

Hal Wootten Lecture 2021

“Living Greatly in the Law”: Law and Progressive Social Change

Jennifer Robinson

I would like to begin by acknowledging the Nyoongar Whadjuk people, the traditional owners of the land where I am in Western Australia and the traditional owners of the lands wherever you are. I pay my respects to elders, past, present and emerging – and to all First Nations people joining the lecture today. I also acknowledge that the law in this country has been used as a tool of colonisation and oppression.

Professor Hal Wootten AC QC was a lawyer who not only understood this but spent his life building institutions to use the law to seek justice for First Nations communities and to educate the next generation of lawyers to do the same.

I have long admired Hal for this work. It was therefore an immense honour to be invited to give the Hal Wootten lecture for the 50th anniversary of the law school that he founded.

When the invitation arrived, I have to admit I was daunted when I read the list of eminent speakers coming before me. On that list are judges and barristers who have decades on me and who I can only hope to emulate in the decades to come. But I got over whatever inferiority I felt when I read that the invitation had come from Hal himself, who I was told was 98 and “still going strong”, after he had seen my profile on *Australian Story*. Attached to the invitation was Hal’s essay, “Living in the Law”,¹ in which he explained the values upon which he had founded this law school. I was told that Hal wanted to invite me because he said he saw those values reflected in my career.

It was one of the most meaningful compliments I’ve ever received.

Hal believed I belonged on this speaker list and that was enough for me. I would soon learn from so many young women lawyers and UNSW graduates that it was Hal’s encouragement and example that helped them to step up and succeed.²

What most excited me about giving this lecture was the opportunity to meet Hal in person – to be able to thank him and tell him how much I admired him, and to have the privilege of speaking with him about his remarkable life and career.

But it was not meant to be.

I was deeply sad to learn Hal had passed away.

¹ Hal Wootten AC QC (2008) ‘Living in the Law’, *UNSW Faculty of Law Hal Wootten Lecture*. Available at: <<https://www.unsw.edu.au/law-justice/news-events/events/annual-hal-wootten-lecture>>.

² It is impossible to mention everyone who contacted me about giving this lecture, sharing their memories of him, and this is further testament to Hal. But I do want to give special mention here to the following UNSW graduates: Rawan Arraf, founder of the Australian Centre for International Justice (ACIJ) and Marie Iskander, who wrote touching, thoughtful notes to me about the impact Hal had on them. My thanks also to Teela Reid, who shared her perspectives on Hal and provided input and feedback for this lecture, and to another brilliant young woman in the law, Phoebe Cook, who has assisted me with research and drafting.

But as I reflected on his life to honour him with this lecture, I realised that we will all continue to benefit from his legacy through the generations of lawyers he has educated and inspired. And now I feel incredibly optimistic because he paved the way for us.

Hal's was a life lived greatly in the law. And we all stand on his shoulders.

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Throughout his life, Hal encouraged law students about the possibility of "living greatly in the law". That is, living and working with a passion for justice and ensuring that the law serves those most in need. Hal established this law school with the progressive vision that students should understand the law in its social and political context. He understood the capacity of the law to create positive social change and he encouraged lawyers to seek out opportunities "to give a little nudge that sends the law along the direction it ought to go", which he believed "can affect where the world goes".³

Today, I've been asked to share my own journey and how I have come to share Hal's view. From West Papua to WikiLeaks, to addressing injustices around the world, I have seen how the law can play an important role in protecting human rights and supporting progressive social change.

But Hal was also right about living greatly in the law – that is, that a life lived nudging the law along to help those in need provides for a great life. This work has taken me around the world, meeting the most interesting and courageous people and working with lawyers I admire and had read about in books at law school. While I didn't study here at UNSW, Hal's guiding principle for this law school has shaped a path for me which has been immensely rewarding and filled with fun and adventure – and created a life for me that has so far exceeded my wildest expectations.

I want every law student listening to know that it is possible for you, too. As Hal said, a life in the law is what you make of it.

