

VISIT OF CHIEF JUSTICE FRENCH TO WALES

Toast at dinner in his honour at Cardiff and County Club, 15th September 2016

Proposed by Rt Hon Sir Malcolm Pill

Huw [Williams] – You, David [Gardner], and your Committee must be congratulated on bringing together at one table, and in Wales, the Chief Justice of the High Court of Australia, the Honourable Robert French AC, our principal guest, and Lord Thomas of Cwmgiedd, Chief Justice of England and Wales.

Chief Justice, thank you for coming to Wales. Thank you for your lecture delivered at the Senedd this afternoon following, appropriately, your visit to Merthyr Tydfil, the birthplace of Sir Samuel Griffith. Your public lectures are well known for their erudition and are replete with common law and constitutional wisdom. I include the Birkenhead Lecture delivered at Gray's Inn, where you are an Honorary Bencher, last year. I would also commend to present company the Maurice Byers Lecture you recently delivered in Sydney on the subject 'The Role of Advocates'.

You were born in the State of Western Australia and the event brought an early bonus to that State. May I remind you, as advocates sometimes say to Judges, even Chief Justices, that it was for the first Australian cricket season after your birth that Western Australia was admitted, on probation, to compete in the Sheffield Shield, the inter-state cricket competition ? (I hope you are interested in cricket.) And in that first season they surprised everyone and won the Shield, under the astute captaincy of Keith Carmody. Only NSW beat them and that required a spectacular 170 in 3 hours from Keith Miller. And another sporting reminder; our native cities share the honour of having hosted the Commonwealth Games, mine Cardiff in 1958, yours Perth in 1962.

Your links with Perth and with Western Australia are strong. You were at school there, you attended the University of Western Australia, reading first physics and then law and you were admitted as Barrister and Solicitor in Western Australia in 1972. You practised law there until your judicial appointments, first to the Federal Court of Australia and then, in 2008, as the 12th Chief Justice of the High Court of Australia, the first Western Australian to attain that high office. That is the culmination of a most distinguished career in the law and in public life.

Until 2008, the Office had been held by lawyers from the far more populous states in the east of Australia, with their large cities, Sydney, 5 million, Melbourne, 4 ½ million. It is almost as if a Welshman were to be appointed Chief Justice of England and Wales ! That is why this is a poignant occasion, the first Chief Justice of the High Court of Australia from Western Australia sitting at table, in Wales, with the first Lord Chief Justice in modern times who is a Welshman. And may I remind Lord Chief Justice Thomas that Sydney is farther from Perth than Moscow is from Cardiff, a distance that even such an inveterate traveller as he might find daunting?

The quality of the jurisprudence of your Court needs no emphasis, Chief Justice. I was brought up, by training and in practice, on the common law, including the judgments of your predecessor of that time, Sir Owen Dixon. To someone with that background, it was always refreshing in the Court of Appeal to be told by Counsel that they proposed to refer to a decision of the High Court of Australia. I could be sure that sound common law learning and insights would be on display, whether or not a public law element was involved.

I have speculated as to whether the High Court would have responded more appropriately to the main challenge faced by our higher Courts during my later years on the bench, the interpretation and application of European decisions. I am, however, reminded of the advice given in that manual of the common law, the Book of Proverbs. It counsels, in Chapter 2, that 'discretion shall preserve thee' and I will keep the results of the speculation to myself.

My task is to propose the health of the Chief Justice but, with your permission, Chairman, I will link to the toast Mrs Valerie French. Mrs French has been a trail blazing Western Australian lawyer who, in 1975, was the first woman to practise at the independent bar of Western Australia. Her friends encouraged her by saying; 'You can just get work doing adjournments' but of course that was not how it worked out. As well as practice and bringing up three sons after she married Robert in 1976, she became successively Magistrate in the Perth Court of Petty Sessions, President of the Western Australian Children's Court and Chairman of the Parole Board.

Chief Justice and Mrs French, we welcome you most warmly to Cardiff and Wales. Croeso i Gymru a Chaerdydd. We offer you best wishes in your career, in the High Court, and whatever follows.

I have great pleasure in proposing the health of Chief Justice and Mrs French.