



Law Council  
OF AUSTRALIA

# Ceremonial sitting of the High Court of Australia to mark the swearing-in of Chief Justice Susan Kiefel AC QC

Speech delivered by Fiona McLeod SC, President, Law Council of  
Australia at the High Court of Australia, Canberra.

30 January 2017

May it please the Court.

It is a great honour to speak on behalf the Law Council of Australia to welcome Your Honour's appointment as Chief Justice of this Court.

I too acknowledge the traditional custodians of the land on which we meet and pay my respects to their Elders, past and present.

Today we gather to mark the appointment of Your Honour to the highest judicial office in the land, an appointment fitting your outstanding career and exceptional talents.

We celebrate this as a landmark moment for women in the history of this nation. Your Honour's oath this morning was administered by the next most senior puisne judge of the Court, Justice Bell, presenting a powerful and enduring image of equality and an inspiration to many.

Now that you occupy the centre chair of this Court, women have now filled the three highest appointed constitutional offices in this land.

And of course Your Honour brings another important achievement in diversity with your appointment - of the thirteen Chief Justices appointed to this Court, Queensland has now drawn level with Victoria and New South Wales with four apiece.

Equally, today we celebrate the remarkable professional journey of Your Honour - one that serves as an inspiration to all. As the Prime Minister said when announcing your appointment:

*"They can follow in Susan Kiefel's footsteps, study well, get admitted, become the Chief Justice of the High Court of Australia."*

As the Attorney has noted, you were the first woman to be appointed senior counsel in Queensland. This came through the application of talent and determination.

You left school at 15, admitting you were in a hurry to start your working life. At 17 you worked for a group of barristers. The idea of being self-employed and practicing at the Bar appealed, and you set your mind to the study of law. This meant finishing your leaving certificate, studying at night, and passing the Barristers Board exam with your characteristic self-reliance and motivation.

You were called to the Bar at 21, then the minimum age for admission and developed a broad practice in commercial and equity including expertise in probate, defamation and local government matters.

You were sought out by its leaders. Pat Keane, your brother judge on this Court, was once reprimanded in chambers by Bill Pincus QC, later Justice Pincus. He had spent hours in a complicated case working on a draft outline of argument when Mr Pincus tossed it aside proclaiming:

*"You know, that Sue Kiefel is a very helpful junior. She actually identifies the points that are likely to win the case".*

The Attorney has touched upon your time at Cambridge University, where you proved yourself an outstanding legal scholar. It was a sabbatical taken after 10 years at the Bar, a turning point in your understanding and love of the law and- according to the University -

it reminded "a then jaded practitioner just how important and fascinating the process of law in society is".

In addition to refreshing your love of the law, you came away from Cambridge with another love of enduring value. You met your husband Michael Albrecht when you joined the College rowing crew. He was the coach and tapped into Your Honour's keen competitive spirit.

You Honour rowed in the stroke seat. For those in the know, each seat attracts a certain stereotype. It is said of the stroke that she models perfect technique and sets the rhythm and cadence for the rest of the crew, continuously communicating and strategising with the coxswain - knowing when to power, when to sprint and when to settle.

Indeed, that well renowned and oft cited online authority 'Rowers blog' offers this further apt explanation - 'the meekest rower in the world - when plugged reluctantly in the stroke seat, stays quiet for the first few strokes. A thought then grows that this job is hers for life. She offers helpful reassurance to the rest of the crew:

*"I hope you guys can keep up' while in the boat they're thinking: "ease back, we are dying here!"*

Which brings me back to Your Honour's practice at the Bar. You resumed practice in 1985 and took silk in 1987, at the age of 33. You were sought after for your devastating cross examination - never cross, but intimidating nonetheless, and your renowned tactical prowess. You knew when to power, when to sprint and when to settle.

Appointments followed, as we have heard from the Attorney-General, including 13 years on the Federal Court and a part-time appointment to the Australian Law Reform Commission. Your honour is the third Chief Justice to have served in that capacity.

In 2007, you were appointed to this Court.

Both on and off the bench, you have already made a significant contribution to the law, the legal profession and the wider community. You are recognised as an intellectual leader of this Court and one of its most popular and collegiate members. You have been a thoughtful contributor at professional conferences across a wide range of topics. You have also been a frequent guest of schools and universities, often imploring them to adopt the creed of Michelangelo -

*"that the greatest danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low and reaching our mark".*

The press of course has delighted in your appointment, and in endless speculation that you will be this or that 'type' of Chief Justice. If we were to believe it all we would find that Your Honour is, an activist conservative with a highly competitive inclination to collaborate.

I suspect Your Honour has confounded them.

While Your Honour has honed the keen competitive spirit of the silk, you have also spoken of the importance of collegiality in the work of the Court and are renowned for being a team player. In a 2012 speech, you reminded us there were no shrinking violets on this Court and that "agreeing with another's judgment is as much an act of independence as is the writing of one's own judgment".

There can be no doubt about your commitment to the Court as an institution, to the independence of its judges and to the efficient delivery of justice.

Your Honour has made another enduring contribution to both the Federal Court and the High Court. I speak not just of your judgments, but of the judicial gown.

On the Federal Court, you headed a committee that was charged with designing new robes. You briefed Bill Haycock, a costume designer with a theatre background - a world that was not foreign to you given your early start in the theatre and the fact that your late brother Russell was an actor.

Mr Haycock reported that Your Honour had "a fine eye and was a good sounding board". The result was a robe with seven vertical tucks - to reflect the seven points of the Federation star - and a deep red band, also with seven equal tucks.

Your Honour also played a leading hand when the High Court decided that its own robes need a refresh. Mr Haycock was again engaged and the new outfit made its debut in October. The seven equal tucks were again employed, along with a triangular motif to reflect the Court's role at the apex of our justice system.

Chief Justice, you come to this high office with the goodwill and respect of the entire legal community. You are in the stroke seat once again, and we have no doubt you will thrive in the role and the Court will thrive with you.

You will be a fine custodian of the office of Chief Justice. We look forward to the further contribution you will make to this court, the development of our jurisprudence and the public life of the nation.

May it please the Court.

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