

NUAUS: CRADLE OF AUSTRALIAN PUBLIC LIFE

The Hon. Michael Kirby AC CMG

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Back Row: C. Bird (U.Q.U.), M. Hannon (Tas.), S. Jordan (retiring N.S.F.A. Director), T. Coulthard (Newc.), N. Roberts (Tas.), ——— R. Russell (Melb.), M. Weber (Syd.), T. Hughes (Melb.), D. Deane (Adel.), D. Weedon (U.Q.U.), T. Dillon (Mon.), P. Christianson (U.N.E.), M. Hull (Mon.).  
Third Row: D. Williams (W.A.), J. Milner (N.S.W.), D. Graupner (Syd.), R. Spurr (Melb.), R. Christie (Melb.), D. McDonald (R.M.I.T.), B. Gledhill (Syd.), G. Evans (Melb.), L. Marshall (Adel.), J. Connell (Adel.), ——— V. Deans (Syd.), G. Courtney (Mon.), H. Meradith (Tas.).  
Second Row: P. Slicer (Tas.), K. Hore (Syd.), W. Mason (N.S.W.), M. Lindsey (U.N.E.), A. Barry (National Abschal Director), G. Briat (U.N.E.), B. Landa (N.S.W.), M. Koh (O.S.S. Director), M. Durrani (Notional Werk Camps Director), R. Ellis (Adel.), A. Hartnell (A.N.U.), R. Freney (Adel.), T. Loh (Syd.), ——— T. Adams (R.M.I.T.).  
Front Row: R. Holmes a Court (W.A.), V. J. A. Flynn (Hon. Life Member), A. Cootes (Incoming Executive Member), P. Wilonski (I.P.P.), J. G. A. Davis (Retiring Vice-President), R. McDonald (President), P. Sellers (Education Officer), J. Ridley (President Elect), P. F. Johnson (Administrative Secretary), G. Bilney (Adel.), M. Kirby (Syd.).  
Absent: D. Baxter (Travel Officer), M. Tait (National A.O.S.T.S. Director), S. Jorgensen (Drama Festival Director), C. Summer (Adel.), A. McMichael (Adel.), J. Firth (A.N.U.), R. Trebar (A.N.U.), M. Hansen (Melb.), R. Hall (Melb.), J. Lynch (Melb.), P. Mulquean (Melb.), K. Wilson (Newc.), I. Lowe (N.S.W.), A. Hanich (N.S.W.), H. Evans (N.S.W.), I. Lincoln (U.Q.U.), C. Stock (U.Q.U.).

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## BEGINNINGS

I arrived at the University of Sydney in March 1956 after successful and happy years in three New South Wales public schools. These were the Strathfield North Public School (1944-48), Summer Hill Opportunity School (1949-50) and Fort Street Boys' High School (1951-55). In the Leaving Certificate in the State of New South Wales in 1955 I emerged as *prox ac* (second in the year) behind the dux of the School.

Embarrassingly, I attended the University of Sydney on my first day wearing my maroon and white school prefect's blazer, of which I was inordinately proud. It did not occur to me at the time that this was a gesture that most students would have regarded as extremely gauche, even weirdly so. Perhaps it was an outward symbol of a deep lying tendency to cling to familiar and congenial symbols, whilst continuing to make mental adjustments, of the necessity for which I was only too fully aware.

After two years in the Faculty of Arts on the main university campus, I moved with the students who were pursuing the combined Arts/Law degree to the old Law School of the University of Sydney. This was situated in a 19<sup>th</sup> Century office building in Phillip Street Sydney, opposite the new Wentworth Chambers just erected to provide chambers for the growing numbers of barristers pursuing that profession in Sydney.<sup>1</sup> It was a crowded place full of nerdy ambitious young men and a handful of women students.

Following nomination in my absence by my law school friend, Murray Gleeson,<sup>2</sup> I was elected in 1960 to be the year representative on the University of Sydney Law Society. Gradually, I worked my way up within that society, agitating for an increase in the miserable salaries paid to articulated clerks which astonishingly were granted. I was elected vice-president of the Sydney University Law Society. Subsequently, as a result of a dark plot too shameful to recount, I replaced Mr Justice Manning (subsequently Sir

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<sup>1</sup> The Sydney University Law School was founded in 1890. In 1940 it marked its 50<sup>th</sup> anniversary with a book: T Bavin (Ed.), *The Jubilee Book of the University of Sydney 1890-1940*, Sydney, 1940.

<sup>2</sup> Later AC, Chief Justice of New South Wales (1988-1998); Lt. Governor of New South Wales (1989-1998); and Chief Justice of the High Court of Australia (1998-2008).

Kenneth Manning) as the President of the Sydney University Law Society. This was a body of no little significance. It helped to organise mooted competitions, debates and the annual law ball. The student with the keenest interest in the latter event was Bronwyn Setright (later Bronwyn Bishop),<sup>3</sup> ever an accomplished dancer.

