

Fairley Lecture: 17 July 2019

“Building the Past, Building the Future: Immigration, Refugees, Multiculturalism”

Sir Andrew Fairley

Some years ago, I heard Michael Kirby give the Alan Missen Oration at Federation Square. He said, on that occasion, that an oration named after a person should say something about the person in whose name the Oration is given. He reminded me of it when I gave the Michael Kirby Oration in 2014. It was a useful hint.

The Fairley La Trobe Lecture is given in honour of Sir Andrew Fairley and gets the La Trobe bit because of La Trobe University’s role in presenting the lecture. At least, I assume that is the case, because I don’t plan to say anything much about Charles La Trobe.

Andrew Walker Fairley was born on 28 January 1884 in Scotland, at Grangemouth: about 20 kilometres west of Edinburgh.

When he was 2 years old, his family migrated to Melbourne, and settled in Shepparton in 1887. He was educated in Shepparton and later in Launceston.

His mother’s nickname for him was “Abb”, but no one seems to know why. He was known as Ab for the rest of his life.

In 1927 he became the first Mayor of the Borough of Shepparton and in 1948-49 he was appointed the first Mayor of the City of Greater Shepparton.

In 1947 he was made a Commander of St Michael and St George (CMG), and in 1951 he was made a Knight of the British Empire (KBE) in recognition of his service to the fruit industry and regional Australia.

Sir Andrew Fairley was instrumental in putting together the money needed to establish the Shepparton Art Museum (a brilliant place, now known as SAM). It was founded in 1937. Fairley had gathered the necessary capital, and SPC donated 25,000 pounds: an enormous sum in those days. It is no accident that the famous portrait of Sir Andrew Fairley was painted by Dargie.

Sir Andrew Fairley died in Melbourne on 15 April 1965, leaving a generous estate which was used to establish the Sir Andrew and Lady Fairley Foundation to benefit registered charities across Victoria. His Will included a substantial bequest to the Gallery in his Will.

Shepparton should be proud of its gallery: the Arts are arguably the most important form of human activity. Here is a simple experiment. Take a room full of people of average intelligence and education, and give them a list of names from the past few centuries and I guarantee that they will recognise, disproportionately, the names of artists: painters, composers, poets – not the names of accountants, lawyers or management consultants. Everyone recognises the name of Dickens and da Vinci and Tchaikovsky, sometimes without being able to tell you much about them except what they did. These same people will probably not recognise the names of any doctors or lawyers or economists from the same time.

17 July

As it happens, 17 July turns out to be a good date for this talk, given some of the topics I want to cover.

17 July 1717 saw the first performance of Handel's Water Music. Handel was embarrassed, because he had been Kapellmeister in the Court of George, the Elector of Hanover. Handel sought leave of absence so he could go to London, and in 1712 he decided to live in England permanently. Two years later, George, the Elector of Hanover became King George I of Great Britain. On 17 July 1717, – King George I of Great Britain sailed down the Thames with a barge of 50 musicians who played Handel's Water Music. It is probably no accident that Handel later wrote four anthems for the Coronation of King George II. The second of them, Zadok the Priest, has been played at every British coronation ever since then, including the coronation of King George V who, on 17 July 1917 issued a Proclamation that the male line descendants of the British Royal Family will bear the surname Windsor. Until then, they had been known as Saxe-Coburg-Gotha. Such a change, during the horrors of the first World War, is no great surprise.

On 17 July 1762 Catherine II (also known as Catherine the Great) became tsar of Russia after the murder of Peter III of Russia. The Russians do these things.

On 17 July 2014 Malaysia Airlines Flight 17 crashed near the border of Ukraine and Russia after being shot down. All 298 people on board were killed. So far as we can tell, it was another Russian assassination.

On 17 July 1998 a diplomatic conference adopted the Rome Statute which created the International Criminal Court: the first permanent international court with jurisdiction to prosecute individuals for genocide, crimes against humanity, war crimes, and crimes of aggression. The crimes covered by the Rome Statute were incorporated in Australian law in 2002, when section 268 was inserted in the Commonwealth Criminal Code.

