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THE MINT BUILDING SYDNEY
MONDAY, 8 MAY 2017
MEMORIAL SERVICE FOR THE FAMILY OF
CLAUDE BILINSKY

Michael Kirby

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I have apologised to Bohdan Bilinsky and his family for missing this Memorial Service to remember Claude and to pay respects to his family and loved ones.

At the time of the service I will be in Tokyo for an audience with the Emperor, which I feel sure Claude would have regarded as a petty insubstantial and unconvincing excuse.

I came to know Claude and his brothers in the 1960s. It happened when Bohdan and I became the shining lights in student politics at Sydney University.

Because Bohdan, like me, lived in the struggling western suburbs of Sydney and because he had two younger brothers (as I did), we shared a lot in common. Bohdan used to drive me home from Union Board Meetings. He would also sometimes invite me to his home, where I enjoyed the friendship of his family, the marvellous cooking of his mother, the cultivated intelligence of his father and the company of his brothers.

We were greatly blessed by our parental homes and by our lives that followed. As in my own case, Claudius and Andrew kept Bohdan's feet

on the ground. Claudius, in particular, was highly sceptical about our protests of idealism in pursuing the lofty heights of student politics. ‘Just ego trips’, he would tell me. He was always sceptical about those who sought to impose power over others. Even the paltry power over the pies supplied by the Sydney University Union Board. Almost certainly Claude was right. With his scepticism, he usually was right.

Claude had a busy legal practice. I never had the impression that he was making a lot of money. I don’t think I ever saw him in a *Zegna* suit, wearing a *Rolex* watch or leaping into a *Porsche*. True to his ideals, derived from his Ukrainian ethnicity, he would always help the underdog to take on the great or powerful. He would have been able to tell the Russian Federation that they were messing with experts in troublemaking by picking a conflict with Ukraine. Another reason why many lawyers of Irish ethnicity, like me, got on well with Claude Bilinsky. The Irish are the Ukrainians of Western Europe.

He was the solicitor on the record who took on the power of the Commonwealth of Australia and all the great churches and the united major political parties in the challenge to the federal school chaplains legislation.¹ After a glorious victory in the first round, the great and the good scrambled to repair the flaw that Claude had revealed. The blot on secular education in public schools survived to fight another day.

Not content with taking on local churches, governments, opposition and local authorities, Claude had earlier contested the spending of millions of taxpayers’ funds on the visit of Pope Benedict and the conduct of *World*

¹ *Williams v The Commonwealth of Australia and Ors* [2012] HCA 23; (2012) 248 CLR 156 and *Williams v The Commonwealth [No.2]* [2014] HCA 23; (2014) 252 CLR 416.

Youth Day in Sydney. He and I were always curious as to why the divided decision of the High Court bench on that matter, there was one notable dissident, never made it into the law reports. One day, in a supplement, it will be published. One day, I hope, Claudius and I will be vindicated over the constitutional necessity of strict secularism in Australia. The intervening years have shown how important this principle is in our world. Claude Bilinsky was one of its strongest champions.

People can agree or disagree over such matters. But all will concur, without dissent, that Claude was a gifted, creative and unselfish lawyer and a good friend. He has been snatched from us too soon. We mourn his passing. And if the Emperor, a good man, had known him, he also would mourn.