

OCCASIONAL ADDRESS

VICTORIA UNIVERSITY GRADUATION CEREMONY

COLLEGE OF LAW AND JUSTICE AND COLLEGE OF
BUSINESS (POSTGRADUATE)

26 MAY 2016, at 1.30 PM

Victoria Racing Club, Flemington

Professor David H Denton, QC, BA LLB LLM (*Mon*)

Chancellor, Deputy Chancellor & President of the University, Deans of the Colleges of Law & Justice and of Business, Distinguished Professors, Guests and Colleagues, Ladies and Gentlemen, especially Graduands.

As is most befitting today as we ceremonially assemble at this place that *I acknowledge the Ancestors, Elders and families of the Boonwurrung and Woiwurrung of the Kulin who are the traditional owners of this land and I extend my*

respect to Aboriginal people, staff, students, community who are present today.

Before I commence my address I want to let you know 2 things to keep your interest up. I will start with a quote and I will end with a short joke perhaps summarising your thoughts after this address.

The quote I have chosen is from Robert Orben, speech writer to United States President Gerald Ford. Referring to my task today he wrote:

"A graduation ceremony is an event where the commencement speaker tells thousands of students dressed in identical caps and gowns that 'individuality' is the key to success."

So it is an individual honour to be asked to address the graduating classes of the Colleges of Law & Justice and that of Business at this great public university of opportunity; a continuing institution celebrating its Centenary Year. A university from which my eldest son is an LLB (Honours) graduate now working in Hong Kong, my daughter is an Arts undergraduate and my wife who is also a barrister, is one

subject from completing her MBA.

This day has caused me to reflect on my graduation from Monash University Law School over three decades ago. On that day I remember that the Occasional Address was delivered by Fred Williams. He was then one of the most dynamic contemporary artists in Australia. I remember not so much the words but rather the passion with which he spoke about the natural beauty of this nation.

I have never been able to afford a Fred Williams painting. Such a pity I hear you sigh. Conversely, my appreciation of Williams is not universal for in a searing review of the Royal Academy's new 'Australia' exhibition which opened in London in 2013, the '*Sunday Times*' Waldemar Januszczak described indigenous art as "*tourist tat*", Frederick McCubbin's famous 'The Pioneer' as "*poverty porn*", and Fred Williams' desert landscape as "*thick cowpats of minimalism*". So, you see, what you or I may think is perfectly true – others may have diametrically opposite views although dealing with the same subject matter.

Notwithstanding, whenever I visit the National Gallery of

Victoria and see a Williams I am reminded of my graduation and the hopes I had for my future. Hopes to a large extent I have achieved and enjoyed.

So here I am now - in a similar position to Fred Williams - seeking to find useful words to provide to you to take away from this graduation day, in addition to your glorious testamurs. I am not a world renown artist but a humble barrister who has a great affection for this University and its ideals. So - no pressure – none whatsoever!

I have been thinking though, as my address may come up as a topic of discussion later in the day, if only to deflect attention from other topics like job interviews and HECS repayments, what the different audiences here today may take away from my speech? What will you say when your Grandmother asks, *“So what did you think of that speaker today?”* Before you can answer that too harshly let me outline the 3 themes I will ask you to take away and consider from this day.

They are:

1. Luck plays a part!
2. Technology will continue to intrude – so use it;
3. At some point you must put back into our community.

An academic graduation, like a religious ceremony, is a serious occasion, attempting to communicate something which, while rational, cannot be contained within the confines of pure reason or words. It is touching upon something far loftier, indeed, jubilant in a sense. Not just for you but for every person in attendance here today who has a connection with your success.

As an occasion we are all wearing gowns of some sort and in a variety of colours. The earliest standardization of academic dress occurred in England as a coincident of a 13th century edict by Stephen Langton at the Council of Oxford, where it was declared that all clerks should wear a form of the *cappa clausa*, a long cape typically worn over a robe (much as you wear today). In short order, this became thought of as

a mark of an academic, and the newly minted universities adopted it, while at the same time the clergy in general (outside of academic contexts) over time wore it less and less.

