

Hellenic Australian Lawyers Association

NSW Chapter Launch

Sydney

11 November 2016

Closing Address

The Hon Justice Melissa Perry¹

Federal Court of Australia

Introduction

Ms Loukas, Chief Justice Bathurst, Chief Justice Kourakis, Justices Kyrou and Philippides who have come from interstate, your Honours, Mr Panna, Mr Varitimos who has worked tirelessly in preparation for today, distinguished guests, ladies and gentlemen. I am deeply honoured and delighted to be invited to be the NSW Patron of the Hellenic Australian Lawyers Association, and to have the opportunity to speak at the launch of the NSW Chapter.

When Chief Justice Kourakis launched the national association in 2014 in the 19th century domed library of the Victorian Supreme Court, he spoke of the importance of establishing his Hellenic credentials in accordance with Greek custom. And so I feel that it is incumbent upon me so to begin.

My father's story might be described as that of an "everyman" in our culturally diverse society.² His father migrated to Australia in the Great Depression in the 1920s as a young man from Cyprus and my grandmother, from Liverpool in England. Both came from seafaring families. My grandfather worked as a waterside worker at Port Adelaide.

Like many migrants at that time, my grandfather did not speak Greek at home and decided to anglicise his name from "Pieris" to "Perry" – a decision which my father in time regretted.³ And so it is that my

¹ LL.B (Hons)(Adel), LL.M, PhD (Cantab), FAAL. The author gratefully acknowledges the valuable assistance of her associate, Ms Kate Mitchell.

² Justice Melissa Perry, "A Life Well Lived": The Inaugural John Perry Oration' (Speech delivered at Hellenic Lawyers Association South Australian Chapter, Adelaide, 25 September 2015) <<http://www.fedcourt.gov.au/digital-law-library/judges-speeches/justice-perry/perry-j-20150925>> .

³ John Perry, 'Young Greek Australians in the 21st Century' (Speech delivered at the Greek Orthodox Community Youth Forum, Adelaide, 6 June 2014), 2.

surname does not reveal my cultural origins.⁴ However, my Christian name, Melissa, given to me by my grandfather, comes from the Greek word “honey bee” which in turn derives from μέλι (meli) or “honey”. Indeed, the origins of my name harken back to a mountain nymph who featured in ancient Greek mythology, caring for the infant god Zeus!⁵

My father rarely spoke of his childhood. A photograph of him taken then depicts a serious young boy with large, soulful eyes clutching his violin. In common with many migrant children, my father was keen to blend in and never invited his classmates over to his modest family home. Perhaps like Justice Kyrou (whose inspiring autobiography I would commend to you⁶), he wished as a child that he was invisible.

It was not until my father met my mother that he grew to appreciate his Greek heritage. My mother, while not of Hellenic ancestry, was truly a philhellene - a lover of all things Greek - including as it came to pass, of my father. They were both students at the Elder Conservatorium of Music at the University of Adelaide, with my father a violinist and my mother, a pianist. With her love of classical history and literature, this shy, romantic young girl was won over by his handsome dark looks and defied certain of the more staid members of her family to marry. That love of things Hellene was passed on to me also, as I grew up on a diet of Greek myths, ancient archaeology, Mediterranean food and stories of my parents’ travels through Greece.

My father in time came to achieve much in the law, including as Queens Counsel, President of the Law Society of South Australia, and ultimately as the first judge of Hellenic origin to sit on the Supreme Court of South Australia. Among other things, his great generosity of spirit – so true to Hellenic culture and tradition – also lead him to embrace the rich cultural diversity of our society and to value and promote a more inclusive society.

I am proud to have continued my family’s tradition in the law and to have been inspired by my father’s story. That story and the stories of others such as Justice Kyrou, demonstrate to me that it is only when we can take pride in who we are and do not feel that we must be invisible that we can achieve our true potential to the betterment of society and in pursuit of our own happiness. In other words, we are better able to achieve all that we can individually and as a society if we embrace and celebrate the rich diversity of cultures which comprise our nation.

⁴ This was common among the first Hellenic Australians practising in the legal profession: see further Justice Emilius Kyrou, ‘What’s in a name?’ (March 2016) *Law Institute Journal* at p. 40; (2016) 90 *Australian Law Journal* 752.

