



Law Council
OF AUSTRALIA

Ceremonial Sitting of the Federal Circuit and Family Court of Australia (Division 1) – the Honourable Justice Steven Strickland

Speech delivered by Dr Jacoba Brasch QC, President of the Law Council of Australia, Federal Circuit and Family Court of Australia, Adelaide.

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May it please the Court.

I first acknowledge the traditional owners of all the lands on which we meet, and pay my respects to their Elders past, present and emerging.

I also acknowledge all judicial officers, dignitaries, family, friends, and, most of all: Justice Strickland, I am honoured to appear on behalf the national legal profession to congratulate you on an exemplary career.

Your Honour's fierce advocacy for family law, steadfast commitment to the legal profession, and principled promotion of the administration of justice for the vulnerable, have forged an extraordinary legacy.

Yours has been a tenure defined by many '*firsts*'. You were the first exclusively Family Law-practising silk to be appointed in South Australia, the first member of the Bar to be appointed to the Court in the Adelaide registry's history,¹ the first Chair of the Family Law Section to be appointed Judge while still in the Chair, and the first South Australian judge appointed to the Appeals Division.²

Of the Court's currently serving members, you are the longest serving, and the only current member appointed before the turn of the millennium.

To recall my own 'first', I appeared before your Honour in Darwin in your last trial at first instance. Word of your elevation to the Appeals Division came through during the hearing, and I was among the first in the profession able to congratulate you.

In Vancouver, where you studied a Masters of Law you undertook two critical things: (1) became so accomplished as a skier that you became an instructor, and (2) undertook a thesis with the title *Increasing the emphasis of the child in the resolution of custody disputes*. In that, you wrote, "*For too long now, children have been deprived of any involvement in the ordering of their future ...*", nominating "*the views, feelings and thoughts of the child*" as seminal factors.

How prescient.

It is little wonder you became Director and President of the Australian Chapter of the Association of Family and Conciliation Courts.

¹ Justice Strickland's Associates' Advice – the South Australian Independent Bar was relatively recent when he came to the Bar.

² <https://search.informit.org/doi/10.3316/IELAPA.201011435>

As counsel, your Honour was thorough and well-prepared, putting instructing solicitors through their paces. Your academic prowess translated into effective trial management and presentation in Court. You gave solicitors the impression that you worked 25 hours a day, 8 days a week. Your Honour probably still holds the record for the number of calls made to chambers whilst on holiday. This unwavering work ethic and sense of responsibility has perhaps made it difficult for your Honour to tolerate a lack of preparation, or attempts to shift blame for errors, by counsel.

However, a simple “*mea culpa*” spoken before the Bench could meet a multitude of sins.

Your Honour helped found Campbell Chambers, named after the Lord who oversaw the passage of the first Divorce Act through the English Parliament.³ In 1998, you took silk,⁴ then a rare event for South Australian practitioners. So much so, that your Honour had to travel to Melbourne to buy robes.

As a family lawyer myself, I particularly pay tribute to your Honour’s mammoth contribution to the Family Law Section. After joining the then fledgling section, you attended every National Conference, presenting many papers. In 1994, Your Honour led the organising committee for the 6th Family Law Section Conference in Adelaide. You sat on the Executive of the Section with such luminaries as the Honourable Rodney Burr AM, the Honourable Michael Watt, the late Michael Taussig QC, the Honourable Diana Bryant AO QC, Justice Garry Watts and the ubiquitous, travel bible himself, Ian Kennedy AM.

You were Chair from 1998-1999 and in that time achieved the singular distinction of holding a section meeting overseas – ‘across the ditch’ in Auckland. Then, Your Honour was the Court’s representative on the LOC for the 13th NFLC in Adelaide in 2008, and will again appear on the program for in March 2022.

Your Honour has also contributed strongly to Law Society of South Australia’s committees, and to the Board of the Australian Institute of Family Law Arbitrators and Mediators (**AIFLAM**) since 1998 – I very much enjoy our training weekends and am so proud to be getting you a little interested in the greatest game of all, no, not AFL, but rugby league.

³ in the mid-nineteenth century.

⁴

https://books.google.com.au/books?id=G2PXRJQ_5SwC&pg=PA181&lpg=PA181&dq=steven+strickland+queen%27s+counsel&source=bl&ots=hKe7RzRXdN&sig=ACfU3U3GXJZd0jny5kzuQWyoJJln2ZIC4g&hl=en&sa=X&ved=2ahUKEwjzxdKxi_fzAhXdlEsFHbXtCGgQ6AF6BAgMEAM#v=onepage&q=steven%20strickland%20queen's%20counsel&f=false

In that two day course we do, you volunteer for the arduous task of marking dozens of draft awards overnight, providing valuable insights into the 'black art' of judgment writing the next morning.

