

AUSTRALIAN ACADEMY OF FORENSIC SCIENCES
REMARKS ON THE OCCASION OF THE ELECTION OF
THE HON JUSTICE MICHAEL KIRBY CMG,
IMMEDIATE PAST PRESIDENT OF THE ACADEMY
TO THE HONOUR OF HONORARY LIFE MEMBER
HAIL AND FAIRWELL: TWO YEARS OF ACHIEVEMENT

AUSTRALIAN ACADEMY OF FORENSIC SCIENCES

REMARKS ON THE OCCASION OF THE ELECTION OF

THE HON JUSTICE MICHAEL KIRBY CMG,

IMMEDIATE PAST PRESIDENT OF THE ACADEMY

TO THE HONOUR OF HONORARY LIFE MEMBER

HAIL AND FAREWELL: TWO YEARS OF ACHIEVEMENT

Michael Kirby*

It has become customary to hear on these occasions the Latin tongue in which our Secretary General (Dr O R Schmalzbach) is brilliantly adept. It presents quite a contrast to the problems of the future with which, typically, we grapple in our scientific sessions.

Not to be outclassed, I will respond in similar vein:

Quanto honore me affecerit Scientiarum
Forensium Academia Australiensis, valde mihi
consciis sum.

Quamquam linguam antiquam adhibemus, id nobis
imprimis interest, quod ad crastinum tempus
pertinet.

Humanioribus in litteris exercitati, de re
publica collocuti, quid adhuc evenire possit una
scrutati sumus, cum sodalibus recumbentes
amicissimis.

Quando maius ingenio humano nobis perfrui licet,
quam cum in Academia convenimus?

Quomodo hoc nobis attingere liceat, nisi per
Censorem nostrum egregium, divina quadum
mente praeditum, cui libenter aperte omnia
tribuo?

Ut quondam Caesar, ex barbaris reversus,
spolia t_ovi dedicabat, sic ego assistentibus
omnibus tibi, Censor optime, tributum offero.

Vivat Academia nostra. Semper nobis floreat.

A generous translation for the very few of you who will not have followed the nuances in the original, is as follows:

I am conscious of the high honour that has been conferred upon me by the Academy.

Although we talk in an ancient tongue, the concerns of our meetings are as modern as tomorrow.

We have enjoyed together scholarship, discourse on public affairs, rare insights into the future and good fellowship over dinner. There are few enjoyments of the creative human spirit more important than those which we enjoy together in the Academy.

None of this would be possible without our Secretary General. To him I pay unfeigned tribute.

Like Caesar in his return from the barbarian lands, I lay before the dear Secretary General and you assembled my tribute.

Long life to the Academy! May it continue to flourish!

I believe that we have had two years of significant achievement during the time that I have had the honour to be President of the Academy. This is not the occasion for a detailed review. Those who are most interested can examine the record of the Academy in its distinguished Journal and in the scrupulous minutes of the meetings of the Council of the Academy which the Secretary General has prepared these past 22 years.

Amongst the chief highlights of the years which spring to my memory is the Sixth International Congress of the Academy. With typical foresight, the Secretary General proposed that this should be held on the theme "The Future of Youth". So it was. It was opened by the then Governor General, Sir Ninian Stephen who was also then our Patron in Chief. With his usual perspicacity he referred to the Mephistophelean qualities of our eclectic Secretary General as he conjures debate and controversy in the intellectual vein.

The opening address was complemented by the remarks of the Right Honourable Sir Harry Gibbs, then Chief Justice of the High Court of Australia. It is not all that often that two of the three great officers of State of our country take part in such an intellectual feast together. They were complemented by the participation of other distinguished Australians including Sir Ronald Wilson, then a Justice of the High Court and Justice Russell Fox, then a senior judge of the Federal Court of Australia. The session was a marvellous one and another international success for the Academy.

Not content with this achievement, the Academy organised a very interesting meeting to mark the twentieth anniversary of its Foundation. Sir Harry Gibbs again gave the opening address. I offered my own review of the work of the Academy. My paper has been published in the Journal under the title "Forensic Science - What Have We Learned". It contains a review of the great diversity and wisdom of the

articles collected in our Journal during the past twenty years.

