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THE PEOPLE'S

CHAMPION: FRED PATERSON AND ST PATRICK'S DAY 1948

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Frederick Woolnough (Fred) Paterson, MLA for Bowen from 1944 to 1950, is unique to Australian history. He was, and will almost certainly remain, the only representative of the Communist Party elected to any Australian parliament. It was said by Paterson, at the time of his parliamentary sojourn, that only one man was less likely ever to become Premier of Queensland – his fellow MLA, Johannes Bjelke-Petersen.¹

A Rhodes Scholar, ex-theology student, union activist and prominent radical barrister, Fred Paterson was an active defender of the rights of the working class and the unemployed as well as of Australian immigrants, working especially for Italian cane-cutters in North Queensland. As part of the so-called “popular front” of communists, anarchists and syndicalists in North Queensland – in the 1930s and 1940s known as the “Red North” – he helped to lessen the influence of fascist ideas among the Italian community and others, including Yugoslavs and Spaniards, while at the same time advancing their social and economic conditions.

Fred Paterson's story intersects with many historically significant movements, most notably the Communist Party of Australia (CPA), its relations with the Australian Labor Party (ALP) and with organised anti-communist groups within the ALP and without. His story also intersects with the life of communities such as the Italians and other immigrants in North Queensland, as well as with those he termed “the useful people” and with the otherwise alienated and dispossessed. Fred Paterson's life was one of personal sacrifice, commitment and of struggle against conservative politicians, the legal establishment, state and federal government intelligence agencies, the Australian Labor Party and often against the hierarchy of the Communist Party of Australia.

Until now, there has not been a biography of this important Australian. Tom Lardner rather ingenuously argued in 1966, sixteen years after Paterson had been a member of Queensland Parliament, that Fred deserved more than the cursory entry at the time allocated

under his name in *Who's Who in Australia*.² This is to miss the point that Fred, as is the custom, provided his brief entry himself. Yet, even a perfunctory study of Fred Paterson's life reveals a series of outstanding achievements, beginning as a student at the Gladstone State Primary School. In academic life, Fred, after military service during World War I, achieved the status of Rhodes Scholar and, after returning from Oxford, studied law in Brisbane and subsequently became a barrister, early in his career practising mainly in North Queensland. He was elected as the first Communist Alderman for Townsville, a position which he held from 1939 to 1944.

Apart from those early achievements, he went on to become politically unique by his election at two consecutive polls, as the Communist member for the Queensland State seat of Bowen from 1944 to 1950. On St Patrick's Day 1948 in Brisbane, while observing a march of striking unionists, a police baton viciously brought him down, leading to the accusation in parliament and outside, that a deliberate attempt has been made to murder "the People's Champion".

The 1948 Queensland Rail Strike was to prove to be a turning point in Fred Paterson's life. His part in it was to turn E.M. (Ned) Hanlon's ALP government against him to the point where, with the support of its parliamentary opposition, it passed specific legislation, directed against Fred – the so-called "Paterson" Bill (*Industrial Law Amendment Act of 1948*). Not only was Fred the target of the legislative arm of the State, he was also to be target of its coercive arm – the Queensland Police Force.

As a Communist parliamentarian and committed activist, Fred fully and immediately supported the railway workers who on 3 February 1948 had called for a state-wide strike in pursuit of their wage claims. In Paterson's memoirs he explains:

I regularly went on picket duty before going to parliament each morning. The strike was legal, as all the tradesmen's unions had carried the vote in favour of strike by a huge majority.³

Legal or not, the strike was bitterly opposed to Premier Hanlon, himself a former railway worker⁴ and his transport minister John Edmund ("Jack") Duggan, MLA for Toowoomba. The Hanlon ALP Government successfully applied to the Industrial Court for a stand-down order and, in keeping with the infamous actions of Premier William McCormack during the South Johnstone Strike of 1927, began dismissing daily hundreds of railway workers. This applied not just to the ARU but also members of the moderate Australian Federated Union of Locomotive Enginemen (AFULE) who were not yet involved.⁵

In the second week of the rail strike all engine drivers walked off the job, halting all passenger services in the state.⁶ The lack of income quickly began to affect workers and their families. The Trades and

Labour Council Women's Auxiliary set up a relief workroom at Trades Hall in Brisbane from which to coordinate the distribution of materials for the relief of striking workers and their families. Relief committees were set up in the suburbs of Ithaca, Red Hill, Windsor, Clayfield, Woolloowin, Wynnum, Nundah and Kurilpa.⁷ In the face of a boycott by the mainstream press, the Central Disputes Committee, drawn from a cross-section of militant unions, set up an intensive propaganda campaign, while in Brisbane, Ipswich and Townsville mass pickets were organised to frustrate other forms of transport.⁸ The Propaganda Committee issued 850,000 leaflets, 20,000 information bulletins, 160,000 copies of their newspaper the *Railway Advocate* as well as other pamphlets and posters.⁹ This massive effort was essential to counter the effect of the "Tory press" which, according to CPA stalwart, Doug Olive, "blatantly misrepresented and falsified events and issues".¹⁰

The Courier-Mail, Thursday 12 February 1948 ran the banner headline on page one of its "Late City" section: "RED" GRIP ON RAIL STRIKE TIGHTENS. It went on to describe the changeover of leadership of the Central Disputes Committee. The outgoing Mr E J Irwin, of the Railway Salaried Officers' Union was replaced as Secretary by Alex Macdonald, Secretary of the Federated Ironworkers Association, "a leading Queensland Communist".¹¹ This issue of *The Courier-Mail* also noted that of the 22 members of the Committee, eleven were "known communists or communist supporters".¹² There was certainly a strong CPA contingent on the committee and events had indeed gained considerable momentum when Ted Rowe, a CPA member with experience in Victoria's six month long (1946-47) metal trades (Amalgamated Engineering Union) strike¹³, arrived in Queensland. Undoubtedly the experience of Rowe and Macdonald boosted the confidence of railwaymen and tightened discipline among strikers and picketers.¹⁴ But, in fact, communists did not gain control on the majority of strike committees.¹⁵ The press simply whipped up anti-communist hysteria, forgetting that to be a communist was not only legal but virtually necessitated a militant, participatory role in industrial action.

Premier Hanlon took to the airwaves on 28 radio stations, brandishing the "Red" bogey.¹⁶ In a speech broadcast throughout Queensland, he stated that the strike possessed "all the elements of a civil war" and denounced the subversive activities of "budding Commissars" and "mimicking Molotovs". The public battle-lines were drawn. In the media the strike over marginal increases to railwaymen, democratically supported by the workers themselves, was to be represented as a local battle between "freedom" and "democracy", and the secular evil of communism. It was presented by Hanlon as a part of the global clash between Western democracy and expansionist "world communism".

On 10 February 1948 a mass meeting of striking workers voted to institute pickets at rail workplaces.¹⁷ After a failed compulsory negotiating conference before the president of the Industrial Court, Justice Benjamin H Matthews, the Milton Tramways Depot workers were called out on strike.¹⁸ The unions which struck during the dispute included the Amalgamated Engineering Union (AEU), ARU, Blacksmiths, Boilermakers, Ironworkers, Moulders, ETU, Carpenters, Vehicle Builders and the AFULE.¹⁹ These ten unions were also supported by the Communist-led Miners' Federation and the Queensland Colliery Employees' Union. Even the Premier's brother, Col Hanlon, went on strike in Brisbane with other AFULE engine drivers.

In the face of the increasing resilience of the strikers, the Hanlon Government was assisted in its attempts to break their resolve by the federal government's Department of Social Security decision not to grant striking workers any social security benefits.²⁰

This ruling was soon followed by the state government's declaration on the evening of Friday, 27 February 1948 of a state of emergency, the second in three years.²¹ *The Courier-Mail* reported the proclaimed state of emergency as a measure intended "to keep the life of the community going".²² Arguably, the move was designed to break the resolve of the striking workers – as the powers of the Transport Act and an Order-in-Council prohibiting "picketing and the advocacy or incitement of strike action" recalled the dark ages of 1912 under the conservative Queensland government of Digby Denham. The mainstream press at no point suggested that "the life of the community" might be restored by the government (the intransigent employer involved) acceding to the railwaymen's legitimate claims to pay rises to bring them in line with workers in other states.

The state of emergency declared on 27 February 1948 signalled the desperation felt by the Queensland government. According to ARU activist Viv Daddow, Hanlon, who had then been premier for two years, "turned the clock back 36 years in dealing with strikers and peaceful citizens."²³ To this point Paterson's main role in the dispute had been to speak in favour of the strikers and against the government's repressive legislation.²⁴ As picketing was lawful, Fred's main extra-parliamentary task was to advise picketers of their legal rights and see that the Queensland police did not use any illegal methods in dealing with the picketers.²⁵

The site of the most successful mass picket in Brisbane was the Milton Tram Depot. On Tuesday, 24 February 1948, the Central Disputes Committee decided to withdraw all maintenance men from the Brisbane City Council Tramway Department at Milton as from midnight the following Thursday.²⁶ The Brisbane City Council Mayor, Alderman J B (John) Chandler, a rabid anti-communist, tried to prevent the Milton workers from joining the strike.²⁷ As a consequence,

the continuous mass picket at the Depot was initiated. Heading the pickets were officials of the Central Disputes Committee, in particular Fred and Ted Rowe of the AEU.²⁸ As Fred explained:

I used to go on picket duty at Mayne Junction and the detectives would come along and tell the pickets to move on, and I'd say to the pickets, "Now you move on, obey their order, but their order is simply to move on, they have no power to tell you where you must move, just to move on. Move on and go back to where you were!" And this bamboozled and incensed the police who were there.²⁹

Fred thus prevented the police from acting illegally and ensured that the pickets were conducted in a legal manner. So successful was he that, even while the state was being governed under emergency powers, a special Act was introduced to curb this "law-maintaining" behaviour.

When the Australian Waterside Workers' Federation (WWF) struck in support of the railwaymen, the Queensland ALP government panicked. On 9 March, strong police squads guarded Parliament House entrances from an expected march by strikers. Inside the Assembly, Hanlon said that "from one end of the country to the other people are sick to death of the commons. The people have "had" them and their work".³⁰ Naming "six prominent activists", Duggan declared that if the strike was lost, the communists, including Fred, would "slink back into their burrows like the curs they are".

Calling the government's offers to the striking railwaymen "lousy", Fred cautioned members against "the need to conjure up any red bogey or any red plot from Moscow". The question is: "Were the men's demands just?"³¹ Hanlon responded that the fundamental question was whether Australia would have an industrial code or "go back to the law of the jungle in industrial affairs".³²

On 9 March 1948, the government rushed through the *Industrial Law Amendment Act*, which prohibited participation in an illegal strike and stipulated heavy penalties for "coercing or intimidating workers with the object of procuring or inducing disobedience of an order or direction of the Industrial Court".³³ Police officers were granted power to enter any home or building, to disperse any gathering, and to arrest without warrant; the onus of proof was placed on the defendants.³⁴

Under the Act, which attacked fundamental principles of justice, the opinion of the police officer was sufficient proof of misdemeanour.³⁵ In an apparent volte-face, on 10 March 1948, even the conservative *Courier-Mail* commented, "These powers, it was stated in political circles last night, are the most far-reaching ever given to the police in any state in Australia".³⁶ The pro-government front page article was headed "NO MORE PICKETING".³⁷

While opposition to the new Act, especially in labour and civil liberties circles, resounded throughout Australia, in the State House only Paterson, his maverick friend, the independent MLA for Mundingburra, Tim Aikens³⁸ and J F ("Bombshell") Barnes (Inde-

pendent, Bundaberg) opposed it.³⁹ Paterson pursued the government over the issue of the Industrial Law Amendment Bill, the state of emergency, and their conduct in relation to the strike.

Fred's presence on the picket line, and his practice of advising picketers after police instructions, was to ensure that picketers did only that which the letter of the law compelled them to do and not what the police wished. Fred was at no stage acting, as Hanlon claimed as "the legal adviser of the people who are doing everything they can to break the law".⁴⁰ Fred attacked the 27 February state of emergency as "the greatest scab-herding, strike-breaking piece of legislation ever introduced by a Labor government anywhere in Australia."⁴¹ It introduced drastic powers prohibiting picketing and the espousal of strike action.⁴² These powers were enhanced by the *Industrial Law Amendment Act's* provisions to extend police powers further.

On 5 March, Hanlon had warned of the looming battle with the communists, who were "out to destroy" the ALP. A retreat would be unforgivable, he stated.⁴³ On 10 March, the Legislative Assembly passed the *Industrial Law Amendment Act*. A few days earlier the Brisbane *Sunday Mail* likened the radical's picket strategies to the situation in Soviet-controlled Czechoslovakia.⁴⁴ No-one could mistake the targets of Hanlon's latest manoeuvres. The Act increased the enforcement powers of police already operating under a state of emergency.

At the Initiation in Committee stage of the *Industrial Law Amendment Act*, the premier personally attributed the impetus for the bill to Fred's handling of the pickets after their receipt of police instructions. In a moment of unusual candour Hanlon admitted to parliament: "As a matter of fact, this bill might have been called the Paterson Bill".⁴⁵ Hanlon argued that Fred was assisting people to "get around the law". This situation, he said, was to be remedied by the new legislation. Hanlon clearly intended these additional powers to prevent Paterson from "obstructing" the police as they carried out their instructions to break up the pickets. When Fred insisted that the law of Queensland be adhered to and it became plain that, for the government's purposes, the law was insufficient to the police's task, it simply legislated to enhance those police powers.⁴⁶

Rejecting the Industrial Law Amendment Bill, Fred spoke in defence of the striking railway men with passion and eloquence. Of the strike Fred concluded that it could be solved immediately if, instead of this provocative anti-picketing Bill, the Hanlon Government immediately appointed an Industrial Commissioner to settle the dispute.⁴⁷

During the Railway Strike of 1948 the parliament of Queensland suspended civil rights in the interests of commerce and power⁴⁸, with the mainstream press braying in approval more often than not. Prime Minister Ben Chifley backed the ALP state government, and directed

that striking railway workers were not to be considered eligible for Commonwealth unemployment benefits.⁴⁹ Earlier in March, the *Bulletin* had claimed that the communists were focused on industrial chaos rather than the political outcomes of the strike. "Their aim is production loss, confusion, unemployment, idle factories, distrust, suspicion, hatred."⁵⁰

On 12 March 1948 six picketers, including leading communists Mick Healy (Secretary of the Queensland Trades and Labour Council) and E.C. (Ted) Englart (Secretary of the WWF), were served with summonses under the new Act.⁵¹ Communist barrister and Brisbane-based activist Max Julius told the Police Court that Paterson would be defending Healy and Englart when this case was to be heard on Monday 15 March.⁵² On 12 March 1948 at mass meetings, back-to-work motions proposed by members of the AFULE, were defeated resoundingly at Brisbane (1000 votes to 57) and Ipswich (1900 to 50).⁵³ Police attempts at violently breaking up pickets marching from the Shell depot at Newstead to Trades Hall were unsuccessful.⁵⁴ On Monday 15 March 1948 the executive of the AFULE voted to return to work.⁵⁵ However, the resolve of more militant unions was undiminished and the dispute continued.

On St Patrick's Day, 17 March 1948, Fred, on his way to court in order to defend some of the striking railwaymen, was also there as a legal observer, taking notes for future cases.⁵⁶ That same morning, around 9.00am, a procession of male and female unionists left Trades Hall in Brisbane, led by Queensland TLC Secretary Mick Healy, to demonstrate against the "Picketing Law".

The procession left Trades Hall and headed off peacefully down Edward Street, past Central Station in the city on the footpath on the northern side. At the Central Railway Station overhead bridge near the intersection of Ann and Edward Streets⁵⁷, they were intercepted by almost two hundred uniformed policemen, and plainclothes detectives.⁵⁸ Even though it was before 9.00am, some of the plainclothes detectives, including Detective Sergeants Jack Mahony and Ben McNichol, had allegedly been drinking rum in the back room of the Gresham Hotel at the corner of Adelaide and Creek Streets.⁵⁹

Within minutes, the orderly procession turned into a violent melee. The police, most specifically the detectives, flailed the protesters with batons which they had secreted in their back pockets.⁶⁰ Several protesters were injured, including waterside worker Basil Clifford ("Gerry") Tippet who was kicked in the face and had his nose broken, railway unionist John Grayson, who received head injuries, and a female demonstrator who was hit between the legs by a banner. According to Viv Daddow, the police violence lasted some ten minutes, after which, they "withdrew leaving the injured, some seriously, to be attended to by their mates as best they could".⁶¹ At the time the police

attacked, Fred and his friend, and fellow communist barrister, Max Julius, were on the footpath on the other (southern) side of the road. According to Fred's report, when he looked at the procession he saw:

... a plainclothes detective bashing into one of the members of the procession, with a baton. So I went over and called out to him to stop. He took no notice of me so I decided that I would take note of what he was doing so that later on I could use these notes to refresh my memory. I had just lifted my pen to write on my legal brief which I had in my hand, when I was struck down by a policeman's baton, and taken unconscious to the ambulance and then to the general hospital.⁶²

Hanlon's justification of the police handling of the demonstration included reference to the fact that Paterson's and Julius' presence with legal pads and pencils somehow proved that the march was intended to be one ending in violence. Years later Paterson admitted, at an impromptu seminar held in Brisbane in 1976, that as the detective was known to him as a violent person, he was lacking in prudence in approaching such a man with the expectation that the individual concerned would cease battering the protester simply because Fred had appealed to him to do so.

Fred, seeing that his appeals were having no effect on the detective concerned, decided to take notes on his folded legal-brief and commenced to do so.⁶³ At this point he was struck down from behind by Detective Sergeant Jeremiah John (Jack) Mahony. A plain-clothed member of the Brisbane CIB, Mahoney had two brothers, Pat and Dan Mahony, who were then also members of the Queensland Police Force.⁶⁴

An ex-Townsville based police officer who knew and respected Fred, Belfast-born Ben McNichol, witnessed the attack. Fred who later claimed that the felt hat he was wearing saved his life, was reportedly hospitalised with severe concussion, a lacerated scalp, shock and probable fracture of the skull.⁶⁵ Five of the demonstrators, including Mick Healy, Max Julius, Ted Englart and waterside workers Charlie Graham and Joe Esler were again arrested.⁶⁶

Although the *Brisbane Telegraph* was bitterly opposed to the CPA and the strike, the late city edition of Wednesday 17 March 1948 headlined its front page: POLICE AND PICKET IN FIERCE CITY FIGHT. The newspaper not only described how members of the procession were injured, but published photographs of the police with their batons. This clearly contradicted later statements by Hanlon about the bashing. According to the *Telegraph*, the incident, later known as the "St Patrick's Day Bash", lasted for fifteen minutes.

On the day following the bashing, *The Courier-Mail* quoted the premier's indignation at the demonstrators' behaviour and his admiration for the police:

I cannot believe that what happened today was anything else than a deliberately provoked brawl by the communist element, which sees defeat staring it in the face . . . I have reports from all quarters of their [police] tolerance, patience and care in handling people during this difficult period.⁶⁷

The premier's comments exemplify the degree to which he was prepared to misrepresent a situation for his own political ends. The assertion that police acted "courteously" could only be applied to Ben McNicol and to two uniformed policemen whom Fred credited with assisting him to an ambulance.⁶⁸

On the day of the assault, Fred was examined at the Brisbane General Hospital by Dr Solomon Julius (Deputy Superintendent and ex-student of Brisbane Boys Grammar School), the brother of Fred's legal companion that morning, Max Julius.⁶⁹ Himself a well-known CPA-member, Dr Julius diagnosed Fred's condition as serious. He stated that Fred suffered "extensive scalp lacerations, severe brain damage, concussion and shock. Five stitches had been inserted in the scalp wounds".⁷⁰ The superintendent of the Hospital at the time, Dr Aubury Pye, thinks that although Dr Julius was an "excellent doctor and a wonderful person", he might have exaggerated the extent of Fred Paterson's injuries when he spoke to the press.⁷¹ When asked by me how it was that, in the late 1940s, a well known communist was his number two at the Brisbane General, Dr Pye answered "I'd rather a good communist than a Catholic any day. I sent *them* to the Mater [Hospital]!"⁷²

On Friday 19 March, *The Courier Mail* referred to the bashing in a scant two paragraphs, under the leader "Paterson's Skull Not Fractured". An X-Ray examination it said, had revealed no fracture from injuries sustained "during Wednesday's communist clash with the police", and Fred had been sitting up reading telegrams from supporters.⁷³ In parliament on 19 March the Opposition Whip, Duncan Macdonald (Country Party, Stanley) gave notice that he would be asking the Health and Home Affairs Minister Arthur Jones for an explanation of Dr Sol Julius' statement that Paterson had suffered a severe brain injury, concussion and shock from the baton attack, in the light of the fact that Fred took part in a press interview on the day he was injured. Macdonald also queried what relation Doctor Julius had with the barrister Max Julius.⁷⁴

On the afternoon of the day Paterson was bashed, the Queensland ALP Caucus met and decided that no inquiry would be held. No charges were laid against either Paterson or the police sergeant involved.

In the years following the assault Fred certainly suffered at minimum from a loss of energy and what he described as "diminished efficiency".⁷⁵ In the immediate period after St Patrick's Day he was medically advised to refrain from any reading or other mental stimulation.⁷⁶ Indeed, he was too ill to do so had he wanted to.⁷⁷

Fred was never charged with any offence. Already an official process, designed to render the whole incident invisible, was commencing. Moreover Premier Hanlon falsely alleged that the demonstrators carried weapons and defended the force in the interests of "law and order". All over Australia the mood against militants was hardening. Early in the evening of St Patrick's Day in Melbourne, communist author Frank Hardy had heard of the bashing on the 7 pm radio news: "Paterson's gentle nature and behaviour meant that this attempt to bash out one of Australia's greatest brains must have been absolutely provoked. It was the first blow in a concerted attack on the working class movement which was to remain intense for six long years."⁷⁸ Not surprisingly, in a feature article by Rupert Lockwood, the *Tribune* of 24 March maintained: "Communist MLA Fred Paterson's blood-soaked shirt will become a banner of dark red and light blue, a symbol of the Australian workers' struggle against tyranny as important as the tattered blue and white flag of Eureka."⁷⁹

Ex-federal ALP leader and ex Governor-General, Bill Hayden, who joined the Queensland police force in 1953 and served in various places before becoming a MHR in 1961, recalls in his recently published autobiography that in the mid 1950s: "Another young detective and I entered the duty senior sergeant's office in the early morning hours, returning from a smash and grab near Roma Street Railway Station".⁸⁰ In his unedited manuscript Hayden specifically named Jack Mahony as the person who bashed Paterson.

The final published version continues:

The senior sergeant was swinging the sawn-off, lighter end of the pick handle which had a lanyard attached to it. He was explaining to some other detectives, with evident gusto, smacking the billet resoundingly against the palm of his hand, how he had used the deadly implement on the "commie" Fred Patterson(sic). This had happened on St Patrick's Day, 17 March 1948, in Brisbane. Patterson(sic) was...passing a group of striking unionists marching along Edward Street, from the now demolished old Trades Hall. Suddenly police, who had reputedly been drinking, charged the amiable picketing workers, laying many low with batons. When the one-sided affray was over Patterson(sic) was picked up from the road, unconscious with a severe skull fracture. He never fully recovered from this violence. He had been felled by this piece of pick handle in the hands of this senior sergeant.⁸¹

This revelation raises the question of why Bill Hayden did not report this extremely serious matter at the time. While it is understandable that, in the Queensland of the day, a junior policeman would be reluctant to report a senior sergeant to his superiors, it does not explain the fact that, after he left the force, and especially when he was a Member of Federal Parliament, Hayden chose never to expose Mahoney's deliberate assault on Fred Paterson MLA until the publication of his autobiography in 1996.⁸²

Endnotes

- 1 Bjelke-Petersen was elected as MLA for Nanango in 1947. See Hugh Lunn (1978) *Joh: The Life and Political Adventures of Johannes Bjelke-Petersen*, University of Queensland Press, St Lucia, P.57. Also see interview with Fred Paterson, *Courier-Mail*, 30 October 1976. This was confirmed in an interview with Sir Johannes Bjelke-Petersen by the author, "Bethany", Kingaroy, 14 April 1993.
- 2 Lardner, T (1966) "Profile: Fred Paterson in *Australian Left Review*, August - September 1966, p49.
- 3 Paterson, F "Fred Paterson - Part 2" in *Sixty Years of Struggle: A Journal of Communist and Labor History*, Red Press Publications, Sydney (1980), Part 2, p15; *Fred Paterson: A Personal History*, with an introduction by Ross Fitzgerald, Brisbane Labour History Association: Brisbane (1944) p43.
- 4 D J Bailey (1988), "The ARU Remembers the 1948 Rail Strike", supplement to *The Railway Advocate*, September 15, 1988 p1.
- 5 R. Fitzgerald *A History of Queensland: From 1915 to the 1980s* (St Lucia: University of Queensland Press) (1984), p127.
- 6 Bailey (1988) p2. See R Fitzgerald, review of Doug Blackmur (1994) *Strikes*, *Courier-Mail*, 29 January 1994.
- 7 *Ibid*, p3
- 8 Fitzgerald (1984), p127
- 9 Bailey (1988), p3
- 10 Olive, D (1948), *The Queensland Railway Strike: February-April 1948*. A Communist Publication, Brisbane. Doug Olive had previously opposed the AWU hierarchy in the sugar industry in the 1930s.
- 11 *Courier-Mail* Late City Edition, Brisbane, Thursday, 12 February 1948, p1.
- 12 *Ibid*
- 13 Fitzgerald (1984), p127
- 14 *Ibid*, p129
- 15 *Ibid*
- 16 *Ibid*
- 17 Bailey (1988), p3
- 18 *Ibid*. As Tom Sheridan *Division of Labour: Industrial Relations in the Chifley Years 1945-49*, Melbourne Oxford University Press (1989) explains, Justice Matthews "made clear his belief that the strike was Communist inspired", pp, 215-6.
- 19 Olive, D (1948), p6
- 20 *Ibid*, p10
- 21 *Courier-Mail*, Saturday, 28 February 1948, Late City Edition, p1
- 22 *Ibid*
- 23 Daddow, V (1975, *The Puffing Pioneers and Queensland Railway Builders*, St Lucia, University of Queensland Press, p165.
- 24 Paterson, F (1974) Interview with Wendy Lowenstein, p53
- 25 Paterson, F (1980) p15, Paterson F (1994), p43.
- 26 O'Brien and Macdonald (1949) p14.
- 27 *Ibid*
- 28 *Ibid*
- 29 Paterson, F (1974) p58
- 30 *Courier-Mail*, 10 March 1948, p3
- 31 *Ibid*
- 32 *Ibid*
- 33 See *QPD* 9 March 1948. Also see Fitzgerald (1984), p131.
- 34 *Ibid*
- 35 Olive D (1948) p15
- 36 *Courier-Mail*, 10 March 1948