### *PRESIDENT OF SU STUDENTS' REPRESENTATIVE COUNCIL*

My painless ascent through the lowest ranks of student politics led me to thirst for the commanding heights. So, in June 1961, as I engaged with my last year at the Law School,<sup>4</sup> I asked Murray Gleeson to nominate me again, this time for one of the two positions on the University Students' Representative Council representing law students. I was duly elected. I must have made a good impression. In the following year I had finished my law degree. I was elected as a representative of evening students in the Faculty of Economics (to which I had diverted my studies to continue my exciting engagement with student politics). On 12 June 1962, reportedly in an "atmosphere of dedicated idealism and cigarette smoke", I was elected to the first of two terms as President of the University of Sydney SRC.<sup>5</sup> As a biographer noted:

"Far from ending, his real years of university life were just beginning".

As SRC President I arrived at a time when Australia's university students were becoming increasingly interested in broader social issues arising

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<sup>3</sup> Later AO, Senator for NSW (1987-1994); Member for the House of Representatives in Federal Parliament (1994-2016); Federal Minister (1996-8; 2002-4); Speaker of the House of Representatives (2013-15)

<sup>4</sup> A.J. Brown, *Michael Kirby: Paradoxes and Principles* (Federation Press, Sydney, 2011), 52-53.

<sup>5</sup> *Ibid*, 53.

beyond the campus. These included the abolition of the death penalty in Australia; support for Asian students under the Colombo Plan; engagement with AbSchol, a scheme for scholarships for Aboriginal students; and controversies concerning freedom of expression in the student newspaper *Honi Soit*.<sup>6</sup>

At the end of 1963, Peter Wilenski,<sup>7</sup> a highly creative leader in student politics at Sydney University asked me to lunch. He had been a past president of the Sydney SRC. In 1962, after 6 years of activities in the body, he was elected the President of the National Union of Australian University Students (NUAUS). By then he was a recent graduate in Medicine. However, like me he was hanging on to his connection with student politics in which he was virtually without equal for bright ideas; practical idealism; and amazing skill in garnering support from his program from cynical fellow students.

#### *NUAUS DELEGATION TO NIGERIA & MALAYA*

Wilenski, in his capacity of NUAUS President, helped to widen the engagement of Australian universities and their students with institutions in the new world of many freshly independent states in Africa and Asia. He was especially keen to open the minds and experience of Australian university students to the neighbouring countries of Asia. He decided that NUAUS would send a student delegation to universities in Nigeria and Ghana. He also wanted this delegation to return from these travels via universities in Singapore and Malaya. He outlined his objectives in arranging

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<sup>6</sup> *Ibid*, 61.

<sup>7</sup> (10 May 1939-3 November 1994). Later AC, Private Secretary to Prime Minister Whitlam 1975; Secretary, Dept. of Labour and Immigration (1975); Secretary, Dept of Education and Youth Affairs (1983); Secretary, Dept of Transport and Communications (1987-88); Secretary, Dept of Foreign Affairs and Trade (1992-93).

these visits. He invited me, as President of the Sydney SRC, to accept the responsibility of being the delegation leader. As my overseas travel to that time had been confined to the one-hour journey on a ferry to Taronga Park Zoo or to the distant suburb of Manly, the prospect of global travel was greatly alluring. Moreover, as explained by Wilenski, the purpose was challenging and arguably important both for the student participants and also for their universities. However, my concerns were two-fold: how would this proposal fit in with my new job as a busy young solicitor at the firm of Hickson Lakeman and Holcombe in Hunter Street Sydney? And how would I reconcile my absence from Australia for an extended period that would take me away from my responsibilities as President of the Sydney University SRC?

On the first concern, my fears were quickly settled. My supervising partner at the law firm (Bruce Holcombe) rejected my offer of resignation. On the contrary, he offered me a partnership, a raise of salary on my return; and a gift of a bonus to facilitate my travel. As to the second concern, this was settled in conversation with the vice-president in the Sydney SRC, Jeremy Guy Ashcroft Davis,<sup>8</sup> whom I had earlier defeated, most undeservedly, in the contest for SRC president. To this day, I am not sure whether his enthusiasm for my participation in the overseas delegation was inspired by the idealism of Peter Wilenski or by his desire to take over from me the effective control of the Sydney SRC. However, that may have been, I accepted the encouragement of these colleagues and agreed to participate. Jeremy Davis

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<sup>8</sup> Later AM, FRSN. University Medallist in Economics (Sydney Uni); V. Pres. and Managing Partner (San Francisco and Paris), Boston Consulting Group (1970-1980); Dean and Director of Australian Graduate School of Management and AMP Society Professor of Management (1980-2006) (UNSW and Syd U); private and public sector directorships (1986-present).

went on to introduce long overdue reforms in the committee system of the SRC. He may not have been a conviction student politician. But he was fascinated with improving the system. He was deeply committed to systems and to financial rectitude. He achieved a lot.

The other members of the NUAUS delegation to the National Union of Nigerian Students (NUNS) and the National Union of Ghanaian Students (NUGS) were the Sydney University student Vincent John Adams Flynn<sup>9</sup> and two students from the University of New South Wales (John Niland,<sup>10</sup> who was later to become Vice-Chancellor of that University, and John Clark, son of a much loved DVC of UNSW). There was fourth member of the delegation, Peter Richardson, a Perth medical student. VJA Flynn joined us in Nigeria later and Peter Richardson<sup>11</sup> participated part time, but with a critical eye, focused on the delegation leader.

