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COMMENTARY

## *She'll Be Right Mate: Australian Complacency and National Responses to Wicked Social Problems*

**Bill Calcutt**

Bushfire & Natural Hazards Co-operative Research Centre (BNHCRC), Australia

**Corresponding author:** Bill Calcutt, Bushfire and Natural Hazards Co-operative Research Centre, 340 Albert Street, East Melbourne VIC 3002, Australia. [wgc447@uowmail.edu.au](mailto:wgc447@uowmail.edu.au)

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### Abstract

As the 6th largest country by land mass but 55th by population (exceeding 25 million), and ranked 13th by GDP per capita by the OECD, Australia is often characterised as an affluent developed Western democracy, and seeks to project an international image as a progressive, ethical, fair and tolerant society. This commentary explores inconsistencies between Australia's idealised identity as a modern egalitarian society concerned with the welfare of all and the economic and social reality for a significant and growing number of citizens; it highlights how the COVID-19 pandemic has exacerbated these discrepancies. The commentary attributes contradictions in the Australian character and culture to the absence of a national charter of core values that institutionalises respect for the principles of human dignity and equality.

### Keywords

**Core Values; Human Rights; Respect; Racism**

## Historical context

The Cambridge English Dictionary defines society as “the state of being together with other people”. A society is formed when individuals coalesce to pursue their mutual interests, and the relationship between the individual and the collective can be conceptualised as a social contract that imposes costs and benefits on both entities. Values are enduring principles and convictions on what is important (and morally right) that can guide and motivate individual and collective actions and attitudes, and shared core values can be highly influential in facilitating community collaboration for a common social purpose.

After a millennium of conflict and unimaginable violence, two developments in Western history reshaped the social contract and redefined the foundations for collective power. The mid-17<sup>th</sup> century Treaty of Westphalia articulated the principles of national autonomy, independence and equality, thus establishing the sovereign State as the dominant mode of social and spatial organisation. More than a century later, Western philosophers proposed the Enlightenment values that would ultimately be codified in the American Declaration of Independence and the French Declaration of the Rights of Man and Citizen. The American and French declarations assert the inalienable rights of individuals to life, liberty, equality, dignity, property, justice (due process of law), Government by and for the people, and personal autonomy and the pursuit of happiness.

With reason supplanting belief and divine rule, Enlightenment values reflect a commitment to individualism, rationality, constant progress through innovation and scientific discovery, and a repudiation of the role of monarchy, religion, superstition and tribalism. The same reasoning illuminated the nature of the social contract as an agreement between the secular State and the individual on the benefits and obligations of social participation, and clarified the source of State authority as the collective will (consent) of its citizens (democracy).

In the shadow of the Second World War these same Enlightenment values were embodied in the Universal Declaration of Human Rights (UDHR), adopted by a fledgling United Nations in 1948. The UDHR Preamble acknowledges that respect for the inherent dignity and worth and the equal and inalienable rights of men and women are founding principles for a free, just and peaceful world. The declaration's thirty articles enunciate a set of fundamental human rights to balance the interests of the individual and the powers of the State. In the context of the horrors of the war and the abhorrent actions of some nations, the declaration was an emphatic reassertion of individual rights in response to the abuses of power by authoritarian States.

There were initial hopes that the UDHR would be transformed into a globally-binding International Bill of Rights, however the aspirations for a new world order were dashed with the outbreak of conflict between the democratic capitalist West and the autocratic communist East (the Cold War). As the prospects for agreement on an International Bill of Rights faded, two international treaties were subsequently adopted by the United Nations in the mid-1960s, to come into effect a decade later. The (individual-focussed) International Covenant on Civil and Political Rights (ICCPR) was supported by the West, and the (collective-focussed) International Covenant on Economic, Social and Cultural Rights (ICESCR) was supported by the East.

Throughout the four decade-long Cold War (leading up to the fall of the Berlin Wall in 1989), developed Western nations championed democratic principles and formalised (through domestic legislation) their commitments to dignity, equality and social justice, while seeking to balance civil liberties with national security. These latter policies included protections for individual privacy, access to freedom of information, avenues for administrative appeal of Government decisions, demands for increased transparency in the operation of Government bodies, and constraints on the highly intrusive mass surveillance activities of security and intelligence organisations. During this period effective national leadership was often equated

with and measured against the defence of shared core values, sometimes in the face of great social and global challenges.

