

315

CHALLENGE TO AUSTRALIA

TOWARDS THE THIRD MILLENIUM

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

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THREE DISTINGUISHED AUSTRALIANS

Three distinguished Australians, with a combined life span of 240 years, each of them honoured for his life's work, have written briefly about what they see as the challenges before Australia today. They have also written of their estimate of how Australia is responding to these challenges. The result makes sobering reading. As the Governor-General of Australia, Sir Zelman Cowen has said, you may not agree with everything they say. But it is a good thing that they should invite their fellow citizens to confront the problems of 'Australia's future as a free society'. It is important that we should respond.

Sir Barton Pope, who initiated the project is a distinguished industrialist. Sir Macfarlane Burnet is an eminent medical biologist, joint winner of the Nobel Prize for Medicine in 1960. Sir Mark Oliphant, is a world famous scientist who has been involved all his life in nuclear physics and nuclear energy.

As might be expected, each of the contributors lays special emphasis upon matters of particular concern to him.

- Pope sees the urgent need to throw off defeatism, to create industry and jobs and to put aside selfishness, so that, by becoming a vigorous workhouse, we in Australia can make a compassionate and unselfish contribution to the needs of our own population and that of our neighbours.
- Burnet stresses the immense genetic differences in man and the impact on modern man of a profoundly scientific and technologically-based civilisation. The enormous explosion in the world's population, the expansion of devastating weapons of war, the pressures on energy sources, pose innumerable problems. But Burnet says frankly, that the advent of the computers to take over routine jobs will probably leave many people without work satisfaction. He urges a realistic acceptance of this fact and an urgent attention to the needs of leisure and endemic lack of work in the decades ahead.

Oliphant reminds us of the technology which has the greatest potential for destruction. The nuclear explosion at Hiroshima is never far away from the consciousness of informed, thinking people in today's world. But the realities must be faced. More than 50,000 nuclear weapons already exist. Australia's room for influence is small. The scientist's own responsibility for the position we have reached is frankly admitted. It was not government, nor even the military who conceived the weapons of war now available. It was the scientists. What a sobering thought it is that half the scientists who ever lived are living now and that half of these devote their remarkable capacities to the science of war.

WHAT IS TO BE DONE?

Defining the problems is one thing. Finding the solutions may be more difficult. It is more likely that we can agree, as Australians and as human beings, with the problems catalogued by these three writers, than with any list of ready-made answers. Among the many problems outlined, some stand out:

- . Population Explosion. The exponential growth in world population is estimated by Burnet as likely to rise to 20 billion before it stabilises. It was 4 billion in 1973 and only 1.5 billion as we entered this Century, the young Burnet still in his cradle.
- . Armoury of War. The dangers of war, transcend even nuclear technology. The development of nerve gases, toxic defoliants, biological weapons of war and the neutron bomb have only to be listed to illustrate the daunting armoury of destruction and death now confronting us. We of the post-1945 world, tend to be unduly blasé, because, so far, we have survived. But will the luck hold out as these weapons proliferate?
- . Energy Shortage. The sudden realisation of the rapid depletion in the world's energy sources is only surprising because it took such a long time to be recognised. Oil, we are told, will run out in 25 years. The recent 'oil glut' appears to be a temporary phenomenon. Natural gas, may last 30 years; coal 300 years. We must harness without delay the other sources of energy and start detailed planning to do so.
- . Unemployment and Leisure. Unemployment and the coincidence in the one 'lucky country' of increasing wealth in some hands and disillusionment, despair, poverty and dehumanising conditions for an increasing minority, trouble all three authors. What can be done is less clear. Burnet thinks that we must face the reality that only some people in our society have the special quality that virtually assures them of productive work. Just as society provides for the disabled and retarded, so now

it must provide for the growing numbers who will be displaced from routine work by the microchip. Oliphant looks to the mobilisation of the unemployed as means of initiating, from our own national resources, means of helping our neighbours. Pope is plainer still. He calls for restitution of the National Service intake, with the use of young people in strategic work programs. He opposes rash tariff cuts and believes instead that tax incentives should be given to promote the use by industry of new technology and the provision of new jobs.

