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## SPEECH

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### ADDRESS TO MARK THE FINAL SITTING OF THE HONOURABLE JUSTICE GEOFFREY NETTLE AC AS A JUDGE OF THE HIGH COURT OF AUSTRALIA

THURSDAY 26 NOVEMBER AT 9:15AM

BY DR MATT COLLINS AM QC  
VICE-PRESIDENT, AUSTRALIAN BAR ASSOCIATION  
FORMER PRESIDENT, VICTORIAN BAR

May it please the Court.

I appear on behalf of the Australian Bar Association and the Victorian Bar to farewell your Honour, on this, your last sitting day as a judge of the High Court of Australia.

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

Your Honour is a famously modest and private man. I suspect that, if you had your way, this last sitting day would have passed unacknowledged. In this most unusual of years, you almost got away with it. Fortunately, however, for the profession and the community, the easing of covid-19 restrictions has meant that an appearance before your Honour, in person no less, has proved possible—the first such appearance in this courtroom, as I understand it, since mid-March, more than 8 months ago.

It is a particular pleasure to appear in Melbourne, and on behalf of the Victorian Bar, as your Honour, though born in Western Australia, is quintessentially of this city and its legal profession.

Your career has been marked by successive achievements, any one of which would more than satisfy most of us—first class honours degrees at Melbourne and Oxford Universities; quick ascension to partnership at Mallesons Stephen Jaques; successful barrister, taking silk after only 10 years call; appointment to the Supreme Court of Victoria at the age of 52, and then on to the Victorian Court of Appeal and this court.



At your Supreme Court welcome in 2002, your Honour described judicial appointment as “the ultimate mark of success for a barrister”. You said you looked forward to the satisfaction of work that would be of greater social utility, and to the challenge of mastering areas broader than those in which you had practised.

There was a fair degree of modesty in that. While your Honour practised at the Bar mostly in constitutional law, commercial law and equity, you appeared in all manner of matters. Not long before your appointment to the Supreme Court, you had appeared, with your former pupil, Michelle Gordon of counsel, now Justice Gordon of this court, for the Commonwealth in extradition proceedings sought by Latvia against the alleged war criminal, Konrad Kalejs.

On the Supreme Court, your Honour rapidly became a very fine judge presiding over criminal trials; an expertise that you continued to refine upon your appointment to the Victorian Court of Appeal in 2004. Your colleague on that court, the Honourable Stephen Charles AO QC, described you as “rapidly developing great learning in the field” and a delight to sit with. He noted your willingness—insistence—on doing the hard work that was required.

Another of your colleagues, on this bench, summarised your work ethic as one of “devotion”: bringing the full strength of your intellect and life experience to the judicial task. And with economy: as he put it: “no grandstanding, no self-promotion; shut up, get on with it, do it”.

Your Honour is universally respected in the profession, admired not only for your learning and prodigious energy, but also for your unfailing courtesy both to counsel and fellow judges. When you asked questions, you did so always in order to clarify a submission or identify more precisely the point requiring determination; never to embarrass counsel by demonstrating your formidable knowledge.

Your Honour’s appointment to this court capped an already remarkable career. Here, your judgments have revealed the full extent of your mastery of the law—the ability to see error requiring correction; a capacity to discern interconnections between seemingly unrelated fields and principles; and an unerring instinct for what needed—and did not need—to be decided.

One of your former colleagues has quipped that the High Court was lucky to get you. The quip, however, obscures an important truth. The Australian community is fortunate that persons of your Honour’s calibre are prepared to accept and serve the public through judicial appointment. Through the example of that service, the community can have confidence in the quality and independence of the Australian judiciary.



In preparing to deliver these remarks, I have been unable to discover much of your Honour's future plans. I know you will be looking forward to spending more time with your wife, Wendy, and your family. I have been told not to spend any time talking about the likelihood that your Honour will indulge your predilection for working on old cars. Whatever lies ahead, I am confident that it would not be apt, in your Honour's case, to talk of retirement. I do know you have been counselled by your former master, and later colleague on this court, the Honourable Ken Hayne AC QC, that "life begins at 70".

On behalf of the Australian Bar Association and the Victorian Bar, it is a privilege to be here today to mark your Honour's last sitting day on this court. I wish your Honour every satisfaction in your life beyond the bench.

May it please the court.