

Pride in Law 6th Annual Address - 11 November 2022

'IT'S THE WINE NOT THE LABEL'

Thank you for this opportunity to speak to you tonight. I acknowledge the first and traditional owners of this land, and pay my respects to their Elders, those who have spoken for the land in the past and who do so today.

If I have trouble with delivering the speech you will of course understand that I can't help it because apparently, according to the Qatar FIFA World Cup ambassador I have "damage in the mind". I wonder what Gruen would make of that marketing pitch. I make light of it, but of course it is one of the labels publicly expressed by a person in a position of influence in relation to the LGBTIQA+¹ community or rainbow community which is one of the reasons you are here and not out of the town partying on a Friday night...or at least not yet. Fortunately, even prior to those comments the Socceroos and Football Australia made a positive stand in response to the Qatar's record of treatment of the LGBTIQA+ community. Other international teams have resolved to wear rainbow colour armbands with "one love".

Society has a tendency to want to categorise and place labels on things and often people. Such labels can be empowering, sometimes limiting or sometimes derogatory. In relation to people, it is rare that they are used in a neutral way. In relation to the rainbow community the full gamut of labels has been applied, both positive and negative. Fortunately, they have evolved into having more positive than negative connotations in recent times. Indeed, terms that reference people by their sexuality or identity have been embraced by members of the rainbow community themselves because it provides them with a term which gives them a term to identify their place in and as an important part of the fabric of society. This is contrary to the use of terms to demarcate the rainbow community which were not so long ago used to marginalise members of the community and indeed signify that they were outside the perimeters. That does however remain the case with some.

Personally, I prefer not to be labelled nor to seek to identify somebody by reference to a label. My focus tends to be on the whole person rather than on any particular one aspect of somebody's being.

¹ I will generally refer to the rainbow community but in some cases where a different abbreviated form is used that reflects the term used in the source article.

Similarly, in my judicial role I do not focus on a label that may be given to a person. All people are equal in the eye of the law. My oath of my office requires I focus on evidence and the merits of the argument before me in order to “do equal justice to all persons and discharge the duties and responsibilities of the office according to law to the best of my knowledge and ability without fear favour or affection.”. The Honourable Sir Gerard Brennan AC KBE described impartiality and the appearance of impartiality as the supreme judicial virtues.² That was again endorsed in the recent Australian Law Reform Commission Report on judicial impartiality “without fear or favour” handed down in December 2021, it is said:

“... judicial impartiality serves purposes related to upholding the legitimacy and authority of the courts and recognises the dignity of those who come before them, appearances are crucial.”³

If that were not so, how could people be confident that the rule of law was being applied.

Similarly, from the time we are in law school our legal training requires that we apply the law dispassionately, applying legal reasoning to a set of facts and not jumping to conclusions based on some preconceived notions or prejudices.

It struck me when I was preparing for this speech that given their training and education, lawyers are in a unique and privileged position, not only to defend people’s rights which are sought to be denied or diminished because of one facet of a person’s being, such as gender or gender expression, sexuality, race or religion, but to be advocates in a reasoned way in public debate to correct misconceptions, unfounded facts or flawed reasoning. Rather than responding in a retaliatory and combative way lawyers are trained to respond in a reasoned manner and can normalise that which some people may fear, and others may misrepresent. We are after all, all normal to the extent normal exists. There is the same mix of people in the rainbow community that one finds in all walks of life save for a difference in sexuality or identity. If you are like my partner and I, we live very normal everyday lives being slaves to our schnauzers and like nothing better on a Friday night than to have a pizza, a glass of red and watch the Friday night crime on the ABC. I know that is a bit humdrum but remember, we are slightly older than a number of you. We have a broad cross-section of friends, and our friendships are based on common values, interests which are not connected with labels but often connected

² Sir Gerard Brennan AC KBE, “Why be a Judge” (1996) 14 *Australian Bar Review* 89 at 91.

³ Australian Law Reform Commission, ‘Without Fear or Favour: Judicial Impartiality and the Law on Bias’ (Summary Report, ALRC Report 138 December 2021) at [24].

with wine, well mostly wine. Sexuality is irrelevant. Why should it make a difference to anyone's perception of you?

