



SUPREME COURT OF VICTORIA
AT MELBOURNE

TRANSCRIPT OF SPEECHES DELIVERED BY:

1. MS P. TATE, S.C.,
Solicitor-General for Victoria
2. MR W. ROSS RAY, Q.C.,
Chairman, Victorian Bar
3. MS VICTORIA STRONG,
President, Law Institute of Victoria
4. A SPEECH IN REPLY BY HIS HONOUR

AT A GATHERING IN THE BANCO COURT
on
THURSDAY 17 MARCH 2005
of
BARRISTERS, SOLICITORS, LAW OFFICIALS AND OTHERS

TO FAREWELL THE HONOURABLE MR JUSTICE PHILLIPS
UPON HIS RETIREMENT FROM THE BENCH

HIS HONOUR:
Solicitor-General.

MS TATE:

May it please the Court. It is a privilege to recognise your Honour's contribution to the administration of justice on this occasion of your Honour's retirement from the Supreme Court of Victoria. May I extend to your Honour a very warm farewell and best wishes for your retirement, following an impressive period of over 45 years in the law.

From early days it was evident that your Honour was destined for a distinguished legal career. Your Honour's early education was at Scotch College, where your Honour displayed a particular affinity for Latin - an affinity shared by some of those who were to become your fellow judges of the Court of Appeal.

Your Honour matriculated in 1953 as equal Dux of the school. Your Honour went on to the University of Melbourne, graduating with Honours and winning the coveted



Supreme Court Prize. Your Honour completed articles with Mr William Clarke in the firm of W.J. Clarke & Co, the predecessor of Purvis Clarke Richards, now Gadens Lawyers, and was admitted to practice on 2 March 1959.

Your Honour served as an associate to Sir Douglas Menzies of the High Court for two years, following which your Honour signed the Bar Roll on 3 March 1961, reading with the late Mr Justice Newton of this Court in Eagle Star Chambers. Your Honour set up for work in the newly opened Owen Dixon Chambers, quickly developing an impressive practice in commercial law, equity and probate law. Your Honour gained a reputation as a dedicated and tenacious practitioner with a strong analytical mind, able to dispose of even the most complex of legal problems quickly.

Your Honour's driving capacity for hard work was apparent to everyone, and your Honour assumed additional responsibilities for the benefit of the Bar, including acting as Bar Librarian, and serving, while a barrister, on the Supreme Court Rules Committee for two-and-a-half years. In addition, your Honour occupied the most important role of being in charge of car parking allocation, and it is said that such was your Honour's authority that no one dared park over their allotted lines, and unauthorised parkers lived in fear of being found out.

Your Honour's practice in equity grew. Nevertheless, there were occasions on which enquiries would be made about your Honour's availability for a committal. On these occasions, your Honour's clerk would explain that there were two counsel named Phillips - J.D. and J.H. - and that your Honour was Equity Jack and not Criminal Jack.

Your Honour took silk in 1977, the same year as Mr Justice Batt and Justice McDonald, after a long company investigation in the mid-1970s. Your Honour's extensive knowledge of the law was sought out by many juniors, although few would find themselves equal to your Honour's pace and the rapidity of your Honour's mind. When arguments occurred to your Honour, I am told that your Honour could be seen pacing up and down the halls of Owen Dixon Chambers, gesticulating to an unseen audience. Sometimes, this would coincide with an opportunity for a break for coffee amidst the hard work, and your Honour would unravel the implications of a thought while switching the kettle on with a passing slap.

In 1990, your Honour was appointed to the Bench of this Court, and the dedication and thoroughness for which your Honour was known in respect of any matter in which your Honour had been retained at the Bar was applied to the matters that came before you for hearing and determination.

Your Honour was appointed to the Court of Appeal upon its creation in 1995, along with the President, Mr Justice Winneke, Mr Justice Brooking, Mr Justice Tadgell, your Honour's long-time friend Mr Justice Ormiston, Justice Hayne, Justice Charles and Mr Justice Callaway. One of the matters that came before your Honour was a case concerned with carriage by sea and The Hague Rules, known as *Anglo-Irish Beef v. Federated Stevedores*, later reported in the prestigious Lloyds Law Reports. Your Honour's judgment in that case received what must be the most complimentary expression of concurrence by a fellow judge, when Mr Justice Brooking, describing



his own remarks as nothing more than an elliptical postscript to the judgment of your Honour, began his own judgment with the sentence: "I am persuaded by the judgment of Phillips, J.A." Amongst the other definitive judgments of your Honour was the first case to come before a Bench of three on an application for leave to appeal from the then newly established Victorian Civil and Administrative Tribunal. The application for leave was from a decision granting access under Freedom of Information laws to casino tendering documents, to which the current Attorney-General was the respondent. Your Honour's commitment to the plenary jurisdiction of this Court has been demonstrated by your Honour's capacity to clarify the law in so many fields, including the field of indirect discrimination in the matter of *State of Victoria v. Schou*.

