

## Appointments, Retirements and Honours

### Sir Robert Vincent Monahan

A knighthood was conferred on Mr. Justice Monahan in the New Year Honours. Mr. Justice Monahan has been a member of the bench of the Supreme Court of Victoria since 1955. His Honour has sat mainly in the common law jury and divorce jurisdiction of the Court.

### Sir Philip David Phillips C.M.G., M.M., Q.C.

Philip David Phillips Q.C. was made knight bachelor in the New Year Honours (Commonwealth of Australia list). Sir Philip Phillips practised at the Victorian bar from 1923 until 1958 when he retired to take up an appointment as special lecturer and the organizer of student moots at the University of Melbourne. He took silk in 1946. Since his retirement from active practice Sir Philip's services have been much in demand by the Commonwealth and State governments. He was chairman of the States Grants Commission from 1960 to 1965, Royal Commissioner upon liquor laws in Victoria and he has recently sat as Commissioner inquiring into the Sunday observance laws of Tasmania.

### Sir Adrian Curlewis

Judge Adrian Curlewis of the New South Wales District Court was created a Knight Bachelor in the Queen's Birthday Honours in recognition of his services to the community.

His Honour is a son of the late Judge H. R. Curlewis and was born on the 13th January, 1901. He was educated at Sydney Church of England Grammar School and the University of Sydney and was called to the Bar in 1927. He served with the Eighth Division of the A.I.F. in Malaya during World War Two and was appointed to the District Court in 1948. He was awarded a C.B.E. in 1962.

Since 1933 his Honour has been President of the Surf Life Saving Association of Australia and since 1956 has been President of the International Council of Surf Life Saving. He has been Chairman of the New South Wales National Fitness Council since 1948 and was the Founder in New South Wales of the Australian Outward Bound Association of which he is a past president. In 1961 he was appointed Chairman of the Youth Policy Advisory Committee to the New South Wales Government.

### The Hon. Sir John Bloomfield, Q.C., M.L.A.

A knighthood was conferred upon the Honourable John Stoughton Bloomfield in the Queen's Birthday Honours (Commonwealth Relations Office list). Sir John Bloomfield has been the Member for Malvern in the Victorian Legislative Assembly since 1953. He practised as a solicitor before the war and, after service as a lieutenant-colonel in the Royal Australian Artillery in the Middle East and New Guinea, came to the bar in 1945. He was Minister for Education from 1956 until this year. He took silk in 1965.

### Mr. Justice Joske C.M.G.

The Honourable Percy Ernest Joske, a Judge of the Commonwealth Industrial Court and the Supreme Courts of the Australian Capital Territory and the Northern Territory, was made a Commander of the Order of St. Michael & St. George in the Queen's Birthday Honours (Commonwealth of Australia list). Mr. Justice Joske took silk in 1944. From 1951 until his appointment to the bench in 1960 he was the federal Member of Parliament for Balaclava. As a private member he laid the foundations of the Commonwealth *Matrimonial Causes Act*. He was editor of the Victorian Law Reports for twenty years from 1936 and is the author and editor of many legal textbooks.

### Mr. Justice Maxwell C.M.G.

Mr. Justice Allan Victor Maxwell, a retired Judge of the Supreme Court of New South Wales was made a Companion of the Order of St. Michael and St. George in the Queen's Birthday Honours in recognition of his services to the blind and to the law. Mr. Justice Maxwell was appointed to the Supreme Court of New South Wales in 1934, became Senior Puisne Judge in 1950 and retired from the Supreme Court in 1950.

Whilst on the Bench his Honour acted as a Royal Commissioner in four different Royal Commissions, two Federal and two State including the Royal Commission on the Liquor Laws of New South Wales. In the course of this Commission his Honour made a visit abroad to study conditions in England and Europe and most of the recommendations contained in his Report were carried into effect by the State Government.

His Honour was born on the 12th May, 1887, and graduated from Sydney University with the Degree of Bachelor of Arts in 1909 and the Degree of Bachelor of Laws in 1913 in which year he was admitted to the Bar. He took silk in 1929.

