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

The Hon EWAN CHARLES CRAWFORD
Chief Justice

The Hon PETER ETHRINGTON EVANS

The Hon ALAN MICHAEL BLOW, OAM

The Hon SHAN EVE TENNENT

The Hon DAVID JAMES PORTER

The Hon HELEN MARIE WOOD

The Hon STEPHEN JAMES HOLT AsJ

ATTORNEYS-GENERAL

The Hon LARA TAHIREH GIDDINGS MHA

The Hon DAVID JOHN BARTLETT MHA

SOLICITOR-GENERAL

GEOFFREY LEIGH SEALY sc

MEMORANDUM

On 1 March 2008 the Honourable STEPHEN JAMES HOLT was appointed as Associate Judge of the Supreme Court of Tasmania.

On 9 November 2009 the Honourable HELEN MARIE WOOD was appointed as a judge of the Supreme Court of Tasmania.

On 18 September 2009, the Honourable PIERRE WILLIAM SLICER resigned his office as a judge of the Supreme Court of Tasmania.

On that day, at a special sitting of the Full Court, CRAWFORD CJ said:

We have come together today to pay respects to his Honour Justice Slicer upon his retirement as the senior puisne judge of this Court. On behalf of the Court I welcome the Attorney General the Honourable Lara Giddings, Justice Marshall of the Federal Court, Justice Benjamin of the Family Court, former Governors and Chief Justices of this Court, Sir Guy and William Cox, retired judge of the Court Robert Nettlefold and retired judge of the Family Court Michael Hannon. Now at the risk of welcoming someone who is not here and not welcoming somebody who is here I say we are also honoured by the presence of many magistrates including the Chief Magistrate Michael Hill, the Lord Mayor of Hobart Robert Valentine, Senator Bob Brown, a Member of the House of Assembly, Michael Hodgman QC, retired premier Michael Field, and other present and retired politicians, Solicitors General, Crown Advocate, Crown Solicitor, Directors of Public Prosecutions, silks and other legal practitioners, academics, many other distinguished people, relatives and friends of his Honour and past and present staff of his and of the Court and everyone else who I've left out. It is not possible of course to name all those in attendance or to list all of the capacities which bring them here for there are far too many for me to do so.

I mention that this sitting is being observed by far more people than are present in Court 1 today there are a great many other people in Court 2 and in the main courtroom in Launceston who are present by electronic means. The great number is ample testimony to the high regard in which his Honour is held and to the extraordinary number of people and organisations that are close to him. I will touch on a little, but only a little, of his background before coming to the Court with the hope that in doing so I will not intrude too much on what following speakers will say but if I do I do not think it matters much for many of the tales about him are worth telling more than once. I add that limitations of time force me to omit much of the story in any event.

He was born in Sydney on the 2nd December 1943 and not long after moved to Tasmania with his mother. He was educated principally in the catholic system at St Marys and then at St Virgils. He had plans of entering the priesthood but instead became a student of the law. At that time post war society was relatively quiet and conservative but he was a young man with a great social conscience who was restless to see improvements in a lot of the under privileged and in society generally. He developed a keen social and political sense and challenged many current norms. At the University of

Tasmania he was a member of the Students Representative Council and President of the Students Union. He campaigned for the rights of students and on one issue he advocated they all go on strike, as I recall. Over the years he participated in many struggles. He was an advocate and fighter for aboriginal rights of course, a cause that dominated his life. Not with that blood himself he developed empathy for the needs of aboriginals and an understanding far greater than that of almost all other non-aboriginals. For a number of years he was counsel for the Aboriginal Legal Service.

After he graduated he spent time in the United States of America on a scholarship. His interest in aboriginal affairs and his concern for the underprivileged were sharpened by his learning and experience of African/American problems. He has a deep understanding of culture and race and can include as relatives, either directly or through marriage, people from places such as the United States, Scandinavia, Czechoslovakia and England. A favourite saying of his is, "That a society can never know where it wants to go until it knows what or who it is and it cannot know what or who it is until it knows where it's been".