On the Continent, in 1321, the University of Coimbra in Portugal mandated that plain gowns be worn by Licentiates, Bachelors, and Doctors. (much as you wear today). In England by Tudor times, this same basic standard had been set for academic dress at Oxford and Cambridge Universities. Gradually more comfortable versions of the gown were adopted and as for coloring, things remained very plain, generally black. It was not until the later 1800s that the differing colours, you now wear about your shoulders, were designated to represent specific areas of study. And thus your colours today are not arbitrarily chosen but have descended from countless generations of students who have gone before you and have succeeded in graduating as you do this day.

Having dealt with the fashion commentary of this day I now turn to my themes:

1. Luck plays a part!

You may not have chosen your graduating degree as your first choice. I know it was not for me. I first chose to be an army officer studying at the Royal Military College, Duntroon. From the time I commenced at Duntroon I enjoyed my decision and looked forward to completing the four-year course, obtaining an arts degree, and commencing as an army officer.

Unfortunately, or so I thought at the time, in my second year I contracted a very serious strain of glandular fever. This was to derail my studies and my army career. What to do? I had a partially completed arts degree and debilitating illness? I can tell you that my father was not too keen for me to return home. I was the oldest of six and in a way my parents had fully adjusted to the household having shrunk at least by 2 as my second brother had also moved out.

Still for my part I knew I had to do something. So by force of circumstance and a desire to get on with my life I

approached and was accepted by Monash University to allow me to continue my arts degree. However, what on earth was I going to do with an arts degree? I looked around within the University and decided upon making an application to transfer into the Faculty of Law. As luck would have it, the Sub-Dean of the Law School was an old Duntroon graduate. Now I'm not saying that I did not have the academic results necessary to transfer into law at Monash, however, a bit of luck did not go astray.

I absolutely loved my study in the law. To this very day I love the practice of the law. However, remember that this came about more by way of an illness and a desperation to find a career towards the end of my first degree coupled with the fortune of being interviewed by old Duntroon graduate.

So you can see already that life has its ups and it has its downs and to a very large extent a bit of luck along the way can break your way and make a significant difference to your life. Your life is not mapped out. As one door closes

– you open another.

Now I want to meet this head on. For those of you who are graduating this day in law you are graduating from one of 36 law schools conducted out of 43 Universities in this country. In my time there were 19 universities and only 10 law schools. It has been reported in *Lawyers Weekly* (27 August 2013) that it is the worst time in living history to be a law graduate. Competition for work is so fierce that some graduates are returning to university, some completing an honours or masters degree, to avoid unemployment.

But I can tell you this, the same was said when I finished law school. That does not make things better but you cannot dwell on what is happening to other people – it is **you** that will be in charge of **your** professional life. This may not be how you saw things when you first enrolled in law school or your business degree but if it is the reality you are facing remember “a bit of luck along the way can break your way and make a significant difference to your life”. But you have to be part of making that luck.

For my part after a further bit of luck that went my way

I obtained a starting position with a city law firm. However, I had already decided that I wanted to be a barrister – not a solicitor. So when was the time to make that change?

Traditional wisdom has been to work as a solicitor for a number of years, make contacts, then go to the Bar. I would have none of that. I worked one year as a solicitor and then straight to the Bar. I figured if I was going to starve I would rather do that when I was young and foolish – not mature and sanguine!

I loved being called to the Bar. I have been a barrister for 34 years on 20 May 2016. I started practising as a criminal barrister and prosecuted many jury trials but wished to move to commercial law which I did and continue to do. Luck has continued to pay its part whether it be obtaining a brief or drawing a sympathetic judge!

In 2001 I was appointed a silk, initially as a Senior Counsel and now reverted back to Queen's Counsel. That title was bestowed initially by the Chief Justice and then the Governor of this State. I have responsibilities as a

senior member of the legal profession to my colleagues in practice and an utmost duty to the Courts. I have appeared in every superior court in every State and Territory in the Country including the High Court. I have been retained to appear in South Korea, Hong Kong, Fiji and France. I have been lucky as you can see.

Since 2004 I have assisted the College of Law & Justice, and the Sir Zelman Cowen Centre and I have been an Adjunct Professor in the university for over a decade. I have even taught some of you. And let me tell you this, those of you who have put everything into your degree and done well – you are the equal of students at those older universities. Never doubt your ability. Ever! Just make yourself some luck to show off those abilities you know you have.

I now turn to my second theme.

