Of What is Past, or Passing, or to Come _____

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Speech by the Hon Justice Michael Kirby A.C., C.M.G., President of the Court of Appeal at the 1993 Bench & Bar Dinner at which he was the guest of honour.

"Once out of nature I shall never take
My bodily form from any natural thing,
But such a form as Grecian goldsmiths make
Of hammered gold and gold enamelling
To keep a drowsy Emperor awake;
Or set upon a golden bough to sing
To lords and ladies of Byzantium
Of what is past, or passing, or to come."

W B Yeats

WHAT IS PAST

On an occasion such as this, and in this common room, it is inevitable that an affliction of nostalgia will take the mind back through the lost years.

It is thirty-five years since my first encounter with our profession. It was in 1958 that I began my articles of clerkship. The Queen was in the sixth year of her reign. Mr Menzies was the Prime Minister. Sir Arthur Fadden had just retired as his Deputy. In the wake of the successful struggle against the anti-communism referendum, the Democratic Labor Party had been formed. It helped snatch victory from the Australian Labor Party in the Federal Election in November that year. Sir Garfield Barwick was elected Member for Parramatta. As a tribute to his unique distinction as a barrister, he went straight to the office of Federal Attorney-General.

The High Court of Australia comprised Chief Justice Dixon and Justices McTiernan, Fullagar, Kitto, Taylor, Menzies and Windeyer. In the Supreme Court, Sir Kenneth Street was nearing the end of his time as Chief Justice. Within two years he would retire to be replaced by the exhausted Evatt. Sir William Owen was the Senior Puisne Judge. There were twenty-one judges of the Supreme Court at that time. The youngest of them were the redoubtable Kenneth Manning, the bucolic "Barney" Collins, that gentleman Rex Chambers and the multi-talented Rae Else-Mitchell.

Judge Lloyd was the Chairman of the District Court Judges. Theo Conybeare presided in the Workers' Compensation Commission.

At the head of the Bar Association was Bruce Macfarlan QC. His able lieutenant was Nigel Bowen QC. The leaders of the Bar were towering figures of my youth - Kerrigan, Meares and Asprey. A F Mason was a younger member of the Bar Council and the newest recruit to it was D A Yeldham.

We have it on Chief Justice Mason's authority that Ken Asprey kept, hanging on the wall of his chambers, behind the chair at his desk, the famous cartoon of F E Smith. Next to that cartoon was hanging a mirror. Looking in the mirror "it was natural to see oneself as a reflection of the great English counsel."[1]

The President of the Incorporated Law Institute (as it was called) was Norman Cowper, later to be knighted. Reg Downing was the State Attorney-General. The most senior silks were H V Evatt himself, his brother Clive and C A Hardwick. Amongst the senior juniors were those memorable figures Wilf Sheppard, Walter Gee, Bertie Wright and Humphrey Henchman - the last of whom I saw, evergreen, in this place but a month ago.

The spirits of these advocates are in this room with us tonight. They lived and laughed here, just as we do now. They told the tales of their triumphs. They were ribbed - not always gently - about their embarrassing moments. They were mighty figures of my impressionable youth.

At that time there were 430 members of the Bar Association. Of them 51 enjoyed the commission as Her Majesty's Counsel. The constitution and the law looked very sure and stable indeed.

Sixteen years passed before my first judicial appointment was announced. This occurred in December 1974 when I was appointed a Deputy President of the Australian Conciliation and Arbitration Commission. Alas, I must acknowledge that this is now nearly 20 years in the past. The Governor-Generalship had just changed from Sir Paul Hasluck to Sir John Kerr. The Governor of this State was Sir Roden Cutler VC. Gough Whitlam was Prime Minister. Of the High Court, Barwick was at the height of his powers as Chief Justice. The latest member appointed to the Court was Anthony Mason. There was an empty seat to be filled. Shortly, it was to be occupied by Justice Jacobs, the third President of the Court of Appeal. That court had been established with sharp recriminations and much bitterness in 1965.

In the Supreme Court, Sir John Kerr was soon to be succeeded by Sir Laurence Street - third Chief Justice of that name. There were 37 judges. The latest appointments to the Court were Ian Sheppard, Hal Wootten and that fine teacher of many barristers, Harold Glass.

