

The Fair Go: Nationhood, Australian National Identity & Democracy

A submission to the Committee Secretary, for the Senate Legal and Constitutional Affairs Committee ... *from* ... Jon Cocks

I am a retired teacher, a writer and podcaster. What follows are my opinions alone.

This submission addresses the Australian '**Fair Go**' primarily on:

- **Democracy**, in relation to the rights and obligations of citizenship
- **Responsibility** of the state to its citizens
- **Social cohesion** and **cultural identity** in the nation state, along with
- Contemporary notions of cultural identity and **regionalism**

This submission takes issue with Prime Minister **Scott Morrison**'s conditional interpretation of what constitutes a **Fair Go**, but it offers a way forward.

In Australia, the Fair Go purports to be part of our culture, but is it truly a democratic and egalitarian ethos for our nation at this moment in time?

Australian leaders have a moral obligation to **pay forward the Fair Go** for the majority of the population.

This submission reminds Parliament that high office is a sacred calling, and not some prize at the end of a long, bloody struggle.

It proposes a major Parliamentary culture shift away from what is widely perceived in the electorate as entitlement and self-centred bombast. Those in high office are privileged to serve. High office is not a personal reward for graft and ambition.

This submission argues that, as demonstrated by the credibility gap between the rhetoric of our elected leaders and their actions, the traditional notion of the Fair Go **no longer exists**. It puts historical perspective on it and offers suggestions as to how we might revisit the Fair Go and enshrine its values in our national consciousness.

The Fair Go should be defined and embedded in the Constitution.

A **Constitutional Fair Go** should require elected officials to **pay forward** to the electorate a Fair Go on **social justice, equality** and **care for the land and our waters**, with the corollary that all who benefit will perpetuate a **culture that pays good fortune forward**. That is a far cry from what happens now.

'I believe in a fair go for those who have a go,' Morrison stated during the opening press conference of the 2019 election, 'and what that means is part of the promise that we all keep as Australians is that we make a contribution and don't seek to take one ... so under our policies, **if you're having a go you'll get a go**. And that involves an obligation on all of us to be able to bring what we have to the table.'

The Prime Minister offers his version of ‘a fair go’ as a *conditional outcome* of ‘having a go’, linking two standard idioms of Australian English. According to Scott Morrison, you have to ‘have a go’, *as a primary obligation* to get a ‘fair go’.

Australians have always understood a Fair Go to be the true expression of the treatment we expect from one another, a reflection of the Golden Rule expressed in the Gospels according to Luke and Matthew: ‘Do unto others, as you would have them do unto you. We should *all* be accorded **respect and equality**.’

But some of us, as Orwell observed, are ‘more equal’ than others.

What if an individual is trapped in a cycle of poverty and has nothing to bring? Pensioners, chronically under-employed or unemployed: plenty of disadvantaged profiles come to mind. How much harder is it for a disabled single mother to have a go, under our Prime Ministerial definition of the term?

Are our society’s disadvantaged getting a genuine Fair Go?

Do the privatised Job Clubs, operating on skinny profit margins, offer a Fair Go?

Does the highly automated, skin-and-bone Centrelink give the unemployed a Fair Go?

Are our society’s disadvantaged obliged to be able to ‘make a contribution’ – say, private health cover, or private school fees, or similar - and *not* seek to ‘take one’?

Much of the Australian population can’t afford private health cover.

In what monetary way can a disadvantaged person make such a contribution?

And what is a contribution, other than paying tax? That kind of ‘having a go’ hints at scenarios in which any service, like Medicare, will incur a cost.

As citizens of a First World country, Australians have rightly come to expect that our government will give its disadvantaged a fair go in relation to some help, while they do what they can to find employment.

Why should the Prime Minister state that the vast majority of the population on low to medium level incomes should *not* seek to ‘take’ a contribution, like Medicare, or child payments, or the frozen-for-two-decades Newstart benefit?

Is that a Fair Go for all those citizens scratching a living from pay to pay?

What if one’s penury is such that the heater is off in winter to save on power bills?

What if one must skip meals in order to pay the bill?

The austerity inherent in the Morrison tax cuts point firmly towards a steady reduction of government services in order to achieve his promised budget surplus.

Is that kind of economic rationalisation a Fair Go?

The tax cuts to lower and medium wage earners are painted in the conservative media as a boon to the average Australian, but are they a Fair Go, when stacked up against tax cut bonanza in store for the nation's wealthiest in a few years' time?

'The harder people work, the more they earn, the more they get to keep,' Morrison affirms. Does that mean, on his half million per annum salary, he works ten times harder than an aged care worker, beginning teacher, or emergency services officer?

