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4 **Abstract**

5 In this article, delivered originally as an address to the Australian Academy of Forensic
6 Sciences on its fiftieth anniversary, the author â??” a past President â??” reflects on the past,
7 present and future of the Academy. In the review of the past, he recalls the personality of Dr
8 O.R. Schmalzbach who founded the Academy and initiated the successful mix of topics and
9 members in the first 25 years. He then reviews the changes that came about producing the
10 present Academy with more women members, scientists and less ceremony. Looking to the
11 future he concludes that there will be no going back to the old ways. However, he suggests
12 initiatives to broaden the definition of ?forensic sciences? beyond primary attention to bench
13 science. He also encourages the revival to some degree of the participation of the leaders of the
14 medical and legal professions and their engagement with the issues of science and society or
15 forensic sciences, broadly envisaged.

16

17 **Index terms—**

18 Forensic Sciences at 50: Past, Present and Future? 1

19 The Hon. Michael Kirby AC CMG 2

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21 its fiftieth anniversary, the author -a past President -reflects on the past, present and future of the Academy. In
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28 their engagement with the issues of science and society or forensic sciences, broadly envisaged.

29 **1 I.**

30 Vivat Academia Nostra f our Founder were here, he would regale the Academy in his beloved Latin: 3
31 Bene scio me a uobis, Academici, plurimis esse oneratum honoribus, quod uos me socium huius praestantissimae
32 Academiae elegeritis, quod uos me etiam, ut uerbis nostri Horati utar, socium honoris causa 'uita dum superest'
33 feceritis, quod uos me praesidem Academiae nominaueritis, quod uos meas scriptiunculas in lucem diei in actis
34 uestris saepe produxeritis, denique quod uos me iam rogaueritis ut orationem anno quinquagesimo ab Academia
35 condita.

36 'I am well aware, Academicians, that I have been weighed down by you with numerous honours, in that you
37 have elected me a member of this eminent Academy, that you have even -if I may borrow words from our poet
38 Horace made me an honorary member 'as long as life lasts', that you have appointed me president of the Academy,
39 that you have often brought forth into the light of day in your journal modest writings of mine, and that finally
40 you have now asked me to deliver an oration in the fiftieth year since the foundation of the Academy.'

41 In members of my age, memories of the Academy inevitably involve vivid recollections of Dr Oscar Rivers
42 Schmalzbach. He was the founder of the Academy. He left the stamp of his distinctive personality on its
43 objectives, its activities and its perception of itself. ?? Text for an address to the meeting of the Australian
44 Academy of Forensic Sciences at the, Union Universities and Schools Club, Sydney, 22 November 2017. ??
45 Honorary Life Member and Former President of the Academy. ?? I am indebted to Professor James Adams,
46 an Australian Latin scholar and now Fellow of All Souls College, Oxford University, for checking my schooldays
47 effort. And to Acting Justice Emmett for this contact.

48 As his influence was broad and deep, and overwhelmingly beneficial, it is appropriate to bring him back to our
49 minds in remarks that honour the first half century of the Academy's life.

50 Oscar Schmalzbach was born on 17 April 1912 in Lvov (previously Lemberg), in Poland. He was a member
51 of the Jewish community that suffered much discrimination in that country. Soon after his arrival in Sydney,
52 he was appointed a medical officer at the Callan Park Institution. At the time it was officially called a 'lunatic
53 asylum'. In the 1960s he became senior consultant in psychiatry for the Crown in prosecutions that raised the
54 mental state or capacity of accused persons. His evidence was called in numerous homicide and other cases. The
55 former Associate Justice of the Supreme Court of New South Wales, J.K. McLaughlin, remembers, as a judge's
56 associate, Dr Schmalzbach arriving at court to give evidence before a jury. He was dressed in the formal manner
57 of a Middle Europe expert: wearing a homburg hat, yellow kid gloves and a formal suit. However his down to
58 earth, practical approach to psychiatry well suited the Crown's sceptical scrutiny of insanity and other defences.
59 In 1971, he wrote a book *Profiles in Murder*, based on his trial experiences.

