



Law Council
OF AUSTRALIA

A special sitting of the Family Court of Australia to farewell the Hon. Chief Justice Diana Bryant AO

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

6 October 2017

May it please the Court.

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

It is my great pleasure and privilege to appear today on behalf of the Law Council of Australia and its Constituent Bodies as we celebrate the career of a great Australian.

Your Honour is a fine lawyer and jurist who has made an immeasurable contribution to this court. You have served with courage, integrity and a fearlessness that will be the standard for years to come.

You have also been a champion for women lawyers. You have been patron for the past eight years of Australian Women Lawyers and an unflagging optimist that equality is on the near horizon.

We served together on the Victorian Bar Council and the early days of the Women Barristers Association. Your door has been open ever since and I am very grateful.

This is your 18th year as a judicial officer – after 28 years as a practitioner.

You were the first Chief Federal Magistrate from 2000-2004. This involved 149 days of general federal law matters and 745 days of family law.

As Chief Justice of this court from July 2004, there have been 159 days of hearing first instance matters and 848 days of Appeals.

On top of your administrative duties, you have delivered 724 judgments, covering family law and general federal law, at first instance and on Appeal.

I guess those who follow St Kilda, have a special kind of endurance.

It should be noted that – with true commitment to the principles of open justice – all Family Court judgments are now published on the internet, albeit with pseudonyms.

The Court's international engagement – particularly with Indonesia – has been another highlight of your tenure. You helped establish the International Hague Network of Judges and the Association of Family Judges of which you are co-chair. Next week your Honour will be in the Hague chairing a working group on child abduction.

All your professional life you have lived by the creed of the Family Law Act; that the "welfare of the child is paramount." In recent times, this has meant taking a lead role on two of the most important social issues in Australia – surrogacy and family violence.

You have taken up almost every opportunity to be part of the debate. Sometimes this fearlessness has alarmed your colleagues.

A rally last year on family violence had the Family Court firmly in its sights. You had no objection to it being staged outside the Court, which convinced the organisers that Your Honour might agree to MC the event when it was moved to a nearby park. You declined, but did agreed to speak at the event and outline the concerted efforts made by the Court to assists victims of family violence. It was better, you said, to have the voice of the Court heard.

You and your judges are immersed each day in the family law, faced with families who come before you at a moment of profound grief and anger at the breakdown of precious

relationships. Many coming before you are experiencing violence, heartbreak and substance abuse.

The tide is unrelenting and resourcing of the Court has not kept pace with need over its 40 years. It takes a special resilience in such circumstances to remain focused with compassion and wisdom on the needs of each party, the unrelenting case load, and the needs of your judges.

The family law system will now be the subject of a comprehensive inquiry which Your Honour has been urging for some time.

At a dinner to celebrate the 20th anniversary of Australian Women Lawyers last month, you reflected upon the inspirational role models who led you to leadership roles in the law. You grew up in an all-female household where women did, and could do everything. Your mother was a lawyer and the breadwinner. She went to work each day and was for a time the President of the Legal Women's Association.

The activities of the Association were reported in the papers in her day by reference to the cut and colour of the attendee's outfits. Organza, poplin and portrait necklines featured in those reports with perhaps more attention that might be accorded to such things nowadays.

But the objects of support and advancement of women are still relevant – objects you have pursued with great passion your whole career.

It was almost inevitable you would follow in the footsteps of your role models, Elizabeth Evatt and Mary Gaudron, to judicial office and service to the community. Like them, you have offered extraordinary support and encouragement to young women lawyers.

At the Australian Women Lawyers' dinner you pointed out that 10 per cent of your graduating class was female. Now more than 60 per cent of all new entrants to the profession are women.

You also noted that of 12 Chief Justices in Australia and New Zealand, five were female.

As you said on the night of the Australian Women Lawyers celebrations, "*we've come a long way baby.*"

Chief Justice, this country owes you a great debt.

After two decades of leadership at the coalface of our most challenging jurisdiction you have earned a rest.

However, many here today suspect that you are incapable of rest, and that you will continue to contribute to the law and the public life of this nation with energy, wisdom and warmth.

No doubt you will also be found on the dance floor, flying down the ski slopes or lying beneath a tussock searching for the elusive black grasswren.

May it please the Court.

Disclaimer:

This document remains the property of the Law Council of Australia and should not be reproduced without permission. Please contact the Law Council to arrange a copy of this speech.

Patrick Pantano

Senior Adviser, Public Affairs

T. 02 6246 3715

M. 0417 181 936

E. Patrick.Pantano@lawcouncil.asn.au