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EDITOR

DAVID PORTER QC

Barrister-at-Law

ASSISTANT EDITORS

S P Estcourt QC

C A Warner

Barristers-at-Law

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THE JUDGES
OF THE
SUPREME COURT OF TASMANIA
DURING THE PERIOD COMPRISED IN THIS VOLUME

The Hon WILLIAM JOHN ELLIS COX, RFD, ED
Chief Justice

The Hon PETER GEORGE UNDERWOOD

The Hon CHRISTOPHER REGINALD WRIGHT

The Hon EWAN CHARLES CRAWFORD

The Hon WILLIAM PETER MARIA ZEEMAN

The Hon PIERRE WILLIAM SLICER

The Hon PETER ETHRINGTON EVANS

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MEMORANDA

On 10 March 1998, the Honourable William Peter Maria Zeeman, a judge of the Supreme Court of Tasmania, died at Hobart aged 54.

On 13 March at a special sitting of the Full Court before the Full Bench, Cox CJ said:

"We sit today to express our sorrow at the death of our brother judge Mr Justice Zeeman. We are pleased that His Excellency the Governor, who held office as Chief Justice during the first five years of Mr Justice Zeeman's service in this Court, has been able to join us today, as has the Honourable Henry Cosgrove, a former judge of the Court.

I have been asked by Sir Gerard Brennan, the Chief Justice of Australia, to express on behalf of all the Justices of the High Court their deep sympathy to Mr Justice Zeeman's family, and their regret at the sad loss to the administration of justice in this State his untimely death has caused.

These spontaneous messages of sympathy and the presence of so many people here today, are eloquent testimony of the affection and respect in which his Honour was held by all members of the legal profession throughout the country - from members of the highest court in the land to the newest practitioner.

Six months ago, Mr Justice Zeeman was diagnosed with a serious illness and underwent surgery. Since then we have admired his courage and persistence as he fought so hard to recover from it. Notwithstanding the taxing nature of the complaint, he returned to his Chambers in late January, attended the function to mark the opening of the legal year in early February, and resumed sitting for some weeks. Throughout his illness, he continued to keep abreast of legal topics and developments and devoted much of his time and energies to the final draft of the Rules of the Supreme Court, the mammoth task of revising and modernising which he had embraced with his customary enthusiasm and energy not long after his appointment to the Bench. He had asked for a special meeting of the Rules Committee to discuss it in late February, but unfortunately the apparent improvement in his condition was not permanent and the meeting was postponed in the hope that he might yet have the opportunity to, and we the benefit of hearing him, speak to a project so important and so dear to his heart. Alas, it was not to be, and on Tuesday we learnt of his death.

William Peter Maria Zeeman was born in Amsterdam on 25th February 1944, and came to Australia in 1953. He was educated at St Patrick's College in Launceston, and admitted to the degree of Bachelor of Laws in 1965. After some years on the mainland, he returned to Launceston and entered private practice where he soon built a reputation for his encyclopaedic knowledge of the law and his competency in applying it in the service of his clients. The catholicity of his legal skills was enhanced by his experience as a member of a wide range of administrative tribunals, as a magistrate, coroner and commissioner of the Court of Requests for three years between 1978 and 1981, as a long term member of the Councils of the Law Society and Bar Association and of the Board of Legal Education, and as a chairman of a variety of hospital boards, cultural organisations and educational institutions. So broad was the extent of his practice that he was the only person to date to have been elected to serve as President, not only of the Law Society, but of the Tasmanian Bar Association as well.*

When he came to join us on the Bench of this Court in May 1990, he brought with him an enormous reservoir of knowledge and experience, a prodigious appetite for hard work, a deep knowledge of and compassion for the problems and aspirations of his fellow men and women, and a firm determination to utilise his talents in the prompt and professional resolution of the cases which came before him for decision. His judgments abound in the Law Reports and will be a permanent memorial to his erudition and grasp of principle. His capacity for work was legendary. One illustration will suffice. As vacation judge 15 months ago, he heard an urgent contract dispute of considerable difficulty. The trial lasted six full sitting days between 16th and 23rd December, yet on 15th January he delivered a 32 page judgment resolving all the complex issues of law and fact the case raised.

In addition to the daily case load he carried, he still found time to give his energies to a host of other institutions. He taught procedure to the students at the Legal Practice course. He revised the Rules of the Supreme Court now under consideration by the Rules Committee and he contributed extensively to Halsbury's Laws of Australia. I have touched on but a few of his activities — no doubt later speakers will mention others.

* [His Honour was elected President of the Tasmanian Bar Association on 1 October 1997 but resigned in February 1978 upon his appointment as a magistrate. He was President of the Law Society in 1982-1983. In fact, his Honour was the first of only two persons who have held both presidential positions — Ed.]

Throughout all these selfless endeavours he maintained an unassuming and courteous manner. His relationship with us, his brother judges, was always warm and supportive. We will miss his friendship and remember with admiration and respect the great gifts with which he was endowed and which he so generously shared with this community.

We extend to Mrs Zeeman and his sons Mark, Philip and Justin, to his parents and the rest of his family, our most profound sympathy.

Mr Attorney?

MR ATTORNEY:

Thank you, your Honour. I speak on behalf of the Government of Tasmania and as a representative of the people of our State, to pay tribute to a respected and talented judge who made a magnificent contribution to the law, this honourable Court and to the wider Tasmanian community.

This is an occasion of great sadness. We have all suffered a loss in one way or another because Mr Justice Zeeman reached out and touched so many people.