As I read more about Hal's life, I marvelled at the similarities in our experiences – and I began to understand why my story on *Australian Story* resonated with him.

In 2008, Hal explained that his portraits paint him as "a Kangaroo Valley farmer" because his refuge away from work was a horse farm there,⁴ just over the mountain from Berry where I grew up. I didn't know a lawyer growing up – my mum was a teacher and my dad trained racehorses. Little did I know, that just over Berry mountain, there lived a lawyer from whom I could have learned so much. I wondered if I had passed his farm with my Dad in our horse truck back then.

³ Hal Wootten AC QC (2008) 'Living in the Law', *UNSW Faculty of Law Hal Wootten Lecture*, p.2. Available at: <<https://www.unsw.edu.au/law-justice/news-events/events/annual-hal-wootten-lecture>>.

⁴ *Ibid*, 18.

Both Hal and I came from humble beginnings at public schools – for him in Sydney, for me on the South Coast – where the law seemed beyond our reach. Hal spoke of his passion for languages, but out of his mother’s concern that he would end up “singing on street corners” after his arts degree, he went on to do law.⁵ I read Hal’s words and laughed with recognition, recalling my mum’s concern about me pursuing my passion for Indonesian studies and the pressure I’d felt to add on a law degree to ensure myself more economic security than my parents had ever enjoyed. Luckily for me, legal education had moved on since Hal’s days at university and I was able to do the degrees together: I went to the Australian National University (ANU) for a double degree in law and Asian studies.

One of the things I most enjoyed about Hal’s lectures and interviews, was his honest recollection about the times when he felt unsure about a career in law. It turns out that we both had times at law school feeling bereft and unsure as to whether the law offered a path by which we could truly live our principles. To every law student listening who has felt the same, I can now say with confidence that you can. Back then, I knew I wanted to be a human rights lawyer, I just had no idea how I was going to get there.

In order to become a lawyer, Hal worked as a public servant while he pursued his legal studies part-time.⁶ I had to work three jobs to put myself through my law degree and was only able to do a Master’s abroad thanks to a Rhodes scholarship – the first ever awarded to a student from my region. The irony for both of us is that, despite overcoming social and economic obstacles to become barristers, we both turned down much more lucrative opportunities to do more meaningful work. I am where I am today because I make decisions based on the impact I can have and for what I can learn, rather than what I can earn. And I have never regretted it. As Hal said, ‘[a] comfortable income was a by-product of my practice, not its purpose.’⁷

It was my time in West Papua that first set me on this path. I was surprised to learn that Hal and I both spent formative time in our early 20s in New Guinea, just north of Australia. For Hal, it had been in the east, in Australian administered Papua New Guinea (PNG). For me, half a century later, it was in the west, in Indonesian occupied West Papua. Our respective experiences and connections with indigenous Papuans created a life-long connection with the people and the land and a commitment to their decolonisation and independence.

At 24 years old, Hal went to PNG, which was then administered by Australia. He learned to speak Pidgin, which allowed him to sit, listen and learn from indigenous Papuans. Hal recalled how they told him of “the humiliating racism they had suffered at the hands of whites”. He wanted to stay to work in PNG to help them but soon came to see he “could do more for New Guinea as a lawyer in Australia”.⁸ Hal would later bring Papuan lawyers to Australia for training, become Chairman of the New Guinea Committee of the Law Society, return to an

⁵ Paul Barclay (2005) ‘Wisdom Interviews: Hal Wootten QC’, *ABC Radio*, broadcast 1 May 2005. Transcript available at: <<https://www.abc.net.au/radionational/programs/bigideas/wisdom-interviews-hal-wootten-qc/3446536>>.

⁶ *Ibid.*

⁷ Wootten [n 1], 19.

