

## **DON DUNSTAN'S REAL LEGACY**

### **The Hon Justice Michael Kirby AC CMG**

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Clyde Cameron, later a Minister in the Whitlam Government, counselled Don Dunstan when he was first pre-selected for the South Australian Parliament. 'Do you mind me saying this? Those little shoulders of yours. You need to build them up. I know a good tailor who can do the trick.' 'No, Clyde,' came the response. 'I have a perfectly good tailor of my own. I am going to a health studio. I'll build my shoulders up naturally.' And so he did. Nothing daunted Clyde went on. 'I hope you don't mind me saying this. You have been chosen as a Labor candidate now. You've got to drop that plum in your voice. Just speak like an ordinary worker. You've got to be one of us'. 'No Clyde', Don answered in his fruitiest of accents, 'My parents have spent thousands and thousands of pounds to have me taught elocution and clear speaking. I don't intend to change my voice in the slightest'. And he didn't.

I am embarrassed to be the one chosen to speak at this launch. Amongst so many wordsmiths (and so many friends of Don Dunstan) it is an enviable task. Each one of us could say our piece. Why we admire him. Why we think his legacy should to be maintained through the Don Dunstan Foundation. Why this is not a purely South Australian thing. Why Don Dunstan was special amongst Australian politicians.

A recent Bulletin Morgan Poll put nurses at the top of the professionals regarded as most honest and ethical in Australia (89%). Dentists at 65% were higher, alas, than High Court judges (61%). Public opinion pollsters were pretty low at 35% and lawyers at 34%. Talk-back radio announcers were at 18% (although it is rumoured that that particular market has since crashed). State and Federal members of Parliament were equal at 13%. Only 13% of our people regarded them as honest and honourable. Don Dunstan was an exception. Yet a large number of people loathed him to the end. Especially in Adelaide, there were some who regarded him as a class traitor—a boy of St Peter's College who turned his back on his origins, on privilege and became a powerful voice for the disadvantaged.

Why did this happen? All of us would have our theories. Perhaps it was just an accident. In his earliest days as a young lawyer, Don took up the cudgels for people charged under the Vagrancy Act, most of them young 'bodgies or widgees'. In Adelaide at that time, if two or three were gathered together on a street corner they were 'moved on' or arrested by police. The provision was not mainly used against criminals but against those whose very sight in public upset 'respectable' people. I know of at least one duffle-coated ex-Federal-Minister who was 'moved on' in this way. He kept moving. Don Dunstan began his life as a tribune for these people when he stood up for them and used the law to protect their civil rights.

He went into Parliament as a young man. When he attained government, it was not for personal ego or for the trappings of office. It was for substance. First as Attorney-General and then as Premier he introduced many changes in legislation and practice. The list is remarkable. South Australia astonished itself by becoming a place of social experimentation and leadership. To its own amazement, it shook off the conformity and wowsler-ism. Don Dunstan was able to tap into the undercurrent of dissent lurking in the breasts of the Lutheran tradition of South Australia and amongst the descendants of other settlers who had fled to the province from discrimination in Europe.

The list of his statutory and other reforms—which were quickly taken up in other parts of Australia - is extraordinary:

- Consumer protection legislation
- More modern censorship laws
- Anti-discrimination legislation
- Decriminalisation of homosexual conduct between consenting adults
- Legislation against racial prejudice
- Title deeds for Aboriginal Australians
- Legislation to remove the immunity for rape in marriage
- Appointment of the first woman to the judiciary in Australia
- Money for the Festival Centre in Adelaide and for a State Film Corporation
- Protection of architecture and heritage at a time when the Asko-Hungarian Empire was tearing down the colonial buildings of Sydney

In Australia when Don Dunstan came along, eating and drinking were private activities, largely to be accomplished quickly, with embarrassment and in silence. Drinking was a six o'clock swill. He challenged the mould. He rejoiced in life's human pleasures. Reading books and poetry were on his list. He once read poems from the back of an elephant in central Adelaide. Eating and drinking, in company, in public were human delights, and incidentally they promoted wine as a mainstay of the South Australian economy. In dress, he flouted established conventions. And in matters of sexuality he was always ambiguously himself.

I remember welcoming him to the University of Newcastle in the late 1970s when I was Deputy Chancellor. He had come to give a lecture to a packed hall - for he had a legion of admirers in New South Wales. His beautiful voice, his presence and clear diction were memorable. But even more memorable were his sense of impatience for social reform; practical compassion for the disadvantaged; and outrage at the wrongs done to minorities in Australia.

That is why the creation of the Don Dunstan Foundation is to be welcomed so warmly. Its activities and supporters should not be confined to South Australia. It is a venture that deserves the support of Australians across party political lines, who believe, contrary to the opinion polls, that politics is an honourable vocation of ideas. Those who see the advantages of federation as a means of encouraging bold social experiments in pursuit of justice. Changes once denounced as the end of civilisation, become accepted when the world does not disintegrate everywhere in Australia. So it was with Don Dunstan's reforms. He was a man of creativity. He had no time for sentimentality, nostalgia and humbug. That is why the objectives of the Foundation will appeal to so many Australians. It aims to continue, at the University of Adelaide, research and education in fields that were important to him. Research in:

- Social and economic equity
- Uses of governmental interventions to secure socially just outcomes
- Protection of the individual's right to retain substantial control of their own lives
- Promotion of real democracy and inclusive forms of governance
- Enrichment of Australia through cultural and ethnic diversity
- Respect for fundamental human rights and particularly for minorities suffering from discrimination
- Protection for the rights of indigenous people

- Consideration of the maldistribution of wealth in the world of which Australia is big part

For myself, I was particularly glad to see in the documentation of the Foundation a proper, honest but not disproportionate reflection of Don Dunstan's pioneering and reforming work for his fellow citizens who suffer discrimination for their sexuality: Australian citizens who are homosexual, bisexual and trans-gender. It was a source of real pain for many who knew Don Dunstan well to attend, or hear accounts of, the official memorial ceremony in Adelaide where his partner of late years, Stephen Cheng, was excluded from the principal platform guests. And where politicians who spoke, although paying tribute to his work for women and Aboriginals, could not somehow get their magic lips around the little word 'gay'.

The game of shame which oppresses homosexual Australians is now crumbling. And part of the reason for this, is the reforming work and life of Don Dunstan. To the very end, staring death in the face, he was a stirrer and a shaker. He rejoiced in our democracy. He enriched it immeasurably.

Sentimentality and fine speeches are not enough. Don Dunstan's work should go on and should be available for those in every political party (and there are many) who see injustice in Australia, and in the world, and want to do something to repair and redress it. Politics is, after all, a noble vocation. Politicians and people must be stimulated by ideas. In decades to come there will be a declining number who knew Don Dunstan as a human being. There will be few who will recall his magnificent voice. Few will have known his presence. The Foundation is a means of maintaining a focus on constructive, achievable reforms. We need leaders less concerned with opinion polls and tabloid editorials and more concerned with ideas and whether action is right. We need more leaders who will read poetry from the back of an elephant.