

**PRESIDENT'S OPENING REMARKS FOR THE
19TH COLLOQUIUM OF
THE JUDICIAL CONFERENCE OF AUSTRALIA
ADELAIDE - 9 OCTOBER 2015**

1. We are very honoured that his Excellency, the Governor of South Australia, the Hon Hieu Van Le AO, has offered to open this year's Colloquium of the Judicial Conference of Australia. His Excellency is a man of many distinctions. The Governor's life has been a full one.
2. We live in an age where the reality of humanitarian crises is an almost daily news item. The inhumanity of our fellow beings to one another has known no borders or other limitations. The horrific exposure of the depraved Nazi regime's final solution at the conclusion of World War II finally galvanised the international community into creating the Refugee Convention. That came about because before the war the world had largely shut its eyes, and its doors, to those German Jews and other persecuted minorities, like the Roma or gypsies, who sought safehaven. As the child of two German Jewish refugees that the United Kingdom accepted at that time, I owe my own existence to two acts of Governmental humanity in a time of crisis.
3. I have raised this because his Excellency's life story is quite remarkable, indeed inspiring. He was born in Central Vietnam in 1954. He Studied Economics at Dalat University in the Highlands. But he became a refugee together with his wife, Lan, and, together, they made a perilous journey by boat from Vietnam in 1977. They were among the first group to arrive in Darwin Harbour and began a new life in Adelaide.
4. Like many who have had to flee persecution, on arriving in his country of refuge, the Governor had to start again with determination and courage. His Vietnamese tertiary achievements were not recognised here and he had to begin again at the University of Adelaide. He soon graduated with a degree in Economics and Accounting and became an accredited Certified Practising Accountant. I am sure that as, (ex) lawyers, we won't hold that against him. In 2001, his Excellency earned the further degree of Master of Business Administration from his alma mater.

5. In the meantime in 1991, he had commenced a career of dedicated public service in his new country with the newly created Australian Securities Commission that more recently has had “Investments” added to its name. He was awarded the Australia Day medal for his outstanding public service to the Commission in 1996. By the time of his retirement in March 2009, his Excellency was Senior Manager-Financial Services Regulation with the Commission.
6. For many years, before his so called “retirement”, his Excellency involved himself in a variety of aspects of his adopted country’s community life. In 1995, the Governor was appointed as a member of the South Australian Multicultural and Ethnic Affairs Commission and became its Deputy Chairman in 2001, the first person of Asian background to hold that position. His service to the advancement of multiculturalism was recognised by the award of the Centenary Medal in 2001. Also, in August 2007, his Excellency was appointed Lieutenant Governor and extended his community activities through his new roles as patron and honorary member of many organisations. On Australia Day 2010, his Excellency was made an Officer of the Order of Australia.
7. In September 2014, his Excellency was appointed Governor, the first Vietnamese born vice-regal appointment anywhere in the world. What an inspirational personal history that is.
8. As Australians we can all be proud that our society has matured as a much more tolerant, embracing and respectful place over the 90 or so years since we began to open our doors to immigrants from what, when I was a child, was called “the old country”. And today that appellation is far more apposite to describe the rich history and culture of our first settlers, the indigenous peoples whom our ancestors and forebears did not treat with the understanding or respect that we now know was their right.
9. The Judicial Conference of Australia has a significant role as the representative body of the whole Australian judiciary. Judicial officers of every Court in Australia are members, comprising over 55% of all serving judges and magistrates. From time to time, the Judicial Conference of Australia must take a public position on matters affecting the judiciary both in Australia and internationally. A judge’s life – and I of course include magistrates in that description – involves public service.

10. There are many facets to that, but the word “*public*” conveys a reality of what judges do that no other section of our society experiences. Not only do judges serve the public by performing their professional role of hearing and deciding cases day in, day out, but they do so in the fishbowl of very public scrutiny. That scrutiny, of course, comes with the territory. It is the life blood of general, but not universal, community acceptance of the work and decisions of the Courts. Every aspect of a judicial proceeding is fully transparent. The judicial officer’s work is there for all to see, comment on and criticise. Every substantive decision is an exercise of the power of the State over its citizens and even its other institutions of government. The judge or magistrate must justify every judgment or criminal sentence by giving reasons that sustain his or her use of that power based on the individual circumstances of each case.
11. All of us who have accepted the heavy responsibility of sitting in judgment on our fellow citizens and exercising the very great power that is entrusted to us have experienced, or will experience, the intensity of public scrutiny of some of what we have no choice but to do.
12. Often, the demands of a headline, tweet or 30 second news grab, result in the mis - or non - communication of a judge’s or magistrate’s careful public reasoning of why he or she reached a particular conclusion. That action, of a third party who conveys an erroneous or incomplete account, effectively to the world, can have a significant impact on the judicial officer who cannot answer back, or further explain his or her decision. Indeed, had the decision been properly reported, the subsequent misrepresentation of it by others over which the judge had no control would not do damage to the reputation of the judiciary generally and the particular judge concerned.
13. Sometimes, the JCA must speak out to correct such matters, sometimes, it must defend a broader attack on, or misrepresentation of, the judicial system here. And, we have colleagues abroad who do not have the some security of tenure or person that we are lucky to have in our nation. The decision of my predecessor, Justice Philip McMurdo, to seek to involve the JCA in the affairs of the International Association of Judges has made us more conscious of the need to be aware of, and do what we can to support, judges of other countries whose independence or even lives come under threat.

14. It has been a privilege to have been your president this past year and I am most grateful for the many instances of support that I have received from not only the Executive Committee and Governing Council, but also from the wider judiciary. (My only regret is that, at least as far as I am aware, no one wants to stage a coup.)
15. Can I also welcome Justice Rebecca Ellis who joins us as the nominee of the Rt Hon Dame Sian Elias, Chief Justice of New Zealand. Earlier this year the Governing Council resolved to explore with the New Zealand judiciary whether it would be appropriate for the JCA to be expanded to include them, as has occurred with the Annual Supreme and Federal Court judges conference and the Australasian Institute of Judicial Administration. I am sure we all look forward to meeting and working with Justice Ellis during the Colloquium – thankfully there is no World Cup game in which our two countries are opposed this weekend.
16. We also have in attendance Judge Michael Gray from the Provincial Court of British Columbia and his wife Susan whom I know we will all make welcome.
17. We have a varied program for our gathering this year. Justice Robert Beech-Jones and his team of Justices Hilary Penfold and Peter Murphy and Judges Brian Withers AM and Julie McIntyre have assembled quite a cast to cover a large and topical range of subjects, as you can see from the impressive program.
18. None of this could be possible without our tireless, indefatigable and unflappable Secretary, Chris Roper AM. He copes with almost as much sangfroid as Justice Beech-Jones when I have a panic attack over some crisis that requires me to tread warily into the world of the press and politics. (Though I think in the next session we will be treated to two seasoned participants in that field – one willing, in Chris Masters, and the other brave, in Chief Justice Wayne Martin AC perhaps sometimes even courageous as Sir Humphrey Appleby might have said.)
19. Finally, Aghi and Mila have done their usual excellent job in making the Colloquium function on the ground.
20. It now gives me great pleasure to invite his Excellency, the Governor of South Australia, to open our 2015 Colloquium.