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THE SECOND VIOLIN CAN LEAD

Fort Street High School Address
December 2010

The Hon. Justice David Kirby

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**FORT STREET HIGH SCHOOL
PETERSHAM, SYDNEY**

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The Hon. Justice David Kirby*

Thank you for your invitation.

It is wonderful and **amazing** to be back.

“Amazing” because when I sat in the body of the hall, as a student, fifty years ago this year, I never imagined in my wildest dreams that one day I would return and bore you all witless with what I have learned in fifty years.

So I am not going to talk about the lessons of fifty years. Your principal, Ms Moxham, suggested that I talk about leadership.

Leadership is a tricky topic for me. I was born into a family with four children. Actually five, one died very young aged 18 months, his name was also David. I was the next child and so called David.

* Judge of the Supreme Court of New South Wales 1998-; Fort Street Boys' High School 1956-60. Text on which was based an address to the School in the School Memorial Hall, December 2010.

I was the third boy and the second youngest. I had two older brothers: Michael, and Donald.

Some of you may have heard of Michael Kirby. Justice Michael Kirby. A former Judge of the High Court, who retired at the beginning of 2009. A famous old boy of this school.

He was my older brother and five years older than me. Now, he had obvious leadership qualities. He was, and is, a very dominant character and a complete Show Off. Indeed, he got the complete allocation of the Show Off gene for the whole of the Kirby family. The rest of us quickly realised that we were put on this earth to be his audience. We were the second violin.

And I was very comfortable in that role. I was somewhat shy, for instance: I never went in a school play, I never engaged in public speaking, nor was I very studious at that point, whereas my brother, Michael, worked and worked and got the rewards for work, and did brilliantly. I was more interested in sport and also, I hesitate to add, in girls. But just dreaming of girls. Fort Street, alas, in those far off days was an all boys school.

So I had no particular ambition, and certainly no leadership qualities, that I recognised, but that was OK. My brother Michael not only had ambition for himself, he had ambition for me.

So, when I began my first year, Michael began a five year campaign to make me a prefect. Your equivalent of the Student Representative Council. And I remember, in that first year, one day I came home and

laid out on my bed was the maroon and white uniform for the football, for the rugby.

And so I became a footballer. I went through all the Grades, including First Grade. And eventually Michael achieved his ambition. I was made a Prefect and House Captain of the Blue House. In those days we had four houses, each named after a headmaster.

And I have to confess that, during my final year, I did not work as I should have, and I did much worse in my final exam than I had ever done at school.

That was embarrassing and it is still embarrassing to see that I have one lonely Second Class Honours on your Honours Board. But it was a Wake-Up Call and I did work rather more when I went to university to do Arts and then Law.

And once I got to law, I found something that I liked and I worked. And I got the rewards for work. And, if I say so immodestly, in one year even came equal top of my year.

By that stage my brother Michael was a successful barrister. And about five or six years after him I also went to the Bar, but more to impress my girlfriend, who later became my wife. I was still fundamentally very happy in the role of the second violin.

And then, one day, having been at the Bar about six years, my life changed. I went to the Opera House with my wife. I was about 35 years old. During the interval I went downstairs to have a glass of champagne.

And, whilst I was there, the then Premier of New South Wales, Neville Wran (he was famous in his day, a Fortian himself, and he was a former barrister and he knew my brother Michael well and I also knew him). Anyway, he stepped out of the circle that he was in and came over and spoke to me. He asked me whether I'd like to do an Inquiry into an environmental issue. It concerned a Freeway. I said I would.

He told me that the Department would get in touch. And they did. And when they did, I found out that I was not to be Counsel Assisting, I was to be the Commissioner for the Enquiry. That is, a starring role. And suddenly I was in charge and it turned out to be highly controversial: 3,000 people made submissions; there was high emotion; people's houses were in jeopardy. People would make submissions every week and it went on for about 12 months. At the end of it I produced a very large report, incidentally recommending against the Freeway unless they put it in a tunnel, which eventually they did. This is the Freeway that goes through the Wolli Creek – the M5.

But running the Enquiry, suddenly I was no longer second violin. I had to perform. And, to my amazement, I liked it. In fact, I loved it.

And so my career at the Bar took off. I rapidly was offered many other Enquiries into all sorts of things: plane crashes; murder convictions; company collapses. And in 1985 I was made a QC which, at the Bar, is referred to as Leading Counsel. Suddenly you appear with another barrister who is known as a Junior.

And all this sounds very self aggrandizing, but it is not meant to be.

To get to this school you must have ability. And in your life you will be handed opportunities. So it is important that you do not put limitations upon yourself. You do not say to yourself: "I don't have leadership qualities." You probably do. And you must seize the moment. You must look for opportunities and exploit them when they are presented.

Wow! What excitement lies ahead of you. And, to your amazement, you may stand here in fifty years time and tell students the story of your own life.
