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## Swearing-In Ceremony Of The Honourable Peter Michael Hall QC

THE SUPREME COURT  
OF NEW SOUTH WALES  
BANCO COURT

SPIGELMAN CJ  
AND JUDGES OF  
THE SUPREME  
COURT

Tuesday 8 March  
2005

SWEARING-IN CEREMONY OF  
THE HONOURABLE PETER MICHAEL HALL QC  
AS A JUDGE OF THE SUPREME COURT OF NEW SOUTH WALES

1 **HALL J:** Chief Justice, I have the honour to announce that I have been appointed a Judge of this Court. I present to you my Commission.

2 **SPIGELMAN CJ:** Thank you, Justice Hall. Please be seated whilst the Commission is read. Principal Registrar, please read the Commission.

(Commission read.)

Justice Hall, I ask you to rise and take the oaths of office, first the oath of allegiance and then the judicial oath.

(Oaths of office taken.)

3 Principal Registrar, I hand to you the forms containing the oaths so they may be placed amongst the records of the Court and the Bible so that it may have the customary inscription placed in it and presented to Justice Hall as a memento of this occasion.

Justice Hall, on behalf of all the Judges of this Court and on my own behalf, I wish you a warm welcome and I congratulate you on your appointment. You have arrived here after a lengthy and distinguished career at the Bar. I look forward to serving the people of this State and this country with you for many years to come.

4 **MR I G HARRISON SC, PRESIDENT, NEW SOUTH WALES BAR ASSOCIATION:** May it please the Court.

5 It gives me great pleasure, on behalf of the New South Wales Bar Association, to speak today on the occasion of your Honour's swearing-in as a Judge of this Court. I have known you personally and professionally since I came to the Bar and wish to offer my own congratulations as well.

6 You join this Court at a time when it has apparently become fashionable in the so-called popular press publicly to assail Judges in this State and throughout the country. This fashion is urged by an unrepresentative coven of journalists with a wicked agenda. However, you can avoid their scrutiny by working seven days a week, accepting no pay, taking no holidays and never making the slightest mistake whether on or off the bench. You should avoid overseas travel if at all possible. From now on, if you live your life as if it were an apprenticeship to sainthood you will be quite safe.

7 Your Honour was called to the Bar on 26 July 1974. You came with a Masters of Law Degree from

Sydney University. You took silk in 1991. You had formerly practised as a solicitor with Dawson Waldron at 60 Martin Place, coincidentally two floors below where I was serving my articles of clerkship.

8 You had a wide and successful practice at the Bar. You gained a reputation for thorough preparation and fairness. You developed considerable expertise as an advocate appearing before Royal Commissions and other special commissions of inquiry. For example, you appeared before the Royal Commission into the events at Chelmsford Hospital, the ICAC inquiry into the Walsh Bay Redevelopment tender process. You were counsel assisting the Royal Commission into the building industry before Commissioners Gyles QC and Holland QC. You served appointments as an Assistant ICAC Commissioner in 1995 and 1996. You were Senior Counsel assisting the Special Commission of Inquiry into the Waterfall Rail Accident. You have most recently served as an assistant ICAC Commissioner until last month.

9 You also had a reputation for hard work and high standards. I recall asking you recently how many barristers had worked with you over the years on all the inquiries you had been involved with. You replied, "About half of them."

10 Your dedication to hard work and the task at hand has often involved family sacrifices. For example, during the Waterfall inquiry, you and your wife, Trish, moved out of the family home with your children to take up residence in the caretaker's flat at the Engadine signal box. Apparently this was not all that unpleasant, the flat having by that time been decorated under the delicate artistic direction of Commissioner Justice Peter McInerney in what was to be known as the popular "Swedish Sauna Revival Style" famously epitomised, until quite recently, on the eighth floor of Selborne.

11 You have written widely, including the publication of 'Unconscionable Contracts and Economic Duress' in 1985 and most recently, 'Investigating Corruption and Misconduct in Public Office: Commissions of Inquiry', published last year. You will be pleased to know I am reading that avidly at the moment.

