

## **ORIENTATION WEEK ADDRESS**

TC BEIRNE SCHOOL OF LAW  
UNIVERSITY OF QUEENSLAND  
MAYNE HALL  
**WEDNESDAY 27 FEBRUARY 2002**  
**10.00AM**

---

### **Chief Justice Paul de Jersey AC**

Ladies and gentlemen, welcome to the law! You enter a law school of great distinction. Please fully exploit the opportunities it presents.

I expect the motivations which impel you into the law are varied: your wish to help your fellow human beings; some basic feel for justice; a wish to redress what you may see as injustice; a liking for debate; you may come from a “legal family”; you may have been intrigued by Horace Rumpole – but not I hope Judge Judy; you may believe you can’t waste a high OP score; and beyond all that, you may simply love money! I should make clear however there is not necessarily a lot of that to be gained here. No doubt many features would combine to explain why you are here. But I hope that a yearning to achieve just results for your fellow human beings plays a large part.

One of my earliest, personal childhood recollections was a fascination with the very word “lawyer”, that is, as a word. To this seven year old it had a rather beguiling ring to it. Why did I join this profession? My own family had no background in the law, I should reassure those of you who think that might be important. A fair bit of debating at school probably fixed my direction. It was the law or medicine. I chose the law. These decisions can be rather indeterminate. Mine turned out to have been right. I hope yours may be also!

I primarily urge you to demonstrate massive application while you’re here. But I’ll concede my own time at this law school had more than its fair share of the lighter moments – I won’t recount them apart from acknowledging that I spent quite some time in the refectory trying in vain to develop a liking for coffee. That

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

matured when I left the refectory and my wife and I started buying our own! My serious point this morning is to say that if you have the requisite drive, and substantially use the opportunity for study available here, you have every prospect of succeeding: even today as the profession is so competitive. Family legal backgrounds are not these days, if they ever were, necessary for success in the law.

Neither, approximately 60% or more of you obviously realise, is being male. This year, of a law school of 1,253 students, 58.1% are female. One of the most marked developments in the Supreme Court over the four years of my Chief Justiceship has been the dramatic change in its gender composition. When I was appointed Chief Justice in February 1998, there was but one woman Supreme Court Judge, of a bench of 23. Now there are seven of 24. A consequence of the extent of appointments of women Judges is that the number of women in the senior ranks of the Bar is now small: there are therefore limited numbers of women barristers who can act as senior mentors for their novice colleagues. But time will remedy that, and going by the numbers of women now studying the law, it won't take too long. On the solicitors' side, many more women are rising to partnerships in firms, and work-sharing and part-time arrangements leave them freer these days to accommodate other naturally, and I may add biologically, competing demands.

Another consequence of the influx of women into courses like those you'll undertake here, is to give men a "wake up" call. We all have the same innate capacity to succeed, whether we be male or female. We have all read suggestions that males for a time became a tad complacent about secondary and tertiary academic study, with some sense of assurance of later professional success come what may. If that attitude was ever explicable because of the composition of the student body and the profession, it certainly could not now be sustained. I hope you will spar intellectually off each other, whatever your

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

gender, whatever your intellectual, ethnic, social or other background. There is no doubt the law school of the first century of the third millennium is a highly competitive institution, as is the profession which most of you have in mind. And so I urge you, fully exploit the great opportunities you now have.

I think, by the way, you are particularly fortunate to be contemplating a legal career in this State. You'll be relieved to hear I'm not about to embark on a political promotion of Queensland. But it is a common belief that practising the law in this State can be a particularly pleasant, while appropriately challenging, experience. We fortunately don't suffer some of the frenetic bustle which characterises our southern cousins; but on the other hand, with the vitality of this State's economy in particular, there is avenue for great legal challenge. For the young professional, the lure of overseas and interstate practice can be quite intense. If you do at that later stage yield for a time, I hope you'll nevertheless return. The legal tradition of this State is a rich tradition.