Australia

As you all know, white settlement of Australia started in 1788: just 231 years ago. The original inhabitants had been here for 50 or 60 thousand years. To put that in perspective, human beings developed the idea of agriculture about 10 thousand years ago.

In his final speech as President of the United States, Ronald Reagan quoted from a letter he had received, saying: "You can go and live in France, but you can't become a Frenchman, you can go and live in Germany or Turkey or Japan, but you can't become a German, a Turk or a Japanese. But people can come to America from the four corners of the earth and become American."

I think the same can be said of Australia: people have come here from all over the world, and they become Australians. The people who did that have created the Australia we have today. And Sir Andrew Fairley is an obvious example. And as a person with a fair bit of Scottish heritage myself, I would venture to say that the Scots have been particularly significant in the creation of modern Australia.

The Fairley family was very significant in the creation of Shepparton.

With his brother Fred, Sir Andrew Fairley formed a business partnership which dealt in land subdivision, operated a large orchard and a grazing property, and built retail premises for leasing. Andrew became well known in Shepparton for his drive and business ability.

In 1921 he was invited to act as financial adviser to Shepparton Fruit Preserving Company (SPC), which Fred had established. Andrew became a director of SPC, which had run into

financial troubles. His business acumen helped revive SPC, but until it was back on its feet, Fairley refused to accept a salary or expenses.

He became chairman of SPC in 1924.

In 2002 SPC merged with Ardmona, to become SPC Ardmona. It was acquired by Coca-Cola Amatil in 2005. In the past 5 years, it has faced financial problems, and it is arguable that its best years were under the leadership of Sir Andrew Fairley.

SPC Ardmona Operations' address, here in Shepparton, is at Andrew Fairley Avenue.

One of the houses at Goulburn Valley Grammar School is called Fairley .

It is tempting to think that the young Andrew Fairley, as a child in Shepparton, never imagined who he might become, or how he might be remembered in future ages.

Fairley's success in rescuing SPC was the subject of an article in the Shepparton News in 1925, which included this:

“...we feel that we would be acting unworthily if we did not recognise the special service conferred upon the company by the present chairman of directors, Mr A.W. Fairley. He has been the helmsman who kept the ship on her proper course, his high courage enabling him to face the worst tempest without blanching ...”

Its purple prose also included reference to his “consummate business ability”, and it actively supported the idea of Fairley being appointed managing director of SPC, which happened the following year, 1926, when he was about 40 years old. Under Fairley's leadership, SPC became one of the largest co-operative fruit-canning plants in Australia.

Apart from the other bequests in his will, he left a legacy to each SPC staff member who had been with the company for 5 years or more.

Building Australia

Shepparton's fortunes have been built by people who came here from other places, and became Australians: the population includes people from Great Britain (which still includes Scotland and Northern Ireland, but let's see what happens after Brexit), from Sudan and the Congo, from Albania, the Punjab, Iraq and Afghanistan.

I would go so far as to say that Shepparton is a model of multiculturalism in Australia. The remarkable cultural mix in Shepparton is, in my view, an illustration of how modern Australia has built itself in the past, and an example of how Australia can build its future.

But let's be blunt about it: we have not always appreciated the value of people who come here from other places. When I was growing up in Melbourne in the 1950s and 1960s there were a lot of recent immigrants from Italy and Greece. Their real value to the country was not fully appreciated. Back then, Sunday lunch was lamb and 3 veg. These people had alien ideas. In the 1950s and even into the early 1960s, it was still exotic to have coffee with froth on the top; eating spaghetti which had not come out of a tin was a novelty; eating squid was an unthinkable horror. Our parents' generation called them “Ities” and “wogs”. Then, gradually, we realised that their values were similar to ours, and their culture could enrich ours. And it has.

And let's not forget how our culture has been enriched by people from Vietnam and India and Sri Lanka.

A fundamental challenge, when there is a great disparity between the new arrival and the existing culture is how to reconcile the inevitable cultural differences?

Some aspects of this are simple. Do we resist the establishment of Halal or Kosher butchers? Of course not. Do we recoil at the idea of sitting on the floor to eat? Hopefully not. But I do remember that in the 1950s and early 1960s coffee with froth on the top was regarded as curious and suspicious; and the idea of eating squid was impossibly alien and should be resisted at all costs!

