



OFFICE OF THE GOVERNOR
VICTORIA

VICTORIAN BAR RECEPTION TO WELCOME NETTLE AND GORDON JJ

Thursday 17th September, 2015

The Honourable Justice Marilyn Warren, Chief Justice of the Supreme Court of Victoria,

and **Mr Mick Heeley**

The Honourable Martin Pakula, the Attorney – General of Victoria

The Honourable Justice Geoffrey Nettle of the High Court and **Mrs Wendy Nettle**

The Honourable Michelle Gordon of the High Court and **the Honourable Kenneth Hayne**

His Honour Michael McInerney, Acting Chief Judge of the County Court of Victoria

Mr James Peters, Chairman of the Victorian Bar

Your Honours

Distinguished guests

Ladies and gentlemen

First, I acknowledge the traditional owners of the land on which we are gathering and pay my respects to their elders, past and present, and to any Elders with us this evening.

Tonight we celebrate the well-deserved elevation of two Victorians, two Victorian judges, and indeed two members of the Victorian Bar, to the High Court of Australia.

That is of course Their Honours Justices Nettle and Gordon, although I think I just made it sound like there were 6 new Victorians appointed. As Governor of Victoria, I may at times tend to hyperbole in Victoria's favour, but this time it was unintentional!

I am conscious that much has been said and written about Their Honours and their illustrious careers so far. And I am conscious that here, amongst the family of the Victorian Bar they are well known and regarded with respect and affection.

Each is universally admired for their fine legal scholarship, their appetite for hard work, and their brilliant jurisprudential leadership.

In welcoming you here this evening – a delight for Tony and I particularly as members of the Victorian Bar - I would like to take the opportunity to reflect briefly on the Victorian Bar, as the incubator in which the two most recent appointments to the highest court in this country have been nurtured.

At the ceremony marking my recent inauguration as Governor of Victoria, I referred to the fact that whatever differences exist within or between any people, there is generally so much more that unites than divides us.

It strikes me that nowhere is that more true than when it comes to the Victorian Bar and our justice system.

When it comes to the Bar, how easy it is to state what divides counsel from counsel.

The Victorian Bar, like any Australian Bar, has the independence of its members at its very heart. And in the main, the setting in which each independent barrister plies his or her trade is, by its very nature, an adversarial one. Counsel pitted one against the other, advocate against advocate legitimately primed to undermine the evidence of their colleague's witness, or a legal submission. And, oh yes, they potentially compete against each other to gain work, as well.

And so, what unites them?

Ironically, in the light of that adversarial context, it is a deep sense of connectedness, of shared values, a commitment to the rule of law, an alignment of ethics, and a strong tradition of friendship, mentoring and collaboration.

Similarly, when it comes to the bench, the differences between the court jurisdictions are legion as well. Our system is strictly hierarchical. There is a clear and distinguishing pecking order. In the presence of our two most recent High Court members, it is pertinent to remember that “big peckers overrule little peckers”, as someone wise, (or perhaps slightly embittered), once said.

Magistrates have an eye on the County Court and the Supreme, the County Court on the Court of Appeal, the Court of Appeal on the High Court and the Supreme Court on.... each other.

And yet, again, for all that, the judiciary shares a sense of deep collegiality and camaraderie. Judges readily take all those eyes off each other, off the judgments, the appeals, and the suggested errors, to attend courses together, to share discussions about new laws, or to put their wise heads together to improve court processes and rules. And collaboration and unity are now amply modelled in the CSV, Victoria’s new courts’ administration.

A celebration such as this one this evening highlights that spirit of whole-hearted collaboration within the bar, within the courts, and indeed between bar and bench.

Tonight, to honour Justice Nettle and Justice Gordon, we have members of the Victorian Bar from all possible specialties, from different levels, from junior counsel to the Chairman himself. I know the Chairman was very keen to ensure that cross-section. If you talk about what unites you, nothing could be a more consistent thread running through the Victorian Bar than that those who go ahead doing all that they can to help those coming along behind them.

And we have each court level represented this evening.

But ultimately what binds or unites us tonight is the shared pride that two outstanding members of the Victorian Bar have become the 51st and 52nd judges, and the 14th and 15th Victorian judges, to join the ranks in the High Court of Australia.

May I add the congratulations of the people of Victoria in addition to the many other congratulatory messages you have received, wish you both a long, healthy, and yes, happy time in your new judicial roles, as I now invite the Chairman of the Victorian Bar, Mr James Peters, to speak.