

Response to Annual Address on Immigration and Citizenship

by Professor Chubb

Museum of Australian Democracy

Old Parliament House

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Ladies and gentlemen:

They say that victory has many fathers. The abolition of the White Australia Policy is certainly an achievement of which many have claimed the authorship. Professor Chubb was kind enough to treat my own father as one of those authors. India was the last diplomatic post at which my father represented Australia, and the one he enjoyed the most. It was there that he came to believe that the White Australia Policy was doing an unjustifiable and unnecessary amount of damage to Australia's international reputation and needed to be changed. In those circumstances it is a great pleasure to see here Mrs Sujatha Singh, the High Commissioner for India, a source now of many migrants to Australia.

The line of Indian High Commissioners in Canberra is a distinguished one. The first was K S Duleepsinhji, nephew of the great batsman Prince Ranjitsinhji. The nephew scored a century – 173 to be

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precise – in his first innings against Australia at Lords in 1930 – something very few other people have done, and probably no other diplomats. The second was Field Marshal Cariappa, the first Field Marshal in the Indian Army to be of Indian birth. He played a part in Australian history by founding the Commonwealth Club. That is a place in which, so suspicious minds in the 1960s and 1970s thought, the nation's affairs were run over lunch by the great Public Service mandarins of those days, the Australian equivalents of Sir Humphrey Appleby and his friends. Mrs Singh stands high in this great Indian tradition. She has been a tremendous worker for good relations between the High Court of Australia and the Supreme Court of India, and the High Court is very grateful to her.

Professor Chubb's discussion of Professor Zubrzycki calls to mind the Polish contribution – a contribution which pleased my father, since during the War, while serving in Russia, he had the responsibility of representing the interests of Poland in the Soviet Union. This was an impossible task. It was only four years since the Molotov-Ribbentrop Pact had effectuated the fourth partition of Poland. The Soviet rulers were determined to hang on to every bit of the spoils. And they were not sympathetic to giving Poles exit permits. But like many other migrants from Europe, the Poles have enjoyed great success in Australia. In the days when Mr Gough Whitlam was Prime Minister, his staff was headed by the children of Polish migrants, Dr P S Wilenski and Mr J J Spigelman. People used to say: "If you want to see Gough you've got to travel from Spigelman to Wilenski – up the Polish Corridor".

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Professor Chubb's address indicated many of the great changes that have taken place in the Department since the 1960s. It was then a young and quite a junior Department. When my father came there in 1961, he left the Department of External Affairs, of which he had frequently been Acting Secretary. The Departmental Ministers with whom he dealt there were Mr Casey, Mr Menzies and occasionally Sir Garfield Barwick. Mr Menzies had sufficient work in his other job as Prime Minister to disincline him from disturbing the home life of officials with night or weekend telephone calls. But Mr Casey and Sir Garfield had no inhibitions of that kind. They were strong-willed, prodigiously energetic, and very talkative. They rang up whenever they felt like it. The Ministers of Immigration were less trouble in that respect. They also took Departmental advice. That advice was of high quality. Tonight there are many officers here from those distant days 40 years ago. But we have with us in particular two valued and respected officers – real pillars of government service – Ron Metcalf with his wife Nan, and George Kiddle and his wife Rona.

The Department then was much smaller than it is now. Migrants came from many fewer places. Many of the problems were different. One constant problem of that time which has now doubtless faded away was the painful process of trying to negotiate cheap fares for migrants from Europe with very large and ugly shipping companies. But others have replaced it. Fifty years ago the Department was involved in very little litigation. There was a young girl from Fiji who enjoyed a long run

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of success, particularly before the formidable Sir Alan Taylor in the High Court. But she was exceptional. Now the Minister of Immigration and Citizenship has the unhappy distinction of being the most frequent litigant in the High Court of Australia and the Federal and Federal Magistrates Courts, and the most frequent litigant in the country as a whole – apart from the Queen in criminal cases. Senator Evans and his predecessors have almost always been the respondent, and they have almost always been successful. But on the rare occasions when the visa claimant succeeds, one can hear a small rumble. One can feel a trembling in the ground. For some observers, the rule of law will have been advanced and human rights protected. For other observers, one new obstacle to efficiency and finality in administration will have been created. Unfortunately for Ministers of Immigration, circumstances have pushed them into the uncomfortable position of being the main catalyst in the development of Australian administrative law.

It is easy to compose a short list of candidates for the great Australian achievement of the 19th century. Everyone would agree on one of them: the speedy development of representative and responsible government on the widest franchise in the world, soon followed by federation. That was a unique event in history: the development of a single central liberal democratic government for a whole continent. As Barton said, there was a continent for a nation and a nation for a continent. Drawing up a short list for the greatest achievement of the 20th century is harder. But in the presence of Dr Mary-Elizabeth Calwell it can be said that one achievement would rank high on many a short

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list. It is one thing to work out a system of government for a continent. It is another thing to people it. That was the goal of the migration policies pursued by the Chifley government in the years after the Second World War. The sources from which migrants were to come were greatly widened. The scale of the necessary operations was vast. The numbers who arrived were large. But numbers alone are nothing. What the policies brought to Australia was not just numbers of people, but people with vitality, energy, style, variety, skill and new ideas. Mr Arthur Calwell very effectively neutralised both potential trade union opposition and popular prejudice. The policies were bipartisan policies – they were not opposed by the Opposition, and after 1949 Messrs Holt, Townley and Downer followed the broad lines which Mr Calwell had marked out. Mr Calwell was a very shrewd politician, and a capable statesman in many ways. There is no doubt that he is now greatly underrated. But he remains highly regarded for one thing. The conception and execution of those migration policies by Mr Calwell, motivated by enlightened national self-interest and humanitarianism, is a triumphant and widely acclaimed success. It will long rank very high in our annals.

Professor Chubb has triggered reveries about these things, and many others, this evening. We must be grateful to him for his fascinating and wide-ranging paper.