

Transcript for the Hon. Julia Gillard's oration

This is the transcript for the Hon. Julia Gillard's oration at the [Michael Kirby Lecture on 26 August 2015](#).

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Andrew Clarke

Welcome and good evening, my name is Andrew Clarke and I have the great honour of being the Inaugural Dean of the College of Law and Justice. It's with great pleasure I welcome everyone here this evening to the fifth annual Michael Kirby Justice Oration to showcase the College's vision of access to justice for all.

I would like to acknowledge the elders, families and forebears of the Wurundjeri and Boonwurrung tribes of the Kulin Nation, who are the custodians of University land for many centuries. We acknowledge that the land on which we meet was the place of age old ceremonies of celebration, initiation and renewal. And that the Kulin Nation peoples' living culture had and has a unique role in the life of this region.

This year's oration will be delivered by the Honourable Julia Gillard and will be introduced by the Honourable Michael Kirby ACCMG. I would like to particularly welcome special guest tonight Mr George Pappas, the Chancellor, welcome George. Mr Peter Dawkins the Vice Chanc – Professor Peter Dawkins the Vice Chancellor, welcome Peter. Nicola Roxon. Justice Bennett, thank you very much for coming. Amanda Chambers, President of the Children's Court. Mr Michael Danby MP. Chief Magistrate Peter Lauritsen. I also welcome Mr Robert Richter QC of the Victoria Bar. Mr David Denton QC. Professor Murray Gerkens. Mr Denis Nelthorpe. Professor Peter Zablud. Mr David Bailey and Peter George – great friends of this college. In addition tonight we are joined by a very illustrious group of alumni and students. And so welcome to everyone tonight, it's a fantastic occasion for all of us.

I would now like to introduce Michael Kirby who's been a wonderful friend to this college for many years. Michael served with great distinction on the High Court of Australia from 1996 to 2009 – thirteen years of wonderful service to the nation's highest court. And Michael has been a great friend, colleague and mentor to many of us in this College of Law and Justice. So, on behalf of everyone welcome Michael, thank you.

[applause]

The Hon. Michael Kirby

Chancellor, Vice-Chancellor, Dr Gillard, Dean and all other very distinguished guests, thank you for being here tonight on this wonderful occasion. It is very difficult to conceive of a greater honour that one could have to deliver the oration that has been named for me, than to have Julia Gillard here to do so tonight. She is an Australian of the greatest distinction, our twenty-seventh Prime Minister, a person who served our country with great achievements. Achievements in the domestic field. Achievements in the international field.

Julia Gillard presided over the Australian nation and its economy during an extremely testing time, during one of the greatest challenges to the economic wellbeing of the country. She gave leadership in the fields of education, from childhood to university education. In the field of health, from childhood to old age. In the field of climate change, with her legislation on emissions trading. Path-breaking legislation on protecting and respecting people with disabilities. Her reconstruction of the telecom industry and many other important legislative achievements. She also in international affairs strengthened Australia's alliance with the United States of America, reconfigured our alliance with the People's Republic of China, upgraded our much neglected relationship with India and continued and re-strengthened our relationships with Japan, the Republic of Korea and Indonesia.

I saw her when she was chairing CHOGM, the Commonwealth Heads of Government Meeting in Perth. And I saw the way in which all of that very male collection of Prime Ministers with one, I think, exception, had to pay deference to her for her position and her obvious command of that meeting. She participated in the G20, in a NATO meeting, in APEC. She secured the G20 for Australia.

Since she left office as Prime Minister she has been mainly engaged on the international sphere. She has an appointment at the Brookings Institution, a very famous think tank in Washington DC. And in fact was there when I was in Washington DC struggling with issues of North Korea. She is an honorary professor of the University of Adelaide. She is patron of that wonderful organisation, Beyond Blue, and I pay great respects to her for association with that organisation and also to Jeff Kennett for his commitment to that cause. She's admired by many Australians. She's particularly admired I think we can say, and loved, by women in Australia, for whom she is a mighty symbol. The first woman Prime Minister, twenty-seventh Prime Minister, but the first woman – that says something I think. And it's a statistic we can't really be proud of.

She is the fifth in a series of orators for this oration. I, myself, gave the first one in 2010 on issues of international law. Chief Magistrate, then, Ian Gray, now Coroner of Victoria, gave his oration on sentencing and other controversial issues. The Honourable Justice Yvonne Murphy gave a very moving oration on church and state and the challenge of investigating child sexual abuse with religious organisations in Ireland. Last year I was at this podium to welcome Julian Burnside QC who gave a moving oration on the issue of refugee law and policy in Australia.

