

40 years

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Edited by Christopher Sheil

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40 years of public activism

The Evatt Foundation was established in 1979 as a memorial to Dr Herbert Vere Evatt with the aim of advancing the highest ideals of the labour movement: equality, democracy, social justice and human rights. For 40 years, the Foundation has been pursuing this aim through research, publications, public discussion and debate.

The Evatt Foundation was launched in the Great Hall of the University of Sydney on 27 September 1979. Before a large audience of supporters, inspirational speeches were made by: Sir Richard Kirby, the inaugural President of the Evatt Foundation, Sir Zelman Cohen, Governor-General of Australia, Neville Wran, QC MP, Premier of New South Wales, Bill Hayden, MP, Leader of the Federal Labor Party, Hal Missingham, former Director of the Art Gallery of New South Wales, Bob Hawke, President of the Australian Council of Trade Unions, and Faith Bandler, leader of the successful campaign to remove discriminatory provisions of the Constitution in the 1967 referendum on Aboriginal Australians. The vote of thanks was moved by Gough Whitlam, AC QC, former Prime Minister of Australia. To mark the 40th anniversary, this booklet publishes the five surviving original speeches.

Over the four decades, the Evatt Foundation has been located in the Chief Secretary's Building (Macquarie Street, Sydney), the New South Wales Labour Council building, on the campus of the University of New South Wales and in the Sydney Trades Hall. In keeping with its origins and Dr Evatt's own career as a brilliant student, the Foundation has been affiliated with the University of Sydney since 2007.

The Evatt Foundation has always enjoyed the support of a loyal membership base, and has established an enduring public profile through its program of seminars, conferences and publications. The guiding hand of the institution's policy direction and management has been the Executive Committee. The names of all office holders since inception are recorded at the end of this commemorative booklet.

Zelman Cowen

I am very pleased to participate in this ceremony to inaugurate the Herbert Vere Evatt Memorial Foundation. Both as Governor-General, and as one who has had a deep and continuing interest in the law, I should like to pay my tribute to the memory of a distinguished Australian: a scholar, lawyer, judge, political leader and President of the General Assembly of the United Nations.

Others who will speak on this occasion will have had much closer personal acquaintance with Dr Evatt than I. It happened that I met him on very few occasions. I was his guest at a luncheon in Parliament House when I was a Law Professor; I also saw him and spoke with him in Melbourne.



I know his work much better; after his death, I wrote a short appreciation of his work as a member of the High Court Bench; I also wrote an introduction to a second edition of *The King and His Dominion Governors*

which was first published in 1936, and then in the second edition in 1967. Indeed the second edition is a reprint with an introductory essay by me. I had no dealings with Dr Evatt's family; as I recall, the late Dr Andrew Fabinyi of Cheshire's said that it was not desired that the text of the book be amended and that a new introduction could, hopefully, bring the case material up to date. So it was that the second

edition has Harold Laksi's foreword and Sir Kenneth Bailey's introduction to the first edition, and my introduction to the second edition.

It was one of a number of books which made their appearance during his years on the High Court Bench. *The King and His Dominion Governors*, as I have said, was published in 1936; *Injustice Within the Law; A Study of the Case of the Dorsetshire Labourers* in 1937; *Rum Rebellion* in 1938 and *Australian Labour Leader: The Story of W. A. Holman* in 1940. It is a record of scholarship and research of which a full-time scholar would be proud; much of the work was done while he was actively discharging the duties of High Court judge.

I am sure that the ten years on the Bench of that Court from December 1930 to September 1940, when he resigned to enter politics, were special and rewarding. He came to the Court at the age of 36 after a distinguished career as a student and then at the Bar. Every Australian law student knows, or at least remembers something of the *Engineers' Case* of 1920; and two notable Australians who were then very young men, made their appearance as counsel in it. Robert Menzies appeared for the claimant, and H. V. Evatt, as junior to Flannery K.C. appeared for the State of New South Wales, intervening.

A onetime teacher of law must curb the impulse to give an expansive account of the course of Evatt's interpretation of the Constitution as a judge, and of his approach to other cases. I shall curb it, but I shall say that during his years on the Bench, he had abundant opportunity to deal with constitutional matters: matters which bore on

the notions of federal implications in the constitution, on the supremacy of Commonwealth law, on the interpretation of taxing powers, on the scope of such powers as defence, arbitration, trade and commerce, posts and telegraphs, and, in a celebrated judgment, he gave a broad interpretation to the external affairs power. The well-known section 92 gave him plenty of scope for the expression of his views, notably in transport and marketing cases, and he came back to section 92 when, as Attorney-General and Counsel for the Commonwealth, he argued the *Bank Nationalisation Case* at the end of the 1940s.

