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**Wor. Bro. Rt. Hon. Sir HARRY TALBOT GIBBS,
PC, GCMG, AC, KCB, BA, LL.M, Hon LLD, Hon D.Univ (Griffith).
CHIEF JUSTICE of AUSTRALIA
(1917-2005)**

Sir Harry Gibbs was one of the leading Jurists in Australia's history and had a distinguished career at the Queensland bar.

He was a judge for some 27 years, in both the state and commonwealth spheres, the last seven of which he was chief justice.

After attending Ipswich Grammar School, Queensland's oldest GPS school, young Bill - as he was always known to family and friends - enrolled in arts at the University of Queensland and it was there that he shone academically. In 1937 he achieved first-class honours in English literature and two years later first-class honours in law.

He was also president of the students' union and, momentarily, a member of the University's women's club, after a prank in which he argued that the rules stated, "That all qualified students were ipso facto members of the women's club." The rules were immediately amended and Bill and his pals gracefully withdrew.

In May 1939, Gibbs was admitted as a barrister to the Supreme Court of Queensland and read with a senior barrister. He barely had time to practice when war was declared. He enlisted on 2 September 1939, the day after the German invasion of Poland, and was appointed to HQ First Military District, Northern Command, responsible for mobilisation.

He was promoted quickly to temporary captain and after the fall of Singapore in 1942 he transferred to the AIF and became deputy assistant adjutant-general in the Queensland Lines of Communication Area. In late 1943 he was posted to New Guinea as a staff captain. He was mentioned in dispatches. In November 1944 he was promoted to major and returned to Australia and the Research and Civil Affairs HQ where he was involved in drawing up postwar plans for a united government of Papua and New Guinea.

In the same month he married Muriel Dunn, a fellow Queenslander and law student.

His return to the Brisbane bar was challenging. He lost his first case in the local magistrates court. The reliance on lofty case law that left the magistrate unpersuaded was soon appreciated by solicitors and judges in other courts and by the end of 1946 his reputation and practice had grown considerably.

In 1957 he took silk and was soon appearing in the High Court. He was not gifted with a melodious voice. A leading Melbourne silk described Gibb's voice as "very much Queensland, like an educated Brisbane race caller."

In 1961, at the age of 44, he was appointed a justice of the Supreme Court of Queensland, joining a bench of 12. His natural abilities as a jurist soon became apparent. His precision in summing up to juries in criminal trials was an example of the depth of his skill. His marshalling of facts was also remarkably skillful, whether it be a question about whether an escort agency was a brothel, or whether the specific formula for a chemical patent was accurate.

In 1963, the Queensland premier, Bro. Frank Nicklin, appointed Gibbs to chair a royal commission into police corruption. Allegations centred on Brisbane's National Hotel and after-hours drinking by police and protection of prostitutes on the premises. The royal commissioner failed to find any official corruption.

Gibbs returned to the bench with some relief. Within a few years, as Chief Justice, Bro. Sir Alan Mansfield was appointed the state's governor, there was speculation that Gibbs would succeed him as chief justice. He should have; he was the most able man on the court; but the traditional foundation for judicial preferment - seniority - meant that Bro. William Mack, the judge who had sat longest on the bench, was chosen. There was no fuss - that was not the Gibbs way - but there must have been disappointment.

Queensland's loss was to be the nation's gain when, in 1967, Gibbs accepted a federal appointment and moved to Sydney as a federal judge in bankruptcy and member of the Supreme Court of the ACT. It was expected that he would take his place in a superior Commonwealth Court but this was not to be (at least for some time) and so Gibbs faced what must have been three numbing years ruling on debts and losses.

