

## Appendix I

### Australia Day Messages, 2006-2008

#### Editor's Note

An Appendix to Volume 16 (2004) of these Proceedings recorded the Australia Day Messages that had been sent to members by our inaugural President, the Rt Hon Sir Harry Gibbs, GCMG, AC, KBE. As explained in the Foreword to that volume, those communications had been greatly appreciated by our members and, although they did not form part of any Conference Proceedings, they had certainly come to form part of the proceedings of the Society more generally.

For reasons of space only, Sir Harry's messages for the years 1993 through 2000 were recorded in Volume 16. The remainder of his messages, for the years 2001 through 2005, were subsequently published in an Appendix to Volume 17 (2005). Sadly, by that time we had suffered the tragic blow of Sir Harry's death on 25 June, 2005. His message for 2005 was, therefore the last to be received from him.

In the aftermath of Sir Harry's death, our then Vice-President, Sir Bruce Watson, AC agreed to serve as Acting President of the Society pending the appointment of a successor. Although, by Australia Day, 2006 a new President (Sir David Smith, KCVO, AO) had been nominated by the Board, his appointment did not take effect until approved at the then impending Annual General Meeting. The Australia Day Message for 2006 was, therefore, composed by Sir Bruce. Subsequent messages, for 2007 and 2008, have of course been delivered by Sir David.

In recording, in what follows, those three messages, I should not fail to note also the death, on 1 November last, of Sir Bruce. While this is not the place for an obituary, suffice to say that he died as he had lived – a good man, a fine Queenslander, and a steadfast supporter, since its 1992 inception, of this Society.

### Australia Day Message, 26 January, 2006

#### Sir Bruce Watson, AC

Dear Fellow Members of the Society,

During the year we were all saddened by the death of our President, the Right Honourable Sir Harry Gibbs, GCMG, AC, KBE, who had served as President of our Society since its inception. Your attention is drawn to the tribute to him in Volume 17 of the Proceedings of the Society, written by John Stone.

Sir Harry Gibbs provided Australia and this Society with outstanding leadership. He was a man of great intellectual integrity. We shall all miss him enormously.

As members will know, each year since 1993 it had been Sir Harry's practice to send to members an Australia Day message on behalf of the Society. The texts of those messages are to be found in Appendices to Volumes 16 and 17 of our Proceedings.

At the request of the Board of Management I have, since Sir Harry's death, served as Acting President of the Society pending the appointment of his successor. Although a new President (Sir David Smith) has now been nominated by the Board, he will not take office until his election at next month's Annual General Meeting. It therefore falls to me to mark this Australia Day, not in Sir Harry's place (because that is impossible), but temporarily in his stead.

On Australia Day, all Australians should reflect on the individual freedom we enjoy and our individual rights to choose how we live our lives. These rights are directly related to our form of government.

This Society makes no apology for supporting debate on the Constitution from a federalist perspective. When the Commonwealth was formed the national government was given limited specific power. Unfortunately, year by year we see increasing centralisation of government functions. To achieve this the Commonwealth, supported by decisions of the High Court, has used its external affairs power; its power to impose conditions, without limit, on grants of financial assistance to the States; and its corporations power.

There is a well established management principle that the best decisions are made as close to where action is being taken as possible, where all understand fully the ramifications of these decisions. Authority levels should be established to enable the reasonable making of these decisions. Surely this principle applies to government, which is, after all, a very big business. Yet we continue to see increasing centralisation.

The recent problems within the health system of my own State, Queensland, are an example of centralisation within a State. Not many years ago Queensland hospitals were administered under a system of local boards. These boards were abolished, removing local independent representation, and management was centralised. Most of the problems that have now occurred would simply not have been possible under the old decentralised system.

Sir Harry Gibbs, in his Australia Day Message of 1994, wrote: "It cannot be too often repeated that the division of power effected by a federal system is a valuable check on excesses of government power".

Our Society will continue to maintain its advocacy of the federal system.

While reflecting on individual choice, it is interesting to note the progress in the debate during the year on how most effectively to assist Aboriginal people. There has been increased advocacy and action by indigenous leaders seeking to build the future of these people on self-reliance, dignity and education. The move is to have the relevant decisions taken at the local level. Mr Noel Pearson, in an address during the year, said: "The end goal for the Cape York reform agenda is to ensure that the Cape York people have the capabilities to choose a life they value. It is not about making choices for people, but is rather about expanding the range of choices people have available to them".

Many will agree with those sentiments, and it is hoped that this debate will lead to improved living standards and opportunity for Aboriginal people throughout Australia.

On behalf of the Society, I extend all best wishes on Australia Day, 2006.

