
Ceremonial Sitting of the High Court of Australia to mark the swearing in of the Chief Justice Susan Kiefel AC QC as the 13th Chief Justice of the High Court of Australia

30 January 2017

Speech by Patrick O'Sullivan QC,
President, Australian Bar Association

May it please the Court.

On behalf of all of the Australian Bars, I rise to offer the Bar's warmest congratulations to Your Honour on your appointment as Chief Justice of the High Court.

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

Your Honour's appointment has been universally welcomed as a natural progression in an impressive legal and judicial career.

An unconventional start to a stellar career

It has been noted that Your Honour took an unconventional and in some ways, a difficult pathway into law.

It was whilst working for barristers that you found yourself in your “element”, a concept popularised by the educator Sir Ken Robinson and which Your Honour has spoken of whilst addressing graduands. You explained that with hindsight it is easy to say how one may have a rewarding work life. That is, by finding an occupation or endeavour that suits your talents and personality. You have told school students that “You can usually do whatever you determine to do. The constraints and limits placed on a person’s life and career usually come from themselves”.

So it is that despite advice that you should not undertake the Barrister’s Board Exam, you did so. Your Honour had a natural aptitude for legal work and you obtained your law qualifications through the Barristers Admission Board of Queensland, passing with honours.

Skilled barrister and camaraderie of the Bar

After being called to the Bar, Your Honour was highly regarded as a junior. In the middle of the trial in which you were a junior to Peter Connolly QC, of which we have heard he gave you—as the next witness—an expert in plant genetics. You have described this as “an early instruction in terror, so necessary in the development of a novice barrister”.

You excelled at the Bar and a most satisfying moment for you was when, some years after you were called, the person who advised you not to undertake the Barrister’s Board Exam rang your Chambers with a brief to act for his main client.

During your eighteen years at the Bar, you were known as an excellent cross-examiner and for your preparation and planning.

Your Honour enjoyed the camaraderie of the Bar which was especially collegiate. You recall senior members taking an interest in younger barristers and providing assistance and work opportunities, a practice you continued in your own mentorship of juniors and associates.

Cambridge and comparative law

As we have also heard, Your Honour has an ongoing interest in comparative law.

- You have given lectures on the subject and addressed international conferences;
- Your research has been published in the *Global Journal of Comparative Law* and other peer-reviewed publications;
- In 2013, you were elected a titular member of the *International Academy of Comparative Law*.

A concern with ethical legal practice

Your Honour has also specialised in the ethics of law and legal practice.

You have said that admission to the profession requires a person to be of good character and to have their own moral compass, integrity, candour, and honesty.

Your Honour has led by example in practice and through leadership in your roles, as:

- A lecturer in Ethics for the *Bar Practice Centre*;
- A board member of the *National Institute for Law, Ethics and Public Affairs*;
- And a member of the advisory board—and later chair—of the *Key Centre for Law, Ethics, Justice and Governance* at Griffith University.

Supporting the Arts

Outside of Law, Your Honour has an interest in the Arts.

Apart from music, in early years, you were involved in community theatre in Queensland both on stage with the *Aspley Little Theatre* and backstage at the *Brisbane Repertory Theatre*.

Since then you have been generous with your time in support of the Arts:

- As a fellow and council member of the *Queensland Academy of Arts and Sciences*;
- And as chair of the *Southern Cross Soloists Advisory Board*.

Many other career highlights and achievements

The Attorney and Ms McLeod have referred to your significant contribution, both on and off the bench.

In 2007, Your Honour became a Foundation Fellow of the Australian Academy of Law.

Significant honours during your time in the High Court

During your time in the High Court you have been honoured many times; including

- In 2009, with honorary doctorates from *Griffith University* and the *University of Queensland*;
- And in 2014, as an Honorary Bencher of the *Honourable Society of Gray's Inn*.

Bringing qualities of a model judge to the office of Chief Justice

The announcement of your appointment to Chief Justice has been described as welcome and unsurprising due to your experience and the high regard in which you are held by the legal profession.

To the role of Chief Justice, Your Honour brings a dedication to judicial office.

In a lecture on being a judge, Your Honour explained that personal satisfaction comes from managing court proceedings and resolving difficult legal questions; it comes from providing redress to those wronged and in writing a judgment well. This satisfaction, you say, is enhanced when a judge is able to contribute to the development of law or the maintenance of its certainty; it comes from a belief in the

social importance of the work of a judge and from an understanding of the importance of the rule of law to our way of life.

In the same lecture, Your Honour outlined the qualities necessary in a judge. Highest on your list is integrity followed by knowledge of the law, objectivity, a strong work ethic, and courtesy. Your Honour is widely regarded as bringing all of these qualities to your office. You have been described as a “lawyer’s lawyer” who is interested in the law as a coherent discipline.

You have expressed that a reasoned judgment involves logical and rational analysis. Your Honour has been described as a clear and logical thinker, direct but always courteous.

Your Honour, on behalf of the Australian Bar, once again, I offer the Bar’s warmest congratulations on your appointment as the 13th Chief Justice of the High Court of Australia.

May it please the Court.