

Parliament: Our Great Expectations

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I started off calling this paper 'Parliament: in great expectations' and, having a fondness for wet jokes, I thought I would subtitle it, 'and what the Dickens to do about it'. I gave it to my typist and got it back spelt D-I-C-I-N-S; that is when I thought that the joke probably was a bit past the current generation.

Since leaving parliament just more than a year ago, it has become a remote place. When I think about it, I assume that it is a little less remote for me than it is for most other Australians; but it is remote nonetheless.

This is an illustrative week to be talking about it. Once again we have had the high theatre of a leadership struggle dominating the news. That is what the public gets to hear about rather than the sort of things which are dealt with in these occasional lectures. That reality needs to be borne in mind when we are looking at what to expect from this place and its occupants.

If we were to address the issues of parliamentary reform on the basis of listening to the views of electors the debate would be different. Most electors would probably just ask for better behaviour from our leaders, indeed, for better behaviour in parliament generally and for a more obvious addressing of the nation's problems. I doubt whether they care much about the detail of issues of effective scrutiny and better legislation although the idea that they might have a larger voice would probably command support.

But as I said, for most of us, parliament is remote from our concerns. Earlier this year I found I could be in Canberra for a month at the Australian National University and not feel the need to visit the place where I had worked for 19 years. Perhaps my not wanting to visit was tied up with recent memories of ex-members when I was still a member of parliament. Some seem to drift around Parliament House like lost souls. Parliamentary death seems to have resulted in a hereafter that is not quite Hell but is certainly not Heaven. Some might be thought to be in Purgatory. They are the ones whose suffering may end by re-election to this place. They find a

niche which will enable them to have another go. The rest might be said to be in Limbo. There is no hope of return but they have not been, and never may be, released from a longing to return.

My memory is that in 19 years here as a senator and a member I never sought the advice of an ex-member, with the exception of a few who in retirement made a distinguished contribution to my party. Jim Forbes is one who did that. He is a friend and was a parliamentary colleague of mine and of my father and I valued his occasional counsel. But that is the exception rather than the norm. For the most part there is, in the best cases, a shared nostalgia and perhaps a shared friendship, but in political and parliamentary terms the departed are irrelevant. It is today's senators and members who will decide what this place will be like.

Late in 1992, after I had decided and publicly announced that I was to render myself irrelevant by not contesting the election in 1993, I read the Archbishop Sir James Duhig Memorial Lecture presented by the Reverend Peter Hollingworth, then Australian of the Year and then, as now, Anglican Archbishop of Brisbane. It was a fascinating paper on the difficult relationship between Christian doctrine and economic policy and was largely not relevant to my task today. But it contained a quotation which struck me then as good advice to a retiring MP. Archbishop Hollingworth thought it timely to reflect on the words of Theodore Roosevelt:

It is not the critic who counts, nor the man who points out how the strong man stumbles or where the doers of deeds could have done better.

The credit belongs to the man who is actually in the arena; whose face is marred with dust and sweat; who strives valiantly; who errs and may fall again and again, because there is no effort without error or shortcoming, but who does actually strive to do the deeds; who does know the great enthusiasm, the great devotion; who spends himself in a worthy cause; who at best knows in the end the triumph of high achievement and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold or timid souls who know neither victory nor defeat.

At that stage I still had hopes that my party would win the election, and I had thought about how they might see me as a future pain in the neck to them as busy ministers — a 'past irrelevant' pushing critical views on their performance. So I gave John Hewson a copy of the quotation and promised him I would remember it when he was prime minister.

I do not know if he kept it — I had to chase up the quote with a patient Peter Hollingworth — as our failure in the 1993 election released me from my promise to Hewson to keep a framed copy in my study. But I have remembered the notion and I acknowledge now how easy it is to be a critic from the comfort of an armchair or even a university.

I should also say that I never realised how hard or difficult it was being a politician until I stopped. What critical views I have on the Parliament and on politics now is, of necessity, moderated by the reality that at the moment I have a pleasant, rewarding and easy life compared with the 19 years I had in Parliament. I see my family and friends; I do the work that I wish to do rather than the work a leader wants me to do; I am free to pursue the ends that I believe worthwhile rather than advancing a group view which is only partly mine. Best of all, I do not feel that I am endlessly responsible to others and completely to blame for all the

community's woes. This comes home to me most when I drive through my old electorate or look down on it from the plane window. It was always a lovely bit of Australia with lots of wonderful people to whom I felt a strong bond, but my ease now tells me more about the burden of representation than I consciously understood at the time.

My post-parliamentary experience reinforces the need to heed Roosevelt's words So from my armchair I have refused invitations to comment on many issues, particularly ones relating to personalities rather than policy. But there are a number of areas where I am happy to speak out even at the risk of adding to the burden of those who hold office and causing them some irritation.

The first of these is again irrelevant to this lecture being on subjects which touch on our present and future relations with Aboriginal Australia. That life-long interest of mine is now the core of my present work. I believe that because public debate and policy approaches often tend to be episodic and ill-considered, there is a need for the participation of those with a long and consistent interest. As my interest was never primarily political in a partisan sense, I feel no obligation to remain silent in fairness to former colleagues.

A second area, however, is the institutional underpinning of our society and our democracy. The reason for this exception is that it appears to me that at all levels of our system and our society there is a loss of understanding of the significance of our institutions and the role they play in preserving what is, in world terms, a free and prosperous society. We continue to enjoy the advantage of many of these institutional underpinnings, not so much because we understand and support them, but, because they are still there and we obtain their advantages as a sort of hangover from the past. The risk is that without understanding they will not be nurtured and there is a risk they will be lost. There is a risk that the short term need will overwhelm the long term structure and whereas we might have brick wall institutions, they might turn out to be just paper cut-outs which will not give much support at a time of crisis or need.

Let me illustrate my point about the lack of understanding of institutions by talking about institutions which many see as inimical to the proper functioning and well-being of this parliamentary institution — the political parties. Last year, I was interviewed by an experienced reporter from a commercial television network about the Liberal Party. Our conversation was at cross-purposes. For her, the party organisations were irrelevant; what mattered was Keating versus Hewson in a television exchange, with clashes in the House as a second tier of significance. But the notion that the non-parliamentary organisations were themselves significant in the overall working of the constitutional processes seemed quite outside her conceptual framework. When I talked of the importance of grassroots involvement at branch and electorate level I may as well have been talking in a foreign language.

