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DO WE NEED A BILL OF RIGHTS IN AUSTRALIA?

The Hon. Mr. Justice M.D. Kirby  
Chairman of the Australian Law Reform Commission

April 1978

FACES OF THE EIGHTIES NO 3

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ANNOUNCER

Mr. Justice Michael Kirby, Chairman of the Australian Law Reform Commission:

Mr. Justice Kirby practiced as a solicitor and then as a barrister before being appointed to the bench of the Conciliation and Arbitration Commission in 1974, at the age of 35. A few months later, he became the first Chairman of the Law Reform Commission.

Facing the Eighties, Mr. Justice Michael Kirby.

ROBERT MOORE

What about the law's delay and the law's cost which are the two I suppose, most common criticisms or worries that crop up. What can be done?

MR. JUSTICE KIRBY

Well, you start from the fact that the Legal Profession is a highly trained, highly educated, highly expert group of people and for that reason you're going to have to pay for services of such people. So that you start from that difficulty. But I think there's going to be a need to re-organise Court procedures, and perhaps to try to produce a remedy which fits into the mass produced society.

ROBERT MOORE

To what extent is justice denied to people because of it's cost? Are there groups within the community to whom, if you like, access to justice, to the Courts, is just not practical or feasible?

MR. JUSTICE KIRBY

Well, of course there are, and even as recently as a week or so ago, when the report of the Commonwealth Commission on Legal Aid was tabled in parliament, it was revealed that in Western Australia even on the very strict requirements for Legal Aid which are in force there, disposable income of no more than \$52.00 per week, 20% of people who qualified, could not get aid, because the amount of money wasn't there.

ROBERT MOORE

Is there any fundamental reform to the Legal system, which would fairly to all parties, reduce the cost of litigation in particular? I mean, Legal Aid is one thing, but in a sense that's a hand-aid approach I suppose. Is there any way of reducing the cost of the law?

MR. JUSTICE KIRBY Well, Sir Richard Eggleston has said that one of the obligations of lawyers, by the end of the century, will be to so present a case that it can be resolved within one day of the busy time of a Judge or Magistrate. In other words, that the time available for the resolution of the dispute will be limited, and the skill of the Lawyer will be devoted to finding ways of so presenting the case that it can be resolved in the short time available.

ROBERT MOORE To put it simply then, Court cases are likely to be much shorter?

MR. JUSTICE KIRBY I think if that is a means of reducing the cost, and the delay of Court proceedings, I think it gives the clue of the solution. And the Law Reform Commission has recently received a reference on the Reform of the Law of Evidence, and this provides the opportunity for us to examine whether or not that's a feasible possibility.

ROBERT MOORE Now, what you're saying does suggest in a way, that at present, there is a degree of, if you like, unnecessary consumption of time in Courts. Is there?

MR. JUSTICE KIRBY I think there is, and I think that's generally acknowledged. It's said that in the United States when efforts were made to reform the law of Evidence and Procedure, that a great deal of opposition came from the practising profession, because it's out of the procedures of the Courts, the adversary system, that the profession secures its enjoyment, and its benefit, its profits. I think that's putting it too high, but I think there is an element that exists, where we could cut down on the costs, the time that is involved in the Court proceedings and thereby in the cost of the proceedings and delay in bringing them to finality.

ROBERT MOORE And what do you think would be the response of the Legal Profession to reforms in that particular area?

MR. JUSTICE KIRBY I think the hope of reform is that there is a tremendous shift in the age composition of the Legal Profession. Whereas, ten years ago, 20% of the Legal Profession had practised for five years, or less, now that's 40%. In other words, there's a great shift to the young. And I think there is amongst the young, enthusiasm for reform. I think that's a good thing. Promising.

ROBERT MOORE Yes. In a sense, I suppose to most of us laymen, the Law is a mystery. Need it be such a mystery to us?

MR. JUSTICE KIRBY Well, there are some things in the Law, as in life, that are

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MR. JUSTICE KIRBY just complicated, and they're not simple, and every effort on the part of people like myself to try and simplify it, is bound to fail in the end, because the Law is complicated, because the fact of the situation is complicated. But I think more can be done, and more is being done to communicate the problems of the Law to society. And I think, for example, the teaching of Law in schools and the teaching of Law through the Media to the community generally are ways in which this is being tackled now.

