

## Parliament's Last Stand

Senator the Hon. Terry Aulich

Ladies and gentlemen, I am not sure why so many are here today; maybe it is because in the *Canberra Times* this morning the commentary about my speaking here today was juxtaposed with the heading 'Triumph of a Champion'. There was a picture of a horse winning the Cup. Was it the heading 'Turf idol imposes superiority' or was it 'Corporate crime: Costello on attack'? Either way, I was amongst good company and you are bound to read anything about me as a result of my being in that company.

I have very deliberately chosen this title today as a result of the fifteen years or so that I have had — I was going to say 'as a working politician' — as a politician in both the state and federal arenas. For some time I was also the Chief Administrator of the Labor Party in Tasmania. This meant that, as State Secretary, I had the beautiful job of raising the money to run campaigns, collecting money from private enterprise, making sure all the candidates were ready to run, finding new candidates, organising the finances of the Party and, on the whole, learning a great deal more about politics from that position than I did as a member of Parliament.

I chose the phrase 'Parliament's Last Stand' because in some ways it reminds me of General Custer, who in his day was a hero — he was worshipped, adored and respected — but about whom history has not been kind. Primarily he did not realise that he was surrounded; he did not realise what the terrain was like; he did not realise that there were hostile people out there; and, ultimately, he walked into a disaster and took many people with him.

Parliament is like any other institution: it is not immutable; it is not permanent. Even the church has had to change a great deal over 2,000 years. Its approach, its functions and its ideology have had to change in accordance with the times, even though there is a core of belief. Similarly Parliament has evolved over a very long period. The form as we know it came to fruition primarily in the nineteenth century and the early twentieth century. That is what we have been stuck with right through the twentieth century.

I guess the question I am asking today — and I constantly ask myself this — is whether this institution, as we know it in the Australian context, is the most appropriate vehicle for dealing with the problems of the latter part of the twentieth century, or is Parliament becoming irrelevant, in a sense a parade, rather than an effective instrument to debate ideas and create policy? As I have indicated, all institutions — whether they be the church, the Masonic Lodge even, or Parliament — at some time or another have to sit down and examine where they are going, what their problems are and how they are going to resolve those problems, otherwise they are bound to go the way of the dodo.

If you believe that parliamentary democracy is the norm around the world, then you ought to look very closely at the governmental structures that operate in most countries. For example, if you believe that even in fairly permanent democracies the

parliamentary system will continue, as a right, because history says it is the ultimate form of progress, then you ought to look again at what has happened in a significant number of countries that once had their own elected parliaments but which became irrelevant to the needs and aspirations of the society that they served.

Remember the communist revolution and the 70-odd years of loathsome dictatorship that prevailed in the Soviet Union followed by the creation of a democratic parliament? Similarly, Uruguay had a workable democracy right through the twentieth century and in the 1970s simply lost it overnight. Romania and Bulgaria had their own parliaments and yet those countries ended up with fifty years of awful totalitarian dictatorship.

Democracy is not an immutable, unchanging institution which will survive despite the worst or best endeavours of politicians in the communities that they serve. Democracy is something that has to be fought for and is relatively rare. In fact, Australia can be considered historically as one of the longest-established working democracies in the world.

My picture of Parliament at the moment is of an old athlete, trained and improved by the reforms of the nineteenth and early twentieth centuries, but now limping into the 1990s, ignored by many and respected by few. As an example of that, I indicate to you a survey that was done by the Australian Electoral Office and a number of other survey units, which showed that only 5 per cent of people interviewed at the time knew who the Deputy Prime Minister of Australia was, but more than 60 per cent knew who the Duchess of York was. In terms of recognition, obviously we have some problems, so I use the words 'ignored by many and respected by few'. Yet Australia was once at the forefront of the great democratic experiment. Universal franchise and votes for women first surfaced here in institutional form, and constant reforms of the voting process, to bring about fairness and to defeat corruption, have been noteworthy in the federal system.

What has happened in a country which successfully borrowed and blended the British and American systems? In this paper I will attempt to explain why the parliamentary system is in need of reform, so that it once again represents a commitment to the public exchange of ideas and embodies, as it should, 'the symbolic value of both the unity and diversity of the nation'.

