

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS

Press Release 1036

MICHAEL KIRBY INAUGURAL SECULAR AUSTRALIA CONFERENCE, SYDNEY, 3 DECEMBER 2023.

Jane Caro:

Now, we're in for a real treat, because we are going to hear from Michael Kirby, who as all of you would know already, is a former Justice of the High Court, serving on that court from 1996 to 2009. He is also a dogged, determined, intelligent, reasonable, logical defender of Secular Australia. Please welcome Michael Kirby.

Michael Kirby

Thank you very much, Jan Caro. I'm very glad to be here in this congenial audience. And my job is to be the citizen who speaks at the opening of the session and expresses some information and some views. I came back yesterday, by a plane that leaves at midnight and gets in at about eleven o'clock from, Seoul in Korea, for the Human Rights Council of the United Nations.

I chaired a commission of inquiry on human rights in North Korea, and I spent this week. Dealing with human rights groups, meeting the President of the Republic of Korea, which is South Korea, and then hopping on the plane, coming straight back. And I came back, directly to an event which was very precious to me ... and is not irrelevant to this session here tonight. And that was a meeting of a reunion of the old persons from Fort Street Boys High School in 1950s, the class of 1951 to 1955, was meeting at a very nice restaurant. We are now about 20 ... in our day we were nearly a hundred.

I am the proud recipient of public education. Free, secular, compulsory. These were the principles upon which public education was established in Australia. They are principles that have, to some degree, come under attack and criticism. And, my proposition is that citizens, all citizens, but particularly those who have had the blessing of public education should stand up for the principles of the old Public Education Act, the Public Instruction Act.

Sir Henry Parks introduced it and it became a foundation of one of the greatest experiments. In the history of Australia, the first country in the world, which was a continent and which was establishing throughout the country, schools, which were free, secular, and compulsory. And that is a magnificent achievement, and I'm very proud of being part of it.

During the next week, next week, I will be going back to my old school. I go out as often as I'm invited. I speak to the students as often as I can ... and I'll certainly put in a word for secularism

and for their obligation to defend it. But somehow, I don't think that's going to be really necessary at Fort Street.

When I was there the school comprised about 500 boys before it was amalgamated as a,co-educational school in the 1960s, under the direction of Harold Wyndham, who was the Director General of Education and was himself an alumnus of Fort Street High. And this year I will be interviewing for a program of recordings of so called famous Forteans, about the school, the school in their time, and the school today.

This year, in fact next Thursday, I will be interviewing **Murat Dizdar** who is now the Secretary of Education in New South Wales, and is himself a proud recipient of public education, and in fact an alumnus of Fort Street High School. So, we've sort of come full circle, and I'm going to speak with him about the issues of this conference, and the issues of secularism and public education how we can defend the principle and ensure that its blessings are there for everyone.

I said that I didn't think this is going to be a hot topic at Fort Steet, because when I go back and speak to the students, I immediately see enormous differences from the time when I was at the school. The school now comprises approximately half, maybe more than half, who are non-Caucasian.

That is very different from the school I attended in the midst of white Australia back in 1951 to 55. At that time, there were only, I would estimate, about eight, Asian Australians in the school and now it's more than half. But when they rise in their places to ask a question of the old gent who's there speaking to them, they speak with the broadest Aussie accents.

It is, to me, a strangely moving fact that this change has come about. I occasionally go to private and religious schools at their invitation. I do so a little bit reluctantly but after all is said and done these are also Australians and their teachers are always fine people who are trying to impart information to their students.

But I have found, and this may not be generally so, but I have found when I go to private and religious schools, they look much more similar to the school I attended. They tend to be more white. They tend not to have the blessing of the multicultural phenomenon that has overtaken the rest of Australia and that is therefore a very important starting place for anybody who wishes to serve in public life. Because if you were at some of the private and religious schools I've gone to they are going perhaps to reflect the type of values that I received when I was at school. Inevitably, yesterday at our luncheon, a conversation turned to the old school and we went through, in our conversations the things that were wonderful about the school.

The public education teachers, their dedication to us, their commitment. Their professionalism, their punctuality, their good manners, and the traditions of the school that they sought to inculcate in us. It is a school which was founded in 1849, and it is the longest continuously operating public school in the country.

It's not the oldest school in the country. That belongs to the King's School in Sydney. It was 1830. And then there was the Hutchins School, founded, I think, by a pacifist religion, and that is in Hobart. But, along comes Fort Street in 1849 and it had the strong traditions of the Education, Public Education Act, and they were the traditions in which I was raised.