ROBERT MOORE Yes. It's often said that the Law as it stands now is, or has been traditionally - let's put it that way - has been traditionally, and may still be, more concerned with the rights of property than with the rights of people, the individual. Do you think that's a fair comment, or an undue over-simplification?

MR. JUSTICE KIRBY I think there's an element of truth in the statement. It oughtn't to be exaggerated. For example, there are Civil Laws for trespass and assault, and criminal laws to protect the person, but the fact is that some laws that are available today, are unsuitable. Some laws don't exist to solve problems of today, as for example the protection of privacy; and some laws, though they exist, are not in truth available for groups such as Aborigines, the disadvantaged, the unemployed, the poor and so on. So that it is true, that when one looks at Law Courses at Law Schools, the distinct concentration is on the Law of Property, Property Rights. That's been the class of people in the community who have worked the machinery of the Law and it's therefore a very large part of the common Law of England, which we've inherited.

ROBERT MOORE What do you see, yourself, as the major challenges to the Law and to Law Reform in the 1980s? What areas will be the most difficult and perhaps the most necessary?

MR. JUSTICE KIRBY Well I think the..... One of the great problems of course is the advance of terror, the increase in crime, the increasing vulnerability of our society in the age of computers and data

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MR. JUSTICE KIRBY banks. I think the increase in unemployment, especially amongst the young, will cause a number of stresses, which we're beginning to see in evidence in Australian society today. I think there are many perils and problems of this kind that we're going to have to come to grips with in the Law, and I think many of them are bound up in the impact of science and technology on our society. I think that is going to require major overhaul of the Legal System and I can only hope that parliaments will be ready to see this and that bodies such as the Law Reform Commission will be able to help parliament.

ROBERT MOORE When you mention science and technology, could you be a bit more specific on that? What particular aspects?

MR. JUSTICE KIRBY Take for example the impact of computers on society. I was at a French conference recently, and they identified many aspects of the impact of computers. The aspect of the diminution in personal liberties by reason of the great storage of information on data banks; the impact on employment; the impact on culture; the dependence of France on American data banks; the alienation of workers in computerized industries, and so on. These are the sorts of problems that I think France and Australia, and all countries, are going to have to grapple with.

ROBERT MOORE Yes, and this is not, obviously, not unrelated to something that you've spoken about a great deal, the question of really fundamental privacy in the 1980s, for the individual, the right to be in so far as one can be, one's self, and to have certain parts of oneself not known, unless one wants to have it known.

MR. JUSTICE KIRBY Yes, well what I have been saying is only reflecting an international debate. It is an amazing thing really that the laws of North America and Western Europe have developed so rapidly along such similar lines, given the different backgrounds of countries with different languages, different legal traditions and so on, it's a remarkable thing that they have all reacted quite rapidly to the

MR. JUSTICE KIRBY issue of the impact of data banks on individual liberty, and I can't believe that we in Australia are going to be immune from the same sort of legislation. I think we're going to need to protect the individual in respect of information stored on him in data banks. I think that goes without question.

ROBERT MOORE And what would be the general guidelines for that kind of protection?

MR. JUSTICE KIRBY Well, again, it's a remarkable thing that when one looks at the legislation of such diverse countries as Canada, United States, France, Sweden, and so on, there is in fact, a common thread, and the common thread is the right of the individual to have access to personal data about himself. In other words, it's said that if you can perceive through the data that's stored on you, how others are seeing you and have redress to correct data which is unfair, or unjust or wrong or inaccurate, then that is a way in which you keep some control over the information which others are seeing you by. People invade privacy in the future, not through the keyhole, but through the data base.

ROBERT MOORE Do you think there's a - I mean maybe there is now - but one has the feeling it might be needed more in the future, that there should be a strong onus on the data collecting agency, presumably at most times, not necessarily a government agency, a strong onus on them to show that the information they are seeking is genuinely needed. In other words, what I'm saying, is there a danger that maybe governments might just get to know too much about us unless we watch it carefully?

MR. JUSTICE KIRBY Well, that is certainly a strongly felt view in Europe, and in fact in many European countries they've developed certain categories of data which without special authorization, ought not to be collected. Data on a person's religion, their racial background, their philosophical views, trade union membership, and things of that kind, and I think they are more alert to this in Europe, because they've been through the problem of the Gestapo who without the benefit of computers, were able to maintain extremely detailed and highly efficient personal information.

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MR. JUSTICE KIRBY systems on just about everybody under their regime.

