



Australia Day Ambassador Program

Official Ceremony, Flag Raising, Speeches and Awards

Livingstone Shire, Main Beach, Yeppoon
Saturday 26 January 2008, 9.30 am

The Hon P de Jersey AC
Chief Justice

Mr Mayor, fellow Australians.

In acknowledging the traditional custodians of this land, I must at once say how very pleased I am to have been given the opportunity to visit the Capricorn Coast to celebrate Australia Day with you – as is Kaye. Thanks to the Australia Day Ambassador Program, and its sponsor Woolworths, for making this possible.

I want to speak for just a few moments about the importance of this Day. Much appreciated as it is, Australia Day is a great deal more than a public holiday, or a long weekend. It is even more than a chance to gather together for sand sculpture competitions, ice-cream licking championships and bare bottom boat regattas.

With all these activities to look forward to (as a spectator, in my case, I imagine), and in such a distracting and pleasant setting, I pause in speaking about more serious matters.

But Australia Day is a chance for us to reflect seriously, if briefly, on what makes us Australians, what 'Australian' really means, the things that make our country great. I don't pretend to have the authoritative answers to those questions: really we answer them ourselves, through our everyday experiences.

As we know, Australia embraces many different cultures and ethnicities: from those who were born here, to, and if I may borrow from the Prime Minister, "Australians who have come here from afar and who have contributed to the great diversity that is our nation, Australia". In speaking about this diversity, I think it is our differences, as much as our commonalities, which make us interesting Australians. It is often our communal interaction, despite our differences- indeed perhaps because of them, in times of hardship, which



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defines our great strength: witness the supportive reaction to the plight of those enduring the current serious flooding in the region.

In discussing what it is that makes Australians unique, I want to mention briefly some of the rights and freedoms we all enjoy, as Australians. Take the right to vote. Some of us find this a Saturday chore simply that must be done from time to time. But imagine living in a society where you could not vote unless you owned property. Imagine voting in a country where the legitimacy of election results is consistently marred by uncertainty and violence.

As Australians, we are very fortunate that free and fair elections are regularly held, that there is universal adult suffrage, where any citizen may stand for election. Election processes are transparent and the results not seriously open to doubt. Consider the orderly and civil way in which the new federal government took office late last year. Contrast that with the violent and sustained struggles which sometimes precede and follow changes of government in other countries.

It is Australians', or, more particularly, Queenslanders' civil and human rights which are perhaps most relevant to my role in the work of the judicial arm of government. Civil and human rights include equality under the law, the right to due process or natural justice, and freedom from arbitrary arrest and detention. Our Judges rule on these matters according to law. The rule of law is central to the development and preservation of a just society. Significantly, it facilitates for the protection of our Australian way of life. The alternatives, rule by force, rule by executive direction, would make for a very different Australia, one in which I think very few would choose to live.

Living in a 'just society' requires an independent judiciary who is able to make decisions, even against the government who appointed them if necessary, without fear of being arbitrarily dismissed from their position. Jurors too, have their own important roles to play, and must be free to perform their function, convicting or acquitting an accused based on



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the evidence, without improper influence, or fear of reprisals. Our system of justice is transparent – anyone can come to court to watch the proceedings, and anyone can bring a matter before the court, or be brought before it themselves.

We here in Australia are very fortunate our system of government is so well established and accepted. The defining document, the Commonwealth Constitution, is respected and upheld, ensuring continuing protection for the rights and freedoms we all enjoy as Australians. Let's celebrate this today, as one of the many features which makes our nation great.

But we needn't think too deeply about these serious issues during the ice cream licking competition or the bare bottom boat regatta!

I wish us all a significant and enjoyable Australia Day 2008.