



VICTORIAN BAR

SPEECH

THE HONOURABLE STEPHEN CHARLES AO QC SPEECH FOR UNVEILING OF BAR PORTRAIT, 2 SEPTEMBER 2019 BY DR MATT COLLINS AM QC

I am honoured and delighted—touched—to have been asked to speak at this event.

It is marvellous to have been joined here today by Stephen’s wife Jenny, and three of their four children, Lucy, Julia and Thahn—Thahn has flown in from Saigon; Lucy and Julia are here with their partners; and Julia and Emma’s son, Henry is here too. Stephen and Jenny’s fourth child, Patrick, is at a medical conference in Lisbon, but his wife Catherine is here. Could I also acknowledge the presence of Stephen and Jenny’s foster-daughter, Dr Ha Tran, and good friend Mary Stephen, son of Sir Ninian.

Like you, I have not yet seen Ralph’s portrait of Stephen. The genius of the art of portraiture, to my mind, lies in what it reveals about people we thought we knew. I am curious to see what the portrait we unveil tonight will—indeed, can—reveal about a man who is so well known, and loved, and admired, by all of us here tonight, indeed by all those who inhabit this place: a man who cannot be caricatured other than, perhaps, by saying that he looks and sounds like David Attenborough’s better-educated and better-looking Australian cousin.

Not that anyone who knows of Ralph’s work would ever accuse him of caricature. Miss La Creevy in Nicholas Nickleby did not have Ralph in mind when she said, ‘There are only two styles of portrait painting: the serious and the smirk’.

Stephen defies caricature, because he has devoted the whole of his professional life, in so many different roles and guises, to the advancement of the administration of justice and the betterment of Australia.

His portrait will be in good company in this gallery.

Stephen came to the Bar straight from law school in 1961, armed with a first class honours degree and the Supreme Court prize. The great barristers of the era immediately sought him out.



He was briefed in 1962 as second junior to John Starke QC in the King's Bridge Royal Commission, although I understand the work mostly involved indexing the transcript. Many of the top silks of the day held briefs at that Commission, including Sir Oliver Gillard, whose portrait is over there.

Two to the right of Sir Oliver's portrait is Sir Daryl Dawson, for whom Stephen was a junior of choice. The same can be said of Sir Ninian Stephen, whose portrait is down the corridor and SEK Hulme and Keith Aickin, whose photographic portraits by Helmut Newton and Athol Smith are diagonally opposite from Sir Ninian.

The portrait we unveil tonight belongs here, too, because Stephen's contribution to the life of our Bar has been remarkable—motivated by a desire to serve, to reform and to improve.

Stephen held almost every position of significance in this place; far too many to mention but, among other things, he served on Bar Council, with only a couple of breaks, almost continuously from 1967 to 1986, as Chairman in the last two of those years, including the Bar's centenary year, 1984. He served on the Council of the Australian Bar Association for three years, including a year as President. He served six years as a member, and as Chairman, of the Ethics Committee. He was a Director and Vice-Chairman of Barristers' Chambers Limited.

Stephen was the second chair of the Readers Course Committee after it was established in 1979. He and Michael Black, whose portrait is over there were instrumental in the establishment of the course. Michael chaired the Committee for the first seven years; Stephen chaired it for the next five.

During his time as President of the Australian Bar Association, Stephen argued that appellate justice in Victoria would be improved by the establishment of a separate and permanent Court of Appeal. A decade later, when the Court of Appeal was established, Stephen was appointed a foundation Judge.

His portrait will now hang in our gallery with other former members of the Court of Appeal, including Ken Hayne, Alex Chernov, Julie Dodds-Streeton and Justice Susan Kenny, in a photograph in the Hertog Berkeley QC Gallery. Not to mention some acting judges of appeal, who also feature in the gallery, William Crockett and Alec Southwell.

Stephen's contribution as a judge was described by the then Victorian Solicitor-General as "profound"; a career "characterised by excellence, principle and generosity" in which he "made a lasting and noble contribution to the substance and integrity of justice in



Victoria and Australia". On the bench, Stephen had the ability to bring out the best in the advocates who appeared before him.

Stephen's dedication to the Bar transcended his time in active practice here and has continued in "retirement".

After his appointment in 1995, Stephen served as chair of the steering committee that commissioned the landmark report, Equality of Opportunity for Women at the Victorian Bar. That report was the first, anywhere in the world, to focus specifically on women barristers and the extent of gender bias here. Its significance endures today in the many things we do to try and make this place fully inclusive, where talent thrives regardless of background.

In 2012, the then Chief Justice, Marilyn Warren asked Stephen to chair a committee she had established for senior barristers and solicitors to review applications for silk, and then advise the court of the applicants' standing in the profession.

Stephen has remained the Chair of the Preliminary Evaluation Committee ever since, although he threatens to retire every year and, sometimes when the committee is debating the merits or otherwise of particular candidates—don't worry, I won't name them—rather more frequently than that.

In "retirement", Stephen has dedicated significant time advocating for a national integrity commission—it is almost unbelievable that in 2019 we still do not have one.

Within the last fortnight, presenting the Tony Fitzgerald Lecture at Griffith University, by reasoned advocacy, Steven delivered a devastating critique of the current Commonwealth Integrity Commission model.

As a result, his views have drawn the ire of certain politicians. Something that I suspect would not have happened back in the days of Sir Robert Menzies, a former Chairman of this Bar whose portrait is over there, but a badge of honour in these times, one might say. To those politicians I would say this: Stephen Charles knows the right side of history. Disagree with him at your peril.

It was fitting that, on Australia Day 2017, Stephen was made an Officer of the Order of Australia, for distinguished service to the law and to the judiciary, particularly in the areas of commercial arbitration and mediation (two matters I haven't even touched upon), to judicial administration, and to legal professional organisations.



Stephen has been outspoken—in his unassuming, but inevitably effective way—on public policy and public institutions in six separate decades. Never to tear them down; always to strengthen them. When those in power have listened to Stephen’s advice—from the time he advocated as a student so effectively for the dismantlement of the White Australia policy, to his current contribution to the debate about the need for an integrity commission—our Bar, our courts, our state and our nation have benefitted. On those rare occasions when they have not, they have been in error.

The portraits on the walls of this gallery show all those who pass through these rooms the best of who we are and of what we aspire to be. They connect us, the contemporary custodians of the long and proud history of this institution, with those who came before us. Through the portraits, our most revered members achieve a form of immortality, able to inspire this and all future generations.

Stephen—your representation in this gallery is long overdue.

It now gives me great pleasure to unveil the portrait by Ralph Heimans AM of the Honourable Stephen Charles AO QC.