

SPEECH BY THE HON JOHN HOWARD AC

2009 MENZIES LECTURE PROPOSED CHARTER OF RIGHTS WINTHROP HALL UNIVERSITY OF WESTERN AUSTRALIA 7.30 PM, WEDNESDAY, 26 AUGUST 2009

It is a great honour to be back at the University of Western Australia and a special privilege to deliver this Menzies Lecture.

I do so with the double enthusiasm of my admiration for the person after whom the Lecture is named, as well as my energetic commitment to preventing Australia going down the misguided path of embracing a Bill of Rights in the totally false belief that such action would expand our individual liberties.

Robert Gordon Menzies was a particularly accomplished lawyer, a superbly effective political leader and passionate Australian nationalist.

Menzies not only founded the most successful political party Australia has yet seen, but like the colossus Shakespeare envisioned in *Julius Caesar* he bestrode the political stage of his time in a quite remarkable fashion.

Every political party owes it to itself, constantly, to weave a narrative of its ongoing contribution to the life of our nation.

Narratives are important to the ongoing strength of a political movement. In good political times they instruct the decisions of governments. They reinforce the judgement of the people who elected those governments. In difficult times they provide anchorage for party members and supporters seeking to reconnect effectively with the electorate.

The story of what a political party stands for, and the values it holds dear, is never dull or unwelcome in the electorate.

Robert Menzies is central to the Liberal Party narrative. He founded our party, through a great determination to bring together the disparate non-Labor forces of the time.

He set it on a course which would ensure that it would be the custodian of two great traditions in Australia politics: the conservative tradition as well as the classical liberal one. Menzies founded a broad church, imbued with a spirit to change and reform, where old ways were holding back Australia, yet determined to preserve and defend those values and institutions of timeless worth to our society.

His is a legacy well worth both defending and extolling. That legacy exists in every area of public policy.

We are here tonight at the University of Western Australia. We frequently hear from the present government about what passes as an education revolution. I am reminded of the extraordinary additions to the benefits of higher education inaugurated by the Menzies

Government in the late 1950s. They laid the foundation stones of the modern university system in Australia.

Again, it was the Menzies Government, in 1963, which ended one hundred years of discrimination against independent, largely Catholic, schools, with the first policy bringing direct Commonwealth aid to those schools.

More than forty years on, Australia now has a plural and competitive primary and secondary education system, the envy of most other nations.

Those great myth makers, our opponents in the Labor Party, never tire of their audacious and persistent attempts to denigrate the contribution of Menzies to the growth and development of modern Australia.

The Labor caricatures of Menzies have been many, but two have been especially prominent; that he was British to his boot heels, sometimes to the detriment of Australian interests; and that he was indifferent to the importance of Asia to Australia's future.

He had rightly imbibed and held fast to those elements of our British inheritance of ageless value: parliamentary democracy, the rule of law, individual freedom, a robust and free press and, of course, the treasure of the English language and its literature. This reinforced rather than diminished his Australian nationalism. He never shirked from vigorously asserting Australian interests, even where they did not coincide with those of the United Kingdom.

It was his government which negotiated the ANZUS Treaty, our most important security alliance. There was plenty of British pique, at the time, at the implications of the United Kingdom not being included in the pact.

The then Labor Leader, Dr H V Evatt, criticised the Treaty for not including the United Kingdom. The reality was that the Treaty would not have been concluded if Australia had insisted on the inclusion of Great Britain.

Those who believe that Paul Keating discovered the importance of Australia's trading links with Asia may be surprised to know that, as long ago as 1936, Menzies showed alarm at the impact which trade arrangements between British textile interests and Australia might have on our trade with Japan.

Moreover, it was of course the historic Commerce Agreement with Japan in 1957 driven by Menzies' Deputy Prime Minister, John McEwen, which laid the foundation of the priceless trading partnership between this country and Japan. The latter has been the most enduring and valuable customer Australia has had since World War II.

From time to time, during internal Liberal Party debates on broadly philosophical issues, the name of Menzies, often in vain, will be invoked in support of one or other side of the argument.

Tonight we can be certain of one thing, however. If Menzies were still with us he would most assuredly be passionately opposed to a Bill of Rights for Australia.

It would have been against the instinct of every bone in his common law body. Moreover, it would impinge on his deep reverence for parliament.

