

STAND UP (JEWISH COMMITMENT TO A BETTER WORLD)

RON CASTAN HUMANITARIAN AWARDS 2019

OPENING REMARKS

Peter Seidel, Partner Public Interest Law, Arnold Bloch Leibler

28 August 2019

On behalf of Arnold Bloch Leibler's partners and staff, I begin by acknowledging and paying my respects to the traditional owners of this land upon which we gather here tonight, the Wurundjeri peoples of the Kulin Nation, and to their kith and kin throughout Victoria and beyond, for gifting all non-Indigenous Victorians and Australians more generally with their *Statement From the Heart* on the pathway forward to achieving true and lasting reconciliation in this country.

Welcome everyone to Arnold Bloch Leibler. In particular, we welcome our dear friends, the Castan family. We are once again delighted to host this evening's wonderful event – it's our way of acknowledging the incredible work of a very important public interest law client of the firm - Stand Up - Jewish Commitment to a Better World.

As its longstanding honorary lawyers, we have the privilege of assisting Stand Up in its pursuit of social justice in a whole range of areas, including through refugee programs, Indigenous partnerships and education.

To Jo Silver, Stand Up's new CEO; to her erstwhile colleague Gary Samowitz; to *Stand Up's* board, staff and volunteers - we salute you once again on your leadership and continuing principled efforts to improve civil society. You truly embody the spirit of Ron Castan, whose outstanding legacy we celebrate tonight again with this year's award recipients.

As you walked into this room tonight you may have read the dedication plaque about Ron, in whose honour The Castan Room is named, such is the esteem with which the ABL partners hold his memory and the Castan family name.

The plaque reads, in part:

Ron Castan led cases and causes that transformed this country, including Mabo...

In the early 1990s, Ron presented Arnold Bloch Leibler with the opportunity to act as lawyers for the Yorta Yorta peoples in their epic struggle for native title...

He had both a strong moral compass and a great legal mind...

Ron's approach to his work was a constant reminder of the connection between the law and the protection of human rights, as well as the importance of pursuing justice in ways that dignify and honour the client and the cause.

I joined Arnold Bloch Leibler in 1993 to act as the instructing solicitor for the Yorta Yorta peoples, the Aboriginal community Ron introduced to the firm's partners at the time, who decided soon after to take their case on, some of whom - Henry Lanzer, Ross Paterson and Joey Borensztajn – are here tonight. I stand before you as one of the beneficiaries of Ron's introduction and my partners' principled decision.

As Arnold Bloch Leibler's Senior Partner Mark Leibler explained in his keynote address at *Stand-Up's* inaugural Ron Castan Humanitarian Award event a few years ago -

'...because Jews are acutely aware of the horrors that have befallen our forebears, which horrors continue to leave their legacy...the deep philanthropic streak in us demands that we act wherever and whenever we can to help to overcome injustice. This is why a significant part of Arnold Bloch Leibler's pro-bono, public interest law practice is directed towards assisting the causes of the vilified and the oppressed...and this is also why our long, strong and proud association with Indigenous causes is no co-incidence'.

And may I add that this, of course, is also the very reason why Ron knew the Yorta Yorta community would find a safe home in our firm.

Throughout the 1990s I had the great privilege of crossing paths with Ron many times over, culminating in the Yorta Yorta appeal in 1999, when Ron stepped back in to lead the legal team.

I learnt so much from Ron during that time. I marvelled at the way he was able to identify with absolute laser precision the exact sentence in Justice Olney's reasons in which the judge '*slid*' - to use Ron's words - from the correct legal test for determining whether native title exists, to an antiquated and stereotyped view of what constitutes a 'real Aboriginal', and thus fell into fatal legal error. I genuinely felt I was in the presence of a legal giant; a man of supreme intellect and elegance.

In early 1999, when Ron first presented at a community meeting of hundreds of Yorta Yorta peoples, deep in their Barmah State forest stronghold, he opened by describing their present battle through the courts as the late 20th century version of the *frontier wars* that their ancestors fought 150 years before, and as the latest in a long and proud line of Yorta Yorta acts of solidarity and defiance.

To the Yorta Yorta peoples, who had just been told by a judge of the Federal Court that by 1881 'the tide of history had washed away' all that they held dear, Ron's assessment of their plight (of directly connecting their present struggle for justice with that of their original ancestors in the 19th century, and with that of their immediate ancestors who were born into the cause in the century that followed, Uncle William Cooper, Doug Nicholls, Marge Tucker, amongst them) was an extraordinarily respectful way for him to honor their courageous efforts.

Months later, during the final stages of the Yorta Yorta appeal preparation, I recall asking Ron one evening - what makes an outstanding lawyer? His answer was typically pithy - 'humility', he replied.

Of that, my last memory of Ron came from a visit that Ross Howie – another of the stellar counsel in the Yorta Yorta appeal – and I made to Ron in hospital, not long after the appeal hearing had finished. Ron was sitting up in his room, focused and engaged.

All around Ron were his working papers.

He said they related to his involvement in aspects of the East Timorese transition to independence, and his establishment of a new not-for-profit focused on progressing the cause of reconciliation in Australia. Beside his bed I recall was a book on Ethical Investing.

All around me was a vision of true humility!

In the years since Ron's tragic passing, it is organisations like Stand Up that have progressed the causes that Ron held dear, and not only in the area of Indigenous disempowerment and racism. It also features in Stand Up's courageous work with refugees, and in honouring the work of tonight's outstanding and worthy recipients of the Stand Up Ron Castan Humanitarian Award and the Ron Castan Young Humanitarian Award - supporting and dignifying the homeless, and in mental health awareness raising, amongst a whole range of other areas. We can't wait to hear more about all this shortly.

In doing this difficult and challenging work, Stand Up, and its many friends and supporters, are truly perpetuating Ron Castan's enduring legacy – a model of extraordinary Jewish commitment to a better world.

On that note, I now have great pleasure in welcoming Jo Silver to the podium. Thank you.