60 It was in 1967 that Oscar Schmalzbach founded the Academy of Forensic Sciences. He invited Mr Justice Russell
61 LeGay Brereton to be its first President. ?? Effectively, Schmalzbach gathered around himself a distinguished
62 company of judges, lawyers, medicos and a few scientists. They were known personally to him or by public
63 repute. They included the leaders of their respective professions. His objective was to establish a high level
64 interdisciplinary society that would address topics of mutual concern loosely involving the forensic sciences.
65 There had to be a scientific element. But it did not need to be bench science. He was elected to serve as the
66 inaugural Secretary-General of the Academy. He held that post three times and was twice elected President. He
67 was specially vigilant in upholding the high status of the members.

68 Because, at that time, senior judges were commonly knighted, they had the inner running in the quest for
69 membership. However, a few medical knights were also admitted (including Sir Douglas Miller and Sir Kenneth
70 Noad). Important scientific knights also joined up (including Sir Ernest Titterton and Sir Philip Baxter). He had
71 an eye for future incumbents of Vice-Regal office, inviting Sir John Kerr, Sir Zelman Cowen and Justice Gordon
72 Samuels into membership and office in the Academy. He spotted judges on the rise (including Sir Harry Gibbs
73 and myself). He was the "kingmaker". But he was also the "defrocker" of the Academy. He rusticated members
74 who fell from his grace, silently removing them from the list of Council members; although he sometimes later
75 restored them equally without explanation. ?? Looking back, it is a tribute to his willpower and personality that
76 he got away with such an autocratic rule over so many powerful personalities. In essence, they submitted to his
77 form of tyranny because they valued the Academy and knew that he was its chief moving force and inspiration.

78 When Mr Justice Brereton died in 1974,6 he was succeeded by my predecessor as President of the New South
79 Wales Court of Appeal, Sir Bernard Sugerman. It took a couple of years for the written constitution of the
80 Academy to be adopted; and then only because of the insistence of lawyers that the Academy should have a
81 permanent form outside the notions of the Secretary-General. When adopted, the Constitution delivered most
82 of the power of the Academy to the Council. And the Council was substantially an adjunct to the activities
83 and ideas of the Secretary-General. Four times each year, he organised 'scientific sessions'. In later years they
84 convened at the Sebel Town House in Potts Point. The arrangement for quarterly meetings has continued to the
85 present time. However, as I shall show, there has been a shift in the focus of the activities of the Academy. One of
86 the first papers, at the birth of the Academy reflecting the present focus on science was by Mr L.G. Clark, NSW
87 Government Analyst, on "the role of the forensic laboratory in crimes of violence". 7 Clark's paper identified
88 problem areas that were to take decades to address in Australia, and to which the Academy later contributed.

89 In keeping with the Oscarian view of the Academy, that lawyers -especially judges -should predominate in
90 power and dignity, the distribution of the Presidency since 1967 has seen nine legal presidents (mostly judges);
91 seven medical; and four scientific or other categories. Until Justice Annabelle Bennett of the Federal Court of
92 Australia was elected (2004-5) no woman served as President. By the time of her election Oscar Schmalzbach
93 had departed the Academy. Indeed, he had died in Sydney on 26 December 1996. Very few women were elected,
94 to the Academy when he was presiding. However, wives were welcome, and some were active participants, in
95 the scientific sessions and the dinners that followed. It is a tribute to the changing times and the leadership
96 of Professor James Robertson AM PSM, as President, that the present Secretary-General of the Academy is a
97 woman (Professor Shari Forbes), as is the Treasurer (Ms Alison Sears). The Founder would doubtless be shocked.

98 As he grew older, Oscar Schmalzbach's summonses to give forensic testimony in court for the Crown dried
99 up. The Academy effectively became the residual centre of his life. He held the office of Secretary-General for
100 more than 20 years in all. He also served as long-time editor of the Academy's Journal. He was President twice
101 (1976-78) and (1985-87). He even floated the idea, during his second term as President, that he should be elected
102 "honorary life president". This proved a bridge too far.

