

MONASH UNIVERSITY
GRADUATION CEREMONY
FACULTY OF LAW
ROBERT BLACKWOOD HALL
THURSDAY 4 MAY 2006
OCCASIONAL ADDRESS #1

THE HON. JUSTICE KEVIN BELL BA, LL B (HONS)

To the distinguished members of the official party and most especially to the new graduates and their families, I extend to you my sincere thanks for the opportunity to present an address on this most auspicious occasion.

Like the Deputy Chancellor I acknowledge the traditional owners of the country where this ceremony now takes place, the Kulin nation, especially one of its five tribes, the Boonewrung, the present elders of which I have been privileged to represent in my life as a barrister. I pay my respects to their elders, past and present.

My fellow graduates of Monash University Faculty of Law – as I may now address you – you are at an early point in the long journey of life and, for many of you, the law. For me, that journey began on this very

podium, in 1978, when I was presented in the way you have just been presented, and it has been a very rewarding journey indeed.

In your journey, may I invite you to reflect upon two recent events which, for me, have been a source of renewed personal inspiration:

- The first is the appointment of Professor David de Kretser, the foundation professor of the Monash Institute of Medical Research, as the Governor of Victoria, and the comments he made in his inaugural speech.
- The second is the rescue effort of the trapped miners in Tasmania.

In his speech, the Governor said he wanted Victorians to display courage, communication and compassion, and he wanted to display these personal qualities himself in his role as the Governor:

- Courage, to stand up for what is right
- Communication, with fellow members of the community, whatever their background or country of origin
- Compassion, towards people in difficulty or less fortunate than ourselves

Do you not find these words valuable, as I do, in the journey of life and the law?

Governor de Kretser is a migrant in a land of migrants. He came to Australia from his tear-drop island when he was only nine years old. He has made a seminal contribution – if he will excuse the choice of adjective – to the Australian community. How fitting it is that he should share with us this most important message - a migrant from one island to another, a veteran traveller in the long journey of life and science, a person of principle as we hope all of you will be, and an eminent associate of this University.

This brings me to my second source of inspiration, the rescue effort for the miners in Tasmania.

The two miners, a third sadly lost, are trapped far under the surface of the earth, protected in a small safety cage.

Allow me to make a small digression. Engineering students suffered a terrible press among the law students when I was at university. I will even things up a bit by pausing to sing the praises of the engineers who designed this safety cage. They, like you, studied hard at university to acquire important technical knowledge capable of being used for the great good of humanity. Perhaps they studied at this university. Perhaps they,

like you, and I, were presented for their degrees on this podium. I wonder, when they studied Newtonian physics and the properties of metal, did they consider they would design a small cage capable of saving the lives of workers a kilometre under countless tons of rock? What will you do with the knowledge you have acquired?

Now to return to Tasmania. The rescuers endure the inherent danger to bore a long tunnel through the rock to get these miners out. Image the terrible conditions in which these men are trapped and in which their rescuers work. The next time I feel even slightly sorry for myself over some trifle I will remember the extraordinary conditions these men endure.

I hope you will agree that Governor de Kretser's principles of courage, compassion and communication are well illustrated here. Think of the courage displayed by the miners, the rescuers and their families. Have you been deeply moved, like me, by the numerous individual acts of eloquent communication that have occurred in recent days, so widely reported in the media – the rescuers with the trapped miners, the workers with their management and their union, the families of the miners with each other and with their local community, all of them with us in the

broader community, me now with you. We have all been brought together by this process of communication.

What has been communicated here more than anything else? It is the most enduring quality of this young country of migrants, compassion – for the plight of those who need our help, our support, our compassion.

What does all this mean for you, as law graduates? I invite you to consider the Governor's theme of courage, communication and compassion in your personal, professional or business life:

- Have the courage to take your own path. There are many options available to those of you who wish to practice law. Besides working in a law firm or at the Bar, you could work in government legal aid, in a community-based legal centre, in the outback with the aboriginals, in a refugee advocacy centre, overseas in an NGO or in an Australian court as a judge's associate. There are many other options I haven't mentioned. My suggestion is, do this early in your life as it is much harder to do later.
- Whether or not you practice law, you might accept the responsibility to communicate yours ideas to, and listen respectfully to the ideas of, others. If you can, you might participate in public debate about issues of contemporary

importance. You are law graduates now and your knowledge puts you in a special position to contribute to the development of the community.

- Above all, wherever the journey of life takes you, and especially if your journey includes the law, remember that an important measure of a system that aspires to be just – whether that is a legal system or a social system - is its capacity to show compassion.

My fellow graduates, as I speak, the rescuers in Tasmania are still boring through the rock to reach their comrades, to bring them back into their community, where there will be no “us” – the rescuers – and “them” – the miners – separated from each other, only “we” – the community, reunited as one. I wish them well, as I do you, especially those of you who are able, even in the littlest of ways, to use your knowledge to break through the rock of prejudice and discrimination that can create barriers between us and make us forget the fundamental values that unite us as a single community. To do that, however, you have to have something that the Governor didn't mention but which he, if I may respectfully say so, and the miners in Tasmania both possess: conviction.

Thank you for your attention to this occasional address. I extend to the new graduates and your families my warmest congratulations upon your graduation.