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SUPREME COURT OF THE NORTHERN TERRITORY OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

CHIEF JUSTICE

THE HONOURABLE JUSTICE BRIAN ROSS MARTIN
(retired 10 September 2010)

THE HONOURABLE JUSTICE TREVOR JOHN RILEY
(appointed 27 September 2010)

ACTING CHIEF JUSTICE

THE HONOURABLE JUSTICE DAVID NORMAN ANGEL
(retired 20 January 2010)

THE HONOURABLE JUSTICE DEAN MILDREN RFD

JUDGES

THE HONOURABLE JUSTICE DAVID NORMAN ANGEL
(retired 20 January 2010)

THE HONOURABLE JUSTICE SALLY GORDON THOMAS AM
(retired 6 August 2009)

THE HONOURABLE JUSTICE STEPHEN ROGER SOUTHWOOD

THE HONOURABLE JUSTICE JUDITH CLAIRE KELLY
(appointed 12 August 2009)

THE HONOURABLE JUSTICE JOHN EDWARD REEVES
(appointed 1 May 2009)

THE HONOURABLE JUSTICE JOHN RONALD MANSFIELD AM
(appointed 1 June 2009)

THE HONOURABLE JUSTICE JUDITH KELLY
(appointed 12 August 2009)

THE HONOURABLE JUSTICE JENNY BLOKLAND
(appointed 9 April 2010)

THE HONOURABLE JUSTICE PETER BARR
(appointed 30 September 2010)

THE HONOURABLE JUSTICE BRIAN ROSS MARTIN AO
(appointed 22 November 2010)

ACTING JUDGES

THE HONOURABLE BRIAN FRANK MARTIN AO MBE
(retired 3 June 2009)

THE HONOURABLE LESLIE TREVOR OLSSON AO MBE RFD ED

THE HONOURABLE HOWARD WILLIAM OLNEY AM
(retired 20 July 2011)

THE HONOURABLE GEOFFREY MICHAEL EAMES
(retired September 2009)

ATTORNEY-GENERAL

THE HONOURABLE DELIA PHOEBIE LAWRIE MLA

MEMORANDA

SUPREME COURT OF THE NORTHERN TERRITORY
STATE SQUARE, DARWIN

CENTENARY CEREMONIAL SITTING

TRANSCRIPT OF PROCEEDINGS

COURTROOM 1, MONDAY 30 MAY 2011 AT 2:58 PM

PRESIDING JUDGES

The Hon Chief Justice T Riley The Hon Justice 0 Mildren RFD The Hon Justice S Southwood The Hon Justice J Kelly The Hon Justice J Blokland The Hon Justice P Barr The Hon Justice J Reeves The Hon Justice J Mansfield AM The Hon Justice B R Martin The Hon Acting Justice Trevor Olsson AO MBE RFD ED

In attendance:

The Hon Justice Susan Kiefel The Hon Chief Justice John Doyle AC The Hon Chief Justice Higgins AO The Hon Justice David Ashley The Hon Brian F Martin AO MBE QC The Hon John F Gallop AM RFD QC The Hon David Angel QC The Hon Sally Thomas AM The Hon Chief Justice Geoffrey Eames

THE ASSOCIATE: The ceremonial sitting to celebrate the centenary of the Supreme Court of the Northern Territory.

RILEY CJ: Your Honour, the Administrator, Mr Tom Pauling, Madam Attorney, Judges, former Judges, President of the Australian Bar Association, distinguished guests, members of the legal profession, ladies and gentlemen, I welcome you to this special sitting of the Supreme Court of the Northern Territory to celebrate the 100th anniversary of the founding of the Court.

I especially welcome those sitting with me on the Bench on this special occasion. Apart from the Judges of the Court in Darwin, we are joined by the Hon Justice Susan Kiefel of the High Court of Australia representing the High Court of Australia; the Hon John Doyle, Chief Justice of the Supreme Court of South Australia; the Hon Terry Higgins, Chief Justice of the Supreme Court of the Australian Capital Territory; the Hon David Ashley, representing the Chief Justice of Victoria; the Hon Geoff Eames, Chief Justice of Nauru; and distinguished former Judges of this Court.

Today the order of addresses will be as follows. I will ask Bill Risk to provide a welcome to country. The Administrator will address the Court. He is, as we all know, a distinguished former Solicitor-General of the Northern Territory and a man who has made a substantial contribution to the legal profession both in this jurisdiction and beyond its borders. His Honour will be followed by the Attorney. In a departure from the norm, the President of the Northern Territory Bar Association and the President of the Law Society of the Northern Territory have asked Mr George Cridland, a practitioner of very long standing in this

Court, to address the Court on behalf of the legal profession. I will then make the final address after which we ask that you join us for refreshments in the foyer of this Court building.

Mr Risk.

MR RISK: Trevor Riley, Judges, Administrator, distinguished guests, ladies and gentlemen. I'd like to thank you for giving us the honour of being here today to welcome each of you here on behalf of the Larrakia people.

Gudla dariba batji. It's good that you have come, and welcome.

RILEY CJ: Thank you, Mr Risk.

His Honour, the Administrator.

MR PAULING QC: May it please the Court. Chief Justice, I acknowledge the protocol which you have announced.

Distinguished guests, ladies and gentlemen, I feel greatly honoured to be invited as Administrator of the Northern Territory to speak on the centenary of the Court.

The cordiality of relationships between the Administrator as head of the Executive and the Judge, as it then was, constituting the Court has over time varied in both content and intensity.

One hundred years ago that relationship could not have been more cordial as the acting Administrator and Mr Justice Mitchell were one and the same person. It was he whom we see on the ladder in the well-known photograph of the proclamation of Palmerston as Darwin and the announcement of the transfer of the Northern Territory from South Australia to the Commonwealth. The photo is on the front page of Valerie Fletcher's book, "Commonwealth Takeover the Northern Territory: A Hundred Years Ago". Valerie is Justice Kelly's mother. It is also in Justice Mildren's admirable book.

Justice Mitchell was well liked and respected, having been elected one of the two members for the Northern Territory in the South Australian House of Assembly. Justice Mitchell might have expected to be the first Administrator but it was not to be. He was replaced by Dr John Gilruth as Administrator and by Mr Justice Bevan as the Court.