Then, what of women wearing hijab, or a burqua? Or niqab – in which only the eyes of the woman can be seen? Do we make a fuss about this, or roll with it?

Shepparton seems to have worked its way through most of these questions. More importantly, it is able to look at the questions without acting as if it is under threat.

If only the rest of Australia showed the same ability.

What we do

As most of you know, I am concerned about the way we treat refugees. There are many reasons for this, many of them are a reflection of personal values and moral concerns, but one of them is pragmatic: refugees have helped build Australia and will do so in the future, if only we give them a chance.

Refugees

Australia's treatment of refugees in recent years has raised sharp political divisions and profound moral concerns. By treating one group of refugees – boat-people – with notable harshness, the Howard, Abbott, Turnbull and Morrison governments claim to have "sent a message" to people smugglers and, it might be said, the electorate.

There are three streams of refugees who enter Australia.

Our offshore resettlement scheme allows about 13,750 refugee and humanitarian visas per year. These refugees are selected from refugee camps in other countries; they are given refugee status before entering Australia. It is a very good system. Australia deserves credit for operating this resettlement system, although the self-imposed limit of 13,750 may not win universal applause, in a country with a population of about 23 million.

Some asylum seekers arrive by plane: they come here on tourist or student visas and, after clearing passport control, they seek asylum. They are allowed to live in the community. Most Australians are blissfully unaware of their presence in our midst. Typically, about 30% of them are ultimately successful in their claims for protection.

The third stream is the boat people. Typically they are people who come from countries which are known to produce a lot of refugees, so they simply can't get any sort of visa to come to Australia. That means they can't come here by plane, because at the point of embarkation in another country the airlines check every passenger's right to enter Australia. They do this pretty diligently, because if they bring a person to Australia who is not entitled to enter the country, Australia requires the airline to return the person to the place of embarkation *at the airline's expense*.

So, unable to get on a plane, they pay a people smuggler, who will get them to Australia by boat. It is worth knowing that the boat trip from Indonesia is more dangerous, and much more expensive, than the equivalent plane trip.

Over the past few decades - until the time of Tampa at least - on average 1000 people each year arrived without authority and sought asylum. The highest number of unauthorised arrivals in one year in Australia's history was just under 25,000: most of them fleeing the Taliban or Saddam Hussein or the brutality in Myanmar.

A refugee is a person who, being outside their country of origin, is unwilling or unable to return because of a well-founded fear of persecution on the grounds of race, religion, ethnicity, etc. That is the definition in the Refugees Convention.

The central obligation of the Refugees Convention is "*non-refoulement*". Refoulement means sending a person, directly or indirectly, to a place where they may face persecution. So, sending a refugee back to the country they have fled is direct refoulement. Sending them to a country which has not signed the Refugees Convention (and which is thus not prevented from sending them back to the country they have fled) is indirect refoulement.

Not every country has signed the Refugees Convention. Australia signed it in 1954.

The Pacific Solution, under which asylum seekers could be sent for detention to Manus or Nauru was introduced in 2001 by the Howard government. It was reintroduced in 2012 by the Gillard government.

The indefinite detention system saw asylum seekers held in detention for as long as 9 years.

Until 2013, when boat people arrived at Christmas Island, they had typically spent eight or 10 days on a rickety boat. They had typically come from landlocked countries and had typically never spent time on the ocean. Typically, they had not had enough to eat or drink on the voyage. Typically, they had not had any opportunity to wash or to change their clothes. Typically, they arrived distressed, frightened and wearing clothes caked in their own excrement.

When they arrived at Christmas Island, they were not allowed to shower or to change their clothes before they were interviewed by a member of the Immigration Department. It is difficult to think of any decent justification for subjecting them to that humiliation.

When they arrived, any medical appliances they have would be confiscated and not returned: spectacles, hearing aids, false teeth, prosthetic limbs: all were confiscated. If they had any medications with them, those medications were confiscated and not returned. According to doctors on Christmas Island, one person had a fulltime job of sitting in front of a bin popping pills out of blister packs for later destruction.

If they had any medical documentation with them, it was confiscated and not returned. The result of all of this was that people with chronic health problems found themselves denied any effective treatment. The results could be very distressing.

