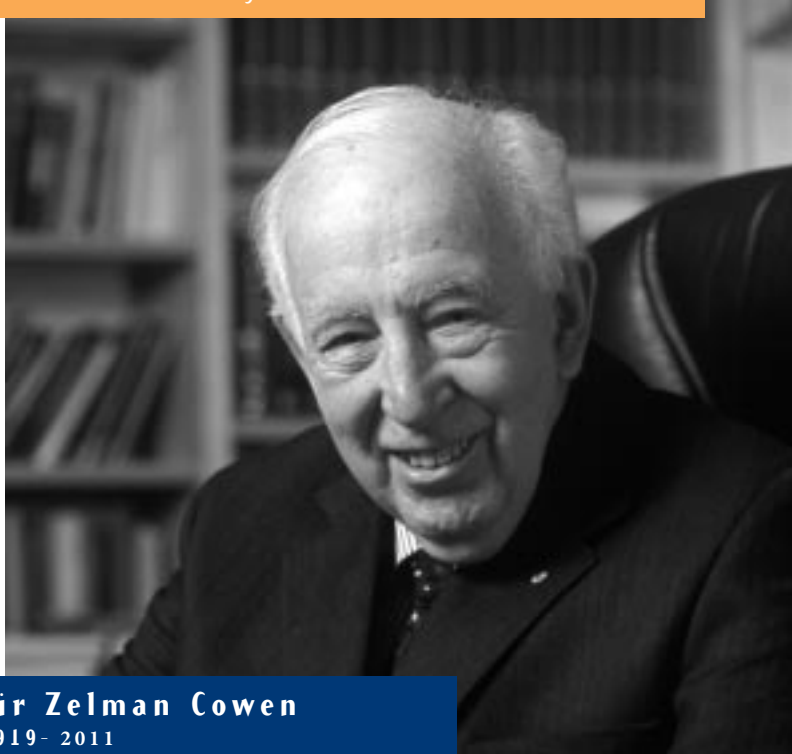


AUSTRALIAN BIOGRAPHY

A series that profiles some of the most extraordinary Australians of our time



Sir Zelman Cowen
1919- 2011
Former Governor-General

This program is an episode of **Australian Biography** Series 10 produced under the National Interest Program of Film Australia. This well-established series profiles some of the most extraordinary Australians of our time. Many have had a major impact on the nation's cultural, political and social life. All are remarkable and inspiring people who have reached a stage in their lives where they can look back and reflect. Through revealing in-depth interviews, they share their stories—of beginnings and challenges, landmarks and turning points. In so doing, they provide us with an invaluable archival record and a unique perspective on the roads we, as a country, have travelled.

Australian Biography: Sir Zelman Cowen

Director/Producer Rod Freedman

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SYNOPSIS

When Zelman Cowen finished high school as one of the top students in the state, he realised it was possible to get to the top... if he worked hard.

Born in Melbourne in 1919 to a Jewish family, Sir Zelman graduated in arts and law from Melbourne University. He was awarded a Rhodes Scholarship, which he took up in 1945 after serving in the Royal Australian Naval Volunteer Reserve.

He distinguished himself at Oxford, where he was made a Fellow of Oriel College. (He would later serve as its Provost, from 1982 to 1990.)

Sir Zelman returned to Australia as professor and dean of the Faculty of Law at the University of Melbourne in the early 1950s – a period he saw as exciting and forward-looking, 'there was a feeling we were going somewhere'.

He became vice-chancellor of the University of New England in 1967 and of the University of Queensland in 1970. That appointment coincided with a time of social turmoil and Sir Zelman handled student unrest characteristically by insisting that above all else the university must uphold the values of a civil society.

Then, in 1977, he was asked to take on another challenging public position as Governor-General of Australia. After the political upheaval involving his predecessor Sir John Kerr, his task, as he saw it, was to stabilise the country.

