

**ABA 2017 Dinner for New Silks  
President's Opening Remarks  
Patrick O'Sullivan QC**

Chief Justice Kiefel, Senator the Honourable George Brandis QC, Attorney-General for the Commonwealth, Justices of the High Court, Hon. Mark Dreyfus QC, Shadow Attorney-General, other judicial officers, New Silks, ladies and gentlemen.

On behalf of the ABA, welcome to our 2017 dinner for New Silks.

Thank you, Chief Justice, for allowing us to use this magnificent venue once again for this celebration and our thanks also to the High Court Principal Registrar, Mr Andrew Phelan and Jules Mortensen, for their assistance.

I acknowledge the traditional owners of the land on which we meet and I pay my respects to the elders past and present.

I acknowledge and welcome warmly Fiona McLeod SC, President of the Law Council of Australia, to whom I had the great honour of serving as Vice-President of the ABA in 2015.

At midnight, the new President of the ABA, Will Alstergren QC, will take office. I thank Will for his uncompromising friendship and support throughout the year. I will have more to say about Will in a moment.

I stand before you as the President of the peak body representing all of the Independent Bars of Australia. As we know, the members of the independent bars are an outstanding pool of expertise and talent. I cannot adequately describe what an extraordinary privilege it is to serve as the President of the ABA and I am grateful for the honour I have been afforded:

Contributing to policy responses on issues of justice for all, especially our most vulnerable, and having the opportunity to influence law makers as they work to shape laws for the common good is a precious and privileged role. Similarly, promoting the rule of law and equality and the skills and expertise of members of our Bars, both here and overseas, is a critical and ongoing role for the ABA.

I acknowledge with gratitude the open door extended to me by the Attorney-General. The Attorney is a great friend of the Bar and I express my thanks for the support he has provided to me and to the ABA. As many of you know, the ABA has consistently advocated for the national disgrace that is the rate of indigenous incarceration, to be addressed. The Attorney both received and considered our concerns. I recall him saying to me – “what can I do to help? His announcement in October last year of the ALRC Inquiry into indigenous incarceration was a prescient and critical step in confronting the over-representation of indigenous people in our criminal justice system. Once again Mr Attorney, thank you.

The Bar’s relationships with the Courts is, of course, critical.

It is not just an honour, but the ABA’s obligation, to defend the Courts from ill-judged criticism. As ABA President, Fiona McLeod SC described this as a bright line for the ABA. It was for Fiona McLeod, it is for me, it will be for Will Alstergren and will always be for the ABA.

Tonight is a night to celebrate our New Silks. No one who has taken silk is under any illusion as to the hard work that is required to achieve this honour but also that it is only possible with the support of your loved ones and the sacrifices they have made.

I can say with confidence that on occasions it will have been hard on your families. For us, the world stops when a case is running, but for you it continues - so thank you.

For new silks, this is a great occasion and one to be enjoyed, but as any silk or judge will tell you, the hard work does not stop here. Further, you are now leaders of the Bar and that carries with it obligations.

Change, where necessary, starts at the top but often the effects are felt lower down. This is the moment where you to take your natural place as leaders of the Australian Bars and I encourage you to take up that mantle.

Congratulations to you all.

### **Acknowledgments**

I acknowledge and thank our retiring CEO, Philip Selth, whose dedicated service has been invaluable to me and others before me. His sage, sometimes blunt and considered advice borne from years of experience will be sorely missed.

He will be replaced by our Senior Policy Lawyer, Cindy Penrose, as CEO. Cindy has proven to be a great asset to the ABA, of enormous assistance to me and will be an exceptional CEO.

Our Media Officer, Jo Oakes, has been an inspiration and has played a major role in bringing the ABA's views to the fore. To Philip, Cindy and Jo, I offer my heartfelt thanks.

I thank our retiring Treasurer, Bruce McTaggart SC, for his work and the Bar Council for its support and collegiate approach throughout the year. It has been a great Council to work with and will continue to be so, providing insightful and considered views to the many issues that confront the Bar.

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

Finally, I want to acknowledge and thank Will Alstergren QC for his unstinting friendship, support and advice as Vice President. He has worked relentlessly for the ABA. Our National Conference last year was his brainchild and he marshalled others from VicBar and the ABA to deliver a landmark conference which has been greeted with universal acclaim.

Together, we have put in a lot of hard work but importantly, had fun as well. He will be an outstanding President and will carry on the important work of the ABA with his customary gusto.

