

**Address by The Honorable Justice Michael KIRBY,  
to a combined meeting of the Rotarians of the City of Tamworth,  
at the R.S.L. Club Tamworth on 4th September 1998.**

President Brian, Friends and fellow citizens.

I came to Tamworth tonight basically for three reasons. First of all, because as has been mentioned, about ten years ago Colin Forrest was my associate in the Court of Appeal. I was President of the Court of Appeal. Now, Colin, like his father, Bill, is a shy, retiring, completely non pushy sort of a chap. He would never ever, as it were, put the weights on you. He would never say "The time has come for you to deliver." He would never try to force you after a heavy week in the court, in the midst of a most fearsome thunderstorm, to come to Tamworth. No way. No. That's not the Forrest manner. But Colin asked me if I would come to Tamworth. I seemed to be wavering every so slightly. Then Bill Forrest got on the telephone and the whole impasse was solved. I just couldn't put up any resistance. He should be employed for our country solving all of the problems of the country because he is, shall we say, irresistible. So that was the first reason.

The second reason you've heard. When I was a young articled clerk and then a young solicitor and barrister, I used to come to Tamworth quite often. I remember. They were good days. You'd finish the case. The barrister had to do all the work. All you had to do was round up a couple of doctors. Then at the end of the day, at the expense of your master solicitor, you would be having a beautiful meal, just as we had tonight. And I remember, the meat was always wonderful in Tamworth. It was something special. Tamworth was a great place to come on the circuit of the Compensation Court. I loved it. And I am no different tonight than I was in those days years ago. It's a wonderful thing to come back here to Tamworth and to be with fellow citizens in this magnificent city. Mind you, you turned on a terrible storm as I arrived. The little Beechcraft went all over the place. The thunder and lightning was a very dramatic re-entrance into Tamworth. So thank you all very much.

And the third reason is because I think it oughtn't to be the case - if it be the case - that I am the first justice of the High Court of Australia to come to Tamworth in office. I am sure plenty of them have come before office, like me, as practitioners in the courts here. And no doubt many of them have come after office. But here I am tonight, a judge of the highest court in our country.

And I have come to talk about really two things. First of all to talk to you a little about the High Court, on which I have the honour to serve.

Then secondly, something about a matter which is bigger even than the High Court, bigger than Australia, that ought to concern us all as citizens, namely the Human Genome Project, in which I have some little involvement. Now Bill Forrest seemed to be very worried about this. He seemed to think this might be a little too heavy going. But I can tell you, by the time I've finished what I've got to say tonight, I hope you will appreciate that it is something that all of us as human beings, and as citizens of a free country, ought to know something about. We ought to be generally aware of what's happening. So let's start first of all with the High Court.

#### THE HIGH COURT- GUARDIAN OF THE CONSTITUTION.

As you have heard, I have served on the Court of Appeal of New South Wales for a long time. That was when Colin Forrest was my associate. I served there for thirteen years. That is the busiest appellate court in the country. It puts through a tremendous throughput of appeals. You have to do about forty percent of them extempore. That means you hear the appeal and you've got to give your decision straight away. You give it "on the run". It's a very very hard life, and very gruelling, and very testing. In my last year as President of the Court of Appeal of New South Wales, I signed something of the order of three hundred and ninety opinions. So it's a big throughput court.

In the High Court you sign about eighty or ninety opinions during the year. But people ask me, "Well what's the difference between the thirteen years you served on the Court of Appeal and your time on the High Court?" Well I have to tell you, on the High Court, everything is hard. Everything is difficult. I've been a judge now for nearly 25 years. I'm one of the longest serving judges in Australia. There would only be about two or three with longer than twenty five years. And you'd think that after that time, you would find decisions relatively easy - "water off the duck's back". Well it's not. In the High Court of Australia, the decisions are not only difficult but they're worrying. You're the end of the line. There's a certain comfort in having somebody above you who can fix it up if you make a mistake. But in the High Court of Australia, save for those

matters which the Parliament can attend to and amend the law, in many matters, in particular constitutional matters, the High Court is now the end of the line. Privy Council appeals have gone. We have to really try, the seven of us, to get the right decisions.

