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CAREER WITH
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PUBLICATIONS

Article

Peppercorn

Australian National University

ANU Law Students' Society

The Hon. Michael Kirby AC CMG

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**MY INGLORIOUS CAREER WITH STUDENT
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The Hon. Michael Kirby AC CMG*

My most notable involvement in student publications was, and still is, a source of great shame to me.

Back in the year 1962, I was elected for my first term as President of the Sydney University Students' Representative Council. Ponder on this next time you see a student politician around campus. That jumped-up, self-important troublemaker has a high chance of eventually becoming a Justice of the High Court, Prime Minister or Governor-General. It is enough to make one shudder and to need a good lie down.

A dispute broke out in 1962 between with the Students' Council at Sydney University and the editors of the student journal, *Honi Soit*. At the time, the editors were Peter Grose and Ritchie Walsh. The latter is still involved in publications, having become a leading Australian publisher in the famous house of Allen & Unwin.

I cannot quite remember what the 1962 dispute was originally about. But the long and short of it was that it involved an issue of censorship. The SRC was divided.

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Eventually, the majority sided with the censors. I dimly recall that I took a rather formalistic line to the complaints about the contents of *Honi Soit*, emanating from the University administration. Formalism is often a problem with lawyers. The SRC was the publisher and funder of the journal. Accordingly, so I said, it had a right to impose its standards. When the editors strayed, the SRC could impose its will. Impose it did.

Obviously, I did not have formulating in my little brain at the time the great constitutional principle later stated by the High Court of Australia in *Lange v ABC*. Nor was there much rhetoric about free speech; free expression; or the free press. There was precious little insistence upon the special need for freedom of speech in a university. My rather orthodox and conservative line won the support of the Council. The editors of *Honi Soit* were sacked. It was a grim day for free expression in student publications. The shame of it all.

Later, the Sydney SRC got cold feet and changed its mind. The editors of *Honi Soit* were hastily reinstated. But, as I remember it, they immediately resigned in protest against the way in which they had been dealt with by the SRC. Looking back, their rebuke was probably well-deserved. It is not a glorious moment in my rise to power in student ranks. I look back on it now with much embarrassment. So it's better to get that off my chest.

One consequence of the debacle involving Grose and Walsh was that Laurie Oakes was appointed editor of *Honi Soit*. Thus began his long career in Australian media. Amazing where people start. According to the history books, Laurie Oakes later employed Kevin Rudd, when he

was a mere student at the ANU. He paid our now Prime Minister to do odd jobs around the house. No doubt, during wide-eyed questions by Kevin Rudd, the media guru told him about his triumphs in *Honi Soit*. Actually, he probably then launched Kevin Rudd's still more glorious career. In that way, I feel I can take credit for the rise and rise of our Prime Minister. If I had not sacked the editors of *Honi Soit*, Laurie Oakes would not have risen to the top. He would not have employed Kevin Rudd. And the rest would not be history.

The short point is that students who take part in the representative associations during their university years tend to be the pushy types you get on in life. So get with it. Make the most of your university experience. And never let some conservative student politician censor you or suppress legitimate free expression on a university campus. If you cannot have, and express, bold and unwelcome ideas there, where can you do so?

I am glad to see that in 2010, the ANU Law Students' Society has ambitious plans for *Peppercorn*. The Society hopes to establish a publication exchange with the International Alliance of Research Universities and with leading international law schools. This exchange will move beyond the printed page. In ways that we could not imagined in my university days, an interactive website will be created for this publication. It will result in an increase in the number of issues produced and circulated at the ANU and, through cyberspace, to other Australian and overseas law schools.

The one thing that *Peppercorn* should *not* do is to try to become another university law review. We can leave that activity to the *Federal Law*

Review and the other university law reviews in Australia. They are outstanding publications, providing constant stimulation, analysis, criticism and new ideas for the judiciary and legal profession of Australia.

I am a strong supporter of law reviews. One of my great joys during my High Court service was to see the new editions come into the library of the High Court, with their vast range of stimulating articles and commentary. Now, I must struggle with the internet to get the same range of stimulation.

But a student publication should be more informal. It should contain short newsy items. It should include a few photos, especially photos of the President and Executive of the students' society! It should contain short articles, mainly written by students, giving a fresh and punchy perspective about the law, legal studies, latest judicial decisions and the future of the profession. It should, in short, be an irreverent, stimulating, provocative publication. We can leave the deep learning and footnotes to the formal law reviews.

Above all, student publications should challenge orthodoxies in society. Such challenges are especially needed in law faculties. Surveys of law students in Australia show that they are still overwhelmingly drawn from private school education, elite suburbs, and privileged backgrounds. The type of person who chooses to study law is typically one who likes life to be ordered, predictable and regulated. Obviously, there is a place for such people in the law. But there must also be a place for the questioners, the stirrers and the dissenters. It is by the dialogue between the forces of change and of conservation that progress is made

in the law. And the best place to start is in law school. A very good place for the young stirrer is in student publications.

If my life is any guide, an engagement in student activities at a young age sets the ambitious tyro on a course that could end up virtually anywhere. To all participants in *Peppercorn*, and to all students at the ANU College of Law, I send greetings and this message of encouragement!



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