His words, contributed in a newspaper article in the early 1970s, demonstrated very clearly his profound scepticism for the sort of approach now in contemplation by some Australians.

Menzies was responding both to a bill introduced by the then Labor Attorney-General, the late Senator Lionel Murphy, to implement an international covenant on civil and political rights, as well as a statement by Senator Murphy that he supported an amendment to the Australian Constitution to give effect to that covenant; in other words, to import an American style Bill of Rights into the Constitution of the Commonwealth.

Menzies made two observations directly relevant to the contemporary debate. He reminded his readers that in Australia it was necessary to remember, when discussing civil and political rights, that one of the functions of the common law had been to protect the individual against infringement of his personal rights.

He wrote, "in the result I may proceed along my path in life knowing that my rights to think and to speak are recognised, that the rights of myself and other people to be protected against defamation are recognised, that my rights to be at peace in my own house are recognised ... Indeed, one could write a long essay on the value of the common law and its supreme function in protecting the rights of the individual".

With those words Sir Robert Menzies delivered a proper rebuke to the proponents of a Bill of Rights, who frequently imply that the whole area of individual rights is a void without some statutory enunciation of those rights.

Our Party's founder also wrote, "...that the best guarantee of human rights in the future is to be found in our system of responsible government, where Ministers sit in Parliament, can be questioned, and give answers, and the government itself may be turned out if parliament feels that it is doing things which violate the proper rights of individuals."

Those are surely sentiments that all Liberals and many others would readily endorse.

The essence of my objection to a Bill of Rights is that, contrary to its very description, it reduces the rights of citizens to determine matters over which they should continue to exercise control. It does this by transferring decision making authority to unelected judges, accountable to no one except in the barest theoretical sense.

I had always thought that a member of parliament was a decision maker and not a buck-passer. I have always held to the classical view that the public elects members of parliament who pass laws, hopefully in the public interest, and those laws are in turn interpreted and enforced by the courts. That sentiment is at the heart of my objection to a Bill of Rights.

A Bill of Rights would further diminish the prestige of parliament; it would politicise the appointment of judges; it would increase the volume of litigation and it would not increase the rights and protections now available to Australian citizens.

In the Australian context the adoption of a Charter or Bill of rights would represent the final triumph of elitism in Australian politics – the notion that typical citizens, elected by ordinary Australians, cannot be trusted to resolve great issues of public policy, and that the really important decisions should be taken out of their hands and given to judges who, after all, have a superior capacity to determine these matters.

Australia has been well served by its judiciary. At various times since Federation, the High Court of Australia has rightly deserved the description of the best judiciary in the common law world.

Overwhelmingly Australian judges have never been tainted by corruption. As a group they enjoy an enviable reputation of personal integrity.

None of that esteem, however, means that judges bring superior moral values or judgements to given situations than other citizens. Our legal system itself has always reserved a crucial role for the average citizen. We cling to the jury system to determine criminal guilt or innocence. This is because we believe that twelve good men and women and true are more likely than any others to bring a commonsense judgement to a given set of facts.

I also reject a Bill of Rights framework because it elevates rights to the detriment of responsibilities. In a truly liberal and civil society we always need to balance the enjoyment of rights with the acceptance of responsibilities.

Shortly after the 2007 Presidential election I listened to a radio interview with a Baptist Pastor in the United States.

He said that the soon to be inaugurated President would be the 44th President of the United States, yet Mr Justice John Roberts, currently Chief Justice of the Supreme Court, was only the 17th Chief Justice. Make no mistake, the Pastor's comparison was a complaint. He did not like the idea that judges remained in office for so long, particularly when compared to the people for whom he was allowed to vote.

He had good reason for this. Many decisions which have far reaching social and political consequences in the United States are made by judges; in Australia those same decisions are made by parliaments, elected by the people.

Australia and the United States are both great democracies – but they are democracies of a very different kind. My years in Australian politics, and most particularly my almost twelve years as Prime Minister, brought me into frequent contact with many levels of American life, especially its political life.

I had ample opportunity to observe, at very close quarters, its system of government. I much admire the United States and believe that it remains a powerful force for good in the world. We would be mistaken, however, to believe that the "Bill of Rights" type of democracy or indeed the presidential system of government is superior to ours.

I don't assert that ours is always better. Rather I assert that it is different; it works well, has stood the test of time and should not be changed in the mistaken belief that something akin to the American approach would be superior. It would not and would seriously impair the Australian democracy we have grown used to.

