

ADDRESS TO THE SYDNEY LAW SCHOOL FOUNDATION

RECEPTION

BY THE HONOURABLE T F BATHURST

CHIEF JUSTICE OF NEW SOUTH WALES

19 October 2011

It is a pleasure to have the opportunity to make some remarks in honour of Jim Spigelman.

The volume and variety of people gathered here this evening indicates the immense impact that Jim has had not only on the law but also on the lives of those who work in the legal profession. It is no exaggeration to say that Jim has become one of this country's greatest leaders in the law.

However, it would be amiss of me to begin my remarks regarding Jim's contribution to law without first addressing his contribution to almost every other sphere of public service.

Jim Spigelman graduated from the University of Sydney with the University medal in law and another degree in government and economics. It has been commented many times that one of Jim's most

remarkable characteristics at university was his ability to succeed in his subjects despite never attending class.

I am not sure that this is a characteristic that the University of Sydney would like to encourage so let me make it clear that this is not an approach advocated by the university and not one that many university medallists could successfully invoke.

Perhaps instead of experiencing a classroom education, Jim was the beneficiary of an education filled with valuable life experiences. He obviously profited from the wide array of community activities that the University of Sydney offers its students. Jim was very active in student politics and demonstrated his commitment to social justice through his involvement in what have now become known as the Australian freedom rides (though Jim was very quick to point out at the time that this was a misnomer).

In 1964 and 1965 an impressive group of University of Sydney students were inspired by the freedom riders of the Civil Rights Movement in the United States. In Australia, the riders were focussed on discrimination against indigenous people. The Student Action For Aboriginals group, led by Charles Perkins, travelled to New South Wales

country towns on a fact-finding mission, picketing venues of discrimination and confronting locals about the segregation that was commonplace in the swimming pools, parks and pubs of country towns. Reflecting on the way in which the freedom ride had been received by the media, Jim wrote: 'The provinciality of the country press has to be experienced to be believed. There were the exceptions which gave an objective, though not sympathetic account of our actions. The more usual reaction is typified by the *Cootamundra Herald* which flamboyantly awarded us "the Prize for the Biggest Ratbags of the Year.'" I am sure that is a prize that Jim continues to treasure.

Jim went on to become Senior Advisor and Principal Private Secretary to the Whitlam government and then Secretary of the Department of Media. Jim was the youngest ever Secretary of a Department, a title he retains.

His career adopted a new direction when he transitioned from policy to the practise of law, becoming a member of the bar in 1976 but only commencing practice in 1979 after a stint as a member of the Australian Law Reform Commission.

Jim took silk in 1986. The major litigation he was involved in as silk fills the textbooks of law students across the country. Unsurprisingly, given his achievements at the bar, Jim was appointed Chief Justice of New South Wales in 1998. I have been the greatest beneficiary of his time on the Court as I have inherited an efficient Court, a collegiate atmosphere, and excellent relationships with external stakeholders and other Courts within our region. I am extremely grateful for the legacy he left. Jim has had an international outlook in all that he has done. He formed Memoranda of Understanding between the Supreme Court of NSW and courts in Singapore and New York so that issues of foreign law can be proved through judicial declaration rather than expert evidence. He developed a regional conference of Chief Justices from almost every country in our region. He began a close friendship with courts in China. These accomplishments demonstrate Jim's awareness of the increasingly globalised nature of law and the legal profession and his remarkable ability to harness this change as an opportunity rather than a threat.

It is fitting that this event fell on the same day that the Commonwealth Attorney-General announced that Australia is to have a national legal profession. Jim has worked tirelessly to ensure that any reforms to the legal profession will not interfere with the independence

and integrity of the profession. He frequently stressed that the law is indeed a profession rather than merely the provision of services to consumers. His efforts led to a legislative product that accurately reflects the uniqueness of the legal profession.

As Chief Justice, Jim was not only known for his brilliant jurisprudence but also for his public oration. Through the 181 substantial speeches that Jim delivered during his term of office, he explored a number of legal issues with enduring significance for the Australian legal system. Core to his concerns was respect for the rule of law; the appropriate protection for rights in a constitutional democracy; the correct approach to judicial interpretation of statutes, contracts and everything in between; and the interaction between truth and the law. Jim's speeches became known for foreshadowing, critiquing and proposing developments in the law. No area was immune from his sharp mind and quick wit.

Jim maintained many interests outside of the law whilst dedicating his working life to it. His major interests include Becket and Henry (a topic in respect of which he published a book), Ellesmere, Bacon and Coke and the opium wars in China. He also dedicated his time to many community causes, sitting on boards of the Film Finance Corporation,

the New South Wales Art Gallery, Powerhouse Museum, Bret Whitley Foundation and the National Gallery. Jim remains the Chair of the National Library Council.

There is no doubt that the law, and indeed this country, is a lot better off for Jim's contribution.

It is my pleasure to now invite the former Chief Justice to say some words.