

**Ceremony for Admission of Lawyers**  
**Speech delivered by Chief Justice Terence Higgins**  
**On 14 December 2007 at 10.30am**

I welcome and congratulate each of you who have been admitted - or as some say committed - as lawyers of the Supreme Court of the Australian Capital Territory. I also acknowledge the traditional owners of this land, the Ngunnawal People.

As I am sure you are aware, you are now entitled to hold a practicing certificate and, on obtaining a practicing certificate, to offer your professional skills to the community as a lawyer. This is a fine accomplishment, and I am pleased to see so many of your family and friends here today to celebrate this achievement with you. Completing law school is often a long and stressful process – even I recall that - and I extend my congratulations to you and to those who have supported you.

The fundamental tenets of the law and the legal profession retain their value and significance today. The rule of law, as distinguished from the rule of man, was something that the great Greek philosophers Plato and Aristotle turned their minds to. It is something that each of you, as lawyers, should keep present in your minds. Indeed, although we have recently had our own examples, the CIA's "document retention policy" provides a recent example of the importance of doing so. The CIA has

admitted to destroying videotapes that recorded severe, and no doubt illegal, interrogation techniques being employed by its operatives. The rule of law, and the fundamental principles of the law, such as the doctrines of habeas corpus and natural justice, serve to limit the actions of government to that which is legal, and protect individuals from arbitrary and unjustified abrogation of their fundamental rights and liberties.

Regrettably, examples of the abrogation of human rights are not hard to find. The protection afforded by the common law and constitutional law needs to be complemented by legislative enshrinement of fundamental human rights. The Territory's *Human Rights Act 2004*, and Victoria's *Charter of Human Rights and Responsibilities Act 2006* are strong examples of legislative invention and intervention of this kind. The Territory's *Human Rights Act* was never intended to provide a cause of action for individuals to vindicate their human rights. However, the Act does provide this Court with a legislative basis for protecting fundamental human rights. The Act supplements techniques otherwise employed by the Court to protect human rights, and as such has had a positive effect on jurisprudence.

Whatever path your legal career takes you in, I hope that you retain the value of the fundamental principles of the law and advocate for

individual rights – inside and outside the courtroom. I was admitted to legal practice in the 1960s and, among others, represented conscientious objectors to the Vietnam War who refused to be subjected to compulsory conscription. In my following years of practice, and since my swearing in as a judge of this honourable Court in 1990, I have consistently been an advocate for individual rights. This is a trait I share with my fellow judges, past and present, and I am sure I can add future.

I say that because this week it was announced that Mr Refshauge SC and Ms Penfold PSM QC have been appointed as the two new resident judges of the Supreme Court. It is reassuring that the appointments have been made, and that the executive government has chosen to remedy the long-standing gender imbalance of the Supreme Court bench, at least since 1933. I am sure that the new appointees look forward, as do Justice Gray and Master Harper, to meeting each of you as you appear in this Court.

One of the great traditions of the legal profession is service to the community. The service ideal is sometimes obscured by the push for productivity measured in six-minute increments. However the two are not mutually exclusive. Serving the community can be achieved by engaging in pro bono work, providing your clients with diligent and timely legal advice and by striving for the highest ethical standards. It is

new lawyers, like yourselves, that will represent and shape the legal profession into this century. As you do so, recall the value of the great traditions of our profession.

As you begin your careers as lawyers, take every opportunity to learn from your colleagues. Mentoring is a great feature of our profession and your colleagues will be a source of support and counsel throughout your career. There will be times when you are faced with ethical dilemmas, and you are uncertain of what action your professional ethical obligations require you to take. During such times, do not hesitate to seek advice and guidance from your colleagues in the profession at the Law Society or the Bar Association. They are there to assist you and will do so.

I hope that you will look forward with eager anticipation to your future careers in law and the rewards that await you. May your advocacy contribute to the fine traditions of the law and the legal profession. My congratulations once again to you and your families on your admission as lawyers of this court, and wish you all the best for your future wherever it may take you.