Ernestine Hill in her 1970 work, "The Territory", described it thus:

> Mr Justice Mitchell thankfully handed over the pandanus strings of government. The shabby old Residency, as the new Administrator crossed its threshold, blushed under its bougainvilleas in new dignity of a Government House. Official and parliamentary parties arrived by steamer and at the courthouse, Mr Justice Bevan presented to Dr Gilruth, His Majesty's Commission.

This prosaic description is not historically correct as Mitchell had left on the SS Montero and passed the SS Mataram carrying Dr Gilruth and his family at Thursday Island. Gilruth's private secretary was Henry Ernest Carey who, along with Gilruth, Justice Bevan and later Carey's replacement as Government Secretary, RJ Evans, were to form a clique, a coterie and become a source of great trouble in the administration.

This, as you might rightly assume, is covered in commendable detail by Justice Mildren in his just-launched history of the Court on its centenary which will amply fill out the brief tale I will recount.

Dr Gilruth sacked the very popular Government Secretary, Nicholas Holtz, and replaced him with HE Carey who, as I noted earlier, had been Gilruth's personal secretary. Judge Bevan had stayed at Government House for some weeks following his arrival in Darwin and had formed a strong friendship with Dr Gilruth.

Bevan advised the Administrator on some legal matters and under protest drafted some ordinances. He had a hot line to the Administrator's office which raised suspicion as to whether he was the Administrator's instrument and not an instrument of justice.

It was soon to be the commencement of World War I. Union power was very strong in the small town, tempers simmered and rumour was rife. Eventually, soon after the Armistice the Darwin Rebellion, as Frank Alcorta called it, occurred and following a march on Government House scuffles broke out when Gilruth refused to give an account of his five years of administration. This was 17 December 1918.

In February 1919, Gilruth was recalled to Melbourne but the union push for some measure of democracy continued apace. It is to be remembered that on 1 January 1911 Territorians were deprived of a vote and any representation, a matter which much concerned Justice Ewing in the Royal Commission to come. It was to be a sore point for Territorians for a very long time.

In October 1919, a letter from Carey to Gilruth found its way into the hands of union leader and council member, Mr Nelson. The letter was written when Carey was leaving government employment to work for the cattle barons, Vesteys, and very indiscreetly suggested closer links for Gilruth with Vesteys including the sale by Carey, Bevan and Gilruth of jointly-owned land on the bay to Vesteys.

Tempers flared. A meeting was held. A delegation of Toupein, the Mayor, Nelson, Bolton and others told Bevan, Carey and Evans that they were to resign and leave on the next ship which was the Bamber sailing at 8 o'clock the next day. The conversation is recorded in a long telegram sent to Melbourne the following day. There was more than a hint of riot if they did not leave. As Judge Bevan is recorded to have said, "If violence is inevitable as Councillor Nelson has stated, I am quite prepared to leave the Territory in the interests of

peace." Carey and Evans were of the same view and all three boarded the Bamber that evening and sailed on the tide in the morning.

These "desertions", as the southern press reported them, led to heated exchanges in both Houses of Parliament. Senator Guthrie captured the mood:

> The whole trouble is that the Territory has not had a firm hand in control. do not blame the officials for their actions, but I do blame them for clearing out. Had I been an official at Darwin I would have been shot before leaving my post. I blame Judge Bevan and Mr Carey and Mr Evans for permitting themselves to be forced out when they are there to represent the government and I blame the government for not having strengthened them by doing everything in their power to keep those representatives there.

Such a robust resolve is not required of you today.

All of this led to a Royal Commission conducted by Justice Ewing of Tasmania who was alleged by some politicians to have put himself forward in an unseemly manner to gain attention, perhaps preferment to the High Court.

His findings were trenchantly criticised by those affected and, having reviewed the whole matter the Solicitor-General, Sir Robert Garran, found most of the unfavourable findings were not supported by evidence and many were blatantly contradicted. Included in the criticism was a finding that when Judge Bevan had worked on the wharf to break a strike, he was paid by the stevedore. In fact he was not paid by the stevedore for his labour, but what the Judge was thinking being there is beyond me.

Curiously Nelson, who was at the centre of things in both the rebellion and the ejection of Bevan, Carey and Evans, put himself forward to be appointed and was appointed as community representative on the Ewing Royal Commission and escaped criticism. He was however prosecuted for obstructing a Commonwealth officer in the execution of his duties, but acquitted on appeal and later represented the Territory in Federal Parliament.

His son, Jock, who witnessed the events at Government House in 1918, later became, himself, the 12th Administrator of the Northern Territory and he also represented the Northern Territory in the House of Representatives.

Closeness between the Administrator and the Judge was the seed of great suspicion and discontent in the case of Gilruth and Bevan. The relationship between Administrator CLA Abbott, and Justice Wells, however, before, during and after the World War II was nothing short of acrimonious.

There is, in Justice Mildren's book, an amazing account of the trial of a Major Darroch, charged after the bombing of Darwin with stealing certain items from the loot store. I was not personally aware of this nor of the confrontation between Judge Wells and Mr Abbott which included the Judge accusing the

Administrator of lying in a report to the High Court on appeal. In Wells' own words refuting an alleged conversation with Abbott he reported:

> Relations between Mr Abbot and myself have been anything but cordial for a very considerable time so that I should not have discussed any difficulties that confronted me with him as a friend.

As Justice Mildren observes:

> I think this must be the only occasion when a Judge of the Supreme Court has been forced to put in writing an allegation that the Administrator is a liar and has sworn a deliberately false affidavit. I can think of no parallel in Australian legal history.

Your Honours, that unhappy time has well passed although Mr Abbot's term as Administrator is still the stuff of rumour and criticism. Nothing since then has been a cause for concern as the relationship of the Administrator and the Court and I am happy to join in the celebration of the centenary by speaking as Administrator, knowing I do so with your good will.

I'm also happy that in my term so far I have not caused a riot or a rebellion, nor have I been expelled. I have been proud to be a small part of the history of this Court.

Thank you.

RILEY CJ: Thank you.

Madam Attorney, do you move?

Ms LAWRIE: May it please the Court. It is with great pride that I rise today to join in the celebration of the Court's centenary. It is right that the people of the Territory should take pride in their institutions. They protect and promote the system of values to which we subscribe as a community and we have been well served in that respect by our Supreme Court.

As citizens we sometimes take for granted the crucial role the Court plays in the maintenance of liberty and democracy. It behoves us on occasions like this to reflect upon that role.

