

SUPREME COURT OF THE NORTHERN TERRITORY  
STATE SQUARE, DARWIN

CEREMONIAL SITTING TO MARK THE RETIREMENT OF  
THE HONOURABLE JUSTICE PETER MARTIN BARR

TRANSCRIPT OF PROCEEDINGS

COURT ROOM 1, FRIDAY 2 FEBRUARY 2024

**PRESIDING JUDGES:**

THE HON. CHIEF JUSTICE MICHAEL GRANT AO  
THE HON. JUSTICE JUDITH KELLY AO  
THE HON. JUSTICE JENNY BLOKLAND AO  
THE HON. JUSTICE PETER BARR  
THE HON. JUSTICE JOHN REEVES  
THE HON. JUSTICE JOHN BURNS  
THE HON. ACTING JUSTICE TREVOR RILEY AO  
THE HON. ACTING JUSTICE GRAHAM HILEY  
THE HON. ACTING JUSTICE MEREDITH HUNTINGFORD

**IN ATTENDANCE:**

THE HON. SALLY THOMAS AC

SHERIFF'S OFFICER: Silence, all stand and please remain standing.

All persons having any business before this Honourable Supreme Court of the Northern Territory, now draw nigh and give your attendance and you shall be heard. God save the King.

Please be seated.

ASSOCIATE: A ceremonial sitting to mark the retirement of the Honourable Justice Peter Martin Barr.

GRANT CJ: On behalf of the judges of the Supreme Court, I welcome everybody here today to this ceremonial sitting to mark the retirement of Barr J.

The court acknowledges firstly the presence of his Honour Professor the Honourable Hugh Heggie AO PSM, Administrator of the Northern Territory, and Ms Ruth Jones. Since their appointment, his Honour and Ms Jones have been tireless supporters of all of the arms and institutions of the legal profession in the Northern Territory, and we thank them for their attendance here today.

We are also honoured by the presence on the Bench today of the Honourable Sally Thomas AC, former Administrator of the Northern Territory and Judge of this court.

We also acknowledge the presence here today of the Honourable Claire Martin AO, former Chief Minister of the Northern Territory; the Honourable Acting Justice Trevor Riley AO, former Chief Justice of this Court who is also sitting with us on the Bench today; Ms Gemma Lake, the Chief Executive Officer of the Department of the Attorney-General and Justice; Commissioner Michael Murphy APM, Commissioner of the Northern Territory Police, Fire and Emergency Services; Mr Nikolai Christrup SC, Solicitor-General of the Northern Territory; Ms Shahleena Musk, Children's Commissioner; Mr Peter Shoyer, Ombudsman; Mr Jeswynn Yogaratnam, Anti-Discrimination Commissioner; and last, but not least, Mr Hamish Baddeley, Honorary Consul for Denmark.

Justice Barr was sworn in as a Justice of this Court on 30 September 2010. Prior to his appointment to this Court, his Honour had a long and distinguished career at the Northern Territory Bar, and before that as a solicitor in private practice.

While the speakers here today will have much more to say about Justice Barr's life and career throughout that time, Justice Barr is known for his fine intellect, his impeccable judgement, his humour and his generosity – both professionally and personally. He is a deeply learned man, but he wears that learning lightly.

Justice Barr has been a model judge of this Court and a much loved and respected colleague. We are sad to farewell him, but his retirement is, no doubt, a well-deserved one.

Fortunately, and happily, he has agreed to take appointment as an Additional Judge of this Court and he will continue sitting from time to time in that capacity.

He also remains tied to Darwin by his partner, Chris. Justice Barr assures me that Chris will be continuing as senior partner with Hunt and Hunt in order to fund his retirement lifestyle as a nomadic surfer and skier.

The Court thanks Justice Barr for his service as a permanent Judge and looks forward to his further contribution to the community as an Additional Judge.

The members of this Court all wish him and Chris the best for their future.

Mr Solicitor, do you move?

MR CHRISTRUP SC: Thank you, Chief Justice. May it please the court.

I acknowledge the Larrakia people as the traditional owners of this land. I pay my respects to elders past and present.

I rise to deliver this address in place of the Attorney-General, the Honourable Chansey Paech MLA, who regretfully is absent from Darwin today. I have been asked to convey his apologies and to pass on his best wishes to you, Justice Barr.

In this court on 30 September 2010, your Honour was sworn in by the Administrator, the late Honourable Tom Pauling AO KC in a proceeding presided over by the then Chief Justice, his Honour Justice Riley.

You took your place on the Bench following the retirement of his Honour Brian Ross Martin AO KC and the promotion of Justice Riley to Chief Justice. The other members of the court at the time of your Honour's swearing-in were Justices Mildren, Southwood, Kelly and Blokland.

Today, your Honour marks another milestone on the road that has been your career in the law. A road that started at the University of Sydney and led your Honour to Darwin a few years later where you worked as a solicitor, then as a Barrister before your Honour passed the sign on the road that read "Level 6 of the Supreme Court."