What I find particularly interesting in Evatt's work as a judge is his work in the non-constitutional cases, and these provide

the greater part of the jurisdiction of the High Court, and they are varied. Evatt's work in this field was distinguished; his judgements were scholarly, searching, and revealed the breadth of his knowledge in the law and beyond. He had a keen awareness of the social implications of issues and, as I said in my introduction to *The King and His Dominion Governors* — and please let me quote a few words from myself — Evatt's judgements established for him a permanent place in Australian jurisprudence; they reflect great industry, a wide learning, and a range of inquiry which often extended into the fields of

history, politics and sociology. Some of them, surely, are classics.

He returned to the Bench, to the distinguished office of Chief Justice of New South Wales, after his retirement from politics. His great work as a judge was, however, done in his years as a High Court judge. As Attorney-General, he had an active interest in many legal issues, not least the cause of constitutional reform.

Of his years in politics as a minister, as Attorney-General, and Minister for External Affairs, of his activities in the founding Conference of the United Nations, which gave

him international prominence and which surely contributed to his subsequent election as President of the General Assembly, others will doubtless speak. He

had a lively interest in the arts and sports, and Kylie Tennant, in her biography, stresses his deep interest in people and his human compassion. That is a great quality which no good man, however high he rises, should ever lose.

The Foundation which will help to preserve his memory, will provide scholarships and grants to students and researchers over a wide range of academic endeavour. It will collect, document, and preserve the history of the Australian labour movement. The Foundation will organise seminars and conferences to

'The Foundation will organise seminars and conferences to explore new approaches to Australian and world problems bearing on human rights, civil liberties, industrial relations, social and economic development and world peace.'

explore new approaches to Australian and world problems bearing on human rights, civil liberties, industrial relations, social and economic development and world peace. It is a wide sweep, and it is a fair reflection of Dr Evatt's interests. He would, I am sure, be pleased to know that a memorial devised to honour him, will serve these, and all of these purposes.

*His Excellency Sir Zelman Cowen, A.K., G.C.M.G., K.St.J., Q.C.,
Governor-General of the Commonwealth of Australia.*

Neville Wran

It is altogether fitting that this meeting to launch the Herbert Vere Evatt Memorial Foundation should be in the Great Hall of the University of Sydney, of which he was one of the most distinguished graduates. Indeed, I could quote an impeccable authority to establish that Dr Evatt was in fact the most distinguished graduate of this university. That was the verdict of the Evatt Memorial Lecturer speaking in this same Great Hall years ago. The lecturer was Edward Gough Whitlam. The fame of a university that has produced an



Evatt and a Whitlam is secure indeed.

Your Excellency, we are honoured by your presence this evening. Your presence places the Foundation and the memory of Dr Evatt firmly where we, his colleagues and heirs of the Australian Labor Party, deeply believe it must now be, above the party and for the nation. He was the leader of our party but he was the servant of Australia. Your Excellency's presence is a gratifying remembrance and recognition of that fact.

In the same spirit, Sir Richard Kirby has generously consented to be the chairman of the Evatt Foundation. No living Australian commands greater respect from all sides, from all parties, from industry and from labour. In a field where it is proverbially impossible to satisfy everybody and to please anybody, Dick Kirby did in fact seem to achieve the impossible — by bringing to bear his qualities of integrity, impartiality, patience and not least, good Australian common sense. In the difficult times through which Australia is passing, the Kirby touch is needed as much as ever, and we must hope that the example and lessons of Sir Richard Kirby are never forgotten in Australia.

I was asked earlier this year to contribute a foreword to a publication of Dr Evatt's classic work: *Australian Labour Leader*. One was powerfully reminded of how much the turbulence, touched by genuine tragedy, of Dr Evatt's later years, had obscured the shining achievements of this remarkable, brilliant, many-sided Australian. His writings in history

and law would alone have guaranteed him a formidable reputation as an historian and scholar.