The NUAUS delegation set out for Nigeria at the end of 1962. In my own case, convinced by Bruce Holcombe to take the fullest advantage of my air ticket, I departed by a new Qantas Boeing 707 aircraft that took me literally around the world, starting with Hawaii, San Francisco, New York and London. In England, I met with a brilliant former law school student colleague, David Hodgson<sup>12</sup> who had won the Rhodes Scholarship for New South Wales and was studying law at Oxford University. Amazing it was to

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<sup>9</sup> Later PhD (ANU) FRNS. Died May 2016.

<sup>10</sup> Later AC, Dean Faculty Commerce and Economics, UNSW (1974-2002); Vice Chancellor and President UNSW (1992-2002); President National Trust of Australia (NSW) (2006-7); Director Macquarie Group Ltd (2008-13).

<sup>11</sup> Elected MHR (Liberal - Tagney WA) (1975-77); Candidate for Senator for WA 1977 (Progress Party) (defeated); Adjunct Prof. Medicine CQU (Qld) 2010; Medical practitioner b 1939.

<sup>12</sup> Later AO (1939-2012). Rhodes Scholar (Syd Uni 1963, Barrister 1965, QC 1979; Judge Supreme Court of NSW (1983-2012); Judge of Appeal (2001-12). He wrote important texts on Utilitarianism, Probability and Mind Brain Matters.

be suddenly transported from the Christmas sunshine of Sydney to frosty evenings, and bright winter lights in London's Oxford Street and Oxford University's historical buildings.

### *TRAVEL INSIDE NIGERIA*

Eventually, I made my way to Lagos in Nigeria, then the capital city of the newly independent host country. Nigeria had won its independence from Britain on 1 October 1960. Even in early 1963, it was still experiencing the euphoria of having secured a peaceful end of colonial rule. Ghana had won its independence in 1957. So these were two freshly independent countries, full of optimism, energy and ideals. Our small delegation arrived in Lagos on 14 January 1963. As the biographer has explained:<sup>13</sup>

“Over the next 10 weeks his youthful view of the world was both reinforced and transformed. Until now he had little exposure to life outside Anglo-Celtic Australia. In Sydney, decades of the White Australia Policy had not been able to stem Asian immigration entirely, but Kirby's exposure to childhood rivals... ensured that this was on terms of strict cultural assimilation. At the University of Sydney... few studied law or entered student politics. Like his knowledge of world affairs, Kirby's understanding of other cultures came from listening to the BBC World Service. All of this was about to change.”

Our delegation was met on arrival by the Nigerian hosts, Razak Afolabali Solaja<sup>14</sup> and David Obi of NUNS. They accompanied us inland on the train

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<sup>13</sup> Brown, *Ibid*, n.4, 58.

<sup>14</sup> Born 29 October 1933; died Ikorodu 8 October 2012 (Al Haji Abdul Razak Afolabali Solaja-Alagago).



journey to the University of Ibadan where we were taken straight from the train to the student college dining hall for breakfast. Suddenly I was surrounded by a continent of people unlike myself. The tables were turned from my life in White Australia. Suddenly, with my colleagues, we were the only white men in the room. Although our Nigerian hosts made a point of including women in all student events, it was notable that the Australian student delegation from NUAUS contained no woman. Eventually the delegation travelled further in Nigeria to Zaria in the Islamic north. On my arrival I was mistaken for the Russian Ambassador who was due to arrive at the same time. Our Nigerian colleagues were, unlike the Australians, participants, not only participants in the “International Student Conference”, a CIA supported global student body but also in the “International Union of Students” a body viewed with deep suspicion because of its allegedly excessive Soviet influence.<sup>15</sup>

In Enugu, in Eastern Nigeria, we were taken to meet the Governor of that state, Sir Francis Ibean,<sup>16</sup> a former medical practitioner. He confronted us at once with criticism of the Australian treatment of Aborigines and what he regarded as the “outrageous” White Australia Policy. I tried to explain the purpose of the policy as designed to protect Australia’s cultural unity. My feeble efforts did not persuade Sir Francis. His interrogation got me thinking about the true justification for national racial policies that, to that time, I had largely taken for granted. My presentations to the African students were mostly about academic independence and the like. Their presentations to

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<sup>15</sup> *Ibid*, 59.

<sup>16</sup> Sir Francis Akanu Ibean KCMG, KBE (1906-1996). Medical missionary and Governor of [original] Eastern Region of Nigeria (1960-1966).

us sought to explain their roles as student leaders, acting as change agents in their newly emerging environment. Nationally and internationally they were seen, and viewed themselves, as the vanguard of reformist opinion and economic progress. I am sure that my speeches failed to make the impact on our audiences in Nigeria and Ghana which the student leaders in those countries made on us.

On the way home from West Africa, we returned to Lagos and I then flew back to Australia through the Holy Lands; New Delhi, India; Rangoon, Burma; and on to Malaya and Singapore. Naturally, I took in the Taj Mahal and the Red Fort in India.