He became well known as an activist. He strenuously opposed Australia's role in the Vietnam War and he was proud to spend a short time in prison for his participation in the Franklin River campaign. However, because his time inside was only while on remand waiting for his case to be heard it did not count on his record as a sentence of imprisonment which has been a relief to his fellow judges but possibly I suspect, proud as he is, it's a regret of his. He is justifiably proud of the fights he has fought for others and for society. In part recognition he received a Human Rights Award in 1997 and a Centenary Medal in 2003.

He was admitted as a legal practitioner of this Court in 1966. He has long believed that what is inherent in Montesquieu's statement that the law and its majesty advise equally to both the rich and the poor when they steal bread belies the truth because the plain facts are that few of the rich steal bread and the poor do not have an equal opportunity to enjoy the so called majesty of the law. He had an outstanding reputation in this State as a criminal defence counsel. He was described in the Sunday Tasmanian report in 1994 as one of the few counsel in Tasmania who was worth the price of admission. As admission into the courtroom has always been free I'm not altogether clear, your Honour, what that compliment really was and I'm sure he will forgive me if I continue with a quote from that report.

When Pierre Slicer was on his feet and in action his horse hair wig precarious above his Phil Sheridan face there was a free song of anticipation in the air and all eyes were definitely on him.

For those who do not know Phil Sheridan was a bearded and moustachioed Union General in the American Civil War who wore his hat at a rather rakish angle.

As President of the Tasmanian Bar Association he fought for the creation of the State Legal Aid Commission and he was its Director at the time of his appointment as a puisne judge of this Court on 3rd June 1991. He has served the people of Tasmania faithfully in that Office for over eighteen years. As a judge he has embraced and upheld the principles inherent in the Rule of Law and the accepted processes of justice. He has not been an activist as a judge for he has too much respect for the law, the legal system and its processes. Nevertheless in the course of his work he has continued to reveal his passion for the causes of the poor, the underprivileged and the unrepresented. He has become the conscience of the Court one whose example has been a constant reminder to his fellow judges. I do not think it unfair to say that he has been, and for the rest of his days will be, a defence lawyer. He is a person of great learning, not only in the law but in other areas as well, and he has enriched life here in Chambers. He has been an energetic and willing servant of the Court and the people and in particular he has never shirked his workload here in Chambers. For example, as a Member of the Court of Criminal Appeal and the Full Court it has been usual for him to be first to produce his reasons for judgment lightening the load of those who wrote after him.

In my capacity as Chief Justice he has been a great support. He has been a valued colleague and a friend. I add that he is a friend of a great number of people. He and his wife Tonia are extremely generous. I have enjoyed their hospitality and warmth many times as have an extraordinary number of others. Of course it is inaccurate to say that he is retiring except insofar as this Court is concerned. Next weekend he and Tonia are off to Samoa to continue his judicial career. Earlier this week he told me that he is scheduled to hear twelve appeals in the first fourteen days of his time there. I am sure that we have never worked him as hard as that so he is to be admired for his energy. I thank him for his contribution to the Court and to justice in Tasmania and warmly extend our good wishes to him and Tonia for the future.

Thank you. Attorney General?

The Hon Lara Giddings MHA (Attorney-General for the State of Tasmania) said:

May it please the Court. In the time I have known Justice Slicer I have found him to be a man of strong conviction with an unrivalled passion for his beliefs and someone who is always searching for a just outcome. Today, after a career in the Tasmanian legal profession spanning more than forty years, Justice Slicer is moving on to more tropical pastures but still within the legal profession. Robert Bolt in his acclaimed play 'A Man for all Seasons' described his main character, Thomas Moore, as the ultimate man of conscience. One who remains true to himself and his belief under all circumstances despite external pressure or influence. While perhaps you are not a saint it is true to say you have remained true to your convictions regardless of the views of your peers or society more generally.

After appointment to the Bench in 1991 you soon earned the respect of your peers for your ability to scrutinise all arguments brought before you and to arrive at a just and fair decision. You were admired for your practice of

delivering your judgments expeditiously. You were admired as a fair judge whose decisions attested to your wisdom and intelligence earning the respect of counsel representing both sides. And you were admired as a free spoken judge who has taken a less conservative approach to the law.

