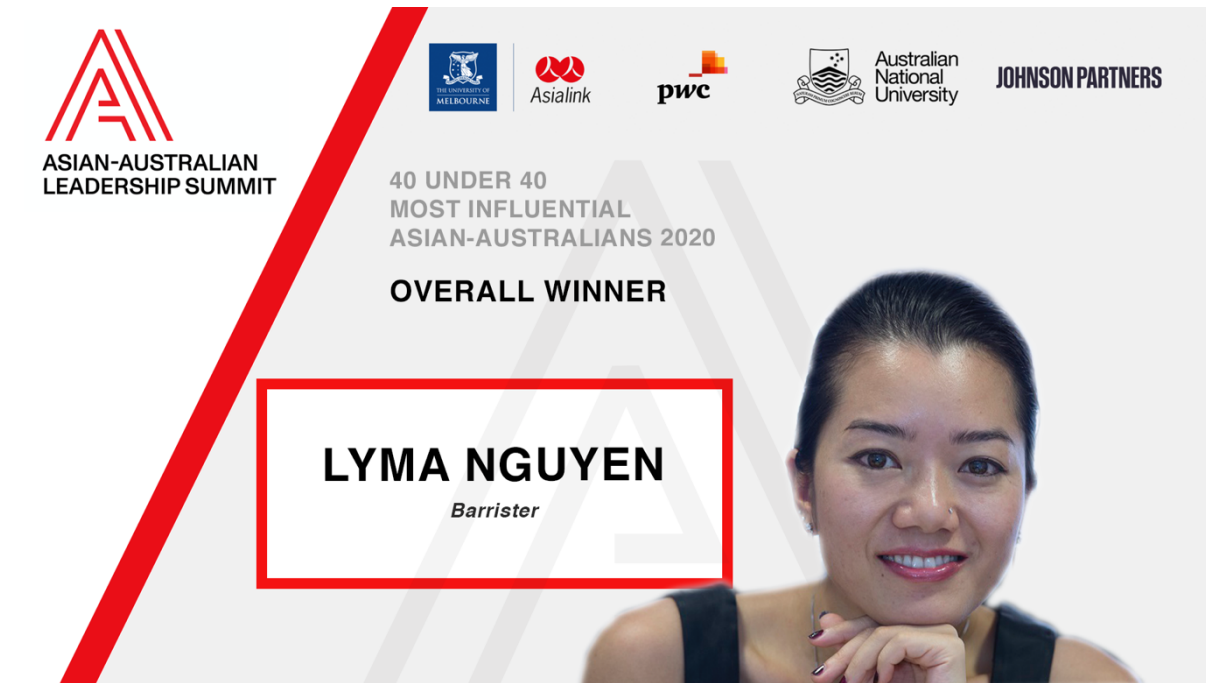


Speech by Lyma Nguyen

Overall 2020 Winner of the 40 under 40 Most Influential Asian-Australian Awards

Presented at EventBrite online Award Ceremony, held on 29 October 2020



It is with gratitude that I come before you to accept this award. In doing so, I must reflect on how fortunate I have been, to have come from nothing ... to become something!

I have never forgotten my humble beginnings, commencing with my birth at “Kuku Island Refugee Camp”, in Indonesia.

I was only a few months old when my family were formally recognised as asylum seekers. We lived at Galang Refugee Camp, close to the border with Singapore, for about one and a half years, wondering where in the world we would end up. In 1983, my family were granted a humanitarian visa, permitting us to settle in Australia.

I grew up in the Brisbane suburb of Darra – in what I have often referred to, in jest, as the “Vietnamese Ghetto”. I recall my grade 1 teacher at Darra State Primary School, teasing about my shoes flipping and flapping as I walked, as they were a few sizes too big for me. My family wore mixed-matched clothing, donated to us by the Salvation Army, the Red Cross and St Vincent de Paul. Our trips to the dump were also a treasure hunt, as we used to find toys that others had thrown away. I got my very first guitar from the dump. On reflection, my prevailing love for op-shopping must have derived from my fond memories of those days, where trash and treasure were one and the same. Today, Darra, has developed into a cultural hotspot.

I left home at the age of 17. I had no firm life plans.

I did not commence my university studies with law. Instead, I studied philosophy, peace and conflicts studies, history, religion, psychology – just random subjects about which I liked to ponder. It was only after realising that if any *real* change in human rights, social justice, and

peace, were to occur – it was more likely to be within the realm of international and domestic legal frameworks, than as an armchair philosopher – that prompted me to study law.

In my 20s, I travelled extensively, volunteering in East Timor, Nigeria; doing an international legal clerkship in Singapore, backpacking Europe, trying to explore the depths of my inner and outer world.

I recall that, when returning home to Australia, Customs would stop me at the airport, ask me to step aside, and carefully scrutinise the contents of my luggage – even to the point of reading my personal journal! It took me a while to figure out that it was because I was profiled as a drug smuggler.

Well, it makes sense, doesn't it? – having “Nguyen” as a surname; having an address in Darra; “Kuku Island” as place of birth on your passport; entry stamps to or from major drug source countries such as Nigeria and Singapore, and being an Asian female in my 20s, flying through another drug port, Sydney on my way home ...

