



Oration to Order of Australia Association Annual Conference

The Hon Austin Asche AC QC, former Administrator of the Northern Territory gave an oration to the OAA Annual conference in Darwin on 12 April 2012

The OAA conducted its annual conference for 2012 in Darwin. This was the first time that the OAA had held its annual conference in Darwin. A former administrator of the Northern Territory, The Hon Austin Ache, AC QC, was invited to deliver the annual Oration to the members of the OAA assembled in Darwin. He spoke of the social and cultural history of the Northern Territory, extending his presentation into a wider view of those values that define Australians, and their relationship with their wide brown land.

The NT can lay claim to the first regular trading ventures between Australia and the North. From about 1650 onwards the Macassan ships made visits each year during the monsoon period to destinations such as Melville Island or the Cobourg Peninsula, there to gather trepang for an expanding market in China, which, as Professor Powell tells us had:

"become a common addition to Chinese soup and vegetable dishes, its popularity enhanced, no doubt, by its reputation as an aphrodisiac"

The Macassans, numbering up to 1000, would stay several weeks, and their close association with the Aboriginals is well attested. Many words in the Yolgnu language can be traced back to Macassan, and there is clearly some Macassan ancestry.

The "White Australia" policy of the nineteenth century frowned on the encouragement of "Asiatics", even of the visiting kind. The Macassans, likewise, did not take kindly to efforts to impose upon them customs duties which they had never paid before. So, by 1906, they left our shores, and the first, albeit tenuous, links between Australia and the lands above vanished.

From 1788 to 1862/3 the area known as the "Northern Territory" was officially part of New South Wales. There is no evidence that any Governor of New South Wales regarded it as the Jewel in the Crown.

In 1863, Her Majesty, Queen Victoria, by Order-in-Council granted to the Colony of South

Australia control and possession of that part of Australia, previously part of NSW, designated the "Northern Territory"; save that part already similarly granted in the previous year, to Queensland. In passing, it should be noted that what Queensland got was part of the Barkly Tablelands, and, Mt. Isa. It is, I regret to say, somewhat doubtful that Queensland will ever have the decency to return these areas to the Territory.

The South Australians struggled on, sometimes valiantly and sometimes despairingly, to develop the Territory. They have been rather unfairly criticised for their efforts, but such strictures neglect the "tyranny of distance". It took two weeks to travel by ship from Adelaide to Darwin, the only practicable way, and virtually all supplies had to come by sea as well. Nevertheless, at least the foundations of executive government were established. There was a Resident, whom we would call an Administrator, a rudimentary civil service, a school, law courts, a railway line as far as Birdum, and a police force under the redoubtable Inspector Foelsche. Long-range planning was often frustrated by the favourite South Australian sport of those days of playing "now you see it, now you don't" with governments. Professor Alan Powell tells us that South Australia had 42 ministries in 43 years (1857-1900).

The town itself had been well surveyed by Goyder and his men. In the hinterland, cattle stations were developing, there was a small pearling industry and, for some hectic years, a miniature gold rush which left many stranded in

the Territory as it petered out. Search for gold did, however, attract Chinese immigrants, most of whom stayed, despite strong prejudice against them, and despite determined efforts to send them back. In fact their thrift and industry thereafter did so much to develop Darwin as to demand the respect and gratitude of all later inhabitants. With the Aboriginal population there were the usual disasters of arrogance and misunderstanding. Many, however, merged into the polyglot population that is Darwin today, and the great blended families of the city boast of a mixed ancestry of Aboriginal, European, Chinese, Filipino, Indian and many others, adding to the vigour and colour and tolerance of our city.

South Australia ultimately decided that the cost of the Territory was beyond their resources and, in 1911, flogged us off to the Commonwealth. The Commonwealth promptly appointed as the first Administrator, with wide executive powers, a highly competent scientist who proved to be a highly incompetent leader for a small isolated town which badly needed good leadership. The result was the "Darwin Rebellion" of 1919, the most successful rebellion in Australia's history insofar as the rebels succeeded in expelling from the town, and even from the Territory, not only the Administrator himself, but also the local judge and two top civil servants. No-one who participated in this blatantly illegal action of removing legally appointed officials was ever charged or prosecuted, and the Commonwealth compounded its craven attitude by sacking the very officials it had itself appointed.

