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JUDGES OF THE SUPREME COURT

The Honourable Leonard James King, Chief Justice.

The Honourable Roma Flinders Mitchell, D.B.E.

The Honourable George Henry Walters.

The Honourable Howard Edgar Zelling, C.B.E.

The Honourable William Andrew Noye Wells.

The Honourable Alexander Keith Sangster.

The Honourable Samuel Joshua Jacobs.

The Honourable James Michael White.

The Honourable Christopher John Legoe.

The Honourable Brian Rothwell Cox.

The Honourable Robert Finey Mohr, E.D.

The Honourable Roderick Grant Matheson.

*The Honourable Donald Carter Williams.

The Honourable Derek Willoughby Bollen.

The Honourable Robin Rhodes Millhouse.

ATTORNEYS-GENERAL

The Honourable Kenneth Trevor Griffin, M.L.C.

The Honourable Christopher John Sumner, M.L.C.

*Retired, 24th September, 1982.

MEMORANDUM

A special sitting of the Full Court was held on Thursday, 23rd September, 1982, on the occasion of the retirement of the Honourable Mr. Justice Williams.

THE HONOURABLE THE CHIEF JUSTICE: This is a special sitting of the Court to mark the retirement of Mr. Justice Williams. The exigencies of time and the provisions of the law combine today to terminate the judicial career of Mr. Justice Williams by reason of his attaining the statutory retiring age, and in so doing, they terminate our association on this Bench with a valued and respected colleague.

Mr. Justice Williams' career in the law began at the University of Adelaide where he undertook his legal studies. He obtained the degrees of Bachelor of Laws and Bachelor of Arts. He was admitted to legal practice in 1936.

He pursued his legal career in the Crown Law Office for a period of twelve years. Mr. Justice Williams' judicial career began as long ago as 1948, when he was appointed a magistrate. His Honour served with distinction as a magistrate for twenty-one years, both in summary jurisdiction and in the Local Court. He left his mark in these years upon many, including myself, who appeared before him frequently as young counsel. His rulings and the manner in which he conducted his court formed a valuable part of the professional education of many of my contemporaries, and I include myself amongst them. Mr. Williams S.M., as he then was, was pre-eminent among his magisterial colleagues, and when the Local and District Criminal Court judiciary came into existence, it seemed entirely natural that he should be appointed a Judge of that Court. He was a temporary Local Court Judge in 1968 to 1969 and was appointed a permanent member of the new Local and District Criminal Court judiciary in 1970.

Judge Williams, as he then became, continued his distinguished judicial career on the Bench of the Local and District Criminal Court. During that period he produced a new edition on Hannan on *Local Court Practice*. That was a considerable task for a busy Judge and one of inestimable value to the rest of the legal profession. As to that aspect of our colleague's career, I can do no better than quote from the foreword to the edition contributed by Mr. Justice Wells. He said, referring to Mr. Justice Williams:

"He has, if I may say so with respect, succeeded admirably in the task he set out to perform. I unreservedly commend this work to the South Australian, and indeed to the Australian profession, and not only to the present generation of practitioners but to generations to come. Legislative amendments will inevitably occur, decisions of courts may further expound some matters of detail, but any consequential changes to the text of this book will be effected with comparative ease and confidence because the original work has been well and faithfully performed. The years that lie ahead can only enhance the value of this book and the reputation of its author."

After a period as an acting Supreme Court Judge in 1978 and 1979, Mr. Justice Williams presented his commission as a permanent Judge of this Court on 31st March, 1980. On that occasion the Attorney-General, addressing his Honour, justly referred to the appointment as "an appropriate recognition of your major contribution to the administration of justice in this state."

Since that time his Honour has been a valuable member of this court. He has carried his full share of the heavy workload which now falls on the Judges of this Court, and has dispensed justice with efficiency and expedition. He has displayed in full measure the important judicial qualities of detachment, impartiality, industry, learning and courtesy.

His Honour's judicial career has extended over thirty-four years. During that time he has had to struggle at times with ill health and consequent physical disabilities. He has never flinched from the exacting demands of the judicial office which he has held. One suspects that his devotion to duty has often caused him considerable suffering. It is a tribute to his courage and endurance that he has performed his judicial duties to such a high standard during the whole of that period and to the normal retiring age.

Mr. Justice Williams will be very much missed on this Bench. The Court acknowledges his contribution to its work and extends to him and to his wife the very best wishes for a long and happy retirement.

THE HONOURABLE THE ATTORNEY-GENERAL: May it please the Court: Two and a half years ago I had the honour to congratulate your Honour Mr. Justice Williams on your appointment permanently to the bench of this honourable Court. You had then been serving in an acting capacity as a Judge of this Court since September 1978. Prior to that, as your Honour the Chief Justice has already observed, Mr. Justice Williams was appointed to the bench of the newly formed Local and District Criminal Court as a permanent Judge in 1970. Your Honour's perception of the law from the bench did not start then. You were, as the Honourable the Chief Justice has said, appointed as a stipendiary magistrate in 1948 after a period of some twelve years in your early years of your professional life in the office of the Crown Solicitor, so some thirty-four years, more than half a lifetime, have been spent dispensing justice in the civil and criminal jurisdictions of the three levels of Courts in this State.