## Australian values

Australia's contemporary status as a developed, pluralist, liberal democracy belies its relatively short European history. Established as a British penal colony in the late 18<sup>th</sup> century through the forced and sometimes violent dispossession of the sixty millennia-old First Nations people, the country was populated through racially selective (white) European migration for almost two centuries. This policy was formally abandoned in the mid-1970s, and in the period since a non-discriminatory migration policy has seen Australia's population grow from around 14 million in 1975 to over 25 million in 2020. This unique heritage has created a set of exceptional social challenges.

While Australia played a central role in the post-war establishment of the United Nations and in the formulation of the UDHR, it has since assiduously avoided a commitment to a set of shared core values in a formal national charter (such as a Bill of Rights) that institutionalises respect for the principles of dignity and equality in legislation. While Australia ratified the ICESCR in 1975 and the ICCPR in 1980, neither international treaty has been incorporated into domestic law. Eminent constitutional lawyer George Williams observed in 2009 that 'Australia is now the only democratic nation in the world without a national charter or bill of rights', noting that 'without a charter of rights, freedoms can be ignored or taken away too easily'.

Shared core values can be highly influential in defining and shaping national character and are central elements of a country's distinctive cultural identity. In his 2006 Australia Day address, then Prime Minister John Howard contended that the strength of Australia as a cohesive multicultural society is founded on a balance between tolerance of diversity and respect for our European cultural heritage. Howard described Australia's 'dominant cultural pattern' as 'Judeo-Christian ethics, the progressive spirit of the Enlightenment, and the institutions and values of British political culture'. Howard praised that 'no institution or code lays down a test of Australianness', and warned of the potential constraints on the Parliament of a legal instrument like a Bill of Rights.

While shared core values can provide powerful motives for social collaboration and can influence national leadership, their absence can contribute to anomie, complacency and social atomisation. In the absence of a national charter of core values that institutionalises respect for dignity and equality, Australia is largely reliant on subjectively interpreted, implicit and informal values, and the politically expedient mediation of an evolving, volatile and sometimes amorphous national narrative. Australia's fluid national narratives include conceptions of mateship (solidarity), egalitarianism (equality and scepticism of authority), a 'fair go' (consideration), and 'she'll be right mate' (complacency). The Anzac legend adds the values of courage, endurance, resilience, mateship, sacrifice, ingenuity and good humour to the idealisation of the national character.

## Australian responses to wicked social problems

This detailed context is provided in order to examine Australia's national responses to a number of wicked (highly complex) social problems in the absence of institutional respect for dignity and equality (and ambiguous formal support for a range of related core values like equity, justice, integrity and accountability). Examples of wicked social problems confronting Australia in the 21<sup>st</sup> century include:

- *Formally acknowledging and addressing the multi-generational and continuing abuse and neglect of Australia's First Nations people, who were not officially recognised as equal Australian citizens until*

1967. Australia's ambivalence and inertia on this issue is exemplified by official inaction on the 339 recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody, and in the intervening period more than 400 First Nations people have died in custody. National complacency was again reflected in a muted official response to the grace and wisdom embodied in the 2017 Uluru Statement from the Heart that provides a rationale and pathway for indigenous constitutional recognition.

