

Swearing in of Jacqueline Sarah Gleeson as a Judge of the High Court of Australia

By Ingrid King

Justice Jacqueline Gleeson was appointed a Judge of the High Court on Monday 1 March 2021 in a ceremonial sitting of the Court. While the attendance at Court was socially distanced, as was appropriate due to the ongoing pandemic restrictions, it was an occasion filled with warmth, humour and respect for her Honour's achievements.

In attendance were Senator the Honourable Amanda Stoker, Assistant Minister to the Attorney General on behalf of the Attorney-General Mr Christian Porter MP, Ms Jacoba Brasch QC, President of the Law Council of Australia, Mr Matthew Howard SC, President of the Australian Bar Association and Ms Gabrielle Bashir SC, Senior Vice-President of the New South Wales Bar Association. There were as many members of the profession present as the COVID-19 restrictions would permit with the crowd in attendance spreading over two court rooms with a live video link to Court 2.

Despite the restrictions on travel required



by the pandemic, many dignitaries were present, as the transcript of proceedings will demonstrate.¹ Notably, her Honour was joined by her father, the Honourable Murray Gleeson AC QC, former Chief Justice of Australia, and her mother, Robyn Gleeson. Numerous family members and friends were also present to join the celebrations.

Justice Gleeson graduated in 1986 with a Bachelor of Arts, and in 1989 with a Bachelor of Laws from the University of Sydney and was admitted as a solicitor of the Supreme Court of New South Wales and commenced work as an associate to the Honourable Trevor Morling QC at the Federal Court in 1989. In addition to excelling in her legal education, her Honour participated in university debating and studied French.

Her Honour was admitted barrister of the Supreme Court of New South Wales in 1991 when her Honour was 'quite young'.² Despite her Honour's youth:

'senior barristers noticed your Honour's diligence, perseverance and mastery of detail. You appeared with now Justice Steven Rares, now Justice Michael Slattery, now Justice Francois Kunc, the Honourable Bob Hunter QC, Bret Walker SC, Rod Smith SC, all in a wide variety of litigation.'³

Her Honour was offered the role of General



From left to right: Michelle Painter SC, Ingrid King, Janet McDonald, Justice Jacqui Gleeson, Brenda Tronson and Elizabeth Raper SC

Counsel at the Australian Broadcasting Authority's 'Cash for Comment' inquiry. Her Honour moved to the Australian Government Solicitor in 2003. In 2005, her Honour completed a masters of Laws at the University of Sydney focusing on administrative, regulatory and trade practices law. Her Honour then returned to the Bar and was quickly appointed silk in 2012 amongst an 'exceptional cohort'.⁴

Her Honour's practice as a senior counsel included administrative law, competition and consumer law, professional liability and disciplinary proceedings and taxation. It was noted that Her Honour was:

'the very model of a modern silk: intellectually talented, hardworking, extremely wellprepared, juggling a life away from practice and supportive of those who rightly looked to your Honour in awe and admiration.'⁵

Despite Her Honour's busy practice, her Honour was also a Director of the New South Wales Bar Association, a member of the Professional Conduct Committee, the Bar Council and the Facilities and Functions Committee.

Her Honour was appointed to the Federal Court in 2014. Her Honour's efficiency as a Judge was remarked upon by Senator Stoker:

'Experienced counsel appearing before you know that they must be well prepared and use the court's time effectively. Your Honour is known within the profession for delivering refreshingly frank judgments. One

such example of this is in proceedings relating to a property spruiker. A few memorable phrases from the judgment come to mind such as your finding that the respondent's conduct amounted to "an expensive waste of time", and that in relation to his evidence the respondent was "habitually careless with the truth". Suffice to say, your Honour did not find in his favour.

At the same time I am told that in your decision of *Drew v Lynch*, your Honour became the second judge to use an emoji in a judgment, demonstrating your commitment to being down with the lingo.'

Her Honour also presided in important cross-border insolvency matters and performed 'valuable work on insolvency law during your time on the Bench at the Federal Court'.⁶

On a more personal note, the speeches recounted Her Honour's kindness, generosity, 'wicked sense of humour',⁷ and scrupulous honesty. The speeches noted that her Honour is 'a highly skilled craftswoman and a valued member of the cross-jurisdiction court craft club, a bridge between the Federal Court of Australia and the Supreme Court of New South Wales in Sydney.' The speeches did not record, but this note does, that her Honour took care to invite members of the NSW Bar Knitting Group to her swearing in.

Her Honour expressed her thanks to Chief Justice Allsop of the Federal Court

of Australia, and acknowledged his role as her mentor. Her Honour acknowledged the attendance of her family, and in particular noted the presence of her partner Angus, her daughter Claire, and her stepdaughter Ella. She observed with regret that her stepson Steven had been unable to attend. Her Honour recalled with gratitude her wider family, friends, and her current and former judge's Associates.

Her Honour observed she was in the rare position of being able to overrule the decisions of her father, but that for her part, her Honour's mother 'can still consider her decisions unreviewable'. There was laughter in the Courtroom in response to this quip, even if the response of her Honour's father was not recorded for the transcript.

Her Honour did allow her father the last word, concluding:

'I will allow my father to have the last word concerning the weight of responsibilities that I have taken today. That weight is heavy. But 'a sense of inadequacy is no excuse for lack of courage or determination'". **BN**

ENDNOTES

- 1 <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCATrans/2021/34.html>
- 2 Senator A Stoker
- 3 Ms J Brasch QC
- 4 Ms J Brasch QC
- 5 Mr M Howard SC
- 6 Senator A Stoker
- 7 Senator A Stoker



From left to right: The Hon Justice Chrissa Loukas-Karlsson, Dr Sarah Pritchard SC, Michelle Painter SC, Jane Needham SC, Kate Eastman SC, Her Honour Justice Gleeson, Dominique Hogan-Doran SC, Dr Jacoba Brasch QC, Gabrielle Bashir SC, Elizabeth Raper SC, Dr Kristina Stern SC and Sarah McNaughton SC