

# HIGH COURT TRIVIA QUIZ 2008

## QUIZ MASTER'S COPY

### ROUND ONE

1. A formidable partnership was broken last week in the *Alinta* case. Up until that point two judges had shared in a joint judgment in eighteen consecutive constitutional cases handed down by the High Court. Who were they?

Answer: Justices William Gummow and Susan Crennan.

2. Justice Michael Kirby has said that he fantasises about attending a dinner party with which well-known newspaper columnist?

Answer: Janet Albrechtsen, who has a weekly column in the *Australian*.

In an interview with *Justinian*, Justice Kirby also revealed that he envies Paris Hilton for being one of the 'beautiful people'.

3. Who were the first and last Justices to be appointed to the High Court, having previously served terms as federal Attorney-General?

**For BONUS points, name the three other Justices to be so appointed.**

Answer: Sir Isaac Isaacs, who was appointed to the Court in 1906  
Lionel Murphy, who was appointed in 1975

BONUS Answer: Henry Higgins (1906 – 1 day after Sir Isaac Isaacs)  
Sir John Latham (1935)  
Sir Garfield Barwick (1964)

HV Evatt also served in both positions but, unlike these five Justices, he was appointed Attorney-General *after* serving on the High Court bench.

- 4. Who were the most recent Labor and Liberal Prime Ministers to have served at least one year in office without having an opportunity to make an appointment to the High Court?**

Answers: John Curtin (Labor) and Harold Holt (Liberal).

In all, nine Prime Ministers have had no opportunity to make High Court appointments. Of the other seven, only Joseph Cook was in office for more than a year. Three served for less than one month: John McEwan, Frank Forde and Earle Page. The remaining three – Arthur Fadden, George Reid and John Watson – were in office for fewer than twelve months. Kevin Rudd will most likely get his first opportunity when Chief Justice Murray Gleeson reaches retirement age in August.

- 5. In 2007, which former High Court Justice criticised the Court's judgments as 'too long, too wordy and too numerous' and as containing too many citations and quotations?**

**For BONUS points, name the High Court Justice responsible for the longest judgment in the Court's history.**

Answer: Justice Ian Callinan.

BONUS Answer: Justice Ian Callinan.

Justice Callinan's dissenting judgment in the *Work Choices* case runs to 165 pages, or roughly 55,000 words. This makes it longer than the total length of the Court's judgments in *Boilermakers*, *Nationwide News* and *Australian Capital Television*, and just a few thousand words shy of the *Communist Party Case*. Those familiar with Justice Callinan's dissenting opinion in *Work Choices* might also recall a more relaxed attitude to the use of citation and quotations.

- 6. At the time of Justice Susan Kiefel's appointment, the media scrambled for information that might shed light on her life and interests outside the law. One of the things that emerged was that Justice Kiefel counts the nineteenth-century classic *Dover Beach* as one of her favourite poems. Who wrote *Dover Beach*?**

Answer: Matthew Arnold.

*Dover Beach* is clearly a favourite with eminent jurists the world over: Justice William Rehnquist quoted from it in his opinion in a 1982 case before the United States Supreme Court. Justice Rehnquist compared judicial decisions regarding the power of Congress to "landmarks on a judicial 'darkling plain' where ignorant armies have clashed by night".

- 7. Upon his arrival at the High Court, Justice Kirby entered his new chambers and found a notable item in his desk drawer. What was it?**

- (a) Lionel Murphy's wig
- (b) An early draft of Justice Rich's reasons in the 1938 *Sun Newspapers* case
- (c) An old form guide belong to Justice Knox
- (d) A tape recording of Keith Aickin's voice

Answer: (d) A tape recording of Keith Aickin's voice.

Justice Aickin had been the original occupant of Justice Kirby's chambers. The tape was a recording of Justice Aickin dictating his judgment in the 1981 case of *Onus v Alcoa*.

If you answered (b), you could not possibly be correct because Justice Rich did not actually author his own reasons in that case. Instead, they were substantially written by Justice Dixon. At the time Dixon noted in his diary that he spent all day working on Rich's judgment and only finished it at 2.15am. In a delicious irony, Justice Dixon later sat on an appeal against Justice Rich's decision and wrote the Court's judgment in that case also. Perhaps not surprisingly, the appeal against Rich's decision was rejected.

8. *[No buzzer for this question – write answer on your answer sheets]*  
**Who am I? I was born in Ireland, but came to Australia at age three and settled in Victoria. I studied law at the University of Melbourne before being called to the Victorian Bar where I quickly established a reputation as a distinguished advocate. Sir Owen Dixon said of me that I was a man who ‘could make bricks without straw in open court’. I was appointed to the High Court at age 61, and was the lone dissenter in the *Engineers Case*. Some people questioned my work ethic, but this did not prevent me being appointed Chief Justice at the ripe old age of 78. I famously held off from retiring until I had negotiated that my son be appointed to the Supreme Court of Victoria, and that a portrait of me be commissioned. The law was not my only talent – I also wrote a poem called ‘A Dream of Fair Judges’ which was published in the Australian Law Journal many years after my death.**

Answer: Sir Frank Gavan Duffy.