A road that to date has been close to five decades in length, though to your Honour it may have felt much longer. But it seems, given the indication from the Bench, that perhaps it will stretch itself into a sixth decade. That remains to be seen.

You developed a love for the Territory and very early on in your career decided to make your life here. You are proud of the Territory and you readily share your knowledge of the place with those who come from interstate or overseas including, I am told, dubiously safe advice and some may say, tongue-in-cheek, about the best swimming beaches in Darwin.

Your Honour's time at the private Bar was one steeped in success. There are well in excess of sixty decisions from this court in which your Honour was counsel, often against your now brother and sister judges.

Some of those cases were very large and complex civil trials requiring weeks of lay testimony and expert evidence. Trials that could only have been run efficiently by a counsel who is not only prepared to spend endless late nights of preparation leading up to the trial, but who also has the ability to approach the case with a keen eye for organisation, a clear understanding of the legal principles and the intellect - and courage - to make the tactical and strategic decisions necessary to ensure that the court is spared from irrelevancies and that the case is presented in the clearest of lights.

On a prior occasion, much like the one we find ourselves in today, you yourself described the taking of these tactical and strategic decisions as an extraordinary privilege bestowed upon a Barrister. A skill that your Honour put to great use at the Bar and which has stood you in good stead in efficiently running the cases that have come before you after you entered judicial office.

You are renowned for imposing practical and effective solutions whenever a procedural difficulty arises, but your skill as an advocate was by no means confined to trial work. Many of the cases in which your Honour appeared as an advocate were at the Court of Appeal level. A level where the focus is on the development of legal principle rather than fact-finding. Your Honour's contribution to the development of the law and the proper interpretation of many Territory statutes was invaluable.

It was in this appellate capacity that you and Stephen Gageler SC, as his Honour then was, inflicted a stinging defeat on your opponents in the High Court case of *Attorney-General for the Northern Territory v Chaffey*, a defeat, unfortunately, that included both the Chief Justice and myself. To this day I still open Volume 231 of the Commonwealth Law Reports with the enthusiasm of a condemned on his way to the scaffold.

And then you had cases at the Bar that were more off-Broadway. Like *Kelly v Trezise*. You successfully acted for the defendant in respect of an alleged oral agreement for a loan for half the purchase price of the Go-Go Cheer Leaders Sex Bar in Thailand. For those interested in this racy edition to the law of contract, the citation for that particular case is [1999] NTSC 9. The cab-rank rule operates in mysterious ways.

You are joined today by your partner Chris and your children, Eddie and Mary-Rose. Family has always been important to you and you have never made excuses for maintaining a healthy balance between family and your work, and I am sure you look forward to being able to spend more time with those closest to you in the time that lies ahead.

I have made various enquiries of those with whom you have worked during your time as a judge. The evidence is in and the case against your Honour is a strong one.

There is a unanimous view that you are a most pleasant person to have as company. You give freely of your time to help those around you, whether it be to assist them in their education, being a legal one or that of life, and generally to render support and proffer solutions where they are facing a problem or a difficulty.

Your associates in particular saw you as a role model and mentor and report that you, at times, assumed a role that approached the fatherly. It is no coincidence that so many of them are in court today - some of them from interstate - to share this very special occasion with you.

You also have a keen sense of what makes others tick. I myself can testify to your heightened sense of empathy and your ability to deploy that empathy to find solutions that are simple and effective. Convention prevents me from drawing upon examples during our work trips in 2008 and 2010 to prepare for a Northern Territory Supreme Court case that was going to be heard in Las Vegas. However, no convention applies to the events that occurred in Pasadena, California.

We were at the hotel laundry where the washing machine had just completed its cycle of the clothes of my fearless leader. We were catching a plane the following day so it was imperative that your Honour's clothes were dried that evening. As bad luck would have it there was only one dryer provided by the hotel and, on inspection, it was revealed that it too had completed a cycle but had not been emptied. It was getting late and I, with all the outrage and immaturity of a junior counsel, was about to suggest that you simply dump the dry clothes in a heap on the table. But, with your signature civility, your Honour adopted a very different course, namely hand-folding the stranger's clothes into crisp piles.

Later, as your Honour was retrieving your dried clothes you were confronted by the owner. And what does he say after having noticed you had handled his clothes? "Thank you, sir. It is good to know there are still decent folk around."

It is also said that you are a hard worker and take on whatever matters are available. There have been several accounts of your Honour's willingness to work into the early hours of the morning to prepare for the case that would be before you the following day. And your Honour has always been able to do this with a penchant for spreading joy and humour to those around you. You can often be found on Level 6, in what might be charitably described as a "loud" Hawaiian shirt, or bringing in morning or afternoon muffins or other delights for your Chambers staff or, I am told, hitching the odd ride on a court trolley on your way to the lift.

This penchant, of course, also extends to playing harmless practical jokes on your unsuspecting workmates. For example, it was a notorious fact that another Barrister at William Forster Chambers was in the habit of switching off the lights in the men's bathroom to reduce the carbon footprint. A motivation of the most admirable kind. However, your Honour was, and I believe remains, the primary suspect on those occasions where the lights were turned off while someone was clearly making use of the facilities.