- 37 Ibid
- 38 O'Brien and Macdonald (1949) p.23 (they say two opponents)
- 39 Botting, H (1967), *Parliamentary Comment on the Legislative Extension of Police Powers in Queensland*. A thesis for consideration for a BA with Honours in the School of Government. The University of Queensland, St Lucia pp104-105.
- 40 Ibid (Hanlon quoted)
- 41 Ibid, p1874
- 42 Fitzgerald (1984), p129
- 43 Cited in Blackmur, D (1983), "The Railway Strike, 1948", in Murphy, ed., *The Big Strikes, Queensland, 1889-1965*, St Lucia, University of Queensland Press, p247.
- 44 *Sunday Mail*, 29 February 1948. Cited in Blackmur, 1983, p248
- 45 *QPD*, Ibid p1896. (My emphasis)
- 46 Fitzgerald (1984), p131
- 47 Ibid
- 48 Botting H (1967), p12
- 49 Laurence Maher (1995) "Down under McCarthyism: The Struggle Against Australian Communism 1945-1960", unpublished draft, p21
- 50 Editorial reprinted in W Ross Johnston (1988), *A Documentary History of Queensland*, Brisbane: University of Queensland Press, pp375-76
- 51 O'Brien and Macdonald (1948) p24. The others charged were: Baden Bennett, Basil Clifford Tippett, Charlie Graham and Joseph Esler, the latter three all waterside workers.
- 52 *Courier Mail*, Brisbane 13 March 1948, p1
- 53 M O'Brien and A Macdonald (1949) *The Queensland Railway State, February 2nd to April 6th 1948*, Queensland Railways Central Disputes Committee: Brisbane p25.
- 54 Ibid p26
- 55 Fitzgerald, R (1984) p131
- 56 Paterson F (1980). Clem Lack's account allows for both interpretations, p323.
- 57 *Telegraph* Late City Edition, Wednesday evening, 17 March 1948, front page, p1
- 58 Fitzgerald (1984) p131
- 59 Ben McNichol to Jim McDonald, May 1964. Confirmed in an interview with Jim McDonald, Brisbane 16 April 1991. Also John Grayson to Ross Fitzgerald, 9 April 1990.
- 60 *Telegraph* (17/3/48)
- 61 Daddow V (1975) *The Puffing Pioneers*, St Lucia, University of Queensland Press p182
- 62 Paterson F (1980) Part 2, p15
- 63 Ibid
- 64 Jeremiah John Mahony, born in 1901 and educated at the Swanfel State School, joined the Qld Police in 1925. Promoted to Dep. Sgt. in 1943, then to Detective Senior Sergeant in July 1949 after his application was lodged in July 1948 "Jack" Mahony retired on 17 May 1960 as Inspector. He had a reputation of being "vicious with a baton that he kept hidden up his coat sleeve". His brother Pat also became an Inspector. Queensland State Archives, File R151, Police Department Staff Files, Item 6908 AF. Paul Mahony to Ross Fitzgerald 27 March, 1996.
- 65 See report in Sydney *Daily Telegraph*, 18 March 1948 p7. The Royal Brisbane Hospital medical records concerning Fred Paterson now cannot be found.
- 66 Paterson F (1980) p15. Fitzgerald vol 2, p132
- 67 *Courier-Mail*, Brisbane, 18 March 1948 p1. The cartoon of Jack Lusby published in the newspaper that day was a drawing of the common working man, en masse, walking in the direction pointed to by a sign reading "Back to work".
- 68 Ibid
- 69 Extract from Sydney *Daily Telegraph*, 18 March 1948, p7.
- 70 Ibid
- 71 Telephone interview, Ross Fitzgerald with Dr A A D Pye, 18/1/1994

- 72 Ibid
- 73 *Courier-Mail*, Brisbane, 19 March 1948, p1
- 74 *Courier-Mail*, Brisbane, 20 March 1948, p5
- 75 Paterson F (1974) p54
- 76 Paterson F (1976) Tape from UQ Library (ILL)
- 77 Paterson F (1974) p54
- 78 Hardy F (1961) *The Hard Way: The Story Behind "Power Without Glory"*, Sydney, Australasian Book Society, p114.
- 79 "Blood-soaked Shirt Another Eureka Flag", *Tribune*, Wednesday 24 March 1948, p3
- 80 Bill Hayden *Hayden: An Autobiography*, Harper Collins 1996, p57.
- 81 Ibid. The footnote cites Fitzgerald, R. *From 1915 to the Early 1980s: A History of Queensland*. pp 127-134. Also see Gerard Henderson, "Avoiding the facts in a tale of Saint Fred", *Sydney Morning Herald/Age*, 2 April 1996 and *Courier-Mail* 3 April 1996.
- 82 In his judicious review of Hayden's autobiography (*Courier-Mail*, 27 April 1996) Harry Gordon comments, "If any sense of moral or legal obligation to report this matter to a higher authority occurred to [Hayden], he does not mention it."



WILL THE EMU FLY?

- ECONOMIC AND MONETARY UNION IN EUROPE

Erkki Liikanen

Businesses in Europe have already seen the advantages of European integration in the form of a single market. Important measures that guarantee free movement of capital, goods, services and labour within the European Union were prepared in the late 1980s and early 1990s. Most of the new legislation was put into effect on 1 January 1993. This has been a major achievement that is making European industries more competitive on world markets too.

Another crucial step in the process of integration will take place on 1 January 1999 – the introduction of the euro. Alongside the purely economic aspects there is a more general and political background for this important step. The years 1989–1991 radically changed the map of Europe. The Berlin Wall came down and Germany was reunited. The Warsaw Pact was terminated and the Soviet Union fell apart. Europe underwent tremendous changes within a very short period. In the midst of these changes French President Mitterrand, and German Chancellor Kohl, invited the European Union to review its structures. They saw the European Union needed to be strengthened so that it could not only withstand the changes but also contribute to progress both politically and economically.

The French were concerned about the rapid strengthening of Germany. As the Germans accepted the view of Thomas Mann that it was not Europe that should be Germanised but Germany that should be Europeanised, it was not difficult to find common ground. Work started on preparing a new treaty for the European Union. Progress towards political union was one goal and realisation of economic and monetary union was the other. In this way the plan to work towards monetary union which had been launched earlier as a narrower economic project became part of a broader exercise. The result was the new Treaty on European Union agreed in Maastricht in December 1991.

What we are doing now is putting into practice the articles of that treaty. In one way or another the preparations involve all the European Union institutions, the member states and European businesses and citizens. But the euro will also have a global dimension. It will affect the business community all over the world. I therefore welcome this opportunity to explain progress towards economic and monetary union.

You will not want a long lecture, but I plan to explain a few things:

- first, what has been achieved so far in the preparation for the euro;
- second, the reasons why we are working so hard to achieve the monetary union;
- and third, what remains to be done.

First, some background

The member states of the European Union pledged themselves to economic and monetary union when they agreed to the new Treaty on European Union in Maastricht in December 1991. They are committed to budgetary consolidation and monetary policies which will help to achieve a sound basis for a new and stable currency. At the start of 1994, many European economies were emerging from recession. This change in economic outlook led to a re-launch of the process of moving towards economic and monetary union. The current Commission, which took up office in 1995, published a Green Paper on practical preparations for the euro. Since then, the political determination behind the euro has been rock solid. At the highest level, Europe's leaders have stated their determination to meet the conditions and timetable laid out in the Treaty. They have repeated their message each time in their biannual summit meetings.

Two summits have been particularly important. First, Madrid in December 1995. Heads of state and government decided on the name "euro" for the single currency. They also developed a detailed scenario for its introduction based on the Commission's blueprint. In spring 1998 the heads of state and government will decide on the list of countries which will join the euro from the start. This decision will be based on reports by the Commission and the EMI, using the actual economic data for 1997. The European Central Bank will then prepare itself for implementing Europe's monetary policy. From 1 January 1999, conversion rates between participating countries will be fixed permanently. Financial markets will switch to the euro immediately. Partly for technical reasons, notes and coins will start to circulate around three years later. This will also give public opinion time to become used to the idea of the euro. National currencies will disappear by the middle of 2002 at the latest.

The Madrid summit also asked the Commission to produce proposals on three important aspects of the introduction of the euro. They are:

- first, the legal framework for the euro,
- second, a new exchange rate mechanism that binds together the euro zone and the rest of the member states which may stay outside for the moment, and
- third, a pact for stability and growth that gives the necessary precision to arrangements as regards monitoring budgetary policies within the euro zone and details the rules of sanctions which may be applied if any member transgresses the jointly agreed guidelines.

We completed these major projects in time for the second critical summit – in Dublin last December. At Dublin, the EMI also presented designs for the euro bank notes, and proposals for Europe's future monetary policy instruments. Let there be no doubt. The building blocks are in place. The process cannot be reversed. In under 400 business days, the euro will be reality.

Why are we doing this?

The euro will bring sound economic benefits. First, it will help the single market. How can Europe have a proper single market without a single currency? Consumers need to be able to compare prices. Firms need to be able to compare costs to make investment decisions. Both want to reduce their transaction costs, which currently account for 0.5 per cent of GDP in the European Union. The euro is the obvious solution. It will boost the competitiveness of European firms. For the first time they will enjoy the same advantages as American firms of carrying out their business in a major global currency.

Second, the euro will ensure sound economic policies across Europe. The independent European Central Bank will maintain price stability. The pact for stability and growth will guarantee budgetary discipline. Governments will follow a virtuous circle of reducing deficits to bring down interest rates, which in itself eases pressure on deficits. This will generate the conditions for sustained economic growth and job creation.

Some argue that these requirements are too rigid. They fear that the European Union will drive itself into recession. They are wrong. The demands of the euro are not too tight. In a world where capital moves freely, governments must consolidate their budgets. Europe's problem is its high levels of debt. The equivalent of 70 per cent of household savings is spent on financial debt. I want to see this used for productive investment instead. Deficits do not create jobs.

Third, the euro will be a sound and desirable world currency which will provide a credible alternative to the dollar. Currently the US

accounts for 20 per cent of the world trade, yet 50 per cent of the world's commercial transactions and 80 per cent of its financial transactions are in dollars. There will not be an overnight shift on the currency markets. But I do expect to see a progressive move away from the dollar.

This re-balancing of currencies will be a factor of stability on the world economic scene. The euro will give Europe a strong currency which properly reflects the fact that it is the world's number one economic bloc in terms of production. The euro will also make Europe less dependent on external monetary movements. Today the value of exports which are susceptible to exchange rate movements is equivalent to 30 per cent of Europe's total GDP. With the euro, this will fall to 10 per cent, a similar level to the US.

You may note that I have emphasised the obvious positive aspects of the monetary union. What about any problems or disadvantages, you may ask. We at the European Commission want to encourage discussion on any negative aspects as well, and we put forward our own views.

The first basic question is whether the euro is a Trojan horse designed in Brussels to capture member states' economic sovereignty. The answer is that it does indeed limit member states' sovereignty. However, there is an important qualification to this. Obviously, the countries participating in the single currency will have a common monetary policy. But what will this mean in practice?

In today's world of free capital movements, individual countries have less control over their interest rates than they did 20 years ago. By acting together, Europe's Central Banks have a chance of regaining some of the monetary sovereignty which they have lost individually in the process of globalisation.

Most aspects of economic policies will remain in national hands. Generally speaking fiscal policies remain in the hands of national governments. The jointly agreed economic guidelines and monitoring of public sector deficits are designed to guarantee that no member state that is in the euro zone loses its control over public finances and gets set on a track of continuous increase in public sector deficit and cumulation of debt. Does this put a straitjacket on the member states and rob them of their sovereignty? The answer is no, because no country can let its public sector debt grow indefinitely, quite regardless of whether or not it belongs to monetary union. In other words, monetary union imposes on the member states only such behaviour that is necessary in all circumstances.

Is there a link to the budget of the European Union?

In connection with fiscal policies there is the question of whether a monetary union of EU member states is feasible without a clearly

expanded common budget for the participating countries. It is true that the EU budget at present accounts for only 1.2 per cent of the GDP of the EU member states. This is just a fraction of the budgets of the member states, and of the federal budget in the United States. The latter comparison is sometimes made to support the argument that the US has been able to adopt a common currency only because the federal budget is an automatic transfer mechanism whereby funds are transferred between states: those in recession pay fewer taxes to the federal budget while the states that are doing better provide an increase share of federal taxes.

Although this question is relevant, it should not cause too much concern. Automatic stabilisers work at all levels of the public sector, both within countries and between them, using a common currency or their own currencies. In the monetary union the countries can let the automatic stabilisers work even more effectively than when outside as they are part of a bigger financial market where temporary public sector deficits can be financed by borrowing at roughly uniform rates of interest. Of course all this is only valid for short-term fluctuations. But it is only in that context that automatic stabilisers are valid anyway. More permanent changes in economic conditions require permanent changes in economic policies in all circumstances, quite regardless of whether the country is part of monetary union or not.

After considering all the advantages and disadvantages of moving towards a monetary union for Europe, we have given our answer. The decision is to start on 1 January 1999 and all the necessary preparations are under way.

What remains to be done?

Most of the technical work is complete, but much remains to be done. Let me mention briefly the five remaining areas of work.

1. Continuing progress towards economic convergence

Much progress has already been made in terms of economic convergence. Inflation in Europe has fallen dramatically in the last six years. In 1990 it was 4.9 percent; last year it was just 2.7 per cent. Long-term interest rates have dropped from 10.9 per cent in 1990 to 6.9 per cent today. And finally, public deficits have come down from 6.2 per cent of GDP in 1993 to 4.3 per cent in 1996.

2. Preparing for the euro as an international currency

Because the euro will become a major international currency, we are working on two areas. First, just two weeks ago we presented a paper on the underlying economic issues. It covers, for example, the effect of the euro on the international monetary system, how banks might adjust their holdings of foreign reserves and how stable the euro will be compared with the dollar and the yen. Second, we are working on

institutional issues: for example, how to represent Europe in international organisations like the G7, IMF and the World Bank.

3. *Preparing public administrations*

Public administrations in member states have a lot to do to prepare for the euro. They will have to change their computer systems, retrain their staff and change all references to national currencies in their tax and social security systems. The Commission has set up a working group of experts from the public administrations of all member states so that they can share information and ideas. Amongst the questions which still remain open is the possibility of letting companies switch their accounting and tax declarations to euro from 1 January 1999.

4. *Preparing business and citizens for the changeover*

It is not just public administrations which must prepare. All citizens – consumers, savers, pensioners and tourists – will be affected by the euro. It is important that they are helped in the transition. The Commission is actively bringing together interested groups. For example, a Round Table representing commerce and consumers will meet later this month. This will discuss practical questions like the precise date for introducing euro notes and coins, the length of the period of dual circulation and dual pricing and other ways of helping consumers.

5. *Communication*

During the months and years ahead, we must continue the communication campaign. This is vital for the success of the euro. Surveys show that citizens are more and more in favour of the euro (the most recent results show that 57 per cent of Europeans support the euro) but that 80 to 90 per cent still feel poorly informed. The UK government spent five years preparing for decimalisation between 1966 and 1971. Thirty years later, the Commission, the European Parliament and member states have a comprehensive and sustained communication program which will continue until 2002.

What does all this mean to Australia?

While there is obviously still some uncertainty as to the exact impact on the international community, the euro should help Australian business.

- Firstly, good economic fundamentals in Europe are good for business. Firms across the world – and not just in Europe – will be helped by improved growth prospects, a stable currency and sound finances in Europe.
- Secondly, as indicated earlier, the euro also gives Europe a truly single market, to the benefit of all firms. Consumers will be able to compare prices more directly. Firms will be able to compare costs more easily. This is good for competition, but it also brings down the cost of doing business. You all know it is easier to

make cross-border investment decisions when you do not have to worry about hedging exchange rate or interest rate risk.

- Thirdly, based on sound economic principles and a credible anti-inflationary institutional framework, the euro will be a factor of greater stability in the international monetary system. Further, the euro will open the way for closer international economic and monetary surveillance and co-ordination in the interest of achieving greater exchange rate stability.

For Australian firms, the euro will have two main effects. Europe will be strengthened as a trading partner opening up new opportunities for exports from Australia. Subsidiaries of Australian firms in Europe will gain the same benefits as domestic European companies.

In order to maximise the benefits of the euro, businesses must be well prepared. Now that the main political decisions are in place, private sector preparations are the priority. Mobilisation is increasing throughout Europe, with the financial sector leading the way. Some banks and other businesses have already drawn up plans to switch their internal financial operations to the euro on the January 1, 1999. European companies are also thinking about their detailed changeover plans. They know that the sooner they think about how the euro will affect their business, the easier it will be to adjust their investment programs. Increasingly Asian firms are asking us for information about EMU and how it will affect their European business strategy. Australian companies need to do the same. Planning should start now. For example a routine updating of computer systems could be the right time to adapt for the euro. And looking at which of your foreign exchange transactions might be affected.

The euro is an historic project. It is good for the economy, good for Europe and good for its citizens. Future generations will find it hard to imagine a time when Europe had so many different currencies. Preparing for the introduction of the euro is a huge challenge, requiring the partnership of the private and public at all levels: local, national, European and worldwide. Australian businesses are involved in this process too, and must prepare themselves.



CHILDREN AND

THE LEGAL PROCESS

Kathryn Cronin

Over the past 18 months the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission have been gathering evidence in the first national Inquiry into children and the legal process. The Commissions are concerned with children – at law this is any person who is under the age of 18 – and with legal processes, which the Commissions take to include not just the formal court processes, but also the administrative arrangements in which decisions are made concerning the rights or liabilities of children.

The law and children

Laws can protect children; the law requires parents to safeguard and support their children, contract laws shield children from the legal consequences of unfair contracts and exploitative employment and consumer products for young children are subject to strict safety and advertising standards. Within the litigation system, there are various rules to support children in police interviews or for certain children giving evidence at trial, as well as arrangements for isolating children's cases from mainstream litigation, including the adult criminal system. In this construction of the legal system children are subject to law but do not really participate in legal processes.

This situation derives not just from a desire to protect children but from a paternalism that discounts children's abilities and judgment. The legal system traditionally has not only safeguarded children but has excluded, silenced and distrusted child litigants and witnesses. Children have limited capacity to initiate or defend a matter of litigation.¹ The juvenile criminal justice system is a rare example of proceedings where children have full party status and are assumed from the age of ten (the age of criminal responsibility) to be able to instruct and direct a lawyer in the same way as an adult defendant. The evidence rules concerned with the competence of certain witnesses to give evidence at trial still preclude young children in certain Australian

states and territories giving sworn or any evidence of trial, unless the child can satisfy the court of a belief in God.² In certain states and territories, children's evidence is still assumed to be unreliable and in jury trials must be corroborated by other evidence and the jury warned of the danger of convicting on the child's evidence.³

These assumptions are changing. There is expert and public acceptance of the view that children are no less reliable as a class of witnesses than adults. Yet old ideas change slowly. In a New South Wales survey of judges, lawyers and litigants, judges and defence lawyers were found to have clear misgivings about children's capacities to give accurate evidence at trial.⁴ Recent studies recast these misgivings. They show how trial language – lawyer's use of negative sentence construction, their often complicated, multifaceted and convoluted questions – can contrive to confuse and therefore discredit young and unsophisticated witnesses.⁵ An essential question for the Commission's inquiry has been to determine whether the legal system should remain largely closed to children. Certainly, if one reason for excluding children has been their perceived unreliability, it is important to assess whether any difficulties with children's evidence may derive, not from children themselves, but from the language, the assumptions and the processes of the legal and litigation system.

Children in the legal process

Notwithstanding traditional barriers to children's participation in legal matters, children now have a heightened visibility in the law. In many areas of their lives they operate within legal relationships. They are avid consumers, and, like all consumers, can utilise the various consumer agencies to claim damages for defective products, challenge their bank's decisions on matters like the provision of credit or complain about media programs. Many children negotiate with government departments to obtain welfare benefits in their own right, notably the youth training allowance or study benefits,⁶ or they enter into employment and become subject to the various laws relating to employment.⁷ Increasing numbers of children fall foul of school regulations and may be subject to formal school discipline, including suspension or exclusion from school.⁸

There are relatively few children involved with formal court processes but these children attract a good deal of public and media attention as young people who are the victims of adult abuse or neglect or the delinquents producing our so-called crime wave.⁹ Children come before the courts as witnesses, as parties or as the subjects of proceedings. It can be quite common to have child witnesses in social security or immigration tribunal hearings and in criminal trials.¹⁰ The harrowing experiences of child victim witnesses in criminal trials has attracted sufficient attention to prompt governments to legislate to

secure or permit such children to give evidence screened from the accused or via closed circuit television.¹¹

Family disputes and breakdowns also result in contact between children and the court system. In such cases, welfare departments may be involved in investigating the family and some few of the cases will come before state or territory children's courts or a parent or grandparent may initiate a claim before the Family Court or a state or territory magistrate who has jurisdiction to hear family matters. In such cases children are the subjects of the proceedings, they are rarely parties in the case and generally give evidence to the court indirectly, via a social worker, psychiatrist or court counsellor's report to the court. Some indication of the numbers of such cases and their resolution in and outside the trial system is disclosed by the following figures.

Although there were 91,734 cases of child abuse or neglect reported throughout Australia in 1995-96, with 29,833 of such notifications substantiated, children's and youth courts made new care orders for only 4,000 children in that year.¹² As at 30 June 1996, there were 12,300 children under care and protection orders in Australia.¹³ In the Family Court many cases concern children, with parents disputing where their children should live and whether they should have contact with both parents. In 1995-96, 12,595 child custody or guardianship and 13,814 child access applications were filed in the Family Court.¹⁴ Children rarely appear as parties in such cases, but where the matter involves complex or contentious issues, including allegations of child abuse, the court can appoint a child's representative, a lawyer, to advocate for the child's interests. There were 4,528 such child's representatives appointed by the Family Court from January 1995 to April 1996 and the Court notified state or territory welfare departments of 1,605 suspected child abuse cases following allegations in family cases.¹⁵

The pattern is the same in the juvenile justice system. Although numbers of children are detained by police, most are dealt with informally - either by caution or through a conferencing process in which a youth justice coordinator or police officer directs an engagement between the child, the victim and family members, to "restore justice" and fix an appropriate and agreed penalty or reparation by the child.¹⁶ The cases dealt with by the children's or magistrates courts generally involve serious matters or ones where the young person disputes the charge. For many children within the juvenile justice system, their encounter with the police is their first and only brush with the law. Some continue offending during their adolescence but not as adults. A small proportion become adult criminal offenders.¹⁷ In 1995-96, 14,759 appearances before children's and magistrates courts in New South Wales involved criminal charges against children.¹⁸ As a result of these appearances, young people received 1,018 detention orders, 922

community service orders, 1,797 supervision orders, 2,764 unsupervised orders, 2,205 fines and 3,157 orders dismissing the matter after it was proved, sometimes with caution.¹⁴

Observations on children in the legal process

These figures give some indications of where children are found in legal processes. The Commissions' concern was to document children's experiences of such processes. The first point to note in this regard is that children are not volunteers in the system. This fact is all the more significant when it is set in the context of the abuse and neglect suffered by children, their significant status as victims of crime, including crimes by other children and the harassment they experience in the school yard or from police – this last was overwhelmingly attested to by children whom the Commissions surveyed and consulted in this Inquiry. Few children challenge school exclusion orders or make complaints to Ombudsmen, consumer, welfare or police complaints units concerning their maltreatment. Even the current diet of news of childhood abuses comes from adults revisiting their childhood, not children with present experience of such horror. As for children in the formal legal process, they are brought there – by parents (in family proceedings), by police (in juvenile justice cases) or by welfare agencies (for care and protection cases). Generally children are said to endure such litigation with sullen or bewildered resignation. One young person described his criminal trial to the Commissions in such a manner: "You just walk in, sit down, stand up, sit down, stand up, see you later."

Why do children not seek a legal remedy or participate more fully or effectively in legal processes? The answer has been that children have limited knowledge of legal processes, and insufficient language skills, lack self-confidence and the independence to initiate or sustain complaints or claims. This can explain the dissociation of young children and of some of the traumatised and disaffected children in family and criminal proceedings, but it does not explain the absence of young people who are confident, articulate and intellectually independent. Their exclusion is attributable to the workings of the legal processes.

Children often have no opportunity to make formal complaints or assert their rights and have little expectation that their views or claims will be heard or attended to. The most common criticism which young people made to the Commissions was that adults associated with the legal process were unwilling to listen to them and disinclined to believe them. Evidence presented to the Inquiry confirms children's assessment. The Commissions were told that many social workers do not speak directly and confidentially to the children for whom they are responsible when they visit these children on a foster home or placement visit. Given the difficulties which many such children experience with school and home life and personal relations, this oversight is inex-

cusable. Many lawyers also refrain from speaking directly, or they speak for only a few minutes to their child clients or children whose interests they represent. In some cases where children have been subjected to repeated interviews and examinations it may be appropriate for a lawyer or social worker to avoid a further discussion with the child, but such cases are exceptional. The evidence to the Commissions was that this limited contact was a standard practice for some lawyers and social workers dealing with children.

Judges too are often reluctant to hear from children. This is particularly the case in family proceedings, where judges proceed from an assumption that it is detrimental for children to have direct involvement in such cases. This means that children are not accepted as parties in family proceedings, are routinely denied an opportunity to give direct evidence, and, on the basis of principles of representation set by the Family Court, their lawyers are not obliged to advocate for the child's wishes or to follow the child's "instructions" but represent to the court the lawyer's own view of the child's best interests.²⁰ There are good reasons to limit children's participation in parental strife, but it is not clear that direct involvement is detrimental in all cases. A number of the children giving evidence to the Inquiry spoke of their frustrations at being unable to tell the judge the residence or contact outcome which they wanted. There might be fewer children dragged kicking and screaming to access visits or pining for an absent parent if children in family cases were better attended to and more effectively involved.

Parents giving evidence to the Inquiry also noted that children may be reluctant to complain or participate in legal processes because of the adverse consequences which can occur for children who do complain of abuse or maltreatment. These were the parents of children who had suffered abuse. Children are taught to complain to adults about abuse, but, as these parents explained following the child's complaint, it was the child who was examined and interviewed, and where the matters went to trial, it was the child who was cross-examined, often in a hostile and sceptical manner for extended periods, sometimes at committal and trial hearings. The fear of consequences, including in other cases a fear of reprisal, was also signalled to the Commissions as a significant disincentive for many young people who would otherwise make complaint about wrongful police behaviour.

In the Commissions' view, if children are to participate appropriately and effectively within legal processes, adult participants in these processes need to focus on and engage directly and respectfully with children. This is not to say that children should be encouraged to litigate or required to participate in such processes; only that they should not be dissuaded or excluded from such activities. It is particularly inapt to exclude or confine children's participation by reference to concerns about their maturity or judgment. No adult

litigant is required to pass muster by demonstrating such attributes. It is hardly fair to assume all children lack these qualities or impose searching tests to discover them. Given the worldliness of most children today, it could be a standing assumption that school-age children have the necessary skills to communicate with an advocate, and to direct their advocate to advance a case in accordance with information which the child has provided or wishes which the child expresses.

