



# **Emmanuel College**

**THE UNIVERSITY OF QUEENSLAND**

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**‘Sir Harry Gibbs  
– a firm yet gentle force for right’**

By

**The Right Honourable Sir Ninian Stephen AK**

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**Emmanuel College**  
**The University of Queensland**  
*Enriching lives since 1911*

Emmanuel College is Australia's ninth, and with St John's College, The University of Queensland's first residential college to gain affiliation. It was founded by the Presbyterian Church of Queensland in 1911 with the first students taking up residence in Wickham Terrace in 1912. As the Presbyterian Church moved towards partnership with other religious denominations during the 1970s, Emmanuel College also came under the auspices of the Uniting Church. Upon its inauguration, Emmanuel College was an all male residence but this changed in 1975 when women were admitted as collegians. Now, the College numbers around 340 students with half our population being female.

Further change was experienced by the College when it moved in 1955 from its original site in Wickham Terrace to its present location on the main university campus in St Lucia.

Since 1911 Emmanuel has stood for excellence in all round education and has had seven Rhodes Scholars during its history. Its graduates have gone on to make a major contribution to Australia in many areas, including as doctors, scientists, teachers, engineers, lawyers and judges, politicians, ambassadors and diplomats, and church leaders.

## **The Right Honourable Sir Harry Gibbs GCMG, AC, KBE**

Sir Ninian Stephen's after dinner speech was given at the annual Sir Harry Gibbs' Law Dinner at Emmanuel College on 17 August 2007. The Rt Hon Sir Harry Talbot Gibbs GCMG, AC, KBE (1917-2005), or Bill as he was known to his friends, was born in Sydney and educated at Ipswich Grammar and The University of Queensland where he attended Emmanuel College. He was admitted to the Queensland Bar in 1939 but his life at the Bar was interrupted by the Second World War in which he served as a Major from 1942-1945. During 1954-1967 he taught within the Law School at The University of Queensland while also maintaining a very successful practice at the Bar, becoming a QC in 1957 and from 1961 until 1967 as a Judge of the Supreme Court of Queensland. In 1967 he moved to a Federal jurisdiction in Sydney as a Judge of the Federal Court Bankruptcy and also the Supreme Court for the ACT. In 1970 he became a Justice of the High Court of Australia and was Chief Justice from 1981 until his retirement in 1987.

During his retirement he was very active in issues dealing with Australian society and the law. As Patron of the Samuel Griffith Society, he was devoted to upholding the Australian Constitution. In 1944 he married Muriel Dunn, a graduate of The University of Queensland and Women's College and they had three daughters and one son. Both the Gibbs and Dunn families have had a long association with Emmanuel College. Sir Harry was until his death a Fellow of Emmanuel College and Patron of the Emmanuel College Foundation.

## **THE AUTHOR**

### **The Right Honourable Sir Ninian Stephen AK**

Sir Ninian Stephen was born in 1923 in Oxfordshire and came to Australia as a child. His education was completed at Scotch College and, after a period of service in the AIF, he attended the University of Melbourne, where he graduated in law. He became Queen's Counsel in 1966, a judge of the Supreme Court of Victoria in 1970 and a Justice of the High Court of Australia in 1972. He was made a Knight Commander of the Order of the British Empire in 1970, a Privy Counsellor in 1979 and in 1994 Knight of the Garter. Sir Ninian served as Australia's Governor-General between 1982 and 1989. From the highest offices of public service in Australia, Sir Ninian went on to involvement in international affairs, representing his country with distinction as a global citizen.

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## **Sir Harry Gibbs – a firm yet gentle force for right**

Much has already been written about Sir Harry Gibbs, whose death, at the age of 88, in June of 2005, left Australian law the poorer but whose long life did much to enrich the whole fabric of that law.

I had, as a barrister, appeared before Justice Gibbs both when he sat as a single judge in the High Court in Melbourne and in Sydney and as a member of the full High Court in various capital cities but it was only when I joined the bench of that court that I came to know him as an individual.

The title of this speech, describing Bill Gibbs as a firm yet gentle force for right, says in six words a great deal about a great and modest man.