Do we all get a Fair Go, when the wealthy minority donate to the major parties with the corollary that the benefactors will get what they want in return?

Gautam Adani and Gina Rinehart and their coalmining corporations benefit. Is it a Fair Go for all and the health of our environment that a few billionaires can influence Australian government carbon emissions policies with political party donations?

Is the ethos of the Fair Go inherent in the Coalition government taking the preferences Clive Palmer bought for them, while they look away from his failure to give his former Nickel Mining company employees their \$200m entitlements?

In employing accounting tricks to fudge the figures on meeting Paris Emission reduction targets, is the government offering the environment and indeed Australia's international standing on probity, integrity and honesty a Fair Go?

Are all the stakeholders in the Murray-Darling River system getting a Fair Go, given the well-documented water allocations and buy-backs, with profits for the wealthy going to tax havens in the Cayman Islands?

So ... *what* is a **Fair Go**?

Traditionally, the Fair Go stems from an ingrained social belief founded in our colonial past that all of us should be treated equally and with fairness, when founding New South Wales colonial Governor Arthur Philip began emancipating convicts.

Governor Phillip made it to Port Jackson with all eleven ships intact and only lost 45 people on the way, after eight months at sea. Insisting that everyone had a fair share of the rations available, Philip sensed that there could be onboard riots over food and indeed in the embryo colony, if old world inequities were perpetrated, and arguably laid the groundwork for a society based on egalitarian principles.

In allowing ex-convicts to seek careers and even office, Philip offered a prescient strategy to give heart and hope to those who had only known oppression.

After only two years, former convicts willing to work and better themselves gained emancipation and their talents were put to use in the colony. Francis Greenway gained his appointment as colonial architect from Governor Lachlan Macquarie, who succeeded Philip. In a classless society, anyone might rise by merit to positions of importance. It seemed if you had a go, you might get a Fair Go.

But that Fair Go did not extend towards the Eora, the local indigenous nation.

Traditional custodians of the land were not accorded the same courtesies. Culture and tradition were ignored, in favour of immediate, compulsory comprehension of Property Law, as defined by His Majesty's government. Failure to do so could and did result in consequences ranging from kidnapping, forced servitude and genocide.

Have the 400-plus indigenous people who have died in custody since 1991 and their families had a Fair Go?

Last century, A.O. Neville, an Englishman in Western Australia, in his role as Chief Protector of Aborigines, wanted to breed the blackness out of the aboriginal.

It was not until the second half of the 1960s that governments stopped raiding aboriginal settlements to remove children. It was not until 1967 that indigenous Australians were counted as citizens. Native title had to wait until late last century with the Mabo case and only in 2008, with Kevin Rudd's Apology, a full 220 years after the First Fleet's arrival, did indigenous Australia even begin to get a sniff of what might be phrased as a Fair Go.

The studied refusal of the Morrison government to give time of day to the Uluru Statement and an indigenous voice in Parliament is the dismissal of the Fair Go for an indigenous voice in government, despite its proponents 'having a go'.

Indigenous Minister Ken Wyatt appears to have been set up to fail, a token appointment by a government unprepared to enter into a treaty with its indigenous people. Australia is now the only nation in the world without such a treaty. 233 years have elapsed since the forced takeover of an ancient culture with a timeless Dreaming and sacred connection with its land and yet they have not yet had a Fair Go.

Ned Kelly and his family were denied a Fair Go, when entrenched late 19th Century colonial authority needed to keep its underlings in check. The Ned Kelly legend came from murdering people and robbing banks as a reaction to heavy-handed authority.

Australians to this day express admiration for anyone who is 'as game as Ned Kelly'. And we feel empowered at least to feel like we might cut down some tall poppies, if we don't feel as if we are getting a Fair Go. But is it right to behave that way?

It cuts both ways: those without wealth are moved to seek short cuts to obtain it and those who have it seek ways and means to keep it for themselves. That said, is it a Fair Go that Newstart has been frozen for so long? Is it a Fair Go for our society that there are too many ways for the wealthy to avoid paying taxes on assets and income?

And is it a Fair Go for the corporate world when recently retired politicians like Christopher Pyne and Julie Bishop can take private enterprise appointments for companies with whom they dealt in their government portfolios?

Australia had a basic wage set in 1907 and a standard working week of 48 hours long before most of the rest of the world. At least white male workers were getting a Fair Go. But the Fair Go was inherently racist and sexist, given that those working conditions were denied women and the indigenous.

