

Speech Given at the Ceremonial Sitting to Mark the Retirement of Chief Justice Murrell

4 March 2022

Supreme Court of the Australian Capital Territory

Chief Justice Murrell

I acknowledge the traditional custodians of this land and I pay my respects to their Elders, past, present and emerging. I acknowledge that sovereignty over this land has never been ceded.

Thank you, Auntie Violet, for your welcome, and for your wonderful gift. As you noted, only eight short years ago, you welcomed me here to the Territory and your presence today to perform my final welcome brings events full circle. Thank you.

Attorney-General, Justice Gageler and other judicial officers, members of the legal profession and other friends of the Court, you honour me and the Court by your presence today, particularly those who have travelled interstate. Many are of necessity attending remotely, and I would like to give a special shout out to my Senior Associate, Ross, who is attending from his hospital bed; one of my first associates, Anneke, who is in isolation as of midnight last night; my first registrar, Annie Glover, who is contending with the Brisbane floods; and mediator extraordinaire, Margaret Sidis, who has been recently stranded on a newly formed island in the Hunter Valley.

I am also mindful that some who were here at the beginning of my tenure are not here today. I am thinking of my parents, Ken and Helen. It is a consolation that my beautiful grandchildren are here.

Attorney-General, Mr Muller and Ms Carroll, thank you for your very kind words, and Acting Chief Justice Elkaim, thank you for this unique occasion where you have remained largely serious.

I have been a lawyer for 44 years. It was by fortunate accident that I became a student of law, not of architecture, and that I went on to become a lawyer, rather than a journalist. In a third stroke of good luck, I have spent most of my legal career, 25 of the 44 years, practising law as a judge.

My time as a judge of this Court has reinforced something that I expressed when I was sworn in as Chief Justice—that judging is the most rewarding way in which to practise the law.

I think that I was a reasonable barrister and a fair judge. But it was really only in the autumn of my career, in this role, that I found my vocational stride. In this role, I have felt most extended and most comfortable. I am one of the lucky few who can say that my career has given me everything that I would have wished for if, in myopic adolescence, I could have had the wisdom of later years.

I came into this role at a time when—as the judges, the profession and the bureaucracy agreed, change was needed on many fronts. Changes were needed to improve court efficiency. Resources were antiquated—the courthouse was inadequate for contemporary needs and so was the IT. There was neither a civil nor a criminal mediation system. Governance was, at best, idiosyncratic, and at worst, just plain absent. There was distressingly little recognition that the judiciary was a separate arm of government—rather, it was widely regarded as an eccentric outpost of the Justice and Community Services Directorate.

No one person or group of people can effect sustainable change. The changes that have occurred here have been the work of everyone present in Court today and everyone who has been associated with the Court over the past eight years. I would like to mention a few of my fellow travellers on that journey to change. No doubt, I will omit some important names and I apologise for those omissions.

Attorney-General, Simon Corbell, and successive JACS Director-Generals, enabled the Court to resume control of its own affairs, progressed the funding of a new Court building, and otherwise adequately resourced the Court. They supported the critical decision to appoint a Principal Registrar, answerable to the heads of jurisdiction, rather than to the executive. I know that our current Attorney-General is also committed to supporting and strengthening the judicial arm of government.

My Principal Registrars, Phillip Kellow and Amanda Nuttall. Together with the Chief Magistrate, to a governance vacuum, we have introduced process and transparency.

My Registrars, Annie Glover, Amanda Nuttall and Jayne Reece. If you want something done, ask a busy person. If you want something extraordinary done, ask a couple of busy women. How we relished those statistics! Even if the old data system was so poor that you had to pull out the paper files and compile the statistics manually so that we could brainstorm a creative solution.

The Sheriff and her staff, the Registry staff and the librarians, unsung and often unseen. Thank you for your tireless work that has often gone unthanked. The last two years have been particularly hard. Thank you for enabling justice to be delivered uninterrupted through this period.

The late Cameron Lyons and his team worked consultatively to create a courthouse that is near perfect in the facilities that it provides. It also reflects and nurtures the progressive, mature justice system that it houses. And the construction project gave me an opportunity to realise my inner architect!

My colleagues, the judges. You are so smart and so dedicated. More importantly, you are courteous and compassionate (the DPP would say, to a fault, but I disagree). You are collegial. You are funny (occasionally, some of you are just odd). You listen but you do not hesitate to speak up when you differ. It is hard to imagine a more positive judicial culture than that of this Court. We are not just colleagues; as Justice Elkaim said, we are friends.

The additional and acting judges have complemented the talent of the resident judges and brought greater depth to our jurisprudence. I must admit, as will be apparent today, that I raided my former court to recruit the best and brightest!

The Chief Magistrate and the Magistrates. Thank you for your collegiality.

My associates and EA's. You are brilliant. Together, we have been a brilliant team. I couldn't have written the judgments and I certainly couldn't have written the speeches without your help. We worked hard but we have also had fun. Every year, I have felt doubtful and asked my current Senior Associate and the Registrar, "Do you think that so-and-so, my current Junior Associate, has what it takes to lead the Court's team of associates as Senior Associate next year?". Invariably, they have responded in the affirmative. Invariably, they have been right. I am in awe at the authority, initiative and empathy that you have shown as Senior Associates. Soon you will lead the legal profession; that is reassuring and a source of pride.

The legal profession. For us as judges, the gossiping habits acquired as advocates continue—much as we once complained about judges, we now complain about counsel. "I can't believe I've drawn X. I'll be here all week", "If I've said it once, I've said it a dozen times, but they just can't understand the obvious point", and so on. But in the clear light of day, it must be conceded that most of you don't waste the Court's time and you do get the point. You demonstrate the qualities of the profession at its best—integrity, courage and efficiency. You have proposed creative ideas and fearlessly embraced change. Thank you for the way in which you have served as officers of the Court.

As has been remarked, one of the most satisfying changes has been the increase in the number and seniority of women advocates in this jurisdiction. It was only three years ago that I lamented, "perhaps before I retire...women will occupy the front bar table". And now you have taken your seat at that table. The ACT is probably the only Australian jurisdiction in which women are appropriately represented in all parts of the courtroom most of the time.

Another of my greatest pleasures was chairing the National Judicial College of Australia. With Lillian Lesueur as CEO and input from judicial officers nationwide, innovative programs were developed and delivered, governance was introduced and the NJCA forged strong connections with other judicial education bodies domestically and internationally.

I acknowledge the love and support of my family, my daughters, Meredith and Eleanor, my partner Paul and my broader family.

Finally, I thank the ACT community, an open and progressive community that eight years ago welcomed me to this jurisdiction and gifted me the opportunity to serve in this role.