

# Speech by the Honourable Justice Judith Kelly

on the occasion of the presentation of her Commission

Your Honour, the Administrator, Chief Justice, Judges and former Judges of this honourable Court, Mr Solicitor, President of the Northern Territory Bar Association, President of the Law Society, fellow members of the profession, family and friends, distinguished guests, ladies and gentlemen.

Thank you, Mr Solicitor, Mr Barr and Mr McConnel for your kind words, for your exceedingly kind words.

When Slattery J was appointed to the Supreme Court of New South Wales in May of this year, he made these remarks during his welcome ceremonial sitting. He said:

*The structure of this ceremony affirms a courtesy that is remarkable in the modern day, a courtesy of which I am very mindful. Rarely in the executive, rarely in the legislature and rarely in the business world do public institutions pause, as this Court does today, to welcome not their most senior member but their most junior member.*

It does, indeed, say something special about our court system and the legal profession in general and the traditions that Thomas J spoke of in her speech last week or the week before. And I would like to express my appreciation to the Chief Justice and other members of the Court for the welcome that they have given me.

Undertaking the duties of a Judge of

the Supreme Court of the Northern Territory will be a challenge. Having come from a generally commercial background, I realise that for me this will be particularly so in the area of crime in which to say I have had very little experience is, frankly, to exaggerate.

However, I have been left in no doubt at all that I can count on the guidance and practical assistance of the Chief Justice and other more experienced members of the Court, for which I am profoundly grateful and as a result of which, I am looking forward very much to undertaking that challenge.

A woman appointed to the Bench of a superior court in Australia is, in a way, similar to the experience of a Northern Territory Aboriginal football player chosen to play for St Kilda or Geelong. It's actually not all that similar. There is quite a bit less tackling and kicking and things of that nature.

But we do have this in common. Sooner or later someone asks the question about role models and what does it feel like to be one. Well, I've been very fortunate that throughout my career in the law, and the whole of my life for that matter, I've had excellent role models. When I was a first year law student my criminal law tutor was our now Governor-General, the first woman to be appointed to that position, Quentin Bryce. And I was later lucky enough to be in her admin law lectures.

Her Honour, as she then wasn't, was at that time raising a large family of very small children - this was in the early '70s - carrying a full-time teaching load at the University of Queensland and involving herself, as she has always done, in various organisations and community affairs and she always looked, as she still does, as though she'd just stepped off the cover of Vogue. It was enough to make a person give up then and there. But with all that, she still found time to be interested in and to mentor her students and particularly her women students.

Later as an articled clerk at Morris, Fletcher and Cross in Brisbane in 1984 and '85, there were again plenty of role models. One of my masters there at Morris, Fletcher and Cross was Tony Atkinson, known to all and sundry as Atko. In addition to a fine legal mind and kindness and interest shown towards the articled clerks he trained and guided, Atko had a Distinguished Flying Cross that he was awarded during World War II for heroism while he was stationed here in Darwin.

Atko flew Catalinas, big flying boats, out of Darwin up to Ambon and other islands in the north rescuing Australian and British troops who had been fleeing from the Japanese after the invasion of Singapore. It was a dangerous thing to do and Atko and the other Catalina pilots saved many lives. Well as with her Honour, the Governor-General, there are some aspects of every

Chief Justice Brian Martin welcomes her Honour to the Court



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role model that you just can't aspire to. And I should also mention perhaps that Atko had a particularly fine moustache, very RAAF.

When I returned to the Territory which I did before the ink dried on my Queensland admission certificate, I found new role models, including Riley J. When I was a solicitor and Riley J was at the Bar, I quite naturally briefed him and I remember delivering briefs with very comprehensive observations and some of them must have been 20 pages, setting out the facts in great detail, analysing the law in even greater detail, expressing the view that we could possibly win on ground X but ground Y was arguable and there were complicating factors A, B, P, Q and Z.