⁵ See ‘Melissa’ (9 November 2016) Wikipedia <<https://en.wikipedia.org/wiki/Melissa>>.

⁶ Emilius Kyrou, *Call me Emilius* (Emilius Kyrou, 2012).

Such ideas underpin the objects of HAL. They are encapsulated in the statement on its homepage that the association “comprises Australian lawyers who have a Hellenic background or are philhellenes and provides opportunities for them to engage in professional activities in an environment that celebrates Hellenic ideals and promotes cultural harmony and diversity.”⁷ In so doing, HAL provides a community within a community to support and inspire young people wishing to embark on a career in the law and in the early stages of their careers. It also aims to provide a bridge between the Hellenic legal community and the broader community within Australia, and the international legal community, with its objects including the fostering of friendship, trade, cultural and educational exchange between lawyers in Australia, Greece and other countries.

The association further seeks to assist those within the Greek-Australian community to find solutions to legal problems and to facilitate law reform in areas of interest to the Greek-Australian community. In that respect I would make reference to the work of the Judicial Council on Cultural Diversity⁸ established with the approval of the Council of Chief Justices, which is a body with which this association might usefully engage. Its purpose is to identify and understand challenges in accessing justice in our increasingly culturally and linguistically diverse society, and to suggest means by which to respond positively to those challenges.

Finally, we see the object of furthering the knowledge of Greek law reflected in the eloquent and learned address given by Justice Philippides at the Queensland launch of HAL.⁹ In emphasising the enduring connections between western legal tradition and the Hellenic world of antiquity, her Honour reflected upon the origins of the rule of law. These, her Honour explained, are found in the writings of Aristotle who said:

‘we do not allow a man to rule, but rational principle’ because a man tends to rule ‘in his own interests and becomes a tyrant’. The magistrate, on the other hand, ... ‘is the guardian of justice, and if of justice, then of equality also’. ¹⁰

⁷ Hellenic Australian Laws Association (9 November 2016) <hal asn au>.

⁸ The JCCD is endorsed by the Council of Chief Justices of Australia and its purpose is “to develop a framework to support procedural fairness and equality of treatment for all court users – regardless of their race, colour, religion, or national or ethnic origin – and to promote public trust and confidence in Australian courts and the judiciary”. JCCD, *Judicial Council on Cultural Diversity* (2015) <<http://www.jccd.org.au/>> (viewed 9 November 2016). I serve as a member of the JCCD, as does Justice Emilius Kyrou among others.

⁹ Justice A Philippides, ‘Closing Address’ (Queensland Launch of the Hellenic Australian Lawyers Association, Brisbane, 30 January 2015) available at <<https://hal asn au/knowledge/>>

¹⁰ Ibid (quoting from *Nicomachean Ethics* (Bk V: 6) trans. by W. D. Ross, in *The Basic Works of Aristotle* Richard McKeon ed., p 1013).

As her Honour also pointed out, the concept of equality as applied even in the Athens of Pericles, was by no means a perfect one. Nonetheless, distilled to its essence, the same principle underpins the concept of a separation of powers which is the bulwark of the Australian democratic system.

Reading her Honour's address also reminded me that, even in researching the legal implications of the breakup of the former USSR and Yugoslavia and like events in the context of my doctoral thesis, the first consideration of such issues was to be found in Aristotle's *"The Politics"*.¹¹

I warmly congratulate HAL on the launch of the NSW Chapter. It is heartening to hear that there are so many lawyers of Hellenic origin practising in New South Wales. To see so many of you present tonight augers well for the future vitality of the association. I look forward very much to getting to know you and to participating in high quality events relevant to the legal profession and to the Hellenic Australian heritage of members of this association.

¹¹ Aristotle, *The Politics* (translated by T A Sinclair, Penguin Books, 1962), 105-106. My doctoral thesis at Cambridge University considered a range of issues associated with boundaries in the event of a succession of States, such as the decolonisation of Africa, the breakup of the former USSR and the reunification of Germany, in order to identify the mechanisms and principles by which international boundaries might continue, and new boundaries be created, following such events.