Your Honour served on the Rules Committee of the Supreme Court, now as a judge, from the date of your appointment and was its Chair for several years. Your Honour's dedication to this Court is evidenced by the fact that when Your Honour first retired from full time duty in May 2004, your Honour returned as a reserve judge in October of the same year.

As your Honour embarks upon genuine retirement, might I express the gratitude of the State and its legal institutions for your Honour's remarkable contribution and passionate commitment to the law and dedication of service.

May the coming years of your retirement be happy and fulfilling. May it please the Court.

HIS HONOUR:

Thank you, Solicitor-General. Mr Chairman.

MR RAY:

May it please the Court. I appear on behalf of the Victorian Bar to add the Bar's appreciation and tributes to your Honour's nearly fifteen years' distinguished service as a judge of this Honourable Court.

The library of your Honour's judgments speaks for itself. Your contribution, first in the Trial Division and in the old Full Court, and then since its inception as a founding member of the Court of Appeal, is significant, vast and varied, extending across the breadth of the jurisdiction of this Court.

The history and traditions of the Bar are passed from generation to generation in pupillage. The commitment to hard work, attention to detail and the standard of excellence are all instilled. Those standards are then passed to others and lifelong professional friendships are made.

Your Honour is part of a very distinguished line of mentors and pupils. You read with the late Mr Justice Richard Newton of this Court. Newton had read with Sir Alistair Adam, also of this Court. Adam had read with Sir Wilfrid Fullagar, first of this Court and then of the High Court, and Fullagar had read with Sir Charles Lowe of this



Court. Lowe, like Sir Owen Dixon, did not serve pupillage, it then not being compulsory.

Going the other way, Justice Hayne, first of this Court and now of the High Court, read with you. Justice Nettle of this Court read with Hayne, and my learned friend the Solicitor-General read with Nettle. Justice Sundberg of the Federal Court also read with you, and Justice Callaway of this Court read with Sundberg.

Speaking of Sir Wilfred Fullagar, your Honour frequently appeared as junior to his son, the late Mr Justice Richard Fullagar, whose eulogy you delivered in 2001. In that eulogy your Honour referred to the brevity of Mr Justice Fullagar's opinions. Like Richard Fullagar, your Honour is a perfectionist and insists on precise detail. However, brevity is not a characteristic that springs to mind.

In one case, your juniors, John Middleton and Justice Buchanan, drew a twenty-page memorandum. You wholly re-wrote it in fifty pages, with not a wasted word, but with every logical 'i' dotted and 't' crossed.

All that survived your Honour's re-writing in a twenty-page opinion drafted by Justice Sundberg was the first sentence: "Audrey May Tait, the life tenant, is dead", and the opinion increased in length with, characteristically, not an unnecessary thought or word.

Your Honour's urge to re-write went beyond your juniors and readers. A sixth floor colleague asked you about an affidavit he had drawn. "Here, give it to me." In a flash, the affidavit was completely re-written.

Nor were the re-writes confined to the works of others. You re-wrote your own work. In one case, your appellate judicial colleagues received a draft judgment one day, a re-write the next day, and a further re-write the following day. Any one of the three quite different drafts would have been an outstanding judgment.

This compulsion to re-write may be a legacy of your master, Mr Justice Newton. Newton was junior to Sir Keith Aickin and re-wrote something Aitken had drawn. "What is this document?", Aickin asked. Aickin then tore it up. "I did not require you to settle this, Richard," he said.

In early days at the Bar, your Honour had a competition with Jim Merralls. You had each read with Newton. You each did devilling work for Newton. The competition was to see which of you could get any document by without substantial re-writing. Neither of you won.

