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# Sir Walter Campbell - Judge, CJ, and University Chancellor.

By Geoff Barlow and JF Corkery

**This is the second of three articles\* on the life and work of Sir Walter Campbell, Queensland jurist and Governor. This article examines Walter Campbell's broad-ranging contribution to public administration, his long standing interest and involvement in the education sector and his career at the bar and on the bench.**

Wrote Walter Campbell to friend Daniel Hart in 1998, "in 1946 we all ... had ideas about reshaping the world". In 1999, in his taped recollections, he recalled a desire to change things. "My aim at the university was to do philosophy, and I ended up doing an MA in philosophy ... I thought that philosophy would solve all the problems of the world." Although Walter Campbell started out in the philosophy classroom, his career came to reflect the many facets of the man himself, spanning philosophy, law, academia and politics.

## **Campbell the philosopher**

Walter Campbell's first degree was from the arts faculty. He majored in philosophy. His philosophy lecturer, Dr Elsie Campbell Harwood, would claim that Campbell was her best ever student. She admired his prodigious memory and his capacity to master detail yet command broad concepts. He completed the normal examinations in the subject, and then wrote the honours examinations at the end of 1946. He passed these with the equivalent of 1st class honours, although he did not qualify for honours consideration because he had what was called a pass undergraduate degree. However, his excellent grades allowed him to take on the Masters, and he did this with aplomb. He wrote his thesis and passed the examinations. There were no grades offered at the time in the Masters of Arts Degree at the University of Queensland, but his teachers' reports were effusive and there was high praise for Campbell's 50,000-word thesis.

It was titled *Utilitarianism and its Effect on Legal and Political Theory*. Focusing on Jeremy Bentham, James Mill and John Stuart Mill, Campbell found the utilitarian theory unsatisfactory as an explanation of ethics and motivation. He believed that "attempts to derive the richness of the higher sentiments, the tenacity of man's aspirations, and the worth and value of his moral and aesthetic nature from certain fundamental characteristics of evolution" are inadequate. Such values "need a more ultimate term of explanation".

Utilitarianism, like modern communications, speaks too much in terms of "general happiness" or mass desires and forces and the temptation to hypostatise society is not warranted by ethics or psychology.

Campbell also disagreed with the utilitarian assumption that pleasure and our objectives are necessarily the same.

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\* The first article in the series is available at  
<<http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1004&context=odsej>>.

For pleasure is not the object of our desire; we only feel pleasure when we achieve that which we want - in other words we cannot separate pleasure from the objects which produce it. Pleasure is the accompanying state and what we desire is antecedent to the pleasure we enjoy.

He felt that the utilitarian theory not only ignored motives, but also lacked an understanding of man from an historical, psychological, biological and social perspective. He focused on the importance of the link between the individual and society, believing they are "inseparably bound together". He also believed the utilitarians were "seriously hampered by their ignorance of evolution ... [and] the organic constitution of man and society".

Though opinionated and harsh in his criticisms of the weak points of each philosopher's theory, Campbell credited the utilitarians with a substantial contribution to legal and political theory. He argued that the theorists Bentham and James Mill, in particular, profoundly impacted society. Utilitarianism, he says, created a desire for the analysis of all existing social institutions, as well as a firm belief in democracy and reform by constitutional methods. Campbell cites Bentham's efforts to ensure codification and consistency of laws. He argues that the utilitarians were also responsible for recognising the importance of individual liberty in the conduct of business affairs. His thesis attributes today's faith in freedom of contract and personal liberty to the utilitarians. Finding their philosophy "very practical and deeply human", Campbell wrote that, "the movement, although based on an altruistic and I think inadequate basis, was the progenitor of much that was worthwhile in the hearts and minds of men".

Professor David Field, reading Campbell's thesis, was impressed:

Today, 'Utilitarianism' is synonymous with "cost-saving", but as late as 1947 it could still be revered as an icon of democratic law reform, notably in the field of legislation. It was also still possible – as the painstaking research which underpins the thesis demonstrates – to reach back through the years to the journals of the day and gain some insight into the danger which Utilitarianism posed to the Tory establishment, with Bentham's battle-cry of "Each to count for one and no one for more than one".

Field noted the youthful Campbell's sweeping judgments on society:

Apart from its enlightening content, the thesis also supplies a hint of a legal legend in the making. In one of the final paragraphs of his work, explaining how Bentham's pseudo-scientific approach to an essentially humanist task had proved to be a weakness, Walter Campbell, the future Chief Justice observed: 'moral character is the finest thing in man, and it will always elude the grasp of the scientist'. That one escaped the penciled comments of his supervisor. But not all of them did. On page 48, for example, the student observed grandly that "Many of Mill's inconsistencies can be traced to his sympathy with conflicting doctrines". In pencil alongside it, his examiner wrote "Likewise WBC!"

Professors Billy Kyle and Walter Harrison urged Campbell to publish his thesis. They also offered their young protégé a job as a lecturer. Campbell was flattered and wanted to do it.