We are seven, as I said. The Chief Justice who's Chief Justice Gleeson, who was formerly the Chief Justice of New South Wales. There's one woman Justice, Justice Mary Gaudron. And then there are five other justices. Our lives are in a sort of caravan, in a sense not entirely dissimilar to the lives of the politicians who go down to Canberra. We spend about fifty percent of our time in Canberra. Those of us who live there, have chambers in Sydney as well. We come back to Sydney and do some of the work there. So it's about fifty-fifty. You spend about two weeks of each month listening to the cases. Then you come back to Sydney and you write your decisions. And all of the cases that come to the Court, only come with the special leave of the Court, except for a small number of constitutional cases that can go directly. That means that, by definition, because they've had to go through a gateway of Special Leave, they are all pretty difficult. They are very evenly balanced cases, because they've gone through two levels of appeal. And they're important cases. It's important that we have a court that makes the final decisions, and that that court is independent and is not subject to external influences. In this I beg to differ a little with what Allan Forrest said. The Court decides the cases on the submissions it receives from the parties. That is as it ought to be. As I have said, I have been a judge for twenty five years, and I think it is one of the most wonderful boasts of our country and it isn't true - you can take it from me, of most countries, that in my twenty five years as a judge, in four different courts, never once have I received a telephone call from a Minister, telling me how to decide a case. Never once have I received a little bit of pressure at the Club from the big end of town. Never once have I had a trade union muscle in and try to say "This is how that decision will be made" It just doesn't happen that way in Australia. You could count on two hands probably, the number of countries in the world, certainly in our region, where that is the case. It's a very special and precious feature of Australian public life.

Those of you who are as old as I am can remember the time the Chifley Government tried to nationalise the banks. It was the most important plank of the second Chifley Government. It was absolutely crucial, as they saw it, to

the socialist agenda, to the rebuilding of the world in accordance with higher principles. It was an important, central aspect of Government policy. The matter went to the High Court of Australia. The High Court struck down the Bank Nationalisation Act. That decision was then appealed to the Privy Council. Doctor Evatt, who had been a justice of the High Court, and who was then the Federal Attorney General, went over to London when the appeals still lay to London. He argued the case in London. He argued it for forty days. They had never had a case as long as that in the Privy Council. Heaven knows what their Lordships were thinking of by the end of the forty days. Sir Garfield Barwick and Mr. Kitto were on the other side. He was just Mister Barwick then. Mr. Barwick, Mr. Kitto, Doctor Evatt, great advocates. The Privy Council upheld the High Court. The Australian banks were not nationalised.

Of course, as we look back now, and indeed as Labor people look back now, and it would be agreed that that was a right decision. It would not have been a good thing. We would have been plunged into the sort of nationalised industries that were a feature of the command economies. But the High Court said our constitution doesn't permit it - end of debate. And at that time, although there were mutterings, and bumbings in political circles, the decision was just accepted. In a Federation you have to have an umpire. Like a great sports game. You've got to have somebody where the buck stops, who makes the final decisions on the Constitution. That's another wonderful feature of our society.

And I can tell you very clearly, the first time I ever heard of the High Court of Australia. I can remember it very vividly. I was eleven. It was in 1951, and it happened this way. My grandmother, a wonderful woman, had remarried. She remarried a very fine New Zealander, Mr. President. He was a New Zealander who had fought at Gallipoli with the Anzacs. Having survived Gallipoli, he went to the Somme. He fought on the Somme, and he was gassed. He won the Military Cross, which was given to him by King George V at Buckingham Palace. And then he came back and lived in Australia. He saw about him in the Depression. All of the brave soldiers who had been with him, who were unemployed, and unable to get work. He threw away his medals. He became a Communist. And I as a boy of ten or eleven, I didn't know anything about communists. I just knew my uncle Jack. A finer man you could not have met. For him, Communism was his religion. He was a most

principled man. It has always made me suspicious about attacks on people with minority opinions because I knew that this man was really a religious man and his religion was "a better world without the cruel disregard for the unemployed and the disadvantaged", and so on.

