

The Honourable Dennis Mahoney AO QC

The degree of Doctor of Laws (honoris causa) was conferred upon The Honourable Dennis Mahoney AO QC in 2002.

Citation

Chancellor, I have the honour to present The Honourable Dennis Mahoney AO QC for the conferring of the degree of Doctor of Laws (Honoris Causa).

The Honourable Dennis Mahoney is one of this University's most distinguished graduates. He completed a Bachelor of Arts in 1945 and an LLB in 1948, the latter with First Class Honours and the University Medal. He then served as Tutor in the Faculty of Law from 1953 to 1961 where his theoretical commitments were profoundly shaped by the influence of Professor Julius Stone. He is now a very strong supporter of the recently founded Julius Stone Institute of Jurisprudence.

Dennis Mahoney's early legal career was at the Bar, where he was, in the words of Justice Michael Kirby of the High Court of Australia, a "formidable leader". He took silk in 1961, and was appointed to the Supreme Court of New South Wales eleven years later.

Justice Mahoney served on the Supreme Court from 1972 until his retirement in 1996. For most of that time, he was on the Court of Appeal and he retired as its president. Justice Mahoney's judgments were marked by his compelling vision of the law as a practical institution of social regulation that must be interpreted in a manner that places the social function of law in the foreground. His judgments were imaginative, challenging, and acute in their probing of foundational issues. Many of his judgments, even those in dissent, remain of great importance for their bold and rigorous analysis of fundamental legal issues.

During his time on the Court, Justice Mahoney was very influential in promoting measures to improve judicial practice and judicial administration. Together with the Honourable Richard McGarvie QC, he was responsible for the resuscitation of the Australian Institute for Judicial Administration. He served as Vice-President and then President of that body, which is now the chief agent for continuing judicial education and research on critical issues in judicial administration in Australia. He also instituted the first Judicial Orientation Program for new judges and was a pioneer in the introduction of information technology to the judicial process.

Justice Mahoney's contribution to the law extends well beyond Australia. He was one of the early leaders in developing judicial co-operation between Australia and other countries in the Asia/Pacific region. He was a member from its inception of the Australian section of the International Commission of Jurists, serving as President of that section from 1974 to 1975. The International Commission of Jurists has taken a leading role world-wide in support of judicial independence, the rule of law, and respect for fundamental human rights. Because its membership contains so many distinguished jurists, the Commission has been able to intervene in contexts where other non-governmental organisations have been excluded. Justice Mahoney was also a founding member of the Human Rights Commission of LAWASIA. He has been engaged in numerous projects for judicial education and international co-operation in the region. In 1986, for example, he toured China for a period of six weeks, lecturing on judicial administration. As a result of this visit, exchanges with Chinese judges were commenced that still continue.

Throughout his career Justice Mahoney has undertaken a number of prominent extra-curial roles. He was, for example, Chair of the Royal Commission into the Landlord and Tenant Legislation of NSW in 1960-1961, and more recently he served as sole Commissioner of the Commission of Inquiry relating to the inquest into the death of Joseph Gilewicz in Tasmania.

Justice Mahoney has, in short, made a very significant contribution to judicial practice and judicial administration both within Australia and internationally. His work has been marked by a consummate professionalism and a commitment to addressing the judicial role in a manner that emphasises education, innovative use of technology, and efficient administration. His strong interest in legal theory and a consequent commitment to rigour, to intensive grappling with fundamental issues, and to the understanding of legal interpretation within a broader conception of law's social role has also influenced his work. Finally, he has been a pioneer in the Australian judiciary's engagement with its counterparts in the Asia/Pacific region.

Justice Mahoney has also contributed much to the work of voluntary organisations. He served, for example, as Director of the Benevolent Society of NSW from 1974 to 1996, Director of the Australian Opera from 1973 to 1988, and Member of the Board of the Prince of Wales and Prince Henry Hospitals from 1984 to 1987.

Chancellor, I have great pleasure in presenting to you for admission to the degree of Doctor of Laws (Honoris Causa), distinguished scholar, jurist and citizen, The Honourable Dennis Mahoney AO QC