The concept of a Bill of Rights has superficial appeal. It is the classic motherhood statement. As Professor James Allan of the University of Queensland, an avowed opponent of a Bill of Rights, has rhetorically asked; who could be against free speech? Who could be against freedom of expression, or against freedom of religion?

It all sounds so beguiling. Compile a list of fundamental rights on which we would all find ready agreement, entrench them in the constitution and live in harmony ever afterwards.

It is not anywhere near as simple as that.

We might all agree that freedom of speech, or freedom of religion are unarguably fundamental rights. The problem is that we won't all agree on what, in every case, constitutes freedom of speech or freedom of religion.

At present, the Government of Victoria appears to have established a laboratory of human rights in which all sorts of tests are being conducted. We have the Victorian Charter of Rights, a sort of poor man's Bill of Rights. It states that a person has a right to join a trade union. Strangely though, it does not also say that the same person has a right not to join a trade union.

We now, also, have a discussion paper with proposals to deny the current right of religious schools to discriminate in their employment practices, to the extent necessary to ensure that the ethos and values of those schools are fully promoted by staff.

Those supporting these proposals argue that the existing situation can discriminate against the individual freedoms of some employees. In response, others claim that the changes in contemplation would undermine the freedom of those running the schools to reinforce the values and traditions of individual faiths and denominations.

Quite apart from the merits involved in the debate, this example highlights how problematic it is to reach agreement on what constitutes such things as freedom of speech or freedom of religion.

For my part, it is hard to see these Victorian proposals as being other than directed specifically against religious schools. Perhaps to prove me wrong, the proponents in question might really expand their ambitions so as to allow a quota of climate change sceptics to be employed by the Australian Conservation Foundation or indeed a few members of the H R Nicholls Society to join the payroll of the ACTU. Then we would find out who is really being pluralistic.

The issue is where the lines are drawn and by whom. We might all agree that certain rights are fundamental but disagree profoundly where, for example, free speech ends and defamation begins. That must depend on the circumstances of each individual case. To me it is inconceivable that a Bill of Rights can provide a generic formula to resolve such clashes more effectively than they are at present.

Rights conflict, and to those who believe that it is possible to establish a list of absolute rights I might remind them of Jeremy Bentham's famous remark that such a proposition was "rhetorical nonsense – nonsense upon stilts".

The Northern Territory intervention, launched by the Howard Government in 2007 involved, amongst other things, a clear clash of rights. There were the rights protected under the Racial Discrimination Act of 1975. By contrast there were the rights of the innocent indigenous children of the Northern Territory to be protected from appalling abuse.

Faced with that conflict of rights my government made a clear choice. It legislated to suspend the Racial Discrimination Act, to the extent necessary, that the measures to support the intervention, and thus protect indigenous children, could take effect. It was the view of the government that the rights of the children should be given far greater weight than any other rights which might be involved.

Not only was the government's decision the right one, it was also right that the government, accountable to parliament and elected by the people, should have the

unfettered power to make that decision. How wrong we would have been for that decision to have been out of the reach of the parliament and left to judges to determine. Yet if Australia had had a Bill of Rights that could easily have been the case.

In determining which rights should take precedence the parliament, in good faith, had to reflect as best it could the values of the Australian community. It can scarcely be argued that a small group of judges would have been better qualified than the parliament itself to make this decision.

What was required was a judgement about the nation's priorities. Was a general, and somewhat abstract concern, about some of the rights available under the Racial Discrimination Act, more important than the urgent need to protect vulnerable children?

The answer was pretty obvious, and the people best qualified to make that judgement were surely the elected representatives of the Australian community.

Analysing rights frequently involves the application of moral judgements. There is nothing in my public life which suggests that judges, worthy and incorruptible as they have been, have more moral insights than individuals in the broader community or their elected representatives.

I think that we would all agree that the right of free political expression and activity is about as fundamental to our kind of democratic society as can be imagined.

Paradoxically, more than fifty years ago Australia witnessed the operation of the protections we continue to have for free political expression to work their way through, and in a manner that undoubtedly displeased the man we honour tonight.

I refer of course to the various attempts of the Menzies Government in the early 1950s to ban the Communist Party of Australia.