Jim Staunton, still in office, had just begun his long and distinguished leadership of the District Court. Chris Langsworth was Chairman of the Compensation Commission.

Of all the judges who were serving at that time, day by busy day, nine only remain in judicial office today, together with myself. They are Chief Justice Mason of the High Court; Justice Sheppard now of the Federal Court; Justices Evatt and

1. See A F Mason, unpublished address to the District Court Judges' Conference, 1 May 1992, 4.

Gaudron (then, with me, in the Arbitration Commission) now respectively President of the Law Reform Commission and Justice of the High Court. Dennis Mahoney, now my colleague in the Court of Appeal. John Cahill still sits on the Industrial Commission, today as Vice-President. Judges Staunton and Harry Bell still grace the District Court. Frank McGrath, another teacher, presides in the Compensation Court. Nine only are left. The rest of our judicial company at that time have moved on - such is the cycle of the law.

In the Bar Association in 1974 Tom Hughes QC was President and in that capacity welcomed me to judicial office in the Arbitration Commission. It was in that speech that he allegedly claimed that I was well known for my "urbanity". The shorthand reporter, who rarely erred, still swears (as she recorded) that he said "vanity". Tom Hughes's deputies were Doug McGregor and Phillip Powell. The latest members of the Bar Council were Roger Court, Barry Toomey and myself. The President of the Law Society was Alan Loxton. The most senior silks of the time were still Clive Evatt and Hardwick. The most recently appointed silk was one M H McHugh QC. But do you remember Sid Webb? Sir Jack Cassidy of champagne charm? The redoubtable Jack Smyth? And that civilised and graceful man, Marcel Pile? The senior juniors included Wilf Sheppard. And Harry May and Ivan Roberts were also there. Their spirits too are in this room with us tonight. They are here to remind us of our brief journey through this profession which gives so much and to which we must also make returns.

When I first took up judicial appointment in 1974 there were 590 members of the Bar of New South Wales. Of them, 68 were Queen's Counsel. Today there are 1700 members of the Bar and 200 silks. Inevitably, with the expansion of the Bar, there have been changes. But many of the traditions of courage, honour and comradeship endure, akin to those enjoyed by soldiers under fire. May it continue to be so.

OR PASSING

Of course, in the daily life of the law there are inevitable crises that blow up. They appear like a summer storm and pass away as quickly. We saw such an event in the recent judgment of the Court of Appeal in *Videski v Australian Iron and Steel Pty Limited.*[2] Following a few innocuous comments of mine on the need for sensitivity to different curial reactions by people of different backgrounds, Justice Meagher observed that I had developed:

"An elaborate, and distinctly xenophobic rodomontade."

Warming to this theme, he fashioned an apparently logical analysis of Macedonian truth-telling, illustrated, naturally enough, by reference to Arrian's *Life of Alexander the Great* with allusions to the suggested taciturnity of Alexander's epigoni. His Honour's appeal, in this confection, to international human rights instruments was the last straw. But at least that suggested that my tireless efforts in that direction were having an impact upon his occasionally resistant legal thinking.

In the corridors of the law, following this much publicised exchange, I was stopped constantly by anxious-looking colleagues of Bench and Bar. In hushed tones they hastened to assure me of heartfelt sympathy in my hour of need. I did not know what they were talking about. Surely Justice Meagher's observations were merely the public exchange of pleasantries between colleagues sharing, with the profession, their inner thoughts.

For my part, I knew that there was no malice in Justice Meagher's words. My reading is wide enough to enable me to recognise a true personal denunciation when I see one.

Take these words of Justice Rehnquist, joined by Chief Justice Burger in the Supreme Court of the United States in *United Steelworkers of America v Webber*[3].

> *"... By a tour de force reminiscent not of jurists such as Hale, Holmes and Hughes but of escape artists such as Houdini, the Court eludes clear statutory language, ... legislative history and uniform precedent ..."*

Or take Justice Rehnquist, again joined by Chief Justice Burger but also by Justice O'Connor in *Florida v Royer*[4]:

> *"The plurality's meandering opinion contains in it a little something for everyone ... Indeed, in both manner and tone, the opinion brings to mind the old nursery rhyme: 'The king of France - with 40,000 men - marched up the hill - and then marched back again'. The opinion nonetheless, in my view, betrays a mind-set more useful to those who officiate at skuffleboard games, primarily concerned with which particular square the disc has landed on, than to those who are seeking to administer a system of justice ..."*

Within weeks of writing these words, Justice Rehnquist was elevated to become his nation's Chief Justice. His strong words were rewarded with a marvellous judicial crown. When I measure Justice Meagher's words against such vituperation, I realise once again how sweet is my brother's disposition.