The Commonwealth sent up new Administrators and Judges, and the town limped into the depression years, when, as Ernestine Hill has reported, the saying was that Darwin imported full beer bottles and empty civil servants, and exported empty beer bottles and full civil servants. A cyclone in 1937 practically destroyed the place, but it was not the first, and would not be the last time, of destruction and recovery. The town did have its moments of international recognition as those great Australian aviators of whom we should be immensely proud either took off from Darwin to fame overseas, or returned with that fame achieved.

The first Japanese air raid on Darwin on 19th February 1942, achieved, for the Japanese raiders, everything they wished to achieve, which

was, simply, to wipe out Darwin as an air and naval base threatening their newly conquered territories to the North. 64 subsequent raids over the next 18 months were dedicated to the same purpose, but with decreasing success. Australian and American forces grew, in defensive and then offensive capacity. Finally, what the enemy had feared became a reality, and Darwin became the springboard for the counter attack.

The forces came and went. Darwin slowly recovered and rebuilt into a far larger town than it had been in pre-war days. Its strategic importance was recognised and permanent military, naval and air force bases established. The cyclone of 1974 blew most of the place down again, but reconstruction involved stricter building regulations designed (one hopes), to withstand the next onslaught which – statistically - will occur sooner or later.

Self-government came in 1978, but the Federal Government retained the veto and used it when the Territory parliament passed euthanasia laws. This was an unwelcome reminder that the existence of the Territory parliament is dependent entirely on a statute of the Federal parliament which can be amended or even repealed at any time. Only Statehood can change this situation. Meanwhile Darwin's population has steadily grown, there is less of the "come-and-go" and more of the "come-and-stay" philosophy. The city has become more assertive, more confident in itself and its future, and employees of large national companies are now less likely to regard Darwin as a necessary ordeal for a few years on the way to the desired promotion South. New industries have developed and the potential for mineral development and oil and gas exploration is enormous.

I do not propose to give you economic data save in the most general terms, because I know as much about economics as a moderately intelligent frill-necked lizard. I can refer you to various papers on the subject and I quote from a recent paper prepared by Dennis Schultz and Peter Forrest headed "The Northern Territory — Asia's Front Door":

"Today engagement with Asian neighbours is done on a daily basis because Asians are the biggest clients of Territory businesses. The hard yards of the past have paid commercial dividends. The Chinese are our new partners in

the development of the Territory's mineral wealth, their producers taking advantage of innovative NT Government exploration incentives. The Japanese are our major customers for LNG produced by Conoco Phillips and soon the Territory's largest major project Ichthys and their operator INPEX of Japan. The engagement, however, is unending."

For the Territory scene I refer you to the paper presented this year by IMPART headed "Australia in the Asian Century" setting out the detailed and continuing engagement by the NT Government on trade and friendly relations with various Asian countries; as one should expect since Darwin is our nearest capital to the North with a polyglot population peculiarly suited to the situation. One should emphasise also the increasing trade and cordial relations with Indonesia, and the regularity with which Darwin citizens visit and enjoy their visits.

But the most exciting thing about Darwin has already been mentioned; its people. The old days of exclusiveness for some to the detriment of others have gone, and citizens of every race, nation and creed mingle here to add colour and variety to the scene. The tiny struggling city of 1900, beset with class and racial divisions has become, a century later, one of the most cosmopolitan, multi-racial and vigorous cities of the world. It is difficult to be a racist in Darwin, because, if you are disparaging a particular race, you will very likely find that the person you are speaking to has an ancestor in that category. Children from all countries rapidly adapt in the schools adding an Australian consciousness to their inheritance, so that what we see developing is no particular race but a genuine Australian nationality; wherein, undoubtedly, lies the future of all of us.