12 You join this Court from the tenth floor, famous for producing eminent Judges both in this Court and in the Federal Court of Australia. Indeed, an appearance in the present Court of Appeal is a bit like attending a tenth floor reunion. The tenth floor has also produced many other careful and canny people including Callaway QC, who tells me that he is proposing to telephone and congratulate you as soon as the Supreme Court switchboard agrees to accept reverse charges.

13 Your appointment to this Court has been universally acclaimed. You join today a powerful bench of dedicated women and men whose own fearless reputation for hard work and independence you will continue to enhance. The barristers of New South Wales wish you a satisfying and rewarding life as a member of this Court.

14 If the Court pleases.

15 **MR J E McINTYRE, PRESIDENT, LAW SOCIETY OF NEW SOUTH WALES:** May it please the Court. Your Honour, on behalf of the Law Society of New South Wales, it also gives me great pleasure to speak on the occasion of your appointment as a Justice of the Supreme Court.

16 Your Honour brings to the bench a wealth of experience as a dedicated and highly respected legal practitioner of 35 years standing. Your enormous contributions to the law, along with your past experiences, will greatly assist you in your new judicial role.

17 After graduating from Arts and Law from the University of Sydney, your Honour undertook that venerable but now regrettably abandoned method of legal training known as 'Articles of Clerkship' with Murphy and Moloney Solicitors, who, at the time, were one of the oldest and established firms in Sydney. There you gained a reputation as a conscientious and meticulous person in all facets of your work.

18 In the perverse Aussie tradition, close colleagues from Murphy and Maloney tell me you were nicknamed "George" after your father who was a leading cardiologist and heart specialist.

19 I have also been told that your Honour was the star of the popular lunchtime card game called,

"O'Hell", which apparently became a daily ritual at Murphy and Moloney. And I have looked at a number of sources and am unable to find the rules of that game, so they remain a mystery to this day.

20 One colleague, who has remained a very close friend of yours, described your Honour as "one of the greatest human beings on the planet". Other superlatives, which have been used to describe you, include "perfectionist", "absolute gentleman", "delightful", "extremely modest" and "a pleasure to work with".

21 Another solicitor speaks highly of the great deal of voluntary time that you have given, not only to the profession, but also to the community. As a member of both the Bio-Ethics Consultative Committee at St Vincent's Hospital and the St Thomas Moore Society, you have been a significant contributor of time and effort in helping these organisations. After admission you worked as a solicitor for three years for Dawson Waldron, where you obtained a grounding in industrial law. During that time, I am also informed that you travelled abroad to teach English at one of the poorer and less fortunate schools in London.

22 In 1974 your Honour moved from the ranks of solicitor to become a member of the Bar and was subsequently appointed Queen's Counsel in 1991.

23 Throughout your extensive career at the Bar, your Honour has been involved in the work of many important inquiries, having held several appointments as Assistant Commissioner of the Independent Commission Against Corruption.

24 Your colleagues have always admired your hard work and commitment. They have also relied on your extensive knowledge of the law for advice, particularly in the areas of industrial law, occupation health and safety, and common law.

25 Your Honour has also been a prolific writer on a variety of legal subjects.

26 As mentioned by my friend, your most recent and highly acclaimed publication, "Investigating Corruption and Misconduct in the Public Office", gave an insightful exposition of the functions and procedures of Standing Commissions of Inquiry and of Federal and State Royal Commissions.

27 The publication received a glowing review by Mervyn Finlay QC, who said: "The author has sought, in my view most successfully, to explore the ethical and legal imperatives that are fundamental to the integrity of government and public administration and then, at a different level, to examine the practical investigative methods and means for exposing conduct that is inimical to the public interest."