2. Technology will continue to intrude – so use it!

It will be amusing for you to know that when I commenced in the law there were no computers. We either hand wrote documents or provided them to a secretary on a magnetic tape. Documents once typed were temporarily stored on a magnetic disk and small corrections could be made from this disc. Photocopiers with the size of mini-tanks. A tea lady came around once in the morning and once in the afternoon to serve you your tea or coffee at your desk. Partners, associates and solicitors would attend a weekend away together to get to know each other better. There were no such things as time-sheets. Time costing had not then been invented. There was a hierarchy within firms which took with it an obligation upon the senior partners to instil in the associates an understanding that they would move into partnership and that they in turn were required to ensure that the employed solicitors understood the firm, its culture, its clients, and respect the support staff.

In saying this it reminds me of a time that has absolutely disappeared. For many years now the running of law firms has progressed upon the basis of being a business and not a profession. This is not a veiled criticism of those of you who are graduating from the College of Business. However, I am hopeful that it may still be possible given the two disciplines graduating today whereby the legal profession is governed by rigid set of ethics and the business graduates will be governed by morality, that it may yet be possible for your generation of leaders to be both smart and sensitive.

Now, it is on the topic of the impact of technology that I wish to canvass.

Recently this university hosted an address by Prof Richard Susskind OBE. He is a former practising lawyer, a Professor at Oxford University and more pertinently, he is a futurist concerning the professions.

With the dynamism of a convert to futurism Prof Susskind has predicted, with what I believe to be a greater

sense of certainty, that many of the tasks that you as law and business graduates would be expected to have undertaken in traditional starting roles, will now be and will continue to be impacted by technology.

It may be correct that Google has now digitised every single book ever printed. That is, subject to the increase in artificial intelligence by the likes of, for example, IBM Watson, every research task that you would otherwise have been expected to undertake in your new profession, can now be done by a computer program. This is going to continue to have enormous impacts upon the way in which we, as lawyers and as business people, go about our professions. It does not mean that we will work less but it does mean that we will work in different ways and the good news for you is, you are the generation of modern technology. You have grown up with it. You have developed it. You know how it works. You know how it can work. You will know how applications can be developed to provide the assistance that you will need to carry out your tasks. You are very lucky to be in this position. You will do

things in your professions by the use of technology that has never been done before. You will produce programs, if not yourself, then you will commission them. These programs will be able to extract, for example, a synthesis of every decision of the High Court affecting the development of the interpretation of bankruptcy. You will not have to trawl through cases yourself. But, you will define the parameters and the information will be provided to you by use of an artificial intelligence that I can only think about but that you will participate in its delivery.

Tomorrow is actually here today!

Those of you who do not think of the future in your profession, I expect will be left behind by those of you with a vision. I am encouraged for your future. I am concerned for mine!

Your university education and your position in your generation readily familiar with technological change, has prepared you for tomorrow. Just work in a little luck and

see what happens.

I now conclude on my third theme.

3. At some point you must put back into our community

Today you become graduates of a University which has its roots in this State's education going back 100 years. If you have not already discovered this for yourself you will find, as you travel the world that Australia's Universities are the finest universities in the world. You have no reason whatsoever to doubt the place that this University has within this country. Appropriately this university carries with it the name of our state, Victoria University. It is ranked in the top 4% of Universities in the world. And so it is, that from today you enter into the leadership of our community.

This University is a public institution. The public has made this facility available to you to obtain your degree. As such, a university education brings with it not simply

personal rewards but a debt due back to the whole community.

You are not required to start giving back from this day. This day you may take off and truly and outrageously celebrate. However, at some point in your professional life an opportunity will present itself which you can either accept or reject. That will be: do you make yourself available to use the knowledge and education you have acquired from this place, in some small way, to assist others?

When that time comes and the baton is being passed to you, I urge you to take it up, run with it, achieve for others, then pass it on to the next person. If you can do that even once in your professional life you will have helped discharge that duty that you owe to your community, state and nation, as a graduate of a leading public university.

Chancellor, I know that our graduates won't really remember my speech next week, and in a few years' time they

won't even remember who I was. But if I'm a bit lucky, and I have been many times, they might remember one or more of my three themes today:

1. **Luck;**
2. **Technology;**
3. **you must give back.**

I am enjoying a marvellous life, and I can only wish the same for you all.

Oh yes - the short joke:

*A man walks into a zoo.
The only animal there is a dog.
It was a Shitzu.*

Chancellor, to all here today, thank you for your attention. Celebrate this day in the Centenary of your University. You all deserve it.