At the heart of the matter is the increasing power of the executive, party control and the dominance of rigid economic ideology. This is the theme which underpins my paper today. Let us first look at political parties. The most prominent feature of the Australian federal parliamentary system is the almost complete dominance of a rigid party regime. Parties are a necessary evil. As David Lovell said: 'Parties can be helpful in the transaction of parliamentary business but ultimately they prove a threat to parliament itself'.

A subset of the extraordinary discipline of Australian political parties is the factional system. All parties contain factions grouped around individuals or personalities and/or ideological teams: Dries and Wets, Left and Right and Centre Left, Powell versus the rest, Chaney versus the rest — the permutations are endless.

However, it is the Labor Party which is in government and which has dominated the political arena for nearly a decade at both a state and federal level. It is the Labor Party, one of the world's oldest continuous political parties, which has institutionalised factionalism as a modus operandi of politics. Much of what I have to say about the effect of party discipline on Parliament must perforce be centred on that particular

political party. I will spend some time analysing the factional system. People talk about it and they write about it — particularly the media — and they assume that people understand how it works. It is much more Byzantine than occasionally appears in the media.

First, factions provide a broad, rather than a limited, ideological grouping allowing the Labor Party in particular to contain the full political spectrum of political beliefs, from extreme Left to what occasionally is called knee-jerk Right. Unlike most other social democratic parties, the Australian Labor Party has almost never needed to govern in coalition with other parties of the Left, or even of the Centre. Recent state coalitions in Tasmania, for example, with the Greens, and in South Australia, with independent Left members, may indicate a trend away from this traditional monolithic construction. But even those coalitions have been primarily the result of temporary political expediency rather than long term ideological commitment. It has been said that the Labor Party now accepts that the Democrat power in the Senate constitutes an in-built requirement to work in coalition. I will comment later on the implications of that situation.

In the future, the Labor Party may well need to encapsulate in a formal manner the drift of voters towards third or fourth party groupings, especially on the part of younger voters, who in the past consistently voted Labor. In fact, our polls in a number of states have shown that in the last decade, young voters — that is, those people under twenty-five — voted for the Labor Party between 60 and 85 per cent of the time, depending on whether there were other green candidates in the election. The Labor Party has basically had a monopoly of that young vote. That is not guaranteed any more. As the Greens have shown in Tasmania, and as the Greens, Democrats and independents have shown in Senate races, they have a capacity to pull votes away from the Labor Party. Therefore, the capacity of the Labor Party to continue to work as one monolithic party — in other words, to govern in its own right — may well be in question over the next five or six years.

Secondly, the factions allow a systematic method of providing preferment to their members. Preselections to safe or winnable seats and a high place on the Senate ticket are the obvious rewards for those who can capture support within their factions. In many cases, significant trade union support is essential, especially in the Senate preselections.

At a caucus level, here in Canberra, the faction system has provided cabinet and ministerial representation almost on a mathematical basis with only limited horse trading on the margins between factions. For example, the last time we chose our cabinet here, the Prime Minister of the day, Bob Hawke, got to choose only three members of his cabinet, and that was after a great deal of horse trading and prevailing on the factional leaders. The rest were elected by the caucus via their factions and they were elected on a pro rata basis; that is, if the Right had 40 per cent of the vote in the caucus, then it basically got 40 per cent of the ministerial positions. The Prime Minister, even after a successful period in office, was able to effect the election of only three members of the cabinet and ministry. Similar as-of-right representation applies to caucus and parliamentary committees, as well as to parliamentary office holders. In other words, the factions within the Labor Party also divvy up most of the key positions — that is, the chair of Senate committees, the Speaker of the House of Representatives and the President of the Senate. All of these are part of the deals that go on.

The effect has been a stabilising one, because most people know that sooner or later — if they stay in the system, if they are relatively loyal, if they do not rock the boat too

much, and if they are not absolutely incompetent — they will get into the ministry, or some reasonably senior position. On the whole, the amount of time you have been here tends to determine whether you get a cabinet or a ministerial position. There are exceptions to this, but it certainly helps to get in early. In the case of the current Labor Party ministry, it certainly helped to have been in the shadow ministry before Labor was elected in 1983. So you can see that the threads go back a long way. Service to your faction and to your party is an essential part of promotion.

Finally, when it comes to the Liberals, there is ultimately only one faction that counts, and that is the leader's faction. All others are in exile. Since the leader chooses his executive and important policy committees, none are elected by the Liberal Party members. That is a significant difference between the two parties. In the Labor Party caucus, they are nominally elected, usually via their factions, and the Prime Minister does not choose. In the case of the Liberal Party, whether in government or out of government, the leader has the total say about who actually gets in his ministry or shadow ministry. That has some fairly significant implications.