Likewise, there was a Barrister who was in the habit of using his room for the display of photographs depicting himself with famous people. However, there was one photo in the room that did not feature this particular Barrister, namely the photo of Martin Luther King Jr delivering his speech at the steps of the Lincoln Memorial in 1963. Under cover of darkness, Peter Barr retrieved the photo, made a copy in the library using the library photocopier, altered the copy, reinserted it into its frame and returned it to its rightful place in the Barrister's room.

I cannot now recall whether the Barrister ever noticed the alteration, but had he looked, he would have seen his own face pasted into the crowd immediately behind King saying, "Tell them about your dream!"

Another quality you are accused of possessing is an understated, but incredibly effective, use of the English language. Two examples will suffice. In *Spadaccini v Grice*, your Honour was called upon to rule on the costs of a proceeding that had resolved without a trial. It concerned a bitter dispute between two neighbours concerning the dividing wall built by the defendant that impermissibly encroached upon the plaintiffs' land.

The parties had reached an informal agreement the terms of which involved generous concessions by the plaintiffs. The defendant then provided the plaintiffs with a draft deed, the terms of which received heavy criticism from your Honour, mainly because it placed numerous additional burdens on the plaintiffs. In your Honour's words at par 23 of the judgment, "Not only was the defendant 'looking the gift horse in the mouth'; she was reserving the right to kick it in the teeth."

The other example is from your Honour's time at the Bar. Your opponent was a young Ben O'Loughlin - as his Honour then was - who was resisting an application for a split trial. He was about to make his strongest point by reading out the oft-cited passage by Justices Kirby and Callinan in *Tepko Pty Ltd v Water Board* about the benefits of a split trial often being illusory. Mr O'Loughlin said "The attractions of trials of issues rather than of cases in their totality are often more 'ki-merical' than real". He was hoping these words would be received as if they were hewn on tablets of stone. Your Honour rose to your feet, looked the Master in the eye and in that deep and soothing voice of yours, simply said, "shy-merical" and sat down. O'Loughlin observed to his horror the beginnings of a smile on the usually inscrutable face of Master Coulehan.

Mr O'Loughlin immediately jumped to his feet to protest and assured the court that he had checked the "pro-nun-ciation" of that particular word.

Your Honour again rose and said very slowly, "pro-nun-ciation". The courtroom erupted and Mr O'Loughlin's strongest point was drowned in a sea of laughter.

During the time on the bench, your Honour was pleasant to appear before and you are clearly a man of great patience, even in the most trying of circumstances. Your Honour plainly remains open to be persuaded, regardless of whatever preliminary view you may have formed when reading the materials. As they say, "A great judge is quick to perceive and slow to decide."

But off the Bench too, your Honour is never rattled, regardless of what happens in Chambers. It has been said, and these are quotes, you are, “cool as a cucumber”, you have a “gentle way of delivering negative messages” and my personal favourite, “a very chilled operator.”

Another virtue is humility. You have never been one to blow your own trumpet though it seems you show no such restraint when it comes to inflicting the ukulele on your work colleagues. An endeavour for which your Honour holds no formal qualifications beyond those of sheer enthusiasm.

Further, the frankness with which you warned the profession at your swearing-in, that you would certainly need a great deal of help and guidance from the Bar to settle into your new role over the months and years that lay ahead of you was both admirable and honest. The local Barristers clearly did a good job following your Honour’s invitation. The hundreds of written decisions that you have delivered during your time on the Bench bear a clarity of reasoning and a maturity of judgment and they are always sans any unnecessary verbiage.

They say it is important to have interests outside the law. Your Honour’s journey on the road has been supplemented, I might say enriched, by exploring the scenic routes along the way - what in modern computer gaming language is described as “side quests”.

Your Honour has had a lifelong association with the Armed Forces, having been a Specialist Service Officer (Legal) in the Royal Australian Navy Reserves and a member of the Defence Force Discipline Appeal Tribunal for several years, the highest court in the military discipline hierarchy.

You were the honorary consul for the Kingdom of Belgium, which would explain Mr Baddeley’s presence here today, in the Northern Territory for many years. An office where your Honour’s fluency in French came in handy. More importantly, and leaving aside the countless functions offering free booze that your Honour was no doubt required to attend in that particular consular capacity, it was an office that permitted your Honour to render assistance to Belgian travellers that had met with misfortune in the Territory, often in the form of lost or stolen passports. Your Honour would urgently arrange replacement documentation and send them on their way to enjoy the balance of their holidays. Assistance for which you were largely unpaid.

Finally, it would be remiss of me not to mention your great fondness for skiing. A courageous sport to pursue in Darwin, but a passion which has for many years taken you overseas, often to the slopes of Northern Japan, usually in the month of February. Maybe that explains the obscure timing of your Honour’s retirement.

You have now reached the sign on the road that marks the end of your time as a permanent judge of this court. You have well and truly served. You have done right to all manner of people according to law. You did so without fear or favour. And without affection or ill will.