This would all be transformed by Riley J into two or three pages of

beautifully analysed submissions in plain lucid prose. And when we got to court Mr Riley QC, as he then was, would stand up and say 'Your Honour, it's very simple.' I really wanted to be able to do that and I don't pretend I ever matched the original, but that was my model from that time on. And what I must say that I recommend you young practitioners to read Riley J's judgments.

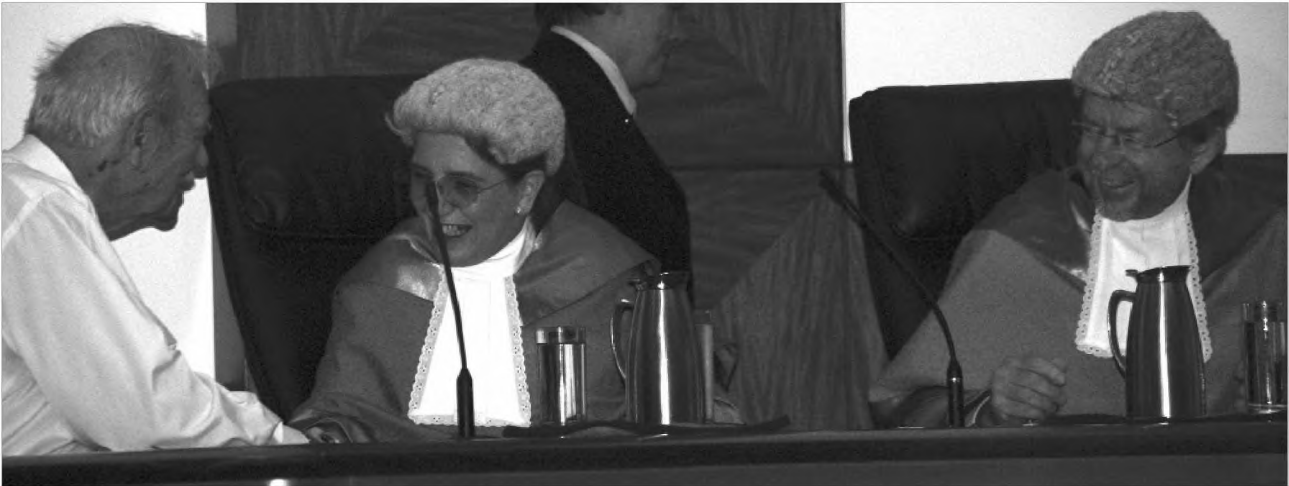
Of course there was Thomas J, who just recently retired from the Supreme Court although I notice that the Chief Justice still has her working. I understand she was doing a mediation today and I am very grateful that she was able to take the time to be here this afternoon. Thomas J has been a role model in so many ways, one of which was simply being there. One cannot overstate the impact

on young women lawyers of seeing a person on the Bench who is a person like me. At least that was my experience.

Seeing the Bench occupied by people like me is something young male practitioners, young male lawyers, take for granted and, therefore, may not appreciate. Although these days little boys at primary school, I think, probably experience a similar lack of same sex role models amongst their teachers.

And to give an example, my husband, Matthew, was, until his recent retirement, one of those rare beasts, a male primary school teacher. He was relief teaching at Stuart Park last year in an infant's class with little ones and as they were going out for recess a little boy of about five grabbed him by the hand, pulled him over to one of the other teachers that he knew well and said excitedly 'Look what we've got one of.'

But, of course, it was not just for being a woman on the Bench that Thomas J was a role model for me and for many of my colleagues, both male and female. Her kindness, compassion, fairness and unfailing good humour have been an example to us all. And possibly most importantly for a judge, she listens. No-one appearing before Thomas J was ever in any doubt that they had been heard and it's



Hon. Austin Ashe QC and Justice Trevour Riley congratulate Justice Kelly

very important.

