

# **THE AUSTRALIA WE WANT: CHOICES AND VALUES**

The Honora Deane Memorial Lecture

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Last night, in Hobart, I spoke about education and involvement in democracy. I commented on the quality of today's Australian democracy(1). Tonight, I wish to discuss the relationship between education and the choices we make about values, especially in the public arena.

Every so often, somebody-- usually a politician looking for a headline-- lambasts the teaching profession for providing to their pupils what is criticised as a "values-free" education. However, there can be no such thing. Attendance at school, like most other life experiences, necessarily affects our choices about values, our attitudes and our subsequent conduct. The same may be said about attendance at university, for those who have that experience.

The connection between teaching and value choices is perhaps most obvious in relation to subjects that examine belief systems, such as religious instruction, and social issues, such as history and geography. But all students encounter value decisions in their school life. All students become aware of, and (for better or worse) are affected by, a school's attitude to bullying and the mentoring of younger students. Through sporting, and other, activities, all students learn the joys and obligations of being a member of a team, of working together to achieve a goal.

Young people learn by example. They observe the conduct of their teachers in the classroom. They notice whether or not their teachers,

whatever their subject, act fairly and maintain order and respectful relationships. To the extent that they do, they are likely positively to influence their pupils' values.

Moreover, students discern their teachers' attitude to their work and their pupils. I am sure we can all remember outstanding teachers, whose enthusiasm, knowledge and communication skills quickened our desire to learn and, in some cases, changed the course of our lives.

I understand that Honora Deane, whom we commemorate tonight, was such a teacher. For 24 years, from 1938 until her sudden death, at the age of 53, in 1962, she was the senior teacher in commercial studies at Launceston High School, now Launceston College. She played a large part in the life of the school, not only in her own classroom, but in inservice teacher training and in the school's sporting activities, especially tennis. At Launceston High, Honora Deane must have positively influenced the values and lives of many students and colleagues.

However, she did more than that. Honora Deane was an active member of World Education Fellowship ("WEF") for over 20 years. She served as Tasmanian secretary during three years, 1947, 1949 and 1952, and was instrumental in extending WEF's influence to the north-west of the State. Plainly, she believed that the positive values imparted in schools were not cloistered virtues, but ought to be shared with the wider community.

So what are the positive values that schools seek to impart? And how well does our society reflect those values?

While I was pondering these questions, I read a letter to the editor of the "Sydney Morning Herald" by one Graeme Cordiner that commenced in this way:

"I am a middle Australian looking for a place to put my vote. One part of me is self-interested. The other part has odd notions of integrity, justice, fairness, compassion and community.

“John Howard has appealed to my self-interest for more than 10 years. Self-interest has its place. Only fools fail to provide financially for the future. But increasingly it is not enough, as I see Australia becoming more and more self-focused, fearful, materialistic and lonely.”

After criticising Mr Rudd’s recent “agree in principle” position on several issues, Mr Cordiner went on:

“I want a leader with vision beyond polls and power, who is not afraid to challenge me to something far bigger and greater than self-concern. In fact...I am hungry for it.”(2)

If a group of teachers was asked to list the values they hoped to be able to impart to their students, they would, I believe, include on their list all five of the values mentioned by Mr Cordiner: integrity, justice, fairness, compassion and community. Those are not “odd notions”, as Mr Cordiner ironically stated, but values that are essential to the long-term harmony of any group of people. Those values subsume the more specific values of “mateship” and patriotism that are often included on politicians’ lists.

All five of these values are alive and well in Australia and inspire the lives of countless people. Your presence here tonight indicates that you, yourselves, share Mr Cordiner’s “odd notion” that values such as these are important. However, what Mr Cordiner seems to saying is that there is now a disconnect between the possession of those values by ordinary people, and their expression in their private lives, and the values now prevalent in the public arena, especially in current politics. Is he correct?

