

The Honourable Sir Anthony Mason AC, KBE, QC

(b. 21.4.1925) (Chief Justice from 1987-1995)



AUSTRALIAN
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He said relatively little, but was very good at progressing the business of argument. The combination of a commanding intelligence, vast experience, and an ability to convey by facial expression the fact that the shelf-life of an argument had expired made him very effective in that regard. At the same time he was good-humoured and encouraged even the most junior practitioners who had done their work.

By David Jackson QC

Born in Sydney in 1925, Anthony Mason attended Sydney Grammar School. He served in the Australia Airforce during WWII and afterwards studied at the University of Sydney where he obtained a BA and a LLB. Mason was admitted to the New South Wales Bar in 1951 and worked as junior counsel for Garfield Barwick. He was appointed QC in 1964 and also lectured in law at the University of New South Wales.

From 1964 to 1969 Mason served as the Commonwealth Solicitor-General where he appeared regularly in the High Court acting for

the Federal Government in constitutional cases. He was heavily involved in the development of Federal Administrative Law. He was appointed to the New South Wales Court of Appeal in 1969 and was elevated to the High Court in 1972, where he was primarily considered a conservative judge. It was only in later years that he became what is known as an activist judge. He was initially opposed to a Bill of Rights for Australia, but his views changed over time and became a supporter. In 1975 Mason provided informal advice to the Governor-General John Kerr that he had the power to dismiss the Prime Minister. It is only in recent years that it has become known that Mason played a role in the dismissal.

In 1987 Mason was appointed as Chief Justice of the High Court. Two of the most important cases of Mason's career were *Cole v Whitfield* in 1988, which helped to settle 80 years of uncertainty about Section 92 of the Constitution and *Mabo* in 1992. *Mabo* overturned nearly 200 years of settled law that did not recognise the prior occupation of Australia by its Aboriginal peoples.

The Mason Court moved away from the strict legalism of earlier courts. Mason saw precedent as something that needed to be taken into account and balanced with a number of other factors. He was also known for his use of international precedents.

During Mason's period as Chief Justice the Court attire changed, with the abandonment of wigs and the adoption of less formal robes. He also increased the use of written submissions and introduced a time limit for special leave applications. Mason was also very active in the media and spoke in public quite often about the role of the Court and the Justices.

Chief Justice Mason retired from the Court in 1995 at the age of 70 and has remained active in public affairs ever since.