

**THE BALLARAT ADDRESS**

**The Peter Tobin Oration 2015**

**Presented by Eric Howard,  
President, Eureka's Children**

**On the 161st anniversary of Eureka at the Museum of Australian Democracy  
at Eureka, Ballarat**

**6 December 2015**



**Eric Howard, President, Eureka's Children**

Eric has been President of Eureka's Children since 2003.

He is the Principal of Whiting Moyne, a Strategic Road Safety Advisory Consultancy operating internationally since 2006, when he completed 7 years as General Manager Road Safety with VicRoads.

He chaired the OECD/ITF Working Group which published the landmark "Towards Zero" Road Safety Report in 2008 and has lead and co-authored road safety management capacity reviews, facilitated road safety strategy development, drafted road safety strategies, and provided road safety advice in more than 30 developed and developing countries, with international clients including the World Bank; Asian Development Bank, World Road Association (PIARC); AusAID; Global Road Safety Partnership; UN Economic Commission for Europe and national and provincial governments. He has chaired a number of government task forces on road safety issues within Australia and presents and publishes widely on road safety matters.

He was a Member of the Advisory Board of the Monash University Accident Research Centre from 1998 to 2006, an honorary Member of the Board of Management and Chair of the Planning Committee of the Mercy Hospital for Women, Melbourne from 1991 to 1994 and was appointed as Chair of the Western Australian Parliamentary Road Safety Group from 2006 to 2009 to provide an ongoing bipartisan forum for Parliamentarians for discussion about road safety strategy development and implementation.

Eric was the inaugural Chief Executive of Yarra Ranges Shire from 1994 to 1998 following local government amalgamations, after 20 years in senior local government executive roles across regional Victoria and outer metropolitan Melbourne (until 1985) and then as General Manager Operations, then Acting Chief Executive during most of 1990 and Deputy Chief Executive until 1994 at Melbourne City Council during a period of major reform.

His strengths include an ability to promptly assess key issues, to bring people together to resolve differences, to comprehensively review policy, management and service delivery options and to understand what is required to implement change in organisations and achieve community support. He has a sound understanding of financial management, the legislative and regulatory process, the machinery and demands of (and on) government and is an experienced presenter and facilitator. He has exercised responsibility across a considerable range of disciplines during his career and managed substantial numbers of staff for more than 30 years.

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**FOREWORD**

Eureka's Children is primarily an association of the descendants of those involved in or associated with the Eureka Stockade event, its prelude and aftermath and who support its ideals of democratic principles.

Membership is open to all descendants i.e. diggers, descendants of the military and troopers, as well as descendants of various tradespeople, newspaper editors, hotel keepers, lawyers, law clerks, shop keepers, bakers, doctors and civil servants who were involved in the events of Eureka.

Associate Membership is open to those individuals or corporate bodies, who may not be descendants but who have a special interest in Eureka and its democratic ideals and who wish to support the work of Eureka's Children



The Association believes that the roots of Eureka and the stance by the diggers at the Stockade lie deep in the soils of many nations. Among the thousands of people who came to the Victorian goldfields were refugees from political oppression, from economic disaster and from famine. Many had experienced revolution.

They had come to a new land with the hope for a better life and many with a ferment of ideas concerning social justice, the rights of man and the principles of democracy.

At Eureka and across the goldfields, these hopes and ideals were severely challenged and diminished by an authoritarian and rigid class conscious government of the old European order that imposed excessive gold licence fees and licence hunts, ignored corruption and abuse by police, restricted political rights and access to land and who were “determined to put down democratic agitation”.

And so, it was at Eureka that the diggers built their Stockade not to launch an attack but to stand and defend, under the flag of the Southern Cross, their rights and liberties, to protest against oppression and corruption, to fight for freedom and to assert their democratic rights.

Whilst the Eureka Stockade was a battle lost – it was a victory won; as it was the courage and vision of the diggers and their supporters that contributed to the installation of a more responsible and democratic government soon after this historical Eureka event.

Furthermore, the Association believes that the story and importance of Eureka is not just about a bloody battle at the Stockade where men were prepared to lay down their lives for their '*rights and liberties*', but also it is about that series of well organized, non-violent democratic events by the diggers and their supporters preceding the Stockade that illustrate the power of the people in demanding their '*inalienable rights*'.

These events which include: the Monster Meetings at Bakery Hill, a Charter - a Manifesto proclaiming their Demands and an Oath under the Flag of Southern Cross, are powerful and important iconic democratic symbols. They speak to us of the importance of a free society being prepared to react to oppressive authority while seeking fairness and equity, valuing human rights and respecting human dignity. They wanted a government of the people for the people.

The Association seeks not only to commemorate the events of Eureka but also to encourage a broader discussion about the values inherent in the goldfields community's quest for representation and basic freedoms and the role that these democratic ideals and values have in our contemporary Australian society.

Eureka's Children makes representation to all levels of government and other organizations; promoting the story of Eureka, the Museums of Australian Democracy at Eureka (MADE) and in Canberra, as well as promoting Eureka's Children various activities and objectives.

