

Arthur's introduction, Tony Fitzgerald AC, QC

Family, the Honourable Arthur & Dr Lorraine Chaskalson, friends & other distinguished guests:

It's a wonderful privilege to welcome Arthur & Lorraine to Queensland. Their attendance tonight is a great honour.

Before I elaborate briefly on Arthur's achievements, I have 2 self-appointed tasks.

The first is to express my deep gratitude:

to family & the true friends who've stayed the distance & remained loyal throughout what has sometimes been a difficult & often an unpopular journey;

to the Chancellor, Vice-Chancellor & Council of Griffith University for this & other honours, the Steering Committee members who've generously given their time & energy to organizing these events & to the wonderful Griffith staff, Professor Paul Mazerolle, Jenny Wilson, Deborah Marshall, Rachel Williams & others, who've worked so hard to make the events successful; &

to Gary Crooke QC, who was senior counsel when I conducted the corruption inquiry from 1987 to 1989, & the outstanding team of lawyers, police, accountants, public servants & others, in the end totaling somewhere between 180 & 200 if I remember correctly, whom Gary led so ably.

Because of possible repercussions for Gary, I've been reluctant in the past to speak of the role he & his colleagues played in my corruption inquiry, but he's now left legal practice & public life & is hopefully beyond retribution.

During his career, Gary made an exceptional, indeed unique, contribution to Australia. After acting as Senior Counsel assisting my Qld inquiry, he was Senior Counsel assisting Jim Wood's inquiry into NSW police corruption and later Chairman of the National Crime Authority. In each of those roles, he exhibited great legal skill & judgment & accepted huge responsibility & significant personal risk. He has never been publicly acknowledged for his work. In about 1999 or 2000, I nominated Gary for an award in the Order of Australia. Jim Wood seconded the nomination. Two other NSW Supreme Court judges who had appeared as Gary's juniors when he assisted Jim Wood were referees. Gary was overlooked. Of course, there might not have been mean-spirited political interference. It's theoretically possible that there was an exceptionally strong field that year.

Gary & I knew & discussed at the time of the inquiry that our cards were permanently marked but neither he nor his team ever wavered in the pursuit of truth in the public interest. I salute them, one and all.

My second task before introducing Arthur is to seek your support for the Ph.D. scholarship which Griffith is providing as part of this initiative. I propose to speak bluntly. Every generation has a duty to historical truth.

At the end of 1989, in the aftermath of my inquiry, Queenslanders decided they had had enough of the systemic corruption & repression of Bjelke-Petersen & some of his cronies and voted in a new government. Wayne Goss, Matt Foley & others were elected in a spirit of renewal & reform. The Electoral & Administrative Review Commission & the Criminal Justice Commission (after a slow start) did some sterling work, Glyn Davis & Peter Coaldrake set out to redesign & energise the public sector, there was an attempt to modernise the court system & revitalise a moribund judiciary by the establishment of a Court of Appeal & a Litigation Reform Commission & subsequently, when Matt Foley became Attorney-General, the welcome, long overdue, appointment of female judges.

However, by the mid-1990s, Australia generally had wearied of change and moved to the right & Queensland, where a long period of conservative government had consolidated a predisposition to conservative thought, moved right with the rest of the country. The Pauline Hanson/One Nation phenomenon would soon emerge, again in Queensland, & a coalition of Nationals & so-called Liberals, including relics of the Bjelke-Petersen era, regained power in Queensland with the help of the Police Union.

The Connolly-Ryan inquiry was soon set up to discredit the reforms which had been introduced on my recommendation so that they could be dismantled with minimum community disquiet, but that exercise failed when the Supreme Court stopped the farce because of Connolly's manifest bias.

It soon became apparent to Queenslanders that the Coalition was at that time still not fit to govern but it had succeeded in interrupting & damaging the reform process. By the end of the Coalition's term in power in 1998, the political situation in Queensland was volatile, Wayne Goss had departed from politics, the Labor Party was led by Peter Beattie & much of the principled willingness to confront Queensland's dark past had been lost & with it the momentum for reform. I had always known that I might have to leave Queensland to work elsewhere as a consequence of my inquiry, & in 1998 I accepted that that time had come, resigned & took up a position in NSW.

Labor regained power in Queensland in 1998 and has retained it ever since. Perhaps, on its assessment, that is all that matters. Perhaps, to it, the adverse consequences of its political tactics are just collateral damage.

Under Beattie, Labor decided that there were votes to be obtained from Bjelke-Petersen's remaining adherents in glossing over his repressive and corrupt misconduct. Tacitly at least, Queenslanders were encouraged to forget the repression & corruption which had occurred & the social upheaval which had been involved in eradicating those injustices. Younger

Queenslanders know little of that era & are largely ignorant of the possibility that history might be repeated.