Our society in the Territory is governed by an overarching set of rules, limitations and guarantees that may be broadly described as a constitution. Under that constitution, it is the legislature which makes the laws, the executive which implements those laws and the judiciary which is called upon to interpret and enforce those laws.

It is a feature of our system that questions will arise as to whether a law breaches one of the constitutional guarantees or is otherwise beyond legislative power. Questions will also arise as to whether action taken by a public body or official is in accordance with the law.

At a different level, society has had to fashion mechanisms to deal with allegations of criminal conduct and to resolve civil disputes between individuals. It is essential that all of these controversies are determined by an umpire that acts without fear, favour or partisan influence. That is the genius of an independent and incorruptible judiciary.

As we look back over the last 100 year period, we see not only a dynamic evolution of the Territory but also of the Court. It has grown in size and stature. It has assumed appellate jurisdiction in both civil and criminal proceedings and it is now comprised entirely by Judges from the local profession. That evolution is detailed in Justice Mildren's excellent history.

While I do not intend to traverse the many important cases discussed in that history, the Court has made an enormous contribution to the development of the Territory by its skilful interpretation of the statutes, its maintenance of the rule of law and its vigilance against executive zealotry.

Although I am told that politicians sometimes feel the odd flash of annoyance when a policy initiative is thwarted by a court decision, the critical role of the Courts in the maintenance of democracy is universally accepted by our political institutions. The relationship between the political executive and the judiciary is one of mutual respect and cooperation. It is not a relationship in which the two arms of government will always agree on all issues and nor should it be.

I have been particularly fortunate in that respect to have enjoyed cordial and effective working relationships with the former Chief Justice, Brian Martin QC whom I am delighted to see here today and subsequently with your Honour, Chief Justice Riley.

It is both possible and necessary for the executive, the legislature and the courts to work in partnership in order to address social issues that manifest in criminal behaviour. Among other things, this involves equipping our courts with powers to adopt a problem-solving approach to the challenges of disadvantage, to address the causes of crime, to identify rehabilitation paths and to make innovative use of judicial authority.

Alcohol reform is presently at the forefront of our endeavours in that respect with legislation which is designed to address a range of social issues relating to the misuse of alcohol and other substances without resorting to criminalisation recently passed through the Assembly. It includes measures to prevent the commission of alcohol-related offences and the establishment of a specialist alcohol and drugs tribunal with power to make orders for the benefit of people who misuse alcohol or drugs. The character of this new framework is preventative and therapeutic, rather than punitive.

The Territory is also in the process of established a Substance Misuse and Referral for Treatment Court known as the SMART Court. The purpose of this measure is to reduce the offending and antisocial behaviour associated with substance abuse and to improve the health and social outcomes for people whose offending is related to substance abuse. The program will enable the

SMART Court to offer assessments and access to programs and empower the Court to make banning and treatment orders.

A review has also been established to examine all facets of youth offending in the Northern Territory from early intervention strategies through to drug and alcohol rehabilitation, alternative education programs and tailored responses for young offenders in the criminal justice system.

Of course, one of the greatest challenges we face is the reduction of incarceration rates. The Territory is presently introducing a package of complementary reforms designed to reduce the prison population and curb the rate of recidivism. This will include the introduction of new sentencing options allowing for community based supervision and prescribed programs directed to drug and alcohol rehabilitation, the development of life skills, remedial driving and anger management. In adopting these measures we recognise that traditional mechanisms are not always successful. We demonstrate that the law is adaptable rather than static and we signal our commitment to work with the courts to adopt innovative measures to address social problems that have been compounded by dispossession and denial.

This occasion brings together the executive in the person of the Administrator as the Sovereign's representative, the political arm represented by myself and others here today and the judiciary represented by your Honours. It signifies the Territory's commitment to the rule of law, its respect for the role of the courts and its belief in the role of parliament and the people who elect that parliament in the making of our laws.

We offer to the Court the congratulations of the citizenry it serves. We express our very good wishes for the future and we affirm our unqualified support for the institution.

May it please the Court.

RILEY CJ: Thank you, Madam Attorney.

Mr Cridland, do you move?

MR CRIDLAND: May it please the Court.

A number of sobering thoughts have occurred to me in the lead-up to these proceedings. I hasten to add that I intend to do my very best to remedy this outbreak of sobriety at the reception following these proceedings.

The first of these thoughts is that it is now twenty years since I last addressed this Court on the occasion of the closing down in 1991 of the previous Supreme Court on the corner of Mitchell and Herbert Streets and the move to these premises. This occurred shortly after the appointment to the Bench of Mr Justice Mildren. That was a rather light-hearted occasion, the more so since it took place immediately after a very convivial lunch.

I recognise that this is a somewhat more serious occasion and therefore will make no references, as I did then, to a certain mythical member of the Bench, a Mr Justice Dieldrin or to a scheme for productivity-based pay for judges based on the promptness of delivery of judgments.

Another thought was that it is a little over 40 years since I last addressed this Court as an advocate. It occurred to me that it could become somewhat tedious for me to be rushing up to the Court every 20 years or so for a cause and that if I get another gig in 20 years time, I'll be doddering up to the Court clutching a congratulatory telegram from the head royal personage of the day or perhaps even from the President of Australia.

Perhaps the most sobering thought of all was that I have now been associated with the Court for over one half of the period of its existence having come to Darwin, then a town of about 10,000 people, in December 1955 about 55 and a half years ago as associate to Mr Justice Kriewaldt.

My very first Supreme Court case following admission in February 1959 was to defend an Aboriginal on a charge of murder arising out of a knifing incident at a card game at Bagot. Tiger Lyons and Dick Ward were both still on holidays, so the defence fell to me. Although as a one man firm I practised extensively before the Court for several years and have been a litigant on a few occasions, for most of those 55 years my association with the Court has merely been as an admitted practitioner of the Court.

Over its 100 years the Court has had five different locations. From 1911-1942 it was situated in the stone building on the Esplanade. Over and immediately following the war years from 1942-1948, it was based in Alice Springs. From 1948-1965 it operated from a set of Sidney Williams huts on the Esplanade; temporary premises which endured for 17 years.

The Courthouse on the corner of Mitchell and Herbert Streets was officially opened in 1965. It had a rather long gestation period. I recall Mr Justice Kriewaldt carrying on a lengthy correspondence with the architects about the design in my time with him which ended in June 1958. As Mr Justice Mildren recounts in his book:

> The official opening by the then Commonwealth Attorney-General, Billy Snedden, was the occasion of an amusing prank.

