

*50th ANNIVERSARY - AUSTRALIAN
CITIZENSHIP CONFERENCE DINNER*

at

Ormond College, University of Melbourne

on

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by

*H.E. The Honourable Sir James Gobbo, AC
Governor of Victoria*

Thank you for the honour of being your guest speaker and for your welcome. The 50th Anniversary of Australian Citizenship is a memorable occasion. It is good that it comes just before all the events of the year 2000 for these may have overwhelmed this particular anniversary, which essentially marks the legal commencement of Australian nationality.

1949 on the world stage was a year when the momentous changes caused by the Second World War were still continuing. Europe was in turmoil and it was continuing to export its peoples to the New World, including Australia. Australia, for its part was engaged in a quite revolutionary change in the size and ambit of its immigration policies. Its annual intake was the highest since the Gold Rush and its immigrants included many from non-British

sources including Germany and Italy. Yet there was no clarion call announcing a new society, as the polls showed high opposition to immigration. The public was sedated and reassured by pictures of blond blue-eyed settlers being met by Immigration Minister, Arthur Calwell, who at the same time was trying to secure shipping for 20,000 Italians, few if any of them of Nordic appearance.

That year I enrolled at Melbourne University in a combined law history course. Like the rest of Australia, it was a very tranquil place, quietly understating the significance of change. The boys all wore baggy trousers and the girls all wore twin-sets and Fletcher-Jones skirts, all of which was good for our woolgrowers. Conformity in clothes mirrored conformity in thought. The biggest issue in my years at the University was a proposal to add a penny to the price of malted milks in the cafeteria. Great things were about to happen in the Snowy Mountains but this took a long time to stir the imaginations of urban folk.

Now, 50 years on, Europe is again a place of momentous change - if it ever ceased to be so. Europe has become an entity and not a mere geographical expression. It is a political and economic union of over 300 million people. It has ceased to be a place of Emigration and is a place of Immigration. Australia, 50 years on, still works hard to understate change.

Conformity in clothes still mirrors conformity in thought. The men wear jeans and baggy trousers - some of us never ceased to wear the latter - and the women all wear black. Universities are again places of deep and serious tranquillity.

All very nostalgic but you might well ask - what does all this have to do with the 50th anniversary of our citizenship legislation? It is essential background to the wider question which is always raised when Australians talk about citizenship as a political creation. More particularly, why was citizenship barely mentioned, much less used as a call to nationhood when the Constitution was settled a century ago? Why, when the subject was revisited 50 years ago, were we so apparently mundane and colourless in our legislation.

The answer may be that we are just being ourselves, that we are very pragmatic, laid back, laconic folk, not given to Jeffersonian prose. This may be the legacy of history, for we inched into nationhood, rather than galloping in by force of arms.

I recently found an essay I wrote 50 years as a brash, over-confident University student. It was about Federation. In it I looked at the various great European social and political doctrines which had swept 19th century Europe

and some of whose standard bearers like the Chartists had come to Australia. I wrote that these doctrines were transplanted middle class exotics which could not flourish in Australian soil and that Australian political thought was pragmatic and empirical which carried with it both an element of experimentation and a distrust of high flown language and theories. Fifty years later I ask less brashly, should we now accept this as a reality, as a permanent rather than a transient feature of Australian life?

When we turn to look more closely at citizenship, it needs to be discussed under two broad headings, one legal, the other spiritual. The legal topic is not a riveting one at the best of times, let alone in an after dinner address. It involves examination of the rights and responsibilities attached to citizenship , the two most quoted rights being the right to vote and the right to serve on juries. The latter is perceived by a disturbingly high section of the citizenry as a burden rather than a right.

It reminds me of the many applications for exemptions which were made to me as a judge in jury trials. The applicant has to begin by swearing "*I swear by Almighty God that I will give true answers to all questions put to me by this Honourable Court.*" Once there was a very nervous citizen in a

crowded Courtroom who said - "*I swear by Almighty God that I will give two answers to all questions put to me by this Honourable Court.*" I said stop and try again. He was even more nervous the second time and said "*I will give true answers to all questions put to me by this Horrible Court!*"

It is more interesting to look at the wider question in the institution of citizenship as to how it encourages or merely facilitates participation in our civil society and at how it nurtures a sense of belonging and commitment.

The public debate about citizenship is bedevilled by confusion between legal citizenship, that is nationality and naturalisation and a wider question of participation. This does not help to advance the role of those many non-citizens who are permanent residents. The data reveals that the average length of time before permanent residents take up legal citizenship is nine years. In addition there are some one million persons who reside in Australia who are not citizens. This is of course a group which is renewed by each year's migrant intake - which in the 1980's averaged over 100,000 new comers each year but in recent years has fallen to some 80,000 per annum.

Apart from the right (or obligation) to vote, there is no significant difference as to rights and obligations between these permanent residents and citizens in law. Yet the term citizenship is not currently applied to this large part of our population.

Moreover, this group of persons is in no sense temporary. In coming to Australia as permanent residents, they have had to make a significant commitment in resources and energy and talent. They are, unlike many immigrants to other countries, especially within Europe, permanent settlers, not guest workers.

