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FORT STREET HIGH SCHOOL

TAVERNER'S HILL, PETERSHAM,  
SYDNEY

SCHOOL ASSEMBLY

10 AUGUST 2012

CONTINUITY AND CHANGE

The Hon. Michael Kirby AC CMG

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THE HON MICHAEL KIRBY AC CMG\*



Michael Kirby, Ros Moxham (Principal) and Fortians past and present

***CONTINUITY***

It is a privilege to return to my old school and to address its present members. The familiar sights bring back memories and feelings of nostalgia, mixed with gratitude.

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\* Justice of the High Court of Australia (1996-2009); President of the International Commission of Jurists (1995-8); Fort Street BHS (1951-5). Text on which was based on address to the School Assembly on 10 August 2012.

In these remarks I will share some thoughts about continuity and change: two perceptions that contend in my mind as I return to this place.

Naturally there are obvious signs of continuity: the persistence of links to the amazing years of youth:

1. *Friendships*: First and foremost, there are the friendships that are always being forged at this school. Coming with me today, and supporting me in these remarks, are friends I made at school in the precious years 1951 to 1955. They have been given a place of honour today in the School Memorial Hall. Once, with me, they were sitting in the body of the Hall, uncertain as to what their lives would hold in store. After school, we have gone our differing ways. But we have kept in touch. And each of us is proud to be a life-long Fortian. I ask my colleagues of the year of 1955 to stand to receive the greetings from the School today. [*Applause*].

In years to come, you too will find how friendships made in the intense years of your education here remain all your lives. We meet regularly. And when we do, we talk of the School, of our teachers and our friends and what has become of them. One day you too will return, and 50 years will have disappeared. Enjoy your days in this place.

2. *Institutions*: This School is one of the great institutions of Australia: The oldest continuous public school of the nation, stretching back to the Model School in Sydney in 1849. In a world

of disorder and instability, having and defending stable institutions is an important way of retaining the good from the past and discarding the not so good.

The Fortians who began at the school in 1951 were assembled in the quadrangle, just outside this Hall, a year later, on 7 February 1952. The master in charge of the assembly was Mr Charles Westlake, head of the department of foreign languages. He taught French, then a compulsory course. He informed the school assembly of the death in London that morning of King George VI, the reluctant and unexpected King. On his death, Queen Elizabeth II had just been proclaimed. It is a remarkable instance of continuity that this year marks her Diamond Jubilee. None of us in the assembly that morning would have thought about 60 years hence. Still less of an Olympic Games in London, with the Queen appearing to arrive by parachute from a helicopter. Talk about institutional continuity and change. And then there was Mr Bean!

Australia's constitutional foundations remain essentially the same as they were in 1951. Elected parliaments. Independent judges and courts. Uncorrupted public officials. Strong professions and educational institutions. In the intervening years, I served in the independent courts. It will be your duty to uphold and continuously to strengthen our national institutions, whilst reforming them when they need to change.

3. *Excellence in Education:* Back in the 1950s, this School was one of the finest in the State. We of the year of '55 are proud of our achievements in the school leaving examination of that year. In

all, 104 students gained the Leaving Certificate; 50 won Commonwealth scholarships. Two were placed first in the State in a subject (modesty restrains me from identifying them). Eight were included in the top 100 passes in the State<sup>1</sup>. We think of our year as one of stellar achievements. Yet, in the following year (1956), Ken Travers of Fort Street came top of the State<sup>2</sup>. And this achievement was to be repeated two years later in 1958 by Roger Cook<sup>3</sup>. Excellence in education has always been a prized feature of Fort Street High School. Still is.

Last year the School continued this tradition, with the best results overall since 2002. We can celebrate the best Band 6 performances in a decade (439) and the first time the Band 6 results exceeded the Band 5 results (423). Based on this performance the School was placed 8<sup>th</sup> in the State. Its students were placed in the top 10 in the State in six subjects. Amongst candidates in geography, history extension and music extension 100% were in Band 6. In most subjects, the total of Band 5 and 6 results constituted between 95-100% of candidates for that subject. Twenty nine students received the Premier's Award for all round achievement.

No pressure, of course. But we now look to this year's students in Year 12 to attain equal or better achievements. And notice this. Far the majority of schools in the top ten in the State of New South Wales, based on academic achievement, are public schools:

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<sup>1</sup> *The Fortian* (1956), 8-9.

