasingly difficult.

One thing that can harm the administration of justice is the absence of public criticism by people who know and an over-abundance of criticism by the ill-informed. Ill-informed criticism of the judiciary can be very damaging to what is, after all, a very vital institution of democracy. Now that Attorneys-

General have abdicated their traditional role of defending the judiciary from attack, it is incumbent on the legal profession to play its part in helping to educate politicians and the media and the public about the true role of an independent legal profession and an independent judiciary and their proper place in our western democracy and the reality that they are the ultimate safeguards of individual liberty.

The Judicial Conference of Australia has, as one of its roles, advocacy for the judicial arm of government, but the profession has a vital role to play as well. I am firmly of the view that the role of the judiciary should be a compulsory part of all secondary school curricula. It should also be a compulsory part of any journalist's education.

I very much appreciate the compliment you have paid me by your attendance today. ●nce again I thank the speakers for their generous remarks.

MARTIN CJ: Thank you, Justice Angel.