As this is a national convention I hope you will permit me to make certain observations. Not that I claim any expertise, but merely as an opening gambit for subjects which necessarily involve all Australians; and, particularly, a group such as this, which might fairly be expected to watch and ward the welfare of a deeply loved country. We are, indeed, united as citizens, who can move frequently and freely about the continent without anywhere being strangers in a strange land; and the common factor is that, apart from the original inhabitants, we are all descended from

immigrants. It started in 1788 and has never ceased.

Inevitably many new arrivals were originally looked on with suspicion, or even hostility, by those already here, until the Australian accents of their children, their contribution to the work-force, and their enthusiastic support of various national football codes merged them into the community. This process continues, and follows the familiar pattern from initial suspicion to ultimate acceptance. This has been the pattern of immigration throughout our history; and those presently arriving will follow the success of those who have gone before; and the success of the process is due to one vital factor, and we should be perfectly frank about this. We expect our migrants ultimately to become Australians. We welcome the vitality and variety they bring with them and we enjoy with them their various traditional and colourful ceremonies. That will not make them any less Australian than those of Scottish or Irish descent who celebrate the days of St. Andrew or St. Patrick.

But they must not bring with them or advocate some totalitarian philosophy involving forceful suppression of contrary views. There should be no mealy-mouthed nonsense about this; it is our right as Australians to demand of those wishing to join us that they do so on our terms, and cannot enter a tolerant society with the fixed intention of introducing intolerance.

Paul Keating, in his latest book "After Words" puts the position with his usual clarity:

"Like everything else in our society multicultural policy reflects a balance of rights and responsibilities. It proclaims the right to express and share our individual cultural heritage, and the right of every Australian to equality of treatment and opportunity.

But it imposes responsibilities too. These are that the first loyalty of all Australians must be to Australia, that all must accept the basic principles of Australian society. These include the Constitution and the rule of law, parliamentary democracy, freedom of speech and religion, English as the national language, equality of the sexes, tolerance,"

New arrivals, accepting these rights and responsibilities, are welcome, because they

import the energy and drive which it took to bring them here. They are following well-trodden footpaths of those who came before.

Ethnically we are very different, and increasingly so, from the "White Australia" of a century ago. We are not a race but a nation. Australians can be of any colour, racial group or creed, but they remain Australians, sharing certain priceless gifts.

The first of these is the English language, with its extraordinary breadth of expression. The adjective "English" acknowledges its origin but not its universality, for it is the heritage of many peoples throughout the world. Great literary works in English come from American, Indian, African, Irish, and so many other authors, including Australian; and the language is as much theirs as the original speakers. The mantle of Shakespeare, the greatest writer of all time descends upon them, whatever their nationality. Yes, I know about Homer, Virgil, Dante, Tolstoy, Cervantes etc. - splendid wonderful writers, but not so splendid as our Will; and he is ours as much as he is New York, New Delhi or Stratford-on-Avon. He may not be read by all, but the spirit filters down, and our new arrivals will receive the treasury of a language, universal, scientific, subtle, amenable as much to contemporary as to traditional modes, and - in the hands of the inspired - beautiful.

Then there are the enduring and priceless gifts of a highly successful democracy, bolstered by a pragmatic Constitution, the rule of law and an impartial judiciary; and since the success of any democracy can be tested by the extent to which freedom of expression is permitted and practised ours is clearly thriving. Evidence of this can be found at all political levels: Federal, State and Municipal.

Vigorous criticism of holders of political or public office is uninhibited, one might almost say, encouraged. Many respectable, law-abiding citizens treat invective as such a fine art that a foreigner might easily assume that bloody revolution is on its way. But, in the working democracy that is Australia it is well understood, even if often unconsciously, that words are free, action is not. This is in direct contrast to the same behaviour in many other countries where the threats are real and the danger imminent.

A true democracy can be tested as much by what is left unsaid as by what is said. That is, there are certain actions which would be unthinkable in a democratic system: so unthinkable that few would consider it necessary even to refer to them. The obvious example is promotion of organised violence - as distinct from demonstrations which may advocate changes, but not by force of arms.