<sup>2</sup> *The Fortian* (1957), 8.

<sup>3</sup> *The Fortian* (1959), 31.

Demonstrating the excellent attainments reached by such schools, selective and comprehensive.

4. *Traditions and Alumni:* Of course, the School, in this respect, is merely maintaining one of its traditions. Other traditions include honouring the *alumni* who passed through Fort Street's gates. When I served on *The Fortian* committee in 1954, I wrote to four *alumni*, asking them to contribute a short article for to the current students. I received articles from Sir Percy Spender (former Minister for External Affairs, then Ambassador to the United States and shortly to be President of the World Court). Also from H.T. Armitage, Governor of the Commonwealth Bank, whose signature was then on all our bank notes. Also the Reverend [later Sir] Alan Walker<sup>4</sup>, head of the Methodist Church. Sir Douglas Mawson, Fortian, the great Antarctic explorer, whose triumph in that lost continent occurred exactly a century ago, also wrote to me from Adelaide with a message for the School. We celebrate the deeds of our *alumni* not out of false pride. But to remind ourselves that progress in humanity is achieved by those who struggle to push forward its frontiers of knowledge and awareness.

5. *Music, Drama and Sport:* The magnificent performance of the School orchestra in this assembly is another instance of continuity. In my day, the music master was David Tunley, later Professor of Music at the University of Western Australia, later still honoured in the Order of Australia. He built a great choral tradition which has now been extended by his successors<sup>5</sup>. Indeed the orchestra and

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<sup>4</sup> *The Fortian* (1954), 12-13.

<sup>5</sup> *The Fortian* (1955) 17.

the variety of instruments and music actually show growth in this area, beyond what we could have imagined. Drama has been a feature of Fort Street School for a century, since it was founded here by Dr George Mackaness in 1912<sup>6</sup>. Likewise debating, to which must now be added mooting.

Cadets have passed into history. Fashions and skills in sport have changed over the decades. But the continuity in these activities lies in the fact that they are not based on an authoritarian model. Indeed, Fort Street has always been slightly zany. It has always celebrated the human right (within limits) to be naughty and to challenge the expected. Rightly, it realises that personal development must ultimately be self motivating. And that most of the greatest ideas in human existence have come from serendipity rather than purely linear extension of past thinking. To experiment is to find oneself.

6. *Public Education:* This School is a flagship of public education in our country. Those who say that public education is without values do not know what they are talking about. They are denigrators: out of sympathy with the true values of public education. From its foundation, as a great movement in the 1880s to extend education to every child across this continent, Australia's public schools were based on the principles: 'free, compulsory, secular'. Those principles still stand true day. To them may be added a strong spirit of egalitarianism; of democracy and civic engagement; and the pursuit of excellence within the capacity of every child. Although this School is a selective school, its students know that

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<sup>6</sup> L.E. Gent (ed.) *The Fort Street Centenary Book* (1949), 41.

they are no better than the students in other public schools. I do urge you, throughout your lives, to be strong champions for public education. Champions for proper funding of public schools, which are the only ones open to all people, without regard to parental wealth, religious beliefs, race or social attitudes. This month another great school of the public system, North Sydney Boys' High School, celebrates its centenary. In my day, that school always gave Fort Street a run for its money. Doubtless it still does. I call on the Fortians of today to join with me in a cheer for the centenary of North Sydney BHS and fraternal greetings to the Falconians at this special time. [*Cheers*].

7. *Secular Education:* Secularism is one of the great constitutional gifts of the British to Australia. They installed this brilliant concept in our public life. Religion and spiritual beliefs are matters for the private zone. They are all too often divisive, even destructive, in public life. We must arrest the moves in Australia bent on undoing this brilliant formula for the success of our Commonwealth as a multi-cultural society. We defend the religions of all and also the beliefs of those who do not adhere to religion. Secular ethics should become an equal option for all students who opt for it. At this School today the Special Education (Scripture) classes are now tiny. Instead of sending home on Wednesdays those who do not opt for Scripture, all students who do not attend Scripture should participate in a properly taught curriculum that explores the great philosophical and religious traditions of our world. This is the way to prepare students in secular schools for the multitude of ethical decisions that they will be expected to make in life as citizens and leaders. These classes should be taught by

professional teachers, with proper qualifications, according to a balanced curriculum, broad enough to encourage awareness and respect for diverse viewpoints.



