

Ten years on: remembering Ron Castan

By Glenda McNaught

Ron Castan signed the Roll of Counsel of the Victorian Bar in 1966. It was there that I first came in contact with him in June 1974 on commencement of my employment as secretary to Bill Gillard and Tim Smith, with whom Ron shared chambers. In approximately 1977, on the resignation of his secretary, Ron joined the group and thus commenced a more than 20 year association, first as his secretary, and from 1991 as his Clerk.

The matters in which Ron was involved ranged from tax matters, Aboriginal land rights, Constitutional law, and all areas of commercial law to issues of human rights and civil liberties. His involvement in land rights issues was not confined to litigation, but included negotiations with mining companies and Commonwealth Ministers and their departments. The warmth of his personality, intellect and commitment to his clients, earned the respect of those involved, proving invaluable in negotiating successful outcomes.

Ron saw the proposed introduction of an "Australia Card" as a serious threat to the privacy and civil liberties of every Australian citizen. His commitment to this issue was such that for the 6 weeks preceding the vote on the proposal, he devoted all his energies to its opposition. Ron made numerous appearances on radio and television, (including an edition of 4 Corners on the ABC), wrote opinion pieces and organized full page advertisements in local and national newspapers supported by prominent members of the community.

This issue coincided with the demise in all but name, of the Victorian Council for Civil Liberties. Needing an appropriate vehicle for opposing the Australia Card, Ron successfully revived the VCCL. Since that time, it has become a well-respected organization under its new identity "Liberty Victoria". His ability to explain complex issues clearly and simply was a gift used to great effect in that instance. Ron's participation in the debate, undoubtedly contributed to the ultimate defeat of this proposal.

The issue of human rights was a matter central to Ron's beliefs, and as a member of the Human Rights and Equal Opportunity Commission, sat regularly as a Commissioner. At a Melbourne sitting, the Commission was subjected to a bomb threat. The police were called and the building cleared. Undeterred, Ron resumed the hearing in the street, recorded by television crews and broadcast on the evening news.

Ron is best known for his role in the *Mabo* litigation. It was extraordinary in many respects, running for 10 years from issue of the Statement of Claim to final decision before the High Court, testing the patience, resilience and commitment of all concerned.

Without Ron's intellectual vigour, personal and professional commitment, it is unlikely to have been brought to a successful conclusion. For some 8 of the 10 years of this litigation, the matter proceeded without the assistance of an instructing solicitor. Under those circumstances, Ron relocated his daughter Melissa (who had completed 1 year of her law degree) and her now husband, to Brisbane for several months to assist his junior, Bryan Keon-Cohen, during the hearings in the Supreme Court of Queensland.

Constitutional law was an area Ron found particularly interesting and intellectually stimulating, as evidenced by his numerous appearances before the High Court. The Hawke Government's decision to invite him to be part of the Constitutional Commission

proved an inspired choice and an opportunity he greatly enjoyed. The group of which he was part included Tom Keneally and Peter Garrett; indeed, Tom Keneally and Ron were responsible for writing the report concerning *Individual and Democratic Rights*. More than 20 years later, this report has proved invaluable for lawyers engaged in preparing a submission on behalf of the International Commission of Jurists to the current National Human Rights Consultation, relating to a proposed Australian Bill of Rights.

Life in Ron's chambers was always interesting, stimulating and great fun. His sense of humour was never far from the surface and the banter with fellow practitioners highly amusing and without malice.

Ron's interests ranged far beyond the law – in particular to art and music. He had a passion for bike riding, and was proud of his record of participation in the first, and many subsequent, Great Victorian Bike Rides. He rode to chambers when opportunity allowed, and could be seen around the streets of Kew on weekends riding his recumbent. Bike magazines regularly took precedence over all other items of mail!

Ron was an extraordinary human being. His strong moral compass led him to pursue issues that were seen by many as a "lost cause". He acted according to his conscience, devoid of ego and, in some cases, despite strong opposition. The respect afforded him by the bench of the High Court during his numerous appearances, reflected that demonstrated by the profession generally and the wider community.

As a student from a one-teacher primary school of 36 pupils in Yuna, (50 miles north-east of Geraldton), I wonder at my good fortune in knowing this extraordinary person so well. Without question, the years spent working with Ron and enjoying his friendship, were the most enriching and influential of my life.

After 10 years, I, along with Ron's wife Nellie, their three children and their families and Ron's many colleagues and friends, continue to feel his untimely passing keenly. Equally, we share a great sense of gratitude in having come under his influence and enjoyed his friendship.

Glenda McNaught is a Barristers' Clerk based at Owen Dixon Chambers in Melbourne. She and Melissa Castan have recently established, the 'Ron Castan Education Fund' at the Melbourne Community Foundation. Please contact Glenda if you wish to make a contribution.