And tonight Julia Gillard will give the fifth oration. Her oration is on the subject Education and Social Justice: the Global Education Agenda and Improving Our World. Because when Julia Gillard laid down the responsibilities in politics and as Prime Minister in Australia she entered upon a new phase in her distinguished journey. A phase that shares her with the international community, that is one which has been committed to the birthright of every human being on this blue planet, to have the right to education. She's going to speak on issues of education and social justice and the global agenda and that is an issue which we Australians have to be involved in, knowledgeable about and committed to. So it is a great honour for the university, which has awarded to Doctor Gillard the honorary degree of the university, and it's a great honour for me to invite the Honourable Julia Gillard to give the fifth Michael Kirby Oration at this wonderful institution! Dr Gillard.

[applause]

The Hon. Julia Gillard

Thank you very much. I start by acknowledging the traditional owners of the land on which we meet in a spirit of reconciliation paying my respects to elders past and present. I'd like to acknowledge:

- Mr George Pappas, Chancellor, Victoria University,
- Professor Peter Dawkins, Vice Chancellor,
- The Hon. Justice Bennett,
- Chief Magistrate Peter Lauritsen,
- Ms Susan Young, Dean of Students, Victoria University, and
- my great mates Nicola Roxon, Michael Danby and Amanda Chambers, now President of the Children's Court.

I acknowledge the presence of The Hon. Michael Kirby AO QC and want to express my delight in being here to give a lecture in honour of such a great Australian.

Michael Kirby's razor sharp mind took him to the commanding heights of our legal system as a High Court judge. In the days since his retirement we have been privileged to see that forensic mind in service to the cause of human rights as Michael has laid bare the horror of human rights abuses in North Korea.

Michael, thank you for your continuing contributions to justice for all and decency in our world.

At the outset of tonight's lecture, I feel morally bound to reveal I will not be delivering an address on the advertised topic of 'The Global Education Agenda and Improving Our World'.

Given how passionate I am about education, I can assure you I have not switched theme lightly.

What is motivating me is the sense of concern I have developed over the last few weeks about the proposal to have a plebiscite or referendum on same sex marriage. I am genuinely troubled about this proposal's potential long term ramifications for our democracy and its capacity to sustain reform.

Indeed, I am so worried, that as a former Prime Minister, I feel a responsibility to respectfully lay out a case for rejecting this idea of a plebiscite or referendum and, with your indulgence, I intend to do so this evening. Indeed, given the important lessons Michael and his much loved partner Johan have taught our nation about bravery, honesty and inclusion, there could be no better occasion than tonight for me to make these remarks.

Let me start by making it clear that well before there was any suggestion of a plebiscite or referendum, I was focused on our democracy's ability to deliver the kinds of reform our nation needs in this fast moving world.

I wrote extensively on this in the recent update to my book, 'My Story'. Let me rely on that analysis to explain to you my underlying anxiety.

Living in a democracy with the freedom to advocate for the things we believe in is a wonderful luxury. Yet, the evidence tells us that citizens who live in democracies tend not to wake every day thanking their lucky stars for enjoying rights and freedoms that are denied to so many.

Instead, right around the world, we find that citizens lack trust in their politicians and fewer are satisfied overall in the way their countries are going.

What is driving this wave of dissatisfaction about the functioning of democracies?

With all due apologies to Jane Austen, my best summation is captured by the words 'sense' and 'sensibly'.

It makes sense that in a world of constant change, those hit and hurt by it want to lash out. Think of the circumstances of unskilled or semi-skilled Western working men. Challenged by economic change, the gender revolution and the migration of people, culture and ideas, every reality they thought they could rely on has given way under them. Anger is an understandable response. An easy target for that rage is the mainstream political class, who preach about the inevitability of globalisation, the need for more modernisation, the requirement to respect diversity, all the while leading seemingly pampered lives. How easy is it to conclude that these besuited men and women are out of touch? A feeling of disenfranchisement joins the anger.

Then there is the impact on sensibility brought about by the revolution in how we communicate with each other as human beings. New technology has changed everything from the way we get our news about the world, to how

we share a story with our family, to how we find our friends and lifetime partners, to how we engage in political activism.

Speed is everything. More immediate information about events in our world is available to people than ever before from both the professional news media and through social media from people on the scene.

There is much to celebrate about the fact that when we need information, we now get it quickly. But at whatever pace events are happening, even on the slowest of news days, huge volumes of content have to be generated at speed, which means inaccuracy abounds, the finished product is quick not deep. Both puff pieces and bilious words of criticism proliferate. Consumers respond by clicking quickly, by skimming, not studying.