103 With great deference to Oscar Schmalzbach and his devotion to the Academy, I resisted this notion, believing
104 that it was imimical to a body that, despite its failings, was nonetheless a valuable intellectual society. Only
105 partly in jest, I pointed out the only life president of distinction in history was probably Simon Bolivar, liberator
106 of the Hispanic Americas from Spanish colonial rule. Distinctive as Oscar's service had been for the Academy,
107 it did not rise to that level. His idea was eventually dropped. Oscar knew when he did not have the numbers.
108 Instead, I was myself elevated to the Presidency. He accepted this substitution with good grace.

109 By the late 1980s, Oscar Schmalzbach was clearly failing. Honour was saved when he was designated the
110 "Founder", a factual not a constitutional office. To this day he is memorialised on the letterhead of the Academy.

111 There his name can still be seen. Generations will come who never knew Oscar Schmalzbach, the man. However,
112 within the Academy, whilst memories of him remain fresh amongst the older members, his astonishing personality
113 should be recorded and his central contribution should be honoured. As it happens, I believe that the Founder has
114 an important continuing message for the Academy of today. I shall return to that theme by way of remembering
115 the focus of the Academy during the years that Dr Schmalzbach exerted primary influence on its membership,
116 meetings and intellectual endeavours.

117 **2 II. First Quarter Century: Broad Focus**

118 What was the magic formula that Dr. Schmalzbach dispensed in the first quarter century of the life of this
119 Academy? How did so many extremely busy, senior and even powerful members find time to turn out regularly
120 in such large numbers for the Academy's scientific sessions? It was surely not the food at the Sebel Town
121 House, passable though it was. Nor was it the occasionally tedious and even misogynistic approach of the
122 Secretary-General to some issues presented for debate. ?? The presence of so many accomplished and senior
123 professional members was obviously secured by the intellectual fare that was regularly presented for consideration
124 and debate. There was also the common feeling that the Academy was useful, stimulating and valuable as a source
125 of crossdisciplinary information that moved beyond the strict professional boundaries of most of its members.
126 In a sense, the very seniority of many of the participants attracted junior professional members, from the same
127 profession. It was a privilege to rub shoulders with one's own professional leaders. It was also stimulating to
128 meet and gain the perspectives of the leaders of other disciplines, gathered in the Academy. Professional leaders
129 demonstrated their knowledge and skills. They were willing to be beckoned out of their specialised disciplines to
130 listen to the younger members and external and overseas experts, addressing topics of the day. Overwhelmingly,
131 they stayed and valued the Academy's sessions.

132 Oscar Schmalzbach had an eye for the important issues and controversies of his time. They had to be issues
133 of cross-disciplinary interest or the members would have drifted away and withdrawn.