The Communist Party Dissolution Act, passed by the Australian parliament and resting largely on the defence power in the Commonwealth Constitution, was challenged in the High Court and declared invalid on the grounds that it was *ultra vires* the Constitution. The Court so held by a majority of six to one.

Not to be denied, Menzies then sought, via a referendum of the people, approval to alter the Constitution so as to bring the proposal to outlaw the Communist Party within its reach. Like most referenda in Australia's history, that one failed to muster the necessary support. The Communist Party of Australia remained legal, ultimately withering on the vine through lack of public support.

I don't seek to revisit the merits of what the then Prime Minister sought to do. Rather I draw on that experience to make the point that a practical mechanism existed under our Constitution to deal with a basic free speech issue. We did not need a Bill of Rights. The ultimate decision was made by the Australian people, who presumably judged that the undesirability of prohibiting a political movement was greater than the evil which that movement posed to Australia's way of life.

This case also illustrated that the very existence of the Federation in Australia is itself a valuable safeguard. It divides power and one of the major functions of the High Court is to ensure that in exercising its powers the Commonwealth Parliament does not exceed its constitutional remit.

I have long argued that the three great guarantees of Australian democracy are a robust parliamentary system, an independent and incorruptible judiciary and a free and sceptical press. I have frequently described these guarantees as the real title deeds of Australian democracy.

Our parliamentary system has many flaws but ultimately it sets the tone of national debate and ought to be the ultimate decision maker because it is the identifiable and collective representation of public opinion.

For as long as I was in parliament, and I am sure it will continue, there was a periodic concern about a perceived decline in the public's respect for the institution of parliament.

The explanations were many and varied. Politicians were only interested in themselves; they misbehaved at question time; they were too partisan; there were too many professional politicians with a diminishing number having had real life experience in business, genuine community or public service, a profession or a trade.

Members of parliament, understandably, were sensitive to these criticisms. I continue to think that many, but not all of them, were unfair and unjustified. Most people who enter parliament do have a sense of vocation, and want to leave Australia a better place when they depart the scene.

If members of parliament, throughout Australia, want the institution to which they belong to retain current levels of respect then they should resolve, from this day forward, not to surrender to others power to make the decisions which they have been entrusted to make by their fellow citizens.

This plea of mine is central to my distaste for the notion of a Bill of Rights. If adopted it must further weaken the role of parliament and therefore, in a very basic way, the quality of our democracy.

During my time as Prime Minister I railed against proposals from Ministers which involved transferring ministerial decision making to statutory authorities.

I never ceased to be amazed when I heard the argument that it would be a good idea for a non-elected official to take a decision, rather than the Minister, because then it would be removed from political influence. The *reductio ad absurdum* of that would of course been the progressive transfer of as many decision making roles as possible to officials. It would certainly reduce political influence, but it would also reduce democracy in the process.

I strongly believe that ministers and parliamentarians should take all of the controversial decisions. They should take them transparently and, naturally, they should be fully accountable for them.

In many cases the real reason why some parliamentarians wish to hand decision making to independent statutory authorities is to escape the opprobrium of unpopular decisions. Nothing could be more self-defeating. The more that ministers and parliaments are seen to avoid responsibility (except of course when something popular has been done), the greater will be the level of indifference, or even hostility, to our parliamentary institutions.

My experience has been that Australians bring earthy commonsense to their appreciation of political decisions. They will support unpopular decisions if the government of the day clearly establishes that there is a public benefit to be gained from the decision, and that the impact of the decision is fairly spread through the community.

As someone no longer in Parliament, but who continues to love the institution and is pained from time to time by its constant denigration by some in the community, let me issue a challenge to all those men and women now in parliament.

If you really want respect for parliament maintained or, hopefully, even increased, don't hand over any further decision making authority to others. You were elected to make decisions, and you should not shirk that decision making responsibility by transferring it to others. Stop saying, in effect, to the world that you can't be trusted to take difficult decisions.

Today's members of parliament should be assured that every time parliament hands over power to a non-elected body, the views of the sceptics that parliament is composed essentially of unworthy people is bolstered.

The late Sir Harry Gibbs, a former Chief Justice of the High Court of Australia, crystallised the issue when he said "if society is tolerant and rational it does not need a Bill of Rights. If it is not, no Bill of Rights will preserve it".

Gibbs was absolutely right. In the end it is the customs, attitudes and culture of a people, as expressed through their institutions, which determine the strength of their commitment to democratic values. History is full of constitutions with high sounding definitions of liberty and equality which have proved worthless in the face of political tyranny.