He was, at the same time, one of the great jurists of this century. Above all, he was the architect of modern Australian foreign policy, for the truth is that before the Evatt era, Australia had no independent foreign policy, no voice which was not the echo of either Whitehall or Washington. Dr Evatt gave us — in every sense — an authentic Australian voice in the world. And if that voice sometimes sounded abrasive, it was because he had no patience with the little hypocrisies of diplomacy, and he spoke with deep and genuine passion about the things in which he believed and against the things he passionately believed were wrong. And in his advocacy of human rights and the rights of small nations, Herbert Vere Evatt will have his monument as long as the United Nations endures. On the great world stage, his place in history is secure.

As I have said, later events, particularly the tragedy of 1955 — Evatt's tragedy, Labor's tragedy, Australia's tragedy — dimmed the lustre of his political achievements. But none who cherish liberty and freedom in Australia can ever forget his almost single-handed efforts, truly heroic efforts, to preserve the civil rights of Australians in 1951. If that had been his sole achievement, then the name of Evatt would still be a mighty name, and his

mighty fame, forever. However, history ranks him among our statemen, of this, I think, there can be little doubt. Of those who did not reach the highest political office, the prime ministership, he was the greatest and noblest of them all.

These then are some of the reasons why it has been decided to honour the memory of Herbert Vere Evatt by the establishment of this Foundation. But in truth the honour we do is not so much to him, but to ourselves, in being honoured to pay, in some small way, our tribute to this great Australian.

In particular, it is an honour for me as Premier of New South Wales — Dr Evatt's home state, in whose parliament he served on the threshold of his remarkable career and whose chief justice he became at the end of it — to be asked to launch the appeal for the Foundation. I now do so, and on behalf of the New South Wales Government, I ask Sir Richard Kirby to accept a cheque for \$100,000 as a contribution, on behalf of all the people of New South Wales, to the Herbert Vere Evatt Foundation.

Hon. Neville Wran, Q.C., M.P., Premier of New South Wales.

Bill Hayden

In *Australian Labour Leader*, Dr Evatt argues persuasively that both Billy Hughes and

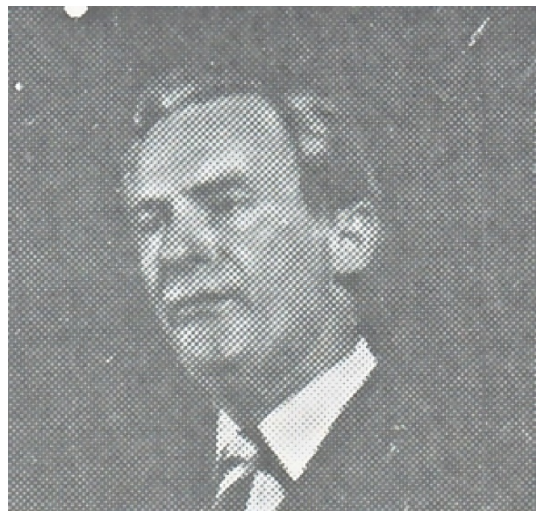
William Holman recognised ultimately the futility of their estrangement from the labour movement — what he describes as the annihilating realisation that they should never have abandoned the cause which they first espoused. Dr Evatt's public career had many frustrations and disappointments, but he was not to know this same annihilating sense of waste and loss.

While *Australian Labour Leader* is an unsurpassed political narrative, the relevance of *The King and His Dominion Governors* was obscured for many years. Certainly, it was seen as a worthy academic study of an abstruse area of constitutional law. Its account of the dismissal of the Lang by Governor Game was recognised as a valuable piece of historical analysis. But the importance of Dr Evatt's elaborate argument for the proper statement and codification of the reserve powers of the crown was either ignored or discounted. It was deemed inconceivable that a power of dismissal against the advice of ministers should ever be exercised again.

Although its importance was not taken up by constitutional scholars, the significance of *The King and His Dominion Governors* was not completely ignored. Certainly, it was a germinal work for the constitutional lawyer who carefully set out the greatest constitutional trap in our history. Ironically, that same constitutional lawyer was once a youth of humble circumstances, whose legal education and rise in life had been fostered by the boundless generosity of H. V. Evatt. It is a matter of self-admission that the same

constitutional scholar later turned against Evatt, as he turned against all who had helped him up the ladder.