In these countries we met students who had returned after studying at Australian universities under the Colombo Plan. Questions on the White Australia Policy and Aboriginals were presented once again. The delegation had by this time, found new words for attempting to explain a national policy on racial purity that had bipartisan political support in Parliament and the student community and strong popular electoral support back home. Yet the beginning of the end for White Australia was to come not long after our return to Sydney. It followed the introduction of legislative change on the initiative of the Holt Government in 1966,<sup>17</sup> completed under the Whitlam Government after 1972. The adoption of constitutional change occurred in 1967, designed to enlarge the powers of the Federal Parliament to enact “special laws” for Australia’s indigenous peoples.<sup>18</sup> Our delegation may not have

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<sup>17</sup> M.D. Kirby, “Australian Racism: The Story of Australia’s First and Only Black Premier and Chief Justice – Sir Francis Villeneuve-Smith”, *Bar News* (NSW Bar), Summer 2019, 53, which sets out the legislation from colonial times.

<sup>18</sup> *Constitutional Alteration (Aboriginals) 1967*. See Brown, op. cit., n.4, 123-133, 140-142.

had a big impact on the students whom we met in Africa and Asia. They certainly had a big impact on me, and I believe on my colleagues. For the first time for most of us, we had been confronted with deep questions concerning some of the long-standing foundational values of the Australian Commonwealth. The rude shock of confrontation was sharp, polite; but insistent criticism of attitudes in Australia profoundly affected my attitudes to race following my return home.

### *RETURN VISIT OF NIGERIAN STUDENTS*



*Photo: SU Honi Soit, Vol. XXXV No. 18; July 30, 1963*

Back in Sydney I picked up the pieces of my professional and student life. I returned to my legal office. My name was duly recorded on the firm's letterhead. But in my mind the nagging questions remained with me after the NUAUS delegations and Peter Wilenski's instruction. We arrived back in Australia from Malaya and Singapore on 21 February 1963.<sup>19</sup> I recall being contacted by Peter Wilenski who always had a keen eye for media coverage of student activities and changing student values. I remember that he

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<sup>19</sup> Brown, *op. cit.*, n.4, 59. The Federation of Malaysia came into being on 16 September 1963.

chastised me for not having taken appropriate steps to prepare and issue a media release and hold a press conference following our delegation's return. He explained, as another student leader Gareth Evans of Melbourne SRC<sup>20</sup> was later to do, the vital role of media in communicating student challenges to values, policies and laws: the business we were in. He also stressed the need for courteous but persistent confrontation with attitudes that reflected outdated notions that needed to change, if Australia were to reconcile its geography, and position in the world, with its history and popular values.

In accordance with Wilenski's plan, NUAUS promptly invited our Nigerian hosts to return on a visit to Australia later in 1963. They duly did this in the middle of 1963. Quite quickly Razak Solaja and David Obi appeared in our midst. With them, making a pointed contrast to the NUAUS delegation, was a third member, Patience Onuwatu. This constituted a reciprocal visit for the NUAUS expedition to NUNS Nigeria.

Brushing aside snide objections from some of my colleagues amongst the local university students jealous of our "student funded" travel, I took advantage of the presence of our NUNS visitors, in their splendid robes, to invite them to attend as guests of honour at the Annual Law Ball of the SU Law Society. Usually, the invited guests had been dignified local judges. However, this time Sydney law students were confronted with the reality of black African faces and speeches of luminous elegance, appropriateness

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<sup>20</sup>Later AC QC, Hon. Gareth Evans, b. 1944. Senator for Victoria (ALP) (1978-96). Leader of Government in Senate (1993-96); MHR (ALP) (1996-99); Attorney-General (1983-84); Minister for Resources and Energy (1984-97); Minister for Transport and Communications (1987-8); Minister for Foreign Affairs (1988-96); Member, Weapons of Mass Destruction Commission (2004-6); President, International Crisis Group; Chancellor, ANU (2010-2020).

and challenge. In my speech at the Law Ball, my native gaucheness returned. I told of how I had experienced the “strange local diets” and “sleeping unsuspectingly in brothels”.<sup>21</sup> This speech was duly reported in *Honi Soit*. A student immediately wrote criticizing what he saw as my patronizing attitude towards our African hosts. The student was right. I never again sacrificed respect for human dignity in the quest for cheap humour. I had been confronted in Nigeria with one of the great challenges of the world of my time. For this I will always be grateful to NUAUS for the opportunity of global travel that has fascinated me ever since.

### *NUAUS IN ITS HEYDAY 1937-1970*

The arrangements of NUAUS in its heyday during the 1960s involved an annual conference held at one of the State capital cities of Australia or in Canberra. As well, a smaller conference generally held in Melbourne, typically gathered in August, between the annual council meetings. The records of NUAUS show when the annual conferences were held and who was elected at them to be office-bearers of NUAUS. Each year, after NUAUS was established in 1937, annual conferences of delegates had taken place. Several of them delivered students whom I was later to know and who became the part time presidents of NUAUS:

- \* 1937, in Adelaide: Kevin Ellis (Sydney University);<sup>22</sup>
- \* 1948, in Perth: Peter Durack (UWA);<sup>23</sup>

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<sup>21</sup> Brown, *ibid*, n.4, 60.

