

Griffith University Graduands
Brisbane Convention Centre
Saturday 1 August 2009, 7.00 pm

OCCASIONAL ADDRESS

**The Hon Justice Kiefel
High Court of Australia**

Chancellor, Mrs Leneen Forde AC, Vice-Chancellor and President, Professor Ian O'Connor, members of the official party, graduands, ladies and gentlemen.

It is a great honour to be here this evening to receive the degree of Doctor of this University. As you would know, the University has a special connection with the High Court, having been named after the Court's first Chief Justice, Sir Samuel Griffith, a Queenslander. It is a special pleasure to receive this degree from the Chancellor, who was a partner in the law firm which employed me as a law clerk in what some would call "the olden days".

It is a privilege to speak to you this evening. Graduands, this is an important occasion for you and for those who have supported you throughout your years of study. This is an evening you will remember. It marks the conclusion of an important phase of your life and the beginning of another. It is a time when so much should seem possible.

On an occasion such as this it is worthwhile to reflect upon the value of education, both to the person and to society.

The education of Australians is a cornerstone of our society, as it is in any democratic country. It permits an informed participation in the social and political life of a country. It enables thoughtful criticism, which is necessary for change in a progressive society. It encourages tolerance and understanding, by creating an awareness that differing opinions may validly be held.

Many people in the world lack the fundamental skill necessary for an education – literacy. This should be a matter of great concern to us. Great power resides in the choice of what information shall be disseminated to the peoples of a country. It is no coincidence that some of the countries with the highest rates of illiteracy are countries which are, to some extent, politically unstable and subject to eruptions of violence. There are 785 million illiterate adults, which is 18 per cent of the world's adult population. Two-thirds of those persons are women¹. Pakistan provides an illuminating, if not disturbing, example. It is advanced enough to be a nuclear power but 50 per cent of its population is illiterate. Seventy per cent of adult Pakistani females can neither read nor write.

¹ Central Intelligence Agency, *The World Factbook*, (2009), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/XX.html>.

You are fortunate to have received an education at this University. It will prepare you for a working life which, hopefully, will both sustain you and provide you with personal satisfaction. Some of you will have an idea of what you will undertake from this point; others will be reflecting upon it. It is my hope that you all find your right place.

I have been fortunate in my choice of profession as a barrister and in the work which I now undertake as a judge. With the benefit of considerable hindsight it is quite easy to say how one may have a rewarding working life. It does not seem so simple when you are not there. You find that occupation or endeavour that suits your talents and your personality. It is what the educator Sir Ken Robinson calls being in your "element"². He acknowledges that a condition necessary to find one's element is opportunity. Another is the aptitude of the person and a passion for what they seek to do. He says that people in their element are doing the thing they love and in doing it they feel like their most authentic self.

Michelangelo is reputed to have said that the greatest danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low and reaching our mark³. This is an aspirational statement. It should not be taken as a universal prescription that everyone should seek constant challenge and to achieve at the highest level. I would qualify it by saying that if what you do has real purpose and it is satisfying to you, you have found your proper mark. However there may be a difference between simply being comfortable with what you are doing and being truly satisfied.

A rewarding life does not necessarily mean financially rewarding. Not all people who make or earn a lot of money are driven by its attainment; but rather by what they achieve along the way. Some people choose not to pursue high earnings. I was speaking recently with a talented young woman lawyer who had been employed by a large law firm in London working in commercial law. She was about to take a position as an in-house lawyer working in the arts community. Her income would be substantially reduced, but she felt more attuned to the world of arts than to commerce. This could be her "element".

My attention was drawn recently to a paper from the London School of Economics which measured what it called the "returns" of education⁴. In the mid-19th century there was much debate about the purpose of universities. This topic may sound familiar to you. John Henry Newman complained about the confinement of education to only that which is useful and which results in something which can be weighed or measured⁵.

² Robinson and Aronica, *The Element: How Finding Your Passion Changes Everything*, (2009) at 22.

³ See Robinson and Aronica, *The Element: How Finding Your Passion Changes Everything*, (2009) at 260.

⁴ Barr, "The Benefits of Education: What We Know and What We Don't", Paper presented at HM Treasury Seminar, Economic Growth and Government Policy, 11 Downing Street, London, 12 October 2000.

⁵ Newman, *The Idea of a University*, 3rd ed (1987) at 153-154.

Not many people would suggest that the only purpose of education is to provide a person with the means to make a living. Nevertheless questions remain about whether some subjects, which do not have obvious practical application, should be offered as part of the study of a discipline. The importance of financial considerations to universities cannot be underestimated. But there are other considerations which might also be weighed. In the study of law, for example, subjects having an historical, philosophical or comparative perspective are important. I note that this university recognises the particular importance of comparative law in its degree requirements. The system of law which we have was not made yesterday. Its future development does not depend upon transactional legal activities. Its maintenance and development depends upon an understanding of how it was developed to this point, a thoughtful reassessment of principle and new ideas about its development as appropriate to our society. The Chief Justice of New South Wales has made the significant point that "not everything that counts can be counted"⁶. And it has been observed that, even in the world of commerce "intangibles" are recognised as having value⁷.

In any event it cannot be doubted that the inestimable value in education – both to the individual and to society as a whole – is that it develops an individual's ability to think for themselves, to reason and understand different points of view. It is the foundation for a life where knowledge is continually acquired and ideas formed.

A professor of law once said that when he had received his starred firsts, the medals, gained his Doctor of Philosophy and his appointment as a professor, he considered that he knew his subject. By the end of his academic life he realised that there remained much more to learn. He did not say this with any sense of frustration or sadness. He had had a life filled with new discoveries and ideas. Graduands, I hope that yours may be the same.

⁶ Spigelman CJ, "The Idea of a University", speech delivered at the University of Sydney, 12 October 2002.

⁷ Gleeson CJ, "Valuing Intangibles", speech delivered at the University of Sydney, 3 February 2001.