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CHALLENGE TO AUSTRALIA
LAUNCH OF NEW PUBLICATION
WESTPAC CENTRE, MELBOURNE
MONDAY 30 MAY 1983

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The Hon Mr Justice M D Kirby CMG
Chairman of the Australian Law Reform Commission

CHALLENGE TO AUSTRALIA : MARK II

My task is to launch the book 'Challenge to Australia'. It contains three essays that were published in March 1982 and three further offerings. They come from the minds and the pens of three fine Australians : Sir Barton Pope, a distinguished industrialist, Sir Macfarlane Burnet, a Nobel Laureate in Medicine and Sir Mark Oliphant, a famous nuclear scientist. The combined ages of our authors represent nearly 250 years of Australian experience. How easy it would be for them, decorated with knighthoods and other honours, recognised at home and abroad, to sit back and put their feet up. Instead, concerned about the problems facing our country, they continue to offer their thoughts, suggestions and criticisms. We of the younger generation ignore the experience and wisdom of the older generation at our peril.

I have already offered a few comments on the 1982 essays which are published in this book. The 1983 contributions, published here, extend the earlier observations and offer the authors' acceptance of the challenge — with some further thoughts about practical steps towards a better Australia.

The training, experience and interests of the authors tend to flavour their contributions. Sir Barton Pope has always been a man of restless activity. It distresses him to see so many young people in Australia today compensated for 'mere idleness'. They are deprived of the dignity, rewards and self-respect that comes from personal effort. The whole thrust of his contribution is towards regenerating Australia's economy, and its employment prospects and avoiding the dreadful burden of Depression which he saw in his youth.

According to Mr Barton, The candle of 'mateship' flickers fitfully. It was seen during the recent terrible bushfires. But all too often division (whether on industrial relations, tax avoidance or national planning) seems to stunt our national achievements. Our steel industry is in difficulties. Our track record in industrial relations is not good. We suffer high interest rates that seem to prevent economic expansion. We have little long-term national planning. Selfishness is the chief feature of our national character. These are the concerns of Sir Barton Pope.

He offers ideas to reverse these trends. Not everyone will agree with the medicine; though many will agree with the diagnosis. Amongst his suggestions are:

- * new emphasis on home building : an idea reflected in the recent mini budget of the Federal Government;
- * new emphasis on education to redress the imbalance between Australia's education retention and that of competitors in Japan and North America;
- * new attention to afforestation in Australia;
- * encouragement of CSIRO work on genetic engineering to promote more productive industries;
- * new attention to the faults of our national character, including the need for law reform and constitutional reform;
- * above all, improved machinery for national planning for the decades into the 21st century.

Sir Macfarlane Burnet looks at the world through the eyes of a biologist. He sees hope, both in Australia and other advanced countries, in tackling the overwhelming problem of human population explosion. Zero population growth has become our order of the day. But he sees less immediate hope of successful efforts to remove 'mutant genes'. As a biologist he looks to the modern 'three little words' to present the solutions here : AID, IVF and DNA.

Conscious of the newfound capacity of man virtually to destroy all civilised existence on the planet, Sir Macfarlane points to the urgency of finding effective controls over the destructive weaponry of war. War is a hangover from barbarism : but specially dangerous today because of the ingenious development of weapons of mass destruction. Who will win the race : the peacemakers or the destructionists? Most of us seem to live with a tolerant acceptance of the potential destruction of everything mankind has built up. I suspect this is because ordinary citizens feel powerless or because anyone who thinks

of it feels that total destruction is just so awful that we need not contemplate it. Let us hope that history will prove us right. Sir Macfarlane injects a note of doubt. He urges new attention to disarmament as a response to the increasingly lethal and brutal weapons of total destruction.

He also urges greater concentration on research. And more than Sir Barton Pope, he seems at peace with the notion of leisure. He foreshadows the time when the standard working week will be but 20 hours. People will be judged by what they do with their free time. With so much free time, mankind may even develop new directions in human evolution.

Sir Mark Oliphant says that it is much easier to diagnose Australia's diseases than to prescribe the cures. But his latest contribution makes sobering reading. Essentially, he paints the picture of a people with a get-rich-quick mentality. The original settlers came in their numbers with the lure of gold. According to Sir Mark we have reverted, as a people, to becoming colonial suppliers of raw materials to the more innovative and harder working Japanese, Koreans and others : people who but a few years ago, confident in our European superiority, we regarded as our inferiors. How times change.