Now that you come to your retirement your Honour can look back with a great deal of satisfaction on such an extensive period of service to the law and more particularly to the people of South Australia. You will be remembered with great affection by hundreds of lawyers. Some young practitioners and articled clerks undoubtedly appeared before you with some trepidation because of your high standards and an attitude that the only way that practitioners, particularly young practitioners and clerks, could learn the law was to work hard at it and adequately prepare the case. Your insistence upon high standards has enhanced the regard with which you were and continue to be held by those

practitioners who appeared before you, particularly when they reflect upon the lessons in the law which you taught them and your general kindly disposition.

Upon your permanent appointment to this bench I did reflect upon two particular characteristics of note, your eye for detail and your concern that the principle of the law be regarded as importantly as the letter of the law. I said on that occasion, and repeat again today, that those two characteristics have been invaluable to countless practitioners, and I was one of them. So extensive was your knowledge of Local Court practice that you undertook a continuing responsibility for the editing of that well-known work, Hannan's *Local Court Practice*, a constant reference book for practitioners in respect of Local Court practice and procedure.

Your Honour, there is no doubt as to your ability, as to the effectiveness of your service on the bench, and as to the significant contribution you have made to the understanding of the law as it relates to people during the period of that service. As Attorney-General for the State I thank you for all that you have done for the law and the community and extend to you and your family my best wishes of a happy and satisfying retirement. You will, of course, and perhaps it need not be said, always be welcome among all legal practitioners who have grown to know you so well over such a long and distinguished career.

MR. D. F. WICKS: May it please the Court: I appear today on behalf of the Law Society in the absence of the President, Mr. J. W. von Doussa, who is unable to attend due to a commitment in the High Court. The Law Society extends to your Honour, Mr. Justice Williams, its best wishes on your retirement. Your Honour's career as a Special Magistrate, as a Judge of the Local and District Criminal Court and as a Judge of this Court has been a long and distinguished one, extending, I believe, over a period of some thirty-four years. It has been a quite exceptional period of service and one which has been exceeded in this State on very few occasions.

Over the period of your career your Honour has served in all of the principal civil jurisdictions in this State. You are well known to a great many members of this profession who at some stage or other have had the privilege of appearing before you. On behalf of the profession I can say that your Honour is highly respected and admired for the undoubted skills and learning which you have displayed as a judge, particularly for sound judgment and common sense in those matters where a judge is called upon to exercise discretion and judgment, for patience and tolerance towards those who have appeared before you, and last, but by no means least, for an enormous capacity for hard work.

After an outstanding career as a Special Magistrate it was appropriate, I think, with the establishment of the new jurisdiction in 1970, that your Honour should have been made one of the first Judges of the Local and District Criminal Court as then reconstituted, an appointment which your Honour held until your elevation to this bench in 1980. There can be no doubt that your Honour made a very significant contribution

to the work of those new jurisdictions and in establishing their good reputation before the profession and the community at large.

As a representative of the profession I should not allow this opportunity to pass without making reference to the new edition which your Honour has produced of Hannan's *Local Court Practice*. That work has always been an indispensable reference book for the busy practitioner but with the establishment of the intermediate jurisdictions in 1970 a substantial revision of the work became necessary. I think the profession owes a great debt to your Honour for bringing this invaluable text up to date. On this matter, the Chief Justice has already made reference to the foreword to that book, but I will make reference to one other passage in that foreword which was written by your Honour Mr. Justice Wells. His Honour said:

“Judge Williams has brought to the task of providing a commentary designed to meet the demands of an exacting profession a firm grasp of principle and exceptional knowledge of South Australian legislation and a thorough comprehension of the precepts of common law and of equity, the whole being controlled and disciplined by a firm common sense born of many years' practical experience of courts and of people.”

And I suggest to this Court and to those present that that more elegant turn of phrase encapsulates very well the sentiments which I myself have been endeavouring to express. On behalf of the Law Society we extend you our best wishes for a long and happy retirement.

THE HONOURABLE MR. JUSTICE WILLIAMS: Your Honour the Chief Justice, Mr. Attorney and Mr Wicks, I thank each of you for what you have been kind enough to say. I also thank my brethren on the bench and bar for their attendance here today. I regret, however, as I know they do, that Dame Roma Mitchell and Justices Cox and Mohr have unavoidably been unable to attend this sitting of the Full Court. I am particularly pleased to see here today some former colleagues in the magistracy and in the District Court. I am doubly conscious of the honour done to me by the presence here of three former Judges of the Supreme Court and it is of course a matter of great pleasure to me and every member of my family and my closest friends here today to support me.