134 When I reviewed the scientific sessions of the Academy, up to the commencement of my Presidency in 1987, I
135 did so by a review of the papers published in this Journal, derived from the earliest quarterly "scientific sessions".
136 9 In seeking to rediscover the "magic formula" of that time, it is useful to return briefly to that analysis. 1.
137 Sentencing: The sentencing of convicted offenders was a matter upon which most participants in the Academy
138 between the 1970s-1980s had an interest. Sometimes they had perspectives that were useful to share. On this
139 basis, sentencing law and practice was a principal subject of the scientific sessions in the first half of the life of the
140 Academy. Sir Leslie Herron (first Patron of the Academy and also Chief Justice of New South Wales) provided
141 an early paper on "The Science of Sentencing". ??0 Over 25 years, a range of topics dealing with crime and
142 punishment was examined. They included a paper by a frequent participant, David Biles, on "Penal Reform"
143 and another by Gordon Hawkins (one time prison governor in England and an inaugural commissioner of the
144 Australian Law Reform Commission) who addressed "Prisoners' Rights". This was a topic in an age when many
145 experts did not conceive that prisoners had many rights at all. Dame Roma Mitchell was one of the few women
146 in the early years, invited to address the Academy. She also chose the topic of sentencing. Sir Zelman Cowen
147 examined "Crime and Society". Professor Tony Vinson (who moved from academic life to Corrective Services)
148 addressed "The Social Drama of Corrections". In volume 13 of this Journal, I, myself offered a paper focussed on
149 a topic based on the then current work of the Australian Law Reform Commission (ALRC) on "New Trends in
150 Crime and Punishment". 11 2. Evidence: The next most popular topic of the Academy's scientific sessions, and
151 a recurring theme of the Academy in the 1970s and 1980s, was the Law of Evidence and how it affected the proof
152 of crime and forensic facts. A repeated topic under this heading was identification evidence. By the 1980s the
153 risks of identification evidence had become well known to the judiciary. Those risks were frequently mentioned
154 in the rulings and decisions of Australian courts. ??2 In the Academy, important papers were delivered on this
155 theme in the early days by Sir Bernard Sugerman and also by a fine federal judge, Sir Richard Eggleston. Mr
156 Justice Brereton, who had presided in the trial of the notorious Mrs Grills, convicted of murdering her victims
157 by the use of rat poison, presented a paper on that topic. G.D. Borrows spoke of hypnosis in evidence. Sir
158 Ronald Wilson, a Justice of the High Court of Australia, read a paper on "Lying and Confabulation". Dr C.B.
159 Degotardi examined the then state of evidence on the potential use of "truth drugs" in the search for safe and
160 convincing evidence. 3. Science and Technology: Another recurring theme was the general impact of science
161 and technology on criminal trials and on the evidence called in those trials. This issue was tackled by Sir John
162 Minogue, a Victorian judge who had become Chief Justice of Papua New Guinea, then an Australian colony and
163 mandated territory. Sargent A. Clarke wrote on "Crime Scene Analysis".

164 **3 Computer Analysis of Evidence:**

165 There were several papers in the early years on the identification of ballistic evidence and the analysis of voice
166 recordings measured against the best available scientific standards. The growing availability and capacity of
167 computer scrutiny of masses of factual testimony was beginning to be felt. The Academy was there at the outset.
168 There were many papers on this theme. This remains a challenge and a legitimate topic for an intellectual society
169 like the Academy. If senior cross-disciplinary professionals do not examine the direction of such laws (and also
170 the recent laws on terrorism) who will?

171 **4 Youth and**

172 7. Sex: The eternal subject of sex was examined in many papers. Professor Duncan Chapell (ALRC commissioner)
173 examined the topic of rape in marriage. Astonishingly, until the High Court abolished it, the common law crime
174 of rape had no application to the conduct of husbands in relation to their wives. ??3 Entering into marriage was
175 taken by the common law to exclude complaint about a husband's violence, however objectively excessive and
176 disrespectful.

177 J.S. Andrews tackled the sensitive subject of incest in a paper titled "Incest: Who Needs It?" Most lawyers and
178 other experts steer clear of this topic because of common visceral reactions. However, the Academy tackled it.
179 Likewise the topic of transsexualism. Justice Samuels, earlier the President at the Academy, read a sympathetic
180 and sensitive paper on "Transsexualism". ??4 It introduced the topic to members of the Academy, most of whom
181 had never met a transgender person. There is no record that a transgender participant was invited to attend
182 and speak to the topic. escape, Oscar Schmalzbach insisted on sessions that addressed some of the most serious
183 topics of the world. Thus the two nuclear knights, Sir Phillip Baxter and Sir Ernest Titterson, examined the
184 subject of nuclear dangers. I recall the occasion when Dr. Schmalzbach insisted on a session that was addressed
185 to psychiatric illness in world leaders and how nations, and the United Nations, could respond effectively where
186 a world leader appeared mentally unbalanced, yet in control of fearsome weapons of mass destruction. 15 I
187 remember, at the time, thinking that this was an absurd topic. Such concerns belonged solely to the internal
188 arrangements of each nation state. So indeed they still may. However, the advent and election of President
189 Donald Trump of the United States of America and of North Korea's Supreme Leader, Kim Jong-un, renders
190 this topic more relevant and urgent today than I originally conceded. A flood of Presidential tweets at 2am
191 Washington D.C. time, often in extreme language, suggests that the subject is more serious and urgent than I
192 once imagined. The two leaders appear to share features of narcissism; a tendency to violent language; a habit
193 of self-praise and walking around clapping their own performances. The existential dangers to humanity of the
194 weapons under their control make the subject of national and global checks on political leaders a reasonable
195 subject for rational debate. Oscar Schmalzbach saw this and brought the topic to the attention of the Academy's
196 distinguished members years before contemporary justifications.