Mind you, when I read comments on the functioning of parliament by those who are devotees of the institution there is sometimes a flavour of blaming the party system for all that is wrong with parliament. Parties are responsible for the fact that numbers are used tyrannically in a party block to prevent the representative institutions from legislating with care, genuinely representing the electorate and putting an effective barrier in the way of executive absolutism. Yet it seems to me that political parties with a functioning caucus and a grassroots membership based in the community are a vital part of the operation of our sort of democracy, in particular, the Westminster system. Government goes to the members of

parliament able to command majority support in the lower House. The alternative government — essential to any realistic notion of democracy since to have true freedom to sack a government requires the capacity to replace it — has to be sufficiently organised to have the chance to achieve a majority in the next election.

The decaying number of party members in Australia is a real problem which influences the selection process and the breadth of focus of the parties. Their health has an impact on the functioning of this Parliament. Parties are not an unfortunate excrescence on this Parliament; they are an important part of what makes it work.

The real alternative to tightly controlled political parties is a non-parliamentary executive government. The US Congress can survive the lack of a genuine or binding caucus within the Congress because a new president will construct a cabinet through a process which is largely free of Congress — certainly it is outside Congress.

Prime Minister Bob Hawke may be seen as the first of our presidential prime ministers because he established his claim to office more through activities outside the Parliament than inside it. Even though he remains a 'one-off' in that respect, his cabinet was given him by caucus and had to be drawn from within the Parliament. He could not have become prime minister and could not have remained prime minister without Labor Party support within the House of Representatives and that was so, whatever his public standing.

As a recent escapee from the discipline of Westminster front bench conformity from 1978 to 1993, I understand better than most the attractiveness of having more freedom to dissent. But the rule of a single cabinet voice is just an old expression of the need for objectives which are shared in any management team; indeed shared by the whole work-force. This notion is not only as old as the cliché 'divided we fall', it is at the heart of modern management and industrial relations theory, and it seems unlikely to be overturned as an appropriate rule for government.

In talking about parliament therefore, we should be realistic (well I should be realistic at least) about what the elements are, how they are made up and what is expected of them. Parliament is made up of individuals who collectively control all the levers of power, including the Crown. There may be reserve powers; they may be enormously interesting and in times of crisis they may even be important, but in the long haul the Crown is what the elected people want it to be and it does what the elected people tell it to do. We could have a lovely academic debate about that. Politicians feel they carry a lot of responsibility because they are responsible for everything that is served up. If what is served up is not their fault, the fact is that they can take action about it if they have the collective will to do so. If they choose inaction in areas of national discontent that is their choice and their responsibility.

Almost all of our parliamentarians contest elections on the basis that they are members of a political party which seeks to govern Australia and must gain that right by winning a majority of seats in the House of Representatives. Most were elected on an undertaking to support their party and most would not be elected without party endorsement. They come into parliament with a bundle of obligations which may give rise to inconsistent demands. In no particular order they have obligations to

- the party organisation which put them there and within which there will be quite diverse expectations of them

- the electorate which put them there and again within which there will be diverse expectations
- the parliamentary party to which they now belong
- the nation
- their personal philosophy and beliefs
- the parliament, in particular to the chamber to which they were elected and to the parliamentary committees in which they participate.

To that list can be added a clearly defined set of obligations imposed on cabinet ministers and even on members of the shadow cabinet. A member is either loyal to the cabinet or resigns. That is the choice which underlines the strength of that obligation which must sit alongside when it does not subsume or consume the earlier institutional commitments that I have outlined.

Does anyone challenge the existence and indeed the inevitable existence of this sometimes contradictory web of obligations? Is it any wonder, therefore, that from within the different constituencies, there is a set of expectations which, when put together, cannot be reconciled? Is it any wonder that any analysis which focuses on one set of obligations or one set of expectations tends to be full of disappointment?

In the context of a lecture in this Parliament, it might be useful to focus on how the system appears to an observer from a different institutional perspective. Assume you are a volunteer member of a political party. Without reward, you are likely to work long and hard to advance the party interest which in your eyes is the best way to advance the interests of the nation. Part of that work is to find, select and help elect people to send to Canberra who will advance the views which reflect your own commitment to politics and to Australia.

In that context, I think it is highly unlikely that you will believe that the member of parliament you have supported has been sent off to Canberra to follow Burke's precept to exercise independent judgement without regard to the views of the electorate. Yet on day one in Canberra this fellow you have worked for becomes a person with new obligations to a parliamentary caucus in which his or her view is just one among many. Even if your MP agrees on every subject with you or with his or her party constituents, it is likely the member's view would not prevail in every case. So from the start, the member will be associated with decisions which are quite contrary to the expectations of those who helped him or her become a parliamentarian.

We have it on biblical authority that no man can serve two masters. An acknowledgment of the many areas to which the MP owes commitment is a starting point for a realistic assessment of how the system might work and for recognition that an MP cannot satisfy all areas of obligation. Even among the most thoughtful people in this place, there is not a clear or single view about where the primacy of obligation lies.

The member of parliament I most respected during my time here for his range of contributions and for the quality of his thought was the former senator, the Honourable Peter

Durack, QC. I read his paper, 'Parliament and People' in this series of Senate Occasional Lectures. He chose a topic that related to what he saw as the fundamental issue of what the parliament is about — 'representing people'. He in turn quoted Sir Anthony Mason in the political broadcast case as follows:

The point is that the representatives who are members of Parliament and Ministers of State are not only chosen by the people but exercise their legislative and executive powers as representatives of the people. And in the exercise of those powers the representatives of necessity are accountable to the people for what they do and have a responsibility to take account of the views of the people on whose behalf they act.

Peter said that he had chosen this quotation because he believed it was a classic statement of our system of democratic government. There is no doubt that the members who come here are accountable to the people. They must face the people at every election and they may or may not be elected.

There is an interesting difference of emphasis in the way Edmund Burke chose to describe his obligations. In 1774 he said to the electors of Bristol: 'You choose a member indeed; but when you have chosen him, he is not a member of Bristol but he is a member of Parliament.' What Burke asserted has always seemed to me to be part of the core conflict which faces every member of this parliament. Burke stepped back from the notion that he should be in parliament as a mere reflection of his constituency. As he put it: 'Your Representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.'

I doubt that any member of parliament could say that he or she consistently embraced the views of Sir Anthony Mason or the views of Edmund Burke. Indeed, I am not sufficiently a student of Burke to know whether he was consistent in this regard; although I do understand that brave Burke lost his seat. But Burke is also credited when writing about the Revolution in France with saying: 'In all forms of Government the people is the true legislator.'

This is not a matter of semantic quibbling. During my time here, I frequently found myself supporting federal parliamentary party decisions; decisions I agreed with but which were contrary to majority views of my party constituents in Western Australia. Given the general temper of Western Australia, my views were probably contrary to those of the majority of people from that state. This was most notable in the field of Aboriginal affairs. At such times I found Burke's dictum to his electors a consolation.