The Association was incorporated in 1998. It has a Web Site and publishes a quarterly newsletter 'Liberty!' which includes articles of special significance regarding the Eureka story, issues concerning our democracy, Eureka events and commemorations and other matters of general interest. The newsletter is available for download from the Eureka's Children website together with more information about Eureka's Children and its activities: See <http://eurekaschildren.org.au/about.html>

### **Key Objectives**

- To gain Australia-wide recognition and acceptance of the view that the events of Eureka - the Stockade, the Monster Meetings at Bakery Hill, the Charter demanding democracy and the Oath under the Flag of the Southern Cross are of national significance in the history of this country.
- To recognize the importance of those other earlier events of disenchantment with government impositions across Victoria's goldfields such as at Castlemaine, Chewton and Bendigo which culminated in 1854 at the Eureka Stockade in Ballarat
- To gain greater recognition of the democratic ideals of the Ballarat Reform League Charter and its importance nationally and internationally as a democratic document; the principles of which are enhanced in the Australian Constitution and which is entered on the UNESCO Memory of the World Heritage Register
- To gain endorsement for the proposal that the Eureka Flag belongs to the people of Australia and should be included on the Australian Heritage Register and also recognized as an official Flag of Australia.

- Continued involvement and regular meetings with The Museum of Australian Democracy at Eureka (MADE), including the chairman and director. Eureka's Children's recognition and involvement with MADE is essential to the future of both entities.
- To identify as far as possible all those who were involved directly or indirectly in the Eureka Stockade events and make this information and any related stories generally available, particularly through our Ancestor Database: The Eureka Directory.
- To generate publicity, discussion and debate in relation to all aspects of Eureka events, and in doing so promote the further development and greater understanding of Australian democratic traditions and practices.
- To become more significantly involved in the political narrative of democracy at home and abroad, to be ever vigilant, to speak out against threats to democracy, to promote democratic change, and to promote political awareness within the education system and cultural spheres.
- To utilise advocacy to encourage citizens to exercise their fundamental rights and to defend fairness, human dignity, equity and community interests.

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**President, Eureka's Children -**  
**(now Eureka Australia)**

I am delighted and consider myself privileged to present the annual Peter Tobin Oration here at MADE on behalf of Eureka's Children. I thank MADE for the opportunity and note the contribution to commemorating Eureka made by Peter Tobin.

I acknowledge the Wathuring People - the traditional owners and custodians of the land on which we meet. I pay my respects to their Elders - past and present - and all Indigenous Elders who may be with us today.

I also acknowledge dignitaries and guests present today.

Would you join me in acknowledging all those who participated in the Eureka story here in 1854, particularly the 32 known individuals (and other unknown persons) who lost their lives on this very ground on or as a result of the attack by Government forces on the Stockade on December 3 1854. Their sacrifice is commemorated with a plaque placed near the site of the Eureka Stockade in the grounds of this magnificent celebration of democratic society and Eureka that is MADE, with another in the Flag Room.

**Introduction**

I intend to briefly outline what we mean by the term "democracy" and take you on a brief journey through the development of the particular form of democracy which we enjoy today in Australia and Victoria. I want to comment on what our democratic system of government relies upon in our society to be effective and to thrive – that highly supportive context which I suggest is not well recognised; identify some of the key challenges and pressures faced in strengthening democratic societies both internationally and here at home, with some examples; and wrap up with

specific suggestions about what we might do to address those challenges and nourish this democratic society that we enjoy.

Where appropriate, parallels with - and inspiration from - the events arising at Eureka all those years ago will be drawn – events which in so many ways are as fresh and relevant today as they were at the time they occurred.

**1. WHAT DO WE MEAN BY**  
**DEMOCRACY?**

This question draws many different responses from various commentators.

For Daniel Yankelovich, renowned social researcher and Co Founder of Public Agenda in the USA:

*"The defining characteristic of democracy-as-a-way-of-life is that the public participates responsibly and thoughtfully in shaping important communal decisions, such as what to do about health care, criminal justice, immigration, climate change and economic inequality."*

John Dunn, [Emeritus Professor of Political Theory](#) at King's College, Cambridge, argues .."[it] is not that we govern ourselves....It is that our State and government which does so much to organise our lives draws its legitimacy from us and that we have a reasonable chance of being able to compel each of them to continue to do so.

They draw it from holding regular elections, in which every adult citizen can vote freely and without fear' in which their votes have at least a reasonably equal weight and in which any uncriminalised political opinion can compete freely for them".

Dunn also reminds us that not understanding our current political structures is a good recipe for not being able to change them for the better.

Our democracy as a means of operating our society or running our government of ourselves is not set in stone. It has developed, it has changed, it has been modified as successive generations have made the protection of our rights and liberties a priority. This is not the case in too many societies around the world however. The events which took place here in Victoria and Ballarat at Eureka, 161 years ago this week, had a very powerful influence upon Australian society. Eureka played such a large part in embedding the “Fair Go”- that expectation that injustice will be swiftly redressed - in the Australian psyche.

It was also a series of events with some global linkage and context. Its participants had come to Victoria from around the globe and its searing messages about rights to democratic representation were a call to all societies about dignity, justice and self-determination.

Internationally, democracy effectively faded from view after the Athenian participative democracy experiment some 2500 years ago.

In the 17<sup>th</sup> century, English monarchist Thomas Hobbes, considered that democratic government would be “*disorderly, unstable and dangerous*”. This is a recurring theme in the history of Victoria’s upper house; “*how can we trust ourselves to operate full self-government*”.

