



Launch of William Ah Ket Scholarship 2021
Keynote Address
Wednesday 2 June, 2021, 5:30-6:30pm

Introduction

- Good evening.
- I would like to begin by acknowledging and paying respect to the Wurundjeri people of the Kulin Nation, who are the Traditional Owners of the land on which we are gathered, and pay my respect to ancestors of this country – the Wurundjeri Elders, knowledge holders and leaders - past and present.
- I would also like to acknowledge and pay respects to the Traditional Owners and Custodians of the Lands from which you all join us today, and likewise, pay my respects to those Elders, knowledge holders and leaders – past and present.
- Thank you Mr Kelvin Ng for that very warm welcome.
- I want to thank the Asian Australian Lawyers Association for your invitation to speak at the launch of the **William Ah Ket Scholarship 2021** tonight. It's a pleasure to be here.
- I also acknowledge Maddocks, who sponsor the scholarship, and the Melbourne Law School, who support it; together with members of the AALA William Ah Ket Scholarship Committee, members of Mr Ah Ket's family, my state and federal judicial colleagues, and the many other distinguished guests who have joined us online today.

A challenging year

- My first discussions with the William Ah Ket committee about being involved in the scholarship were in February 2020. Unfortunately, due to the coronavirus pandemic, the scholarship had to be postponed last year.
- You have waited a long time to celebrate this launch. I was looking forward to meeting with you all in person tonight, and presenting this speech – which was to be my first in

person address since March 2020. As a firm supporter of the Asian Australian Lawyers Association and its vision, I thought there was no better occasion.

- But unfortunately, life during a pandemic is never predictable, and here we are meeting remotely once again. I would like to sincerely commend the organisers for their flexibility and determination in the face of changing restrictions. We may not be meeting in person tonight, but the significance of this event is undiminished in my eyes.
- Before I talk more about the scholarship, I would like to briefly reflect further on the past 15 months.
- Two weeks after I accepted your invitation to speak at the launch of last year's scholarship, I needed to suspend jury trials and events at the Supreme Court, in line with public health advice.
- At no time did the Court close. Instead, we accelerated the virtual courtroom journey that we had already begun and significantly changed the way we operated.
- Most of the change took place in the first 21 days. We held more than 2,500 virtual hearings between March and June alone, with most of our operations fully remote by April 2020.
- There were teething issues in the first few weeks, as people got used to the technology and a new way of hearing matters; I know first-hand how tricky the mute button is.
- We saw more change in a single year than we would have in five years.
- We didn't ask for change in the way it arrived. But the pandemic caused us to fast-forward our plans and rethink what else we could do differently and better in the future.
- We're now learning from those lessons, looking at what changes we can keep, all the while ensuring that the standard of justice is maintained.
- I am deeply grateful to Victoria's legal profession for their perseverance, patience and goodwill.
- Serving the community is not limited to what happens on the bench.
- What happens at the bar table and in the broader profession is also critically important.

William Ah Ket's legacy

- Tonight, we are honouring the legacy of someone renowned for their skills in that space, William Ah Ket.
- As many of you know, Mr Ah Ket studied law at the University of Melbourne, where he achieved a distinguished academic record. In 1902 he won the Supreme Court Judges' Prize for Articled Clerks.
- He served his articles at Maddock & Jamieson – now Maddocks. He signed the Victorian Bar Roll in 1904 and is believed to be the first barrister of Chinese descent to practise in Victoria, and possibly Australia.
- Former Australian Prime Minister, Sir Robert Menzies, once wrote of Mr Ah Ket:
 - *“William Ah Ket did not ever sit on the Bench, though he would have been a very competent judge ... He was a sound lawyer and a good advocate.”*

Pillars of a good lawyer

- I would like to briefly reflect on these words: what does it mean to be a sound lawyer and a good advocate?
- In my time as a young lawyer, then as a partner in law firms, and now as a judge, there are some fundamental pillars that were modelled by Mr Ah Ket more than a century ago that I believe still apply today.
- I would like to share those with you tonight.
- First of all, **technical ability** is important.
- We know that Mr Ah Ket was widely respected at the Victorian Bar for his technical ability as a barrister.
- We can draw this from the record. An article in Melbourne's Herald newspaper reporting on his death in 1936 memorialised him as a talented cross-examiner within the front rank of pleaders. His flair in mathematics gave him an edge in insolvency law matters, where he was regarded as an authority. He was a strong believer in settling disputes through arbitration and apparently settled more matters than any other member of the Victorian Bar. He appeared in the High Court of Australia on a number of occasions, successfully challenging the application of the Immigration Restriction Act – also known as the White Australia Policy – as well as the so-called Victorian Factory Acts, which imposed restrictions on Chinese factory workers.