As I look back, I now think a lot of his political notions were wrong. But he sincerely held them. And then, in 1949, the Menzies Government was elected. It was elected in the midst of the Korean conflict, after the Berlin Blockade and all the perils of that time. They didn't know that the "evil empire" would one day be defeated. We thought it was a great peril coming down to Australia. And so the Menzies Government enacted, with the authority of the people in the election, the Communist Party Dissolution Act. It went through the Parliament. It was challenged in the High Court. Again, Dr. Evatt appeared. The challenge was upheld. The High Court said that the Act was unconstitutional. In a sense, what their Honors said was: in Australia we punish people for what they do, not for what they think. We sanction people for their actions, not for their theories.

I remember very vividly that day because though I knew nothing about the High Court at the age of eleven, I knew that a cloud had lifted from my uncle Jack. He was not going to be proscribed. He was not going to suffer the civil penalties that were included in that Act. Now, that Act was opposed by the Labor Party at the time, though there were many members of the Labor Party who supported it. It was opposed by some members of the Coalition Parties, brave and generally younger people opposed it. But the point that I want to make is, that the High Court made its decision measuring this legislation against our charter, our Constitution. Although there were mutterings and grumblings there was no attack on the Judges. There was no attack on the Court as such. People in those days knew that our country, that any civilised country living by the rule of law, needed an umpire.

Well, those days, it seems, have gone. We live in a time when attacks on politicians as entertainment, is a phenomenon of the world we live in. But we also live in a time when attacks on the umpire have become commonplace. It's not confined to one side of politics. It's on both sides of politics. The first point I wanted to tell you tonight, as a Justice, one of the seven of the highest court in your country, it's a bad thing. It should stop. If you undermine the

national umpire, the constitutional umpire of the country, all you have in its place, is power, money, or guns. I have seen all that in Cambodia. I've seen societies without our great traditions which we inherited from Britain. You can take it from me, it's not a pretty sight. I hope that in the incoming Parliament, we will see a more civilised appreciation of the importance of our institutions. And that will have the support of citizens everywhere who realise the awful alternatives.

### THE HUMAN GENOME PROJECT

Now you might think that for me to talk about the Human Genome Project, really has nothing to do with Tamworth. Well it has a lot to do with Tamworth. It has a lot to do with everybody. I came into this issue in a very unusual way. Life is full of chance.

In the Law Reform Commission, which I chaired for a decade, we worked on a project for Mr. Ellicott when he was the Attorney General. It concerned human tissue transplantation. This was developing the laws that should govern the transplantation of organs from one person to another. I became quite interested in this interface of the law and biology - the law and bio-ethics. In the way these things lead on, one thing leading to another, I became invited to a number of conferences and meetings which were concerned with the Human Genome Project. The Genome project is the biggest scientific cooperative project in history. It's much bigger than the Manhattan Project, that developed the atomic bomb. It is basically scientists in all parts of the world linked by computers and telecommunications, mapping the genome. The Genome is the pattern of genes of which every human being has about a hundred thousand, and the markers which are on and between the genes which tell whether we will become tall, short, whether we will have dark hair or blond hair, whether we will have blue eyes, whether we will likely develop breast cancer, whether we have the genes, and I think they have found three of them, connected with the development of Alzheimer's Disease, whether we will have the propensity to testicular cancer, and all of the five thousand odd genetic disease that we know of. The genome project couldn't have been possible without two developments that happened in our lifetime. They Development number one was Watson and Crick discovering the double helix. They discovered this phenomenon of the genes. It's in our lifetime that we