Appropriate and effective participation by children in legal processes also necessitates that children are educated about such processes and that they are given assistance when required from parents, community or lawyer advocates. It is not enough, simply to include children in the legal system, legal procedures must be adapted to accommodate children. Children are not the only ones to find legal language inexplicable, but they are clearly set at a disadvantage when such language is used. Children do not need the full panoply of an adversarial legal contest but a careful, calm deliberation upon the evidence and issues in dispute. In the draft recommendations paper which the Commissions will be releasing on 20 May this year, we make various suggestions for modifying legal processes to allow a better accommodation for and a more satisfactory engagement with children.

Discrimination within the legal system

In addition to concerns about children's participation in legal processes, the Commissions were also given considerable evidence on the poor state of services for children and the discriminatory impact of laws and legal processes for certain children caught up in the system.

Most children are assisted by their parents in their dealings with legal processes. Their parents help them fill out forms to obtain study benefits, argue for them in disputes with teachers and support them in any adverse contacts with the police. Parents can be a child's most effective advocates. In some cases, however, this support is lacking or insufficient. All too frequently it is the children without family backing who have extensive contact with legal and administrative systems and who, in the absence of family support, depend upon such systems to protect and provide for them.

For such children contact with legal and administrative systems has a direct, immediate and substantial impact on their lives. For example, a homeless child's receipt of welfare benefits from the Department of Social Security may mean the difference between receiving some income support as against having no income at all. The outcome of this child's contact with the government agency could influence whether the child resorts to criminal activities or is inadequately supported.

Throughout this Inquiry the Commissions heard significant evidence about children who are "at risk". The term "children at risk" carries several meanings. It is often used to refer to children within families who are at risk of neglect or abuse. Within the educational system, the term is used for those children who run the risk of truanting, suspension or exclusion. In the wider social context the phrase is used to refer to children, often runaways or homeless young people, school truants or excluded students, who spend much of their time on the streets and who are at risk of falling victim to exploitative and dangerous sexual practices, engaging in criminal activities or who are suicide risks. A proportion of these young people are, or should be, subject to care orders. A number of children from all of these risk categories end up in juvenile justice detention centres.

Given the various contexts in which the term "at risk" is used, the legal system can be viewed as a set of supportive units or agencies whose function is to minimise the risks to children. In this view, the juvenile system is at the end of a long line of government services and legal processes with which children at risk are involved. Part of its function is to rehabilitate those children who were not protected by their earlier contact with legal and administrative systems. It is in this context that the Commissions were repeatedly told that legal processes fail these vulnerable children. It is an assessment which the Commissions fully endorse.

Government and legal system failings in these matters stem from the low priority given to children's issues. There are limited services which directly benefit children, and services provided for children are poorly coordinated. The Commissions have heard evidence from numbers of professionals dealing with children, many of whom were extremely committed to their child clients or pupils. Almost all of them spoke of their frustrations at being unable to provide real assistance to children. It is often said that staff shortages did not allow them time or energy to focus on particular children. Other professionals spoke of the paucity of services such as counselling and rehabilitation services for children. For the increasing numbers of homeless or abused children, the national refrain was that there was nowhere to put them.

Such policies and programs for children and families as there are, are often overlapping – developed without reference to other agencies or units working in the same area. The agency practice with particular children is all too often to sidestep responsibility. Lines of responsibility are carefully drawn with busy case-workers standing to benefit from their own inactivity for particular children when responsibility for such children passes to some other agency. Homeless children may become a federal, not a state, welfare responsibility when those children reach the age to qualify for a homeless benefit. A child in the care system

becomes the responsibility of a juvenile justice agency if they commit serious offences. In all of this, children are the losers.

The area of particular concern is the care and protection system. Children who become wards of the state are clearly among the most vulnerable children in Australia. They have been neglected or abused. Many of them come from poor backgrounds. In many instances their parents (more usually mothers) have little education, are inarticulate and may suffer from a psychiatric illness or intellectual disabilities. Indigenous children are significantly over-represented in care and protection systems.

Unfortunately, the State offers no better parenting. Indeed, consistent evidence to the Commission suggests that children are exposed to further abuse within the very system that is mandated to care and protect them. Children in care have little stability in their lives. Nearly 80 per cent of the young people surveyed in a New South Wales study had lived in three or more different residences while in care.²¹ Their repeated moves interrupted their schooling. Such children do not achieve the same levels of education as the average child.²² More worrying is the data indicating the numbers of children in care drifting into the juvenile justice system. A recent assessment of the New South Wales Community Services Commissioner shows that state wards are fifteen times more likely to enter a juvenile justice centre than the rest of the juvenile population.²³ The Victorian Auditor-General has not only confirmed this process but suggested that children in care were more likely to be involved in violent and serious crimes and that the older the children and the longer they remained under protective care, the more likely the incidence of criminal behaviour. Further, anecdotal data shows that while more juvenile offenders are not long term offenders, most the juvenile offenders who are under state care, go on to become adult offenders.²⁴

To hold governments responsible for failings, evidenced by the over-representation of particular groups in the juvenile justice system, does not diminish the responsibility which individual children must assume for their criminal offences. The two issues are separate. Children must be motivated to commit crime because of peer group pressure, general impulsiveness, boredom, acquisitiveness or need. In the Commissions' survey of young people, these were the reasons they commonly cited for youth offending. The juvenile justice system seeks to ensure that such children assume responsibility for their actions. The over-representation of particular children is indicative of the wider social factors associated with crime – homelessness, family violence, drug dependency – and these are matters which government agencies are supposed to help remedy. These are not easy tasks and children involved are often difficult and disturbed youngsters who present real behavioural problems. No one indicated to the Commissions that they

expected a high or perfect score from governments, simply that there should not be so many failures.

In the Commissions' view, the problems associated with children in the legal process require a national solution. This does not mean that the federal government should seek to assume direct, working responsibility for children, including children in care, but it does require at the centre of national government that there is a focus on children's needs and interests and a determination to co-ordinate policies and services for children and their families. Children do not carry voting power but the impact of their disaffection within our community affects us all.

One of the dispiriting facets of our Inquiry has been to read the many, excellent detailed papers and reports on children, including on children in the care and juvenile justice system, and to note how little official attention has been paid to their conclusions and recommendations. We like to think that this Inquiry will be different. We have received a great deal of evidence and our national focus provides a useful canvas upon which to work solutions. Our faith derives not just from our own endeavours but also from young people themselves. Children are coming out of the shadows and increasingly engaging with the world and the assumptions of adults. There were very few people giving evidence to the Inquiry who assumed that children could or would remain the silent victims or the invisible subjects of any legal processes.

The Commissions' draft recommendations paper is set for release on 20 May. The final report will be submitted to the Attorney-General on 30 September 1997. We are anxious to receive comments on our draft recommendations.

Endnotes

- 1 In civil matters, for example, children are not entitled to initiate or participate in litigation, except by an adult "next friend" or "guardian ad litem". B Cairns, *Australian Civil Procedure*, 4th edition, LBC Information Services, Sydney, 1996, 350. In family law proceedings, children can commence proceedings in the Family Court in their own right, but such practice is rarely permitted by the Court. *Family Law Act 1975*, s69C, *Family Law Rules*, Or 23r3(1), *Pagliarielli vs Pagliarielli* (1993) FLC 92-400.
- 2 See *R v Brown* [1977] Qd R220 (CCA), *Dominic v R* (1985) 14 A Crim R 418 (WA CCA), *R v Schlaefer* (1992) 57 SASR 423, cited in J Hunter and J Cronin *Evidence, Advocacy and Ethical Practice: A Criminal Trial Commentary*, Butterworths, 1995, p299.
- 3 J Hunter and K Cronin, pp83-4, M Aronson and J Hunter, *Litigation, Evidence and Procedure*, 5th Edition Butterworths, 1995, 740. There is now a growing trend to assume children to be competent to give evidence and to remove the requirement for corroboration.
- 4 J Cashmore, *The perceptions of child witnesses and their parents concerning the court process: results of the DPP survey of child witnesses and their parents*, unpublished paper, NSW Office of the DPP, 1993. Note that magistrates and judges surveyed did not take children to be more dishonest than adults but were concerned about, and rated

children's "unconscious errors" caused by fantasy and the influence of others as a greater concern.

- 5 M & R Brennan, *Strange language: child victims under cross-examination*, RMIHE, Australia 1988.
- 6 The Youth training allowance is the benefit for unemployed young people under the age of 18. In June 1996, for example, approximately 34,200 young people were receiving the youth training allowance. In 1995-96, the Austudy program assisted 204,900 secondary school students and in the previous year 26,283 primary and secondary school students benefited from Abstudy. DSS *Annual Report 1995-1996*, AGPS Canberra 1996, 160. DEETYA *Annual Report 1995-96*, AGPS Canberra 151-152. ABS *Year Book Australia 1996* ABS Canberra 1996, 293.
- 7 In 1995, 59 per cent of 15-19 year olds were in some kind of employment. 47 per cent of these employed people were in part-time employment. ABS *Australian Social Trends 1996*, AGPS 1996, 12.
- 8 In 1995, for example, nearly 30,000 students were suspended from NSW schools. In 1994 there were 1,630 suspensions in term three alone in Western Australia, and between 200 and 1,000 school suspensions each month in Queensland. These figures are steadily increasing. There are few formal processes associated with such decisions even though they have a significant impact on children's futures. S Raethel, "Parents blame teachers for rise in schools' suspensions", the *Sydney Morning Herald* 23 January 1997, 7. House of Representatives Standing Committee on Employment, Education and Training, *Report of the inquiry into truancy and exclusion of children and young people from school*. AGPS, Canberra, 1996, 12.
- 9 See M Findley, S Odgers & S Yeo, *Australian Criminal Justice*, OUP Melbourne 1994, 264 which, for example, asserts that there is no large increase in serious juvenile crime and no crime wave. Note the study by H Sercombe, "Easy pickings: The Children's Court and the economy of news" unpublished conference paper cited in C Cuneen & R White, *Juvenile Justice: an Australian perspective*, OUP Melbourne 1995 which records that 63 per cent of articles about youth in Western Australia between 1990 and 1992 related to crime.
- 10 During the period 1 February 1994 to 1 January 1997, for example, 1,216 children gave evidence in criminal proceedings involving sexual assault charges in Queensland, and from 1 January 1996 to 14 November 1996, 31 children gave oral evidence through Closed Circuit Television (CCTV) and 25 children gave evidence using a screen in criminal proceedings in Western Australian District and Supreme Court trials and in preliminary hearings. Letter to Commissions from Youth Justice Manager, Qld Dept of Families, Youth and Community Care, 21 March 1997. Letter to Commissions from Registrars' Chambers, WA Supreme Court, 15 November 1996.
- 11 Although most states and territories permit the use of screens or CCTV when children are giving evidence, it is only in Western Australia and the ACT where these devices are the standard method for children giving evidence. See *WA Acts Amendment (Evidence of Children and Others) ACT 1992 and ACT Evidence (Closed Circuit Television) Act 1991*. Evidence suggests that prosecutors believe they will not secure a conviction of the accused if the child witness for the prosecution gives evidence behind a screen or on television. The data on convictions for such trials is inconclusive on this.
- 12 The substantiation rate was 49 per cent of notifications. A Broadbent and R Bentley *Child Abuse and Neglect Australia 1995-96*, AIHW Canberra, 1996, 17-18.
- 13 Steering Committee for the Review of Commonwealth/State Service Provision *Report on government service provision 1997*, Industry Commission in Melbourne 1997, 537.
- 14 Family Court of Australia, *Annual Report 1995-96*, Family Court of Australia, Sydney 1996, 75

- 15 Outcomes report for financial year 1995-96 (unpublished) supplied by the Family Court of Australia. Family Court of Australia *Annual Report 1995-96*, Family Court of Australia, Melbourne 1996, 72
- 16 On the variety of Australian conferencing schemes, see G Maxwell and A Morris, "The New Zealand Model of Family Group Conferences", in C Alder and J Wundersitz (eds) *Family conferencing and juvenile justice: the way forward or misplaced optimism?* Australian Institute of Criminology, Canberra, 1994; J Wundersitz, "Pre court diversion: the Australian experience", Australian Institute of Criminology, March 1997.
- 17 The majority of juveniles desist in offending (69.7 per cent) insofar as they do not re-appear in Children's Court after their first proven offence. In addition, most juveniles have a relatively short period of involvement in crime - for those who appear more than once in Children's Court the average time between the first and last appearance is about two years. In addition, almost half of the Children's Court appearance (45.4 per cent) were accounted for by 15.4 per cent of juveniles, C Coumeloros, "Juveniles offending: predicting persistence and determining cost effectiveness and intervention" NSW Bureau of Crime Statistics and Research, Sydney 1994.
- 18 NSW Department of Juvenile Justice *Annual Children's Courts Statistics-Criminal Matters 1995-96* NSW Department of Juvenile Justice Sydney 1996, 15.
- 19 NSW Department of Juvenile Justice *Information Package for 1995-96* Department of Juvenile Justice Sydney 1996, 6
- 20 See *Pagliariella v Pagliariella* (1993) FLC 92-400, *Bennett* (1991) FLC 92-191, *H v H* (1995) FLC 92-598
- 21 J Cashmore & M Paxman *Longitudinal study of wards leaving care* Social Policy Research Centre & NSW Department of Community Services Sydney 1996, ii See also J Owen *Every childhood lasts a lifetime: personal stories from the frontline of family breakdown* Australian Association of Young People in Care Brisbane 1996, vii
- 22 J Cashmore & M Paxman *Longitudinal study of wards leaving care* Social Policy Research Centre & NSW Department of Community Services Sydney 1996, ii. See also J Owen *Every childhood lasts a lifetime: personal stories from the frontline of family breakdown* Australian Association of Young People in Care Brisbane 1996, vii.
- 23 Community Services Commission, *The drift of children into the juvenile justice system*, December 1996, p8
- 24 Auditor General of Victoria, *Special report number 43 - protecting Victoria's children: the role of the Department of Human Services*, Melbourne, 1996, p266-7.



GUILT, HOPE AND

THE CHILD-CARE DEBATE

Sally Loane

The last six years have seen an extraordinary social change in the way we Australians consider family life. Not only have women entered the workforce in unprecedented numbers, we have put our children, some babies as young as two weeks old, into child care at unprecedented rates. Today, around half Australia's 1.3 million children under five are in childcare with some spending up to 12,500 hours there – that's just 500 hours less than the entire time they will spend in 13 years of schooling. Child care has become so abundant that today, except for some pockets in rural centres and some need for the 0–2 age group, a place can be found in almost every child care centre for every parent who wants it.

The story of Australian families' embrace of child-care and the booming industry that accompanied it is one of the most remarkable in the history of policy-induced social change. It started just a few years ago when the Hawke Labor Government extended generous government subsidies to the private business sector to build child-care centres. It is continuing, though in a changed form, under the Howard Government.

In the research I undertook on the child-care phenomenon, firstly for the *Sydney Morning Herald* and later for my book, *Who Cares? Guilt, Hope and the Child-Care Debate*, I found that the child-care explosion had created a new type of parent – one that has almost no faith in his and her ability to bring up their own children without the help of the child-care centre. Parents – both the economically disadvantaged and the advantaged – have effectively “out-sourced” parenting.

The first group I found was the parent at home, there either by choice or unemployed, who has come to rely very heavily on child care as an adjunct to parenting. This type of child care, which the bureaucrats call “non-work related” or “recreational”, has been the fastest growing and most demanded type in the country.

The second is child care – either centre-based care or by a private nanny – which is used by the executive parent. And a *lot* of it is used. As double-working parents work more and more hours in their highly demanding and high-powered jobs, they need more and more child care. One expert has described the phenomenon as “the child who goes to work” – up at 6 am with mum and dad, off to the centre at 7 am, then picked up by mum or dad (or the nanny) at 7 pm. Like the non-working parent, these parents believe utterly that child care is more beneficial for their children than being at home with just a mother (or in rare cases, a father). In fact, many young parents told me that their children would be somehow damaged in a developmental sense, by only having parental input. That being at home was in some way, inflicting harm. It seems that there is an older group of parents, represented by people like me, who are beside themselves with guilt for the amount of time our children spend in child care and do our best to ensure that this time is limited. We have been overtaken by a newer group of parents who are not only putting their children in child care for more and more hours, they believe it is best for them.

I will start by outlining the rise of “recreational” child care, which went hand in glove with the rise of child care as a business success. And where better to start than north of the cane-toad border. Queensland, birthplace of the white shoe brigade, seized child care, the newest and best little profit-making small business of the 1990s, by the throat and squeezed it till its eyes bulged. Two out of every five new private long day centres which have been built in Australia since 1991 are in Queensland. There are twice as many child-care places per capita in Queensland than the national average. With 27 per cent of the children in child-care centres having one or two parents at home, Queensland has the largest proportion of non-work related child care in the whole country.

The private sector is Queensland’s dominant provider of child care, operating three out of every four long day care centres in the state. In some of the big cities and the corridor south of Brisbane to the Gold Coast, supply has overtaken demand – there are more child-care places than children. In one part of Logan City, twelve centres exist within walking distance of each other.

Parents have been wooed by marketing campaigns by centres which offer, not declarations of their quality, but bags of discount store toys with every new enrolment; two for the price of one deals; a free microwave oven, a haircut or swimming lessons. One centre even offered a free frozen chook. There’s probably someone, somewhere throwing in a set of steak knives as well. The state which has produced the Big Pineapple, the Big Bee, the Big Cow and a myriad other Brobdignagian tourist traps, has come up with the Big Child-Care Centre. It’s actually a normal sized long day centre with a humungous

effigy of Bambi on its roof, visible for miles around, but you get the picture.

One doesn't need to be Einstein to work out why child care boomed in Queensland. Land is cheap, the population forecasts are buoyant, there are a lot of superannuated retirees looking for investment and there is long-standing let 'er rip culture of property and land development. Every real estate agent and developer worth his white leather slip-ons and gold neckchain got in on the child-care act. They were encouraged by breathless articles in the financial media, like *Business Review Weekly*, which in 1994 declared child-care centres to be one of the top ten hottest business sectors. The estimated growth was 15.7 per cent over the next five years. *BRW* touted child care as a "big money business":

Generous federal government funding of child care, a variety of government financial assistance schemes for parents, tax loopholes and even exemption in some areas from fringe benefits tax are underwriting the success of this 1990s phenomenon. . . . For many property owners and developers, including foreign residents, the flood of government money is a lifesaver, and possibly a licence to get rich.

Indeed it was. A 1994 prospectus for the Bundaberg East Child Care Centre Development is typical of the hype surrounding child care. The profit projections for the 74-place long day care centre, due to open in late 1994, were staggering. The asking price for the centre, a freehold investment property, was \$1.1 million. The projected gross revenue was almost \$500,000 which the developers claimed would show a return of nearly 50 per cent.

The developers pushed the security of the potential investment – there was not only a demand for child care which would continue unabated; but more importantly there was the Commonwealth government's fee relief subsidy, called Childcare Assistance, which was paid to the lessee a month in advance, ensuring a positive cash flow at all times. On average the Child Care Assistance money represented around 75 per cent of a centre's gross income. How many other businesses existed where as much as 75 per cent of gross income is payable monthly in advance to the operator, on a Commonwealth cheque?

And there was the cream on the top. A prospectus for another Gold Coast-based development, the Movie World Child Care Centre, indicated that \$10,000 a year was derived from interest on the government subsidy. Many potential child-care centre investors were told that the profits would be fabulous, there would be virtually no night or weekend work, and all they had to do was "rake the sandpit at weekends". No wonder entrepreneurs took to child care like dogs after a bone.

So how did the business of child care take off? Bear with me while I give a thumbnail sketch of the history of child care in this country.

While middle-class women started to move back into the workforce after the post-War baby boom and a scant handful of mainly charity-based child-care centres operated in the 1960s, the contemporary era in child care did not begin until 1972, when the McMahon Coalition Government introduced its Child Care Act, which provided \$5 million of public funding for community-based child care.

In the Whitlam era, child care moved onto the political and feminist agenda. Long day care centres became integral parts of the community, extensions of the nuclear family and child care became ALP policy. The Fraser Government retained child care as a Commonwealth responsibility, but it was located firmly in the welfare arena, directed at children "in need".

The Hawke Labor Government came into office in 1983 and set up its Children's Services Program primarily as a means of assisting women into the paid workforce. Then, there were just 46,000 child care places nationally. The 13 year-long Labor era presided over an enormous increase in public spending on child care – up to \$1 billion in 1995 – and child-care places. By 1996 there were 301,000. Labor also introduced a number of incentives, tax breaks and subsidies for employers, child-care operators and parents.

The big change occurred in 1991, when, in order to meet its ambitious growth targets for child-care places, the Hawke Government extended its major subsidy, Childcare Assistance, to the private sector, rather than continue to outlay public funds to build more community-based centres. While the community sector was subject to planning controls based on need, the government allowed the private sector to grow without limits. Private operators could set up as many centres as they liked, anywhere. And they did with a vengeance. Over the last six years eight new centres have been opening every week. Last year, despite signs that supply had overtaken demand, the government funded a record 23,000 new places.

The policy that fuelled this business phenomenon also wrought the social change of recreational child care. In the areas where there was an abundance of child care places, the child care centres were most likely to be filled with children of non-working parents. The government's priority rules for access means that children of working or studying parents get top priority while the last level of priority is the children of non-working parents. As long as the centres have granted access to all the children in the higher priority groups, they can fill up the centre with children whose parents are at home. In lower socio-economic areas, there are often more children with unemployed or non-working parents than there are with working parents.

Recreational child care boomed. In 1991 one in five children in long day care in Australia had one or two parents at home, full time. Two years later this number had increased to 30 per cent. If left unchecked, the number of children with parents at home was expected to grow to one in three.

And the more child care we have, it seems the more we want. Almost two-thirds of parents surveyed wanted child care for personal rather than for work-related reasons. And who could blame them? At a centre with fees of \$145 a week, families on the maximum child care assistance paid a gap of around \$30 a week for full-time care for one child. All this of course, could not last. Despite the fact that the Coalition opposed the Labor government's attempt in 1995 to limit non-work related child care, upon reaching the treasury benches, the Howard Government did a quick about-turn. In the 1997 Budget the government capped non-working parents' access to subsidised child care to 20 hours per week. In an effort to control over-supply, it has also capped the number of child care places subsidised per year to 7000.

Child care has become part of non-working parents' lifestyle. One mother told me she needed it because she was depressed when her husband left her. Another because she was living with her elderly mother who could not cope with two small children around. Another because she felt her child needed to learn some independence. Many believed it was beneficial for the child's social and emotional development, a valuable first learning institution. Others wanted to do stuff for themselves – a pottery course, sell Avon, whatever. All believed child care was their right. All wanted a break from their kids.

Early childhood specialists have been watching the recreational child care boom with growing alarm. It has skewed family life, so that parents now expect and need child care as a break from parenting, and to complete chores, like shopping, that once included children. Some centre operators have been so concerned about the time that children spend away from their parents, that they placed their own limits on the number of hours they could use. They have asked parents to shorten their children's days. They were simply getting too tired, too upset. They missed their families.

Child care has also become an integral part of the lifestyle for the wealthier middle classes, particularly for those it was designed for, the working mother. As I began to ask lots of young parents questions about the guilt they felt from working and placing their children in child care, it dawned on me that they did not feel it much at all – unlike me – or at least they did not admit it. Not only have women moved swiftly into paid work, but there has been a substantial extension of women's employment beyond the narrow traditional "female" occupations and into the high-testosterone worlds traditionally dominated by men like law, banking, finance, business, medicine and the media.

There is a great deal of pressure on women in these sectors to get back to work fast after having their babies. The financial markets, for example, are very competitive and the rewards are fabulous – workers can make bonuses of \$80,000 and take home salaries are twice that. These young women, aged 35 and under, are very clear about their choices, their career paths and their lives. Kate Tully, an author and journalist, told me that they don't believe that they might actually enjoy parenting, because they've never been allowed to consider it. There is a lot of pressure, too, to acquire the material things, the lifestyle, travel, property, as well as the promotions.

Several young mothers to whom I spoke said that if their children were at home with them, full-time, they would suffer in some way, perhaps not be as advanced in certain skills. They had a great deal of faith in their children's carers, particularly those trained in early childhood development. They felt they understood more about children than they, as mere mothers, ever could. Some were keen to place their children in child care early, as small babies, believing that babies became familiar with the environment and don't suffer the same level of separation anxiety as children who go to child care later. One mother put her baby, at seven months, into a centre for 50 hours a week because she genuinely felt it was best for him.

One couple, both working very long hours in the banking sector, recounted their absolute confidence in the staff in their child care centre, where their children had been going five days a week for ten and a half hours a day, since they were ten weeks old. They described the carers as "proxy grandparents" who taught the children skills, like toilet training, they could never hope to.

Another executive mother told me that she felt that if her toddler had spent his first few years with just her at home, it would have damaged his development. Yet another expressed the feelings of many parents when she told me how relieved she was to return to work after the birth of her second child. Being at home with a baby and a toddler was exhausting, and she was happy to hand over the bulk of care to the professionals at the child care centre.

The child care centre, the nanny or the family day carer, has in a very short space of time, taken on a vast role – surrogate parent, neighbourhood centre, parent educator, social worker, counselling service and health and safety adviser. In this era of small, isolated families, it has become the large extended family for hundreds of thousands of children.

We parents who use child care, whether we are a sole parent in Sydney's west or a senior banking executive living on the harbour, have come to rely on it. We justify our choice in many different ways – it's best for the children, without it they will fall behind in this competitive world. Some admit frankly they just don't enjoy the company of small

children. They can't cope with parenting and need time away from their children. Sometimes all week. What struck me, in listening to parents, was the blind trust they placed in child care, their failure to distinguish between good and poor quality child care.

More than half our long day care centres don't even make the grade to "good" quality – the National Childcare Accreditation Council found that 13 per cent of centres are so poor they have not been accredited, and 40 per cent only attained one year's accreditation, the bottom rung of the scale. Thousands of children are spending time in some pretty mediocre child-care environments.

Not only does poor quality child care do children great harm, but there is evidence that children are being harmed by spending too many hours in even good quality centres. Experts believe that the family always remains the central influence on the child's life and if the child has less time with them, no matter how crook their parenting skills, then the outcome of the child will not be as good as it could be.

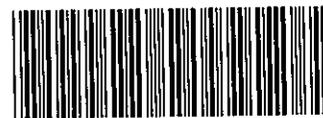
As Labor turned the knob on the social engineering machine one way, the Howard Government is turning it the other way. It is telling parents that the state is no longer their children's nanny. It is not a bad thing, I believe, to limit recreational child care to 20 hours, or two days a week. It's enough to provide the break for parents, the community links and the child's developmental needs. After all, what messages were we sending to parents about the value of parenting by making sure they would abrogate it? And what message were we sending to children? Mum and Dad might be at home, but they'd prefer you to be at the child care centre.

