

# **RETIREMENT OF ASSOCIATE JUSTICE STEPHEN HOLT**

## **Ceremonial Sitting to mark the retirement of Associate Justice Stephen Holt on Thursday, 31 August 2023**

Thank you Justice Wood and counsel for your remarks and thank you to everyone present for your attendance, including those watching by audio-visual link from the courtroom next door and the court buildings in Launceston and Burnie.

The presence of former governors and chief justices of this court, judges and former judges of this Court, judges and former judges of other courts, high ranking present and former legal officers and representatives of a number of organisations and institutions reinforces the importance of the maintenance of the traditions of this Court and reinforces the essential societal role of the court.

Our presence here gives us all a sense of place. I acknowledge the muwinina on whose land this Court building sits and pay respects to all the palawa and their elders past, present and emerging.

Today is the last day I will have the honour of sitting in this Court.

When I was appointed in 1999 the statutory retirement age was 70 years. I had every intention of continuing my tenure until then. The statutory retirement age was later increased to 72 years and recently to 75 years with the result that my finishing time was disappearing into the distant future. I no longer consider achieving statutory retirement age as an obligation of the incumbent. I have come to the conclusion that retirement should occur when there is the realisation is reached personally and professionally that the time is right. Now is the right time for me.

To those who may consider that I am a black letter lawyer lacking flexibility and the ability to innovate, I should explain that it is the result of necessity. I have not possessed the intellectual capacity nor the rank in the judicial hierarchy to divert from reducing the ratio of cases to simple terms which I can understand and applying the distilled principles to the facts of the particular case. The result is that there is nothing which I have written which is likely to be referred to in the future. My aim in decision-making has been to be consistent and hence predictable so that the chances of disputes being resolved by the parties, short of final determination by the Court, are maximised.

In my time at the Court the most significant change has occurred in the last 3 years. The advent of COVID in 2020 caused the profession and the courts to accelerate the uptake of technology. It has now become the norm in civil litigation for counsel and witnesses, especially busy expert witnesses, to appear by audio-visual link. Court books comprising hundreds, or even thousands, of pages are supplied in electronic form with each document hyperlinked to an index enabling the judge, counsel and the witness to simultaneously and instantly access the particular document under review. Legislation, cases and commentaries are easily found and retrieved. Hours of oral submissions in closing argument have been replaced by detailed written submissions with references to transcripts, affidavits, witness statements, documents, legislation and cases all footnoted and hyperlinked.

Technological advances have largely eliminated the tyranny of distance with the result that there have been a large number of appearances before me by interstate counsel. This has enabled me to confidently and proudly say that the standard of the Tasmanian legal profession is the equal of any in Australia.

I thank the Tasmanian legal profession for the enjoyment, respect, courtesy, education and co-operation it has given me over the years and it is my sincere hope that I will be able to maintain a connection with the profession well into the future.

I thank the judges for their friendliness and support. I thank the Court's chambers and registry staff without whom the Court would not be able to function.

The enormous benefit of having a stable and supportive family permeates all aspects of life. I have been fortunate in this regard throughout my life and conclude by thanking my family for their love and support.

All that remains is for me to wish everyone here and those watching remotely all the best.