197 **5 Psychiatry**198 **6 III.**

199 The Present 1993-2017: Into the Engine Room

200 Determined to suppress any Bolivarian tendencies on my own part, on demitting office as President in 1989, I
201 withdrew virtually completely, as in other offices I have held, from the activities of the Academy. Very occasionally
202 I would give a talk (as I did recently on my mandate from the UN Human Rights Council as chairman on the
203 UN Commission of Inquiry on North Korea). However, I was determined not to interfere. The current President,
204 Professor Robertson, has held the office of President twice (2010-15) and (2016-to date). This is an honour only
205 previously enjoyed by Dr. Schmalzbach. At least this is the case unless one considers that the Presidencies
206 of Mr David Bennett AC, QC (2000-2001) and of his wife Justice Annabelle Bennett AO, QC (2004-5), fall
207 within the 15 Cf. Bruce Guthrie, "Trump might be feigning insanity" New Daily October 14, 2017: available
208 http://thenewdaily.com.au/news/world/2017/10/14donald-trump-crazy/?utm_source=Responsys&utm_campaign=20171015. The article contains a report of a panel of psychiatrists warning that anyone as "unstable" as
209 Mr. Trump should not be entrusted with the life and death powers of the presidency". coverage of marriage as
210 being essentially the separated manifestations of the one personhood.

211 However, for some reason, which is something of a mystery, the number of judges and barristers who have
212 joined the Academy and attended its sessions of late has fallen away in the recent quarter century. Along with
213 the loyal toast to the Queen, and the portraits of H.M. the Queen and H.R.H. the Duke of Edinburgh, which
214 hung behind the main table of Academy dinners in the Sebel Town House, vice-regal occasions have virtually
215 disappeared. The wearing of decorations, so beloved of Dr Schmalzbach, 16 is no more. It is to rekindle memories
216 of those earlier charming customs that I have worn tonight the insignia of the Order of the Rising Sun, recently
217 presented to me by the Emperor of Japan for my work on North Korea.

218 Glamour, celebrity and professional leaders dressed to the nines in the 1970s and 1980s were a common feature
219 of professional life the 1970s and 1980s. They did seem to attract professional members throughout the first
220 half of the life of the Academy. Perhaps these symbols of power were a feature of public life generally in those
221 years. Perhaps it was part of the 'male' thing that predominated in the Academy at that time. However, it is
222 not only such external elements that have changed significantly in the Academy. The business of the Academy
223 appears almost totally to have changed. It is now very much focused on scientific and forensic activities in the
224 sense of police and prosecution evidence and expert opinions relevant to court cases. These played a part in the
225 early years; but only a part. And a small part at that. Take Issue No. 3 of the latest volume of the Journal
226 (Vol. 49). It contains papers on the analysis of human hair; 17 skeletal trauma; 18 forgery detection; 19 parallel
227 sequencing; 20 parentage analysis; 21 sexual determination from the study of mandibles; 22 and cloud storage
228 in forensics. ??3 The same subjects also predominate in Volume 49 Issue No. 4. Apart from the opening items
229 in that issue, containing obituaries (including one of Sir Peter Lawler OBE (b.1921, d. 2017)), written by the
230 President and myself concerning an habitual participant at Academy sessions in the old days, the scientific papers
231

232 effectively represent the business and interests predominately of those who gather, analyse and seek to present
233 scientific forensic evidence to establish, or cast doubt on, the criminality of an accused person. Substantially,
234 these articles in the ??6 He was appointed an Officer of the Order of the British Empire (OBE) 1979. ??7 (2007)
235 Academy's Journal address the matters of importance for Crown Prosecutors, police agencies, terrorism experts
236 and (occasionally) defence counsel.