In 1966 you were admitted as a legal practitioner and in that same year granted a scholarship to the Academy of Political Science at Columbia University New York. Your beginnings in the legal profession coincided with a period of great turmoil as Australia's commitment to the Vietnam War grew stronger and conscription was introduced. It was a conflict you stood against publicly, a position that at times you were ostracised for holding, as this was during a time when conservative governments still fearfully spoke of 'reds under the beds' and raised alarm based on the 'Domino Theory' whereby Communism threatened to spread country by country towards Australia. In 1970 you chose to defy this propagation of fear and instead became State Secretary of the Communist Party of Australia, a position you held for ten years.

While the political landscape has changed dramatically since those heady days I think it is fair to say that you still hold dear the concept of an egalitarian and classless society. We have seen throughout your life that this rebel had more than one cause standing shoulder to shoulder with your protestors at Franklin Dam Blockade which brought about your arrest and remand behind bars albeit for a very short period. It is safe to assume you still vividly remember the name of the magistrate you were brought before and I am sure he never forgot the experience either.

You became a barrister in 1985 and a QC in 1991 before being appointed to the Supreme Court Bench that same year but the law was not to dominate your life. You also took on a myriad of positions in the community among them Chair of the United Nations Human Rights Community, membership of Amnesty International, Directorship of St Vincent de Paul Industries and you were also a Director of the Salamanca Theatre Company, and as we've also heard a very strong supporter and advocate of the Tasmanian Aboriginal Community. You organised a major Human Rights conference in Hobart to raise awareness and ensure human rights remained on the agenda. What a lot of people may not know is the work you did raising funds to enable Pacific Islander representatives to attend the conference and to contribute their experiences and thoughts on how to expose breaches of human rights and promote and protect human rights.

You have been presented with a Human Rights Award in 1997 and a Centenary Medal in 2003 and unfortunately time does not permit me to mention the many other awards you have received or the legal organisations and community organisations you have played an important role in. I am told that those who work with you are already saying how sorely you will be missed for your excellent mentoring, warm personality and great sense of humour. And those who appeared before you as litigants in person will remember you for your fierce intellect and commitment to justice. Suffice to say your contribution to justice in Tasmania is highly valued and will long be remembered. Those

who count you as a friend will remember your astute knowledge of literature and music, your scathing wit and a steadfast refusal to give ground on issues you believed in but I have a warning for you. I recently read a true story involving a former Chief Justice of the High Court, Sir John Latham, and it goes like this –

Latham was driving in St Kilda Road, Melbourne, when he offended against a traffic law. A young Irish constable stopped him and said -

What would be your name?

Sir John said –

John Latham.

The Constable said –

You wouldn't be the same John Latham who is a barrister now would you?

Sir John said –

Yes, I am the same man.

And you wouldn't be the same John Latham who is the Commonwealth Attorney General?

Sir John, whose hopes had begun to rise said –

Yes, I am he.

The Constable said –

Well you won't be able to plead ignorance of the law now will you?

So while your Honour will leave the Court your identity as a judge and reputation will remain. In fact your work does not finish here because later this month you will travel to Samoa to sit in a Court of Appeal with two New Zealand judges. We wish you well for the next stage of your legal career. I am sure the Samoans will benefit greatly from your contribution to their legal system as we have done. I trust this work will still leave you sufficient time to participate in your community work and recreational pursuits of rafting, climbing and bushwalking. I know you are no stranger to trekking in the wild and I understand you once made it to the base camp of Everest which in itself is no small feat.

In leaving the Bench today your Honour should be satisfied that you have fulfilled the well known words of Sir Owen Dixon in his address at his first sitting in Melbourne as Chief Justice, that you have administered the law as a living instrument and not as an abstract study. I know you want to reflect on your time in the justice system so I will close by expressing my and the Tasmania Government's sincere gratitude for your immense contribution to the law in this State.

May it please the Court.

CRAWFORD CJ: Mr Kerr?

