

Justice Chris Maxwell President, Victorian Court of Appeal

Justice Maxwell commenced practice at the Bar in 1984. He was appointed Queen's Counsel in 1998. Justice Maxwell was appointed President of the Court of Appeal in July 2005. In 2015, he was made a Companion of the Order of Australia in the Queen's Birthday Honours.

Justice Maxwell graduated from the University of Melbourne with a Bachelor of Arts (Honours) in 1974, and a Bachelor of Laws in 1983.



Photo Credit: David Johns and the May LIJ Vol.91 issue 05

Previous Speakers

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|---------------------------------------------|----------------------------------------------------------|
| 1972 Professor Geoffrey Sawyer | 1996 Professors Rebecca Dobash and Russell Dobash |
| 1973 Professor Noval R Morris | 1998 Professor Michael Tonry |
| 1974 The Hon Justice Roma Mitchell | 2000 Professor Hans-Jurgen Kerner |
| 1975 Mr Ray W Witrod | 2001 Professor Paul Wiles |
| 1976 Professor Sam B Hammond | 2002 Chief Commissioner Christine Nixon |
| 1979 The Hon Justice Michael D Kirby | 2003 The Hon. Alistair Nicholson AO RFD |
| 1980 Professor Simon Dinitz | 2004 Mr Mick Keelty APM |
| 1981 Mr William Clifford | 2005 The Hon. Fred Chaney |
| 1982 Professor Richard W Harding | 2006 Professor Ian Loader |
| 1983 Mr Francis X Costigan QC | 2008 Professor Chris Cunneen |
| 1984 Senator Gareth Evans | 2009 Associate Professor Gail Mason |
| 1985 Professor Gordon Hawkins | 2010 Adjunct Professor Peter Norden AO |
| 1986 Professor Donald Cressey | 2011 Professor Larissa Behrendt |
| 1987 The Hon Christopher J Summer | 2012 Professor Mark Finnane |
| 1988 Professor Marcia Neave | 2013 Professor Alison Young |
| 1989 Mr Ian Temby QC | 2014 Professor Mariana Valverde |
| 1990 Sir Max Bingham QC | 2015 Professor Katherine Biber |
| 1991 Professor John Braithwaite | 2016 Professor Yvonne Jewkes |
| 1992 Professor Stanley Cohen | 2017 Professor Ben Bowling |
| 1994 Dr Elizabeth Stanko | 2018 Professor Andrea Durbach |



Faculty of Arts
School of Social and
Political Sciences

The 2019 John Barry Memorial Lecture

With the support of the Barry family, the Criminology discipline within the School of Social and Political Sciences presents the 41st John Barry Memorial Lecture.

'New Paths to Community Safety: Punishment Policy and the Courts'

Presented by Justice Chris Maxwell
President, Victorian Court of Appeal

Tuesday, 29 October 2019

6.30pm – 7.45pm

Kathleen Fitzpatrick Theatre, Arts West

Order of Events

Wurundjeri Elders will give a Welcome to Country.

Associate Professor Jennifer Balint, Head of Criminology, School of Social and Political Sciences, will welcome guests and speak about the life and achievements of J. V. Barry.

Professor Shaun Ewen, Pro Vice-Chancellor (Indigenous), will introduce Justice Chris Maxwell.

Justice Chris Maxwell will deliver the 2019 John Barry Memorial Lecture: 'New Paths to Community Safety: Punishment Policy and the Courts'.

Associate Professor Jennifer Balint will move a vote of thanks to Justice Maxwell and the Barry family. She will then present the J. V. Barry Memorial Medal to **Jessica Oldfield** as the best performing graduate Criminology student for 2018.

Guests are invited to a reception in the Arts West Atrium at the close of proceedings.

To find out more about Sir John Barry

Finnane, M (2007). *JV Barry: A Life*. Sydney: UNSW Press
Hetherington, J (1965). *Uncommon Men*. Melbourne: F W Cheshire

Morris, N and M Perlman (1972). *Law and Crime: Essays in Honour of Sir John Barry*.
New York: Gordon and Breach

Works by Sir John Barry

Barry, JV (1958). *Alexander Maconochie of Norfolk Island: A Study of the Pioneer in Penal Reform*. Melbourne: Oxford University Press

Barry, JV (1964). *The Life and Death of John Price: A Study of the Exercise of Naked Power*. Parkville, Vic: Melbourne University Press

Barry, JV, GW Paton, et al. (1948). *An Introduction to the Criminal Law in Australia*. London: Macmillan

Many thanks to John Myrtle, whose knowledge of Sir John Barry's achievements was of great assistance in the preparation of this booklet.