The system has its peculiar problems, since those who do not receive preferment from the leader in the Liberal Party are motivated to seek out an alternative leader who will provide the magic ticket into the shadow ministry or ministry. The Howard-Peacock coup and counter-coups of the 1980s are a case in point. If you were out, you had to get back in again, but basically you had to choose an alternative leader who was out in order to attach yourself to his caravan.

Although the Labor Party's electoral success has not been without its presidential component, one could not help noticing the televised entrance of the *Fightback* package into the opposition party room, borne aloft like the ark of the covenant to the rapturous applause of party members, only one or two of whom had seen or read what will be the most important opposition policy document of the decade; a document that may well place a question mark over at least some of that carolling multitude. It is interesting. There was massive applause, and they rose in their seats as the leader came in with the *Fightback* proposal. The vast majority had never seen that before; not even sections of it. That gives you an indication of the power of the leader in the Liberal Party as opposed to the power of the leader in the Labor Party. There is a presidential component in both parties, but the Liberals certainly tend to choose a leader and give him the power to dominate his executive and his party. That moment of evangelical fervour that we saw with *Fightback* being brought into the Liberal Party room was almost as good as the times I was in our caucus when the Treasurer, with make-up still remaining from his television interviews, unveiled the budget to the Labor caucus fifteen minutes before it was to be presented to the Parliament and an hour or so after he had discussed every detail with the press. So you can see where the power lies. The last people in the line are those in the Labor Party caucus who 'okay' the budget, as they must according to party rules. They must 'okay' every bill before it can go in to the Parliament, but they do it with only fifteen minutes to spare, and with the Treasurer standing there with his make-up still on from the interviews, and he has already told the world about that particular budget arrangement.

Fourthly, party discipline means precisely that in both parties. The Labor Party expels those who vote in the Parliament against party decisions, and all members are required to pledge themselves to be bound by the party platform.

The Liberals do not have such ironclad rules but lack of preferment, and ultimately, withdrawal of endorsement have been used against those who have transgressed the policies and ethos of the parliamentary party machine. I might add that the other day when I was in Romania — it seems strange to say that I was in Romania the other day

— I was talking with a number of significant American politicians and political organisers. The Speaker of the New York Assembly came up to me and said: 'I remember some very interesting people from the Australian Parliament, one of whom was Ian McPhee, one of the most competent men I have met on the world stage. How is he going at the moment?' I said, 'He got knocked off by his party for preselection'. I think, more than anything else, that encapsulates what can happen to relatively talented people who step out of line in either of the two parties.

For all the major parties, the use of the whip and group strategies have caused a diminution in the role of private members in the Parliament to the point where I believe many members have forgotten that neither the Constitution nor Parliament's standing orders originally recognised political parties. Most members, however, know where their bread is buttered, or in which cupboard the whip is kept. For example, on the question of free trade versus protectionism, nothing changes. At the turn of the century we had that and we are now getting back to the same argument. Few private members are willing to oppose the prevailing orthodoxy of free trade, despite the fact that ending tariffs and other industry restructuring may have caused economic and social damage to their own electorates. As with sugar tariffs, car tariffs et al., the private members have forgone their roles as constituency representatives in order to maintain their positions within their respective political parties.

I now move to growth and domination of the executive. The word 'cabinet' does not appear in the Constitution, yet it is cabinet which effectively dominates the parliamentary and political process. There are many reasons for this, some of which vary from party to party, but essentially the capacity and willingness of Parliament to make the executive responsible to it has diminished.

I will try to explain why this has happened, and in doing so it is necessary to accept the fundamental point that the executive has a responsibility to govern rather than to react to the whims of individuals or, dare I say, the press. First, the leaders of the parties have effectively captured the parliamentary machines and, in the Labor Party, probably the party structures as well. The process is relatively simple. It goes a bit like this. The cabinet makes decisions, then uses its cabinet solidarity to create a solid voting block within the parliamentary caucus. In the case of the ALP, cabinet makes the decision, co-opts the rest of the ministry and parliamentary secretaries and is able to guarantee on most issues that it has forty votes out of the 109 member caucus. So a small group in cabinet — let us call them the economic ministers; they are a group of about three or four — can then win the vote of cabinet. Cabinet then wins the vote of the ministry as a whole, because remember that being on the outer ministry is like being close to Siberia but not actually in Siberia, which is where the back bench resides. The outer ministry is then compelled to vote according to ministerial solidarity with the inner cabinet. Finally, they all walk into the Labor Party caucus with forty votes on block out of 109, and that is not a bad start in any caucus. You add a few sympathisers, maybe those who are genuinely converted by the argument and ambitious sycophants — and there are a few of those around in politics — and cabinet is, as we say in horseracing terms, over the line on any issue.