There were other occasions, however, when I fought hard for issues about which I felt lukewarm because it seemed to me that I owed that to the strong views of my constituency. Given my own view that it was a marginal issue, I felt obliged to represent their view. This got me into real trouble only once when somebody leaked information that I had said in shadow cabinet that I would oppose the tax on gold because all of us had some area where we had to bow to our constituency rather than to the logic of the argument. When I made that remark I had in mind the constant opposition of representatives from South Australia to the imposition of a tax on wine and the strong Queensland support for the Queensland sugar monopoly. This was picked up by the current prime minister; corruption was insinuated.

In Western Australian terms, a defence of an industry of great importance to the West, like a defence of a federalist approach to government generally, was part of a broad pattern which would have been expected from its representatives by the state party. I talk about these examples because I think they show that I, like other members, found it difficult to hang my actions on a single principle useable in all circumstances. In the broad, where I had a passionate view on a matter I followed Burke's advice. Where I regarded the decision as marginal and I had no particular personal conviction about it, then representing what I thought to be the views of my electors seemed the appropriate course of action.

I am not setting up a straw man. After all, Peter Durack and Tony Mason are saying that the electors' views must be taken into account rather than followed. My experience of electors is that they do not think you have taken their views into account when the final decision is opposed to their views. They are not interested in the agonising of decision making; only the outcome.

In looking at my expectations of MPs and of the Parliament, I have to make judgements from that background. Bear in mind that in 19 years I never established myself as a man of principle by crossing the floor or voting against my party in Parliament. Crossing the floor is the stuff of which parliamentary heroes are made and I want to put a personal perspective on that aspect of parliamentary life.

My view is that party discipline is too strict in our Parliament and, at least on technical and non-policy amendments to legislation, members should be allowed to exercise personal judgement, as they should when serving on parliamentary committees. In my later years in Parliament, however, I was much more of the opinion that the failure of many members to have a view that they were prepared to articulate and argue for within the party forum was far more of a problem than excessive party discipline. Many seem to have forgotten Reg Wright's view that the Liberal Party is about 'the clash of ideas'.

To return to the point, my party's constitution permits individual judgement on conscience issues as an acknowledgment of the primacy of obligation to the broad electorate. I think it is right not to impose rigid parliamentary party control although sceptics might point to the rarity of floor crossing to suggest that the provision is fairly meaningless.

My impression is that individual stands are rarer now and that there is a different style of person being elected to the Parliament. Those of you who are still here can better judge whether Ivor Greenwood, Peter Sim, Peter Durack, Jim Cavanagh, Reg Wright, Peter Rae, Ron McAuliffe, Magnus Cormack, Alan Missen, Neville Bonner and Justin O'Byrne have been replaced by men of similar independence of mind. I suspect not, but that may be an illusion of age. I ran into John Watson at the airport and he reminded me that there are still some fairly powerful individual figures in the Senate who make a substantial difference to the handling of important issues — in John's case, taxation and superannuation.

But despite my great personal respect and affection for the many I have named let me say two things about floor crossing under the existing rules which explains my own unprincipled position — a position shared by a number of those in the list I have just made. Incidentally my view may also be coloured by the fact that I was from 1975 to 1978 my party's whip in the Senate and so responsible for maintaining my party's vote.

In 1975 the Labor Government brought in the Racial Discrimination Bill. As you would expect, the Bill attracted mixed responses from my side of politics. I have not looked at it since

1975, but I remember Sir James Killen's speech in the House of Representatives as indicative of some of the concerns. I do, however, remember it as my first significant win in the parliamentary party when the party adopted a supportive position for the Bill while seeking amendments favouring conciliation and education over criminal sanctions. As I watched with great satisfaction my Liberal and National Party colleagues vote for what I believed in, I was struck by the fact that a number of them were supporting my position against their own views and better judgement. I remember thinking that this could not be a one-way street; that fairness would require me to repay in kind when I found myself in a minority position.

I was also aware that in the Senate at that time, if you were from the liberal wing of the Liberal party and you crossed the floor, you could always combine with Labor to defeat the opposition. Whereas, if you were a conservative Liberal or a conservative National Party member and you crossed from the right, you would invariably wind up sitting alone. It seemed to me grossly unfair that only the small 'l' liberals in the Liberal Party had the capacity to affect the outcome by crossing the floor. I thought that was very unfair and another reason for caution.

My final and perhaps more contentious point is that I often found — and perhaps I am coloured by my experience as whip — that crossing the floor was not all that principled at all. I very seldom saw anyone cross the floor against the wishes of their endorsing body. From a Western Australian perspective, not crossing the floor was on occasion the course of action which carried the greater political risk. The only senator whom I could see as unequivocally clear of any motivation other than firm personal commitment to his principle when he opposed his party was my friend Neville Bonner. He consistently crossed the floor in a way which enraged the Liberal Party of Queensland. In time he paid the political price and left the Parliament. I think Burke would have been proud of him. He never used his vote to curry favour with those who had the power of political life and death over him and, while you could disagree with his stands, it would be hard to argue that they were unprincipled.

In another of these lectures given by Bill Blick, entitled 'Accountability, the Parliament and the Executive', he drew attention to the fact that even membership of the public service can present ethical dilemmas. He described the case of Clive Ponting in the United Kingdom where 'a senior official believed it was his duty to leak to a parliamentary committee, material which indicated that the government was attempting to mislead the committee about certain events in the Falklands War'. Ponting was prosecuted under the Official Secrets Act but was acquitted by a jury despite clear directions to the contrary by the Judge.

Blick's view, while sympathetic to Ponting, was that he should not have done what he did. He thought that Ponting violated a fundamental principle of Westminster Government, namely that ministers, not public servants, take responsibility for the relationship between the executive and the Parliament. As Blick advised in his paper — presumably advice meant for his fellow public servants — 'we do need to keep in mind at all times that our relationship with the Parliament is conditioned and shaped by our duty to serve and to be accountable to the government of the day'. I was not surprised to read in that paper that the distinguished Clerk of the Senate, Harry Evans, took up this point. He asked that if a person in Ponting's situation is questioned directly about his knowledge of the Government misleading the Parliament, does that person decline to answer the question, which is a contempt; does he lie, which is also a contempt; or does he tell the truth, 'which puts the Government right in it'.

Blick smoothly suggested that such a person should ask for the question to be directed to the minister. When pressed by Evans about the question relating to the public servant's own

knowledge of the matter, Blick reminded the audience that the head of a government department had told a committee that 'he was unable to answer a question about the whereabouts of Coronation Hill because the minister had instructed him "not to answer any questions at all on the subject"'.