<sup>22</sup> Later Sir Kevin Ellis KBE (15 May 1908-22 November 1975). First president of SUSRC 1937 and of NUAUS 1937. Elected MP (Liberal) Coogee 1948-53; 1955-62; 1965-73. Speaker NSW Legislative Assembly, solicitor.

<sup>23</sup> (1926-2008), Later QC, Senator for WA (Liberal) (1971-93); Minister for Repatriation (1976-77); Attorney-General (1977-83).

- \* 1949, in Armidale: F.G. Brennan (UQ);<sup>24</sup>
- \* 1952, in Melbourne: Greg Bartels (Sydney);<sup>25</sup>
- \* 1957, in Sydney: James Thomas (UQ);<sup>26</sup>
- \* 1961, in Sydney: Bob Wallace (Sydney);<sup>27</sup>
- \* 1963, in Canberra: P.S. Wilenski (Sydney);
- \* 1964, in Melbourne (Monash): Bob McDonald (Sydney);<sup>28</sup>
- \* 1965, in Perth: John Ridley (Sydney);<sup>29</sup>
- \* 1966, in Hobart: John Ridley (Sydney);
- \* 1967, in Melbourne (Monash): Tony McMichael (Adelaide);<sup>30</sup> and
- \* 1968, in Melbourne (Monash): John Bannon (Adelaide).<sup>31</sup>

By the time John Bannon had stood down as NUAUS President in 1968, I had completed my over-extended love affair with student politics. By 1970, NUAUS had been renamed the Australian Union of Students (AUS) in recognition of the widening of the student participation to include students from some of the then Colleges of Advanced Education.

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<sup>24</sup> Sir Gerard Brennan AC, KBE, GBS, Judge Australian Industrial Court (1976-81); Judge Federal Court of Australia (1977-81); First President AAT (1976-79); Justice High Court of Australia (1981-95); Chief Justice (1995-8); Chancellor UTS Sydney (1998-2004).

<sup>25</sup> (1927-2015), later AM; appointment at United Nations, HQ, New York (1952-69); Commissioner for Consumer Affairs and Trade Practices (1969-71); General Secretary of the Liberal Party NSW Division (1978-81); Director-General of the Institute of Directors in Australia (1985-91); and Governor of the Law Foundation of NSW; Mayor of Willoughby (1991-3).

<sup>26</sup> Later AM, QC, Judge Supreme Court of Queensland 1982-2002; Judge of Appeal (1998-2002); Chairman, Council Queensland Conservatorium (1982-91).

<sup>27</sup> Later cfc, AM; Doyen of Catholic education, Brother and long-time teacher and rugby union coach, Waverley College, Sydney, and St Edmunds College, Canberra (1970-1988); a founder and later president of Australian Schools Rugby Union 1972.

<sup>28</sup> President Sydney Uni SRC 1963. Elected first full time President of NUAUS 1964; subsequent teaching in Zambia and Papua New Guinea.

<sup>29</sup> Later AM; Law Rep, SU SRC 1963-4; second full-time President of NUAUS 1965 (elected UWA Perth). Held senior posts in public and private sectors, chairman of Melbourne Forum. Now resident Victoria.

<sup>30</sup> Later AO, FTSE, FRCP. Volunteered as student to work on leprosy in India. After 2001 worked on health effects of climate change; Director National Centre for Epidemiology and Population Health ANU (2011-2012)

<sup>31</sup> Later Hon. John Bannon AO (1943-2015), Premier of South Australia (April 1982-June 1991); Treasurer SA (1982-92), Director of ABC (1994).

In 1983, just before the National Union was wound up, a young lawyer from the University of Adelaide, Julia Gillard,<sup>32</sup> was elected the second last president of AUS at the annual conference held at the ANU in Canberra. In 2010 she was the first former National Union President to become Australia's Prime Minister. In 1987, after AUS had folded, a new voluntary union of students, the National Union of Students (NUS), was established. The funding of student unionism was an acute controversy for the students of the time, or some of them. Party politics had entered more directly into student politics than had been usual in the times of my engagement with NUAUS. Perhaps this was out of recognition, in Australia, of the necessity of involvement of university students in questioning basic values of their society and in challenging unjust laws and policies. Some students of more conservative political persuasions opposed this alteration in the agenda of student politics. They included Tony Staley (President, Melbourne SRC); Tony Abbott (President, Sydney SRC) and Joe Hockey (President, Sydney SRC),<sup>33</sup> all future Federal Ministers, and in Tony Abbott's case Prime Minister.<sup>34</sup> The distinction of many of the participants in student politics remained notable and continued long after the end of my engagement. Many of the Sydney SRC presidents at Sydney University were later to hold high office in the law and public life. They included Geoffrey Robertson,<sup>35</sup> James

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<sup>32</sup> Later the Hon. Julia Gillard AC, Prime Minister of Australia (2010-13); Deputy Prime Minister (2007-2013); MHR 1998-2013; Chairwoman, Global Partnership for Women (2014-); Visiting Prof, King's College, London (2016-) Chair Menzies School of Australian Studies (2016-) and Chair of Beyond Blue (2017-).