## *CHANGE*

These, then, are some continuities that we witness at our school when we return here 60 years on. But what about the evidence of change?

1. *Co-educational:* The first and most obvious manifestation of change is the presence in the school of girls and young women. In our day, the girls' and boys' schools were separated. That division was ended in the 1960s with re-amalgamation and the return of co-education to Fort Street.

This week I had breakfast with a visiting English judge. Present was a very distinguished Fortian who was lamenting co-education. But I could not agree. Separate education is a kind of educational apartheid. Men and women are not separated in our homes or in civil society. When I was a judge I always recruited my two clerks on co-educational lines: One young man and one young woman. It was good for them – and for me – to work together and learn respect for each other. Increasingly, in the law and other professions, women are coming to play an equal and a leading role. This is certainly a change in the School. It is one that I warmly welcome.

2. *Multi-cultural:* In our day, Fort Street High, and schools generally, were overwhelmingly reflections of Australia's then Anglo-Celtic society. We were 'white' and most of us derived from the British Isles, as witness the names of the pupils and the faces that stare at us from the school magazine of those days. In my last year at the School in 1955, only 5 students were of Asian ethnicity. In the whole school there would not have been more than 20. When John Yu was a prefect at Fort Street in 1952, there was only one other non-Anglo in his year. Little did we know then that John Yu would go on to be a distinguished professor of paediatrics, Chancellor of the University of New South Wales and Australian of the Year. Things were hard for him and others like him in those days. But things have changed. The visible evidence of the change is present in this assembly. The change is good for the school and for our country, positioned as it is on the edge of Asia and the Pacific - the most exciting region of change in our world.

Australians must seize the opportunities that our geography unexpectedly offers to us. This is another strength of public education. It does not seek to replicate a time capsule of our parents' and grandparents' days. It holds a mirror up to our changing and diverse community. A multi-cultural society like Australia's can be an example to the whole world that we have outgrown the infantile phobias of racism.

3. *Buildings*: In our day, nothing much had changed on the school campus since the new building of Taverner's Hill was opened in August 1916<sup>7</sup>. Soon the centenary of that event will be upon us. Another reason for a party! Now new buildings have been established and the grounds have been enlarged. The facilities may not rival the expensive buildings in many private schools, built in recent years with federal funds. However, they were always modest. And we always knew that the secret of our success lay not in bricks and mortar or swimming pools or manicured lawns,<sup>8</sup> but in the human beings that passed through this place: teachers, administrators, parents and citizens and above all, students.

4. *Ceremonies and Events*: The ceremonies and events of the school have changed and adapted to the different moods of the age. Empire Day, which was celebrated every 24 May, is no more<sup>9</sup>. The Play Day Festival has transmogrified. Although the Parents' and Citizens' Association continues, there is now a School Council. Cadet camps have been discontinued<sup>10</sup>. The

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<sup>7</sup> *The Fort Street Centenary Book* (above), 43.

<sup>8</sup> Michael Kirby, *A Private Life*, (Allen & Unwin, Sydney 2011), 95.

<sup>9</sup> *The Fortian* (1954), 27; see *The Fortian* (1955), 24.

<sup>10</sup> *The Fortian* (1955), 42.

Houses into which the school was divided, are no longer named after famous male principals. Football and cricket are now supplemented by many other sports. The freedom to choose is respected.

A favourite story of mine is of d'Arcy, a Year 12 student in 2011. He presented the Principal (Ms Ros Moxham) with a list of 10 reasons why he should be allowed to attend the school in a skirt rather than pants. If girls could come in pant suits, boys should be permitted to come in skirts. Remembering the great tradition of the Scots, the Principal consented, so long as the dress was neat and conformed to the requisite length. D'Arcy, who was not transgender, was making a point. Before long, his fellow Fortians did not even notice a point of difference. All they saw was their friend d'Arcy. Somehow, I feel sure that this would not have been permitted in most religious and private schools. They might have seen these actions as an affront to the principal's authority, if not to God's will. But d'Arcy made his point. People like d'Arcy can help to change the world.

5. *Changing Values and Beliefs:* Last month I visited Nigeria at the invitation of the Justices of the Supreme Court of that country. I had first been there in 1963, in a student delegation. This was a nostalgic return. When I went there in my youth, I was challenged by the students in the newly independent Nigeria. How many Aborigines had graduated from Australia's universities? How many had gone on to become lawyers and judges? The answer was none. Why did Australia, like South Africa, have a 'white only immigrants' policy? I answered these questions as best I could.