237 The latest part of the Journal (Vol. 49 Part 4) contains papers on crano-facial gunshot wounds; 24 experts in
238 land and environment litigation; 25 fatal falls; 26 soil analysis; 27 age estimation by vertebrae; 28 age estimation
239 on juveniles; 29 fatal hyperthermia in rat livers; 30 lethal brush abrasions; 31 and plastic bag asphyxia. ??2
240 Each of these topics is likewise interesting, occasionally fascinating, and in its own sphere important. Thus, the
241 published paper on "brush abrasions" by Melissa Thompson examines minutely the evidence (photographs were
242 deleted) about a cyclist who was collected by a fast moving truck and dragged great distances along the road
243 causing his death. The evidence, analysed in the paper, helped to convict the truck driver of causing death
244 by dangerous driving. These are therefore not trivial subjects. Inferentially, they reflect the concerns of many,
245 perhaps most, of the present members of the Academy. My point is solely that they are very different subjects,
246 with a much narrower focus, than those that gathered the great and the good to the meetings of the Academy
247 two decades ago.

248 Occasionally today there is an Academy conference which addresses large issues affecting the judiciary and
249 legal process. ??3 However, the dominance of scientific and laboratory bench perspectives of forensic sciences
250 was certainly established at least by 2012. ??4 At that time, the Journal became the official publication of
251 the Australian and New Zealand Forensic Science Society (ANZFSS). In 2016 the Journal moved to six issues
252 annually, comprising 720 pages. This was so as to include publishable scientific papers which were felt to have a
253 market not currently served by other learned journals.

254 The Academy is now an almost entirely different organisation than it was in the first half of its institutional
255 life. It has a mainly police, prosecution and courtroom focus. It does not address large philosophical issues
256 about society, its laws and professions; still less its national governance, the safety of our world and the impact
257 of science, medicine and law upon the nation and the planet. The emphasis of the Academy has ??4 (2017)
258 shifted away from law and even medicine 35 towards highly specialised, intricate scientific and expert evidence
259 of interest mainly to full time official forensic personnel. There is little or no ceremonial. On the other hand, the
260 repeated calls of the Academy for the creation of a national centre for forensic studies have at last been heeded.
261 President James Robertson, is the director of that body at the University of Canberra. The Academy and its
262 journal obviously serve the needs of an expert community. Moreover, it is probably a community whose interests
263 were not, or not adequately, catered for in the past, certainly by this Academy.

264 IV. The Academy and the Future: ??018 The foregoing reflection on the past and the present of the Academy
265 of Forensic Sciences inevitably raises a question about the future of the Academy. If the "towering figures" of
266 the professions of law and medicine cease joining the Academy or coming to its scientific sessions, nothing can
267 be done to force them to do so. They will only participate if they see utility and/or pleasure and interest in
268 doing so. It is most unlikely that Chief Justices of the High Court and the most senior judges, silks and medical
269 practitioners would regularly come to events focused on highly precise and particular scientific subjects of the
270 kind recorded in the most recent parts of this journal. This is because they would not feel that they could add
271 much to the discussion of such topics. As the case of brush abrasions illustrates, the subjects may be important
272 and even potentially interesting. But the opportunity for dialogue and meaningful interchange to which diverse
273 professional leaders could contribute, is small. If this is so, most such people (and their spouses) will find a better
274 way to use their time.

275 In 2018 it is possible that rebuilding any substantial part of the life of the Academy to engage with the subjects
276 of yesteryear would now be impossible. Certainly, it would be exceedingly difficult. Just as it is difficult now
277 to get busy professionals to resume attendance at church, or in Rotary Clubs or participation in old fashioned
278 gentlemen's clubs (even when they have admitted women as members). Social life in every society continually
279 changes. Perhaps there is also more scepticism, less deference and smaller perceived utility in comingling with
280 professional leaders, than was the case up to the 1990s. Certainly, one hopes, there would be no return today to
281 the substantial male only domain. The fact that the Academy now includes many more women and younger and
282 diverse members is unquestionably an advance. It is one that I constantly urged upon Dr Schmalzbach and the
283 Academy in my time as President, but without success. This notwithstanding, the Academy should accept the
284 challenge of broadening the focus of its definition of "forensic sciences". In doing so, it could look at some of the
285 topics that were examined by the Academy in the first half of its corporate life. It should do this because of the
286 objective importance of those topics and the outstanding contributions that the Academy made in those days to
287 cross disciplinary enlightenment, dialogue, shared wisdom and fostering an appropriate "big picture" focus. This
288 depended on a very broad definition of what forensic sciences were about.