In legal practice, “words” are the tools of the trade – *words* are black and white on a page – but life, is *never* black and white. The stories and lives I come across in my practice are multi-coloured, multi-layered paintings of lived experiences, reflecting many human conditions and possible realities.

I believe that we are all equal before the law – and I *live* that out, when I represent clients before courts and tribunals, both international and domestic.

In my last Supreme Court trial, I defended an elderly Indonesian fisherman, the master of a foreign vessel alleged to have fished in Australian waters. After having spent 3 days in prison and 3 months in immigration detention – he was back in Australia to face trial for the third time, in the same case. In the middle of that third trial – he became involuntarily detained in a psychiatric unit of the Royal Darwin Hospital. I found myself back and forth between the hospital and the court. My role at that juncture, became much more than just his barrister. My client had suicidal ideation and the trial, at that point, had to stop. For him, that case was a matter of life and death.

When I defend Indonesian fisherman who come before criminal courts in Australia, prosecuted with the offence of fishing illegally in Australian waters, I *never forget* that *my parents* came by boat, to *their* country, Indonesia, and – *without anyone's permission* – my mother gave birth to me on *their* soil. We were not punished for this apparent act against their sovereignty – not the way asylum seekers who find themselves detained indefinitely in outback Australia, or on Nauru or Manus Island – are *punished* for their mode of arrival in Australia by boat.

I've been asked whether I have experienced discrimination in the legal profession. Discrimination can be nuanced and appears in many forms – and it is difficult to discern whether any adverse treatment I have faced, has been based on being a woman in a traditionally male dominated profession; or due to my Asian appearance – that is, having a tendency to look younger than my actual age, often perceived as being *inexperienced*.

During the years when I represented genocide victims at the Extraordinary Chambers in the Courts of Cambodia, I was often asked, “Who are you interning to?”

I was, in fact, International Counsel working alongside national Cambodian counsel, representing victims of serious mass and historical crimes before the Khmer Rouge Tribunal. However, it was probably not an unwarranted question, as I was only 27 at the time, yet I probably looked 17!

My key client group in that internationalised court were the ethnic Vietnamese minority, who had resided in Cambodia on the floating villages on the Tonle Sap River for generations. The tribunal ultimately found that the Khmer Rouge Senior Leadership committed acts of genocide against this group. My clients had only survived because they had been forcibly removed to Vietnam, deemed in law to constitute a crime against humanity. The Vietnamese Government, in an effort to save lives, exchanged bags of salt, to the Khmer Rouge, for these human beings. My clients survived because they had been traded with salt, and were able to reside in Vietnam whilst mass executions took place in Cambodia as against those who remained. My work uncovered that genocidal acts against this group had generational impact, including present-day social marginalisation and lack of identity in Cambodia.

An unforgettable moment in my work was when the Village Chief of my clients presented me with two rare fish from the Tonle Sap River, which she had carefully dried, salted, and wrapped up in the Phnom Penh Post newspaper, ready for me to take back to my parents in Australia! Of course, all I could think about was Australian customs and the strict airport quarantine regulations at the border. Looking back, that situation was one of the greatest expressions of appreciation I have received from my clients, who could never afford private representation. Fishing was their livelihood, and this was their way of saying “thankyou”.

In June 2018, I was qualified by the International Criminal Court to be referred cases to represent victims of atrocity crimes, or accused persons charged with those crimes. I considered this to be a milestone in my career.

However, in the very same week, in a jury trial before the Supreme Court in Darwin, an elderly, white, male *Acting* Judge, made it clear to me that he did not like me. I was *berated* and *castigated* in a manner I hadn't experienced before. It was suggested by this man, that I needed to prove my legal qualifications. It remains unknown to me, the true reason behind the Judge's obvious disdain towards me – but it may be another example subtle discrimination. Perhaps it is still the case that Asian women are expected to behave meekly, rather than robustly – even in the courtroom.

Judicial bullying has become an issue very close to my heart. There is a significant power imbalance in the courtroom, and judges must realise the devastating impact their words and conduct may have on those tasked with appearing before them.

I have learnt that, in my profession, you can only succeed if you have a sense of who you truly are, *at core*. You cannot let yourself be blown in all directions by the wind. You will represent high profile cases; unpopular cases; you will represent corporations, and then, the underdog. You cannot rely on being loved and glorified by some; and you cannot hold onto being hated and berated by others. Dealing with gruelling judges and difficult clients will test your limitations and boundaries each and every day.

Being the 2020 winner of the Asian Australian Leadership Awards is an extraordinary honour. It might have ended up – by pot luck – up anywhere else in the world, into any other situation. But here I am, in Australia, with the privilege of an Australian education and fulfilling work.

Australia's Asian heritage is an enormous asset to this nation – and cultural diversity in leadership needs to be a priority if we are to ensure multi-dimensional perspectives in positions of influence.

I thank Johnson Partners, Asialink, Australian National University, Pricewaterhouse Coopers and the University of Melbourne for this initiative – and I do hope that this time next year, we will be able to come together face to face, to continue to be inspired, and to celebrate diversity in leadership across so many important sectors of our Australian community.