The year was not without sadness as a number of our distinguished members passed away. The late Sir Kenneth Noad, who took such an active part in the early life of the Academy, is celebrated in the Journal by his friend and colleague, Sir Douglas Miller, also an active member of our society. Lionel Murphy who, to the end, was an active member of the Academy and of its Council is also missed. His life too was celebrated in the Journal.

But we who are left behind conducted a series of very interesting scientific sessions over the past two years. Amongst the most memorable for me were those on aboriginal deaths in custody, the amendment of the Constitution for the bicentenary, multiculturalism in modern Australia, sexual harassment, euthanasia, delays in criminal trials and the one just concluded on blasphemy.

Many of these scientific sessions were well timed to attract widespread public debate. We should not be ashamed of that. It is the duty of the modern intellectual to share his or her knowledge and opinions with the community. We do this through the media who regularly attend our scientific meetings.

Justice Muirhead and Professor Hollows called attention to the perplexing problem of aboriginal deaths in custody. The session on the bicentenary and the constitution was addressed by the Chairman of the Constitutional Commission

(Sir Maurice Byers), the past Prime Minister (Mr E G Whitlam) and a stalwart defender of the present constitution (Professor Geoffrey Blainey). The session on multiculturalism saw Professor Dame Leonie Kramer in polite battle with the views of the Honourable Franca Arena, an eloquent speaker for the idea of cultural tolerance. The meeting on sexual harassment gained a new perspective into this problem from the thoughtful analysis of Justice Marcus Einfeld, the energetic President of the Australian Human Rights and Equal Opportunity Commission. The meeting on euthanasia was led off by a most interesting paper of Mr Ian Temby, then Federal Director of Public Prosecutions. He now heads the State Independent Commission Against Corruption and has achieved notable success in that office after a very short time. His participation in the affairs of the Academy is to be welcomed as is his election tonight to its Council.

The session on delays in criminal trials was addressed by the State Attorney General (Mr John Dowd) and The Honourable Adrian Roden QC. From their different perspectives as law minister and former judge, they examined the great risks of injustice and abuse to human rights that can arise from delays, particularly in the trial of persons accused of serious crimes.

And then, tonight, we had a brilliant exposition of the problems of reconciling fundamental human rights with the Islamic view of blasphemy and its obligations. The right to freedom of expression melts, in the view of some Islamic

scholars, before the sun of the revealed Truth of the Koran and the teachings of the Prophet. The reconciliation of a tolerant multicultural community which respects the basic human rights of others with revealed religion was brought into vivid focus by the remarkable contributions tonight of Professor Crown, Father Stenhouse and our own indefatigable Howard Purnell.

Other achievements of the past two years include the firm establishment by the Research Foundation of the Sir Harry Gibbs scholarship for postgraduate research in a matter relevant to forensic sciences. It is expected that this scholarship will be valued at approximately \$5000 a year. It is a fitting tribute to the work in the Academy, and in our country, of Sir Harry Gibbs, our past president and life member.

We are also now beginning to organise the 7th International Congress. Assistance from the Federal Government has been sought. At last, too, we are setting in train steps to ensure viable interstate branches of the Academy so that its claim to be an "Australian Academy" will be fully realised. In 1991 the Silver Anniversary of the Academy will be celebrated. Another notable achievement has been the admission of more women as members of the Academy.

There is no dining society of which I am aware that is more valuable than our Association. But it is more than that. We are the fortunate ones. We, who are blessed with education and have the inestimable good fortune of enquiring

minds, come together regularly to explore a pressing issue of our universe. The intellectual fare is always of the very first class. But as well as that we meet together in a multidisciplinary way for good comradeship. We dine together and discuss, in relaxed groups, the subject matters of our scientific sessions. We also take bold steps as in the meeting called in the Sydney Town Hall to discuss, publicly, the vexed problems of drug control. Although this did not attract a large audience it was a brave venture and there will be more of them. We enjoy good speeches, good food, a little poetry, some humour. And in a civilized life there are few greater blessings than intellectual comradeship of this high order.

It is in that spirit of gratitude that I accept the honour of my election as an honorary life member of the Academy. I will always value my association with the Academy and watch its affairs with the greatest of attention.

I lift my glass in the toast to the Academy. Vivat Acadamia Nostra!

* Immediate Past President of the Academy; President of the Court of Appeal of New South Wales; Commissioner of the International Commission of Jurists and of the World Health Organisation Global Commission on AIDS.