He was President of the Royal Blind Society of New South Wales from 1945 until 1961 and is now Vice-Patron of that Society. Since 1959 he has been President of the Australian National Council for the Blind and since 1943 has been President of the New South Wales Rowing Association. In 1948 the "Victor Maxwell Nursery" for blind babies was named after him in recognition of his services to the blind and in that year it was at his instigation that Helen Keller toured Australia. On his retirement from the Bench his Honour became the first Chairman of Amalgamated Television Services Pty. Ltd. until 1959.

### Mr. Justice Lee

On the 12th September, 1966, the Honourable Jack Austell Lee was sworn in as a Judge of the Supreme Court of New South Wales after serving as an Acting Judge for two months prior to that date.

His Honour was born on the 15th June, 1921, and was educated at Newcastle Boys High School, from which he matriculated with distinction in 1938. He entered the

Faculty of Arts in the University of Sydney where he obtained high distinction in Philosophy and graduated in Law with first class honours in 1943.

His Honour practised as a solicitor for a short time after his graduation and was admitted to the New South Wales Bar on the 22nd July, 1945.

In 1961 his Honour was appointed one of Her Majesty's Counsel for the State of New South Wales and in 1965 he took silk in the State of Victoria, having been admitted to the Victorian Bar in the same year.

For some years his Honour was lecturer in Procedure in the Sydney University Law School. He was the author of several text books of wide circulation and general use and well known to members of the legal profession in New South Wales. He is a member of the Executive Committee of the International Law Association.

His Honour had a wide and varied practice in all jurisdictions. In 1965-66 he appeared for the Department of Mines in the inquiry into the mine disaster at Bulli, and he also appeared in many leading cases involving the law relating to money-lending.

Mr. Justice Lee maintains an active interest in charity and was for three years President of the Handicapped Children's Centre (New South Wales).

His Honour is well known for his learning, experience and skill and the New South Wales Bar has reason to remember the unfailing courtesy and good humour with which he placed the wealth of his knowledge at the service of those less learned and less experienced than himself.

#### Mr. Justice Sheldon

The frequently recalled after-dinner speech given by Bill Sheldon (as he then was) in honour of Mr. Justice Windeyer came as no surprise to two groups at the New South Wales Bar. One consisted of those whose memories went back to days when William Stratford Sheldon toured the United States as a member of an Australian University debating team. The other consisted of those who practised in the Industrial Commission of New South Wales, where (despite the fact that he never took silk), he had been for many years the acknowledged leader of the Bar. His powerful advocacy, his always thoroughly prepared argument, and his vigorous and colourful, but terse and pointed language, would have made him a formidable counsel in any jurisdiction.

Among his other distinctive qualities while at the Bar there spring to mind a certain sartorial indifference, a lively concern with injustice in any field, an abhorrence of the practice of listing cases while Test matches were in progress at Sydney Cricket Ground, and a marked reluctance to pass on to his next point until all members of the Bench had acknowledged (or at least ceased to question) the validity of the previous one.

His general capacity as a lawyer had been amply demonstrated before he came to specialize in industrial arbitration. A graduate in Arts and Law from Sydney University, he shared the University Medal in Law in 1930. Admitted to the Bar in the same year, he maintained his links with the Law School, where he succeeded Mr. Justice Kitto as Challis Lecturer in Bankruptcy Law and Probate in 1934. He later lectured in Company Law, and (after service with the R.A.A.F. in World War II) in Industrial Law. His knowledge of the lore of this jurisdiction was unrivalled.

Mr. Justice Sheldon's appointment to the Industrial Commission of New South Wales on 7th December, 1966, has not dulled the lustre of his language, which already

shines through a number of important judgments of the Commission.

#### Mr. Justice Newton

Hibbert Richard Newton Q.C. was appointed a Judge of the Supreme Court of Victoria at the beginning of the legal year to fill the vacancy left by the death of Mr. Justice Hudson.

