

“Change is coming, whether you like it or not”

Admissions Ceremony Friday, 21 August 2020 Supreme Court of the ACT

I acknowledge the traditional custodians of this land and pay my respects to their elders, past and present. I acknowledge that sovereignty over this land was never ceded.

In Australia over the past 29 years, 439 Aboriginal and Torres Strait Islander people have died in custody, which represents two further lives lost since I last acknowledged Country two months ago at the admissions ceremonies on 19 June.¹

To our new admittees, congratulations and welcome to the legal profession. The law is complex, and its study is a test of endurance that you have passed. Through your studies, I hope that you have learned not only about the law itself, but also about hard work, discipline, and the strength and joy that is derived from doing what you love. It is not your academic transcript but those qualities that will sustain you through your professional lives.

Welcome to the supporters who have been able to attend today to celebrate with the new admittees. Some will have families and friends who cannot be here because of border closures or for other reasons associated with the pandemic. New lawyers, I am sure that, no matter where your loved ones are, they are here in spirit and they are immensely proud of your achievement.

I acknowledge the presence of Magistrate Boss, Magistrate Taylor and Special Magistrate Hunter, who are here to support their associates, Harriet Rooks, Rachel Fisher and Suchara Fernando. The courts are a legal family—like any normal family, we are, at times, dysfunctional, but nevertheless we are a family—and nothing gives a judicial officer greater pleasure than to witness their protégé joining the next generation of lawyers.

We come together on a chilly and bleak day in the midst of a pandemic like few living Australians have previously experienced. It's not a case of “winter is coming”—it's well and truly here. Not only are we at risk of infection, but our plans for work and

¹ Lorena Allem, et al, 'Aboriginal Deaths in Custody: Black Lives Matter Protests Referred To Our Count of 432 Deaths. It's Now 437.' (*The Guardian*, online, 9 June 2020) <<https://www.theguardian.com/australia-news/2020/jun/09/black-lives-matter-protesters-referred-to-our-count-of-432-aboriginal-deaths-in-custody-its-now-437>>; Aaron Fernandes, 'Second Indigenous death in WA prison within past two months' (*SBS News*, online, 14 July 2020) <<https://www.sbs.com.au/news/second-indigenous-death-in-custody-at-wa-prison-within-past-two-months>>; Australian Associated Press, 'Third Aboriginal death in WA custody in two months as man dies in Roebourne prison' (*The Guardian*, online, 29 July 2020) <<https://www.theguardian.com/australia-news/2020/jul/29/third-aboriginal-death-in-wa-custody-in-two-months-as-man-dies-in-roebourne-prison>>.

leisure have been devastated, and we have lost the control over our lives that we had only six months ago. We don't know when it will end or how many years it will take to recover the wealth and freedom that we enjoyed only last year. We feel guilty because our Victorian friends and colleagues are suffering much more than us, not to mention millions of others who cohabit this small planet.

But contrary to what we hear so often, our situation far from “unprecedented” in the Western world, or even in Australia. It is not even the first time that an admissions ceremony has been held in a pandemic—during the Spanish flu pandemic in Australia, lawyers continued to be admitted.²

Shakespeare lived his entire life in the shadow of the bubonic plague. He was born during the plague; a quarter of Stratford-upon-Avon's population perished in the outbreak of 1564. The plague chronically reappeared in England during the century from 1560 to 1665.³

Because of the plague, London playhouses were shut for more than 60 per cent of the decade from 1603 to 1613.⁴ Yet during this time, Shakespeare's creativity flourished, and he wrote some of his greatest plays, including *Macbeth*, *King Lear* and *Othello*.

Indeed, state-enforced quarantine is a central plot device in *Romeo and Juliet*. After Juliet is provided with a potion to fake her death, Friar Laurence is directed to pass a message about the faked death to Romeo, who is outside the city. Friar Laurence meets up with another friar who has been visiting the sick. They are found by “the searchers of the town”, who suspect that they are infected. The searchers “[seal] up the doors” and the friars are placed in quarantine.⁵ For fear of contagion, no messenger will take the letter to Romeo; he doesn't learn that Juliet is faking her death and, as we all know, things end badly.

I hope that a tragedy flowing from a missed communication would not occur in today's world of instant communication, but considering the overload of remote communication that we are receiving during the pandemic and the number of times that we are “left on read”, it's hard to be sure.

The human race has had to survive many previous pandemics. In some respects, those pandemics have inspired creativity and created opportunities. We have seen that during the present pandemic.

² See Chief Justice Bathurst, 'Admission of Lawyers' (Speech, Supreme Court of New South Wales, 18 August 2020) at [7].

³ Andrew Dickson, 'Shakespeare in Lockdown: Did He Write King Lear in Plague Quarantine?' (*The Guardian*, online, 23 March 2020) <<https://www.theguardian.com/stage/2020/mar/22/shakespeare-in-lockdown-did-he-write-king-lear-in-plague-quarantine>>.

⁴ *Ibid.*

⁵ William Shakespeare, *Romeo and Juliet*, 5.2:9–12.

More fundamentally, it's not about withstanding a pandemic, but facing and dealing with any seemingly catastrophic challenge. As Greta Thunberg said during the September 2019 global strike for climate change:

Change is coming, whether you like it or not.⁶

The human race has adapted rapidly to the changes wrought by the adversity of world wars, technology and climate change (maybe—I'll reserve my judgment on that one).

Your generation is expert at adapting to change. No matter how many apps are developed or iPhone versions released, you seize them and use them to your advantage. While I spend many evenings watching television as my main form of entertainment, I understand that, in a recent survey of Supreme Court associates, many said that they did not own a television. Of those who did, many only watched *Masterchef* or “Bachie”, whatever that is.

Your experience in adapting to change is a strength that you can draw upon. Look inward and nurture your creative selves. Look outward and nurture those around you. Remember the words of Shakespeare's most admired lawyer, Portia, in *The Merchant of Venice*:

How far that little candle throws his beams! So shines a good deed in a naughty world.⁷

May the road rise up to meet you, wherever your journey leads.

⁶ 'Greta Thunberg Quotes: 10 Famous Lines from Teen Activist' (*BBC News*, online, 25 September 2019) <<https://www.bbc.co.uk/newsround/49812183>>.

⁷ William Shakespeare, *The Merchant of Venice*, 5.1.