

Speech to Graduates, UniSA Graduation Ceremony, 16 August

Hon John Mansfield AM QC

I too acknowledge the Traditional Owners of the Land we are meeting on today, the Kurna People. It is only recently that I have been able to say that. As you have heard, until late last year I was a Federal Court Judge, and I thought it was not appropriate to do so while the Court had still to decide whether the Kurna People were and are the traditional owners of the Adelaide Plains. It might have shown prejudice of that issue. So the recognition of the Kurna People reflects, in a very real way, a new freedom.

Acknowledge Mr Jim McDowell, Chancellor

Professor David Lloyd, Vice Chancellor and President

Members of the University Council

Ms Katrine Hildyard MP, Member for Reynella, representing the Honourable the Premier, Mr Jay Weatherill (I hope you, and in turn the Premier) do not take offence at being placed after the University Council, but the Council is the body which decided to turn me from a mere mortal to a doctor)

Academic and administrative members of this wonderful institution the UniSA

Ladies and Gentlemen,

And most of all

My fellow graduates today.

It is with genuine humility that, as I was sitting here a few moments ago, I asked: God, Why am I here? But then a voice from above answered: Why? Where do you want to be? And I could think of nowhere else I would rather be on this wonderful day for me and my family. So courtesy of Charlie Brown, who first asked that question in his cartoon strip, I express my delight and gratitude to Uni SA.

I referred to my sense of humility. My first recollection of any award, based on merit, occurred at the end of Year 2 in Primary School, in 1956. The end of year awards, for a class of about 30, were being given out. They went to the best reader, the best writer, the most industrious, and so on for academic merit. Then they went to the best runner, the best jumper, and other physical activities. No one got more than one award. They descended to other activities: the best chalkboard clear, the best yard monitor, and so on. The school was obviously enlightened enough for every student to win a prize. Ultimately, I distinctly recall, I was the only one left without a prize. As you got your prize, you went forward and then to the other side of the stage. I was left alone. My award was for the best triangle player in the school band! I knew, and everyone in the room knew, that there was no school band and I had never touched the instrument called a triangle. That was humbling. As AA Milne would say, I was recognised as a bear of very little brain!

The only way was up.

But I completed my schooling and my Law Degree in 1967. I will not labour on the further steps to my present life. It has been fortunate and greatly satisfying. At the age where my now adult children, and indeed my grandchildren, and refer to me as a 'old man', I think with affection, I can presume to pass on a few lessons of life.

What I have learned is particularly apt for today's graduation for the 3 Schools of Commerce, Marketing and Law. For the last 30 years of my working life, I worked largely in the areas of commercial and competition law, finally for a number of years as the Presiding member of the Australian Competition Tribunal. Inevitably, that involved working with economists, accountants and business experts. The Competition Tribunal was made up of 3 members: me as a lawyer/judge, an expert economist, and an experienced businessman. Working with those professions expanded my knowledge immensely. It also constantly reminded me of the wisdom and experience of other, and the benefits of listening to others with wisdom and experience to offer. And the more you learn from others, the better you become in your own discipline.

So the first thing I offer is to keep an open mind, and to be willing to listen and learn. Each graduate today has an expertise generated from years of study and effort. It is invaluable. But, whether a law degree or a commerce or marketing degree, it is a degree which involves working with others, and addressing the issues or problems of others. Know and use your expertise, but do so with the benefit of the wisdom and expertise that others can contribute.

The second thing I offer the graduates today is that professional people are very generous in their time and commitment to their profession. That includes helping others who seek help. It is inevitable that, in your careers, you will confront difficult challenges. The temptation is often to delay the solution, and delay makes the solution harder, or at least apparently harder ... stress, sleepless nights, fear of embarrassment or worse. A lesson I learnt the hard way. Ask for help, either within the team you are working, or a senior expert, or your peers. When I first had that experience, and the longer I left the problem unsolved the harder it became to seek help. I was not only amazed at the willingness of a senior lawyer to give me his time and to offer his guidance, but at how straightforward the solution was.