Mr. Justice Newton is 45. He was educated at Geelong Grammar School and the University of Melbourne where he graduated with honours in 1947 after his course had been interrupted by two years' war service as a paymaster lieutenant in the R.A.N.V.R. He read in the chambers of Mr. A. D. G. Adam whose position as the leading junior of the equity bar he later filled. He lectured at the University of Melbourne from 1949 to 1960 in the law relating to executors and trustees. To the surprise of his colleagues he did not seek silk until the middle of 1963.

His advice was prized both for the depth of knowledge which informed his work and for the meticulous attention he gave to detail. His written opinions were more highly regarded than the judgment delivered upon many an originating summons. Certainly more than one judge regretted that he did not possess a copy of Mr. Newton's opinion in the matter. In court his manner was formal and rather hesitant but he presented argument clearly and simply. Working with him one came to appreciate not only his extensive knowledge but the magnitude of the effort that lay behind the apparently easy marshalling of the authorities called to support the well-nigh infallible opinions. His appointment strengthens a bench which has recently lost several of its best judges through death, retirement and resignation, but he is irreplaceable at the bar.

Mr. Justice Newton is the only son of an eminent surgeon, the late Sir Alan Newton. He has strong connexions with the law through the famous literary and legal family of Stephen to which his paternal grandmother belonged. He is married and has four young children.

#### Judge H. H. Gibson

The legal profession of New South Wales received with pleasure the announcement of the appointment of His Honour to be the seventh member of the Workers Compensation Commission. His Honour, native of and still a frequent visitor to Mullumbimby in the far north coast of the state was educated at Sydney High School from where he matriculated in 1937. He then entered Sydney University and graduated in Law in 1942 with First Class Honours. Not satisfied with this considerable academic achievement, the same year he became an Associate of the Chartered Institute of Secretaries. If his then leaning were that of the niceties of company and taxation law, he was disappointed, for the R.A.A.F. promptly gained his services. Indeed he served in Lancaster bombers, after training in Canada, with the renowned 460 Squadron in the U.K. On taking up active practice in 1946 he acquired experience in wide fields but showed a preference for and proficiency in his present jurisdiction. A survey of the leading cases since then will repeatedly reveal his name as counsel for either worker or employer at all judicial levels.

His friends value highly his opinion on all epicurean matters but assay more important his capacity to assess his fellows. His judicial future is certainly regarded by those who practice before the Commission with confidence.

B.R.T.

### Judge Franich

On 15th December, 1966, Ivan Frederick Charles Franich was appointed a Judge of the County Court in Victoria and a Chairman of General Sessions. He is 48. Judge Franich was educated at St. Kevin's College and the University of Melbourne where he graduated in arts and law. He saw service as a lieutenant in the R.A.N.V.R. during the war. He was admitted to practise in 1946 and came to the bar in February, 1948 when he read with his brother-in-law Mr. M. V. McInerney. His practice has been mainly in the common law courts and in bankruptcy.

### Judge Hicks

David Stuart Hicks Q.C. was appointed a Judge of the District Court and Chairman of Quarter Sessions on the 31st January, 1967, since when he has been sitting mainly at Wollongong. His Honour was educated at Sydney Grammar School and St. Pauls College, Sydney University graduating as a Bachelor of Laws in 1933. After a short period as a solicitor he was admitted to the Bar in 1935 and soon acquired a busy and varied practice in most jurisdictions.

During World War II his Honour served as a member of the A.I.F. as (inter alia) a member of a Cav. Commando Squadron and saw extensive service in Papua and New Guinea. After his discharge he returned to the Bar and took silk in 1959. He has appeared before the Privy Council.

Notwithstanding the demands on his time made by his practice, he found time to make valuable contributions to a variety of professional bodies. He was a member of the Council of the N.S.W. Bar Association from 1960-1965. In 1964 he was Vice-President and in 1967 at the time of his appointment again occupied this office. He was also a member of the Executive of the Law Council of Australia in 1964-1965 and was a member of the Inaugural Conference Committee and of the Constitution Drafting Committee of the Law Association for Asia and the Western Pacific.

One of the qualities for which Judge Hicks will be remembered with gratitude by his more junior colleagues was the willingness with which he gave them his assistance and advice. His door was always open, his time freely given and sound common sense advice dispensed. His reputation and popularity both at the Bar and with the Bench were high and his appointment adds stature to the District Court.