As many of you will recall, the facade of the Court carried a sculpture of Justice with one arm across his body and the other arm aloft, administering justice to a kneeling supplicant. Someone had scaled the facade and placed a large serving napkin on the horizontal arm and a tray with bottles and glasses on the raised arm. As I recollect, Billy Snedden thought it was an amusing but childish prank.

And now the Court has been situated in these salubrious premises for 20 years and they should last for a while yet.

It is interesting to note that at one period of its existence, 1927-1931, the Court endeavoured to emulate the Holy Trinity by eXisting as a judicial duality. The Commonwealth Northern Australian Act (1926) divided the Territory into two territories; the territories of Northern Australia and Central Australia. The Supreme Court then existed as the Supreme Court of Northern Australia and as the Supreme Court of Central Australia with the same judge. The Court only ever sat in Darwin as Alice Springs was considered too small and too remote. In 1931 the Northern Territory was reconstituted as one.

I suppose the period of my closest involvement with the Court was during my two and a half years as associate to Judge Kriewaldt. In the latter half of 1958 leading up to my admission as a barrister of the Supreme Court of Queensland, I sought employment with the firm of RC Ward for the purpose of finding out how a solicitor's office worked in those days. I might add that my admission fee of £50 was financed by a loan from the judge, which was promptly repaid with interest in the sum of one bottle of Scotch.

The life of the Court in those days was pretty relaxed. Criminal sittings were held regularly and the list was not very extensive. Civil cases could be brought on quickly whenever the parties were ready to proceed, undefended divorces by a phone call. There was the occasional application for a prerogative writ, usually in respect of licensing matters, and the occasional sUbstantial matter of interest, for example, the noted Admiralty case concerning the MV Rose Pearl featuring a youthful Lawrence Street as junior to Jack Smythe QC.

Much has been written about Justice Kriewaldt and his contribution to understanding and dealing with Aboriginal accused and witnesses in criminal proceedings and I would not presume to add to it here. When I joined him, he was in regular receipt of congratulatory correspondence with the USA following the Chambers brothers' Aboriginal whipping case in December 1955.

An American friend who had done a year at the University of Queensland sent me a clipping of an article in January 1956 by Robert Ruark, a noted columnist in the San Francisco News, headed "Australian judge proves there can be real justice." In the article he bemoaned the acquittal, despite evidence heavily against them, of the suspected killers of a negro boy killed for wolf-whistling a white woman. He goes on:

> And then I think of a white Australian judge dealing in Court with the greatest white supremacy against the smallest black minority, who has the courage to put reasonably rich white ranchers in gaol on the principle of equality and justice for all. I say that this is probably the only country in the world today where this could happen. An Australian, the world might be truly proud of Mr Justice Krewaldt of Darwin, Northern Territory, Australia.

It was related to me that when Kriewaldt arrived in the Territory as acting Judge in 1951, on his first appearance in Court he was attired in all the splendour of the red robes, something never witnessed in the Territory before. I

am told that the redoubtable Tiger Lyons was heard to mutter not so sotto voce, "Jesus Christ, Father Christmas!"

Tiger in full flight at the Bar table after lunch, as my friend Mr Justice Gallop might recall, was a sight to behold: large of frame, florid of countenance, wig askew, the bottom of his shirt agape to reveal a cavernous navel. On one occasion he bullied a witness so badly that the judge literally flounced off the Bench slamming his Chamber's door behind him.

I recall on one occasion Tiger's pleadings revealed a somewhat novel legal doctrine. He acted for a number of insurance companies including the London, Liverpool and Globe, which was represented in the Territory by a resident inspector. One of his statements of claim included a paragraph stating:

> The plaintiff will say that the doctrine of the resident inspector loquitur applies.

This was of course an error in shorthand transcription by his secretary and indicated a somewhat cursory, if any, checking of the document by Tiger. might add that Dick Ward subsequently filed a defence, a paragraph of which stated somewhat tongue in cheek:

> The defendant will say that there is no such doctrine in law as the resident inspector loquitur.

Kriewaldt was at pains to maintain the majesty of the law to the extent, again I am told as it was before my time, that he sat, I think, at Anthony Lagoon Station on some cattle duffing case, the details escape me, exhibit 1 consisting of a large number of cattle being kept in the yards there, fully attired in wig and red robes. I am also told that for many years after, the local Aboriginals incorporated in their corroboree repertoire one featuring that "whitefella judge in big red dress with flour bag long head."

The amenities of the Court and the Judge's Chambers were in those days almost as far from the relatively luxurious, hermetically sealed judicial environment of today, as a stockman's camp is to the Hilton Hotel. Air-conditioning was unknown. All public servants were equipped with their own pedestal fans located under the fronts of the desks to direct a stream of air onto them via their nether regions. The judge had an overhead fan in his Chambers and over the Bench and there was another over the Bar table. With the elevation of the Bench, there was disconcertingly little clearance between the Judge's head and the fan when he stood up on entering and leaving the Bench. I venture to think that Austin Asche may have been in serious trouble.

One afternoon the atmosphere in the Court was decidedly soporific. On more than one occasion I gave the Judge a bum steer on being rudely awakened with a request for the number of the next exhibit. It fell to me as associate to swear in or affirm witnesses and I well recall the Pidgin admonition used -I would not call it an affirmation -for Aboriginal witnesses. It was not quite as elaborate as that of Magistrate Nicholls, as outlined in Mr Justice Mildren's book, but

broadly similar and delivered with suitable sternness of countenance and, suspect, to the bewilderment of the witness.

There was one bizarre concession to the Judge's comfort in that at 8:30 every morning a tall, elderly Aboriginal known as Big Arm Charlie, would enter the Judge's Chambers, flush the toilet and remove any frogs which may otherwise have threatened the judicial dignity.

When I commenced practice in January 1959, the legal profession in Darwin consisted of seven practitioners; three private one-man firms and four lawyers in the Commonwealth Crown Solicitor's Office, one of whom was the legislative council draftsman. I shudder to think of the number that a census would now reveal, especially given all the additional legal bodies that have grown up over the years.

Perhaps I should add to the list of sobering thoughts the fact that as far as I can see, the only survivors of practice in this Sidney Williams Court are myself, my former partner, Harry Bauer who succeeded me as associate to Judge Kriewaldt and a succession of acting Judges and who retired about three years ago, having returned to the Bar after 20 years as a Judge of the New South Wales Industrial Commission, and Mr Justice Gallop, the Crown prosecutor and civil litigator for the Commonwealth. We did battle on several occasions.