289 The broader view, originally adopted about the domain of "forensic sciences", opens up crossdisciplinary
290 dialogue about some of the most important issues of our time. It is a dialogue in which expert and non-expert
291 discussion is helpful to the traditional professions, to their members, and to society.

292 The topics which we examined in the Academy in the 1970s and 1980s, always with the assistance of highly
293 respected experts, broadened the lens of our focus. They included nuclear weapons; environmental challenges
294 and climate change; global poverty; the operations and limitations of the United Nations Organisation; 36 even

295 the extent to which world leaders should be subject to psychological checks and civic scrutiny addressed to their
 296 mental health, given the destructive weapons and missiles entrusted to many of them.

297 Self-evidently, such topics provoke energetic exchanges among non-experts. They make for interesting,
 298 stimulating and enjoyable intellectual and social occasions. If they were restored to the agenda of the Academy,
 299 even occasionally, they might attract once again the "wise heads" whom, as a young man, I met in the activities
 300 of the Academy. We cannot revive Oscar Schmalzbach or anyone like him. Today, that may be just as well.
 301 To a very large extent, his opinions and attitudes are out of harmony with the present age. Still his focus was
 302 never just the laboratory bench. It was the world, the nation, our society and its professions. In my opinion, the
 303 Academy needs to revisit its focus. Certainly more than it has done in recent years. The bench scientists (who
 304 should certainly retain a major say in the subjects of discussion) would probably enjoy occasional engagement
 305 with the subjects of "forensic sciences", assigning that discipline the broader ambit it formerly assumed. ??7 In
 306 1973, not long after the establishment of the Academy in Sydney, and before I became a judge or involved in the
 307 Academy's affairs, Sir Leon Radzinavicz, the noted British expert in forensic sciences, addressed the Academy
 308 and looked to its future. Asked where forensic science academies were headed, he predicted: 38 "There is never
 309 an end to invention. We are now witnessing a hippie fashion amongst our young criminologists? Each generation
 310 needs to discover something fresh. The pendulums swings backwards and forwards and progress depends on an
 311 uneasy balance. Perhaps this is the philosophy of middle age. To invent you have to be young. Perhaps the
 312 advice I can give to the elderly and impatient is to say "wait". ?To quote G.K. Chesterton, another enthusiastic
 313 Englishman: "For there is good news yet to hear and fine things to be seen, Before we go to Paradise by way of
 314 Kensal Green." ??7 The President James Robertson reflected several times on the changes that were happening
 315 in the Academy. J. Robertson, Editorial, "The Times They Are A-Changing' -Or Are They?" (2014) 46 AJFS
 316 1. ??8 (1974 ?? 6 AJFS 11. See also (1987) 20 AJFS 183 at 193. Kensal Green is a cemetary in London with a
 1 2 3

Figure 1:

Figure 2:

¹ The inaugural Presidential address was given by Mr Justice Brereton. R.LeG. Brereton, "Evidence in Medicine, Science and the Law" (1968) 1 AJFS 1.

² Commentary: 'Reflections on the Formation of the Australian Academy of Forensic Sciences on the Fortieth Anniversary of the Journal' by Maurice J. Sainsbury (2008) 40 Australian Journal of Forensic Sciences 97 at 98. Dr Schmalzbach himself wrote a history on the creation of the Academy; O.R. Schmalzbach, "A Short History of the Formation of the Australian Academy of Forensic Sciences" (1968) 1 AJFS 20-22.

³ Obituary (1972) 6 AJFS 288. An obituary of Mr Justice R.LeG. Brereton appears (1974) 48 ALJ 280.