The Hon Duncan Kerr SC (for the Commonwealth Attorney-General) said:

If the Court pleases. Few judges have had to surmount greater difficulties than you, your Honour, to enter this legal profession. As a leader of the Tasmanian University Union in the last 1950s and '60s, early '60s, you were a leader amongst those protesting the University Council's dismissal of the Professor of Philosophy. Now that cause celebre, the Orr affair, wrenched Tasmanian society apart and split families. Reg Wright, later Sir Reginald Wright, staunchly defended the University and the Tasmanian establishment. His brother, world renowned Melbourne Academic, Professor R.D. (Pansy) Wright, became Orr's academic friend and led the pro Orr forces. Your misfortune was to be apprenticed to the wrong Wright brother who, whatever his other admirable qualities, lacked dispassion during the Orr controversy. If you had been a less capable lawyer and a less determined man you would never have crossed the threshold of the Bar let alone sit where your Honour now sits.

Few judges could widen the discussion about the judicial role by recalling a conversation that they had as to whether a notional but perfect Marxist regime should establish a ministry of dissent. It's to the great benefit of our state and nation that on reflection your Honour instead settled for the doctrine of separation of powers and the judicial system separate from executive and legislative power.

Your Honour has had an extraordinary life at the law and an extraordinary life beyond it. In a recent article in the Australian Bar Review Stephen Gageler SC, the Commonwealth Solicitor General, has said that –

Law is what I do and law is all I do.

You and he are each outstanding lawyers but your Honour is of a very different ilk. Let me recall just a few of the ways you exploited the fullest range of human experiences.

In your youth in the Huon you lived an ascetic life getting up at 4.30 a.m to begin work. You came to the law by accident. You intended to enter the priesthood but as there was no intake in the seminary for some twelve months you began to study the law to fill in time evolving from religious to secular passions. Your youthful radical activism included quite a significant period of Secretary of the Communist Party's Tasmanian Branch. You were gaoled for a short time as a result of your protest activity against the proposed damming of the Franklin. And then you worked tirelessly and creatively pro bono with your now fellow judge Alan Blow to defend the seventeen hundred persons charged with trespass during that campaign and to the chagrin of many you were successful. You worked when to do so was far from fashionable to win recognition for the rights of the Tasmanian aboriginal people and worked with the Tasmanian Aboriginal Legal Service.

You became Tasmania's leading criminal defence lawyer. You were appointed to head the Legal Aid Commission of Tasmania and as we recall and celebrate today you were appointed nearly twenty years ago as a Judge of the Supreme Court of Tasmania and later appointed to the Supreme Court of Samoa where I know personally of the high regard you are held for the sensitivity and acumen you bring to a different culture and a different legal system. While holding your judicial commission you also served as Head of the UN National Committee on Human Rights Education and gave evidence to the Legislative Council in its enquiry into land rights for Tasmania's indigenous peoples. And somehow you also fitted in bursts of extraordinary physical energy undertaking arduous expeditions to the mountains and indeed to the Antarctic South. But it would caricature and cheapen your Honour's service to the Supreme Court of Tasmania to focus too greatly on your extra curricular activities no matter how significant they have been it is your contribution to this Court we honour today.

Your judgments are cited with respect not just in Tasmania but through the Commonwealth. You have exercised both the State and vested Federal jurisdiction of this Court with distinction. No judge is spared the spotlight that falls on them when they are in dissent or when their decisions at first instance become the subject of appeal but even when you have found your brethren against you in their view of the law their respect for your reasoning has been obvious. You have not been lenient with offenders and I am advised sometimes even counsel but under the gruff exterior there is compassion and one example will have to suffice.

In 2008 you had to sentence an eighteen year old girl who had told a fifteen year old exchange student to "go back where you come from" before using a pair of scissors to stab him on the arm while trying to rob him of his mobile phone. Nothing would have offended your Honour more than a violent act of racism but when the girl interrupted the Court after she was remanded in custody to await sentence to ask if she could go and cuddle her mum you bailed her for fifteen minutes so she could sit at the back of the court where she cried in her mother's arms before being sent back behind bars. You later took into account her alcohol problem and a tentative diagnosis of borderline personality disorder in imposing a sentence of four months gaol fully suspended on a two year good behaviour bond. That reflects your Honour's expectation that reform is possible but that hope must be backed up by sanctions for failure and your Honour has recently commented on the need to more strictly enforce such bonds.