Within the Labor Party, a complex system of caucus committees and factional meetings may have an impact either before, during, or after the decision, but that is not a formal process; they are just ways of trying to exert influence — as a backbencher you use whatever means are at your disposal to ensure that. There have been some significant wins for private members, but tact, timing, skill, and determination are absolutely essential if the normal process of cabinet dominance is to diminish. Since 1983, the caucus has never overturned a cabinet decision once a formal decision has been made. Given the experience with the approval process

surrounding *Fightback* and the power of the leader to choose his own ministers, one cannot see the Liberals changing this pattern of decision making. Secondly, cabinet now has a sophisticated network of support mechanisms to ensure that it has the information and the brain power to dominate its own Party and thus Parliament. There are eight specialist committees and an elite bureaucracy to ensure that this happens. Thirdly, and associated with my second point, is the creation of an ethos amongst bureaucrats and ministerial officers which occasionally regards all those members of Parliament not in the ministry as potential opponents. These ministerial staffers vary in skill, life experience and attitudes but have on many occasions, in my experience, been less willing to open the processes to their own party backbenchers than their own ministers, who at least mix with government backbenchers in various committees and on social occasions.

It is interesting to note that all the ministerial staffers of any significant position earn far more than a senator or member. Their 'use-by' date may come up earlier because, if their own Minister goes then they go too, but most manage to keep themselves within the system and to keep a door open back into the public service, if that is where they come from, or to open a door in to the public service, if that is where they want to go, or to open doors into private enterprise, if that is where they want to go.

Ultimately, the position of ministerial staffers is a very important one. Occasionally it is one which allows them to isolate other members of Parliament from their own ministers. You would be amazed at how often a quick chat with a minister in an informal situation can unravel what appeared to be an incredibly complex web of contacts, discussion, appointment-seeking, et cetera — a web that has been created by ministerial staffers. That is not all ministerial staffers — some are extremely good — but some become more ministerial than the minister and that has an effect on the way that all members of parliament can deal with the ministry, whether they be in opposition or in government.

Fourthly, the workload of ministers has dramatically increased, reducing the time for them to network with other members or even to take time out to think. This development has been accelerated by the creation of super ministries recommended by the Block report in 1987. Reporting directly to the Prime Minister, Mr Block recommended a reduction of the existing twenty-seven departments to sixteen. The result has been the creation of a core of overworked, superpowerful ministers and bureaucrats and an effective watering down of the concept of ministerial responsibility. If you are the minister for construction and a building falls down, then there is only one person who gets the blame and who must stand up in Parliament and be accountable, and that is the minister for construction. When you are the minister for construction et cetera, et cetera and you have three ministers under you, plus a parliamentary secretary, who do you blame? Who was signing the paperwork that day? Who takes ultimate responsibility?

So the creation of super departments complicates the question of who you go to in the first place, but it also avoids the capacity of the public, the press and the Parliament to pin accountability on one particular minister. The ultimate sanction that we have in the Westminster system — or I should say in our case sometimes the axminster system, if we are talking about putting things under the carpet — is a capacity to make a minister admit his or her mistake and resign. That has now gone. It is very significant that this major change that flowed from the Block report was described by the then Prime Minister, Bob Hawke as 'the greatest single reform of the public service', yet it did not even pass through cabinet. We restructured the whole of the public service and the way it related to Parliament, and it did not go to cabinet. Block reported directly to the Prime Minister and the Prime Minister, in this case, used his

presidential powers and put it through. I might say that a similar proposal to do that with the Tasmanian Public Service and the Tasmanian Government, was thrown out the window when it came to the cabinet that I sat in, because all of us said, 'We are the ministers, if we deserve the praise, we want to get the praise. If there is praise around to get, we'll have it. If there is blame around to get, we'll take that as well. Ultimately, the minister has to be responsible. We do not want this diffusion of responsibility throughout the system by the creation of super ministries'.

