



Australian  
Bar Association

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### **Farewell to the Honourable Diana Bryant AO**

Speech by Will Alstergren QC on behalf of the Australian Bar Association on the occasion of the retirement of the Honourable Diana Bryant AO as Chief Justice of the Family Court of Australia on Friday 6 October 2017.

1. May it please the Court.
2. I acknowledge the traditional custodians of the land upon which we meet and to pay my respects to their elders past and present.
3. I have the great honour of appearing on behalf of the Australian Bar Association to congratulate Your Honour on a magnificent career and to thank you for the contribution you have made to our profession as a solicitor, barrister, Queens Counsel, Chief Federal Magistrate and Chief Justice.
4. I will leave it to my learned friends, Ms McLeod and Ms Batrouney to speak about your time at the Bar and Bench and in relation to your commitment to the advancement of women in the law.
5. The presence today of the leaders of the profession is testament to Your Honour's standing and the admiration you are held in by you friends and colleges.

6. Your work as an advocate commenced in Perth as a solicitor. As a partner in a National Law Firm Your Honour became a revered family law specialist and formidable opponent.
7. It was just two years into practising Family Law that Your Honour had your first appeal in the Family Law Court before Chief Judge Elizabeth Evatt. You won that appeal, won the admiration of the Court and retained a liking for appellate matters.
8. Your Honour was also a pioneer. You were:
  - the first woman partner of your legal firm in Western Australia;
  - the first woman appointed to the Barrister's Board of WA;
  - and the first woman to be a Commissioner of the Australian National Airlines Commission.
9. Your Honour returned to Victoria in 1990 and was called to the Bar.
10. After just 7 years as a barrister Your Honour was appointed Queens Counsel.
11. Of the sixteen Queen's Counsel for Victoria that year, Your Honour was one of only two women – the other was one Marilyn Louise Warren.
12. Your Honour's career as a silk flourished particularly in Family Law matters trials and appeals in all jurisdictions including the High Court
13. Your Honour was not only known as a jurist. You were also a great leader. This was not just learnt in Court, it was your time spent in Chancery Chambers with a formidable group of Senior Juniors, not the least being Terry Murphy, David Denton, John Dixon, Richard Manley and Peter Cawthorn that gave you perhaps the best training for a leadership role.
14. Denton was the self-appointed Head of Chambers. He had spent an enormous amount of time planning how many computers were needed, how many staff, what photocopiers, fridges and coffee machines and furniture were required, how big each Chamber was to be particularly noting that his had to be the biggest and the all-important order of names on the foyer.

15. Your Honour was made Silk in the year that Chancery Chambers opened. Denton, in his usual polite and fair way acknowledged that Your Honour should of course be Head of Chambers, changed the list of names but described your appointment the head as “ceremonial only”.
16. Given Your Honours sharp legal mind, your exceptional advocacy and your calm demeanour Your Honour’s elevation to the Bench only 3 years after taking silk was no surprise.
17. However, at this stage can I take the unusual step of seeking to correct a public wrong and apologise on behalf of the profession. Some three year ago, when we were acknowledging Your Honour’s and Chief Justice Warren’s 10 years as Chief Justices you were publicly insulted. You were accused of the heinous crime of growing up in in Brighton, but barracking for ..... the West Coast Eagles.
18. I don’t want to blame anybody in particular for this terrible Bar rumour that went around but lets just stay that Terry Murphy and Tim North may have had something to do with it.
19. In fact, Your Honour is a diehard St Kilda supporter!
20. One of your favourite players is Nick Riewoldt. You have a lot in common.
21. You are both national. Your Honour, growing up in Brighton, practising in Perth and returning to Melbourne, Riewoldt born in Hobart, playing originally in the Queensland AFL and ended up playing for St Kilda.
22. Riewoldt came off the Bench and you came onto the Bench in the same year in 2000.
23. In that year Riewoldt began his AFL career as the No1 draft pick to St Kilda. Your Honour was appointed the inaugural Chief Federal Magistrate to great acclaim.

24. In 2001, as the first Chief Federal Magistrate of what is now the Federal Circuit Court, Your Honour participated in the establishment of Court rules, the selection and training of Federal Magistrates, and the selection of executives and staff. You were instrumental in the design and implementation of processes.
25. For your services as the inaugural Chief Federal Magistrate, Your Honour was awarded a Centenary Medal.
26. In 2001 Riewoldt was named AFL Rising Star of the year and won the Leigh Matthews Medal.
27. In 2004 Riewoldt had a break out year finishing in the top 10 for both the Coleman and Brownlow and the ALF Players Association most valuable player and was named in the All Australian Team for the first time. He was also named Captain of St Kilda for the first time.
28. In the same year Your Honour was yourself in All Australian Form, leading the Court with such efficiency that you were appointed Chief Justice of this great Court.
29. You both have led your respective teams ever since with great distinction, culminating in Your Honour being made an Officer of the Order of Australia in 2011 for Distinguished Services to the Judiciary and in particular to Family Law.
30. It is only appropriate that you both have retired in the same year. Both as legends of your respective professions.
31. Riewoldt played 336 games kicked 718 goals and 1562 handballs. Your Honour sat on thousands of trials and appeals and handed down 721 published judgements.
32. Your Honour, according to your fellow judges never handballed anything!
33. I have been asked by the St Kilda Football Club to send their very best to Your Honour on your retirement and note they welcome you far more games next season. Nick Riewoldt who was unable to be here today unfortunately because it is the Best and Fairest, but has asked me to extend his congratulations in his words said “congratulations and well played”.

34. The Club has asked me to make a presentation on their behalf.
  
35. I seek to tender as a final exhibit in Your Honour's career - a St Kilda Jumper signed by the entire 2017 team.
  
36. Your Honour has been a magnificent leader of the Court.
  
37. Your Honour had made exceptional progress in reforms to reduce delays and improve case management. You have also advocated for better funding and resources for the Court. Access to justice has been a great concern of Your Honour and no doubt continues to be.
  
38. You are respected for your outstanding leadership and judicial approach. Retired Deputy Chief Justice John Faulks is proud to have served under you. He says you are tenacious, brilliant, and unassuming – an outstanding lawyer, a great Chief Justice and an exemplar as a jurist, never wavering from what was right but always demonstrating understanding. Others have remarked that you are sensitive in presiding over conflict, and sympathetic to the realities of litigation.
  
39. I take this opportunity Your Honour to wish you and your family a very well earned and satisfying retirement.
  
40. May it please the Court.