

STAND UP (JEWISH COMMITMENT TO A BETTER WORLD)

RON CASTAN HUMANITARIAN AWARDS 2015

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On behalf of my partners and all the staff of Arnold Bloch Leibler, I begin by acknowledging and paying my respects to the traditional owners of this land, the Wurundjeri peoples, particularly the Wurundjeri elders, who have taught those non-Indigenous Melbournians prepared to truly listen, about the wrongs of history and about forgiveness and what it will take to achieve real reconciliation, and that Melbourne always was, always will be Wurundjeri country.

By hosting this event again, as we are delighted to do every year, we are able to continue to support a very important public interest law client of the firm - Stand Up - Jewish Commitment to a Better World.

As its longstanding honorary lawyers, the partners and staff of Arnold Bloch Leibler 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 Gary Samowitz and all the StandUp board, and to Lillian Kline, and all StandUp's staff and volunteers, we commend and congratulate you on your leadership and efforts. You truly embody the spirit of Ron Castan, whose legacy - of humility, generosity and selflessness - we celebrate tonight with this year's award recipients.

I stand before you tonight as a direct beneficiary of Ron's insight, wisdom and advocacy powers.

As many of you know, in September 1993 Ron presented Mark Leibler and the Arnold Bloch partners with the opportunity to act as lawyers for the Yorta Yorta peoples in their monumental struggle for land justice. As luck would have it for me, I was subsequently employed in October 1993 by the firm to act as the instructing solicitor for the Yorta Yorta peoples. My life continues to be greatly enriched by Ron's intervention in the Yorta Yorta struggle all those years ago. The case, the issues and the people involved continue to have a profound impact on my life.

Throughout the 1990s I had the great privilege of crossing paths with Ron many times over. In particular, through our close working relationship on the Yorta Yorta appeal, I had the honour of witnessing at close range Ron's true greatness. After the trial judge's decision was handed down in December

1998, the Yorta Yorta legal team members considered the issues on appeal were so important to the fabric of Australian civil society that we really needed Ron to act as senior counsel on the appeal. I then approached Ron and he instantly agreed to lead the team, making it very clear to me at the same time he would only do so on a pro-bono basis.

I provided Ron with a copy of the reasons for judgment and the next day the legal team met in his chambers. When I asked Ron for his first impressions of the Judge's reasoning, Ron said that to him he felt the judge considered the Yorta Yorta were not '*real blackfellas*'. I immediately confirmed to Ron that was indeed precisely the Judge's view, whereupon I repeated a conversation I had with the Judge during the case some 3 years earlier.

In that conversation - which involved me, the judge and senior counsel for the State of Victoria during an adjournment one morning, towards the end of the case, when the court was hearing evidence at the Njernda cultural Centre in Echuca - I asked the judge what case he was doing next. "*I'm off to hear the Croker Island native title case*", he responded, "*where the real blackfellas are*".

For Ron, this "quip" by the judge was all the insight he needed to build his whole approach to the appeal. I watched on in awe in the months that

followed as Ron was able to bring all his intellectual powers to the fore - all the majesty of his brilliant mind and sublime advocacy skills - as he dissected the judgement and exposed its inadequacies, which he knew were borne of this regrettable slur.

With Ron at the helm, the Yorta Yorta community powerfully submitted that at the heart of the judge's approach to Aboriginality lay the fallacy that no changes must be made to the Yorta Yorta peoples' way of life to either cope with the impact of white occupation or to incorporate new ways of thinking or new knowledge. It is as if the Yorta Yorta had to resign themselves to being forever "stuck in amber" if they were to succeed in their application.

Ron told me once that it was misconceptions and ignorance and fear about the "other" - those of a different ethnicity or culture - that lay at the heart of racism. And he was well authorized to opine on such things, having co-authored a few years before a seminal report on *Racist Violence* for the Australian Human Rights and Equal Opportunity Commission. I have a copy of that report in my office. I refer to it often as a touchstone. It remains just as fresh and insightful and relevant today as it was a quarter of a century ago.

For Ron, the struggle of the Yorta Yorta peoples was the struggle of all disempowered and discriminated against Aboriginal peoples. Ron once said

to me that the land rights battles being waged through the courts at the time had become the late 20th century version of the frontier wars fought out 100 years before.

And so, in the appeal, Ron challenged the court, and in doing so all Australians, to replace the stereotypes; the prejudices; '*the great Australian silence*' (as he referred to it in his closing address, borrowing from Professor Bill Stanner's 1968 Boyer lectures); and the tea towelled image of Aboriginal Australians (as he also described it in his closing address), with a vision of a reconciled Australia, free of racism and cultural blindness.

In the years since Ron's passing, it is organisations like Stand Up that have risen to this and like challenges, and not only in the area of Indigenous disempowerment and racism. It also features in Stand Up's courageous work with refugees and in the work of tonight's outstanding and worthy recipients of the StandUp Ron Castan Humanitarian Award and the Ron Castan Young Humanitarian Award - in the protection of women and children fleeing domestic violence, and in creating life affirming experiences for people with special needs, respectively. We'll hear more about this shortly.

In doing this difficult and challenging work, Stand Up, and its many friends and supporters, are perpetuating Ron Castan's legacy - of righting the wrongs

of history, of standing up to injustice and power imbalances wherever and whenever they occur, and of protecting and enriching the lives of the vulnerable.

I have another cherished memory of Ron from working with him on the Yorta Yorta appeal. My friend, the late Lew Griffiths, was contracted by the Yorta Yorta peoples to film the whole of the Yorta Yorta proceedings at trial. On the last morning of the appeal, just before Ron was due to deliver his final address, Lew approached Ron and me and asked Ron as a courtesy if he was able to film Ron's final address for posterity, subject to the Court's approval.

Ron said he would happily agree, but it would be subject to one condition and one condition only - that Lew would also at the same time film Ron's grandchildren watching on in the gallery of the court !

Lew of course obliged. And so it is that the 15 minute film of the Yorta Yorta proceedings that was packaged together by Lew a few years later, has, as one of its highlights, a short grab of Ron's final address immediately followed by some of Ron's then young grandchildren watching on, spell bound.

A priceless image and a simple and beautiful insight into what lay at the heart of Ron's core being - the importance of family.

Speaking of which, the 'Castan' name belongs to a great Australian family - many of whom are here tonight to celebrate this great occasion with us again this year.

The Castan name and the extended family will always continue to be revered by the Arnold Bloch Leibler partnership for their exceptional and broad-reaching contributions to commerce, education, public policy, human rights, the arts, health and general wellbeing.

On that note, I now welcome to the podium my dear friend of 30 years now Melissa Castan to offer her reflections on behalf of the whole Castan extended family.

Thank you.