The framing of the Constitution of the American Republic was the great democratic experiment of the last 250 years. It took place in the 1780’s when the principles of philosopher John Locke<sup>1</sup> were widely accepted and were reflected in that Constitution, emphasising individualism, freedom from government, and belief in the

natural rights of man. Government and laws were necessary evils to be tolerated only to the extent they protected natural rights. That strong emphasis on individual rights in the American view of society continues today.

It is a feature of the US Constitution that the Executive (The President and Cabinet) is separate from the Legislature (House of Representatives and Senate). This serves to make legislative change more problematic as it requires both Houses and the President to agree to that change. In addition, Congress confirms or rejects the appointments nominated by the President and can remove the president from office in exceptional circumstances.

This system of checks and balances reflects the concerns of the US founding fathers about giving elected representatives unfettered power to introduce change. It requires widespread agreement to be in place for any proposed legislative change. It is a subtext to which we will return.

## **2. THE DEVELOPMENT OF AUSTRALIAN DEMOCRATIC SOCIETY**

By the time of Australia’s development of self-government in the mid 19<sup>th</sup> century, a new political philosophy<sup>2</sup> was in vogue in Britain. Philosophers Jeremy Bentham and James Stuart Mill – could be classified as utilitarians. Bentham prescribed rational plans for those outcomes which would deliver the most net benefit for the greatest number in a society.

Bentham considered that the idea of natural rights, in the earlier American Constitution, was “nonsense upon stilts”. He wrote “we are all born subjugated to our parents, and then we remain subjugated to something, civilisation and society”. Without (good) laws, he foresaw anarchy. These ideas were

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<sup>1</sup>Sawer M and Brent P, *Equality and Australian Democracy*, Democratic Audit Discussion Papers, 2011

<sup>2</sup> Sawer, M and Brent P, *Equality and Australian Democracy*, Democratic Audit Discussion Paper, October 2011: <http://apo.org.au/node/26916>

consistent with an idea of a more forceful role for government – a rational empirical one, with laws rationally designed.

Australian State constitutions were being developed at the time of Bentham's ideas and while he never travelled here, his ideas were read by many from Europe who did.

The nature of Australian settlement<sup>3</sup> – low population levels, long distances between settlements and a lack of private capital, promoted reliance on government to provide services and infrastructure, characterising Australian attitudes towards reliance on government for solutions to problems ever since.

After the failed revolutions and famines in Northern Europe<sup>4</sup> in the 1840's there was an influx of radicals and chartists to Australia, lured in particular to the goldfields. Both groups pursued a similar set of objectives: equal numbers of voters in electoral districts; payment of members of parliament and annual elections. A few years later at Eureka in Ballarat these objectives plus the right for universal male suffrage, were centre stage among others as significant changes were demanded – through the Ballarat Reform League Charter, Public Meetings, Petitions and Delegations to Governor Hotham and the actions of the community and the Diggers.

We should consider how poorly democratic government was regarded by many in society at that time - and while Eureka changed that thinking dramatically, democracy remains a challenging concept to totalitarians everywhere today. Back in 1854, Ballarat Goldfields Commissioner Rede<sup>5</sup> regarded democracy as “no more than mob rule”. To

him the mining licence was a *mere cloak to cover a democratic revolution* and he looked with contempt on digger agitation for justice and fair dealing. In contrast the 1855 Victorian Gold Fields Commission Report, which was implicitly critical of the authorities over Eureka, noted “As the principal Gold Fields assumed a more settled character and comprised many intelligent persons, more or less permanently resident, the habit of meeting in public and discussing the mining interests gave a strength and definiteness to complaint which it had not previously assumed.”

In large part the demands made by the Eureka Diggers –were subsequently (and quite quickly) achieved – in changes to the policies and form of government in Victoria. The new Miners Right gave male holders the franchise to vote. The ideas of the utilitarians – that if something was good for people it could be legislated for, that government was to have an active role in society and that equality could be legislated for<sup>6</sup>, came from that time “to be part of Australia's DNA”.

The Goldfields Commission Report also provides insights into the injustices faced by the miners and the need for administrative and political reform. It noted specific factors in the months leading up to Eureka, that had built distrust and estrangement between authorities and people, including: “Gold yields had fallen off; Demands for crown land to be made available for purchase by the mining community – a recommendation made by a Legislative Council Select Committee a year earlier - had not been responded to; Harsh operation of the enforcement of laws for possession of a

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<sup>3</sup> ibid

<sup>4</sup> ibid

<sup>5</sup> Molony J, Chapter 1, Remembering the Eureka Stockade, *Eureka: Australia's Greatest Story*, Federation Press, 2015

<sup>6</sup> Sawer, M and Brent P, *Equality and Australian Democracy*, Democratic Audit Discussion Paper, October 2011: <http://apo.org.au/node/26916>

mining license (unseemly violence often being necessary); the want of political and general status to the miner to aid redress; Aggravation from suspicion of corruption in the authorities.”

The incompetent response of the Authorities on the Thursday 30<sup>th</sup> November 1854 in conducting a particularly harsh license hunt at a time of heightened emotions and dashed expectations following the deputation to Hotham a few days earlier, sparked the tragedy of December 3<sup>rd</sup>. The Diggers met at Bakery Hill that Thursday and resolved “to stand truly by each other and fight to defend our rights and liberty”. They had been placed in a position where they believed their only course of immediate action was to band together to defend themselves against overbearing authority and further vicious license hunts.