On behalf of the Attorney-General, the Government and the Northern Territory as a whole: Thank you Justice Barr and good luck. May your retirement be a journey as adventurous and as varied as your time in the law.

May it please the court.

GRANT CJ: Thank you, Mr Solicitor.

Ms Chalmers, the President of the Northern Territory Bar Association.

MS CHALMERS SC: May it please the court. I rise to speak on behalf of the Barristers of the Northern Territory.

In preparing for today I was happy to discover that my former chambers colleague, Ms McMaster, spoke on behalf of the Bar Association at your Honour's welcome sittings. Ms McMaster hoped in her 2010 address that you would retain the values for which you were then known as a Member of the Bar, your warmth, wit, compassion, even temper and keen eye for detail.

Your Honour, your report card is in. Let's see how you went.

I have to say that upon your appointment there was a question amongst the criminal Bar as to how Your Honour would adapt to the unsavoury factual environment of the criminal law. You were apparently equipped with a Profanosaurus to get you started. I am sorry to report that there was a degree of smirking at the Bar table in the early days as you read out various quotes from Crown sentencing facts. Those quotes, of course, were only there for necessary context and not just so that we could hear your Honour say, "You, m effing c" in your refined, civil Barrister tones.

I am pleased to report that before very long we had you swearing like an outlaw motorcycle gang prospect.

I think your Honour even added a word or two over the years to the Profanosaurus lexicon. The term "motorboating" springs to mind and perhaps your Honour can explain the meaning of that in your reply.

You will be greatly missed as a permanent member of this court. Your even temper and your wit will perhaps be missed most of all.

As to judicial temperament, as a practitioner, I can say from first-hand experience that you performed your duties with courtesy, patience and fairness. Judicial courtesy is a virtue and for practitioners, it is a blessing. Your Honour's patience with counsel has, at times, appeared boundless. You are a good listener. You rarely lose your temper and on the few occasions that you do, admonishment is delivered in a way where the point is not lost but the spirit is not crushed. You really have been a model judge in this regard, your Honour, and we will miss you.

Similar courtesy was extended by your Honour to the most trying of court users - the self-represented litigant. I am told that you remained patient with one such



litigant throughout protracted court proceedings, perhaps because at an early stage he got down on his knees and prayed to you.

On one occasion though, he tested your Honour's patience by seeking a last-minute adjournment to attend his mother's funeral. Your Honour appropriately asked for details of the funeral which were not forthcoming, giving rise to some concerns about the veracity of the basis for the application. After an exchange during which your Honour explained you were not minded to grant the adjournment and what the consequences may be, a tirade against your Honour ensued. Your Honour did not rise to the bait. Instead, you said, "Very well, I haven't closed my mind to this. Whereabouts is your mother's funeral taking place tomorrow, Mr So-and-so?" To which he replied, "Well, as far as I know, she's still alive."

I recall another self-represented litigant who was explaining to your Honour why he was spending \$10,000 a year on organic mushroom-infused coffee pods instead of diverting those funds to retain counsel for his upcoming criminal trial. With your characteristic patience and exceptional attention to detail, your Honour took a good five to 10 minutes to carefully note down the correct spelling of all three types of Chinese organic mushrooms. But jokes aside, the courtesy that you showed even those difficult individuals was admirable and preserved the dignity of those people who self-represent, many for whom life really is simply a struggle.

Your wit and deadpan delivery is somewhat legendary. Your Honour has made working in this court almost a pleasure upon some days. The occasional humour, of course, provides momentary relief and a brief camaraderie between opposing counsel and between Bench and Bar, and again, you will be missed in this regard.

Now, I sought submissions from the profession to try and find the funniest in-court humour and I think it was difficult to choose, but there was one that I selected, which was a drug supply case which involved a publication known as "Total Synthesis One".

Now, this was apparently a document that provided various recipes for the preparation of Schedule 1 drugs, to which your Honour paid close interest. You asked the Prosecutor whether it was like a Nigella Lawson book, but then remembering her brief association with such substances you said, "Or was it like Jamie Oliver?" The Crown Prosecutor said that he was not aware and you asked whether the recipes were any good. The Prosecutor also was not aware of this but opined that they are probably better than those in "Total Synthesis One." The court apparently then erupted into laughter, but harking back to your Honour's kindness and temperament, you immediately apologised to the defendant, explaining why light relief is sometimes needed in court.

There are many more stories and I don't have time for all of them but I was somewhat surprised to learn that your Honour was not all sugar and spice at least prior to your elevation to the Bench. Apparently on an occasion many, many years ago, our former Chief Justice, who is here today, was still at the Bar and was your adversary in a case. He had apparently been using an advocacy technique that is not to be found in the Little Red Book, except the version that I believe is still available on the dark web.

The case was in jeopardy and your Honour's ire was such that there was apparently an aggressive exchange outside of the court in the vestibule. Now, I didn't believe this when I first heard about it but regrettably discovered the existence of some tendency evidence showing that perhaps your Honour did have a propensity for aggression in the advocacy process. Now, I am going to tender two documents which I am unable to display because there is no facility in this courtroom for doing so, but the documents feature the young advocate, a Naval lawyer, your Honour. There was the defence force magistrate, I believe it would have been Lieutenant-Colonel Mildren presiding and one Lieutenant-Colonel Hiley assisting.

