

ABA 2016 Dinner for Silks
President's Opening Remarks

On behalf of the ABA Welcome to our dinner for Silks, 2015.

Thank you, Chief Justice, for allowing us to use the foyer Court once again for this party and the High Court Registry Mr Andrew Phelan and Carolyn Rogers for their assistance.

I am honoured to be on the ancestral lands of the Ngunnawal people and to acknowledge that I live on the ancestral lands of the Wurundjeri people of the Kulin nation in Melbourne.

I acknowledge the First Australians as the traditional custodians of this continent, whose culture and lore are amongst the oldest continuous living cultures in human history.

I pay my respects to the elders past and present and acknowledge any of you here who identify as Aboriginal or Torres Strait Islander, you are most welcome tonight.

Tonight, at midnight, my tenure as President of the ABA is up – the technical term I think – is that I turn into a pumpkin. It means the new President, Patrick O'Sullivan, will take office on 12.01am. I suspect he will still be up somewhere, celebrating. I thank Pat and our Treasurer Will Alstergren for their friendship and support throughout the year, and thank the Council members and CEO for their work and friendship.

It is an extraordinary honour to serve as the President of the ABA.

To speak out, always respectfully but where necessary, to influence law makers as they work to shape laws for the common good. I acknowledge the open door extended to me and the friendship of the Attorney-General and Shadow Attorney-General.

It is an honour to defend the Courts as we must from ill-judged criticism – this is something of a bright line for ABA and always has been.

It is an honour to strive to make some contribution to promoting the rule of law and the skills and expertise of members our Bars, here and overseas.

To contribute to policy responses on issues of justice for all, especially our most vulnerable.

And to promote diversity, equality, respect and inclusion consistent with principles of justice and the pursuit of excellence that are the bedrock of our profession.

Tonight is a night to celebrate our new silks and to reflect on your journey, to acknowledge your loved ones and support they have offered and provided in getting here.

We know some of it has been hard on your families sometimes. Thank you for your support, patience and your willingness to cope with our single minded focus to the exclusion to all else when cases are running.

For new silks this is one of the life's truly grand adventures tinged with both thrill and terror. I recall my first appearance as silk, watching helplessly as water from my glass failed to reach my mouth by a good distance. This was compounded by watching the faces on bench fascinated by the path of that water from glass to bar jacket.

I don't think this is what the Chief Justice was referring to when he mentioned the "untidy history" of silk. I hope it's a comfort to say now after 12 years, the water mostly lands in my mouth.

This is a moment for reflection. It is also a moment where you may choose to take up your natural place as leaders of the Australian Bars and through your work and participation in the work of the Bars, make a profound difference to the lives of many.

We heard today from the Chief Justice of the important role of Senior Counsel in supporting judges. Judges depend on your judgement, integrity and independence to assist them to just and lawful outcomes. That relationship is very precious and must always be cherished.

Congratulations all of you.

I especially mention 7 of your number, Madeline, Dom, Maria, Gina, Sonia, Aine and Michelle. Seven women of a pool of more than 200 applications for silk is too low. We must do more to nurture the pool of potential candidates. This will not happen by inactivity – we cannot be complacent.

With this, partly, in mind I have asked Madeline Brennan to introduce our guest speaker tonight, Justice Nettle.

Madeline is, of course, an exceptional talent of the Queensland Bar and a natural 'den-mother' for women at the Queensland Bar. I am sorry her father, our Past President Sir Gerard Brennan, is unable to join us tonight – but I am sure he and Madeline's mother are very proud.

It is my profound hope that one day all our daughters have the same opportunity to thrive and lead as our sons and to see many of them at the Bars, the natural home for talented lawyers.

Also I make special mention of Tony McAvoy, who will respond after dinner on behalf of the new silks.

Tony is the first Australian silk to identify as an Aboriginal man. That fact illuminates both how significant is Tony's accomplishment, but also how much work there is for us all to do to nurture and encourage indigenous lawyers, and Aboriginal and Torres Strait Islander peoples in this country.

Acknowledgements

I acknowledge Philip Selth, CEO of the ABA, for his dedicated service and, it's probably fair to say, at times his dedicated friendship this year given what I have put him through. He

cannot joins us, something he is decidedly not happy about, because he is attending to ABA duties today and tomorrow. Thank you Philip and Fran for the intrusion upon your family life this year.

Thank you Katie Retford and Georgina Stow for arranging this dinner. It is in fact a massive undertaking as dinners go, you have both done a wonderful job.

I welcome Kym Fraser of Clayton Utz. Thank you Kym and others, including Ross Macaw, for generously assisting the ABA this year on various matters.

More will be said about Philip Greenwood later this year, but I acknowledge Philip has made an exceptional contribution in the teaching of advocacy in Australia over many, many years domestically and internationally. Philip is stepping down as Chair of the ABA advocacy training council together with many of our long standing ATC committee we thank them all for their long service.

You will see on the table a flyer for our first ever National Conference in Melbourne later this year. For the first time bringing all bars together in Australia – please save the date. You will no doubt be hearing from conference organiser Will Alstergren soon.

Tony McAvoy SC

I first met Tony on the Law Council of Indigenous Issues Committee and was immediately struck by his passion for Aboriginal peoples, his humility and his quiet strength.

As a relative latecomer to the challenges faced by Aboriginal people including indigenous incarceration and constitutional and other forms of recognition, Tony was warm and generous in his guidance.

He is an expert practicing mostly in Native Title and, as you will hear, he has lived experiences of generations of failed and failing Government policy.

He describes himself in his youth as being “trouble” – but to our benefit he stuck with school and the law and accepted the call when urged by others to apply for silk and be a leader for young indigenous lawyers.

Who better to respond on behalf of the new silks. Tony McAvoy.

Fiona McLeod S.C.

President