

Sir William Deane: The things that matter

By Tony Stephens
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When taking his oath of office to the High Court of Australia in 1982, Justice William Deane declared that ‘The source of law and judicial power in a true political democracy... is the people themselves, the governed, the strong and the weak, the rich and the poor, the good and the bad, all manner of people.’

The Hon Sir William Deane's view of the Constitution of Australia, expressed in 1997 during his term as governor-general, is that it must be construed ‘as a living force’ and ‘not as containing a declaration of the will and intention of men long since dead.’

Tony Stephens' book, *Sir William Deane: The things that matter* is necessarily full of quotable material, but these pivotal statements will be of especial interest to the lawyers for whom this review has been written.

The book, however, has been written for a general readership of ‘the people themselves’, the men and women of Australia whom Sir William Deane served as governor-general in 1996-2001.

In his preface, Stephens states that his book is ‘not a biography, although it contains a considerable amount of biographical detail.’ Neither is it ‘a book of speeches, although it draws heavily on his [Sir William's] addresses and quotes.’ Rather the book is ‘an attempt to understand what made William Deane the governor-general he was and to draw together the strands of

the Australian identity that he feels matter most.’

Tony Stephens is well known to readers of the *Sydney Morning Herald* as a respected senior writer. The expectation that his book would be well written, is amply fulfilled. The chapters numbered (1-9), and aptly titled, are individual essays, although the sense of continuity is well maintained.

In the first chapter, ‘The very model of a modern governor-general’, Sir William's statement of intention, made shortly before he assumed the vice-regal post, is unequivocal: ‘The focus of what I want to do lies with the disadvantaged.’

Sir William's legal career, from the Sydney Bar to the High Court is covered efficiently and comprehensively, but without much depth (in chapter 2: ‘From altar boy to High Court’). There is, however, a generous reproduction of the Peace Prize address entitled ‘Peace and justice: The search for Aboriginal reconciliation’ which was delivered in 2001 after Sir William had retired from office. This is ‘meatier’ fare for lawyers with its exposition of the Mabo issues and the Constitutional aspects of Aboriginal reconciliation.

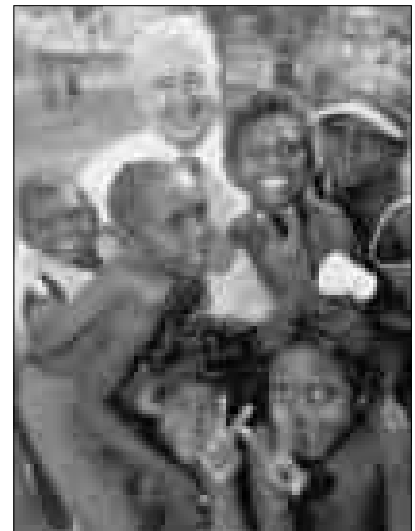
‘Anzac: Something too deep for words’ is, for me, the most moving essay. This may be because, as a young woman, I met Cornelius (Con) Deane, Bill's father, who had fought in the First World War (1914-18).

Con's photograph, in the book, portrays a handsome young officer destined for the horrors of the Somme, in northern France, where so many lives were lost. Winston Churchill, in *Great contemporaries*, described the death of his close friend, Raymond Asquith, in 1915: ‘The War, which found the measure of so many men, never got to the bottom of him, and when the Grenadiers strode into the crash and thunder of the Somme, he went to his fate, cool, poised, resolute, matter-of-fact, debonair’.

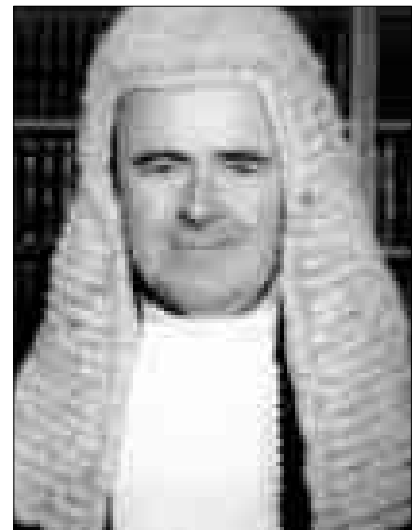
At the time of our meeting, Con would have been in his 60s, a widower who never ceased to mourn the death of Lillian, Bill's mother, at the age of 43. I was conscious of his sadness, but the overriding impression was of his charm and dignified bearing.



William Deane's father. Cornelius Deane collection.



