

Remarks on the Opening of the Legal Year

“A time for Renewal”

The Hon. Marilyn Warren AC, Chief Justice of the Supreme Court of
Victoria delivered at:

The Opening by the International Commission of Jurists,

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The opening of the legal year is a special time when all those committed to the law renew and refresh their commitment.

The law is about much more than its lawyers, judges, magistrates and tribunals.

It is about everyone who participates in the certainty, comfort and harmony that the law brings to our society.

The citizen and government function and thrive in the relative certainty that the law will protect and enforce their rights and obligations. Those rights and obligations may relate to fundamental human rights - the right to speak, to be protected from the immoral conduct of discrimination and to religious and political freedoms. Those rights and obligations will bring order when government sets about the acts of governing, when commerce interacts and when the citizen is called to answer for conduct that threatens our society.

The citizens and government take comfort in that the law will blanket and protect them as individuals and institutions, in all they cherish and represent. The law enables the citizen and government to do what must be done in society.

The law is the best tool available to enable and protect social function and interaction. The citizen and government flourish peacefully in the harmony yielded by the law.

On these occasions the spectre of the rule of law is promoted with great emphasis. When those committed to the law enforce the law they mostly do it without reflection on the rule of law. When the police quell disputes, control the citizenry and arrest and charge miscreants under the law they add thread to the fabric that becomes the law.

So too when those helping the homeless facilitate the identification and protection of the human rights of the homeless they act under the law. They attempt to bring social balance and fairness to all.

Judges, magistrates, tribunals, court administrators, jury keepers, judicial educators, teachers of the law, the builders of court buildings, the drafters of the law and the lawmakers and the media who tell the story of how the law is played out, all participate in commitment to the law.

No-one works for the law as an island. Actions have consequences for others. They are part of a whole system of the rule of law. Courts are one part of the rule of law that add to the certainty, comfort and harmony the law gives to our society. So too are parts formed by the police, corrections personnel, court and government employees and all who add to the protective and enabling capacity of the law as we know it.

To participate within and benefit from the law is a privilege which must be celebrated on this day. The certainty, comfort and harmony provided by the law means we are not threatened by military coups, rebellions, riots, the imprisonment of dissidents, seizure of property,

censorship, religious, racial or gender discrimination, persecution or social harm.

The law is a growing, changing, amorphous concept. We reach out to touch, understand and know it. It is always there. The law grows and changes to meet the growth and change of society as it evolves.

Those committed to the law take the opening of the legal year as the time to recommit to fairness and impartiality and revive their courage to maintain and apply the law.

In reality, there is no opening of the legal year. The law is always open. The opening is merely a temporal marker to pause momentarily to consider what the law is about and our individual roles in it.

The opening of the legal year is but a time for renewal and recommitment.

Let all of us within the law do that now.