I also know Justice Meagher's writing well enough to be able to recognise, without hesitation, when he is straying from his natural disposition into a few gently chosen words of criticism. That was not so in *Videski*, as I hastened to reassure all those concerned for my sensibilities. For example, when his Honour took a mild dislike to Simon Gardiner's book *An Introduction to the Law of Trusts*, he wrote the following words, displaying a rare (but happily passing) note of disapproval:

> *"This book, by an author who has been a Fellow of Lincoln College, Oxford, since 1978, is one of the Clarendon Law Series, a series which produced masterpieces such as H L A Hart, The Concept of the Law and Barry Nicholas' Introduction to Roman Law. Alas, it is not of like quality."*

And he finished his review with the following helpful advice:

> *"No one should yield to the temptation to buy this book,*

2. Unreported, 17 June 1993. For earlier remarks to the same effect, see *Askarov v Nominal Defendant (NSW)* (1989) 8 MVR 491 (NSWCA), 499.
3. 443 US 193, (1979), 227.
4. 460 US 491, (1983), 518.

and the author, the publisher and the editors of the Clarendon Law Series, ought all to be ashamed of themselves and of each other."[5]

How any member of the legal profession of this State could have read into Justice Meagher's words in *Videski*, measured by such standards, even the mildest public criticism of myself, truly astonishes me. I am glad to have this public opportunity to say so.

Even the President (Mr John Coombs QC) seems to have made this mistake. At the recent public farewell to Justice Peter Nygh, he asserted that the latter's appointment, from academic, to the bench of a court in Australia was as unique as a joint judgment of myself and Justice Meagher. Well, I have to tell the President that this morning another such joint judgment was handed down in the case of *Marsland v Videlic*.[6] Justice Meagher and I agreed in a joint opinion; with Justice Mahoney dissenting. I shall make sure that the President gets copy. Neither Bench nor Bar should make any assumptions about the inner workings of the Court of Appeal from media entertainment, public speculation or common room gossip. Things are not always as they might appear.

This has not been a particularly good year for the Bench or the Bar. The Bar saw the Government's announcement of the end of appointment of barristers as Her Majesty's Counsel. I keenly regret this move. I have already had my say upon it. I feel the disappointment of those who had a legitimate expectation of appointment to that rank. I do not favour confining the leaders of the Bar to those who enjoy the good opinion of barristers. Appointment by the Government of the day has permitted the infusion amongst the silks of a range of other talents and not a few rebels. Now, that may be lost in this State. I regret it.

We have also seen a nasty row between barristers and solicitors, urged on by the countless official inquiries into the legal profession of Australia which are now taking place. One calm and steady voice through this storm has been the President of the Law Society, Mr John Nelson, here tonight. Numerous changes in the Bar have been foreshadowed. Some have already been adopted. Things long settled are coming under scrutiny.

For the Bench, the worst event of the year was undoubtedly the disgraceful action of the Victorian Government in effectively dismissing ten undoubted judges of that State. The judges, members of the Victorian Compensation Tribunal, were promised by Parliament and their warrants protection against dismissal of a kind equivalent to that enjoyed by judges of our tradition since the Act of Settlement which followed the Glorious Revolution in England in 1688. The ground was laid for this totally unacceptable assault upon judicial independence by what happened to Justice Jim Staples[7] and, in this State, to Magistrates McCrae[8] and Quin[9]. In all of these shabby assaults upon judicial independence, both in and out of Court, I have had my say. But the voice of the Bar, and until the Victorian case, of the Bench, has tended to be muted. Many could not see the danger to our institutional conventions of this advancing bad precedent. The Bar must lift its voice on such occasions. It should support the Victorian judges in their legal challenge against their dismissal.

