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THURSDAY, 1 MAY 2014

STATE FUNERAL OF
THE HON. NEVILLE KENNETH WRAN
AC, CNZM, QC

NEVILLE WRAN – THE ENIGMA

The Hon. Michael Kirby AC CMG

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NEVILLE WRAN – THE ENIGMA

Michael Kirby*

Neville Wran was an enigma. Of course, the external things are well known. Premier of New South Wales for a record term. Huge majorities. Brilliant energy on the hustings, in Parliament, in party meetings and on television. High intelligence. A mixture of raw larrikin earthiness and flawless, elegance when that was required. He was a kind of chameleon. But he never forgot the hardship of his family and youth. He was sincere in wanting to make things better for all people, but especially for the disadvantaged and vulnerable.

I got on well with him as a young solicitor briefing him; as a junior barrister working with him; and as an occasional sounding board when we were at the Bar and he was taking his first steps into political life. We shared threads in our lives. Close families of modest means. Great teachers in public

* Justice of the High Court of Australia 1996-2009. Michael Kirby was appointed President of the NSW Court of Appeal by the Wran Government in 1984, serving in that post until 1996.

schools. Education at Fort Street High School and student activities, on scholarships, at Sydney University. We shared a belief in social justice and civil liberties. Our legal work in compensation litigation and industrial relations disputes kept us busy.

I speak of Neville from outside the perspective of the Labor Party. I had nothing to do with his life in that hard but exciting world. I watched him move effortlessly from success to triumph. And then, when the top political job in the country finally eluded him, bored with his surroundings but also angry at what he saw as unjust treatment of Lionel Murphy and himself, he quit politics in this very hall. He then returned substantially to a private life.

I speak of Neville as a kind of outside observer. As a citizen. And though I claim to have been a friend, I must be truthful. He was not really close to me. Nor, I would suggest, to just about anyone else beyond his immediate family.

At school and at university he first wanted to be an actor. This passion was raised as a boy when he cleaned The Empire Theatre near Central Station for pocket money. His good looks and prodigious memory might have carried it off. But deprived of that vocation, his choice of law allowed him to externalise

emotions and to act out the crises in other people's lives and sometimes to help resolve them. The choice of law was natural. Yet it had to be law as it affected vulnerable people; for that is where he came from and where his values were forged.

For me, he was "Neville", 12 years older and already an accomplished barrister when I first met him in 1959. For him, I was never "Michael"; always "Kirbs". This may have started as a relic of the old English Bar rule that colleagues were to be known by their surnames only. But it also signalled to me the true classification of our relationship. Friendly, informal, mutually respectful, teasing and valued. But not too close. Closeness was something that Neville Wran confined to a truly tiny circle: Lionel Murphy; Jack Ferguson; Jim McClelland, before the rift. On good days, Gerry Gleeson, the head of the Premier's Department. His family. And that was about it. Anyone else could knock on the door. Occasionally, very rarely, the door was opened to offer a small shaft of light. Acts of kindness and friendship were plentiful. But Neville Wran kept most of the world at a distance. This was as if to protect the core of his inner being from the dangers of hurt and disappointment that humans are heir to.

Of course, this attitude of distance was one of the chief reasons for his political and public success. He was no one else's man. No one else controlled him: No faction, no person. He made his own decisions. He was a late comer to politics. He arrived and then travelled with little baggage. And that was the way he wanted it to be. He was different from most successful politicians in our country. He was a leopard that walked virtually alone.

Another special strength for his political life was already evident in those early days when we worked together in Phillip Street. Neville Wran was a prodigious worker. I yield to few in workaholic obsessiveness. But Neville Wran was the only barrister who would beat me to the chambers in the morning. He was always a morning worker. He usually started at 4:30am or 5:00am whilst all the world was sleeping. In the days before emails and social networks, it was a blissful time for absorption, comprehension, preparation.

There were a few cleverer, narrower silks of those days. But no one was ever better prepared for a case than Neville Wran when he rose to address a judge or a jury. He left nothing to chance. My task as his junior was to fill his mind with the relevant law. His task was to understand the exquisite details of the facts.

