

The Hon Justice Ian Harrison

On 12 February 2007 Ian Gordon Harrison SC was sworn in as a judge of the Supreme Court of New South Wales.

The Hon Justice Harrison was educated at Normanhurst Boys High School and graduated in law at the University of Sydney. He obtained articles from Hall & Hall in 1974 before being admitted as a solicitor in 1975. His Honour then lectured at the UNSW Faculty of Law, before being called to the Bar in 1977. He read with the Hon James Wood, formerly chief judge at common law.

His Honour was appointed senior counsel in 1995. In 1996 he was appointed by the Commonwealth attorney-general to conduct an inquiry into allegations of corruption in the Australian Federal Police, and in 2004 was made an assistant commissioner to the ICAC. His Honour was also chairman and director of the Neuroscience Institute for Schizophrenia and Allied Disorders, and in 2003 was made a director of the Law Council of Australia and also a member of the Legal Practitioners' Admission Board.

His Honour chaired one of the Bar Association's professional conduct committees from 1998 to 2001, during which period he was successively treasurer and junior vice-president of the Bar Association, becoming president in 2004.

The Hon Bob Debus MP, attorney general of NSW, spoke on behalf of the NSW Bar Association and Geoff Dunlevy for the solicitors of NSW. Harrison J responded to the speeches.

The attorney paid tribute to Harrison J's remarkable achievements to date, having led a distinguished career in the law and public life, and referred to his Honour's capacity for leadership and his integrity and professionalism. The attorney said that Harrison J led the AFP inquiry scrupulously and with great skill, in recognition of which the then Commonwealth attorney-general said:

I take this opportunity to publicly acknowledge the work of Mr Harrison and his team in the conduct of this important Inquiry. The standing and reputation of the AFP is a matter of public importance. His contribution to ensuring the basis for continued public confidence in the AFP is significant.

Mr Debus also referred to his dealings with Harrison J whilst president of the Bar Association, saying:

As attorney general I had the privilege of many robust exchanges with you over issues relevant to the welfare of your members, as well as issues of principle in the civil and criminal law.

At contentious late night meetings in parliament house to debate tort law reform to which the Bar had taken exception, we would try to break your spirit with cups of weak instant coffee or – the ultimate weapon against a noted connoisseur – lukewarm parliament house moselle. Even Philip Ruddock would define that as torture within the meaning of the Act. Your politeness in the face of these insults was unflinching but the next morning you would be back on the radio denouncing the government in tones as reasonable as they were compelling.

I found you to be a fearsome opponent in public debate, but a steadfast and persuasive ally when you believed the cause was just.

The attorney referred to his Honour's well-known Monaro:

You have the great good sense to spend the weekends in Blackheath, without doubt one of the most beautiful but certainly the best electorally-represented town in the state. You travel there in what has been said to be the true love of your life, your yellow Monaro.

The sales slogan for the first Holden Monaro (in 1968) was 'Out to Drive you Wild', which your Honour then was. In younger, less responsible times, the Blue Mountains highway patrol had a creed, 'Only God can make a tree, and only Ian Harrison can drive past it at 160 kilometres an hour'. Your Honour is a reformed man in that respect – sort of.



Left to right: Hamilton J, Harrison J, Adams J, Spigelman CJ, Austin J, Mason P.

But such is the environmental destructiveness of your chosen method of transport that you have your own chapter in the Kyoto Protocol. It is now easy to check with the Environment Protection Authority on the impact one's car has on our precious environment. Your Honour's 'muscle car' emits over 10 tonnes of greenhouse gas per year and scores three out of 10 in terms of limiting pollution. (A Toyota Prius scores nine out of 10.)

A little known fact is that as partial repayment to the planet you thus despoil, you do spend many weeks a year in a rustic hideaway on Mount Freycinet in Tasmania, documenting the habits of Australia's largest honeyeater, the Yellow Wattle Bird. This bird is described in reputable texts as a repellent-looking, streaky grey with two long yellow wattles, one hanging down each side of its face and a call reminiscent of a violent hacking cough.

