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FORT STREET HIGH SCHOOL

PETERSHAM SYDNEY

TUESDAY 6 JULY 1982

FORT STREET REVISITED

THIRTY YEARS ON

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

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30 YEARS ON - LOOKING BACKWARDS

It is more than 30 years since I first came to this place. I had been educated at the North Strathfield Primary School and Summer Hill Opportunity School. Then in 1951 - 31 years ago - I came up to Fort Street.

Things were different then.

- * The school was an all-male affair - those of you who are watching 'Brideshead Revisited' will appreciate something of the flavour of the place.
- * The school was much smaller - being confined to the central building, the Memorial Hall and one wartime portable classroom used for woodwork instruction. This woodwork class was the early forerunner, by the then Labor Government of the State, of Chairman Mao's insistence that clever students should go and work in the fields. We were required to work in the woodwork room. Doubtless the clever Chinese students made just as great a bungle of fieldwork as we did of woodwork.
- * The staff was exclusively male, save for one French teacher, Mrs. Hunt who, as a consequence, I am afraid, had a terrible time.
- * The school was smaller. There were only 5 secondary years, each of them about 100 boys.

- * Times were different. For 30 or 40 years the school routine had been settled and scarcely changed at all. Early in the year there was Father and Son night. Anzac Day was celebrated with songs honouring the old boys who had died in the War only 6 years previously. Empire Day was still celebrated on Queen Victoria's birthday - 24 May. This was an occasion for public oratory on the part of aspiring pupils. The 1954 issue of the Fortian records how we sang Kipling's 'Recessional' and listened to 3 speakers, one of them myself. Here is how the scene is described - Fort St., Empire Day, 1954:

'The following item was a hymn 'Oh God Our Help' followed by Michael Kirby's speech 'The Empire and You'. In this speech, delivered with Kirby's customary fire and vigor, the Commonwealth was likened to a tapestry, united at all times. The glorious past of the Commonwealth was recalled. Kirby cautioned us to live up to the high standard set by our forebears. Let us take to heart Kirby's advice '...work hard and earnestly'.

Well, the Empire has faded. The tapestry of the Commonwealth of Nations looks a bit ragged at times. But I suppose the advice about hard work still stands.

- * Symbols are different. Every Thursday, we turned in the School Hall to honour God, serve the King and salute the flag. The flag was then the Union Jack. I do not recall seeing an Australian flag at the school during my whole time here.

Some things in the school remain the same.

- * The aim to succeed academically and in life remain the same.
- * The interest in music, which was so much a part of school life in my days remains the same.
- * Mr. Horan, the Deputy Principal, remains the same as he was when, 30 years ago this year he began the valiant struggle to teach me German. In fact he does not look a day older - a fact I ascribe to teaching generations of polite Fortians. I remember his first lesson in Room 8. I must admit to you that I wondered who this extraordinary teacher was. He had a remarkable talent for inspiring enthusiasm amongst his class. At the Leaving Certificate in 1955, when I finished at the school, every member of the German class secured a maximum pass and, I think, every one of them came in the top 100 in the State. It was, as they say, a very good year.

It is tempting for somebody like me to come to the school and talk about the past. After all, we all know that it is a remarkable story. I was in Ballarat last Saturday when it was mentioned that I had been to Fort Street. The local lawyers and doctors were able to reel off the names of famous Fortians. The school is known throughout Australia and indeed beyond. Sir Herman Black, Chancellor of the University of Sydney, told a radio audience last week how he acquired his skills in public speaking. He was obliged to stand up in his class in Fort Street and speak clearly. He has been doing just that for decades now. Barton, Mawson, Evatt, Barwick, Sir John Kerr, John Dowd, Spender (the President of the International Court of Justice), Neville Wran, judges, doctors, poets, athletes. This school, year after year for more than 130 years has been taking in students of promise from backgrounds that were not privileged and turning them out to be leaders of the Australian community. I trust that this spirit will continue to flourish. I hope that the same will be said of your generation. In 30 years time one of you will probably be invited to stand in the place I am standing to speak to the assembled throng. You should just stop and ask yourself now, for a minute: Will it be I? Will my life be happy in the meantime? Will I be lucky enough to avoid War and Depression? What does life hold in store for me?