The constitutions of the former Soviet Union and the pre-Hitler Weimar Republic in Germany had many fine phrases. Even Nazi Germany had a Bill of Rights guaranteeing the "dignified existence of all people". More recently, the Zimbabwean constitution contains a Bill of Rights that promises extensive human rights protection for citizens of that country.

In his excellent contribution to the Menzies Research Centre booklet, a former Justice of the High Court, Ian Callinan, reminded us that, irrespective of entrenched rights in a well known constitution, it was political will which was the ultimate driver of those rights.

Callinan pointed out that it was not until the civil rights movement of the 1960s, and the political determination of the Johnson Administration to change things, that the rights of black Americans theoretically guaranteed under the constitution for decades were finally given substance.

It has long been the commonsense practice of parliaments in Australia to allow free votes on issues requiring social or moral judgements. In my parliamentary career I participated in debates on many such issues, commencing with the Family Law Act debate of 1975 and concluding with the debate on the drug RU486, in 2006.

These debates were usually of a very high quality. This was not only because individual members were free of a binding Party Room decision, but additionally they allowed the representatives of the people to openly and, on many occasions, passionately express their feelings and bring their moral judgements to the debate.

Commentators frequently remarked that these debates brought out the best in our parliamentarians. Some of the debates were difficult, with some MPs not wishing to state a view, through fear of offending this or that group in an electorate. The debates, nonetheless, always attracted increased attendance in the House. They were real issues on which people expressed their views, often with great feeling. They behaved as

authentic representatives of the people as well as giving voice to their individual consciences.

In the light of this I often wonder whether it has occurred to the proponents of a Bill of Rights that such debates would largely become a thing of the past if we were to go down the Bill of Rights path. With a Bill of Rights framework decisions on many of these issues would pass to the courts.

If the American and Canadian experience is any guide, issues such as abortion and gay marriage would not be resolved by our elected representatives. They will have surrendered that right to the courts.

My personal views on issues such as these are quite well known, but I have not come here tonight to canvas the merits either way. Rather I wish to make the point that they are issues that should be resolved by the peoples' representatives. The responsibility of deciding them should not be outsourced to judges.

To illustrate my argument, the debate about abortion in the United States centres largely on how the outcome of a Presidential campaign can alter the composition of the United States Supreme Court and then, in time, potentially overturn or confirm the Court's 1973 decision in *Roe V Wade*, which was seen as having liberalised the application of abortion laws.

In Australia such issues are not subject to the vagaries of the philosophical viewpoints, one way or the other, amongst a majority of judges. If parliament wishes to alter the law then it will proceed to do so.

Comparing the Australian and Canadian approaches on gay marriage is illuminating. In Australia, the former government which I led, decided in 2004 that the Marriage Act 1961 (Cth) should be amended to define marriage as a voluntary union for life between a man and woman to the exclusion of all others, thus precluding the possibility of recognising same sex marriages.

In Canada it was not so simple. In a series of decisions the courts had declared that prohibitions on gay marriage, enacted by some provincial legislatures, were contrary to the Canadian Charter of Rights and Freedoms. Only by the Canadian Parliament passing a law expressly overturning those decisions could the provincial prohibitions on gay marriage have been revived. This was a theoretical power only. In practice it was not a realistic option.

I discussed this very issue with John Chretien, the Canadian Prime Minister at the time. He said that overruling the court's decision was not a practical option. A power, once surrendered by parliament, is not easily retrieved.

The Canadian experience contradicts those Bill of Rights protagonists who assert that a charter, as distinct from an entrenched Bill of Rights, with a power to overrule left with parliament, is the logical compromise. It is not.

Thus in Canada it was not parliament which expressed the will of the Canadian people on this sensitive social issue, it was the courts. Surely that was wrong. Irrespective of the views one might hold on the issue, don't the people, through their elected representatives, and at all stages, have the right to decide those issues? Or, put another way, why should the people who we elect to govern us be allowed to escape their responsibilities to take decisions?

Not surprisingly, a recent Canadian survey found two-thirds of respondents now supported the concept of elected judges. This is barely surprising given that the Canadian Charter of Rights and Freedoms has led to the appropriation by the courts of significant areas of responsibility, which in Australia rest with parliament.