But there are other, negative changes going on. The 1996 budget cuts raised the cost of child care, from \$20 a week or more. At the same time, the government introduced the family tax initiative, which increased assistance to women at home caring for children, particularly for those most disadvantaged groups. The cumulative effect begin to change women's work patterns. Labor, in fact, already says it has, pointing to numbers of women who have left and are leaving the workforce.

Already parents are being called on to raise money for their children's cash-strapped child care centres. Some parents are also looking at alternatives to formal, expensive, centre-based care. I heard of a group of parents in Melbourne who are forming a baby-sitting co-operative. Which, provided they have some backup and support, could be a good thing, a return to the neighbourhood communities. Sadly, some parents will rely on backyard carers, the cheap and often nasty operations set up by unqualified, unregulated, and unregistered people in their homes. The consequences for children will be devastating.

It is difficult to predict all the social changes that will occur under the new, leaner and meaner government policies. After all, no-one

predicted the enormous use of recreational child care. There will be some unexpected effects, some devastating ones, some reasonable ones. I can't see women returning to the kitchen in droves. We have been out too long and we have become too used to the rewards – social, financial and emotional – of work. But some of us may begin to view child care a bit differently. I will not be unhappy if parents stop to take a look at the number of hours their children spend away from them, the quality of care they are experiencing, and maybe even have some faith in themselves as parents who can provide love and security – as opposed to Japanese and computer lessons.



INDOCHINESE,

IMMIGRATION AND THE HANSON FACTOR

Nancy Viviani

It is now 22 years since the first Vietnamese refugees arrived in Australia, so it is a good time to review that experience of Indochinese settlement and its meaning for future policies. It is also a good time to look at how that Asian migration, along with other factors, influenced our current stances on migration, and how those experiences fed the Hanson phenomenon.

The historic Indochinese migration of the 1970s and 1980s, in which around two and a half million Indochinese crossed their homeland borders, was virtually over by 1990. By 1997 there were a few thousand Vietnamese still awaiting repatriation or resettlement in Asian camps, and unauthorised departure from Indochina had just about ceased, and was unlikely to resume.

While the US took over one million Vietnamese and smaller numbers of Laos and Cambodians, Australia in 1995 had about 200,000 Indochinese, of whom around 3000 had arrived unannounced by boat on our northern shores over the previous 20 years. Now very few Indochinese enter Australia, when at one time they were an important component of our immigration.

This Indochinese migration has some particular meanings for Australia. Because it was the first real test of the abolition of the White Australia Policy, it had an historical importance and implications for the future of race relations and immigration policy in this country. This migration of Vietnamese was also related to our divisions over the Vietnam war, though that has been a fading ideological memory with the end of the Cold War and the entry of Vietnam into ASEAN. The arrival of some of these Indochinese by boat on our northern shores had a stronger long term impact: many Australians saw their country as vulnerable to "peaceful invasion" from Asia, and since this seemed to be uncontrolled, as therefore a threat to Anglo dominance, social cohesion and the dominant traditional values and social norms. Finally, persistent public perceptions of Indochinese settlement – ghettos, drugs

and crime – along with the transformation of some neighbourhoods, reinforced these feelings of a community somehow under threat.

Professor Blainey read this part of the public mood accurately in 1984, as did John Howard, as leader of the opposition in 1988, when he suggested cuts in Asian migration, and by implication the end of the policy of non discrimination on migration. Both Blainey and Howard endured powerful political, elite and much public opposition, which re-established the non discrimination norm as public policy. But Pauline Hanson, when she took up the same themes in her maiden speech in September 1996, escaped attack by the Prime Minister John Howard, until his speech of 8 May 1997 when, after the launch of her One Nation party, she was seen to pose a threat to Liberal and National party votes. On 17 May, Kim Beazley, the Leader of the Opposition told the 1500 delegates to the Housing Industry Conference that neither the ALP or the Coalition would increase immigration over the foreseeable future, and on 22 May 1997 the Prime Minister announced that immigration would be cut further, concentrating on family reunion, which as it turns out, cuts Asian migration in particular since they are the most recent migrants to this country – a kind of discrimination by stealth, while affirming a non-discriminatory policy.

I would argue that this is policy being made on misperceptions, polls and electoral considerations (which is normal for the Australian political process), but it is still worth looking at the facts, and why this has all turned around over the last decade.

The settlement of Indochinese in Australia over the last 20 years took place amid a torrent of economic and social change, change that affected all Australians and the Indochinese in extreme forms. Structural change in the economy halved the number of jobs in the manufacturing industry, a traditional place of employment for migrants and other Australians. Employment in the rural sector and in construction declined while skilled employment in the services and trade industries increased. This meant that for the majority of Indochinese who were unskilled these jobs were very scarce. For Australians more generally, many of those in these declining sectors found themselves unemployed or in a situation of casual and contract job insecurity.

As Professor Bob Gregory showed, this was one of the causes of growing income inequality among Australians from the late 1970s, and not only were the rich becoming absolutely richer while the poor had a welfare floor, income was now correlated with place of residence. This meant that the mixed income suburbs of the 1950s and 1960s gave way to the ghettos of unemployment of the western suburbs of our cities – Ipswich, western Sydney and the west of Melbourne – and the conspicuous consumption of Sydney's North Shore. It was in the depressed areas – mixed Anglo and migrant – that the cry of "they are taking our jobs" was to be heard for more than a decade.

Into this turmoil came the Indochinese, one of our smaller migrant groups. Unlike other migrants from Asia, they came without funds, with a small middle class and with skills mostly irrelevant to the Australian labour market. The dominant group among Indochinese is of course the Vietnamese and about a quarter of them are ethnic Chinese. While all Indochinese began in Australia with virtually nothing – since most of them were refugees – over the last 20 years we have seen extreme social differentiation within this group of the first generation. About one third of Indochinese have done very well. They have been highly overrepresented in tertiary education (and not simply their children), and they have converted this skilling into professional and business jobs, performing better than most other migrant groups. These are the ones who have moved into the middle class suburbs. Another third is struggling and managing to keep off the dole queues, while investing in their children's education. Around a third has been left behind in this change: About 20 per cent were unemployed as of March 1997 and this has been a consistent pattern over the years of continuing arrivals. Youth unemployment has been high over time and has fed problems of gangs and drugs and crime particularly in the Cabramatta area. Along with Vietnamese being overrepresented in universities they are overrepresented in NSW jails.

In 1981, more than 60 per cent of Indochinese were employed in factories, and over the last 15 years we have seen this proportion fall steadily, as they moved out into small and large businesses, into retail and wholesale trade, finance and information services. This occupational shift, partly based on education acquired in Australia, pushed incomes up and made possible a rapid move for many in the top third into middle class areas of residence. In 1991, Vietnamese were very highly concentrated in some six suburban areas in our state capitals. In these areas they formed more than ten per cent of local government area populations and in the Cabramatta area some 30 per cent. This is what worried Blainey, and allowed Ms Hanson to raise the cry of the ghetto and its related fear that Indochinese will not become integrated with other Australians, foreshadowing, in Blainey's terms "a nation of tribes".

The 1981 and 1991 census data, analysed in my book on the Indochinese in Australia, shows a very rapid move by Vietnamese out of these areas of concentration (see Figures 1 and 2). This move took place despite two severe recessions and despite the fact that the average period of residence in Australia for Vietnamese was only about ten years in 1991. When the 1996 census data is available later this year, we will be able to see if this pattern is confirmed over time.

Nonetheless, while those Vietnamese who are doing well have been able to move out of these areas of concentration, and while new migration from Vietnam (which contributed to concentration in the

past) has virtually ended, the unemployed and welfare dependent are left behind in these areas, with all the social problems that affect all Australians. Despite the cry of the ghetto, it is not concentrations that matter, it is the lack of jobs since these make the difference to successful settlement, whether in Fairfield or in Ipswich.

I am now deeply pessimistic about employment growth in Australia. The Keating Government acted too late with the Working Nation strategy, and large parts of that have been abolished by the Howard Government. The Howard 1997 budget showed that jobs were not a priority for this government and it held out no prospects of improvement in unemployment for the foreseeable future. The unemployment rate, as Helen Hughes and other economists have pointed out, is a matter of choice in economic policy. There is no choice though about its effects, not simply on Indochinese but on other Australians, and particularly the young: personal and community disintegration, anti-politician and anti-elite sentiment, and a turning to the groups on the extreme right who at least seem to be listening.

Now this Indochinese experience is an echo of that of other Australians, and for similar reasons as I have indicated, though in more extreme form. This tells us that Australia, despite these changes, is still an open society for some and that social mobility (and its costs) is still alive and well in Australia. We have not yet seen the Indochinese second generation perform, but the signs are strongly positive for the educated group and negative for those without jobs and education.

This experience of Indochinese also parallels their experience in the US, Canada and France and for similar reasons – structural change is a global phenomenon, though I believe Indochinese in Australia have done somewhat better than in these countries.

In 1995, before Hanson's election, it has become clear that racial abuse, and occasional though not endemic violence, was on the increase against Asians (including Indochinese), Aborigines and Arabic speakers in the community. This was reported in our surveys in the early 1990s and was confirmed by the 1993 Human Rights and Equal Opportunity Commission report on racial violence. Young Anglo Australian men, unemployed and alienated, featured often in this abuse and violence and indicated yet again that joblessness is one powerful factor in social and racial divisions. Ms Hanson's maiden speech gave focus to these groups' complaints. In the months of increased abuse and violence against Asians and Aborigines that followed her speech, the absence of a strong response by Mr Howard confirmed that such political acquiescence is interpreted as political approval of scapegoating by those perpetrating such acts.

Such an upsurge of racial violence and abuse could not have had the power it did unless it was linked to a set of other issues about which many Australians were disgruntled, and which Ms Hanson linked

together in a coherent anti foreigner, pro white agenda cleverly wrapped in the flag.

Chief among these issues were the divisions in the Australian community on migration. It is worth recalling that public opinion on the abolition of the White Australia Policy and in favour of limited Asian migration was in a majority and ahead of the restrictive stance of the government in the 1960s. That favourable opinion held up through the 1970s and the entry of Vietnamese refugees until the repeated arrival of boat people on our shores in the late 1970s. Political leadership wobbled badly on this issue so that the community became frightened and the public opinion polls turned around, with the first majorities against increasing both overall migration and Asian migration. The rise in unemployment of the mid 1970s also influenced this turnaround.

These majorities against increasing migration has persisted for the last 20 years and are impervious to cuts in the migration program. They are based on two beliefs: that migration causes unemployment and that there are too many Asians in Australia. On the first, all the economic studies show that there is no direct link between unemployment and migration and that the effect on the economy overall of migration is neutral or incrementally positive. A majority of Australians, and now the Prime Minister do not believe this. They see "our" jobs being filled by migrants locally, and do not see the jobs created by migrants elsewhere. Mr Howard is simply poll driven, but it is quite rare to have a Prime Minister act in post modern way and deny the existence of facts on unemployment and migration. All his statements of May this year will do is reinforce the fallacies held in the community on this issue and these will rebound on him later when he is under pressure to increase migration.

What this is about is not migration or indeed unemployment. It is about defending the perceived interests of white Australians, shoring up a favoured version of "traditional Australia", and reducing the number and impact of "foreigners" in this country. It is about communitarianism and the flag. Howard has not changed from 1988: the constant stressing of "the mainstream", the obsession with the achievements of our history and the dismissal of the black spots, the silence on multiculturalism, the attack on so called "political correctness", his need to distance Australia from Asia in terms of history and culture, all point back to a view of Australia as isolated, in need of self-assertion and in need yet again of our great and powerful friend. It is clear John Howard and Pauline Hanson are sitting on the same side of the fence in the subtext of most of these issues, which is what matters. The difference is one of degree not kind.

This is the Australian version of the global rise of conservative ideas against the social excesses of liberalism and the economic

excesses of market radicalism – a stance shared by all our Asian neighbours. We have seen this in the failed Gingrich conservative alliance in the US and in the rise of right wing sentiment with its anti-foreigner fringe in Europe.

The second belief expressed in the polls, that there are too many Asians, also has remained impervious to the facts. About five per cent of our current population is of Asian ancestry (Indochinese are about one per cent) and according to projections based on current levels of immigration, this proportion will rise to around ten per cent by 2030. Pauline Hanson does not believe these figures, thus calling the Commonwealth statistician a liar. This is because, as I noted earlier, Asians are not evenly distributed residentially and for good reason, and they are on the move to middle class areas.

We went through a paroxysm of “anti-ghetto” sentiment in the 1960s about Italians and Greeks dividing the country. The 1991 census showed that the second generation of Italians and Greeks had a better education and professional occupation performance than the children of the more positively regarded migrants from Britain, Northern Europe and than third generation Australians. And many Italians and Greeks remained in their areas of inner city concentration and gentrified these as their incomes rose. In my view, the Asians will show a similar performance, and we will again have wasted our energies on false perceptions and unsupported facts.

So what is all this about? Some of it is plain racism, a mix of fear of difference and envy, tacitly or openly encouraged by political leaders. Part of it is the divisive impact of the ideology of multiculturalism. It was important for Anglo Australians to recognise that newcomers had the same rights as they, and that cultural suppression was wrong and self damaging. It was not necessary to mount this into a national ideology, and make the Australian value of equality a subset of multiculturalism, thus leading to valid complaints of special treatment for minorities.

It was the joining together of migration and multiculturalism that raised the fears of loss of Anglo dominance, and thus wrecked any chance of a sensible migration policy. The Americans avoided this mistake: all migrants are expected to become Americans, and while there is a norm of cultural tolerance it is subservient to the citizenship norm. They have thus reaped the benefit of solid support for migration.

I have argued for some years that the ideology of multiculturalism is past its use by date, even though some interpret this now as giving support to Pauline Hanson. I am arguing for a return to citizenship as the national norm, since that reinforces our concerns with equality and gives minorities as well as majorities a basis from which to mount complaints. The cry that I will not be treated as a second class citizen is always more powerful than saying Indochinese are disadvantaged, which is both true and not true.

Because of these public perceptions regarding migration and unemployment, Asians swamping us and multiculturalism, it is not possible for Australia to have a sensible migration policy for at least five years. The politicians are running scared and not only will do nothing to lead public opinion, they are reinforcing these negative sentiments.

Of course, such policies will have their costs. Already the housing industry and business are complaining, the extreme cuts to family reunion will have their response in deterring even skilled and business prospective migrants, and as inflation stays low and unemployment high despite very low migration, Australians may come to realise that not only does migration not cause unemployment, but that we have lost a valuable source of growth and skills. This government does not seem to recognise that you cannot keep a good refugee or unskilled migrant down. They have children they want to educate which is why they came and it is this generation that not only pays the costs of the first generation but adds value to our future, as the example of the Greeks and Italians shows abundantly. John Howard reaches back into the Anglo past, but in politically correct terms, he ignores this other past and its implications for the future.

Pauline Hanson and her One Nation party draw together the disgruntled, the alienated and the envious. This is in part our fault and the fault of the political parties because we have not reduced unemployment and growing inequality which are prime sources of dissatisfaction and social division in our community. As happened in the US, Pauline Hanson calls to her patriotic standard the religious conservatives, the gun lobby, the elderly, those worried about crime and the changes in their neighbourhoods, some migrants from Britain, Europe and South Africa wanting to pull up the drawbridge against Asians, the rural people worried about the effects of *Wilk*, the unemployed. Appeals to the flag, tradition and equality bind all these together. This is why Pauline Hanson is successful where Graeme Campbell failed.

He also failed because the ALP would not support him, while the Coalition, as Robert Manne and others have pointed out, is ambiguous on the Hanson agenda and thus vulnerable to its pressures. In the US, the Moral Majority – a coalition of interests similar to those supporting Pauline Hanson – pulled the Republican Party farther to the right and Democratic Party to the centre, though it could not hold the presidency. Something similar is happening in Australia, with John Howard's middle-of-the-road pre-election stance now steadily marching rightwards in cultural and economic terms, and the ALP moving right too. The agenda for the next election will be the same in its focus on unemployment and different, in its focus on race. Poor fella, my country.

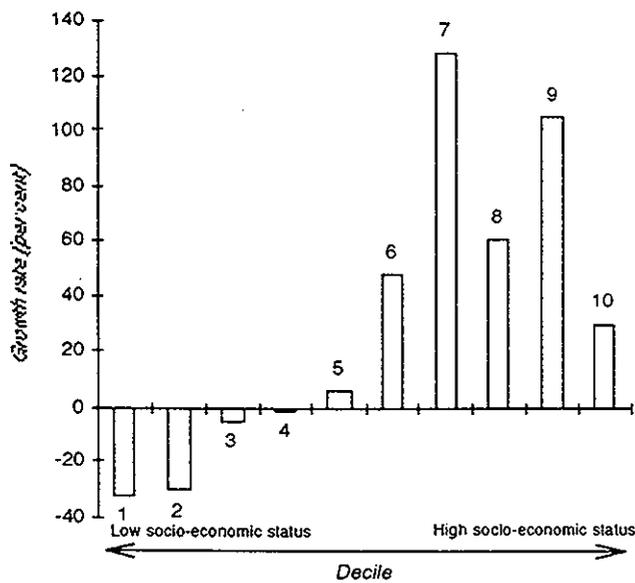


Figure 1 Growth rate of Vietnam-born in decile of socio-economic status as a proportion of total Vietnam-born population, major urban areas, 1981 to 1991.

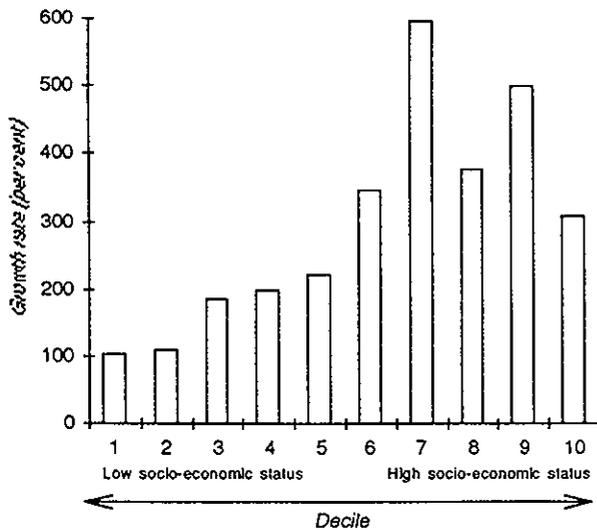


Figure 2 Growth rate of Vietnam-born in decile of socio-economic status as a proportion of Australian population in that decile, major urban areas, 1981 to 1991.



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ISRAELI DEMOCRACY

IN CRISIS

Arye Carmon

One of the prevailing assumptions in Israel is that we should look towards the United States as a model to develop our democracy, for drawing comparative analyses that would benefit our own institutions. My centre, the Israel Democracy Institute, set for itself a goal, to give priority to parliamentary democracies as resources and models. My visit to Australia is one of the means to implement this goal. Indeed, it was not a great surprise to find out, on more than one occasion, that Australia has an agenda on some issues quite similar to Israel. Similar, yet with one distinct, and I believe quite overwhelming, difference. In Australia you deal with what is important, while in Israel we distinguish between what is important and what is urgent – and the two do not always coincide.

This presentation is divided into a few different sections. I will begin with an outline of Israeli democracy in the last two decades; then I'll share with you some analytical perspectives, and say a few words about how the Israel Democracy Institute fits into the picture.

Israeli democracy, by definition and characterisation, is a vulnerable, young, shallow, formal democracy (as distinct from a substantive democracy). In our 50-year existence, we have faced many ills and many troubles. We are a democracy in the shadow of an ongoing existential threat from the outside.

One of the main features of the 1980s was political stalemate – and this has carried over into the 1990s. During the 1980s, the structure of Israeli democracy reflected division over the most important Israeli issue: how to deal with our neighbours. This is the issue of war and peace, the issue of occupied territories. Since 1967, we were caught in a static tug-of-war between two major camps. The deadlock reflected the almost equal division among the voting public, and we were able neither to move forward nor back. On one side of the divide were those who believed that we should say no to annexation; on the other were those who provided ideological and political reasoning for annexing the

territories. Over more than two elections this was reflected in an impasse and an inability to develop government influence.

In the 1980s the unity government emerged – an official embodiment of the deadlock, which brought two rival political camps under one roof. Two phenomena began evolving at this time, which, when carried over into the 1990s, became critical features in the dynamics of our young democracy.

Firstly, small religious parties took the balance of power, eventually obtaining far greater power than their proportion in the population. These small parties have determined the make-up of the government, and the prime minister is heavily dependent upon their support. These parties tend to reflect the sectorial interests of their voters, more than the national agenda.

The second phenomenon, that began emerging in the late 1980s, was that the political impasse engendered the idea that a change in the structure of Israeli democracy was needed. Some of us – the Israel Democracy Institute was the major purveyor of this view – believed that the will of the people cannot be politically engineered, that structural changes cannot alter the popular mood. But the Knesset, our parliament, thought differently. In 1991, the Knesset changed Israel's electoral system and, I believe, changed the very nature of our democracy, distancing us from the family of nations governed by means of a parliamentary democracy. As of May 1996, Israelis would vote in a popular ballot for the prime minister, and a separate party-list ballot for the Knesset.

This set the scene for developments in the 1990s – which has proved to be a very crucial decade indeed. In the future, the 1990s may well be remembered as the second-most portentous decade in the history of the State of Israel and the Jewish people, of less significance only than the 1940s, the Holocaust, and the founding of the State of Israel.

There emerged two processes of particular consequence during the first years of the 1990s. First and foremost was the huge wave of immigrants from the former Soviet Union, which changed the nature of our economy and, I believe, the nature of society in Israel. We are talking about something like 12 per cent or 13 per cent of the entire population arriving on our shores within the span of five or six years. Between 1991 and 1996, Israel absorbed about 700,000 Jews, and we are still absorbing around 70,000 a year – an immigration figure nearly equal to that of Australia, with its far larger population and geographic expanse.

The other critical event is, of course, the commencement of the peace process. It began under the Likud government in 1991, and continued in 1992. In 1992, the Labor Party, under the leadership of Yitzhak Rabin, took power, having won the election under the old

system, in which there was no separate ballot for the election of the prime minister. Rabin's government relied on a "blocking majority" of 61 (the Knesset has 120 seats). The Rabin Coalition government was based at first on three, and later, after the departure of one party, on two parties. With the help of non-participation by the coalition Arab parties, Rabin's government occasioned a major metamorphosis in the political system. By contrast, despite all the expectations of what the new electoral system would foster, the current Netanyahu government relies on a coalition comprised of eight parties – to a large extent an utterly unbearable situation.

Reviewing the events of 1992 to 1996, we see some very dynamic changes. Israeli democracy faces a tremendously overloaded agenda, carried out by a rather weak and vulnerable institutional infrastructure. On the structural side, Israel does not have a constitution. Legislation in Israel is frequently designed to modify laws which have existed since the Ottoman Empire, and were simply readapted during Mandatory and later Israeli rule. Thus, the Knesset has spent much of the past four and a half decades both introducing new laws, and modifying and adjusting the legal code it inherited from the pre-State era.

Furthermore, the peace process has exposed another critical element in the dynamics of Israeli democracy. Between the 1930s and the 1990s, the struggle to survive has overshadowed all other issues in Israeli society. Between the military threat from our neighbours, the trauma of the Holocaust, the founding of the State, the absorption of immigrants, and grappling with the new institutions of the State, the discussion of other essential issues has been swept under the carpet. We have hardly broached the critical issue of the very identity of Israel. Who are we? Israel is an answer to what question? What kind of regime are we seeking to foster? Furthermore, Israel was meant to be a home for all the Jews. What kind of identity should it provide on the particularistic side? What is the meaning of Jewishness? These issues have not been tackled seriously by the Jewish State.

Phrasing this phenomenon a bit differently, we may say that during all those years, solidarity within Israeli society flourished based on the need to stand strong against an external threat. In the 1990s, with the beginning of the peace process, this ethos of survival has begun to disintegrate. Solidarity has splintered, and we face increasingly bitter conflicts about the identity of Israel: a struggle between the secular and the religious, between those who hold one point of view and those who hold another. And, of course, the issues entail much greater complexity than merely two extremes. Anyone who knows Israel is familiar with the maxim that wherever there are two Jews, there are three opinions. So there are many, many more than just two opposing views.

When the late Yitzhak Rabin, powerfully and courageously, pushed forward the peace process, this overlooked the agony of a minority for whom an entire vision and dream has collapsed. In this climate, we witnessed the most significant event of the 1990s, or perhaps of the second half of the Twentieth Century in Israel: the assassination of our prime minister. The assassination cannot and should not be perceived as the act of a lunatic, or one person. This assassination was groomed in a certain climate, and it reflects many of the weaknesses of our democracy. To-date, Israeli society has not yet internalised all the ramifications of this terrible act and what it means to our identity and to the future of our democracy.

Israel is a highly divided, conflict-ridden society. The conflicts are not of one type – not only between the secular and the religious, or between Jews who come from one background and those who come from another. There is strife between Jews and Arabs, conflict in our self-definition, in our view of human rights and what this means. We face an ongoing struggle about the role of democratic institutions in our midst. Without a constitution, our supreme court has never, for instance, provided the substance for the constitutionality of laws in Israel. Surely, with all the apprehension and anxiety in Israel, this necessary tool is very sorely lacking. So, we have a society torn from within, filled with apprehension, existing around a metamorphosing distinction between the “us” and the “them”. Formerly, the “us” were the Jews and the “them” were the neighbouring Arab countries. Now the “us” are the religious or the secular, the Sephardic Jews or the Ashkenazic Jews, those who come from this sector or that sector of the population. Aggravating the problems inherent in this conflict-ridden background, time works against us. For our agenda is hopelessly overloaded.

Now, we have looked at only one aspect of Israeli society. It has many other facets. It is a very intensive society that in the 1990s has become highly successful in its economic development and structure. In the past five or six years, economic growth has brought Israel into the family of OECD countries. Today, per capita GNP is \$17,000, more than double what it was in the beginning of the decade. Israeli society is bursting with innovation in many areas. Our economy is founded, to a large extent, on high technology and the development and sale of the final product as well as the technology and design. We sell technological know-how in many fields. Israeli society responded to a recent opinion poll with a staggering 75 per cent saying that Israel is the best place to live. So, despite the conflict, there are traits that leave Israel torn between now and the future, the urgent and the important thing.

¹ So, how does the Israel Democracy Institute fit into this framework? Perhaps the major tension in Israeli society is between what

we call in Hebrew "nowism" on the one hand, and the needs of the future. When we wake up in the morning, yesterday's news is history, and we are confronted with yet another crisis. But we must not ignore issues like the role of the three branches of government. We have seen, since the beginning of this decade, a series of efforts to reform Israeli policy, but no overall strategy aimed at specified objectives.

