

## TRIBUTE TO THE LATE RICHARD COOPER

### Address To The 32nd Annual MLAANZ Conference 6 October 2005

Justice James Allsop  
Federal Court of Australia

It is a great honour to be asked to speak about our late colleague and friend Richard Cooper, who so tragically died on 14 March 2005.

I wish to say something to those of you who may not have known him well and to those of you who did.

Richard was a Sydney boy – born on 3 January 1947 and educated at Sydney Boys High. He moved to Queensland, studied law at the University of Queensland and excelled – both at undergraduate level (graduating in 1969 after winning a number of prizes) and at post graduate level (graduating with a Master of Laws in 1979). After practising at the bar for 4 years after 1969 he joined the Commonwealth Attorney-General's Department and there began to involve himself in two of his great interests – international transport and trade law and trade practices law. (His position in recent years as a Deputy President of the Australian Competition Tribunal reflected his continuing interest and involvement in the second of these important areas.) He was involved in policy development in the early stages of that most important piece of commercial legislation in Australia, the *Trade Practices Act 1974* (Cth). This led to his attendance at and participation in international conferences on liner shipping where his interests in maritime law continued.

He returned to the Bar in Queensland, but only after reading in Admiralty chambers in London with Mr Christopher Staughton QC.

In 1976 Richard gave a paper on Combined Transport to the first major MLAANZ Conference.

His maritime practice flourished. He took silk. He became a consultant to one of the great exercises of law reform in Australian history – the civil Admiralty reference. While practising, he taught maritime law as a visiting lecturer at the University of Queensland. He was a member of the Governing Council of King's College at that University.

In the 1980s he appeared as a junior and then as a silk in many maritime cases. Amongst those were many marine insurance cases – not infrequently involving scuttling. His success is said to have had a significant effect on the fishing vessel insurance market in Queensland. Scuttling of fishing vessels in Queensland, I am told, has been significantly less prevalent since he got to work in the 1980s with Frank Turner, Stuart Hetherington, Pat Keane (if I may so refer to his Honour) and others for the underwriters.

In 1982, he visited Beijing and Shanghai as part of the Law Council of Australia's teaching delegation on shipping and international trade law.

He had a long-standing commitment to the Queensland Bar in its training courses for young barristers. He served on the Queensland Law Reform Commission, from 1999 as Deputy Chairman and in 1992 and 1993 as Chairman. He wrote academic papers and contributed to text books and participated in many seminars (I should note that in 2000 he began the process of Admiralty rule reform in Australia by virtue of the scholarly paper on comparative Admiralty practice that he delivered at the Queenstown MLAANZ conference).

In 1989, at the young age of 42, he devoted himself to public service full-time – joining the Supreme Court of Queensland. He later came to the Federal Court bench in 1992.

Throughout the whole of his working life, he involved himself in the work, and participated in the life, of this Association. He was an office holder in Queensland (as President) and federally (as Vice-President). I know he loved this organisation, and its work was always important to him.

His maritime interest was deep and scholarly. He was, from 1997, chair of the Statutory Rules Committee under the *Admiralty Act 1988* (Cth). He was the convenor of the Federal Court's Admiralty Committee. He became a titular member of CMI in 2000. In 1997 he was appointed to the Board of Governors of the World Maritime University in Sweden. He had a close association with the Federal Court of Canada and the Admiralty judges there.

He was a great judge and a fine man. I can now speak from personal experience. He was quick, courteous, fair, modest, wise and always humorous. As was said in his obituary in the *Brisbane Courier-Mail* he detested cant, arrogance, selfishness, pretentiousness and meanness in any form. He displayed his skill and interest in all aspects of the Court's work, but his special interests and loves were maritime law, administrative law, trade practices and native title.

At the ceremonial sitting at the Court in Brisbane after his death, the moving tributes that were read out from indigenous elders whose native title cases he had heard or dealt with illuminated the depth of Richard's spirit by the heart-felt and poetic terms of their expression.

Richard was the moving force behind the national restructure of the Federal Court's Admiralty jurisdiction. These changes have transformed the Court into an operating national maritime court with 13 of the 43 judges doing the maritime work at first instance and on appeal with a coherent education program for Judges, Registrars and Marshals and an emphasis on specialised skill and court annexed alternative dispute resolution. This came into effect shortly after his passing. He was committed to the view that Judges who sat on maritime cases should have a background (by experience or judicial training) in maritime law and maritime affairs. In this company, no doubt, this is a statement of the obvious (not necessarily the case at all legal gatherings).

His energy and vision will be missed, but those of us who worked with him knew of his vision and will work to see it made good. That vision was that he saw Australia and New Zealand, with their first-class legal systems, playing a defining role in this region in maritime dispute resolution. He recognised, however, the amount of work and cultural change that needed to be undertaken in that endeavour, both within and outside the court system. He also recognised that we do not have unlimited time if this is to be achieved. This is not the occasion to dwell on those necessary changes. But Richard would chide me for losing this opportunity not to say at least this much to express his views.

One does not make many friends after 50. One has colleagues and companions. Late-made friends are a joy. I think this is so partly because one has the advantages of age and maturity to appreciate the qualities that attract you to a person. The friendship that I developed with Richard Cooper over our 4 years as colleagues gives me an insight into the loss that must have been, and always will be, felt and suffered by his family and many here who knew him longer than I.

One of his great qualities, apart from all of those that I have mentioned, was the ability to inspire friendship and duty in others by his modestly expressed, but always remarkable, example. I cannot put it better than the Chair of the Torres Strait Regional Authority who had come into contact with Richard in the Torres Strait native title claims. That person said on hearing of Richard's death:

*'He understood the pride we hold for our heritage and elevated our spirits'.*

This epitomised Richard's capacity to inspire others by his perception, friendship and goodwill.

There is so much more that I could say about him, in particular the magnitude of the loss to maritime scholarship by his death, but time does not permit.

I am deeply grateful to the Association and in particular to the President, John Farquharson, for permitting me the privilege and honour of expressing, in my own words, a tribute to a great, and deeply mourned, friend and colleague.

We should remember Richard, not only as a great friend, but also as a great Australian maritime scholar and judge. There are at least two ways of doing that. First, the Chief Justice and the President have permitted me to say that the Court, with the assistance of the Association, will be organising the making of an oar mace for the Queensland District Registry of the Court.

The second is the Richard Cooper Scholarship at the TC Beirne School of Law at the University of Queensland.

Both will stand as lasting tributes to the memory of a great scholar, a great judge and a great friend.

Thank you.