But when I returned home, I became engaged in student activities designed to advance Aboriginal education and rights; to overturn 'white Australia'; and to make Australia a new and better country<sup>11</sup>. In the intervening decades, we have made progress. But our attitude to refugees on boats still appears to bear evidence of an undercurrent of racism. This school is evidence of the improvement in Australia. You must take its message beyond the school gates.

One subject that was *never* talked of 50 years ago, at school or later in Nigeria, was a subject of great importance to me: sexuality. Because of my own sexuality, as a gay man, this was a topic closest to my heart. In Nigeria today there is prejudice and hostility, amounting to homophobia and transphobia. When I returned last month, I sought to repay the gift that the Nigerian students had presented to me, and to Australia, 50 years ago in helping to open our eyes to racism. Out of a sense of shared obligations, I sought to open their eyes to hostility towards gays.

I hope that at Fort Street High there will never be bullying and homophobia. This is a school for all: without discrimination on the grounds of sexuality, race, gender, religion, disability or any other irrelevant ground. It is so uncool to be homophobic. Be alert to these issues and become leaders in the Australian community on non-discrimination. All human beings enlarge their own spirit by knowing and honouring people who are just a little different from themselves. It is through 'the other' that we truly came to know ourselves. I charge this generation of Fortians to remember these

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<sup>11</sup> A.J. Brown, *Michael Kirby: Paradoxes/Principles* (Federation, Sydney, 2011) 59-60.

words. And to live them out in their lives as citizens and human beings.

6. *Cutting Edge*: There are issues today about which we do not yet have insight. Fortians, with their gifts and privileges, must be leaders on this score too.

A famous young *alumni* of the school is Simon Sheikh<sup>12</sup>. He has been one of the leading lights of *GetUp!* This is a new idea for mobilising citizens and engaging them in political debate and activism. *GetUp!* gives all the political parties a hard time on some issues. It has collected 600,000 supporters, through a brilliant use of electronic and social media. Before the last federal election, it took proceedings to the courts to overturn the early closing of the electoral roll that would have excluded many first voters from casting their ballots<sup>13</sup>. It has been engaged in lobbying on cutting edge issues such as marriage equality, climate change and internet censorship. When Simon Sheikh sat in this Hall a decade back, and I spoke to him about my issues, my words resonated because of issues of racism and mental disability with which his family was familiar. Most of us have subjects that we feel diffident to talk about. Mental illness, bullying, sexuality, inequality and depression are major issues in education and in life. And there are other new issues that your generation must search out and learn about. Animal welfare, for starters.

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<sup>12</sup> Daryl Dellora, *Michael Kirby, Law, Love & Life* (Penguin Books 2012, Sydney), 354-6.

<sup>13</sup> *Rowe v Electoral Commissioner* (2010), 243 *Commonwealth Law Reports* 1.

7. *Public Education:* This brings me back to the final change I would like to see, for it is not with us yet. I refer to proper funding for education in Australia. The recent Gonski report has emphasised the critical importance of securing a large injection of new funding, especially for public education. Australia is falling seriously behind funding the education of all of its citizens<sup>14</sup>. Although Fort Street High is a special school, it is a public school. It is part of the public education which was one of the great continental achievements of the Australian people 130 years ago. Fortians, their families, *alumni*, citizens and friends should support urgent and substantial reforms to education funding, particularly of public education. It has drifted in the wrong direction for too long. This is a change we must bring about as a nation. Not just for Fort Street. But for all public schools and for our country.

From the Fortians of the past to those of the present, we extend good wishes. On the honour board of this School, remembering those who gave their lives for our country, is the Latin inscription that I read and puzzled over in my school days: *Pro tanto quid retribuamus?* For so much, what can we repay? The answer to the puzzle is this: We can seek to attain a harmony between the *continuity* of the past and *change* that is necessary for the future. Not self satisfaction. Nostalgia, like patriotism, is not enough. Change is the constant force and dynamic of progress. Fortians must embrace and lead it.

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<sup>14</sup> C. Lawrence, "Mind the Gap – Why the Rising Inequality of our Schools is Dangerous" *The Monthly*, (July 2012), 32.