Another favoured object of your ornithological pursuits is the Orange Bellied Parrot – the third most endangered parrot in the world. (There are only 128 left anywhere.) It, too, inhabits Tasmania and is attracted to the Yellow Wattle Bird. On one occasion your Honour took your car to the Apple Isle on the *Spirit of Tasmania*. The subsequent drive down the coast saw an Orange Bellied Parrot mistake your Yellow Monaro for a Yellow Wattle Bird. The parrot was, as John Cleese might say, 'deceased'. To say the least, your Honour had a Road to Damascus experience.

Mr Dunlevy referred to addresses given by his Honour at ceremonial sittings of the court:

A former president of the Law Society of New South Wales, Gordon Salier, has reminded me of your Honour's address at the retirement of the then Registrar Berecny. At the time your Honour said that like the Income Tax Act the registrar would be a very hard act to follow. The solicitors of New South Wales are confident that a similar rationale will not apply to your Honour's judgments.

Similarly, at another judge's swearing-in ceremony your Honour was quick to remind that judge on the ways to avoid adverse publicity in any event. I thought it was incumbent as the president of Law Society to echo your Honour's remarks on that ceremonial occasion, and so I reiterate your Honour's remarks, in order to avoid controversy – a judge should avoid going to conferences and should never take annual leave.

Under no circumstances should your Honour travel overseas. In fact it is probably best to avoid travel at all costs, except for the purposes of country sittings. When I last enquired, country sittings were considered to be an act of judicial duty and not a 'judicial perk'.

Harrison J returned to this theme, referring to the ceremony to mark the retirement of Justice Meagher:

I suggested that when I was appearing before him in court one day he had told me that he was going to go to sleep and that he didn't expect me to be there when he woke up. Some sections of the media seized upon that anecdote as fact and ran it in support of a vigorous campaign apparently aimed at raising the standard

of judicial conduct. The story, of course, was completely false, blatantly invented by me for comedic effect.

His Honour also reflected on his early days at the Bar:

For any number of reasons, barristers commencing practice these days don't seem to get quite the same opportunities to appear in trials that existed when I started out. This is unfortunate, as there is nothing that quite compares with being thrown in at the deep end. I well remember my first trial. It was in Wagga Wagga and my opponent was Tim Studdert, now Justice Studdert. If ignorance were bliss, then in 1977 I was teetering on the brink of ecstasy. I appeared for a plaintiff claiming damages for personal injury suffered by him in an industrial accident. I think I managed to open the case to the judge without apparent incident and to ask a few preliminary questions in the same way. Then, from memory, I asked the following question:

'Q. Mr O'Neill, is it the fact that on 29 June 1971 you were employed by the defendant as a sheet metal worker at its premises in Junee when, in the course of performing that work, you were injured as the result of the negligence and/or breach of duty on the part of the defendant, its servants and agents, when your hand became trapped in a vice which had not been properly maintained or guarded, as a result of which you suffered severe and continuing injury and disability, loss and damage including loss of enjoyment of life, pain and suffering and loss of income and you have otherwise been greatly damnified in your domestic, social, cultural and sporting activities for the rest of your life so help you God?'

Studdert objected. I couldn't believe it! Whatever happened to the camaraderie of the Bar, which I had heard so much about! As if to make matters worse, the judge rejected my question. I thought he must have been one of Studdert's old mates off the Seventh of Wentworth! During the remainder of the day I had cause to reflect upon the wisdom of my career choice. My bliss was receding at about the same rate as my ignorance. I wish I didn't know now what I didn't know then!

His Honour concluded by paying tribute to the system of justice in this country:

It is the nature of its work that it will produce results with which not all, and sometimes not any, parties or observers are happy. We should, however, be slow to embrace the notion, that the extent to which the outcome in a particular case manages to satisfy various sections of the community is always, or ever, an important indicator of the standard of justice which is delivered.