

Ceremony for the Admission of Lawyers

Speech delivered by Justice Gray

20 June 2008

With the formal part of these proceedings completed, the Court, which on this occasion comprises Chief Justice Higgins, Justice Penfold and myself, would now like to offer some words of congratulations and welcome to each of you who have been newly admitted as legal practitioners.

As it is an occasion of celebration, we should embrace the spirit of reconciliation and acknowledge the traditional owners of the land on which we are gathered, the Ngunnawal People.

For all of you who have just now been admitted as a lawyer of this court, this ceremony is a considerable milestone for you and for those who have encouraged and assisted you in reaching this point in your legal career. And I see from the numbers here that the encouragement brigade is a formidable array which we only just seem to be able to accommodate.

Your admission today marks your entitlement to a practising certificate, enabling you to practise your now recognised professional skills in the community as a lawyer.

Legal practitioners have professional obligations to their clients, and also obligations to the Court. Those obligations are what distinguish a profession from a business or a job. Those professional obligations governing your practise are based on standards of honesty, integrity, respect and courtesy which the public, the Court and your fellow practitioners are entitled to expect. One of the most important aspects of the legal system, and one of the bases of its success over the centuries, is that it depends upon the performance of professional obligations by professional people.

Amongst the obligations to the Court that you have acquired are:

- a duty of full disclosure of the relevant law;
- a duty of candour not to mislead the Court as to any facts, or to knowingly permit your client to do so;
- a duty to refuse to permit the commencement or continuance of baseless proceedings;
- a duty to exercise care before making an allegation of misconduct against any person;
- a duty not to assist in improper conduct; and
- a duty to conduct proceedings before the Court efficiently and expeditiously.

Sometimes, the performance of these duties will conflict with your client's interests or her or his enthusiasms. Nevertheless, they are obligations of a professional character that you, as a practitioner, owe the Court.

It is at these times that you should not hesitate to turn to your fellow practitioners and ask for assistance. For those of you who have determined to enter the practice of the

law as legal practitioners, whether as barristers or solicitors, a very positive aspect is that, by entering this profession, you gain the assistance of your fellow practitioners. You have the benefit of participating in Law Societies or Bar Associations. Through those bodies, you will be given not only comradeship but also true support. This is one of the great traditions of the legal profession. Always be open to, and ready to participate in that tradition.

Another important consideration is the perspective from which you approach this, your chosen profession. It is a challenge to question and not to accept that which is received in wisdom. You have the discipline and training for that challenge. You also have the training to find innovative ways to solve the problems which your clients face. As a general rule, people who are popular or powerful, or who enjoy the support of the majority, either do not need or do not have any difficulty in securing the protection of the law. The people who need that protection are the weak, the friendless, the people accused of crime or other disgraceful conduct, people who can appeal only to the law to protect and vindicate their rights.

There are certain sections of the community, which hold a great deal of impatience with the law's insistence upon upholding the rights of unpopular people. History shows that you cannot be selective about upholding the rights which people have. This Court urges you, if called upon, to accept the challenge of taking instructions to represent all who need representation and to do so without fear or favour. That is why justice is administered by independent, unelected Judges who do not need to be constantly seeking popularity, or the approval of Governments.

This is an important day for you and your family and friends. It represents your considerable achievement and it reflects the support that you have been given by those who care for you. They, too, can share in this event and be justifiably proud of you and their role. To all you new lawyers, the Court wishes you well in facing the challenges of the future.