Electoral campaigns prove the point. In our last Federal election two thoroughly decent Australians threw appalling insults at each other and assured us that to vote for the opposite party would inevitably result in peril, poverty and perdition. Yet no-one seriously suggested that, in such a grave emergency, it would be necessary, and, indeed, justifiable, to shoot the opposition. Such a solution was unthinkable precisely because a long tradition of democracy has bred in us a conditioned reflex to prefer the ballot to the bullet. The fact that in many other nations the use of force would be perfectly acceptable only proves that, if they call themselves a democracy, they most certainly are not.

But I suppose the ultimate gift to newcomers is to turn them into Australians - a process which has been eminently successful over the last 200 years and shows no sign of abating. That necessarily turns into an excursus into the question, what is an Australian?

Generalisations can be dangerous. By definition, they admit of exceptions. Nevertheless some characteristics are clear enough and the basic one is egalitarianism; rather a long word for "fair play" into which it translates in common usage. The proof is clear, because those who criticise recognise the tendency as much as those who approve. Some critics deplore what they call our "tall poppy" syndrome. Apparently we don't give our superior citizens the respect and recognition they deserve. The tendency is to cut them down to size. There are two answers to this.

The first is that excessive worship of some prominent figure is as bad for the worshipped as the worshipper. The former becomes pompous, the latter servile. In extreme cases the former decides that he knows better than the community what the community wants, and the latter accepts it. The result, ultimately, is tyranny. The Australian approach guarantees against that by treating the super-egotist as a figure of fun. It is

an interesting exercise to consider what would happen to any of the petty little dictators who presently strut the world stage, if they acted in our country as they do in theirs. It would not be necessary to expel them. The roars of scorn and laughter would be enough. So we protect ourselves.

But the second reason is perhaps more powerful than the first. No true Australian, having attained fame, would expect some sort of super-status, or even wish it. You will all have your own examples of this. Let me give you mine. I have had the privilege of knowing two great Australians, Sir MacFarlane Burnett, winner of the Nobel Prize, and Sir Zelman Cowen, internationally known lawyer, and superb Governor-General. I can assure you that neither of these justly famous people ever felt that they were above the ordinary citizen, or should have some sort of subservience or heel-clicking idolatry accorded to them; and they would have been profoundly embarrassed and irritated if anyone had suggested they should. They knew their country, and they attained the greatest of all prizes; the respect and love of a free people in a free country.

We can trace this feeling of equality probably as far back as the currency lads and lasses, the first generation born in Australia who shocked some of the earlier settlers by their refusal to stay in their proper stations, or be patronised by their "betters".

A very good example of this robust outlook goes back to 1853. That was the year when William Charles Wentworth, previously something of a radical, but now a prosperous landholder with conservative tendencies, proposed an Australian Peerage similar to that of the English House of Lords. The general hilarity which echoed throughout the country about this "bunyip aristocracy", as it was immediately dubbed, was enough to kill it off permanently. It can be confidently stated that we have not changed our attitude since then, and no Australian feels deprived that we have no Duke of Wagga-Wagga or Earl of Gundagai. We prefer to be, in, in Joseph Furphy's famous phrase, "offensively Australian".

The result is a more or less classless society. We do have a small but vicious criminal class, and a small but vicious social class, but the vast

majority comprise what can only be called "middle class" without the pejorative meaning attached to it by some academic critics. It means simply equal opportunity for responsible achievement. It does not entail, as some of the arty-crafty mob would suggest, a stifling of creative energy in painting, literature or music. The evidence is far too strong of so many Australians of international standing in these matters.

Presently, it seems that of all the nations of the world we are top. Various international surveys seem to indicate that we are the most fortunate nation on earth, sometimes second to Norway. Now Norway is a magnificent country with magnificent scenery and splendid people but few tourists would go there in winter, so we have one seasonal advantage.

