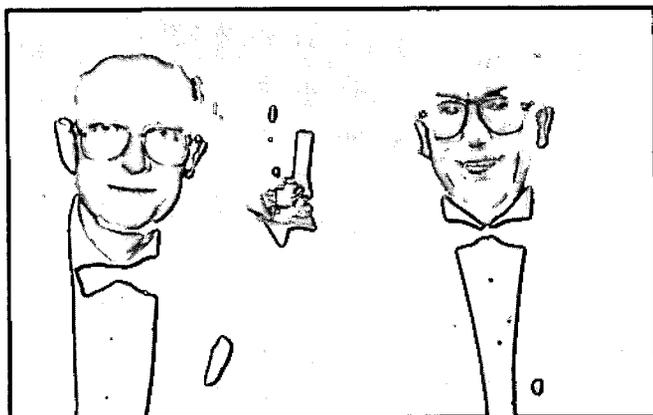


## Mr. Junior D.A. Wheelahan Q.C.

"As recently as Saturday, March 18 - just three days before he went missing - Mr. Friedrich spent some of the day driving around Inverloch in Gippsland. Was Inverloch an old stamping ground? Or was John Friedrich using the alias of Mr. Murray Gleeson in claiming to own a home in the area? One local resident has matched a picture of Mr. Friedrich to a person he thought was a Mr. Gleeson."

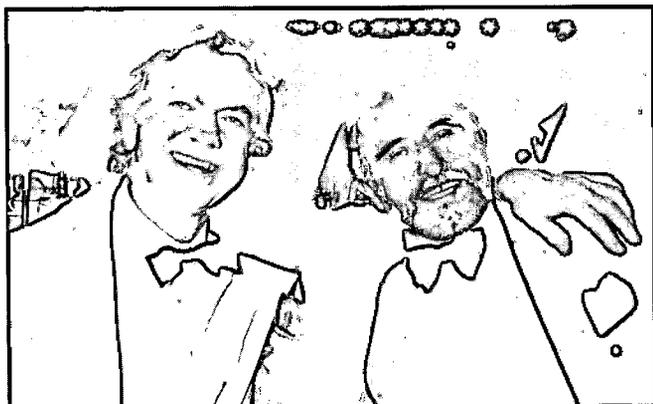
It was immediately apparent to me that my research had not been as thorough or as effective as I had thought. In responding to the toast which Wheelahan and I are to move to His Honour, I trust the Chief Justice will explain to us his amazing double life. □



*Handley Q.C. and Justice McHugh*



*Chief Judge Staunton Q.C. and Justice Matthews*



*Judges Moore and Maguire*

Until tonight the reports about the new Chief Justice have been largely anecdotal. Brace yourselves for revelations empirical.

Tonight you will hear about Gleeson the Great Appeaser - the Neville Chamberlain of negotiators with the then Great Satan of the Law Reform Commission, Prof. Ron ("we'll rub you out") Sackville.

You will hear how the Chief Justice, in order to curry favour with socialist and Tory premiers alike, has masqueraded as a truly great servant of this community.

I speak of none other than Gerry Gleeson.

The socialists recommended Gerry for an Order of Australia but, like the appointment of David Godfrey Smith to the District Court through a typographical error, that most sought after of colonial honours went to our Chief Justice.

Much can be understood about the Chief Justice when it is realised that the full-bottomed wig he wears once belonged to Robert Lindsay Taylor. When worn by the former Chief Judge at Common Law, never once was a merciful or generous notion or idea harboured under it. Indeed under that wig machiavellian plots for the discomfiture of counsel were hatched. How proud His Honour would be to know that the tradition so skilfully created by himself is being continued with such enthusiasm and vigour.

Since the elevation of the Chief Justice many changes have occurred in the Court. He sits in Divisions. He sits in Equity and the Equity poofers, as Mr. Justice McInerney describes all who practise there, are clamouring for the return of Myers J.

He sits in Crime and the hardy, robust practitioners in that jurisdiction are pleading for the return of Mr. Justice O'Brien.

He sits in Common Law. Paraplegics, quadriplegics and brain-damaged infants petition the Government for the appointment of men with the attitude to damages of Mr. Justice Begg.

Seasoned campaigners in the Court of Criminal Appeal recall, with affection, the days when that Court was frequently presided over by Sir Bernard Sugarman.

Judges have told me that especially in the Court of Criminal Appeal members of inner bar, the outer bar and of the criminal community have been reduced to tears following an exchange with the Chief Justice.

This tendency to the lachrymose seems to have developed in this community, historically at least, from the activities of a former and otherwise undistinguished captain of Australian cricket and I refer of course to Kim Hughes. He blubbered and carried on on national television when deprived of the captaincy.

His response to his loss was probably influenced by the fact that he had a girl's name.

