

The Honourable John Basten KC

Chancellor, it gives me great pleasure to present to you an outstanding candidate for admission to the Honorary Degree of Doctor of the University (honoris causa): The Honourable John Basten KC, Bachelor of Laws (Honours), the University of Adelaide, and Bachelor of Civil Law, University of Oxford.

Justice Basten's familial connection to the University is prestigious. His father, Sir Henry Bolton Basten, was Vice-Chancellor of the University of Adelaide from 1958-67 and a room in the Mitchell Building commemorates his contribution to the University.

Throughout his long and distinguished career, Justice Basten has made an outstanding and rarely matched contribution to the community as an appellate judge, barrister, academic, public interest lawyer and champion of Indigenous rights.

As a part-time commissioner of the New South Wales Law Reform Commission from 1996-99, he prepared a report on the operation of the New South Wales Anti-Discrimination Act 1977. He was a member of the New South Wales Pay Equity Taskforce from 1996 to 1997, a part-time commissioner of the Australian Law Reform Commission from 1986 to 1987 on the class actions reference, a lecturer and senior lecturer in law at the University of New South Wales from 1974 to 1980, and a Bigelow Teaching Fellow at the University of Chicago from 1972 to 1973. He has also served as a part-time Hearing Commissioner of the Human Rights and Equal Opportunity Commission from 1994 to 1997 and an Assistant Commissioner of the Independent Commission Against Corruption in 2003-2004.

Justice Basten has served as a judge of the Supreme Court of New South Wales and a judge of appeal since being sworn in on 2 May 2005. In the course of his judicial service, he has participated in over 2,300 cases in both the Court of Appeal and the Court of Criminal Appeal, in addition to sitting from time to time as a judge of the Common Law and Equity Divisions of the Supreme Court of New South Wales.

He sat on some of the most difficult and high-profile cases in the country, and his judgments have proven extremely influential. In many instances, his decisions have been upheld in the High Court, with a number of powerful dissenting judgments in the Court of Appeal being vindicated. The New South Wales Law Reports, Australian Law Reports, the Local Government and Environment Reports and the Australian Criminal Reports are replete with his notable judgments.

Justice Basten is a recognised intellectual leader in many areas of law, most notably in constitutional law, public and administrative law including judicial review, the law of statutory interpretation, tort law, criminal law, discrimination law, land and planning law and questions concerning federal jurisdiction and the jurisdiction of the Local, District and Land and Environment Courts of New South Wales, NSW Civil and Administrative Tribunal, the Independent Commission Against Corruption, and the New South Wales Crime Commission.

John Basten played an instrumental role in the establishment of Sydney's "community legal centre movement" in the 1970s and early 1980s and has been described by the Honourable Virginia Bell AC SC as "an inspiration to a generation of public interest lawyers".

He was a founding member of the Redfern Legal Centre, sitting on its management committee from its inception in March 1977 until 1983. In the ensuing 39 years, the Centre has developed into a landmark institution providing free legal advice, services and education to disadvantaged and marginalised people in New South Wales, particularly those living in inner Sydney.

Having left academia for the New South Wales Bar in 1982, John Basten continued to support the work of the Redfern Legal Centre and other legal centres, accepting briefs on a pro bono or legal aid basis.

Whilst a barrister, he appeared for claimants in many cases which developed the then-novel concept of native title under the *Native Title Act 1993*. In many of his cases, especially those concerning native title and prisoner's rights, John Basten's presence as counsel served to even up the disparity in resources between the litigants and thereby enhance the rule of law.

John Basten's career exhibits 50 years of continuous service to the community in the promotion of access to justice, in legal education, in the pioneering of Indigenous land rights, in the upholding of the rule of law and as a quite outstanding judge. As a scholar, advocate and a judge, he has never lost sight of the fact that the law affects individuals in profound ways.

The relations between citizens and government have been at the centre of John Basten's life's work, and modern Australia has benefitted significantly from his scholarship, judgments and insights.

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