⁸ *Ibid.*, 14.

independent PNG to help build the judiciary, and create LawAsia to foster justice across the Asia-Pacific, including in PNG.⁹

At 21 years old, I went to West Papua, which was then – and is today – unlawfully occupied by Indonesia. I speak Indonesian, so – like Hal – I was able to sit, listen and learn from West Papuans about the racism they had suffered under Indonesian occupation. I worked on cases involving torture, rape, and crimes against humanity – and saw for myself the abuse and discrimination indigenous Papuans faced every day. I worked on the trial of Benny Wenda, then a political prisoner and the leader of the independence movement. I was followed by Indonesian intelligence and threatened with arrest and deportation by police. I wanted to stay in West Papua, but I came to the same conclusion as Hal did 50 years before me: I could do more for West Papua by becoming a lawyer at home.

West Papua helped me find my passion for the law. Soon after I left, Benny escaped from prison and I helped him and his family get asylum in the UK. For the past 20 years, I've worked with Benny and the movement as their lawyer. Benny has since been nominated for the Nobel Peace Prize and is compared to Jose Ramos Horta, the first person invited by Hal to give this lecture back in 2006.

West Papua also taught me about the possibility of using the law to build power in social movements and about what Hal meant by “living greatly in the law”. My work serving the marginalised West Papuan community and their cause hasn't been financially rewarding, but it has taken my career to remarkable places. Just fifteen years after I was forced to leave West Papua as a disillusioned and outraged law student, I stood up as counsel before the International Court of Justice to successfully argue for a decision that makes clear that West Papua is unlawfully occupied by Indonesia.¹⁰

Hal would later write and speak fondly of attending PNG's independence celebration in Sydney with their first Prime Minister, Sir Michael Somare.¹¹ Until his death earlier this year, Sir Michael advocated for West Papua's freedom. With the law on West Papua's side, I hope that one day I too will be able to share happy memories of West Papuan independence celebrations.

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For Hal and I both, it was our time in New Guinea that inspired our commitment to addressing colonisation at home and the injustices suffered by indigenous Australians. Hal once said:

⁹ Bruce Donald AM, Neil Williams SC and Andrew Chalk (2021) 'Hal Wootten', *Justinian*, 5 August 2021. Available at: <<https://www.justinian.com.au/featurettes/hal-wootten.html>>.

¹⁰ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, ICJ Reports 2019, p.95. Available at: <<https://www.icj-cij.org/public/files/case-related/169/169-20190225-ADV-01-00-EN.pdf>>. See also Robert McCorquodale, Jennifer Robinson and Nicola Peart, “Territorial Integrity and Consent in the Chagos Islands Advisory Opinion” (2020) 69(1) *International and Comparative Law Quarterly* 221.

See submission on behalf of Vanuatu at *Verbatim Record of the Public Sitting held on Thursday 6 September 2018 at 10.40am., at the Peace Palace*, ICJ Verbatim Record 2018/26, pp.36-42. Available at: <<https://www.icj-cij.org/public/files/case-related/169/169-20180906-ORA-01-00-BI.pdf>>.

¹¹ Wootten [n 1], 15.

I always felt it was strange that here I was so bound up with...New Guinea... having those ties with the indigenous people of New Guinea, I didn't even know the indigenous people of my own country, and that was something nagging at the back of my mind.¹²

It nagged at my mind, too.

After setting up UNSW law school, Hal rose to the challenge brought to him by Aboriginal activists: with all this talk of the responsibility of this new law school, what was he going to do about police brutality towards Aboriginal people? After witnessing police harassment in Redfern, he worked with the local community to establish the Aboriginal Legal Service (ALS) and became its first President. Hal advocated for the ALS as a separate national legal service for Aboriginal people on the grounds of the special disadvantages arising from the historic injustice of colonisation.¹³ At the time, he wrote that the dispossession, massacres and discrimination meant that indigenous Australians “...never had reason to regard the law as anything but an instrument of oppression.”¹⁴

Hal would spend the rest of his life trying to change that.

Under his stewardship, this law school has fostered indigenous students and scholarship which is changing the shape of our country for the better. I want to pay special tribute to Professor Megan Davis for her two decades of remarkable work at UNSW, for her leadership on the Uluru Statement and for mentoring and inspiring the next generation of First Nations lawyers. I also want to thank one of the next generation of lawyers and leaders, my remarkable friend Teela Reid, for her rock star work and public advocacy – and for her generosity in educating and encouraging me. It was here at UNSW that Teela created the first ever First Nations Moot and designed the Walama Court Model. This is precisely the kind of work that demonstrates the impact of Hal’s founding vision.