Doctors were required to determine within 48 hours whether a person was suitable to be moved to Manus or Nauru. The tests which are necessary for that assessment take seven days to complete. They were not given the opportunity to complete the tests properly. The detainees were nevertheless moved to Nauru or Manus.

One doctor who worked on Christmas Island told me of a woman who had been detained there for some weeks because she was generally regarded as psychotic. Her behaviour was highly erratic, but for reasons no-one understood. The consultation with this woman was very difficult because, although the doctor and the patient were sitting across a table from

each other, the interpreter joined them by telephone from Sydney: about 5,200 kilometres away.

Eventually, the doctor worked out the problem: the woman was incontinent of urine. She could not leave her cabin without urine running down her leg. It was driving her mad. When the doctor worked out the cause of the problem, she asked the Department to provide incontinence pads. The Department's initial response was "we don't do those". The doctor insisted. The Department relented and provided four per day: more than that would be a "fire hazard", they said.

Automatic offshore processing of asylum seekers was introduced by the (second) Rudd government in 2013. It includes a provision that boat-people who arrive in Australia are sent to Nauru or Manus Island for processing, but they will *never* be allowed to resettle in Australia. That little bit of nastiness was trumpeted loudly and often by Scott Morrison when he was Immigration Minister under Tony Abbott. Given the Christian values Morrison claims to embrace, it is a peculiarly un-Christian attitude: they arrive in Australia, desperately needing help, so we force them to Nauru or PNG and tell them that they will never be allowed to come here.

But that's Scott Morrison for you: he refers to boat-people as "illegal", which is a lie; he then treats them like criminals by locking them up for years on end: most of the people presently held on Nauru or Manus have been there for 6 years: it's not exactly a Christian response.

Scott Morrison is a dishonest hypocrite.

Mental health problems on Manus and Nauru are endemic. A recent report on Nauru by the Refugee Council of Australia and the Asylum Seekers Resource Centre (ASRC) said:

"...There are increasing incidents of self-harm and spiralling mental health problems. People, including young children, repeatedly try to kill or harm themselves. They have tried to do so by pouring petrol on themselves, drinking washing-up liquid, hanging themselves, and setting their houses on fire. At least two people have suicided, one by lighting himself on fire in front of UN officials."

In December 2017, an application was brought in the Federal Court of Australia which captured succinctly the problem of refugee health on Nauru. The Application was to have a 10 year old child brought to Australia for mental health treatment. The evidence showed that the child was suicidal, but could not be adequately treated on Nauru (which is smaller than Tullamarine Airport):

"...Major mood disorder and suicidal ideation and intent in a 10 year-old child are rare and extremely serious conditions with a high risk of prolonged disorder and suicidal behaviour if inadequately treated. ...

There is considerable risk in the event of inadequate treatment where a child has ongoing ideas of suicide and particularly where the[y] express intent and have plans. In my view, [the applicant] remains at extreme risk of suicide if there is no immediate attention to her mental illness and transfer to a psychiatric facility. .."

The Commonwealth opposed the application to bring the child to Australia for treatment.

The judge said:

In my view, ... the applicant's psychiatric condition is very serious, she poses an extreme suicide risk, and she should be immediately admitted into a specialist child mental health facility for assessment, containment and treatment. There is no such facility on Nauru. I am disinclined to accept that outpatient treatment coupled with a child psychiatrist visiting every few months (or even every month) will provide the mental health care treatment the applicant needs and adequately protect her in relation to the risk of suicide. I do not consider that the OMR process is adequate or likely to be sufficiently swift to adequately protect against the risk of suicide. ..."

Asylum seekers on Manus and Nauru have, for the most part, lost hope that they will ever have a worthwhile future. When they lose hope, their health collapses. As their plight is hidden from most Australians, we show almost no concern for the terrible impact on their health.

The ASRC recently said this about children held on Nauru:

"...these kids are not alright. In fact, we now know that many are showing symptoms of traumatic withdrawal syndrome, a condition brought about by the isolation of being trapped on Nauru.

They stop eating and drinking and they can barely talk or move. And then they just decline to a point where they're in bed and their parents can't get any form of sustenance into them.