Last year as we celebrated the centenary of Australian federation, a cerebral debate raged as to who contributed most to the drafting of the national Constitution: the Tasmanian Inglis Clark in particular, or our own Sir Samuel Griffith. I entered that public debate on the side of Griffith, out of a firm personal conviction that he was the man; and of course as a proud Queenslander, I was incidentally pleased to be able to take that line. I want to mention Griffith for a moment because of his iconic position. He died about 80 years ago, but his legendary status endures, and it's one which may well inspire you at this early stage. There are of course any number of current models of high achievement from whom you may draw inspiration, and many of them spend their working days within this very University. But Griffith stands out.

A Welshman by birth, Griffith graduated from the University of Sydney in 1870. He entered the legal profession in Queensland via articles of clerkship to an

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

Ipswich solicitor. He joined the Brisbane bar in 1867, and became Queen's Counsel about nine years later. A successful barrister, he also managed to run concurrently an effective political career, rising to the rank of State Attorney-General and for five years State Premier. He was irreverently nicknamed "oily Sam" for his reputed ability to argue any side of an issue convincingly.

Griffith was in the 1880's one of the leaders of the movement towards federation. In 1893 he became the third Chief Justice of Queensland – for interest's sake, I am the 17<sup>th</sup> in the Supreme Court's 139 year history. Griffith was State Chief Justice for 10 years, and then in 1903 became the first Chief Justice of the newly inaugurated High Court.

Those high appointments and numerous court decisions aside, Griffith contributed massively to the public through the drafting of the Commonwealth Constitution, and the Queensland Criminal Code – a code so influential that it forms the basis of the criminal law of about 17 other nations and states, countries as diverse as Zanzibar and Israel.

Certainly Griffith had talent. He also had a lot of self-confidence: at the age of 18 years, for example, he had what many would see as the audacity – perhaps the vanity – to apply for the headmastership of Ipswich Grammar School. But he also worked very hard, and in trying conditions: there was no air-conditioning then! It may be that the strain explains why, travelling daily, by horse and sulky, between the courthouse and his New Farm residence "Merthyr", he is said to have consumed a bottle of whisky, half on the way to court and half on the way home! And the horse apparently knew its own way in both directions!

Remember the achievements of Griffith, a legendary Queenslander and a legendary Australian, while not focusing unduly on the consumption of alcohol. With hard work and careful application, and ordinary good luck, you all have the

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

prospect of achieving highly; and never overlook the possibility that you, yes you, may actually have “star” quality.

Ladies and gentlemen, you individually possess a number of qualities, taken as read from your being here, and they include high intellectual capacity and the ability to work with persistence and application. Those capabilities will equip you well for your time here. The study of the law presupposes high intellectual capacity. Some of the concepts involved are quite difficult. Another aspect which underpins the law is traditional morality: what the majority of people consider to be right rather than wrong. But you will understand that the concern of lawyers, and the courts, is with the law, not morality. You will be fortunate, however, to be nurtured in a system where, at least by and large, the law does reflect traditional morality, both the statute law enacted by the parliament, and the non-statute or “common law” developed by the courts. For these features – intellectual rigour and traditional morality – the study of the law is potentially very rewarding.

The best advice I can give you beyond stressing the need for hard work and dedicated application, is this: the best lawyers are never boring! If your life from here on becomes enveloped in legal study to the exclusion of all else, your appeal as a human being will greatly diminish. Keep interested and interesting. Retain or develop an interest in fields other than the law: cultural pursuits, sport, the company of others.

I should say I wouldn't limit “culture” to Lincoln Park, Robbie Williams and Blink 182. (I used on past occasions to refer to the Smashing Pumpkins, but alas, they are no more!) Neither should what I term “the company of others” be enjoyed only at the newly-resurgent Regatta. You'd also do well, I suggest, to keep some limit on the dance parties. But subject to those constraints, do enjoy student life!