ROBERT MOORE In this area of privacy in so far as it applies to government agencies, we run into a conflict with freedom of information legislation, too, don't we? Clearly, I might want to have some information withheld from public consumption on the grounds of my privacy. At the same time, other people may have compelling reasons to get to find out what the government is doing with that information, as an illustration of their policy and actions. Now, what's going to happen here?

MR. JUSTICE KIRBY I wouldn't have said it's a conflict; I agree it's an interface, a modern word that comes from this technology, that even under the Freedom of Information Bill, which is before parliament, there is a provision for an exemption in the case that revelation would unduly interfere with a person's privacy and that is a similar device that's been adopted in the United States. But the important point is that under the U.S. legislation, and under the Australian legislation, there's a common theme, namely the Right of Access. Under the Freedom of Information Bill, and under the proposed privacy legislation, there will be the right of the individual's access to data in the hands of government and ultimately in the hands of private and other organizations.

ROBERT MOORE Getting back to the cost of the law in Australia in that broad sense, do you think lawyers make too much money?

MR. JUSTICE KIRBY I don't know how to answer that. I think many, many lawyers make a handsome income. There is no more gruelling occupation than that of a top lawyer. They generally work seven days a week; they work with great devotion and skill for their clients, but they are rewarded most handsomely. It is true that lawyers are in the very top percentiles of the income earning groups in the profession, but there are many poor lawyers. And there are many young lawyers, qualified, who are now out of work. And I think we are going to see increasing numbers of these as the numbers of people coming into the legal profession increases. It's trebled in the last ten years, and I think that is going to have a necessary, market effect on bringing down the cost of the delivery of the law to the clients.

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ROBERT MOORE

The reason I asked you about Lawyers' incomes, was that apart from the obvious straightforward reason for asking it, it does seem to me to raise the question of a degree of public cynicism about professions in general. Not just the Law; I think the other obvious one is medicine. Medicine has had a bad press in many ways recently, and the Law in the case of some solicitors anyway has not done too well either.

Are you aware, in your work, of a degree of decline in the esteem of the law as a profession in the public eye?

MR. JUSTICE KIRBY

I think there's a decline in the esteem of professions generally, and I think this arises from the larger numbers who are entering the professions; The greater access which individuals of all classes have to professional people; the larger numbers of people claiming to be professionals. There are 130 bodies in Britain, claiming to be professionals. I agree with you that the unhappy stories on front pages of Medibank frauds and Lawyers defaulting with large sums of money doesn't help the professional image.

I think there is a general decline in the status of the professional man. I think it's inherent in the advent of great government funding for the professions. I think some of it is inevitable and can't be avoided, though I would agree that the cases of default are regrettable and do great damage to the professional standing.

ROBERT MOORE

Do you think in the 1980s there'll be a change in the concept, let's say of a Barrister in particular, if I've got it right, let's say of a Barrister in particular, that instead of being seen, in a sense, as partly standing at arms length from his client, he does his best as an advocate, but he's meant to keep his emotional distance in a sense; he's seen as an officer of the Court; he's expected to have some degree, of, if you like, social objectivity about what he's doing for his client. Do you think that may be superseded by a much more committed kind of Lawyer, who unashamedly espouses his client's case, and unless he does, won't accept the brief?

MR. JUSTICE KIRBY Well, of course there are some who say that the rules which you've mentioned are designed by the hams, to prevent able lawyers working with vigour for the social causes of the disadvantaged. I think there probably will be efforts for Lawyers and for Doctors and for other professionals to step outside the regime which has hitherto bound them, but I think it is important that the Lawyer's duty to the Court should be retained, because I think it's this that gives a certain remove and dispassionate assessment of the facts and of the Law and ensures that Justice according to Law is done by the Courts. Don't forget of course, that 98% of the Law's business is not done in the Courts. But if that's what you're talking about, I think there will be public interest advocates, who will be deeply committed to their causes, but I think it's important to keep the element of dispassion as well.

ROBERT MOORE It's often struck me that even Lawyers whom I know, who have private if you like, quite radical political standpoints, are none-the-less quite conservative, professionally as Lawyers. And it does seem to me arguable that there's an unnecessary degree of well, I suppose, hypocrisy in that. In your experience, does that strike any chord?