Since November 11, Evatt's *The King and His Dominion Governors* has been restored to its proper place in Australian constitutional literature. In every way, H. V. Evatt has proved a prophet of the great constitutional crisis, which happened 40 years after he wrote his book. The central point of Evatt's thesis is just as valid as it ever was. The reserve powers of the crown have not been defined and codified. Legitimate governments remain exposed to the constitutional whims of vindictive and vainglorious men.



Turning to Dr Evatt's public career, I think it is fair to say that, although he had a deep respect for parliament and for parliamentary practice, the parliament was not the area of his greatest strength. His recognition of the supremacy of parliament was stated plainly in his maiden speech, from which I quote briefly: 'The House must control the Executive Government of the Commonwealth'. While he adhered faithfully to this principle throughout his long parliamentary career, I think it is true to say that he was not a great parliamentarian in the

sense that Deakin, Hughes, Menzies and Whitlam were great parliamentarians.

One reason was that so much of his public career was conducted outside the parliament — even after he became a senior parliamentarian. During the war he was pre-occupied with the War Cabinet and, as External Affairs Minister, much of his time was spent outside Australia. This relative isolation from the Australian Parliament was maintained by his decisive role in the shaping of the United Nations after the war.

A close examination of Evatt's political career also shows a keen tactical sense of the need to get major issues out of the parliament — either to the courts for ultimate adjudication, or to the people for decision by referendum. His enthusiasm for referendums has been rivalled in our political experience only by Gough Whitlam. It showed up early in his political career in his superb efforts to build a proper base for post-war reconstruction, by enhancing Commonwealth power.

Dr Evatt was pre-occupied with the structure of postwar Australia from the moment he entered parliament. He sounded the great theme in his maiden speech — and again, I quote: 'The future of us all is dependent upon two things. First the outcome of the war, and secondly, and associated with the first, the sort of society which should follow the war.'

Evatt directed his great personal panache to the two great national referendums designed to facilitate reconstruction — the 14 powers referendum of 1944 and the referendum of 1946. The 14 powers referendum was defeated, but it was largely due to Evatt's efforts that it came within a respectable distance of success. Again, his work was outstanding in winning the acceptance of the social services power in 1946, and in the tragically narrow defeat of the request for

Commonwealth power over industrial employment and farm marketing. We know the impact that the acquisition

'We know the impact that the acquisition of federal powers over social services has had on Australian society.'

of federal powers over social services has had on Australian society. It was not lack of zeal on Evatt's part that prevented a similar benefit for Australian industrial relations and marketing of Australian agricultural products.

Through force of circumstances, Evatt made his contribution to the stability of postwar Australia largely in international affairs. It is a matter of acknowledgement, even by Evatt's detractors, that he performed this international role magnificently. It remains a matter of tantalising speculation what might have been achieved if his abilities had been directed solely to domestic reconstruction.

Evatt's tactical impulse to get out of the parliament and into the courts emerged most clearly with the Menzies led onslaught on the Communist Party in the early 50s. As a great

constitutional lawyer, Dr Evatt saw at a glance that Menzies' anti-Communist legislation would not stand up, that it was shot through with loopholes. He manoeuvred the passage of the legislation through the parliament as quickly as possible, so it could be got into the High Court, where he subjected it to devastating and successful challenge.

Dr Evatt's skills as a political fighter were never more splendidly exemplified than in the heroic struggle he waged to beat the Menzies attempt to win extra-constitutional powers to suppress the Communist Party. His efforts to defeat the Communist referendum constitute the greatest

individual achievement in Australian political history. It was the exalted climax to a life-long effort in defence of civil liberties.

The inter-meshing of the legislative process with the judicial process, which was so vital to Evatt's career, was demonstrated just as vividly in the Chifley government's attempt to nationalise the banks. With his vast constitutional knowledge, Evatt must have known that the attempted nationalisation was exceedingly vulnerable to successful challenge. This did not prevent him from bringing his enormous talents to bear on drafting the legislation, so as to make it as constitutionally watertight as possible. One of his cabinet colleagues, John Dedman, qualified a rather

critical comment on Evatt's economic abilities by describing his performance with this piece of legislation as 'incredible'. I quote from John Dedman: 'Chifley told him what he wanted, and Evatt, who had never tackled this field before, staggered us all by producing the legislation in a matter of days.' Once the legislation was challenged, Evatt displayed his greatness as an advocate by fighting a vain battle to the last ditch in the High Court and the Privy Council. Bank nationalisation should always be recalled whenever Evatt's loyalty to his government, or his prime minister, is questioned, as it is on occasion by wrong-headed people.