Consider the words of Bill Keller, a former editor of The New York Times, a voice of experience who says, 'The hyperactive news world we live in cuts a couple of ways. You have to scream louder to be heard above the crowd. The idea that you would slow down a story, report against your assumptions, dig a little deeper from that source who might have a different take on things, that runs against the metabolism of the Internet age.'

It is truly amazing to be living through an age in which so much is new. But the reactions of human beings to so much change can prove unpredictable.

Indeed, even good predictors of the future can find themselves confounded.

My predecessor in the electorate of Labor, Barry Jones, puts it this way: 'A fundamental mistake was made by many writers, myself included, about the impact of the IT revolution. We assumed that access to new technology would open people up to the world, that people would seek out the universal and long term. Instead, technologies such as the iPhone have reinforced the realm of the personal, as exhibited in social media, with its emphasis on the immediate, the next few minutes, concentrating on family and close friends, reinforcing existing views.'

What is the impact of all this on the functioning of democracies?

Day to day, democratic debates just do not cut through into most people's 'realms of the personal'. What gets in is the shrill stuff, the cutting grab, the words of abuse in Question Time, a disconnected story of complaint.

Around the world the media knows all this only too well, so in the fight for eyeballs on content, politics tends to be delivered as the subject of parody or over-hyped yelling.

To achieve the effect of screaming loudly, media reporting ends up conforming to a small set of rules. Yesterday is forgotten. Stories are not reported as the logical extension of a reform policy started many years ago. God forbid that anything pumped out today should look old. Instead a move in health or education or on jobs is reported as wholly new and devoid of any of the context that may help a reader to understand it.

Nuance is too rare. All complaints are highlighted. Never expect a rounded picture of the world in which we live, the need for a particular reform, the debates about the shape that should take, the specific structure of the reform the government has decided on, a description of what it is trying to achieve, the risks inherent in the process, an analysis of who benefits and who bears any burden and so on.

In tabloid journalism, much of this is not new. For many years now we have been reading articles that shriek 'crisis' in relation to moderate policy changes with modest impacts. What is different now is the likelihood that no careful analysis will appear anywhere. No one has the time to do it and the cycle moves on at such warp speed, a thoughtful piece that took days to produce would be viewed as 'old news'. All this brutally undermines democratic reform conversations.

Just as the media has responded to changes in the way politicians conduct themselves, politicians adapt to the media. If the wildest complaint, the nastiest grab, the most partisan flourish is what is going to get reported, then the political class will be only too willing to supply it.

The majority of citizens hear the screaming, shrug their shoulders, conclude the whole lot – journalists and politicians – are hopeless and retreat into their own real and digital worlds.

Within our own democracy, I think there are a number of Australian-specific phenomena that turbo charge these trends, including a narrowing by many of what is legitimately viewed as 'reform', a media addiction to leadership debates and the impact of the concentration of ownership in our media market. I canvas each of these at some length in my book.

But for tonight's purposes the point of this analysis is to demonstrate that within Australia's democracy this is a difficult age in which to sustain deep reform conversations and to build public acceptance of vital change.

Not an impossible age for reform – during my time in government on a variety of fronts we proved big changes can be successfully implemented.

But it is a difficult age, and as each trend I have pointed to continues to accelerate, the degree of difficulty will increase.

Yet, this is also an age in which on-going reform will be vital. As my Government's central policy paper 'Australia in the Asian Century' made clear,

we can choose to prosper by being agile and innovative as the opportunities of this century present – or we can be moribund and left behind.

What makes reform harder in an age like this?

One could point to many factors – hyper partisan, negativity, lack of purpose, rejection of science – but surely the one at the top of the list must be inviting electors to believe that parliamentary decision making is an inadequate, even shoddy, way of creating change.

This is the real danger of the proposal for a plebiscite or a referendum.

As we all know, there is no logical reason for having such a vote on same sex marriage.

No constitutional change is actually needed.

No referendum has been required in the past to change the Marriage Act.

No plebiscite was seen as necessary when the traditional approach to marriage was changed through the introduction of no-fault divorce.

Enabling voters to express their views via the ballot box does not require a plebiscite or referendum. If all political parties had a conscience vote or clear policy, then in line with our normal democratic workings, people could question political candidates about same sex marriage at the next election and decide to vote for a candidate who reflects their views.

