

*Welcome to New Students*  
*University of Queensland TC Beirne School of Law*  
*28 February 2001 - 10.30 am*  
*Abel Smith Lecture Theatre – University of Queensland – St Lucia*

The Hon Paul de Jersey AC, Chief Justice of Queensland

---

Good morning! This is a very happy task for me – your obvious enthusiasm and eagerness to commence studies are refreshing, exciting! I am confident you will enjoy your experiences here.

This week you become scholars at a fine university. You are most fortunate to enter the TC Beirne School of Law. But your entrance also reflects dedication and tenacity on your part, and outstanding academic achievement, and I at once congratulate you on that! Your efforts at school will be good preparation for your university studies, which will be demanding. I hope the long summer break brought relaxation and enjoyment so that you now may be ready for a little more toil!

Certainly you will have many opportunities to enjoy yourselves here. This university boasts an enormous number of sporting groups, clubs and societies, musical activities, as well as tempting coffee shops and other places to meet with friends. There is truly something for everyone! Within the law school, you may enjoy mootings, witness examination competitions, and other law-related, yet social, activities. And membership of the “UQ Law Society”, and/or “Women And The Law”, I am informed, guarantees much quality social interaction!

After a hectic final year at school, I hope you enjoy studying in a more relaxed environment, with the freedom to enjoy various extra-curricula pursuits, and the

autonomy to work at your own pace. It is important that you relax enough – too many practising lawyers experience burn-out, and it would be tragic for this to happen even before you enter the workforce! But I suspect that for some, the freedom of university life may be all too tempting – don't relax too much! Do make sure that you include study in your weekly program! Studying law is not a walk in the park for anyone – even those who might not have found secondary school studies terribly taxing. Just as each of you is a high achiever academically, so you now must compete with a top-class body of fellow students. You will do best to view your studies as your full-time job, establishing a consistent and comprehensive study strategy from your earliest days here. Not only will you avoid the horrors of last minute “cramming”, you will retain what you now learn, for later use during your careers.

I will give you but one last piece of advice – attend lectures. While I am sure the majority of you would not dare do otherwise, it can be tempting, where class rolls and “black marks” are things of the past, to drift through the course, and pray to pass! But students who do so deny themselves perhaps the greatest university experience of all – the chance to explore concepts under the guidance of academics highly acclaimed in their fields, to discuss and debate with great legal minds, and to forge friendships with others on an intellectual level.

So what is it that has brought you here today? Your reasons for choosing to study law will be many and varied. You will almost certainly be disappointed if you seek the opulent lifestyle popularly attributed to lawyers – it seems that, in this profession, any success, monetary or otherwise, comes from many long nights of hard work! Of

course many lawyers must at least in part be driven by wealth, and some even achieve it - although never as much as they would like, I suspect! One famous quote is attributed to the great American trial lawyer Clarence Darrow: “How can I ever thank you?”, gushed his client after winning her trial. “My dear woman”, replied Darrow, “ever since the Phoenicians invented money, there has been only one answer to that question.” But in serious vein, I do hope that you are drawn to law’s more noble aspects – the opportunity it provides to serve others, and particularly, to ensure greater access to justice according to law for all people. This is, I believe, our greatest concern in the courts. My hope is that you, too, will identify with this aim.

You will note I mention “justice according to law”, and not merely “justice” – this might initially seem strange. Many people wrongly assume judges are bound to judge according to what is “fair” and “right”, and deliver “justice”. This can lead to great dissatisfaction where what someone perceives to be the “fair” outcome is not reached in their case. But you will remember one of the great bases of democracy – the rule of law. It is precisely through Judges adhering strictly to the law, and not their own subjective versions of morality or justice, that legal certainty and democratic freedom can be guaranteed. Judges must make decisions wisely and fairly, but according to the law which binds them, and all other citizens, alike.

However the law does not operate in a moral vacuum. For the most part, our law reflects the values inherent in the society it binds. And Judges do in fact have discretion in some areas. One example is in sentencing convicted offenders. Judges are constrained by Parliament-enacted legislation to sentence within specific ranges.

They must also sentence consistently with other sentences imposed in similar circumstances. But what ultimate penalty should be imposed is a question for the individual Judge to decide. So Judges must both follow the law, and also exercise personal discretion, aiming to produce just outcomes.