They continue to deteriorate until their life is threatened by heart or kidney failure. It's a really critical situation for their physical health, but it's created by their mental health..."

This is what our country is doing. It wins votes for politicians. We are knowingly creating a health catastrophe for people who have done nothing worse than look for a safe place to live.

Of the three streams of refugees noted above, only the boat-people are automatically caught by the mandatory detention system and (for the past six years) automatic transfer to Manus or Nauru. The paradox – and the unfairness - of this is highlighted by the fact that in recent years more than 90% of boat-people seeking asylum have been found to be genuine refugees and have been granted protection visas accordingly. In many cases however the protection has only come after the refugee has spent years locked behind razor wire. This is the group I refer to hereafter as "asylum seekers".

The deliberate cruelty of offshore detention was refined by the Abbott government, through the then Minister for Immigration Scott Morrison.

Scott Morrison

As mentioned above, Scott Morrison - currently our Prime Minister - is a dishonest hypocrite. He was Immigration Minister in the Abbott government. His performance as Immigration Minister was assessed differently, depending on where you stood. For those who thought boat-people are criminals who should be locked up, his time in the Immigration portfolio was hailed a success. For those who understood the truth of the matter, Morrison's time as Immigration Minister was a terrible stain on our history.

Morrison moved from Immigration to the Social Services portfolio, but he should have been sent to the Hague to stand trial at the International Criminal Court for crimes against humanity.

Morrison's tenure as Immigration Minister saw a few novelties. First, he directed officially that boat people, who were previously called "Irregular Maritime Arrivals" should thereafter be called "Illegal Maritime Arrivals". By officially insisting on this language, Morrison helped revive the old lie that boat people are "illegal": powerful rhetoric introduced by the Howard government at the time of the Tampa episode in August 2001. It was the first of a series of unscrupulous, dishonest moves calculated to deliver him ministerial success built on the suffering of innocent men, women and children who had done nothing worse than try to escape persecution and flee to safety. But of course Morrison is a salesman, and knows how to frame a message.

Morrison's willingness to mislead the public was pushed further when he renamed the Department: it became the "Department of Immigration and Border Protection". The word "protection" implies a threat. Boat people are not a threat to us.

Then he introduced "Operation Sovereign Borders", in which he shrouded maritime operations in a cloak of military secrecy. By creating a sense of military emergency, he made it look somehow justifiable to lock people up in misery on Manus Island and Nauru. The secrecy was a curious innovation: during his time in Opposition he never missed a chance to publicise the arrival of refugee boats.

The reinvigorated use of deceptive language, coupled with the trappings of military defence, was successful: an increasing number of people thought it was a good thing to "prevent dangerous criminals getting to Australia". And if that was the fact, they were right. But it was all a lie, just part of Morrison's sales pitch calculated to build his political fortunes: boat people are not criminals; they do not commit an offence by coming here the way they do; they are not a risk to us. So the bottom line is that we were persuaded to spend about five thousand million dollars a year mistreating innocent people.

It is no novelty that politicians lie to us, so Morrison calling boat people "illegal" was false but not unprecedented. And the flourish of "Border Protection" was a deft way of finessing the deception. So far, standard Australian politics. But the 2013 Federal Election took us somewhere new: both major parties tried to attract political support by promising cruelty to boat people. It is easy to imagine that, if they had promised cruelty to animals, it would not have worked so well.

And it was Scott Morrison who delivered on the promise of cruelty. This sat oddly with his pretended religious views in his maiden speech in parliament, delivered on 14 February 2008. Among other things, he said:

"I turn now to the most significant influences on my life—my family and my faith. Family is the stuff of life and there is nothing more precious. ... For me, faith is personal, but the implications are social—as personal and social responsibility are at the heart of the Christian message. ..."

He drew on the example of William Wilberforce (the great English anti-slavery campaigner). He quoted Desmond Tutu as saying: "... we expect Christians ... to be those who stand up for the truth, to stand up for justice, to stand on the side of the poor and the hungry, the homeless and the naked ..." and was inspired to add: "These are my principles."

It is lucky he identified his principles so clearly, because no-one would be able to discover them by watching his behaviour as Immigration Minister.