But he was intent on finishing his exams and starting at the Bar, pursuing the profession he had so long admired. The thesis was never to become a book. And, for all his youthful idealism and heady prose, Campbell admitted in a 1999 interview that he never knowingly applied these concepts, or his skills in philosophy, throughout his entire career as a judge.

### **Campbell the barrister**

There are some very well-established legal families in Queensland, some running to three or four generations of lawyers. The Powers, the Matthews, the Macrossans and the Douglasses are four of the most prominent. But Walter Campbell was the first lawyer in the Australian branch of his family. There were no judges, silks or well-established practitioners to give him guidance and support in his early years of practice at the Bar.

By today's standards, that Bar was not large – there were only two Queen's Counsel at the time of Campbell's admission in 1945. There were in total only 132 admitted lawyers in the State. By 1960 there were seven practising silks - Jack Hutcheon, Arnold Bennett, Tom Barry, Lloyd Graham Hart, Bill Hamilton, Harry Gibbs, Douglas Campbell, Rex King and George Lucas.

The first appearance in Court representing a client can be harrowing for the barrister, even for the most confident of speakers and combative of advocates. When Campbell, instructed by the already well-established Brisbane firm of Feez Ruthning, clambered to his feet in the Brisbane Magistrates Court for the first time, he was careful. The Magistrates of the time had completed the Magistrates' examination and had been Clerks of Petty Sessions, with considerable experience in procedures and court routines, but they were not legally-qualified. To throw learned legal authorities before them was usually fruitless and perhaps worse. Avoiding the mauling suffered by Sir Harry Gibbs at his first encounter with the Magistrates, Walter Campbell was soon into the routines and rounds of minor court work. Campbell recalled, "It's funny, in those days, as young barristers, we thought it was rather awesome, we were always terribly respectful to judges, and of many of them, we were almost frightened."

Campbell would smart occasionally at Chief Justice's Neil Macrossan's comments. When the young barrister once asked a witness, "What was your date of birth?", Macrossan interjected: "Counsel, he can't remember his date of birth, he wasn't there at the time!"

Barristers in Campbell's time in practice tended to take whatever work was offered. This entailed travel all over the state, and expertise in all sorts of legal areas, with preparation for major cases taking long hours, into and over entire nights. As Campbell gained experience and his profile as an advocate improved, he would occasionally appear before the famous Latham and Dixon High Courts. On Dixon's High Court sat some of the finest legal minds of two generations - Justices Fullager, Windeyer, Kitto, and Menzies. Campbell regarded Victor Windeyer - a Sydney University gold medalist in history<sup>1</sup> and a decorated soldier, who had

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<sup>1</sup> Windeyer authored *The Law of Wagers, Gaming and Lotteries* (in 1929). His engagingly-written *Lectures on Legal History* (1938) was widely used by law students throughout Australia and New Zealand and was for decades the most authoritative account of Australian legal history. In acknowledgement of his expertise, he was appointed Vice-President of the Selden Society (London) and Honorary Fellow of the Royal Australian Historical Society.

commanded the South Australian-based battalion, the 2/48<sup>th</sup>, during the siege at Tobruk - as an "outstanding intellect".

Before this formidable bench, Walter Campbell and the handful of Queensland silks were rarely out of their depth. By 1962, Campbell was considered one of the "finest silks in Queensland".<sup>2</sup> With Jack Kelly (later QC, then Supreme Court judge) as his junior, Campbell represented Johannes Bjelke-Peterson, then a Country Party Minister, in a High Court battle with the Federal Commissioner of Taxation. The dispute involved an oil drilling scheme which Sir Joh entered into in the late 1950s and which gave him a profit of \$25,000. He claimed it was not taxable, being a capital receipt. The Commissioner claimed it was income. While Sir Joh's claim was unsuccessful, Sir Walter's relationship with Sir Joh, the mutual respect developed throughout this case, became fruit for much speculation in the years to come.

Peter Short, QC - a Past President of the Law Society of Australia who, as a young man, worked closely with Campbell on a number of cases - remembers Sir Walter as a man with a "take no prisoners" style, yet one who was always inclusive in victory. While several of the top silks whom Short briefed as a young solicitor were disposed to take the credit for any success, that was not Campbell's way. "As an advocate and public speaker, he was magnificent", Short said in a July 2005 interview, "with clipped phrases and superb delivery. Never verbose, he would cut to the chase. He was succinct and concise."

Campbell's generosity of spirit and easy affability were widely appreciated. Yet he rarely suffered fools, or flattered rogues. During Short's early career as a solicitor, he instructed then barrister Campbell in the case of a serial financial predator, who had been charged with fraud involving the extortion of money from vulnerable widows. It was at the end of a long and tiring day - at a pre-trial conference in Campbell's chambers - and the client was indulging in a fit of belated hand-wringing, begging the silk for an opinion as to their chances at the Supreme Court next day. Campbell had heard enough. He delivered a broadside peppered with earthy expletives at the client, before snatching up his briefcase and storming from the room.