The Solicitor spoke of your Honour's academic distinctions and of the appellation "Equity Jack". She did not mention one particular distinction in your law course, and that is the Exhibition in Criminal Law. Had your Honour's practice taken a different path, you may well have been "Criminal Jack" as well as "Equity Jack", leading to wholesale confusion between yourself and the former Chief Justice.



Your Honour brought meticulous attention to detail from your practice at the Bar to your work as a judge. At the Bar you would, in a remarkably short time, digest a mass of material and order it into neat, colour-coded flow charts of transactions. So in the Court of Appeal other judges were delighted to be on a panel with you in cases where there were thirty volumes of transcript to review. In a very short time you extracted and ordered the key passages.

You also brought to the Court your enthusiasm, energy and impatience. It was said at the Bar that although you did knock before entering someone else's room, you would be in the room before the occupant heard the knock. At the Court, you once took a short cut through the 12th court to get to your favourite coffee house. In your haste through the door, you didn't see that work was going on, and fell into a hole in the floor, thankfully without injury.

Although you earned the nickname "Equity Jack", you were not pure. You did arbitration, the St Andrews Building arbitration. You did company inspections. Perhaps most remarkably to the high priests of Equity, you demonstrated a deep and abiding interest in Workers Compensation and Accident Compensation, referred to by the Equity Bar as more folk lore than law.

To those who know your Honour well, this perceived aberration came as no surprise. The same clarity and logic with which you cut the Gordian knot in equity you brought to the tangled legislation in Accident Compensation. You did so as an advocate; you did so as a judge. Nor is it surprising that perhaps one of your Honour's most notable judgments is in relation to the different forms of costs.

In addition to your Honour's energy and meticulous attention to detail, your Honour shared with Richard Fullagar a somewhat mercurial edge. The two of you would stride from room to room wholly absorbed in argumentative discussion. Fullagar and other leaders would roll their eyes at your Honour's meticulous scrutiny of arguments they had seen as straightforward. In the Court of Appeal, counsel used to more passive Benches did not always welcome your Honour's active and sometimes constant participation. At the end of the day, however, after the case and the arguments had been scrutinised, from perhaps more angles than counsel might have wished, judgment was given according to law.

With your Honour's retirement, this Court is losing a powerful, searching and innovative intellect. It is losing a decent, courteous and thoughtful judge, without an ounce of malice - not something that can be said of all of us in this fiercely adversarial profession.

Your Honour has always been a great traveller. Despite the long hours you have worked, you have made time to travel, and you are devoted to your family. Your economy in travel by train, bus, and even bicycle, and the careful scheduling of a couple of hours or a half day as sufficient to rush around a particular town, have not always been attractive to your wife Eva, who has left you to your own hectic time table on occasions. She has on these occasions contented herself with remarkable records of such trips, with maps, photos and tickets put together as painstakingly as any judgment.



However, now that your son is with Gulf Air, you have, I understand, been able to travel in greater comfort than ever before. A possible project in retirement may be to learn how to use the Internet. We understand that you have until now relied on Justice Ormiston's Internet skills to find and download train time tables, so you would know what time your train will leave town.

On behalf of the Victorian Bar, I wish your Honour a long, satisfying and happy retirement. I hope you will favour your many friends at the Bar with your company at Bar dinners and the new Essoign. May it please the Court.

HIS HONOUR:

Thank you, Mr Ray. Madam President.

MS STRONG:

May it please the Court. I appear on behalf of the Law Institute of Victoria and, representing the solicitors of this State, it is with great pleasure that I pay tribute to your Honour's service to this Honourable Court.

Your Honour has made a significant contribution to the law, and throughout your professional career you have achieved many things, including, among others, being Dux of Scotch College, a Supreme Court Prize winner, Queen's Counsel, trial judge, and then a judge of the Court of Appeal.

As we have heard, your Honour was educated at Scotch College in Melbourne, where your academic prowess was acknowledged in 1953 when you were named equal Dux of the school. Indeed, the school's motto bears credence to your Honour's professional career: *Deo Patria Literas* - to the glory of God, for the good of one's country and for the advancement of learning. Throughout your Honour's distinguished career, you have continued to uphold the fine traditions of service and excellence for which your school is renowned.

