

# Unveiling of the Kirby portrait

By Kevin Tang

On the evening of Wednesday 26 August 2020, a portrait was unveiled on 12 Wentworth Selborne Chambers of the Honourable Michael Kirby AC CMG, former Justice of the High Court of Australia and alumnus of that set of chambers.

In attendance on the night, with the Honourable Michael Kirby were Head of Chambers Dr James Renwick CSC, SC, the NSW Attorney-General Mr Mark Speakman SC MP, his Chief of Staff Ms Cheryl Gwilliam, and other members of the 12th floor including Mr Yaseen Sharif SC and Ms Jennifer Single SC, and the clerk of the 12th floor, Ms Trish Hoff. Mr Johan van Vloten (Michael Kirby's spouse) was in attendance, as well as a full representation of the Kirby family, including his brothers the Honourable David Kirby QC and Mr Donald Kirby (a solicitor), and Mr Nicholas Kirby (David Kirby's son, a barrister).

The portrait was by Manhattan artist Mariana Cook. It is a wonderful black-and-white image gifted by the subject himself – and properly described as a photographic portrait dated 2013. The artist is distinguished for her portraiture of such other luminaries, such as the Obamas. This fine portrait now has a permanent home on the 12th floor.

Recently, the floor has reinstated a tradition in Wentworth and Selborne Chambers to display portraits and photographs of each chambers' most notable alumni in its corridors. On account of the exceptional times, this reception was intimate, and at any other time, would have been attended by many associated with the 12th Floor in the years that Michael Kirby lived between its walls.

The Honourable Michael Kirby AC CMG took a stroll down memory lane, recalling his earlier days and trajectory from the junior Bar. Initially, he spent some time on the 8th floor of Wentworth Chambers in about 1967-1968. It was not until 1969, when the Honourable Ken Handley QC decided to sell his room on the 12th Floor, that Michael Kirby made application to the floor to take that very fine sunlit room facing Phillip Street.

In 1969, Wentworth and Selborne Chambers were not contiguous, and there was no annexe. There was no chambers library, nor was there even a meeting room for communal use. Michael Kirby took a moment to remember his colleagues from that time, including: Dennis Mahoney QC (1948), David Rofe (1956), Dennis Cowdroy (1971), Michael Kirby (1967), Moreton Rolfe (1964), Morris "Dusty" Ireland (1969), Denys Needham QC (1949), Mervyn Finlay (1952), SG Webb QC (1925), Brian Sully (1962), MH McLelland (1963), Ken Cohen QC (1940), Philip Powell QC (1955), AJ Rogers (1956), and Vernon Watson QC (1950) (*year of admission*). It was a wonderful reflection of some of the law's most distinguished practitioners during the 20th century. It was a floor of practitioners who would each go on to judicial appointment. At the time, there were no female members. He also recalled the clerks of old: Greg Isaac, and later Bob Rymer, who recently retired.

Renwick SC recalled the seven years that Michael Kirby spent as a barrister and then the following 36 years that he spent in judicial office, up to and including 2009, when he attained the age of statutory senility. His career has been that of one glorious crowded hour, with work and interests far beyond those of any official character for the various courts on which he sat; for example, law reform, social justice, and human rights in Australia and internationally.

Reference was also made to the portrait itself – its luminous and dignified quality. As the artist herself noted, "I try to reveal the 'essence' of a person, the psychological qualities that may, with luck, reveal themselves in a single moment during the course of a portrait session." Michael Kirby himself described his former chambers as "a cradle of Australian law and public life." It was a memorable and history-making evening, enjoyed by all who were in attendance in what are extraordinary times. **BN**

# The Good Old Days...

An extract of a speech given on the unveiling of a portrait on Wednesday  
26 August 2020 at 12 Wentworth Selborne Chambers

By The Hon Michael Kirby AC CMG

When I was admitted to the NSW Bar on 28 July 1967, after five years as a solicitor, I went first to the 8<sup>th</sup> Floor of Wentworth Chambers. My room was adjacent to the redoubtable Gordon Samuels QC. However, I had the great good fortune to receive a number of briefs, including in the High Court of Australia, with Dennis Mahoney QC. It was therefore natural, when Ken Handley decided in 1969 to move to other Chambers for a larger room that I would make application to come to these chambers. I applied to take over Ken Handley's fine room facing Phillip Street on the south west corner of Wentworth Chambers. Happily, I was accepted. The room was well lit and, after noon, sunlight flooded in. I was only two doors away from Dennis Mahoney from whom, both at the Bar and later in the Court of Appeal, I learned so much.