<sup>33</sup> Later MHR (N. Sydney) (Lib) (1996-2015); Minister for Small Business (2001-4); Minister for Human Services (2004-2007); Federal Treasurer (2013-15); Australian Ambassador to US (2013-2020).

<sup>34</sup> Later the Hon. Tony Abbott AC, MHR 1994-2019; Minister for Employment Services (1998-2001); Minister for Health and Ageing (2003-7); Federal Leader of Opposition (2009-13); Prime Minister of Australia (2013-15).

<sup>35</sup> Later AO, QC, Barrister, London; Judge of War Crimes Court Sierra Leone (1992-07); Master of the Bench Middle Temple (1997-).

Spigelman;<sup>36</sup> Alan Cameron<sup>37</sup> and Nick Greiner.<sup>38</sup> Many of them later took an active part in parliamentary politics, including Meredith Burgmann;<sup>39</sup> and, as I have said, Julia Gillard.

### *LAST DAYS IN SYDNEY STUDENT POLITICS*

Certainly, in my time in the SRC, not all of those who succeeded in that sphere or in the University Unions went on to glorious careers in NUAUS.<sup>40</sup> Occasionally it happened; but by no means always. It certainly did not happen in my case. By the time I had concluded my major engagement, involving the one international journey to four countries and a few annual conferences, my years as a student politician were coming to a close. My activities in the SU SRC gave way to a number of other offices rising to a repeat year as President of the Sydney SRC when my successor Bob McDonald, resigned to become the first full-time and paid President of NUAUS (1964). In that year I was elected President of the Sydney University Union. I also became a Fellow of the SU University Senate, elected by the undergraduates (1966-69). But my days with student affairs were on the wane. My legitimacy to remain a student, by undertaking a degree in Economics and a Master of Laws degree, were drawing to an end in 1968. And by February 1969, I had met my partner Johan van Vloten.<sup>41</sup>

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<sup>36</sup> Later AC, QC, Chief Justice of New South Wales (1998-2011); Chairman of ABC (2012-2017); President Museum Applied Arts and Sciences (1996-8).

<sup>37</sup> Later AO, Chairman NSW Law Reform Commission (2015-); Chairman of ASIC (2008); Commonwealth Ombudsman (1991-2); Deputy Chancellor, University of Sydney (2008-14).

<sup>38</sup> Later AC, MLA (NSW) (Lib) (1978-92); Premier of NSW (1988-92); President Liberal Party (2017-).

<sup>39</sup> Later AO; President, Legislative Council of Parliament of New South Wales (1999-2007); President Australian Council of International Development (2007-9).

<sup>40</sup> Thus, Robin Fitzsimons who was very influential in the SU Women's Union and SU Senate did not take part in NUAUS and nor did Justice J.K. McLaughlin, later AM, KSG, KGCHS, Master SC of NSW (1989-2005) and Associate Judge SCNSW 2005-10.

<sup>41</sup> M.D. Kirby, *A Private Life, Fragments, Memories, Friends* (Allen & Unwin, Sydney, 2011), 65.



Soon after meeting Johan, I took him to the Sydney SRC meeting where I was scheduled to give a report on my activities as the student representative on the SU Senate. I entered once again the SRC Council room, filled with “idealism and cigarette smoke”. I cast an eye around for the friends whom I had made there. By 1969 there were fewer of them. I delivered my report and answered questions with a Menzies-like gravitas and not a little of his pomposity. When we walked out into the cold night air, I turned proudly to Johan and asked him:

“Well, what did you make of that?”

He said: “It’s a bit childish isn’t it?”

When I asked him to explain his reaction, he confronted me with a shaft of truth.

He said: “Look, you are now nearly 30. You have a serious professional day job. Yet here you are at meetings with young people who are mostly 10 years younger than you. It’s like school days. Isn’t it time for you to grow up?”

This rebuke, with the blunt candour that I came to know was a feature of the culture of the Netherlands from where my partner had come to Australia in 1963, led me to a new enlightenment. Not only about my country, its racial and social policies. But about myself. Soon afterwards I retired from the post as member of the Sydney University Senate. I gave away the trappings

of power, influence and the admiration that went with it. I now had to find other fish to fry.

