
Tribute to the late Justice Richard Ellard Cooper

**Justice Richard Ellard Cooper
3 January 1947 – 14 March 2005**

The following is the tribute delivered by John Farquharson at the Ceremonial Sitting of the Full Court of the Federal Court of Australia held at Brisbane on 13 April 2005.

May it please the Court. It is an honour as President of MLAANZ, the Maritime Law Association of Australia and New Zealand, to address the Court on the very substantial contributions made to MLAANZ by Justice Richard Cooper and to pay tribute to him on behalf of the members of MLAANZ. I personally regret that the tyranny of distance prevented me from getting to know him better, both socially and professionally.

Whilst I am extremely fortunate to have spent a short while with him and his wife, Penny, not so long ago during a day tour to the Clare Valley in South Australia after last year's MLAANZ conference, I'm indebted to a number of people who knew him well, in particular, Professor Edgar Gold and Stewart Hetherington, for much of the information and sentiment which I'm able to express in this address.

Justice Cooper's involvement in maritime law in Australia started in about 1975 when he returned to the Bar in Brisbane following a number of years in the Attorney-General's Department in Canberra and London. He was briefed extensively in maritime matters and appeared in a number of scuttling cases which were prevalent in the late '70s and early '80s. He was an active member of the Queensland Branch of MLAANZ during this period and served as President of that Branch for a number of years before becoming Australian Vice-President of MLAANZ itself from 1990 to 1994.

It was a measure of the man that he was, as a Judge, prepared to be Vice President of the Association. He remained thoughtful and a dedicated supporter of MLAANZ after relinquishing his committee involvement. He delivered learned papers on various aspects of maritime law and gave wise counsel to those involved in current tasks of MLAANZ. Not only was Justice Cooper active at a local and national level with MLAANZ and in Australian maritime industry affairs, he was an extremely important ambassador for MLAANZ. This was through his involvement and contributions to maritime law at an international level. His international work not only reflected highly on MLAANZ but also on the Federal Court of Australia and, indeed, the nation generally.

In 1985, Justice Cooper was keenly involved as an advisory committee member of the Australian Law Reform Commission on Admiralty Reference and provided submissions to the Commission on the reform of admiralty jurisdiction. Ultimately, the Admiralty Act 1988 came into being and he became Chairman of the Admiralty Rules Committee appointed by the Attorney-General under that Act. Justice Cooper's involvement in the Commission later extended to the Marine Insurance Reference.

The Court has already been told that Justice Cooper spent a term with the Federal Court of Canada in Ottawa. We have also heard he made a great number of friends in that country, and this was at judiciary level as well as amongst the Canadian Maritime

Law Association and its members. He made a very strong impression during his stay and was invited to be the first principal speaker at the inaugural Federal Court Canadian Maritime Law Association seminar that has since been held annually.

His impressive address urged Judges and practitioners in the maritime area to strengthen international co-operation through the Comité Maritime International and to assist in the training of the new generation of maritime lawyers. During Justice Cooper's time as Vice-President of MLAANZ, he strongly urged co-operation with the Canadian Maritime Law Association as well as the Maritime Law Association of the United States. He participated actively at CMI meetings, as we've heard. The meetings he attended were in Sydney, Antwerp, Singapore and Bordeaux, as well as involvement in those of the Canadian and United States Maritime Law Associations in Montreal, New York and Hawaii.

On various occasions at CMI conferences, he led the Australian and New Zealand delegation, particularly in relation to the work that CMI was doing in preparation of the draft instrument which has now gone to the United Nations Commission on International Trade Law to replace the Hamburg Rules governing the carriage of goods by sea.

He was often a principal speaker, and his addresses, whether formal or informal, were always greatly appreciated for their insight, legal knowledge and dry sense of humour. His enthusiastic support of CMI was ably demonstrated when, in order to get to the Bordeaux Colloquium on time, he and Penny beat the French transport strike by taking a taxi from La Rochelle, some 200 kilometres. In recognition of his contribution to the work of CMI, he was appointed, as we've heard, a titular member of CMI. We've already heard that Justice Cooper was appointed the Australian Member of the Board of Governors of the World Maritime University in Malmö in Sweden.

I would add to this that this was with the strong support of His Honour, Chief Justice Black, and that further, following the first three-year term, he has been reappointed each time. This university was established under the auspices of the United Nations International Maritime Organization and has, at this time, graduated some 2000 post-graduate students from over 160 states with qualifications designed to upgrade the maritime sector, especially in developing states.

Much of Justice Cooper's international maritime law work was carried out in his own time and often at his own expense. He strongly believed in the internationality of the maritime system and felt strongly that Judges, at the highest level of the legal profession, had a duty to be involved at the international level if they had a contribution to make on the basis that, and in his own words, "It could not all be left to lawyers and politicians". MLAANZ was, indeed, extremely fortunate and privileged to have had Justice Cooper as a member, office bearer and ambassador. He was a warm, friendly, vibrant and engaging person of great humanity and intellectual strength. His guidance and wisdom will be sorely missed.

My condolences and that of all members of MLAANZ in Australia and New Zealand are extended to Penny and her family. May it please the Court.