And this is where the Israel Democracy Institute has an important role to play. We began operations in Jerusalem in the fall of 1991. The goal of the Institute's program is to provide the best possible professional assistance for decision and law making in the realm of political, constitutional and economic reform. That assistance is to be provided by means of policy recommendations, structural changes and, in many instances, the clarification and substantiation of concepts pertaining to these recommendations. In fact, our work has far exceeded writing up, or working on recommendations. We have gone at least one step beyond recommendation, and in many instances, two steps.

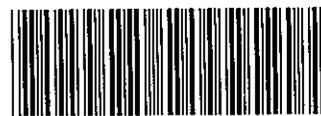
We develop strategies for implementation, so that when we deal with issues like internal party elections, electoral reform, constitutional processes, or reforming the public service, we are very busy asking not only "what?", but also "how?"

Our work is based upon a number of fundamental principles. I would say that, first and foremost, the concern of the Israel Democracy Institute is with strengthening, fostering and preserving the foundations of parliamentary democracy in Israel. I'll explain this in a few words. All over the world, and particularly in our society, it has been proven time and again that highly divided societies can rely mainly on parliamentary democracy because the major principle of parliamentary democracy is an ongoing compromise-seeking, consensus-making process. Coalition is not a dirty word. It is a necessity, and it means that, although polarisation is present, people don't need to fight one another. We must find the ways and the means for coexisting and develop those means into practice.

After the assassination of Yitzhak Rabin on 5 November 1995, there was an orderly transition of government. Within two weeks, we had continuity with a new government that took over and carried on. At the time, the Israel Democracy Institute initiated a dialogue, a round table discussion behind closed doors, which brought together the leaders of religious parties, the Israeli Right, spiritual leaders of the centre and the Left. A planned two-hour meeting turned into an eight-hour meeting, a very agonising but highly necessary discussion. I mention it because this brought about a process that was revealed to Israeli society only a week ago, a process led by the former president of the Supreme Court of the State of Israel. This process brings the same leaders to a series of meetings, with the purpose of developing the tools of coexistence. We discussed constitutional means and other means of

coexistence. This has proven to be a very substantial process in Israel's quest to shape its democracy in the manner most appropriate for the realities of Israeli life, and the whole of Israeli society.

So, it is my strong belief that as long as we are in the midst of significant change, it is impossible to predict what Israeli democracy will look like a decade from now. But I am convinced that, with effort and good will, we may some day land upon safe shores.



CLASS IN AUSTRALIA

- *KYLIE v SNOBS*

Craig McGregor

I should make it clear at the start that I haven't written this book from some sort of rigid ideological standpoint. I've been interested in class and written about class for a long time. I'm concerned about how fair and unfair our society is and about the inequality which exists in Australia.

It's an inequality which is getting worse day by day.

Back in the 1960s everyone was rather surprised that I should spend a whole chapter of a book on class. Donald Horne hardly mentions class in *The Lucky Country*. My good mate Max Walsh sort of skips through the subject in his book *Poor Little Rich Country*. In *The Australian People* I spent a couple of chapters on class and outlined some of the ideas that I have now summarised in *Class in Australia*. I actually argued that Australia was going through a profound middle-classing which was quite radical at time. Today it's conventional wisdom. In my latest book I'm arguing a somewhat different thesis. I just hope that eventually some of the critics will catch up and that this will become conventional wisdom as well.

Australian society is not classless. Does anyone here actually believe that Australia is a classless society? It is a "classed" society. The general divisions that we talk about, rightly or wrongly, are upper class, middle class, the working class and also a growing underclass which is a term taken from American sociology and which describes those who are locked into terribly disadvantaged and deprived situations at the very bottom of the class structure. That has arrived in Australia and is growing.

The different class groups, it seems to me, quite obviously are very different in all sorts of ways. They lead different lives, they speak in different accents, they live in different suburbs, they have different levels of income. They basically have a different culture. That's so obvious. You can't walk down the street in Australia without seeing that. If you walked from outer Campbelltown to Vaucluse, it would

become immediately clear that there are different class groups in Australia. They are leading very different lives.

What concerns me is that class structure is the basic cause of inequality in Australia. It's the basic cause of the sorts of inequalities which we all should be concerned about. It's class which determines such things as where you grow up, which school you go to, what sort of education you get, what suburb you live in, what sort of job you're likely to aspire to and certainly what sort of job you are likely to end up getting, how much power you have or don't have, and what your life chances are.

A startling fact which was unearthed in my research, and which is well known in academia, is that most Australians stay in the class that they're born into and grow up in. What we've got is a soft copy of the English class system. That's terrible: that such a lottery as class can determine both your expectations and what's likely to happen to you, which is partly why I wrote *Class in Australia*.

What precisely is it that determines class and the class that you personally belong to?

A lot of contemporary class theory still draws its parameters from Marx and the Marxist perception that class is basically defined by your relationship to the economy – specifically to your relation to the means of production. As you know there is Marx's famous division of us all into bourgeoisie (the owners of the means of production) and the proletariat, or those who work for the owners.

That distinction has retained a certain amount of validity through contemporary class theory. But it's also been heavily criticised. The position that I take is closer to Max Weber's analysis which is that it is a cluster of factors, not just one factor, which determines class. I argue that those factors are occupation, which is in a sense quite close to Marx's original analysis, and power, money, education, family background and culture. A perception of class as caused by a cluster of factors is in fact more in tune with contemporary reality and the contemporary class structure of Australia than a simple binary approach which says we are divided into owners and workers.

There are some quite important strengths in the original Marxist position because it does point out that all of us who work for a wage or a salary are really workers, and of course the very term white collar worker demonstrates this. So, though we have in Australia something over 50 per cent of Australians who regard themselves as middle-class, a lot of those are "white collar workers" and in that sense they are workers. Nevertheless, they still divide themselves from working class workers or blue collar workers. Some Marxists argue that the middle class workers are victims of false consciousness and that they've been brainwashed by the system into believing that they are a different class group. I don't accept that. I argue quite strongly against that position.

Another question is whether the middle class is shrinking. Here in Australia we have one of the largest middle classes in the world, on the basis of self identification; just over 50 per cent of Australians. Some sociologists have stated that Australia is the most middle class country in the world. When I go to Canberra I agree with them. Hugh McKay maintains that there has been a drastic drop in middle class incomes and therefore concludes there is a shrinking middle class. But I've argued specifically against this by saying that even if there is a drop in income it doesn't immediately change your class positioning. People can suffer a drop in income and yet still hold very firmly to the view they are middle class. They can stay in the same suburb, and have the same values. They can be involved in the same middle class culture and they can send their children to the same schools, and so on. So a drop in income doesn't always change your class position. Especially if you accept that it isn't just wealth that determines your class. Many other factors determine it.

Another argument of course is that – and I've checked this with the Commonwealth statistician – it's just simply common knowledge that the great growth in employment over the last decade has been in the service industries, in tertiary industries, where white-collar middle class people predominate. In fact the great losses that have occurred have tended to concentrate in blue collar working class occupations, traditional primary and secondary industries. I've discussed this with Dr Bob Gregory, the well-known economist at the ANU, and Gregory, I'm pleased to say, agrees with me.

The middle class is not shrinking. It's probably expanding. Now that's good news for all of us who are middle class. Is there anyone here who regards themselves as working class?

A third question is one that is the subject of considerable controversy. Is a new class emerging? A new class of people who have taken immense advantage of the economic and social restructuring which has occurred in Western countries. These are people who are highly paid, highly educated, often technologically very literate – computer aware – and all the rest of it. And though they are not upper class and their incomes don't quite match those of the captains of industry, they are a very affluent and to a certain extent a very upwardly mobile group of people who somehow seem to have separated themselves from the rest of the middle class. And one of the arguments that I've put forward in my book is that while the middle class in Australia may be expanding it is also suffering great fractures. In fact it's being split up, sub-divided, it's witnessing deeper and deeper divisions.

This group, so the argument goes, is a new class in the formation. And I suppose the popularity in the 1980s of terms like "yuppies" and "upwardly mobile" suggests the imagery associated with such a group.

Now the question is, is it a new class or is it in fact just another but clearly distinct part of the middle class? I would argue, without too much vehemence, it is probably the second. It's very easy to keep on spinning off new classes. It's popular commentary to do that. But you have to be wary. Every time there seems to be a new group emerging in the society you think "Ah it's a new class" – a new class of footballer, or a new class of corporate owners. I don't think that's the case.

It seems to me that this group, that's sometimes called the new class, doesn't have a very clear focus. It certainly does not have the sort of traditional class history you associate with classes. And it doesn't have, in many other ways, the sort of self-consciousness that other class groups have. Still there is a question there, and it may be that this is the way in which a new class does ultimately form itself. At the moment though I'd say the weight of evidence is that what we are seeing is a fracturing and sub-dividing of this vast middle class, which never was homogeneous and certainly isn't now. The middle class is suffering incredible pressures because of the sorts of things that Max Walsh writes about – economic restructuring, globalisation, the sorts of trauma that Australian society is going through, which I might add spins off, in the political arena into groups like Pauline Hanson's One Nation Party. Disenchantment with the political process, along with personal, social and class trauma, can lead people to search for very weird alternatives to the current system.

There is a chapter in *Class in Australia* on class and politics. Class runs right through the political arena. There is a lot of confusion about the place of class in politics, especially because of the neo-transformation that the Labor Party has gone through and has been going through for a long time. There is quite a push amongst right-wing commentators, like David Kemp and Don Aitkin, to argue that class doesn't really count too much in politics any longer. Now their work is valuable. There is an enormous amount of cross class voting. And we have to be aware of that. There is a lot of research on this now by the political parties, Gallup pollsters and academics.

One of the books that I found particularly perceptive about this was Baxter, Emmison and Western's book on class consciousness in Australia. A lot of that survey material shows that, despite the increase in class cross voting over the last couple of decades, most upper class Australians still vote for the conservative parties and most working class Australians still vote for the Labor Party. This is something that the political parties – especially the Labor Party – are now very aware of. Despite the haemorrhaging of the blue collar vote in the 1996 Federal election, the Labor Party is now very concerned to win back that blue collar vote. So class, apart from determining a lot of other things such as your likely life chances, your opportunities in life, the sorts of income and job you're likely to get, the sort of education you're likely to get, does still have a profound effect on your voting patterns.

And therefore class still has a profound effect on politics. The research material proves that. But you hear much the same from Gary Gray, the National Secretary of the Labor Party, or even Premier Bob Carr, who said to me not so long ago, "Class is still the main indicator. It's the best predictor of how someone's going to vote."

People often try to run away from class and put its significance down. Sometimes for very good reasons, often because they just don't like it. I don't like it either. Class is stupid. Who likes class? Class distinction is absurd. I can't believe people can take some of the overt manifestations, like class snobbery or class distinction and certain sorts of accents, seriously. So we are quite right in a sense to think we should ignore class. But the trouble is, if you ignore class completely, you tend to be unaware of the way in which class works through the whole society and how it determines and affects so much of what happens to your own life. So therefore we are right to think that class should be despised, but also we should acknowledge the reality of it and do something about it. The problem is that if you're born to the upper class and have most of the privileges that most Australians don't have, including wealth, power, a good life in the best suburb and all the rest of it, things which I know we in this room are only too familiar with, then why would you want to say class is important? It's in your interests to decry the idea of class and how it determines people's lives. This runs right through the Liberal Party, of course.

The Liberal Party unfortunately runs away from class all the time. Why? Because a lot of Liberal voters simply benefit from the class structure.

Finally I suppose there is the question of power. This is something which I certainly didn't understand when I started getting interested in class. But having done a lot of research and a fair amount of reading on the way in which power works through a democratic society, it seems to me that we live in a society where there are democratic forms, but power is very much concentrated in what we could call the upper class or, more popularly, people call the establishment or the power elite or whatever.

Power is concentrated very heavily, though not completely, in that particular class strata. And like most class groups that class strata tries to promote its own interests and tries to make sure that the rest of the society adopts its world view. What happens is that you have a class group which involves itself in clear but indirect control of the rest of society. And it does this not through brute power, as occurs within fascist societies, but through ideological and cultural control in which the media, the advertising industry, the Packers, the Murdochs and the rest of them – and myself – play a large part. And of course commentators like Bob Connell, former Professor of Sociology at Macquarie University and now Professor of Education at Sydney University,

would argue that this extends right through a range of civic institutions – the church, the monarchy, and so on. We still have a monarchy apparently.

The school system (especially the private schools) and lots of the institutions, including of course the law, are weighted towards trying to preserve the status quo as opposed to any radical change.

We know that, don't we? Most of our institutions are opposed to radical change. And the reason is because the system, as it exists, supports their privileges. Most of us, including I suspect a lot of us in this room, gain an enormous amount from the system as it is. So why would you want to change it? Now I think that we have to change it. I have thought that all my life. I have thought about it ever since I was a school boy. In primary school I thought it is such an unfair set up. Society is so unfair. It quite clearly is. And if it is unfair, and people are suffering from this gross and unnecessary inequality, why shouldn't we change it? I've been arguing that now through some 21 books and something like 11 million published words. My positions are absolutely clear.

Reply from Max Walsh

I'll just pick up a few points Craig made and I'll return to the fundamental proposition which is the most important – both in his book, which he briefly touched on, and his remarks.

First off, I disagree with the cover of *Class In Australia* and the implication that Australia has a class system. I concede that we have, as Craig defines it, a class structure. But a system carries connotations beyond structure. It means something that's fixed with understanding on the parts of all people that all the cogs fit together in a certain way. I don't think that exists at all in our society. I'm uncomfortable with the word "class". It was a good marketing ploy. Had the publisher called the book "socio-economic groups" it wouldn't have been much of a cover. In essence, if you talk about class to me, I'd go back to a pre-Marxian situation. If you want to go to the most class-riddled society on the globe you can look at India. It's distinctly pre-Marxian. That to me sums up what a class system is.

Craig defines class as Max Weber did, overwhelmingly through economic considerations or economic criterion implied with a social overload. His second point, is whether the middle class is shrinking. And he presents us with the argument that structural change is occurring. We are employing more and more people in the tertiary sector. Consequently we have a growing middle class. But the growth in the tertiary sector is unfortunately at the bottom end, mainly in the recreational and tourist areas. This is very low-paid working class activities and unfortunately this will be more and more the case as we move through the period of structural change.

Then there is the point about the "new class". Craig raises the expression. I first read about the new class in Joseph Schumpeter but of course Craig was not referring to Schumpeter's idea of new class. When Schumpeter referred to the new class, he was arguing that capitalism would fail because it would be captured by the new class - what you and I would call the bureaucracy. Although Schumpeter was a great champion of capitalism he did see its inevitable downfall when it fell in the hands of the bureaucrats. At this stage, however, I think the barbarians have not quite got hold of the gates. In fact the bureaucrats are now a shrinking part of our society. But nevertheless I'm sure they'll make their comeback.

But what Craig calls the new class, is what Robert Reich has labelled the symbolic analyst, the creative people. The more important point about this is that these people have what you might call internationally tradeable skills. And consequently they had no roots in the society in which they personally reside and so they are in the very best description internationally classless. They aren't part of any system.

The point I'd like to make more strongly about this particular book, and it goes for the very roots of what Craig was saying, is that Craig has stated quite bluntly that there was less class distinction around now than when he was growing up. There has been a change in society and by implication for the better. I thought about that and I must say it's true enough. To just personalise a little that I can remember that when I left school in the 1950s, as somebody from what I would call a working class Irish Catholic family, I couldn't get a job in David Jones. I couldn't get a job in CSR. Eventually I got a job in John Fairfax. I have the distinction of being the first Catholic to ever be employed in that place for over a 100 years as a cadet. The point about what happened then of course, and this goes to the very roots of what Craig's talking about is why did it change?

Now why it changed is pretty simple. In 1955 there were more jobs than there were people and so consequently anybody could walk into any job. That's how you got access to those previously closed jobs. And what is more is that the volume or the number of different jobs was increasing. This led to a greater deal of social mobility than had been possible in the past. And it was simply the growth of society which started the breakdown of that class structure which I grew up with, and which I resented I might say. Coming from a good ALP family, we saw ourselves as a "them and us" situation. But as time went by the chips fell off my shoulder. Of course, society grew and I'd like to think I grew along with it.

What Craig goes on to argue, however, and he was alluding to this in his last comments. He carries a view that it's all so unfair and you have to change the system. What he advocates in fact, in the book is to

change the system you have to break down class by redistributing income, by directly interventionist schemes on the government's part. And this goes entirely against the lessons of history. What the lessons of history have told us, and the brief opinion of my own lifestyle and the lifestyle most of you have passed through is that class has been worn down by the creation of new opportunities, by the growth of economies. It's been the liberalisation of economies which has created conditions that have broken down the old class structures and is continuing to break them down.

Now I have got no doubt about what Craig identifies as the underclass. But what the underclass is in the United States is very much the institutionalised welfare class. The underclass is a product of the failure of society. People get institutionalised and become dependent upon handouts from the State. That is a problem. I don't say we should stop the handouts from the states by the way, but that is the definition of the underclass most widely employed. And my view is that if we accept all of Craig's argument that class exists, it takes a leap of logic to then say that we can demolish class by interventionist policy on the part of a government or any body which redistributes income to create greater equality. The only equality that governments should create is equality of opportunity. I'd be the first to say that they don't necessarily succeed in doing this. But that is the way to attack the problem which Craig defines when he starts off with the assumption that "We're a class ridden society and we got to do something about it."



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AUSTRALIA AND

THE VIETNAM WAR 1965-1975

Peter Edwards

Five years ago I addressed the Sydney Institute on "The Menzies Government and Southeast Asia", raising some of the themes of *Crises and Commitments*, the first volume of *The Official History of Australia's Involvement in Southeast Asian Conflicts 1948-1975*. Since then my colleagues and I have published a volume a year in this series. Last month we published *A Nation at War*; the sixth volume in what will be an eight-volume series on completion. It deals with what the Governor General, in launching the book, called "the most controversial aspect of a highly controversial subject" - *Australian Politics, Society and Diplomacy during the Vietnam War 1965-75*, as the subtitle puts it. As an official war history, in the tradition of Charles Bean, Gavin Long and Robert O'Neill, it is written with the benefit of unrestricted access to Australian official records and an assurance of publication without censorship, a privilege I would like to see extended beyond the realm of military commitments. I would be happy to respond to questions about the role of official history in dealing with such topics as the politics of the Vietnam War.

There are many themes that can be extracted from this book. Tonight I would like to emphasise two things about the Vietnam War. First it was always an ambiguous war, about which one could find evidence to support whichever viewpoint one chose. One well-informed Australian observer told me he changed his mind on the war half a dozen times. I regard that as a reflection of the complexity of the issues, not of his indecisiveness. It is now time to reassess the arguments dispassionately and without dogmatism. Secondly, Vietnam was by Twentieth Century standards a long war. It is widely recognised that attrition of the political will of the United States and its allies was a vital element in Hanoi's successful strategy. What is less well recognised is that an argument about the rationale of the war might have a different weight according to the time to which one is referring. Something valid in 1965 might be less so in 1975 and vice versa. In my

previous talk I discussed the preceding period in terms of the External Affairs ministers who served the Menzies Government from 1949 to 1965. Today I would like to trace some of the main arguments in terms of the successive prime ministers who held office during the decade from 1965 to 1975. In this way we will touch on one of the perennial questions of human history – how much do individuals make a difference, and how much are they merely the instruments of the intractable forces of history?

This was particularly important when, in late 1964 and early 1965, the Australian government faced the question of committing combat troops to South Vietnam. At this time Southeast Asia appeared full of actual and potential threats to the West and its allies. The deteriorating position in South Vietnam was on the front pages of the world's press, but it was only one of many trouble spots. By late 1964 Australian and Indonesian forces were actually in combat, albeit in small-scale encounters. President Sukarno had embarked on his policy of "Konfrontasi" against the newly formed federation of Malaysia, a Commonwealth ally to whom Australia pledged support. Sukarno had proclaimed his association with China in what was termed the "Jakarta-Peking axis", which was clearly related to the growing power of the Indonesian Communist Party (PKI). The Australian government feared not only that Sukarno might steadily elevate the level of the confrontation in Borneo, but that he might also open another front by provoking strife across Australia's only land border – between Western New Guinea, which Indonesia had recently incorporated, and the Australian-mandated territories on the eastern half of the island.

Australia's two major concerns were Indonesia and Indochina, in that order, but the dangers there were exacerbated by several other sources of conflict. Even during Sukarno's confrontation, the new federation of Malaysia was threatened by ethnic and political rivalries. A resurgence of Communist-led insurgency in Malaysia, fuelled by ethnic rivalries, was quite possible. In August 1965, to Australia's dismay, Singapore seceded from Malaysia to become a separate state. Whether Lee Kuan Yew could resist the extreme left wing forces there was an open question. Less than two months later came the unexpected and much debated events in Jakarta which led to the removal of Sukarno and the rise to power of General, later President, Soeharto. Further afield there was a Communist insurgency in north eastern Thailand, adjacent to the border with Laos. It was almost universally accepted that the fate of Laos, and probably that of Cambodia, were tied to the outcome of the conflict in Vietnam. Burma had internal tensions based on ethnic rivalries.

Although a Communist insurgency in the Philippines had been defeated in the late 1940s, internal security was still far from certain. The perpetual tension between India and Pakistan was to break out yet again into conflict in 1965.

Amid this turmoil, the Australian government was deeply concerned that the countries that Menzies liked to call its "great and powerful friends", Britain and the United States, might both withdraw their substantial military forces from Southeast Asia. To Australia's dismay, the two great external powers could not agree on the nature of the principal threat. Britain, under both Conservative and Labour governments, regarded Confrontation as the principal concern and was reluctant to be involved in Vietnam; by contrast, the Americans regarded Sukarno as not a serious threat but were mightily concerned with Vietnam. During the 1950s and early 1960s Australia had imposed a low ceiling on defence expenditure, until it almost halved the proportion of GNP devoted to defence. In effect, Australia relied on strong diplomatic and rhetorical support for its powerful allies, backed only by token military commitments. But by the mid 1960s London and Washington were sending clear signals that they would no longer allow Australia to fight to the last Tommy Atkins or GI Joe: more diggers on the frontline were required. So when President Johnson began his campaign for "more flags" in Vietnam, Menzies and his colleagues felt the pressure keenly. Australian opinion was divided as to whether Indonesia or North Vietnam posed the greater danger, but that distinction had little force. When senior Australians raised the question of possible American support under the ANZUS treaty in the event of serious conflict between Australian and Indonesian forces during Confrontation, the Americans referred pointedly to their hopes for Australian support in Vietnam. If we wanted the Americans to help fight our bushfires, we had to help the Americans fight theirs.

Given the combination of regional crises and Australia's dependence on its powerful allies, it was at least understandable that the Menzies Government felt it necessary to make some military commitment to support the American effort in Vietnam. It seems to me that in 1964-65 it would have been difficult for any Australian government to have totally avoided any commitment to Vietnam. The dangers were understood and cogently argued by its critics, notably Arthur Calwell, but they could not point to a satisfactory alternative policy. But that is not to say that the government handled the commitment skilfully or that the terms in which it was expressed were always wisely chosen. This is where the personal element is important. In the last year of his record-breaking term as Prime Minister, Menzies was no longer the astute and circumspect politician who had carefully controlled Australia's involvement in Malaya and Korea in the early 1950s. By 1965, apparently unassailable politically, he was dogmatic and arrogant, scorning his critics and speaking intemperately of "the communist tide [that] would sweep right down to the Timor Sea" until Australia was "exposed over a few miles of water to a victorious, onward march of the communists". Of no less importance, by

maintaining the traditional Australian approach of combining extravagant rhetorical support with a cautiously confined military commitment, Menzies made it difficult for later governments to place a ceiling on the commitment and, later again, to start the process of withdrawal.

Less than a year after the commitment had been made, Menzies retired to be succeeded by Harold Holt. Probably no Australian leader had such a genuine commitment to Vietnam as Holt. Many of you will have read of Paul Hasluck's assessment of Holt in the recent book edited by his son Nicholas Hasluck. The portrayal there of Holt as naive and insubstantial is by no means unjustified, but I think it needs to be balanced. However unsophisticated in matters of foreign policy, Holt did have a sense of the potential for a prosperous, non-communist Asia and Australia's part in it. Both publicly and in diplomatic communications, he expressed these views in terms which would wrongly be considered new when they resurfaced in the late 1980s and early 1990s. In a personal message to the British Prime Minister Harold Wilson, for example, he said that "the next century will be the century of Asia" and that, despite all of its agonies, "there is . . . a new Asia emerging, in which we can all find hope for a brighter future". Holt's personal and political rapport with President Johnson was based on this shared vision of a prosperous, non-communist Asia, after the Vietnam War had been conducted.

The first year of Holt's prime ministership was marked by steady escalation of the Australian commitment to Vietnam, including the despatch of young conscripts. All seemed to augur well. Holt won the accolade of the first visit to Australia by an incumbent President of the United States, and in November 1966 a greater election victory than Menzies had ever achieved.

The next year, 1967, saw a series of troubles and difficulties, precipitated principally by the announcement that all British forces would be withdrawn from Southeast Asia in the next few years. We sometimes forget now that Australian policy in the 1960s was predicated on the attempt to keep *both* the United States and Britain militarily involved in the region. The disarray in Australia's foreign and defence policy for the next five years, from 1967 to 1972, was based largely on the inability of Australian ministers to come to terms with the prospect of British withdrawal. To judge by Cabinet records, this took more of their attention even than the seemingly endless, and increasingly unpopular, war in Vietnam.

1967 saw the end of the escalation of the Australian commitment. At the year's beginning Holt was enthusiastically initiating increases. By late 1967, amid the uncertainty induced by the announcement of British withdrawal, the mood had totally changed. Under extreme pressure from Washington, the Holt Government reluctantly agreed to commit a third battalion to the Australian task force, but insisted that

this was the absolute maximum that the country could commit. Personal emissaries from President Johnson, Clark Clifford and Maxwell Taylor, were dismayed. Clifford later wrote that the difference between Australia's maximum commitment of 8000 personnel in Vietnam and that of several hundred thousand men in World War II helped to turn the Johnson Administration towards withdrawal. Despite the rhetoric, Australia was far from being "all the way with LBJ" and the difference between rhetoric and reality gave rise to significant tension between Washington and Canberra.

Holt's year of troubles ended in his bizarre death. After John McEwen's brief interregnum, John Gorton became prime minister in January 1968. His arrival in the Lodge virtually coincided with two major changes in the international situation – a British decision to further accelerate their withdrawal from "east of Suez" and the huge shock of the Tet offensive in Vietnam, which precipitated a major shift against the war in American public opinion. In this climate one of Gorton's first statements was that the level of Australian commitment had reached its maximum. He was in fact announcing the decision that had been taken by Holt's Cabinet, but it made Gorton appear to be a "dove" by comparison with his late predecessor.