went out to Mars and out into space. This was looking down into us, and looking into our basic building blocks. The triggers that determine who we are physiologically. That was the first of them. The second development were computers. Without the computers you couldn't do the analysis of these billions of markers which contain the information, coded genetic information. So it was just these chance developments that happened in our lifetime that provide the basis on which scientists are now building the encyclopedia of medicine for the next millenium. We now see as in a glass darkly. But we will then see face to face. We will know exactly what is the marker, the key, that causes Alzheimer's, We will know what is likely to cause - the gene that is likely to go on to breast cancer. We will not be, as it were, stumbling around in the dark. Humanity will have the data. Of course, that will be the beginning, to have the knowledge. It is the beginning of wisdom, for finding the cures, or the ways of excluding the particular causes of profound disabilities. This development presents really radical problems for ethical consideration in medicine. Take for example Huntington's disease. Now Huntington's is a condition which is inherited. It strikes a certain number of children in the family. It seems to be random and doesn't necessarily strike. But when it strikes, at about the age of thirty, between thirty and forty, a person who has otherwise lived quite a healthy life, can begin to present the symptoms of Huntington's. And the problem that is presented by the Genome Project is this. In most societies, like ours today, if you find by amniocentesis the presence of, say Down's Syndrome, then many parents will take the view that that would be too difficult a burden for them to carry. The pregnancy is terminated. The problem that is presented by by the Genome Project is Where does that stop? Do we say, perhaps with Huntington's, well forty years isn't long enough. What we will do is terminate that pregnancy and wait until a pregnancy can be achieved, perhaps in vitro, perhaps in different ways, which is not prone to a thirty year limitation. Is that acceptable? Is that something that ought to happen? Is that something that down-grades the lives of people who live for forty years with full lives, by saying well, that's not enough. You're not worthy of life. The issues that are presented by the Genome project aren't just confined to questions like that with, say Alzheimer's, and other conditions. They present many problems to my own profession, the law. Do we, for example, have to develop a law that says, Well, nobody has to know their genome. I mean, would you want to know if you have the Alzheimer gene? Or would you have a happier life if you just weren't burdened with that

knowledge, and ought the law to protect you from having that knowledge forced upon you? Ought you be able to stop people getting access to that knowledge? Now that, in turn, creates a problem, because if you look on genetic conditions as not just your condition, but the condition of those who are in genetic relationship with your brothers and sisters and family - ought they to be able to have access to your data? In the past people could only have access to their own data. In the case of genetic conditions, maybe the patient is not just the individual but a family group related together. Is that something which requires us to rethink the rules of medical confidentiality? Should employers be able to get access to that data in some circumstances? Should insurers be able to get it? Insurers say, well nowadays we put on stethoscopes - We take a bit of blood. We do a few tests, but now we won't have to worry about that. We will have a perfect information. But critics respond. Insurance is spreading the risks. If you know the perfect information, there is no risk. There ought to be rules that make sure that insurers can't, as it were, get to this information lest by doing so, they exclude from insurance, people who have particular markers which are likely to develop genetic conditions. Should people be able to patent the genes?

Should they be able to patent it in order to develop the pharmaceutical and other products for the purpose of responding to conditions of this kind? Should we permit human cloning? Now the natural reaction to that question may be "certainly not. We shouldn't be able to do that". But as I read the literature, a lot of scientific work is now going on, on the basis that one way to replace diseased organs in the future will be to get the perfect clone of that organ, from the individual. And of course you can say, sitting comfortably here, "Well that's a horrific thought. We shouldn't allow that." But if it were your loved ones and if this were a way to save their lives. If it's something which the law should forbid., you might change your mind. Recently I saw the Catholic Bishop's Conference. Of course they were extremely anxious about a lot of these matters. But one point I thought had to be made, was this. The genome was always there. It was always down there, in us. It's only now, in our lifetime that we are discovering it. It's not an anti human thing. It's something which is part of our humanity. Its discovery is the result of the intelligence of humanity. It's as if in our generation, this very extraordinary development has occurred. But it isn't alien to humanity. It is something which human beings Watson and Crick and all those who have come after them, have discovered. I suppose



the bottom line in all of this - the last point I want to make is that somehow as a society, indeed as a species, we have to develop the means of thinking about these problems. And responding to these issues. Not to do anything, is to make a decision. If you do nothing, the science will just go on. If we as human beings wish to keep in control of the science and lay down the ethical, and legal rules, then we have to attend to these issues. We have to help our Parliaments to develop the principles under which the science will proceed.