Before that I'd gone to the Strathfield North Public School on Concord Road, and that was where I saw Eleanor Roosevelt pass by on her way to the Concord repatriation. General Hospital, as it became, to open it. She came along and we were told that we had to go out and sit on the footpath and wait for this great lady to come past, representing the President of the United States to open the hospital.

And I swear that my eyes locked on Eleanor as she went past. And in fact, we're going to hear, I hope, a lot about Eleanor Roosevelt in the next week, because the 10th of December 1948 was the day of the establishment of the Universal Declaration of Human Rights, and Eleanor was the chair of the committee, that prepared that document, and this is the 75th anniversary year.

So, it's a very important, event, and I hope anyone who is here and is a teacher will tell their students about the importance of the Universal Declaration and how it is the alternative to a world of war, bombs, and destruction. Well, my colleagues and I talked of the other good things of the school.

The sporting program, the cadets, the fact that you didn't have to be a member of the cadet, but you could be a member of the cadets. The fact that you didn't have to be a member of the choir, but you could be a member of the choir. The fact that you didn't have to take part in play day. And you could leave that to show offs like Kirby to take part, and you could just opt out of all of that rubbish.

That is still a feature of that school and I'm sure, the overwhelming majority of public schools, but then our conversation turned to the features that we thought our school had let us down on one of them. was that there was no mention at all, none, of Indigenous Australians, of First Nations people.

We never heard anything about it. We never heard about the injustice of colonial Australia, and the seizure of land, and the denial of land rights, which also meant that we didn't have a way of ensuring the economic strength of the First Nations people. Something which I ask you to note was first introduced in land rights by the High Court of Australia in 1992, not by elected politicians.

Something you should always bear in mind when you hear politicians saying we can't allow unelected judges to do things. Sometimes you need people who are marching to a different drum to do what is right. That was what we did in the High Court in the Mabo case in 1992. But [in school] nothing about indigenous people, nothing about White Australia.

We were never challenged on White Australia. We were never challenged to ask, is this a correct principle? And we were never given the opportunity to express views or ask questions. We didn't ask questions. I didn't ask questions. That was just a feature of those times. We had a religion class, which was scripture, as it was called.

And that was one period a week on a Thursday and I attended the Anglican class, which was the biggest and the best, so we said. It was about, I would say, 30 percent of the school. And Anglicans at that time were about, I suppose, 30 percent of the population, or thereabouts. The teacher of scripture for the latter years was a very fine churchman, Dr. Stuart Barton Babbage. He became the Dean of Sydney in St. Andrew's Cathedral and he later presented me for confirmation to Bishop Hilliard at St. Andrew's Cathedral. So, I was having a very ordinary life for a child of those times. I was brought up in the traditions of the Anglican Church. I still love the canticles of the Anglican Church.

I still love the beauty of the music and the liturgy. And I especially love that passage on the first page of the Book of Common Prayer that says that the Church is founded on a dual principle. That it will not be so rigid that nothing ever changes, but it will not change everything, and will keep some things as some core principles of the Church.

It's there, and of course it reflects the history of England, the history of the division of England, the division between the Catholics and the Protestants, and that is what ultimately gave birth to the secularist movement in England. They didn't want to go on killing each other. Not an unreasonable conclusion to come to, but it still happens in many parts of the world.

Think Afghanistan today, what's happening there. Think of other countries in the world where people of a different religious persuasion are so intolerant. There's a rational basis for that. If you truly believe that God is saying things to you, then you feel an obligation to try to prevent other people falling into the error of not embracing the instruction of God.

And so that was not the lesson that Dean Barton Babbage gave. I later found Dean Barton Babbage although a straight man, very gay friendly. And he would have my partner, Johan, and me to dinner along with a lot of other LGBT members of the clergy. There was so many of them in the African clergy.

And, obviously had put that in a compartment of his mind that he was not going along with the established order, but he was the Dean of Sydney, and he became the Dean of Melbourne. He never became a bishop. I wonder if that was because he had a slightly heterodox view.

Interestingly, when I told that to a UN conference, two weeks ago, ESCAP, the Economic and Social Council of Asia and the Pacific, no one was mentioning LGBT rights. No one. And when I mentioned that, there was a round of applause. When I mentioned 54 years, it's just pretty hard to challenge that as a human phenomenon.