Another unhappy development has been the stereotyping of judges as sexist. And in the intolerant media pressure for attitudinal correctness in judicial work. I do not wish to justify some of the judicial observations which have been criticised in the media. Public criticism of everyone is a healthy corrective in a free society. I would point out that the appellate process promptly addressed the instances which have been identified. The Australian Institute of Judicial Administration is addressing the wider question of sensitivity to gender issues. I hope this concern will be widened to a larger sensitivity to ethnic and other minorities. But to lump all judges together, denigrate, ridicule and bully them is intolerable. We must resist such pressures and insist upon our independence.

In the recent edition of the television programme *Sixty Minutes* we saw a new danger added to judicial life in Australia. The television camera which follows the judges in public streets to work or chases him from his chambers to render him accountable to a couple of questions before an audience of thousands. This has not happened before in Australia. The system has its own inbuilt procedures for accountability. They are many. Harassment of judges by the media is completely unacceptable. I fear that it is part of the symptomatology of the destruction of institutions. From the monarchy through parliaments, the civil service, the church and now it is the judiciary's turn. What then will be left to defend our citizens and their liberties? Only the media itself: an unreliable and flighty guardian I suggest.

In the face of media attacks, there has all too often been a deafening silence on the part of the Law Officers and the organised profession. I was myself "slammed" (as it was put) by the Premier of the State in the *Sydney Morning Herald*. I had been rash enough to suggest consideration of a reform of the *Workers Compensation Act* which now deprives a worker of compensation if the slightest fault is shown on a journey home from work. The return to the 19th Century law of contributory negligence, at this advanced stage of our legal system, did not appeal to me as a meritorious reform of compensation law. At least, I thought it deserved reconsideration by Parliament. Elsewhere, I have told the story of the media manipulation of this event[10]. My present point is simply to ask - where was the Attorney-General and where was the Bar when this attack was made?

It is fairly clear that the judiciary can no longer rely upon the conventional defenders of times gone by. Chief Justice Mason told a Cambridge audience recently of his move to join the informal group of Chief Justices of Australia to be in a position to respond to serious matters of general judicial concern. This initiative comes not a moment too soon.

When I was asked to appear on the *Sixty Minutes* programme, I naturally hesitated. But in the end, when I was

5. Cited Mr Justice B Williams, "Enlivening the Law" [1992] NZLJ 288, 291.
6. Unreported, 30 July 1993.
7. See M D Kirby, *"The Removal of Justice Staples - Contrived Nonsense or Matter of Principle?"* (1992) 9 No 2 Aust Bar Rev 93.
8. See *Macrae v Attorney General for New South Wales* (1987) 9 NSWLR 268 (CA).
9. See *Attorney General for New South Wales v Quin* (1990) 170 CLR 1.
10. See M D Kirby, *"Judiciary, Media and Government"* in (1993) 3 *Journal of Judicial Administration* forthcoming.

and no other judge would do it, I felt that someone in judicial office should seek to interpret the judiciary for the community they serve. We have not done this with skill and conviction in the past. I hope we will do better in defending the judiciary in the future. And that we will have the support of the Bar in doing so.

Thought should be given to collecting, in an appropriate body, the retired Presidents of the Bar and of the Law Society who are not judges to speak up for the defence of the judiciary when it is attacked and to explain its operation and imperatives to the community. Unless something like this is done, I fear that we will continue to see the media-led erosion of public confidence in the judiciary of this country that has been such a feature of the year past.

OR TO COME

By all of these comments I do not mean for a moment to suggest that there is not a need for reform both in the Bar and the Bench. I think you will agree that much of my professional life has been dedicated to reform. A natural modesty restrains me from mentioning the many proposals for reform of the Bench which I made in my Boyer Lectures a decade ago which have now come to pass[11]. At the time they were attacked. The passing of time has made them all seem rather modest.

I have no doubt that the move to appoint more women to the Bench will accelerate and I support this move. I believe that it is appropriate, and perfectly possible, to ensure that the Bench also reflects, in a necessarily general way, the variety of the community it serves. A monochrome judiciary is vulnerable to the appearance of isolation and to attack.

We have seen an enormous change in recent years in the extent of judicial intervention in the conduct of litigation. This has been the judiciary's response to the legitimate public concerns about delay and cost. If the judiciary had not responded, others would do so.

The imposition of time limits and other procedures to avoid delay and cost have been the most noticeable change in the conception of the neutral passive judge - transformed to a much more active manager of litigation. The extent of the change in my lifetime has been remarkable. Its absorption in the space of a decade or so is a tribute to both the Bench and the Bar.[12] The process is continuing. What has been achieved demonstrates the error of suggesting that our profession is impervious to change.