Sir John Vincent Barry – His Life and Legacy

John Vincent Barry was born in Albury in 1903, was admitted to practice as a barrister and solicitor in 1926, became a Kings Counsel in 1942, and a judge of the Supreme Court of Victoria in 1947. By the time of his death in 1969 his accomplishments in the fields of criminology and law brought about significant and lasting changes in the areas of penal reform, parole, family law, civil liberties, and medic-legal issues.

Capital Punishment

As a young lawyer, Barry briefed the defence in the trial of Angus Murray who was eventually hanged for murder, leading to Barry's lifelong and unshakeable opposition to capital punishment.

"I was just twenty and the hanging of Murray upset me a good deal. I felt intuitively it was wrong for the state to take that man's life. I have found intellectual reasons for my attitude since then, and I still believe capital punishment is wrong.." (Barry, quoted in Hetherington)

Barry became an active abolitionist who lent his support to the campaign to prevent Ronald Ryan's hanging. The campaign would eventually fail but brought to an end the use of capital punishment in Australia.

Civil Liberties

In 1942 Barry was appointed as counsel assisting Mr Justice Lowe of the Victorian Supreme Court for the Commonwealth Government's commission of inquiry into the Japanese air-raids on Darwin, and in the following year Barry represented Labor MP Eddie Ward in the 'Brisbane Line' Royal Commission. In wartime Australia more than 7000 people had been interned by the end of 1942. Many of those interned were refugees from Nazi occupied regions of Europe and in 1943 the Government established the Aliens Classification and Advisory Committee to make recommendations on the status and treatment of refugees. Barry was appointed to the Committee and made a significant contribution to its work. Later in the war, and in the immediate post-war period, Barry headed a series of inquiries for the Commonwealth Government, all related to the impact of the war in Papua New Guinea or the conduct of RAAF officers serving in the territory.



Penal reform

Sir John Barry was one of the architects of Victoria's parole system, and was chairman of the Parole Board from the time of its establishment in 1957. He had advocated the introduction of the parole system as a means of encouraging the public to accept an alternative to imprisonment. His leading role here was substantially copied elsewhere in Australia.

"[Parole]... enables an administrative body to direct the release of an adult offender after he has served the period which the judge regards as essential to satisfy the punitive requirements of the law ... It is by such methods as these rather than by the abandonment of traditional social institutions which still enjoy the confidence of the community, that advances should be made in the correctional system." (Sir John Barry)



Divorce Law Reform

Correspondence in 1959 between Barry and Sir Garfield Barwick, the Commonwealth's Attorney-General, indicates that Barry, long before it became a legal reality, was beginning to develop ideas for a radical no-fault approach to divorce:

"Personally, I would prefer an entirely different approach to the problem of divorce, basing it not on the concept of fault or matrimonial offence, but on the social inutility or worse of preserving a marriage bond that has no meaning."



Criminology

"Something should be done to create an interest in criminological training and I shall be only too happy to join... in any attempt to set up [a] body which has as its object the supplying of a real need." (Sir John Barry in correspondence, 1942)

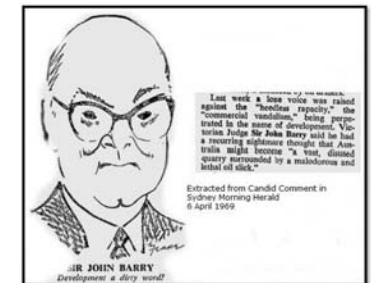
More than nine years passed before these ideas were transformed into an institutional reality. In 1951 George Paton, as Acting Vice-Chancellor of the University of Melbourne, wrote to Mr Justice Barry: "At its meeting yesterday Council approved of the creation of a Department of Criminology in the University."



Barry was appointed to the University's new Board of Studies in Criminology and was elected Chairman. As Mark Finnane notes in his biography of Sir John Barry, involvement in this unique institutional development steered the direction of the rest of Barry's life. He was tireless in his involvement and advocacy in the field of criminology. He was the first person to advocate the establishment within Australia of a national institute of criminology that was established after his death as the Australian Institute of Criminology in Canberra.

Environmental Concerns

Later in his life, Sir John Barry became increasingly concerned about the impact of unrestricted mining upon the landscape of Australia. His vocal participation in public debate about the issue attracted the attention of the cartoonists of the day.



The John Barry Memorial Lecture in Criminology

The John V Barry Memorial Fund endows an annual public lecture in criminology, thus continuing Sir John's commitment to criminological research. It was created by the Australian and New Zealand Society of Criminology in 1971 in recognition of the importance of Sir John's contribution to the field of criminology, and has also subsequently been supported by members of the Barry family. Sir John Barry did much in his lifetime to stimulate the growth of criminology, not only at the University of Melbourne but also throughout Australia, and the John Barry Memorial Lecture each year seeks to inform and educate on topics of key criminological significance.