The last point I want to make on this is that the perceived power and privilege of the ministry is self-perpetuating. Life on the back bench can be miserable and powerless. Some members of parliament here travel the equivalent of Moscow to Paris every week. They get home, walk in late Friday night or Saturday morning and say hello to their spouses — that is if they are lucky and the spouse is not minding the kids or trying to run life as he or she has done for a week or so without the partner. They are then usually off to some function. They then get on the plane on Sunday and they are back in Canberra. They have had probably a few hours at home — that is it — and they then travel back again from Paris to Moscow. This goes on week after week.

Members of parliament have very little privacy. They get paid a lot less than many of them should be paid. Many of them, I believe, are highly educated. I think at least half the politicians in this Parliament have university degrees, yet they seem to be under a lot of pressure, badly remunerated and, of course, not very respected in the community at large. It is not a great career advertisement. Being on the back bench is not the nicest place to be for many of them. The people who especially think that are their spouses. I think the greatest reason for resignation or failure is probably the pressure that is put on them by the spouse saying, 'Give it up. Is it worth it?' I will explain the consequences of that in a minute. Ministers in the Labor Party in particular, are safe from effective challenge to their preselection. That means, for example, that if a minister is running for preselection and his party decides not to preselect him — as it did in the case of Michael Tate; it dropped him to number four on the ticket in Tasmania — then the national executive automatically reindorses him at the top of the ticket. Similarly with Speaker Leo McLeay. He virtually has a ministerial position and so he gets put back on the ticket. Something will be found for people such as these and anyone else can go down the chute. It is very important within the Labor Party to ensure that you get into the ministry. If nothing else, it helps you with preselections; it actually ensures that you get preselected the next time around. The ministers' club dominates the national executive and the national executive has plenary powers to intervene in any State ALP branch to change preselection procedures. There are no Ian McPhees. If Ian McPhee had been in the cabinet or the Labor Party ministry he would never have lost his seat.

Ministers are not only safe from effective challenge but they also enjoy a higher profile, which adds to their salary, pension, electibility and probably their effectiveness in achieving personal policy goals. Thus, most backbenchers will cooperate in any way with faction leaders and the powers in cabinet in order to be invited into the golden circle that is the ministry.

Given that parliamentarians in Australia last an average of only eight years federally, and that few return if they suffer defeat, there is unlikely to be a core of experienced, confident members of the back bench who are able and willing to shake up the system. This is of course in direct contrast to the United States, where a significant number of senators consider themselves back bench senators but wield enormous influence in the American Congress. Similarly the rise of Margaret Thatcher in the United Kingdom was basically occasioned by the power of back bench committees within her party. They were the ones who said, 'The party needs a new voice, a radical

approach'. They were the ones who put her in the position to be the first woman leader of a conservative party. The back bench is significant elsewhere; in Australia, it is a place where you stay on your way to somewhere else — either out of the Parliament or into the ministry.

I will now look at the issue of Parliament itself. It is assumed by most commentators that the House of Representatives works basically as a numbers crunching exercise — in other words, if you have the majority, you can do pretty much what you like. In the last twenty years, few if any members of that House have crossed the floor on a matter of principle. The guillotine is routinely used and question time is highly organised to score corporate points for both the opposition and the government. Even on House of Representative committees, the relevant minister gives the terms of reference to the committee and expects to influence the outcome of committee inquiries. Only through informal processes or faction meetings can backbenchers exert influence over ministers whose politics or policies they oppose.

In the Senate, on the other hand, there is a difference. Private members are able to exert greater influence, primarily because the government has not had, and is unlikely to have, a majority in its own right. Committee activities and inquiries have been known to take a momentum of their own, often against the wishes of the executive. Former senator John Black's drugs in sport inquiry and former senator Peter Rae's corporate affairs inquiry are just two of the more overt examples of this process — although the fact that they are both *former* senators may be a telling point. It is not unknown for government senators to use Democrat or even opposition support to conduct inquiries, the existence and outcomes of which have been unpopular with the executive. It is true: if I do not like something my minister is pushing and I get outvoted in the caucus — because, as I indicated, the minister carries with him forty votes into the 109-member caucus — obviously there is room for discussion between the Democrats, the Opposition and me.

