

THE UNIVERSITY OF WOLLONGONG

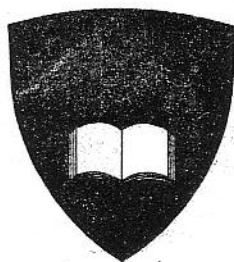
CITATION DELIVERED BY PROFESSOR RONALD CHARLES KING, BACHELOR OF COMMERCE, BACHELOR OF EDUCATION (MELBOURNE), DOCTOR OF PHILOSOPHY (MONASH), FELLOW OF THE AUSTRALIAN PSYCHOLOGICAL SOCIETY, PROFESSOR OF EDUCATION AND CHAIRMAN OF THE ACADEMIC SENATE OF THE UNIVERSITY OF WOLLONGONG, ON THE OCCASION OF THE ADMISSION OF RICHARD CLARENCE KIRBY, KT, BACHELOR OF LAWS (SYDNEY), TO THE DEGREE OF DOCTOR OF LETTERS, HONORIS CAUSA, 3RD MAY, 1984.

Chancellor, I present to you Richard Clarence Kirby.

In 1904, the year of Richard Kirby's birth, a formal system of industrial arbitration and conciliation was also being born in the fledgling Commonwealth of Australia. Eighty years later, a Sydney Morning Herald feature writer, Keith Martin, noted that Sir Richard Kirby, in company with Justice Henry Higgins who preceded him by half a century, and Sir John Moore who followed him, stood like a colossus in his period of domination of the Australian Conciliation and Arbitration Commission. Higgins pioneered the idea of a basic family living wage, Kirby the concept of matching wages with the cost of living, and Moore the indexation procedures that underpinned the recent prices and incomes accord.

Richard Kirby, following his early career as a barrister, became a New South Wales District Court judge in 1944, proceeding later through other jurisdictions and several Royal Commissions to become in 1956 the President of the Commonwealth Conciliation and Arbitration Commission and Chief Judge of the Commonwealth Court of Conciliation and Arbitration. He retired in 1973 because of serious ill-health.

The story of Richard Kirby is remarkable by any standards. Sought out and sponsored by Attorney General Evatt and Prime Minister Chifley to undertake a number of sensitive jobs after World War II, and thought of as a pro-Labor man who supported economic justice for the ordinary worker, he might have expected to be abandoned during a succession of Liberal Governments controlled by Menzies, Holt, Gorton and McMahon. In the event, the accolade of a knighthood brought about in 1961 by a Menzies government, confirmed that this was a man who commanded respect right across the political spectrum, and whose capacities as a mediator and arbitrator were probably unmatched in his day. The memory of these capacities and the controversies through which they were frequently publicised, remain etched in the memories of many Australians.



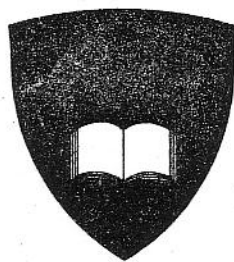
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What is perhaps not so well known is that the remarkable career of Richard Kirby stretched beyond Australia to the investigation and reporting of War Crimes for Lord Mountbatten after World War II and to the United Nations Security Council during the establishment of the Indonesian nation. In this latter role, Richard Kirby held unique status among both the revolutionary-inclined politicians and soldiers of the archipelago and the major nations that became involved in arguments over the former Dutch colonial possession. Although there was bloodshed during the processes that had been set in motion, Richard Kirby's influence as mediator and peacemaker was such that he could now reasonably claim, were he of a mind to do so, to be one of the fathers of the Indonesian nation. If one of his wishes had been met, that he and his United Nations Security Council Committee colleagues should serve as arbitrators whenever conciliation failed, it is likely that the political and military upheavals in the region would have been minimised.

The danger to Richard Kirby's life, mainly through the ever-present possibility of assassination, was not well recognised in Australia until the details were revealed in Blanche d'Alpuget's excellent biography of Sir Richard Kirby in 1977. That Richard Kirby proved himself a man of considerable personal courage during his representation of Australia on the international stage, should not go unremarked here. The signal honour of this episode in Richard Kirby's life lies, however, in the request duly met and fulfilled, that he should advocate the case on behalf of the Indonesians in the United Nations, a case that was central to its nationhood.

Back in Australia, among the sensitive post-war jobs allocated to him was that of Chairman of the Stevedoring Industries Commission, a position that he held for three years until 1949. Industrial relations on the waterfront were notoriously unsettled. Richard Kirby's ability to step through that minefield, bringing major reforms on the way, left him better informed about the place of mediation in industrial disputation, and the union movement and governments better informed about how important his own contribution would become.

In the Conciliation and Arbitration Commission and in the Court he was inevitably and almost constantly in the crucible of controversy; under scrutiny in the media and in the ordinary work-place, in the legal profession and in the governments of the day. His sphere of influence spread to every powerful economic and industrial figure of his era, with many of whom he found himself of necessity in violent argument, and with virtually all of whom he maintained a wonderful mutual respect and affection. It was to Blanche d'Alpuget that current Prime Minister, Bob Hawke, revealed one such relationship in reflecting on his own early career as industrial advocate for the Trade Union movement. In his view, "... it was Kirby's complete integrity that made the difference. Hawke and Kirby together changed the system. I love him for it. I love him as a man, and for his integrity".



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The integrity loved by Hawke was also a prime factor in Richard Kirby's oft-misunderstood endeavours to have Aborigines working in the cattle industry paid the same wages as other Australians. It was the prime factor in his support of all of those in pursuit of economic justice.

The University of Wollongong has been a continuing beneficiary of Sir Richard Kirby's return to robust good health. He was appointed to the Council of the University in August, 1978 as a Ministerial nominee and was re-appointed as a Council nominee from February, 1982 until his resignation earlier this year. Fortunately, that resignation has not resulted in a severing of the relationship; Sir Richard Kirby still advises the University on industrial matters and still serves, usually as Chairman, on various committees of appeal dealing with academic and general staff. Those of us who have served with him have watched a man of intellect, compassion and much else besides.

Dick Kirby, whether as advocate or judge, could never have gained satisfaction from being cast in the comfortable role of mere legal technician whose work and decisions reflected only the clever application of rules and precedents. This is a man whose career has demanded much more than a comprehension of the law. This is a man of law who, although he never became a politician, indeed did become a statesman.

Chancellor, on behalf of the University I present Sir Richard Kirby to you for admission to the degree of Doctor of Letters, Honoris Causa.