Ove the last 160 years Victoria has had to learn to deal with fears of ‘uncontrolled’ democratic franchises coming into being in the Upper House of State Parliament – and the risk of this ‘destroying our way of life’! This has been a significant and long running theme in our democratic journey.

In 1851, a limited form of representative government was introduced in Victoria. It was a single chamber Legislative Council, two thirds elected (based on a male property based franchise) and one third appointed by the Governor.

The Governor<sup>7</sup> appointed the senior office holders – the Executive of Government, equivalent to Ministers today – but they reported to him – not to the Legislative Council. Efforts by some members in the Council to lower the Miners License fee to 5 Pounds a year, with potential offsetting

adjustment to pastoral leases in the years prior to 1855, were soundly defeated by the pastoralist controlled chamber.

The dramatically different and more democratic two chamber parliament - with a Legislative Assembly elected by (effectively) universal male suffrage plus an elected Legislative Council - but with a restricted property franchise - came into effect in 1856. Ministers were from that point to be accountable to the Parliament.

The secret ballot and the form of the voting paper introduced were international firsts. They spread across the world of elections as best practice.

What a massive transition it was from “partly representative” government in 1854 to responsible government two years later. The Eureka events influenced public sentiment in 1855 and beyond and energised a swift and broadly supported move to that responsible government.

In the desire to achieve self government, public opinion was making itself felt in the months leading up to Eureka about a Ministry system which was “irresponsible” to the people's representatives. Following Eureka<sup>8</sup>, popular feeling in Melbourne and elsewhere was galvanised and directed against the policy of the Governor and his Executive with regard to the goldmining communities of the Colony. The Colonial Secretary, Mr. J. V. F. Foster, was openly blamed in public meetings for the continuance of the licensing system of the goldfields, and his dismissal from office was demanded. Public opinion was thoroughly aroused.

Mr. Foster, who was an Executive Councillor and also an official nominee of the Lieut.

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<sup>7</sup> Edward Sweetman, [\*Constitutional Development of Victoria, 1851-6\*](#), Whitcombe & Tombs Limited. (1920)

<sup>8</sup> Edward Sweetman, [\*Constitutional Development of Victoria, 1851-6\*](#), Whitcombe & Tombs Limited. (1920)

Governor, was responsible, not to the Legislative Council, but to the Lieut.-Governor. He therefore wrote to Hotham, stating that if his remaining in office was an impediment to the Government, he was prepared to resign. That the Lieut.-Governor fully recognised the power of the voice of the people is abundantly clear from his acceptance of the resignation offer.

It is possible to have some degree of sympathy for Hotham who was clearly out of his depth as a former naval commander finding himself in a rapidly developing community transitioning emphatically to a form of democratic self-determined government. Some 18 months after arriving in Melbourne, just as self government was proclaimed, Hotham passed away.

While our electoral institutions have generally converged with international norms over the 20<sup>th</sup> century, 160 years ago the original radical ideas and their institutional expression in the Australian Colonies and States were groundbreaking. However, while Legislative Assemblies (lower houses) were where governments put into practice “radical Benthamite ideas” about reducing exclusion and achieving greater equality, the (upper house) Legislative Councils across the Australian Colonies (States) were regarded as bulwarks against potential excesses of “too much democracy”.

A recurring theme evident in our State Parliamentary electoral systems since the 1850’s has been the progressive efforts made to gradually bring upper house arrangements towards more equitably (democratically) elected franchises. Interestingly, it took

almost 100 years to be achieved – longer in Victoria than other States.

The Victorian Legislative Council displayed a reluctance to reform itself and had a reputation for obstruction. It blocked<sup>9</sup> a number of key politically and socially progressive Bills from the Assembly in the 19<sup>th</sup> century, for example for: abolition of plural voting, voting rights for women; improvement in working conditions through the *Factories Acts*; and workers' compensation and the legalisation of trade unions.

Since 1950 the right to be a voter or candidate in Legislative Council elections has at last been totally unhindered by property qualifications. Progressive change to electoral arrangements for the Legislative Council in the 1980’s and particularly in 2003 by the Bracks Government have strengthened its democratic character.

Proudly, the Australian Parliament Upper House (our Senate) has been a democratically elected house since Federation, a relatively rare situation at that time and indeed today - compared to many other democracies, including the UK and Canada. The Senate was the first upper house in the world to be popularly elected, unlike the State upper houses at that time.

### **3. A DEMOCRATIC SOCIETY IS ABOUT MUCH MORE THAN CONSTITUTIONS.**

Australia is one of the world’s longest continuously operating and most stable democracies. The Australian way of life, the context for our democratic society, has been built around an open, free and essentially tolerant society which has worked towards functioning with reduced rancour.

Democracy (in Australia and probably elsewhere) relies upon much more than

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<http://www.parliament.vic.gov.au/council/publica>

tions-a-research/information-sheets/7-the-legislative-councils-history

elections, effective electoral administration, elected members, parliaments, parliamentary debates and respect for the separation of powers (between the parliament, the executive government/ cabinet and the judiciary),

A mature democratic society requires other preconditions – such as community respect for: the rule of law and property rights and intolerance of corruption; basic liberties including freedom of expression and opinion; freedom of religion; freedom of assembly; and for human rights additional to those implicit in the above. It also demands openness and transparency in the way that government interacts with the community, business, individuals and other organisations in their decision making processes.