MR. JUSTICE KIRBY Well I don't see that it's hypocrisy; It's simply that they wear two hats. Like every other citizen, they have their personal and political views, they're forced to have a political view by the compulsory vote, but in terms of what they do in Court and what they do in their professional life, they're bound by fairly strict rules which have been established over hundreds of years in some cases, and I don't think they find that dichotomy at all difficult. Many laymen wonder how it is that a Lawyer can defend a person whom he knows to be guilty. But unless a Lawyer does defend guilty people, then there'll be nobody to stand for the guilty, and argue their case, as they would, if they had the skills and knowledge, and it would mean that Lawyers were making decisions in their offices, that at the moment are made in

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MR. JUSTICE KIRBY Courts of Law and by Juries and Judges.

ROBERT MOORE What's your own feeling about, well I suppose it's straightforwardly the future of individual freedom in the 1980s? And in-so-far as it does survive, to look at it optimistically, to what extent will it be because of the Legal Profession, and what it might do?

MR. JUSTICE KIRBY Well, I think the Legal Profession in the past has been a doubtful fighter, sometimes of unpopular causes, and I think that's a very useful function which the training of Lawyers, trained in upholding individualism, plays an important part to maintain. But I think it probably is true to say that Liberty is under threat. It's under threat from big government, big technology, big business the vulnerability of society, and I think it will be vital that Lawyers and citizens generally, are alert to these perils, so that they can see them and make sure that we avoid the slippery path into over-reaction, to dealing with these problems.

ROBERT MOORE Just look at some of the, I was going to say paraphernalia, but some of the symbols of the law that reinforce the idea in a Lay mind, that it is something of a mystery, and they may be small things but I think they symbolise a lot. What about wigs? Will Barristers wear wigs, ten years from now, do you think, in Australia?

MR. JUSTICE KIRBY I thought you'd ask me this. Well, it's always seemed to me to be a minor debate.

ROBERT MOORE Yes.

MR. JUSTICE KIRBY Of course wigs are now not very much in use in say the industrial areas, the Industrial Courts and Tribunals. They're no longer used in the Family Court; they're not used by Judges sitting in Chambers hearing certain legal matters. So that wigs are on the way out. And whilst I know they upset some people as symbols of a past time, I really think there are much more important debates about the role of the Legal profession, and the symbols of the Law, than the wearing of a Periwig. I think that's a minor matter.

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ROBERT MOORE

What about the two tier system of Barristers, of Junior Barristers and Q.C.'s? Do you think that division will survive?

JUSTICE KIRBY

Yes I do. I think it will survive under different conditions. Until now there's been a fairly rigid rule that a Queen's Council has to be accompanied by a Junior. In a sense that's been a form of apprenticeship which has been paid for by the client, but in England it's now been ruled by the Monopolies Commission that that's not to be a firm rule, and I think as a firm rule it's breaking down in Australia as well. I think it will be left to the market to decide whether or not a case warrants two Barristers or not and there are many cases which warrant two Council. And there is no doubt that the system of Juniors and Silks, Q.C.'s, has been a system that's worked well for the training of the successive generations of the Legal Profession.

ROBERT MOORE

Do you think that the energy crisis will raise particularly difficult or interesting problems for the Legal profession?

MR. JUSTICE KIRBY

I think it will raise tremendous problems for society. It will add to the pressures, which are unemployment, unemployment of youth and which the technological revolutions which I've mentioned are going to cause, but I don't see any specific, particular issues which the energy crisis will cause for the law unless it be the litigation of public interest issues in relation to Uranium mining, and matters of that kind. I think that may be a matter for the Courts and for Lawyers of the future but I don't think....

ROBERT MOORE

Let me tell you what I had in mind. I was quite intrigued by something you said in one of your speeches that I was reading about this. You were referring to Solar Energy and you mentioned that a consequence of this, as I understood it anyway, could be more interesting and more profound litigation about the right to sunshine, because it's no longer a matter of a tall building blocking out an amenity of sunshine; it's blocking out your source of power. That was the kind of thing I had in mind. Would you think of any other examples of that kind?

MR. JUSTICE KIRBY

Well, I was there referring to a report or a working paper of the South Australian Law Reform Committee on the question of

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MR. JUSTICE KIRBY Solar energy, where it was estimated that by the turn of the century we'd have about 15% of Australia's energy needs from solar heat. And it was suggested that the right to light, the right to sunshine, access to the sun would become more important. I think that is one issue. But you see the basic problem is, unless there is a cause of action, unless there is some law which confers a right, then you can have all the anguish and concern in the community that you like, but you can't bring it to a Court of Law to be resolved according to law. Courts are not there to dispense "palm tree" justice; they're there to dispense justice according to law, and it's therefore important to search for, and find if you can, any course of action which the law gives.