Peter Hartcher, in his recent book, "The Sweet Spot" gives us a series of international findings which establish how fortunate we are. I won't quote them all - read the book - but here is a significant example, and I am quoting from the book at p.223:

"In the carefully tallied comparison in the OECD Better Life index, Australia's overall living conditions were the best among the world's thirty-four rich in 2011. And, in an even wider sample, the UN's Human Development Index ranked Australia as having the best living conditions of all the countries in the world".

But Peter Hartcher is concerned that many of us do not realise just how fortunate we are. He makes this comment (at p. 11)

"This book will surprise most Australians and shock some. A great many will resist its central observation. Why? Because Australians are long accustomed to assuming that they are second-rate at anything but selected sporting events".

I must disagree. We do have a sort of knee-jerk pessimism bred of the vagaries of the climate, ("We'll all be rooned", said Hanrahan"), but we are really quite confident that we are that fortunate nation which Hartcher himself and various other writers assure us we are; but we tend to be somewhat inhibited about saying it too loudly and too often because it conflicts with a characteristic national outlook best described as

sardonic realism. The adjective "sardonic" means that arrogance is cut down to size by usually very rude remarks; and the noun "realism" means that we want to see theories and utopian schemes put to proof before we adopt them.

We should not abandon this attitude; first, because it is a healthy protection against despotism; and, second, because it is our national sport.

This is a product of our history developed over 200 years of finding that optimism garnished with imagination faded as the truth unfolded. We learned to be cautious in accepting wondrous schemes for the development of lands or peoples. Our most eminent Utopian, William Lane, found so little support in Australia that he took his disciples to South America where the whole idealistic vision sank into oblivion in the jungles of Paraguay.

We are suspicious of Messiahs and Promised Lands because our own land has taught us to be practical. Early and exuberant optimism faded as settlers pushed out from the coast, and found a harsh, dry, unforgiving country rather than the "Plains of Promise" they had hoped for and rather expected. Many were convinced of an "Inland Sea" surrounded by fertile land. Sturt took a whaleboat with him in setting out to explore Central Australia. But the Inland Sea does not exist, Lassetter's Reef is a myth and the Todd River fades into the sands outside Alice Springs.

We have accommodated to the reality of the "droughts and flooding rains" as Dorothea Mackellar reminds us in her great and lovely poem; and as recent events have once again emphasised. We have become a practical people dealing with practical problems and impatient of panaceas.

But, as the settlers battled with the wide brown land, and learned, by hard experience, ways to meet its ways, they began, grudgingly, to respect it, and, finally, to find a deep affection, hard to describe, since it so directly opposed the vision of green fields and watered valleys they had brought with them. Again, to quote Dorothea Mackellar,

*"An opal hearted country,
A wilful, lavish land —
All you who have not loved her,*

You will not understand"

True. It is a special kind of love bred into us over generations. We do understand, and we love our country with a deep, abiding, passionate love that we do not always express. The new arrivals will also understand as they become part of us; and, certainly, their children will.

It seems that some strange suggestion has been recently made to vary Anzac Day ceremonies because of the supposed inability of late arrivals to appreciate its significance. It is difficult to be merely incredulous or very, very angry about this. This is as much an insult to them as it is to us, implying that they should be treated as a different species, apart from the rest of the community. Let it be perfectly clear that every child born in Australia inherits the Anzac tradition, - one of the greatest gifts we can give them.

As to the future I was about to use that pompous and portentous phrase about "standing on the threshold". It simply means "facing change", which happens all the time unless we are a moribund nation. We are always standing on thresholds and the obvious thing to do is to stop standing and move in.

The ordinary citizen needs no economics or business degree to note, from simple observation, that the prosperity of Australia is increasing and, barring presently unforeseen calamities, will increase in the foreseeable future. But that very prosperity carries its own problems, chief of which is the threat to manufacturing industries which must contend with vastly cheaper labour and production in other countries. To lose manufacturing skills is to lose the future. Craig Milne, Executive Director of the Australian Productivity Council puts it bluntly:

"There are strong arguments for Australia staying in manufacturing and being prepared to pay a high price to do so. Manufacturing is the sector that contains and advances the skills and capabilities that prescribe membership in the ranks of advanced nations of the world. For research and innovation, manufacturing provides the essential ground from which future streams of products and incomes can emerge. Whatever form the economy of the future may take, manufacturing will provide the enabling foundation for it."