As you study the law, you will do well to have this combined focus – to consider both “what is the law?”, and “what is just?” You might sometimes feel that the Court in a particular case applied the law with an unfair outcome – remember, if this is the case, the constraints on the judicial function. But remain critically analytical – you will be better lawyers, and better people, for it.

So what is the law? I have in the past described it as the community’s best attempt to assure what is sometimes called a ‘civil’ society; a framework of known or predictable regulation necessary for our civilised interaction as sophisticated human beings. Over the next years you will study aspects of it very closely, and form your own views – but don’t forget its pivotal significance to our democratic society.

Our legal system is probably foreign to many of you. You’ll learn about it, too, in due course. You will find it quite removed from the picture painted in Ally McBeal or Judge Judy! I would encourage you, while you study it in theory, to come and view court proceedings – and see the system first hand. Almost all proceedings are open to the public, and can be quite exciting when one is an uninvolved spectator!

In some ways, studying law means something quite different now from what it did “in my day”. Just looking around the room one can see how times change. Your clothing this morning would, in my day, have seemed frightfully inappropriate. On the other hand, the “uniform” then for aspiring law students - hush puppy shoes, long socks, tailored shorts and shirt and tie - you would now find quintessentially dorky! Your experiences as a student will also be quite different from mine – particularly where information technology’s influence has been felt. The internet, for example, unheard of in my day, was a relatively new tool primarily used for research or e-mailing friends when my own son started his law studies four years ago. Today, where citizens of the world are shopping, banking, communicating and conducting business on-line, it would be hard to be a student without internet access – and a great many students use it to enrol in the first place! And of course its increased use has not only altered legal practice and the process of studying, it has also opened up new legal fields not dreamt of previously. But for all the changes, the essence of legal education remains the same, and that covers not only understanding of legal principle, but an appreciation of the idealism underpinning it.

I have impressed upon you that you must be serious about your studies, and sober about your responsibilities on becoming lawyers. You might now wonder if you are to have any fun at all during the next decades. You will be relieved to hear that I expect you will! And not only socialising with your peers – the law itself can be stimulating, if serious in nature. It also occasionally provides humour – if unintentionally! I was reminded during the recent election of what I have long thought a most memorable

piece of legislative drafting. It is s 213 (I) of the *Commonwealth Electoral Act*, which prescribes how to determine the order for listing candidates on ballot papers:

“(1) Where under section 210 or 212 a person is required to determine in accordance with this section the order of the names of candidates or of groups in ballot-papers to be used in an election:

(a) the person shall, at the declaration time for the election, at the place where nominations for the election were publicly produced and before all persons present at that place:

(i) prepare a list of the names or groups, as the case may be, in such order as the person considers appropriate;

(ii) read out that list;

(iii) place a number of balls equal to the number of candidates or groups, as the case may be, being balls of equal size and weight and each of which is marked with a different number, in a spherical

container large enough to allow all the balls in it to move about freely when it is rotated;

(iv) rotate the container and permit any other person present who wishes to do so to rotate the container;

(v) cause a person who is blindfolded and has been blindfolded since before the rotation of the container in accordance with subparagraph (iv) to take the balls, or cause the balls to come, out of the container one by one and, as each ball is taken or comes out, to pass it to another person who shall call out the number on the ball;

(vi) as each number is called out in accordance with subparagraph (v), write the number opposite to a name or group, as the case may be, in the list prepared in accordance with subparagraph (I) so that the number called out first is opposite to the first name or group, as the case may be, in the list and the subsequent order of the numbers in the list is the order in which they are called out;

- (vii) place all the balls back in the container;
  
- (viii) rotate the container and permit any other person present who wishes to do so to rotate the container;
  
- (ix) cause a person who is blindfolded and has been blindfolded since before the rotation of the container in accordance with subparagraph (viii) to take the balls, or cause the balls to come, out of the container one by one and, as each ball is taken or comes out, to pass it to another person who shall call out the number on the ball;
  
- (x) prepare a list of the numbers called out in accordance with subparagraph (ix) set out in the order in which they were called out in accordance with subparagraph (ix); and
  
- (xi) write on the list prepared in accordance with subparagraph (x) opposite to each number the name or group, as the case may be, set out opposite to that number in the list prepared in accordance with subparagraph (I); and

- (b) the order in which the names or groups, as the case may be, are set out in the list prepared in accordance with subparagraph (a)(x) is the order of the names or groups, as the case may be, determined by the person under this section.”