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Dr Evatt's eagerness to get out of the parliament and into judicial forums had its sad side. His defeat of the moves to ban the Communist Party

was a great triumph, but it also exposed him to smears and distortions which sowed the seeds for the split of 1955. His insistence on frankness with the parliament led to tactical errors, such as the divulgence of the Molotov letter. These mistakes made him vulnerable to the jibes and vindictiveness of lesser men. His last years in the parliament, and in political life, were tinged with sadness and marked by only a fitful display of his volcanic talents.

In many ways, Evatt was a unique figure — one who cannot be compared with any of our great national leaders, except, perhaps, with

Alfred Deakin, the greatest of Australian liberals. Deakin and Evatt were alike in the tremendous range and strength of her intellects, tempered in each case by artistic and literary gifts of a very high order. Both were men of huge achievement, who fell short of their unbounded potential as national leaders. Both in their later years suffered the tragic awareness of their gradual dissolution of remarkable intellectual powers.

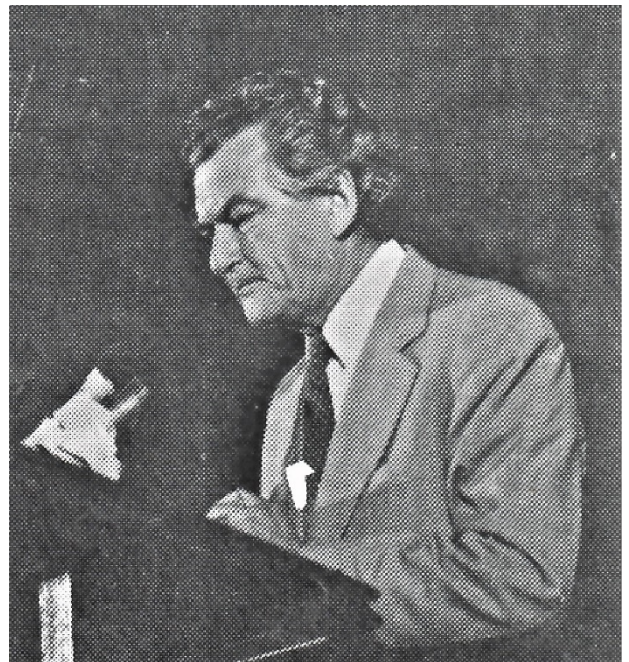
Herbert Vere Evatt was a great Australian, whose public career lacked neither triumphs nor disasters. He was one of the noblest of the many great figures of the Australian labour movement. A brilliant scholar, pre-eminent as a jurist, an outstanding political figure, Evatt was a vigilant defender of the great principles that all men and women who believe in a truly pluralistic liberal society must always strive to defend. I am honoured to pay tribute to him tonight and to join with my distinguished colleagues on this platform to warmly welcome and endorse the inauguration of the Evatt Foundation.

Bill Hayden M.P., Leader of the Opposition. [Note that the first page of the original copy of this speech has been lost.]

Bob Hawke

Your Excellencies, Sir Richard and Lady Kirby, my distinguished fellow speakers, ladies and gentlemen. It is perhaps for me, more than most of my colleagues in the Labor Party, a particular pleasure to be here, and to speak, at

the launch of the Herbert Vere Evatt Memorial Foundation. When the suggestion was made, during my presidency of the party, for the establishment of such a foundation, the question arose as to which of the great figures in our history we should so honour. Other names were mentioned but when, using the considerable privileges of the chair, I made this point there was no dissent: no person in that history had approached the towering contribution of Evatt in the field of international relations and it was inconceivable that a foundation having as a prime concern the promotion of public awareness and understanding in this field could be created in other than his name. And so it is we come to honour this great man tonight.



Evatt's unrivalled internationalism was deeply rooted in a passionate commitment to social reform and justice in his own country. Indeed, internationalism was for him the logical extension of that commitment, as I tried to put it when delivering the inaugural H. V. Evatt

Memorial Lecture in the University of Adelaide in 1976: whatever distance we, as an industrial and political movement, may travel down the road of social reform within our own country will have been in avail if we cannot achieve and maintain a world living in peace. Nuclear war will not merely ravage—it may well obliterate. No man better understood this than Dr Evatt. No Australian worked harder to establish a viable structure of peaceful relationships between nations, and to project for our country the image and the reality of constructive independence within that structure. This was the outstanding characteristic of the man's remarkably diverse career; all his other achievements, and his concerns, were secondary to it.