With no logic to support it, the only foundation stone for the idea of a plebiscite or referendum is an appeal to the all too popular sentiment that politicians are inadequate, that their decision making is somehow deficient.

The derisory references to the 'politicians' choice', makes the blunt nature of the populist appeal clear.

There is truly something absurd about politicians themselves inviting the public to conclude that politicians are not up to making a decision. Particularly so, when it is actually in our nation's interests to be bolstering belief in the capacity of our parliamentary system.

The speed and temper of our times is already working to undermine faith in the ability of democracies to cope and to embrace reform. The bonds that bind government and the governed together are already fraying.

Enabling our nation to ready for the future, to adopt the continuing stream of big changes necessary, requires thoughtful strengthening of those bonds, not unusual tactics calculated to increase the wear and tear.

All this means a plebiscite or referendum is an idea of superficial appeal and long lived dangers.

This is true even before you turn to the almost unanswerable question about where the lines should be drawn in the future on plebiscites and referendums if we proceed down this path in today's politics.

Let me turn now from this general analysis to the impact of these recent weeks on my own personal views. To be frank, the nature of Australia's contemporary debate on same sex marriage has caused me to re-examine some fundamental assumptions I have held about this debate.

As many of you in this room are aware, I voted against same sex marriage when changes came before the Federal Parliament. I ensured my political party had a conscience vote and I did not seek to influence the vote of any one within my political party on the legislation itself.

I am aware that this vote by me was viewed as odd by many given what they know of my broader values. I am keenly aware my position was idiosyncratic. One of my staff members summarised it as that of a 1970s feminist. At least he had the courtesy to not call me a broken down 1970s feminist!

At the ALP National Conference at which I was Deputy Prime Minister, the principal discussion in relation to Labor's policy position centred on civil unions, a claim brought before the conference by many LGBTI activists. I thought in this campaigning lay the potential to create a new and modernised approach to the recognition of committed relationships, both heterosexual and homosexual. Given the 1970s feminist in me saw much to be concerned with from a gender perspective with traditional marriage, I thought the better approach was not to change the old but to create something new through civil unions.

However, in the years since, the debate has quickly moved on, and the claim for civil unions has been discarded in favour of a campaign for same sex marriage.

In my time post politics as key countries have moved to embrace same sex marriage, I have identified that my preferred reform direction was most assuredly not winning hearts and minds.

In fact, I assumed what would likely happen next was that the Liberal Party would move to a conscience vote on same sex marriage and, inevitably at some point, the parliament would vote to amend the Marriage Act to allow for same sex marriages.

Being outside the Parliament, I would not have a vote in this process. After the vote was successfully taken my position would have been overtaken by history, something which would have caused me no heart burn.

Now, given the discussion of a plebiscite or a referendum, I find myself in a world where these assumptions have been upended.

As you know from my earlier remarks, I think it is vital that the proposal for a plebiscite or referendum is put to one side. I also think it is important that the matter is now resolved through a conscience vote by the parliament as promptly as possible after the next election so that no more potential twists and turns can loom up. Of course, like everyone else in this room except Michael Danby, I would not have a vote in that debate. But if I did, I would vote yes.

If, much against my views about what is best for our nation, a plebiscite or referendum is held on same sex marriage, then as a voter, I would certainly cast my ballot in favour of same sex marriage.

Then I would watch with wry amusement as some disgruntled wag suggested that the next plebiscite should be on parliamentarian's entitlements. After all, they could reason why should parliamentarians set their own employment terms and conditions?

I will leave it to your imaginations to come up with more tongue in cheek examples.

Indeed, for amusement value you could watch the old movie *The Rise and Rise of Michael Rimmer*. Released in 1970 and co-authored by Peter Cook and John Cleese, amongst others, it charts the rise to absolute power of advertising agent Michael Rimmer. As Prime Minister, he establishes direct democracy to allow every citizen to vote on every issue. Initially enthused, the voting public soon wearies of being summoned in the middle of the night by a siren on top of the television to vote on urgent policies and ends up transferring untrammelled power to Rimmer.

Fortunately, our world is very different to this dark satire.

Australia is an open and tolerant place, with enormous strengths. One of those strengths is our democracy, one of the oldest continuing democracies in the world.

Our parliamentarians have been called on to make decisions about peace and war, life and death, the pursuit of prosperity, the embrace of fairness. It is my respectful submission that our parliamentarians, in an exercise of good conscience, can make and should make any decision about same sex marriage. Our nation, particularly at this point in our history, when so many big choices lie in front of us, is not advantaged by anyone in the political class pleading their incapacity to be a decision maker.