So I hope you'll understand that when I look at some of the things, say, the Monika Lewinsky Blue Dress, that pass for political debate in the world we live in, and I contrast them to the really serious issues which tend to just be put into the too hard basket, and get very little attention, but which are really issues of the future of our species, there does seem to be something of an ill balance. It seems as if we're living in a world where we're concentrating on the froth and bubble and not on the really serious questions which a true democracy and an effective Parliament would be addressing. Things the people's representatives should be talking about, with the people, and taking their thoughts, so that the rules can be laid down for this magnificent but very puzzling development.

#### CONCLUSION

So I have delivered, for Colin Forrest, who is, I should say, a wonderful son of Tamworth, a really magnificent, gentle man, a successful barrister in Brisbane, He was a fine colleague, I am proud to say. He was my colleague about ten years ago. I keep a close contact to see his life. When he asked me to come here, for the reasons I have given, it was a joy. I wouldn't want you to think that the pressure from Bill had anything to do with it. I have told you something about the Court on which I have the honour to serve. It is your Court. I agree with Allan. It is the people's Court, the Court of the people of Australia. The people are the ultimate source of our constitutional authority. But it is an independent Court,. That's a very very precious and important thing. The Court is not subject to the swirls and eddies of political fortunes, of political pressure. It is independent, and I believe that that's what you would expect of your Judges.

And thirdly I have tried to make the point that all of us, as human beings, should be aware of this remarkable development that is occurring, about which

we hear really very little. It has enormous implications for our species, for the Law, for Ethics. Great benefits will be offered, but there are very puzzling dilemmas to be solved.

Thank you very much for having me in Tamworth tonight.

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## QUESTIONS.

Justice KIRBY

The question is, How does one decide the principles of the Genome, given the diversity of ethical, religious opinion?

Well, of course it is a really difficult problem because sitting at our table of about fifty people in the International Bioethics Committee, are people from the Islamic tradition, the Buddhist tradition, the Confucian tradition, Christian tradition, Catholic and Protestant, and from a humanist tradition, philosophers who have no religious tradition. So that it's very difficult to get a quick consensus. But we do have this in common. It's about our species, and it's about the future of our species. I mean, can we conceive that this is the moment in human history when the key was presented to mankind that unlocks the means of creating the next step in evolution. That is at least conceivable, given, as I repeat, this comes not as something alien to human beings, but out of human beings and out of their intelligence. But the UNESCO committee on which I serve, was able to reach consensus in a convention which was adopted last November and which contained a number of basic principles, one of which effectively says there should be a moratorium on cloning of the human species, and that goes to the Governments of the member countries of the United Nations and already a large number of countries have introduced laws or regulations along that line, essentially the point being that we don't know enough of where this is leading, to take that course yet, so that my experience in a number of international bodies dealing with data security, computer privacy, HIV/AIDS, and the International Labour Organisation, is that if you get people together, even though they will have very profound differences, nowhere more so, as you point out, even in this area, you can work towards a measure of consensus and what's the alternative? The alternative is that we just wash our hands and say that it is just too difficult. Well now that's (a) not acceptable, and (b) it's to make a decision, because if you do nothing, then you are effectively saying that science and technology can take us where it likes. I think most people would say that that's not acceptable because at least one experiment that has been going on has involved chimpanzee eggs and spermatazoids from human beings, the purpose being to simply see the cell development. It has not been to develop, if that be possible, probably not possible, a hybrid, but it has been to study cell development. Scientists will say, Leave us alone. These are the developments by which we are going to launch into the next Millenium with the

medicines which will relieve pain and suffering of genetic conditions, five thousand of them which are a great burden to humanity. But the concern is that in the past the diversity of the gene pool has been in a sense a protection to us. If plagues came along or pestilence, the fact that we weren't all the same, that we did have these defects, that these were, in a sense, a protection of our species. So it is a very complicated problem. It's difficult to get consensus. You can get it, but not to try is really to make a decision to just let it go where it will.

