

**ADDRESS TO THE GRADUATES OF THE FACULTY OF LAW AND
CREATIVE INDUSTRIES FACULTY, TUESDAY, 24 MARCH 2009, 6.30PM,
QPAC, BRISBANE**

ENDINGS AND BEGINNINGS

Chancellor, Major General Peter Arnison; Vice Chancellor, Professor Peter Coaldrake; members of the official party, new graduates, distinguished guests – as you all are.

What a pleasure to share this evening with you in this magnificent, recently refurbished complex. The joy and excitement of the new graduates, their families and friends is palpable. I am honoured to be part of it. Sincere congratulations to each new graduate. I especially honour the recipients of the University Medal(s) and the successful doctoral candidates. I am humbled to share this stage with these PhD recipients who, unlike me, have earned their doctorates through character-building academic rigour. I salute them.

The Queensland University of Technology may not be Australia's oldest university, but it is amongst its finest. I thank the University for the great honour it has bestowed in awarding me this doctorate.

This year QUT celebrates 20 years as a university. Its history as a centre of tertiary education, however, goes back much further. One hundred and one years ago, in 1908, as the Central Technical College, it first began offering technical education courses at its present Gardens Point campus. But its roots in providing education in Queensland can be traced back beyond even the establishment of the State of Queensland 150 years ago. QUT's origins are in the educational programs first offered to Brisbane citizens by the School of Arts in the colony of Queensland in 1849. That handsome School of Arts building is still standing today in Ann Street.

This long and proud history is, however, but a dot on the timeline of this ancient land. Tens of thousands of years before British settlement, the Jaggara people here on the south side of the Brisbane River and the Turrbal people on the northern banks of the river lived and prospered and educated their children. No doubt they held meetings and ceremonies to honour the passing of knowledge to younger members and to recognise achievements of others, in essence not so very different to tonight's ceremony.

I am particularly delighted that the conferral of this honorary doctorate provides an opportunity to address the new graduates in the faculty of Law and the faculty of Creative Industries, including media and communication, journalism and mass communication.

The media reports, without dissent, that we are presently in the worst global economic recession since World War II. Despite, or perhaps because of, that, my address tonight has a theme of reasoned optimism. The Dalai Lama is known for expressing profound wisdom with great simplicity. On his most

recent visit to Brisbane, his message to the terminally ill and their supporters at Karuna Hospice was "everything has a beginning and an end". Those deceptively simple words have universal application.

To those graduating this evening, your undergraduate days at QUT have come to an end. Your life as graduates has begun. The recession means that it is not the easiest time to be entering the professional workforce. Applying the Dalai Lama's words to current world events: the recession has begun; it will end. Prosperity will return. Most of you will not have difficulty finding jobs in your chosen careers, even in these hard times. If you do, you have reason to remain optimistic. Remember the Dalai Lama's message. The tough economic times will end and prosperous times will begin again. If you are unsuccessful in obtaining one position, you may obtain a better one next week or next month. If your dream job remains elusive for now, think creatively. Does this challenge present an unexpected opportunity? Perhaps you could return to university for further studies? Perhaps you could travel, or visit friends and relatives? Perhaps you could do meaningful community work either here or overseas? Perhaps you have an idea for a great business opportunity? Perhaps you could compose that chart-topping song, paint that masterpiece or write that prize-winning novel that's inside waiting to be coaxed out? With a little lateral thinking, the possibilities for new beginnings are endless, even if not part of your original life plan.

The Dalai Lama's words have application to all of life's challenges. Last month's horrific Victorian bushfires were finally extinguished. With altruism and compassion, our whole community rallied magnificently. Even the North Queensland flood victims, themselves in dire financial difficulty, generously donated to the bushfire appeal. Locally, nationally and globally, our community helped those whose lives were filled with raw grief to courageously cope with sorrow and loss, to rebuild, to move forward and to begin again.

It has always been so. The world presents challenges, tragedies and catastrophes. Men and women with good hearts, minds and souls and what US President, Barack Obama, famously calls "the audacity of hope" surmount them and begin afresh.

As the law has been my chosen profession for the last 33 years, I hope the Creative Industries graduates will indulge me in first speaking to the law graduates about how their chosen profession can make fresh beginnings for others. Some cynics would have you believe that lawyers making a positive social contribution is an oxymoron. Not so. It is no coincidence that the first African-American US President, Barack Obama is a lawyer. President Obama's iconic Illinois role model, Abraham Lincoln, was also a lawyer, indeed, a celebrated one. He was known affectionately and without irony, as "Honest Abe". He vehemently disliked unnecessary litigation. One day a client stormed into his office and demanded that he sue a defendant for a \$2.50 debt. Even then, that was not a lot of money. Lincoln solemnly requested a \$10 retainer fee. He then gave half his fee to the impecunious debtor, who immediately admitted his liability, paid Lincoln's client the \$2.50 debt, ended the law suit and pocketed the difference. Everyone was happy to

begin again.¹ Even the Creative Industries graduates have to admit, Lincoln's solution was creative and non-linear, especially for a lawyer!