Sir Mark points out that Australians have been innovative with scientific developments. He mentions Intersean, the Nomad aircraft, the discovery of trace elements in agriculture, atomic absorption spectroscopy and so on. He quotes the telling remark of Tizzard that Australians could 'do anything they wanted, if only they wanted to'.

Sir Mark Oliphant's action plan includes:

- * new concentration on upgrading national communications, by new roads, new airfields and satellites;
- * new attention to the problem of water resources and salination of our rivers;
- * new concentration on energy resources, especially to tap the abundant natural wealth of sunshine and wind; and
- * new efforts to develop defence forces suitable for peacetime use in the service of the nation. I am sure that here he did not have in mind use in contentious litigation! But rather use to provide the organisation for talented young people to help Australia out of what he describes as its economic and psychological crisis.

In a free society, it is inevitable that people will differ. They will differ about the perceptions of the problems. They will differ about the ranking of urgency. They will differ most of all about the solutions that are offered in these pages. But all Australians should thank these distinguished fellow countrymen. Ours would be a better country if we all spent just a little time thinking about the future. One former Federal Minister recently complained about the little time that was available for him to consider the future. When he got through his paper work, attended to Parliament, saw his constituents, made his media appearances, kissed his children goodnight, he found the average daily time available to a Federal Minister for thinking about Australia's future was no more than five minutes. Five minutes a day! Let us hope that this little book stimulates more citizens and leaders to think of where our country is going, and where it should be going.

COUNCIL OF ELDERS

In Sir Barton Pope's latest piece, there is a very special paragraph on a subject which I know is dear to his heart:

We must find an answer to utilise and not waste the enormous pool of experience that will result from early and premature retirement. With the average life-span increasing to 85 and retirement at 55, an entirely new concept of care for the aged will be necessary to cater for vastly increased numbers without capacity or opportunity to participate in community life. Our people must not be condemned to retirement. We must plan some rewarding experience for the ageing or face enormous costs both socially and financially of ever-growing dementia in our society.

Challenge to Australia, 1983, p.72.

The launch of this book coincides with the intention to establish an Australian Advisory Council of Elders. I understand that it is planned to have a steering committee of 12, together with 58 other members, chosen from around the nation. Each member will be at least 70 years of age and will offer his services free of charge. The Council will be drawn not only from all parts of Australia but from every shade of opinion, different walks of life and a great range of expertise. The objective is to provide a constantly renewable group of experienced Australians. They will be available to offer their views to our governments and Parliaments, to express themselves forthrightly and in a non-partisan way on matters of national concern and to promote research projects on matters of special concern to the aged. In the recent past the voice of the old has been muted in Australia. People have joked that the only thing wrong with age is that there is no future in it. Now the figures prove otherwise. The future in Australia clearly includes increasing

numbers of the aged so we must adjust our thinking to this changing reality. The first project of the new Council will involve research into the problem of dementia, which Sir Barton has already mentioned. The whole object is not to create a partisan, incurably conservative and establishment-oriented committee. On the contrary, I am assured that the objective is to be non-partisan and forward-looking and to include every range of opinion and attitude such as will make the voice of the Council worth hearing.

The Biblical amongst you will remember that in the Book of Numbers (11:16) there appears a precedent:

And the Lord said unto Moses, Gather unto me 70 men of the elders of Israel, whom thou knowest to be the elders of the people and officers over them; and bring them into the Tabernacle of the congregation that they may stand there with thee. ... And they shall bear the burden of the people with thee, that thou bear it not thyself alone.

Now, there are a few changes. There is no sure Moses in today's world. Our Council will include women as well as men. They will not bear the burdens of government. But the object, as I understand it, is to marshal talented and active Australians to offer their advice and assistance and in this sense to share the burden of leadership in a complex world. Perhaps they will be able to spend more than five minutes a day thinking of the future. Theirs should not be the only perspective that is heard. But, based on years of experience and reflecting the opinions of an increasingly large section of our community, this is a voice that should surely be heard.

The notion of elders is found throughout the New Testament as well, where the Presbyteroi are mentioned, with the Bishops, as leaders of the local churches. The Calvinist churches revived the elders as the governors of the church. In some countries the political Senate is literally confined, as its name suggests, to older citizens. Thus no person may be a United States Senator who has not attained the age of 30 years (US Constitution, Article I, s.3). No person may be the President of the United States who has not attained the age of 35 years (ibid, Article II, s.1).