#### QUESTION.

Justice KIRBY

I understand that problem. That's why many people, looking at this issue, say, you should have the right in law to prevent people getting at your data, so that you can not know. You should have a right not to know what your genetic predispositions are. I think most people would agree with that, and it's also true that we are not hapless victims of our genetic conditions, that we can take steps to slow down the process. Now I went to my physician the other day and I found that I had a cholesterol of 5.4 which I didn't think was so bad, but he threw up his hands in horror and said "This is terrible. You've got to bring that down." so I take a little pill every night and I am now down to 4.3. I'm going further down, so my predisposition was to make more fats than were necessary and I am now down, so you are right. You can control this, but to the geneticists and the genomic scientists, they say "that is primitive". We are talking about taking out that marker. We are talking about removing the risk, and that might be all right with my cholesterol, and I don't think any of you would mind them taking out my marker of cholesterol. I would be quite happy with that to go. But the problem is - where do you stop. And Huntington's I think is a really good test, because forty years of full life is a pretty good life and are we really going to say that Milton with his blindness, that Beethoven with his deafness, that Gustav Mahler with his congenital heart condition, that they didn't really have, that they weren't perfect. Who is the perfect human being? We are all a bundle of imperfections. I can certainly tell you the barristers who appear before me are a bundle of imperfections, and some of my colleagues too, and no doubt I myself, but it is interesting when you go to these conferences, the Nobel Laureates always speak with one voice. They say you can fiddle around with people's genes in their lifetime, but don't touch the germ life. Don't go into future generations because we don't know where that will lead, and the point that I'm trying to make is that unless there is law,

unless there is guidance or ethical principles, or something, then the scientists working away in their little labs, will go where their curiosity takes them, and they will go there with a full heart and with good motivations, but it's at least, ladies and gentlemen of Tamworth, a thing that we ought to know about and have a view about, and be talking to our politicians about. There are things other than economics and the human Genome Project is, I think, such a thing, but when have you heard politicians of either party speak about it, of any party, speak about it. It's a non-subject. When I talk to lawyers about it, their eyes glaze over. I've been looking at you tonight, and I think there might be a little bit of glazing, but not too much. It's a very important issue and it deserves our consideration.

QUESTION.

JUSTICE KIRBY :

Well, Australia was one of the foundation members of the United Nations and the Universal Declaration of Human Rights was adopted in 1948, which was three years after the Declaration was adopted by the General Assembly and Australia was a party to, and supported in the General Assembly, the vote for the Universal Declaration. It isn't a Treaty. It's not a binding treaty that obliges Australia to do things, but it is a statement of aspirations, and Australia has been a loyal supporter of the Universal Declaration, and when I served in Cambodia for the United Nations, I learned a very important lesson, and if you look at the Universal Declaration, you will see the lesson in it. Before that time, like a good Australian lawyer, I thought human rights was about what happened in the Police Station, what happened in the ballot box, what happened in the prison, or the Court House, but the think I learned in Cambodia was that, for them, often, human rights was "can we go to a hospital to get emergency care for our young child, if the child is injured. Can we get education for our girls, our daughter. Can we get a clean glass of water and if you look at the Universal Declaration, it isn't just civil and legal rights, it covers the whole range of aspirations of humanity, the basic dignities and fairness of treatment and human rights, so that we will be celebrating, at the end of this year, the fiftieth anniversary of the Universal Declaration and I met once the Canadian lawyer, whose name was John Humphries, who wrote it and he told me that he used to commute into the United Nations building by train, and he had a piece of paper in his pocket, and he would jot down the thoughts of the Universal Declaration, and it's amazing when you look at it.

You know, it has to begin somewhere, and it began on John Humpries' piece of paper and it is worth looking at. I remember it to my school days, back there at North Strathfield Public School back in 1949 and it's still there and it's fifty years old this year.