It relies not only on effective consumer protection, labour conditions, environmental protection mechanisms and institutional arrangements to reduce anti-competitive behaviours, but also upon conventions about accepted behaviours and social norms – the ways in which governments lead the public debate, how society operates and interacts with each other as individuals and as organisations; the encouragement of a diversity of cultures; plus transparent, citizen focused and high standard public administration; and by standing firm against those who might seek to impose their will through violence and intimidation.

Recent comment by some elected members at national level expressing concerns with some Islamic teaching were met with the following response from Scott Morrison. *“I think one of the positive things about Australia is it’s such an overwhelming cultural set of values that those always have an*

*influence over time. That’s been the case with other religions, I have no reason to believe it won’t be the case with Islam.”* This to me is reflective of Australian society’s performance over many decades in absorbing newcomers into our way of life, while respecting difference.

#### **4. CHALLENGES TO DEMOCRACY - INTERNATIONALLY**

##### ***Emerging alternative governance models***

Many of the emerging countries wish to replicate the economic progress achieved by citizens in the west, while wanting to maintain their own political traditions and cultural values.

In a much more fluid ideological landscape<sup>10</sup>, nationalism, state sovereignty and religious identity are growing forces which are being used to strike at fundamental concepts such as freedom of expression and responsibility to protect.

##### ***Corruption and governance***

Consider the position of the powerful G20 member countries (EU plus 19 countries). Eleven (11) of the 19 member countries (Argentina, Brazil, China, India, Italy, Indonesia, Mexico, Russia, Saudi Arabia, South Africa and Turkey) all fall below the top 30% of countries with the best Transparency International<sup>11</sup> perceived public sector corruption score.

For example, China, (with a centrally controlled government and attempting to deal with extensive corruption), Indonesia (a democracy but with powerful political elites and also attempting to address extensive

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<sup>10</sup> ibid

<sup>11</sup> Transparency International, *Corruption Perceptions Index*

<http://www.transparency.org/research/cpi/overview>

corruption), Russia – a State controlled society, Saudi Arabia (a rigid monarchic regime with restricted rights for citizens) and Turkey (where there have been concerns about the current government’s potential move away from a secular State at arms length from religious beliefs to a more integrated position).

None of these countries could be considered successful transparent democratic societies. How can these societies be encouraged to progress their systems of governance, to reduce corruption and improve their tolerance for difference?

### ***Inequality of opportunity***

The 2012 Arab Spring, which has failed to deliver improved societies for most of North Africa, could be considered to have started with the story of Mohamed Bouazizi, a young man from Tunisia who set himself alight and died in 2011 in protest at the way the state machinery of the then dictatorial government, was crushing his chances of making a living for his extended family, selling vegetables.

Thousands marched demanding jobs, better living conditions, and an end to corruption.

They responded to economic misery, but also the Tunisian government's repression of dissent, police impunity for abuses and the incapacity of the system to review and reconsider arbitrary acts of power.

These are the visible signs of deep inequality which we know is hugely destructive of social fabric. Of course, they are also similar to the issues which drove the Eureka Diggers to seek

refuge in a flimsy insubstantial protective stockade in 1854.

Dunn<sup>12</sup> contends “the introduction of democracy within an inherently undemocratic political culture produces political outcomes that favour undemocratic interests” – There are unfortunately all too many examples of this situation – for example the recent political experience in Egypt, Libya, Russia and Iraq.

Tunisia has so far barely managed to survive its experiment with democratic government, not without drama and threats of strongarm tactics by certain groups, but it stands in contrast to its neighbours to the east. Democracy is a long journey.

The growth in inequality in the US in the last two decades has become a major focus of public attention and concern<sup>13</sup>. Yankelovich asserts that income levels for the American middle-class have remained stagnant for the past 15 years and the plight of lower-income individuals and families is even worse.

He contends however that not all facets of inequality have the same urgency. Americans are less concerned about huge disparities of income than about the growing lack of opportunity for the majority of Americans to improve their standard of living through hard work, education and adhering to their culture’s ethical standards.

The paths of social mobility in the United States have become blocked.

Joseph Stiglitz<sup>14</sup>, the Nobel prize winning economics academic from Columbia University, New York, has written persuasively

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<sup>12</sup> Dunn, J *Setting the People Free: The Story of Democracy* (2005).

<sup>13</sup> Yankelovich Centre at UC, San Diego, <http://yankelovichcenter.ucsd.edu/about/index.html>

<sup>14</sup> Stiglitz J, *The Price of Inequality: How Today's Divided Society Endangers Our Future*, W. W. Norton & Company; (June 2012)

about how the most wealthy 1% of the US population have controlled the political and social agenda since the Reagan years to enrich themselves at the expense of the middle class and the poor. The Finance industry was successful in removing much protective regulation of banking activities (which were introduced as a result of the 1930's great depression) which enabled them to achieve great profitability and individual wealth in the early to mid 2000's, but which of course contributed to the great recession (which we know as the GFC). It is a tale of massive greed as powerful vested interests have worked in a manner that has dispossessed the average American family over the past 30 years.

Stiglitz discusses how this shift is endangering American Society.