Many would not care whether he is correct or not. Many people look at public issues only through the prism of self-interest. Their attitude is that stated by a young man I recently saw interviewed on television. Asked about a policy issue, he replied: “When I vote, I only consider what’s in it for me.”

However, there is a significant, perhaps growing, number of people who do care. And, sadly, I think the answer to my question is that Mr Cordiner is correct. I propose to justify my answer by reference to

some recent political events and then consider whether we can do anything about that.

The Howard government has been in power for almost eleven and a half years. Inevitably, therefore, when considering this issue in a national context, one must focus on the actions of that government. That does not mean earlier national governments were free from fault; far from it. There are plenty of available examples of earlier broken promises, unprincipled behaviour and actions of political opportunism and vindictiveness. However, I believe the present government's departures from accepted standards have been both more frequent and more blatant than those of any previous government. The underlying reason is the extent to which Mr Howard has been prepared to employ the "wedge", a tactic of currying favour with some sections of the community by harnessing their fears and prejudices against a powerless, unpopular, person or group.

That is a grave charge, which you will expect me to justify. I will try to do so although, in the interests of time, I will limit myself to only a few examples of the government's denial of the values listed by Mr Cordiner. I will also confine myself to examples that arise out of facts that are now beyond dispute.

I start with integrity. The Macquarie Dictionary defines that word as meaning "soundness of moral principle and character; uprightness; honesty". Do we see that today in our public life?

Politics is not only the art of the possible. It is also the art of persuading voters to put their trust in you. Voters have varying hopes and interests. The hopes and interests of some voters often conflict with those of other voters. Yet, in order to gain, and then hold, power, a political leader has to convince a majority of the voters that he or she is the leader most likely to realise the particular voter's hopes and protect his or her interests. In such a situation, it is almost inevitable that party leaders, and their followers, will sometimes be tempted to be less than fully frank, to withhold information or comment on some matters and to dodge questions that potentially expose them to the disapproval of a part of the electorate. This has always been so. It may be unduly harsh to treat such conduct as evidencing a lack of integrity.

Yet there is a difference in kind between a lack of frankness and telling a downright lie. The difference arises out of the fact that we all know that politicians have sometimes to be less than frank. We take this into account in making our political judgments. But we do not expect, or make allowances for, an outright lie, especially when it comes with seemingly corroborative evidence.

No doubt you will all be able to cite examples of what you regard as downright lies by politicians, State or federal. For me, the outstanding recent example was the conduct of the federal government in relation to the “children overboard” affair. This conduct was particularly reprehensible because the misinformation was about a highly emotive issue and the government allowed voters to go into a national election with the misinformation uncorrected.

You will recall that, some weeks before the 2001 election, it was reported that a boat carrying asylum seekers had been intercepted in the Indian Ocean by a naval ship. It was then reported that, immediately prior to naval officers boarding the boat, its passengers threw their children into the sea. The suggestion, apparently, was that the boat people were so callous that they were prepared to put their children’s lives at risk in order to improve their chances of being taken aboard by the navy and ultimately granted asylum. Predictably, there was revulsion throughout the community, many people seeing the behaviour of these people as a vindication of the government’s tough line against boat people.

The government released a photograph which seemed to support the report. It showed people, including many children, in the sea. The photograph was widely published in the media.

As we subsequently learned, some naval people had immediate doubts about the photograph. An investigation quickly established it was not taken before the boat was boarded; it was part of a larger photograph showing the scene shortly after the boat sank, throwing all its occupants into the water. The larger shot, but not the released segment, showed some naval personnel in the water; a situation that was inconsistent with the government’s version of events.

It is conceivable, although I think unlikely, that the original report and photograph were issued by mistake, but in good faith. However, once the true position was known to it, a government with any integrity would immediately have released the larger shot and corrected the erroneous report about children being thrown overboard. That would not have required the government to abandon its policy of turning back asylum seekers, or sending them off to places like Nauru. But it would have prevented people voting under a major misconception of fact, induced by the government, on perhaps the most emotive issue of the campaign.