Like Hal, my time in New Guinea helped me to start to understand colonisation at home. Listening to Indonesians speak of West Papuans, I heard the same racism I had grown up around, just in another geographic and cultural context. I began to question everything – my education, the history I was taught, and my privilege as a white woman. It forced some difficult reflections about my place in Australia. I grew up on Dharawal, Jerrinja and Yuin country, but I wasn’t taught this at school. My life revolved around Cullunghutti – Mt Coolangatta – which is next to my Dad’s horse farm. But I’ve only just discovered its original name and that it’s a sacred place. As I sit, listen and learn, I’ve realised that I’ve grown up in a country I wasn’t educated to understand.

As with Hal, my affinity with indigenous Papuans forged a personal commitment to work with First Nations communities to achieve justice at home.

As we approached the 30-year anniversary of Hal’s work on the Royal Commission into Aboriginal Deaths in Custody, I cried as I watched from London as thousands of Australians

¹² Barclay [n 5].

¹³ See Rebecca Payne (2021) ‘Vale Hal Wootten’, *New South Wales Council for Civil Liberties*, 1 August 2021. Available at: <https://www.nswccl.org.au/vale_hal_wootten> and Barclay [n 5].

¹⁴ Johanne Perheentupa, *Redfern: Aboriginal Activism in the 1970s* (2020), Aboriginal Studies Press, p.40; see also pp.36-45.

took to the streets for Black Lives Matter protests after the death of George Floyd. The protest in Sydney was led by Leetona Dungay, a Dunghutti elder, protesting under a banner bearing the words, “I can’t breathe”. Like George Floyd, these were the words her son David had screamed 12 times at prison officers before he was killed in 2015. The CCTV footage is harrowing, yet no one has ever faced prosecution over his death.

But Leetona has continued her tireless campaign for justice.

For a number of years, I’d been speaking with the National Justice Project about how I could support their work. Frustrated by the lack of justice in Australia, Leetona wanted to take her advocacy to the UN. Working with Leetona and the brilliant Professor Larissa Behrendt, we have filed a complaint to the UN Human Rights Committee.¹⁵

In Leetona’s complaint, we wrote about Australia’s failure to implement the Royal Commission’s recommendations – and how that failure contributes to the ongoing crisis of deaths in custody. Since the Royal Commission, there have been more than 470 further Aboriginal deaths in custody and the number continues to rise at an appalling rate. In our complaint, we raise the historic failure of the Australian government to prosecute those responsible and how this violates Australia’s obligations under the right to life.¹⁶

I pay tribute to the many First Nations families who, like Leetona, continue to fight for justice for the loved ones they have lost. Win or lose, I hope that the combination of our complaint together with Leetona’s campaign will help to nudge the government in the right direction to end impunity for deaths in custody and to implement Hal’s recommendations 30 years too late.

This is just the beginning of the work I hope to do to continue Hal’s legacy and contribute to a more just Australia. I can only hope that, in the decades ahead, I can make a fraction of the contribution he did.

But imagine what we can achieve if we all aimed for that?

It is impossible to talk about a more just Australia without talking about the Uluru Statement. As Megan and Teela so eloquently articulate, a more just Australia requires constitutional recognition, truth-telling and a voice to parliament to ensure Aboriginal and Torres Strait Islanders have their say in law and policy affecting them. With litigation, we can create change, but no amount of litigation will force this particular change that our country so desperately needs. The adoption and implementation of the Uluru Statement requires a political movement. It requires all of us to accept the generous invitation the Statement is to walk with indigenous Australians “in a movement of the Australian people for a better future”.¹⁷

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¹⁵ See National Justice Project (2021) ‘Leetona Dungay to go to United Nations for David Dungay Jnr’, *National Justice Project*, 11 June 2021. Available at: <<https://justice.org.au/leetona-dungay-to-go-to-united-nations-for-david-dungay-jnr/>>.