In addition to this commitment by conduct, they are expected to live out a commitment to Australia. They are also exposed to the two most onerous burdens also borne by citizens, namely the obligation to pay taxes and liability to be conscripted. The notion of an overriding commitment is also reflected in the National Agenda for a Multicultural Australia which was intended to apply to all permanent residents of Australia, not just those who have taken up citizenship.

In this wider area, sometimes called identity, sometimes called the spiritual aspect of citizenship, there are some who complain of a lack of civic mindedness, of a lack of articulated national ideals, of our disunity. Some go so far as to say we are becoming a nation of tribes. Whenever there is discontent, we tend to have to find someone responsible. Here multiculturalism is seen as a culprit. Strangely, less often is this the case with cultural diversity which is the same concept. Perhaps it is the fate of all "isms".

It is sometimes inferred, if not said, that multiculturalism is being put forward as a substitute for national identity. There is no warrant for this as a study of the National Agenda shows. It is essentially a set of policies for responding to the reality of our cultural diversity. It is not a code for nationhood and was never put forward as such.

It is also sometimes inferred, if not said, that our diversity weakens national fervour and national aspirations and so the attainment of a full sense of citizenship.

This is unfair to our new settlers, many of whom are surprised - until they see our national sporting teams in action - by the lack of national emblems and articulated patriotism. I have also heard glowing tributes by new settlers to the generosity of their new home which I found stirring but these tributes seldom receive publicity.

It is interesting to note the National Citizenship Council in the early 1950's was asked to prepare a Charter of Citizenship. After appearing on the Agenda for about five or six years it just disappeared. It was not the new migrant groups that were responsible for causing that to run aground for it is an odd fact that the Immigration Advisory Councils, until 1970 did not have any non British representation. Professor Zubritsky was the first such

representative. And it has been my experience that very often new settlers are the most insistent in asking for some kind of charter of citizenship, for some kind of indication of what is it that makes us Australians. They ask, "*How can we live up to the ideal of being good Australians?*"

If we are to address this spiritual dimension, we need to begin by studying our history. We may conclude that the most vigorous concepts do not relate to our traditional institutions such as Parliament or the Law. It may be that the two most significant concepts are the bush and our sense of enhanced cosmopolitanism or, if you like, cultural diversity. Also significant but different in character is our growing embrace of Anzac Day and the finding of new depth and symbolism in this day.

This concept of the bush and all the traditional values associated with it have never had a stronger influence than now, even though the rural population has never been lower as a percentage of the whole. Our best poets and artists depict it with affection. The cities are full of incurable romantics about our bush which is embedded in our culture. Yet those cities are full of people whose only sight of a horse is at Melbourne Cup time!

The bush concept has a further particular dimension. It reflects our indigenous cultures and their unique relationship with the land.

The second concept is that of a society which has combined commitment to Australia with respect for cultural differences. We are proud that we have managed diversity well in a world where ethnic strife is all too prevalent.

These two concepts of bush and diversity are often in tension. The prophets of the outback too often see diversity as detracting from outback values. They should be using their gifts to convey the fascination of the bush and its importance in Australian history and legend to our new settlers. In fact there is much commonality between them - they both reflect a search for new values and a departure from the privileges and abuses of the Old World; they are both practical and resourceful and suspicious of abstract theories. They both reflect that Australians are more concerned with protecting a way of life, rather than an abstract idea of nation.

The right to be different is as crucial to the bush as it is to those supporting diversity. Urban Australia is very comfortable with today's diversity. Rural and regional Australia have been slower to accept it, largely because they have been less exposed to it. It is odd that some are troubled by the sight of Australian men wearing turbans or women wearing the hizab (scarf) but have no difficulty with baseball caps and all the imported paraphernalia of a very visible United States pop culture.

Citizenship is in the final analysis all about participation. Thanks to the tolerance handed down by our British institutions, Australia is achieving this well. It will do so even more and in practical terms if we bring the bush and diversity into harmony, rather than tension.

In Australia our record of pragmatism and suspicion of exotic models or rotund phrases means we should relax and cease reproaching ourselves about our mundane public statutes, including that which came into force 50 years ago. Rather we should reflect on the positive achievements of our working democracy.

I will conclude by reciting a bush story, which for me captures special qualities of independence and belligerence and humour which explain how an urban society, even a very culturally diverse one, can draw inspiration from the outback.

It is a true story about a Dubbo jury. The accused was on trial for stealing some heifers. The case against him was very strong. When the jury returned with their verdict the Judge's Associate said, "*Do you find the accused guilty or not guilty of cattle stealing?*" To which the foreman replied "*Not guilty, if he returns the cows.*" The judge read the jury the Riot Act and concluded by saying "*Go out and reconsider your verdict. You swore that you would find a true verdict according to the evidence.*" The jury retired again, and when they returned they had a belligerent air about them. The Judge's Associate said, "*Have you decided on your verdict?*" The foreman said "*Yes, we have. We find the accused not guilty - and he doesn't have to return the cows.*"

I would like to conclude by congratulating all those involved in organising this 50th Anniversary of Australian Citizenship Conference.