It was subsequently established that the Minister was informed of the true position several days before the election. It is inconceivable that he did not immediately tell the Prime Minister. Yet the government took no action to correct the record before the election. The reason is obvious; it suited the government to demonise the asylum seekers and thereby exploit the primal Australian fear of being overrun by boat people from the north.

My second example about lack of integrity arises out of the Prime Minister's insouciant explanation of the difference between core promises and non-core promises. Non-core promises, he told us, are promises you make without feeling any obligation to keep them. Yet they are presumably made in order to induce the trust of some person or group of people. Others would call this fraud.

Let me turn to Mr Cordiner's second value: justice. I do not need a dictionary definition. We all know the meaning of this term. We also all know the truth of the adage that justice delayed is justice denied. Yet consider the conduct of the commonwealth government in relation to David Hicks.

Whatever Hicks did in Afghanistan, it was not an offence under either Australian or international law. It was not even an offence under American law, as it stood at that time. After the Americans created the offence, they decided to try foreigners who were alleged to have committed the offence, not in a properly constituted court of law with the usual safeguards of rights, but before a military tribunal selected by the United States Secretary of Defense, and with a right of appeal only to him.

The United States did not propose that Americans would be subjected to this unsatisfactory method of trial. It was for foreigners only; Americans were to be tried in court before a judge and jury.

The British government immediately saw the unacceptability of this proposal and insisted that all British citizens held by the United States be returned to Britain, to be dealt with under British law. Our government did not take a similar course. Instead, it allowed Hicks to be held by the Americans, mostly in solitary confinement, without trial, or even charge, for over five years. Not only did the government allow Hicks to be held; Ministers brushed aside all criticism of the position by making prejudicial assertions such as that Hicks was one of “the worst of the worst”.

I am not seeking to defend the conduct of David Hicks. Because of the deal stitched up when the public clamour became too great, we will probably never know exactly what he did in Afghanistan. His conduct was, at least, misguided and foolish. However, his conduct is not the point. Under our justice system, we accord basic rights and protections to even the bloodiest serial killer, such as the Port Arthur massacrer. We do this, not out of tenderness to the accused person, but out of self-respect and concern that any other policy puts us on a slippery slope that will ultimately lead to people being punished for offences they did not commit.

Of course, the government knew this. The Cabinet is groaning with lawyers. So why did the Hicks case develop as it did? Once again, I believe, it suited the government politically to follow this course, regardless of basic principles. There was an opportunity to direct the venom of people worried about terrorism towards Hicks, an unpopular and powerless figure.

We recently saw a reprise of the same scenario, this time in relation to Dr Hanif Mohammed. From the moment he was detained for questioning, we were treated to a stream of prejudicial comment from government Ministers, and the Commissioner of the Australian Federal Police. Even after the Commonwealth Director of Public Prosecutions announced that the charge against Dr Hanif had been dropped, the Ministerial smear campaign continued.

Fairness and justice overlap. In many contexts, they are the same thing. But in discussing this value, I take an example remote from the justice system. I wish to speak of the unfair, discriminatory legislation about Northern Territory Aborigines that was enacted by the Commonwealth Parliament last week. The government acknowledged that this legislation is racially discriminatory by including in it a clause excluding from its operation the *Racial Discrimination Act, 1975*.

There is no doubt that the health and longevity statistics of indigenous Australians compare badly with those of non-indigenous Australians. There is also no doubt that domestic violence and sexual abuse are common in indigenous communities. Whether they are more common than in non-indigenous communities, we do not know. No comparative study has ever been made. Whatever the situation, indigenous communities will benefit by having increased health and policing resources made available to them. To the extent that the Commonwealth government is doing this, its action is to be applauded. However, it would have been possible for the Commonwealth to do this without passing new legislation. Why enact new legislation?

