



## **ADDRESS OF THE PRESIDENT, DAMIEN O'BRIEN KC, ON THE OCCASION OF A RETIREMENT DINNER FOR CHIEF JUSTICE KIEFEL, 27 OCTOBER 2023**

Chief Justice Kiefel, your husband Michael, Chief Justice Bowskill, President Mullins, Judges of the Supreme Court of Queensland, Judges of the Federal Court of Australia, Chief Judge Devereux and District Court judges, other judicial officers and tribunal members, retired judges, distinguished guests, ladies and gentlemen.

It is my distinct pleasure tonight to welcome you to this special occasion to commemorate the retirement of the Chief Justice and to celebrate Her Honour's significant contribution to the Judiciary and the Rule of Law in this country over 30 years - as a judge of the Supreme Court of Queensland, the Federal Court of Australia and the High Court of Australia.

Chief Justice - we are very grateful that you are able to join us to celebrate.

It is wonderful to see so many here tonight. To say we have a full house is an understatement. We could not fit another person in the venue.

And I can tell you - Chief Justice - that the tickets for tonight sold out in record time - faster than Taylor Swift's *Eras Tour*.

Now I am pretty sure that, despite your Honour's lengthy and stellar career, your Honour has never been compared to Taylor Swift. Sandra Day O'Connor – yes. Ruth Bader Ginsberg – possibly. Taylor Swift – a very definite no.

But on reflection, the similarities are there:

- A prodigious talent from very early on in their career

- A career that has spanned decades
- A crafter of words - with some great one liners
- Author of an extraordinary volume of original material
- And a great back catalogue – if only you could sell it off, Chief Justice, to Sony or Universal.

Indeed for some in this room, they would say that being compared to the talented Taylor Swift is the greatest compliment that I could ever give your Honour. Nic Derrington - I am looking at you!

Now I know Chief Justice you have had many formal farewell ceremonies around Australia to mark your retirement. And rightly so. I was lucky enough to be at the High Court a few weeks ago representing the Queensland Bar for your formal farewell by that Court.

But tonight you are back home – back with the Queensland Bar where it all started so many years ago.

We treasure you as being one of our own and we are so proud that one of our own was not only appointed to our highest court, but went on to lead it as only the fourth Chief Justice to be appointed from our state but also the first female Chief Justice.

I will have more to say about your Honour's extraordinary contribution later.

We want tonight to be a relaxed and enjoyable night - an opportunity to celebrate the Chief Justice's achievements but also catch up with old friends.

Now with that in mind, we intend to keep the formalities to a minimum tonight. After entrée, I will propose the toast to the Chief Justice and the Chief Justice will respond.

Until then, enjoy the night and I will return after entrée.

## TOAST

Ladies and Gentlemen

It a great honour to propose a toast to our Chief Justice.

The history of how our Chief Justice came to the law and Her Honour's extraordinary career at the Bar and at the Bench is well known. I do not intend to repeat that history tonight.

There is also so much that I could talk about in terms of the Chief Justice's contribution to the judiciary and our legal system. But I propose to just touch on three areas: Clarity, Courtesy and the legacy for the Bar.

*As to the first*, it is fundamental to the Rule of Law, which is at the heart of our liberal democracy in this country, that the law be clear. Clarity in the law provides certainty. Certainty as to what the law is engenders a sense of fairness in those that come before the courts, be they in a criminal or civil matter, and a sense of confidence in those who seek to operate in, and invest in, a market economy.

Your Honour's judgments have always been the hallmark of clarity, particularly in your time on the High Court and as Chief Justice of that Court. No matter how difficult the legal concepts, or chequered the history of the area of law in question was, your Honour has always written in a way that is lucid - distilling key principles in to readily comprehensible statements of the law. Whatever the legal issue was, both barristers and judges alike have always sought out your Honour's precise summary of the law in your judgments.

Your efforts as Chief Justice to have the Court speak with one voice, if at all possible, is another example of your Honour's contribution to the clarity of the law. It also reflects your Honour's ever present preference to put a clear and consistent articulation of the law ahead of any opportunity for personal aggrandisement.

*As to the second*, despite your Honour's success on the Bench, your Honour has always been unfailing courteous to those who have appeared before you. These comments are no mere niceties. Civility and the way we resolve disputes goes to heart of our liberal democracy.

Justice Kennedy of the United States Supreme Court, in an address to the American Bar Association in 1998, said that for the rule of law to thrive, we must insist on three fundamental principles: the responsibility of the individual, rationality in the legal profession and in the courts, and civility. Civility, he said, is "the mark of an accomplished and superb professional but it is more even than this. [It] is an end in itself".

That end has been achieved by your Honour in spades.

Your Honour has set an example for both the Bar and the Bench as to how to contribute to the Rule of Law by acting in a respectful and professional way. It is an example to be admired and followed by everyone in this room.

*Third*, and finally, I want to touch on your Honour's legacy for the Bar.

Your Honour was admitted to the Bar in 1975. Now we have made inquiries and the Bar Association does not have figures as to the makeup of the Bar in that year. But as was noted in a recent speech, your Honour made inquiries in 1980 as to the number of women practising at the Bar in Queensland – there were just 10 – only 4 percent of the number of practising barristers then at the Queensland Bar.

Thankfully, the Queensland Bar has seen a radical change since that time. Women now make up over 30% of the Qld Bar and that percentage is steadily rising. We are now at the point that the Bar under 5 years is 50% women. And tonight, at this Dinner for barristers hosted by the Bar Association, the majority of the attendees are women.

That change in Queensland has come about largely during your time on the High Court.

Now of course times have changed and there have been some programmes that have encouraged women to come to, and stay at, the Bar. But it seems to me that in Queensland the example your Honour has set has played an important role in bringing about that change.

Through your Honour's life's example, your Honour has demonstrated to all barristers, but particularly young women barristers:

- that hard work and determination pays off in a life at the Bar and the Bench – no matter where you come from or what your background is;
- that given a fair opportunity, women can, and will, succeed at the Bar and on the Bench and not just become leaders of those institutions but great leaders;
- that civility and courtesy is a sign of strength not weakness; and
- the worth of public service and giving back to the community.

Chief Justice you have been an agent of change. And the change that you have brought about is apparent as one looks around this space tonight in the changed face of the Queensland Bar. It is something that we hope you are extremely proud of.

Can I also take the opportunity to thank your Honour more broadly for your unwavering support of the Bar in all its endeavours. Your Honour has always been a keen supporter of the Bar, particularly the Queensland Bar.

For your Honour's extraordinary contribution to the Bar, the Judiciary and to the law - for your Honour's commitment to public service and the community - for the example that your Honour has set for the Bar and the Bench - the barristers of Queensland wish to record here – tonight - our admiration and our utmost thanks and appreciation.

We wish you and Michael all the best in the next phase of your life.

Could I now ask everyone to be upstanding for a toast to the Chief Justice..

TO THE CHIEF JUSTICE.