28 Your Honour, I am told, is a devoted family man to your wife, Trish, and your four children. Your Honour leads a very busy and active lifestyle. Although you may find it difficult at times to compete with your son Jeremy, who holds a considerably lower golf handicap, you still manage to find pleasure and enjoyment on the golf course. The state of your golf handicap, I am sure, is not a reflection of talent at the game, but probably a function of the availability of time you have to practise your swing. If you accede to Mr Harrison's advice, your handicap is surely likely not to improve.

29 To all of us present here today, it is apparent that your Honour joins the Bench after already making significant contributions to the legal profession. I have no doubt that your contributions to the judicial system will be just as valuable.

30 Your Honour, the solicitors of New South Wales congratulate you on your appointment and wish you many challenging and rewarding years on the Bench.

31 As the Court pleases.

32 **HALL J:** Chief Justice, members of the Court, members of the legal profession, distinguished guests, ladies and gentlemen. Firstly, Mr Harrison, thank you for your extremely kind and overgenerous remarks. Having known each other since our first days at the New South Wales Bar, I am in a position to say that your gift for employing strategic and colourful hyperbole, both inside the courtroom and out, has not let you down today. But I do feel quite unworthy of your complimentary

remarks and I was greatly moved that you would think to make them.

33 Secondly, Mr McIntyre, thank you for your gracious remarks and greetings on behalf of the solicitors of New South Wales. It is an obvious fact that, without their support in entrusting their cases to my care, I would not be here today.

34 The lot of a solicitor is both critical and often a taxing one. Between meeting the expectations of demanding clients, sometimes even more demanding barristers, seeking the cooperation of difficult witnesses, dealing with the highs and the lows of litigation, I have sometimes thought that instructing solicitors seem to blend so well the skills of a lawyer with those of a therapist.

35 I would like to record my very deep appreciation to you, Chief Justice, and the other members of this Court, firstly, for their extremely warm welcome and; secondly, their offers of assistance in settling into my new role. It is, of course, a very great honour to be called upon to serve the community in a judicial capacity and for me particularly so by joining this Court.

36 It is only natural, I think, that in leaving the Bar to come to this Court, there is a little sadness in saying goodbye to the floor where one has spent so many years in the practice of the law. It is a great floor and I have been very proud indeed to have enjoyed such a long association with its members.

37 I read with Roger Gyles of Queen's Counsel, now Mr Justice Gyles of the Federal Court. It was he who, I am sure, was instrumental in my joining the tenth floor at Selborne Chambers. He was for me a wonderful mentor. His fine surgical-like skills in analysing legal problems was firmly underpinned by a belief which he sought to convey to me that, at times, without the application of moral courage when the situation called for it, a barrister was not doing his or her job.

38 I had the honour in later years of being appointed, along with John Stowe of Queen's Counsel, as counsel assisting his Honour when he was appointed Royal Commissioner, as has already been mentioned, into the Royal Commission into the building industry. That was a memorable and valuable experience.

39 Although Mr Gyles J should, at this time, be sitting today in Canberra, I am pleased indeed to see that he has, by some unknown means, completely dislocated the Federal Court list so that he could be here today. I should confess that his Honour did not act alone in that respect for I encouraged him to do so.

40 If you will forgive me for reminiscing for a moment. I initially acquired a very small room on the tenth floor, which once had been the library annex to the chambers of the truly great Sir Nigel Bowen and who, of course, was always a much revered member of our floor.

41 At that time, a Mrs Dorothy Slater had worked on the floor for more years than anyone could possibly remember and, by the time I arrived, she was indisputedly floor matriarch. I had not long settled into my little room on that first day, which I grandly called "my chambers", when she came to see if I had settled in. Her attention was immediately drawn to a collection of old books. On close examination she exclaimed, in her sometimes formidable voice, "These are Bowen's books. I will ring him and tell him to get them out of here." I tried to restrain her. Firstly, I pointed out, just having come to the Bar, I didn't have any books and they wouldn't be in the way. Secondly, and more importantly, Sir Nigel was then Chief Judge in Equity and I thought he had more than enough on his plate than to be troubled by a few old books.

