

## **Remarks on the retirement of Mr Ross Anderson**

**28 September 2022**

**The Great Hall, University of Sydney**

**The Hon. A S Bell**

**Chief Justice of New South Wales**

- 1 It is fitting that we meet in the Great Hall of the University of Sydney this evening to mark the retirement of one of the University's longest continuously serving academics and surely one of its finest ever teachers. This Great Hall, heavy with history and witness to great events and personalities over the past 163 years, is at the heart of the University and careers such as that we celebrate this evening have been and are integral to the institution's vitality, character and reputation.
- 2 Joining us this evening, in oil if not in person, are many of the Chancellors and Vice Chancellors under whom Ross Anderson has served including the redoubtable Sir Herman Black; the great historian; Professor John Manning Ward; the indomitable Professor Dame Leonie Kramer; the indefatigable Professor Dame Marie Bashir and that great lawyer and supporter of the University and its Law School, Chancellor the late Justice Kim Santow.
- 3 I have been reflecting at some considerable length this year and since my appointment as Chief Justice on the importance of institutions given that the Supreme Court of New South Wales, as some of you know, approaches its bicentenary in May 2024.
- 4 Ross Anderson is an institution within an institution within an institution, namely as a fixture within the Sydney Law School within the University of Sydney.
- 5 I use the expression "fixture" not entirely in its technical sense although I well remember Peter Butt's memorable lectures on that topic. Nor by referring to Ross as a fixture am I suggesting that his RM Williams' boots or bespoke

brogues have been or should be nailed or glued to the floor (although if I were Dean, I think that I would have tried to do that!)

- 6 Rather, I mean that Ross has been a constant in an era that has seen much change, both physically and philosophically, at the Law School and within the University of Sydney during his long tenure. The number and diversity of students have changed dramatically as has the Law School itself, no longer “downtown” with Leo Port’s famous lifts and subterranean lecture theatres, but now housed in one of the University’s finest modern buildings.
- 7 Now as some of you will know, one of my major academic interests and areas of practice whilst at the Bar was Private International Law, or Conflicts of Laws as it is also known. This has been a compulsory subject at Sydney Law School for decades, and rightly so. It is a subject of great importance and considerable complexity as, by definition, one is dealing with more than one legal system with a claim to supply either the body of substantive law and/or the jurisdiction to resolve a transnational dispute.
- 8 Indeed, transnational litigation has been described as “to the domestic breed as three-dimensional chess is to the garden variety or as the triphibious warfare of Macarthur is to a land battle of World War One”. And that is before one encounters the complexities and mind-bending possibilities of renvoi and double renvoi, or anti-suit, anti-anti-suit and even anti-anti-anti-suit injunctions.
- 9 How fortunate, therefore, have literally thousands of Sydney Law School and Legal Profession Admission Board students been over almost 50 years to have had this fascinating but demanding subject explained to them by one of the finest, clearest and engaging lecturers the Australian legal profession has known.
- 10 The subject throws up many conundrums and, although I am not sure whether Ross is a single or double renvoi man, he may have been the person who best provided the answer to David Jackson QC’s unkind question to me when I first

came to the Bar: “Tell me, Andrew, who is the other person interested in anti-suit injunctions?”

- 11 A person who can explain and address highly complex legal issues or questions with great clarity and intelligibility is a person who must have a fundamentally strong grasp of underlying principle. Think for example of Sir Anthony Mason or Murray Gleeson. Such people do not resort to jargon or get lost in the jungle of case law. In that context, Ross Anderson was one of the clearest law teachers I ever had, and that includes not only at Sydney Law School but also in Oxford.
- 12 The same may be said in respect of his teaching of the law of torts. It must be observed that the judiciary has not always made the teaching of that subject easy over the last half century, especially the law of negligence. When I was at law school, the transition had commenced from categories of relationship (think occupier’s liability; doctor/patient relationship; public authorities, misfeasance/non-feasance) to overarching but elusive theories (think “proximity” and then “vulnerability”) to so-called “multi-factorial analysis” (think the “kitchen sink”!).
- 13 More recently, everything has been overlayed by statute following the Ipp Report and the introduction of the *Civil Liability Act* so that part at least of the modern law of torts in Australia is as much about statutory interpretation as judge-made principle.
- 14 Throughout these jurisprudential contortions, Ross Anderson has calmly and methodically explained the evolving principles with a wry smile and in a manner that has won the undying affection (bordering on outright love in some cases) of his legions of students. There may even have been a reference to “sex symbol” in some past issue or issues of *Blackacre* but my respect for Ross has meant that I did not send my research assistant digging for further and better particulars!

- 15 I return to where I began – the institution within the institution. Ross has been an institution – respected not only for his superlative teaching ability but for his loyalty and dedication to the Law School and his students. With the explosion in volume of law students over the last two decades, they number in the many thousands.
- 16 As I have earlier observed, universities including this University have changed immensely in the 50 years since Ross took up his position – much of that change has been controversial; some has been for the good; other aspects have been more problematic. But high-quality teaching must remain core and, as has been formally recognised on numerous occasions, Ross’ teaching has attracted the highest of accolades.
- 17 Although this is not the proper forum to develop this thought and although I fully acknowledge the exigencies that were presented by the pandemic, I venture to suggest that the rapport, engagement, affection and loyalty that Ross has generated over so many years with these legions of students would not have been achieved or possible had his teaching been undertaken remotely. That mode of teaching not only impoverishes the experience and education of the student but, and this point has not been made sufficiently I think, it is also hugely dispiriting for the lecturer whose vocation has at its heart the personal engagement with his or her students for which Ross Anderson has become so well known and respected.
- 18 To conclude my remarks, the simple fact of the matter is that few teachers in this institution are or have been as gifted as Ross Anderson. Furthermore, nobody I can think of better embodies the expression of being “a scholar and a gentleman”. Careers such as his deserve to be lauded and, as one of his, former students, it is a singular honour to kick off tonight’s celebrations by saying, in an understated Andersonian way “well done”.
- 19 Congratulations on a profoundly valuable contribution over so many years and for setting the gold standard in teaching at Australia’s oldest law school.