Quite apart from these constitutional requirements, it seems that in the United States, at least, older people are now being elected in larger numbers to public office: Time magazine (16 May 1983, p.40) says that President Reagan has 'dispelled the myth that old men can't be President!'. It points out that, if he seeks and wins another term, most of his would-be successors will themselves be old men by the time they seek the top job:

The average age of our 39 Presidents when they took office is 55. ... John Kennedy, at 43, was the youngest elected President. The oldest is Reagan. [A] glance at this century's Chief Executives and their inaugural ages suggests that the Presidency is growing grayer (unless Reagan passes along the secret of his Hollywood hair). ... Politicians, like other people, are plainly living longer and enjoying it more. ... There is something else to consider : America may no longer be enthralled by the freshness and energy of youth. There is a detectable distrust of brilliance not tempered or cooled by experience. The qualities that many Americans feel are most needed in a President today — historical perspective, intuition, patience, courage, wisdom — are more likely to come from long, sweaty years in the arena. The complexities of the issues, not to mention the gravity of the international relations in a nuclear age, may require that our Presidents serve as understudies longer than ever before.

In Australia, the same trends are evident. Mr Hawke, when he took over from Mr Fraser, was actually a little older at the outset of his term than Mr Fraser at the end of his. The average age of the Labor Cabinet scarcely shifted from that of the Liberal National Party Cabinet : so that our national leaders are gradually getting older. In this, they simply reflect the trends mentioned by Sir Barton Pope. The percentage of the aged in Australia is growing sharply. The numbers over 65 will double from about 10% of the population today to over 20% in 50 years time. Unless something changes, this will present an increasing burden on the working section of the population to support the young, the out of work and the increasing numbers of the old. Health care costs grow enormously in the case of very old people, aged 80 and beyond. The significance of these trends for social security in the future is clear. It will severely strain our country's economic and social resources. The time to start thinking about these problems is now. Among the most important voices to be heard will be those of the ageing themselves.

In the United States, the consequences of this same demographic shift are already being felt in politics and the law:

- * There is a major national debate about social security and private pension and superannuation programs as more people spend not just years but decades in retirement.
- * There are significant efforts in the United States to abolish mandatory retirement at any age and to encourage some people to work past the age of 65 : although this trend now confronts the growing social problem of youth unemployment and new technology.

- * There are enormous increases in the need for nursing care, health care, home health services and these have led to sharply rising costs of Medicare.
 - * The elderly are increasingly organising their voice, engaging lobbyists and exerting their muscle at the polls. It is likely that this muscle will become specially effective as the baby boom of the 1945 generation moves towards lengthy, healthy, vigorous retirement.
- Congressional Quarterly, Weekly Report, Vol 39, No 48, 28 November 1981, p.2329.

Although some US politicians urge that 'ageism' is as offensive to human rights as 'racism' and 'sexism', the fact is that it is hard to sell abolition of mandatory retirement ages in a time of contracting employment opportunities. Perhaps it is significant that one of the few constitutional amendments approved by the Australian people by an overwhelming majority imposed mandatory retirements on Federal judges at the age of 70. I am sure that Sir Edward McTiernan, a High Court Justice appointed for life, who served between 1930 and 1976, would still be at his post but for a fall in a Melbourne hotel at the age of 84.

In the United States, things are different. An Age Discrimination in Employment Act 1967 outlawed involuntary retirement between the ages of 40 and 65 unless pursuant to a bona fide seniority or pension plan. In 1978 the upper age limit was raised to 70, emphasising that involuntary retirement of workers in the protected age group was impermissible, regardless of whether it was conducted pursuant to specific planned terms. A 1978 Harris Poll in the United States showed that 46% of all retirees stated that they would have preferred to work. Yet the number working beyond 65 has continued to drop, presumably in tune with the economic crisis. In all probability, similar figures would be found in Australia.

Until now, there have been few national organisations which can speak out for the growing proportion of the ageing in our society. The proposed Advisory Council of Elders will not be a mere lobby group for the ageing. I understand it will offer the experience and opinions of its members for the benefit of the whole population. But inevitably they will tend to reflect the concerns and special problems of the growing numbers of the aged in Australian society. Those problems are not the problems of young people with grey hair. They are the special problems of employment, leisure, health and social security, of a growing section of healthy, vigorous but under-utilised older citizens.

Thinking Australians will watch the work of the Australian Advisory Council of Elders with anticipation. Thinking Australians will read the 'Challenge to Australia' and seek to come up with their own answers to the challenges. It is in that hope that I now have much pleasure in launching this volume. It discusses nothing less than the future of our country and that is of concern to all Australians, old and young.