Brian Halligan, a near contemporary of Campbell's in Brisbane, thought he was "a brilliant, egalitarian man" who "had the common touch".<sup>3</sup> In a 2006 interview, Halligan recalled his first meeting with Campbell in 1947. Campbell was lecturing in Jurisprudence at the University of Queensland and Halligan - whose studies had been put on hold while he served as an air gunner in the Middle East and then as a prisoner of war - attended his lectures. Halligan was impressed by Campbell's "great charm" and his "extraordinarily exuberant and gregarious personality". Later, he briefed Campbell on many occasions, recalling him as "the complete barrister". He "could cross-examine, could open well, could do anything. As good a lawyer as Queensland had". When pressed to choose an outright

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2 *Courier Mail*, 9 March 1985

3 GA Barlow, Interview with Brian Halligan (Brisbane, 20 March 2006).

best from Queensland's pantheon of advocates, Halligan nominates Bill Gibbs as the doyen, with "Wally" and Peter Connolly an equal close second.

### **Campbell as judge**

On 1 August 1967, Walter Campbell was made a judge of the Supreme Court of Queensland. He was 46, a young age to go to the bench, especially considering his years in military service between 1941 and 1946. He replaced Harry Gibbs, who had quit the Queensland Supreme Court for a post on the Federal Court of Bankruptcy. Gibbs, an outstanding lawyer, had become fed up with serving under Mack CJ, whose attitudes to judicial duties differed considerably from those of the low key but ambitious Gibbs. Harry Gibbs went south to the Bankruptcy Court, and was elevated to the High Court in 1970.

Campbell was an uncontroversial appointment. He was well qualified for appointment on merit. He had taken first class honours at Queensland University and he lectured there part time; he was on the University Senate; he had thrived at the Bar, had taken silk in 1960 and had taken a keen interest in his profession and its concerns. He had been President of the Queensland and Australian Bar Associations. There was no taint or question of political connection or positive discrimination. Commentators agreed on the merit of the appointment. He was a popular choice.

Campbell's style was assured and decisive, yet consistently polite. "As a judge, he was always very courteous," veteran solicitor Brian Halligan remembers. "He gave judgments quickly. A superb judge." Peter Short QC describes Campbell as an "informal, get-to-the-heart-of-the-matter sort of judge, who didn't stand on ceremony". Short also nominates Campbell as "by far the best lawyer of his generation". Short thought Campbell went a long way towards unifying the profession when he became Chief Justice - a role which he carried out "with great dignity" - despite the fact that some judges appeared to be jealous of Campbell's popularity and ability to put people at ease. This appears as further evidence of that peculiar balance - between informality and tradition, between flexibility and efficiency - that served Campbell so well throughout his career.

With Walter Campbell sat the finest Supreme Court in Queensland history until then. In 1985, when Campbell was Chief Justice, puisne judges included the brilliant but mercurial Peter Connolly, the scholarly and incisive Bruce McPherson, former law professor Kevin Ryan, and a youthful and talented future Chief Justice Paul de Jersey.

These men generally wrote well, Connolly and McPherson best of all. Campbell's writing style was not as pungent as Connolly's, or as eloquent as McPherson's. Campbell's judgments are, however, always well-crafted and direct, displaying no burning ambition to say new things and change the law. He was not a creative or reformist judge, seeking in the manner of Lionel Murphy to add new dimensions to the law through his judgments. Not for him any spurring social agendas or political policies that sought expression in the courtroom, as well as in the parliaments.

He was distinctly conservative in his outlook to the judge's role. Along with his contemporaries Harry Gibbs and Peter Connolly, Campbell praised the virtues of precedent

and stressed the need for judges to set their own opinions and prejudices aside and prefer the earlier decisions of the court. He was openly critical of creative spirits on the bench who might give effect to their own views on the direction of the law in preference to the judgments of earlier courts. Sir Walter agreed with the conservative mantra that judges should not give effect to their own inclinations over the earlier decision of the court on the same point. It was not their role and they should subordinate their views. To correct perceived errors in the law was the job of parliament not of the judges.

