

**REMARKS OF THE HON MARILYN WARREN AC
CHIEF JUSTICE OF VICTORIA**

**ON THE LAUNCH OF *ROMA THE FIRST - A BIOGRAPHY
OF DAME ROMA MITCHELL***

**AT READINGS, LYGON STREET, CARLTON
FRIDAY 1 MAY 2009 AT 6.30 PM**

Dame Roma Mitchell was a woman of firsts. She was the first woman to be appointed a Queen's Counsel in 1962, the first Australian woman to be appointed a judge in 1965, the first woman to be appointed a chancellor of an Australian university in 1983 and the first woman governor of Australian state in 1991.

So many firsts. It is difficult to contemplate when she began her career in the law in 1935 what the environment must have been like at that time.

But aside from all the firsts and the magnificent achievements of this woman, Dame Roma was a person who cared about equality. With equality comes rights and obligations which one cannot shy away from. With equality comes responsibility and this is exactly what Dame Roma encapsulated.

Significantly for a woman and the community generally, Dame Roma presented the 1975 Boyer Lecture Series in which she presented an eloquent argument on juries reform, especially for women. It needs to be recalled up until the 1970s women were able to opt out of jury service without provision of a reason or an excuse. Women were able to be excused simply because they were women. Dame Roma stated in the Boyer Lectures that women did not need this patronising protection of the law. They were required to take their place in the community equally

with men. This was an example of a person of forthright judgment and clear, logical and inspiring vision.

The Boyer Lectures dealt with the growing concern and call for reform of the criminal justice system. The five-part lecture series covered the topics of protection, apprehension, prosecution, reparation and rehabilitation.

Significantly, the common thread throughout each of the topics explored in the lectures was the aspect of humanity and humility when dealing with those who offend. The basic principles of human rights and the individual's right to protection before the law were ground-breaking.

Beyond the Boyer Lectures and her life in the law, Dame Roma devoted herself to service to the community, particularly the interest of others within the justice system. Let me list some of the more significant areas to which she was committed:

Chair of the Criminal Law & Penal Methods Reform Committee

Chair of the Parole Board of South Australia

Chair of the Human Rights Commission

Chair of the Review of Services for Behaviourally Disordered Persons

Chair of the South Australian Child Protection Council

and importantly for her,

Chair of the Aboriginal Legal Rights Movement Review Committee.

At the time of her death, Sir William Dean spoke of Dame Roma as "one of the greatest of all Australians". She was a woman who pushed the boundaries of the Australian legal system and devoted her life to the community.

Yet behind this extraordinary achiever was a person. What was she like? How did she come to be the trail-blazer she was; why was she such a leader in the promotion of human rights?

Dr Susan Magarey and Dr Kerrie Round in a warm, beautiful and incisive book - *"Roma the First"* - help us to penetrate the persona of Roma Mitchell.

They tell the story of Dame Roma's childhood through the First World War and the influence of her catholic upbringing. As a young girl it was Roma who would stand up against injustice at school and tell the nuns, including the mother superior: "it isn't fair". The human rightist was developing.

Dr Magarey and Dr Round do not provide with a rosy Enid Blyton picture of Roma the schoolgirl. Rather, we see her as the smart, articulate and intelligent young woman who was shrewd enough in her final Latin exams to disregard the advice of her teacher, Sister Camillus, who said the Latin phrase "Nimphae nudaee" should be translated into "nymphs in light attire". Roma gave the correct translation in her exams "nude nymphs" - otherwise, in her words, she would not achieved first place. The need, for rigour and directness shone through.

It was during the 1930s when the young Roma was studying at university that the ambition, the call to study and devote her life to the law emerged. She witnessed the suffering wrought by the depression and resolved to study law to help those less fortunate.

And so the authors take us on the journey of this leading woman with her start in the law at the Bar in 1934.

It is so difficult for us now to contemplate what it must have been like to start out as a young lawyer in 1934, 75 years ago in Adelaide. The young Roma forged her reputation. The authors tell her story delightfully, but with the atmosphere of a woman on a journey. A woman who loved and lived life, engaged, debated, but was firm in the resolve to achieve justice.

By 1958 Roma had established herself in the law. This was an important time. She was strongly influenced by the *Stuart* case. The man convicted of the murder of a schoolgirl at Ceduna, in South Australia. Although not directly involved in the efforts to save Stuart from hanging and wrongful conviction, Roma was influenced by Stuart's counsel, Cairns Villeneuve Smith, who would later become a judge of the County Court of Victoria. The *Stuart* case called for unflinching courage. The story is revealed in the film *Black and White*. Roma saw all this. It must have inspired her for the good things, the great things, she would do.

Inside this book there is a photograph of Dame Roma robed and wigged as a judge, a Supreme Court judge. She looks strong, even stern. Counsel dared not be later, waffly or ill-prepared before her Honour. But beyond the judicial persona was an engaging individual who gave so generously to the community. She was a woman who loved a glass of wine and would never be seen other than in her stiletto high heels.

As a lawyer and a judge, Dame Roma was an extraordinary inspiration to woman in the law. She led us by her example to never be afraid and to speak up fearlessly.

A short time after I became a judge in 1998, I was lucky enough to meet Dame Roma. World Vision held a dinner to mark International Women's Day. Dame Roma was the speaker. Then quite elderly in her mid-80s, she mounted the stage to rapturous applause and proceeded to deliver a

careful, handwritten speech on the history of the equal pay movement and to articulate the point meticulously that women's pay plight remained unacceptable and more needed to be done..

I was so struck that a woman, this woman, then in her mid-80s was still advocating the cause, being the leader, speaking up, promoting the human rights of women. She was not only inspiring, but also intimidating. A while later she learned I was present and insisted upon meeting "the new judge".

For me the experience was unforgettable. She was the woman who appears in the photograph inside the flap of the book. She was warm, delightful, much like a kind elderly aunt. She and I wrote subsequently. I treasure the letters.

So for me at a personal level the authors have contributed to our learning on Dame Roma Mitchell but, also, cast light on the role she played in the awareness of women's human rights.

The biography is as it should be - an excellent exploration of the psyche and personality of the individual who has fascinated and inspired generations of women.

I congratulate the authors, Dr Magarey and Dr Round, on this superb work. It is an excellent work of scholarship I am delighted to now launch.