Your record of nearly two decades of judicial service has been the most effective repudiation possible of the view that a prior history of radical activism ought to disqualify a lawyer for judicial office. As a judge your Honour has always held true to the values captured in the judicial oath, "To do right by all manner of people according to law without fear or favour, affection or ill will". In the Supreme Court's 2006 Annual Report former Chief Justice Peter Underwood wrote that the role of a judge is a lonely one.

On behalf of the nation's Attorney General I congratulate you on the service you have given and welcome your Honour back in the Companionship

of the Legal Profession of Tasmania and to the general community both of which you have so greatly honoured and Tonia and your family are waiting for you.

If the Court please.

CRAWFORD CJ: Mr Tree?

Peter Tree SC (President of the Tasmanian Independent Bar) said:

May it please. It was just over twenty years ago when I first met your Honour. I'd only recently been admitted to the Bar in another State and was anxious to move to Tasmania so I boldly tapped on the door of what was then Treasury Chambers and asked the Secretary, Vicky Cowles, who I note is here today, if I could speak to one of the barristers about how I might establish a practice here in Hobart. After a few minutes a youngish, well somewhat youngish, man in a most unlawyerish bomber jacket emerged from the back of the building introduced himself as Pierre and very kindly offered to tell me all over a sandwich at a nearby café. Who could have then imagined that twenty years on I would be standing here appearing on behalf of the Tasmanian legal profession to farewell your Honour from this Court.

Your Honour came to the Bench with a formidable reputation as the pre-eminent criminal counsel in this State. Notwithstanding that background your Honour was, from the outset, flung headlong into complex civil claims including difficult equitable matters all of which your Honour appeared to embrace with real enthusiasm. In fact your Honour has the distinction of having being the judge presiding over the largest piece of commercial litigation in this state to date, a dispute about who was entitled to a Bass Strait gas field the value of which was in excess of a billion dollars. Perhaps because of your Honour's background in criminal law you did not always approach civil cases in the, at times, unimaginative way in which those trained only in such litigation might have done. For instance your Honour was no pleadings pennant and despised the cynical recourse to the Rules of Court to achieve what appeared to your Honour to be an unjust result. "Those who live by the rules can sometimes die by the rules" your Honour once wrote in a judgment.

On occasions appearing before your Honour presented challenges. Your patience could be tested by the overly determined and the bumbling could expect to feel your Honour nipping at their heels as you attempted to return their attention to more germane matters. I think that, in part, the explanation for some of your Honour's intermittent frustration lay not only in your out of court preparation, at the speed at which your intellect worked, but also if I may say so because your Honour was no slave to the plodders logic which tests the validity of a conclusion by starting with a known proposition and tentatively moving one step at a time towards the ultimate proposition, rather I think that your Honour often preferred to test the validity of a conclusion by a series of direct probes or collateral attacks which were not necessarily connected to each other. This difference in approach could make appearances in front of your Honour at times unpredictable because the directions from which your Honour approached a problem were often quite unexpected.

I would not want it thought that your Honour did not have recourse to subtlety. I remember watching your Honour exercise perfect tact in this very courtroom. Two pre-eminent Melbourne QCs were appearing before you in a hotly contested matter and somewhat surprisingly were engaged in loud and unnecessary sledging during the course of each other's submissions. When it started the behaviour was merely embarrassing however then it began to interfere with the quality of the proceeding itself. After it became apparent that the sledging would not abate and if anything might get worse your Honour intervened. Whilst shuffling through some papers and deliberately refraining from making direct eye contact with either offending silk your Honour simply said –

I'm sorry, Mr X, but just remind me again are you and Mr Y from the Melbourne Bar or the Sydney Bar?

The sledging instantly and permanently ceased.