### *LAST HURRAH: PERTH COUNCIL 1965: HLM*

By 1969 I had already departed my connection with NUAUS. But it was a glorious exit. In 1965 the national council meeting was held in Perth at the University of Western Australia, Nedlands. It was there that John Ridley of Sydney University took office as full-time President of NUAUS. He was the second full time officeholder called to that office following Bob McDonald who had served in 1964. The meeting was organised by the Guild of Undergraduates of UWA. Among the leading lights of the Guild in that year were Robert Holmes à Court,<sup>42</sup> his future wife Janet Ranford; and another participant was Daryl Williams.<sup>43</sup> He was Federal Attorney-General in 2002 when I was attacked in the Australian Senate by Senator Bill Heffernan, who was not an *alumnus* of student politics. Though Daryl Williams was the federal minister with the responsibility to defend and protect the judiciary, he did not come to my support, although others from virtually all political parties did. Eventually, the attack in the Senate crumpled as it was shown to be based on falsehoods. A ComCar driver who had been the source of the false accusation soon afterwards ended his own life.<sup>44</sup> Senator Heffernan was removed from ministerial office. The Senate issued an apology. But my old

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<sup>42</sup> [Michael] Robert Hamilton Holmes à Court LL.D 1937-1990, later CEO Ansett Transport Industries 1979, and many businesses; Member federal COI into Efficiency of Hospitals 1979-80 (Resgd). V-Pres. Guild of Undergraduates UWA 1965. Married Janet (Ranford) Holmes à Court 1966, businesswoman and philanthropist. Named National Living Treasure by National Trust, 1997.

<sup>43</sup> Hon. Daryl R. Williams AM QC, barrister and solicitor 1968-; Chairman, WA Law Reform Commission 1984-5; President Law Council of Australia 1986-87; MHR (Lib) (Tagney WA) 1993-2004; Minister for Justice 1996-7; Federal Attorney-General 1996-2003; Minister for Communications (and Arts) 2001-4.

<sup>44</sup> Brown *ibid* n.4, 328-353; Daryl Dellora, *Michael Kirby, Law, Love and Life* (Viking/Penguin Books, Melbourne, 2012).

friend from NUAUS days was silent when his office and personal acquaintance should perhaps have given him voice. Later he was to be unwilling to support amendments to the judges' pension legislation which would protect my partner's financial security. This law was not amended until after a change of government in 2007. One learns lessons as one progresses on life's journey.

In the event, my visit to Perth with NUAUS in 1965 had a happy ending in two precious respects. The first was my encounter with the *Passions* of J.S. Bach. During the NUAUS conference in the Guild headquarters at UWA, I would slip away in tedious moments to the Winthrop Hall. That magnificent building of stone, in the very centre of the University, was engaged in orchestral and choir practice for the then coming performance of the *St John Passion* of J.S. Bach. Although I had an upbringing in religious music, mainly hymns and Anglican liturgy, I had never previously encountered the Lutheran music of a Bach Passion. At the end of the Perth conference I returned by TAA to Sydney in time to listen to the recorded version of performance from the Winthrop Hall Perth on the ABC national radio station (2BL). It was recorded by my father on a small recorder device. As such, it was to become a centrepiece of my musical experience. I will be forever grateful to NUAUS, UWA and the musicians who introduced me to that astonishing musical experience.

There was one further experience that was waiting for me in Perth. This was the decision, towards the end of the Council meeting, to confer on me the rare honour of *Honorary Life Member* of NUAUS. For once, I, who was the recipient of this high honour, had done nothing to organise its bestowal.

Unbeknownst to me, a young science student from the new Monash University, Tharam Singh Dillon,<sup>45</sup> along with many others, had already done the lobbying. I had concluded the last of my speeches to the Perth meeting the charring of sessions and was done. I then addressed the annual Council Dinner. It was a Hail and Farewell occasion. Whereas other leading lights of NUAUS were mostly rushing around advocating serious and doubtless important policies for the considerations of their fellow students, I spoke to the multitude about existential things. Perhaps this theme was chosen because of the inner loneliness I suffered at that time. This was four years before I was to meet my partner Johan.

I addressed the dinner on the value of what we students were doing for other students, perhaps less advantaged than ourselves. I urged our duty to engage with the broader challenges of our time, of our country and of the world. I reminisced on the lessons that I had learned through my engagement with NUAUS, especially in the delegation that I had packed with colourful adventures and learning experiences. And of my gratitude to NUAUS and to the friends I had made there and in the SRC.

Those friends included some I had made at the annual council meetings of NUAUS at Canberra, Monash and Perth and the mid-year conferences in Melbourne. Dennis Altman<sup>46</sup> (of the University of Tasmania) who was already

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<sup>45</sup> Later B.E., PhD. (Monash), later Dean, Faculty of Information Technology, UTS, Sydney; Chair Department Computer Science and Engineering (La Trobe) 1986-2003; Professor Computing Hong Kong Polytech Uni 1999-2001; Head of R&D, Digital Ecosystems and Business Intelligence Institute, Curtin Uni 2007; currently Professor, School of Business, UNSW Canberra.

<sup>46</sup> Later AM, Lecturer, Reader, Associate Professor and Professor of Politics, La Trobe Uni 1994-2012; Visiting Chair Australian Studies Harvard University 2004-5; President of AIDS Society Asia & Pacific 2001-; International expert on sexuality in society 1971-.

teaching me lessons in honesty and self-acceptance about homosexuality. Patti Warn (University of Tasmania)<sup>47</sup> and Rod Lyall (University of Western Australia)<sup>48</sup> teaching skills of engagement, expression and prioritizing issues. Jessica Milner<sup>49</sup> (later Jeremy Davis's wife) of UNSW who with Alf van der Poorten,<sup>50</sup> taught me the vital lesson to challenge received wisdom. To test conclusions against evidence. But to do it with humour. As I sat down at the end of my speech Tharam Dillon immediately moved, with a fiery speech, that I should be elevated to the rank of *Honorary Life Member* of NUAUS.

