

## SPEECH IN HONOUR OF SIR ANTHONY MASON

1. Sir Anthony was born, grew up and educated in Sydney. During the Second World War, he served in the Royal Australian Air Force and attained the rank of Flying Officer. After the War, Sir Anthony pursued his studies at the University of Sydney where he was awarded a double first in both Law and Arts in 1951.
2. He was admitted to the NSW Bar the same year and was appointed Queen's Counsel in 1964. He was also appointed as the Solicitor General of the Commonwealth of Australia the same year. He was appointed to the High Court of Australia in 1972 and served it with distinction for 23 years. For 8 years between 1987-1995, Sir Anthony was also the Chief Justice of the High Court of Australia.
3. Sir Anthony was knighted twice: a CBE in 1969 and then as KBE in 1972. In 1988 he was conferred the honour of AC which is the Companion of the Order of Australia.
4. It has been said that the high watermark of his tenure as CJ of the High Court of Australia was a move away from the 'strict legalism' that characterised the Sir Owen Dixon court, with the more flexible approach towards precedent. Sir Anthony saw stare decisis as "*an exercise in judicial policy which calls for an assessment of a variety of factors in which judges balance the need for continuity, consistency and predictability against the competing need for justice, flexibility and rationality.*"

5. Between 1996-7, Sir Anthony was the Arthur Goodhart Professor in Legal Science at Cambridge University. In 1997, a telephone call from the former CJ Li began a new chapter in Sir Anthony's illustrious legal and judicial career. When invited to become one of the NPJ of the about to be established CFA, Sir Anthony was persuaded by the compelling confidence of Andrew and readily agreed to be one of the early members of the panel of NPJs.
6. Sir Anthony has been rightly recognised as the pioneering father-figure of the newly established CFA as of 1<sup>st</sup> July 1997. He helped guide, advice and staunchly support the CFA during its infancy and while it was seeking to establish its credentials both domestically and in the international arena as the apex court of Hong Kong.
7. It is fair to say that the development of the Court of Final Appeal and the jurisprudential output under the new constitutional order of the Basic Law over the last almost 15 years has been considerably due to the dedicated and conscientious contribution of Sir Anthony. He was the author of many of the early and constitutionally landmark judgments pronounced by the CFA, particularly in relation to the interpretation of the provisions of the Basic Law, which have helped in the realisation of the challenging principle of "One Country Two Systems."
8. The itinerant NPJs from UK, Australia and New Zealand were described, rather unfairly and unkindly as "*parachute judges*". But to quote Sir Anthony himself: "*An NPJ, no matter where he comes from, needs to see himself primarily as a Hong Kong judge serving its community and seeing legal problems through a Hong Kong lens.*" Sir Anthony most certainly

abided by and fulfilled that obligation in the cases that he heard and the judgments that he pronounced.

9. Speaking to people who have worked together with him in the CFA as well as with people who have appeared before him, the common and consistent refrain that I have heard is one of deep admiration and unreserved respect for a man with commanding intellect and wit, considerable humility and unfailing courtesy. He is a Judge's judge, who I am told, is always willing to help and provide guidance to his brethren on the Bench. He is quick to see a point which other experienced eyes and minds may have overlooked.
  
10. At the same time, he is the advocate's ideal of an appellate judge: open-minded, receptive and being prepared to listen, whilst at the same time readily coming to the advocate's rescue when he/she is in a pickle or sticky position! Sir Anthony perhaps exemplifies what Cicero identified as the qualities of a Judge: "*He saw life clearly and he saw it as a whole.*"
  
11. Sir Anthony's contributions to the administration of justice in Hong Kong since 1997 cannot be overstated. The bedrock principles that underpin the new constitutional order have been clearly, succinctly and comprehensively expounded in the many judgments delivered by the man we honour this evening. They have provided the framework from and within which the new jurisprudence in respect of the Basic Law has developed and will continue to do so in the years to come.

12. I am reminded of the saying that: *Judges do not age. Time decorates them.* It is in recognition of the outstanding contributions of Sir Anthony that in my first term as Chairman last year the idea was mooted that the HKBA should recognise and acknowledge the services and contribution of Sir Anthony to the administration of justice for the community of Hong Kong.
13. However as the By-Laws then stood, Honorary Life Membership could only be conferred on someone who had been admitted to the Bar in Hong Kong. Sir Anthony was however not admitted in Hong Kong. We therefore amended the By-Laws at our AGM on 19<sup>th</sup> January this year, and convened an EGM on 13<sup>th</sup> February, just 3 days ago!! Not surprisingly, the resolution was passed unanimously to confer on Sir Anthony Honorary Life Membership of the Hong Kong Bar Association.
14. I would like to point out to Sir Anthony that one of the advantages/privileges of this honour is that you will not have to pay the annual subscriptions to the Bar, although any donations to any of our many charitable funds will be most welcome!!
15. On behalf of the Hong Kong Bar Association, and I am sure with the deep gratitude of the Hong Kong community as a whole, I would like to present to you with this Certificate confirming that as of 13<sup>th</sup> February 2012, you are now a Honorary Life Member of the Hong Kong Bar Association.

Kumar Ramanathan SC  
Chairman  
Hong Kong Bar Association

16th February 2012