At whatever level these matters are examined there are apparent dilemmas. No doubt when I was consoling myself with Burke's view of the responsibility of a representative, I should also have been considering the sobering comments of Professor Geoffrey de Q. Walker on the issue of elite opinions. He writes in support of citizens' initiative and referenda under the title *The People's Law*. Walker draws attention to the fact that political intellectuals tend to reject everyday experience and observation as a guide to decision making, preferring to deal in theories. He goes on to say: 'This makes the whole group a volatile one, since it is continually switching from one fashionable theory to another.'

I take Professor Walker seriously because he gives some powerful examples. The move from the espousal of eugenics in the 1930s to disavowal in the face of the dreadful consequences of Hitler's racial policies is one example which should frighten us away from not too readily leading the people through fashionable theories. Feminists in the audience, if they like to be outraged, might like to read pages 177 to 180 of Walker's book, because he deals with the ideological vagaries of the feminist movement over a couple of decades. I am sure they will find it either sobering or enraging.

Realising that my recognition of such dilemmas may be no more than a sign of weakness and lack of principle, I turn to the work of one of the high priests of the Parliament, the Clerk of the Senate, Mr Harry Evans. I use that description in a way which is serious and intended as a compliment. Earlier I commented on the loss of understanding of our institutions. There is no doubt in my mind that the officers of the Parliament and principally the clerks of the House and the clerks of the Senate do represent the high point of dedication to the standing status and role of the parliamentary chambers. Of course It is always possible that they will get a distorted or lopsided view, but without their careful tending of principle and practice; without their devotion to the parliamentary institutions, I think Parliament would be in dire straits.

I found Harry Evans' contribution to this series during 1992 consoling. He pointed out that many other countries similar to us are arguing about constitutional reform and demanding the very institutions which Australia already possesses: written constitutions with the authority of popular approval; elected second chambers as brakes on the powers of governments with entrenched control of lower houses; constitutional and legislative safeguards against excessive executive government power; and real federal systems.

I agree with Mr Evans that Australia has a constitution which brings in many of the features and principles of the late 19th century liberalism and constitutionalism. This means there is great force in his view that Australia does not need to undertake fundamental constitutional changes, but rather can concentrate on improving the operation of the institutions we already have. It is a reasonable statement, but on reflection it is not one with which I am yet ready to agree.

It seems to me that in setting the balance between the competing interests in this place the steady drift is towards the entrenchment of party authority in an extreme form. It is in this entrenchment of rigid and near universal party authority that I believe we start to move away

from some of the fundamental goodness of our constitutional structure. Once again, Burke had something to say about this. In the speech to which I have already referred, he made it plain that in his view:

Parliament is not a congress of ambassadors from different and hostile interests; which interests each it must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole.

As my own thinking drifts towards what I understand to be called 'civic republicanism'; towards the notion that we have obligations towards each other as members of a civic community, I see a parliament which increasingly appears to service a narrower range of interests than that. We seem to be losing the notion of serving the interest of the whole. That is, I think, the perception of the public; that is, I think, the reality; that is, I think, at the heart of disillusionment about politics and parliament.

It seems to me that the most successful political organisation of the 1980s, the right wing of the ALP, represents the political efficiency of a strict adherence to sectional interests within the party — some would say with excellent results for the country but some would disagree. To my mind, the fundamental problem is that increasingly the focus is on the party rather than the national interest and that undermines our institutions as surely as it produces other suboptimal outcomes.

I make no personal criticism of the people here. I am grateful that they are carrying the burden rather than I. But I think if we are to see greater improvement in the operation of parliament, it is unlikely to lie in further incremental change in line with the changes which have already been made in terms of beefing up the committee system and so on.

There may be value in the suggestion that opposition members should have a fair share of parliamentary committee chairs. It may be that through further refinement of the structure of committees in the Senate — for example, by combining standing and estimates committees — we can achieve even better outcomes than those which have been achieved by the reforms of the last 20 years.

It may well be that further extensive labouring of the sort that produced the legislative committees of the Senate, the devoted work of former deputy president David Hamer and Senator Michael Macklin, would produce further refinements, adjustments and improvements to the parliamentary process. But it appears to me that the only present bulwark against narrow party dictatorship in this Parliament is the Senate and its system of proportional representation, which in most cases guarantees that the governing party does not have a majority in the Senate. Preservation and enhancement of that part of the structure is essential if we are to preserve some of the proper democratic features of our system of government.

Incidentally those who are impressed by the present Prime Minister's claims that senators are 'unrepresentative swill' and by his suggestions that the Senate position needs to be re-examined would benefit from reading an analysis by J.R. Nethercote published in the *Sydney Morning Herald* last March. In a definitive way this article shows the poverty of views such as

those of the Prime Minister. The just published magazine the *Independent* in June 1994 editorialises in a similar vein.

I say that it is only by strengthening the independent and legislative nature of the Senate that we will get a strengthening of those elements of the Parliament which permit the people to check power and access the legislative process. This is where I think it is worth departing from the Evans' view.

When I first came to the Senate I thought the views of the then Senator Peter Sim rather eccentric when he advocated that there should be no ministers in the Senate. Senator Sim was one of those senators who tended to speak in jovial but disparaging terms of the role of the members of the House of Representatives. Perhaps it was because I was the son of a member of that House that I found myself in some disagreement with him and, as a would-be minister, I was not impressed by his first point either.

In examining the functioning of parliament, it is hard to accept that if one goes down what I would broadly term the 'Harry Evans' route' and simply continues to make minor adjustments to the status quo, the problems of our modern Parliament will be solved. In those circumstances, the reality will remain that those ongoing adjustments would only be of value if members of parliament see it as their obligation, or as being in their interest, to use the mechanisms which are established.

The limited use made by senators of the reports of the Scrutiny of Bills Committee has been commented on elsewhere in this series. I had some part in the establishment of that committee and it was my expectation that had provisions in bills which impacted on individual rights and liberties been drawn to the attention of senators it would be almost inevitable that they would want to do something about it. I would watch senators such as Jim Cavanagh get up and embarrass ministers at the table into admitting that bills had retrospective provisions, or all sorts of provisions, and provoking them to take action.

Much of what has been exposed by the Scrutiny of Bills Committee has not commanded parliamentary attention. What I expected has not happened. It is clear that a parliamentary mechanism which is not used by members of parliament is merely a token. We talk of parliamentary reports gathering dust on shelves; of wasted parliamentary inquiries. Unless there is a will at the level of the individual member to utilise mechanisms and to follow up reports, nothing will happen.

