

Opening of Owen Dixon Chambers West Extension

Chief Justice Robert French AC
Melbourne, 7 November 2014

Mr Wyles, Justice Crennan, Attorney-General of Victoria, Chief Justice Warren, Your Honours, Mr Peters, Vice President of the Bar Council, Ladies and Gentlemen.

The opening of the extension to Owen Dixon Chambers West is an important event in the history of the Victorian Bar. It is also an event embedded in no little mystery. The additional floors are numbered 19 to 21 with no floor 20. When I asked Mr Wyles yesterday how many floors there were in the addition, he was rather vague about it. After some equivocation he settled on four and a half, one of which he said had high ceilings. I was reminded of the film 'Being John Malkovich' in which an out of work puppeteer gets a job as a filing clerk working on floor 'seven and a half' of an office building, a floor chosen for its low overheads. There he finds a secret chute which deposits anyone who enters it into the mind of the great actor, Malkovich, for 15 minutes after which they are ejected onto the New Jersey turnpike.

Despite its unpromising numeration and the possibility that there are in fact only four and a half floors, this new extension will provide more conventional and durable access of many great minds to each other than the means employed by the filing clerk in the film. Indeed, there will be room in the new addition for 88 counsel practising in groups organised by floors. What that physical proximity offers is enhanced support for that great informal collegiality which is the strength and pleasure of the institution of the Bar and has been in Victoria for well over 100 years.

When Sir Robert Menzies opened Owen Dixon Chambers on 16 October 1961 he did so with a degree of irreverence describing what he was about to do as a 'retrospective action which will appeal to the members of the industrial jurisdiction.'¹ He opened the Chambers in the presence of Sir Owen Dixon whose portrait he was unveiling at the same ceremony. He recalled with fondness the old Selbourne Chambers of which he had been a member. They had been sold at about the time of the construction of the new building. Menzies spoke of the sense of brotherhood the old Chambers had induced. It was, of course, that kind of

¹ 'Owen Dixon Chambers: Official Opening 16 October 1961' (1961) 35 *Law Institute Journal* 397, 397.

sometimes ambivalent relationship that exists between siblings in real life. So he spoke of standing under the old gangway and talking to colleagues who were hoping to secure appointment to a current vacancy on the County Court and consoling them a fortnight or so later when they had missed out. He remembered standing there one afternoon when one hopeful was able to announce that he had in fact been appointed. Menzies said:²

... there were four or five of us and it was a sort of chorus with, I regret to say, some somewhat sardonic side remarks coming in from a very well-known member of the Bar — Owen Dixon.

In opening the new building, Menzies posed the question 'why do we have Chambers?' He said:³

Well the answer to that is quite simple I think. Part of the essence of the Bar is the human contact that it produces. More is learned through the shoulders by rubbing them against other shoulders, than is learned, perhaps in any other way. It produces a mutual understanding. It does not dampen the fires of advocacy; it does not prevent any one of us from making some rather oblique remarks and sometimes not so oblique to our opponent in Court, but it does produce a feeling between us all that we are engaged in a great common task of helping the administration of justice.

In looking back to that first opening and quoting the words of the man who performed the task, I am of course doing what barristers and judges typically do. We invoke our history and we recall the words of those who came before us. It is a quaint but pleasant custom provided the quotes are not too long or so well known that the hearers can recite them by heart. In so doing, we bring those who have gone before into the collegiality of the present. We take what we can of their wisdom and enjoy what we can of their humour and their eloquence.

When Sir Owen Dixon spoke he described the new chambers as 'a magnificent building'.⁴ He too called upon history. He compared the relative opulence of the 1960s

² 'Owen Dixon Chambers: Official Opening 16 October 1961' (1961) 35 *Law Institute Journal* 397, 397.

³ 'Owen Dixon Chambers: Official Opening 16 October 1961' (1961) 35 *Law Institute Journal* 397, 398.

⁴ 'Owen Dixon Chambers: Official Opening 16 October 1961' (1961) 35 *Law Institute Journal* 397, 400.

building with the austerity of the past and in particular that of the Victorian Bar of the 1870s. He said:⁵

I recall my grandfather telling me that the late Mr George Higginbotham, afterwards Chief Justice of the State, took him into Counsel's chambers ... and as he opened the door to see the Counsel, he looked at the floor and he said to the Counsel, "Goodness me, what are you doing with a carpet on your floor?' You are a barrister not a company promoter."

