



IN MEMORY OF THE LATE THE HONOURABLE SIR WALTER CAMPBELL AC QC
State Funeral, St John's Cathedral, Monday 13 September 2004, 1.30 pm
Panegyric
Chief Justice Paul de Jersey AC

On this day we, the people of Queensland, express our profound sympathy to the Campbell family, and our thanks to Almighty God, upon the passing of the Honourable Sir Walter Benjamin Campbell AC QC, eminent servant of the people, exemplary citizen of Queensland.

It is an understandable, and forgivable, feature of the human condition that eulogies not infrequently drip hyperbole. But that is not the character of what I am privileged to say this afternoon. Why? Because Sir Walter Campbell was of truly heroic proportion: as husband and father, and as with all real heroes, as a dedicated servant of the people.

His were 83 years of massive achievement, achievement for which he was very well equipped, through scholarship, courage and urbanity; and the overarching, thoroughly commendable feature, was the beneficial public orientation of that achievement.

But nevertheless, it was his role as devoted husband to Lady Campbell, and as father of Deborah and Wallace, not to overlook also as grandfather and father-in-law, which he undoubtedly relished most. His family's strongly evident reciprocal love and affection bear fine testimony to Sir Walter's devotion to that role. And he was the assiduous friend of a multitude of people.

Sir Walter's achievements were dazzling, and remarkably diverse. He is fondly remembered throughout the State and the nation, for his lengthy term at the pinnacle of executive government, as Queensland's Governor from July



1985 to July 1992. He filled that role superbly: with great industry, and warmth and distinction, wonderfully supported by Lady Campbell.

Over the previous three years, Sir Walter had served at the peak of the State's judiciary, as the fourteenth Chief Justice of Queensland. He had previously been a widely respected and greatly popular judge of the Supreme Court for as many as fifteen years. His legal career in fact dated back to his admission as a barrister in 1948 – the year of my birth.

Sir Walter was jealously protective of Supreme Court jurisdiction. To illustrate, he did not conceal his opposition to the establishment in 1976 of the Federal Court, which he considered neither necessary nor desirable. Nevertheless, consistently with his constructive personality, he urged co-operation between the courts in the interests of litigants. But when sworn in as Chief Justice, he plainly relished an opportunity to uphold the Supreme Court, and did so in language as grand as his personality:

‘Despite the often uncritical proliferation of courts and tribunals, it must be remembered that the Supreme Courts of the States are the great trial courts of this country, the courts of general and unlimited jurisdiction which, subject to applying the legislation enacted by Parliament, will continue to reformulate and to guard the fundamental freedoms of the citizen and the great traditional principles of British justice.’

Sir Walter implemented his broad vision with grand spirit. There was no trace of meanness or pettiness in this man's approach.

One of his considerable achievements was to secure a high quality Supreme Court bench. The decision to appoint judges is essentially political in character, and must be, so that any perceived governmental errancy may be signalled through the ballot box. Sir Walter's views on the subject of appointments, measured and forward-looking, were influential and listened to, with the result that he presided over a bench of considerable quality – as I am privileged to do.



When I joined the court in 1985, Sir Walter telephoned me in the course of the annual Supreme and Federal Court Judges' Conference held that year in Hobart. The enthusiasm of his welcome remains vividly with me. I was somewhat daunted to join a court of comparatively older complexion. But he was ever encouraging of younger lawyers. Those of us not matured, for example, by distinguished military service, those of us lacking the wisdom and experience borne of many years of highly successful practice at the bar: we were all greatly reassured by his energetic approbation.

His genial affability calmed many an anxious query and forestalled many a potentially passionate challenge. He presided over the Supreme Court through a rather difficult period, it must be said, but was able to instil confidence in those he led, and ensure the respect of the people the court exists to serve.

Any mention of Sir Walter's appointment as Chief Justice is regrettably plagued by unwarranted carping on the identity of other potential candidates. What should be emphasised, is that Sir Walter was superlatively qualified to be Chief Justice of Queensland, indeed, for appointment to any State, or national, position of eminence and significance.

Governor, Chief Justice, Supreme Court judge ... then there was his service for eight years as Chancellor of the University of Queensland, a demanding role which he discharged with utter commitment and vitality. As scholar, philosopher, historian, he treasured his association with our State's oldest and largest university, to which he rendered such substantial service – as a part time lecturer for 17 years, for 31 years as a member of the Law Faculty Board, and as a member of the Senate for 22 years until 1985. How fitting it was that the university awarded him an honorary doctorate of laws in 1980, with three other Queensland universities subsequently bestowing similar honours.



And how fitting it was that this man of outstanding achievement received conspicuously high honours from his nation – with the Queen bestowing a knighthood in 1979, and his appointment in 1989 as a Companion of the Order of Australia: fitting recognition of vast achievements, diverse, dazzling.

As I have said, Sir Walter was admirably equipped for that life of achievement, by remarkable personal qualities, especially intellect, courage, and urbanity.

The acuteness of his intellect emerged early, with his securing an Open Scholarship in 1939 upon matriculation from Downlands College: he was in fact Downlands' first Open Scholar, and Dux of the school for two consecutive years. He topped the State in Senior Latin. Further high academic honours followed: in 1948 he graduated in law gaining first class honours. The previous year he was awarded a Master of Arts.