I have no doubt that this way of working gave him a great edge over every competitor in law and politics whom he came up against. And also every bureaucrat and official who later served under him. He knew every detail. He had a kind of contempt for “big picture” politics. Little use for grand theories, he would say, if you are forever sitting on the opposition benches. To get things done, you had to win elections. A grubby business. But someone had to do it. And it was the work he did best.

These talents made Neville Wran someone to be feared. Like many leaders, he had an instinct for judging people and issues. In court, he always knew where the jugular was. And he took this knowledge with him into parliament. He was as kindly and friendly to acquaintances with whom he empathised as he was cold and unforgiving to those he deemed enemies or obstacles. Perhaps this meant that he occasionally held back from the boldest strokes of political action because he did not have the numbers or thought that they would not wash with the electorate. But when he judged the time was right, he followed through with success and he was rarely faulted.

In recent days I have seen well merited words of praise for Neville Wran voiced by John Howard, Nick Greiner and other

erstwhile opponents. I have also read the inevitable critics, writing of him in the best Australian convict tradition. One of these castigated his delay in securing gay law reform until finally he pushed it forward in 1984. It is hard for those who have forgotten, or did not know, those bad old days to realise the hostility and hatred that then existed towards gays in our community: especially amongst the churches. But it was Neville Wran, eventually, who showed the leadership and secured the basic law reform to remove the medieval offences that blighted the lives of gay Australians before 1984. Neville Wran was a cautious reformer. No doubt his long years in the law taught him this approach. Yet this was an attitude that won him legendary majorities over an astonishing four terms.

Also from his experience in the law Neville Wran learnt the way our governmental system operates. From the minute I was appointed a judge in December 1974, an iron curtain came down between us. Even when his Government appointed me President of the Court of Appeal, the approaches were made *not* by him but by the Attorney General. He knew that keeping a distance from judges was the way the separation of powers is supposed to operate in Australia; and usually does. After my first appointment our close contact virtually evaporated. In fact, in the intervening 40 years, I can count on the fingers of two hands the number of occasions in which we met or conversed.

Usually it was by chance at public events. When it happened, the old days were suddenly remembered with a laugh. “You should get out of that rat hole of the law, Kirbs”, he would say to me. Others who had known him at the Bar, and whom his Government had appointed to the bench, would comment on how formal he was in dealing with them. In part, this was his appreciation of how our judges expect things to be. But mostly it was his well-honed political instinct that any closer degree of proximity would be bound to be recorded, misrepresented and criticised by the conspiracy theorists who abound in Australia. With Neville Wran, in office or even after political retirement, there were no games of tennis with judges, no nights at the theatre or long lunches. He had his own tiny circle of friends. And when he turned his back on law, and later politics, he built a substantially different life. He made new friends. And, I suspect that these too he kept at the distance of a long spoon.

Neville Kenneth Wran did many good things in government, as Premier, in Parliament, in public life. As a citizen, I honour the modernising temper that he brought to our State and the nation. In the environment. In consumer rights. In administrative law. In the arts. As he lies here amongst us, in a place of many political triumphs, quiet and at rest, I thank him for his energy, his good judgment, civilising leadership and law reforms. Including his abolition of gay crimes for my partner Johan, our

family and me. But he is today, as he was throughout his public life, a personal enigma. How fitting that his coffin should be borne into this public space, in a wholly secular ceremony, crowded with his fellow citizens, to the music of Edward Elgar's *Enigma Variations*.

From Ancient Greece to modern times, democratic societies have summoned forth a few citizens from their private affairs to perform acts of leadership and then to be gone from the stage. Neville Wran knew that this was how it worked. Although he was ambitious, he did not have exaggerated expectations of himself or others. For a time, he gave us his all. But he always reserved the inner core to himself - believing that this was not his to give, nor ours to demand. I wish that in his life I had told him of the affection, gratitude and respect I felt for him. And so I do it now.

To Jill, Kim and Neville's family, we his fellow citizens say thanks for a public life lived to the full and then surrendered. In his sense of personal reserve, energetic labour and cautious reform, Neville Wran held up a mirror to some core features of Australian society. That is why he was so successful in public life. We saw in the mirror talents that most of us aspired to in ourselves. Most liked what we saw. His comet has run its

course. But the dazzling tail of bright light will last long hereafter.