It is possible to see the case for legislation banning alcohol in Northern Territory Aboriginal communities. There is no doubt that alcohol has detrimentally affected many of those communities; although that fact must be considered against the background that approximately two-thirds of all the Aboriginal communities in the Territory had already decided to ban alcohol, and most were enforcing that ban. A ban imposed, and enforced, by the local community would seem likely to prove more effective than one imposed by Commonwealth legislation needing enforcement by police officers.

It is also possible to see the argument in favour of “quarantining” the welfare payments made to people who habitually mistreat or neglect their children, or who dissipate those payments on liquor or gambling. If the government had confined its legislation to these matters, there might have been room for debate about the efficacy of the legislation, but it would not have been possible to characterise it as unfair.

However, the legislation enacted by the Parliament goes well beyond those matters. It provides for the quarantining of welfare payments made to everybody in a declared community. If the Minister decides that some people in a community are dissipating their welfare payments, or mistreating or neglecting their children, he can declare that community. The welfare payments of all members of that community will then be quarantined, that is micro-managed by a government-appointed administrator.

Imagine how this would go down in Tasmania. A resident of a small town has reason to believe that a neighbour is mistreating or neglecting his kids. He or she reports these concerns to the police, or the Department of Community Services. The whole town is then declared, with the result that the complainant's own payments are then cut off. Would that person be likely to speak up next time? And how can it be fair to punish a person, not for what he or she has done, but for where he/she lives?

The unfairness of the legislation does not stop there. Alcohol is banned in Aboriginal communities but allowed to people (predominantly white) who are engaged in fishing or recreational boating activities. The management of Aboriginal community stores may be taken over by government-appointed administrators; but not roadhouses, which often sell take-away liquor and fast food, but are generally owned by whites. By force of the legislation itself, all Aboriginal community land is taken to be leased to the Commonwealth for five years. Why this compulsory acquisition? The government has given no explanation, nor said what the acquisition has to do with improving Aboriginal health. Once again, how would this go down in Tasmania, or anywhere else away from Aboriginal settlements in the Territory?

Why all this unfairness? I am prepared to accept that the Commonwealth Minister became genuinely concerned about the level of violence in Aboriginal communities and decided he should do something about it. He had available to him a report (the "Anderson-Wild report") which was compiled for the Northern Territory government by two persons with a long and intimate knowledge of the Territory and its indigenous people(3). The report was completed

last May. It described the health and abuse problems of Aboriginal communities and made a total of 97 recommendations for remedial action. The report's emphasis was on working with indigenous communities and supporting the initiatives they were already undertaking. It argued that no action was likely to be effective unless it was respected and supported by the communities themselves.

The disadvantage of that approach, from the Commonwealth's point of view, was that it offered no opportunity for the dramatic gesture. Moreover, the Anderson-Wild approach necessarily acknowledged that much good work was already being done in Aboriginal communities. If the Commonwealth were to follow that approach, it would deprive itself of the opportunity to harness the prejudices of the white population in southern Australia by painting all Territory Aborigines as drunken wife-bashers and child-abusers. Hence the bulldozer approach of the recent legislation, adopting an approach that was the antithesis of that recommended in the report.

I turn to compassion, defined by the Macquarie Dictionary as "a feeling of sorrow or pity for the sufferings or misfortunes of another". Let me make my point by comparing the attitude to "boat-people" of two Liberal-Country Party governments, the Fraser and the Howard governments.

You will recall that, after the fall of Saigon terminated the Vietnam War, thousands of people fled Vietnam by boat. Many of those people reached Australian waters. They were not turned away. They were helped ashore, housed, granted welfare benefits and assisted to learn the English language and settle into Australia. Almost all of them were recognised by the Fraser government as refugees and granted permanent residence. Ultimately, most became Australian citizens. Many of their children later achieved success in professional and academic fields. Although the Commonwealth then operated detention centres at Port Hedland, in Western Australia, in Melbourne and in Sydney, most of the Vietnamese asylum seekers were never locked up. At that time, the detention centres were used only for people who had blatantly flouted our immigration laws, not for those who were genuine applicants for asylum.

