

THE HON T F BATHURST
CHIEF JUSTICE OF NEW SOUTH WALES
LAUNCH OF THE NSW BRANCH OF THE HELLENIC AUSTRALIA LAWYERS
ASSOCIATION

FRIDAY 11 NOVEMBER 2016*

1. I would like to begin by respectfully acknowledging the traditional owners of the land on which we meet, the Gadigal people of the Eora nation, and pay my respects to their elders, past and present.
2. It is a great privilege to have been invited to launch the NSW Branch of the Hellenic Australia Lawyers Association. Tonight's launch is an important opportunity for us to come together, celebrate the breadth of the profession and learn more about the Hellenic Lawyers Association and its plans in New South Wales.
3. Any discussion of the history of our common law legal system necessarily begins long ago with the Ancient Greeks. The first people we could describe as 'lawyers' were the orators of ancient Athens. These first lawyers were often wealthy citizens who would represent their poorer 'friends' in court. They were prohibited from accepting any fee for their services, so engaged in what we would today refer to as pro bono work. The fact that they were not allowed to take a fee to plead the cause of another meant that these orators were never regarded as real professionals and enjoyed little prestige in Athenian society. Cicero described them as "the humblest persons ... induced for a pittance to proffer their assistance".¹
4. It should be noted that the rule that these lawyers could not take a fee was often disregarded and many orators engaged in this 'pro bono' work to gain the electoral votes of the poor citizens they represented in the Citizen's Assembly. However, the notion of these orators as ordinary citizens helping

* I express my thanks to my Research Director, Ms Sarah Schwartz, for her assistance in the preparation of this address.

¹ James A Brundage, 'The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts' (University of Chicago Press, 2008) p 10.

out their 'friends', even if that notion was a fiction, represents one fundamental aspect of the legal profession, that is, the ethical obligation of lawyers to serve their community. And indeed, skipping forward a few centuries, Greek people in Australia have a long and proud history of serving the Australian community.

5. The first official record of Greek arrivals in Australia was of seven young sailors from Hydra in 1829 who had been convicted by a British naval court in Malta of robbing a British ship in the Mediterranean. By 1900, around one thousand Greeks were living in Australia, many arriving during the gold rush. During that time, the first formal Greek organisations were established in Sydney and Melbourne.
6. The period following the Second World War saw the greatest number of Greek immigrants coming to Australia. Between 1947 and 1982, almost 250,000 Greeks arrived in Australia.
7. Today, Greek Australians are established members of the wider Australian community, serving it in many ways. There have been prominent Greek Australians in diverse fields such as politics, the arts, academia, business, sport and of course, the legal profession. Examples include the Honourable John Anictomatis, the Administrator of the Northern Territory, Professor Manuel Aroney, a former academic and champion of human rights, Lex Marinos, an actor, director and writer, Tony Rafty, a war artist and cartoonist, politicians such as Senator Nick Bolkus, Nicholas Dontas and George Souris and sportspeople such as Mark Philippoussis. Of course there are countless other Greek Australians who have made significant contributions to Australian society. Not least, the national patron of the Hellenic Australia Lawyers Association, the Chief Justice of South Australia, Chris Kourakis.
8. I should add that Chief Justice Kourakis was not the first person of Greek origin to sit on the South Australian Supreme Court bench. That honour belonged to Justice John Perry, the father of Justice Melissa Perry. I recall appearing before him a number of years ago in what could only be described as bitterly contested litigation. Throughout it, Justice Perry was a

model of courtesy and consideration for the parties, whilst ensuring the smooth running of the litigation. He truly was a very fine judge.

9. The Hellenic Australia Lawyers Association provides a great example of an organisation which promotes the commitment of the profession to serve the community. This is reflected in its primary goal, which is to bring together lawyers with a Hellenic background or who are philhellenes to celebrate Hellenic ideals and promote cultural harmony and diversity.
10. The purposes of the Hellenic Australia Lawyers Association include facilitating links and exchanges between lawyers of Greek origin and philhellenic lawyers both in Australia and around the world, “with a view to fostering friendship, trade, cultural and educational exchange”. The Association is committed to enhancing cross-cultural interactions and improving both the Hellenic community and the wider community through facilitating law reform, holding conferences and seminars on issues of law and business and assisting Greek-Australians to protect their legal rights.
11. For members of the Association here today, your membership makes you ambassadors for our profession within your communities. It also allows you to improve as lawyers, providing networking opportunities and opportunities to expand your knowledge.
12. For my part, I have a deep respect for the Hellenic community’s consistent civic contribution, demonstrated through associations such as the Hellenic Australia Lawyers Association. Our society has been undoubtedly enriched by the unique experiences that people from other countries and cultures bring to our shores. Tonight provides an occasion to celebrate the diversity and multiculturalism that enriches our community. Thank you again for the invitation to speak tonight and for the opportunity it has afforded me to become better acquainted with the Australian Greek community.