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MACQUARIE UNIVERSITY

MACQUARIE LAW SCHOOL

MONDAY, 11 MARCH 2024

OPENING OF THE MICHAEL KIRBY BUILDING AND OF THE JOHAN  
VAN VLOTEN THEATRE

The Hon. Michael Kirby AC CMG

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All honour and praise to the Indigenous people of our land and especially the traditional custodians of this campus. Honour and thanks to the Chancellor, Vice-Chancellor, and Council of the University and others who have made this day happen. Acknowledgement, at this bicentennial moment, to Chief Justice Andrew Bell, Justice Gaudron, Justice Gummow and other present and former colleagues in the judiciary and the practice of law.

Australia is still, as it was when I first encountered the discipline of law in 1958, a rule of law country: with strong institutions, changing governments, uncorrupted judges and fine law schools.

Today, however, there is something more, symbolised by this ceremony and what we have come together to secure. To launch a new law school

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\* Justice of the High Court of Australia (1996-2009); President of the NSW Court of Appeal (1994-1996); Chancellor of Macquarie University (1989-1993); Chancellor Emeritus of Macquarie University (2022-).

building; to affirm our commitment to law and justice; and to celebrate here a major achievement of the law and of legal education in Australia.

However, today there is more. We are moving into a new age. There are dangers it is true; but these are also new opportunities. And there is much hope and high expectations about the law and this law school.

When I set out at law school, there were scholars of high renown including the great Julius Stone. However, in Sydney, examinations alone were what was offered from 1850.<sup>1</sup> Teaching did not begin until 1890. Even in my day, the texts were generally English texts. Most of the teachers were busy barristers. Our building was truly horrible and depressing.

Virtually no facilities beyond lecture halls; few women; a world of compulsory courses; and a gloomy, depressing building in the city. There our focus was mostly on rote learning. Across the street, from our lectures (early in the morning and late at night) we could see the barristers working with furious intensity. They were the symbols of our future. It was a wonder more of did not give up.

A new law school building in the 1980s was not much better: with its brutalist concrete. The fresh law school at UNSW opened up new hope. And at Macquarie, after 1985, likewise. There were new ideas,<sup>2</sup> instances

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<sup>1</sup> Sir Thomas Bavin, *The Jubilee Book of the Law School of the University of Sydney 1890-1940*, Sydney, Halstead Press, 1940 esp Sir John Peden, "The Law School", *ibid* 5, at 9.

<sup>2</sup> Bruce Mansfield and Mark Hutchinson, *Liberality of Opportunity – A History of Macquarie University 1964-1989*, Hale & Iremonger, Sydney 296-297.

of anger it is true; but also a lovely campus. Gradually it became even more beautiful and uplifting. Leading judges and lawyers were trained here. The style of teaching was new and challenging.<sup>3</sup> But the buildings were uninspired.

Now this new building affords a completely new home for Macquarie Law School. I am most proud that the building bears my name. It can only be described as gorgeous. Architects, designers, engineers and builders have shown what can be done. Now it is over to lawyers to live up to the expectations presented by this grad environment.

Yet buildings, theatres and staircases are not alone enough. My generation of law students (myself included) rarely asked a single question of our lecturers. No questions, pre-Mabo,<sup>4</sup> on First Nations rights. No questions on women's equality, including in the law. No questions on White Australia or racial discrimination. No questions on physical or mental disabilities. No questions on LGBTIQ criminalisation, let alone marriage equality. We were far too passive and accepting. Where we failed, law students must now, in this space, become famous as experts in law, questioners and reformers.

This brings me to the Lecture Theatre, which is also now being opened, named after my partner and spouse, Johan van Vloten. The University's decision to do this was announced to us by the Vice-Chancellor, during a

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<sup>3</sup> Ros Croucher and Jennifer Sheddon, *Retro: 30 years of Macquarie Law 1975-2005*, Hale & Iremonger, 2005.

<sup>4</sup> *Mabo v Queensland [No. 2]* (1992) 175 CLR 1; *Wik Peoples v Queensland* (1996) 187 CLR 1.

site visit during construction. Johan was teaching me how to use a golden spade. We were surprised to say the least. But as it happens, no gesture could have been so moving to me, to my family, to our friends and to our colleagues.

Johan, my partner since 1969, has been a wise supporter and faithful companion throughout my career. Our experience together of minority status – and even occasional contempt and hatred – made us stronger and more determined to uphold, in life and work, the equality and dignity of all. I hope that the law faculty and students, strangers and visitors who enter this space, will pause and reflect on why this step was taken. And why it matters for them as it does for us.

To Macquarie Law School, its faculty and students, bon voyage. Celebrate the bicentenary of our institutions. Enjoy this spectacular building. Ask searching questions. And never give up.