- He was, in short, a lawyer of considerable intellect and prowess. A man ahead of his time. Were he practising today, I have no doubt he would be among the highest performing at the Victorian Bar.
- Indeed in today's world, I would like to think he would be offered and accept a position as a judge.
- But to be a sound lawyer and good advocate requires more than technical ability; it requires **perseverance** and the ability to bounce back from setbacks.
- For Mr Ah Ket to achieve what he did at the Bar in the early 20th Century was no easy feat.
- He excelled in the law during a renewed wave of discrimination against people of Chinese descent in Australia. That discrimination was enshrined in legislation and prevalent in community attitudes at the time. To achieve what he did – in a conservative profession and during such an era – would have required significant skill and a good measure of resilience and perseverance.
- I believe we can learn a lot from these attributes. Mr Ah Ket's legacy shows a solicitor or barrister should focus on being the best lawyer they can be; not just focus on doing the job competently, but striving to improve at every opportunity no matter the hurdles that may come along. It is important never to give up.
- While the discrimination Mr Ah Ket faced in the 1900s has thankfully improved, structural barriers still exist, both in society and within the legal profession. These barriers exist along gendered lines as well as along cultural and racial lines.
- When workplaces and professions reflect the communities they serve, they will always be better equipped to serve the interests of the community.
- Ideally, the composition of the judiciary, the legal profession, and other organisations would reflect the gender, cultural and ethnic diversity of Australian society – there is a long way to go in this regard.
- We are slowly making progress, however.
- Welcoming different perspectives and seeking input from different voices from a range of backgrounds can lead to better outcomes.
- As Tienyi Long – the winner of the most recent William Ah Ket scholarship in 2019 – wrote in her essay: “When strong, intelligent members of diverse communities have a seat at the table, they are in a position to question existing biases and call out unacceptable behaviour, fostering a culture of greater respect in the legal

system...[L]awmakers, decision-makers and practitioners with different life experiences and values make the law more representative of the variety of human experience, and therefore more responsive to community needs.”

Advice

- That is what tonight is about.
- The William Ah Ket Scholarship is awarded to a person, who, in the early stages of their career, becomes part of the discourse on **diversity and inclusion** in the law and legal profession.
- It is fitting that entry to the scholarship is limited to lawyers who are starting out.
- Young lawyers like you have the ability to change the face of the legal profession. I would like to conclude by offering some advice to each of you.
- As you progress through your careers, **good advocacy** is critical, and there are many ways to achieve that.
- Sometimes, it’s not possible for a lawyer to increase the scope and range of their advocacy in their paid job.
- A very good way to address that is to take on some unpaid **pro bono work**.
- Pro bono work enables both new and more experienced practitioners to make a contribution to the community. It’s an opportunity to develop legal expertise and advocacy skills, broaden professional networks, and provide access to justice for people who can’t afford it.
- Having a **mentor** to learn from is also very important.
- I congratulate the Asian Australian Lawyers Association for running a successful mentoring program in recent years, and I understand the program is continuing this year.
- Mentors can act as a sounding board and help you to work through some challenging issues. Sometimes, it is good just to have someone to talk to.
- For those seeking a mentor, or looking to mentor someone, my advice is don’t assume they will, or should, share the same characteristics as you.

- Sometimes the best mentors are those whose experiences are completely different from our own.

Working for change

- I want to leave you with this thought.
- What the profession will look like in 10, 20 or even 50 years' time is up to you. Don't wait for someone else to act. Each of us has a role to play. You can be influential.
- You are all making an extremely valuable contribution to something important, and I am delighted to be here with you supporting it.
- The pandemic taught us that change is part of daily life. We can either see change as an adversary, or we can view it as an opportunity to demonstrate how adaptable and creative we can be under pressure.
- I wish you all the best in the months ahead. I look forward to hearing about the positive changes that will come from the William Ah Ket Scholarship in 2021.
- Thank you.