### ***Terrorism***

I will discuss this issue shortly - as it relates to challenges to democracy in Australia

## **5. CHALLENGES TO DEMOCRACY - AUSTRALIA**

Only 42% of young Australians (18 – 29 years) in a 2014 survey believed “democracy is preferable to any other kind of government<sup>15</sup>”. At face value this is concerning. Clearly, levels of knowledge of - and mechanisms for engagement with - young Australians are inadequate. A consensus on ways forward is needed.

### ***Trust in our leaders***

The Swinburne Leadership Institute<sup>16</sup>, has researched community views on the commitment of Australian leaders to the “greater good”. 68 per cent of respondents

thought political leaders were more concerned about self-interest and interests of their close supporters than the wider public interest. It concluded that an improved community understanding of the concept of the “greater good” is vital for solving wicked problems.

### ***Engaging the community in developing solutions to our challenges***

How do we bring understanding to the community about the trade – offs involved in making decisions within government, the challenges involved in reaching consensus and how expert advice is an important input, but not the sole determinant of adopted government policies? Most people have not been exposed to public sector policy development processes, at local or state or at national level. How do we open up these processes to achieve greater understanding and awareness and use engagement to give effect to shared solution development?

There is a shift occurring in the very nature of power. Social media<sup>17</sup> for example is supporting power moving to coalitions and networks that are able to effectively influence state actions.

What characterises them is their growing ability for mass organisation, speed and multiple and diverse actions, for example, in the environmental space. Questions will increasingly arise as to how they should exercise this power and to whom they are accountable.

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<sup>15</sup> Lowy Institute Survey, 2014

<sup>16</sup> Samuel Wilson, Swinburne Leadership Institute, Swinburne University of Technology

<sup>17</sup> Woolcott, P Australian Government Ambassador for the Environment,

<http://www.theguardian.com/environment/planet-oz/2015/nov/19/australias-lead-public-servant-for-global-climate-talks-reveals-hopes-and-fears-for-paris>

### ***Equality of opportunity***

The importance of equality of opportunity in achieving a sense of community, of rights for all, has been discussed earlier in an international context.

The move to recognise Indigenous Australians in our Constitution is long overdue. The changes envisaged in general terms at this stage are not merely symbolic. How rapidly can recognition be achieved?

More generally, Australians have regularly demonstrated that we do not want a society characterised by inequality of opportunity. How do we strongly discourage ideological approaches in future which seek such an outcome?

### ***The “greater good” vs. self interest/ vested interests***

Understanding the meaning and expression of the “greater good” or public interest that is peculiar to us as Australians is indispensable in guiding the building of solutions to many of our more complex challenges.

The ‘greater good’ functions as a type of short hand; a reminder that beyond our individual pursuit of material self-interest, we possess substantial shared interests and face a common future. The very act of talking about the “greater good” provides the occasion to think anew about the possibility of collective purpose.

To take one example, how does the unusual concentration of mass media in Australia

impact on community views, for example, on climate change?

Jonathan Holmes<sup>18</sup> of Media Watch, comments that “*News Corp’s papers, websites and apps are still read daily by a higher percentage of Australia’s population than is reached by any other single publisher in any other sizeable democracy in the world.*”

*Andrew Bolt, Miranda Devine, Piers Akerman, Terry McCrann, Paul Kelly, Chris Kenny, Janet Albrechtsen, and others.... – the list of News columnists who are sceptical of, or openly derisive about climate change science goes on and on.*

*I can’t name a single one who makes it their business to convey to News Corp’s readers, in vivid journalism, the scientific consensus on global warming”.*

This pointed reluctance to consider the “greater good” by at least devoting some attention to the other side of the debate (in this instance the climate change debate) in an open and transparent way, is instructive.

Elected members at national, provincial and local levels all carry a major responsibility to protect the broader community’s best interests. However, they are inherently vulnerable to excessive lobbying by big business, gambling interests, unions, think tanks and many others, with a likely reduction in transparent outcomes being the result. The activity creates major potential for conflicts of interest.

How fully is our community aware of the way in which special interests including the media

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<sup>18</sup> <http://www.theage.com.au/comment/climate-change-debate-comes-down-to-choosing-sides-20151130-glc252.html#ixzz3t6bVzjis>

operate in our country and the impact this can have on our democratic society?

Let us turn briefly to a few examples where vested interests have had the potential to be harmful to Australian society.

The efforts of certain media interests in attacking the ABC and strongly supporting large cuts by government to its budget in recent years rang alarm bells with many Australians. A weaker (or abolished) ABC would potentially deliver competitive advantages to large media players.

Ross Garnaut<sup>19</sup> recently warned that *“tax grabs by corporate interests in Australia and the US are putting the economy at risk and calling into question the future of democracy,”* reinforcing the need for robust government interaction with large vested interests in the interests of the “greater good”.

It also needs to be said that inappropriate Union lobbying of labour governments has the potential to distort policy development and requires public vigilance.

The funding of political party election campaigns through private donations continues to be fraught with danger. Recent publicity linking the 2014 rezoning of large areas of Port Melbourne land to CBD purposes with the major landowner beneficiaries allegedly including political donors, reminds us of the need for transparency and vigilance.