But my partner, Jan, grew up in Germany. He's the same age as I am. And he was there during the German occupation. He went to a school, Sonderbibel. That's without Bible. His mother sent him to Sonderbibel. Others, in the educational system of the Netherlands, went to school, met people, and so he was a constant burr under my saddle.

He would say to me, Michael, you are one of the most intelligent people in this country. How can you take any of that stuff seriously? And, so, I would say, the canticles, the canticles. But he would have none of it. And every time the census came along, he would say, this year is the time. You have to put no religion in there.

And I would say, I was brought up by parents, the memories, the loving feelings of kindness and goodness that I received in that religious instruction, but he would always put no religion. And if you look at the figures, this is really the bedrock of this conference today. The figures. In 1901, the return of the census said that less than half of one per cent had no religion.

That's less than half of 1%.

In 1986, it was 12%, 1996, 16%, 2006, 18.7%, 2011, 22.3%, 2016, 30% and galloping ahead 2020 48 percent of Australians acknowledged that they had no religion. So, it's amazing to some extent that last figure was produced by the investment of some of the organizations that are involved in this meeting today, investing so that people knew that it was okay to put no religion.

If that was their position in the last census it was nearly 40 percent said so. And this is the bedrock on which must be founded evidence-based policies of governments. And it's the antidote to the notion that this country is made up of religious believers who are intolerant, who are committed to, um, exclusion and rejection of religion.

This is the change that has come across Australia. And we have to somehow remind our political leaders and administrators that this is the phenomenon on which they must base sound policies, to deal with. Issues that may touch upon religious instruction, religious beliefs, and the word of God as interpreted by human beings in our country.

So, I still have not turned my back entirely on my religion. In part, this is because it irritates enormously the religious people to know that there is somebody involved in the secular movement for secularism in the public space that is not excluded, is not without connection with the religious community.

And so, I said to the Rationalist Society when they asked me to become a patron, I said, 'There's a little thing I've got to tell you.' And Meredith, said, 'Oh well, we've never had anybody say that to us before, uh, but we'll think about it.' And so they thought about it and they said, Sure, George

Holyoake, the great founder of the modern rationalist movement in England in the 1850s, was himself someone who had not turned his back on religion, because it would have been unthinkable at that time, but he urged that secularism was a political principle, a moral principle. And one which can be embraced by people of religion and people of shaky religion and people of no religion.

And I would encourage everyone here to keep in mind that there are plenty of religious people. So that the figure, which last census was 38.96%, that's misleading to some extent. That there will be many more than that figure ... in support of secularism, many religious people support secularism. Many religious people may not make a fuss about it, but there's another point where that figure is not really reflective of Australia.

That figure, 38.96%, nearly 40 percent of our population, is biased to younger people. Because they are the most people in the census, and the growing cohort of no religion is definitely amongst younger people, and therefore the figure is actually a deeper problem for those who want to impose their religion on everyone.

Now when I was going down to the University of Wollongong during the marriage equality campaign, I was pretty shocked as the car was taking me down on the highway and I saw that on every hill there was a church and where there was a church there was a public sign and the public sign was urging a vote 'NO', in the marriage equality postal survey.

And I confess that this hurt me, because of sort of believing that Christianity is about kindness, reconciliation, outreach, goodness, good works, like St. Vincent's Hospital, and those sorts of things, it hurt me that all these churches, including most Catholic churches, but also some Anglican churches, were saying 'you should vote no or it's okay to vote no' and this is something that persists within the religions and we see it in schools.

We saw recently the endeavour by the Sydney Anglicans who are the most hardline on these things, who tried to get a signed affirmation of Anglican colleges and schools, that they did not believe in

same sex marriage, and that they were not of that persuasion, and they would not have teachers of that persuasion in the school.

Now, ultimately, there was such an outcry, and particularly by the donors to those schools, who are most munificent, that they backed off that. And we must make sure that, those who have the responsibility of educational control do not inflict upon the minds [students] views that are so ignorant and unjust.

So, I am here as a citizen, as a former judge, as somebody who is still a little bit religious, who still loves the canticles, who loves the great cantatas of J. S. Bach, which I can still sing along in that wonderful German Sprachgefühl that was given to me by Ronald Horan at Fort Street High School in my time.

But, our country is changing, and this conference is held at a time of change, and it will be for you to identify the indications of change and to insist that our political leaders take note of the change and reflect the country as it is, not as it was in the 1950s.

LISTEN TO THE DOGS PROGRAM
855 ON THE AM DIAL: 12.00 NOON SATURDAYS
<http://www.3cr.org.au/dogs>