As the world emerged from the immediate

devastation of global carnage the optimism of the human spirit was nurtured by the belief that it was beyond reason for mankind, by resort to war again, to contemplate his own obliteration. In this context, Dr Evatt saw his days of great achievement as Minister for External Affairs, particularly as one of the main architects of the United Nations framework to which he was dedicated as the instrument for preserving that very future of mankind.

More than 30 years have passed since those days of great achievement and great hope. Those have been years of change so momentous as to attract the comment from

the American economist Kenneth Boulding: 'The world of today is as different from the world in which I was born as that world was from Julius Caesar's ... almost as much has happened since I was born as happened before.'

What have those developments of such vast dimensions meant for the vision and optimism displayed by Evatt both at home and abroad? I believe they have confirmed his belief in the inventive genius of man and in our capacity to provide a better standard and quality of life for all people. Equally the period has demonstrated how fragile is the fabric which

at any time holds people together in one state or in a relationship between states.

Understandable as it was in the immediate post-

war period, euphoric optimism is not the appropriate garb for the politician of today. The dominant characteristic of our community, nationally and internationally, is the total lack of symmetry between our capacity as technological and social engineers. Internationally, whilst we have avoided the ultimate disaster of the nuclear holocaust, war has been the constant concomitant of our affairs in this period. Within Australia we have moved from the easy options of 'the lucky country' to a society more and more sharply divided within itself and uncertain about its future.

'Evatt's unrivalled internationalism was deeply rooted in a passionate commitment to social reform and justice in his own country. Indeed, internationalism was for him the logical extension of that commitment.'

In no sense does this mean that the inspiration and example of Bert Evatt is no longer valid — quite the contrary. Because the risks we are facing are greater, because the price of failure is more horrendous, so much more necessary it is for men of goodwill to speak the truth as they see it and, if necessary, to say the uncomfortable thing. Without, of course, endorsing everything he said and did, one thing is certain: when he believed something must be done Evatt gave no thought to the consequences for himself even if what he was about could encompass his own destruction. I was inevitably reminded of Evatt when reading recently F. S. Oliver's *The Endless Adventure*:

It is this uncertainty, with its various consequences, that makes politics the most hazardous of all manly professions. If there is not another in which a man can hope to do so much good for his fellow creatures, neither is there any in which, by a cowardly act or by a mere loss of nerve, he may do so much widespread harm. Nor is there another in which he may so easily lose his own soul. But danger is the inseparable companion of honour. The greatest deeds in history were not done by people who thought of safety first. It is possible to be too much concerned even with one's own salvation. There will not be much hope left for humanity when men are no longer willing to risk their immortal as well as their mortal parts.

Bert Evatt knew what it was to take such risks and, perhaps more than any other person in the history of federal politics, came to experience the devastating price that can be paid by the man who is not 'too much concerned ... with (his) own salvation.'

In life, Australia did infinitely less than justice to Evatt. We now have in this Foundation the opportunity, far into the future, to do both

justice and honour to a truly great Australian in the way I believe he would most desire. The hope of this nation and of this world is to have a growing community of people aware, proud of but not blinded by their history and tradition — a community who, from this base, increasingly perceive their interest, indeed their salvation, in terms of finding common ground with others within and beyond their national boundaries rather than in the sterile honing of hatreds and divisiveness. This Foundation, as I say, provides the opportunity to foster the growth of such a community and at the same time to honour a great man. I hope you will give it your utmost support.

R. J. Hawke, President, Australian Council of Trade Unions.

Gough Whitlam

Your Excellencies, Vice-Chancellor, ladies and gentlemen. Nothing could be more appropriate, nothing can give the Evatt clan more joy, nothing would have given Herbert Vere Evatt more satisfaction, than to have the Foundation dedicated to promoting his ideals, inaugurated, launched in Blacket's Great Hall, modelled on Westminster Hall.

It was on this campus that Evatt nurtured and enhanced his appreciation of the finest things in life, all the things that one can and should do for one's fellow man. In his long and very diverse life, he strove unrelentingly to apply those ideals for the benefit of mankind through the Westminster system. He was a

member of the State Parliament, he was a member of the Federal Parliament, he was a member of the High Court of Australia, he was a Chief Justice of the Supreme Court of New South Wales.



