

The Hon. Justice Peter McClellan

Peter David McClellan QC was sworn in as a judge of the Supreme Court of New South Wales on 30 January 2001.

His Honour completed Arts and Law degrees at the University of Sydney and, after a short time as a solicitor at Hall and Hall, was admitted to the Bar in 1975.

His Honour read with John Brownie. His chambers for 20 years were on 6 Selborne and for the last 4 years on 11 St James' Hall. In his speech on his swearing in, His Honour paid tribute to Murray Willcox, who encouraged and inspired him in the law, and to his clerk for many years, Les O'Brien.

His Honour's leadership in the area of environmental and local government law has been widely noted. Commissions of enquiry also became a specialty, with His Honour being counsel assisting the Maralinga Royal Commission, and assistant commissioner at the Independent Commission Against Corruption and more recently chairman of the Sydney Water Enquiry where, as has been said, he rapidly became an expert on giardia and cryptosporidium. At his swearing in, His Honour noted in respect to his role as counsel assisting the Maralinga Royal Commission:

It was truly the brief of a lifetime. It allowed me to examine in detail the history of a significant post-war period of Australian life in which, although the development of nuclear warfare was central, many great issues emerged. One of the most significant was the treatment of Indigenous people by the authorities of the time, and the need to define an effective response in the 1980s. The cruelty shown to Aboriginal people, who were rounded up and put on trains going west from Maralinga to anywhere and thereby dispossessed of their land, with their tribal and social structures destroyed, remains as but one of the legacies of that era of Australian life. The anger expressed by Jim McClelland, sitting in the dust with Aborigines at Maralinga, and the recommendations of the final report, could never repair the damage done to many individuals.

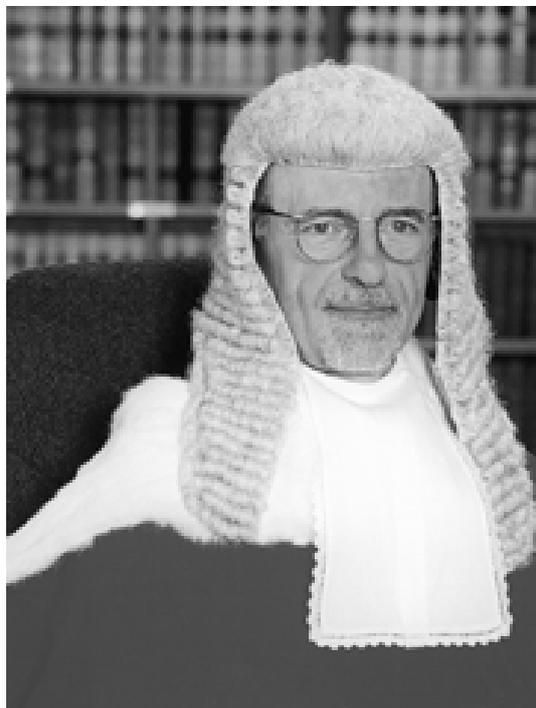
... I was exposed for the first time to the political process, both national and international. Jim McClelland, a dashing figure with an acerbic tongue, well understood the role which publicity could play in achieving effective outcomes for the Commission. I maintain a vivid recollection of drafting an opening statement for him when we sat in Brisbane, gently chiding the British Government for its reluctance to provide classified documents from its archives. The reluctance, I later learned, was based on Jim's former active sympathy for the revolutionary ideals of Leon Trotsky. The judge manifestly disagreed with my gentleness and, tearing up the draft, prepared a stinging attack, not only on the government of Margaret Thatcher but on the whole notion of the British empire. To ensure his statement would not go unnoticed, he finished by remarking on Henry VIII's matrimonial difficulties.

His Honour will sit in the Common Law Division.

The Hon. Justice George Palmer

George Palmer QC became a Judge of the Supreme Court of New South Wales on 23 April 2001.

After graduating from Sydney University, he did his articles at Freehill Hollingdale & Page, working



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extensively in commercial law. From 1970 until 1974 he was employed as a solicitor, and then admitted as a partner, at Messrs Strasser Geraghty & Partners where he specialised in mining and oil exploration and development work and public company securities.

His Honour was admitted to the Bar on 8 November 1974. He read at the Bar with RA Conti QC, now Justice Conti of the Federal Court. He took silk on 12 November 1986. At the Bar, he specialised in company and commercial law and trade practices law.