Scott Morrison thinks family is precious. No argument with that. But Morrison has said, repeatedly, that people pushed to Manus or Nauru will never be allowed to settle in Australia. A number of the are being sent to America, under the deal done with Obama in 2016. One of the people who is about to be sent from Manus to America under that deal is a man whose wife and children live in Australia. But Morrison has said he will never be allowed to settle in Australia.

Morrison's conduct as Immigration Minister is impossible to reconcile with his stated Christian beliefs. He visited the Detention Centre at Manus Island on 26 September 2013 and delivered a clear message that the transferees would remain at the Centre until they went home or resettled in a country other than Australia. This stands awkwardly alongside a passage from Matthew 25:35, which I assume he has read:

“For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me”

It's a message which stands at the heart of the Christian teaching he claims to embrace.

As Immigration Minister Morrison was more concerned to ensure that boat people were treated so harshly that the prospect of being locked up in Manus or Nauru would act as a “deterrent”: it had to look more alarming than the risk of dying at sea in the attempt to reach safety. He was responsible for holding more children in detention than any previous government. He presided over a system which was calculated to humiliate, degrade, damage and break people. And worse than all that, Morrison deceived us into thinking that all this was being done out of a concern about people drowning in their attempt to reach safety in Australia. If he was genuinely concerned about people drowning, why did he punish the ones who didn't drown?

Morrison was a dishonest hypocrite as Immigration Minister, and as Prime Minister he looks a bit like our version of Donald Trump.

I am grateful that Shepparton has a more generous view of the way immigration and refugee movement can build Australia's future, the way it built our past.

An alternative

I do not believe in “open borders” but there are better ways of dealing with boat-people. If I could wave a magic wand and redesign the system, I would shut down offshore processing for good and all: it is needlessly cruel and insanely expensive. I am prepared to assume that boat-people would start arriving again, although there are powerful arguments that they would not: we have a ring of steel across the top of Australia. If boats would start arriving again, boat-people would be detained initially, for a maximum of one month, and that month could be used for preliminary health and security checks.

After that period of initial detention, boat arrivals would be released into the community on an interim visa with a number of conditions that would apply until the person's refugee status was decided:

- they would be allowed to work;

- they would be entitled to Centrelink and Medicare benefits;
- they would be required to report regularly to a Centrelink office or a post office, to make sure they remained available for the balance of their visa processing;
- they would be **required to live in a specified regional town or city.**

A system like this would have a number of benefits. First, it would avoid the harm presently inflicted on refugees held in detention. Prolonged detention with an unknown release date is highly toxic: experience over the past 18 years provides plenty of evidence of this.

Second, any government benefits paid to refugees would be spent in regional Australia. There are plenty of towns in country areas which would welcome an increase in their population and a boost to their local economy. According to the National Farmers Federation, there are about 96,000 unfilled jobs in rural areas. It is likely that adult male asylum seekers would look for work.

But let's make a couple of bold assumptions. Let's assume that not only do boats start arriving again, let's assume the arrival rate reaches and stays at the all-time high of 25,000 per year. And let's assume that every single one of them stays on full Centrelink benefits for the whole time it takes to decide their refugee status.

If all those assumptions are made, it would cost the Government about \$500 million a year in Centrelink benefits, all of which would be spent in the economy of regional Australia, because when you have paid for rent, food and some clothing from a Centrelink benefit, there's not much left over. By contrast, the current system costs about 5 thousand million dollars a year. We will have saved about \$4.5 billion a year, and we would be doing good for regional Australia and good rather than harm to refugees.

Self-interest is a powerful driver. Paul Keating once said: "In any two-horse race, put your money on self-interest for a win: you know it will be trying hard". In the matter of refugee movement, Australia's self-interest is a powerful argument for better behaviour. We have reached an interesting demographic tipping-point: there are now more Australians older than 45, than people younger than 45. We need more younger people in this country if it is to remain strong.

51% of the world's refugees are younger than 18.

Conclusion

The things shared in common by all human beings are far greater than the things which divide us. Shepparton has always shown that spirit, a spirit exemplified by Sir Andrew Fairley.

Immigration, refugees and multiculturalism are a source of great strength: they have made Shepparton what it is and they could, and should, guarantee a great future for Australia.