



**SUPREME COURT  
OF QUEENSLAND**

Dinner to mark the occasion of Justice Pat Keane's retirement  
from the High Court of Australia

Blackbird, Riverside Centre, 123 Eagle Street, Brisbane  
Friday, 30<sup>th</sup> September 2022

Attended by judges of the Supreme Court, Federal Court, Federal Circuit and  
Family Courts (Div 1 and Div 2), District Court and Land Court

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**Helen Bowskill  
Chief Justice**

Good evening everyone.

It is my very great pleasure, and honour, to propose the toast to Pat Keane tonight, on behalf of all of us.

This dinner is unique in the sense that never before have members of all of these courts come together for one event. That of course is appropriate; since the reason we have come together is to pay tribute to and mark the retirement of Pat Keane, who is one of a kind.

It is an intimidating task to try to encapsulate the thoughts and feelings of those of us in the room and sum up the impact that Pat Keane has had. It is difficult to think of how one might do him justice.

From the time of his admission to the Bar in 1977, Pat was the "shining light" of the Bar. Taking silk in 1988, Keane QC was a living legend. My earliest memories of Pat were based on the tales, tall and true, that the barristers I worked for then, in the late 80s and early 90s, including Paul Freeburn and Jean Dalton, would regale us with in chambers, after returning from court as Pat's junior.

To be briefed as Pat's junior was, to me and no doubt many others, the holy grail. When that came to be, I have vivid memories of working assiduously for hours drafting opinions in answer to convoluted questions posed by our government instructors. I would hand deliver the draft to Pat's chambers at 5.00 pm, full of trepidation. He would casually walk into my room before 8.00 am the next day, comment on the impossible to comprehend questions, add a comma here and there and say the opinion was fine to go. Such was Pat's ability to quickly comprehend, synthesise and answer complex legal problems. Those moments of apparent approval would sustain me for months.

To appear *with* Pat was inspiring; to appear *against* him was, I understand, intimidating, to say the least. Indeed, Glenn Martin, speaking then as President of the Bar at Pat's swearing in as a judge of appeal, likened it to the feeling of an intruder with a pistol held near to his head, on the receiving end of a threat that if he did not retreat, the pistol holder, coincidentally named Keane, would blow out the intruder's brains and send his soul to the devil.

To appear *before* him was frightening, but only because of his fierce intellect, not any rancorous judicial temperament. His judicial colleagues from my court describe sitting with Pat on appeals as a joy, remarking on the speed and efficiency with which he was able to produce high quality judgments, handwritten with his fountain pen.

As the Solicitor-General for Queensland for just over 12 years, from 1992 until his appointment to the Court of Appeal in 2005, Pat appeared in the High Court in some 54 matters; some of the most significant cases in Australia's legal history. Many of the current and former judges of the Supreme and Federal courts appeared with Pat in those matters.

Pat's five year tenure as a judge of appeal of the Queensland Court of Appeal, from 2005 to 2010, was remarkable in terms of its productivity, both qualitatively and quantitatively. Pat contributed to more than 800 judgments of the Court of Appeal in that time, covering every area of law imaginable. For both practitioners and fellow judicial colleagues alike, to find a decision of Pat Keane's on a particular point is a comfort and a relief.

This Court's loss in 2010 was the Federal Court's, and the broader Australian community's, gain, when Pat was appointed Chief Justice of the Federal Court in 2010. At Pat's swearing in as Chief Justice, and speaking last, which must I always think be a very difficult brief, the then president of the Queensland Law Society put it simply and accurately when he said that "every accolade is well deserved and well earned, reflecting not only the great admiration we all have for your legal talents but also the great personal affection we all have for you".

Upon Pat's departure from the Federal Court, just shy of three years later, his steerage of that court was likened to the unparalleled navigational skills of the philosopher in Plato's *Republic*. His reputation for swift production of quality judgments had, by that time, attracted to him the moniker "Speedy Keane" from a national newspaper. And, despite being earlier described as a technophobe – not unfairly it must be said – Pat's tenure as Chief Justice saw the introduction of electronic filing in the Federal Court, and the move towards establishing an entirely electronic court file; something that, a decade later, we are still fighting for in the State courts.

Pat joked on that occasion of his inability to hold down a job. His itinerance, of course, took him next to the High Court, where he has served with singular distinction for the past almost 10 years. At Pat's swearing in as a justice of the High Court, the then President of the Law Council of Australia referred to Pat, as a junior barrister, learning at the feet of outstanding barristers such as David Jackson, Geoff Davies, Bruce McPherson and Bill Pincus. Describing the competition at the junior Bar as "pretty hot" in those days, he repeated a story, first told by Pat at Justice Pincus' farewell from the Supreme Court, of Bill Pincus perusing a draft outline of argument that Pat had prepared, and being quite scathing in saying "You know, that Sue Kiefel is a very helpful junior. She actually identifies the points that are likely to win the case". How lucky are we to have had both Susan Kiefel and Pat Keane serve together on the High Court, producing many joint judgments, remarkable for their clarity and brevity.

On the last occasion Pat sat with his High Court colleagues on a full appeal, I understand that Michelle Gordon, on behalf of the justices sitting with him on that day, Gordon, Edelman, Gleeson and Steward, paid tribute to him, acknowledging Pat for his significant contribution to that Court and thanking him for being what she described as “our true and humble mensch”. That’s a lovely word, “mensch”, and so delightfully apt. It means a person who can be relied on to act with honour and integrity; but also someone who is kind and considerate, who acts with self-restraint and humility. According to an article in the Jewish Chronicle, there are few higher Jewish compliments to pay someone than to call them a mensch, though of course a true mensch would be too modest to want to be complimented. The same article says that mensches are people we look up to, but they are never too good to be true.

Another has described Pat as “a genuine Renaissance man”, owing to his high intelligence and breadth of learning; a compliment first attributed to Martin Kriewaldt, a partner at Feez Ruthning where Pat worked for a short time in the late 1970s. We in the Supreme and District courts regularly tell juries not to undertake their own internet searches, among other reasons, because you can’t be sure what you will find there is accurate. As some jurors do, I ignored that instruction and, as it happens there is another Renaissance man called Pat Keane. An article about him begins: “Pat Keane is a renaissance man in the Louis C.K. tradition. With a dirty mouth, brutal honesty, and a regoddamndiculous sense of humour, Pat is the most entertaining guy you could ever hope to ... build you a pair of skis.” All was sounding pretty accurate until that last bit!

Down to earth, funny, warm and humble; incisive, concise and having an encyclopaedic memory of authorities and principles; Pat Keane is, undoubtedly, one of the greatest legal minds of the last two centuries. For all of us in the room, it is hard to imagine Australia’s legal landscape without Pat Keane as a prominent feature of it. Without knowing what Pat has in mind, though, it should perhaps not be assumed that he will not continue to be so, albeit in a different context.

Would you all join with me, in proposing a toast to the remarkable career and contribution of Pat Keane, and to wish him and Shelley great health and happiness as they embark on their next adventure together.