Believe me, you can no doubt by this time realise I need that support for this is for me a very emotional occasion for today brings to an end my career in the law. When I was admitted I was somewhat older than the age at which people at that time, and indeed now, were being admitted. In the days when I was at school in the 20's the headmaster of the school which I attended was an Englishman and he decided to revise the old English ideal of a classical education by re-introducing the teaching of classical Greek and I was one of those who took the subject, which I found fascinating. In those days of course, unlike today, the teaching of Latin was also common, and that also was a subject which interested me greatly, so at the University I did an Honours degree in Classics as well as a Law degree. The custom in those days

was to commence articles in the second year of your law course but because of my scholastic burden I did not commence my articles until much later, with the result that I was twenty-four years of age before I was admitted. As you have already heard, of the forty-six years that I have been a member of the legal profession I have spent thirty-four years on judicial duties; that is, roughly three-quarters of my legal career. So it must be obvious that whatever legal expertise I might happen to possess has mainly been acquired as a result of what I have been taught by the many counsel who, from time to time, have appeared before me in the various jurisdictions in which I sat from time to time. Indeed, I point out that that includes, with one possible exception, every member of the Supreme Court Bench. Each one of them I think has appeared before me at some time or the other when I was a District Court Judge or a Magistrate.

There is necessarily an element of loneliness in occupying any judicial office. For this reason a judicial officer's social and professional contacts with his colleagues during the course of his duties is of great importance to him. I have had the good fortune throughout my judicial career to have the support and assistance, and I like to think the affection, of my colleagues in each of the jurisdictions in which I have had the good fortune to operate. I found it quite a wrench to leave my magisterial colleagues in the pre-1970 Local Court of Adelaide to go to the District Court and to leave my brethren judges and sister judge in the District Court to come to this Court, although in the latter instance I have had the good fortune to rejoin two of them who have preceded me to this Court and to become a brother Judge to a former colleague from our far off days as country magistrates.

It is not generally I think realized what an important part the back-up staff of a judge or magistrate plays in assisting him to carry out his duties. Most of those present here today will be astonished to learn that there were a number of occasions during my first twelve months on the bench when I had to take evidence personally in long-hand because there was simply nobody available to take it on the typewriter—shorthand writers in courts of summary jurisdiction being unknown in those days. Fortunately the Public Service Board quickly remedied the situation and thereafter I had a number of people, all men, attached to me as a clerk and reporter, all of whom, and they included Jack May and Claude Pearce, well-known men of the staff of this Court, and Lyall Gray, until lately also a member of this Court, gave me loyal and more than satisfactory service and congenial companionship in the days when I was a country Magistrate and frequently staying overnight in country hotels; and some of those country hotels were not of very high standard, you must realise this, but in those days there was no such thing as a motel.

In the District Court of course the Judge's secretary carries out the functions of the associate as well as those of secretary. I was lucky during most of the period which I spent in the Local Court to have a most efficient secretary in the person of Mrs. Pat Birch, who had the

uncanny ability to anticipate my wishes and cope with my funny ways and thus make my job easier than it would have otherwise been. I also express my gratitude to Mrs. Sharon Rogers, my secretary in this Court, for the cheerful and efficient way she has carried out her duties and for relieving me from the necessity from having to attend to a number of minor matters of a personal nature which would have distracted me from my duties. I have the most pleasant memories of the four young people who from time to time I have been lucky enough to have as my associate and I wish them well in their future careers. I also express my appreciation of the loyal service afforded to me by the gentlemen who form the pool of tipstaves. I am glad to have the opportunity of expressing my admiration for the accurate and speedy work carried out by the ladies and gentlemen who constitute the reporting pool; their work undoubtedly makes a great contribution to the smooth running of the Court.

I have not found the practice of the law at all easy. I have no doubt that all members of the legal profession will agree that it is a demanding exercise calling upon all one's energy and resources, physical, mental and moral for its satisfactory discharge. I have only occasionally felt confident in the view which I reached on a case. Most of the time I have simply done the best I could, endeavouring to reach the decision which I thought was consonant with justice and hoping that the result was legally and morally satisfactory and based upon a correct assessment of the witnesses and a correct interpretation of the evidence. I have found the practice of law absorbing, and quite apart from having reached compulsory retiring age, I feel that I have now reached the stage when it will be pleasant to resort to less strenuous and demanding pursuits to while away the time. Indeed, the only connection with the law which I intend to retain, and that perhaps for only a few years, is to keep up to date Hannan's *Local Court Practice*. Even though I still retain my commission as a Special Magistrate and Justice of the Peace, I think it is unlikely that I will ever take my place on a bench again. So I think it is time for me to make an end, therefore I say farewell to you all.