The last free vote in which I participated concerned the abortion drug RU486. The issue was whether or not approval for prescribing the drug should rest ultimately with the minister or the Therapeutic Goods Agency. I was on the losing side. Parliament decided to take the power from the minister, and give it to the bureaucracy. I thought that decision was wrong but I do not wish to revisit the merits of the debate.

Rather, I want to make the point that I voted as I did not so much as an expression of support for or opposition to the drug, rather because I believed the final say should rest with the minister, who was ultimately accountable to parliament.

In the debate I had this to say: *there is just a whiff in this whole debate – if I may say so, with the greatest of respect to many close friends and colleagues of mine, who are going to vote differently from me on this issue – of “this is a little too difficult and controversial so let’s give it to somebody else”. I am disappointed, may I say, in that attitude, because, in the end, we are elected to make decisions on difficult issues. Life can be very difficult; it can be complicated; it is never simple. I do worry about a proposition which says “we have got this difficult issue so let’s give it to some experts”. In the end, on an issue like this, aren’t we, with proper advice, as expert as anyone else?*

The recently retired Chief Justice of the High Court of Australia, Murray Gleeson, gave a classic description of the Australian tradition when he gave his farewell address to the National Press Club on 20 August 2008. He was asked whether he had difficulty applying the former government’s mandatory detention or workplace relations laws. His response was telling: *If I had found a case in which I couldn’t conscientiously apply the law, I would have resigned. There may be many (laws) with which I disagree but with which I comply as a citizen and which I am happy to enforce as a judge, just because they’re the law and because they have behind them the legitimacy of parliament. That is the way the democratic process works.*

This was a succinct statement of a well understood principle in Australia. The people elect parliaments, who make the laws, and judges enforce them.

A retiring Chief Justice in the United States would give a somewhat different response to that of the former Mr Justice Gleeson. He would not be so deferential to Congress and state legislatures. He would emphasise his role in protecting the rights of citizens as guaranteed by the Constitution. This, I might add, would not only be because, unlike the High Court of Australia, the United States Supreme Court deals only with constitutional issues. The point, of course, is that, due to the Bill of Rights character of the American constitution, so many more issues in America have a constitutional dimension.

Of all the arguments I hear advanced in favour of a Bill of Rights none is more offensive to me as an Australian than constant references to this nation’s international obligations.

I have always found these arguments quite humiliating. They suggest that, left to our own devices, the natural instinct for freedom that exists in Australia would not assert itself and that somehow we need the discipline of adherence to international treaties and conventions to stay on the democratic straight and narrow.

Those who hold this view must have forgotten that Australia is one of fewer than ten nations to have remained continuously democratic for the last one hundred years. The

fact that the full adult franchise, with equality for men and women, existed in Australia in advance of most other countries is but one example of the maturity and trailblazing character of Australian democracy.

They have also forgotten that on all too many occasions in the past international committees, dealing with human rights issues, have included representatives of nations with appalling domestic records on human rights.

Australia does not need to reach overseas to learn about democracy. It is a well developed and fully embraced habit in this country.

The push for a Bill of Rights in Australia has always had a clear centre-left provenance; although I acknowledge that some prominent Labor figures such as Bob Carr and the current NSW Attorney-General, John Hatzistergos, have a different view.

The Murphy legislation of the early 1970s began the process; then there was the Hawke Government's ultimately abandoned legislation; the failed referendum of 1988 and now the Brennan Inquiry, composed of people whose sympathies are fairly obvious. At a state level we have seen legislation in both Victoria and the ACT.

This suggests that political activists of the Left believed that so-called progressive causes will be better served by a Bill of Rights framework. That may well appear to be the case at present. Values and attitudes do, however, change. I say to those on the centre-left of Australian politics don't assume that the day won't come when a particular cause you support might be better served by the votes of a contemporary parliament, rather than a court dominated by men and women holding views you might not share.

I oppose a Bill or Charter of Rights on orthodox democratic grounds. I am guided by the success of Australian democracy to date. It has flowered and has often led the world. Ours is an open society, with little to be ashamed of on the world stage.

We Australians pride ourselves on the egalitarian character of our society. Let us not deny that great heritage by embracing an approach based on the belief that the great mass of the Australian people, properly represented in our parliaments, and properly advised by a free and sceptical press cannot decide the great moral and civil issues of their time and get it right.

They have in the past, and will continue to do so in the future.