

**Speech delivered by Anna Katzmann SC**

**At the ceremony to mark the retirement of the Hon Justice Brian  
Tamberlin**

**On Friday, 27 March 2009**

May it please the court.

Les Tamberlins were a noble family of Norman French origin who, as Mr Catanzariti has observed, had every reason to be proud of their favourite son, Brian - or Bertrand as he was christened - for his impressive achievements in their adopted country in the antipodes.

It is my privilege to speak this morning on behalf of the Australian and New South Wales Bar Associations at your Honour's passing out parade, although it is sad to see you go.

Your Honour is a man of great intellect but, unlike some others in public life, you do not trumpet it. You are a quiet achiever. You are devoid of pomposity. You do not affect an air of self-importance. You are unfailingly polite and charming, without any of the insincerity that sometimes goes with the territory.

The lawyer who underestimated your Honour did so at his peril. (I use the male pronoun deliberately.) On the bench, your judgments are marked by clear and precise language and an incisive appreciation of the law. At the bar, quietly, but methodically, you took your opponent's witnesses apart.

Your Honour's legal career is a long and distinguished one. At the bar you read with Dennis Needham, who went on to lead the bar before joining the bench of the Supreme Court, After a brief sojourn on the eighth floor of Wentworth Chambers you moved to Tenth Floor Selborne, a nursery for many fine judges, where you remained until the time of your appointment to this court.

Your Honour developed a thriving practice, principally in what was then the Local Government Appeals Tribunal, but also in equity, commercial and administrative law. One of the first to spot your talents was Trevor Morling QC, who saw you as the junior of choice to assist in a number of inquiries, most notably the 1994 Royal Commission into the Size and Constitution of the Tasmanian Parliament.

In your spare time your Honour served for four years on the Bar Council, during which you did your fair share of committee work.

You enjoy the highest respect of your peers and, as is apparent from Mr Catanzariti's address, from the legal profession as a whole.

Your Honour has a great intellectual curiosity that explains the array of interests to which Mr Gageler and Mr Catanzariti have referred. You devour information.

It is the combination of your powerful intellect, your intellectual curiosity and your capacity for hard work that explains why, with no background in admiralty law, you quickly took command of the maritime list, easily filling the large shoes left behind by Justice Sheppard on his retirement. That was no mean feat.

But your Honour has not been all at sea. Your Honour also made an important contribution to the jurisprudence of this Court in other fields including trademark and copyright law. At times those cases attracted the attention of the fourth estate and the fertile imagination of many a sub-editor.

'Headlines, glamorous witnesses and the alleged dirty laundry of one of the world's biggest brands': that was how *The Weekend Australian* reported the case of *Versace v Monte* [2003] FCA 126. 'Branson loses his virginity' screamed the headline following your Honour's decision in *Virgin Enterprises v Virgin Star Pty Ltd* [2005] FCA 1846. 'Eat my shorts' was how the *Sydney Morning Herald* translated your Honour's finding in favour of Twentieth Century Fox in *The Duff Beer Case*.

*Versace v Monte* excited the interest of *The Australian's* fashion editor, Dominique Jackson, who attended court, perhaps for the first time, in order to get a glimpse of 'fashion royalty'.

Ms Jackson mistook your Honour's customary courtesy for veneration as she reported, almost breathlessly, that: 'The Versaces **wowed** Federal Court Justice Brian Tamberlin, who referred to Donatella as "*Signora*" and thanked Santo at the end of his time in the witness box,' as if courtesy were a quality reserved for the rich and famous. Still, your Honour so endeared yourself to the Versace family that they are shortly to release a new male cologne to be known as 'Il Tambo'.

Your Honour, the bar congratulates you on your outstanding service to the law and to the administration of justice. And for the next stage of your career we wish you *bon chance*.

May it please the court.