We can continue to rely on the spread of power in the Senate caused by the fragmentation of party representation in that chamber. Recent history, however, shows that the present arrangements can render an opposition totally irrelevant where the government is able to gain the support from minor parties. The Mabo debate is an example of that — an example of which I am deeply grateful. On the other hand, if the opposition is in support of the government, then the minor parties are rendered irrelevant.

It appears to me that, from the party viewpoint, the same rules apply in the Senate as in the House of Representatives. The hardening of party solidarity means that parliamentary deliberation in the Senate is more the result of an accident of the combination of numbers in the chamber than a function of superior intellectual and moral input of the senators. I think that consideration should be given to refocussing the Senate on its legislative and scrutiny functions by removing ministers from the Senate and creating a career structure for senators which is related to their performance of legislative and scrutiny tasks. Behaviour follows

rewards. At the moment the most desired reward, a ministry, will follow from effective service to the party. A system of rewards is needed to tilt behaviour towards legislative and scrutiny functions.

There are, I am sure, many within and without the Parliament — perhaps a majority — who share what I might term the ‘Evans’ view’ and see the possibility of real improvements without any fundamental changes. Recent developments in the House of Representatives might be seen as a sign of change, but there is a touch of irony in what I am about to say.

I am indebted to Daryl Williams, QC, MP¹ for drawing my attention to the exciting and novel action of the House of Representatives in referring a number of bills to House of Representatives standing committees. It had to be drawn to my attention because it evoked no media interest; I was not going to read about it in the newspapers or hear it on the evening news. It is a reminder of why most politicians do not give very high priority to the finer points of being good legislators. There are no political rewards for doing that part of the job well. Mr Williams found that out rather dramatically yesterday when he was dropped from the shadow cabinet.

Last week on Wednesday and Thursday, the House of Representatives Standing Committee on Legal and Constitution Affairs sat to consider the contentious provisions of the Crimes (Child Sex Tourism) Amendment Bill. Two other bills have been or are to be referred for similar consideration to standing committees. This is heady stuff; this is the House of Representatives acting as a legislative chamber with a role for MPs beyond that of a traditional rubber stamp or automatic opponent. Perhaps it heralds a new dawn: I doubt it. Look at the mix which has produced this development.

Until yesterday, it could be put down to the unusually highly qualified shadow Attorney-General, Daryl Williams. He is a distinguished lawyer and was president of the Australian Law Council. He could be expected to have a better than average comprehension of the possibilities of the House of Representatives. It is likely that his efforts to get the House of Representatives to behave as a legislative chamber have been substantially aided by the background and attributes of a key player on the Labor side, Daryl Melham, MP, himself a lawyer and one with experience as a public defender.

One thing public defenders know about is the possibility of injustice being done through the law. With some experience in that area as both a prosecutor and defender — never in the same trial I hasten to add — I know how enforcement agencies like to provide legislative short cuts to proving guilt. I know too that not every defendant has the long pockets of a Laurie Connell. You had a nice coincidence: Williams and Melham. It is a reminder that the nature and quality of individual senators and members does make a difference.

What is happening serves to illustrate what we have always known, namely, that the House of Representatives can do better, but look at the further factor at work. Earlier this year the same Daryl Williams suggested that the Crime (Search Warrants and Powers of Arrest) Amendment Bill be referred to the same House of Representatives committee. The same Daryl Melham

¹ Member for Tangney, Liberal Party of Australia, Opposition Shadow Ministry from 7 April 1993 to 26 May 1994. Shadow Attorney-General and Shadow Minister Assisting the Leader of the Opposition on Constitutional Reform from 7 April 1993 to 26 May 1994.

seemed to think it was a good idea, but the Minister for Justice declined the offer and he, of course, had the numbers. The bill was referred to a Senate committee and in due course amended. With the subsequent bills the real choice facing the government has not been whether to refer but where: a 'your place or mine' choice. There are some attractions for the Government in doing it in the House of Representatives; committee numbers being one of them. It is not unduly cynical to suggest that without the overhanging threat of the 'unrepresentative swill', government enthusiasm for developing the legislative role of the House of Representatives would soon evaporate.

Once again, remember that we are dealing with legitimate competing interests. It would be wrong to categorise the normal government desire to have its legislation passed as just wrong headed and unprincipled. The legislation on sex tours is clearly very sensitive and involves attacking highly unsavoury behaviour that would be regarded by all but pederasts as an affront to human dignity. It is not easy to get sober consideration of the adequacy of the protection of the 'innocent until proven guilty' accused alongside the understandably passionate concern about the protection of innocent children.

The dilemma involved in these issues came home to me in a personal way strongly in the recent controversial legislation on native title. As an individual in Parliament I consistently worked to improve parliamentary scrutiny of legislation. As leader of my party in the Senate I believed that leadership should come not from the executive but from senators, and in David Hamer I had someone who had strong personal convictions and as Deputy President and Chairman of Committees the perfect platform for advancing that cause. I am proud of the work he did and the changes he helped to achieve. Yet last December I appeared before a senate committee and argued against the legislation being referred to a select committee for consideration, urging instead that the bill should be passed before Christmas. Part of my evidence was quoted by the committee as follows:

I suppose my chief concern as an ex-member of the Senate is that I do not want the Senate Committee system used as a Trojan Horse for prejudice, and I think there is every risk that that would be what would happen if we had a lengthy Senate inquiry. I also do not want to see what I think was an important symbolic gain for the whole Aboriginal community in the Mabo decision thrown away

and

Most importantly, the early passage of the Commonwealth legislation will bring to an end the political and industry campaigns designed to inflame public opinion and to force the federal government to abandon any defence of Aboriginal property interests because of the electoral consequences. I think that any one with a knowledge of the history of the last 10 years could not deny that that is the reality within which you are working.

My fear was that this tinder box issue was due for some of the sort of treatment it got in my State of Western Australia in the mid-eighties. I had little doubt that the legislation could have been improved technically and little doubt the legislation risked destruction. I thought there was a risk the opposition would use any committee for the purpose of destruction rather than improvement — a view fortified when the opposition adopted the extraordinary tactic of not supporting any amendments in the committee stages in the Senate, even those which would have lessened the concerns of industry. From an outsider's viewpoint the Senate's role in the

native title debate was dominated by party tactical considerations. I shall go to my grave grateful to opposition senators for their odd stance because it rendered them irrelevant and ensured the passage of the legislation they claimed to oppose, but that is just another illustration of how complex these matters are.

Senators are not more moral or finer people than members in the House of Representatives. From a party standpoint, a significant proportion of them are or were senior office bearers in their parties or employees of their parties — they are party people. (I was transplanted into the Senate from the vice-presidency of the Liberal Party of Western Australia.) Senators are the same sort of people as members of the House of Representatives operating in a different environment and that produces some different approaches. I would say that the approaches are better and more likely to serve the national interest. My fundamental point is that by further changes in the institutional settings, we may be able to raise our expectation of further improvement.