At his swearing in, the President of the NSW Bar Association, Ruth McColl S.C. said:

Apart from your manifest legal skills, one of the reasons you undoubtedly acquired a large practice lay in your approach to your clients and your cases. While passion is not always a description encouraged in relation to a barrister's work, particularly not in the company list, in your Honour's case it is a fair to say that you have always been passionate about your cases. You have always pursued your client's interests with great zeal at the same time managing to remain objective. You have, of course, always been exceptionally well organised and prepared for each case. You are a lateral thinker but at the same time a person who understands human frailties. You are said to have great patience. You have been exceptionally well prepared for each case, bringing to

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that preparation those qualities essential for judicial life being decisiveness, tenacity, extreme logic and the great ability of being able to sort the wood from the chaff.

His Honour was involved in many notable cases at the Bar. So, for example, he was junior counsel to Roger Gyles QC now of the Federal Court assisting the Woodward Royal Commission into Drug Trafficking. He undertook a special investigation on behalf of the National Companies and Securities Commission into the collapse of the Balanced Property Trusts. He appeared in the *Tryart* litigation, parts of *Spedley*, the *Estate Mortgage* case, *Talbot v NRMA Holdings* and many other notable cases.

Outside the law, His Honour is an accomplished composer and conductor, making his conducting debut at the Sydney Opera House in 1998, conducting the Sydney Opera House Orchestra in the curtain-raising programme for the Ray Charles tour.

His Honour sat as an acting judge of the Supreme Court in late 1991.

His Honour will sit in the Equity Division.

The Hon. Justice James Allsop

On 21 May 2001, before a packed Court 21A, James Allsop S.C. was sworn in as a judge of the Federal Court of Australia. His Honour was called to the Bar in July 1981 and appointed Senior Counsel in 1994. He had been the University Medallist in Law at Sydney University and was Associate to Sir Nigel Bowen. He is the first former Federal Court Associate to be appointed to that court. As was pointed out (kindly or unkindly) at his swearing in, he is the first Sydney resident judge of the Federal Court to be born in the second half of the 20th century.

Apart from his distinguished career at the Bar spanning commercial law, insolvency, tax, trade practices, maritime, intellectual property, administrative and constitutional law, His Honour has devoted his time generously to both the cause of legal education and service to the New South Wales Bar. He has and continues to teach part time at the Sydney University Law School, has lectured to Vietnamese government officials and judges and taught at the Australian Advocacy Institute. He has also acted as a director of the Bar's Sickness and Accident Insurance Fund and as a director of the Bar's Superannuation Fund. More recently, His Honour was heavily involved in the Bar's response to the HIH collapse.

It is rumoured that, immediately after his swearing in, he was *not* overheard having a vigorous debate with Justice Hely. As David Bennett QC said on the occasion of his swearing in:

Your Honour has taken the old description of equity as a whispering jurisdiction to new lows. The hard of hearing have learnt to take their work elsewhere. Secondly, your Honour has a love of dim lighting. A number of theories have been offered for this predilection, most of which can be rejected out of hand. It's unlikely to flow from a desire to conserve energy. It's certainly not from a desire to reduce your electricity bills. Bankrupt and insolvent barristers do not practise at Dame Joan Sutherland Chambers. The most likely theory is that the dim lighting is to prevent those who



The Federal Court at the swearing in of
The Hon. Justice James Allsop.

have difficulty in hearing your Honour's proffered advice from cheating and obtaining it by lip reading.

Ruth McColl S.C., speaking on behalf of the Australian and New South Wales Bar Associations, made the following observations which reflected the universal acclaim which met Justice Allsop's appointment to the Federal Court:

You have a deep love of the law as a discipline and this may in fact reflect one benefit of your foreshortened years as a disciple of the History Department, for you developed during that period a methodology and analytical approach particularly suited to the legal process. In your practice at the Bar you have honed that skill to perfection. You have a passion for drilling down to ensure that you understood the fundamental principles of the law so that you may expound the doctrines of law correctly. You never accept a principle at face value; you always make sure that you trace its origins and determine why it emerged. Your diligence in presenting cases is legendary. You've always been completely across the facts and the law...

All who have worked with you anticipate you will be a delight to appear before and a model of courtesy to counsel. The Bar is confident you will be a superb judge. On behalf of the Australian Bar I welcome your appointment to this Bench. We are confident you will meet the demands of office with the same distinction and with the same attachment to principle, hard work and to independence of mind that has marked your service as a barrister.

In reply, Justice Allsop, *inter alia*, paid tribute to a number of senior members of the Bar, some of whom are now on the Bench. His Honour said:

It is over 20 years since I was last seated on this side of the Bar table in this courtroom, slightly forward and lower, when I was the associate to someone who I think was a truly great judge and a wonderful person, Sir Nigel Bowen. I spent nine fascinating months with him