The first I remember him as, of course, was as an author, because in the 1930s, the High Court was not as busy as it is unquestionably now. Nor in fact did it take as long to deliver its judgements. Evatt spent a great deal of time writing books. And significant books they were. They gave a new aspect to our history — the Tolpuddle Martyrs book, *Injustice Within the Law*; *Rum Rebellion*, a seductive title, dealing with Australia's first *coup d'état*. And then, *The King and His Dominion Governors*. I can assure His Excellency that it is not just a book studied by students now. It is a book studied by the highest people in politics and the professions. It is required reading, not least with its present introduction. I aspire to write one for the third edition.

I served with Evatt for seven years in the

Federal Parliament and, there, we thought we had in Evatt and Menzies, antagonists of the class of Lincoln and Douglas. Gladstone and Disraeli. And when Governor-General Slim retired, a man with a very rough appearance but a most engaging and pithy utterance, he was given a parliamentary dinner. The parliamentarians gave him — somehow there was money found from Consolidated Revenue — a present of two fighting cocks. Slim said: 'We'll call them Bob and Bert.'

They were my formative years in parliament. But back when I was a student in the 1930s, Evatt took the opportunity to visit the United States. There were very few lawyers, very few judges in this century, who studied in the United States. Last century they did. The founding fathers of our federation were well aware of the American constitutional system. One of those who Evatt came to know was Felix Frankfurter, later, of course, on the Supreme Court of the United States and one of Roosevelt's appointments. But Frankfurter was at that time in Harvard. If one has to be a professor, there is no better place to be. Amongst Evatt's books, there was one by Frankfurter, autographed from Cambridge: 'A doughty fighter for justice through law.' That was what Frankfurter said in the 1930s, and what Evatt certainly showed in the 1950s.

But there is another aspect that has not been mentioned, and I am hoping in speaking this evening not to repeat what has been said, as I am asked to propose a vote of thanks to those who have spoken already. But Frankfurter introduced Evatt to Roosevelt, and that

introduction was of immense importance to this country in 1942, because Dr Evatt had access to Roosevelt and this country was saved through that friendship, as much as by most other factors at that time.

I remember, many years later, being received in New Delhi by Prime Minister Nehru. The High Commissioner came and said all the right things, gave the Prime Minister his government's compliments, said that he would be leaving soon and so on. He had brought me along to this reception and Nehru listened, and immediately said to me: 'And how is Dr Evatt?' It was very plain that the leader of the most populous democracy on earth found it worthwhile for India to remain in the Commonwealth because of the Australian whom he knew best.

I have mentioned the presence of the Governor-General, who wrote the introduction to the second edition of *The King and His Dominion Governors*. It is a very fine thing that this year, the Governor-General, jurist, scholar and orator, should, as the resident Head of State of Australia, launch the foundations in honour of both Menzies and Evatt. In so doing, I believe he speaks for the whole of the Australian people.

And may I say that I find some satisfaction in being again on a public platform with a Governor-General. The last time was just over four years ago. It was on Independence Day in Port Moresby. Not only one Governor-General but two attended, Papua New Guinea's and ours, together with the Chief Justice of the new

nation and its Prime Minister. Only the last remains.

I thank on your behalf, too, Neville Wran. He said something nice about me and perhaps I can say something nice about him. I was speaking in this Blacket Great Hall just over four years ago at a graduation in Arts. I pointed out to the audience that the graduates of this university were taking over the country. They were Governor-General, Prime Minister, Governor, and I went on to say that I thought that at the next election of the Legislative Assembly in New South Wales, there would again be, for the first time in 50 years — since Bavin — a graduate of the University of Sydney as Premier of New South Wales. I was right. We should all thank him for his Government's contribution to the Foundation. This should spur some matching grants in the spirit of co-operative federalism.

Next, I must thank on your behalf, Bill Hayden, Evatt's third successor as Leader of the Australian Labor Party. I thought from your reception that I would not be inaccurate, and that I would not be alone, in wishing that he would become my successor as prime minister. I wanted him to succeed me, and when he did, I took an appropriate opportunity to leave the field to him because he has the age and experience to do the job splendidly. I have seen him develop in the job over the past 18 years and he has great experience, and there is no man in Federal Parliament who has a better grasp of the whole range of issues on behalf of the nation. He is still only the same age as Evatt when he

entered the Federal Parliament.

