

REMARKS OF THE  
HONOURABLE MARILYN WARREN AC  
CHIEF JUSTICE OF VICTORIA  
ON THE OCCASION OF THE LUNCH OF THE  
SUPREME AND FEDERAL COURT JUDGES  
OLD HIGH COURT LIBRARY  
5 MARCH 2010

The Honourable Michael Black AC was appointed Chief Justice of the Federal Court of Australia on 1 January 199L He graduated in law from the University of Melbourne in 1963 and began practice at our Bar the Victorian Bar in 1964. He was appointed one of Her Majesty's Counsel in 1980.

At the Victorian Bar Michael Black was a leader. He was appointed the foundation Chairman of the Victorian Bar Readers' Course, the Bar's pioneering course of instruction for new barristers. There are judges around this table from both jurisdictions who are graduates of the Victorian Bar Readers' Course. For my part I had the privilege of being a member of the Readers' Course in 1985 when Michael chaired the course. At busy times in his practice he always took the opportunity to come and speak to the readers. He would instil the need for an advocate to be a persuader.

Others around the table today will have had the benefit when at the Bar of being junior or opposed to Michael. Again, I am a beneficiary

of that experience. Michael was a very persuasive advocate. He always put his submissions in a way that was highly plausible, palatable and attractive to even the most difficult, acerbic judge.

Whilst at the Bar Michael did other great things including serving on the Board of the Leo Cussen Institute.

Upon his appointment as Chief Justice, the second Chief Justice of the Federal Court of Australia, he set about imposing his own personal style on the office. In the course of 19 years he created a template for other Chief Justices around Australia in the administration of courts. Michael has brought the Federal Court to the second phase of its judicial and constitutional life where its national role is well established. A strong body of jurisprudence has developed during the quarter of a century of the existence of the Federal Court both in its areas of exclusive jurisdiction and shared jurisdictions.

Michael has utilized his persuasive skills as an advocate to obtain appropriate funding from the Federal Government such that the Federal Court is the best and appropriately resourced court in the country. Sometimes, those of us who struggle with different governments with other priorities are tempted to look with envy at the Federal Court. I think such envy is misplaced. What we should

all do is see the funding, management and judicial administration of the Federal Court as the bench mark for other superior jurisdictions.

Thus, the first legacy of Michael Black I identify is his contribution to judicial administration in Australia.

It does not end there.

One thing Michael has done is combine his personal passion and interest in architecture with his commitment to the national physical presence of the Federal Court. During his period as Chief Justice we have observed in Melbourne the relocation of the Victorian Registry from the lovely but modest surrounds of the Murdoch designed building where we are today, to the appropriate positioning, profile and superb architectural presence of the Commonwealth Law Courts building at 305 William Street. Indeed Michael has set about the design, construction and refurbishment of the physical representation of the Federal Court across Australia that, I believe, will be his greatest legacy.

The jewel in the crown both for Michael personally and for court architecture nationally is the Dame Roma Mitchell Commonwealth Law Courts building in Adelaide. It is truly stunning. For my part, as a Chief Justice who has architectural and construction ambitions, I see Adelaide as another bench mark to be reached.

The third legacy of Michael's administration has been to bring us all to appreciate the sense of history and place of our respective courts in our environments. For example, Michael ensured that extracts from the Australian Constitution were stencilled onto the windows of the new Melbourne Commonwealth building. His views on the need to preserve this Old High Court Building, which we lunch in today, whilst inconvenient to the Supreme Court at the time, were significant and ultimately persuasive to the Federal Government. Funnily enough, from a practical and architectural perspective whilst inconvenient and difficult at the time his opposing views I think did the Supreme Court a favour and we will ultimately have a much better architectural result.

So they are the three legacies of the administration of Michael Black I would identify. There is one other matter I wish to mention. As Michael embarks upon the path to retirement we see the closing days of a very special feature we have enjoyed in Melbourne for almost the last six years, that is, the presence of three Chief Justices in our capital city. The presence of the three of us, Michael, Chief Justice Diana Bryant and me has been a very significant triumvirate. It has provided us with an opportunity to give one another support, counsel and friendship that cannot be emulated by letter, email or telephone. I know Diana joins me in saying that she and I will miss the Melbourne 'pride of Chief Justices' (as Alan Goldberg once described it).

Finally, Michael and I have long been supporters of these lunches enjoyed between the Supreme and Federal Court Judges. It is an opportunity to revive our friendships, and share the experiences and wisdom of our mutually important jurisdictions. Michael and I have made a point of not missing these lunches save when we have been absent overseas. It has been a delight to include our Chief Justice colleague, Diana, on these occasions.

Would you all join me now in a toast to the health and happiness of Michael Black in his retirement as Chief Justice of the Federal Court of Australia.

To Michael.