In this interview, Sir Zelman reflects on his many achievements in Australia and internationally as well as some of the reasons behind them – the encouragement of his ambitious mother, the support of his wife and 'incredible luck' and 'good fortune'.

CURRICULUM LINKS

This program will have interest and relevance for teachers and students at secondary and tertiary levels. Curriculum links include SOSE/HSIE, Civics & Citizenship, Law/Legal Studies, Australian Studies, Education and English.

THE SPRINGBOK TOUR

Background

'It's perhaps in some ways the best hour I've had... it was sort of transforming,' says Cowen of his speech to students at the University of Queensland where he was vice-chancellor. The speech concerned student protests on and off the campus in mid-1971. The protests were in response to the South African Springbok rugby union tour and a 'state of emergency' declaration by then Queensland Premier, Joh Bjelke-Petersen.

The Springbok tour of 1971 aroused a great deal of controversy and debate around the country, with many calling for a ban on the team's tour and/or a boycott. The opposition concerned South Africa's apartheid policy generally and, more specifically, their government's decision to ban non-white players from the team.

In early April 1971, the South Australian, Victorian and West Australian governments announced plans to ban the tour. Trade unions and the Australian Labor Party also opposed the tour in protest, with a number of unions threatening to institute 'black bans', strikes and demonstrations. Some church groups also expressed their opposition. Then Prime Minister Billy McMahon shared in disapproval against the segregation policy but indicated the federal government

would not support a boycott or ban. Bjelke-Petersen, however, urged Queenslanders to oppose the boycott.

The issue was hotly debated around the country in the two months leading up to their anticipated arrival. When the Springboks finally landed at Perth airport on 28 June, they were met by some 500 anti-apartheid protesters. While much of the tour was more peaceful than expected, there were protests in most of their tour locations – for example, on 6 July, 1000 demonstrators gathered at the Sydney Cricket Ground, with some throwing flares and other objects onto the field.

Anticipating demonstrations in Queensland, Bjelke-Petersen declared a 'state of emergency' on 13 July. Accordingly, the government could grant extended powers to the police and override some civil liberties. It also allowed the government to seize control of the grounds where the Springboks were due to play. The Premier said he acted 'in the face of the threat of real violence and defiance of public law and order, with subsequent dangers to life and property' (**Courier Mail**, 14 July 1971). The state of emergency lasted a month.

The declaration took the protest to another level, with people demonstrating against what they saw as a misuse of power. Zelman Cowen himself expressed 'deep concern at the possible threat to fundamental civil liberties in the assumption of such powers' (**Courier Mail**, 15 July 1971).

On 21 July, university students organised a march through Brisbane's city streets, drawing 400 police and resulting in 36 arrests. The following day, the Springboks arrived in Brisbane, again confronted by protesters who were charged away by police. On 23 July, about 2500 students went on strike and took control of the student union complex at the University of Queensland. The strike lasted for the duration of the Queensland leg of the tour. Six days later, Cowen gave the speech he refers to in the **Australian Biography** program and in which he expressed disapproval of the tour but suggested that the best way of conveying discontent was to simply not attend. Cowen was also critical of the strike, suggesting it was being used by more radical elements as part of a plan to bring the university down.

Discussion questions

- In the interview, Cowen says he saw the protests as a challenge to consensus. What do you understand by this and how might the protests have challenged the consensus?
- How does Cowen describe the protest?
- As vice-chancellor, how did he see his role in dealing with the issue?
- Do you think the state of emergency was justified? When might this be an appropriate response? What civil liberties issues might arise?

Political protest

At the time of the Springbok tour and Cowen's speech, public demonstrations and bans were a regular feature of civil society in Australia and elsewhere.