Campbell admired Harry Gibbs' articulation of the conservative view:<sup>4</sup> "No Justice is entitled to ignore the decisions and reasoning of his predecessors, and to arrive at his own judgment as though the pages of the law reports were blank, or as though the authority of a decision did not survive beyond the rising of the court." Campbell, like Peter Connolly, was roundly critical of the judicial activism of the Mason High Court. He viewed departure from precedent as being a rare activity which required most unusual circumstances. This set of Queensland jurists were deeply attuned to respectful conservatism and branded activism in the law as unattractive or worse. Connolly wrote, to insist upon your own opinion over the precedent "can only lead to instability in the legal system and to a just impeachment of intellectual self-indulgence".<sup>5</sup>

### **Campbell becomes Chief Justice**

In view of his broad popular and professional approval, it was ironic that Campbell's 1982 appointment as Chief Justice, unlike his early appointment as a Supreme Court judge, was surrounded by controversy. Chief Justice Sir Charles Wanstall, along with Senior Puisne Judge<sup>6</sup> Mr Justice Lucas, were both due to retire in February 1982, both having turned 70 years of age. Sam Doumany, Deputy Liberal Leader and Attorney General, recommended the most senior judge on the bench at the time, Justice Jim Douglas, to replace Chief Justice Wanstall. This was not, however, what occurred. While it is not an absolute requirement or an inviolate convention that the Chief Justice be the most senior judge, seniority tends to create an expectation of preferment, and there was an established practice within the Queensland Cabinet of accepting the advice of the Attorney General on senior judicial appointments. In this case, Premier Sir Joh Bjelke-Petersen was not bending to custom or practice. Instead, as the *Sun* newspaper put it, he expressed "special interest in the appointment, demanding a right of choice for Cabinet which in practical terms means the right of himself and his National Party majority to decide".<sup>7</sup>

Speculation abounded as to why Bjelke-Petersen overlooked Douglas. The holder of a distinguished World War II overseas service record, Jim Douglas had been on the Supreme Court bench since 1965. He came from a family of judges, which included his father and an uncle. One never-proven story was that Douglas, while overseas, had allegedly cast a postal vote for a Labor candidate at a state election, an action which had come to the attention of

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<sup>4</sup> *Queensland v. The Commonwealth* (1977) 139 CLR 585.

<sup>5</sup> Peter Connolly in Joan Priest, *Sir Harry Gibbs: Without Fear or Favour* (Scribblers Publishing 1995) 151.

<sup>6</sup> Most senior of the remaining judges on the court, second to the Chief Justice.

<sup>7</sup> 'Joh calls the tune in judicial wrangling', *Sun Magazine*, 10 January 1982.

Liberal (later National) Party Minister Don Lane who had supposedly passed the information on to Cabinet.

Whatever his reasons, Sir Joh strongly supported another WWII hero - hurricane and spitfire pilot, who had lost his left arm to cannon fire - Justice Dormer Andrews as the next Chief Justice. "I will be taking a very real and personal interest in the selection," the Premier reportedly said. "The job could go to anyone on the bench". When these remarks were conveyed to Attorney-General Sam Doumany, he responded: "Under no circumstance will I bow to pressure from any quarter ... anyone touting before the appointment of the next Chief Justice is guilty of deplorable conduct".<sup>8</sup> In November, Doumany said he would resign if his nomination for Douglas as Chief Justice were not accepted, a threat never carried out.

The suggestion of elevating Dormer Andrews to Chief Justice was apparently first raised by National Party trustee Sir Edward Lyons in mid-1981. Andrews was formerly a District Court Chairman and, at the time of the dispute, was 7th in seniority on the bench. The battle to install him as CJ, which rapidly turned into a very public contest between Sir Joh and Attorney General Doumany, was also joined by the bench and the bar.

On 10 December 1981, the Bar Association voted 87 to 0 to support the Attorney General in his recommendations. Ten days later, at a meeting of Cabinet, Doumany said he had consulted with the legal community and formally put forward James Douglas for Chief Justice. The Premier alone objected. The *Brisbane Telegraph* reported that Sir Joh launched a tirade against the judiciary, saying "they won't tell me what to do".

The Premier now sought a deferral to allow time for other names to be submitted. Other names discussed were Walter Campbell, Edward Stratten (5th and 6th respectively in seniority) and leading silk, Cedric Hampson.

On 3 January 1982, the papers reported that Sir Walter Campbell had declined the nomination. There was deadlock in cabinet and it was suggested he be approached again. Campbell then rang around the profession and was advised to accept on the basis that, if he didn't, the Premier might force the issue and appoint his own candidate.

On Tuesday 12 January, Doumany presented a list of four - James Douglas, Walter Campbell, Peter Connolly and Cedric Hampson - and recommended Douglas for the position. The Premier expressed disappointment that Andrews was not on the list. Eventually Walter Campbell, the second on Doumany's list, was agreed upon, with all National and Liberal Party Ministers signing the Executive Council Minute ratifying the appointment. In a 1999 interview, Sir Walter and Lady Campbell recalled a "very dramatic" situation unfolding as Doumany phoned them to confirm the appointment. When Sir Walter asked "what about Jim Douglas for SPJ?", Doumany hinted at difficulties. It appeared that

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<sup>8</sup> Evan Whitton, 'The Battle of the Supreme Court', *Sydney Morning Herald* (Sydney), 3 February 1982.



when Cabinet had discussed the issue of Senior Puisne Judge, the Attorney-General had again nominated Justice Douglas. The Premier, however, seemed set on appointing Justice Andrews and said: "You got your way with the Chief Justice; why don't you give me my way with the second position?"<sup>9</sup>