What it fails to do is sufficiently describe the strength of Gibbs' character and the force for good that he exerted as a member of Australia's highest court.

As a Melbourne barrister I had known nothing of Bill Gibbs before his appointment to the High Court of Australia in 1970. He had, of course, already had an extensive judicial career, first on the bench of Queensland's Supreme Court and then as Federal Judge in Bankruptcy in Sydney. On his appointment to the High Court he quickly became a very significant member of that court and in his six years as Chief Justice gave to it something of his own quiet graciousness that it had not always possessed.

I doubt that he ever once departed from the even tenor of his ways in his work on the bench and it was due to his high moderation in all things that he was throughout his years as barrister and judge a perfect model of a lawyer, acute of mind yet modest in manner, firm in his convictions regarding right and wrong yet always courteous and attentive to the views of others. No one, I think, ever appeared before him who did not feel that he or she had received a careful and even-handed weighing of their submissions.

To appear before him when he presided as Chief Justice was always a pleasure, if only because he was not merely an attentive listener but gave the impression of being a genuinely interested searcher after the truth.

Never a dramatic figure and never inspiring that degree of anxious concern lest one attract criticism from the bench to which as mere counsel one could not adequately respond in kind, Bill Gibbs at the same time always remained in complete control of the conduct of the case before him and always demanded of counsel all the attention to detail that the case required.

Off the bench, Bill Gibbs was a charming companion whose interest in events of the day and understanding of those events, whether domestic or international, made conversation with him something to look forward to and later to recall with both pleasure and appreciation. He had a perhaps unexpected sense of fun, unexpected if one judged him only from his judicial role.

Bill was born in 1917, went to school at Ipswich Grammar School and on here to Emmanuel College graduating with distinction in both Arts and Law at this university. He joined the Queensland Bar, saw war service in the Australian Imperial Forces, was mentioned in despatches and discharged at war's end a Major. Awarded a Master of Laws degree in 1946,

he was further honoured in 1980 by the award of an Honorary Doctor of Laws. He had taken silk at the early age of 40 and had been appointed to the Queensland bench only four years later, serving there for some six years until becoming a Federal Judge in Bankruptcy.

Then, in 1970, he was appointed a Justice of the High Court of Australia where he served for some 17 years, being appointed Chief Justice of that court in 1981 until his retirement in 1987.

When I joined the High Court I came to know him as a colleague and as a friend which he and his dear wife Muriel long remained. Bill died in 2005 and remains fondly remembered not only by his many friends but by so many others who appeared before him in the courts he sat on and who appreciated his calm judicial approach, unfailing courtesy and deep knowledge of the law.

A dedicated Queenslander, he never failed to have his daily copy of *The Courier-Mail* delivered to him in whatever part of the continent his judicial duties had taken him. But if there was one institution dearer to Bill's heart than his beloved state of Queensland, it was his family. He found deep happiness in his marriage and in his children. He also found great satisfaction in his work as a judge; having both appeared before him and later sat with him in the High Court, my enduring memory of him is one of calm wisdom. He never appeared impatient and never expressed other than courteous attention to submissions made before him. When presiding on the bench he was a model of judicial decorum and a model, too, for all aspiring to judicial office.

Bill lived long with Australia's constitution. His 17 years on the High Court were momentous ones and in a whole host of significant cases he played a leading role. It would be inappropriate to single out any one case; suffice to say that the judgments of Gibbs J and Gibbs CJ over the years played a very distinct role not merely in the judicial life of this nation but in many areas of everyday life which his judgments affected.

He left behind him not only a family that loved him dearly and many friends but also a place in the law of Australia that will endure long into the future and that is something he would have greatly cherished. One of his deeply held beliefs was the need for complete independence of those holding judicial office; as he once wrote 'justice will not be done unless the judges are completely independent and free from all external influences - tyranny flourishes if judges bow to the wishes of the executive'.

This Bill never did and his judgments live on as insightful declarations of the law of Australia, unaffected by politics of the moment. They will long be cited in the courts of the land as sure guides to an understanding of Australia's democracy.



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