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

A reliable antidote to undue absorption in the law is the regular reading of non-legal books. The Vice-Chancellor tells me that he reads a book a day. The advice of a former High Court Chief Justice, Sir Anthony Mason, was that every lawyer should read at least 40 non-legal books a year. My former colleagues on the Supreme Court who are now adjunct professors of this law school, the Honourable Des Derrington and the Honourable Bill Pincus, are both avid readers in diverse fields: and they are diverting people.

To those of you who haven't read much in recent times, why not at least start with Matthew Reilly, and for that matter our local favourite Nick Earls – he and I after all went to the same school, albeit at times generationally separated.

Being interested and interesting would entail a tendency to question the validity of established positions. I understand that the current educative approach at the Law School is strongly centred on analytical reasoning, and in that way it contrasts with the approach of the late 1960's when I was here – in the last century that was! You should assume in advance, therefore, that your lecturers and tutors are lateral thinkers: they will provoke you to listen, question and ultimately understand – although perhaps not necessarily accept. If your social conscience precludes acceptance, and I hope that may be rare, you will ipso facto join a band of conscientious lawyers who have over the years advocated social change, and made substantial contributions, particularly in the fields of human rights and equal opportunity.

I mentioned earlier the traditional moral underpinning of the law. Upon admission to the legal profession, you would accept a predominant obligation to uphold the law. That does not mean that you would be barred from querying its appropriateness. At crucial stages of world history, the dilemma facing lawyers in bad regimes has been intense, the Hitler and apartheid regimes providing good

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

examples. Your primary obligation, as practising lawyers, would be to uphold the law, and I confidently predict that you would be spared discomfort, because our laws do respect currently accepted moral notions. That is not however to exclude your capacity to urge for change should you perceive difficulty.

Lawyers, we are sometimes told, are generally not well regarded. I personally don't accept that. Over my last four years as Chief Justice, when I have perhaps more carefully than previously attended to such issues, I have come to the view that public support for the legal profession is in fact strong. In the first place, with an increasingly complex society, a lawyer's expertise is valued more highly than ever. And beyond that, the involvement of lawyers in work without fees, what is called pro bono work, has become increasingly appreciated. The work of organisations like the Caxton Street Legal Centre, which last year reached its 25-year anniversary, has been celebrated. Such initiatives depend on lawyers – reputedly, so tradition says, rapacious – helping their fellow human beings through difficult legal situations for no financial reward. The involvement of lawyers in these endeavours is not generally publicised, but as I say is becoming increasingly known.

I hope you will consider participating in such initiatives. I also hope you will visit the courthouse, to see forensic triumphs and the occasional forensic disaster, and to sample our diverse fare: from murder and other forms of mayhem, into such intricacies as the separation of conjoined twins – not to mention commercial issues of significance to the State economy.

So here you are: the motivations will vary, the established icons will variously appeal. But these things must be a certain: a commitment to the delivery of justice according to law – that I hope will develop if not presently there; a commitment to the service of the public, because the essence of professional life is public service, not the gratification of oneself; and an immutable commitment to

**Orientation Week Address**  
TC Beirne School of Law  
University of Queensland  
Wednesday 27 February 2002

---

the rule of law – that adherence to the law is critical to the maintenance of civil society, and that the community accept the law ordained by the parliament and the courts as authoritative. Our commitment to that principle, especially post 11 September, must be jealously guarded and proclaimed.

May I say finally to you, that a degree of criticism of the legal profession appears to have become a catchcry of most modern western communities. I think there is a scapegoat element to that. A counter indication is that many crumbling regimes have in recent years looked to lawyers to provide the inspiration, and the mechanics, for their redevelopment. Judges from the Supreme Court of Queensland have carried out valuable work to assist the judicial regimes in Indonesia and South Africa in recent times, and one of our Judges is shortly to travel to China in that regard.

You all have the prospect of joining a profession which is both publicly indispensable, and noble. A dedicated and energetic student body is important to the practising profession, and to the judiciary. I wish you all well!