Consensus was never reached. Bjelke-Petersen produced a minute to appoint Dormer Andrews. The National Party ministers (with a majority of 11 to 7 within the cabinet, 9 Nationals being present at the meeting) signed the minute. Deputy Premier and Liberal Leader Dr Llew Edwards, along with the other six Liberal Ministers, wrote on the minute, "this appointment does not have my support", then walked out of the meeting. Edwards went straight to Government House to advise the Governor that Cabinet had not been unanimous, as normally required for such appointments. The Liberal leader asserted that the minute was not effective, as cabinet decisions must be made by consensus. The Premier argued that decisions are often made by a majority of ministers. Governor Sir James Ramsay initialed but did not sign the disputed minute, which then had to go before the Executive Council, consisting of State Cabinet and the Governor. Debate was heated as to what the Governor should and would do. He had, the previous year, signed into law a Cabinet minute recommending the appointment of Sir Edward Lyons as Chairman of the Totalisator Administration Board, despite the Liberal Ministers refusing to sign it. In this instance, however, the ministers had actually signed their objections onto the minute.

According to constitutional lawyer Professor Darryl Lumb, the Governor should expect the Cabinet to make decisions by consensus. Continuation of divided cabinet rule might be grounds for dissolution of the Cabinet.<sup>10</sup> Lumb questioned whether a non-consensus opinion was really a "Cabinet decision".

Despite speculation as to whether the Governor might use his reserve powers, the afternoon of 14 January 1982 saw confirmation of the appointment of Justice Andrews as Senior Puisne Judge. Retiring Chief Justice Wanstall condemned the Government over the entire affair, particularly its treatment of Justice Douglas. Justice Lucas, in his farewell speech from the role of Senior Puisne Judge, remarked: "when a man is appointed to the Bench he should hope for no further advancement, nor should there be any occasion for scheming in order to achieve unjustified promotions".<sup>11</sup> Justice Lucas also went out of his way to assure the public of Justice Douglas' integrity, and that it was not his fault he was passed over. Lucas deplored the political wrangling which took place.

Another retired judge, former Senior Puisne Judge Norton Stable, wrote to the *Courier Mail*: "who started (the lobbying) and who, or what, impels a trustee of a political party to support it? ... I would find it more than hard to believe that any of these my friends could be

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9 Evan Whitton, 'The Battle of the Supreme Court', *Sydney Morning Herald* (Sydney) 3 February 1982.

10 'Constitutional Hot Seat for the Governor', *Courier Mail* (Brisbane), 14 January 1982.

11 'Judges deplore the way the Government acted', *Courier Mail* (Brisbane), 18 February 1982.

so dead to judicial propriety as to curry favour in any political quarter".<sup>12</sup> Former justice Marcus Hoare agreed with Stable and expressed astonishment that it was even suggested that Douglas was not the appropriate appointee.

The controversy also continued to fester within the National/Liberal coalition, with the Premier stating that he had been ready to sack Attorney-General Doumany over the issue. "If Mr Doumany had refused to sign it (the nomination of Campbell for CJ), I was going to ask for his resignation on the spot and I would have got it," said Sir Joh. "You can't have that sort of situation where a minister says 'I'm not going to do that' in defiance".<sup>13</sup> It was widely felt that the National Party's use of its majority in the cabinet to decide the identity of the Chief Justice would "break the spirit of the coalition".<sup>14</sup> Dr Edwards was quoted in *the Australian*; "I have advised the Liberal Party organisation that we consider this to be a breach of the coalition agreement".<sup>15</sup> The reality, however, was that the Liberal party had little choice but to bend. In the 82 member parliament, the Nationals held 35 seats, the Liberals 22 and Labor 25.

Whatever the number crunching politics of the situation, the end result was that three Supreme Court judges, as well as the recently-retired former Chief Justice Wanstall and Senior Puisne Judge Lucas, were noticeably absent from the swearing in ceremony of Andrews J. But all were present at the swearing in of Sir Walter Campbell. No serious criticism, from the profession or from politics, was leveled at the new Chief Justice.

Despite some mutterings that his appointment had been a compromise, Campbell was soon seen to be an inspired choice. He was innovative and inclusive, a pattern repeated throughout the different phases of his career. As Chief Justice, he made it a practice to "go around to all the judges on the floor and talk to them, early in the mornings when they came in ... just to get them moving together, to see there were no factions".<sup>16</sup> To encourage harmony, provide advice and engender a united approach, Campbell also visited "all the circuit towns - Rockhampton and Cairns, Townsville - and sat there, which a Chief Justice I don't think had done before my time ... I tried to find out what was going on and how the profession was going, were they happy or not in these smaller towns".<sup>17</sup>

Justice Dormer Andrews went on to serve as Acting Chief Justice of Queensland in 1985

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<sup>12</sup> Norton Stable, Letter to the Editor, *Courier Mail* (Brisbane), February 1982.