In the Bar, too, there have been important reforms. Increasingly, in the Court of Appeal, we see senior counsel appearing without juniors. Time limits are fixed. Argument is increasingly reduced to writing. Cases are vigorously monitored and managed by the judges. Shoddy work is reported to professional bodies. This week it was announced that the Bar would henceforth permit direct access to other professional groups such as accountants. The winds of change are everywhere.

There is no doubt that these are hard times for many barristers. The stereotype about high earnings is by no means universal. What will keep the large numbers of new barristers busy? The decision of the High Court in *Dietrich*[13] will doubtless stimulate some increase in professional representation in criminal trials. Perhaps, as the media is suggesting, the decision in *Mabo*[14] will open up opportunities for true lawyerly work. Barristers should never forget Lionel Murphy's counsel, offered in this common room when accident compensation was on the brink of abolition in 1974. One door closes. Another door opens. There will always be a need in our society for skilled advocates. The long-term future of a profession of advocates is completely assured. The common law system necessitates such a profession.

But the profession must also be equal to the systems's requirements. In my years as a member of the Bar Association, I have seen regrettable signs of the decline of idealism in its members. Perhaps this trend accompanied institutional legal aid. In those far off early days of which I spoke, it was by no means unusual for the leaders of the Bar to appear in the major cases on what we would now call a *pro bono* basis. Gordon Samuels accepted a brief from me when I was a solicitor to help "liberate" the cinema at Walgett for the Aboriginal citizens of that town. Kevin Holland took a brief with Jim Staples in the Flock Inquest into a police shooting. Maurice Byers led Gordon Johnson in the *Corbishley Case*[15] which produced Justice Holmes's memorable words:

> *"The picture is one which shows how the poor, sick and friendless are still oppressed by the machinery of justice in ways which need a Fielding or a Dickens to describe in words and a Hogarth to portray pictorially."*[16]

We need more of this spirit of service from the Bar - and not just by the repeat players and idealists amongst you. The leading commercial lawyers should offer a proportion of their times, in the traditions of old, to help the courts champion justice and right wrongs.

Last week I was in Malawi in Central Africa. I was there for the United Nations Electoral Unit in New York. The Life President, Dr Hastings Manda, unwisely succumbed to a rush of self-confidence. Under the pressure of foreign aid donors he submitted his One Party State to a referendum. The people, peacefully in their multitude, voted overwhelmingly to restore Parliamentary democracy.

The occasion of my visit was the first encounter in thirty years of the Government and the Opposition leaders of Malawi. Some of them had returned from long years in exile. A number had been imprisoned. One such prisoner, who had been held for twenty-seven years, had that same charity which we have seen in the public conduct of Mr Nelson Mandela, freed by his captors after such a time of incarceration in South Africa. Another prisoner was the leader of the legal profession. The lawyers, with the churches, were foremost in the demands for an end to the One Party régime.

The two sides sat on either end of the hall in Lilongwe looking at each other for the first time. "There is blood on their hands!" the Opposition would say. I chaired the small groups

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11. See M D Kirby, *The Judges*, Boyer Lectures 1983, ABC, 1983, 70.
12. See D L Mahoney, *"Delay ... A Judge's Perspective"* (1983) 57 ALJ 30.
13. *Dietrich v The Queen* (1992) 67 ALJR 1 (HC).
14. (1992) 175 CLR 1.
15. *Ex parte Corbishley; re Locke* [1967] 2 NSWR 547 (CA).
16. *Ibid*, 549.

where these enemies of old talked to each other about the future of their country. I also chaired the meeting as it moved to its final session.

The judges appeared. When the Chief Justice and his male and female colleagues, seemingly without thought, ventured towards the Government side, the Opposition let it be known that they would walk out. Wisely, the judges took their places in the neutral centre, evenly between the two sides. As I looked at the eyes of these judges, I realised how important in our polity it is to have a neutral, independent judiciary safe in its tenure.

The Constitution of Malawi provides in the normal way for the removal of judges for proved incapacity and misconduct. But in 1988 a provision was added permitting the Life President to remove a judge where, in his opinion, it was "in the public interest so to do".[17] Pray do not laugh at such a provision. This is precisely what has occurred in our own country in the year past in Victoria. And to other judicial officers in recent times, including in this State. Judicial officers have been removed for what the politicians - our local equivalents of the Life President - conceived to be "in the public interest", interpreted by them.