National Selfishness. Oliphant is similarly keen to see Australia realise its national potential. We are an isolated country, he says. We are probably the only nation on earth to possess sufficient energy resources and other natural gifts to ensure, even with closed borders, a good life for all people. But the spirit of all three authors is against national selfishness. Such great national resources impose on us international responsibility if only, as it is hinted, from a sense of national self-interest and survival. Oliphant is specially critical of the denigration of Australia as a 'colonial country digging and drilling holes in the ground and producing crops and animals for the benefit of more adventurous nations like Japan, U.S.A. and Europe.' According to Oliphant 'we have become so dominated by imports of capital goods and technology that we are now uncomfortably owned overseas.' On this view we are at once the victims as well as the perpetrators of national economic selfishness.

THE POLITICAL SYSTEM

It is no exaggeration to say that none of the authors is very much impressed with the Australian Constitution, nor with its political and industrial systems. Pope calls for reform directly. There should be a constitutional review. Oliphant says that the Australian Commonwealth should not be just a set of sovereign States, like the European Communities but should be a true 'Common weal' in which national resources are used to maximum national advantage and not misused or misapportioned because of local or State jealousy. Pope urges the establishment of a permanent national planning council and appointment of a senior Cabinet Minister to respond to the urgent needs of national planning in the optimal use of our resources, in a way that has not occurred to date. He is critical of the short term parliaments and the way these have produced what he sees as a breed of politicians of chronic short vision. He calls for the eradication of extremism. He claims that we cannot afford the party political system which emphasises negatives and constantly diminishes national and international co-operation. Oliphant writes in much the same vein. Governments of Australia, he suggests, have served part only of the Australian community. The technicalities of parliamentary procedures, and the

confrontations of party and industrial politics have only encouraged the continuous political and industrial strife which has been a disservice to the Australian nation. The lack of national unity, the absence of agreed national goals to which political leaders can work in differing ways, above personal ambition and party gain, are lamented by Oliphant and Pope in the strongest terms.

A CRITIQUE

The Privilege of Difference. It is unlikely that Australians reading these invocations to action will be any more moved to sudden abandonment of party, economic and moral allegiances, than they were, on Sunday 11 November 1951, when a Call to the Nation received widespread attention and then neglect. Mind you, that Call was written by bishops and judges.¹ It was strong on moral fervor, military pride and vague ringing phrases. There was not a mention of science, of our neighbours (except as a 'danger from abroad'), of the economically deprived or the political shortcomings that so mark the 1982 Challenge. Australians are sceptical of grand designs.

In one sense too, we must be careful that we do not abandon the creative aspects of difference. Only totalitarian regimes (of which we have seen more than our fair share in this Century) seek to suppress differing philosophical and political points of view. No one in this Century should ever forget the devastating message of the Nazis, 'Ein Volk, Ein Reich, Ein Führer'. Such a call is not the appropriate signature tune for Australia. Indeed, the multi-cultural aspect of our country, which is now such a special and unique feature of our national life, and even encourages elements of diversity which exist nowhere else in the world, to the same degree. Lord Hailsham, in the first Menzies oration, reminded us that it is the privilege of democracies to enjoy the opportunity of strong differences of opinion. Though life is more comfortable where there is an all embracing national unity, the essence of democracy is the privilege to disagree, including upon fundamental issues.

Upholding Parliament. The criticism of the party political system which is repeated in the essays presented here, is undoubtedly felt quite strongly in the Australian community. Recent examples of parliamentary tumult do nothing to restore the credibility of that institution which should command the support of all of us who are democrats. The loss of power of Parliament to the Executive Government, to the Prime Minister and even to the Judiciary is probably the most serious institutional issue that faces Australia's democracy. But, for all that, we should not enhance the denigration of Parliament. That palladium of the people can provide a focus for the proper measure of national unity. The need for political leaders who go beyond head counting and who have some concept of the future of Australia and an inclination to think deeply about the issues raised in these pages, is a legitimate demand of the people.