Paternalistic white men in powerful positions can still use violent language and perpetuate a controlling mindset, if broadcaster Alan Jones keeps his 2GB contract.

Are women in general - and (NZ Prime Minister) Jacinda Ardern in particular - getting a Fair Go if Jones can get away with on-air remarks urging Scott Morrison to 'shove a sock down' Ardern's throat and give her a few 'back-handers' for saying Australia would have to answer to the Pacific for its climate change policy?

And can we hope for an Australian Fair Go that results in Jones having to endure restorative justice and pay restitution to all victims of his hateful rhetoric and his purported past dubious and exploitative behaviour?

Have the victims of George Pell had a Fair Go, given the decades since the offences and his sentencing?

At the Pacific Islands Forum, Morrison pressured Pacific leaders to remove from the final forum communique and climate change statement all references to coal, limiting warming to less than 1.5C, and setting out a plan for net zero emissions by 2050.

Are our Pacific neighbours - on islands gradually slipping beneath the surface of the ocean due to global warming - getting a Fair Go?

Did Deputy PM Michael McCormack give Pacific Island leaders a Fair Go, in his annoyance at their criticism of our climate change inertia? 'They pick our fruit,' he stated, as if somehow that makes up for any inconvenience they might be having with rising sea levels threatening to engulf their island homes for good.

Does his subsequent apology even have a shred of a Fair Go for Pacific Islanders, after his remarks recalled uncomfortably Queensland's 'blackbirding' past: islanders kidnapped to the cane fields and forced into back-breaking work for no reward?

Section 51, article 30 of the **Australian Constitution** is clear that '... Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to ... the relations of the Commonwealth with the **islands of the Pacific**.'

Is Morrison's intransigence over ongoing coal mine emissions from Australia in the spirit of the Constitution? Or is he just returning favours to the fossil fuel industry?

Section 51 of our **Constitution, article 19**, states that 'Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to **naturalisation and aliens**.'

Is it peaceful, orderly and good government to be exposed globally as a nation that keeps refugees imprisoned on small tropical islands? Are we giving those people a Fair Go, when we lock them up and prevent their entry into our country, where no doubt many of them could make a positive mark on the land that took them in?

And, in relation to **Section 52, article 28**, that ‘Parliament shall, subject to this **Constitution**, have power to make laws for the peace, order, and good government of the Commonwealth with respect to the **influx of criminals**’, has the government been true to the letter of our national law in its monitoring of the way Crown Casino operates and the individuals with alleged organised crime links allowed into this country in order avail themselves of Crown’s services?

Is it offering a Fair Go to all when donations to political parties in this instance appear to translate into visa fast-tracking for high rolling gamblers, while others escaping persecution in other parts of the world are held without trial in remote Pacific outposts with no timeline for relief from their torment?

The Fair Go for all should be put to a national referendum in order for it to become an article in an amended Constitution that incorporates:

- **Social justice for all**, including an indigenous voice in Canberra based upon the principles of the Uluru statement
- A cultural resolution determining **gender, racial and societal equality** for all
- A philosophy of parliamentary service enshrined in the notion that it is a **privilege to serve the nation** and that those elected to high office will **pay their good fortune forward** in service of the highest integrity
- A permanent **end to all political donations**
- A permanent **shut-down of extravagant political superannuation**, with parliamentary super reduced to realistic levels
- A reaffirmation of the lapsed parliamentary convention that **prohibited retired Parliamentarians from lucrative private enterprise appointments** for at least eighteen months, in which they might exploit inside knowledge to gain marketplace edge in competition for their employers
- A **zero tolerance** for opportunistic self-gain and **immediate establishment of a Federal ICAC** to which all elected officials and corporate bodies shall be subject without exception
- An **uncompromised carbon neutral approach to energy**
- An uncompromised set of laws that **protect the environment**, couched in traditional indigenous philosophy as to its preservation*

**In relation to the environment, Australia must pay forward our heritage of rich natural resources in favour of land, by honouring its traditional custodians and transitioning to a carbon-free industrial base, putting an end to land clearing, protecting existing forests and growing new forests to absorb existing carbon pollution, while Australian farmers and graziers must pay forward respect for the land in their transition to carbon neutral farming.*

Australian miners must pay forward restitution to our damaged environment, both land and sky, with transition into 21st century minerals (nickel, rare earth) and permanently close all thermal coalmining, gas fracking and drilling for oil, both on land and in the ocean floor of our territorial waters and those in the region.

Australian industry must pay forward a restitution to our damaged environment to make Australia a renewable energy giant and carbon-neutral economy by 2050.