For the next three years Gorton presided over confusion in Australia foreign and defence policy, symbolised by uncertainty over Vietnam. Torn by conflict between those who supported the established policy of forward defence and those who were looking towards continental defence, Gorton oscillated between hawkish and dovish statements.

Gorton personally was inclined towards reorientating policy towards continental defence, but he had alienated so many power bases on his own side of politics that his ability to lead the government in his chosen direction was severely constrained. Moreover politicians throughout the West at this time were overwhelmed by the social changes that are generally associated with the year 1968 – political and social rebellion by students and workers around the world, the assertion of a youthful counter-culture, radically new attitudes towards drugs, clothes, music, sex, social mores in every sphere. The catchcries of the new movements were "peace and freedom". The Vietnam war and the conscription scheme associated with it were the very antithesis of peace and freedom, the symbols of the old order. In this context, debate about Vietnam was no longer a discussion of foreign policy, but a clash of alternative symbols. In this heightened atmosphere the ability of any government to adjust its policies was severely reduced.

This, I would argue, is when Australia missed an opportunity. By 1969 the politics of the region had changed markedly. Many of the potential "dominoes" were far stronger politically and economically than they had been five years earlier. Five of them – Singapore,

Malaysia, Thailand, the Philippines, and Indonesia - formed the Association of Southeast Asian Nations (ASEAN) in 1967, replacing their various rivalries with a new emphasis on regional solidarity. Vietnam was now no longer the frontline of a contest for the whole region but had become an isolated theatre of conflict. Policy-makers in the United States, both Democrat and Republican, had clearly recognised this and were moving towards withdrawal, albeit slowly at first. Inevitably there was popular pressure on the Australian government to do the same. When the Nixon Administration, which took office in January 1969, started withdrawals in May, it urged the other troop-contributing countries to retain all of their forces, but it would have been possible for Australia and the other allies to reassess their respective commitments in the light of the strategic circumstances.

At one crucial point, in December 1969, Gorton asked President Nixon for details of the American timetable for withdrawal, so that Australia could develop a coordinated policy. Nixon's reply indicated that he hoped Australia would keep as large a force as possible in Vietnam, but said that reduced troop strength might be offset by greater economic aid, such as better housing for the South Vietnamese servicemen and their dependants. It was a half-open door, but Gorton did not try to push it wider. By this time, it was widely recognised that Australia did need to reassess its defence and foreign policies, especially in Southeast Asia, but the political and personal divisions between ministers made that reassessment impossible. The policy-making process had ground to a halt. The government continued its established policies, but with little conviction; it simply could not come to a decision on where it should go now.

Historians are usually reluctant to discuss "might-have-beens", but it is worth noting the possibility that a coherent reassessment of Australian policy in 1969, which led to the removal of at least the conscripts and possibly all combat troops in Vietnam, would have greatly reduced the social divisions in the country. The first Moratorium, the greatest success of the protest movement against the war, did not take place until May 1970. It is also possible to speculate that if the ALP under Gough Whitlam had won the October 1969 election, he might have secured terms for an Australian withdrawal from Vietnam without irreversible damage to the American alliance. On the other hand, the ALP had an ill-advised policy towards commitments in Malaysia and Singapore, an area which the Coalition generally handled with more success.

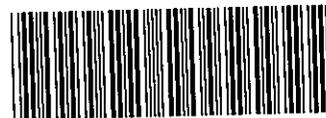
William McMahon is generally considered to be the least competent of the succession of Liberal prime ministers of this period, but it is still often overlooked that it was he, rather than Gough Whitlam, who withdrew all but a handful of the Australian forces from Vietnam. Always more sensitive to domestic political considerations

than to strategic concerns, McMahon was less supportive of the Vietnam commitment at crucial times than he appeared in public. In 1965, as a member of the relevant Cabinet committee, he had expressed doubts over the commitment of combat troops. It is highly probable that he leaked news of the impending commitment, acutely embarrassing his colleagues, perhaps in an attempt to prevent the commitment from proceeding. In 1971, as prime minister, he moved towards the revision of the government's policies on Vietnam and conscription. At first a relatively slow withdrawal was planned, which would have removed the whole task force before the end of 1972, when the next election was due. But after the "Nixon shock" of July 1971, when the United States announced a dramatic and quite unexpected shift in policy towards China, the McMahon Government accelerated its withdrawal plans, so that the task force was removed by the end of 1971. The Cabinet records suggest that this acceleration was directly linked to the change in America's China policy, even though it should have been evident for some time that the Nixon Administration had stopped regarding China as the real enemy in Vietnam. This was another illustration of one of the major weaknesses in Australian policy over this period. Australia made no secret of its close association with Britain and the United States, and its determination to keep both those powers involved in Southeast Asia. Yet it seemed to be caught unawares far too often by changes in policy in London and Washington.

Gough Whitlam's removal of the Training Team, the last Australian combat unit in Vietnam, was more symbolically than militarily significant. In general terms, many of Whitlam's reforms in foreign policy were wise, if not overdue, but the end of the Vietnam War in April 1975 was not his finest hour. His pronounced reluctance to accept any more than the absolute minimum of South Vietnamese orphans and refugees appeared callous, reflecting a marked shift to the left compared with the views he had expressed in the early years of the Australian commitment. When the Republic of Vietnam was on the verge of defeat in April 1975, Whitlam stated: "Who rules in Saigon is not, and never has been, an ingredient in Australia's security". In 1975, when only Laos and Cambodia suffered the same fate as South Vietnam, this might be said to be true; but it is not necessarily true of the position in 1965, just as it was not an unqualified truism during the Japanese thrust of the 1940s. One can never know the results of a course of history that might have been taken, but was not. My own estimation, however, is that the regional impact of the defeat of South Vietnam in 1965 would have been much wider than it was in 1975. I see more reason to be critical of the Australian government for failing to reassess its policies around 1969 than for its initial commitment in 1965; but we can never prove absolutely what might have been.

To conclude, therefore, it is one of the paradoxes of Vietnam that it reversed many of the standard reputations of our political leaders. Robert Menzies, Paul Hasluck and Gough Whitlam were undoubtedly among Australia's most gifted and able public figures, but all had their reputations damaged by Vietnam. By contrast Harold Holt, William McMahon and Jim Cairns, whose reputations at the highest levels of politics are less distinguished, emerge from this story with at least some credit.

This is only one of many ways in which we need to think again about the impact and meaning of the commitment to the Vietnam War. As Australia reassesses its policies towards Asia and towards the United States, to meet new strategic and economic demands, we would do well to take a fresh look at Australia's experiences in the decade from 1965 to 1975.



GOUGH'S ABIDING

INTERESTS

Gough Whitlam

I am doubly indebted to Gerard Henderson; first, for inviting me to address The Sydney Institute; and secondly, for providing me, albeit unwittingly, with the text for these introductory remarks. More than that, Gerard has set down one of the main reasons why I chose to spend a considerable part of the past couple of years writing a book.

I refer to his column in the *Sydney Morning Herald* of 10 June last. He begins: "Three cheers for the written word." He continues: "Without it, debate and discussion can be unnecessarily confusing."

Having pursued for half a century vocations in which the word, spoken and written, is of the essence, I endorse the propositions wholeheartedly.

The particular issue which Gerard Henderson discussed in his 10 June column was the payment of compensation under the prime minister's 10-Point Plan in the wake of *Wik*. I may make a general comment myself later. In his column, however, Mr Henderson wrote:

The familiar tactic of running different lines to different audiences may be clever politics. However, in time, the issue will have to be clarified. It would be best done now, in writing and for public release. Only then can all Australians make a considered assessment of the Coalition's response to the *Wik* decision. It's time for a general epistle.

I make no claim to copyright over "It's Time. . .".

This book, *Abiding Interests*, may, however, be regarded as my general epistle to the Australians.

Tonight, I do want to put the case for the written word, the responsibility of those who have been privileged to hold prominent positions in Australian public life to provide some sort of permanent, contemporary record.

In particular, I maintain the higher claim of the written word over what is increasingly seen as its substitute, the so-called oral history. The important thing is that one can be checked, challenged, verified or

refuted; the other is intended to be swallowed whole by an unsuspecting posterity, when such checks are no longer available.

Historians should also be alert to the dangers of attaching undue authenticity to these voices from the grave. In this book, I give a striking example of the pitfalls. It relates to the appointment of Senator Lionel Murphy to the High Court in February 1975. I am able to correct the version contained in the five volumes of transcriptions lodged with the Australian Archives, the progeny of 18 months of oral intimacy between Sir Garfield Barwick and Clyde Cameron in 1981 and 1982.

My point here is that it was possible for me to challenge their secret discussions on Murphy only because Sir Garfield chose to preview them in his book, *A Radical Tory*. (A very good Sydney Institute kind of term, if I may say so). Otherwise they are embargoed until the year 2006.

So three cheers for the written word.

In fact, Sir Garfield Barwick's book, as distinct from his tapes, provided the main basis for the relatively brief discussion of my government's dismissal in my own book, barely a tenth of the whole. I give two reasons for that brevity.

First, my chief interest in the events of October–November 1975 now lies in their relevance to Australia's advance towards the Republic. Secondly, in the 22 years since, nothing has emerged to invalidate my basic contentions: that the crisis of November 1975 was not a true constitutional crisis, an insoluble deadlock between the two houses of parliament, but a political crisis, fully capable of being resolved by political means; and that, but for Sir John Kerr's action, it would have been resolved – quite quickly – in my government's favour.

Nevertheless, until Barwick published his book in 1995, I confess I had not realised the full significance of his letter to Kerr dated 10 November 1975. Nor was I totally aware of important circumstances surrounding the letter although a vital clue had been uncovered by Bruce Donald, in his ABC interview with Barwick in January 1994.

You may recall that Barwick's letter supporting "the course Your Excellency has already resolved to take", stated:

A government having the confidence of the House of Representatives but not that of the Senate, both elected Houses, cannot secure supply to the Crown.

In his book, Barwick expands this assertion into a full-blown constitutional doctrine. Not only does he assert that I was constitutionally obliged to resign immediately the Opposition in the Senate decided to stall the Budget, ie. 16 October 1975, but he denies legitimacy to any government not having a majority in the Senate – that is, a series of Australian governments from Edmund Barton to John Howard.

When he handed me his letter dismissing my government, Kerr did not tell me that he had a letter from Barwick. I had expressly tendered him advice, based on precedent and prudent practice, that he should not consult with the Chief Justice on matters that might ultimately come before the High Court. Kerr did not release the Barwick letter till a week later, after Attorney-General Enderby had released an authorised and different opinion from Solicitor-General Maurice Byers and himself, given on 4 November 1975 in accordance with Kerr's request on 21 October.

It was only after a lapse of 18 years that Barwick revealed that, at Kerr's request, he showed his letter to two other justices, Sir Anthony Mason and Sir Ninian Stephen, later Chief Justice and Governor-General respectively.

In this book, I examine in some detail Kerr's fears about challenges to the High Court in 1975, in particular a challenge to the *Petroleum and Minerals Authority Act 1973*. The Senate's rejection of this legislation had formed one of the grounds on which Sir Paul Hasluck gained the double dissolution in April 1974. The Victorian, New South Wales, Queensland and Western Australian governments appealed on the ground that the *PMA Act* had not been rejected a second time by the Senate and therefore should not have been accepted by the Governor-General as the basis for a double dissolution and should not have been passed at the joint sitting of parliament in August 1974.

This was in fact the only legislation of my government ever invalidated by the High Court; but it shook Kerr to find that the decision of a Governor-General to grant a double dissolution could be reviewed, indeed repudiated, by the High Court. In November 1975, he wanted Barwick to use his influence with Mason and Stephen to ensure that they would not again find against a Governor-General, as they had in June. In his book Barwick confirms that Kerr was especially keen to know Mason's opinion because he had formerly been Solicitor-General.

Gerard Henderson has related elsewhere (originally in the *Sydney Morning Herald* on 8 January 1994) that Barwick was offended by Kerr's request for Mason's opinion; Barwick thought that Kerr should have been satisfied with his opinion alone. Barwick does not tell us whether Kerr informed him of Solicitor-General Byers' opinion.

One key fact emerges from these revelations, evinced by both the written and spoken word – books and television – but all part of the contemporary public record: Kerr was worried about a possible rebuff from the High Court.

And these fears had substance, unlike his fear, real or imagined, that I would seek his dismissal first. Both help explain the ambush.

I emphasise, however, that the events of 1975 form a quite small proportion of this book, *Abiding Interests*. My contribution to the historiography of the period rests on two previous publications, *The Truth of the Matter* and *The Whitlam Government*. There's been no reason to revise the first or revisit the second. This new book is partly autobiographical, but deals with issues – continuing issues facing Australia – rather than events.

To the extent that it is a work of history, I suppose I can say with Churchill, to quote his preface to *The World Crisis* (his account of the First World War), "It is a contribution to history strung upon a fairly strong thread of personal reminiscence." I daresay, too, that in all my political writings, I have shared Churchill's confidence in the favourable verdict of history, especially, as he said, "I propose to write the history myself."

I do trust, however that my present successor as prime minister will not accuse me of re-writing history for my partisan purposes. You will recall Mr Howard's words in his Playford Memorial Lecture in Adelaide just one year ago:

One of the most insidious developments in Australian political life over the past decade or so has been the attempt to re-write Australian history in the service of the partisan political cause. No one should be in any doubt that this process has been a systematic and deliberate one.

This is an extraordinary charge from a conservative leader who had just won an historic victory. Conspiracy theories are normally the obsession of the extreme left.

I have resolutely resisted – and do so again in this book – attempts to explain my government's dismissal in terms of a conspiracy theory. It is just unnecessary. And the same applies to the contemporary debate on political issues, even when they involve dubious interpretations of history.

In one respect, I can understand the prime minister's exasperation. As John Wesley said: "Why should the Devil have all the best tunes?" His response, however, was not to curse the legions of Hell but to write some tunes of his own and set his brother Charles to work writing more. And it's true that Labor has the best writers and historians.

The Labor Party may owe more to Methodism than Marxism; but that doesn't mean a monopoly on history. Why blame Labor diligence for Liberal dereliction?

In his Playford Lecture – itself a relatively rare honour for former conservative leaders – John Howard took Paul Keating to task for abusing Sir Robert Menzies who, he said, "had no opportunity to answer back". I should have thought, with Edmund Burke writing on Marie Antoinette, that for the Liberal Party and the memory of Sir Robert Menzies, "ten thousand swords must have leaped from their

scabbards to avenge even a look that threatened insult". Are we to suppose that all the vast resources of the Liberal Party were impotent, against a single antagonist, however redoubtable?

Although I do recollect that when the Fairfax Press embarked on its posthumous demolition of Sir Robert Askin, the only persons to come to his defence were his former driver and press secretary.

It is not the fault of the Labor Party, or Labor historians, much less a conspiracy, that 31 years after his retirement and 19 years after his death, there is still no adequate biography of Sir Robert Menzies. The first volume of the official history leaves Menzies defeated and disillusioned in 1941.

In the same lecture, John Howard coupled the "insidious re-writing of history" with his claim that "a pall of censorship" had "stifled voices of dissent". Both claims are illusory; but I fear the second has proved far more damaging to Australia. If it was not exactly a message in code, it was certainly taken as a signal.

Paul's pall pales before the perils of Pauline.

John Howard has given a reason for his failure to repudiate the member for Oxley promptly and authoritatively; he believed, he says, that a prime ministerial response would only give publicity to a non-issue. If this was his assessment, it is just the most recent and most damaging instance of a proposition I put forward in my book. Indeed, it is a theme throughout the book; that the last two decades provide abundant examples of the folly of ignoring or postponing a problem in the hope that it will disappear or diminish.

John Howard's failure was the more lamentable in that the Liberal Party itself had acted promptly and honourably by disendorsing its candidate in Oxley, just as the Labor Party had, to its clear political cost, disendorsed the member for Kalgoorlie. I believe those facts highlight the prime minister's miscalculation on this issue.

Some commentators have speculated that the prime minister's initial coyness sprang from the belief that, for historical and demographic reasons, the issue would prove more damaging politically to the Labor Party than to the Coalition parties. I would be reluctant to accept that explanation for John Howard's conduct.

I do suggest, however, that any such calculations represent a gross misreading of the meaning of Labor history; and equally, a misreading of the character and aspirations of the overwhelming majority of the supporters of the Liberal Party – or The Sydney Institute. It is true that White Australia was the fundamental plank in the platform of the Labor Party from its foundation more than a century ago. It is also true that it was enshrined in legislation by the first Federal government under Barton and Deakin. Even in 1942, Curtin used the curious expression "the British-speaking peoples" to define the Allied cause. These are facts of our history. But the great matter of pride for us all is

the way in which an undeniably racist society has been transformed in the last third of this century, under successive governments. To defend and advance this remarkable Australian achievement involves no re-writing of history, and no stifling of dissent. It does involve standing up for Australia's deepest and most abiding interests.



US-AUSTRALIA,

HONG KONG AND ASIA

Nancy Linn Patton

US Trade Policy is driven by two factors: our emphasis on building prosperity at home through the expansion of trade opportunities built on a strong foundation of reciprocity; and ensuring we are well positioned to promote our economic, trade and broader interests, including regional stability, through enduring trade arrangements.

Given the competitive global trade environment and a cautious US Congress, those of us in the Clinton Administration involved in trade policy often play the role of educator at home regarding the need for the US to have an effective trade policy. Such a policy needs to encompass all key regions of the world, pressing for expanded global trade and liberalisation while at the same time enforcing US trade laws and agreements vigorously.

In the next four years, the Clinton Administration will be working to open foreign markets and break down trade barriers through multi-lateral trade agreements. The information technology agreement and the agreement on basic telecommunications provide clear evidence of how we all can benefit from important sectoral agreements. We will continue to use the multilateral system. At the same time, we cannot fully confront the competitive challenges we face or open the major emerging markets around the world without a push on regional and bilateral fronts.

The importance of fast track authority

We recognise that trade is increasingly important to our future. Trade is now equivalent to nearly 30 per cent of the US GDP, up from 13 per cent in 1970. Exports over the last four years have generated roughly one quarter of US economic growth and created good jobs that pay 13-16 per cent more than non trade-related jobs.

We can continue to pursue portions of our agenda with our existing tools. But, to seize the opportunities in the global economy, President Clinton will be seeking from the US Congress a new grant of

trade agreement implementing authority, commonly referred to as fast track authority. He has instructed US trade representative Barshefsky to work with members of both houses and both parties on granting of fast track authority.

Parallel with this, Ambassador Barshefsky, in USTR's 1997 trade policy agenda, pointed out that the United States will continue to negotiate reciprocal free trade agreements with individual nations in the Asia-Pacific, including Australia, New Zealand and Singapore as a few of the possible partners in this respect. It is important to note however that we have a few other countries, notably in South America, already in the queue to negotiate FTAs. Obviously, Australia needs a bit of time to think over the costs and benefits of an FTA with the US.

Our bilateral relations and Asia

Both Australia and the United States have come a long way as trading countries. Our bilateral trade has grown in size to \$16 billion last year. What we trade has also changed, and the sophistication of the products and services has steadily increased. We can expect these trends to continue as we begin the next century – a century in which Asia will play a more prominent role.

Overall, the US and Australia have common objectives of improving the multilateral trading system and enhancing our healthy bilateral trade relationship. However, this does not mean that we don't have a few differences.

About two years ago, we entered a new, and in our view improved, phase in our trade dialogue with Australia. Australian officials had previously blamed US restrictions on agricultural products and steel over the Australian trade deficit with the US. Our exchanges in the period prior to 1995 did, however, make US cognisant that Asia, where we continue to have a large trade deficit, is where Australia has a large and growing surplus in several markets including Japan, Indonesia, Malaysia and Thailand.

So although US exports to Australia were \$12 billion in 1996 and we had a surplus of \$8 billion, our dialogue has shifted away from the focus on US-Australian bilateral trade. We are looking at our trade in the broader context of the Asia market.

A major reason for the deficit is that the US produces many of the same agricultural goods and minerals that Australia exports to other countries, limiting our bilateral trade. Australian demand for US airplanes, computers and manufactured goods is another driving force behind Australia's bilateral trade deficit with the US. These purchases are part of the process of maintaining and growing a world-class Australian economy.

^ In a 1996 Department of Foreign Affairs and Trade publication, entitled *A Partnership in Transition*, one of the key findings was that

“about 80 per cent of imports from the US are capital equipment or intermediate goods, products which are important for Australia’s export capacity”. However, our similar capabilities in agricultural production lead to competition in grain exports to third countries. Australia remains concerned about application of the Export Enhancement Program (EEP) to markets where they are competitive. We remain steadfast, however, in our commitment to minimising the impact of the program on Australia’s traditional export markets.

In another sector, your senior officials have, in recent years, raised the issue of the ban (contained in the Jones Act) on ferryboat imports into the US (Maritime Administration and Treasury have statutory responsibility for the implementation of the Jones Act). The reality is that the Jones Act is unlikely to be changed due to the political strength of the US Maritime Industry (shipbuilders, carriers and maritime labour). Any change in the Act would require an Act of Congress.

For our part, we have encouraged Australia, as a developed country, to assume government procurement agreement obligations of transparency and non-discrimination. In a multilateral context, Australia’s absence makes it more difficult to address trade distortion, investment and procurement policies in third countries. Australia had indicated that it would consider accession to the agreement upon completion of the Uruguay Round.

We have a track record of working closely with Australia in multilateral and regional forums, notably with WTO and APEC. We have worked together to make APEC a vehicle for enhancing economic cooperation and trade in the Asia-Pacific region. We recognise and appreciate very much the leadership that Australia has taken to make APEC the premier regional economic forum it is today.

Asia-Pacific

The trade of both of our countries with Asia is growing steadily. More than 60 per cent of Australia’s exports and 30 per cent of US exports go to Asia. Hence it is only natural to focus on major Asian markets. In this region, competition from many sources has contributed to a declining share of US exports. Competition within Asia is the most intense. Japan has been ahead of the US in East Asia in terms of corporate presence, and especially in the past decade, in terms of the amount of Overseas Development Assistance (ODA) it is willing to spend to advance its commercial interests. In more recent years, Korean chaebols have likewise pursued an aggressive strategy to both invest and attain market share in dynamic East Asian economies, ranging from textiles to steel to autos.

The countries of Southeast Asia are integrating through its ASEAN free trade area. The integration gives other ASEAN countries access in some key areas where US and Australian exporters would

otherwise have an advantage, such as in agricultural products, particularly processed food products.

The Asia-Pacific Region is enormous in its scope and has major implications for the future of the United States and Australia in many ways. It contains the fastest growing economies in the world, largely emerging economies with a total population nearing three billion people. Within APEC, we estimate that reaching the goal of open markets would increase US goods exports alone by 27 per cent annually, or almost \$50 billion a year.

By the year 2000, Asian economies will form the largest market in the world in terms of purchasing power (GNP), surpassing both Western Europe and North America. Infrastructure projects underway and planned in the region provide tremendous opportunity for business. The World Bank estimates that Asian economies will need to invest between \$1.2 and \$1.5 trillion in infrastructure development over the next decade. China's infrastructure needs alone are estimated to be in excess of \$500 billion by the year 2004.

For all these reasons and more, we see the future linked to the world economy and the opportunities to expand markets are most evident in the Asia Pacific. We believe that competing in the region is the best strategy to ensure our future prosperity.

Hong Kong: the economic miracle

Hong Kong has served as China's window on the world. Its resilience, entrepreneurial spirit, and ability to project itself successfully in partnership with businesses beyond its small borders are qualities that make Hong Kong unique among economies in the world.

While Hong Kong ranks 89th in the world in terms of population and has a land mass of only 420 square miles, it is today the world's seventh largest trading economy and a leading financial centre. Its airport is among the world's top five in both passenger and cargo volume. Its container port is the world's busiest. It has Asia's largest stock market and is home for over 700 foreign companies regional headquarters, including 85 of the world's top 100 banks.

Over the past two decades, the Hong Kong economy has more than quadrupled and its per capita GDP has tripled to about \$26,000, higher than that of the UK, Canada or Australia. Unemployment was only 2.6 per cent last year, regular budget surpluses have produced a secure fiscal environment and Hong Kong has accumulated over \$64 billion in foreign exchange reserves. Hong Kong is one of the safest cities in the world and is Asia's most popular travel destination, with 11.7 million visitors in 1996. Hong Kong is Australia's largest export market and 18th largest supplier of imports. It is perhaps the world's best example of free enterprise.

Hong Kong: a Special Administrative Region

As you know, Hong Kong became a Special Administrative Region (HKSAR) of the People's Republic of China on 1 July 1997. Many are concerned with the uncertainty that is perceived behind the transition from UK to Chinese sovereignty. In fact, according to the 1984 Joint Declaration and the 1990 Basic Law, the HKSAR is to have a high degree of autonomy except in foreign affairs and defence matters, the social system, rights and freedoms enjoyed prior to 1 July 1997 are to remain unchanged for at least 50 years.

The HKSAR will maintain its capitalistic economic and trade regime and its status as a free port. HKSAR will maintain its free trade policy with free movement of goods and capital. It will formulate (on its own) trade laws, monetary and fiscal policies, and will safeguard the free operation of business and financial markets. The HKSAR will maintain its own currency. The Hong Kong dollar will remain freely convertible and Beijing will not tax Hong Kong or otherwise extract revenue from it.

Hong Kong's regulatory and supervisory framework will remain unchanged. Hong Kong's legal system, including the independence of the judiciary and the obligation of the executive authorities to abide by the law, are slated to continue. Another important point – top leaders must be from Hong Kong, not from China.

Hong Kong and China

The economic relationship between Hong Kong and China has become increasingly integrated and independent. China is Hong Kong's largest investor. Conversely, Hong Kong is China's largest investor. Of utilised (versus contracted) foreign investment in 1996, Hong Kong invested \$21 billion or over half of all foreign direct investment in China. Sixty five per cent of foreign direct investment in China now comes from or through Hong Kong. Over 50,000 enterprises in Guangdong province alone use Hong Kong investment and employ over 4 million PRC workers.

Hong Kong has been thriving as a conduit for trade as well as for investment. Last year re-exports accounted for 85 per cent of Hong Kong's total exports. Approximately 60 per cent of US trade with China is funnelled through Hong Kong.

US commercial interests in Hong Kong

The US and Hong Kong have had a long history of commercial cooperation. Americans have been present in Hong Kong since the beginning of its history as a colony of Great Britain. The US was the first foreign government to establish a consulate thereby recognising the colony's regional and global economic importance.

US interests in Hong Kong are substantial. It is our 13th largest trading partner, and the largest per-capita consumer of US agricultural products in the world. In 1996, the US exported more goods to Hong Kong than to China. US exports to Hong Kong were \$14 billion, US imports were \$10 billion resulting in a trade surplus of \$4 billion.