### Judge Shillito

Thomas Bernard Shillito was appointed to be a Judge of the County Court and a Chairman of General Sessions in Victoria on 25th January, 1967. Judge Shillito was educated at De La Salle College, Malvern, and Newman College in the University of Melbourne. He volunteered for service in the R.A.A.F. at the age of 18 at the outbreak of war and served as a bomber pilot in New Guinea. He came to the bar on 3rd February, 1950, like Judge Franich becoming a pupil of M. V. McInerney. At the time of his appointment he was one of the few remaining members of the bar to keep chambers in Equity Chambers.

### Master Brett

On 15th December, 1966, the appointment of George Stafford Brett as a Master of the Supreme Court of Victoria was announced. Master Brett was admitted to practise on 3rd February, 1950, and signed the Roll of Counsel on 15th July, 1948. He read with the present Chief Justice of Papua and New Guinea, Sir Alan Mann. He was educated at Scotch College and the University of Melbourne where he graduated in arts and law. During the war he served with the 2/3rd Light Artillery in the Middle East and New

Guinea and after it for fourteen years as a captain in the Australian Army Legal Corps. A man of many interests, Master Brett conducted tutorial classes in law at the University and Ormond College for many years. Until his appointment he organized the bar's golf engagements. He is 50 years of age.

### Edward St. John Q.C., M.P.

Edward St. John Q.C. was elected to the House of Representatives in November, 1966, as Member for Warringah, N.S.W. During the recent "Voyager" debate he made his debut in the national Parliament with a remarkable maiden speech which was widely acclaimed in the Australian press. Having made up his own mind about certain aspects concerning the Voyager inquiry and other matters which had come to light, he did not shrink from doing his duty as he saw it, even if at the expense of political convenience or advantage. One political reporter, commenting in *The Australian* on the Voyager debate, said: "Because Mr. St. John had, with his stature and ability, made dissent on the Government back-benches a respectable thing for the first time in many years, the debate and its result were—regardless of where the truth lies—a triumph for Parliament."

The son of an Anglican clergyman, St. John was born in 1916 and educated at Armidale High School and the University of Sydney, from which he graduated in Arts in 1937 and with honours in Law in 1940. After serving with the A.I.F. in the Middle East and New Guinea from 1940 to 1945 he commenced practice at the Bar of New South Wales in 1945 and took silk in 1956. During 1966 St. John was appointed an Acting Justice of the Supreme Court and at various times he has been a Member of the Council of the New South Wales Bar Association and Challis Lecturer in Legal Interpretation at the University of Sydney.

St. John is one of the most travelled members of the Australian Bar. Apart from Australian Legal Conventions and appearances before the Privy Council, he was a delegate at the First Commonwealth and Empire Law Conference in London in 1955 and during 1960 spent several months in Malta as a member of a three-man Commission set up by the United Kingdom Government to advise on the form of a new Constitution for Malta. In 1959 he was an Official Observer at the South African Treason Trial and he has attended Conferences of the International Commission of Jurists in New Delhi (1959), Rio de Janeiro (1962), Bangkok (1965), Colombo (1966) and Port Moresby (1966). The theme of the Bangkok Conference, at which St. John played a leading part, was suggested by him: in effect, an inquiry as to the operation of the Rule of Law in South East Asia and the Pacific and the chances of its survival. St. John has been closely associated with the work of the International Commission of Jurists for many years and has made visits to Burma and Indonesia on behalf of the Commission. He succeeded Sir Owen Dixon as President of the Australian Section in 1961, an office he has held since that time, and in 1966 became a member of the World Governing Body of the Commission.

St. John takes into the national Parliament a wealth of knowledge and experience. In addition, he possesses the character and qualities which fit him to make a unique and valuable contribution to Australian public life. He has legal and intellectual abilities of a very high order and a great capacity for hard work and attention to detail. Most important, perhaps, he has a sympathetic concern for his fellow man, of whatever status, colour or nationality, a devotion to truth and a rare mixture of high ideals, practical experience and common sense.

P.R.G.