Your Honour has a fierce commitment to justice. It was never fun to be trying to advocate before your Honour that the law compelled a result which your Honour felt was morally wrong. It was probably that strong sense of justice which motivated you to accept appointment to this Court in the first place and there can be absolutely no doubt that your Honour has remained unswerving in the pursuit of justice throughout your judicial career. Your Honour leaves behind a wealth of judgments in many areas of the law although perhaps not all of the ideas expressed in them have yet found favour with majorities in appellate courts. I am conscious that yesterday's dissent often becomes tomorrow's orthodoxy. The common law is a slowly evolving thing and its evolution is dependent upon new ideas the expression of which was something from which your Honour never shirked.

For most of us on this side of the bar table your Honour has become one of the permanent fixtures of this Court. It will be strange to see a term list without your Honour's name on it. It seems odd to think that your Honour will not ever again, at least in this state, explain the criminal law to a jury or sentence an offender although I expect that probably seems even stranger to you. By your fearless and instinctive determination to achieve a just outcome your Honour has set a fine example for the whole profession. Perhaps that will ultimately prove to be your Honour's greatest legacy. The Profession thanks your Honour for your eighteen years of service to this Court and wishes you well in the next phase of your life.

May it please the Court.

CRAWFORD CJ: Mr Mansell?

Mr Mansell (for the Tasmanian Aboriginal Community) said:

May it please the Court. This is truly an important occasion, your Honour, not because I speak just on my own behalf as an old friend and a colleague and probably one of your most troublesome apprentices but more importantly I come before the Court to speak on behalf of the aboriginal

community and some of whom are squashed in the court at the moment. Those who weren't able to make it asked that I pass on their best wishes to you.

Your Honour became involved in the aboriginal community almost forty years ago at a time when few people thought there was much point. I remind us all that at the time the official position of the Tasmanian Government was that there were no aborigines in Tasmania so there was no need for anybody to be involved in anything but your Honour's experience saw the reality on the ground. You saw the blatant racial discrimination in the hotels in Tasmania. You saw discrimination at golf clubs, in housing and in employment. Your Honour also saw the failings of the legal system in Tasmania and it must have been at that point that you determined to do something about it. And your situation reminds me of another judge, that of Justice Spigelman, who became the Chief Justice of the New South Wales Supreme Court, and your Honour may recall that Justice Spiegelman's early involvement with aboriginal people and aboriginal issues was on the freedom rides with Charles Perkins in the back of New South Wales, and like your Honour Justice Spigelman dedicated much of his time to the cause of aboriginal people.

Less than forty years ago your Honour helped established the Aboriginal Legal Service. You immediately made your services available to it. You soon carved out a reputation among the legal profession that you were not only a very highly skilled and articulate lawyer but that you tenaciously fought for every client that you represented. The problem was your reputation also spread quickly with the aboriginal community causing an absolute nightmare for the administrators of Aboriginal Legal Aid, Ros Langford, Heather Sculthorpe and Clyde Mansell, because everybody wanted Pierre Slicer. Your efforts in the court became legendary. One prosecutor reminds me that police had the goods on a young aboriginal on the charge of petty theft, they also had a full confession, the difficulty was there were no members of the Aboriginal Legal Service present nor were there any parents at the time the confession was obtained. Your Honour fought the good case, I'm told, on the voir dire and had the confession thrown out having made the point to the police that there are rules that the police should abide by in dealing with children. You then entered a plea of guilty and let justice take its course.

It wasn't just within the court system that your Honour made efforts to make the Tasmanian Legal System fairer not just for aboriginal people but for many others. I recall one occasion when we went before I think it was a Senate Select Committee of the Legislative Council on the issue of an Anti-Discrimination Bill. Your Honour led the delegation of two and the forceful views that you had in favour of anti-discrimination law were equally matched by Michael Hodgman's father at the time, and still, the late Bill Hodgman QC and my experience from that time could only be described as having witnessed and full and frank expression of contrary ideas very articulately and strongly put. It is a lesson I will never forget. But throughout all of your dealings, your Honour, with police and prosecutors, with courts and politicians, it has been a remarkable feature of your Honour's dealings with the various authorities and people that they gave you the utmost respect and indeed many people I felt admired you for your compassion and the skills that you used to carry out that

compassion. Your efforts at using diplomatic skills were very useful to the aboriginal community when trying to bring about change to the Tasmanian legal and political system.