The decade prior bore witness to two of the largest and perhaps most popularly known social protests – the anti-Vietnam War/peace movement and the American civil rights movement. The latter concerned racial segregation and equality in the United States. The Peace Movement sought to bring an end to the Vietnam War, or at least withdrawal of US (and Australian) troops. Much of the movement grew out of university campuses. Initially, opposition mostly focused on conscription, though more radical elements were

critical of what they argued was a war motivated by capitalist ends. There were strikes, boycotts and shutdowns; marches and rallies; flag-lowerings, black armbands, memorial services, vigils and symbolic funerals.

The peace movement followed the Vietnam War into the 1970s. When, in 1970, US President Richard Nixon announced an extension of US operations into Cambodia, hundreds of colleges closed throughout the US in protest. At Kent State University, a massive demonstration was held in May and involved clashes between the police and student protesters. Based on rumours that revolutionaries were planning to destroy the campus and the city to tip off a violent political revolution in America, the Kent city mayor declared a state of emergency and called in the National Guard. A confrontation between the Guard and 2000 protesters led to the Guard briefly opening fire, tragically resulting in the deaths of four students.

Australia also witnessed anti-Vietnam War rallies, particularly given its involvement in the conflict. In the lead up to the Springbok tour, there were a few rallies against the war. On 21 May, for example, students protested at the Australian National University in Canberra in what was reported by the press as a 'savagely' anti-Vietnam war rally and 'the Battle of Canberra'.

In more recent years, protests have remained a feature of civil society. In Australia, there have been marches, rallies and demonstrations concerning reconciliation, racism, globalisation, violence against women, industrial relations, war, the environment and other issues.

Although the right to political assembly and expression is fundamental to a healthy democracy, there are differences in opinion over the extent of this right. In particular, opinions differ on how the right balances against other rights such as the protection of person and property, as well as security concerns. As seen in this discussion, protests can escalate into violent confrontation. In many instances today, organised protesters work with law enforcers to address this, ensuring protests remain non-violent.

Another issue arose in 1998 when 10,000 school students around Australia left their classrooms to participate in anti-racism rallies. The protest raised questions about whether school students should be able to participate.

Discussion questions

- Give some examples of protest actions, for example, black bans, boycotts, marches. Which of these might be non-violent and violent?
- How else can people express political objections? When might protests of the kind mentioned above be appropriate?
- What motivations encourage people to protest?
- What responsibilities do protesters have? Does government have responsibilities in its response?
- Should school students be able to participate in protests and walk out of classrooms? Based on the interview, what might Sir Zelman Cowen think?

UNIVERSITY

Cowen spent a great deal of his life at universities, as a student, teacher and vice-chancellor. He refers to his first exposure to university as 'a wonderful time' and his university career took him to Oxford and 'the bush' among other places.

Cowen had the benefit of teaching in different universities in different countries. He completed a Rhodes Scholarship at Oxford, and later returned there as its head. He also took up a position of vice-chancellor at the University of New England (UNE) in regional NSW. Cowen comments that this was a step some colleagues would never have guessed he would make, expecting he would take up a position at the more prestigious Harvard or Chicago Law Schools. He describes his tenure at UNE, the first Australian university outside a capital city, as an enriching experience.

University is one option for students after leaving school, giving them the necessary qualifications to progress into various careers. However, aside from this, universities play an important research role. They are places where expert and intensive research can be conducted covering panoply of disciplines. They conduct scientific and technological research, provide independent advice to government on social and economic issues, and inquire into areas that might not otherwise occur for commercial reasons.

As with other tertiary education institutions, universities have a considerable influence on the personal development of students. It is a 'marketplace of ideas' where students are exposed to different ideas, perspectives and experiences. Historically, universities have often been the source of important cultural, social and political movements.

Discussion questions

- If you haven't been to university, what do you imagine university would be like?
- Based on the interview, how do you think Cowen understands the role of universities?
- What factors influenced his decision to study law? What other factors might influence people to choose a particular area of study and to go to university?
- How does he describe his time as a student in Melbourne and Oxford?
- Cowen praises the opportunity for teaching in Australia. Why?
- What do you think would be the differences between regional and city universities? Why might working at a 'bush' university have been 'richer in satisfaction'?
- How has your experience in education so far influenced your personal development?

