

## *Farewell to a cool, calm and courteous judge*

Justice Sir William Kearney's time on the bench of the Supreme Court of the Northern Territory spanned almost two decades.

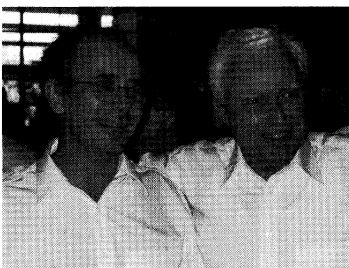
Sir William came to the Northern Territory after a distinguished period in Papua New Guinea. He was admitted to practice at the Supreme Court of the Territory of Papua and New Guinea in 1963, and remained active in a variety of judicial roles, including Acting Chief Justice, through the country's independence until 1982. His tenure in PNG left him with a lifelong interest in international law.

In 1976 he was awarded a C.B.E for public services to the law.

Upon arrival in the Territory, he took up the position of Aboriginal Land Commissioner in 1982 and was also appointed Judge to Supreme Court of the Northern Territory. During this time he was Knighted by Her Majesty Queen Elizabeth the Second, in June 1982.

Sir William served on the Bench as the senior puisne judge for the majority of the next seventeen years.

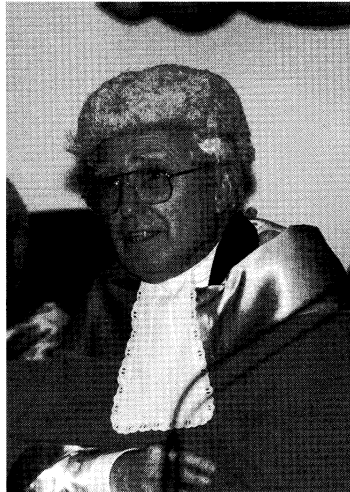
During that time he contributed in many ways to the legal community. He was Chairman of the NT Council of Law Reporting from November 1996 to March of this year.



*Steve Southwood and Justice Kearney relax at the Supreme Court in Darwin, at the well attended farewell function.*

There have been four chief justices - Chief Justices Forster, O'Leary, Asche and of course the present Chief Justice His Honour Brian Martin.

The late Justice Muirhead, Justices Toohey, Nader and Rice were appointed and departed the bench. Additional justices Priestly and Olney were appointed.



Justice Kearney and Justice Gallop have been the two constants.

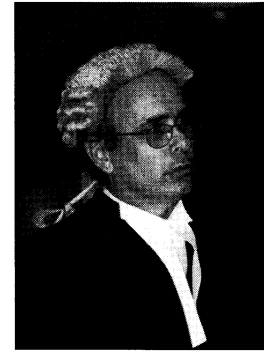
His period on the Supreme Court Bench has seen the executive's growing confidence in the local profession as has been evidenced by the increasing appointment of members of the local profession to judicial positions and the out sourcing of government work.

There has been an end to the men's club so far as the judicial and political appointments of women are concerned and the development of the court of appeal.

Throughout all this Justice Kearney has remained a constant and devoted servant of the law.

He has always remained patient, detached, courteous and extremely fair. In a word 'chivalrous'. Justice Kearney has never avoided making hard decisions even when such a decision may seem a little unjust to the lay person.

Justice Kearney has always adopted an orthodox approach to legal reasoning and



*Steve Southwood, President, spoke on behalf of the Law Society at the Ceremonial Sitting to farewell Justice Kearney.*

the application of legal principle. His decisions acknowledge the sovereignty of Parliament.

He has always been cool, calm and collect although I have sometimes had the faint feeling of being stalked when appearing before Justice Kearney as counsel.

He always ensured we behaved appropriately.

I recall appearing before Justice Kearney, led by senior Counsel. We were amused by one of my learned friends - Mr Maurice QC - submissions and our laughter was getting too loud. Sir Justice Kearney directed us not to laugh at opposing counsel's submissions. He reminded us it was like pouring kerosene on a naked flame.

Upon being asked about his imminent retirement Nelson Mandela very humbly and some what facetiously said: "I must step down while there are one or two people who admire me."

On behalf of the profession I farewell Justice Kearney in the knowledge the long service he has given to the law and the community is both admired and appreciated.

Young practitioners and his honour's former associates have particularly thanked Justice Kearney for his fairness, courtesy and assistance.

Justice Kearney and his delightful wife Jessie will leave the territory to take up retirement in New Zealand. Their contribution to the legal profession, and the community at large, will be missed.