

Occasional Address to Central Queensland University Graduates

26 February 2005 at 2:00 p.m.

Chancellor, Vice-Chancellor, members of the Council, members of staff, ladies and gentlemen, graduands.

I feel something of a fraud standing here addressing you on an occasion which celebrates the high achievements of today's graduands. My undergraduate career was undistinguished both in effort and in outcome.

I commenced at university in 1973. That was the first year of the Whitlam Labor government, which had been elected in December the previous year. Apart from seducing away large numbers of the academic staff of the university to serve as advisers in Canberra, one of the early acts of that government was to abolish tuition fees. As an aside, it might be observed that free tertiary education was never a right but a privilege which was enjoyed by Australian students only for about 20 years until HECS fees were introduced by another Labor Government in the 1990's. Observing the strict political neutrality which judges are required to maintain, it thus appears that the conservative side of politics can accept neither the approbation for the abolition of university fees nor the reprobation for their reintroduction. Since that means that the conservatives have done neither, I suppose the impact of both sides of politics on tertiary education is about the same.

But to revert to my theme; 1973 was a wonderful time to be a student. Courses were free, jobs were plentiful and there were many distractions from the diligent pursuit of academic excellence. As you might expect the end result was a record of modest achievement. I have three recollections of my undergraduate law degree which sum up what was, I think, a not unusual attitude to university study by students in those days. They also reflect in some ways a long gone university culture of tenured appointments and introspective intellectualism.

After first year I ceased full time attendance at the campus and took a day job as a dry cleaner in a suburban shopping centre following which I commenced articles of clerkship with a Brisbane firm of solicitors. For the non lawyers, articulated clerks were

effectively apprentice solicitors who worked in the firm's office during the day with time off for lectures. One of the downsides of having to attend afternoon and evening lectures while working in the city was that it meant missing drinks in the pub after work.

In third year I arrived at the University just after lunch to attend a lecture in Equity. As I was going up the stairs two full time students I knew who were in the same class were coming down. I asked why they were heading down rather than up in the direction of the lecture room. They told me they were not attending the lecture but were heading out to Ballymore to watch Queensland play New South Wales at Rugby and did I wish to join them. While I was not a particularly diligent student I did at least feel obligated to my employer who was giving me time off work to attend lectures and that I should actually attend. Nonetheless, it didn't take me long to decide to go to the Rugby, a decision I announced by stating loudly, "Bugger Equity". I then turned to head back down the stairs only to see the Equity lecturer standing immediately behind me. His only comment was, "I would rather be going to the rugby too, but I've got to give the lecture." Since we are now both judges, I wonder what that says about the judiciary? As a point of interest, Queensland won 48 to 4 to end a long run of embarrassing losses and start what has been a dominance over New South Wales which has endured to this day.

The second incident was in fourth year. While I received a credit for Equity, I failed Commercial Law (Ironically the area in which I mainly practiced during 20 years at the bar). When I repeated Commercial Law the lectures were on a Friday night. Friday night was usually party night. The other articled clerks and I were in the habit of starting straight after work, visiting a number of city hotels and then heading off to a party. Commercial Law lectures also clashed with lectures in the subject, Succession, for which I was also enrolled. I had hated Commercial Law and had no intention of sitting through another year of lectures especially at a cost to my social life. Student logic goes something like this. Since I had already failed Commercial Law, it was more important that I attend Commercial Law lectures than those in Succession. Since I had no intention of attending lectures in Commercial Law, I shouldn't and didn't attend Succession lectures either. I arrived at the Succession Exam on the designated day and saw the lecturer waiting outside the venue. He asked

me what I was doing there. I told him I was sitting the exam. He was well aware that I had not attended a single lecture. He merely raised an eyebrow, looked at me quizzically and said, “Oh! Best of Luck”. I received a pass conceded. I don’t know if such grades are still offered but it means that the result was not really good enough to pass but it wasn’t so bad as to justify making the student do the subject again. I also passed Commercial Law on that occasion.

The final anecdote I wish to relate probably best reflects my University days or lack thereof. In my fifth and final year I had a heavy subject load. I had to make up for a couple of accidents along the way and didn’t want to take another year. I went to the library one evening to study in about late September – Exams were in early November. There was a general murmur and after a few moments I overheard one student saying to another, “Dutney’s here” to which the response was “I didn’t realise exams were so close”.

You must be wondering why I am relating these stories. While these remarks are largely pointless, they are not entirely so. The message I want to give to graduands is that the awards you will receive today are not just the culmination of years of effort for which you may be justly proud. They also represent an opportunity. If you choose to make use of that opportunity your degree can be an entry into a fascinating variety of occupations and activities. Some of you have achieved honours and some haven’t. Even for those who, like me, didn’t receive honours your qualifications will open up opportunities that would otherwise have been closed. I did not particularly enjoy the academic study of the law and it was reflected in the effort I put in. But I have always loved practising law in the courts. My degree gave me the opportunity to practice law. I took the opportunity it offered and worked hard, apparently displayed some talent and ended up, for better or worse, on the bench of the highest Court in this State. Without my degree, modest as it was, that door would always have remained closed. Honours are a significant achievement in themselves but even the rest of us who cannot celebrate such outstanding results, who may not have applied ourselves as we might, have gained an opening by the fact of our qualification. It is up to us whether we take advantage of it.

You are all to be congratulated on your achievement. You have earned the accolades handed out today. But today is only the end of a beginning. It will be the extent to which you avail yourselves of the opportunities now opened by which your ultimate success will be judged. Despite our national fascination with sport, what distinguishes humans from animals is not sporting prowess. We are neither the fastest nor the strongest species on Earth. We are not the best swimmers. What distinguishes us is our intellectual achievement. In this scientific age it is in large part the intellectual achievement of others that enables our athletes to perform as they do. Without the support of the AIS Australian athletes struggled in international competition. It is intellectual achievement that enables us to watch sport on television or read about it in the newspaper. It is intellectual achievement that creates wonderful music or art or writing. It is intellectual achievement that ultimately endures. The degrees to be handed to you today are a visible symbol of your own, not inconsiderable intellectual achievement.

I also wish to acknowledge the achievement of the mature age students among you. It is more difficult to take up a university course after a gap, often of many years, without formal study. You can be particularly satisfied.

Today is a day of celebration, not only for you, but also for the University of which you are the product. The University of Central Queensland is young by university standards. You are its ambassadors. It has provided you with both learning and academic success. If the university is to grow in maturity and status it will be because of the reflected glory it receives from you, its graduates.

Before concluding what will in all probability be the last lecture you will hear in this University, let me leave you with one other message which is a message of hope for the future. It is not original. It was recently expressed by one of my fellow Supreme Court judges on an occasion such as this in Brisbane. He recounted that he attended his first graduation ceremony, a ceremony just like this, almost 50 years ago. He remembers it well. He even recollects the name of the speaker. But he can no longer recall a word he said. Like him I well remember my first ceremony more than a quarter of century ago, but I can't even remember the speaker's name. I wish you all such good fortune.

I believe, Mr Chancellor that the proper conclusion on such an occasion is *Gaudeamus Igitur*, or in common parlance, "Let's Celebrate".