In 1969 there was no link between the

chambers in the Wentworth building and those in Selborne. There was no annexe on level 3 of Selborne. There was no chambers library or meeting facility. But there was a lively community, small in number but greatly distinguished:

Dennis Mahoney QC (1948), David Rofe (1956), Dennis Cowdroy (1971), Michael Kirby (1967) Moreton Rolfe (1964), Morris ('Dusty') Ireland (1969), Denys Needham QC (1949), Mervyn Finlay (1952), S.G. Webb QC (1925), M.H. McLelland (1963), Ken Cohen QC (1940), Philip Powell QC (1955), A.J. Rogers (1956), Vernon Watson QC (1950)

(Dates show year of admission).

It was quite a dangerous step to join 12<sup>th</sup> Floor Chambers in those days. In fact it was rather like joining the Council for Civil Liberties. Once accepted it was difficult to escape judicial preferment. Attorneys-General loved us – and still do, I trust.

The clerk was Norman Marks. He was a clerk of the old school. Unless special arrangements were made, his fees were paid as a percentage of one's income. Soon after, he retired and was replaced by Greg Isaac. Just before I departed the Chambers at the end of 1974, Greg Isaac was joined by Bob Rymer, then so young that he was called Bobby. The clerks, messengers and other staff were, like the Floor members themselves, dedicated and hardworking. A whirlpool of workaholics. I pay tribute to Trish Hoff for the vital work of clerks to the success of barristers. I brought with me a wonderful secretary, Mrs Jennifer Seeley. She was later to depart with me to the Australian Law Reform Commission. Chambers were intensely busy. It was a happy band.

On most Friday evenings, Denys Needham or Mervyn Finlay opened the doors of their chambers and provided beverages of rare



Michael Kirby and Johan van Vloten circa 1971

delight. Such was the power of propinquity that most of us on the Western side of the 12<sup>th</sup> Floor invariably turned up for the drinks, although David Rofe and Dennis Mahoney were usually in conference. Dennis Mahoney was providing income tax advice that cost the Commissioner of Taxation millions, necessitating his elevation to the Bench which speedily followed. Friendship and good humour were the hallmarks of the Chambers.

At the time, there were no women members. From the 13<sup>th</sup> Floor, it was rumoured that a formidable young barrister, Mary Gaudron, medallist in law, was destined for higher things. Years later, as a Justice of the High Court, and the first woman Justice, she engaged in her last year of judicial service Jenny Single, now Senior Counsel, who will offer the vote of thanks. Mary Gaudron told me this week that appointing Jenny was her one and only

act of nepotism. Be warned, the formidable Gaudron DNA runs through her veins.

At a late hour on Fridays, amidst the laughter of the drinks party, I would hear the distinctive sound of a deep motor car horn in Phillip Street. I would offer excuses and dash away to join my partner Johan. We would make for an Indonesian restaurant *Selamat Makan* in Darlinghurst. But no mention was otherwise made of Johan. He thinks he might have come to my 12<sup>th</sup> Floor chambers once only, during a quiet weekend. He was a love that dared not speak its name. It is a comment on those years (1969-1974) that he never met my colleagues in this place. Only today, 52 years later, we can join together to enjoy this event. The good old days were not always so good. That was how things were in those times.

When in December 1974, I was invited to accept appointment to the Australian Conciliation and Arbitration Commission,

Michael McHugh urged me to reject the temptation. He said it would be the end of civilisation as we knew it. But Greg Isaac had an eye for the main chance. 'This is a big job, Boss. You cannot turn it down.' Proving once again that barristers should always take the advice of their clerks, one thing led to another. So here we are tonight.

The pandemic means that many who would have been here cannot be with us physically. I hope that a later occasion will arise when all who have survived from the far-off days of the 1960s can join in celebrating the photographs and add further memories. For those who are no longer with us, their memories and war stories live on. For those who are still building their careers, a glorious future is theirs. May they enjoy, as I did, the good fortune of the 12<sup>th</sup> Floor Chambers – a cradle of Australian law and public life. **BN**



Hon Mark Speakman SC MP, the Hon Michael Kirby AC CMG and Dr James Renwick CSC

Photo by Sarah Renwick