

***VALEDICTORY SPEECH TO MARK THE RETIREMENT OF THE
HONOURABLE MR JUSTICE BRUCE HARVEY McPHERSON CBE
FRIDAY 22 SEPTEMBER 2006***

by the Hon Justice Margaret McMurdo*

The presence this morning of so many at such an early hour is proof beyond reasonable doubt of the high regard in which the Honourable Mr Justice Bruce McPherson is held. I warmly welcome all of you and especially mention Mrs Jacqueline McPherson and members of the McPherson family, the Hon Justice Callinan and the Hon Justice Heydon of the High Court of Australia, Judges of the Federal Court, Judges of the Family Court, the Chief Judge and Judges of the District Court, the Chief Magistrate and Magistrates, Federal Magistrate Wilson and a number of retired Judges of this Court, all of whom were colleagues of his Honour: the Honourable A G Demack, the Honourable T F Shepherdson, the Honourable D K Derrington and the Honourable B W Ambrose. I also note with delight the presence of at least 16 of his Honour's former associates.

Several members of the Court are Sitting outside Brisbane, or are interstate or overseas but all would wish to be associated with my remarks. I mention in particular, the Chief Justice, who would usually have presided on this significant occasion in the life of this Court. He has especially asked me to mention his regret at his absence overseas and his wish to be associated with what I am about to say.

The Far Northern judge Justice Cullinane particularly asked me to mention his regret at his inability to be in Brisbane today as have the Honourable Geoff Davies and the Honourable W C Lee. The Honourable C W Pincus who is overseas also asked me to mention his regret at being unable to attend and that I pass on in his words his "deep respect for this outstanding judge".

Proudly Scottish by heritage, a South African by birth 70 years ago tomorrow, Australian by choice since 1960, Bruce McPherson was educated at Durban High School, the University of Natal, the University of Cambridge and the University of Queensland where he received his PhD. He lectured in law at the University of Queensland and was a visiting law lecturer at Cambridge University. Mr McPherson practised at the Brisbane Bar from 1965, taking Silk in August 1975. That was a significant year for the McPhersons. Proof of his acquired wisdom warranting the granting of Silk was that the previous month he had astutely married Jacqueline Milne, who was herself admitted as a solicitor of this Court in that year. Mr McPherson was a member of the Queensland Law Reform Commission from 1969 to 1982. During that time his achievements included the *Property Law Act 1974 (Qld)* which clarified and modernized this important area of our law.

On the occasion of Mr Justice McPherson's swearing-in as a Supreme Court judge in 1982, Mr Pincus, as President of the Bar Association of Queensland, described his Honour as an eminent barrister and the author of the standard text *The Law of Company Liquidation*, who had arrived in Queensland without many assets other than a law degree and a kilogram of

* President, Court of Appeal, Supreme Court of Queensland.

rather well-organized greyish material, and as the best qualified lawyer in an academic sense and the first native of Zululand to be appointed to this Bench.¹

Not content with the normal heavy demands of judicial work, his Honour chaired the Queensland Law Reform Commission from 1982 until 1991, was the Commercial Causes judge from 1983 to 1985, and in 1989 published *The Supreme Court of Queensland 1859-1960*. In 1990 he was appointed the Senior Puisne Judge of this Court and was Acting Chief Justice from July to October 1991. On 16 December 1991 he was appointed an inaugural judge of the Queensland Court of Appeal. He has served with great distinction in that role. On numerous occasions his Honour has carried out the duties of Administrator and Acting Governor of Queensland. He was Chairman of the Judicial Conference of Australia from 1998 to 2000, which is but one indicator of his Honour's standing as one of Australia's most eminent and respected judges.

Mr Justice McPherson's judicial services have not been confined to this Court. Since 1990 he has served on the Solomon Islands Court of Appeal. In July 2000 he acted as a judge of the New South Wales Court of Appeal. In December 2004 he was appointed a judge of the Fijian Court of Appeal.

He has also undertaken important community work, including from 1985 until 1989 the role of Chairman of Governors of the Utah Charitable Foundation and, since 1988 and continuing, the role of the Chairman of Trustees of the Peirson Memorial Home for Children.

His Honour is rightly held in the highest esteem not only in this State but throughout the Australian legal community and internationally. His outstanding service to the public through the law was recognized in 1988 by his investiture as a Commander of the Order of the British Empire. The University of Queensland awarded him an Honorary Doctorate of Laws in 2004 and this year instituted an annual lecture series in his name.

Such a brief summary cannot fairly describe the breadth and depth of our colleague's contribution to justice according to law. Fittingly *Justice According to Law* is the title of the Festschrift published by the Supreme Court Library on this, the occasion of his Honour's retirement from the Supreme Court of Queensland. Even that tome's 800 pages cannot do justice to his Honour's career.

Mr Justice McPherson, thank you for your almost 25 year contribution and service to this Bench, to the legal profession and to the people of Queensland. Your commitment to legal principle, your scholarship, industry, independence, impartiality, vast experience in the law and in life, courtesy, compassion, wisdom and gentle wit will be missed by your brother and sister judges, the profession and the community. You can be satisfied in knowing that you leave a rich legacy in your judgments and publications and in what you have taught those of us remaining behind to continue the work of this Court delivering impartial justice according to law.

Your departure from this Court, your Honour, is not a departure from the law or public life. I look forward to reading your future legal and historical publications, some of which I know are well underway, and your judgments in yet unheard cases in Courts of Appeal in exotic locations. You will now have more time for your many interests outside this Court and the law: your family of four sons and a daughter, your patronage of the Society of St Andrew,

¹ In the Matter of the swearing-in of Mr Justice McPherson as a Judge of the Supreme Court of Queensland, 2 February 1982, Mr Pincus QC.

the Clan McPherson Society, the Presbyterian Church in Queensland (particularly your beloved Ann Street parish), literature, history, gardening and your retreat in the highlands-of Mt Glorious.

Mrs McPherson, we will miss your great style, sense of fun and refreshing frankness which have contributed to the collegiality of this Court over the past almost quarter century. Thank you especially for your unwavering support of this remarkable judge over those years.

The Gospel according to Matthew advises those of us who judge others to take care: "For with the judgment you make you will be judged and the measure you give will be the measure you get."² That being so, your Honour, you and Mrs McPherson can look forward to your just measure: a long and happy retirement. May the years ahead bring continuing satisfaction, contentment and good health to you both.

Mr Sofronoff QC

Mr Daubney SC

Mr Pinder

Mr Justice McPherson

I invite you to join Mr Justice McPherson, Mrs McPherson, their family, friends, and the judges for morning tea outside the Court. The Supreme Court Librarian and publisher extraordinaire, Mr Aladin Rahemtula, has asked me to inform you that copies of the Festschrift will be available there for purchase.

These proceedings will be transcribed.

Adjourn the Court.

² The Bible, New Revised Standard Version, Matthew 7: 1-2.