## **Australia Day Message, 26 January, 2007**

Sir David Smith, KCVO, AO

Before penning my first Australia Day message to members of the Society, following the tradition established by Sir Harry Gibbs, I sought inspiration by reading all thirteen of Sir Harry's messages, a task made easier by John Stone's happy decision to publish them as Appendices to Volumes 16 and 17 of the Society's conference Proceedings, *Upholding the Australian Constitution*. As John wrote in his Editor's Note in Volume 16, "Over the years, those brief messages have conveyed, in Sir Harry's characteristically limpid prose, a wealth of wisdom distilled from the mind of one of Australia's finest and most honourable public servants (employing that phrase in its time-honoured, and best, sense)". Attempting to follow in Sir Harry's footsteps is a daunting prospect indeed.

Following my retirement on 31 August, 1990 from the Commonwealth Public Service and from my appointment as Official Secretary to the Governor-General, the very first speech that I was invited to give was to propose the toast "To Australia" at an Australia Day function in Melbourne on 25 January, 1991. The occasion was the annual luncheon of the Australia Day Council of Victoria. I had accompanied two Governors-General to these luncheons when they had been invited to be guest speakers, little dreaming that I would one day receive my own invitation. My speech had two main themes – our Australian system of government and our Australian way of life (thus pre-empting Prime Minister Paul Keating, who put our Australian system of government on the public agenda in 1995, and Prime Minister John Howard, who put our Australian way of life on the public agenda last year.)

Speaking to my second theme, I was critical of the word "multiculturalism" and of the way it was being

misused, even then. Whatever that distinguished scholar, Professor George Zubrzycki, may have had in mind when he first gave us the word, it had been quickly commandeered, distorted and misused, until it became a sad travesty of what was intended. As I recall, my criticism of the word and of its misuse earned me a serve on SBS television news that evening, so my remarks must have been close to the bone. I was therefore greatly interested in press reports last year that the Howard Government is looking to scrap the word, and that Mr Andrew Robb, Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, has described it as unhelpful.

In my 1991 address I asserted that there is an Australian culture, contrary to what some would have us believe, and, like our Australian system of government, it must be nurtured and defended. I noted that it was British in origin; that it has been added to, and enriched, by successive generations of immigrants; that we must continue to welcome and encourage such enrichment; but that we must not forget or apologise for our basic culture. I specifically rejected the inference that ours was a BYO culture – bring and retain your own, for we don't have one to offer you.

In 1991 I noted that I am a first generation Australian, born in Melbourne. My parents were non-English speaking migrants from Poland. My father arrived as a young man in 1932, alone, leaving his parents and siblings behind. My mother had arrived in 1929, in her late teens, with her mother and her younger siblings. They, in turn, had been preceded in 1928 by their husband and father – my maternal grandfather – who, by the late 1920s, had seen the rise of Nazism in Germany and feared it would soon spread across Europe. So he chose Australia as a safe haven for his family, came out first to make sure he was right, then sent for them. None of my family had any difficulty in becoming loyal and patriotic Australians

My purpose in recounting this brief family history was to establish the fact that I know, from personal experience, that the immigrants who came to this country prior to World War II, and in the post-war years, had no difficulty in accepting the way of life – the culture – which they found here. They brought with them their own languages and customs and traditions, and some they chose to hold on to. But they became loyal Australians and adopted Australian customs, at the same time making their own contributions to what they found here. They quickly learned our language and our ways. They eagerly sought Australian citizenship: in the jargon of those days, they became naturalised. They had to wait five years for this privilege, and it involved renouncing their previous allegiance, which they did gladly.

But over the years our citizenship standards were progressively lowered. The residence requirement was reduced from five years to three years to two years (although an increase to four years has been foreshadowed). The English language requirement was reduced from “adequate” to “basic” (although again a raising of that standard is foreshadowed). The requirement to renounce other allegiances was removed, and dual citizenship became permissible for foreign-born citizens. Australian-born ones automatically forfeited their Australian citizenship the moment they acquired that of another country. This discrimination against them was removed in 2002, and they, too, may now enjoy (if that is the right word) dual citizenship. It might have been better if the removal of the discrimination had gone the other way – if dual citizenship had been denied to all Australian citizens.

Today we find some older foreign-born dual citizens returning to live permanently in the land of their birth, having resided in Australia only long enough to qualify for Australian old-age and other social service pensions. Some younger Australians, whether foreign-born or the Australian-born offspring of former immigrants, travel abroad to join in foreign wars or other terrorist activities, including activities contrary to Australia's national interests or even against members of Australia's defence force. This seems not to stop any of them from seeking assistance from Australian diplomats and consular officials when in trouble.