There have been occasions when I have clashed very overtly with some of my ministers. I am still, incidentally, Chairman of the Senate Standing Committee on Employment, Education and Training; John Dawkins is not the minister for education any more. That was an example of a case where I said, 'I will take on the minister, but I need the support of all members of that committee, regardless of what party they come from'. Their unanimous support on all the issues that I was pushing against my own minister was an essential part of the process of my being able to create a debate about the issue that would otherwise not have occurred.

It was once very unfashionable for the Labor Party to support the existence of the Senate. Indeed, until recently, abolition of the Senate was part of the ALP's official platform. However, the committee system fathered by the late Senator Lionel Murphy has now proved to be of such potential value to the political process that few, if any, Labor senators would vote for its abolition — self-interest notwithstanding.

Senator Bruce Childs, in his Senate occasional lecture of 10 August 1992, covered comprehensively the value and functions of the Senate committee system. In the interests of brevity, I will refer you to his paper rather than go through some of the pluses, but there are certainly many pluses and a lot of potential for the future. However, Senator Childs did touch upon the major problem facing senators trying to make the system work, namely, the work overload — as senators sitting on formal and informal committees have found to their detriment and to the detriment of the system itself.



My own view is that work overload is not a problem that arises simply from the amount of work to be done, but is primarily a problem that stems from senators themselves being unwilling to set and to stick to their priorities. In other words, it is essentially a matter of bad work practices and probably an inadequate view of parliamentary theory that causes their work overload.

The main problem is attitudinal. If there is a choice between the cavalry's, and say, the foot soldiers' view of political action, it is obvious that too many senators have opted to be foot soldiers; that is, they accept that the job must be done and rarely attempt to question whether some jobs are worth doing at all. If estimates committees, for example — which, incidentally, have great value in making the bureaucracy accountable — sit until three in the morning, or if debates on contentious issues run into the night, or if senators find themselves marching between one committee and another, it is their responsibility to ask why this is so. If some senators believe that the length of time they sit is a measure of their manliness — and that includes women senators — then they have only themselves to blame.

Let us have a look at them. First, there is no reason why estimates committees, for example, cannot be preceded by written questions on notice so that issues before the committees can be more focused. Smarter senators do this already, knowing, especially if they are in opposition, that the press is probably home in bed on those occasions when committees sit until the early hours of the morning.

Late at night, I often look at the lonely AAP reporter sitting up in the press gallery — the only member of the press there; there are probably others still glued to their television sets in their office, but probably quite a few have gone home to bed — and I wonder, 'Why is this Senator, why is this House of Representatives Member still insisting on giving a 20 minute or a 40 minute speech repeating the same issues, the same ideas, the same arguments that have been repeated *ad nauseam* by his colleagues?'. The answer is that they wish to punish themselves. There can be no other reason. It leads to no political benefit. The press will not cover it. Members of the press have wisely gone home — and I do not blame them. But senators have not quite got that point; they can empty a room without knowing it.

In both Houses superficial and repetitious debate usually occurs because little advance notice is given of the content and introduction times of government legislation. On many occasions members and senators are given only a few hours warning of impending debates or legislation, hence the poor quality of their speeches. Sooner or later the Parliament will need to set fixed times for debates so that all parties can plan their approach to debates and choose those speakers who have genuine knowledge about the issue. The press can then be alerted and the public informed well in advance about which issues will be dealt with, at which hour and on which day. The increased public interest, fostered perhaps by notices in the media, the better level of debate and improved scheduling of parliamentarians' time, would do much for the standing of all parties and the political system in general.

I cannot recall a single occasion, in the nine years or so that I have been here, when I have been able to say either to the press or to any interested groups: 'This debate on this particular issue is going to occur at 3 o'clock and I will speak at 3.30'. I have never yet spoken on schedule. On many occasions it has been three to four hours late because of the fiddling around that occurs under our current procedures. In fact it could be three weeks late or it could be debated in the early hours of the morning.

One of the most important bills, in terms of principles, that went through this Parliament was the War Crimes Bill. It was a very interesting debate yet it was held

just before Christmas into the early hours of the morning and most of the debate was not reported. Yet I think anyone listening to that would have been extremely interested and should have had advance warning of that debate being on. That debate should have been on at a certain time and it should have been advertised. Of course, both Opposition nor government will not allow fixed time debates to occur. Why? Because they both think the other will be advantaged. Who is right or wrong? I do not know, but they will not move. They will not give anything. They think that there might be the possibility of the other side being advantaged through the public, the press and, I might say, parliamentarians knowing that a particular debate is going to be on at a particular time in the week.