What are the options for real improvement? There is the incremental approach which is ably expounded by Harry Evans. The trouble with this approach is that, in a sense, it has been tried over 20 years with some wonderful results, and yet the dissatisfaction persists. The Parliament has continued to add to its armory of parliamentary mechanisms to enable it to legislate and scrutinise, but the use of that armory has too often faltered under the weight of stronger allegiances to party and faction.

Approaches which will shift the incentive structure and encourage MPs to act as legislators and challengers to autocratic government require more fundamental changes. The big change that would re-focus both the House of Representatives and the Senate would be to move to an extra parliamentary executive. That is the issue which really should be driving the republican debate; but it is not.

The intermediate option is to move the executive government out of one chamber: the Senate. That is the Sim option and it is practical and achievable. It is practical because it works elsewhere within the federation, namely in Tasmania. Of course, you would need a government and opposition leader in the Senate. But for the rest, the avenue of preferment would be the key committee positions and the clear roles would be scrutiny of government actions and legislation.

This might be achievable politically because it is in the interest of all members of the House of Representatives and most senators to make the change. The members will see the prospects of more ministries for them. Some senators who are confident that they will be ministers will balk at it. Since most will not be ministers, the influential — and I am sure they can be made highly paid — committee chairmanships will offer a career path with the added advantage that it might be a career in government and in opposition if the system is so constructed.

Some will argue that any such moves will require a reduction of the Senate's powers. I do not agree. In any event, while that proposition may be an interesting debating point, I doubt that any reduction of senate powers is achievable. Why not just try it as a procedure, as most such reforms are tried out in the Senate before they become fixed in the standing orders? Then if the experience is unsatisfactory there can be a reversion to the status quo.

I do not expect Senator Evans or Senator Cook, or a few others I could name, to think much of this idea, or even the opposition frontbenchers — not, at least, until after the next election.

But the rest of us should look at this on the basis that our legislators face impossible demands and that, in the main, they do their best to manage the inconsistent demands made on them. It is idle to expect that, in an elected parliament, we will have philosopher kings; rather, we will have decent men and women responding to the demands on them and the institutional framework within which they work. I believe that without real changes in the incentive patterns we can expect much talk of reform, but little change.

Questioner — In your proposals for reform, I take it you abandon entirely any notion that the Senate should be restored to its original position of being a states' house representing state interests?

Mr Chaney — As a logical proposition that has always puzzled me. I do not believe that the Senate could effectively operate in that way. I have never been able to grasp conceptually how that could be. I come from a state which has strong state interests. It has a very strong state's rights orientation. You see that whether there is a Labor or Liberal state government in Western Australia. It has particular interests and concerns about things such as taxing of gold, and so on. But if the Senate operated as a states' house, I cannot see how it is going to benefit Western Australia if its 12 senators come beetling over to Canberra beating their state drum to face the senators of five other states who are simply concerned with beating their state drums. It seems to me that the arithmetic of the Senate being a states' house, in the sense that you would expect senators to vote on state interest lines, is something of a fantasy. I have never actually seen that as being a realistic or sensible expectation.

I think that it is more realistic to say that there could be a greater role for independence in the Senate. If you took ministers out and continued to change the culture, that would make sense. In Tasmania there is the precedent of a large number of nominal Independents. They seem to be identified as having particular interests or allegiances. That would always be the case. I think the move towards more independence in the Senate would be a realistic option. Now that I am just a citizen copping the same as every other citizen, the notion of having an upper house which has divided authority appeals to me greatly.

I can understand those voters who spread their vote — vote for party A or party B in the lower house or an Independent in the upper house. That seems to me to be quite a rational response to the nature of Australian politics today. Would you really want Paul Keating to have the absolute power of life and death over government decisions in Australia? I think most Australians are actually quite happy to have the Senate as something of a problem for the Government. But the answer does not lie in going down your track. As a West Australian, I would hate that, because I know you bastards in the eastern states would gang up on our westerners and put through a lot of dreadful laws that would make us even poorer than we are today.

Questioner — You criticised the rigidity of the party systems today. What do you think of suggestions within the Liberal party that adopting more formal factions would be desirable? Following on from that, do you think that Alexander Downer's shadow ministry reflects a balance between moderates and conservatives?

Mr Chaney — The second part of your question seems to be a very politically charged question. In answer to the first part of your question, I actually see no signs that the faction system of the Labor Party has benefited Australia. I think it has benefited the Labor Party in a

management sense. I think I have made clear in my paper that there will be different views as to whether the sort of hegemony of the New South Wales Right has been good or bad for Australia. I think it has been bad for our institutions and, in many ways, bad for Australia. I think if the Liberal Party goes into government next time with a similar system, we would have no greater guarantee that it would be superior. As an internal party management for the Liberal Party, which is no longer my direct concern or interest, it may have advantages, but I do not know that it would necessarily be particularly good for the country.

As far as Alexander Downer's shadow cabinet is concerned, let me express one personal disappointment, which I have already made clear. I think Daryl Williams is an outstanding person who, in an institutional sense, would have been wonderful to have there. But on the other hand, I think the *Financial Review* put its finger on it. I think there has been a shadow cabinet chosen for aggression. Given the aggressive nature of the Government, I think Mr Downer is probably being very sensible. He seems to me to have picked a group of people who will take the fight to the Government, which is a pretty ferocious show.

I will make one other comment. I have tried to stay out of all personality politics, because I had enough of that in the 1980s to last me three lifetimes. I am personally delighted they have chosen someone with Alexander Downer's breadth of experience and background. He is a man who has a real understanding of the history of the country and of the party. He has much greater breadth than most members of the House of Representatives. I think he is very well qualified to do the job. I came to a personal view some time ago that he was the person of the next generation whom I would most like to see as prime minister. I am thrilled the party, with no help from me, made such an excellent choice. I would not have supported him publicly for fear of injuring his chances before he got it.

Questioner — The perceived performance of many backbenchers on both sides of the house — and one or two on the front bench, too — is less than a lot of people would expect. Also linked to that is the question of the family life of parliamentarians. Is there a case to limit the tenure of office of parliamentarians to about 10 or 12 years, after which they get a suitable order — a fat gratuity: no pension and no other privileges?