<sup>13</sup> 'Coalition split risk easing', *Courier Mail* (Brisbane), 14 January 1982

<sup>14</sup> 'Show down in Cabinet over Chief Justice', *The Australian*, 12 January 1982.

<sup>15</sup> Joe Begley and Ross Peake, 'Row splits Bjelke Cabinet', *The Australian*, 13 January 1982, 1. 'Qld Coalition Rift', *The Canberra Times*, 13 January 1982.

<sup>16</sup> JF Corkery, Interview with Sir Walter and Lady Campbell (Brisbane, 1999).

<sup>17</sup> Ibid.

before being sworn-in as Chief Justice on 8 July 1985, upon Walter Campbell's appointment as Governor of Queensland. Andrews retired as CJ in 1989 and was succeeded by Justice John Macrossan.

### **Campbell and academic salaries**

In September 1972, at the age of 51, Walter Campbell was appointed by the federal government as chair of a three-person Commission, whose role was to inquire into academic salaries for university teachers and to advise on salary ranges. It also was to advise on the process for future reviews of academic salaries.

In 1973, Campbell recommended that the standard salary of a professor go from \$15,368 to \$18,600 and a lecturer from \$6,801 to \$8,400. These were increases in the order of 25% and were popular with the academics. The staff association (FAUSA) had been calling for increases of 40-44% and by most economic data, academics had fallen well behind in the last decade, compared, say, to CSIRO scientists or middle to senior public servants.

Campbell's Report is carefully written. In it he displays respect, even affection, for academic endeavour and finds a place in Australian society for the university that is unlike other institutions. University staff, he argues, do more than teach and conduct research. They are custodians of standards of professional competence and they are "cast in the role of social critic". He is enthusiastic about the tertiary education sector: "The importance of vital and progressive universities to the economic and social well-being of the nation can therefore hardly be exaggerated."<sup>18</sup> Increased use of small groups for teaching and the "explosion of knowledge which has been taking place in so many areas" led Campbell to find there had indeed been an increase in academic responsibilities, justifying the increases in salaries. Undergraduate teaching is, he says, "a (if not the) responsibility".<sup>19</sup> While showing no great affection for the growth in committee structures in universities, he acknowledges the value of participatory decision-making in tertiary institutions and suggests that this, too, takes chunks of the academic's time and increases burdens.

The Report is expansive and Campbell digresses to compare the life of the academic to that of the professional person. "The academic is not subject to the anxieties, pressures, tensions, risks and uncertainties of private practice ... it is clear that the occupation of a scholar and teacher is vastly different from that of the independent practitioner or business-man. Each is a specialist of a different kind, although many people have the capacity and skills to pursue either path."<sup>20</sup> Campbell himself would undoubtedly have been a fine legal academic, and for years he did teach part time at his alma mater, the University of Queensland.

Academics would feel assured of their role and of their valued place in Australian society upon reading Campbell's Report. It was an insightful document, from someone who had keenly observed the tertiary sector and enjoyed its finer aspects. He wrote anticipating the growth in the sector, and well aware of its profound impact on society and of the

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<sup>18</sup> *Report of the Inquiry into Academic Salaries* (AGPS Canberra 1973) para 2.4

<sup>19</sup> *Ibid* para 2.14

<sup>20</sup> *Ibid* para 3.14

development of tertiary education as a business. Much of what Campbell wrote in 1973 can still contribute to debate in the 21<sup>st</sup> Century.

While Campbell reflected relatively little on overseas trends and salary scales, he was alert to changes in tertiary education practices, some of which were being led by Australasia. The university sector, starting to stretch and grow in the early 1970s, had become by the 1990s a world leader in the breadth and depth of its quality of tuition. The Campbell Report became a player in that revolution. From 1974 to 1978, he served as the sole member of the Academic Salaries Tribunal, the Whitlam government's response to the Commission of Inquiry report. Campbell described his *modus operandi* in this role as peripatetic; he visited all the universities and took evidence from management, academics and union representatives – “we didn't insist on them coming along to Canberra”.<sup>21</sup> His methods were similar to the unifying, inclusive style he would later employ as Chief Justice and eventually, as State Governor.

Some university representatives did, of course, come to Canberra, where Campbell defied the then accepted work culture conventions and opened the offices on weekends to accommodate visits from interested parties. A believer in a hierarchical system, where heads of departments and faculty deans should generally be high ranking professors, Campbell nonetheless advocated a degree of salary “compression”. He recommended higher pay scales for tutors and lecturers further down the ladder. He also favoured merit bonuses to retain good performers within the university sector. “Be he lawyer or doctor or scientist,” Campbell said of high performers, “if he could make more outside the university, well something ought to be done within the university to keep him, or recruit him, as it were”.<sup>22</sup>

### **Campbell chairs the Remuneration Tribunal**

Campbell's role in determining academic salaries continued on into the Fraser years, ending with his resignation in 1978 after he became Chancellor of the University of Queensland. His chairmanship of the Commonwealth Remuneration Tribunal, another appointment by the Whitlam government in 1974, continued until he became Queensland Chief Justice in 1982.

