

**ADDRESS BY THE HONOURABLE SIR ANTHONY MASON,
A.C., K.B.E. ON THE OCCASION OF HIS RECEIVING AN
HONORARY DEGREE FROM GRIFFITH UNIVERSITY**

I take special pride in receiving an Honorary Degree from this University. It bears the name of my illustrious predecessor, the first Chief Justice of Australia, Sir Samuel Griffith. He had been Chief Justice of Queensland and, before that, Premier and Attorney-General of this State. He was a successful and astute politician. At the same time, he was a classicist of distinction. Between 1900 and 1914 he translated into English the 14,000 lines of Dante's *Divine Comedy*, a feat which demonstrates, if nothing else, a measure of industry and perseverance in the field of *belles-lettres* exceeding that of any subsequent Chief Justice. However, the universal conclusion of contemporary reviewers was that the translation was devoid of literary merit: one reviewer stated that "[u]nfortunately the poetry of Dante has escaped almost entirely from Sir Samuel's industrious fingers".¹ That is why it is a lawyer, as an influential delegate to the Constitutional Conventions in the 1890s and as a judge, rather than as a poet, that I know him best.

History records that one of his most influential achievements was the drafting of the Bill for an Australian Constitution on the Queensland Government steamship, the *Lucinda*, as it cruised the Hawkesbury River near Sydney on 27-29 March 1891. The *Lucinda* had been brought to Sydney from Brisbane specifically for the Convention in Sydney. Sir Samuel was responsible for organising a 13-hour session on Easter Saturday, working with Kingston and Barton on revisions to the Bill. A few days later, he explained to the Convention that the three of them had

1 *The English Review*, March 1912.

“tried to form a plan which, so far as regards simplicity of structure and language, will not be unworthy of the English tongue”.²

His codification of the criminal law, the Criminal Code, was first enacted in Queensland and is still the law in force in this State, Western Australia and Tasmania. According to Sir Owen Dixon, Australia’s greatest judge, Sir Samuel had a “dominant and decisive” legal mind. That was the principal reason why the High Court of Australia, soon after its establishment in 1903, quickly gained acceptance at a time when the Supreme Court judges in the States (formerly the Colonies) were by no means pleased to find a new Australian court placed above them for the first time.

In the High Court in Canberra, in the No.1 Courtroom, there hangs a splendid portrait of Sir Samuel, presented to us by the judges of the Supreme Court of Queensland. It is a copy of an original painted when he was Chief Justice of Queensland. The portrait is a constant reminder to us of his early leadership and of his determined assertion of the Court’s authority under the Constitution.

As we look back across the time span of a century to the Federation movement and the establishment of the Constitution and to Sir Samuel Griffith’s part in those events, what is so striking is the sense of Australian identity and unity that inspired the delegates and the people of the various Australian colonies. They put aside colonial rivalries and concentrated on the attainment of a unified Australia in the belief that a united Australia had a brilliant destiny.

And yet that new sense of national identity and unity was accompanied by a conviction that Australia’s destiny would be achieved under the Crown as a constituent element of what was then the British Empire centred in London. That this was so was not surprising. The Australia of

2 *Convention Debates*, Sydney 1891 at 532.

that time - the Australia in which my own father grew up as a child - was mainly populated by people who had been born in Great Britain and Ireland, as indeed three of my four grandparents and as Sir Samuel Griffith himself had been. And, at that time, all our ties - constitutional, political, legal, cultural and commercial - were with Great Britain.

Much has changed since then: our relationship with the United Kingdom; the long-delayed move towards reconciliation with the Aboriginal people; the pattern of our trade; the make-up of our population; and the continuation of the trend towards urbanisation. More than that, the old spirit of national identity and unity is no longer as strong as it once was. Advances in transportation and communications and the emergence of Asia and the Pacific Rim as a driving force in the world economy have dispelled our sense of geographical isolation. At the same time, many of the common assumptions which united Western society - and, despite our desire to be part of Asia, we are still a Western society - are no longer valid or are under challenge. The attitudes of the community have become more fragmented as interest groups aggressively pursue single issues by means of media, political and even litigious campaigns. Many of these issues are not unique to Australia, though, to take woodchipping as an illustration, they have a local application. The fragmentation of community attitudes and the emergence of single issue politics have in turn made it more difficult for politicians to provide strong leadership.