30 YEARS FORWARD

Although it is tempting to talk about the past and comfortable to reflect on the glories of Fort Street, I propose to resist this. It is definitely a sign of old age when you are constantly looking backwards. I am paid to look forward. In fact, I have one of the most interesting jobs in the country. It is not a normal judicial job. Most judges sit quietly in their courtrooms presiding over trials that may involve criminal matters or disputes about contracts or industrial disputes or battles with this or that government authority. I may return to those tasks. But for the moment I am chairman of a permanent national body which had been established by Federal Parliament to help improve and modernise the laws of Australia.

Many people think that the law is like the Ten Commandments - that it never changes and that it is right for all times. However, times change. Attitudes of the people change. Feelings of what is right and wrong change. That is why the law has to change too.

Of all the forces that are leading to change in our society today, the most powerful of them is the force of science and technology. I remember my first lessons in science in the laboratories on the top floor of the old building. I was never very good at the subject. That is why I concentrated upon Mr. Horan's subjects. No doubt it is why I ended up a lawyer and a judge rather than a doctor or a nuclear scientist.

Unfortunately for lawyers and judges we are no longer living in the world of Empire Day. We are now living in the age of science and technology. It affects so many aspects of our daily lives. It affects the law and requires many changes in the law.

- * Take the energy sciences. It is fairly obvious that if we want to conserve scarce petroleum, we have to develop other forms of energy. In Australia, it is often said that we can look to solar energy. But if we do this, we will need to change the law to make sure that people have a legal right of access to the sun so they can get sun for solar energy. At the moment, sunshine in the back yard is a matter of pleasure. In the future, it may be an absolute necessity.

- * Computers, telecommunications and the microchip are changing our world rapidly. One of the most interesting posts I have had was as Chairman of a committee in Paris looking at the changes being caused to society by the advent of computers. Many changes must be made in the legal system. Computerised records carry dangers for individual privacy. In the old days, old personal records - such as old school records - would get lost under the dust of departmental files. That will not be so in the future. Information about all of us, cradle to the grave, will be on computer. New protections will be needed to make sure that mistakes we made years ago do not remain around to haunt us all our days. The law also has to adjust to computer crime, the greater vulnerability of the computerised society, changes in the way evidence is taken in courts and so on. Lawyers have to understand computers in order to be able to deal with their social consequences.

- * Even more complicated are the developments in biology.
 - ** Should we permit human cloning, as is said to be possible in no more than 20 years?
 - ** How do we sort out the legal consequences of test tube babies?
 - ** Should people suffering from a fatal illness be permitted to forbid extraordinary medical attention, so that they can die naturally?
 - ** Should we permit people to sell kidneys and other valuable organs to meet the shortage needed for transplant purposes?
 - ** Under what conditions should we permit genetic engineering to develop new life forms and should companies be able to own new life forms, such as a newly developed plant or animal?

Not a single one of these questions that I have just mentioned to you was under contemplation at Fort Street when I was here in the 1950's. They are just examples of the changes in the world brought about by scientific advancements. The law has to

adjust to meet those changes. The Australian Law Reform Commission is a body set up to help Federal Parliament cope with the tremendous forces for change of the world you will grow up in.

CONCLUSIONS

This school has a tradition of turning out many pupils who go on to become lawyers. In the past, women represented only 2% of the legal profession in Australia. Over the last 20 years, this position has changed dramatically. Women now represent about 50% of those entering our law schools. So this message is addressed to the men and women of this school. If you think the law is only about the triumphs of Perry Mason or the catastrophies of Rumpole of the Bailey, you are wrong. The law is also about sorting out the problems of society and trying to make the rules by which we live together more sensitive, kindlier, more in tune with our times and more relevant to us all. No doubt some of you will go on to become scientists - creating more and more problems for lawyers and law reformers to solve in the future. I hope some of you will choose the law, and go on to serve the community in that profession. But my wish for all of you is that you may continue the tradition of service to the Australian community which is the special feature of this old school. And I hope that all of you will have worthwhile and happy lives. And that you can look back on your short stay in this famous place, with the nostalgia, appreciation and happy memories I have today, 30 years on.