William Deane with children on the Tiwi Islands. Rick Stevens/Sydney Morning Herald



Newly sworn-in as a High Court judge. Deane collection

Con, like my husband's uncle and former partner, Leonard Chippindall, had been decorated for courage under fire in France. In the manner of their generation, neither of these veterans spoke of their wartime experiences. I do remember that while Bill Deane, John Chippindall and their friends as young men were profuse in their scorn of 'old fools' generally, a special respect was reserved for the surviving Anzacs from both world wars. In the 1950s, the cynicism and disillusionment which were to be engendered by the Vietnam War and later skirmishes had not yet touched them. They were haunted by the poignancy of men dying young.

The most lengthy essay, 'The longing in our hearts', describes the movement towards Aboriginal reconciliation. In this context, Sir William's Lingiari Lecture entitled 'Some signposts from Daguragu', has been reproduced in its entirety. Delivered in Darwin in 1996, the address was prepared after much research. It was written with the clarity and precision of language which characterised his High Court judgments. For many readers, however, the photograph of Bill with children on the Tiwi Islands may be more affecting than any words. His love for children, and obvious acceptance by them, shines out from the page.

The courage of Lady Deane, speaking out herself on behalf of Aboriginal women, was most inspiring to her friends, although not surprising. We were always aware of the intelligence and strength of character beneath Helen's self-effacing manner. After her speech at the Australian Reconciliation Convention in Melbourne, Lady Deane received a standing ovation. Her voice had quavered slightly at first, from emotion, but to her audience it bespoke a deep sincerity and commitment to the cause.

Other chapters deal with multiculturalism: 'The greatest achievement'; and Sir William's concern for the underprivileged: 'The work of a bleeding heart' and 'In the land of the fair go.' 'Don Bradman and slow racehorses' delivers 'the Don's' funeral oration and provides some light relief. The Deanes' horse, Man About Town was slow to start and seldom finished.

There are some good jokes here about Bill's own sporting experiments which should not be spoiled by repetition.

The final chapter, 'Celebration and mourning', contains excerpts from some of the governor-general's finest speeches: eulogies delivered upon the deaths of notable Australians including Dame Roma Mitchell, Sir Mark Oliphant, Dr HC Coombs and Shirley Smith, better known as 'Mum Shirl', and on occasions of national disaster such as Thredbo, Port Arthur, the Black Hawk helicopter collision, the Swiss Canyon tragedy and Childers.

People have often asked Bill's old law school mates what he was like as a youthful student. The caring instinct was already there, especially where Anthony Gallagher was concerned. When Bill embarked for Europe en route to Trinity College, Dublin, after his graduation in 1954, his last words to John Chippindall were 'Look after Gallagher!'

Thus, John became chauffeur/custodian to the intellectual behemoth of our generation at Sydney University, the former dux of St Joseph's College, university medallist in Latin and Greek, Shakespeare and opera buff, and mesmerising orator, who was blessed with the *embonpoint* and gravitas of one of the more self-indulgent popes. Keeping Gallagher 'on track' proved to be a formidable responsibility. The acclaimed scholar tended to quote Horace, '*Nunc est bibendum*', rather frequently. Nothing could induce him to study the boring practical subjects of the law school curriculum.

As Stephens notes in the biographical chapter 'From altar boy to High Court', 'Gallagher could not pass conveyancing, so dropped out of law, became a teacher and ran a bookshop. He suffered from obesity and was dead at 50.'

Recently we saw an epitaph which might have been written for Tony Gallagher: 'Give me, O Lord, Thy early grace, nor let my soul complain that the young morning of my days has all been spent in vain.'

Tony's lasting achievement may have been that he brought together his school friends Gus Nossal (whom he met at St Aloysius College) and Bill

Deane (whom he met later at St Joseph's College). The two men, the scientist and the lawyer, having reached the pinnacles of their respective professions, were to be reunited in 1997 in a common cause: their concern about the standards of health in Aboriginal communities.

In practical terms Stephens's book passes every test: it is a superior paper back (262pp.), reasonably priced, with fine typesetting and photographic reproduction.

The book, written with Sir William Deane's co-operation, handsomely meets its brief as a re-examination of the personal and public concerns of a remarkable governor-general. The cover photograph of Sir William captures the quality, which, above all others, transcended his term of office: a loving-kindness seldom encountered in public life, and already greatly missed. O rare Bill Deane.

Reviewed by Pamela Chippindall



Forum shopping and venue in transnational litigation

*By Andrew Bell
Oxford University Press, 2003*

When Andrew Bell arrived back from Oxford some 10 years ago clutching his D Phil thesis under his arm, a poorer and leaner figure than he currently cuts, few (but Andrew) could have predicted how productive his thesis would become. It was entitled *Venue in transnational litigation*. Over the last decade it has become a source for an extensive practice which Bell has