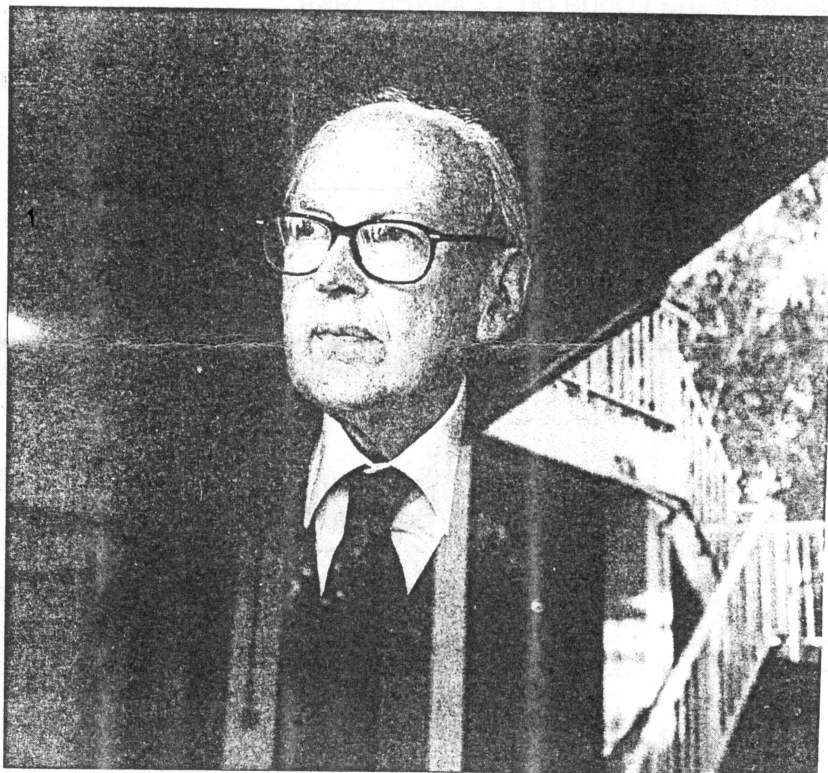
One colleague observed: "He even managed to make bankruptcy judgements sound like music."

In 1970 he was appointed to the High Court; an event long predicted by many in the profession. He was knighted, as was customary then for High Court judges, and became Sir Harry. He was only the fourth Queensland (although he was born in Sydney on 7 February 1917, Queensland claimed him - with some justification) to reach such heights. He had great admiration for the first chief justice, Bro. Sir Samuel Griffith, also a product of Ipswich, and a portrait of Griffith hung in his chambers until he retired.

With the death of three judges and retirement of two others, Gibbs was, by 1976, the most senior after Sir Garfield Barwick and on Barwick's retirement in 1981, Gibbs was appointed chief justice. He benefitted, at last, from the seniority principle but by any measure he was fit for the task.

Two men of formidable presence and intellect, Sir Owen Dixon (arguably the greatest of Australia's chief justices) and Barwick, had led the High Court for three decades but given his age and the new obligation to retire at 70, Gibbs had less time to eave his mark.

Gibbs was a conservative judge with a reverence for precedent. He did not regard the court as a vehicle for social change. But the court he led became increasingly activist from the 1980's and he often found himself in the minority.



Wor. Bro. Sir Harry Gibbs

On assuming the chair from Barwick, the press dubbed him "Sir Harry the healer" and these qualities were well and truly tested in the last years of his term, when Lionel Murphy insisted on sitting as a judge while allegations against him were unresolved. Gibbs dealt with this issue as he did any other - directly, firmly and courteously. His true concern was the reputation of the court. For the most part he led a harmonious, companionable court.

Gibbs had an extraordinarily active life after leaving the court in February 1987. The following year he became president of the Kiribati Court of Appeal and remained until he was 82. He chaired a number of government inquiries but was most visible in his vigorous support of the status quo - forming, in 1992, with other eminent conservatives, Australians for Constitutional Monarchy. He also joined the Samuel Griffith Society, an association dedicated to defending the constitution.

Gibb's achievements were officially recognised. He was made privy councillor in 1972 (and sat on the council three times) and in 1981 his knighthood was advanced to KCMG. He was especially proud to be made a companion of the Order of Australia in 1987 and receive two honorary doctorates from Queensland and Griffith universities.

Sir Harry Gibbs died on 29 June 2005 survived by his wife Muriel, three daughters and a son.

Sir Harry Gibbs was made a Mason at Brisbane in the Sir Samuel Walker Griffith Lodge No. 408, United Grand Lodge of Queensland on 30 September 1949. He was passed Fellowcraft on 30 November 1949 and raised a Master Mason on 11 May 1950. He was installed as Master of the Lodge on 12 March 1959.

On 31 December 2001, Wor. Bro. Sir Harry Gibbs became a member of the Transition Lodge No. 800, Queensland and he called off on 11 April 2002.

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