Anyway, I am going to tender these and they will be available briefly afterwards for people to view but I would ask people to note the behaviour of the advocates while the defence force magistrate is present, compared to when he is absent. If I can tender those photographs.

Perhaps on a more serious note, at the time of your appointment to the court, your Honour was interviewed by the ABC and that interview is available on YouTube. I don't know if you knew that. Anyway, you told the journalist that you hoped you would be up to the challenge of sentencing in criminal cases and that you needed not only to meet community expectations as to punishment and deterrence, but you were concerned about getting the balance right in terms of rehabilitation and giving people an opportunity to become productive members of our community again.

Now, his Honour acting Justice Hiley on his retirement, the Honourable Dean Mildren KC, formerly of this court, in a journal article published this year and our former Chief Justice, Trevor Riley, have all previously spoken about the dwindling judicial resources in this jurisdiction and the fact that the number of permanent Supreme Court Judges in the Territory has not increased since the late 1980s.

Of course, the caseload of this court - particularly the criminal caseload - has continued to grow exponentially. The overload of the system manifests in many different ways. Of course, to a very large degree, it is absorbed by the judges of this court and, no doubt, in a manner detrimental at times to their health and wellbeing. But the reality is that justice is being spread thinner and thinner and access to justice is becoming harder and harder. Delayed judgments are but one manifestation of the problem. Delayed trials and even plea hearings are another. Your Honour, at times I imagine your hopes as expressed to the journalist in 2010 have been frustrated by the increasing workload, reduced court time, insufficient rehabilitation services and places, lack of legal representation for litigants, lack of treatment options in the prison, all impacting on this court's ability to dispense timely, meaningful and equal justice to Territorians.

Somehow your Honour has survived the workload. You have been a terrific judge. You have served Territorians well. We are happy to hear that you will continue to serve in an acting capacity and we wish you, on behalf of the Bar, all the very best for your retirement.

GRANT CJ: Thank you, Madam President.

Mr Henschke, President of the Law Society, Northern Territory.

MR HENSCHKE: Thank you, your Honour.

When I received a letter from the Chief Justice inviting me to address this honourable court today, I reached for my copy of "Mandatory Reading" by Peter and Sheila Forrest. I thought to myself, "Surely there would be information in that book that would help me prepare my address." To my great surprise, there is very little mention of the Honourable Peter Martin Barr in that book. As far as I can see, only two photos, one as a member of the Law Week Cricket Team and one as a member of this honourable court sitting to mark the occasion of the Law Society's 50th anniversary, and your Honour looked very serious in both photos.

So I then went to my second favourite reference text for occasions such as this, "Big Boss Fella" by the Honourable Dean Mildren. That text has a concise but not entirely illuminating section concerning your Honour. So I happened to meet the Honourable Dean Mildren at the state funeral for Tom Pauling and I asked him for some further information that might assist me in the preparation of this address. Dean Mildren informed me that when he retired, his gardener became your gardener. I am unsure of the significance of this. However, it must be important because Dean Mildren mentioned it to me. No doubt that the second edition of "Big Boss Fella" will reveal more.

So because of the scarcity of reliable reference material, I am obliged to rely on my own recollection of your Honour as a solicitor, a Barrister and a judge and your Honour's many fine attributes came to mind when I reflected on an overseas trip which your Honour and I took in the golden days of motor vehicle accident compensation when single-vehicle rollovers involving foreign residents were all the rage. During that trip, your Honour was very efficient, precise and helpful.

We were obliged to meet with the client's family, I think to seek their approval. I felt as if I was asking for her hand in marriage but that was not, of course, the case. Your Honour navigated the intricacies of cross-cultural relations with absolute aplomb. Your Honour conversed with the client's mother in French and very helpfully paved the way for cordial relations. Your Honour thoughtfully informed the client's mother that he thought that the client and I had a very good relationship, indeed your Honour commented that he thought it was an affair of the heart.

Your Honour's unflappability was also evident on that trip. I made the cardinal error of allowing a Barrister to keep important client documents in his possession. A folder containing sensitive medical reports was left in the back of a taxi. The client had a heart attack, but your Honour was absolutely unphased and as it turned out, the folder of medical reports was located without incident, just as hoped for by one very anxious instructing solicitor.

Finally, your Honour's powers of observation and sense of humour were demonstrated during that trip. We were on public transport on one occasion. Your Honour noticed a person with a fairly pronounced after-5 shadow who was wearing a blonde wig, a fur coat and high heels, and your Honour noticed that that

person was glancing in our direction. Your Honour said to me in a reasonably loud voice, "Dickie, I think you have an admirer".

At the ceremonial sitting in 2010 to welcome your Honour, your Honour observed that on occasions of public praise, truth is often the first victim, either because of goodwill or sentiment or artistic licence. Perhaps an element of artistic licence has crept into my address. Most certainly goodwill abounds today.