I was actually once quite briefly thrilled to be told by a young female practitioner that I had inspired her. I won't name her because I don't want to embarrass her. But when I first met the young lawyer she was not, in fact, a lawyer. She was a young Aboriginal kid fresh out of high school who came to work for my old firm as a junior rounds clerk. Being smart and hard working, she was quickly promoted and ended up as our accounts manager and eventually she left to study law at ANU.

When she came back to the Territory I was really pleased and really proud that she'd asked me to move her admission. At the traditional post-admission lunch the newly admitted young woman lawyer made a speech and that was the bit where I got to be very briefly thrilled. The young lawyer said that I had inspired her to take up the law. She went on to explain that she used to

think you had to have either brains or class to be a lawyer. Then she met me. I guess there's more than one way to be a lawyer.

Thank you all for coming here today. Thank you to my colleagues at the Bar. It's a great life. It's probably the best job on the planet and I'm going to miss it and all of you, although I'm looking forward to continuing to work with you in a slightly different capacity.

I would just like to interpose one thing here, if I may. Women are no longer strangers to the Bench. We are now three out of seven on the High Court. Here in the Territory our Chief Magistrate is a woman and there are a number of other women on the Bench.

Nevertheless, given that something more than fifty percent of Australian law graduates are now women, it must be said that we're not represented on the Benches of superior courts in anything like our

numbers in the profession. And one reason for that is that we are unrepresented at the Bar. That's where judges come from and to have more women on the Bench we need more women at the Bar.

Within the Northern Territory Bar until yesterday, at least, I think there was a higher proportion of women amongst senior counsel than amongst the Bar as a whole and there are certainly a number of very talented young women barristers working in the Territory, but for some reason women are not attracted to the Bar in great numbers.

And I'd just like to say this. It is a really great life. The work is there. There's plenty of work. You can be far more flexible in your working hours and amount of work you accept than you can be either as an employed solicitor or a principal of a legal firm responsible to other partners. You can work part-time or you can work yourself to death as you choose or anywhere in the spectrum.

Speak to Georgia McMaster who manages to combine a successful practice at the Bar with being a mum and the National President of the Women Lawyers Association. There's another role model. Here endeth the lecture, but please consider it.

*"I want to adopt the words said by Thomas J at her welcoming ceremony. She said, and I adopt them, 'I hope most of all that I will be a wise and good judge for the community of the Northern Territory.'"*

Her Honour, Justice Kelly responds



*“Thomas J achieved what she set out to do. I will try to do the same.”*

I am especially glad that my mother could be here today, speaking of role models. My mother has certainly been a role model. She got her PhD in history at age 80. And from when I was small she always told me what she'd been told by her own father, 'You can do anything you set your mind to' and she's certainly proved that to be true.

I'm also very glad and grateful

my brother, Andrew, and his wife, Lyn, were able to be here today having come up from Dalby in Queensland for today's sitting. And most of all I would like to thank my husband, Matthew, and my son, Jack, for their support, patience and tolerance for the long hours and frequent absences that life at the Bar sometimes brings with it. In addition to being a teacher, Matthew is the head chef, chief homemaker, non-absent parent

and there's a possible role model for our son, Jack. They both know, I hope, how grateful I am for their love and support and how proud I am of them both.

I will try to live up to the examples of the numerous role models I've been fortunate enough to have and I want to adopt the words said by Thomas J at her welcoming ceremony. She said, and I adopt them, 'I hope most of all that I will be a wise and good judge for the community of the Northern Territory.'

Thomas J achieved what she set out to do. I will try to do the same.

“The sword of justice has no scabbard.”

Antione De Rival

 **Women Lawyers Association Inc.**

It is with great pleasure that NTWLA welcomes

Her Honour Chief Magistrate

Jenny Blokland

AS OUR NEW PATRON

Her Honour is an inspiration to women lawyers throughout the NT & NTWLA feel Her Honour's contribution to the Association as Patron will be exceptional.