Your Honour's assiduousness and prodigious work ethic have been running themes of your committee participation. The typically brief item of business that is confirming the previous minutes, goes one of two ways: it endures for ten or fifteen minutes while your Honour submits corrections, or, for committees very familiar with your Honour, corrections are invited to be tabled ahead of the meeting.

Involved in more leading cases than can be easily counted, you were the trial judge in *Minister for Immigration and Multicultural and Indigenous Affairs v B*, a case about releasing children from an immigration detention centre. Your decision was reversed by the plurality in the Full Court but your decision vindicated in the High Court in 2004.⁵

Your decision in *Stephens & Stephens* [2005], a property settlement case involving a trust, was upheld by the Full Court.⁶ In the leading case of *Kennon v Spry*, again your decision at first instance was endorsed by the High Court in 2008.⁷ The decision of the Full Court, on which you sat, in *Hoult v Hoult* [2013] was a landmark decision regarding binding financial agreements.⁸

Your Honour has been at the cutting edge of children's gender dysphoria decisions, sitting on the Full Court benches in *Re Jamie* in 2013⁹ And *Re Kelvin* in 2017.¹⁰

Let me pause from the law.

This farewell would be incomplete without a tribute to your Honour as a sportsman. It is said (but I am not quite sure if accurately) that Your Honour qualified to compete in the 1976 Montréal Olympics, but sadly missed your chance when you pulled a hamstring in training. You subsequently competed in Canada, winning the West Coast Canadian championship, and hurdled in the U.S. until the late 70s.

⁵ https://www.refworld.org/cases/AUS_HC.4110e6d74.html

⁶ http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCAFC/2009/240.html?context=1;query=Stephens%20v%20Stephens;mask_pat_h=

⁷ <http://www.familylawexpress.com.au/family-law-decisions/wills-probate/kennon-v-spry-spry-v-kennon-2008-hca-56/>

⁸ [http://www6.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCAFC/2013/109.html?stem=0&synonyms=0&query=title\(Hoult%20and%20Hoult%20](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCAFC/2013/109.html?stem=0&synonyms=0&query=title(Hoult%20and%20Hoult%20)

⁹ <https://www.aph.gov.au/DocumentStore.ashx?id=2c1d4622-95c7-4f6e-b9c7-88b66261d1c5>

¹⁰ <https://humanrights.gov.au/sites/default/files/Re%2BKelvin%2B30%2BNovember%2B2017.pdf>

Your Honour faithfully supports the mighty Adelaide Crows, hoping for a break in their 23-year drought. Your Honour has coached Old Scholars' AFL teams and served on the disciplinary tribunal for the Adelaide Football League.

I have spoken of your Honour's many 'firsts'. I note the building takes its appellation after another South Australian legal pioneer: Dame Roma Mitchell, known as "*Roma the First*".¹¹ with her many firsts and yours, it was most fitting that in 1994, she opened the Family Law Conference that your Honour organised¹² and in 1999, attended your Honour's swearing-in.¹³

That day, you referred to yourself as "*the most junior judge in Australia*"¹⁴. Today, you are the longest-serving judge of this Court, a pioneer in your own right.

The eucalyptus colour of your building's façade pays homage to another South Australian leader: Colonel William Light, whose vision was of a garden city;¹⁵ a ring of green within which the Court sits, along with a portion reserved for the purposes of a central cricket ground in 1871.¹⁶

These days, it is there, at Adelaide Oval, that Your Honour regularly makes your way at a somewhat gentler pace than your record-setting youth, in your role as volunteer guide. As Your Honour observed at your swearing-in – "*sport is a microcosm of life*".¹⁷ And indeed it is.

In your last sitting as an Appeal Judge, counsel said: "*You have always been fair with counsel, you have always been precise in your rulings, and you have not engaged in any hidden agendas or personal attacks. It has been a pleasure to appear before you and you will be missed.*"

Your Honour, I have had the pleasure of appearing before you many times – frankly, your intellect frightens the bejesus out of me, and I don't sleep too well the night before any appearance. But, I join with and echo those sentiments.

I, too, salute your many contributions on behalf of the Australian legal profession and wish you well for your retirement.

¹¹ <https://www.wakefieldpress.com.au/product.php?productid=667>

¹² P.17, Strickland J Swearing-In Transcript.

¹³ Strickland J Swearing-In Transcript.

¹⁴ P.20, Strickland J Swearing-In Transcript

¹⁵ <http://simonfieldhouse.com/adelaide-architecture/roma-mitchell-commonwealth-law-court-building-adelaide/>

¹⁶ <https://trove.nla.gov.au/newspaper/article/207699441?searchTerm=Adelaide%20Oval>

¹⁷ P.18, Justice Strickland Swearing-In Transcript

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