Then there is a somewhat contradictory piece of advice. Take your opportunities. It is said of Yasser Arafat, during his role as President of the Palestinian Liberation Organization (which he was from 1969 until his death in 2004) that 'he never missed an opportunity to miss an opportunity' in his dealings with the Israelis. I do not know if that was in fact the case. But, do be open to challenges and opportunities. You learn as you go. One piece of advice which Teddy Roosevelt (the US President at the turn of the 19th Century, and after who the Teddy Bear is named) gave is:

'When you are asked if you can do a job, tell 'em "Certainly, I can!" Then get busy and find out how to do it.'

Widening your horizons is an opportunity which you will get several times during your professional lives, some of you more than others. Be open to the opportunity.

In my case, as you have heard, I took up the opportunity to become involved with the Courts of the South Pacific Islands. It was pretty easy to accept, as I was brought up on the novels of Robert Louis Stevenson including Treasure Island)) and Somerset Maugham. Many were written in the Pacific Islands, and Stevenson is buried in Samoa. It has been very rewarding. I have got far more from my contribution than I have given of time and effort.

Let me give you an example. In Vanuatu, where I sit on the Court of Appeal, the Court was about to give judgment on the appeal of 15 politicians (including the Leader of the Opposition and the Speaker). They were charged with bribery of other politicians to secure their votes. The Court sits in Port Vila, about 40000 people. In many area of commerce bribery is, notoriously, rife. Political power is passionately pursued. The Australian High Commission issued a warning to Australians there that the judgment was to be delivered the following day, and to keep away from the area of the Courts for fear of riots. The Court of Appeal confirmed the convictions. There were no riots. Instead, some few thousands of ordinary people had gathered around the area to hear the decision. As the convicted prisoners were then led from the Court to the High Security Prison, just across the road, the local crowd gave them a slow handclap, on their way. A strong and silent affirmation of the silent majority aspirations for a better future. I cannot see that being experienced in Australia. I should add that I was not part of that decision, but another Australian who was part of that decision graphically described it to me.

That last story highlights also the final thing I want to pass on to today's graduates. Obviously you all have great talent and industry. I am sure you reflect a range of different backgrounds, experiences and points of view. That is terrific. What a boring word it would be if we were all the same. In Australia, we live in what we call a secular society. There should be room for all backgrounds, for those without religious beliefs and for the variety of religious beliefs and practices, for those uninterested in politics and those with a range of political beliefs, and for those with good fortune and those with less good fortune. My urging is to respect the differences and those who hold different views. What an extraordinary thing in a small Pacific Island, with a mainly very poor population, that there should be such communal interest in the judicial arm of government, and confidence in it.

That applies to each member of our society. Some of you will work for the affluent and some for the less affluent. Whoever you work for, remember that each of them is a person who is seeking your assistance because of your role in society, with the skill and expertise which your degree assures them of. In a very real sense, therefore, there is a responsibility and trust which you hold to use those skills and that experience to the best of your ability for that particular person. And the rewards are not just, or even mainly, monetary. You will find that the rewards are the satisfaction of a job well done. Just 3 weeks ago, that is nearly 10 months after I had left the Court, I got a handwritten letter (addressed through the Court) from two people who claimed to be refugees from Malaysia. I did not remember them, until I looked up my judgment. In 2016, I had set aside an order for their deportation because I did not think their claim to be refugees had been fairly heard. The letter was from a detention centre in Victoria. Their claims have still not been finally heard. Put briefly, that letter said: thank you for listening when no one else would. For me, it was just doing my job conscientiously. As I am sure all of you new graduates will do.

Thank you for listening so courteously. I wish all of the new graduates successful and satisfying careers. Make sure that, at the end of your careers, you end not with a whimper but a bang. In a real sense, I envy you and the opportunities you will have to best use your skills. Of course, I repeat my sincere thanks to the Council for considering me fit to receive my doctorate.

To say more would be to commit the Yogi Berra mistake about repetition: it's like déjà vu all over again!

