

**CEREMONIAL SITTING OF THE FULL COURT**  
**TO WELCOME THE HONOURABLE CHIEF JUSTICE MORTIMER**

**Speech by Peter Dunning KC, President of the Australian Bar Association**

May it please the Court. It is my privilege and pleasure in equal measure to extend a congratulations on behalf of Barristers throughout Australia on your appointment today, Chief Justice Mortimer. Chief Justice, Justices of the Federal Court, Justices of the High Court, Chief Justices, distinguished guests, all.

Today is an important day, indeed, a historic day, in the life of this large national Court, which is fundamental not only to the third arm of government but because of the important place it has in the lives of so many Australians across its ranging jurisdiction. We gather here today, though, to recognise in one exceptional public service to the judiciary as a Judge of this Court. Chief Justice Mortimer, your Honour brings to this Court outstanding academic achievement, an outstanding career at the Bar and an outstanding decade of service as a Judge to this Court.

It is, as the Commonwealth Attorney has noted, a notable feature that your Honour is the first female Chief Justice to this Court, following in the footsteps of the late Sir Nigel Bowen; the Honourable Michael Black, who is here today; the Honourable Pat Keane; and the Honourable James Allsop. But if we may respectfully suggest, what is genuinely remarkable about that is not that your Honour is a female. Your distinguished academic performance, your exceptional career at the Bar, your exceptional career on the Court explains your Honour's appointment, but it's reflective of the fact that this Court now has more than a third of its members as females and is heading towards the balance, diversity in all matters to which we all strive.

It is customary on days like today to speak of some of the cases that a Judge has been involved in. Can I pick out two. Your Honour was in the Full Court of this Court in the decision in *Timber Creek*, a case that was most important to First Nations People, and the case was, ultimately, taken and approved in the High Court.

Your Honour sat at first instance in a number of significant native title cases, including *Dewal v Western Australian* in relation to the fact that mining leases did not extinguish native title, again, a matter that has played an important role in the progress towards unity in our community.

And finally, your Honour was a trial Judge in what we all called *Palm Island*. Indeed, I had a brief cameo appearance before your Honour in *Palm Island*. Those cases are all exemplars of the fact that your Honour brought your powerful intellect, your sense of humanity and your personal decency to the disposition of the dispute before you to show that fidelity of the principle and the attainment of Justice are true companions.

I was given an injunction last week both as to the length of this speech and its content.

Mortimer CJ: You were.

Mr Dunning: Barristers are, of course, notoriously poor with both. I trust that I will not trespass on the former and will not take too great a liberty in what I'm about to say in relation to the latter.

Chief Justice Mortimer, it is a singular honour and privilege and distinction to be chosen as first amongst equals in such a distinguished Court. Your Honour should be rightly proud of the effort that has brought you to today. Nobody, if we may respectfully suggest, gets to a day like today without the love and the support of family and friends, and your family and friends should be rightly proud of where your Honour sits today. Indeed, your Honour's children's own accomplishments and the diversity of them speak to the breadth of your Honour's interests in life.

Chief Justice, on behalf of the barristers of Australia, can we again thank you for agreeing to accept this service, acknowledge the great contribution you have made to the life of this Court, and in particular in the three exemplars they gave of your Honour's performance in the Court, they serve to recognise the important role this Court plays in bringing us to peace with our First Nations peoples. It is right that I acknowledge First Nations Peoples throughout Australia on behalf of Barristers throughout Australia and hope that the references to the cases your Honour has been in are a reminder to all of us of the effort each and every one of us must take to bring such peace.

Finally, Chief Justice, may I wish you many happy years as Chief Justice of the Federal Court. May it please the Court.

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