Now, are you clear on that, or should I go through it again?!

But seriously, you need not fear finding life dull here at UQ. The TC Beirne School of Law now offers its students a great range of educational experiences. You might enjoy participating in an international and comparative law program jointly run with Marquette University in Wisconsin, USA – studying either at the Marquette Law School, or with that school’s students here in Brisbane. I understand that the possibility of a similar program with the University of Madrid in Spain is being explored. Perhaps you would enjoy editing the widely respected University of Queensland Law Journal. And where this law school last year established the first student-run Moot Court Bench in Australia, following the tradition of great American law schools, you will have many opportunities to develop advocacy skills through mooting and witness examination competitions. (Mooting, for those perplexed by this slightly strange-sounding concept, is like conducting a mock trial.) The TC Beirne School of Law has established an impressive reputation as a formidable mooting force. Last year alone, student teams representing UQ competed with top universities

world-wide most impressively to win the Willem C Vis International Commercial Arbitration Moot and the Spirit of Jessup award in the Philip C Jessup International Law Moot Competition, and reaching second place in the John Marshall Informational Technology Moot competition in Chicago. Should you yourselves undertake some mooting – and I understand that at least a little is required for your degree, you will present your arguments in the “Sir Harry Gibbs Moot Court”. You might already have noticed this courtroom, located in the law library, which is named after a great Queenslander, Sir Harry Gibbs, a former Chief Justice of Australia. You might be interested to hear that the furniture in this courtroom comes from the old Supreme Court building, which was partially destroyed by fire in the late 1960s. In fact the building was set alight by arsonist David Brooks, who left a note pinned by knife to a courtroom desk, reading “JUDGE NOT LEST YOU BE JUDGED. SINNER.” On conviction by jury, he was sentenced to six years’ imprisonment with hard labour. This is but one of the exciting tales hidden in the furniture of your moot courtroom!

This is now the third time I have addressed new students such as yourselves. Each time I have recounted a little of my own career. I don’t particularly enjoy doing it – to me it seems a degree egotistical. But I have been assured by my Associate on each occasion that new law students may find it interesting, and reassuring. So I will follow her advice – but briefly, and only so far as I might reassure you all that I was once very much in your shoes – nervous and excited to be starting my studies. Just as you will, I had to work very hard through university. I was not one of these mythical creatures for whom success was assured!

My own orientation week was in 1966, my final year 1971. I graduated in Arts - with majors in English literature and Government - and Law. I spent 5 years in the University Regiment, as a reservist alternative to National Service in Vietnam: those were the days of conscription, and it was a worthwhile experience. For my last year at University, I was Associate to a Supreme Court Judge, Mr Justice Wanstall, later Sir Charles Wanstall, Chief Justice. When I graduated in 1971, I was immediately admitted to the Bar and commenced active practice. I also married my wife – whom I had met when she worked as a librarian in the Law Library! My practice was varied, but with an emphasis on commercial and constitutional matters. After ten years at the Bar I was appointed one of Her Majesty’s Counsel. During my 13 years at the bar, I appeared of course before the High Court, and also before the Judicial Committee of the Privy Council, an avenue for appeal no longer available. I was appointed a Judge of the Supreme Court in 1985, and in 1998, Chief Justice.

It will be most interesting to see where your careers lead you. To the judicial bench? To senior partnerships in major firms? To official duties in multinational organisations? And these are not the only fulfilling careers, of course. I hope you find fulfillment on whichever level you choose.

Not all of you will end up directly practising as a lawyer. While this is a degree which trains specifically for that field, it also coaches students in skills useful in many other areas. Legal knowledge is a valuable thing in this society – and the content of your

studies, combined with the tenacity required for, and intellectual rigour involved in studying law will stand you in good stead for a great variety of fields.

But I am not attempting to dissuade you from legal practice! It is something I have found challenging and fulfilling. I hope you will share this experience. Of course you will be required to endure no end of “lawyer jokes” – but you will thereby be reminded of the challenge to rise above popular stereotypes, to focus on public service, to seek true professionalism.

But for now, I hope you enjoy this your first year of law, and particularly that you enjoy being part of this fine law school. I very much look forward to meeting with you again – professionally! My very best wishes until then!