Your Honour's keen interest in all things literary was never more evident than when you enthusiastically took on the role as founding co-editor of the Melbourne University Law Review in 1957. Earlier periodicals had been published within the Law School and by the Articled Clerks' Society of Victoria. However, it was in 1957 that the journal became known by its current title. At the time, the Law School's Dean was Sir Zelman Cowan, later the Governor-General of Australia, and it was under his guidance that the Review was modelled on the Harvard Law Review, which had been run by law students since 1887. Although the Melbourne University Law Review has undergone significant changes since then, your Honour was an editor at a most crucial time in the publication's history, and clearly many students benefited from the expertise of a Supreme Court Prize winner as their editor. One colleague also recalls that this experience enabled your Honour to hone your skills at writing thorough articles and making judgment calls - qualities that would later serve you well on the Bench.



Throughout your career at the Bar, your Honour is remembered as a fearless advocate and as someone who is incredibly loyal to his colleagues. As a judge, those that appeared before you may have at times been somewhat frustrated by your Honour's tenacious line of questioning, or, as one colleague put it, "He was always interrupting" - which may really have been a practitioner's code for saying, "He's really testing my arguments." It was your Honour's genuine desire to hear the merits of each case that drove your thorough approach to challenging arguments and careful analysis of legal issues. In one anecdote, your Honour's court room was described as being known for its rabbit burrows, into which bunnies are actively pursued and chased. This pursuit was clearly led by your Honour in a bid to test the accurate presentation of each case. One colleague recalls that, "In the court room he was always clearly focused on the job at hand, mindful of the significance of a judge's role, but outside he was friendly, approachable and a good bloke to have lunch with" - something that hopefully your Honour will have more time to do in the future.

Your Honour is also gratefully lauded for the exemplary manner in which you upheld judicial ethics. Ever vigilant of the need to maintain anonymity and to carry out the judicial functions with impartiality, respect and due diligence, yours was clearly an ongoing pursuit of excellence throughout your professional career. Your Honour is also remembered for the long-standing contribution you made as a member, and later Chair, of the Supreme Court Rules Committee. Fellow committee members were grateful for the driving force you provided, the experience and enthusiasm towards often highly technical, complex and somewhat dry subject matters, and for the ability you had to jolly everyone else along. Your Honour was said to possess an intellectual curiosity about the law, and a need to research extensively, and it was with great rigour that you would delve into issues, and even the arcane matters, in a dogged pursuit of excellence.

Outside of work, your Honour has enjoyed the adventures afforded by travel. Indeed, at the ceremonial sitting to mark your welcome to this Court, reference was made to your Honour's Vespa journey, traversing the east coast of Australia. One colleague recalls another biking adventure. This one occurred back in the 1980s and was an example of your Honour's ability to submerge yourself in your pursuits. After a bicycling tour overseas, your Honour arrived back sporting a striped shirt, beret and the quintessential natty toothbrush moustache. Your Honour's new attire attracted much comment and earned you the label of a Francophile.

Reference has been made to the confusion caused by your Honour's name and the moniker of Equity Jack, by which you have become universally known. However, the proliferation of the name Phillips on the Bench may also have been an advantage, as your Honour had the ability to attribute many unpopular judgments to your learned colleague of the same name. One hopes that in retirement you will no longer experience the inconvenience of being mistaken for other colleagues bearing the Phillips name. Regrettably, however, you will now contend with the other 591 individuals listed in the White Pages under J. Phillips.

I understand that your Honour has purchased a farm in Buxton, and word is out on the land that the rabbits are eagerly awaiting your next pursuit.



On behalf of Victoria's solicitors, I again thank you for your significant contribution that you have made to this Honourable Court and extend to you and your family wishes for every happiness for your retirement. May it please the Court.

HIS HONOUR:

Thank you, Ms Strong. Solicitor General, Mr Chairman and Madam President, colleagues in the profession, ladies and gentlemen. Thank you all very much indeed for taking the time to say farewell. I do very much appreciate your attendance, and I thank you, Solicitor General, you, Mr Ray, you, Ms Strong, for what you have said from the Bar table, and so very generously. It is very humbling to hear such things said in public. I always tried to remember H.L. Mencken's saying that a judge is a law student who marks his own papers, and I am grateful to you for marking mine so leniently. At least you spared me anything like the sardonic reply of the silk, now deceased, to whom a senior solicitor confessed that he had never intended to be a lawyer, the silk responding, "Well, after 25 years in the law, I suppose you could say that you achieved your ambition."