Human beings are complex and generally multidimensional, unable to be defined by any one thing. To use the worn-out analogy, human beings have many layers like an onion; or if you were somebody of my vintage are like a "Sara Lee apple pie", layer upon layer. That said, human nature suggests that there will always be people who seek to include and exclude people in their own soirees by reference to a label to bolster themselves up by association or to portray an air of superiority as misguided as that may be. It is an easy, unthinking thing to do.

It is because a person is made up of so many different ingredients that I once questioned whether the use of labels such as LGBTIQ+ was necessary or served a positive purpose. I could not understand why a person's gender identity or sexuality was anyone's concern other than the person themselves and wondered whether the use of such a label had a more marginalising effect. Terms such as gay or queer when I was growing up were often used to ensure members of the rainbow community felt outside of society rather than a part of it. Fortunately, that has largely changed. Language matters and I came to realise that it is important for people to have a term which they feel identifies them or at least an important facet of them. While we are all human beings, references to general terms such as "people" or the "majority" have in the past been used, consciously or unconsciously, to exclude people regarded as being at the margins and who are within smaller sub-groups in society.

LGBTIQA+ is now a positive term for many which symbolises inclusiveness and provides a recognition of people in society who may not conform to the norm in terms of sexuality or identity, whatever that norm may be, and who have a voice. It is important that people feel a part of society and feel visible identifying themselves by a term which they feel accords with their authentic selves and do not feel alone. For instance, one transgender Judge in West Bengal India, was said to have commented that "when they put the 'T' in LGBTIQA+, I was no longer invisible".⁴

⁴ As to first West Bengal transgender judge, Judge Joyita Modal, see ANI, 'India's first transgender judge wants to improve lot of her community', *Business Standard* (Online, 20 October 2017) <https://www.business-standard.com/article/news-ani/india-s-first-transgender-judge-wants-to-improve-lot-of-her-community-117102000649_1.html>.

However, it is easy for such terms to be used as a political tool and be turned into something negative and to target that particular group. We have seen this in a number of countries, particularly those who have a conservative base.

For instance, the term “LBTG ideology” has become a phrase coined by some political groups in Europe and America seemingly to dehumanise and politicise those who are a part of the LGBTIQ+ community and bolster their political campaigns. President Duda used the term in his 2020 campaign in Poland promising to defend children from “LGBT ideology”, apparently to bolster his conservative base by not supporting gay marriage, adoption by gay couples and banning the propagation of “LGBT ideology” in schools and public institutions. He called the “LGBT ideology” worse than communism⁵. While it was called out by Poland’s “Campaign against Homophobia”, who said there was no such ideology, but that it was just a homophobic construct, it appeared to fall on deaf ears. In 2021 a number of Polish municipalities and regions designated certain provinces to be “LGBT ideology free zones”, putting members of that community in the position of having to become invisible or leave.⁶

Viktor Orban followed suit in Hungary also fighting a war against LGBT ideology.⁷

Both Hungary and Poland have followed Russia’s laws banning any teaching about homosexuality and transgender issues in schools.

Russia also has a torrid history in relation to the rainbow community and introducing laws to discriminate against them. Russia has coined the phrase “gay propaganda”. It is said to use it as part of its campaign against the West.⁸ Indeed recently one of the justifications given by President Putin for the invasion of Ukraine was the need to combat false values such as LGBT rights that lead to “degradation and degeneration...contrary to human nature.”⁹ The New York

⁵ Shaun Walker, ‘Polish President issues campaign pledge to fight “LGBT ideology”’, *The Guardian* (Online, 13 June 2020) <<https://www.theguardian.com/world/2020/jun/12/polish-president-issues-campaign-pledge-to-fight-lgbt-ideology>>; The Economist, ‘Gay “ideology” is worse than communism, says Poland’s president’, *The Economist* (Online, 20 June 2020) <<https://www.economist.com/europe/2020/06/20/gay-ideology-is-worse-than-communism-says-polands-president>>.

