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OP-ED SYDNEY MORNING HERALD

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Michael Kirby*

What would Sydney University's long-time, and formidable, Registrar (1955-1967), Miss Margaret Telfer, make of an occasion celebrating 'gay' and 'queer' students arriving in droves at the University of Sydney? Of the Chancellor and Vice-Chancellor actually welcoming them in the hallowed precincts of the Great Hall? And of that strange rainbow flag floating above the clock tower in the quadrangle? "Has the world been turned on its head, Sir Stephen?", she would no doubt ask Sir Stephen Roberts the University's grumpy Vice-Chancellor.

Well, actually Miss Telfer, the world has been turned on its head. The Chancellor is now a woman. Indeed, the third woman in that high office. And the Vice-Chancellor, welcoming all these 'queer' students and their friends is a priest in his spare time. And from the Sydney Diocese of austere Anglicanism at that.

Is nothing sacred? Well, in truth it is. The human spirit is sacred and so is human love and human equality. We are now affirming the fact that the world has moved on, at least in Australia. We now know that homosexual, bisexual, transsexual and intersex people are part of scientific reality. Pretending that they are not (and demanding that they should also pretend) is a game that is over. It might have worked during

* Michael Kirby was a university troublemaker in the 1960s. He later became a Justice of the High Court of Australia (1996-2009).

its last gasps in the 1960s when the polite Michael Kirby was President of the University Students' Representatives Council. But it works no longer. And so, the University of Sydney, the oldest in our nation, has lifted her crinolines and jumped into the new age. It has welcomed the LGBTIQ minority into its warm embrace. This leap took a long time coming. But at last, the nation's oldest university has accepted and even welcomed the truth about this matter. Gay people are everywhere. Get over it.

Actually, I do not think that Miss Telfer would mind in the least. She was reserved and careful: the only woman in a top job at the University of Sydney or any Australian university in those days. A superb administrator and a defender of university independence and values. But back in the 1960s one could not be too careful.

There was the ever troublesome Department of Government at the University. It had scholars who kept questioning basic things about our society. People like Henry Mayer, Ted Wheelwright, the young Dennis Altman and even Hermann Black, with the fruity voice. He was later to become Chancellor. Yet even he showed dangerous questioning tendencies in the 1960s.

Young Lex Watson in the Sydney University Department of Government took it upon himself to launch CAMP – the Campaign Against Moral Persecution. This was one of the first bodies in Australia to contain people who actually admitted to their homosexuality. They dared to speak the name that Oscar Wilde said would never be spoken. In fact, they would not shut up. They even wanted to have a students' body at Sydney University to carry on their nefarious work. Miss Telfer balked

at that proposal. Was it legal? Was it prudent? Would it involve the University, or its officers, in promoting illegal homosexuality – and worse still homosexual acts – contrary to the *Crimes Act* of the State, with its ancient provisions on ‘unnatural offences’?

These were the questions that went racing through Miss Telfer’s mind. Sir Stephen Roberts called for the University’s solicitors’ advice. They purred that, once again, Margaret Telfer had been appropriately cautious.

But then the pesky Students’ Council called on the nice Michael Kirby, now a barrister and representative of the students on the University Senate, to give his own legal opinion. Chapter and verse he quoted to show why there was no risk at all that a university club could breach any criminal law. After all, free expression in a university was central to what it was all about.

To their credit, Margaret Telfer and her university colleagues accepted his advice. The CAMP Club would take its place amongst the student troublemakers of the University. In this way, the journey to this moment began. It has been a long journey. In fact, it has taken nearly 50 years. But now, at last, we meet in the Great Hall we raise the rainbow flag over the clock tower to celebrate the creation of ALLY – an alliance of students and staff, formed together irrespective of their sexual orientation and gender identity.

Does this mean that the struggle for equality is all over? That the cruelty of loneliness and self-denial of LGBT people is at an end at Sydney University and elsewhere in our nation and world? Not at all.

Law can be changed. Gaudy flags can be flown. Organisations of 'allies' can be established to take the place of CAMP Inc. of the 1960s. But still, out there, beyond the brooding towers of a university, prejudice, violence and hostility are all too common. Elsewhere in our world, the old criminal laws remain in place. A kind of logjam has set in. Forty two of the 54 Commonwealth countries still retain the laws that worried Miss Telfer back in 1968. Legislatures have stopped repealing those laws. The courts have repelled constitutional challenges, including recently in India and even dynamic Singapore. Anwar is in prison in Malaysia.

At home, in Australia, full equality has not been achieved. Although more than 20 countries (including even Spain, Portugal and Argentina) have enacted marriage equality, our Australian Parliament has not yet taken the plunge. Exclusions from anti-discrimination law are enforced, leaving young LGBTI students defenceless in many private and religious schools. More surprisingly, a report this week shows that in other Australian universities, rainbow flags and ally networks are off the agenda.

The University of Notre Dame Australia in Sydney just down the road, recently scraped into the rankings on LGBTI issues because of its Queer Collective. However, that body, on its Facebook page, reportedly claims that the University turned down its request for official affiliation. Accredited universities in Australia that receive public funds should not be exempt from the obligation to serve all their students. That includes those who are gay, trans or intersex. Without accreditation, they are left in the dark ages of the 1960s, with nowhere on campus to go to share their pain, loneliness and frustration. Those who are isolated find it

harder to reach their potential. They find it easier to end up in depression, low self-esteem and educational failure.

This belated establishment of a network at Sydney University to help create a welcoming and supporting environment for students and staff who identify as LGBTIQ deserves our praise. It has taken nearly 50 years. It has not been rushed. Yet it has come. But the struggle for full equality in Australia is not over. In our neighbours and in the world, it has scarcely begun. Miss Telfer would expect us to roll up our sleeves as university leaders of our community. Asking the right questions. Demanding the right answers.