

**ADDRESS BY HIS EXCELLENCY
THE RIGHT HONOURABLE SIR NINIAN STEPHEN
GOVERNOR-GENERAL OF THE COMMONWEALTH
OF AUSTRALIA**

They say that it is a sign of advancing old age when, each year, policemen seem a little younger and familiar hills a little steeper. But for me the sure proof that I had passed that sombre bourne which marks the very furthest reaches of middle age was when I found myself discussing, albeit perhaps a year or two prematurely, career options at Monash with the offspring of my Monash graduate daughter.

And what set me off on these melancholy reflections upon mortality was to recall, at the same time marvelling at how long ago it seemed, to recall that far off time when Victoria had no Law School but Melbourne; indeed no other university. Monash, the University of New South Wales, Flinders and so many others have, over the past twenty-five years, become such a part of the Australian academic scene that to cast back to the days of one university per State is to revisit a different Australia and a different age.

That bygone age was, of course, not without its advantages for the practising lawyer. With only one Victorian law school, in the profession you necessarily knew everyone of your approximate vintage, having suffered the same sad jokes from the same lecturers, having sat the same exams and having drowned common sorrows with the same obnoxious Union cafeteria coffee.

But, as I say, it truly was a different age, with Australia a very different place, a much more inward-looking and conservative community than it now is. And, as usual, the law of the day reflected the community of the day. The changes that have since taken place in the law and in the concerns of lawyers are so dramatic as to be worth noting if only because it is by looking backwards some distance in time that we are ever able to see, from the patterns of the past, the course we have been following and thus to have any prospect of discerning, and perhaps even of somewhat influencing, the direction in which events may lead us in the future.

Many of the notions abroad in the legal community of the early 1960s, and which seemed like great novelties or great heresies then, are the very commonplaces of today. Such changing climates of thought can perhaps best be seen by a glance back at the law journals of the time. Take the Australian Law Journal of 1964, this Law School's founding year: early in the year one finds the New Zealand Ombudsman, first of the species in the Southern Hemisphere, paying Australia a visit, and being cautiously examined, from a safe distance, by Australian lawyers, much as if he was a character out

of some Nordic fable. And legal aid too was in its struggling infancy, with the President of the Law Council of Australia, one John Kerr QC, as he then was, urging that the State should assume some financial responsibility for its operation.

The Family Law Court was still unknown and the latest edition of Tolstoy on Divorce was, despite its English origins, still a reliable procedural guide in causes matrimonial. Only the truly venturesome amateur law reformer dared to discuss the possibility in running down cases of departure, in the distant future, from trial by jury and recoverability wholly dependant upon fault. And *amateurs* law reformers necessarily were, the breed of full-time law reformers was still largely unborn. Administrative law, too, was but a sickly infant, largely the preserve of those who understood the dark mysteries of prerogative writs. It was in Courts of Petty Sessions that Juniors at the Bar earned their living and landlord and tenant cases, not drug cases, were their stock-in-trade.

The great figures in the law were so different too. At the beginning of 1964 Sir Owen Dixon was still Chief Justice of Australia and with him on the High Court Bench sat McTiernan, Kitto, Taylor, Menzies, Windeyer and Owen, J J., all now long gone from the Court and only three of them still alive.

1964 was also the year when John Starke was appointed to the Supreme Court, and Sir Charles Lowe retired. It was the year in which Sir John Latham died. In the universities *Hedley Byrne v Heller* was being studied as a bold new departure in the law, Lord Devlin was retiring from the Lords and Lord Denning was still a new-minted Master of the Rolls.

This Law School had, as far as I know, no hand either in Sir John Latham's death or Sir Charles Lowe's retirement nor, perhaps, in any of those other changes in the personalia of the law; but it has, over the years, had a great deal to do with what have otherwise been the vast changes in the Law here in Victoria. Through its faculty members, through its Law Review, above all through its out-turn of graduate practitioners, it has had a highly significant effect upon the face of our law both in Victoria and throughout Australia.

It was your founding Dean, Sir David Derham, who, in a memorable speech at the opening of the Law School bearing his name, said that the fundamental reason behind the particular structing of Monash's law course was that its graduates might learn to resolve what many saw as the great dilemma of the law — how to maintain the Law's authority while yet eradicating error in the law. Its resolution Sir David regarded as the lawyer's primary task. And, the better to equip graduates for that task, the law course was, he said, designed to look beyond the limits of the formal rules of law to the all-important interaction between law and life.

How well Monash has achieved that aim is the true measure of your faculty's present success. And achieve it I believe it has. But, perhaps more importantly, in doing so it has helped to urge upon lawyers generally the need for present-day law better to resolve present-day problems. One result

has been a flood of law reform measures and a great growth of new tribunals and of new remedies in areas previously barely touched by the law, administrative law, trade practices law and environmental law to name but a few; and there have been dramatic reforms even in matters procedural, perhaps the ultimate domain of conservatism. In all these moves towards a legal system better adopted to the needs of the times Monash Law School has played its own notable part.

The first 21 years of a new law school, with its graduates still relatively young in the profession, their haggard looks here tonight being due rather to dissipation than to age, can necessarily be mainly manifest only in climates of opinion, in matters almost atmospheric. It will be in the next 21 years, when Monash graduates, not content with having already captured Melbourne's Law School and put in place their own Quisling Dean, will come to dominate the ranks of silk and Benches State and Federal, that Sir David Derham's vision will be fully realized and the seeds he sowed harvested through the accomplishments of Monash's own distinctive breed of lawyer.

So what we celebrate tonight is not just the 21 years that have been but also the prospects for the next 21 years and the many more after them still to come. My wife and I are honoured and delighted to have been invited to share these celebrations with you.