There was an occasion that I do recall where your diplomatic skills came to nothing, your Honour may well not like to be reminded of, when we were celebrating some victory or other in your old flat at 1 Short Street, Glebe, atop the Legal Service. All the grog has been drunk and one of the old women spotted this irreplaceable extremely expensive bottle of wine in one of your wine shelves that was for display only and despite your Honour's best efforts and extraordinary efforts of diplomacy you couldn't stop the contents being consumed and I do recall the old lady saying, "He's got good taste in wine that fellow". And of course, your Honour, there will be many more tales and true to be spoken later tonight and so I will leave those to that occasion especially the juicy ones.

It's difficult to sum up how a people whose heartfelt gratitude for someone who has done so much for us and who means so much to us how does one sum that up. Jimmy Everett said, "When Michael Mansell really retires we'll declare him a member of the Aboriginal Relics Act. When we achieve aboriginal sovereignty", he added, "the first thing we must do is nationalise Pierre Slicer", I think there's a lot in that.

Your Honour, we have prepared a small gift of one of the very rare string necklaces made by the aboriginal women and there's some other biddies among that and I do call on your old friends and ours, Ros Langford and Heather Sculthorpe, to present that to you.

If the Court please.

CRAWFORD CJ: Thank you, Mr Mansell. Well, your Honour, before I call on you I just wanted to say that I'm a little upset that the Collingwood Football Club hasn't been mentioned once and with a frisson of anticipation I would now call on you please to respond.

SLICER J: I acknowledge the traditional owners of this place and thank you for your acceptance of me as family and your presence here on behalf of the mob, ya, pulingina, ningimpi-mana; hello Furley, welcome, my grandmother. I acknowledge all those who work in this place and without whom this Court could not function and thank each for their loyalty, both personal and professional. To all here assembled you honour me with your presence and I owe you and my community more than I have given.

Attorney, I prefer this form of farewell than that of a State Funeral. Could you pass on to your Treasury my condolences that this is by far, I trust, the more expensive option for me. Mr Kerr, our lives have crossed and connected over many many years and it is ironic that for both of us, at the end of this part of our journey, as participants of the Pacific Samoan. Mr Tree, you know my respect for you and could you convey to our profession my gratitude for its understanding and protection given to me as a student practitioner, as a practitioner qualified and as a judicial officer over nearly half a century. I will

express that more fully in its own gathering to farewell me. Michael I will leave until later.

But I speak now, for the last time, as an instrument of State, for that is what we are. Not service providers, as some presume. We are those who enforce the coercive power of the State in crime and make our orders at the behest of citizens against each other or against the State itself and they come here because it can be enforced by the State. And I think I can at last answer the vexing question of my youth. Am I a class traitor or a class enemy, and it's determined which wall you put it against. But I will try and answer that and four other questions that I posed to myself before today.

From where did I come to here. A varied journey but I hope one which was at least consistent. I watched student awakening, Vietnam, conscientious objectors, (thank you Norman), paternalism, race, environment, gay rights, refugees and a wide social discourse. No regrets as to where I have been.

What did I bring to this Court? I brought two families, one through marriage and blood and the other through acceptance and adoption. Within these rooms are direct descendants from or all; one generation removed from Prague, the Ukraine, Mertha Tydfil in Wales, Chicago, Japan and Dover, Tasmania. And within that one generation I brought to the Court a perspective, or wider perspective, of Australia because they are places from whence we came and it is that which we made, in many ways, part of our nation state.

My second family is local having been here for at least twenty five thousand years. Firstly, I should say firstly, Furley, I think you were correct when you said at the hand back on Cape Barren Island, "We put you here". I think that's right. That family which accepted me gave me a sharing culture and identity in adversity. It gave me a sense of timelessness or continuity in engaging in social redress. Heather, Michael and Rosie, we have taught each other within the discipline of the law. I have Rory and Rolla as nephews. I like to think that I've brought some of what you gave me to this place and to share that with my colleagues. Sorry about the arrears of rent! I will be coming home and will try and pay my arrears.