### **Life Memberships**

From time to time the ABA awards Life Memberships. The awarding of Life Membership by the ABA is for exceptional service to justice, the law or the profession. Tonight, we award four Life Memberships.

### **The Hon Robert S French AC**

- It is my great honour to present The Honourable Robert French with life membership of the Australian Bar Association.
- The awarding of Life Membership is the ABA's way of acknowledging and thanking your Honour for all you have done for the law and for the community over many years, both in practice and on the bench.
- Your Honour has presided with distinction as the Chief Justice of the High Court over an era during which the Judiciary has been beset with challenges from various areas, including an ever increasing work load, a high degree of public scrutiny, seemingly driven by personal and political agendas and rapidly changing social norms and technology.
- The ABA acknowledges your Honour's work and tireless advocacy for the rights of Indigenous Australians. In the early 1970's, your Honour helped found the WA Aboriginal Legal Service and you were also the first president of the National Native Title Tribunal.
- Your Honour has had an outstanding career, characterised by a strong commitment to social justice and an unwavering dedication to the rule of law. It is an honour and a privilege to have you as a Life Member of the Australian Bar

## **Philip Greenwood SC**

- It is with great pleasure and sincere thanks that I present Philip Greenwood SC with ABA life membership for his dedication and service to the ABA's Advocacy Training Council.
- Advocacy training is one of the jewels in the ABA's crown.
- Philip was involved in the delivery of the ABA's first advocacy training course in 2006 and presided as Chairman of the Advocacy Training Council from 2008 to 2016.
- It has long been a priority of the ABA to maintain and enhance the bar's professional standards, in particular, advocacy training. Achieving that result has required enormous energy, effort and great personal sacrifice from Philip over the years.
- Indeed, Philip has been the principal driver behind the Advocacy Training Council and he is renowned for his commitment to advocacy training both nationally and internationally.
- He continues to teach advocacy and is largely responsible for the ATC's outstanding reputation and the high quality courses it continues to deliver today.
- As late as last week he presented a master class in XXN to the advanced advocacy course. Kitted out in full surgical gear of hat, gown, boots and gloves, mask draped around his neck. He drew parallels with surgery, explaining that on occasions he had to make a precise strike as with a scalpel or sometimes he had to use a clamp to apply force. He delivered what has been universally regarded as one of the finest presentations on XXN.
- The ABA offers its sincerest thanks and gratitude to Philip and on behalf of the ABA it is a great pleasure to award you life membership for your outstanding contribution to the profession.

## **Philip Selth OAM**

- It is my great pleasure to present Philip Selth OAM with Life Membership in recognition of the significant contribution he has made to the ABA to ensure its continued presence, professionalism and relevance to members across the country.
- For 20 years, as the NSW Bar's Bar CEO, and at times its ABA director, and for the past 2 years the ABA's CEO, Philip has striven to enhance the ABA's reputation with the courts, governments and the media.
- Philip was the Australian Bar's representative on the Commonwealth/State Working Party the work of which, after a tortuous path, brought forth the Uniform Model law that now applies in NSW and Victoria.
- As I have already indicated, Philip has served with distinction and has provided invaluable support to me and other Presidents before me. In so doing he has taken a national perspective, recognising long ago, that the Bar is, in truth, a national profession.
- It is with sincere appreciation from all members of the ABA that we honour you as a Life Member recognising your outstanding contribution to the Bar, your commitment to the ABA or your role in shaping who we are and how we function as an Association today.

**The Hon Kenneth Hayne AC QC**

- After spending 10 years at the Bar, the Honourable Kenneth Hayne AC QC, was first appointed to the bench as a judge of the Supreme Court of Victoria where his judicial career began.
- Your Honour was appointed as a Justice of the High Court in September 1997 and on retirement in 2015, was the longest-serving judge on the High Court bench at the time.
- In the 17 years on the High Court bench, Your Honour wrote more than 400 judgments and served under three chief justices.
- During your time on the bench, you were known for your experience, wisdom and reflective intelligence that was always delivered and shared in a profoundly collegial fashion.
- Following your retirement from the Bench, you have continued to contribute to the Bar through, amongst other things, your contribution to legal education
- Your honour has set an outstanding example for the profession and the ABA is especially pleased to call you one of our own.

I now call on the Hon Ken Hayne to respond on behalf of the recipients of Life Membership.