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## FAREWELL

**ADDRESS AT THE FAREWELL TO THE HONOURABLE JUSTICE LEX  
LASRY, JUDGE OF THE SUPREME COURT OF VICTORIA  
IN THE BANCO COURT OF THE SUPREME COURT,  
ON FRIDAY 22 JUNE 2018 AT 5.00 PM  
BY MATT COLLINS QC,  
PRESIDENT OF THE VICTORIAN BAR**

May it please the Court.

I appear on behalf of the Victorian Bar to pay tribute to Your Honour's more than 45 years of service in the law, in various capacities, in Victoria and elsewhere, always seeking to advance the cause of justice.

I too acknowledge the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin nation, and pay my respects to their elders past and present.

Your Honour has spent your final days—indeed, today—on this Court in fitting and typical fashion: presiding over a matter where some of the worst of human behaviour meets some of the best of human nature when brought inside the four walls of a court; a matter of great public import and interest where Your Honour presided with a jury – an institution in which you have always placed your faith. When, this morning, Your Honour dismissed a jury which had been deliberating since Monday afternoon as to whether an accused in a very high profile case was fit to stand trial, Your Honour saw it as evidence of the system working, praising the jury members for their “heroic effort”. Your Honour said to the jury that having heard all the evidence yourself, you were not surprised that they had struggled to come to a decision.

It is fitting that Your Honour was, this morning, presiding over a high profile criminal trial because, whether at the Bar or the Bench, high profile criminal trials have so frequently been the terrain on which Your Honour has found yourself.

Your Honour signed the Bar Roll in 1973. You read with David Myles Bennett, later QC, and established your practice in Tait Chambers.



You came to the Bar with Rex Wild, now QC and a former Northern Territory Director of Public Prosecutions, who is in Court today. Almost immediately Your Honour and Mr Wild were in court almost every day, starting off in Magistrates' Courts around Melbourne and in regional Victoria.

Together, you later moved to Latham Chambers, where Your Honour remained until your appointment to the Court.

Others among Your Honour's Latham colleagues there on Level 11 were Philip Jewell, later QC; Ewan Evans, later a Master and Associate Justice of this Court; Victoria Bennett, now Justice Bennett of the Family Court; Neil Forsyth QC; and Barbara Cotterell, later Judge Cotterell of the County Court.

On one occasion, an eminent member of the Sydney Bar sub-let the room next to Your Honour's. This figure kept largely to himself. It seems that Tom Hughes QC wanted little to do with the mob around him.

Your Honour is described as having been a full social member of that Latham club. The annual Christmas lunches continue still and, though the ranks have thinned, these are treasured occasions.

In the early '80s, Your Honour was a founding member of the Criminal Bar Association, becoming honorary secretary. In all, you served on the Association's committee for 14 years, including four years as Chairman.

Throughout this period, Your Honour displayed dedication and determination in your practice, appearing in a number of notable matters, not least as one of the counsel assisting The Costigan Royal Commission into the Painters and Dockers.

Your Honour was appointed a QC in 1990 and was one of the silks of choice at the Criminal Bar both in Victoria and in the ACT after you came to establish a practice there as well.

Your Honour was counsel assisting the coroner in the Canberra bushfires inquest, a lengthy effort that saw you travel to the capital a number of times over two years through 2003 and 2004.

It was, in some respects, difficult – not least because most of the others at the Bar table were from the Sydney Bar and your presence there seemed to ruffle them.

You and your junior, Ted Woodward, now Judge Woodward of the County Court, used to adjourn to Boffins restaurant at the ANU to regroup and prepare for the next round.



Preparation included a challenge: to include song titles or lyrics in the questions you put to witnesses. The holy grail would have been to construct a question that referenced the 1972 Stealers Wheels hit, whose chorus runs, “Clowns to the left of me, jokers to the right; Here I am, stuck in the middle with you.” The holy grail was unattainable. But I think Your Honour just wasn’t trying hard enough. Whichever side of the Bar table you were on, there were, after all, members of the Sydney Bar on either the left of you, or members of the Sydney Bar on the right.

Some levity was necessary. It was while working on that inquest that Your Honour became involved in the matter of Van Nguyen, the young Vietnamese-Australian man convicted of heroin trafficking in Singapore and sentenced to death.

In the effort to save Van’s life, Your Honour made some 17 trips to Singapore, and advocated strongly on his behalf here at home as well. Your Honour contributed many days, months and ultimately years of work pro bono – an act of compassion worth noting; a commitment to access to justice and the rule of law that is the hallmark of all that is finest about membership of the independent Bar.

Before appointment to the bench, Your Honour was involved in similar efforts on behalf of Andrew Chan and Myuran Sukumaran, two of the nine Australians caught heroin smuggling in Bali.

In the end, all three of these men were executed, but Your Honour’s standing, and the way in which you dealt with the matters, both commanded the respect of politicians, the media and the public; and laid the foundation for a new death penalty debate.

Just last week, the Department of Foreign Affairs and Trade released a new policy – Australia’s Strategy for Abolition of the Death Penalty. Its opening line states, “Australia opposes the death penalty in all circumstances for all people.” That powerful statement is a first. It is in no small part due to Your Honour’s efforts.

A similar change in public sentiment was evident through the course of the trial of the accused Australian terrorist, David Hicks. Your Honour travelled three times to Guantanamo Bay observing for and reporting back to the Law Council of Australia, and publicly lobbying on his behalf. After the tide of public opinion eventually turned, Mr Hicks was returned to Australia and his family.

In 2007, you were awarded the Law Council’s inaugural President’s Medal. Your Honour also worked actively to aid the establishment of the International Criminal Bar.

As a judge, Your Honour has continued in the same vein – necessarily more quietly, but always with the rule of law and the administration of



justice as the paramount considerations. You have presided over a number of high profile murder trials. This is never easy work. It is distressing for those involved, and as the learned Solicitor-General said, for judges it is difficult and often underappreciated work, because it puts all parties at the intersection of the law, politics, the media and the public.

In 2009, Your Honour gave the Blackburn Lecture in the ACT, in which you engaged with the proposition that so-called unelected judges are out of touch with the community – a favorite trope in some circles.

Your Honour argued that judges, within reason, should speak more in public about what they do. You said that this view was informed by your then 18 months on the Court. Another nine years on, one wonders what Monday might bring in this regard.

What your retirement is sure to bring is time with family and engaged in your favorite pursuits. After all, those fast cars won't drive themselves.

Although the view has been expressed that as a drummer, Your Honour makes an excellent lawyer, the Lex Pistols may also now receive more of your attention. It was, I have to say, a great thrill as the incumbent President of the Bar to hire the Lex Pistols for the 2018 Bar Dinner, just a couple of weeks back, at the Plaza Ballroom, and then to see, late in the evening, scores of members of the Bar and the judiciary letting their hair down on the dance floor.

One of the other members of the band has expressed the hope that Your Honour's last minute withdrawal from rehearsals may now be a thing of the past. Apparently, far too often, jamming gave way to judging.

This band member wishes to remain anonymous, but if it assists, can be described as a member of the judiciary who is not Justice Champion.

Over the course of more than four decades, Your Honour's contribution to the administration of justice and the rule of law has been immense. Your Honour's time on the bench has contributed to the high esteem in which the judges of this Court are held by the profession, and it has contributed more broadly to the public's confidence in the administration of justice in this State.

On behalf of the Victorian Bar I wish Your Honour all the best in your retirement from this Court.

May it please the Court.