#### QUESTION.

Justice KIRBY: Well it varies from country to country according to the intellectual property law of each country. But about twenty years ago, the United States Supreme Court in the case of **Chakroaparty**, held by a very narrow vote - it was five / four - that you could patent live spawn in certain circumstances. And therefore you have had the phenomenon in the United States of a lot of applications for patenting of parts of the Genome. And of course this causes tremendous consternation at International Conferences where people from developing countries particularly, say, "Look, this is our Genome . This is humanity. It doesn't belong to the United States or any country, and you shouldn't be allowed to own it" But the answer comes back "If we are going to spend millions, maybe billions of dollars finding a cure for Alzheimer's we've got to have protection for a time in respect of our investment for the intellectual property in that research." They have, I think , found the three genes that are connected with Alzheimer's and that's the first step. And of course it's a profoundly important problem in an aging population. So, it's a complicated problem . You can see the arguments both sides. The ethical arguments which seem to be "Noone should own something that belongs to all of us. It's the common heritage of humanity. The practical arguments for the purpose of getting the pharmaceuticals and the research done, seem to support some degree of intellectual property protection. It's probably another of those cases where the law is still using the old formulae, instead of developing new formulae which will give a shorter term protection , but will have conditions that ensure that the protection is subject to giving rights of access to poorer countries, otherwise the pharmaceuticals would belong to the developed countries and the poor and the developing countries, whose genome it also is, will not have part of this medical revolution at least for a time.

## QUESTION.

Judge, when I was a little boy we used to watch the Speed Gordon movies , and we saw the aeroplane that went straight up in the air, and that was incredible, and a number of science fiction developments of yesterday, are now true today. I can remember also when Communism was considered to be the nearest thing to a beehive. The beehive was communist. Science fiction has also shown us that there can be a President with a small number of powerful sycophantic drones, and a lot of identical workers. Given the arrival on the scene of another Adolph Hitler, or another Ghenghis Khan, do you think that that sort of thing is possible in the years to come , the millennium to come.

Justice KIRBY. :Well first of all, your point about science fiction is absolutely right, because a lot of things, a lot of ideas that propel scientists into research are because somebody has had the imagination to say, well, "This is an interesting idea", and they write it down in science fiction , and then , lo and behold, in a few years time, scientists are going down that particular avenue and developing that particular imaginative phantasy and it becomes a reality. Secondly, when history of our century is written, it will, of course be a history of the most terrible wars, and the most dreadful experiences of holocausts and suffering. But it will also be a history of two other developments which I believe are hopeful and in which I am optimistic. One of them is the world Human Rights movement , and it's imperfect, and I saw, in my work as the special representative of the Secretary General for Cambodia, that it's very important that at last, we are trying as humanity, to realise we live on this one little blue planet.--we have so much in common, and we ought to be concerned about the dignity, life and wellbeing of brothers and sisters everywhere, and the Human Rights development I think, is one. The other hopeful developments are the great scientific developments. That's the other thing that our century will be known for. Sadly, it is connected with war, because a lot of the pressure for the developments came from the war machine - the computer for example, and to some extent the biological developments, and certainly nuclear development. So that these are the things that future historians will talk about our time.- Human Rights, and mighty science. As to whether that science can turn bad, well of course it's possible, and to some extent the pressure for a perfect human being is a little large if you stop and think about it. The fascist idea that everybody has to be the same. Chief Justice Bray, who was a great Chief Justice of South Australia, once said, and I think these are words worth remembering.--"Diversity is the Protectress of freedom " The fact that we can be different and yet live together in harmony, is the protection of our freedom , and I think that's true in the genetic area . Our diversity is to some extent the

protector of our difference, of our capacity to have different ideas, including different political ideas. I wouldn't be too worried about a Ghengis Khan or a Hitler. I would be worried about societies that live in a world of movie entertainment, the froth and bubble, where inconsequential things become tremendously important, when the real things don't rate air space. And that really is the most important thing I've said to you tonight. The topic I've talked about is complicated, and is puzzling, and there are no easy answers, and especially if you are thinking globally, because of the different religious and spiritual traditions, but we have a lot in common as human beings, and at least we now have Institutions which are searching for the solution and it's my good fortune in a very humble and little way, to play a little part in that and it's a fortune that I believe I ought to share with fellow citizens, and that's why I am very pleased to have come to have a beautiful dinner tonight in Tamworth and I am going to have another trip and see the Good Companions where I stayed when I was a completely insignificant article Clerk. Now I am only slightly more significant human being. We are all just favoured with a very short span in life, and it's our duty to make the most of it. I'm very glad that I came up here to Tamworth with you tonight.

Thank you very much.

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