For more than 14 years I have been sitting here, and it has been hard and unremitting, but exciting and rewarding - emotionally, I hasten to add, before I am misunderstood. But for much of that time I have had to bite my tongue, which I know many of you will find impossible to believe! But I refer to policy matters rather than the debate within a particular case. For, during my time on the bench, and especially as I grew more senior, I have watched with some concern a change emerge in the perception of this Court by others and some blurring of essential distinctions. I want to speak briefly of that now because I have been unable to say much about it until today - and tomorrow, and I mean after 31 March when my resignation becomes effective, I fear that nobody will listen.

As we all know, the independence of the judiciary is a cornerstone of our constitutional system, particularly the independence of this Court, which must from time to time tell the political arms what they can and cannot do according to law. As a court we will rarely, if ever, be popular with politicians, but while I have been sitting here, I have seen what appears to me to be some erosion of this Court's independence. One of the most public examples recently was the refusal of the Executive to accept the decision on remuneration handed down by the tribunal established by the Parliament for the very purpose of freeing both Parliament and the Executive from the invidiousness of the decision-making process over judicial salaries and so ensuring the independence of which I am speaking. Less well known was the refusal of earlier governments to allow that the Court's own chief executive officer be appointed by the Governor-in-Council and its insistence that that officer be appointed by and be ultimately answerable to the Department of Justice, which is what happened. That appears now, if I may say so, to have been but part of a movement towards this Court's becoming absorbed into that Department, and it is that to which I want to draw attention in particular; for such a movement **must** be reversed if this Court is to have, and to keep, its proper role under the constitution.



Of course this Court must be answerable for its expenditure of public moneys; so much is obvious, but that is a matter for Treasury, not the Department of Justice. This Court is not some part of the public service and it must never be seen as such. Established as a court of plenary jurisdiction and with supervisory jurisdiction over all other courts and tribunals, this Court is the third arm of government, co-equal in concept with Parliament and the Executive. Its role, inter alia, is to control and to limit those other arms according to law and to that end to stand between those other arms and the citizen. Hence the emphasis on the Court's independence, especially from the Executive.

Yet within the Department of Justice this Court is now identified *and dealt with* - would you believe!! - as "Business Unit 19" within a section labelled "courts and tribunals", a section which indiscriminately includes all three tiers of the court structure and VCAT. This Court is subject to direction on the raising of taxes in the form of court fees - in that these are prescribed by departmental regulation, even if a part of those fees is redirected to the Court by the department at its discretion. The other day the department used a regulation to prescribe a procedure in this Court, apparently in disregard, if not in defiance, of the convention that such matters are for rules of court. And perhaps most troubling of all: the judges' computers, which were provided by and through the department, are but part of the departmental network. I do not say that departmental officers ordinarily avail themselves of the access that that affords; one hopes the department has some controls in place. But access is possible, and that seems to me altogether inappropriate when the State, in one form or another, is the major litigant in this Court, and sometimes on matters of critical import to the wider community.

Nobody is suggesting that the Executive would ever seek to influence a judge's decision directly, otherwise than by argument in open court, but what has been happening is more insidious. What is evolving is a perception of the Court as some sort of unit or functionary within the Department of Justice, a perception which is inconsistent with this Court's fundamental role and underlying independence. Indeed I think it is fair to say that the Supreme Court, despite its dominant role within the court structure and its constitutional role vis a vis the other arms of government, is now seen by some in authority as no different from a tribunal, nowadays the Victorian Civil and Administrative Tribunal in particular. That is simply not the case; yet the distinction between a court and a tribunal has been steadily undermined over the years, and it *must be restored* if the proper constitutional position is not to be subverted. That is the second point I would, and you will be pleased to hear the last one.

The basic distinction is easy enough. A court exercises judicial power and must be, and be seen to be, impartial and so must be independent of all else. Accordingly, its judges are appointed once and for all, and ideally, without hope of additional gain or reward from anyone, including any other arm of government. Hence Parliament's creation of the specialist remuneration tribunal. In contrast to a court, a tribunal, properly so called, exercises administrative functions but not judicial power, and many things flow from that. Such a tribunal *may* be an arm of the Executive; its members *may* be appointed for fixed terms, with the possibility of renewal at the



discretion of the Executive; and the need is not so great, to see that their remuneration is fixed independently of the Executive.