ROBERT MOORE

Well that raises the question of standing, and in particular - well I'd like to make it in particular obviously - the matter of class actions. I know they're not synonymous but one is subsumed by the other. Are there any general rules or guidelines that you would like to see governing Standing, which we now don't have? Would you like to see it broadened in some way, to be less restrictive than it is, or what?

MR. JUSTICE KIRBY

Well, the Law Reform Commission has a reference to report to the government on the question of Standing. Generally speaking you've got to have some personal financial or other similar intimate stake in a matter before you can take it to a Court. They can't, they don't allow people to take matters to Courts simply because they're taxpayers, or simply because they're citizens. That isn't sufficient interest to move the Court and the Commission has put forward a discussion paper suggesting that there ought to be a liberalisation of this principle, in a time when public interest is a more volatile, active force. That discussion paper was generally favourably received, but we haven't delivered our report yet so we're still considering it. I'm interested to hear that you think it should be widened.

ROBERT MOORE

Oh, I raise it as a possibility, that's all. What about Class

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ROBERT MOORE            Actions, can we achieve what they achieve in another way? What is it that makes them so worth discussing, worth a reference to you?

MR. JUSTICE KIRBY      Well in America, Class Actions have developed as a means of aggregating lots of little claims into one big claim. So that one person can bring a suit on behalf of many, who perhaps, because of apathy or lack of funds or other disadvantages, wouldn't have brought the case at all. It is only an action for a cause of action known to the law. Where in other words there must be a legal case, which can be aggregated. And the essential argument that's put forward by proponents of Class Actions, is that here is a means of bringing to justice people who otherwise wouldn't get to Court. Making Court deliver justice in a mass produced way, just as problems are now mass produced, so the Courts should be able to deliver the remedy in a mass produced way.

ROBERT MOORE            Isn't that, in a sense, a recognition by the law that society has indeed changed? Well, as you mentioned, it's a mass society in more ways than one, and the law ought to recognise it and does in the case of Class Action.

MR. JUSTICE KIRBY      Well of course we don't have Class Actions yet in Australia.

ROBERT MOORE            No, no. They have it in the States.

MR. JUSTICE KIRBY      There have been abuses of Class Actions in America and opponents of them say, our Laws are established on the premise that a lot of people won't bring cases, and why should you permit one person to rope into a case, hundreds and possibly thousands of people who wouldn't bring the case? I think it's a matter of judging between these two competing arguments.

ROBERT MOORE            My point really was, isn't it an example of, and obviously I don't have the technical legal knowledge of this, but an example of, if you like, the law recognising social realities? That the community now, more than ever, no man is an island now, one could argue.

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MR. JUSTICE KIRBY Well, this is what the proponents say I mean, it is a finely balanced debate, because there is no doubt that the procedure has been abused in the United States, and I think that what we've got to do, is to find a procedure that isn't just a matter of picking up an American remedy that's worked over there, but finding a system that would be suitable for our situation, not least, our rather different legal profession. In America, class actions are fuelled by the contingency fee system. The fact that the lawyer gets a slice of the action. Whereas, in Australia, that is generally regarded as a breach of professional ethics. So that we've got to find a system which will fit into our legal environment and isn't simply adopting a system with all its abuses, which has been developed in the United States.

ROBERT MOORE Could I come back to the matter of the layman's relationship to the legal profession? Do you think there's a place for lay people to be on the various disciplinary bodies, or other professional bodies that govern the legal profession?

MR. JUSTICE KIRBY Oh, I think that battle's been fought and won. I think it's now generally recognised that laymen ought to be there, that the professional bodies in the past were pretty good in dealing with venality, with corruption, with the taking of money from clients and so on, but pretty bad in dealing with just overlooking a client's indifference to them, failing to return phone calls and the little things that bring down the good name of a profession. So I think the move now is strongly afoot to put laymen into disciplinary and professional governing bodies generally, and the question now is how many, not whether.....

ROBERT MOORE Yes. Do you have any thoughts on the ways in which judges are appointed, and I must admit I'm not too clear on the mysteries of that but I've got a rough idea I think. Any ideas on ways in which the laymen could be involved in that? I'm avoiding here, I'm not including Attorneys General, or politicians as being laymen.

