

Legal Practitioners Admission Ceremony

Higgins CJ, Penfold J

Friday 17 October 2008

Court 1, 10:00AM

Ladies and Gentlemen, on behalf of this court and its Judiciary, represented here today by myself, and the Honourable Justice Penfold, welcome. To our newly admitted practitioners, congratulations.

I begin by paying my respects to the Ngunnawal, a people of long tradition and conceptions of law, and the traditional owners, of the land on which we meet this morning.

While not all cultures can trace their histories back many thousands of years, it can confidently be stated that justice is one of the founding tenets of our society. Another traditional ideal saturating the media of late is that of democracy, and indeed of individual participation in democracy through regular elections. The ACT is in fact due to go to the polls tomorrow. So vote early but not often. The United States will soon follow suit.

While I don't wish to dwell on the topic of politics, my observation is that behind the glitz and glamour, (which is perhaps more appropriately shown in the US Republican and Democrat conventions, than here in the ACT), this expression of democracy is a noble process, and is one which defines our society.

If you take away the balloons, the how to vote cards (where that is appropriate), the baby kissing, the television advertising and slogan t-shirts, what we are presented with is an opportunity to participate in the process through which we collectively choose those who will govern us. These chosen individuals will make our laws, administer our systems (and if we're lucky bail out our lending institutions out of unwise loan commitments). This opportunity to participate is one which many people, at other times and other places have fought, and indeed are still fighting for.

Justice, like democracy, is an ideal on which our society is based. We value these ideals highly, and abhor any threat, real or perceived, made against them. Now you, as admitted members of the legal profession, are offered a unique opportunity to participate in the other of these great processes that is the functioning of the law and the administration of justice through the courts.

People have many different understandings of the meaning of justice. It is often said that, it is in the Courts that justice is delivered. This is not entirely true. We do not make the law, that is for the Parliaments. What we do here is determine that which is just in accordance with the law. Whether in each instance that determination correlates to the notions of justice formed by the individuals and communities that this Court serves, I cannot tell you, but, I would hazard a guess, that at least in some cases it might not.

There is no universal definition of justice and there is no certain equation for its attainment. What we do have however is this Court, and others like it. We have a sound legal system and the service of practitioners like yourselves. Working together we ensure that decisions of the Court are made according to law, and, by extension, hope to deliver justice in the circumstances.

Today in your swearing of the oath or taking of the affirmation as a lawyer, you have undertaken to assist the court in its functions by conducting the practice of law to the best of your knowledge and ability. This responsibility extends to ensuring that your conduct in this place, and your conduct in the performance of your professional duties away from this place is at all times consistent with the rules and obligations of your new profession.

At times you may have questions or uncertainties about the requirements of this obligation, but rest assured, the chances are, that the question or uncertainty you are looking at has been considered and resolved, at least once before. So when you have questions why not refer them to the older and wiser? The ACT Law Society and Bar Association are available to provide assistance to you. They welcome contact from new lawyers, and in addition to their professional advice, they also provide a good support and social network to those of us working in the law.

While today marks your entry into the professional legal community, it is also symbolic of the culmination of many years of study and hard work. I recognise the commitment that you have each made to the law, and note that it is this commitment which has seen you arrive here today.

I also recognise that commitment is one made not only by yourselves, but has also been made by those friends and family who have supported you throughout your studies. To them, thank you, and to you, again I offer my congratulations, and that of the Court.

I wish you the best of luck, and await with interest the development of your careers, whether in this court or elsewhere.