



ADDRESS OF THE PRESIDENT, MS REBECCA TRESTON QC, ON THE OCCASION OF THE VALEDICTORY CEREMONY FOR THE HONOURABLE JUSTICE PETER MURPHY OF THE FAMILY COURT OF AUSTRALIA, ON FRIDAY, 8 MARCH 2019

May it please the Court.

It is my privilege to speak on behalf of the Bar Association of Queensland and the Australian Bar Association on the occasion of the valedictory ceremony for your Honour, Justice Murphy, member of the Appeal Division of this Court. Thank you for inviting me to do so.

On contemplating the trajectory of your Honour's legal career, one may be forgiven for pondering whether predestination plays any part in shaping lives.

Your Honour studied at the University of Queensland. The term "studied" is used loosely. The members of the Bar Association who attended University with your Honour have been prepared to share too many stories, all of which sadly are wholly inappropriate for this occasion. Your Honour did, however, have a preoccupation for playing the Game 500 in the library with Tim North S.C. in steadfast preference to attending lectures. He, of course, joined you at the Bar and the intellectual games between you both have continued in his appearances before your Honour in this Court. Now that your Honour is retiring, he will no doubt claim the victory of the intellectual battles in Court were all his way.

Having graduated, your Honour chartered an unconventional course. You departed Australia almost immediately, declaring to never return. A cycling trip across the Sahara Desert ensued, which was one of the highlights of your life. You have spoken with much admiration of the local people you then encountered, but knowing your Honour's fondness for a hearty meal, one can only wonder whether that admiration was influenced by the fact that they killed a goat in your honour. Your Honour's reluctance to return to Australia was no doubt swayed by the fact that your Honour drove rickshaws around London. The life of a taxi driver was not one for you.

Your Honour commenced your legal career as a solicitor in 1978, principally practising in commercial law - including at the establishment law firm MG Lyons & Co, where you worked closely with a partner of the firm Mr Neil Buckley, as the highly esteemed and influential late

member of this very Court then was. You were joined at that firm by a young solicitor, and a deep friendship between the two of you developed and has now remained for decades. I speak of course of Michael Kent, now Justice Kent of this Court.

In those early days, just as the late Justice Buckley was surely unaware of his future judicial role in this Court, so it seems, your Honour was similarly unsuspecting, as it is reported that on making the career-changing decision to go to the Bar in 1990, your Honour complained to anyone that would listen that you would not practise in family law. It must have been an unhappy day in chambers when you realised the first brief you received at the Bar was to appear in the Family Court.

Of course, history now shows that despite those early misgivings, your Honour's flourishing practice at the Bar swiftly evolved into one predominantly focused in family law, but also in criminal and discrimination law. Although perhaps contrary to your Honour's initial 'best-laid plans', on reflection the gravitational pull towards family law was unsurprising given your Honour's unwavering (and frequently financially unrewarding) commitment to advocating for the interests of those for whom you appeared.

Your Honour's skills and reputation were formally recognised in 2004 when you took silk. Your sense of service was not confined to just your clients. You were a member of the Anti-Discrimination Tribunal and also the Legal Practitioners Tribunal, as well as running the BBQ at the Mt Gravatt AFL Club where your two sons played. It is appropriate to recognise your success in that endeavour. After twenty years, you have managed to progress up the ladder of responsibility, now being the appointed manager of the can bar.

Those who appeared against your Honour, prior to your Honour's appointment as a Judge of this Court in October 2007, have consistently described your Honour as a "formidable" opponent but yet someone who is incredibly decent and principled. Again, consistently, your Honour has been described as a "challenging" Judge to appear before, a role which has showcased your deep understanding of legal principles. Your Honour has been a no nonsense Judge, with a propensity to cut to the chase, and to make short shrift of weak submissions.

In that respect, your Honour is known to run an efficient Court, that is, if you can get your computer to work. Your Honour is, of course, in charge of the IT portfolio of the Court. Some recall you becoming what might be described as only a little flustered with submissions being made to the Court on one occasion that your computer also shut down. The Court was adjourned to allow your Associate to investigate the issue. Seemingly, in agitation, your Honour had kicked the cord out of its socket.

Your Honour's Associates have been of invaluable assistance throughout your time on the Bench. A job interview as your Honour's associate consists only of three questions:

1. What is your attitude to swearing?
2. What are your views on AFL?
3. Which AFL team do you support?

The correct answer to the latter is, of course, the Brisbane Lions.

The list of important cases in this Court, in which your Honour has played a role – whether as Counsel or as Judge – are too numerous to mention. A cursory glance, however, evidences your Honour's deep knowledge of legal principle, and the humanitarian approach your Honour brings to your decision making, as well as the recognition you give to what litigants in this Court go through in their daily life.

On this Court, your Honour's contribution has extended beyond the four walls of a courtroom. As a trial division Judge, your Honour was the Co-ordinating and Case Management Judge for Queensland before being appointed to the Appeal Division on 27 September 2012. Away from the day to day commitments as a Judge, your Honour has served tirelessly for the benefit of the Australian people. The community and professional organisations are too many in number to mention, but four examples suffice.

Your Honour has been a member of the National Judicial College of Australia Council judgment writing committee, as well as the Family Court's representative on the Governing Council of the Judicial Conference of Australia, a body dedicated to the public interest in maintaining a strong and independent judiciary within a democratic society that adheres to the rule of law. Your Honour has chaired the Court Excellence Committee through which you have contributed to the Court's reforms through its implementation of the International Framework for Court Excellence, including resourcing of the Appeal division, training for judges, national case management review and reform of the Court's governance model. Your Honour has continually expressed views, which the Bar Association of Queensland shares, of the need for this Court to be properly resourced by successive Governments.

Your Honour's deep commitment to this court was still on display this week. Your Honour's retirement was announced some months ago, but instead of disappearing from the list, your Honour was still sitting and hearing appeals this week; frankly, a previously unheard of arrangement.

From a social level of importance, your Honour was instrumental in forming a trilateral partnership on judicial collaboration between the Family Court of Australia, the Supreme Court of Indonesia and the Federal Court of Australia and which involves working with the Indonesian judiciary to improve access to justice in relation to and the quality of services and judicial decisions for marginalised and vulnerable people, including women, children and people living with disability.

Importantly for the education of the Bar, your Honour has significantly contributed, both before and during your judicial career, to the education and training of its members.

Away from your Honour's legal career, you have enjoyed the support of a close and loving family, in Tracey and sons Joe and Chris. You have been an avid cyclist and the "bumble bee", as your Honour has become known at the Santos coffee shop, dressed in your bright yellow Lycra outfit following your ride to work, will be sorely missed. You could be described as a man of the people, except in one respect – your fishing endeavours and the elitist attitude on display while you do so. I speak, of course, on your Honour's refusal to assist with catching the bait, refusal to bait your own hook, refusal to cast the line, and refusal to lay a hand on the fishing rod until the fish is on the hook and death is imminent.

The Bar Association of Queensland thanks your Honour for your service to the Court and the community. We wish you well in the next phase of your Honour's journey. We hope that your Honour will continue your close association with the Bar Association and we can continue to call on your Honour and your Honour's experience, particularly in relation to advocacy training for barristers. The Bar Association and its members extend to your Honour and your Honour's family the very best wishes for the future.

May it please the Court.