¹⁶ Ibid.

¹⁷ See, for example, Megan Davis (2018) ‘The long road to Uluru’, *The Griffith Review*, 60. Available at: <<https://www.griffithreview.com/articles/long-road-uluru-walking-together-truth-before-justice-megan-davis/>>.

Many of Hal's reflections on his career so resonated with me, for example, that his career had 'begun by accident', only to be 'continued by a series of accidents'.¹⁸ I laughed out loud when I read these words: "my career has been built on my inability to say no when invited to do something I was not qualified to do."¹⁹

I too have followed unexpected paths, finding there are some opportunities you just can't say no to.

My work representing Assange and WikiLeaks was one such opportunity, but it also meant that my profile grew exponentially – and young lawyers from around the world began contacting me saying that they wanted to be a human rights lawyer like me. I knew I was only able to do what I do because of the immensely privileged educational opportunities I'd had. But that just motivated in me a mission that I shared with Hal: trying to break down barriers to our profession for women and marginalised communities.

Another opportunity I couldn't refuse soon came. Over a chance meeting with a remarkable philanthropist at Assange's 40th birthday party in house arrest, I went on a rant about access to the legal profession. He offered me a job on the spot and together we created the Bertha Justice Initiative – a program providing paid opportunities for emerging lawyers from marginalised communities to be mentored and trained by the best human rights lawyers. The program has invested around USD\$50m to support the next generation of lawyers in 18 countries,²⁰ including in Palestine – a place and a cause that was close to Hal's heart.²¹

Through this work and the cases we supported – from litigation against US drone strikes in Pakistan,²² to challenging racist police practices in New York²³ and challenging educational inequality in South Africa,²⁴ to forcing the UN to compensate cholera victims in Haiti,²⁵ to suing multinational corporations for abusive practices in Bangladesh, Colombia, Mexico and elsewhere²⁶ – I became convinced of the power of movement lawyering. That is, where the combined power of social movements, storytelling and strategic litigation can create change.

And I became convinced of what we could achieve with it in Australia.

¹⁸ Wootten [n 1], 10.

¹⁹ Ibid.

²⁰ See <<https://berthafoundation.org/lawyers/#fellowships>>, <<https://berthafoundation.org/welcome-to-the-bertha-justice-initiative-blog/>> and <<https://berthafoundation.org/introducing-bertha-justice-initiative-staff/>>.

²¹ See Palestinian Centre for Human Rights (2021) 'PCHR Launches Fifth Term of Bertha Justice Fellowship Program', *PCHR*, 9 September 2021. Available at: <<https://pchrgaza.org/en/pchr-launches-fifth-term-of-bertha-justice-fellowshop-program/>> and Donald et al. [n 9].

²² See Mariam Kizilbash (2014) 'Declaring US Drone Strikes Illegal in Pakistan', *Bertha Foundation*, 22 August 2014. Available at: <<https://berthafoundation.org/drone-work-in-pakistan/>>.

²³ See Center for Constitutional Rights (2021) 'Floyd, et al. v. City of New York, et al.', *CCR*. Available at: <<https://ccrjustice.org/ourcases/current-cases/floyd-et-al>>. and Julie McCrossin (2015) 'A woman of influence', *Law Society of NSW Journal*, 1 August 2015. Available at: <<https://lsi.com.au/articles/a-woman-of-influence/>>.

²⁴ See, for example, Nurina Ally and Daniel Linde (2016) 'Round Table on Public School Funding', *Bertha Foundation*, 8 June 2016. Available at: <<https://berthafoundation.org/round-table-on-public-school-funding/>>.

²⁵ See Rodline Louijeune (2015) 'A Worldwide Fight Against Impunity', *Bertha Foundation*, 13 August 2015. Available at: <<https://berthafoundation.org/a-worldwide-fight-against-impunity/>> and Jonathan M. Katz (2016) 'U.N. Admits Role in Cholera Epidemic in Haiti', *The New York Times*, 17 August 2016. Available at: <<https://www.nytimes.com/2016/08/18/world/americas/united-nations-haiti-cholera.html>>.

