

"True Confessions of a retired Chancellor"

*Ceremony for the Conferring of Degrees*

Macquarie University Friday 23 September 1994.

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MACQUARIE UNIVERSITY

CEREMONY FOR THE CONFERRING OF DEGREES

FRIDAY 23 SEPTEMBER 1994

TRUE CONFESSIONS OF A RETIRED CHANCELLOR

Address on the Conferral of the Honorary Degree of Doctor Of Laws

The Hon Justice M D Kirby AC CMG Hon LL D (Macq)

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RETURN OF THE PRODIGAL

First things first. I must thank the University and all of you who have done me this honour today. With my fellow graduates, I am very conscious of the occasion. We all realise that this is a special day. It will be remembered long after other days have merged into the miasma of the years.

I hope that you will understand that, for me, it has been a day of special ironies and nostalgic contrasts. I have had to physically restrain myself from leaping back into the fray of the ceremony. The stately procession. The familiar music. The sea of expectant faces. The families and friends who did so much. The shaking of hands in a personal encounter of one generation of the university with the next. The fateful words which, once pronounced by the Chancellor, convert the merest grub of an undergraduate into the butterfly of a graduated scholar.

Sumptuous and all as my crimson doctoral robes are - for which I am so grateful - there are none (save perhaps the Cardinal's) which can compare with the golden garb of the Chancellor. Looking at the black and gold on you, Mr Chancellor, I realise once again the high privilege that was mine to be Chancellor of this University for ten years. In all truth, the office was reward enough.

But ultimately the robe must be passed in this as well as all things. Shakespeare, you will recall, had King Richard II say, when the critical moment came:

*"I'll give my jewels for a set of beads,  
My gorgeous palace for a hermitage  
My gay apparel for an alms-man's gown  
My figured goblets for a dish of wood  
My sceptre for a palmer's walking-staff,  
My subjects for a pair of carved saints,  
And my large kingdom for a little grave."*

In life we are all on a journey. The journey has special moments. This is, indisputably, one of them. Soon we will be beckoned out to the campus. Here, all of us, the graduates, have spent countless hours. Perhaps we failed to lift our sights often enough to the beauty of this very Australian environment. Let us resolve to pause for a few moments - to turn our back for a fleeting second on the laughter and praise - and to reflect upon the beauty of this University - its campus and the scholars and colleagues who make it up, the contribution it has made to our lives and the debt which we must now go on to repay.

### TRUE CONFESSIONS

I thought I would deliver my address today on the theme of true confessions of a one-time Chancellor. Amongst Australia's politicians, at least, this has now become a fashion. To tell it as it is - or was. How the Council meetings were *really* run. Where the power in this place *truly* lies. How the hard decisions are made. Of the moments joyful and tragic in ceremonies such as this. What I *really* said to each graduate as they came to the stage to receive their acknowledgment. A new terror was

added to the life of the Chancellors three years ago when they were wired for sound. Banal exchanges must now be brilliant aphorisms - for they are now recorded for eternity. Chancellors henceforth must try to be as wise as they are dressed to look.

But as my mind pondered upon the prospect of telling all, for some reason I remembered Voltaire's last moments. A solicitous priest, thinking that Voltaire had breathed his last, put a candle in his face. "Not the flames already!" gasped the philosopher - and blew it out. "Denounce the devil!" urged the priest. But the wise man replied "This is no time to be making enemies".

So it is with me today. This is a time to thank friends. It is a time when my mind travels back to the beginning of my association with Macquarie University. I had been a truly troublesome student at Sydney University. Yet Professor Alex Mitchell, when he came to Macquarie as Foundation Vice-Chancellor, forgave all. He invited me to become a member of the original Convocation. Fortunate was this University in its early leaders of his calibre. Its Foundation Professors, recently honoured in a ceremony such as this, left safe chairs in established universities to help set up this place. What a mighty work they performed. And the early achievements in creative teaching were soon enhanced by world class research. That research today ranges over such areas as lasers and their applications, climatic impacts, advanced systems, special education for Down Syndrome children, Egyptology and so much else. I pay tribute to the dedication of the present Vice-Chancellor, Professor Di Yerbury, and her officers, for their commitment to Macquarie's major role in research. Year after year this University wins a disproportionate share of the nation's research funding. May it continue to earn that special badge of University excellence.