The firm of GW Cridland, Barrister & Solicitor has had a total of four subsequent incarnations going first to Cridland, Bauer and Rorrison, then to Cridland and Bauer, then to Cridlands and now to Cridlands MB. I recall along the way seeking to recruit a promising young lawyer named Trevor Riley. I don't know if he remembers it, but as I recall I visited him at his home -I think it was Douglas Street, Fannie Bay -only to learn that Ward Keller had got there first. It's very pleasing to note that in spite of that missed opportunity he seems to have done all right for himself.

I don't think there are many, in fact, probably any, who would concur with the views of the Lord Chancellor in Iolanthe that:

> The law is the true embodiment of everything that's excellent. It has no kind of fault or flaw, and I, my Lords, embody of the law.

By and large, lawyers get extremely bad press and this is not always deserved. I recall years ago coming across a little rhyme:

> He saw a lawyer killing a viper on a dunghill close by his own stable and the Devil smiled for it put him in mind of Cain and his brother, Abel.

More recently there was an interesting article by Sydney Morning Herald columnist, Richard Ackland, commenting on the retirement of Chief Justice Spigelman and lamenting the fact that:

> In many ways he leaves the Court as he found it ... Justice is as inaccessible to the ordinary citizen as ever before. Costs have not been

contained. Litigation groans under the weight of larger trolley loads of documents. Closed hearings and suppression orders are not unusual. The Court's communication skills are under-resourced and outmoded. The Registry gives the distinct impression that it does not like to be disturbed with inquires or requests for information. For the media to look at a file is usually an impossibility or certainly involves a tortuous process of applications hemmed in by brick walls. I note, however, that recently the newly appointed Bathhurst CJ has stated his intention to strive to make justice more accessible and the Commonwealth Attorney-General, Robert McClelland, has defended lawyers pointing to the extensive pro bono work undertaken without publicity. Reform in any area is usually painfully slow, but great advances have been made and hopefully will continue apace.

So me and the Court, we have been together now for 55 years. It has been an interesting time and there is no doubt that we have both changed out of all recognition. It only remains for me, on behalf of the legal profession generally, and myself personally, to congratulate the Court on the anniversary of its birth and to wish it well.

RILEY CJ: Thank you, Mr Cridland.

Today I am proud to say we celebrate the one hundredth anniversary of the founding of the Supreme Court of the Northern Territory of Australia.

The first sitting of a Superior Court in the Northern Territory occurred in 1875 at Palmerston which is the original settlement to the north-east of Darwin. It was a Circuit Court sitting of the Supreme Court of South Australia in what was then known as the Northern Territory of South Australia. The sitting lasted just two days.

As we have been reminded during these celebrations, regrettably on the return journey to Adelaide the vessel that carried the presiding judge, Justice Wearing and his staff foundered, resulting in their deaths. Thereafter and perhaps unsurprisingly the South Australia Parliament passed legislation authorising the holding of criminal and civil sittings of the Supreme Court of South Australia in the Northern Territory presided over by a commissioner.

In 1884 the relevant legislation was amended to create the Office of the Judge of the Northern TettilolY and allowed for offences to be tried locally by a qualified legal practitioner.

The Northern Territory was surrendered to the Commonwealth by South Australia in a process which took some years. The surrender began with negotiations in 1901. In South Australia in 1907, the Northern Territory Surrender Act was passed. The Commonwealth eventually passed the Northern Territory Acceptance Act in 1910. The handover date was fixed by proclamation to be I January 1911 and on that date the Northern Territory was declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth.

The Supreme Court of the Northern Territory was established by the Supreme Court Ordinance 1911 which came into force on 30 May 1911. This is the occasion we celebrate today, 30 May 2011.

The first Judge of the Court was Judge Mitchell. He was appointed for a term of five years subject to sooner determination and on six months notice being given should the Northern Territory be taken over by the Commonwealth; a condition of limited tenure which would be not acceptable today. In fact Judge Mitchell remained in office only until 1912 when he was replaced by Judge Bevan who came with a more regular tenure, being appointed until age 65 years.

The modern era of the Court commenced with the granting of selfgovernment by the Commonwealth of Australia in 1978. The Northern Territory (Self-Government) Act established the Northern Territory as a body politic under the Crown.

In 1979 the Commonwealth Parliament repealed the Supreme Court Act 1961 and the Northern Territory Parliament passed the Supreme Court Act 1979 which created the Supreme Court of the Northern Territory of Australia in place of the Supreme Court previously established by the Commonwealth.

Sir William Forster was the first Chief Justice of the Supreme Court of the Northern Territory. Initially he was the senior Judge and then for a short period, the Chief Judge and finally from 1 October 1979, the Chief Justice.

He was a champion of the local profession. He warmly welcomed legal practitioners to the Northern Territory and encouraged them to stay. Those who did stay, including the Administrator, myself and many others present here today, were then nurtured in their careers.

He had an enormous impact upon the development of the Court as a respected Territory institution. I think of him on this day and how he would view this occasion with a justified sense ofsatisfaction. He would look at this assembly in this beautiful Court room and this impressive Court building and, I am confident, he would take particular delight in the fact that the Bench is comprised entirely by members of the local profession.

The comparatively short history of the Court has necessarily been intertwined with a small part of the history of the indigenous people of the Territory.

At the time of the establishment of the Supreme Court the majority of the population of the Northern Territory comprised indigenous Australians. In 2011, indigenous Australians comprise approximately 30% of the total population of the Territory.

The attitude of the Courts to indigenous Australians, of necessity, has changed over the last one hundred years with fluctuating levels of understanding of, and appreciation for, the different cultures.

The relationship between the Court and the Indigenous people that constitute such a significant proportion of the people it serves has also varied with the changing social and political circumstances that prevailed at particular times.

In the early days of the Court, Aboriginal people were treated "harshly and unevenly", to quote Justice Mildren. For example Aboriginal witnesses were treated in the same way as prisoners. They were often held in custody until they had given their evidence for their own protection and to prevent them getting away.

Although Aboriginal accused had legal representation, they mostly did not have access to an interpreter. They took little part in the process and, as has been observed by Justice Kriewaldt, may as well have been tried in their absence. If an Aboriginal accused was not present, "no-one would notice this fact".