Let me give a more topical example of the positive community contribution made by lawyers and the judiciary. The Australian Financial Review recently reported that the Supreme Court of Victoria is prioritising cases arising from the bushfires, such as wills and probate matters, to alleviate the suffering of survivors. The Victorian legal profession has announced a cooperative pro bono scheme to provide legal information, advice, referrals and casework for those affected by the bushfire. It is helping survivors begin again by providing much-needed advice for those who have lost their homes and documents in the fires and have problems arising out of contracts such as loans, mortgages, or employment, wills, insurance claims, rental assistance and social security payments.²

You may have noticed we had a State election last Saturday. Regardless of your political affiliations, I hope each of you celebrated your good fortune in living in democratic Australia. We had a peaceful election campaign, a safe polling day, a speedy and accurate result and a seamless continuance of governance. It is timely to reflect that the independent legal profession, which many of you law graduates will soon join, has an institutional and vital role in our democracy. Lawyers, together with the third arm of government, the judiciary, ensure that everyone is subject to the rule of law, enforced in independent courts. Lawyers and judges must do their best to guarantee that, even those unpopular members of the community reviled by the public and in the media (the alleged child sex abuser, mass murderer or terrorist) have access to the rule of law.

Those of you Creative Industries graduates who develop careers in the media will also play a crucial, if not institutional, role in an effective democracy. In bringing to light poor governance or corruption, the media helps ensure that the three arms of government, the legislature, the executive and the judiciary, are accountable to the community which they serve. I have great respect for journalists who rigorously scrutinise all arms of government, including the judiciary, in the interests of the protection of democracy and better governance. Time and again throughout the world, when the pillars of democracy are shaken, the first casualty is the free press and the brave journalists who work to defend it. Inappropriate behaviour in government, including the judiciary, should be publicly exposed by a vigilant media. In the long term, this can only result in governance that is better, stronger and more accountable.

But if the community is well-served by its judiciary, as generally speaking in Australia it is, it is essential that the public have confidence in it. Unfair reporting can wrongly undermine that confidence. Generally, the reporting of court decisions in Queensland is responsible, accurate and fair. But some elements of the media find judicial officers' sentencing of offenders an easy

¹ Gallanter M, *Lowering the Bar*, University of Wisconsin Press, 2005.

² The Australian Financial Review, Thursday, 12 February 2009 at p 6, "Court Pledges Speedy Justice" by Patrick Durkin.

and irresistible target. The media can undermine the authority of the court by selective reporting or active mis-reporting. It is not demanding investigative journalism to state some facts and ignore others so as to make a sentence for a crime appear peculiar, and as a result invoke a strong public reaction. After all, controversy sells newspapers and guarantees listeners, viewers and, ultimately, advertisers. I whole-heartedly accept that the media has a vital community responsibility to report and comment on inappropriate judicial behaviour and irrational judicial decision-making. But it also has a community responsibility not to cynically abuse that power by sloppy, inaccurate or deliberately selective reporting which could undermine public confidence in the judicial arm of government.

Richard Ackland, in *The Sydney Morning Herald*, recently tackled this issue with perspicacity following the release of the Bureau of Crime Statistics and Research's report on public confidence in the criminal justice system. The Bureau's report concluded that when it came to sentencing criminals, public confidence in the system was low because of the distorted and sensationalist mis-message delivered by the media, especially TV and radio news and tabloid newspapers. Ackland rightly noted that this was a serious social concern: the legitimacy of judges to issue orders, including sending offenders to jail, is dependent on public trust. Ackland considered, again rightly, that there should not be a disconnect between public perception and what is really happening in the criminal justice system. Observing that the Bureau's report received almost no publicity in the media, he added:

"Crime is a form of public entertainment, hence the findings that large sections of the public believe property crime is going up, when it has been going down since 2000. They overestimate the proportion of crime that involves violence, and underestimate the percentage of arrested offenders who are convicted and imprisoned."

Ackland concluded by musing:

"[T]he bureau released data to the effect that the number of eight- and nine-year-olds coming to the attention of the police had fallen from 130 a month to 94 a month over two years. The headline in the *Tele*: 'Kid crime rampage'."³

Indulge me in giving the court of which I am President a "plug". If you hear a media report of a Queensland Court of Appeal decision which seems a bit "off the planet", do me a favour. Go to the courts' website where all Court of Appeal decisions are available, read the full decision, and make up your own mind. Encourage your friends and relatives to do that, too.

I urge each of you to use your freshly acquired skill and privileged position as a QUT graduate to give back to the community which has provided you with these opportunities. Help some one or some organisation have a new beginning. The National Pro Bono Resource Centre encourages all lawyers to do at least 35 hours of pro bono work each year. There is also a great need for Creative Industries graduates to do volunteer work. Community

³ Sydney Morning Herald, Friday 24 October 2008, "Media are tough on crime and rough on justice" by Richard Ackland at p 15.

organisations are always seeking assistance in communicating better with the public and in publicising fund-raising events. Volunteering not only helps the direct recipients. It benefits the broader community. It assists your profession to remain in touch with community needs and expectations and reinforces community confidence in your profession. Most important of all, it gives you personal and professional satisfaction.

To each new graduate, congratulations on attaining your degree. Use it with President Obama's "audacity of hope" to achieve your goals, including your financial aspirations. I hope you will be able to apply the skills you have acquired in your time at QUT to contribute to reviving the flat economy, and confidence in it, locally, nationally and globally. That way, returning to the Dalai Lama's words of endings and beginnings, the recession will end and more prosperous times will begin, sooner rather than later. Use your privileged position as a QUT graduate, and the knowledge you have gained in achieving your degree, to achieve prosperity for you and yours. But do so in a way that does not compromise your professional and personal ethics or your relationships with loved ones. Your professional and personal life will also be more satisfying if you involve yourself in regular community work. That way, when you are old and retired from your career, you will be able to contentedly reflect on your life, knowing that you have used the skill and privilege that came with the conferral of tonight's degree to help end what deserves to be ended, and to assist others in new beginnings.