Your Honour also commented that on such occasions there may well be irony in praise and sometimes even disguised mockery. Most certainly there was no element of disguised mockery today.

Your Honour observed that people would say to judges, "Your Honour is persistent and tenacious" and that can mean many things. It could mean that your Honour is exceedingly stubborn. Your Honour also said, "Sometimes people will say in court, 'Your Honour expresses it much better than I could'" and that sometimes means that your Honour is interrupting constantly and it is starting to become tedious.

And then your Honour mentioned the very famous compliment to the Bench which your Honour took from Barrister's mythology. It's the statement, "Your Honour is as wise as he is handsome." Most of us don't need to think twice about what that really means, but your Honour said that you had never heard it in court, but you pointed out to those sitting that you were ready for it if and when it comes.

I will not say that, "Your Honour is as wise as he is handsome", having regard to that caution.

Your Honour's contribution to the law of the Northern Territory is so broad and diverse it is difficult to detail. Your Honour's contribution is characterised by your Honour's refined intellect, discipline and courtesy.

On behalf of the legal profession in the Northern Territory, I thank you for your years of service in so many and varied ways. Noting that your Honour's comeback is already ensured and planned, it is not necessary to bid you adieu, rather, I wish you all the best.

GRANT CJ: Thank you, Mr President.

Justice Barr, would you like to respond?

BARR J: Yes, thank you. Thank you, Chief Justice.

Your Honour the Administrator, Professor Hugh Heggie and Ms Ruth Jones, Chief Justice and fellow judges of this Court, judges of the Local Court, past judges of the Supreme Court, Solicitor-General, Mr Christrup, President of the Bar Association, Ms Chalmers, Law Society President, Mr Henschke, members of the Bar, those of you who are robed today and those who are not, members of the legal profession generally, distinguished guests and indeed to everybody who has come today to honour me with their presence, my heartfelt thanks to you all and

especially to several of my former Associates who have travelled from afar to be here today.

I must say, it is a nice thing to hear all these wonderful things said about myself, but I have got to be realistic. I have got to be realistic, I won't say any more than that.

You may notice that when I speak today, with only very few exceptions, I don't mention people by name. The simple fact is that if I try to mention everyone who has supported me so well during my role over the past 13 years, it is inevitable I will fail to mention somebody who is worthy of a mention. If I appear to anonymise things, the people I am referring to will know who they are and nobody should be offended that I don't spell out their full name as I speak.

I want to say something firstly about the Chief Justice or the Chief Justices. I have been fortunate to serve as a judge over the past 13 years under two Chief Justices.

Chief Justice Michael Grant and former Chief Justice Trevor Riley are very, very different characters with different personalities and leadership styles.

If you think of that well-known song, "Knockin' on Heaven's Door", you would know that there is the original Bob Dylan version, and then there's the Guns N' Roses version.

As I say, the Chief Justices have very different personalities and styles. I will leave it to you to work out which version fits which Chief Justice.

However, both of them are very, very hard working. Both of them are dedicated to the task of leading this court and looking after the welfare of myself and the other judges. They have not only carried out a full judicial workload but have uncomplainingly carried out all the additional tasks that attach to the role of Chief Justice and I acknowledge them both today for those matters.

I have also been very fortunate to have the support of my judicial colleagues, past and present: my brother and sister judges and of course the Associate Judge.

Reflecting that support, Justice Blokland and Acting Justice Hiley have travelled from interstate to join me on the Bench today.

Justice Blokland even endured an early morning Jetstar flight from Adelaide to be here. She hasn't stopped reminding me about that. I do empathise with her Honour. She probably had to endure the Jetstar combo favourite breakfast and all the other things you have to buy that they don't give you when you fly with Jetstar.

When I refer to my judicial colleagues, I include those judges who, after retirement as permanent judges at this or other courts, have been willing to continue as additional or acting judges of this court. It would have been very difficult over the years to get by without their contributions. It would have been difficult to organise annual leave. It would have been difficult not to have to spend more time away from

home. It has been very beneficial to have had the benefit of those retired judges who are still prepared to contribute.

When I speak about being away from home, I must say that the only place where I go away from home as a judge is to Alice Springs. I have always felt very much at home in Alice Springs and for many of the years that I have been a judge, in fact until the new Supreme Court building opened in Alice Springs, I very much appreciated the close collegiality with the judges of the Local Court. We were all in the same building, the old Supreme Court building. Our Chambers were adjacent. We shared the kitchen, the coffee machine and we shared a chat. It was always very pleasant to have those colleagues from the Local Court close by and there was always a copy of the Centralian Advocate to read during the breaks, courtesy of the Local Court. I have very fond memories of those years that I went to Alice Springs and we sat in the old building.

I want to acknowledge and talk about also the support I have had in the role, in terms of personal support. I am very grateful to my executive assistant who has worked for me for the last five years. She has also distinguished herself in serving as my Associate in court from time to time in criminal trials and sentencing.