It is only in relatively recent times that things have improved. A new jurisprudence regarding Aboriginal issues began to emerge in the time of Justice Kriewaldt. In 1976, Judge Forster delivered his judgment in *R v Anunga* which led to the so-called Anunga Rules, providing guidance in relation to the cautioning of Aboriginal witnesses, the provision of prisoners' friends to assist with interviews and the provision of an interpreter, where necessary. Those rules have consistently been applied by the courts ever since. They have underpinned a fundamental change in how the police and the courts deal with Aboriginal people.

In the early 1970s came the introduction of Aboriginal legal aid agencies, both in Central Australia and in the Top End. The agencies which today are continuing to evolve are at the very forefront of providing appropriate representation to their Aboriginal clients.

There has also been a significant improvement in the provision of interpreting services for Aboriginal people, both in the Courts and in the wider community. There is now a dedicated Aboriginal Interpreter Service providing appropriately-trained interpreters for both accused and witnesses in court proceedings.

Although there has been much innovation and vast improvement in the way in which the courts deal with Indigenous Australians, there remain issues to be resolved. There is a long way to go.

One area of concern is the manner in which courts are required to deal with the issue of customary law and cultural practices. Over the period to 2007, this Court developed an approach to the sensitive area of conflict between the law of the Northern Territory and the customary law and cultural practices of some Aboriginal communities. The courts accepted and asserted the primacy of the law of the Northern Territory. Subject to that law, issues of customary law and cultural practice were given appropriate weight in determining the culpability of an offender in all the circumstances of the offence.

In 2007 the Northern Territory experienced what has been called "the Intervention". Legislation passed in support of that process included s 91 of the Northern Territory National Emergency Response Act which provided that a court, in determining sentence, must not take into account any form of customary law or cultural practice as a reason for lessening the seriousness of the criminal behaviour to which the offence relates.

The effect of that provision, whether intended or unintended, has been held to be that customary law and cultural practice must not be taken into account in determining the gravity or objective seriousness of an offence. This, of course, means that the court must sentence in a partial factual vacuum.

Although the level of moral culpability of an offender may have been substantially reduced because he or she acted in accordance with and under pressure to perform a cultural practice, the court is barred from taking those matters into account. The effect is that the court is not entitled to consider why an offender has offended and pass an appropriate sentence. The court is required to ignore the actual circumstances of the offending. The artificiality involved is obvious.

The following observations of Justice Brennan are pertinent:

> The same sentencing principles are to be applied, of course, in every case irrespective of the identity of a particular offender or his membership of an ethnic or other group. But in imposing sentences Courts are bound to take into account, in accordance with those principles, all material facts including those facts which exist only by reason of the offender's membership of an ethnic or other group. So much is essential to the even administration of criminal justice.

Aboriginal offenders do not enjoy the same rights as offenders from other sections of the community. It seems to me this is a backward step.

As we move into the second century of the Supreme Court we must continue to strive for an ever-improving understanding of the indigenous people of this Territory. Whilst the same law must apply to all, we as a community must be conscious of our differences and make appropriate allowance for those differences.

Throughout the history of the Supreme Court, a large part of the business of the Court has been dealing with crime. Looking back over 100 years it is possible to discern a long-term change in the approach to the criminal law by the Court and by the community which it serves. There has always been a concern in this community and in communities throughout Australia as to levels of crime and how we should deal with those who commit crimes. This is not a recent development and it is a fact of life that will be with us for so long as crimes are committed.

There have always been those who do not think beyond the response of locking up those who commit crimes and throwing away the key. Those who adopt this

superficial "warehousing" approach to the problem find encouragement in the manner in which crime and sentencing for crime is reported in the popular media with its understandable emphasis on the sensational and its again understandable failure to fully explain the reasons for decisions made by individual judicial officers. This leads to perceptions that the courts are "soft on crime" and then to the phenomenon we now know as "law and order auctions" in the lead-up to any election. Many politicians, at least publicly, feel the need to be perceived as being tough on crime and promise ever more punitive responses.

However, behind the rhetoric I sense a growing awareness amongst politicians, the media and the wider community of the need to identify and address the underlying causes of crime. There is, it appears to me, an increasing understanding that if we are to reduce crime and enjoy a safer community, our attention needs to be focussed upon addressing the reason for the criminal activity in an endeavour to ensure such activity does not occur or does not occur again.

The earlier a problem is identified and addressed, the greater is the prospect that it will not lead to criminal activity. If alcohol is a problem or if drugs or gambling or anger management or some form of mental illness is a problem, then it is cheaper and more effective to endeavour to deal with the problem before any crime is committed rather than in the sentencing process after a crime is committed. Once a crime has been committed there is an even greater need for a focus upon rehabilitation as a part of the response.

Commenting on the Productivity Commission's 2010 Government Services Report which recorded the Northern Territory as having the highest recidivism rates in the country, the responsible minister is reported to have promised "a stronger focus on rehabilitation, education and training in a new era in Corrections".

Whilst public denunciation, punishment and the need to protect the community will continue to be necessary and significant elements in determining an appropriate sentence, issues of prevention and rehabilitation are increasingly recognised as being important factors for consideration in our endeavour to reduce crime. The wider, and the more effective, the rehabilitation programs delivered, both in custody and in the community, the greater the prospect that recidivism will be reduced.

In the Northern Territory, as in many parts of Australia, new sentencing options are being explored. We actively pursue a policy of diversion for juvenile offenders in appropriate cases. Wherever reasonably possible we seek to keep juveniles out of the criminal justice system. We are now identifying offenders with drug problems and encouraging them to undertake appropriate rehabilitation programs. We reward such offenders with reduced sentences when they succeed. We are experimenting with ways of identifying people with problems with alcohol and endeavouring to direct them into rehabilitation programs. We have an Alcohol Court to deal with offenders who have an alcohol dependency. We are trying new approaches.

In recent times a fresh and wide ranging initiative to address the vexed problem of alcohol abuse has commenced. It is as yet too early to measure the impact of the initiative. However, the fact that the issue is being discussed and is the subject of both debate and action in our community is to be welcomed.

I would like to think that there is a developing political and community will to address the alcohol problem, along with other causes of crime. I hope that there is an increasing acceptance that the need to pursue enlightened policies does not have to be accompanied by the need to disguise those policies with other punitive measures designed to fuel the public perception that the legislature is tough on crime. There is much thought being given to alternatives to ever increasing periods of incarceration as a means of reducing crime and recidivism. There is, I am pleased to say, room for optimism.