⁶ See for example, BBC, ‘Inside Poland’s ‘LGBT -free zones’ *BBC News* (Online, 21 September 2020) <<https://www.bbc.com/news/stories-54191344>>.

⁷ Krisztina Than, ‘Hungary’s Orban banking on anti-LGBT campaign in tough re-election bid’ *Reuters* (Online, 14 December 2021) <<https://www.reuters.com/world/europe/hungarys-orban-banks-anti-lgbt-campaign-tough-re-election-bid-2021-12-13/>>.

⁸ Emil Edenborg, ‘Putin’s Anti-Gay War on Ukraine’, *Boston Review* (Web Page, 14 March 2022) <<https://www.bostonreview.net/articles/putins-anti-gay-war-on-ukraine/>>.

⁹ Annika Burgess, ‘What Russia’s invasion means for LGBTIQI people in Ukraine’, *ABC News* (Online, 28 March 2022) <<https://www.abc.net.au/news/2022-03-28/lgbtq-rights-russia-invasion-kyiv-queer-activism/100932590>>.

Times¹⁰ in November of this year reported a further legislative package being introduced in Russia which would ban all “gay propaganda” seeking to prohibit representation of the rainbow community in any media.

Such campaigns seek to prey upon people’s insecurities, prejudices, fears (particularly where they focus on threats to the youth) and people’s lack of understanding. Ironically there is a considerable amount of evidence to show that isolating young people struggling with their sexuality and identity has extremely harmful effects.

Dr Ari Shaw, a senior fellow and director of International Programs at the Williams Institute in an article titled, “What Anti-LGBT Politics in the US means for Democracy at Home and Abroad”¹¹ commented that “It is no coincidence that LGBT rights are being rolled back at the same time that authoritarianism is on the rise.” It is his observation that countries with laws and policies that are inclusive of LGBT people are strongly associated with democracy and the rule of law.”

That highlights the importance of a strong legal system and impartial judiciary where the rule of law applies and there are laws in place to prevent discrimination and persecution, not promote it.

There are however sparks of light.

The European Union has spoken out against such campaigns being run in Poland and Hungary.

The Venice Commission, a panel of experts of the human rights body of the Council of Europe, found Hungary’s laws to “contribute to creating a threatening environment where LGBTQI children can be subject to health-related risks, bullying and harassment” and “leave space only for one-sided and biased teaching, opening doors to stigmatisation and discrimination of LGBTQI+ people.”¹²

¹⁰ Valerie Hopkins and Valeriya Safronova, “I’m Afraid for my Future’: Proposed Laws Threaten Gay Life in Russia’, *New York Times* (Online, 8 November 2022) <<https://www.nytimes.com/2022/11/04/world/europe/russia-lgbt-gays.html>>.

¹¹ Ari Shaw ‘Opinion: What Anti-LGBT Politics in the U.S. means for Democracy at home and abroad’, *UCLA School of Law Williams Institute* (Online, June 2022) <<https://williamsinstitute.law.ucla.edu/publications/anti-lgbt-politics-democracy/>>.

¹² European Commission for Democracy through law (Venice Commission), *Opinion No 1059/2021* (13 December 2021) <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e)>.

In 2021 the European Commission launched action against Poland, particularly in relation to the creation of LGBT-ideology free zones which a number of municipalities and regions have already retreated from, particularly after a threat was made by the EU to withdraw funding.

Notwithstanding the politicisation of the Polish judiciary, an appeals court ruled on 28 June 2022 that four municipalities had to scrap LGBT free zones after a legal challenge from Poland's Human Rights Ombudsman.¹³ Sadly, he is said to be no longer employed.

In July of this year, the European Commission determined that it would refer Hungary to the European Court of Justice over the alleged discrimination against LGBT people.¹⁴

The European Union has sought to withhold money from Hungary and Poland on the basis that in order to receive funding member states had to comply with conditions that recipients uphold its rule of law. Poland and Hungary were said to have engaged in conduct in breach of that condition including by conduct to usurp the power of the judiciary and roll back LGBTIQ+ equality.

