

507

AUSTRALIAN BROADCASTING CORPORATION  
COPY OF AN INTERVIEW WITH THE  
CHAIRMAN, JUSTICE M D KIRBY  
FOLLOWING THE BOMB ATTACK ON JUSTICE GEE  
6 MARCH 1984

April 1984

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**BLACK:** The home of a Family Law Court Judge was destroyed by a bomb. No one was killed or seriously hurt. Mr Justice Richard Gee and his two children, a boy aged 15 and a girl of 12 were asleep with the bomb went off just before 2 o'clock. The Judge went to hospital to be treated for cuts and a girl who lives next door was also cut by flying glass. It was not so long ago that Mr Justice Opas, who was also with the Family Law Court, was murdered at the door of his home in Sydney. What does this dramatic change in Australian lifestyle mean for the judiciary, especially those involved in the emotions of the Family Law Court? This morning Paul Black managed to find the Chairman of the Australian Law Reform Commission, Mr Justice Michael Kirby.

**JUDGE:** First of all it is a matter of finding out what happened in this case. As with Mr Justice Opas who was killed a number of years ago it is very important to not to jump to conclusions and in the first instance at least to let police and their busy work of investigating the background.

**BLACK:** Nevertheless it seems that a bomb has destroyed his house. That must be a worry to all judges.

**JUDGE:** Of course it is. But one must first of all not leap to a conclusion that it is an attack upon Mr Justice Gee in his capacity as a judge. One must not make that assumption one must first of all allow the police to investigate the incident then in the light of an investigation as I say look to whether or not our protection is good enough.

BLACK: When Mr Justice Opas and again with Mr Justice Gee they are both Family Law Court Judges. Does this really sort of mean that there has been a development in the Family Law Court where a judge is no longer safe?

JUDGE: I think it is significant that in that area of the law's operation where people feel most powerful and passionately that the two judges concerned have been involved. I think that it simply is the reflection of the fact that this is one area of the law where people simply find it difficult to accept human justice to accept the decision of a particular human being sitting in judgment over them.

BLACK: What does that mean in the long term?

JUDGE: Well I think it means that we have to consider whether or not something better needs to be done to the protection of judges. We have to consider whether something has gone wrong in the design of the Family Court. It is sometimes said that the informality of the Family Court reduces respect for the decision of the judges of that Court. I would hope that would not be the inference we draw but certainly something would have to be considered in the light of this additional event.

BLACK: What sort of security do you have around you?

JUDGE: I have no more security than the ordinary citizen and I would not like to see the day where judges were surrounded by security as a matter of course. I don't think there are any easy answers and I certainly don't think the easy answer is to jump to the conclusion that if you supply a couple of policemen to every judge that these sorts of events won't happen. A determined and wicked terrorist can always get his man or women.

BLACK: Do you think these attacks are going to cause judges to be much more fearful in the way that they hand down their decisions? Perhaps think more about what will be the consequences to me if I do this?

JUDGE: Judges for eight hundred years in our tradition have been doing their duty fearlessly determining cases that were before them independently, and I would think the events of this kind are going to have any significant impact in

the way in which they do their work. What may be of an impact is that some people, especially family people, may consider that it isn't timely or appropriate to accept judicial appointment. If that were a consequence I think that would perhaps a very unhappy development.