Importantly, neither the Fraser government nor the then Labor opposition sought to exploit the arrival of boat-people for political purposes. Both sides of politics showed compassion to the people who sought asylum and were content that their claims for refugee status be assessed by departmental officials in accordance with Australia's obligations under the international *Covenant on the Status of Refugees, 1951*.

Contrast this with the position under the current government. In the days when asylum seekers who arrived by boat were permitted to enter Australia at all, as distinct from being sent off to Nauru, Manus Island or somewhere else remote from advice and assistance, they were routinely locked up in detention centres in remote parts of the country. Many asylum seekers, and their children, were held behind razor wire for years, sometimes to the considerable detriment of their mental health. Why was this done?

In 1994 the Keating government commenced to detain some asylum seekers in detention centres. However, under Labor, there was no general policy of detainment. Under the Howard government, a rigid, and curious, policy developed. So far as I am aware, it was never formally announced but its implementation soon became apparent to me and my colleagues in the Federal Court.

As a judge hearing immigration cases all over the country, I found that most of the people who came before me in Sydney, Brisbane and Melbourne were people who had entered Australia by plane, generally on a tourist or student visa, had out-stayed their visa and were now seeking to be recognised as refugees. Usually, their claims were weak. Most did not come from countries in which there was widespread ethnic or religious oppression. Nonetheless, their claims had to be evaluated. In the meantime, overwhelmingly, they were not being held in detention. They were living in the wider community and often working in paid employment.

When I sat in Perth or Adelaide, I found the overwhelming proportion of applicants were people who had entered Australia by boat and were being held in detention at Derby or Port Hedland, in Western Australia, or Woomera or Port Augusta, in South Australia. These people were mostly from Afghanistan, Iran or Iraq, where there was

widespread ethnic and religious persecution that tended to support their claims to refugee status.

The thinking behind this curious situation became publicly apparent in 2001, just before the Tampa incident and the “children overboard” affair. Mainly because of events in Afghanistan and Iran, the number of “boat people” increased. The government responded by embarking upon a policy of demonising all such people. Government Ministers persistently referred to “boat people” as “illegals” or “queue jumpers”, despite Australia’s international legal obligations to genuine refugees and the fact that there was no queue. The compassion that had characterised the Fraser government’s approach to the same problem had given way to heartless political exploitation.

The government claims its detention policy has stemmed the flow of “boat people” to Australia. Perhaps it has had an effect on the flow, but probably the major reason why boat arrivals have become rare is the now co-operation between the Australian and Indonesian police in preventing departures from Indonesia. If detention has had some deterrent effect, this has been purchased at a considerable price.

The denial of Mr Cordiner’s fifth value, community, arises out of the denial of the first four. There can be no sense of community where government denies the values of integrity, justice, fairness and compassion. Wedge politics are about division, the antithesis of community. Although our Prime Minister likes to talk about mateship, the essence of mateship is the strong helping the weak, not demonising them. Demonisation of the weak is a form of bullying and, as every teacher knows, bullying is destructive of community.

Mr Cordiner craved a leader who would challenge him to “something far bigger and greater than self-concern”. There was a time when I felt that we Australians were on the cusp of that state. In the 1970’s there was, I believe, a widespread feeling that our country could point the way to a better world. Australia was becoming a significant member of the world community, punching well above our weight. We had well-established relationships with the major Western powers, especially the United States and European countries. At the same time, we were free from the reproach of having been a colonial power, and thus able easily to forge warm and supportive

relationships with developing countries. We had acceded to most of the significant international agreements and observed them in letter and in spirit. Domestically, we were spending large sums of money on education, including for mature aged students, and on improving our cities. There was an emphasis, supported by government, on the conservation of both our natural and built environments. We were legislating against discrimination in all its forms, reforming many of our basic laws and actively debating the improvement of our federal constitution.