²⁶ See for example European Center for Constitutional and Human Rights (n.d.) 'Wind park in Mexico: French firm disregards indigenous rights', *ECCHR*. Available at: <<https://www.ecchr.eu/en/case/wind-park-in-mexico-french-firm-disregards-indigenous-rights/>> and European Center for Constitutional and Human Rights (n.d.) 'More for show than safety: Certificates in the textile industry', *ECCHR*. Available at: <<https://www.ecchr.eu/en/case/more-for-show-than-safety-certificates-in-the-textile-industry/>>.

Frustrated by my inability to bring the Bertha program to Australia, I started scheming up different ways to fund and create opportunities for this work at home. This culminated in the creation of the Grata Fund, our first independent public interest law fund, named for the first woman to practice law.²⁷ I could give an entire lecture on Grata's work, but let me just say this: I am proud to be a founding director, I am proud of the all-woman team, and I am proud of the work we are funding on indigenous justice and climate. And it is fitting that the Grata Fund is now housed here at UNSW, given the values Hal instilled in the law school.

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Climate justice was another of Hal's passions. As early as the 1980s, when Hal had served as President of the Australian Conservation Foundation (ACF), he "championed the idea that conservation could no longer be about merely protecting particular areas or species but must address systemic injustice and existential threats."²⁸ Hal concluded his lecture in 2008 with a clear message, "*don't forget about climate change*".²⁹

At that time, I was a Rhodes scholar in residence at Oxford. My best friend was passionate about climate change and was the first person who helped me see it as a human rights issue.

I was a human rights lawyer, not an environmental lawyer, I told her. She challenged me, "what's the point of protecting human rights if there are no humans left to protect?"

Our conversations helped me to understand the urgency of the climate crisis. Dr Katharine Wilkinson, that brilliant friend, is now the best-selling writer and author of the books *Drawdown* (2017) and *All We Can Save* (2020), which provide practical solutions to the crisis and which I highly recommend.

Thanks to Katharine, I took the decision to commit part of my legal practice to climate justice. The opportunities came quickly after I joined the London Bar.

One day I got a call: INEOS – a company owned by Britain's richest man – was exploring fracking but had come up against protesters concerned about its climate impacts. The protesters had been effective in frustrating fracking exploration through a range of protests, including occupying land, lock-ons, and slow walks, which affected INEOS and its supply chain. Caring more about the climate than their criminal record, the protesters were undeterred by facing small fines. INEOS decided to up the ante: their lawyers went to court to obtain sweeping anti-protest injunctions. The injunctions put the policing of protests into the hands of the company, which could bring proceedings against protesters with hefty fines or prison time.

Representing one of the protesters, we challenged the injunctions on the grounds that they disproportionately interfered with the right to protest and to freedom of expression.

²⁷ See <<https://www.gratafund.org.au>> and Jennifer Robinson (2015) 'Citizens must be able to challenge government power', *The Sydney Morning Herald*, 30 November 2015. Available at: <<https://www.smh.com.au/opinion/comment-jennifer-robinson-on-grata-fund-20151130-glbe10.html>>.

²⁸ Kelly O'Shanassy (2021) 'ACF statement on the passing of Hal Wootten', *ACF*, 29 July 2021. Available at: <<https://www.acf.org.au/hal-wootten>>.

²⁹ Wootten [n 1], 25.

And we won.³⁰

We had taken on Britain's richest man to protect the right to protest against fracking but fracking continued.

And that got me thinking.

There was a reason fracking companies were keen to shut down protests and the political discussion that the protests were encouraging. By 2018, political support for fracking in the UK was tenuous at best. There was a moratorium on fracking in Wales, Northern Ireland and Scotland. In England, the Tory government was the only party that supported fracking. It seemed to me that a targeted legal challenge might be enough to knock fracking off the political table.

