



The Canadian Institute for Advanced Studies
Law Council of Australia
Asia/Pacific Foundation
New Zealand Law Society

FIRST CANADA/AUSTRALASIA LAW CONFERENCE
THE AUSTRALIAN NATIONAL UNIVERSITY
CANBERRA, AUSTRALIA
OPENING CEREMONY, 5 APRIL 1988

"WELCOME TO AUSTRALIA - TOWARDS THE CENTURY OF THE PACIFIC"

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The Hon Justice Michael Kirby CMG
President of the Court of Appeal of New South Wales

MESSAGE FROM THE SECRETARY GENERAL OF THE COMMONWEALTH

It is appropriate to begin these few introductory remarks with a telegram which I have received from the Secretary General of the Commonwealth of Nations, Sir Shridath Ramphal. This is what he has said:-

"Kindly convey to his Excellency the Governor General of Australia, the Chief Justices of Australia, Canada, New Zealand and Singapore and the distinguished delegates of all Commonwealth countries represented, my fraternal greetings and my very best wishes for a highly successful inaugural Canada/Australasia Law Conference.

Commonwealth lawyers share a common ethos as to what is fair, as to what accords with the rules of natural justice and as to the paramountcy of the Rule of Law. It is this shared ideal of Justice that is the fountain for legal cooperation and consultation in the Commonwealth: a process that enables each of us to draw on the rich and diverse experience and expertise of each other, a process that gives a special relevance to exchanges of our ideas and experience. Truly the brotherhood of the law has a much larger dimension within our family of the Commonwealth. Thus I know that your gathering near a Pacific shore will be blessed with the unique ambience that is the hallmark of a truly special Commonwealth legal occasion.

Shridath S Ramphal QC
Commonwealth Secretary General"

I am sure that you would want me, on your behalf, to return the greetings of this Conference to the Secretary General, whose struggle for human rights and the Rule of Law is a notable example to us all. He is at the hub of a wheel that links most of us inescapably by language, history and precious institutions.

This gathering in Australia's Bicentennial year was conceived by my dear friend Nathan Nemetz. It was nurtured during discussions we had in Canada and Australia during some of the numerous peregrinations that our judicial colleagues are so glad to see us make from time to time. Australian lawyers have never established a biennial conference overseas, such as the Canadian meeting which takes place in Cambridge, England. It is our good fortune that this meeting, in the alternate year, takes place in Australia. A great deal of work by many people has gone into this moment. But none has contributed more than Nathan Nemetz. When I suggested the idea that we should broaden the conference and welcome Commonwealth - and non Commonwealth - colleagues from the region, he readily agreed. Canada and Australia share a link across the Pacific. This century, with its many disappointments, was initially hoped to be "the century of the common man". Futurologists say that the 21st Century will be "the century of the Pacific". We should therefore be forging our links. One of the most important of them is the law.

OUR LINKS WITH EACH OTHER

In the recent biography of Sir Lyman Duff - long time Chief Justice of Canada - there is quoted a Canadian assessment of Australian and United States approaches to constitutional law. In 1924, Duff wrote:-

"American constitutional law is in large part arbitrary, illogical, and in many branches of it, chaotic in an incredible degree. In the beginnings of Australian constitutional interpretation, American decisions were looked to with almost a child-like sense of adoration... But Australians have come to see better and to find that an interpretation of their constitution in accordance with traditional British judicial methods... is the only safe course."¹

Whatever the assessment of the present and the future, in our changing constitutional circumstances we all have a great deal to learn from each other. In the past, we have each known much of the legal thinking in Britain. Now, with the aid of new technology, we can discover a more diverse treasure-house of jurisprudence - in Canada and the in other countries of the common law. Personal links will surely lead to intellectual links.

My task is to introduce his Excellency the Governor General of Australia, Sir Ninian Stephen. After he has opened the Conference there will be a series of very short speeches from the platform. Indeed, never in the long history of legal conferences will so much be said by so many in so few minutes.

I was last in his Excellency's company when he officially "inaugurated" me as Patron of the RSPCA, Australia. He seemed quizzical - even sceptical - on that occasion about my tender concern for animals, which I always thought to be positively dripping from my countenance even when dealing with truculent counsel. But no one can doubt his special and particular appropriateness to open this conference.

Before I call upon his Excellency, I invite my co-chairman, Justice Nemetz to bid you welcome. On behalf of all Australian judges and lawyers - and with a single voice that I could rarely, if ever, otherwise hope to express - I bid you welcome! Welcome to Australia! Well met in Canberra!

¹ D R Williams, Duff - A life in the Law, Uni of BC Press, Vancouver, 1984, 126-7.