Mr Chaney — I wish you would have thought of that 10 years ago, cobber. On the first point, and I tried to avoid this in my paper, it is very hard to avoid making what I call old men's judgements. Things are never as good as they used to be and the people are never as good as they used to be. I re-read Paul Hasluck's *Time for Building* recently. It is a really wonderful internal account of how it all works. He tells a terrible story. He explained the illness of people in New Guinea and the 'scourge of yaws'. The interjection was, 'What's yours?' There were guffaws around the chamber. I just tell that story as a reminder that they were not actually perfect little gentlemen or wonderful men of principle. They were actually just as larrikin and ordinary as we always will be in a parliament as long as we have a representative institution. One has to expect that parliamentarians will be very normal.

Your proposition is one that the *Economist* put forward a long time ago. The *Economist* stated, 'In the House of Commons of some 600 people there are 50 people who make any difference. Most of them are decent men and women, but if you took the 550 out and replaced them with someone else, no-one except their mums and dads would notice.' You can take that as a sneer or as a tribute to the genuinely representative nature of the parliament. I take it as the latter.

But I also think it is true that in a parliament at any time there is a small group of people who really do change the nature of the place and provide a different sort of hope and expectation.

In that frame of mind, the *Economist* stated, 'The object should be to turn the 550 over as quickly as possible. We therefore advocate a really sizeable retirement pension after eight years diminishing annually thereafter.' If that system had applied and cupidity had ruled my life, I would have had a wonderful political career. I would have left parliament in 1983, avoided all the unpleasantness of the 1980s and started another career at an earlier time than I have now been able to.

That sort of thinking is worth consideration. I do not think we should place barriers in the way of members of parliament leaving the parliament. If I may strike a personal note, there are real difficulties in this. There is no escape route for many people in parliament. That keeps many of them around too long. I had a couple of friends here whom I was delighted to see leave during the course of this Parliament. They were long-serving people whom I greatly admire, respect and like. Yet there was criticism that they should bring about by-elections and cause great public expense.

Bill Hassell, who is an ex-member of parliament in Western Australia, told me how awful it was to be criticised. Whatever you did — for example if you got work from the government — you were seen as engaged in some sleazy activity. I have been doing some consultancy work for the University of Western Australia for ATSIC. One of my ex-Liberal colleagues put this question on notice, 'How much is Chaney being paid?' Any palm-getting, happily, is going to the university, but it is a reminder that there are some real barriers in the way of getting the sort of turnover in the Parliament that I think would be wise. I am quite attracted to your view. I am not sure if I have answered all your questions, but since you asked a number altogether I am not going to apologise.

Questioner — In some parts of your speech today — and obviously I only agreed with parts of it — you seemed to support the proposition of having independents and non-committed people and referred to having more Democrat types in the Senate. My own belief is that you would never get any sort of tough, rational solutions to become Acts. Whilst we have a Labor government, I would say that Labor people from Western Australia would oppose the gold tax and it would get rolled; the wine tax in South Australia would get rolled; and the third runway in East Sydney would get rolled. You would finish up like the Democrats, where you oppose all tough measures such as the means test and support all handouts and say that they are not sufficiently great.

Mr Chaney — I think that is a very valid criticism. It is a criticism that has been very well developed in a couple of books written by Richard W. Bolling who narrowly missed out on becoming the speaker of the house in America. He was a long serving member of the House of Representatives and wrote *Power in the House* and *The House in Disarray*. He was a long serving member of the House of Representatives. He spends the whole of these books bemoaning the lack of a tight caucus in the Congress, which, as he says — and this is exactly what you say — stymies the passage of needed legislation.

I actually think that criticism reflects a much more basic criticism of the state of the United States and the Anglo-Saxon world, which is in a very confused state of mind. We approach most things in an adversarial way. The commentators I most admire for the comparisons they

make between the way the Anglo-Saxon and Asian worlds work in a business or economic sense, is one of the Cabot Lodge family — a very great political family in the United States.

George Cabot Lodge is a professor of business at Harvard. He contrasts the communitarian approach of the successful economies with the adversarial approach of countries like our own.

In my view, there are much broader issues to be tackled and I touched on that when I mentioned civic republicanism. We actually need to build a much stronger sense of the horizontal obligations in our community and a much stronger sense of community if we are to solve a lot of Australia's problems. I would like to think that we could build an assembly which was not based on the sort of adversarial tradition of the parliament, but based more on what the Senate already has to some extent — a capacity, through its committee system, to draw out common views.

I will tell a quick anecdote about that. You will remember a super-charged political period in this Parliament in 1975. I was a member of the Standing Committee on Legal and Constitutional Affairs. It was a splendid committee with John Button, Donald Grimes and Mervyn Everett on the Labor side and Alan Missen, Reg Wright and me on our side. A committee membership of five or six of us and you would all agree it was certainly a splendid committee. We were dealing with the national compensation bill. The bill was a very high profile, political proposal from the then government. It was a massive income proposal to deal with all cases of injury and illness, and so on.

I remember being terrified. We went around Australia taking evidence and all it seemed to show was that the government proposal was absolute nonsense. It was economically fraught and had huge problems. I remember going to Reg Wright — I was very green and very new — and saying, 'I am very worried about this committee and where it is going.' He said, 'Come and have a talk.' He took me over to the Senate rose garden. This all sounds like something out of a book, really. He sat me down in the Senate rose garden in his green tweed suit. He asked, 'What are you worried about?' I said, 'Look, everything seems to me to point to the fact that this scheme is a disaster for Australia. We have a committee with a Labor majority. What's going to happen?' Reg Wright leaned forward, put his podgy little finger on my knee and he said, 'My boy, the facts will speak for themselves.' We unanimously recommended that that bill be withdrawn.

I chose that as a single example. I do not think there has ever been a piece of legislation sent off to a Senate committee which has not produced at least a degree of unanimity on the need for change. I think there is a whole need for a paradigm shift in the way we approach these issues and in the way we see ourselves as a community, and we have to translate some of that shift into the parliamentary process.

I can only say that whilst I find it easy to be fairly clever around here, I actually find it terribly hard to be clever in a university where people have to have a certificate to prove they are clever. I am now learning that those certificates do mean something. People can sort all these things out and get it into a logical and coherent pattern. I am still struggling with that. I have not needed to do that for 20 years.

All I will say to you is that I think it can be a terrible burden. Yes, it can stop some good things from happening, but it can also stop some absolute disasters. I doubt that in the overall, if parliament had legislated less, then Australia would be worse off. If parliament had been a bit

more thoughtful — if groups had been able to throw a few logs on the path — we would be in a worse state than we are today. That is a value judgement. It is a guess, I suppose, but that is my judgement.

Questioner — It seems to me that the end product of your thinking is actually to take the executive right out of both houses and that that might assist the civic consciousness that you desire. What is the argument against heading more towards the American system, taking the executive out of both houses and emphasising that the role of Parliament is, indeed, legislative and legislation review?

