

SPEECH OF MICHAEL COLBRAN QC, PRESIDENT OF THE AUSTRALIAN BAR ASSOCIATION ON THE OCCASION OF THE SWEARING-IN OF THE HON JUSTICE PATRICK KEANE OF THE HIGH COURT OF AUSTRALIA ON 5 MARCH 2013.

May it please the Court

I acknowledge the traditional owners of this land and pay my respects to their Elders past and present.

As the third speaker at your Honour's third judicial welcome I feared that like a slow Master Chef contestant I would find the cupboard bare.

Fortunately the ever-resourceful Honourable Justice Middleton was ready to help. He recalled how, in the days you happily shared at Oxford, a dual passion was engendered. First and foremost the passion for the pursuit of excellence in the law but, coming a close second, a passion for the pursuit of a better wine than that which the economics of student life allowed. But more of that secondary passion later.

For more than 21 years – since your appointment as Solicitor-General for the State of Queensland in 1992 – Your Honour has served in public office the community of Queensland and later the wider community of the nation.

The ceremonial farewell sittings of the Queensland Court of Appeal in March 2010 and from the Federal Court last Thursday revealed the mutual affection and respect between Your Honour and your Judicial colleagues and the staff of each Court you served.

At Your Honour's Farewell from the Queensland Court of Appeal, Chief Justice de Jersey AC spoke of Your Honour as a **“gifted . . . [and] astute lawyer with [a] fine capacity for decisive and reliable judgment”**; and said that you were,

in the production of judgments, **“from the very start, not just quick but rapid and that reflected [your] unbridled capacity for hard work, [your] judicial assurance, and [your] immense learning”**.

Characteristically, your Honour deflected the focus of this gathering of the profession to thank you and celebrate your achievement by making it a tribute to your fellow judges and the staff of the court.

Your Honour spoke with warmth of the remarkable contributions to the Court of Chief Justice de Jersey AC; of President McMurdo and of the Judges and staff of the Court; of the practising legal profession; and of prosecutors, legal aid and public defenders.

And showing the forward looking vision for which you are renowned you offered a thought provoking comment on the importance of our common law adversarial system and the role of the superior courts. You spoke of the co-operative national system of integrated state and federal courts - observing that:

**“The days of vertical glass walls and jurisdictional turf wars are gone.”
We are, you said, not really State or Federal, but rather Australian -
with an integration that ensures unity and coherence”**.

So it was also with Your Honour’s Farewell last Thursday. Gracious and forward looking, you paid tribute to Sir Nigel Bowen and Dr Michael Black and spoke with affection and admiration of the members and the staff of your Court. You then spoke forcefully about the need for courts:

“To ensure that the central processes whereby justice is administered to the satisfaction of the community are as efficient as is humanly possible”.

You referred with justified pride to the leadership shown by the Court in adapting technology, including electronic filing, to the process of the administration of proceedings.

Then, in a typically generous way you added

The skilled lawyers who bring to bear critical human intelligence to the analysis and refinement of the available data remain the most important resource available to the courts and the community in the doing of justice.

We appreciate Your Honour's ever present grace toward the profession.

I have spoken of two themes in your long journey but perhaps there is a third.

At your Court of Appeal welcome in 2005 upon completing your time as solicitor general for Queensland Your Honour spoke of being

"Called to sally forth from the sacred soil of Queensland to resist the incursions of the Federals", and of

"The eerie sensation of knowing for certain how it felt to serve in the Army of Northern Virginia".

In my role today as a speaker for the Australian Bar, or Australian Bars, I note that the journey from recognising the rallying call of the confederate south to marking the end of the nation's jurisdictional turf wars is a significant one. The last step which brings you here today caps the path to an Australian vision.

Justice Keane, apart from your judicial career, you bring to this Court an extraordinary breadth of experience from Articles with Myles Kane in the small firm of Roberts & Kane; to the large firm of Feez Ruthning; to 25 years at the Queensland Bar, including 13 years as Solicitor-General.

Your Honour also brings the admiration and respect of the Bars of the nation – won though doing each of the jobs you have had with unstinting application, clarity of thought, good humour and courtesy.

As Federal Court Chief Justice, Your Honour travelled extensively, sitting in every Registry. And this from time to time offered the opportunity to engage your secondary passion - for the wines of the nation.

You have foregone the peripatetic possibilities which your last job offered but your love of trees without leaves and fire in the fireplace will I hope ensure frequent visits to Melbourne where you will be assured, as in every other city and state of the country, of a very warm welcome.

On behalf of the Australian Bar Association and the barristers of Australia, I wish Your Honour long, distinguished and satisfying service.

May it please the Court.