At present we produce excellent technical and vocational graduates from Universities and Institutes of Technology. We cannot sacrifice this area any more than we can sacrifice the highly successful scientific skills and research provided by our Universities and Centres of Excellence.

We cannot be complacent. There is an explosion of education throughout the world. Millions of children, who, a generation ago, would have remained illiterate, are now moving into primary, secondary and tertiary education in vast numbers. This is, truly, a matter for great rejoicing for the happiness and progress of all peoples, and it would be grievously wrong to think otherwise. But it constitutes a challenge for our schools to keep ahead, a challenge we should eagerly accept. Our schools are generally better equipped and our teachers better trained, but that will not last unless we are constantly vigilant to keep them so. Our advantage will lie in the children themselves to encourage in them, independent and original thinking and a desire to learn. We have our migrants to thank for instilling in us greater interest in the education of our children; for we have all observed that the most conspicuous feature of many migrant families is the intense desire that their children perform well at school.

We are fortunate in that several of our universities, (the top three being Melbourne, ANU and Sydney) are of world standard, and others are on the way to becoming such. We have unique opportunities to attract overseas students and many universities have already achieved great success in this sphere. We have the capacity both in staff, equipment and morale to encourage undergraduates to attend and graduates to stay. We are already developing centres of excellence to appeal to overseas scholars, and have the potential to develop more. As one local and obvious instance Charles Darwin University has enormous potential as the most Northern of our Universities and thus closer to Asia, with a climate familiar to many Asians and with a multiracial society welcoming to

visitors. It will open this year the Confucius Institute, with substantial finding and resources from the Chinese Government with a focus on Chinese language and culture including links to secondary schools. It is committed also to the teaching of Indonesian language and culture, and is exploring the delivery of the Japanese language in partnership with Essington Senior College. Large numbers of international students from China, India, The Philippines and other countries are studying with CDU, and the University is developing linkages and partnerships with select institutions in key Asian countries.

I apologise for gross parochialism, but it does seem important that we produce a first class university at the gateway to Asia, and as a starting point for a series of institutions of learning throughout Australia sufficiently illustrious to attract students and research scholars throughout the world of the 21st Century. To achieve this we must ensure that these institutions apply the most rigid and exacting standards. Dropping standards will get you some pupils for some time and anathema in the end.

Estate agents proclaim "location, location, location". Our cry must be "education, education, education". Let there be no mistake. It will cost money to keep schools in the forefront of world standards. It will cost even more for institutes of higher learning and research. But if we fail to direct our new-found prosperity into education we shall sink to a servile nation; and that fate would be so monstrously out of character with the Australia we know that it would be a different and obscure nation. We are fortunate. A serious and fascinating challenge has arrived just when we need it; and it will be exhilarating to respond to it.

Welcome to success of a beloved country in this and ensuing centuries. We have the means and the people and the drive to do it. And bring back the Macassans.

Biography:

The Hon Austin Asche AC QC is a former Administrator of the Northern Territory and was the third Chief Justice of the Supreme Court of the Northern Territory. He was appointed as a Judge of the Supreme Court of the Northern Territory on 14 April 1986 and was appointed as Chief Justice on 17 August 1987. While Chief Justice he was Chair of the Northern Territory Parole Board and was President of the Northern Territory Division of the Red Cross Society and President of the Northern Territory Branch of the Scout Association. He was also Chancellor of Northern Territory University from 1989 - 1993. On 26 February 1993 he took up the appointment as Administrator of the Northern Territory. He retired in 1997 but is still the Chair of the Northern Territory Law Reform Committee and is an Adjunct Professor in Law at the Charles Darwin University. He was made a Companion of the Order of Australia in 1994. He was also awarded Honorary Doctorates from Deakin University and Charles Darwin University.