The second thing which I brought here, I hope, was an encouragement of different journeys and ways of looking at common values, problems and outcomes. I may have looked through a different prism but take comfort in that we have, as judges, ordinarily reached similar conclusions. And the third thing I've brought to this place was a love of the discipline of the law. I have been lucky in that much of my work has fitted well with my philosophy and the discipline itself. And, fourthly, in that journey before I came here I had three judicial role models one of whom is here today. Bob has graced me with his presence. Some may say in those three judicial role models that I failed to adopt their strengths and virtues but embraced instead their weaknesses. Well, maybe, but I'll take those weaknesses as my virtues any day.

What did I receive from here? Trust, a difficult concept to explain. First of all the trust from a Premier, Attorney and Secretary of Cabinet whose decision some might call courageous but which I might regard as trust in their

wisdom and good judgement. But also I received trust from my brothers and sister judges, past and present. It is hard and lonely in this task and to survive requires having the absolute and ultimate trust of colleagues. Without that we are broken. I cannot convey to those who have not sat here how that unreserved trust feels and operates. Becoming a judge touches at the core of self identity! Who and what am I? What is this role that I'm being asked to do? Does it change me? What is it that is asked of me? So it touches at the core of self identity and confidence. If that trust of and by judicial colleagues is not absolute then we are lessened. So trust was the first thing which this place gave me.

Secondly, a sense of comfort of being part of a working community, of all those who work within the courts. And, thirdly, I hope acceptance by my community. As judges we watch and try to understand the interactions of the human experience and make sense of it all. Sometimes we fail. But without acceptance by our community we become isolated and might feel helpless in our task. Acceptance though does not mean approval. I think I speak for us all that we do not seek approval and that is different from acceptance but we seek acceptance and I have tried at least to keep those two separate.

What do I leave behind? I don't believe that I caused too much damage. I suppose that is my proudest boast, and at least our judgments all have a short shelf life; but I might have encouraged others that different journeys are not fatal. That different journeys can entitle you to bring into a court a richness and a way of looking through that prism and it is not fatal to perceive within the law by having a different past, present and future. So I hope that I might have encouraged others; thanks to the wisdom of Premiers and Attorney and Heads of Department, Michael, that differences can enrich. And thank you, Michael, for your thoughts and acceptance of the mob and my being taken in as family. To my successor here you will enhance the Court.

Finally I ask what it is that I take away. Sir Guy, and see, I can use those two words once in my life but I do so today, Sir Guy, I feel better already! Guy, you taught me not to panic, at least outwardly, but you taught me when I came here that no matter how terrifying it looked if you didn't panic and you settled it and came back to it you would probably not harm yourself but at least you wouldn't do too much harm to others. Bill, on my first day here, and I did feel an outsider, I wasn't even on my own shortlist, when you brought in the Biography of Higgins and said, "I couldn't think of anyone better to give this one to", you settled me. You settled me through acceptance and a casual – well it wasn't casual but the way that you do things appears to be casual. The gesture you made settled me and I thought I probably can call this place home; sooner or later. Ewan, I take with me your friendship and your understanding. My friend, before I come to my colleagues, my friend Hodgman, may I say to you, as has been said here many times, I will say "Long live the Queen" if you'll say, "Longer live the President".

To my colleagues behind the barricades, and on a Monday, Tuesday, Wednesday and the like, it does feel like that, are but barricades in a way, and we are by our discipline cautious and conservative so to my colleagues on this side of the barricades I take away knowledge. We are not social engineers as

our critics would have, but nor are we social technicians as executives would like us to be. We are something different. We perhaps are guardians, a deep and difficult word, we are instruments of State, so I go back to my question, am I a class enemy or a class traitor? We are agents as instruments of the State independent of clamour and transient calls that are made within our community that something ought to happen or someone ought to do something or whatever is – is but the clamour of a passing and rattling tram. So we are something different and we are, by inherent discipline, conservative. So to my colleagues what I take away from here is that knowledge that that is who we are and that adds to my knowledge of who I am.

This part of my journey has ended. The next? Not yet, not yet!

◉ CRAWFORD CJ: The Court will now adjourn.