Mr Chaney — That is a good question. I have not got time to canvass all that. Bolling, the author I mentioned earlier, canvasses all the reasons why we should not do that, because he says that there is an inability in the American system for a government to get its program and to do the things which are needed.

Questioner — But that is with a deficit in excess of \$300 billion.

Mr Chaney — That is right. That is the counter argument. I think that, if you took the argument halfway and had an upper house which was more independent than the present Senate, that would be a step in a useful direction. But there are no absolutes in this. That was part of what I was trying to do in this paper. The only thing that makes me sad about some of these debates is that people see the truth with such clarity when the truth is much muddier than that.

Whichever way you go, there will be disadvantages. The present disadvantages of the strength of party commitment and the power of the party commitment are such that you will only change that and move the Parliament back into a better shape by strengthening the institutions which are not directly part of the executive government.

Questioner — This is a special interest question. In the light of the variety of comments that you have made on the role of the Senate, could you comment on a remark that was made by Frank Brennan a couple of weeks back that the way to go, as far as the Aboriginal people were concerned, would be to have five seats permanently available in the Senate?

Mr Chaney — When I hear suggestions like that, I half cheer. Again, this is this terrible indecision. I have no problem with that. I think that the notion of providing Aboriginal representation in some special way, à la the Maori representation, would be a very powerful, symbolic and practical tool in terms of achieving what is broadly termed reconciliation. I do have some doubt about it. I have just come back from spending time in a town which has a substantial Aboriginal population doing the work which I now do. I try to see how all this works — what is good, what is bad and what we can do to make it better rather than worse.

Anyone who underestimates the white backlash is obviously not in touch with reality. There is, in my view, an extraordinarily ungenerous — but it is a fact — negative response to special provisions to assist Aboriginal people. It may be stronger in my state than in other places, but I think it is probably generally stronger closer to where Aboriginal people live than further away. That is probably the rule of thumb. This goes back to 1979 or 1980 when the notion of a treaty came forward, but I have always been extremely cautious because I think

the potential gains can sometimes be outweighed by the loss of community support and by the negative attitudes which build up in the community.

It is not always easy to be an Aboriginal Australian. Over the last year, in Western Australia with the Mabo debate at a very intense level, and particularly with the anti-Mabo debate at a very intense level, my anecdotal evidence is that it has been very uncomfortable for many Aboriginal people — uncomfortable for children at school and uncomfortable for people in the streets, shops, pubs, workplaces and so on.

Whilst I have enormous respect and affection for Frank Brennan, who I think is a really great Australian, he is always perhaps more ready to make the next cut or take the next action that is necessary. I am cautious because I see a lot of negatives around at the moment and I think that hastening slowly in this thing is the only way that you are actually going to make progress. I would not put high symbolic issues up. The sort of thing that the then Prime Minister, Bob Hawke, did at Barunga was an absolute disgrace. It ranks with the sort of rubbish we had from Graham Richardson. I am sorry to sound so very political on this. You discover the problem; you make some highly symbolic gesture. In Barunga it was, 'We are going to have a treaty.' Then, when it all becomes too hard, you walk away from it.

That is the history of these things. With the honourable exception of Paul Keating last December who, with very little internal support, gained the land title legislation. I regard that as an act of great political leadership on his part. It was a very difficult thing to have done. He broke a decade of the sort of behaviour that I have outlined — dramatic promises and a ghastly lack of fulfilment, except in the generous expenditure of money. But the big symbolic gestures — the treaty and national land rights — were really craven performances and very, very poor.

You have moved in and out of left field. That is a very broad answer to your question. As an individual, I would find that very easy to live with. I would want to think a lot about the community relations impact which are so important to the daily lives of Aboriginal people before I started to really run with it.

Questioner — This question changes the subject. I was stimulated by the title of your paper 'Parliament: Our great expectations'. This is a behavioural question and rather different from what you have been addressing most of the time. It seems to me to be important because one of the roots to power is your capacity to stand up and do well in the behavioural climate that is part of both houses. This leads both the President and the Speaker to spend at least half their time saying, 'Order! Order!' A community generates power and the people who live in that society are putting power in the wrong hands. You have been away from it a long time and I know you would not like, any more than I do, that sort of behaviour. Because of the title of your paper, do you have some thoughts on how behaviour might change and a different kind of person might be promoted to power?

Mr Chaney — Let me say two things. Firstly, I have a reputation for piety which is ill deserved. When Amanda Vanstone brought out a booklet of abusive terms used in the Senate, I turned to the index to find my name and, much to my surprise, I found an extraordinarily long list of quotes. I was very embarrassed to find that I had been so badly behaved and abusive. I think I called Gareth Evans a prawn or something like that. I cannot imagine what would have moved me to such heights. In my notes for this paper I said:

If we were to address the issues of parliamentary reform on the basis of listening to the views of electors, the debate would be different. Most electors would probably just ask for better behaviour from our leaders, and within the parliament generally, and a more obvious addressing of the nation's problems.

I think you are right and you pick a very strong point.

I gave you the example of Paul Hasluck. Paul Hasluck was a really fine scholar and a gentleman — not without his imperfections since he is human — but a really unrepresentative politician. It is worth remembering that story about the yaws. It was bad.

We happen to have a prime minister with extraordinary skill with vitriol. I think he has done a lot to change the nature of the House. One of the great experiences of my life was sitting on the frontbench effectively being accused of corruption by the Prime Minister and Kim Beazley, who has been a friend of mine. It is quite hard. It is not really a very pleasant experience, but I do not think that you can change that. I think that to try to change that in some artificial way is wrong. Again, it is a matter of more fundamental things within Australia. This is a very representative institution.

If you travelled around Australia, as I do now, looking at Australia from a different perspective, you would leave places, as I do, as deeply disturbed about behaviour in bars as I am disturbed about behaviour in the House of Representatives. I am as disturbed by the level of vitriol, racism and, in my view, totally unacceptable attitudes being trumpeted in a way which admits of no difference of opinion. I think it is a bit of a mistake to see the Parliament as always being a leader in this. I think to some extent Parliament is a reflection of Australia and the toughness of the House of Representatives is a reflection of some elements of Australia.

I close by reminding you of this very nice cartoon in the current *Bulletin*. There is a cartoon of old money, which is Alexander Downer, and new money, which is the Prime Minister, portrayed in nice form by Patrick Cook. In a sense, we all know there is going to be the most ghastly abuse of Alexander Downer for his accent, his schools, his club, his face or anything. It is going to be a very unpleasant experience. I just thank God that Alexander Downer has what parliamentarians have always had — a very thick skin.