A ground swell of sympathy developed for the man. Observing this result the great pragmatist, the Prime Minister, decided to see if it would work for him.

He slobbered and snivelled his way through an interview concerning his family and then, most recently, in a thoroughly unedifying spectacle broke down for the most trivial and

inappropriate of reasons.

Cynics would say that the Prime Minister hoped to gain some sympathy, advantage or support from this display. Rest assured that shedding tears in a Court of Criminal Appeal is unlikely to produce any of those results.

Even though the Chief Justice has passed from amongst us he rated a mention in last Saturday's Spectrum article entitled "Silks City".

That article produced universal erubescence amongst the Inner Bar. The twenty who were named in the article blushed from embarrassment. The 150 who weren't mentioned reddened with rage.

The article was certainly instructive. For example, Ken Handley, to employ the language of Broadcaster Mossop, was flabbergasted to learn that he was rumoured to charge up to five times what was then his going rate.

Tom Hughes learnt to his great surprise that his services could be secured for about 50% of his then going rate. If Bond Media could have secured Tom's services at \$5000 per day there would have been no settlement of the \$100,000,000 Fairfax case.

Spectrum identified three former presidents including the Chief Justice as being Catholics.

Later in that article it was inferred that the same "unholy trinity", as Mr. Justice Hunt might describe them, were reputed not to charge in the highest bracket.

What does this mean? Does it mean that Catholics are no good or just don't know how to charge?

The Inner Bar was divided into "the magnificent seven", "other top silk" and those who failed to rate a mention. Of the last group there are three members of Inner Bar who, principally through the initiative of the Chief Justice, now sit with him as Associate Judges. I refer of course to Morton ("What's my power to remit this matter to the District Court for the assessment of damages") Rolfe, Calvin Rochester ("Verdict for the Defendant") Calloway and Peter ("Derby") Capelin.

Associate Justice Calloway has established by his judicial performance conclusively that one cannot judge a book by its cover and that leopards do indeed change their spots. It is confidently hoped, indeed expected, that His Honour's practice will be in tatters when he returns to the Bar and attempts to yet again entice floods of Plaintiffs into his poor and uninteresting Chambers on the 10th of Selborne.

Associate Justice Capelin maintained the close connection with the turf which was first made popular, fashionable and respectable at this Bar by Mr. Justice McHugh. Some of His Honour's practices tend to confuse those appearing before him. He sits in a Committee room. At the commencement of the day's business His Honour calls the card. He then announces starters and riders for the day's list. He describes the matters that come before him as protests which are either upheld or dismissed and the results of his deliberations are semaphored to puzzled litigants.

I mentioned that Morton Rolfe is an acting Justice and he and the Chief Justice have something in common. It is not, as

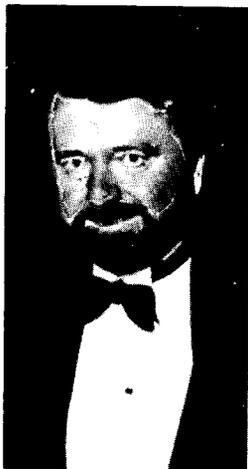
is widely thought, their penchant to boogaloo in Rogues, Williams or The Metropolis nightclubs, but rather the curious habit of being called by name other than that which they were given.

Why some people would seek to be known by a name different from the one they are given or acquired is obvious. For example it would be no fun to be known as "Spaghetti" Eustace, "Putty Nose" Nicholls, "Shagger" Meares or "Shanks" Morris.

But people who have in fact changed their name have done so for reasons that don't appear to be immediately obvious. For example Simon Sheller is really Charles Sheller, Morton Rolfe is really Jimmy, Rodney Parker is really Roger (why would one bother to make such a change?).

Henrich Nicholas is really William, John Holt is really Walter, Bob Lord is really Lionel.

Lancelot John ("Call me Bill") Priestley is in a special category.



This Chief Justice has always been reluctant to use or have used his first given name. It appears that in this regard the Gleesons are an odd lot. His father was christened John and is called Leo. His brother was christened John and is called Paul. The Chief Justice was christened Anthony and is called Murray. But there lies behind the Chief Justice's preference sound reasoning based upon extensive research done by him and it related to the meaning of Anthony.

Anthony has several irreconcilable origins including the Persian "Anxtony" meaning "irritable through bowel problems"; the Roman surname "Antonioni" meaning "one of the Anthony boys" and the English "And Tony" meaning "one who is nearly forgotten and introduced last".

Anthony's tend to be spare, arrogant children, good at language who all seem to need spectacles and look ridiculous in swimming costumes.

Anthony is generally thought to be a useful name for an aimless second son or a large intelligent dog. Most branches of the Christian faith enjoy a St. Anthony including the Catholic St. Anthony patron saint of the uninformed but optimistic and the Coptic St. Anthony patron saint of the continental breakfast.