Judicial tenure is the foundation stone of judicial independence. We are not so much above Malawi that we cannot learn from its sad experience. It is incumbent on judges and all members of the legal profession to strive to teach the community about the foundation stones of our democratic way of life.

Before I went to Malawi I spent five days in Cambodia for the United Nations Transitional Authority. My task there was to take part in a course of instruction for the new judges who will serve under the constitution of that unhappy country. They are new judges because Pol Pot and his DK régime exterminated all the old judges. Indeed, virtually all of the lawyers of Cambodia were killed or driven into exile. Intellectuals were conceived to be dangerous. They were simply exterminated.

Teaching these young men and women how to be judges in such a short time was not easy. I told them to take heart from the great tradition of the common law. This, after all, is how our judge-made system began. By honest people of integrity striving to determine cases with fairness. Building on precedents towards a coherent legal system.

The class in Phnom Penh asked questions which would be rudimentary to us. May the judge remain a member of a political party? How should the judge deal with a problem of conflicting evidence? They asked for books. How can we have the rule of law without laws? We have no laws. I told them that the books from Australia would all be in the English language. They would portray a common law system. No matter, they said. We must have reference books and we will struggle with the English.

The Minister of Justice of Cambodia told me of the pressures to restore the French legal system and its language. But he saw some dangers in isolating Cambodia from its natural trading partners in the region which uniformly use the English language and are now profoundly affected by the common law system. The French are offering large sums for the restoration of their culture and language. The Australian Ambassador told me that he had a small fund available - a few thousand dollars - how could it be used? A pitiful sum for the rule of law I thought.

The Minister appealed, through me, to idealistic Australian judges and lawyers. It would now be unacceptable to have white faces on the Bench. But perhaps if lawyers were willing to spend some time in chambers with judges they could explain, with more time than I had available, what it means to bring the rule of law to a country which until recently know only the rule of the gun.

On one occasion during this training session I stole away from the classroom in the No 1 Court of the Supreme Court at Phnom Penh. I took a motorbike to a back street, over a canal to a large edifice. It was a building constructed by the French as a high school. On the wall could be seen the graffiti of generations of students - jests at their teachers scrawled on the walls in French. Cartoons of their European masters of earlier times. In fact the three-storey building looked remarkably like my own high school in Sydney. But there the similarity ended.

This was the torture place - the infamous S 21. Here the victims of the Cambodian revolution were submitted to barbaric cruelties.[18] All of these acts were faithfully recorded. On the walls are photographs with the searing, reproachful eyes of thousands of victims of lawlessness and brutality. Those eyes remain with me, haunting me. They are the visible warnings of what happens to a society without the protection of law.

As I walked beside the great lake we knew as Nyassa in Central Africa and stumbled around the jungle undergrowth at Angkor Wat in Cambodia, I had several hours to reflect upon the blessings of our legal system. It has become ever so fashionable to attack it and its temporary players. Doubtless many of the criticisms are fully justified. But when we look around the world and compare our lives with those of most of the other human beings we should appreciate, and reflect upon, the inheritance whose good features we must strive to explain, justify, defend and improve.

I am grateful for this dinner offered in my honour. What have we shared together?

I suggest that we have shared together the familiar features of life at the Bench and the Bar. A touch of nostalgia, with a wistful look back to the figures who provided the examples which we must now provide. A hint of humour and gossip; but not too much for ours is a rather serious business. Some thoughts of changing times and new ways which remind us that even things long settled in the law can be changed and must submit to the popular concerns about cost and delay, the law's enduring double burden.

And there has been optimism and idealism when we look to the future. It is a future which takes our service as lawyers even beyond our own country to a concern about the rule of law in countries close at hand and far away.

These are the things which bind the Bench and the Bar together.

I see them much in evidence about me tonight. ❑

17. The Constitution (Malawi) 1966, s 64(3)(c) [(c) "Where the President considers it desirable in the public interest to remove him from such office."].

18. D P Chandler, *Brother Number One: A Political Biography of Pol Pot*, Allen and Unwin, 1993. See note Law Inst of Victoria (Vic), August 1993, 755.