Hal Missingham gave, I thought, a remarkable vignette of the Evatt household. He mentioned Mary Alice Evatt too. They are a remarkably fine lot of people, the Evatt women. Good citizens with an appreciation of the social and artistic issues. And the Evatt home — what a home! No one can bear the brunt of politics without having a home, and Mary Alice gave Herbert Vere Evatt a home. And it was as Hal Missingham described it.

I must also thank on your behalf, Bob Hawke. I am one of the few people in the last week who have not had something to say in public about him. My mind goes back nearly 40 years to the first time I saw Evatt. It was on the Monday

fortnight before the 1940 election. I went up to the High Court — it wasn't easy to get in — and I saw this man who had achieved an immense position in the public life of his country. He was the best known Australian in many ways, overseas, already, because he wrote well and what he wrote was worth reading. The style and the matter were both outstanding and were a credit to his country.

He was on the High Court and I was a law student then, and I possibly had more veneration for him than I would have had since. He was stepping down. He was putting

everything at issue. And I do not believe there has been such an event for 40 years till last weekend. Bob Hawke, in a similar field for a similar period has exercised great influence in this community. I believe our institutions, our Westminster system, will be better for the fact that he has brought his experience and his talent to the Federal Parliament.

Evatt, as Bob Hawke has said, always stressed peace — always in the parliament — he had, at the UN, at San Francisco, at Geneva, at Lake Success, done his part, single-handed, it seems.

Certainly more than anyone now remembers,

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he played his part in seeing that the basic agencies of the United Nations, the basic instruments of the UN, are dedicated to the principles of full employment. Before the war, nobody

ever thought that was a matter which was of any international concern at all. They have not said that since Evatt's time at the UN.

The last speaker to whom I must convey your thanks is Faith Bandler. I can see how warmly you responded to her. And I am moved to say one other thing about Evatt. We can be grateful in this country for his stand in 1951 — in the Parliament, in the High Court, on the hustings for the referendum of that year on the Communist Party Dissolution Bill. The language of that Bill was also included in the legislation of South Africa. There it passed and

was applied. If it had been applied here, if the High Court had accepted it as the parliament did, if the people had accepted it as the parliament did, I ask you to compare our condition with South Africa and see how we would stand with our neighbours and in our region. Because of Frankfurter's introduction to Roosevelt during the war and because of Evatt's resistance to this legislation ten years later, this country is a safer and more harmonious place and is better regarded in the world.

Finally, I must thank Sir Richard Kirby. He is a man with an extraordinary talent for bringing people together. This is a rather comprehensive group of men and women on this platform tonight. They are united partly in a good cause, but particularly under excellent chairmanship. I don't suppose anybody in this country has had to resolve and heal more disputes than Sir Richard Kirby. He is a man who tolerates it all at weekends down the coast at a place modestly called the White House. He is very tolerant, very humane and a very amiable man. Indeed, we are fortunate in this country to have a man aptly called a 'mediator' in the biography of him.

Not long ago, I took part in a *This is Your Life* program about Richard Kirby, and I recalled that when I had the opportunity, I took him to Indonesia, recalling the fact that he had been

Evatt's envoy, Australia's representative in the police actions by the Netherlands in Indonesia in the late 1940s, and that he was well remembered in Indonesia, and particularly by people who haven't been around in Indonesian public life for some years. Maybe they aren't always encouraged or allowed to come out and see people like Dick Kirby, and it was good to see the man chosen by Evatt regarded in our day in that way.

I also talked rather flippantly about Dick Kirby on that *This is Your Life* program, saying that it had been recounted that Bob Menzies, in introducing him to the Queen, had said, referring to the awards that were granted in the Arbitration Court: 'Ma'am, this is my most expensive Judge.' I said I thought, had I been given the honour of introducing Richard Kirby, I would have said: 'Ma'am, this judge would make an ideal Governor-General.' And that, Your Excellency, would be as big a tribute as one can pay to any Australian.

Ladies and gentlemen, this evening, in this great place, for this great occasion, you've heard some great Australians speaking to you. And I would ask you to show your appreciation to them all.

Vote of thanks by Honourable E. G. Whitlam, A.C., Q.C., Prime Minister of Australia 1972-75.

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