Some of those at the NUAUS table in Perth, who had devoted years and years of their lives to intense work, sweat and toil and endless lobbying in NUAUS were horrified by this unexpected move. My delight at Tharam Dillon's initiative was doubtless enlarged because of the friendship I had formed with him. In a state of shock, the 'professionals' in the factional ways of NUAUS endeavoured desperately to suppress the groundswell of support for Tharam Dillon's motion.

To the protests that my service in student politics, although concededly over several years, did not equate to the intensive engagement with NUAUS that would ordinarily warrant HLM status, supporters of Tharam Dillon's resolution would have none of it. They saw me as a champion of the smaller

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<sup>47</sup> Later Office of Prime Minister E.G. Whitlam 1974-5; State Secretary ALP Tasmania 1976-80; subsequently advisor to Senator Don Grimes (ALP Tasmania), Dr Neal Blewett (ALP MHR), and Senator Graham Richardson (ALP); aged care and mental and consumer health advocate.

<sup>48</sup> Later Dean of the Faculty of Arts (1982-85) and Professor in Scottish Literature (1986-1994), University of Glasgow; Professor of Literatures in English, Vrije Universiteit Amsterdam (1994-2005). Now a cricket journalist.

<sup>49</sup> Later scholar and writer, PhD FRSN; Snr VP, NUAUS 1965-6; Deputy Chancellor, UNSW and member UNSW University Council 1965-70; 1981-2006. International scholar of humour, farce and language. Visiting appointments at Stanford, Cambridge, Bologna and Brunel London.

<sup>50</sup> Later PhD AM, Professor Alf van der Poorten. Prof. of Mathematics, UNSW and Macquarie University (1976-2010).

universities and peripheral States. Shouts and cries in support of my elevation rose to a mighty crescendo. The professionals had been blindsided. The people's voice would brook no delay and no defeat. The motion was put to the vote instanter. It was carried with thunderous, prolonged applause and an outburst of affection for this grand old fossil of student politics, who had stayed over long. But who was now to be sent home from Perth with a double blessing: HLM status from my colleagues. And the glorious music of J.S. Bach from the Winthrop Hall as a life-long gift.

### *THE LEGACY OF NUAUS*

As I crossed the Australian continent on my return flight to Sydney, I thought with gratitude of the wonderful experiences I had enjoyed with NUAUS. As my biographer, A.J. Brown has pointed out,<sup>51</sup> it was in one of the mid-year meetings of NUAUS in Melbourne, when I was president of the Sydney SRC and he was stepping down from the office of President of Melbourne University SRC, that I had first met Gareth Evans. That encounter was to be of profound importance in my life. It led on to our work together in the Australian Law Reform Commission (1975-6) to which we had both been appointed by Attorney-General Lionel Murphy. When Gareth Evans himself later became Federal Attorney-General in 1983, this led to the introduction and enactment of important reforms of federal law, as he persuaded the Hawke Government to give effect to many recommendations of the Law Reform Commission that had been neglected during the service of that other NUAUS *alumnus*, Senator Peter Durack.

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<sup>51</sup> Brown, *ibid*, n.4, 40.

Above all, it was, as I now understand, the persistent support of Gareth Evans that finally convinced his colleagues in the Keating Government that I warranted elevation to the High Court of Australia.<sup>52</sup> Like me, Gareth Evans had never become President of NUAUS. He did not even become an HLM. Rumour has it that when Sir Gerard Brennan (another NUAUS past president and HLM) was appointed Chief Justice of the High Court, Gareth dreamed that he might keep the seat warm for a more propitious time when Gareth might himself have occupied it with grand distinction. As things turned out, I enjoyed good fortune and support when it really mattered. I could not influence it; nor did I occasion it. But if I earned it, it was in the hallowed halls of student politics.

### *A HISTORY WORTH RECORDING*

One day an author with time, energy and access to well organised archives will examine the history of Australia's student politicians in the 1950s-1980s. Men and women, they included, as I have shown, prime ministers, ministers, ambassadors, scientists, journalists, educationalists, philosophers, captains of industry and other leaders of renown. Through a set of curious chances, and in times when I might have been doing other more intimate things, I filled my days and nights with engagements with wonderful friends and colleagues. They taught me group dynamics; the art of advocacy; and how to chair meetings with skill and efficient but fair engagement with all participants. This stood me in good stead in my later life as a barrister, judge and participant in international institutions that is still continuing. I look back on those years with thanksgiving. Apart from the contribution to individual

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<sup>52</sup> *Ibid*, 69, 254, 265-7.

growth and understanding, NUAUS contributed greatly to the expansion of ideas of justice and basic rights in which Australia had much to learn from the wider world. In the 1960s Australians were an isolated and largely complacent and unquestioning people. NUAUS became a change agent. It helped to mould and shape future leaders so that they would question outdated values and rebuild a more cosmopolitan and open-minded society, based on larger freedoms. Will we see its like again?