In February 2022 the European Court of Justice dismissed a complaint of Hungary and Poland that the rule of law provision breached national sovereignty. It ruled that EU leaders have the right to deny funding to member nations that breach democratic and human rights standards.¹⁵

The European Court of Justice as well as the European Court of Human Rights¹⁶ provide an important restraint on the conduct of countries who themselves do not appear to apply the rule of law, even if the decisions of the European Court are not always favourably responded to by the countries concerned.

The examples of discrimination and targeting of the rainbow community that I have just mentioned highlight the importance of lawyers and the rule of law in a democracy to protect human rights and assist society and the legal system to adapt in meeting changing social

¹³ Alan Charlish, Anna Włodarczak-Semczuk, Jan Strupczewski and Gareth Jones 'Polish court rules that four "LGBT -free zones" must be abolished', *Reuters* (Online, 28 June 2022) <<https://www.reuters.com/world/europe/polish-court-rules-that-four-lgbt-free-zones-must-be-abolished-2022-06-28/>>.

¹⁴ Koen Slootmaeckers, 'EU sues Hungary over anti-gay law- what it could mean for LGBT rights in Europe', *The Conversation* (Online, 25 July 2022) <<https://theconversation.com/eu-sues-hungary-over-anti-gay-law-what-it-could-mean-for-lgbt-rights-in-europe-187209>>.

¹⁵ Jennifer Rankin, 'ECJ dismisses Hungary and Poland's complaints over rule-of-law measure', *The Guardian* (Online, 17 February 2022) <<https://www.theguardian.com/law/2022/feb/16/ecj-dismisses-hungary-poland-complaints-eu-rule-of-law-measure>>.

¹⁶ European Court of Human Rights; 'Guide on the case-law of European Convention on Human Rights, Rights of LGBTI persons' (Report, 31 August 2022) <https://echr.coe.int/Documents/Guide_LGBTI_rights_ENG.pdf>.

attitudes, values and contemporary needs. It highlights also the importance of organisations such as Pride in the Law in continuing to build a tolerant and more inclusive society in the future.

That is supported by observations of Dr Victoria McCloud, Master of the Senior Courts, Queen’s Bench Division, London in an address “Rainbow Lives, Monochrome Laws” for the second annual Belfast pride law lecture¹⁷ where she said:

“I suggest that we gain greatest protection and freedom not from the monochrome text of the law itself but the way in which the law is performed by those participating in it and from ensuring that the rainbow community which we celebrate at the time of Pride is, especially, fully engaged in the performance of the law.”

The landscape in Australia is changing in a positive way as was highlighted by Justice Bradley in his eloquent speech last year.¹⁸ Our laws and legal institutions now positively embrace diversity and inclusivity in many respects.

It is however evident that there are still debates to be had in the future as to how competing rights and beliefs are to be dealt with in the changing landscape.

How can that be approached?

Lawyers can have a pivotal role to assist society to balance competing interests and beliefs. Lawyers can apply their skills to start conversations to determine how a balance of opposing values can be reached respecting that people are entitled to differing views and beliefs, even if some of those views can be hurtful and challenge people’s personal choices. Lawyers have skills in negotiation, mediation and advocacy, all of which can be used effectively, not only to advocate for changes and tolerance but to dispel people’s fears and correct views founded in ignorance or misinformation or worse still malice and in doing so, as far as possible, ‘play the ball not the individual.’

It is important in such debates not to tar all people with the same brush. All Poles, Hungarians and Russians should not be labelled ‘anti LGBTIQ+’ as a response to the actions of political

¹⁷ Dr Victoria McCloud, ‘Rainbow Lives, Monochrome Laws Reflections on law and identity’ (Speech, The Second Annual Belfast Pride Law Lecture, Queen’s University, Belfast 2 August 2018) <<https://www.judiciary.uk/wp-content/uploads/2018/08/speech-master-mccloud-2nd-annual-belfast-pride-law-lecture-1.pdf>>.