And, before that time I shared a very experienced executive assistant who was probably called a 'secretary' back in those days, now retired and, I understand, very happily retired.

It would be unfair in this context not to mention the executive assistants of all the other judges, who have always helped me in any way they could.

I also cannot leave out mention of the many Associates who have served me from late 2010 to the present. I thank you all. I can see you have all been corralled into a particular part of the court there. I thank you all for your loyalty, your hard work and your friendship. You will be pleased to know that my most recent Associate has maintained the high standard that you established over many years.

I want to say something now about those people without whom the court could not function: the court officers or Sheriff's officers. By their uniform and their calm presence, they help maintain the dignity of the court and maintain the calm in court proceedings. In jury trials, of course, they provide invaluable assistance to the jurors.

Several of the Sheriff's officers are very experienced and assist in training their more junior colleagues. All of this, of course, takes place under the dynamic direction of the Sheriff and the Deputy Sheriff.

And, on the civil side, the Registrar and Registry staff run things as efficiently as they can, having mastered the intricacies of the Odyssey system for court document management. The reference to Odyssey reminds me of the hero of the Odyssey, Odysseus or Ulysses. It took him 10 years to return home to his kingdom of Ithaca after the Trojan War. I am not quite sure how long it took to get the Odyssey system up and running, but it's now up and running and, as I understand it, fully operational, and we are grateful for it.

The staff in the criminal registry have to deal with the unhappy potential jurors, people wanting to be excused and to fill out their statutory declarations for generally legitimate reasons, and anybody who wanders in and sees that as the first counter they can access. In the same way, the staff in the civil registry have the pleasure from time to time of dealing with self-represented litigants. They have been mentioned or one has been mentioned in court today. Many of the self-represented litigants are quite reasonable but some, obviously, are not. It's a fact of life that the unreasonable ones are the ones who keep coming back.

Anyway, it's a court proceeding, but I voice a discrete 'shout out' to the Registry staff on both sides of the building.

I would also like to acknowledge and thank those from the executive arm of government who work in the Supreme Court, based in their engine room on the third floor. They do a lot of work behind the scenes that is not publicly known about, but nonetheless very important in the operation of the court.

Speaking of behind the scenes work, much of the behind the scenes organisation for this ceremony today has been done by one person, the executive assistant to the Chief Justice. I would like to thank her for all the work she has done to make this ceremony a reality.

While I have got everyone's attention, I would like to say something about juries. After 13 years of being a criminal judge and having the privilege of working with Northern Territory juries, I feel compelled to say something about that experience.

I have always found, and I mean always, that the jury has gone about the task entrusted to them with absolute diligence. The degree of attention to the evidence and to counsel's submissions, the questions which jurors ask, and even their ability generally to stay awake during some very boring moments, all provide a very good indication of their engagement with the evidence and the legal issues. I think that must be acknowledged.

On one isolated occasion during defence counsel's summing up to the jury in Alice Springs, he drew to my attention that one of the jurors appeared to have fallen asleep. Of course, I didn't know whether the juror had fallen asleep or was just resting his eyes, but this was the session immediately after lunch and the air-conditioning was doing a fine job of keeping the courtroom quite warm and cosy. So I said to counsel, "Well, what do you want me to do?" He replied, "Well, that's a matter for your Honour". So I did nothing.

There are some things to reflect on in relation to juries in criminal trials.

Jurors are often exposed to some very confronting evidence, some of it in the descriptions of witnesses who can include forensic pathologists, in ways that you might understand. Sometimes they have to see photographs or CCTV and the emotional impact can be significant.

Yet for all that, jurors are not paid much.

Back in 2013, when the Northern Territory Law Reform Committee published its report on the Review of the *Juries Act*, jurors in criminal trials were paid \$60 each day if a trial lasted nine days or less, and \$120 per day, back-paid and ongoing, if the trial lasted 10 days or more. Most of the trials that take place in the Supreme Court last for nine days or less.

More than 10 years later, jurors receive \$68.40 per day for trials of nine days or less; and \$136.80 per day if the trial lasts 10 days or more. In both cases, they receive a travel allowance, but it's pretty clear that, with inflation, jurors are worse off today than they were back in 2013.

Jury service is a form of community service. Members of the community are expected to do jury service, and the fees paid to jurors are not intended to be fully compensatory. I understand that. However, those who work in the public sector and for certain private employers, will probably continue to receive their normal pay while they serve as jurors. On the other hand, self-employed tradespeople and casual employees will receive only the scheduled fees and so could be considerably worse off, particularly if a trial happens to be a long one.

The end result is that it costs some people a lot more than others to serve as a juror.

Now, I don't profess to know the answer to this. I know that it has been looked at from time to time. But if the aim of the jury system is to capture a wide cross-section of society, then some measures must be taken to ensure that no-one loses out relative to anybody else in their jury service; something to be looked at, no doubt.

You may not be aware of this, all of you, but the judges have responsibilities other than just presiding in court or writing judgments and so on. They all, in one way or another, serve on Supreme Court committees of various kinds or even as members and high-ranking officers of national bodies.