42 It was a little after 4pm that day when there was a light tap at the door. The instinct of a young barrister said that this must be a solicitor with a brief for the newcomer. But no, alas, standing on the threshold of the door was the dignified, if not chastened, Chief Judge in Equity. "I have come to collect my books", he said. "I didn't actually know I still had any books on the floor up." He then commenced to leaf through the books occasionally shaking his head, as I remember well, as memories of time past obviously came flooding back and in that lovely manner of his he reminisced just a little about his days on the tenth floor.

43 I soon came to realise that a barrister can't function effectively without a good clerk. David Griffiths, Margaret McLennan and Di Strathdee have each been marvellous clerks and I regard them as my friends.

44 The opportunities that I have had are due almost entirely to the support and example of my parents. My mother, Shirley Elizabeth, who died a few years ago, had, from when I was a young person, an unshakable faith and confidence in me. Why I do not know. It means a lot to me to be able to say that that confidence of a mother for her son has continued to sustain me to this day.

45 My father, as has been mentioned, is a medical practitioner. Although he has never been interested in nor wanted public recognition for his work, I take the liberty on this occasion to say that he, for many years, was a specialist physician and cardiologist of distinction. From the earliest memory, his children, I can say, found in him, daily, a perfect model of what absolute and unconditional service to others means. It gives me great pleasure and pride to know that he is here today.

46 I would like to acknowledge on this occasion my wife, Trish. She has been my greatest supporter. She was often left to raise our four children alone while I attended to my professional duties and she has been simply wonderful.

47 The inspiring people that I have met throughout my career have enriched my life and practice at the Bar and it has enhanced my interest in the law. I have already mentioned by name the great Sir Nigel Bowen and Roger Gyles. Many others are here today and I would like to mention and acknowledge, in particular, the Honourable Kevin Holland QC who, until a few minutes ago, had intended to be here, but, through illness, is unable to be here. The Honourable Mervyn Finlay QC, now Assistant Commissioner of the Police Integrity Commission, the Honourable Maurice Ireland, Commissioner, now Inspector of the Police Integrity Commission. Also, the Honourable Robert Hunter QC, the Honourable Jerrold Cripps QC, who has recently taken up the office of Commissioner of the ICAC. These are people who I have worked over the years and I am a great beneficiary for having done so.

48 In the field of industrial law, the Honourable Terry Ludeke and Professor Ron McCallum, Dean of the University Law School, are both here and I am delighted that they are. In more recent times I have had the privilege and the benefit of being appointed to work with Professor McCallum to advise government on the revision of Occupational Health and Safety Laws. Whether it was to do with privative clauses, rights of appeal, director's responsibilities, or a possible new offence of what some have termed "industrial manslaughter", my observation was that his disciplined approach to legal analysis was, as appropriate, accompanied by an attempt to identify the spirit that infuses the law and elevates it from being mere words on a page to a principled and living process for determining rights and obligations and ultimately for delivering justice.

49 I can only hope that in the discharge of my judicial responsibilities I can show something of his principled and balanced approach.

50 At the outset of the current law term, I was looking forward to resuming general practice after having spent the past three years in inquiry work and a particular commitment in another jurisdiction. However, that intended course of action suddenly changed with the events that bring me here today. That change of direction, I hasten to add, brings with it challenges that I am eagerly looking forward to.

51 When writing recently on the important responsibilities that attach to public office and that arise from the exercise of public power, I had no contemplation whatever that, within a few months, judicial power would be placed in my hands. The public trust which comes with the office I now occupy I regard as sacrosanct. I will seek to fully discharge the important responsibilities under that office and under that trust to the very best of my ability.

52 I would finally wish to sincerely thank members of the Bar, including Mr Tom Hughes QC, other senior members of the Bar and friends in the profession who have expressed their good wishes. I thank them for attending here today. I am very greatly honoured by your presence.

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