Of particular contentions in these pages, I should think there would be general approbation of a few at least:

- . Constitutional Review. The need for constitutional reform is, now recognised in the revived Constitutional Convention and in the important national project launched by Law Foundation of New South Wales with the support of all national political parties.²
- . Higher Education. The need for a higher age of school leaving is likewise manifest. OECD figures show that Australia's levels of education are amongst the lowest in the Western world. Whereas at the age of 17 years more than 90% of Japanese are still at school and more than 80% in the United States, in Australia, we can barely muster 40%. And this in an age which Burnet rightly calls a time of 'science in its full maturity'.
- . Longer Term Planning. The need for longer parliaments or at least for machinery to permit better long term planning in Australia is probably generally agreed. Doubtless some monetarists would flinch at the very notion of planning, believing the free market can ultimately sort things out best. If detailed and national planning is to be introduced, we must frankly acknowledge the necessity of constitutional change: something the Australian people, in their constitutional conservatism, have usually proved unready to permit.
- . Water Resources. The need for special attention to the water resources of this dry continent is a recurring theme in the three papers by Pope, Burnet and Oliphant. Each offers differing solution, ranging from nuclear desalination, to Oliphant's preference for trapping monsoonal tropical rain.
- . Planned Disarmament. The need for a greater sense of urgency about the elimination of the arsenals of war, now so uniquely devastating, is stressed in each paper. The survival of the species may depend upon it. Though Burnet sees a few glimmering rays of hope, e.g., the co-operation of the Superpowers in outer space, no actual plan of action is offered, unless it be the insistence by ordinary men and women that the rhetoric that caused past wars is out of place in today's dangerous world.

Nuclear Energy? Possibly the greatest controversy would surround the differing views expressed here about the use of nuclear fission as a source of energy. Pope embraces it wholeheartedly. Burnet believes we should concentrate on solar energy without abandoning the potential of nuclear energy. He thinks other energy sources should first be carefully examined and surveyed. Oliphant believes Australia would be foolish not to mine, use, and sell uranium. But he is the most caustic in his evaluation of the part scientists have played in the spread of nuclear and other weapons of destruction.

Intangibles. Everyone reading the observations of Pope, Burnet and Oliphant will have his own reactions. No specialist will feel that sufficient attention has been given to his concerns. For example, for a lawyer, there is inadequate concentration on the need to update our law making machinery so that the Rule of Law can survive in our time of rapid change. The need for a more sensitive legal system and a concern to remove injustice is something I should have given more stress. It will not avail us if we avoid war, develop alternative energy sources, promote a due balance between jobs and leisure, yet the quality of life of ordinary Australians is depressing and banal. Intangibles, including a just reformed legal order, liberal access to music and the arts, the preservation of our history and the establishment of a happier relationship with Aboriginal Australians all deserve careful thought. The developments of biotechnology may promote a wider concern in our community about religious and moral issues and even (dare it be said?) philosophical reflections on the purposes of life which, hitherto, Australians have consigned to religionists or academic 'eggheads'.

ON TO THE THIRD MILLENIUM

Readers who search these pages for instant solutions to all our national and international problems will be disappointed. But thoughtful Australians, even where they disagree with some of the solutions offered, will surely agree about many of the problems identified. And they will then ask themselves a pertinent question: whether we have the institutions and the leaders who can guide our still fortunate country through the dangers and challenges that lie ahead. Above all, this is an appeal to raise the political debate in Australia from a crass headhunt and a mud slinging personality cult to a thoughtful concern about the serious issues before Australia as it approaches the third millennium of the modern era.

FOOTNOTES

1. For the history behind and the text of the 'Call to the Nation', 11 November 1951, see S. Sayers, Ned Herring : A Life of Lieutenant General the Honourable Sir Edmund Herring, Hyland House, Melbourne, 1980, 309, 313.
2. See 'The Remaking of the Australian Constitution' (1982) 56 Australian Law Journal 1.