Under the *Remuneration Tribunals Act 1973-1975*, the Remuneration Tribunal looked at the sensitive topic of salaries for Campbell's federal brethren, the federal court judges, and at the remuneration of federal parliamentarians and senior public servants. Campbell's inclination was to let these salaries follow rather than lead the private sector. As he put it in a 1974 Report, the recommended salaries were set “with regard to a degree of moderation and restraint”.

As with his recommendations on academic salaries, Campbell's Remuneration Tribunal reports display admirable balance, dexterity, and a proper degree of detachment. Looking back on his achievements in a 1999 interview, Campbell himself singled out his first

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<sup>21</sup> JF Corkery, *Interview with Sir Walter Campbell* (recorded Brisbane 1999).

<sup>22</sup> *Ibid.*

Remuneration Tribunal report as a highlight.

The major purpose of such tribunals, of course, is to act as an independent and transparent arbiter of allowances paid from the public purse, thereby avoiding the spectacle of parliamentarians buttering their own bread, and ensuring judges' independence from any government tempted to use financial inducements or threats which might compromise the judicial process. Campbell had to consider a welter of claims and submissions, among them benefits such as life Gold Passes for first class air and rail travel after a parliamentarian has left office. His 1976 report mentions that "some senators and members" made the no doubt true assertion "that the period immediately following retirement could be very fruitfully used in passing on one's experiences and in counselling new and aspiring politicians". The same would be true, he went on to suggest, for a retiring company secretary or an experienced actress, but should their experience and wisdom and that of their spouses be spread at the public cost? Only in limited cases should politicians receive such treatment, Campbell thought, and only rarely on first class travel. Overseas travel should also be restricted. The 1976 Committee Report concluded that such entitlements should be made public, that there be some accountability, and that 6 monthly statements of costs be published for each and every member and senator.

Given the depth of public opinion against politicians and judges, the chairmanship of a Remuneration Tribunal which advised periodic increases to their salaries was always a balancing act. Campbell was meat in that sandwich, perennially wedged between well-known, high profile judges, who refused to speak to him because he advised against their claims, and the broader community, to whom there is never a "right time" to top up the pay packets of tall poppies. Nonetheless, Walter Campbell persevered in what he described as "an interesting job" until his appointment as Chief Justice in his home state, when he tendered his resignation to Prime Minister Fraser.<sup>23</sup>

Looking back on his days at the *Remuneration Tribunal* in 1999, Sir Walter recalled:

I was always of the view that there should be different levels, margins, between judges ... I always took the view that the Family Court deserved a lower salary than the Supreme Court or the Federal Court as the case may be, and similarly the County or District Court should be lower, not necessarily lower than the Family Court, but considerably lower than the Supreme Court. I did my best to do that, at risk of being treated as a bit of a social pariah by the Family Court...<sup>24</sup>

Campbell was always aware, too, of the potential for a perceived conflict of interest, musing, in the same interview, "whether a judge should take on these things or not is a moot point". Campbell's tribunal was, of course, not considering the remuneration of Queensland judges, and, as he pointed out in 1999, "we recommended an increase, because we couldn't actually increase them – they had to be fixed by parliament".

## Chancellor of the University of Queensland

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

In 1978, Walter Campbell was appointed Chancellor of the University at which he had been a student. He was the University of Queensland's 10th Chancellor and only the second Chancellor who was one of its graduates. Installing Campbell to the position, former Vice-Chancellor and then Governor-General Sir Zelman Cowen paid tribute to his colleague's "willingness to serve at great cost in time and energy in all manner of tasks." Zelman Cowen went on; "I cannot think of any man who, in the midst of a very busy and distinguished life outside the University, was more willing to undertake difficult and time consuming tasks on behalf of it. It is a very special kind of undemonstrative, certainly unglamorous service, and it is, in a very real sense, the highest tribute that a man can render to his *Alma Mater*."

Because of this appointment, Campbell resigned from the Academic Salaries Tribunal. "I felt there was a conflict of interest," he explained in a 1999 interview, "in fixing academic salaries and being Chancellor of the University".<sup>25</sup> The academic community was sorry to see him go. He had been fair, insightful and even visionary in his treatment of the professoriate in a country where tertiary education was not as valued or understood as it was in Europe or North America. He had rolled back the borders of anti-intellectualism which lingered in Queensland and he had foreseen the role the robust Australian tertiary education sector was to take in the knowledge revolution that was to dominate the next decade or two.

### **Campbell on academia and scholarship**

Perhaps because his own education had been broad and not purely vocational, perhaps as a result of insights gleaned from his reading in philosophy, there emerges one regularly recurring theme throughout Campbell's speeches on education – an emphasis on the great value of liberal arts studies. He defends this almost as a self-evident truth: education and learning are ends in themselves. His attitude to the role of the university is open and liberal, like that of John Henry Newman. He regretted what he has termed Australian universities' retreat "in the face of pressures of a vocational and technological kind".