- *The maintenance since 1992 of a policy of mandatory detention of people seeking asylum in Australia without a visa (who are designated as unlawful non-citizens).* The policy is contrary to Article 9 of the UDHR (No one shall be subjected to arbitrary arrest, detention or exile) and Article 14 (Everyone has the right to seek and enjoy in other countries asylum from persecution). The policy was hardened in 2001 by the decision to process offshore, that is, in some other country, all asylum-seekers arriving by boat (unauthorised arrivals), and in 2013 by the decision that asylum-seekers arriving by boat would never be resettled in Australia. These policies mean that some asylum seekers and accepted refugees remain in indefinite detention offshore.
- *The systemic physical and emotional neglect and abuse of many of Australia's elder population through their warehousing in industrial-scale for-profit aged care facilities.*
- *A latent but deep vein of racism and bigotry in Australia, possibly as a residue of the former racially selective White Australia policy, and a long history of distrust of non-European neighbours in the Asia-Pacific region (xenophobia).*
- *The widespread tolerance of incompetence, inefficiency and a lack of accountability in the delivery of vital public services across Australia, and in the Government regulation of the private sector.* Deficits in regulatory capability have exacerbated the social, economic and environmental harms caused by the failure of the private sector and free market to fairly and effectively deliver essential public services. A series of (expensive) public inquiries over recent decades have forensically examined the causes of often catastrophic system failures in a range of vital public services, with inquiry recommendations on essential reforms often ignored, and responsible officials rarely held to account.
- *Diminishing community trust and confidence in a range of important Government and political institutions and democratic processes, due in part to ambivalent official support for systems that uphold ethical behaviours (including protection for whistle-blowers) and ensure transparency, accountability and integrity in public office.*

## Effects of the pandemic

The sudden and unexpected emergence in early 2020 of a global pandemic, and the resultant imposition of community-wide constraints on basic personal liberties like freedom of movement and association in order to limit disease transmission, have reshaped the relationships between the citizen, community and Government in a time of existential crisis. Widespread community acceptance of these constraints in Australia may in part be due to the severity of the threat to life posed by the COVID-19 virus, assurances as to the limited duration of their imposition, and the broadly acknowledged authority of scientific experts who have played a central role in the national response to date.

As the course and consequences of the pandemic have evolved throughout 2020, the longer-term implications for Australian society are beginning to emerge. The long-established relationship between the Federal, State and Territory Governments has evolved following the formation of a National Cabinet to coordinate an expert-driven response to the pandemic. Significantly, States and Territories have asserted their right to their own territorial sovereignty and closed their borders to non-residents, preventing freedom of movement across Australia. The Federal Government has devolved national responsibility for human quarantine to the States and Territories, effectively limiting the capacity of citizens overseas to return to Australia. Traditional partisan and ideological enmities have subsequently emerged between the Federal

Government and particular States over their respective roles and performance, and between States with governments of different political persuasions. Perceptions of strong and decisive action to protect particular communities from the COVID-19 virus have provided significant political advantage to incumbents, with an apparent rise in populism, parochialism, nationalism and authoritarianism.

The pandemic has necessarily transformed long-standing social, economic and environmental priorities, both revealing and further exacerbating existing systemic weaknesses in many of Australia's most important social systems (including aged care, disability support, indigenous advancement, mental health, child welfare, gender equity, racial discrimination, family violence, public housing and support for the unemployed). The absence of institutional respect for dignity and equality has most recently been reflected in:

- *A rise in anti-Asian sentiments in Australia due to prejudicial media and political references to a 'Chinese virus'.* In the context of a level of latent racism in Australia, these sentiments have been further exacerbated by growing tensions in the strategic relationship between the Australian and Chinese Governments. In November 2020 the Lowy Institute conducted a survey of the attitudes and experiences of over 1000 Chinese-Australians, and the subsequent report titled 'Being Chinese in Australia' revealed that 37% of respondents had been treated differently or less favourably because of their ethnicity, 31% had been called offensive names, and 18% had been physically threatened or attacked.
- *Catastrophic failures in the public systems dedicated to protecting and caring for Australia's most vulnerable elderly citizens.* The potentially preventable deaths of hundreds of elderly residents in a profit-driven aged care industry due to failures in publicly managed infection control measures may be one of the most tragic legacies of this pandemic. The final report of the Royal Commission into Aged Care Quality and Safety, handed down in February 2021, concluded (p.78) that 'Our examination of systemic problems in the Australian aged care system cannot help but paint a gloomy picture. The current state of the aged care system is a fairly predictable outcome of the various systemic problems we have identified. This is why significant change is required. The delivery of aged care in Australia is not intended to be cruel or uncaring'.

In the absence of a national charter of core values that safeguards the dignity and equality of all Australians, the systemic failures in a range of vital social systems may be overshadowed by rising frustration and anger amongst a growing number of citizens who have become socially, economically and politically marginalised in an increasingly unequal, unjust, insecure and divided nation.

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