Dual citizenship enables Australian citizenship to be treated as a cloak of convenience, to be sheltered under or cast aside at will. It should be worn with pride by all Australians.

Your Board has decided to hold the Society's conferences in or around the month of August each year. This will enable the conference and the annual general meeting to be held at the same time, instead of separately, as has occurred in recent years, and will enable more members to attend and participate in the Society's annual general meetings.

This year's conference will be held in Melbourne from Friday 17 August to Sunday 19 August, 2007, and I hope that as many members as possible will be there.

## Australia Day Message, 26 January, 2008

Sir David Smith, KCVO, AO

One of my interests in retirement is to use the internet to keep up with political events around the world. I do this by logging on to the BBC and CNN news services and by browsing among the news pages of British, United States and Canadian newspapers. As 2007 was an election year in Australia, I was particularly interested in elections in other countries. It was often a melancholy experience.

I'll refrain from naming the countries, but Society members will no doubt recognise many of them. All too often, news services reported on election campaigns in which the mud-slinging turned to violence, with the undignified spectacle of a full-blown punch up on the floor of the Parliament; or the imposition of a state of emergency, followed by calls for the release of political prisoners and the immediate reinstatement of the Constitution; or violence leading to the quelling of the rights of citizens to assemble peacefully; or calls on the government to guarantee the independence of the judiciary; or yet another declaration of a state of emergency and the indefinite postponement of the polls; or calls for an end to violence and atrocities against innocent civilians; or an end to chaos, fraud and violence at polling places; or the exile or imprisonment of the Leader of the Opposition. And these are only some examples.

In reflecting on these depressing stories, my thoughts turned to our own federal election held last November, when we changed our national government. We did this by writing numbers in pencil on pieces of paper. In so many countries around the world, some of whose election processes I have described above, their citizens risk being thrown into prison or shot on the streets in attempting to do what we did that Saturday in November with those pencils and pieces of paper.

Within hours of the polls closing we knew that we had rejected the old government and had elected a new one. That same evening the defeated Prime Minister appeared on national television and made a gracious concession speech in which he congratulated the incoming government. The Leader of the Opposition followed soon after and made a gracious acceptance speech in which he promised to govern for all Australians. The speeches of both John Howard and Kevin Rudd included generous references to their political opponent.

That night some Australians went to bed pleased and happy, others disappointed and sad, but next morning life went on as usual for the vast majority of us. The Australian Electoral Commission resumed its counting of the votes, the Australian Public Service prepared to receive its new masters, and the Governor-General prepared to take the steps which the Constitution required of him in order to install the new government.

On Monday 26 November, two days after polling day, Prime Minister John Howard, in accordance with constitutional convention, resigned his commission as Prime Minister and advised the Governor-General to invite the Leader of the Opposition, Kevin Rudd, to form a government. The Governor-General asked Mr Howard and his Ministers to continue in office in a caretaker capacity until a new government had been sworn in. The Governor-General then invited Mr Rudd to form a government.

On Thursday 29 November, five days after polling day, Mr Rudd advised the Governor-General of his proposed government and received His Excellency's approval to announce it. Mr Rudd and his wife Ms Therese Rein then called at the Prime Minister's Lodge in Canberra where they were warmly welcomed by Mr and Mrs Howard.

On Monday 3 December, nine days after polling day, the Governor-General accepted Mr Howard's resignation; approved a new Administrative Arrangements Order which changed the structure of Commonwealth government departments, allocated functions and legislation to them, and assigned responsibility for those functions and legislation to the respective Ministers and Parliamentary Secretaries; and swore in the new Rudd Government.

At the conclusion of the swearing-in the Governor-General congratulated all Ministers and Parliamentary Secretaries, and particularly Mr Rudd on his appointment as Australia's 26<sup>th</sup> Prime Minister and Ms Gillard on her appointment as Australia's first female Deputy Prime Minister. His Excellency commented on the conduct of the 2007 federal election campaign, the good will evident after the election, and the courtesies observed in the smooth transition of executive power. The Governor-General described these events as a wonderful example of Australia's democratic process at its best, and a tribute to our proud record as one of the world's oldest democracies. He wished the new government every success in the supreme task of governing our country wisely and well.

The processes and procedures that I have described were all carried out peacefully, orderly, and in accordance with our Constitution, its inherent checks and balances, and its conventions. The task that was begun by those pencils and pieces of paper in polling booths around the country was put into effect by the Governor-General in a dignified ceremony at a happy family occasion in the Drawing Room at Government House, Canberra.

I am proud to be a member of a Society whose aim is to protect the Constitution that governs our election processes. We really are a fortunate country.

I wish you all a happy Australia Day.