

**ADDRESS AT THE SWEARING IN OF THE HON GLEESON J  
AS A JUSTICE OF THE HIGH COURT OF AUSTRALIA  
ON BEHALF OF THE AUSTRALIAN BAR ASSOCIATION  
1 MARCH 2021**

May it please the Court.

It is my privilege to appear on behalf of the Australian Bar to add its welcome to your Honour on your swearing in as a Justice of this Court.

The Australian Bar Association acknowledges the relationship between the land on which barristers work around our country and the First Nations' people of Australia including the Ngunnawal people. I pay my respect to their Elders, past, present and emerging.

Your Honour's appointment to this Court is a most significant event in the life of this Court and our society.

Your Honour has been appointed on the retirement of Justice Bell, whose presence in the Court I acknowledge.

If one were to plot the genealogy of the seat your Honour now occupies it includes Justices Kirby, Deane, Stephen, Windeyer and Evatt.

If that list was not enough, the awesome responsibility your Honour has assumed may, perhaps, be further underlined by applying by analogy the observation of Robert H Jackson – the only person to have served as Solicitor-General, Attorney-General and a Judge of the US Supreme Court – who said of that Court: “we are not final because we are infallible, we are infallible because we are final”.

The Hon Robert French AC observed that it could not be accurate to talk of a High Court named after its Chief Justice because each retirement and appointment changed the Court.

Those two observations point to both this Court's position as the ultimate arbiter of the most difficult judicial questions, and that the Court is comprised of individuals, however unified by their judicial oath.

May I respectfully suggest that in the answering of those most difficult questions, it can only be a good thing that they are resolved by calling on a collective wisdom drawn from different

personalities, gender and experiences.

It is reported that your Honour has said that your first joining of the Bar was a failure of imagination on your part. If your Honour did make that judgment, then I understand, reliably, that your Honour is in a minority of one. It was a typically modest and self-effacing comment.

Similarly, to your predecessor in this Court, you did leave the Bar for a time. In your Honour's case to take up significant roles as a lawyer within Government as we have heard.

Happily for the Bar, again like your predecessor, you returned where your Honour's conspicuous abilities saw you appointed silk in 2012. We have already heard that was a remarkable year for the appointment of silk in New South Wales.

Your Honour was the very model of a modern silk: intellectually talented, hard-working, extremely well-prepared, juggling a life away from practice and supportive of those who rightly looked to your Honour in awe and admiration.

In a robbing of the Bar for which Chief Justice Allsop has expressed no remorse, your Honour was appointed to the Federal Court in April 2014. Your Honour's "serious smarts" and other qualities were well known to the Chief Justice from your work together at the Bar.

You were joined on the Bench on your swearing in by one of your new colleagues, Justice Gordon, then of the Federal Court; and another, Justice Gageler, who was in the Court.

Your Honour's adapting to, and discharge of, that Court's work in sometimes difficult circumstances has obviously led to today. Your Honour did not lose your human qualities in the process; including, I am told, the ability to administer a "look" which left none in doubt that perhaps they should move along.

While on the Federal Court your Honour compiled records of the counsel who appeared before you to track the appearance of women barristers including by reference to the type of cases in which they appeared. As a result of that work, your Honour was concerned about the lack of women appearing, for example, in commercial cases. And you expressed extracuriously the not very radical notion, one might think, that the Court wanted the best counsel to appear and not just counsel of a particular gender.

One may confidently expect the Australian public has the same desire for its judges. That is yet another reason to celebrate your Honour's appointment.

In a Paper entitled "The role of the Judge and becoming a Judge" a distinguished former Chief Justice of this Court, whose presence I acknowledge in the Court today, concluded that the most "important piece of practical advice" he could give to the new judges he was addressing was that: "you should enjoy being a judge. The work of administering justice according to law is important and honourable ...". The then Chief Justice, then wished those judges both "success and happiness" in their new career.

The Australian Bar does likewise and congratulates your Honour. We very much look forward to appearing before your Honour in this Court.

May it please the Court.