

OCCASIONAL ADDRESS

The Hon Justice A S Bell

President, New South Wales Court of Appeal

- 1 Chief Justice, the Honourable Tom Bathurst AC, Presiding Member of the Legal Profession Admission Board, Acting Justice of Appeal, the Honourable Arthur Emmett AO, Chair of the Law Extension Committee, Acting Magistrate Daphne Kok, learned lecturers, distinguished guests, indigenous Australians to whom I pay my respects, ladies and gentlemen and, most importantly, our graduates.
- 2 This is a very significant and wonderful occasion for the graduates, their families and friends, and it is a great honour for me to have been asked to deliver this evening's occasional address.
- 3 Let me immediately pay tribute to this year's cohort of graduates. The study of law is gruelling, intensive, complex and exhausting at the best of times. To undertake it, as almost all our graduates have, whilst working in full or part-time employment, makes it even more demanding. To achieve what you have achieved in that context makes your achievement even more impressive. It means that you are driven, determined, disciplined and, no doubt, exhausted! The first three of these qualities will serve you well. The state of exhaustion simply follows as a matter of course!
- 4 The LPAB Diploma in Law continues a tradition which dates back to 1848 when (before Australian universities even offered law degrees) the Supreme Court of New South Wales set exams for admission to the legal profession. It was not until 6 years after this tradition was born that the famed colonial

architect, Edmund Blacket, began designing this Great Hall of the University of Sydney in which we celebrate today and which was opened in July 1859, some 160 years ago. Some very great and famous Australians are looking over you from these sandstone walls.

- 5 The Supreme Court of New South Wales, of which I am a judge, will celebrate its 200th anniversary in four years' time. This is not an insignificant milestone, particularly in an age and world of great uncertainty and flux. One only needs to look at the desperately uncertain state of the polity in Great Britain today – once the bedrock of stability and from which this country and our legal system for so many years took its cue – to make this point.
- 6 Australia is a mature and, at least relatively speaking, stable democracy and its maturity rests upon solid institutional foundations – foundations supplied, in part, by the Supreme Court and the rule of law to which it gives effect and which it seeks to uphold.
- 7 Our new graduates, by their learning and achievements, are now steeped in the tradition of the rule of law and learned in the fundamental principles that regulate every aspect of our society: how we interact personally with each other; how commerce is transacted; how citizens interact with government; how our public institutions operate and are held to account and how the criminal law is applied and administered.
- 8 When I had the good fortune to undertake post-graduate study in Oxford, nearly 30 years ago, I was conscious that all of the South African law students were studying public law – the principles which govern and protect individuals in their dealings with public and governmental authority. They were studying public law for a reason: because their country at that time really had no such protections and there was a profound accountability deficit in the apartheid era. The law mattered to that country and its law students, and their experience was a powerful “eye opener” for me.

- 9 The rule of law is just as important in Australia and can never be taken for granted. That is why there should be respect for our legal institutions but it is also why our legal institutions must ensure that they continue to earn and hold that respect.
- 10 In Australia, there is vitally important work for lawyers to do – in representing the needy and vulnerable, in representing individuals against government, in representing those who suffer personal injury or fall into financial or personal distress and, of course, in the criminal justice system and family law courts. The law and legal representation is also vitally important for the orderly regulation of trade and commerce upon which our economy is built. There is also important legal work to be done in the implementation of public policy and in law reform.
- 11 So what does the future hold for our graduates today? I have no doubt that many of you will go on to do important work in the law. But, remember, it is not the only thing you are able to do with your new qualification in law. You will all go in different directions and your diploma will be your passport along the way. When I think of my own graduating year, of the people who finished in the top ten of the year, I think I am the only one still practising law.
- 12 That is not to say that the others did not enjoy or flourish in the practice of law but, rather, it is to illustrate how versatile a qualification in law is for future endeavours.
- 13 From that cohort of ten, one is now a leading publisher, one is a cabinet minister, one runs an investment bank in Hong Kong, one runs a glass recycling company, one has worked in Silicon Valley for two decades after being general counsel for Chanel in New York for a decade, one is a senior public servant and one was the head of the Barangaroo Development Authority.
- 14 What a qualification in law gave them, above all, was the ability to think critically, to isolate the principles which governed the resolution of any

particular problem and to strive to understand how those principles operated and applied in practice. You all have the same tools.

- 15 As I have mentioned, most, if not all, of you have also balanced your after hours and weekend study with work and other responsibilities. The initiative and motivation you have demonstrated in juggling these various commitments will stand you in very good stead if and as you enter what can often be a busy and fast-paced profession.
- 16 And there are some very inspiring role models for you to follow who have undertaken the course of study you have now completed or precursors or variations of it.
- 17 One of the greatest judges to have sat on the High Court of Australia, the Honourable Michael McHugh AC QC, completed the Barristers Admission Board course in 1960. He was also one of the finest advocates ever to have practiced at the New South Wales Bar.
- 18 The current Chief Justice of the High Court, the Honourable Susan Kiefel AC, obtained her legal qualifications through the Queensland equivalent of the LPAB.
- 19 And the current President of the Law Council of Australia and immediate Past-President of the New South Wales Bar Association, Arthur Moses SC, secured his legal qualifications in the same way as you have.
- 20 If you do choose to enter upon the practice of law, I hope that you will find it as rewarding as I have. If you do, you will become members of a profession, bound by well-established ethical rules and dedicated to fundamental notions of justice and equality before the law. These are high values, the importance of which must be actively preserved, and you should cherish the opportunity of joining a profession which is so much more than a business or a job.

- 21 So in congratulating you again, I say “go forth, enjoy and explore the world, flourish in your careers and make the most of your opportunities”.
- 22 But in your future endeavours, never forget the value of the education you have received under the auspices of the LPAB and the Law Extension Committee, the dedication of your teachers to whom I also pay tribute, the institutional importance of the traditions of learning and scholarship and the foundational significance for a civilized and stable society of the rule of law.
- 23 I congratulate you all and wish you well.