Is it any wonder that this man changed his name?

The circumstances leading to His Honour's appointment are now appropriate to be revealed.

The bucolic Attorney General informed me that late last year he rang Gleeson Q.C. and the following conversation ensued.

The Attorney: "Would you accept an appointment?"

Gleeson: "As what?"

The Attorney: "A Judge?"

Gleeson: "Certainly."

Then, Gleeson, thoughtfully, "To which Court?"

Since being appointed it was necessary for His Honour to acquire some staff.

Abiding by that most useful of injunctions *delegatus non*

*potest delegare* he conducted the interview for the position of tipstaff himself. Some perfectly decent member of the community presented himself and was asked but one question namely "Have you got any convictions?" The applicant replied "No". The Great cross examiner continued: "I can't think of anything else to ask you." An embarrassed silence followed. The applicant volunteered the following. He said: "I think you will find that I am a very amiable person."

The Chief Justice replied: "Well, I am not."

His application was successful and we can anticipate a long and fruitful relationship between the Chief Justice and his tipstaff.

Chief Justices throughout the ages have had judges who have presented them with intractable problems of discipline and decorousness.

When Julian Salomons Q.C. was invited to be Chief Justice he accepted and received his commission. He never heard a case nor sat on the bench for he resigned before being sworn into office.

Salomons recorded the occasion which made him change his mind - a turbulent encounter with Mr. Justice Windeyer who suggested that he was always "breaking down mentally". The charge was exaggerated but Salomons had in earlier years suffered "brain fever" through unremitting work. He reconsidered his position and decided he could not bear the burdens of the Chief Justiceship together with any difficulties with one of the other Judges.

This Chief Justice has a similar problem, but happily not of those dimensions.

A member of the Court of Appeal was recently touring New Zealand. He was doing his Somerset Maugham impersonation. By that I mean wearing a broad-brimmed straw hat and calico jacket and drinking colossal quantities of poor wine.

An intrepid member of the New Zealand press approached His Honour for his views on a National Companies and Securities Commission. His Honour urged the New Zealanders to resist the temptation to establish such an entity.

He said we had one here.

He said that it was staffed by unemployable cretins. He said the competence of their prosecuting staff was such that he didn't think they had ever won a case. He said they didn't choose flagrant breaches. Typically they picked those involving less than \$100.

Having said that, Mr. Justice Meagher boarded a fast-moving jet heading west. Staffs of Corporate Affairs Commissions nationally now join the complete fraternity of attorneys, the staffs of all law schools, labour lawyers and women in their concern about Meagher.

The Chief Justice is a stranger to neither New Zealand nor women. Once when leaving New Zealand he was asked by a reporter to comment upon New Zealand beer and New Zealand women. His response was, simply, "Your beer is flat".

In a debate he once opened for the Government and pointed at and addressed the leader of the opposition - a Winsome girl from O.L.M.C. Parramatta named Lynette Brooker and quoting Macbeth said: "Oh horror, horror, horror! Tongue nor heart cannot conceive nor name thee." The debate was won, but the girl was lost.

The Chief Justice was for a number of years the President of the Bar Association. He was its President during some of its turbulent years when the gang of four in the Law Reform Commission was feverishly attempting to amalgamate us with the Attorneys. The then President's spirited defence of the Bar should be known by all for it was recognised by those who observed it to be enormously effective.

His view that an independent Bar was critical to the maintenance of the system of justice as it operates in this State prevailed and it is believed by many to be one of the most important decisions of the last decade.

The Chief Justice was once described by the Chief Justice of Australia as the finest appellate advocate in the country. He left the Bar at a time when his career was at its apogee.

He had the confidence, capacity and cupidity of the consummate advocate.

He was invited to leave the Bar to accept the staggering burden of the State's highest judicial office at a time when his earning capacity was significant and the demand made upon him and his financial resources were not insubstantial.

He left the Bar at a time when the gap between judicial and private professional earnings was increasing exponentially.

Notwithstanding these matters, the enormous honour, the challenge and the burden of the Chief Justiceship attracted him. In the short time that he has been there he has performed in a way that surprises none of those who knew him well.

His hand is seen in many unexpected areas.

Judicial output has increased. Litigious backlogs are disappearing and there can be no doubt that the Supreme Court has a vital and effective leader. The highest office has fallen to the man best equipped to shoulder its burden and if the Attorney General of the State of New South Wales is remembered for nothing else he will be remembered as the man who was successful in attracting this most eminent and worthy gentleman to this most prestigious and important position.

Ladies and gentlemen I invite you to toast our guest of honour, Chief Justice Gleeson. □



P. Hall and C. Calloway Q.C.