AUSTRALIAN POLITICAL INSTITUTIONS

The Governor-General

Sir Zelman Cowen was appointed Governor-General in 1977 following the resignation of Sir John Kerr and a turbulent time for the office. In the interview, Cowen says he saw his role was 'to stabilise the country'.

The Australian Constitution states that 'the legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives...'. Under the Constitution, the office of Governor-General is Australia's official head-of-state. As the Queen's representative in Australia,

the Governor-General is appointed by the Queen upon the advice of the Prime Minister. It is this arrangement that makes Australia a constitutional monarchy.

The regular role of the Governor-General is to grant Royal Assent, or approval, to proposed laws once they have passed through both Houses of Parliament. Other powers include appointing government ministers, and acting as 'commander-in-chief' of the armed forces. In exercising these powers, the Governor-General must act on the advice of government, usually the Cabinet Ministers.

There are a few powers that do not require the Governor-General to act on the government's advice. These are called 'reserve' powers and, while not explicitly stated in the Constitution, are a matter of convention. The three main areas in which these powers exist are:

- appointing or dismissing a Prime Minister;
- dissolving Parliament for an election; and
- not dissolving Parliament for an election when advised to do so by the Prime Minister.

These powers are chiefly used in exceptional circumstances.

Despite this, the office has not been without controversy, most notably when Prime Minister Gough Whitlam was dismissed by Governor-General John Kerr in 1975. More recently, in May 2003, Peter Hollingworth resigned as Governor-General following sustained criticism for alleged mishandling of child abuse claims in the Anglican Diocese when he was its Archbishop.

Discussion questions

- How did Cowen react to being approached for the position of Governor-General? Can you imagine why he would have felt this way?
- What was his wife Anna's reaction? How important do you think her role was while Cowen was Governor-General?
- Why might Cowen have been a suitable candidate for the position?
- What does he identify as the Governor-General's role? Thinking about leadership positions in your environment, how might this be achieved?

An Australian republic?

As well as being a former Governor-General, Cowen has also been a supporter of an Australian republic. In June 1999, on the verge of a national referendum on the issue, Cowen delivered a public lecture called 'An Australian Republic: A Guide for the Perplexed'.

The idea of an Australian republic has long been a discussed possibility, although in the early part of the 20th century the republican voice was relatively small. It was not until the 1980s under the Labor governments of Bob Hawke and Paul Keating that an Australian republic began to figure as a real possibility.

In 1985, Hawke established a Constitutional Commission to review the Constitution and, in 1991, held a Constitutional Convention to commemorate the 1891 Convention. The 1991 Convention was the first of its kind to give majority support to an Australian republic. It was Prime Minister Paul Keating, however, who put the case for a republic before federal Parliament, stressing the need for an Australian head of state.

Despite the Keating Government's fall at the 1996 elections, incoming Prime Minister John Howard (an open supporter of constitutional monarchy) committed the government to holding a Constitutional Convention on the issue.

So, on 12-13 February 1998, 152 delegates (76 elected, 76 appointed) gathered in Canberra to debate and consider three issues:

- whether or not Australia should become a republic;
- which republic model should be put to the voters to consider against the existing system; and
- in what timeframe and under what circumstances might any change be considered.

Three categories of model for a republic were put before the convention:

- direct election;
- parliamentary election by a special majority (bipartisan appointment); and
- appointment by a special council following nomination by the Prime Minister.

The convention ended up supporting an Australian republic in principle and recommended it be put to referendum. The model supported was a bipartisan appointment of the President. Briefly, this involved a select committee considering nominations and reporting back to the Prime Minister. The Prime Minister would then present a single nomination for President, seconded by the Opposition Leader, to be approved by a joint sitting of the federal Houses of Parliament. A two-thirds majority would be required to approve the nomination. The convention also recommended that the President hold the same powers held by the Governor-General.