¹⁸ The Honourable Justice Thomas Bradley, ‘Some thoughts on love, work and the future’ (Speech, Pride in Law 5th Annual Address, 5 November 2021) <<https://archive.sclqld.org.au/judgepub/2021/bradley20211105.pdf>>.

parties. Indeed, surveys in those countries show that not to be true. Nor should all people who are members of particular churches which have some members who express anti-LGBTIQ+ sentiments be tarred with the same brush. To label them in a negative way and seek to cancel those people out would be as misconceived as some of the statements made by those who engage in hurtful and inflammatory conduct against the rainbow community and risk marginalising and alienating people who are in fact supportive. By way of example, two dear friends of ours are catholic nuns. They worked at St Vincent's in Sydney. They and others in their order were amongst the first to look after people with AIDS when other health staff would not even be in the same room with them, let alone treat and care for them. They treated them with love and compassion. Six weeks ago, they went to a wedding of one of their former patients to his partner of 30 years.

People are entitled to hold differing views, within the bounds of the law, even if they are not shared by many and may be considered offensive. That is a democracy. People do not have to understand other's choices or beliefs, but they should, respect their right to make those choices and hold those beliefs. No doubt considerable debate and discussion may be needed to determine what changes to laws in the future may be needed. That will require people on all sides of the debate to listen to each other.

Father Frank Brennan recently wrote an article titled "Keep faith in respectful debate, not exclusion"¹⁹ and spoke of how the debate in relation to the CEO of the Essendon Football Club had resulted in some engaging in vitriolic attacks upon those with religious beliefs rather than respectful debate. He encouraged people "to advocate without accusation, disagree without disrespect and see differences as places of encounter rather than exclusion." That is what lawyers are skilled at and can lead others do – find places of encounter.

Good advocacy involves being able to persuade. The art of persuasion is generally best served by taking people on a journey with you. Think of those whose speeches seemed to touch the most people during the same sex marriage campaign, going viral. Think of the elderly Irish couple who did an ad in support of same sex marriage because they wanted the photo of their son with his male partner to sit on the wall with the wedding photos of their other three children.

¹⁹ Father Frank Brennan, 'Keep faith in respectful debate, not exclusion' *The Australian* (Online, 9 October 2022) <<https://www.theaustralian.com.au/commentary/essendon-and-cancel-culture-keep-faith-in-respectful-debate-not-exclusion/news-story/f8bbefccd5fe80a3c8efbec60e74a18>>.

One of the most effective pieces of advocacy for same sex marriage came from New Zealand from Maurice Williamson in his speech to Parliament “Be ye not afraid”²⁰ which included:

“...I had a leader tell me I would burn in the fires of hell for eternity and that was a bad mistake because I've got a degree in physics. I used the thermodynamic laws of physics. I put in my body weight and my humidity and so on. I assumed the furnace to be at 5000 degrees and I will last for just on 2.1 seconds. It's hardly eternity. What do you think?”

However, a huge amount of the opposition was from moderates, from people who were concerned, who were seriously worried, about what this bill might do to the fabric of our society. I respect their concern. I respect their worry. They were worried about what it might do to their families and so on.

Let me repeat to them now that all we are doing with this bill is allowing two people who love each other to have that love recognised by way of marriage. That is all we are doing. We are not declaring nuclear war on a foreign State. We are not bringing a virus in that could wipe out our agricultural sector forever.

We are allowing two people who love each other to have that recognised, and I cannot see what is wrong with that for neither love nor money. I just cannot. I cannot understand why someone would be opposed. I understand why people do not like what it is that others do. That is fine. We are all in that category.

But I give a promise to those people who are opposed to this bill right now. I give you a watertight guaranteed promise.

The sun will still rise tomorrow. Your teenage daughter will still argue back to you as if she knows everything. Your mortgage will not grow. You will not have skin diseases or rashes or toads in your bed. The world will just carry on. So do not make this into a big deal.

This bill is fantastic for the people it affects, but for the rest of us, life will go on....”

Can I move on to a different perspective about labels and that is a personal one and more directed at younger members of the audience.

²⁰ Maurice Williamson, ‘Rainbow Over My Electorate’ (Speech, New Zealand Parliament, 16 April 2013) <<https://speakola.com/political/maurice-williamson-nz-marriage-equality-2013>>.

Some of you may be on your journey and still be a bit fearful of what is before you, even though the younger generation seem to be much more comfortable with working out their sexuality and identity than certainly was the case with my generation. But when you are not within the perceived majority as a result of your choices and you feel that you are different, you can still be fearful and alone.