Sitting with a brilliant team of lawyers and activists in London, we brainstormed: what could the challenge look like? Previous legal challenges had been directed at attempting to overturn individual planning decisions on climate change grounds. And all had been unsuccessful.

Instead, we challenged to the government's national fracking policy.

Looking back at the original policy in 2015, the government had justified fracking on the basis it would provide "a bridge to a low carbon economy" and assist the UK to meet its climate change targets. This was based on a 2013 scientific study commissioned by the government.

By 2018, when the UK renewed its policy on fracking, the science had moved on. New studies showed that the greenhouse gas emissions from fracking were significantly under-estimated. But the government failed to consider this development and the policy continued.

We filed judicial review proceedings claiming the policy was unlawful because the government had failed to properly consider scientific evidence about climate impact.

And we won.³¹

The government removed fracking from the national planning policy³² and soon after announced it was withdrawing its support for fracking given "new scientific evidence".³³

This case reaffirmed for me that while litigation is too slow in light of the urgency of this crisis – it can still be an important tool in strategies to protect the climate. But, again, that outcome could not have been won without the years of campaigning that came before it.

³⁰ See first instance decision at *Ineos Upstream Ltd v Persons Unknown* [2017] EWHC 2945 (Ch). Available at: <<https://www.judiciary.uk/wp-content/uploads/2017/11/ineos-v-unknown-judgment.pdf>> and Court of Appeal ruling at *Boyd and Anor v Ineos Upstream Ltd* [2019] EWCA Civ 515. Available at: <<https://www.bailii.org/ew/cases/EWCA/Civ/2019/515.html>>. On appeal, Lord Justice Longmore highlighted the chilling effects of the injunctions on lawful protest activity, stating that: "The citizen's right of protest is not to be diminished by advance fear of committal except in the clearest of cases" (at [42]).

³¹ *R. (on the application of Stephenson) v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 519 (Admin). Available at: <<https://www.bailii.org/ew/cases/EWHC/Admin/2019/519.html>>.

³² See here <<http://climatecasechart.com/climate-change-litigation/non-us-case/claire-stephenson-v-secretary-of-state-for-housing-and-communities-and-local-government/>>.

³³ See here <<https://www.gov.uk/government/news/government-ends-support-for-fracking>>.

I'm excited to see recent developments in Australian courts on climate³⁴ – and I'll be announcing my involvement in more exciting international climate justice work soon.

Meantime, mark my words, the Morrison government has made Australia an international pariah on climate. But let me conclude my lecture with Hal's words from his 2008 lecture: *'Don't let the bastards get you down, and don't forget about climate change'*.³⁵

So let's organise, campaign and litigate!

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To conclude, I want to remind you of the beautiful words written about Hal by your Dean Professor Andrew Lynch:

*"Hal's energy, his undimmed interest in the state of the world and his constant example of the responsibilities we have to people facing adversity and injustice, gave him a near-immortal quality."*³⁶

I hope that you will all join me in honouring Hal by continuing his legacy in your own way. In this way, Hal will retain an immortal quality because he lives on in this law school and in each and every lawyer that is inspired by him to "live greatly in the law".

Finally, I want to express my heartfelt condolences to Hal's family, friends and colleagues – and send a huge thank you to Hal and to UNSW for inviting me today.

We stand on Hal's shoulders.

³⁴ Such as *Sharma and others v Minister for the Environment* [2021] FCA 560, *Bushfire Survivors for Climate Action Incorporated v Environment Protection Authority* [2021] NSWLEC 92, *Gloucester Resources Limited v Minister for Planning* [2019] NSWLEC 7 and the ongoing rights-based litigation between Waratah Coal Pty Ltd and Youth Verdict Ltd and others.

³⁵ Wootten [n 1], 25.

³⁶ Michael Pelly (2021) 'Legal giant Hal Wootten dies', *Australian Financial Review*, 29 June 2021. Available at: <https://www.afr.com/companies/professional-services/legal-giant-hal-wootten-dies-20210726-p58cwc>.