



**South East Queensland Zone
Schools' Constitutional Convention
Banco Court
Friday, 29 February 2008, 9am**

**The Hon Paul de Jersey AC
Chief Justice of Queensland**

I am very pleased to welcome you to this important convention. In so doing, I immediately acknowledge three things.

The first is the traditional ownership of these lands, that of our indigenous fellow citizens, whose ancient spirit continues to inspire us, and continues to remind us of the continuity of fundamentally important institutions and practices.

Second, I acknowledge our contemporary community, for which this courthouse importantly symbolizes the delivery of a critically important safeguard, justice according to law.

And third, I acknowledge our "future generation": you students, who experience, and will form your own assessment of, the way our community functions; you students who will have the opportunity to contribute to the reshaping of that community which will inevitably happen as the years progress.

It is important you approach your roles as citizens from a well-informed basis. There lies the potential benefit of conferences like these, in focusing our minds on some of the detail of our system of government under the Constitution, so that we are influenced by facts, not slogans.

We have only recently celebrated Australia Day, when we are annually reminded of our great privilege in living in this comparatively free Australian society.

In India last year, I was graphically reminded how great that privilege is. Shortly after that, General Musharraf abrogated the rule of law in Pakistan. The lawyers of that nation



**South East Queensland Zone
Schools' Constitutional Convention
Banco Court
Friday, 29 February 2008, 9am**

responded with conspicuous courage, although unfortunately they have not been able to this point to restore their citizens' right to an independent judiciary.

Here, we tend to take the rule of law for granted, but a little less so, I feel, as the prospect of the curtailment of our freedom becomes more evident, with the advent for example of terrorism crime.

The world is an extraordinary place. I must confess that many people of my advanced years thought that the fall of the Berlin Wall and the collapse of communism would usher in an age of unparalleled peace. The Cold War had ended – though that may have been a misnomer, one commentator preferring the description, a “hot tense peace”. But it seems human nature will regrettably invariably intervene to forestall a really good outcome. And hence the legacy which has blighted your adolescence, which is not peace, but a different kind of war, international terrorism.

It is that consideration which I feel will, more than anything else, influence the maintenance of the rule of law in years to come. It is that which gives primacy to your need to understand the democratic nature of our institutions, why they are important, and how they can be harnessed to prevail against the depredations of those who would destroy our way of life.

A very good recent illustration of the resilience of our process was the Federal election held last year. It saw a change of seismic significance, notwithstanding similarities in party policies, and one effected without the merest suggestion of significant conflict. We are extraordinarily fortunate to live in a democracy where major change can be accomplished in a calm, measured, and accepted way.

That is ultimately secured by our Constitution. It is a dry old document, and rarely read except by High Court Justices and constitutional lawyers. It is cast in deceptively simple language. Yet our people cling to it with tenacity. They recognize it as the bulwark of our democracy. They have been extremely reluctant to countenance any change to the



**South East Queensland Zone
Schools' Constitutional Convention
Banco Court
Friday, 29 February 2008, 9am**

language adopted as long ago as 1901 – largely drafted by our own venerable Sir Samuel Griffith.

At the other end of the corridor outside this courtroom, there is an exhibition celebrating Sir Samuel Griffith's role in the drafting of our constitution. As proud young Queenslanders, I hope you will have the opportunity to experience that exhibition today. Sir Samuel Griffith would be very interested in today's initiative. One of his achievements was to establish a system of free and compulsory public education in the State, through the *Education Act 1875*. He also took positive steps towards the establishment of a university in the colony, and as we know, one of our universities proudly bears his name.

I will stop there, lest I come to emulate one of Sir Samuel Griffith's very few, less than effective, public performances: his loss of a motion to censure Queensland Premier Sir Thomas Mclwraith, following a parliamentary session in which he, Griffith, is said to have spoken continuously for...7 hours! (R B Joyce: *Australian Dictionary of Biography* – for Windows, Melbourne University Press, p 2).

I wish you all a productive and interesting day.