With an ever-changing band of dedicated officers - in the Council, in the committees and in the administration - it was my privilege to see the University pass through the end of its early time of establishment. Through it all, the Deputy Chancellor, Dr John Lincoln, has remained a precious contact with the beginning - the sheet anchor of Council and a walking history of its early years. Professor Bruce Mansfield wrote the early chronicle for the celebration of the University's first quarter

century. We began to acknowledge the Founders of the University with a much overdue recognition for their stimulus to tertiary education in Australia. Macquarie took its place as one of the leading universities of the nation. You can imagine, therefore, the pride I now have at being, at last, not a stranger. Not an outsider. Not a friendly observer and office-holder. But a Macquarie graduate. If I did not earn this degree in quite the same way as the new graduates who join me to today, I certainly burnt the midnight oil in meetings and functions and spent many anxious hours on this campus. So I am proud and grateful.

### THE GRADUATING SCHOOLS

I am especially glad that the ceremony today includes new graduates from the Institute of Early Childhood, from the School of Economic and Financial Studies and from the School of Law.

The Institute of Early Childhood joined Macquarie University during my time as Chancellor. From the start, it has been a happy association. The Institute has built on earlier work of the University. From the outset, the University has been involved in the field of education, particularly special education. All of us owe a great debt to our early childhood opportunities. Still vivid in my mind are the moments when my mother and father gave me my earliest encounters with music and poetry. And with history and the adventures of the mind without which we would never make it to golden days like this. My earliest teachers left an indelible mark on me. No graduation ceremony in which I take part would be complete without a loving and grateful reference to Miss Pontifex - my first teacher on my first day at primary school. She and Mrs Church, Miss Godwin, Mr Kasmir and all those early and later teachers are with me on this stage today. As your teachers are with you. They are spirits circling you and sharing this precious moment on the road - the never ending road - of education. Never forget your teachers.

The School of Economic and Financial Studies involved my first formal involvement in the government of the University. I took part in the steps that led,

eventually, to the creation of the separate Graduate School of Management. My own economics degree at Sydney University - won in nightly classes where I was striving to justify an over-long career in student politics - demonstrated to me the falsehood of the oft repeated statement that economics is a gloomy science. If the graduates of the Institute of Early Childhood will lay the foundations for the lives of the next generation, those in the School of Economic and Financial Studies will contribute to solving the endemic problems of long-term unemployment and loss of economic opportunity. Starting with themselves.

The School of Law is, of course, specially close to my life as a judge. It is a fine school. Everywhere I go in the legal profession today, I find leaders who were trained at Macquarie Law School. It has, in some ways, been controversial. But nothing brave and new was ever done in this world without controversy.

The law graduates who come forward today will play a key role in a legal profession which is rapidly changing. I do not mean only in outward things, such as court garb and titles. I mean in the attitude to the community and the understanding of the profession of what it is to be a lawyer. There is now a growing appreciation of the need for lawyers to be more accountable to the community - and not just to their peers as long they have been. To be in the vanguard of correction of discrimination, sexism and intolerance. Not just servants of the big end of town. Even in the time that you have been at Law School, you have seen a most radical development in the perception by the highest judges of Australia of their legitimate function in developing and extending the common law. We are going through a burst of legal creativity. It will call upon just such skills as the Macquarie Law School has nurtured in you. We are also seeing the growing impact of international human rights principles upon our Australian legal system. This should not surprise us nor frighten us. It is an inevitable result of living in a world of jumbo jets, telecommunications, environmental challenges and countless global problems. The reform of the Tasmanian laws which invade the private conduct of citizens of this country is being ventured in the name of

universal human rights. The lawyer who graduates today will enter a discipline with entirely new guideposts. It is an exciting time to become a lawyer in Australia.