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- MR. JUSTICE KIRBY Well in the United States of course, in many of the States, Judges are elected, and that's on the basis that the judicial arm is the third arm of government. And that they should therefore be responsive to the electorate. I think that is taking democracy too far. At least it's not been our tradition. And generally speaking, I think our system has worked pretty well, namely that people are appointed. They're appointed by political officer, who often perhaps appoint them with all sorts of hopes in mind but once appointed, there is a firm tradition, dating 300 years of complete independence. And I think it's worked pretty well, and many Americans look at our system with envy.
- ROBERT MOORE There could be though, couldn't there, in cases, a conflict between the independence of the judiciary and efficiency at least of one or two members of it? I mean, who judges the judges? There must be a Latin tag for that, but I won't struggle through it.
- MR. JUSTICE KIRBY Well, at the moment the position is, with superior Court Judges that they can only be removed by an address to the parliament and by a vote of both Houses of Parliament of varying and sizeable majorities. Lower Judges and Magistrates can be removed by a more pre-emptory means. But the history of our country is that I think only one judge has ever been removed in this way, and that before Federation, in one of the Colonies, and it doesn't therefore happen very often; where there are problems, other means, more gentlemanly means are found to solve the problem and...
- ROBERT MOORE And do you think they're adequate? I mean, the more gentlemanly means? Do they do the job?
- MR. JUSTICE KIRBY I think this is going to be a matter that we're going to have to address. In the United States, for example, they have Judicial Commissions which look at the skills, physical and mental health, competence, other infirmities of Judges, and it's a sort of peer review and it may well be that we'll move to some form of review of that kind in the future. It's not really a matter I've given a great deal of attention to. But I don't think in fairness, it's a matter that's a great problem in our country if it's a problem at all.
- ROBERT MOORE No, but it could happen, couldn't it, in individual instances.

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ROBERT MOORE           there could be.....

MR. JUSTICE KIRBY    It could happen, and it has happened, but I think generally speaking, we've been able in a rather British way to muddle our way through to a satisfactory solution up to now. But as the numbers of the judiciary expand, and as the business of the Courts increases, I think we'll probably have to go down the American path with some form of monitoring body which judges the Judges. There's no inherent reason why they should be exempt. Judges, like any other human being, can become ill. Mentally and physically ill, and this is I think, a problem which we'll have to address in the future. Until now, we've muddled through pretty well.

ROBERT MOORE        Yes. We're talking at a time, when, I suppose, you could fairly say that if terrorism isn't on the increase, it's certainly more widespread than it's been, and I imagine it's more likely to happen tomorrow or the day after tomorrow than we'd expected. What problems does this raise for the law? There could easily be a pretty solid campaign for a Law and Order stance in the community, understandably, but that raises problems too doesn't it?

MR. JUSTICE KIRBY   I think the great problem is keeping our sense of balance. You see, in Uruguay they had a democracy. It was one of the few in South America. and then they had the problem with the Tupermaros. As a response to that, they gradually introduced the paraphernalia of the Police State. Phone tapping without judicial warrant, detention without trial, limitless questioning, and slowly but surely they dismantled the democracy. They beat the Tupermaros but in the process, they destroyed the society which they were seeking to uphold. And I think we've got to face quite squarely and brutally the fact that there is a price tag to a liberal western democracy and the price tag is that some vicious, wicked people get away. And I think it's clear sighted recognition of that fact which will be the best protection of our form of society.

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ROBERT MOORE

Thinking ahead to the late eighties, presumably, how would the law cope with the landing of a Martian on earth? Would such a thing be recognised as a natural person, a legal person, or what? I mean, are people like yourself thinking about that kind of extra-terrestrial, or whatever the word is, jurisdiction?

MR. JUSTICE KIRBY

I have so many problems on my mind of an earthly kind, that I haven't turned my attention to the problems of Mars. I think there are enough problems here on earth, though I think it's probable that if such an extraordinary event occurred, that many of the problems which we have on earth would suddenly disappear, and there would be a strange unanimity. There'd be an enormous force for Law Reform, I should think, to get done those things which had been left undone, but it's not a problem which is high on my calendar of attention.

(FACES OF THE EIGHTIES THEME)

ANNOUNCER

Mr. Justice Michael Kirby. Chairman, Australian Law Reform Commission.

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