

REMARKS OF THE HON. MARILYN WARREN AC
CHIEF JUSTICE OF THE SUPREME COURT OF VICTORIA
ON THE OCCASION OF

WELCOME FOR PROFESSOR CAROLYN EVANS
DEAN, MELBOURNE LAW SCHOOL
MALLESONS STEPHEN JAQUES
Wednesday, 6 April 2011

In 1835, just down the Yarra River here, John Batman engaged with the local Wurundjeri people. Melbourne had started. Quickly its founders were keen to establish the markers of a civilised society.

In 1841 the first sitting of a Supreme Court occurred, just across the way, on the south-west corner of Collins and Kings Street. Before that justice had been delivered in a tent and then a modest building by Captain Lonsdale, as the local magistrate.

As the population of Port Phillip grew the time came for independence, a constitution and a Supreme Court. All this was achieved by 1852. With the establishment of courts came the need for lawyers. In the beginning, many were from the Irish Bar.

Thus, the leaders of the new Victorian colony saw the need for a school to educate new lawyers. In 1857, the new University of Melbourne Law School was opened.

We are here this evening to honour the appointment of Melbourne University's Law Dean, Professor Carolyn Evans.

The history of the Melbourne Law School and its role in the development of our state and national legal profession cannot be over emphasized. The roll call of Professor Evans' predecessors is inspiring. Modern names including Sir Zelman Cowen, Professor Sandford Clark, my colleague Justice Mark Weinberg and more and, of course Professor Michael Crommelin. The Law Deans of Melbourne have always represented a wider legal community interest well beyond the lecture halls of the home campus. If we reflect, Sir George Paton's contribution to the qualification and admission of thousands of Victorian lawyers; Sir Zelman Cowen sending Sir David Derham, Professor Louis Waller and others out to Clayton to open the Monash Law School; Professor Clarke's enduring contribution to the development of national water laws. Indeed, the Melbourne Law Deans have come from a wide panorama

of academic disciplines of the law: constitutional, criminal, water, mining, corporations, immigration and more.

Thus it is fitting that a historic yet modern law school has embraced a globalised world and appointed Professor Evans as Dean. Her field of speciality is human rights and religious freedoms. At a time when Victorian and Australian society is shifting from its dominant Judeo - Christian and Anglo - Saxon - Celtic base to one that embraces different cultures and religious beliefs. In the last five years the courts have heard cases never contemplated ten, even five years ago. We need only think of *Catch the Fire Ministries Inc v Islamic Council of Victoria Inc*;¹ *Scot v Islamic Council of Victoria*;² *R v Momcilovic*³ and *Kracke v Mental Health Review Board*⁴ to appreciate the significance and relevance of Professor Evans' academic work. Indeed, her work on how religious rights operate in a pluralistic society is a microcosm of the general issue of how individual rights must be balanced against the interest of the group.

¹ (2006) 15 VR 207.

² [2005] VSC 156.

³ (2010) 265 ALR 751.

⁴ [2009] VCAT 646.

However, being a person of intellectual acumen and rigour is not the only characteristic of an inspiring Law Dean. That person must also be a highly skilled, indeed gifted administrator. Quite some years ago now a very senior state public servant gave me some advice: administration is not a science, it is an art. Professor Evans will bring her administrative artistic flair and skills to ensure that the graduates of the Juris Doctor program at Melbourne University are among the nation's finest. I sense there will be a stamp of 'quality guaranteed' on the forehead of each graduate during her deanship. Living as we do in a globalised world with all its pluralistic values and challenges, the modern law student needs to be equipped to do much more than know the cases on contracts, torts and the other traditional disciplines. For those of us who inherit the graduates of the law school – as judges' associates, as trainee lawyers, as future partners of the firms and barristers of the future – we can feel confident and filled with anticipation of what we will receive.

There is another important aspect of being the head of an institution. It is leadership. I cannot let the moment pass this evening without observing the presence of a triumvirate: Professor Evans as Dean of Victoria's oldest

law school, Ms Joanne Cameron, the Melbourne Managing Partner of Mallesons Stephen Jacques and myself as Chief Justice. In case it needs to be noted it is a significant phenomenon and an inspiration for young women coming up in the law as to the opportunities that are available to them and the potential for individual success.

If I focus on the feminine qualities of leadership I run the risk of criticism of suggesting women bring special qualities to leadership that men do not. I would never in fact suggest any such thing. Nonetheless, I will say that in my experience women do bring insight, sensitivity, lateral vision and innovative capacities that are special.

I believe Professor Evans will embody these qualities and many more. Her presence in the role as Dean of the Melbourne Law School will be pivotal in the education of the lawyers of the future and necessarily the development of the rule of law of our Australian democratic society.

We are in very safe hands.