You may find some people close to you hesitate to refer to your sexuality. It might be because they disapprove but it might also be because they are worried about your choice and how that may affect your future and you will be judged by some in society. Some think if they do not use the term, such as “gay”, it perhaps makes that aspect of a person go away and others just need time to adjust. Can I say as much as it might seem unjust to you and stick in your craw, give people you care about time, and some may surprise you.

I have been with my partner now for over 20 years. There is no doubt that we are now very visible as partners although we are both private people. For many years we were not visible, and I have to say that was largely the result of my decision. I did not see why my private life was the concern of anyone. While I still have that view, I appreciate my desire to remain invisible was also because of my own fears.

Gradually we did let people in starting with family and close friends. They were supportive but it took time for some to adjust to our relationship.

One lovely family member of my partner spoke to her one night not long after she had learnt we were together and told her that there was a show on “Australian Story” and said, “you might want to watch it because it is about people like you”. My partner helpfully responded by saying, “What, about accountants?”, knowing full well no-one wants to do a show about accountants. It was in fact about David Graham also known as ‘Farmer Dave’ who made headlines for declaring he was Gay in a speech to his housemates in the show “Big Brother”. While the family member couldn’t at that time put a name on people like us, she was being supportive and trying to message that she was on our side.

As I have said, while I did not want to put a label on our relationship, with age and wisdom, I realised that the person who had the greatest difficulty in dealing with the fact that I had a female partner was me. That was not the expectation that I grew up with. I was a catholic and had been brought up with, when society dictated that the normal person would marry somebody of the opposite sex, have children and settle down with the house and white picket fence. I had for a long time expected that would happen. And then I met my wonderful partner. When we

first met, I was on the pathway to a successful legal career. I was fearful of how I was going to be judged for going outside the perceived perimeters of society and that I was going to be pushed outside that fence.

In hindsight I should have realised that was irrational. The people who surrounded us in our life, family and friends, did not categorise and label people and choose friendship according to whether you fit into the right back. In fact, they would always just go for the wine, regardless of the label. And often a lot of it. Frankly I was quite disappointed in my friends and their reaction. I thought there could have been a little bit more fuss and fanfare when we finally let them in. Rather, it was an entire non-issue which from their point of view did not even bear comment. That reaction might also have been influenced by the fact it may have taken a few years for us to get to the point of letting people in and by then a number had worked it out, but respected the fact that people need to work out when the right time is for themselves.

Although in a different context, as was said by Franklin D Roosevelt in his inaugural speech “The only thing we have to fear is ... fear itself – nameless, unreasoning, unjustified terror which paralyses needed efforts to convert retreat into advance.” Our family and friends were interested and valued us, not the label. Our happiness was all that they were concerned with, even if it took some people time to get to that point.

As for my legal career, I was fearful of what effect my relationship would have on my future. I had seen others who did not progress as they should have because of their sexuality. However, with a change of firm and a new environment they subsequently flew to the heights of their career.

My career did not crumble. My work colleagues and friends did not abandon me, and people did not stop briefing me.

Some of my more senior friends and colleagues quietly brought me back from my self-imposed non-publication order. One member of my Chambers had worked it out long before others. He and his wife set about asking both of us to functions together. They knew we were something more than friends but just showed love and acceptance, without pressuring us to make any admission. One dear friend who was also a mentor throughout my life ensured I knew I had her support every step of the way.

There were of course a few bumps along the road.

I can remember one colleague who when he found out telling me that he just wanted me to know that he had no problem with the fact that I was gay, and he would not treat me any differently because of it. I said that was very nice of him to say so but wondered why it would have been a problem to him in the first place. That ended that conversation very quickly. Sometimes derisory comments were thrown my way from colleagues.

While there are inevitably those naysayers who seek to bolster themselves up by trying to marginalise you and put you down for something entirely irrelevant to your career, I found that my supporters and defenders far outnumbered the few who fell into that category.

When I was appointed to the Bench, my partner and I were accepted as a couple from the start and again it was an entire non-issue. My experience was very different from that which Michael Kirby describes. Times have changed.