At his installation as Chancellor of the University of Queensland on 4 May 1978, Campbell advocated that attention be paid to "liberal and cultural arts prior to [students] becoming involved in the technical rules of their chosen disciplines". In that speech, he also contends that University teachers have a responsibility to "pursue knowledge for its own sake". They must stand apart in this pursuit "from the often self-interested social and economic pressures and attitude of established groups", and should persist even where this knowledge might be "condemned as useless or heretical by many people".<sup>26</sup>

Campbell relished intellectual excellence. He treasured the gifted insight, clarity of explanation, the *bon mot*. He valued insights and lucidity, the genius of the moment. In

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<sup>25</sup> Ibid.

<sup>26</sup> Sir Walter Campbell, 'Chancellor's Speech at Installation' [as Chancellor of the University of Queensland] on 4 May 1978.

universities, he said, “special attention has to be given to the needs of a good researcher, the gifted teacher, the person of genius or of outstanding scholarship”.

A strong commitment to service also runs through Campbell’s public utterances. He called on the University of Queensland to consider, when admitting students to competitive professional courses, “the students’ commitment to a cause or a profession”.<sup>27</sup> And he regretted the slavish and rather lazy adherence to high school results as a determinant of entry to university. Places ought to be there, he thought, for mature age entrants and those wishing to switch their vocation.

This flexible approach manifested itself in a number of ways. Despite his involvement with the public university sector, Campbell saw value in alternative approaches and was an unashamed if low-key supporter of Bond University from its inception. “I thought Bond was a breath of fresh air”, he said in an interview ten years after the institution came into being. “It was a private university, away from the bureaucratization that the other universities were under... I just felt there was a niche that Bond would fill”.<sup>28</sup>

Campbell saw a wider role generally for Australian universities in the world. He felt that Australia was strengthening its influence in the globe, and the tertiary sector was pivotal to this influence. His vision for the industry was forthright and aspirational, and the fact that it came from the incoming Chancellor of a world-class educational institution gave it added weight. Campbell was prepared to go out on a limb, pleading for more tolerance of the unorthodox applicant and wider acceptance of the pursuit of knowledge for its own sake, when the tide of opinion on the second of these issues, at least, was changing in Australia. The universities were facing the first charges of “ivory tower-ism” and lack of attention to vocational training that would motivate the Dawkins reforms.

When speaking on the role of the university in the inaugural Bond University oration in May 1989, Campbell showed his affection for the notion of universities as “bodies devoted to learning and education in the same way as were the early [medieval] universities which started off as communities of teachers and scholars”. This speech again draws a distinction between vocational training and “a true university training”. The liberal arts, he argues, provide the scholar with “a deep understanding of life and of moral and spiritual issues which shape the welfare of mankind, as well as a sense of values. What an experience it is to hear or read the works of a great thinker, just as it is to become absorbed at times in the world of art and theatre!” There seems more than a hint of philosopher and idealist at work here.

Campbell also expresses concern in his Bond oration at the dilution of the “traditional university sector”, foreseeing threats to the academic standards of universities through “the consolidation of colleges with universities and ... the colleges taking on the accepted roles of

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<sup>27</sup> Sir Walter Campbell, ‘Chancellor’s Speech at Installation’ [as Chancellor of the University of Queensland] on 4 May 1978.

<sup>28</sup> JFCorkery, Interview with Sir Walter Campbell (Brisbane 1999).

universities". He reiterates that universities are made distinctive by their relentless pursuit of knowledge, but not just any knowledge. Society, he suggests, needs assistance with its scientific and technological developments. And the university also has a role to instruct others, "to give to others part of the content of the store".

Campbell struggled, however, when articulating what should be done with strident voices of student dissent within the university. On the one hand, he frequently lauded the place of the university as an independent entity, free from political authority and economic power. But his implicit support for a forceful resolution of student disobedience and property damage in the early 1970s showed that he saw limits to that independence.

In a 1971 report on campus unrest for embattled UQ Vice Chancellor Zelman Cowen, Campbell argued that university officials ought to use the police when necessary to prevent sit-ins and other examples of unruly, potentially violent or disruptive behaviour within the institution's walls. *The Telegraph* of 4 December 1971 saw this report as "a penetrating study of the causes and effects of student violence" and "almost a textbook for administration on what to do and when". Many of those protesting against the Springbok tours saw the matter differently.

Sir Walter Campbell left the UQ chancellorship in 1985, to fulfill the role for which he is best remembered. His skillful performance as State Governor was the culmination of a lifetime of public service and intellectual vigour. And Campbell's adroit handling of the most major constitutional crisis in Queensland's history - where a stubborn premier, who had lost the confidence of his own party, refused to go - has become legendary.