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## Editorial: Spring 2004

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# Editorial

Family law issues impact on many families. Sometimes people attempt to think ahead and sign marriage contracts to determine how property will be distributed after divorce or separation. Are these contracts worth the paper they are written on? Professor John Wade will answer that question in *Marriage and Cohabitation Contracts*.

Ever bought a 'you beaut' computer game or software? Did you read the licence agreement or did you just click on 'I agree'. Assistant Professor Dan Svantesson will tell you a lot about what you have agreed to in *A very expensive Box – Exactly what do you get when buying computer software 'off the shelf.'*

In your studies you might have heard about the issue of jurisdiction. What does that mean? Can a court compel someone from overseas to appear in an Australian court or are you better off suing from the overseas jurisdiction. Associate Professor Kay Lauchland in *Jurisdiction over Defendants* will debate those issues for your benefit and interest.

The Butler did it or didn't he. Recently Richard Butler the

newly appointed Tasmanian Governor resigned. The controversy over his demise has focussed attention on the role that Governors play in our system of government. It seems they are not as secure as you might think. This is discussed in Professor Gerard Carney's article on *Butler – The Governor*.

Have you ever thought about whether to go to court or not. Are all disputes best dealt with by a court hearing? Are some disputes better dealt with by negotiation or some other dispute resolution process? Associate Professor Kay Lauchland asks these questions and hopefully answers a few questions in *Achieving Justice through the Courts*.

To keep up with developments in the law many law firms provide informative websites. We provide you with details of their web addresses in *Law Firm Updates*. It might give you an insight into what it is like to practice as a lawyer.

We like to hear what you think about *Legal Eagle*. If you have comments here is my email address.

Email: [legal\\_eagle@bond.edu.au](mailto:legal_eagle@bond.edu.au)

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**Editor-In-Chief**  
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## DID YOU KNOW

SIR WALTER CAMPBELL, former judge and Governor and a significant figure in Queensland legal circles died recently.

The son of Archie Campbell, who won both the Military Cross and the Distinguished Services Order during World War I, the future Governor of Queensland was a man of high intellect and exceptional scholastic ability. Twice Dux of Downlands College, Toowoomba, he was awarded one of the 18 available scholarships to attend the University of Queensland. There he took an Arts degree, a Law degree (with a rare 1st class honours), and gained an MA in philosophy. When he handed in his thesis, a superior piece of work on legal philosophy entitled *Utilitarianism and its Effect on Legal and Political Theory*. (Utilitarianism is an ethical theory which characterises conduct as being right or wrong based on its usefulness or "utility".) Professor Billy Kyle and Professor Walter Harrison wanted Campbell to publish his thesis. Further, they offered their young protégé a job as a lecturer. But Campbell was finishing law exams, and he was starting at the Bar, pursuing the profession he had always wanted.

Campbell was a strong, heavily built young man and accomplished in sports. In his final year at Downlands, he was Vice-Captain of the 1st XV – and known for occasional impoliteness in the scrum – and Captain of the school.

Becoming an RAAF pilot during World War II, Campbell displayed a natural aptitude at the controls of an aircraft, was made an instructor and posted to No 7 Elementary Flying School at Launceston, Tasmania. It was there, with a student at the controls, that his plane ploughed into the landing strip, destroying the machine and badly injuring Campbell. While his student was relatively unscathed, Campbell shattered the tibia and fibula at the knee joint of his right knee, injuries that ended his sports and affected his general mobility for the rest of his life. It was a traumatic time also for his new wife

Georgina, who, as a newly qualified teacher, was working at a nearby school. As a young man, Campbell exhibited "a touch of the Clark Gables", as one commentator put it, and in irreverent style, the student paper *Semper* had celebrated the Campbell marriage with the editorial line, "we reluctantly say farewell to Casanova Campbell, and hello and best of luck to sedate, married, Goodman Walter". Walter and Georgina went on to have three children; Peter was the eldest child by 11 years over Deborah Ann, and the youngest, Wallace. Campbell's physical setbacks did not deter him. Resuming his studies while recuperating, he took his BA exams in a hospital bed. His career flourished in tandem with his commitment to public service – admitted to the Bar in 1948, appointed Queen's Counsel in 1960, Supreme Court Judge from 1967 to 1985, Chairman of the Commonwealth Remuneration Tribunal from 1974 to 1982, sole member of the Academic Salaries Tribunal from 1974 to 1978, Chancellor of the University of Queensland from 1977 to 1985, Chief Justice from 1982 to 1985, Governor of Queensland 1985 to 1992.

Campbell's public profile is dominated by the last role. He brought to the office of Governor a sunny optimism – an avuncular, down to earth independence, which nonetheless maintained respect for tradition. He was urbane and relaxed, affable, and occasionally irreverent. The ceremonial side sat easily with him and he made it inclusive. The scenes of deference and pomp over which he presided as Governor retained a streak of inclusive good humour, almost impishness. No occasion was so grand, no guest so significant, no moment too grave for that to disappear entirely.

The state was fortunate that Walter Campbell provided an independent, intelligent and respected umpire for the important role of Governor of Queensland. [This article is based on a forthcoming biography *Sir Walter Campbell – A Life of Achievement* by Geoff Barlow and Jim Corkery.]