It was 100 years ago today that the Supreme Court of the Northern Territory commenced. Much in the world has changed dramatically in the intervening 100 years. However, some things have remained constant. Importantly, the guiding principle of this Court has been, is now and will continue to be to do right to all manner of people according to law without fear or favour, affection or ill will. That remains our promise.

Mr Grant, do you move? MR GRANT QC: May it please the Court. RILEY CJ: Mr Wild, do you move? MR WILD QC: May it please the Court. RILEY CJ: Mr Karczewski, do you move? MR KARCZEWSKI QC: May it please the Court. RILEY CJ: Mr Tippett, do you move? MR TIPPETT QC: May it please the Court. RILEY CJ: Ms Webb, do you move? Ms WEBB QC: May it please the Court. RILEY CJ: Ms Cox, do you move? Ms COX QC: May it please the Court. RILEY CJ: Mr Wyvill, do you move? MR WYVILL QC: May it please the Court. RILEY CJ: Mr Lawrence, do you move? MR LAWRENCE SC: May it please the Court.

RILEY CJ: Mr Stewart, do you move? MR STEWART QC: May it please the Court. RILEY CJ: Are there any motions from the Bar? Thank you.

Thank you, ladies and gentlemen for your attendance here today on this very important occasion. That completes the formal ceremony. I invite you to join us in the foyer for refreshments.

Adjourn the Court, please. ADJOURNED 3:48 PM INDEFINITELY

FAREWELL CEREMONIAL SITTING FOR

THE HONOURABLE CHIEF JUSTICE B R MARTIN

20 AUGUST 2010

PRESIDING JUDGES:

THE HON CHIEF JUSTICE B R MARTIN
THE HON JUSTICE T RILEY
THE HON JUSTICE S SOUTHWOOD
THE HON JUSTICE J KELLY
THE HON JUSTICE J BLOKLAND
THE HON JUSTICE J MANSFIELD AM
THE HON JUSTICE J REEVES
THE HON ACTING JUSTICE T OLSSON AO MBE RFD ED

IN ATTENDANCE:

THE HON CHIEF JUSTICE JOHN DOYLE AC
THE HON JUSTICE JOHN SULAN
THE HON JUSTICE PAUL COGHLAN
THE HON JOHN TOOHEY AC QC
THE HON AUSTIN ASCHE AC QC
THE HON JOHN NADER RFD QC
THE HON DAVID ANGEL QC

MARIN (BR) CJ: Your Honour, the Administrator, Mrs Tessa Pauling and ladies and gentlemen.

In February 2004 when I presented my commission as Chief Justice, it was a daunting experience to sit here for the first time and look out into this courtroom full of people with whom I was not familiar and who possessed undefined hopes and expectations of an unknown person from down south. The welcome was quite exceptional and ongoing in its warmth and genuine message of goodwill and

support. Today, with rampant mixed emotions I look out on familiar faces and reflect on that welcome, on your wonderful support both in and out of Court and above all your friendship.

I find myself embarrassed listening to descriptions of a person far removed from my perceptions of this country boy from the Adelaide hills. This was a boy who did not appreciate being told by vocational guidance people, who were supposed to help you, that he would do well in the army. This was a boy who had no idea, and I mean no idea, what he wanted to do and he took on law because he had to do something and thought it might be handy. This was a boy who understood absolutely nothing for the first six months of the law course. Elements of law? Absolute mumbo-jumbo and I suppose some might say nothing has changed.

So today I wonder how all this happened. I am very grateful for the exceptionally good fortune that has attended my life. I am very grateful to you, Madam Attorney,and to you, Presidents, for honouring the traditions of these occasions by both exaggerating in my favour and by avoiding uncomfortable truths. You have been exceedingly generous in your remarks and I appreciate very much the kindness and generosity of spirit that lies behind them. In your remarks you expressed gratitude for my contribution to the work of this Court, but I must tell you that the gratitude flows entirely the other way. It is Leigh and I who thank all of you, the Territory and its community at large for taking us in and enriching our lives immeasurably.

I mentioned a country boy with no idea what to do. I will be forever grateful to my parents for a wonderful start in life, for the example they set and the opportunities they provided for me. And I am delighted that my 92-year old father is here today and is in great shape.

So sitting here today is the most unlikely of scenarios and I remain somewhat bemused as to how it happened. I do know that there are many people along the way, starting with my parents, without whose example, support and guidance I would not be here. Foremost among those is my wife, Leigh and the joy and fortune of having children and grandchildren, and my children have had a lot to put up with, but their love and support also has never wavered. My grandchildren have actually been ejected from the Courtroom, I think. It must be something in the genes.

There are many others, too many to mention by name, but they include Judges, practitioners, advocates of experience from whom I was able to learn. Justice Sulan was one of the earlier ones and I am delighted that he is here with us today. He put up with my inane questions when I first became a Crown prosecutor. Justice Duggan, who can't be here today, who, I might add, when I first applied to be a Crown prosecutor, refused and rejected my application. How dare he? Anyway he took me on the second time round, and Chief Justice Doyle, who I'm also delighted to see here today, from whom I learnt much when I first went on to the Supreme Court.

It is a matter of regret that time and budgetary constraints today deny young practitioners those invaluable opportunities to learn by watching and working with experienced advocates. The luxury of time that I had in the '70s has disappeared. However, despite time and budgetary constraints, the legal profession here in Darwin and throughout the Territory is entitled to be proud of the service it provides and of the contributions the practitioners make to the community. From the perspective of the Court, the Judges greatly appreciate the spirit of cooperation that exists between practitioners and between practitioners and the Court. This is essential for the operations of the Court, particularly as we do face the ongoing problem of an increasing workload in the criminal jurisdiction both here and in Alice Springs.

Currently we manage to dispose of approximately 90% of our cases within 12 months, but maintaining this rate of efficiency is becoming increasingly difficult. While our civil sitting times have dropped, in 2009/10 the number of jury sitting days was up by 27%. In 2009/10 the sitting days and hours in Alice Springs were up by almost 40% on three years ago. The circuit sittings, as the Attorney mentioned, have increased to 40 weeks a year. In fact, this year it will be 42. And yet, despite Judges, practitioners and staff working long hours, squeezing cases into small time slots, we are struggling to keep pace.