Sir Owen observed that from the 1870s to 1961 was a long stretch. However, he acknowledged social progress saying:⁶

We have got into a world where greater comforts are found by others than company promoters.

Much water in the great river of social progress has flowed under the bridge since 1961 and much carpet has been laid in barristers' chambers.

The Bar is a growth profession. When the first Bar Roll was created in a black exercise book in 1900 there were 63 signatures in the book by the end of that year. According to the website of the Victorian Bar, as of last evening, there are 1,973 counsel practising in Victoria of whom 248 are Queen's Counsel or Senior Counsel and 1,725 are Junior Counsel. There has also been a major change in the profile of the Bar. In his opening speech in 1961, Robert Menzies spoke of 'brotherhood' and 'walking into any other man's chambers'. Owen Dixon addressed his audience five times with the word 'gentlemen'. A report of the opening, in the *Law Institute Journal* of November 1961, after recounting the distinguished legal assembly by office but not by name, went on to say:⁷

Among the ladies were Dame Pattie Menzies, Lady Dixon, Dame Mary Herring, Lady Winneke, Mrs RA Smithers, Mrs Oliver Gillard,

Today 536 of the 1,973 counsel practising in Victoria are women. Regrettably only 26 of them are Queen's Counsel or Senior Counsel out of 248 who hold that honour. Victoria's first woman Chief Justice, who is present here today, has been in that office for 10 years. The

⁵ 'Owen Dixon Chambers: Official Opening 16 October 1961' (1961) 35 *Law Institute Journal* 397, 400–401.

⁶ 'Owen Dixon Chambers: Official Opening 16 October 1961' (1961) 35 *Law Institute Journal* 397, 401.

⁷ Columb Brennan, 'The Law Courts Beat: Opening of Owen Dixon Chambers' (1961) 35 *Law Institute Journal* 394, 394.

change in the representation of women at the Bar and the legal profession generally represents a substantial change in social attitudes and the expectations and aspirations of women which has occurred since the 1960s. Much, of course, remains to be done, not least on the subject of work practices within firms and at the Bar and briefing practices by solicitors and their clients. Indeed, that very topic was the subject of a workshop held today at the Federal Court by the Commercial Bar and opened by my colleague, Justice Crennan. Other dimensions of diversity in society at large are also reflected in the changing profile of the profession and of the Bar. Take ethnic diversity — today Australians come from 180 different countries and comfortably more than 40 per cent of Australians were born overseas or have at least one parent who was born overseas. Fortunately, the Victorian Bar expressly asserts, as a matter of policy, its support for a diverse and egalitarian Bar where a variety of views are encouraged, accommodated and respected.

To welcome those developments it is not necessary to be a social progressive. It is sufficient to recognise the aspiration towards equality of opportunity that we express through social norms and, of course, related to it the principle, to be applied in our courts, that all should be equal before and under the law.

These Chambers provide the Bar with a pleasant physical working environment. Whatever their amenity, and whether carpeted or carpetless, what matters is what the Bar does in this place and the quality of its endeavours in what Menzies called 'the great common task'. The maintenance and transmission of the important institutional and individual values of integrity, competence, diligence and independence that underpin those endeavours is again a truer measure of the value of the Bar, than the accident of its surrounds. And beyond all that, the Bar as an institution has a public voice which it can use to affirm and reaffirm the importance of rule of law and the importance to the rule of law of just laws which can command moral assent. In the cacophony of sometimes strident debate about how we should respond legislatively to confronting social problems, the calm measured collective advocacy of the Bar is indispensable.

So what happens in, and emanates from this place, is more important than the place itself. That being said, this most recent extension to Owen Dixon Chambers is a tribute to the energy and enterprise of the Victorian Bar and its confidence in itself and its future. I congratulate Barristers Chambers Limited and all of those who have been involved in the

very substantial work that has culminated in today's event. A significant proportion of that work has been done by members of the Bar themselves acting freely and in the interests of the profession. I declare the extension open and wish all those who work in it and at the Bar generally, well in their great common endeavour.

In concluding, I wish to make a small presentation which is a facsimile of an order of the Supreme Court of Victoria made on 2 May 1918 admitting to practice Robert Gordon Menzies, Gentleman, on the motion of Mr Owen Dixon. The original is held in the High Court in Canberra. I hope that the Bar, in memory of the first opening of these Chambers and the continuity of its history, will find a suitable place for this document.