### ***Terrorism/extremism***

Of course the most dramatic current pressure on democratic societies is from terrorism with the recent Paris horror, following attacks in

Turkey and Lebanon and being followed in turn in Mali and now it seems in California. The response of some politicians and commentators has been noteworthy for its simplicity and desire to inflict harm. Our Government has not chosen to follow this path, calling instead for cool heads.

Sarah Gill <sup>20</sup> comments that “the eagerness of many of us (here and abroad) to cling to a simplistic narrative reflects our inability to deal with complexity in the terrorism debate and to confront our own prejudice”.

“The predictable enthusiasm for tightening up and cracking down will only polarise our communities further; hardening hatreds, stoking misguided sympathies, and shutting down any opportunity of nuanced or rational debate.

The threat of terrorism, often by locals, is weighing heavily on all countries.

### ***Dealing with change - Fear/ Politicisation/Ideology***

Fear is a major enemy of an open transparent society. Governments that emphasise opportunity rather than fear are showing leadership to their citizens - much as Malcolm Turnbull is doing now in comparison to the fearful Team Australia based approach of recent years. “We have nothing to fear but fear itself” was the catchcry of FDR in the desperate 1930’s depression years in the US, as he exhorted the public to look for opportunity.

Australians do not entertain extreme ideology of any persuasion for long. Many were manipulated into a sense of fear and crisis in

[aftermath-flaws-in-the-same-old-official-narrative-on-terrorism-20151123-gl5mdm.html#ixzz3sSePzb9k](http://www.theage.com.au/comment/paris-aftermath-flaws-in-the-same-old-official-narrative-on-terrorism-20151123-gl5mdm.html#ixzz3sSePzb9k)

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<sup>19</sup> Peter Martin, The Age, November 5, 2015

<sup>20</sup> Sarah Gill, *Paris aftermath: Why resort to the flawed clash of civilisations narrative?*, The Age, November 25, 2015  
<http://www.theage.com.au/comment/paris->

2010 to 2013 by a coordinated campaign by sections of the media, by misleading statements by political leaders and by the chaotic squabbling we saw between Gillard and Rudd supporters at the time. All of these factors contributed to the electoral defeat of the Rudd Government but the fabrication, misrepresentation and visceral approach taken in the dominant political messaging at that time was of a character that I have not witnessed in the past 40 years in Australian politics.

It conveyed to me - with its many shrill unsubstantiated messages, exaggerated propaganda claims and denigration of dissenting voices - overtones which were reflective of reported early 1930's politics in Europe.

The vitriolic, dumbed down and divisive manner in which politics at national level has been carried out in the last 5 or so years cannot continue. The focus has often been on the short term political opportunities rather than the policy issues and longer term benefits to this country. Trust with the community has been eroded - by both sides of politics.

How Australians have noticed the relative calm and lack of frenzy of the Turnbull Government compared to recent years.

## **6. WHAT TO DO?**

How can we improve community awareness and engagement, especially of younger Australians?

### ***Rebuilding Trust in our Leaders***

I contend that the last 5 years are not representative of the great bulk of Australian political activity at national level in the past 40 years. We should expect and demand that the

tone of debate in the national Parliament reflects a stronger focus on policy, rather than revisiting the adolescent undergraduate politics of the recent past.

### ***Improving community engagement in government decision making,***

The South Australian Government believes that governments have lost the art of talking to the people about their concerns and involving them in the solutions and have launched their [Reforming Democracy: Deciding, Designing and Delivering Together](#)<sup>21</sup> policy which seeks to explore and trial ways that build democratic reform.

The South Australian Premier, Jay Weatherill talks of traditional consultation processes as limiting opportunities for representatives of the 'silent majority' to deliberate on important policy questions.

People want the process to be better than it is but they also want meaningful ways to participate in it.

South Australia is setting up new tools for public policy guidance such as Citizens Juries which consider public policy dilemmas on key issues – such as “How can we ensure we have a vibrant and safe Adelaide nightlife?” in 2013 and “Sharing the Road Safely” in 2014. Other State, Territory and local governments have utilised this approach to address issues like infrastructure, budgeting or reforming the electoral system.

SA's citizen jurors are reported to have responded well, focusing on what is in the best interest of the broader community, and delivering considered judgments.

The old days of “announce and defend” decision-making by Government are over. A

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<sup>21</sup> <http://yoursay.sa.gov.au/reforming-democracy>

new era of genuinely engaging people – of “debate and decide” – has arrived.

Wetherill believes *“The more we authentically engage with people, the better the chance the community will understand the trade offs of different choices, reach consensus, and commit to a change that can bring wider community benefit – based on the common sense judgment of everyday people.”*

### ***Improving equality of opportunity in our society***

We all need to challenge the inequality of opportunity existing in our society and to demand answers from the elites.

This requires us to be engaged enough in order to understand and address the causes of inequality. We need to be prepared as a nation to support those who require some community assistance to have a fair shot at a meaningful life as full participants in an open prosperous, egalitarian and forward looking society. We are at our best when we are guided by the greater or common good.

Recognition of Aboriginal and Torres Strait Islanders in our Constitution will provide energy for broader acknowledgement of the important place of Indigenous Australians and their culture in Australian society.

### ***Seeking the “greater good” as an offset to self interest/ vested interests***

We should develop a strong awareness of the “greater good” or the “public interest”, encourage fellow Australians to do so, and always require our governments to give effect to it, especially the adoption of policies which are socially inclusive. We expect governments to govern for all Australians, not for some or for special interests. We need to better

understand the part that powerful interests can and do play in government decision making - and support measures to improve transparency in government decision making.