The referendum was held on 6 November 1999. Voters were asked to indicate a preference either for the bipartisan model or the existing system. Voters were also asked to vote for or against adding a preamble to the Constitution. The result of the poll was in favour of constitutional monarchy, with about 45 per cent voting for the republic and roughly 54 per cent against.

Discussion questions

- What reasons does Cowen give for an Australian republic?
- Can you think of other reasons this might be a good idea? What about the current system?
- What might be some of the differences between a directly elected president and one elected by Parliament?

ACTIVITIES

Protest poster

Students work in groups to create a poster that tells the story of a past protest (examples listed below). It should explain what happened, the issues being protested, responses to the protest and any outcomes. Students are encouraged to use images, lyrics, music to complement the story.

- Tiananmen Square protests in China (1989)
- Stonewall Riots in New York (1969)/Gay Mardi Gras in Sydney (1978)
- Anti-globalisation protests in Seattle (1999) and Genoa (2001)
- Franklin Dam protests in Tasmania (1982)
- American civil rights movement (1960s-1970s)
- The Great Salt March in India (1930)

Job description

Students pretend they are recruiting a governor-general or president. They are to write a set of selection criteria showing what values and skills are required of applicants. They are also to make a position advertisement from this.

Position cards

Students are allocated a speech from one of the delegates at the Constitutional Convention and present a position card outlining the delegate's preferences and reasons. These can be placed on a board with columns for 'constitutional monarchy', 'republic: parliamentary election', 'republic: direct election' and 'other'.

REFERENCES AND FURTHER RESOURCES

Sir Zelman Cowen

ABC Online. 'An Australian Republic: A Guide for the Perplexed' by Zelman Cowen

www.abc.net.au/specials/cowen/text.htm

Includes Cowen's speech and a set of student activities.

Zelman Cowen. **A Touch of Healing: Speeches by Sir Zelman Cowen 1977-1982**. University of Queensland Press, Brisbane, 1986

Zelman Cowen. **The University in Times of Change**. Adult Education Board of Tasmania, 1974

Springbok Tour

New Dimensions, ABC Online

<http://www.abc.net.au/radionational/programs/newdimensions/past-programs/>

Interview with participants in the 1971 demonstrations.

Protests

B. Gaze and M. Jones. **Law, Liberty and Australian Democracy**, Law Book Company, Sydney, 1990

Contains a chapter on political protest and civil disobedience under Australian law.

Some articles that discuss the 1998 student classroom 'walkout':

The Age. 'Class actions on war' (26 March 2003)

www.theage.com.au/articles/2003/03/26/1048653740421.html

Sydney Morning Herald. Stephanie Peatling. 'Politikids'

www.resistance.org.au/old/walkout/smh980810.htm

Sydney Morning Herald. P. P. McGuinness. 'Youth and naivety an attractive front'

www.resistance.org.au/old/walkout/smh980709.htm

The Governor-General

Governor-General of the Commonwealth of Australia

www.gg.gov.au

SBS Online. The Whitlam Dismissal <http://www.sbs.com.au/news/article/2014/10/21/how-whitlam-dismissal-came-about>

An Australian republic?

ABC ConCon site

www.abc.net.au/concon

This website contains background to the Constitutional Convention, comparisons with other constitutions, opinion pieces and an interactive game where students can create their own constitution by responding to various Q&As. A section of the site is designed for educators and includes diary entries from the youngest delegates at the Convention.

Australians for a Constitutional Monarchy

www.norepublic.com.au

Australian Republican Movement

www.republic.org.au

This includes a summary of the six republican models presented.

Civics and Citizenship Education, National Schools Constitutional Convention

www.civicsandcitizenship.edu.au/cce/default.asp?id=8980

The Constitutional Convention proceedings

http://www.aph.gov.au/About_Parliament

[Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9899/99RP25](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9899/99RP25)



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