How much has changed! Today, economic rationalism is king. Governments must not incur debt, even for nation-building projects. Our universities are starved of funds and keep themselves alive by over-loading with full-fee students and making compromising deals with industry. Australia's foreign aid expenditure has fallen to less than half of the international standard of 0.7% of Gross Domestic Product. When it suits us, we ignore our international obligations, such as those under the International Labor Organisation's Conventions about worker's rights, and those imposed by the *International Convention on Civil and Political Rights, 1966* and the Refugees Convention. We brush aside the fact that, per capita, we are the world's heaviest greenhouse gas polluters. Truly, as Mr Cordiner said, Australia has become "more and more self-focused, fearful, materialistic and lonely".

One of the most unfortunate changes has been in the tone of public discussion. The changed tone became evident early in the reign of the present government, when it received the "Stolen Generation" report concerning Aboriginal people who were taken in infancy from their parents. The Keating government had commissioned Mick Dodson and Sir Ronald Wilson to investigate this issue and make recommendations as to remedial action. Mick Dodson was, and is, a highly-respected Aboriginal elder. Sir Ronald Wilson had served for about 15 years on the High Court of Australia, having been appointed to it by the Fraser conservative government. Neither of these people was erratic or radical. Yet the government delayed release of the report for two months, during which time it waged a vicious personal campaign against the two authors of the report.

The tactic of personal denigration has since become standard government practice. You will recall the treatment of Andrew Wilkie, the Intelligence officer who revealed the flimsy material that had underlain the government's decision to support the war in Iraq. A recently-published work (4) chronicles the retributive action that has been taken by the government against its perceived critics, or even deliverers of bad news, in the universities, the research community, non-government organizations, the media and the public service.

From the government's point of view, it seems, its departure from accepted values is quite unimportant. All its talk is about economic management. And, sadly, the rhetoric of the opposition is not much better. However, the recent decline in our public values is not unimportant. Not only does it affect our feeling of well-being and pride in our country; it must ultimately also affect the values we apply in our private lives. We are seeing this already. Our egalitarian tradition is disappearing. Although the gap between rich and poor is wider than ever, this seems to cause decreasing concern. Many people are working longer hours, often to the detriment of their families, in order to maintain a life-style that revolves around conspicuous consumption. If children see their governments bullying the weak and their parents worshipping materialism, why will they do otherwise?

The saddest thing about what I have recounted is that bullying and wedge tactics are seen by the politicians as being politically astute. This poses an enormous challenge for those of us who find them abhorrent.

How can we meet that challenge? I have no magic answer. But we can start by being angry about what is happening to our country. We can insist that values like those identified by Mr Cordiner be applied in our public life. We can punish at the ballot box those politicians who fail to do that. We can take every opportunity to remind the politicians of the Biblical truth that "man does not live by bread alone", that we are interested in ideas, ideals and non-material goals, that we want our nation to be challenged to excel in all areas, not merely as a quarry or on the sporting fields. At every opportunity, we should put that view in public fora, including those now opening up on the internet. And we should talk to our friends about these issues, and stir them up to express their views to our political leaders.

Teachers have both a special opportunity and a special responsibility. I commenced my address last night by referring to an article of Professor John Stephenson that was published in the final issue of "New Horizons in Education" last year. (5) Professor Stephenson wrote about the meeting at Calais, France, in 1921 at which it was decided to form the New Education Movement, the forerunner of WEF. The professor described those who met at Calais as sharing "the belief that schools had a major part to play in building a society where all peoples had the will, ability and confidence to live and work together in peace and harmony." Plainly, that involves building a society in which the values that harmonise our personal relationships apply also in the public arena. The task is not yet completed.

- (1) The William Oats Memorial Lecture, Hobart, 22 August 2007.
- (2) Letter from Graeme Cordiner, "Sydney Morning Herald", 25 July 2007.
- (3) Ms Pat Anderson, an Aboriginal woman with almost two decades' experience as a Territory social worker, and Mr Rex Wild QC, a former Territory Director of Public Prosecutions.
- (4) "Silencing Dissent", ed. Clive Hamilton and Sarah Maddison, 2007, Allen & Unwin.

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