Last weekend, David Malouf, the noted Australian writer, also an honorary graduate of this University, collected the features of our law and institutions upon which we, Australians, should reflect with appreciation. The fact that we still believe in government and that generally we accept that they will act in our interest and pass laws for our benefit. The fact that we have no tradition of militarism. The fact that we always have a shadow government in waiting to snatch the political golden robes. The fact that our educational institutions encourage us to see the opposing point of view in everything. He might have added the blessing of independent judges and lawyers who strive to do justice and to right wrongs. As we reflect on the many defects in the law and in our constitution: let us not forget at the same time the many strengths which we, all too often, take for granted. We must all defend this precious inheritance.

#### LESSONS FROM CAMBODIA

Since my retirement as Chancellor I have been preoccupied as the Special Representative of the Secretary-General for Human Rights in Cambodia. The fragile constitutional order of that country teaches me, every day, the great blessings to which we are heir in Australia. Yet despite the many problems of Cambodia, there are brave people striving to build a just society in the aftermath of a most horrible war and genocide.

- Many of them are Cambodians, such as Mrs Khek Galibru, who helps lead a human rights agency and, as a Khmer, brings compassion and understanding to the beleaguered ethnic Vietnamese minority. Many of these Vietnamese citizens have been confined to little boats on the border where they took sanctuary from earlier ethnic killing. Mrs Galibru, and many like her, reach out to demonstrate the universal quality of humanity. We can learn from people like this;

- I think of Warrant Officer Craig ("Shorty") Coleman of the Royal Australian Engineers. For many months he led 150 Cambodians in the painstaking work of demining North of Battambang. The landmines are extremely hard to find - except by walking on them. The slightest lapse of concentration means death or grievous injury. "Shorty" Coleman is a fellow citizen of ours devoted to performing wonderful work. He is an unsung hero of our defence forces. Most Australians have never heard of him. Happy are we who have a military that serves and does not seek to rule us. We can learn from him too;
- And then in Battambang, there is Sister Joan, an Australian nun of the St Joseph's order. She works in the ashram to a Buddhist temple. Sitting on the floor with her pupils she gives daily examples of good humour and patience in the assertion of basic rights - especially by women. "Do you teach them religion?" I asked her. "Goodness no", she replied as if shocked by my question. Her very life is the example of religion and of her beliefs that she will leave behind in the memory of her pupils. I am not myself a Catholic. But the life of Sister Joan brings great credit on her Church, our country and the service of humanity. I have learnt from her.

### TO THE GLAD TOMORROW

We must do as these fine people are doing. We the graduates of today must renew our resolve to go beyond selfish pursuits. To contribute, in whatever modest way we can, to a fairer nation and a juster world.

At a moment like this, my thoughts return to an identical ceremony in the Bicentennial year. Where the great Australian Aboriginal poet, the late Oogeroo (Kath Walker) received an honorary degree at my hands as Chancellor. Her message that day was one of love and reconciliation. Her vehicle was poetry. She lifted our minds in that ceremony, as only poetry and music can do.

So let me part from you with the words of Oogeroo, Honorary Doctor of Letters of Macquarie University, and her "*Song of Hope*". It is a song for our



graduation day. It is also a song for our country. And for the teachers, business leaders and lawyers who will lead it into a new millennium of peace and justice in Australia and far beyond:

*"Look up, my people,  
The dawn is breaking,  
The world is waking  
To a new bright day,  
When none defame us,  
No restriction tame us,  
Nor colour shame us,  
Nor sneer dismay.*

*See plain the promise,  
Dark freedom-lover!  
Night's nearly over,  
And though long the climb,  
New rights will greet us,  
New mateship meet us,  
And joy complete us  
In our new Dream Time.*

*To our fathers' fathers  
The pain, the sorrow;  
To our children's children  
The glad tomorrow."*