You will see, now, how far the distinction between court and tribunal has become blurred. While the Victorian Civil and Administrative Tribunal is staffed by a few judges, it consists mainly of members appointed for fixed terms, capable of renewal at the discretion of the Executive - and hence my alarm when, in addition to its administrative work, that tribunal was given some judicial power to exercise, for the latter is altogether inconsistent with such a form of tenure. There is talk now of acting judges for this Court, and again, because this is a court which is exercising judicial power, such would be anathema. It is one thing to tolerate the occasional acting appointment to this Court for a limited time or purpose; it is altogether different to institutionalise such temporary appointments at the discretion of the Executive. Judges of a court properly so called **must** have security of tenure or, in a relatively small community like this in Victoria, the whole system is put at risk. Our courts have been remarkably free from any taint of bias or corruption; let it remain that way.

There is course a downside to such a method of appointing her Majesty's judges, but it is one for the appointee to bear. A judge must be, and be seen to be, impartial and so must eschew all other interests which might one day give rise to conflict or the appearance of bias. In my book, the judge must forgo the current cult of the individual: to adapt Edmund Burke, "individuals pass like shadows, but the [institution] is fixed and stable". The judge is sometimes accused of remoteness but in one sense that is no more than the reverse side of the commitment, the **total** commitment, which is demanded of the appointee. This Court, and hence the community, has been splendidly served by its judges in the past, men such as Cussen, Tom Smith, Adam, Gowans, Newton and Fullagar, both father and son, to name but a few of those now deceased. I said at my welcome that I felt very honoured to have joined a court with such a history and that feeling never left me. I hope that my work here, even if not to the same standard as theirs, would not have been unacceptable to them, and, if so, I am content.

But of course whatever I have been able to do could not have been achieved without the significant help of a number of others and I wish now to acknowledge that.

First are my colleagues on the Bench with whom I have enjoyed working for so long - and here I may be forgiven perhaps for mentioning the particular pleasure it gave me when I was joined on the Bench by one of my pupils and in time, by not one, but two of my grandpupils. Judgment writing in particular requires much more than a decision, and I thank the other judges - particular in the Court of Appeal - for their ready assistance in letting me try out my thoughts and their patience when a rush of blood to the head was threatening to lead me astray. To the Registrar of the Court of Appeal and the Prothonotary and their staffs, to the librarian Mr Butler, the associates and tipstaffs, the secretaries and the messenger, the court maintenance and IT staff, the Chief Executive Officer and his staff, my thanks to all of them for their help whenever it was sought. And special thanks to the court reporting staff who, with my speed, have had particular problems.



To my own tipstaff of nine years or more, Mr Richard King, my thanks for your work both in and out of court. To my secretary since my appointment in 1990, Mrs Susan Young, and more recently Mrs Ann Daish too, my thanks for persevering with good humour through draft after draft after draft; for otherwise my judgments would have contained more errors than they do. To my associate since November 1990, Mr Doug Spence, my special thanks for so much assistance and in ways too numerous to mention, but particularly for tolerance and kindness when all about must have seemed despair. And then there is my family. My children who, though grown up now, still look after their old dad with a patience which I envy and whose love, support and kindly derision have helped me to keep, I hope, some sense of perspective. And of course, my wife, without whom none of this would have been possible, as she well knows, and whom I cannot possibly thank sufficiently. I came to this Bench just after our 25th wedding anniversary and I am leaving it just after our 40th. That says it all. It's "our time" at last after 40 years, and I only hope that she is looking forward to it as much as I am.

Finally, the profession. I know that I was not the easiest judge to appear before, something that will perhaps not surprise my family either. But I have been deeply appreciative of the way in which the profession has always answered all that I asked of it, if not demanded. In truth I was always seeking assistance, for I was never so sure of my ground as I rather gather I sounded. Those who appeared at the Bar table were at their best when willing to enter into the cut and thrust of debate and - importantly for me - to persevere despite what sometimes must have appeared to be heavy "odds against". I *did* listen and not infrequently I was persuaded, and for all that I am indebted to you. My experience has taught me that by far the best training for an independent judge is an independent barrister whose skills are tested in the public arena of these courts and whose ability is therefore known before appointment, and does not remain to be discovered only afterwards. But I am in danger of remounting the soap box. I remember what Tennyson said:

A young man will be wiser by and by;
An old man's wit may wander ere he die.

I say no more.

Thank you all again very much indeed for your attendance. I wish you all the very best for the future. Adjourn the Court sine die.