Investment in Hong Kong reached nearly \$14 billion in 1995. Some 1,200 resident US firms employ 250,000 Hong Kong workers (10 per cent of the work force) and almost 40,000 American citizens reside in Hong Kong.

A 1996 survey of investor confidence by the American Chamber of Commerce in Hong Kong, the largest AMCHAM outside the US, indicates that 95 per cent of the firms rate Hong Kong as a "favourable" or "very favourable" place to do business.

1992 US-Hong Kong Policy Act

Hong Kong's economic success and uncharacteristic openness to trade and commerce have made Hong Kong an essential element of US interests and strategies in Asia for many decades. Our commercial relationships are important because they offer the clearest expression of our mutual interests, and by extension and example, our broader policy concerns.

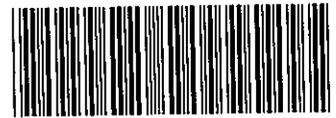
Underlining our concern for the considerable commercial interests of US businesses in Hong Kong, is the 1992 US-Hong Kong Policy Act, the principal legislative vehicle for defining US interests in the transition process. It calls for regular reporting by the State Department to Congress on the progress of the transition through the year 2000.

Further reinforcing the "one country, two systems" framework, the US-Hong Kong Policy Act establishes domestic legal authority to treat Hong Kong as a non-sovereign entity distinct from the PRC after 1997. Clearly, our economic interests after the transition are vital to our interests in maintaining an open commercial environment and for our longer term interests in China and Asia.

We believe that US interests, and those of Hong Kong itself, are best served by faithful implementation of the commitments made by the UK and China in the Joint Declaration. We are not direct players. Specific arrangements for Hong Kong's transition are for the British, Chinese and Hong Kong people to decide. We do, however, play a strong supportive role to ensure that our interests are protected.

Our public and private statements reiterate the key themes to Hong Kong's continued stability and prosperity: (i) a high degree of autonomy in managing its own affairs; (ii) an open, competitive free market system with free financial flows and unimpeded access to information; (iii) a business-friendly attitude, including low taxes and the rule of law and (iv) the preservation of existing civil liberties.

Hong Kong's autonomy, its economic success, and openness to trade and commerce make it an important destination for US firms seeking export or other opportunities in Asia. US firms enjoy a substantial presence in Hong Kong as they do in Asia. They will continue to rely on and benefit from one of the great windows on the world to commerce, namely Hong Kong, to expand their presence in the next century.



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BEHIND THE

VICTORY

Pamela Williams

The 1996 federal election was remarkable for many things – the obvious things, such as the disintegration of Labor and the collapse of its blue collar vote and of course the actual fact of the Liberal Party finally winning an election.

But it was also remarkable for the personality signature of the two leaders which the electorate exchanged – the mesmerising arrogance and certainty of Keating and the grey, ordinariness of Howard. The tone and temperament of these two men and the intertwined political history which they shared, made watching the demise of one at the hands of the other almost addictive. Setting out to track the saga of how one man finally vanquished the other, I was urged by many colleagues and friends to call the book not *The Victory* but “The Defeat” or “The Rejection”. Such is the strength of feeling about Paul Keating.

The road leading to this book began mid-way through 1995 when the *Australian Financial Review* assigned me to cover the Liberal Party in the forthcoming election campaign. The paper’s editor-in-chief wanted a fly-on-the-wall account of the mechanics of the campaign – regardless of whether Howard won or lost. And he wanted me to persuade the Liberals to give me access during the election.

He was confident that John Howard would see the merit of the proposal. I didn’t share his confidence but still we hatched a plan on paper. We would offer the Liberals a guarantee that in exchange for access nothing would be revealed or published until after the election. We put the proposal to Howard and he soon responded with a polite letter.

5th August 1997

I understand the attraction of writing a “War Room” type piece. However the practical workings of an election campaign do not lend themselves to such a story. Regretfully it is for this reason that I cannot accede to your request. . . .
I take your assurances of confidentiality in good faith. However the

proposals fundamentally conflict with the smooth running of a political campaign. Wishing you the best for the festive season.

John Howard

The paper was disappointed but we decided to try to do the story anyway. The procedure involved lobbying many of the key players, putting on pressure wherever possible, trying to wear them down. There were small concessions here and there and commitments from a range of people to help on a "background basis". Then, in the week the election was called, the most senior figures in the Liberal machine – federal director Andrew Robb and the party president Tony Staley – finally agreed to give me access. At the same time, John Howard's most senior adviser Grahame Morris agreed to regular briefings during the campaign. This was extraordinarily good luck and for the next five weeks I travelled back and forth between Howard's plane and Melbourne where the Liberals' campaign headquarters was established. Much of the time I spent waiting in hotel rooms for people to find time to talk to me.

Many people asked me why the Liberals agreed to give me any access at all. It was obviously a risky move – if anything I heard leaked out early it would have been disastrous for Howard. The polls at the time were running strongly in Howard's favour and with the benefit of hindsight, we all say now that we knew he would win. But I recall clearly the discussions at the *Financial Review* in the last week before election day, about what we would do with the story if the Liberals lost.

The outcome seemed by no means a foregone conclusion. Perhaps because then, as now, it is hard to imagine federal politics without Paul Keating. And because journalists are always drawn to a larger than life character – the man who needs little embellishment to make him a figure of fascination. Was it possible that Keating could be vanquished by the quiet plodder? The polls told us one thing – instinct told us another. My personal opinion was that Howard would win. But I would never have predicted a landslide. As a journalist, I was trying to prepare for either outcome – I might be writing the story of a Liberal victory but I might need a different introduction altogether. Something like – "Last night the Liberal Party disintegrated after a sixth successive election defeat. Today the *Financial Review* presents an inside account of what went wrong – the death of the Liberals."

Of course it was the death of Keating which confronted us the morning after. And by then I had so much material that I began considering a book and wondering whether the Liberals would cooperate with even more intrusive interviews about the background of the election – and particularly about Howard's climb back to the leadership.

But it was also clear that the Liberal story was only the flesh on the bones. And that the skeleton and muscle of the story was what had

happened to Labor. I was very conscious of the work that had already been done and was underway to document the Keating years – John Edwards was known to be almost finished his biography of Keating. Michael Gordon was updating his book, and Keating's speechwriter Don Watson was working on one too. But Keating was such a mythical figure. He had dominated not only his own party but the other side of politics as well – he was fond of saying that he could jerk the Liberals' chain whenever he chose – and it was obvious that notwithstanding the fine work done by others, I couldn't write about what had happened in March 1996 without covering both sides.

I was quite unsure about what I would find on the Labor side. I had heard rumours that there had been disagreements between Keating's office and the party machine, but I suspected it would still be a rather dry story of a government trying to combat the mindset of a weary electorate after 13 years in power. How wrong I was, I soon found out. I began approaching the key players in the Labor machine and Keating's office asking for co-operation to write a full-blown account of what went wrong. I expected to be knocked back; after all, who could blame them for wanting to avoid any more post mortems after such a devastating defeat. But the converse was true. Such was the bitterness, so deep was the mistrust, anger and disappointment inside the ALP that the story came pouring out from all sides. In the end I came to feel that I provided almost the role of a therapist as people unloaded their stories.

There is no doubt that people on both sides decided to talk to me because they hoped to advance their own positions – and to put their stamp and their version on the pages of history. But there was also a tremendous interest in documenting the story of what had happened. All the players knew that this was an unusual election – everyone was seized with the mythology of Keating versus Howard. And of course, inside the Labor Party, the sub-plot of Paul Keating versus Gary Gray.

People were incredibly generous with their time. They produced copies of letters and documents, party polling and advertising tapes. The patience of the key players was far beyond what I had any right to expect. By the end of the year that it took us to research and write the book, many of the players had become part of a somewhat bizarre dance – they had gone in too far to pull back and so they continued revealing confidences, explaining their perspectives and offering justification. Everyone likes to play a part in shaping the judgment of their own role.

The book is built on the first person recollections of the key participants. Thus it includes the subjective interpretations of these participants. I expect some historians will argue that the contemporary recollections of individuals involved in such an emotional episode as the rout of a long-time government are open to many interpretations. I

have had many conversations with Don Watson about precisely this question. But I believe there is a strong and important role for the journalist in building such a contemporary history – for people will open up to tell their stories unchecked in the immediacy of an event where they might later carefully revise these events in a fashion which suits the prevailing orthodoxy.

The modus operandi of interviewing primary sources meant I was still taking notes and interviewing until the last moment in every case. Each time I returned to an interviewee to pursue again the context of a quote or an incident, they would expound and tell me more. Each interview built upon the one before and occasionally had to deal with fights sparked between different interviewees. For example, where I would check with one character his recollection of a conversation or an incident, he would sometimes phone the other party to demand a retraction or reinterpretation. This disputation could become very tricky as I tried to mollify the players while persuading them to confide still more details.

As much as the Liberal story grew, the tale of the bitter blood and feuding on the Labor side became an octopus, wrapping tentacles around the book. In the end, a projected 70,000 words in five months became 120,000 words in a year. This was one of the costs of writing a book which depended on first person interviews – having started people talking it was impossible to shut off the flow and almost impossible to know where to draw the line.

Since the book was published, there have been recriminations on both sides of politics – of accusations within the Labor Party that people were traitors for talking and that scores will be settled. Likewise on the Liberal side, there has been anger about secrets being revealed.

My method in structuring the story was to begin with the resurrection of Howard and then to divide the book between the two sides, attempting to show what was happening in the Liberal camp unbeknownst to Labor and vice versa. On the Liberal side the driving theme underpinning the story was the ruthless efforts of the party machine to finally secure victory. On the Labor side the theme was the disintegration of the relationship between the Prime Minister and the party machine and the increasing remoteness of Keating from his party.

I believe the Liberal story reveals as much about the party as it does about John Howard. For while Howard is a central player in the revival of the Liberal fortunes, at the same time he is in some ways also a secondary player. He was the right man, in the right place, at the right time. By mid-1994 the Liberal machine had taken stock of the party's chances under Alexander Downer. They had assessed him to be incompetent and unable to win and they set out with the most breathtaking determination to remove him and to install Howard. Long before the parliamentary party had begun to withdraw support, the

Liberal machine had decreed Downer to be finished and only the manner of his execution to be settled.

At this point in the political cycle, the Liberals were living on fumes as one senior Liberal put it. If they lost the 1996 election, the most senior organisational figures in the party would be out of a job. Howard certainly would be finished in politics and the party would conceivably split. Thus they would do whatever they had to win. They were driven not by ideology but by the desire for power. They decided that Howard was their last chance – not because he was a towering figure in the party, but because there was no one else.

The times suited Howard. His party had run out of leadership options, yet the polling told them the electorate had had more than enough of Keating and that Labor had lost touch after 13 years. The Liberals were so desperate to capitalise on this situation that they took the plunge and re-elected as leader a man who carried more baggage and had been at the centre of more division than almost any other contemporary Liberal figure. And then the party machine moved in behind Howard in a way which surpassed even the early support for Hewson. Howard could not have asked for more.

The party machine, together with Howard, began redesigning his public persona, building on his basic appeal as an apparently honest politician. They put the lessons of *Fightback* to work and decided to keep Howard a small target in the year before the election in order to protect him from being attacked by Keating. This meant avoiding an early release of policies, and suppressing any policies which would provoke the sort of community protests which had dogged Hewson. They contrived slogans to foster the sense of division in the electorate which itself was the legacy of Keating's personal style. They were careful to copy anything that had been a success for Labor, such as Medicare, and to distance themselves from controversial policies which Howard had supported in the past – and also from anything which the polling told them had alienated Keating from the electorate.

Where Hewson had been determined to have his head on strategy and had assisted his own demise by refusing to prepare or practise for the election campaign, (who can forget his terrible showing in the debates against Keating where he lost his way and became overwhelmed by details he couldn't answer) Howard by contrast left nothing unprepared. The strategy conceived by the Liberal machine was to run a negative campaign aimed firmly at Keating and to spend the election attacking him while avoiding answering questions on difficult issues for Howard. Because Keating was so unfocussed and so busy conducting fights on his own side, the Liberal strategy worked.

While the Liberals were driven by a cohesive, although certainly not faultless machine, Labor spent the year before the election trying

and failing to develop a clear strategy to which the prime minister was committed.

Looking at what went wrong for Labor forced me back to 1993 to examine Keating's relationships with the party and with the press gallery whom he had engaged so successfully in years past – but who he had wanted to punish for doubting him in the 1993 election. Keating had sulked for a year afterwards. He would never accept that Hewson had lost rather than he had won. The result of 1993 was that the prime minister would have nothing to do with the Labor Party machine in the 1996 election. He was not interested in advice, strategy or co-operation. In 1996 he planned to do it all himself, trusting very few in the party outside his office.

Over the course of the year before the election, Keating seemed to pick fights on every front. Had he cared to make the effort, almost every issue could have been dealt with far more sensitively. Well-known third party supporters of Labor were antagonised. The Greens were rebuffed and they began building relationships with the Liberals. Ordinary Australians were unsure of whether Keating understood their lives and fears. He tore himself apart in public with his loyalties and passions and when challenged about the basics of jobs and the economy, he immortalised the line, "What are people going on about?" And wherever Keating picked fights, John Howard and Andrew Robb quietly moved in behind him to make friends.

What Keating's pollster and the ALP machine wanted to tell Keating was that he was planting the seeds which Howard would cultivate. The things that mattered, to paraphrase a former Liberal leader, were fears about jobs, what Mabo meant for landholders in Queensland and Western Australia, and the future of young people, especially in regional Australia. As the strategists declared in Bill Clinton's 1992 US campaign, "It's the economy stupid." But the more Keating was hassled by the party machine the more he dug in his heels against that advice.

When the election was called, Keating's office blocked Gary Gray out, abandoning his campaign schedule and substituting their own. Instead of Gray's methodical approach, Keating wanted spontaneity and creativity. As one Keating insider said: "Gary knew it existed (Keating's campaign schedule) but he didn't know much about it." This was an extraordinary situation. In response to these frustrations and Keating's unpredictable behaviour, Gray secretly nicknamed Keating "Captain Wacky", a title which was used with discretion only within the inner sanctum of the machine headquarters.

How much difference would it have made had Keating not become Captain Wacky – had he listened to his party secretary and his pollster? Keating desperately wanted a negative advertising campaign and he and Gray fought bitterly over the control of the advertising

strategy. Gray refused to deliver. In his opinion it was extremely dangerous to attack Howard when the electorate had already started shifting sides. Howard was judged to be worth giving a go and attacking him could rebound on Keating. Instead they would have to make a virtue out of Keating's strength as a leader.

This dispute over a positive or negative campaign dominated Labor until election day. In the end Gray and Keating were no longer speaking.

Gray knew the election was lost months before it was called. He had warned the party and he had warned Keating. Had he been more optimistic and done what Keating wanted, could the tide of disillusion have been turned back?

I am strongly of the opinion that Labour would have lost no matter what – unless of course John Howard had proved to be completely incompetent in the campaign. But I also believe that the scale of the Labor defeat could have been significantly wound back. Had Keating called the election three months earlier he would have found Howard and the Liberals, despite all the preparations and money, surprisingly unready, with none of the costing details finalised on their policies.

It was a situation that Keating, had he been focussed, could have exploited. But I believe Keating had by then given up any private hopes of winning and was instead bent on securing his own place in history with a raft of initiatives such as the security pact with Indonesia, APEC and Mabo.

Carmen Lawrence had been widely castigated for her determination to stand firm in the face of damage to the government and Keating has been widely criticised for protecting her. I am a strong critic of Lawrence's position. I believe she gave Howard his single best chance of surviving 1995 without becoming Keating's target and victim. For more than six months Lawrence was a decoy and she gave Howard the protection he needed. Keating's loyalty was his great achilles heel – it was an admirable trait in many ways, but a fatal flaw for the government.

If Keating had had the clear air to focus on Howard, if he had been prepared to take at least some heed of the message of alienation which flooded through in Labor's private polling and then to respond to the electorate's concerns – leading rather than ordering – I think there is a very good chance that the scale of Howard's victory would be far smaller.

In the end Labor had no committed strategy. The most senior figures in the party were as John Della Bosca said, like the Saxons and the Normans hammering away at each other. But it also has to be said that no-one in the party had the courage to take Keating on. Not Beazley, not the machine, not the caucus. John Howard was very lucky.

He will probably never admit how lucky he was and how much he owes to Carmen Lawrence.

When Howard returned to the Liberal leadership, Australia had its lowest inflation in 30 years, interest rates had halved in the last five years, company profits were running strongly and 700,000 jobs had been created since 1992. The Labor Government was not corrupt, it had not suffered a series of scandals or crisis as had the Tories in the UK, nor had the Opposition claimed the policy highground.

Labor had a steadily falling primary vote – but had Keating carefully, with the assistance of the machine, prepared a forensic attack on Howard, with the sustained demand all year that he reveal his policies, and then capped this with a surprise election late in 1995, anything was possible. Thirteen years in office gave Howard his victory – but Paul Keating gave him a landslide.

Howard meanwhile, has yet to show us what he stands for. Having tried to be a small target for a year he seems to have slipped more permanently into that role. He carefully follows the polls. Kim Beazley does the same. Public opinion is everything. Today we can see that Howard's concern for doing what the polls tell him is now actually reflected in the polls as a weakness. Howard has been given the opportunity to play a significant role in Australia's future. Whether he will do so remains to be seen. Keating's true legacy cannot yet be assessed. Martin Walker, in his new book on Bill Clinton says that Americans have got the President they deserved. We have yet to see whether the same can be said of Australians.



WHAT SHOULD

OUR CHILDREN READ?

Nick Enright

The row which sparked tonight's discussion directs us to a particular meaning for the question before us: not simply what young people might read, but what reading should be set for them at school, particularly at high school. Tonight I will take *children* to mean young people between puberty and the end of high school. I exclude younger kids because to include them raises large but intrinsic questions about early childhood and cognitive development. And I confine myself to what young people might read during or around their schooling, because if the question were more general, my reply would be much briefer: they should read whatever they like and can lay hands on, texts as many and various as are pleasurable for them.

Why is literature taught at all? The study of literature does not follow the model of most other disciplines. In maths and the sciences, in foreign language studies, certain formulations – theorems, laws, tables, conjugations – are learned and applied: education by problem-solving, if you like. But most of us don't read creative writing to learn how to write it, nor, except in a broad sense, do high school students analyse literature as a technical model. Those of us who wrote in to the minister protesting about recent decisions would have heard from him that the texts to be removed from the lists do not contribute significantly to students' linguistic development. This is nonsense. Linguistic analysis could be taught from the works of Daniel Steele, or from Hansard. (I'm not being frivolous. Students might learn much about our language by the creative uses found for it in airport fiction or in parliament.) We don't read to learn how to write, or even to learn about how others write. I think we read in order to learn how to read; or, put another way, we read the word to help us read the world. Proponents of the canon would argue that we study the best as a yardstick for the rest; relativists might counter that any text will do, for by our response to it we learn something about ourselves. But both would surely agree that the act of reading causes us to reassess what we

know and believe in the light of what we now experience. But what we gain from imaginative writing cannot be quantified. Its lessons cannot be formulated, though at exam-time everybody pretends otherwise. We engage with a text, it forms and its ideas; that engagement leads to some shift in consciousness as the mind opens to new ideas and sensations.

But I suspect that most of us hear tonight's topic in the negative. If the question were truly affirmative we would all be here reciting our own version of a literary canon. A new wowserism is gripping this country, and its passion is prohibition: what should our children *not* read?

I was at high school in California in the 1960s when the John Birch Society tried to remove John Hersey's *Hiroshima* from school reading lists because it was subversive. In the 1980s, Rod Cavalier had David Malouf's *Johnno* struck off the New South Wales lists not for nihilism or advocacy of suicide but because Johnno himself uses the word "fuck". More recently, a principal in London banned *Romeo and Juliet* because it was heterosexist. Even more recently, our Premier felt that Baz Luhrmann's film of the same play would be welcome in NSW schools if shorn of its drug references. And now we reach tonight's casus belli: everybody's top girl Professor Kramer and her panel (Brian Croke, director of Catholic education, Louise Robert-Smith of North Sydney Girls High School and Judith Wheeldon of Abbotsleigh) found small literary merit in a play which is elsewhere held as a modern classic. And this panel points us to the principle underlying tonight's question. It is, I believe, moral uplift: literature as a foundation garment, shaping and clothing the naked form of life, making the body as it were, presentable. Caryl Churchill's play was found to lack uplift: the panel thought it showed contempt for religion, introduced gratuitous violence and portrayed life as meaningless. (Its language was also judged to be banal, a quaint response to a play whose first act is among the most audacious in contemporary English drama.)

Let us ignore the flood of counter-arguments of students in the letter pages of the *Sydney Morning Herald*, to whom the play clearly speaks about many other matters, and accept for the moment the nonsense that the text does mock religion and declare life meaningless. Why does any panel, or indeed any parent, consider that adolescents need protection from such ideas? Do they imagine that these ideas are the first encountered by adolescents on the page? That their world is somehow clear and beautifully self-explanatory? Or that an adolescent comes to any aesthetic experience as a blank slate on which its meanings can be written? And that therefore those meanings must be socially or parentally controlled because they are a prime source of moral instruction? Gillian Mears' *Fineflour* has "a narrative heavily biased towards cynicism and the breaking of taboos". In other words it

does not, as the airlines say, guarantee uplift. Perhaps the term uplift is unfair and emotive. But it is fair to say that these texts, and by inference many other contemporary works that are found unsuitable because they are cynical, iconoclastic, nihilistic or irreligious.

There are some standard liberal responses to this old ethical-aesthetical battle. One is the argument from the canon. *King Lear* is full of despair and meaningless violence, it goes; look at the nihilism in Euripides or Webster (or indeed Beckett or Joyce and most other modernist masters). There's the connected argument from cultural history which quotes contemporary responses to Zola or Ibsen or Hardy (or indeed Stravinsky or Picasso and most other modernist masters) as muck, rubbish, filth or madness, and see where they are today? I could rehearse these arguments somewhat smugly, because they're hard to refute. But I'll stick to the present issue. I don't care much whether Caryl Churchill scores a canonical guernsey in 50 years, or whether Gillian Mears and Peter Goldsworthy, (or Peter Kocan or David Malouf, both prescribed and proscribed in recent history) will be tomorrow's classics. I'm more interested why so many students rushed to defend *Top Girls* in the press and on the air; and why such responses are rarely admitted to this debate.

David Malouf told me that when teaching in an English high school in the 1960s he found the reading lists full of Sir Walter Scott. He offered the students a complimentary list of contemporary fiction – Barstow, O'Brien, Sillitoe and so on – suggesting only that they might need to protect their parents from some of the language and issues in the books. This mild, and I think common, act of deception derives from a much grosser and more pervasive deception that parents and panels practise on young people. Consciously or not, we lie about our own youth, our wild moodswings, our own small comedies and tragedies of sexual discovery, our own ignorant fumbblings towards intimacy, our own experience of love and tenderness, or violence or anomie. And because some books don't lie about these memories, they reproach us with our own lies. And so we suppress them.

Wedekind's *Spring Awakening*, a masterpiece about adolescent sexuality whose natural audience is young people and their parents, was banned in England until the abolition of the Lord Chamberlain's office. Anne Frank's diary was censored by her surviving family in the interest of uplift, denying the dead girl her sensuality and anger and despair. Drawing on life not art, we could reread Helen Garner's famous account, now reprinted in *True Stories*, of the subversion of an ancient history lesson in the interests of education, an act which naturally got her fired. Or we can look at *Top Girls*, and ponder what so offended the Minister for Education and the usual brace of talkshow hosts. Several of them have told us. In the play a pubescent girl puts a fingertip in to

her vagina and invites another girl to taste her menstrual blood. It is argued that this is offensive.

Standard liberal counter-argument number three runs this way: the moment in the theatre has great power; many young people and their parents have seen this play, mostly on mainstream stages, without any recorded tremors or revulsion. I'll put that argument aside too, though I do wonder how many media pundits, and how many of the minister's panel have seen the play in performance.

Let us simply confront the moment itself, on the page. If we accept that one of the functions of art is to turn thought and sensation into word or image, we see that it is the function of a play to convert dream into action and to make us intimate witnesses of that action. Few women kill their children. Many dream of doing so. Medea kills hers and escapes. Few men destroy their babies. Many dream of doing so. Fred in Edward Bond's play *Saved* stones his child to death in its pram. Can these things happen? To others, of course. To you and me? As kids say now, in your dreams, which is to say, yes of course to you and me. If author and actor make the action plausible, which is to say a believable outcome of what has gone before, then we the witnesses learn something large from a small and inoffensive action, a teenage girl putting a finger inside herself and exploring what she finds. Or we can lie to young people, as we do constantly and say that we were not as they are, were never curious about our bodies and their mysteries.

Twenty-five years ago in this town much energy and public money was wasted because none of the men prosecuting a certain book could admit the mundane truth that they had jerked off frequently and perhaps inventively as adolescents, and that Portnoy's actions embodied their dreams in a way that was, perhaps literally, a bit too close to home.

What should our children read? This proprietary turn of phrase should alert us to the fact that the real discourse today is between parents and politicians, or rather politicians and their constituents, specially of the tub-thumping variety. Much of this percussive activity is orchestrated, indeed notated precisely enough to be played in concert by Evelyn Glennie; for like the fabled 80 phone calls that persuaded Senator Richard Alston to remove the coverage of the Sydney Gay and Lesbian Mardi Gras from the ABC, it is arguably the work of indefatigable Christian lobbyists. Some fundamentalist Christians won't let their children read any fiction because all art lies, except that great *roman fleuve* the Old Testament. The less extreme – only slightly less extreme, mind you – are more numerous and more influential; their lobbying has only just begun; and what they want for their kids is controlled uplift. Imaginative writing is acceptable when it inculcates moral values and promotes role models from youth. But these robust activities can have no truck with ambiguity and ambivalence, which are

the heart of most imaginative literature. You could argue that the greater the work, the more various its readings. Those who remember the mysterious final couplets of *King Lear* will know exactly what I'm suggesting.

Our experience of art is the closest we can come to the ever-impossible, ever-necessary act of entering the experience of another human being. I won't offer the old bromide that art makes us better people. It can make us more aware of the other. Even if it cannot make us more human or humane, at least it offers some meanings for those words. Those meanings are, like the end of *Lear*, contradictory, disturbing, mysterious. Wide reading offers us the possibility not only of enlarging our own experience but of questioning and challenging it. To claim that possibility is to be willing to let the imagination go anywhere, into a young girl's body, into many other places hidden from public view, and let it deal with what it finds there.

In Seneca's *Thyestes*, Atreus, founder of the famous and troubled house, cuckolded and robbed by his brother Thyestes, kills the man's sons and feeds them to him. After the meal he hands Thyestes a bag of their bones. I finish with the Seneca play for three reasons. It's a powerful reminder of how art transcends narrative and takes us into a shadow world of dream and image, here an image of what parents can do to kids in Bosnia, in the Family Court, or in everyday life. It's a powerful example of the way creative imagination doesn't censor human experience but enlarges it, finding meaning rather than meaninglessness. And third, it reflects the power of language. I'll cite one line from a recent translation of the play, a line that shocked, appalled and, yes, thrilled me.