There is no doubt however, that prior to me finally becoming brave enough to become visible and step out of the shadows that one of the paralysing fears I had was that my career would stop. However, when you yourself acknowledge who you are and stand up proudly, any influence or power of those who may seek to knock you down largely erodes.

I would hope it would be a far easier experience for most of you but for what it is worth my advice is:

1. Do not let matters such as gender or identity be a monkey on your back, or it will paralyse you and cause you to think every negative thing that happens to you is because you are gay. Some people might just not like you. Some opportunities may not come your way just because there are others on the playing field who get picked ahead of you. Run your own race and be yourself;
2. You may well run into barriers placed by the narrow-minded people on the narrow-minded street. Work out the route around them whether it be by finding others around you who are supporters or going to a place where people recognise your talents and accept you for the person you are.
3. Don't walk past conduct that you shouldn't accept, particularly against those more junior than you;
4. Extend a smile to someone who you might see is struggling;
5. Don't let people attach a label to you, put you in a box and limit your success or enjoyment of life. Seek out people who accept you and mentors that can guide you

along the sometimes-rocky road. In other words, don't let anyone rain on your parade.

I return to the title of my speech. The title came from the show, *Schitt's Creek*, which was one of good things that came out of Covid. Despite initial hesitation we watched all six series.

Schitt's Creek has been described as a hick town in the backblocks of society. Stereotypically one would think it would be populated by prejudiced, blinkered people intolerant of others who stray outside the "norm". The Roses arrive from L.A. having lost all their wealth, feeling far too superior to be in such a town. One of the characters, David Rose is a flamboyant individual who is pansexual. On its face, the contrast between the Roses and the residents of *Schitt's Creek* could not have been greater. The stereotypes are however stood on their end in this show. The town contains the kaleidoscope of humanity who are quirky and content with their lives and show love and tolerance towards the Roses despite their initial snobbery and superior air. Dan Levy's, character, David Rose, in describing his sexuality to his friend Stevie, describes himself as being more into the wine than the label. He goes on to develop a loving relationship with Patrick and they run a local business together and ultimately get married with all the town attending.

The Guardian identified the five things that make it such perfect Emmy award winning TV²¹. That included that Moira is a creation like no other and that it completely normalises LGBTQA+ relationships.

In response to the show, 1800 mothers of LGBTQ kids, Mamabears, wrote to Daniel Levy and the cast to thank them for what the show had done for their kids stating "Your commitment to represent love and tolerance in your show is so important to families like ours. Your willingness to explore, inform and educate about LGBTQ people and their relationships in an entertaining but respectful manner sets a tone that is often missing... We sincerely believe that shows like *Schitt's Creek* will serve as a catalyst to help change the world into a kinder, safer, more loving place for all LGBTQ people to live." ²²

²¹ Gabrielle Jackson, 'Schitt's Creek: the five things that make it such perfect, Emmy award-winning TV', *The Guardian* (Online, 21 September 2020) <<https://www.theguardian.com/tv-and-radio/2020/sep/21/schitts-creek-the-five-things-that-make-it-such-perfect-emmy-award-winning-tv>>.

²² Muri Assunção, "'Schitt's Creek' cast breaks down in tears after seeing 'thank you' letter signed by 1800 mothers of LGBTQ kids", *New York Daily News*, (Online, 10 April 2020) <<https://www.nydailynews.com/snyde/ny-coronavirus-schitts-creek-breaks-down-tears-thank-you-lgbtq-kids-20200409-3wcorhs3a5h3tpow3aafctycse-story.html>>.

We are all normal to the extent anyone is normal.

While somewhat idealistic, there is no reason that society cannot be Schitt's Creek on a larger scale, where people can be their authentic selves and accepted for who they are, for their differences and similarities and treated with respect. To be our best selves in our lives, personal and in our career, we must be who we are because after all, to use the words of the great Shirley Bassey:

“It's my world that I'd want to have a little pride in
My world and it's not a place I can hide in
Life's not worth a damn till you can say I am what I am.”

Justice Susan Brown, 11 November 2022