

FOREWORD

LAW AS A CAREER - LOOKING BACK, LOOK FORWARD

The Hon Justice Michael Kirby AC CMG

The year 2005 is an important milestone for me. On 1 January 1975, I commenced my first judicial appointment as a Deputy President of the Australian Conciliation and Arbitration Commission. That is exactly thirty years ago. At the end of 2004, the Centenary of Conciliation and Arbitration in Australia was celebrated. The adaptation of the constitutional power into a major field of protection for Australian workers, was largely the creation of lawyers. Legal imagination can be a powerful engine for protecting fundamental rights.

But for chance, I might have continued for my entire professional career in the field of industrial relations law. But I was quickly appointed to the Australian Law Reform Commission and then successively to other judicial posts. I am now in the tenth year of my service as a Justice of the High Court of Australia. This goes to prove that, at every level of the law, nobility and unpredictability are features of the profession today. I have been fortunate in my career; but I have sought to make every opportunity a winner. I hope that the young lawyers setting out today will have similar success and fulfilment from one of the most rewarding of vocations - intellectually, emotionally and (dare I say it) financially.

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Lawyers can play a leading part in society in correcting wrongs, righting injustice and reforming the law to bring it into harmony with changing values. Legal training teaches us how the institutions of society work. It puts the hands of its practitioners on the levers of state power. Whether they venture into the public service, become captains of industry, pursue a life as an advocate or as a solicitor or make their way to the Bench, lawyers have disproportionate opportunities to shape the content and administration of law according to their values. Some will secure the chance to do this by election to Parliament. All of Australia's Parliaments, federal and State, have large numbers of members who are lawyers, perhaps a feature of the federal system.

Even more lawyers get to play a part in the administration of justice. They help to give meaning to the grand theories of constitutionalism and the rule of law. Leafing through the *Jubilee Book* of my own law school in the University of Sydney, in its early days, its pages reveal a galaxy of the leaders of Australia, in politics, the judiciary, government and the legal profession. The same was true in my day. The same will be true in yours.

One of the graduates who wrote a memoir in the *Jubilee Book* was Sir Percy Spender. He attended the same Sydney high school as I did. He went on to be a federal Minister, Ambassador to the United States and was later elected President of the International Court of Justice. Writing in 1939, before all these laurels were won, he observed: "The law ... is a fickle jade, and she has not treated all her suitors alike, nor indeed in

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accordance with their merit. There is another jade called Chance and she is a difficult lass to woo".

Spender was correct to point out how, in careers, chance plays a leading part. So it was with his career, and with mine. So it will be with yours. But the grounding in the skills and techniques of law that you receive at the Monash law school gives you a brilliant start to life. It affords you mighty opportunities to seize the chances that later come along. Those opportunities extend to influencing the very character of our nation and of the world beyond.

My hope is that the new generation of law students and graduates will make the most of their chances. That they will absorb, and carry into the world, attitudes that are less blokey, more universal and more sensitive to the wrongs that law can sometimes do. With such values in mind, they will surely devote some part of their careers to law reform, to their professional societies, to international voluntary aid or to the agencies of the United Nations and to moulding the law so that it creates a true commonwealth of equal justice under law for all.

Canberra
1 March 2005

Michael Kirby
High Court of Australia

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MONASH LAW STUDENTS' SOCIETY

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