



PATRON'S ADDRESS – BACK TO THE FUTURE? HOW LOCAL HISTORY, CUSTOMS AND TRADITIONS ARE STILL SHAPING OUR LEGAL ORDERS

Thursday 18 October 2018 | 5:00 pm

Court One, Federal Court of Australia
Level 8, Commonwealth Law Courts, 305 William Street Melbourne

The seventh annual Patron's Address will be delivered by The Rt. Honourable Dame Sian Elias, GNZM, Chief Justice of New Zealand.

In an interview shortly before her retirement, Chief Justice Beverley McLachlin of Canada described four defining moments in Canadian constitutional history. The first three were federation, the "Persons" case (in which the Privy Council found that women were "persons" and gave us the "living tree metaphor" for how a constitution works) and enactment of the Canadian Charter of Rights and Freedoms. The fourth defining moment, still not concluded, she identified as being the Canadian Supreme Court's "affirmation of the need to reconcile first nations' interests with Crown sovereignty".

In common with other countries with colonial pasts and indigenous peoples, the legal orders of Australia and New Zealand continue to grapple with claims of right by our native peoples. Today they have growing support in the international legal order. Canada, Australia, and New Zealand have distinct histories, constitutions, and legislation which throw up different possibilities for the future. But we are in the habit of looking to each other for ideas. Our legal systems draw on familiar principles of common law and equity which make comparisons inevitable. We also have common spur in the depressingly familiar indications of deprivation and alienation in our native populations.

In the 2018 Patron's Address, Sian Elias, Chief Justice of New Zealand, will review directions for the future in what may be seen as a period of transitional justice.



**THE RT. HON. DAME
SIAN ELIAS, GNZM**

Chief Justice of New Zealand

The 12th Chief Justice of New Zealand and the first woman to be appointed to that office, Dame Sian graduated from Auckland University with an LLB Honours Degree in 1970

and was admitted to the New Zealand Bar the same year. She studied at Stanford University, from which she graduated in 1972 with a Master's Degree in Law. Following her return to New Zealand, she worked first as a solicitor and then as a barrister in Auckland. In 1984-1989 she was a member of the Law Commission working particularly on the reform of company law.

In 1988, Dame Sian was appointed a Queen's Counsel. She appeared in a number of significant cases, including cases concerning the Treaty of Waitangi. She was awarded a Commemorative Medal in 1990 in recognition of services to the legal profession.

In 1995, Dame Sian was appointed Judge of the High Court in Auckland. On 17 May 1999, she was appointed Chief Justice of New Zealand and was made a Dame Grand Companion of the New Zealand Order of Merit. The Chief Justice was appointed a Privy Councillor in 1999 and first sat on the Privy Council in 2001.

When in 2003 the Supreme Court Act established a final Court of Appeal in New Zealand, the Chief Justice became the head of the new Supreme Court. That court began sitting in July 2004.

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