I quote from perhaps unreliable memory, so I ask forgiveness of the translator, Caryl Churchill. Thyestes wonders why he's feeling queasy. More, he wonders where his sons are, for he'd been promised that they'd be at the dinner. Atreus proffers the boys' bones, telling his brother: "What's left of them you've got. What's not, you've got."

Yesterday I had a letter from the parent of a seventeen-year-old, a stranger who knew I would be speaking here today. She said many interesting things. Here are two. One: "I sometimes feel that there are too many of us in the silent majority, and this silence is taken as support for a bundle of very narrow beliefs." Two: "The very nature of adolescence requires that students be open to information and opinions which may not have ever presented themselves to parents." I agree wholeheartedly but add that they may also be open to information and experience which their parents have forgotten or deny having ever known. That denial is as stupid as it is deceitful, and if kids despise us for that deceit, who could blame them?

WHAT SHOULD

OUR CHILDREN READ?

Donna Gibbs

You will recognise me from the handbill advertising this evening's talk as the bureaucrat/educationalist occupying the middle position between the politician and the playwright. As the occupant of this role I have a number of things to say on the topic, but my other more personal selves are also clamouring to make their voices heard. My views, then, will represent a mixture of both personal and professional opinion.

The answer to the question "What should our children read?" has implications for parents, teachers and others who hold responsibility for children's education and for their moral, spiritual and emotional well-being. It should be noted, however, that answers to this question have changed over some time according to differing social values and attitudes. When the novel was emerging in the 18th Century it was largely despised as a literary form and thought fit only for the entertainment of serving girls or the like. By the mid 19th Century the novel had gained in stature, and there were distinct views about which fictional works children, particularly girls, should be reading.

George Eliot satirises this phenomenon in the *Mill on the Floss* (1860) when Mr Riley, a visitor to the Tulliver household learns that Maggie has been reading Daniel Defoe's *The History of the Devil*. He asks whether she has no "prettier" books:

"Oh yes," said Maggie, reviving a little in the desire to vindicate the variety of her reading. . . . I've got *Aesop's Fables*, and a book about kangaroos and things, and the *Pilgrim's Progress*."

"Ah, a beautiful book," said Mr Riley, "you can't read better."

"Well, there's a great deal about the devil in that," said Maggie triumphantly, "and I'll show you the picture of him in his true shape, as he fought with Christian."

Maggie's father banishes her from the room before she can do any more damage with the comment to Mr Riley:

"It is as I thought - the child 'ull learn more mischief nor good wi' the books. . . . It's a pity but what she'd been the lad - she'd ha' been a match for the lawyers, she would."

In more recent times, there has been a general recognition by English syllabus developers that "reading" needs to be defined more broadly than it has been in the past. The inclusion of text to be viewed and read in *Works and Plays* which lists recommended English texts for NSW students in Years 7-10, and of a "Reading and Viewing" strand (rather than simply a "Reading" strand) in national English curriculum documents is indicative of this educational shift. Reading is now generally taken to include the understanding and interpretation of visual elements of texts, and of text in multi media formats including hypertext, as well as the understanding and interpretation of a full range of texts from tram tickets, billboards and advertising jingles to works of Shakespeare and contemporary writers. This broader understanding of how reading can be defined is currently reflected in most English curriculum documents and underpins educators' decisions about what children ought to be reading.

To allow my personal, less informed, self to speak for a moment, I am much happier thinking of this question in relation to books, and, to go even further, mainly in relation to books I want children to know about, and have access to: picture books, novels, poetry and plays which are the primary repositories of our cultures and which stretch our imaginations and help to shape our lives and thoughts. I had a moment of self recognition recently when reading Alberto Manguel's *History of Reading* - a book which can be judged by its cover - in which he describes himself as having a life long love affair with reading books. It is a love affair to be recommended as it brings no heartache, no betrayal, can be picked up and put down at will and is endlessly satisfying.

The first contact children have with books is when they are read to by their families or by those taking care of them. This is a significant stage in the reading process but it is when others largely select the books which children will hear and experience. Children are more or less the passive recipients of this selection process, though they soon establish favourites which they will ask for again and again.

What books should be chosen for children at this stage? Books which other children (including oneself as a child) have loved is a starting point. But also books from a variety of cultural backgrounds, books which explore familiar experiences in a reassuring or revelatory way, books which provide new experiences (Manguel rejoices in what he describes as the Platonic experience of jelly which he found in the pages of Enid Blyton and which failed to live up to his experience of the real thing), books which offer characters worth getting to know or worlds to get lost in, and books which are well written and offer up their unique patterns of words and rhythms for a child's delight and pleasure.

What books should be avoided? As a parent my instinct was to read anything and everything to my child – from the frowned upon Golden Books or stories from the Cornflakes packet to Kipling's *Just So Stories* or Milne's *Now We are Six*. At the same time I had a struggle with myself not to be overprotective, particularly when violence or sadness was involved. There is after all, a connection made between the reader of the story and its narrative which is absent when the child reads for him or herself. It is as if the reader is offering a tacit approval of that particular reading experience, and a parent may not always want that connection to be made.

An extract from a diary I kept at the time illustrates this dilemma in relation to *Hansel and Gretel* a Grimm fairytale, in every sense. The extract was recorded when Juliet was three years old:

23 March 1974

I bought *Hansel and Gretel* (A Golden Book) at the supermarket, this morning, but regretted it the moment I started reading. A cruel stepmother throwing rocks at the children (a uniquely Golden Book touch) and then leaving them in the forest and hoping for their death! I read it through without comment. Juliet seemed to be puzzled by it – particularly by the idea of the witch wanting to eat the children. She wanted me to read it through again the minute we finished it, but I couldn't face it a second time. Shortly after this Juliet started having bad dreams about things eating her. We thought we'd cut down on books which have this theme for a while, but she is more insistent on having them than ever.

I ask myself if a non Golden Book version might have made a difference. Anthony Browne's retelling of the Grimm tale, which is used in the *K-6 English Syllabus* as a model of narrative text, is certainly a superior version but his visual links in the illustrations between the wicked witch and the stepmother bring out another alarming dimension of the story which I would have rather suppressed. You can see in some illustrations how the use of similar details and shapes suggest the link between the witch and the stepmother, with the implication that they could be the same person.

The educator in me knows anxieties about such matter are probably ill founded. Bettelheim adopts the view that for a story to enrich a child's life it must stimulate the imagination, help develop the intellect and clarify emotions, be attuned to anxieties and aspirations, and give full recognition to difficulties whilst at the same time suggesting solutions to problems which perturb. Choosing books for our children is probably rather like attending to their diets. According to medical research if a variety of foods is made available, children eventually choose a balanced diet and what they need, and so, it is the case with books, though I can't swear to it.

∨ The next stage for children is when they begin to choose books for themselves – at libraries and at school. If they are choosing within

the context of having had a rich diet of reading of the kind described above, they will probably be perfectly able to find their own way around the forest. Adults simply don't know always what is right for a particular child, or what is right at a particular time. Teachers and educators, on the other hand, have the responsibility which, generally speaking, they take very seriously.

The choice of texts for use in the English classroom from Kindergarten until Year 11 is largely made by individual English teachers within the constraints of community standards, what is suitable for a class, faculty policy, the context of the school and available resources. The English syllabuses produced by the NSW Board of Studies encourage wide reading and viewing in literary and non literary genres, but they do not mandate texts for English classes before Year 12, though Recommended Lists for K-6 and 7-10 are available. Most teachers base their choice on a range of professional experiences, and knowledge about texts and how they work in the classroom, which they build up with experience over time.

Conscientious objection to study of a text is dealt with by individual schools. When an objection is made by a parent, Board policy requires principals to make provision for the study of an alternative text. Whilst this procedure is not an easy one to administer and often seems to be counterproductive in practice, it provides a way of preserving the essential right of individuals to object to study of particular texts.

The experience of reading and studying a text within the classroom is a very different experience from reading independently. An English class provides students with a place to learn about the context of a text and to discuss its meaning in its own terms and in relation to other texts. This can be a formative experience in developing a student's response to, and understanding of, what they read. Most people who want a text banned come to it "cold" as it were and with little understanding of how it will be dealt with in a classroom.

I recall starting to read *Catcher in the Rye* when I was in first year University but not getting any further than the first sentence. I was put off by what I perceived as poor and unacceptable language:

If you really want to hear about it, the first things you'll probably want to know is where I was born, and what my lousy childhood was like, and how my parents were occupied and all before they had me, and all that David Copperfield kind of crap, but I don't feel like going into it.

My reaction was one borne out of inexperience, ignorance about narrative voice and the importance of context, and a lack of understanding about intertextuality. I put this down to my sheltered upbringing - I had the kind of mother who put her hands over my eyes at the pictures when anything remotely related to sex or violence was screened, and who told me to shut my ears when there was any

swearing – but more importantly to my leaving school at thirteen and largely missing out on senior English classes. I didn't have the benefit of having an English teacher to guide me through the experience of reading texts which were confronting or disturbing in a classroom context. The professional judgement of English teachers seems to me to be a vital and valuable commodity in a host of ways, and particularly in relation to decisions about what children should read.

At different times and in different societies the same books may be simultaneously banned and approved for study. The 1990–1992 list of the most frequently banned books in schools and public libraries in the United States, for example, includes many books currently used in NSW classrooms: Steinbeck's *Of Mice and Men*, Paterson's *Bridge to Terabithia*, Dahl's *Revolting Rhymes*, Golding's *Lord of the Flies*. Other examples include *Little Red Riding Hood* which was banned in two California district high schools because of the use of alcohol in the story – she takes food and wine to her grandmother, the 1995 banning of Chaucer's *Canterbury Tales* from a college preparation class by a school board in Illinois ("Chaucer's tales too racy for school?" *Globe and Mail*, Canada. 23/9/95), and the 1996 removal of *Twelfth Night* from a school curriculum as it was deemed to offer unacceptable "alternative lifestyle instruction" – presumably the cross dressing! No doubt you could add your own examples from other times and other places. The authorities involved in these decisions usually end up looking foolish. Nevertheless, it is not unreasonable to expect that some standards will operate in relation to the choice of texts used in a school context.

How has NSW dealt with this problem? In cases where text lists are prescribed, the NSW Board of Studies has established guidelines for the selection of texts and made clear provision for ways of dealing with controversial texts. In the case of HSC English, for example, the 7–12 English syllabus advisory committee (known as the SAC), made up of representatives from a range of organisations (See Appendix 1), and which includes a high proportion of English teachers, constructs a text list using a broad criteria which include:

- (i) that it has literary merit
- (ii) that it is a good teaching book
- (iii) that it be generally acceptable within broad community standards.

This process of selection takes approximately six months during which syllabus committee members read widely and consult with teachers and colleagues from their organisations. The list is then sent to the Literature Reference Group, which also includes representatives from a wide range of organisations (see Appendix 2), who are asked to provide written comment.

The SAC considers their original list in the light of these comments, makes adjustments, usually of a minor kind, and makes

final recommendations to the Board through its committees. The Board then amends or approves the list before it is distributed to schools. Texts which have had a controversial passage through this process include Ireland's *The Glass Canoe*, Hibberd's *Stretch of the Imagination*, Cormier's *The Chocolate War*, and more recently Churchill's *Top Girls* and Mears's *Fineflour*.

The syllabus committee, on the whole, has done a very good job over the years in choosing a range of texts which meet the different requirements within each syllabus and for including texts in a variety of forms and a variety of cultures, by both men and women. The list provides plenty of room for teacher choice. For example, the HSC English list operating since 1995 requires that in:

Contemporary English	2 texts must be chosen from 33 texts
2 Unit General English	7 texts must be chosen from 28 texts
2 Unit Related English	7 texts must be chosen from 31 texts, and in
3 Unit English	a maximum of 6 texts must be chosen from 26 texts.

The pattern of consultation, the attention to due process, the strong reliance on the expertise of teachers who know about books and classrooms, and the degree of freedom of choice which is involved makes any aberration from these procedures, such as establishing a select committee to reconsider texts which have already been approved, quite unacceptable. I say this knowing I would probably not have chosen to teach *Fineflour* – in fact I opposed the choice of *Fineflour* when I was on the syllabus committee – but I recognise the merits of *Fineflour* and *Top Girls* and the right of teachers to choose them for study. To tamper with the process is a potentially dangerous thing. It opens the floodgates to those who do not necessarily understand what is involved and leads to unprofessional decisions. The process is under review at present. My hope is that the procedures which are already in place will be reaffirmed as being in the educational interests of all students. The only improvement I would suggest is wider, more formalised consultation with English teachers across the state. It would also be more productive if the emphasis could be shifted away from what children should not read, to publicising and advocating the myriad of books which are available for children to read and enjoy.

Let me leave the (almost) last word to Milton. Writing to defend the liberty of unlicensed printing in his *Areopagitica* in the mid seventeenth century, he argues that truth can only be found after full and free inquiry:

He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true wayfaring Christian. I cannot praise a fugitive and cloister'd virtue, unexercis'd and unbreath'd, that never sallies out and sees her adversary, but slinks

out of the race, where that immortal garland is to be run for, not without dust and heat

Rather than being protected from "evil" students need to be taught the power of discrimination, and to be given the knowledge and skills which will help them to understand and interpret whatever they choose to read.

Appendix I

Organisations represented on the English Years 7-12 Advisory Committee.

- Aboriginal Education Consultative Group
- Association of Independent Schools
- Board of Studies
- Catholic Education Commission
- Committee of Chairs of Academic Boards
- Department of School Education
- Federation of Parents' and Citizens' Associations
- Independent Education Union of NSW
- Joint Council of Professional Teachers' Associations
- NSW Teachers' Federation
- Technical and Further Education

Appendix II

Organisations represented on the Literature Reference Group

- NSW Parents' Council
- Association of Heads of Independent Schools
- Federation of Parents' and Citizens' Association
- Catholic Education Commission
- Aboriginal Education Consultative Group
- Christian Parent-Controlled Schools Limited
- Ethnic Affairs Commission
- Human Rights and Equal Opportunities Commission
- Australian Society of Authors
- Anglican Education Commission
- Islamic Council of NSW
- Anti Discrimination Board
- Australian Festival of Light
- Christian Community Schools Limited
- Department of School Education Committee on Special Religious Instruction
- Jewish Board of Deputies
- NSW Council of Churches
- NSW Council for Civil Liberties

References

- Banned Books On-Line at <http://www.cs.cmu.edu/People/spok/banned-books.html>
- Bettelheim, Bruno. (1976). *The Uses of Enchantment*. (London: Thames and Hudson)
- Browne, A. (1986). *Hansel and Gretel* (London: Methuen)
- Curriculum Corporation. (1994). *A Statement on English for Australian Schools* (Carlton, Victoria: Curriculum Corporation).
- Eliot, G. (1860). *The Mill on the Floss*. (New York: Signet Classis)
- Manguel, Alberto. (1997). *A History of Reading* (London: HarperCollins).
- Milton, John. (1644) "'Aeropagitica: A Speech for the Liberty of Unlicenc'd Printing' In *Complete Poetry and Selected Prose of John Milton*" (New York: Random House)
- NSW Board of Studies. (1994) *English K-6. Syllabus and Support Document* (North Sydney: NSW Board of Studies).
- NSW Board of Studies. (1995). *English K-6. Recommended Children's Texts*. (North Sydney: NSW Board of Studies).
- NSW Board of Studies. (1992). *Works and Plays. Quality Reading and Viewing for Today's Young Adult*. (North Sydney: NSW Board of Studies).
- Opie, Iona and Peter. (1974). *The Classic Fairytales*. (London: Oxford University Press).
- Salinger, J. D. (1951). *Catcher in the Rye*. (Hammondsworth, Middlesex: Penguin).

WHAT SHOULD

OUR CHILDREN READ?

Stephen O'Doherty

If I were at home tonight (it might be the plea of every politician) I'd be reading to my children. They are five and two. James is in kindergarten and he's learning to read for himself. So, in our household, we are moving through that phase that Donna described so well a few minutes ago where you read and interpret text as we go. Sometimes my wife and I change the gender of the characters and the games that they get up to so we can ensure a good gender balance – something which has been a concern to me over many years. James has liked Enid Blyton's books. His grandmother introduced him to *The Magic Wishing Chair*, and *The Faraway Tree*, but of course the boys get to do all the interesting stuff while the girls help with the household chores. So we would change the names as we went; and had the boys sharing roles in the household. But as I said, the moment of truth is arising because James is starting to read for himself. We won't be able to interpret the text as we go – he'll be interpreting it himself, internalising values as he goes. This will be a concern until the age when James can make appropriate choices for himself. Parental concern about values is one of the levels at which this debate over adolescent reading is taking place.

I am going to say two things tonight. Firstly, values do matter and values must be taken into account when a text is chosen for school use. I say that as a parent. I say that as a shadow education minister. Secondly, I want to say that it was indecision and a lack of clear thinking on the part of the government (in particular on the part of the minister) which made the recent controversy over two HSC texts much worse than it should have been. Indeed it damaged the credibility of education itself. It was the nature of the debate that is the primary reason that we are here. The actual process for choosing texts put in place by a previous Coalition government is pretty robust and I think it is a good process.

Values in education

Education, in my view, is not just about skills even though they are exceptionally important. Education is also about values and attitudes. Education is not just about what we know; it is about who we are. That is, who are we as individuals in relationship to the community of which we are part.

Education takes place in the context of the society around it. So who has the primary responsibility for the education of our children? Is it the State? In my view it is the parents. Can parents assign their responsibilities to the State? In my view they cannot; indeed must not. But of course, there is a tension here. In Australia the State says we will compulsorily educate our children either in the State system or another system approved by the State. So at once there is a tension between the role of parents in setting values and the influence of the State through mandatory education.

We may not be able to easily or always resolve that tension. However, we should manage it in relation to an important principle on which our society, I believe, is based. To me the principle operates like this: Individuals have freedom (something which as a liberal I uphold as a primary virtue of society). However, as we struggle with, and manage the problematic process of forming community, an individual's freedom exists within a framework. We can't have unfettered freedom without recognising our responsibilities to the community of which we all are a part. In my view then, we have freedom within a framework where the framework represents community standards.

Can we establish common standards – a common framework – as a community? Yes, I believe we can and must if our sense of community is to mean anything at all. Because of its unique role in *managing* the tensions between parents and the State, education is one of the most important forces operating to help define community standards. Indeed, as other institutions lose their currency, education may be our last effective force for defining and upholding those values on which our society – our sense of community – is based.

It therefore is most appropriate that we become concerned with the values that we transmit in both the formal and the informal curriculum. They ought to be the values which we hold as a society; those values which have a positive and beneficial effect on building community. Indeed the Education Reform Act says that such principles must be taken into account. But are there values that we can agree on? I believe we can establish a framework, a set of primary values, that we share as a community. Many of the practices on which our sense of an orderly society depends are traced back to primary values or principles.

To take a simple example: our desire for a non-violent society. Schools have to be non-violent places both for the well being of the students and teachers and to enable effective learning to take place.

However, a safe, non-violent society is not just for our convenience; it is based on the value or principle that we should always respect others. That in turn is based on the idea that all individuals are important and of equal worth. So there is one of the primary goals or *values* of society to be transmitted at school by the formal and informal curriculum.

We teach similar values when we teach respect for the rule of law. We ought to respect our community and its democratic system. We ought to respect our democracy and feel that there is value in participation in it. That means removing barriers for those less able to participate because of social or other forms of disadvantage. Based on that shared value, government ought to be involved in decisions which allow this to happen. Removing the barriers ought to fashion social policy in its broadest sense. There is a lot more we can say about that; I just wanted to briefly sketch an example of a values framework.

So the values we teach and model in education both reflect and help form the framework of the society in which education operates, all the while intersecting with social practice such as what families do; what the community does; what the community recognises as important; the things the media shows us are important; the things we celebrate as a community; the informal leadership as well as the formal leadership of the community. Part of that is formal government policy which establishes the school curriculum.

If an aim of schooling is to have regard for the development of the whole child, then helping children develop a sense of who they are, as individuals operating within a community is a critical part of our task. However, the tension between schools and the primary responsibility of parents cannot be forgotten. If the twin processes of developing the whole child and creating community are to be effective, parents, the broader community, schools, other institutions and the State itself ought to be working in the same direction. That's why the values debate in education is such an important debate, and indicates why parents are and should be concerned about it.

The role of the Minister in the *Top Girls* debate

Let me come to the question of Education Minister John Aquilina and his role in the debate about *Top Girls*. I believe that it is the primary reason the debate got out of hand, and indeed why we are having this forum tonight.

There was a great lack of clarity in the way this issue was dealt with. At the end of the debate, ironically, the Board of Studies has chosen to do almost nothing about *Top Girls*. The Board was taking *Top Girls* off the list anyway for 1999. The Board of Studies has, despite all the fuss and all the things that were said in the media, simply upheld the pre-existing situation. It will still come off in 1999. The only thing

they've done is to suggest two additional texts – not alternative texts but additional texts – that might be considered for 1998.

So we have a duality in the government's public positions on *Top Girls*, culminating in a non-outcome. It went something like this: The minister was interviewed by John Harker on Radio 2GB on 25 February 1997 and again by Alan Jones on Radio 2UE on 10 March 1997, after the now famous article in the *Daily Telegraph* by Ray Chesterton. On 25 February John Aquilina said: "The matter was raised with me about two years ago." When he was asked whether he had read the whole book he replied: "I did some time ago. I did back in about 1995." On 10 March however he told Alan Jones that he found out about the book "last week".

So did Minister Aquilina regard *Top Girls* as a suitable text? On 25 February he said on Radio 2GB: "I'm quite satisfied with that text; that the text in fact does promote the right sort of values. I believe quite sincerely that this book shows up the values that are positive, the values that are negative and it actually points in the right direction of our espousing positive values." He was asked about the "C word". He went on, "It's not being used to promote that word. It's being used in a context of supporting positive values which the book does not support. Now surely in this day and age we can accept the fact that there are a substantial percentage of our young people who are 17 and 18 year olds for whom the 'C word' is no stranger."

However, two weeks later on the Alan Jones program, in answer to the question whether *Top Girls* was a suitable text. Then he said, "I'm not defending the book. I don't regard the book as being appropriate. Certainly not the sort of book I want my kids to be studying. Nor the sort of book I would have been teaching." There's a direct contrast here. Isn't there?

On 25 February John Aquilina said, "I tell you what, if we're going to be preaching about standards for 17 and 18 year olds in our schools, we've lost the plot, we've lost the plot." In other words, take no action. Two weeks later on the Alan Jones program he said: "I'll look at the book and if it needs to be thrown out, it will be thrown out and anyone who wants to defend it, well I'll argue the case with them as well in terms of defending it. It will be the number one priority. I'll ask exactly why this text is being taught? Who approved it in the first place? Then I'll get someone senior in the Board of Studies maybe like Leonie Kramer or perhaps one of the other English experts in there to say why we should be teaching this."

In other words here's a minister who's done a total back flip over a period of about two weeks. And why has he done the back flip? Because of the intersection of politics and the media. And because he has felt compelled to give the interviewer what he was looking for.

When the minister was put under the pressure of public scrutiny by Alan Jones, in the wake of the Ray Chesterton article, he caved in. He came on the program with a pre-determined agenda to announce that Leonie Kramer would be presenting a report within a few weeks – precisely the opposite position that he'd taken a few weeks before that. I must stress that the decision to drop *Top Girls* was one I had been calling for. That does not weaken my case; my concern here is to show a lack of leadership in a back-flip over policy, not in the name of good education but in order to protect the government's image in the media. Policy by press release.

For the record, this is what the Kramer investigation of *Top Girls* said:

The panel considers that *Top Girls* is a dated play which attempts to bring together historical and fictional characters and contemporary adolescent experience. It expresses contempt for religion. It portrays life as meaningless and introduces gratuitous violence in banal and crude language. While the play might encourage some discussion about feminist issues, it does so in a superficial and limited way and shows little insight into the characters that it portrays.

They recommended that the play be taken off the curriculum for 1998, with an alternative text suggested. The syllabus committee, on the other hand, was not impressed. They wrote a curt letter to the Board suggesting that nothing be done, as the play was to come off the list anyway for 1999.

The Board of Studies took a middle position, he offered almost a do-nothing option. The play remains on the list; it will be replaced as planned in 1999; in 1998 rather than an alternative text, additional texts are to be suggested. The government meanwhile claimed success for having *Top Girls* removed.

In the process, the community has lost some confidence about the kinds of texts which are being taught and the means by which they are selected. So the victim overall is education itself in the broader sense because the minister had no clear sense of the guidelines. He brought no clear framework to the decisions that he was making about these texts and, as demonstrated, his attitude was based more on expediency than coherent policy.

Conclusions

What of the play itself? I've read it. It certainly presents some very interesting and confronting perspectives. As an adult, I'd like to see the play. But my mind goes to a classroom where two girls are acting out in front of the class the scene where one girl tastes the menstrual blood of her friend; that seems to me to be patently inappropriate if not humiliating.

I want to suggest to you that we must take values into account when choosing texts. Choosing books where inappropriate values or the lowest common denominator of human relationships are central is problematic, especially when chosen as mandatory texts. In effect, the State is saying, "These texts are highly valued; their themes are highly valued." It gives such texts an imprimatur; they transmit a sense of values to our community. Governments ought to take account of that.

There can be a tension between the recommendations of educators and experts on the one hand and the diverse views of the community of the other. In most cases that tension ought to be resolved by the Board of Studies whose make up is supposed to reflect the diverse views of the community. If it goes wrong, just as the minister is accountable to the community, he does stand in place of the community. His first responsibility is to make sure the process is properly observed. However, he also has a role as a gatekeeper in the event of an inappropriate decision.

In balancing these tensions, the minister ought to bring a clear framework. In my view the framework is like this. We cannot pretend that texts do not transmit values. They should produce outcomes that are consistent with broad community values in the context of a democratic discussion about the values we share as a community. And we ought to have an education system that models the best standards and attitudes and not just mimics the lowest common denominator.

Finally, don't forget that all of this takes place around and through the role of the teacher. Learning at its best happens in relationship. So the role of the teacher is absolutely crucial. We haven't had time to discuss that tonight. But we can't forget it.

I was reading *Alice in Wonderland* to my son James recently. Alice says, "Can you tell me Sir, which way I should go from here?" And the Cheshire Cat says, "Well that depends on where you want to get to?" Alice: "It doesn't really matter where I get to." The Cheshire Cat: "Then it really doesn't matter which way you go." If it does matter which way our society goes, then it does matter how we get there. *How* we get there is shaped by the values which guide our path, and those are partly determined by what happens in both the formal and informal curriculum.