The subject of his Masters thesis was: 'Utilitarianism and its Effect on Legal and Political Theory'. The penultimate paragraph of the thesis reflected his perception of the balance between citizen and State. It read:

'Morality is an inward thing dependant upon motives, and force – the only instrument at the State's disposal – cannot create good motives.'

It was during his study of philosophy that he met the Reverend Fred McKay, who became a lifelong friend.

The brilliance of the younger Walter Campbell's practice at the bar provides further illustration of his intellectual and legal prowess: he took silk in 1960, for example, after only twelve years in practice. The law reports are replete with important cases in which he appeared as Counsel, including before the High Court of Australia and the Judicial Committee of the Privy Council.

But to what point is intellect if not complemented by moral courage? Sir Walter displayed that in full measure. No doubt the Scottish ancestry of which



he was so proud goes some way towards explaining his zealous and courageous commitment to the advancement of the right and proper. Witness the utter probity with which he calmly and dispassionately steered the State through the prickly leadership crisis culminating in the Premier's resignation in 1987.

Having referred to that Scottish ancestry, I am very pleased now to read a message from His Grace thirteenth Duke of Argyll, Torquhil David Campbell, twenty-seventh Chief of Clan Campbell. The message reads:

'(Sir Walter Campbell) was so well-known and so well-loved in his native Australia that it may come as a surprise to learn that his reputation and the number of his friends and admirers was little less here in Scotland, the country from which his family (had) sprung.

His roots were deep in the Highlands, as members of the family of the Campbells of Ardeonaig and Lochend who were themselves a branch of the Campbells of Glenorchy, later Earls of Breadalbane. The Campbells of Glenorchy are a noted warrior race and Sir Walter's own record as an officer and wartime instructor in the Royal Australian Air Force was a distinguished one. His father was one of the most highly decorated officers of the AIF in World War One while his brother was killed in "Operation Rimau" – one of the most audacious raids of the Second World War.

These things are important to a clan such as mine with its long history of martial achievement and Sir Walter was ever mindful of the race from which he was descended.

I first met him when my father convened a World Gathering of Campbells at Inveraray in the 1970s; he made several visits to Argyll thereafter and he made a point of seeing for himself all the places where his forebears had lived. He was always welcome and he and Lady Campbell made many friends. He and Lady Campbell welcomed my parents to Government House in 1988, a stay of which they often talked, and he played a large part in the success of their tour of Australia that year.

Sir Walter served with great distinction as Chief Justice and as Governor of Queensland; his integrity, his devotion to duty, his dignity and his humility, combined with genuine friendliness to everyone of whatever station, and a splendid sense of humour were evident to all. I can sum it up no better than by describing him as "a true Highland Gentleman".



This is indeed a sad time for his widow, his family and his friends. On my own behalf, on behalf of my family and my clan, I offer our most sincere condolences. Sir Walter Campbell is someone of whom we are very proud: he will not be forgotten.'

Sir Walter's moral courage was unsurprising. His physical courage was conspicuous from the days of his robust play on the sports fields of Downlands: as front row forward/hooker of the first fifteen three years in a row! Then early adulthood saw his determination to make his own contribution to the Australian war effort. He was called up for full time service in the Royal Australian Air Force in 1941, interrupting his university studies, becoming a flying instructor at Launceston, and after other postings, securing his own command, a Liberator squadron providing ferry services to the islands of the near north. In the course of this service, he suffered a serious flying accident in which a leg was badly injured, necessitating long periods of hospitalisation and recuperation. It was during his military service that he met the distinguished poet and writer, Geoffrey Dutton, who also became a lifelong friend and admirer of Sir Walter.

Intellect, courage ... and then the feature which many would recall most vividly, his urbanity: extremely well read, with an insatiable thirst for history and discovery; a compelling public speaker – interesting, witty, eloquent, commanding; a congenial, effervescent, stylish man, irresistibly drawing others warmly towards him; full of encouragement and reassurance for those with aspirations, especially the young; a charming, irrepressible host: and not to be forgotten, an enthusiastic golfer. His outstanding oratory while at Downlands College, by the way, drew this comment in the 1938 school magazine: "W. Campbell would indeed 'have stirred the very stones of Rome to rise and mutiny' had he changed places with Antony!".

Which brings me to the signally beneficial public orientation of this lifetime of achievement to which Sir Walter's personal qualities predisposed him. Certainly many of his achievements were essentially personal. But after his



family, public service was this man's abiding passion, from war service to vice regal appointment. And what a spectrum of service linked those bounds! He led a plethora of organisations dedicated to the public interest, including the Bar Association of Queensland, the Australian Bar Association, the Queensland Law Reform Commission, the University of Queensland, the Board of Governors of the philanthropic Utah Foundation, the Australian Institute of International Affairs, the Queensland Theatre Company (of which he was deputy chairman), the Commonwealth Remuneration Tribunal, the Queensland Selection Committee of the Winston Churchill Memorial Trust.

Sir Walter's Scottish arms bear a motto which translates to read: 'Seek to do right'. He certainly did right. Mark Antony admonished his countrymen that 'the evil that men do lives after them, the good is oft interred with their bones ...'. Sir Walter did no evil, and no one would wish to bury his good work: our commitment must be to ensure that his abundant good, lives on.

Vale Sir Walter, loving husband and father, most generous friend, eminent jurist, heroic servant of the people, distinguished leader of this State: may your soul rest in peace, and rise in glory!