He had a genuine sense of service and applied it far beyond his own calling and self interest. Like others present today, I do not speak as a distant observer. I had many contacts with Bill Zeeman over the years. As colleagues in the law, admitted in the same year, we worked together on a number of cases. One such occasion was when we both appeared as counsel in the much publicised "bikie trial" in Launceston in 1975 which His Excellency and his Honour Mr Justice Slicer will well recall. In more recent years we had many informal meetings at various occasions, or in the street.

Mr Justice Zeeman was very well informed about many subjects, including politics. He had a keen interest in public affairs and was a person one could totally trust in frank discussion.

Mr Justice Zeeman's achievements in legal practice, then as a magistrate, and later as a judge of the this Court were outstanding. After joining the Bench on 30 May 1990 he contributed greatly to the standing of this Court as a strong and respected institution. He was a most able judge who was widely respected for the rigour and good sense of his judgments. He had a legendary capacity for work and took great pride and satisfaction in it - he truly loved the law. He was a tireless worker on committees for the reform of law. His input to these committees was also substantial and he would

willingly accept responsibility for the lion's share of the tasks involved. His contribution to the development and interpretation of the law was quite exceptional. He was forthright in his criticism of legislation poorly drafted and his judgments have resulted in substantial amendments to the law of this State.

But it was his fearlessness in defending what was right that will be especially remembered. He was active in promoting case management to ensure that the Courts' resources were used effectively and that the interests of litigants over those of the practitioners was foremost. His work on the new Rules of the Supreme Court reflected his strong belief in the need to constantly improve the administration of justice in Tasmania.

He was also very active in community affairs. In addition to responsibilities he carried as a judge, Mr Justice Zeeman made a significant contribution to health administration in Tasmania through his chairmanship of the Launceston and the Queen Victoria Hospital Boards and more recently of the Calvary Hospital here in Hobart. He also rendered most distinguished service to higher education as Chancellor of the University of Tasmania and before that, as Chairman of the Council of Advanced Education.

This was indeed a great life. Mr Justice Zeeman worked very hard, achieved and served from the beginning right to the very end of his mortal life, guided always by his strong faith and supported by a close-knit family.

Your Honour, I would like to express my appreciation and that of the Government and people of Tasmania for the distinguished contribution which Mr Justice Zeeman made to Tasmania and to its people. I extend our deepest sympathy to Mrs Zeeman, to Mark, Philip and Justin and to all members of his family.

COX CJ: Thank you, Mr Attorney. Mr Dixon, President of the Law Society of Tasmania.

MR DIXON: If it please the Court, I speak on behalf of the Law Society and indeed all those who practise law in this State and express on their behalf our sorrow on the passing of his Honour. I also speak for myself as for a time I was employed by his Honour when he was in private practice and I subsequently had the singular pleasure of receiving his congratulations when he was Acting Chancellor of the University on the conferring of my post-graduate degree.

His Honour's industry has already been referred to and I have vivid memories of the long hours he put in to deal with the demands of his many clients. His Honour was president of the Law Society in 1982 and 1983 and a member of its Council for some years before that. His contribution to the Society as in all his undertakings was indeed kind and unstinting. However, despite his Honour's undoubted industry, intellect and capacity for work, he still had time to assist and encourage other practitioners not only in the solution of problems, but in fostering their growth in wisdom and experience. Whilst he was known as 'the headmaster', that was tempered by his commitment to others which made him the first among equals.

His Honour has been a member of the profession since his admission on 2nd February 1970. I think I speak for all of us when I say that we have been privileged to have had him in our midst for the last 28 years. Whilst we might have wished for that to have been longer in time, we express our gratitude for the quality of his contribution to all of us, which is not measurable in terms of time. We have lost a man who brought and gave the profession his very considerable gifts and we are all the richer for it. We mourn his passing and extend our sympathy to his family and to the Court.

Well done, good and faithful servant - enter now into your rest.

If the Court pleases.

COX CJ: Thank you Mr Dixon. Mr Holt, Vice-President of the Tasmanian Bar Association.

MR HOLT: The Tasmanian Bar joins with your Honours in mourning the tragically premature death of Mr Justice Zeeman. He worked long hours and he was ever conscious that whether as advisor, counsel or judge, the application of his mind to the matter he was required to consider would usually have significant personal or financial results for these whom he advised, represented or judged. As a judge he was vigilant to ensure that cases were competently and expeditiously prepared for trial, and that once ready they were tried and decided promptly.

His uncompromising commitment to his professional obligations is best expressed not only in terms of his prodigious capacity for work, but as a quintessential feature of his character. He made his time freely available for a wide range of purposes associated with the improvement of our society. Of particular interest to him were the advancement of legal education and the

on-going need to monitor and improve matters of practice and procedure in the face of changing economic and technological conditions. He made considerable contributions in these areas.

He was a man of high professional and personal standards, which combined with his exceptional intellect and pursuit of excellence, made him an outstanding contributor to the administration of justice in this State. Our profession is deeply saddened by his loss.

CHIEF JUSTICE: Thank you Mr Holt.

The Court will now adjourn."

On 10 June 1998, Peter Ethrington Evans was appointed a judge of the Supreme Court in the place of the Honourable William Peter Maria Zeeman.

On 5 August 1998, Francis Denys Cumbrae-Stewart ED died at Hobart aged 89. He was the Editor of the Tasmanian State Reports and then the Tasmanian Reports, from 1951 to 1993. The Council of Law Reporting records its great appreciation for his many years of dedicated contribution to law reporting in Tasmania.