Ethics are always tested by incumbency. Secrecy was re-established by sham claims that voluminous documents were "Cabinet-in-confidence". Access can now be purchased, patronage is dispensed, mates & supporters are appointed & retired politicians exploit their connections to obtain "success fees" for deals between business & government. Neither side of politics is interested in these issues except for short-term political advantage as each enjoys or plots impatiently for its turn at the privileges & opportunities which accompany power.

Unfortunately, cynical, short-sighted political attitudes adopted for the benefit of particular politicians & their parties commonly have adverse consequences for the general community. The current concerns about political and police misconduct are a predictable result of attitudes adopted in Queensland since the mid-1990s. Despite their protestations of high standards of probity, which personally might well be correct, & irrespective of what they intend, political leaders who gloss over corruption risk being perceived by their colleagues & the electorate as regarding it of little importance. Even if incorrect, that is a disastrous perception. Greed, power and opportunity in combination provide an almost irresistible temptation for many which can only be countered by the near-certainty of exposure and severe punishment.

Even if we cannot rely on politicians to voluntarily curb their excesses or tell the truth, a well-informed community which is committed to doing so can influence the way it is governed, just as Queenslanders did in 1989. Matters are much better than they were but it is a mistake to take that for granted. Universities which inform & increase community awareness & understanding provide one of our best defences against historical amnesia and revisionism by speaking truth to power & assisting us to confront, acknowledge and learn from the past. Although I no longer have a role to play, a matter of almost universal satisfaction, I'm delighted to be associated with Griffith University's good governance initiatives. I urge you to support those initiatives, especially the proposed scholarships which need funding. The young academics who stand to benefit from that funding will be much-needed contributors to future good governance in Queensland.

Let me move on to a much more pleasant topic.

Arthur Chaskalson is considered by many to have been the greatest South African lawyer, and one of the greatest South Africans, of his generation. He was born in 1931, attended the University of the Witwatersrand graduating summa cum laude in 1954 and was admitted to the bar in Johannesburg in 1955. His was from the outset a stellar career which led to his taking silk at a very young age. His commitment to human rights was immediately obvious. He represented members of the liberation movements in major trials between 1960 and 1994, including the Rivonia Trial in 1963/1964 at which Nelson Mandela and other leaders of the African National Congress were convicted and sentenced to life imprisonment.

In 1978, Arthur put aside his flourishing private practice as a barrister in Johannesburg & became the inaugural Director of the Legal Resources Centre, where he remained until 1993 by which time the apartheid era was crumbling under pressure from him and other well-known heroes like Mandela. The Legal Resources Centre is a South African human rights organisation which, under Arthur, used the law as an instrument of justice in the evil apartheid era for the vulnerable and marginalised, including poor, homeless, and landless people and communities who suffered discrimination by reason of race, class, gender, disability or social, economic, and historical circumstances. With Arthur as counsel, the Legal Resources Centre challenged the implementation of apartheid laws. His courage in defying the Afrikaaners' belief that they are superior to other races, and Lorraine's courage in supporting him, are amazing.

As apartheid ended, Arthur served as a Consultant to the African National Congress on constitutional issues and as a member of the Technical Committee on Constitutional Issues, which was appointed in May 1993 to give advice on constitutional matters and to draft the transitional constitution by the Multi Party Negotiating Forum, which negotiated the transition to democracy in South Africa. In June 1994, he was appointed by President Nelson Mandela to be the first President of South Africa's new Constitutional Court, and, when a vacancy arose, he became the Chief Justice of South Africa from November 2001 until his retirement in 2005. He was the first chairperson of the Southern African Judges Commission, an association of the Chief Justices of Southern Africa, the President of the International Commission of Jurists, the Chairperson of a committee of senior judges appointed by the United Nations Environmental Program to promote and develop judicial education on environmental law in all parts of the world and recently chaired the Eminent Jurists Panel appointed by the International Commission of Jurists to enquire into the impact of terrorism and counter-terrorism on the rule of law, human rights law, and where relevant, international humanitarian law.

Arthur has received many awards for his work in promoting human rights, is the recipient of numerous honorary doctorates, and has been awarded a national honour, Supreme Counsellor of the Baobab [gold], for his service to the nation in respect of constitutionalism, human rights and democracy. On his retirement in 2005 Arthur was described by President Mbeki as a "giant among the architects of our democracy".

Arthur & Lorraine honour us by their participation in these Griffith initiatives. Please join me in welcoming Arthur and inviting him to address us.