As Chief Justice, Duffy was under constant pressure to resign to make way for John Latham, then federal member for Kooyong. When Duffy made his wishes known regarding his son’s judicial appointment and a commissioned portrait, Victorian Attorney-General Robert Menzies worked actively to achieve both – Menzies, it was widely known, had designs on Latham’s federal seat and so had his own interest in Duffy’s retirement. With the two demands met, Latham retired from federal politics and Menzies took his place in Kooyong – but still Duffy refused to stand down. He stayed on in the hope that Prime Minister Lyons would arrange for his debut on the Privy Council, but this wish was never granted. Duffy eventually retired in October 1935 and Latham replaced him as Chief Justice – a full fifteen months after his retirement from federal politics.

## **ROUND TWO**

- 9. In 1964 an intervarsity football match took place at the MCG. The AFL showed its support for the match by lending football jerseys of the league's star players to the university teams. Which present High Court Justice played on the forward line wearing Ron Barassi's Number 31?**

Answer: Justice Susan Crennan

The football match was a fundraising women's football match.

- 10. In 2006 artist Josonia Palaitis entered a portrait of Justice Michael Kirby in the Archibald Prize. Prior to this Ms Palaitis had gained renown for painting the portrait of which Australian Prime Minister?**

Answer: John Howard.

Mr Howard appears alongside his wife in the portrait, which hangs in the National Portrait Gallery. Josonia Palaitis's portrait of Michael Kirby now hangs in the New South Wales Supreme Court.

- 11. At the time of her appointment it was widely publicised that Justice Kiefel left school at age 15 and worked as a legal secretary before taking the Bar Board exams and entering the Queensland Bar. In the end, Justice Kiefel obtained a Master of Laws from Cambridge University before being appointed to the Court, but four former members of the Court were appointed without a university degree. Who were they?**

Answer: Sir Charles Powers, Sir Hayden Starke, Sir William Owen, Michael McHugh.

**12. Name the former High Court Justice being referred to in the following song lyrics by Sydney-based rap group, ‘The Vexatious Litigants’:**

**Don't think this is rehearsed, my rhymes are ad hoc  
I deny liability for non-proximate nervous shock  
The floodgates have opened, I know it's a furphy  
But so was the appointment of [Blank Blank]**

Answer: Lionel Murphy.

‘The Vexatious Litigants’ are a rap group made up of four UNSW students which focuses exclusively on legal issues. Their website describes them as ‘inspired by the likes of Saul Williams, Lord Diplock and Sir Owen Dixon’ and says that their music is ‘melodic hip hop with some spoken word and an emphasis on fun, legal positivism and crowd interaction’. Their songs include *Vexatious Litigation*, *Law Unlimited*, and the 22-minute epic, *The Leper on the Doorstep of Equity: Bullstrode Whitelocke on the differences between notices to complete and notices to perform*.

**13. Which former High Court Justice became a successful appellant in the High Court after suing the driver of a vehicle that knocked him down on Sydney’s Phillip Street in 1938? (Hint: But for a slip of the pen, this particular gentleman might have been sitting on the court, rather than awaiting its judgment.)**

Answer: Albert Piddington.

The case is *Piddington v Bennett and Wood* (1940). In his dissenting opinion, Justice Starke remarked that: ‘Friendship and sympathy for an old and distinguished member of the legal profession should not sway the judgment of the court.’ Piddington had been appointed to the High Court in February 1913 but resigned a month later without sitting on a single case. His resignation followed revelations that Prime Minister Billy Hughes had appointed Piddington only after receiving written confirmation that he favoured the supremacy of Commonwealth powers.

**14. Which of the following is the most recent album of the New Jersey band, 'The High Court'?**

- (a) Bench Warmers**
- (b) Black Letter Lovers**
- (c) Puppet Strings**
- (d) Hooked on Dissent**

Answer: (c) Puppet Strings

The band have a strong following on Facebook and MySpace. One reviewer said of the band: 'With their cutting lyrics, riffing guitar solos, and an irresistible personality, it would be hard to find a flaw in The High Court.'

**15. In a 1992 defamation trial before the Brisbane District Court, two future members of the High Court faced off as opposing counsel. One future Justice reportedly accused the other of telling the jury 'one of the biggest whoppers [they had] ever heard'. Name the two future Justices involved in the case.**

Answers: Ian Callinan and Susan Kiefel.

The presiding judge in the case was not satisfied that Susan Kiefel had misled the jury and remarked that Ian Callinan was 'playing the man and not the ball'.

**16. At the opening of Victorian Arts Week in 2007, Justice Kirby did something unusual while dressed in an electric yellow jacket. He remarked at the time, ‘I don't see Sir Owen Dixon or Sir Wilfred Fullagar coming here and doing this. This is something new!’**

**What was it that Justice Kirby did?**

**For BONUS points, who did he do it with?**

Answer: He performed live onstage as part of a rap duo.

BONUS Answer: Hip-hop artist Elf Tranzporter.

The musical performance involved Justice Kirby reciting the poem *He Wishes for the Cloths of Heaven*, by WB Yeats, while Elf Tranzporter provided a background of ‘beatboxing’, or simulated vocal drumming. According to *The Age*, the young crowd of 300 people ‘whooped it up’.