Perhaps for me, the most significant extra-curricular activity has been as Chairman of the Access Committee. That committee signs off on the permission when people, community organisations and the like, seek access to the court building for educational purposes, or musical performances, art exhibitions and so on, for community purposes.

The Chief Justice sometimes makes light of the Access Committee on the basis that the committee comprises only one person, myself. But, in fact, I like it like that. I find that it works very efficiently.

My involvement with access also caused me to think about egress. I mean, it's all very well to control access to the building but it's equally important to facilitate egress.

So with this in mind, some years ago I had an idea which grew from a small idea to a much bigger idea.



If I could just explain the context to you. The judges are accommodated on the sixth floor of this building. I started to wonder what would happen if there were a significant fire, or a terrorist attack, or some self-represented litigant decided to go rogue in the building. How would the judges manage to get out?

I struggled with that question and I eventually decided that abseiling was the solution.

I envisaged judges' abseiling from the sixth-floor verandah, a little bit like the SAS in those hostage rescue documentaries you have seen.

I can see most of you nodding in furious approval. You are right, this clearly was a good idea.

Inspired by this stage, I sent an email to the appropriate director within the Department of Attorney-General and Justice.

I won't mention any names here but I just happen to have a copy of my email, so I will read it to you:

"To [name withheld]

Dear [name withheld],

Re: Rope descent training

Would we on the sixth floor be able to receive instruction in rope descent (and ascent as well), with a view to ultimately being able to repel from the sixth-floor verandah (on all sides) in an emergency.

The court would need to purchase ropes, harnesses, carabiners, ascenders, et cetera.

I think we would need six-monthly or annual refresher training.

I am not so much thinking 'terror', but more 'nut-case', fire or some natural disaster when lifts and stairwells are not safe.

Your thoughts?

Best,

Peter Barr"

Not long after that, then Chief Justice Riley spoke to me. He had obviously heard about my request. Anyway, he asked me if I was serious. What sort of question is that? "Absolutely" I said. The Chief Justice then said something like, "Well, we'll see how it goes".

He didn't look particularly excited by my proposal.

Anyway, the proposal was considered by a number of important people within the department. And, because there's no such thing as perfect security, I happen to have at least one of the email chains that eventuated.

This is the first email. This is from the original director that I wrote to, [name withheld]. It was written to a more important director and there was also a cc to a random cc person, which you often see in public sector emails.

Quote:

"Check this out. I had to read it twice as I could not believe it."

And then to the random cc person:

"Surely this type of activity would be prohibited under Work Health and Safety? I mean, these guys are mostly in their 60s..."

Look at us, do you think we couldn't do abseiling?

Anyway, an email came from the cc person:

"Yes. I expect the CJ might find himself failing in his duty of care if we brought this practise into emergency evacuation procedures at the Supreme Court?"

We then find an email from the original director I first wrote to, to all the others:

"Don't worry. The CJ has already told me to find a way of stomping on the suggestion."

Yes, Chief Justice Riley, I can see you smiling down there.

So it appears likely at this point that my proposal was never going to get off the ground, as it were. It was finished.

But I did get a little bit of feedback on the grapevine that a few other people had commented on my proposal other than those in the email chain.

One - I think it was a very unkind comment - one unkind comment was that a particular Supreme Court judge, [name withheld], would have difficulty clambering over the top bar of the balustrade on the sixth floor.

On reflection, that was probably a good point. So, if the present Chief Justice wants to take up my proposal in future, I simply suggest that he include the costing for a small stepladder, so that all the colleagues I leave behind can easily go over the top.

It's usual that when judges are retiring they say something about the support that they have received from their family.

Much of what I would like to say about my family should be said in private. The public outpourings of love and affection are hereby adjourned.

However, I must say this. I am very grateful that the mothers of my two adult children, and the adult children themselves and their wonderful partners have all been able to attend today.

Two of you have overcome the tyranny of distance, coming all the way from Melbourne, and I know that my sister-in-law has ventured into town all the way from Berry Springs.

There is just one little thing I would like to mention in the family context: Christine has been proclaiming that from this day on, she will be sole breadwinner in our household. There is no obvious answer to that.

Anyway, I am aware it is Friday afternoon. I am sure that you can almost hear the champagne corks popping in the foyer outside.

A number of people have asked me what I am going to do after I retire. Of course, there are projects in the wind, but I will happily do what other retiring judges have done, that is a few months each year as an additional judge. The Chief Justice has already booked me to do an Alice Springs sitting in June/July and a couple of other special fixture trials as well.

As you can see, at the end of the day, the Supreme Court Bench is a little bit like the Hotel California. "You can check out any time you like, but you can never leave".

Well, not easily.

Thank you.

GRANT CJ: Thank you, Justice Barr.

Thank you all for your attendance here this afternoon. The Judges of the Court would now like to invite you for refreshments in the foyer.

The court will now adjourn.

SHERIFF'S OFFICER: Silence, all stand. This Honourable court now stands adjourned. God save the King.

ADJOURNED 4.06 INDEFINITELY