Already we hear Justices Appeals from Darwin and we overlist because matters are expected to resolve at a late stage. Judges conducting trials cannot be expected to continue indefinitely the practice of sitting daily on pleas and other matters before and after jury sittings. The burden will become intolerable. If we cannot reduce the number of matters in the Alice list awaiting trial and if we are to avoid a blowout in waiting time, we will need again to increase sitting times which will mean, Madam Attorney, having two Judges sitting in Alice at the same time. As you are well aware, currently this is not possible because of the limited number of Courts and it leads me to an issue close to my heart.

I regret to say that I leave my position as Chief Justice without achieving an Alice Springs objective. In 2004 in my remarks in Alice Springs, I told the Attorney-General of the day, Dr Peter Toyne, that there was only one solution for the Alice Springs Court. That was a very large bulldozer. I suspect it is still the solution but I do know that the Attorney-General has a solution in mind. I hope, Madam Attorney, that the solution comes to fruition before the next Chief Justice retires. It should.

So bulldozers aside, we need to work hard on the problem. We need to put more resources into trying to solve matters before they get to the Court. And when I say 'we', I use that word advisedly. Ultimately it is in the hands of the profession to initiate and control the processes at the early stage of the proceedings. The Courts can encourage and at times berate, but we cannot achieve effective change without the full cooperation and assistance of the profession. Delays and questions of efficiency of course must never take priority over the need to ensure that our procedures are as fair as possible. In the Territory, this includes the provision of

properly trained interpreters to assist accused persons and witnesses. This is an area that has received too little attention and insufficient funding.

On a broader front, my retirement coincides with the election. I need to say that I announced my retirement first. Now, an election is a reminder that we are lucky to live in a country which abides by the rule of law. It is a country which is capable of providing opportunities for people from all sections of our community to achieve reasonable standards of living, education, health and employment. I use the word 'capable' advisedly. As a country, we have the capacity and, I believe, the will, but for a significant number of our children, we are far from utilising that capacity and will. A much greater effort is needed and, importantly, it must be delivered in far more effective ways than efforts of the past. I know a lot of good people are out there on the ground working very hard for disadvantaged children, but political leadership, resources and appropriate delivery are required. Here, in my view, lies a critical moral and practical challenge for our political leaders.

While on matters political, permit me also to comment briefly on another significant challenge for our political leaders and the community. Darwin presents a wonderful kaleidoscope of people of different cultures, colours and ethnic backgrounds. The vast majority live and work together in harmony and go about their daily lives without giving any thought to our differing colours, backgrounds or our differing dress customs. So I become disturbed and agitated when I hear people espousing their intolerant views and pressing for laws prohibiting the wearing of a particular form of dress under the guise of helping the few who wear such dress. I heard someone say that it is un-Australian. What arrant nonsense. These people are of course perfectly entitled to express their views. I am equally entitled to be disturbed by them. I urge political and other leaders of our community not to pander to the intolerant by conveying negativity with statements such as being confronted by a particular form of dress. We do not talk about feeling confronted by a motorcycle helmet or a hat and a scarf which effectively obscures a face. Those prominent in our political and community landscapes should be brave enough to provide strong demonstrations of leadership by positively embracing and celebrating diversity of cultures.

Returning to matters legal, permit me to mention two matters that I regard of particular importance. First, there have been many highlights of my time in the Territory but two stand out because they demonstrated the extent of the goodwill that exists and how, with goodwill and effort, seemingly intractable conflicts can be resolved. In 2005 the clans on Elcho Island invited representatives of the Attorney-General and the judiciary to witness and participate in the final stages of their Nara, that is, their chamber of law. It was an enlightening experience and was followed by the presentation to the Chief Justice and to a representative of the Attorney-General of a document setting out the essential laws of the clans. It was the first time the laws had been reduced to writing. A wonderful gesture of goodwill which evinced respect for the secular law and a genuine desire for reconciliation between the two sets of laws.

The second event arose out of proceedings taken by a senior tribal elder at Ngukurr against the Northern Territory Commissioner of Police seeking damages for wrongful arrest. The parties were at serious loggerheads and the matter was listed for trial. However, the parties agreed to a mediation, which was conducted by Justice Sally Thomas, who unfortunately can't be here today and, as you all know, has since retired. The mediation resulted in the signing on 29 June 2009 of an agreement of mutual respect between a group of elders being the peak body of all seven language and clan groups in the northern area and the Northern Territory Police. It was an outstanding result which not only resolved the immediate issues between the parties but acknowledged the respective rights and duties of the parties and looked to the future development of ways to ensure mutual respect and understanding.

The second matter of importance I wanted to mention has been touched upon by the Attorney and other speakers. It concerns the fundamental question of confidence in the judiciary and our system of justice. That confidence can only be achieved and maintained if the community possesses a full understanding of the rule of law and a proper appreciation of our role and duties in maintaining that rule of law. Education in this regard is essential and the Attorney-General has mentioned that it took some years, five in fact, but we finally have a courts liaison and education officer and I thank you, Madam Attorney, for your active support in that regard. We will need to increase this to a full-time position.

Expectations of the Court and the system have changed and we must earn public confidence. While placing decisions on the Internet is helpful, much more is needed and I know that the new Chief Justice is anxious to make progress in this area, particularly in connection with education concerning the contentious issue of sentencing.

Well, there are other people to thank. First, I want to thank the juries with whom I had the pleasure of working over many years. Every institution of human invention, based on human decisions, has its flaws, but our system of justice is also attended by features of excellence and the involvement of jurors from our community is one such feature. To those who contend otherwise I say, with respect, your views are misguided. Jurors work hard. They are conscientious. It is not often that they get it wrong. If there are failings, they concern inadequacies in the presentation of evidence and in our communication with jurors.

Madam Attorney, thank you for your active support of our Courts and the judicial officers of the Territory who serve this community so well. I thank my associates and secretaries over the years, all of whom have gone out of their way to support me and all of whom I regard as friends. My thanks also to the Court staff and the people in Court Reporting who quietly and effectively and without recognition provide the invaluable day-to-day support that is so essential.

Finally, the Judges. From day 1, without exception they have worked diligently and cooperatively, making my job much easier than it might otherwise have been. The

Territory community is well served by its judicial officers and that message needs to be sent out loud and clear. Justice Riley, from one country boy to another, congratulations and good luck. The Court is in excellent hands.

Ladies and gentlemen, to the group of you, I greatly appreciate your presence here today. Thank you and thank you for the privilege of serving as your Chief Justice.