

## HIGH COURT TRIVIA QUIZ 2004

### ROUND ONE (4 marks each)

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1. Who was the youngest person to be appointed as a Judge of the High Court?

**Answer: Herbert Evatt (age 36)**

2. The High Court's recent unanimous judgment in *Zhu v The Treasurer of the State of New South Wales* begins with a parody of a Jane Austen novel:

'It is a truth almost universally acknowledged - a truth unpatriotic to question - that the period from 15 September 2000 to 1 October 2000, when the Olympic Games were held in Sydney, was one of the happiest in the history of that city. The evidence in this case, however, reveals that the preparations for that event had a darker side.'

What is the novel? And for a bonus mark, what was the original (unpublished) title of the novel?

**Answer: Pride and Prejudice (bonus mark for unpublished title: First Impressions)**. *Pride and Prejudice came second, behind Tolkein's Lord of the Rings and ahead of the Bible, in the ABC's recent program 'My Favourite Book'. As many people have observed, the recent upsurge in interest may or may not have anything to do with British actor Colin Firth's portrayal of Mr D'Arcy in the most recent BBC adaptation of the novel.*

3. On his retirement in 1981, Justice Garfield Barwick thanked "all those young men who were my associates over the past seventeen years". Which current or former judge of the High Court has had, as a percentage, the greatest number of female associates?

**Answer: Justice Frank Kitto (100%)**. *Kitto had three associates: Margaret Kitto, Robyn Colquhoun-Thomson and Barbara Besley. Followed by Justice John Toohey (66%).*

4. About whom did the actor Kate Fitzpatrick say, in her recent memoir *Name Dropping* (2004), 'he is the sexiest man I've ever met'?

**Answer: Chief Justice Murray Gleeson**

5. Who said of the High Court:

“Their expertise in the law and sifting through evidence does not translate into expertise in formulating policy. Unlike politicians, they are not tested by an opposition; on the contrary, they are usually surrounded by sycophants. Neither do they have experts on hand to advise them about economics and cost-benefit analyses. So, when they make policy, they often botch it.”

Was it:

- (a) Philip Ruddock, Federal Attorney-General
- (b) Gough Whitlam, Italiophile, culinary icon and former Prime Minister of Australia
- (c) Janet Albrechtsen, columnist for The Australian
- (d) Justice Hayden Starke, former High Court Justice

**Answer: (c), Janet Albrechtsen**

6. How much did the High Court building in Canberra cost to build?

- (a) \$20 million
- (b) \$46.5 million
- (c) \$100 million
- (d) \$565 million

**Answer: (c), \$46.5 million.**

7. Who is the High Court's only Canadian-born judge?

**Answer: Justice Dyson Heydon, born in Ottawa.**

## ROUND TWO (4 marks each)

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8. Which of the following did Dame Roma Mitchell not achieve?

- (a) The first woman to be admitted to legal practice in Australia?
- (b) The first woman to appear before the High Court?
- (c) The first woman to be made a QC?
- (d) The first woman to be made a judge in Australia?
- (e) The first woman to be made a Governor?

**Answer: (g). She was NOT the first woman to be admitted to legal practice. However, she was the first woman to appear before the High Court (1938), the first woman to be made a QC (1962), the first woman to be made a judge in Australia (1965), and the first woman to be made a Governor (of South Australia in 1991).** On a web-page devoted to South Australian history it states that 'Dame Roma was never motivated to be a pioneer. All she wanted was to be a successful barrister'. It seems in this respect she was a complete failure.

9. Who was the first husband and wife team to appear as counsel before the High Court?

**Answer: David Bennett QC (with him Mrs Annabelle Bennett) in Datt v Law Society of NSW**

10. Who served as Chief Justice of the High Court for the shortest period? For a bonus point, why was the term of this Chief Justice so short?

**Answer: The shortest was Sir Isaac Isaacs, who was Chief Justice for just nine months, from the 2<sup>nd</sup> of April 1930 to 31<sup>st</sup> of January 1931, when he resigned to become Governor-General.**

11. Making changes via referendum to the Commonwealth Constitution is famously difficult. There have only been 8 successful referendum changes to the Commonwealth Constitution, out of a total of 44 proposals put to the Australian people since Federation. That is a success rate of around 18%. What percentage of State-wide referenda in New South Wales on constitutional matters have been successful?

- A. 8%
- B. 25%
- C. 48%
- D. 85%

**Answer: 85% (six out of seven).**

12. Most appeal hearings before the High Court today only span one, two or three days. Which case lasted a total of 39 hearing days before the High Court and a further 37 hearing days on appeal to the Privy Council? For a bonus point, tell me how many of the Privy Councillors died during the hearing of the case?

**Answer: The Bank Nationalisation Case (1948).** *It was the longest hearing ever in the High Court. 2 of the Privy Councillors died during argument in the Privy Council – Lord Uthwatt and Lord Du Parcq. Evatt’s opening address lasted for 14 days alone. It was perhaps this case that led Justice Latham (a dissident in that case) to remark at his retirement, “when I die, Section 92 will be found written on my heart”.*

13. Justice Callinan’s latest novel is described by his publisher in the following terms: ‘a whodunit with an existential twist in the tail. In the end, Callinan creates a drama of illicit love and crippling remorse. Beneath the glittering surface of fame and triumph lurk a fatal error and unforgivable sin. There is a justice that is beyond the law and it comes from within.’ What is the title of this novel?

**Answer: Appointment at Amalfi.**

14. Name four of the five High Court judges who before their appointment to the High Court held commissions as Solicitors-General? One point for each correct answer.

**Answer: Anthony Mason (Commonwealth); William Webb (Queensland); Ronald Wilson (WA); Daryl Dawson (Vic); Mary Gaudron (NSW)**

15. Which current High Court judge made the following statement in a judgment handed down by the Court in July 2003?

‘A child is not an object for the gratification of its parents, like a pet or an antique car or a new dress’

***Answer: Justice Dyson Heydon.*** *The quotation comes from his Honour’s dissenting judgment in the 2003 case of Cattanach v Melchior, concerning the recoverability of child-rearing costs as part of a damages award in a wrongful conception action.*

16. The last successful Commonwealth referendum was the change in 1977 to make Federal Judges retire at age 70. Since this change to the Constitution, how many judges (other than Chief Justices) have made it to age 70?

***Answer: None.*** *Excluding Chief Justices, 9 judges have retired since 1977. None have made it to the age of 70. Justice McHugh is on track to be the first judge to serve out the full legal term when he retires in November this year.*