

Deakin Law School 20th Anniversary Dinner

Chief Justice Robert French AC

18 February 2012, Geelong

To speak at the 20th Anniversary of a law school is to be forensically challenged. The inevitable and properly celebratory remarks must be balanced and genuine. Over the top superlatives should be avoided. Nobody believes them, and they could turn out to be badly mistaken over the next 20 years - not that that matters because superlatives, like a boring sermon, soon pass from memory.

My research for appropriate remarks on this Anniversary occasion led me to a speech delivered upon the 20th anniversary of Brigham Young Law School in Utah by Elder Dallin H Oaks. It was entitled 'Gospel Truths About Lying'. It was delivered on 12 September 1993 - only one year after this Law School commenced its programs. There was much that was scriptural in the talk but Elder Oaks began by repeating advice he had been given by a former Dean of Chicago Law School about what he should not say:

You have to avoid talking too much about the great faculty members of the early days, lest the students and public conclude that the great people who have taught at this law school were all in the early days...

He then went on to speak of dishonesty and the occasion on which, as a Judge of the Utah Supreme Court, he had to disbar a graduate of the Law School for stealing money from a client and lying to the client.

Every law school, of course, will produce graduates some of whom will be great lawyers, many of whom will be good lawyers, some of whom will struggle, and one or two of whom will do the wrong thing.

Somebody recently sent me a copy of the law students' journal from the University of WA Law School 1970. I showed one of my associates from Western Australia a photograph of my graduating class, pointing to various members:

- . that one became a distinguished constitutional scholar;
- . that one became a District Court Judge;
- . that one became an advocate for indigenous people;
- . that one was struck off;

Then pointing to two of the students sitting next to each other, I said:

- . that one became Chief Crown Prosecutor for Victoria;
- . the one sitting next to him is Philip Clarke - he became Foundation Head of the Law School at Deakin University.

It is a particular pleasure for me to speak to you tonight to help with the celebration of 20 years of the Law School. It is a pleasure because of the connection between your Foundation Head of School and my law school days. It is also a pleasure because of the importance I attach to diversity in legal education and, particularly, its provision outside the central business districts of our capital cities in what might loosely be called 'Regional Australia'.

I have spoken, since my appointment as Chief Justice, at a number of regional university law schools. The energy, intelligence and enthusiasm of the faculty and students of those law schools and the support they have from their local communities I have found to be quite uplifting.

Deakin Law School has made a particular commitment to Regional Australia. In 2010 it organised, and I spoke at, a national conference held at Warrnambool, on rural and regional law. In preparing for that presentation I became acutely aware of the challenge that faces Australia in the provision of legal services to its regional, rural and remote areas. Many young graduates will no doubt prefer to head for a big law firm in the CBD to get their initial training. Many will no doubt be pleased with the opportunities offered in major regional centres. But in smaller centres and remote areas, there is something of a crisis unfolding as older practitioners move towards retirement with few to fill the gaps they leave.

It is timely, therefore, that the Law School has established a Centre for Rural Regional Law and Justice. Its mission is to 'enhance access to improved justice systems and services

for rural and regional Australians through research, education, engagement and advocacy.' The Centre is an important initiative responding to the legal service needs of our rural community which have a degree of urgency about them.

The Law School has made another important commitment linked to regional and rural needs. That is in the field of higher education for indigenous students. Through the Institute of Koori Education, the Law School staff manage, run and assess community-based teaching of the law program for indigenous students. The Institute itself is a university wide means for collaboration between the University and the Koori Community of Victoria.

The Law School, from its foundation, developed a distinctive commercial focus requiring students to complete four commercial units as part of their course. These are presently: competition law, taxation, intellectual property and workplace law. This was perhaps not surprising given Philip Clarke's strong background in commercial and competition law. He came to Deakin from the Business Law Centre at Monash University, where he worked with Professor Bob Baxt. The compulsory commercial units presently on offer are of great importance and relevance to the economic life of the Australian community and link us to the global economy - particularly in the areas of competition law and intellectual property law.

The Law School's program was launched 20 years ago by Sir Anthony Mason who was then Chief Justice of the High Court. Three Chief Justices, three Heads of School, and two decades later, we are able properly to celebrate a Law School with a national profile and a solid record of achievement.

The Law School bears the name of the University, which is the name of Alfred Deakin, Australia's first Attorney-General and its second Prime Minister, an office he held on three occasions.

In 1995, Sir Gerard Brennan delivered the inaugural Deakin Law School Oration in which he highlighted Deakin's work in securing the passage of the *Judiciary Act 1903* (Cth) through the Parliament so that the High Court of Australia, for which the Constitution provides, could be set up. There was strong opposition from those who saw a High Court as an expensive and unnecessary luxury. In Deakin's own words, quoted by Sir Gerard Brennan:

No measure yet launched in the Federal Parliament was so often imperilled, skirted so many quicksands or scraped so many rocks on its very uncertain passage.

In his Second Reading Speech for the *Judiciary Act*, in a passage quoted often and quoted by Sir Gerard Brennan in his Oration, Deakin asked:

What are the three fundamental conditions to any federation authoritatively laid down?

...

The first is the existence of a supreme Constitution; the next is a distribution of powers under that Constitution; and the third is an authority reposed in a judiciary to interpret that supreme Constitution and to decide as to the precise distribution of powers ... The Constitution is to be the supreme law, but it is the High Court which is to determine how far and between what boundaries it is supreme.

Deakin embodied in some ways a model of the lawyer statesman who set his sights on the contribution he could make to the better working of his society. His name is a most suitable one to attach to this Law School. He reflected an aspiration for public service which should be an attribute of the fully educated, well-rounded lawyer.

I congratulate the current and retiring Head of the Law School, Professor Ann Rees, and her predecessors Philip Clarke, Jean Du Plessis and Mirko Bagaric and the staff of the Law School for the work they have done over the last two decades in bringing it to where it stands today.

The coming decades will bring new challenges as legal education and the legal profession change. I am confident that Deakin Law School will meet those challenges with relish.