We need to be wary and suitably cynical towards opinions expressed by the mainstream media. Excessive concentration of commercial media in one proprietor’s hands is a major issue for any democracy.

Look to build greater respect for facts versus opinions, for evidence - and seek those facts – and encourage others to do so - as much as possible.

### ***Countering extremism***

We must continue to seek to counter radicalisation of individuals by reducing real or imagined dispossession and reaching out to all in our communities as we have traditionally done.

As Laura Tingle<sup>22</sup> has noted, disadvantage as a cause of alienation, after all, is hardly a new phenomenon. We must continue to build our inclusive society, with its respect for diversity and pluralism, its tolerance of difference.

Kenan Malik<sup>23</sup>, the London-based writer, lecturer and broadcaster, sums up the Paris terrorist attacks in the following terms:

“What the terrorists despised, what they tried to eliminate, were ordinary people, drinking, eating, laughing, mixing. That is what they hated – not so much the French state as the values of diversity and pluralism.”

### ***Being optimistic about change and opportunity, rejecting fear and ideology***

We must refuse to be fearful of possible change. Australia has always been a progressive society, adopting change we

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<sup>22</sup> Laura Tingle, *Malcolm needs more Broadmeadows, less Thucydides*, Australian Financial Review, November 27, 2015,

<sup>23</sup>See: <http://www.theage.com.au/comment/these-terrorists-are-not-political-they-hate-our-cultural-values-20151117-gl1gvo.html#ixzz3sCNC4RhB>

thought beneficial. By all means we must be hard headed and discerning in our assessments of potential change - but we should never be fearful and we must look for the opportunities which change brings – as it always has. This has been a strong message in recent weeks from our Prime Minister.

***Do what ever you can to improve our democratic society***

Father Frank Brennan, SJ, AO relates the comments of Hal Wootten<sup>24</sup>, foundation Dean of Law at the University of New South Wales. Wootten spoke of the “little nudger” view of history in which all of us who wish to contribute, to make a difference, can nudge things along in the right direction within our profession, our discipline, in our relationships, in our world. If each of us keep nudging, every now and again there will be *“people in high places who have the wisdom, the vision and the courage to seize the opportunity and bring the work of the little nudgers to fruition in a form that will command authority and survive”*.

***Spread understanding and knowledge about Australian democratic society***

Accessible materials need to be developed which convey the depth of our conventions and culture and how they in turn provide support for a more transparent, open and fair society. Innovative and interesting means to bring this material to the notice of the community especially adolescents and young adults, and to stimulate their interest, need to be devised.

Eureka’s Children, endeavours to build support for a more effective democratic society. We publish information regularly in our Liberty newsletter and on our website, support seminars and relevant publications,

network with representatives of commemorative societies from other goldfields areas, participate actively in annual Eureka celebrations in Ballarat, Melbourne, Canberra and Sydney, conduct annual Eureka commemorative dinners and annually nominate a recipient of the Eureka Democracy Award –to recognize an individual or organisation that has, through their endeavours, contributed to strengthening of democratic traditions in Australia. The 2015 recipient of the Award, on Thursday last in Canberra, was Father Frank Brennan, SJ AO, and the award was in recognition of his commitment to social justice and to the public policy debate in this country.

Frank was also our guest speaker and his inspirational address focused on human rights - refugee and asylum seekers rights, aboriginal rights, providing for same sex marriage and more, linking these issues and an Australian Republic to the Eureka spirit.

The Award seeks to ensure that the vision of freedom and democracy that was at the heart of the Eureka events is kept alive in contemporary Australian culture; a cause which is now strongly supported with the establishment in 2013 of the new Museum of Australian Democracy at Eureka.

MAD is such a wonderful physical and virtual resource and vehicle to promote democracy to the wider world and engage the community, especially young Australians, in better understanding the characteristics of Australian democracy and its supports - plus the role that Eureka played in its development.

Peter Fitzsimmons, guest speaker at our 2013 Annual Dinner, is the new chair of the

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<sup>24</sup> Brennan, F SJ *Amplifying that Still Small Voice*, 2015, ATF Theology

Australian Republican Movement. He needs our support. The process of debating the move to a republic, to finally emerge from our colonial past, will provide a special opportunity to better explain to our community the democratic society and system of government we enjoy in our country – a most valuable opportunity to build awareness.

Surely it is time we had the confidence to govern ourselves fully, to stand together as grown up citizens, to show respect and give at last ultimate effect to the vision embodied within the 1854 Charter of Bakery Hill, “the people are the only legitimate source of political power”?

I have attempted this morning to outline some of the history of our Victorian and Australian democracy, some of the challenges we face and some actions we could take to improve our democratic society. I ask each of you to consider those challenges and to identify actions you will take to be “little nudgers”, to make a difference.

Professor John Molony reminds us that *“The men and women who had been at Eureka knew that in this new land, the right to stand up against tyranny, to be treated with respect befitting a human person and to hope in, and work for, a better future, is inalienable. They knew that those things had been fought and died for at Eureka. They had stood up for a freer, more democratic society and we are all the beneficiaries”*.

**Thank you.**

**Eric Howard**