All this makes it unlikely that, in the foreseeable future, we shall return to a world of certainties in which we are united by a set of common beliefs and assumptions. But there are some certainties which we should recognise. One is that, in order to be a well-informed citizen and to pursue a successful career in one's chosen occupation, it is not enough just to have professional or technical expertise. You need to be aware of the major issues confronting society and the ramifications they may have, not only for the community in general, but also for the field of activity in which you are engaged. There have been few areas of professional, administrative and business endeavour which have been immune from the ways in which governments, community groups and interest groups have responded to the many political, economic, environmental and social issues which have arisen in recent times.

Yet professionals, administrators and those engaged in business have not been alert to the need for change. Often they have embraced change only when it has been thrust upon them. An occupational mindset, insulated from glimpses of broader horizons and from notions of service to the public is sometimes responsible for such short sightedness. Fortunately, steps are now being taken to address these shortcomings. We read constantly of companies, industry groups and professional associations engaging former public sector decision-makers and other professional and expert advisers who can provide insights into the consideration, management and resolution of the broader issues of which I have spoken.

It is something of an irony that, at a time when there is an increasing demand for specialisation, there is a need for a knowledge and understanding that transcends specialist boundaries. That need presents a challenge to specialist education and gives new emphasis to the time-worn expression that universities should have as their primary goal the education of the "well-rounded" graduate. That need also highlights the role of the university in providing post-graduate courses in the field of continuing education. Indeed, the more one thinks about it, the more inevitable is the conclusion that graduation from a university, great achievement though it is, is but a significant step in an on-going process of education of the individual in which a university has many parts to play.

One other certainty in an uncertain world that we must recognise is that our future lies principally in the Asia-Pacific region and with the peoples of that region. A consequence of that is we must make it our business to understand and appreciate the culture of our neighbours. That is easier said than done. We tend to believe automatically in the innate superiority of the set of values which has evolved in Western society. That superiority is not self-evident to others. And our version of Western society, which is peculiarly assertive, confrontational and adversarial, contrasts rather sharply with the courteous and consensual approach to decision-making that is characteristic of some parts of Asia and the Pacific.

It follows that we need to develop and encourage the quality of tolerance, to allow for the different viewpoint and to respect the opinions

of others even though we may disagree with them. The dogmatic assertion of the superiority of our own values and of a belief that they should be adopted by civilisations much older than our own is a form of cultural nationalism least likely to promote our goals in Asia and the Pacific region. If our own values have intrinsic virtue, that intrinsic virtue will ultimately be recognised in spite of excessive trumpeting on our part.

That message has particular significance in northern Australia. Our history, centred upon Great Britain and the sailing ship, meant that for so long the focus of European settlement in Australia was in south-eastern Australia. Our future, centred now to the north, the north-west and the north-east of the continent, means that those who live in Queensland, Western Australia and the Northern Territory have advantages and opportunities over those who, like myself, reside in south-eastern Australia. And it is important to all of us that you should make the most of them. Your relationships with the peoples of the region are certain to become much closer and more varied and, in that way, you will contribute to the building of a stronger Australia.

It is even possible that closer links with the peoples of the region will enhance an Australian sense of identity. A concentrated effort to achieve our destiny in this part of the world might well generate a new spirit of confidence, a confidence that was dented by the severe recession that beset us in recent years. But, in any event, there are sound reasons for hoping that the future prospects for dedicated and industrious young university graduates are more promising than they have been for some time.

That is as it should be. Graduation at today's ceremony represents a just reward for personal effort and for the continuing support provided by family and friends. I congratulate those present who have received degrees or awards and I hope that your degree provides a passport to a stimulating and successful career as did my own basic degrees.

The Honorary Degree which I have received today is of a different order. I would like to think that it reflects in substantial measure a recognition of the fundamental importance of the High Court of Australia under our Constitution and of the on-going contribution which the Court has made to law and justice and to the life of the Australian community.