There are other matters that would help improve the system. Above all, the normally antagonistic and unscheduled procedures for voting, the calling of quorums and so on must be reconsidered. Quorum calls should be limited to perhaps three a day, voting on all bills should be adjourned to a fixed day, as is the case in many other parliaments, and question time discipline is required to ensure that answers are kept brief and to the point.

If these procedural anachronisms which leave the public bewildered and uninterested are not re-examined, Parliament's progress towards irrelevancy in the public mind will be complete. For example, in the Senate we are just now starting to work on the basis of restricting the time that ministers have to answer questions so that we can get more questions in, so that in the end all the controlled questions that have been put up by both political parties on either side run out of steam and private members start to get their questions in at a time when the public's mind is more likely to be focused on Parliament than at any other time.

If you believe that the reform of Parliamentary procedures is an esoteric matter, that it has no bearing on the goal of making the executive accountable to Parliament, then compare the Canadian Parliament, the British Parliament, the American Congress with our own. In the British House of Commons the average number of questions in its one hour question time is seventy. In Ottawa the average in 45 minutes is forty questions. In our House of Representatives the average in sixty minutes is twelve questions. It goes from seventy to forty to twelve. Look at it another way. In the 1970s the average number of questions without notice in the Australian House of Representatives was 1,000. In the 1980s the average had dropped to 600.

Where do we start? There are two positions which can open that process up. A driving force behind the reform of these procedures should be the President of the Senate and the Speaker of the House of Representatives. Their offices and influence could be used effectively to persuade all parties to see that a revamped system could operate to the advantage of all members of Parliament discounting those who are congenital sufferers of psychotic aggressiveness and others who suffer from what I would politely call 'wind disorder'.

In order to change this, the first step must be to ensure the independence of the President and the Speaker. Of all the steps we can take in Parliament, that has to be the first. Both should resign from their respective political parties and in return be guaranteed a fixed term, an uncontested re-election at the next general election. This is not unknown in many other parliaments throughout the world. This would not be a recipe for growing old and feeble-minded in the job, as failure to be elected Speaker or President within the Parliament when it returned would then require those who were unsuccessful to seek party endorsement the next time around.

I think that is the key to all the changes. There is no point in having these positions unless they can be used positively to influence the way Parliament evolves. To enable them to do that they must be independent and free of the constraints of seeking endorsement and free of constraints of having to seek election at the next election. They must be impartial and they must be movers and shakers in the system. Their main job is not to preside over question time or to make sure that the dining room pays its way; they have greater responsibilities than that. By making them independent we can allow them to use those responsibilities.

The last point I want to make about possible areas of change and improvement is related to the Democrats and the independents. The Democrats and independents have been the window of opportunity for the partial reform of the Senate. As yet these have not affected the processes of the House of Representatives. If I were a Democrat I would probably be a member of their cavalry rather than a foot soldier. Their numbers are insufficient to allow the Party to cope adequately with the ever increasing waves of legislation that arrive in the Senate each sitting week and reform of Parliamentary procedure may not be a sexy topic, but a few of the Democrats would do very well to specialise in this area. The governments may be forced to concede to a Democrat-inspired reform of procedures in order to get their legislation through. The Democrats have the ball in their court: they can barter — 'If you want your legislation, you give us Parliamentary reform'. They have not yet woken up to the potential and the power that they have, but the day they wake up to that there can be some changes here.

I want to cover the bureaucracy and the press because they have a role to play in this. A word must be said about the bureaucracy: in theory, those who advise governments and implement policy. Does the executive receive the breadth and depth of policy advice it needs? I have already mentioned the creation of super departments in 1987. In 1984 the Senior executive Service, the SES as it is now known, was introduced as a measure to change the focus of the senior bureaucracy from a department of constrictions to one that was more broadly based with a wider perspective of what government and society in general required.

So far so good. Salaries went up, careers were advanced, but what has changed and what has been lost? There has been a narrowing of advice to government. Dr Michael Pusey and others have correctly pointed out the dominance of one system of belief — that of dry economic rationalism characterised by its views about free trade, user pays and market force ideas. These econocrats, as I call them, tend to share the same ideas, the same economic biases, and the same social and often the same educational backgrounds. They have much in common with their ministers, who either adopted or grew up with their ideas. I cannot characterise them in a logical way, but I will use the George Orwell way of characterising them through a liturgical response: tariffs, bad; inefficient industries should go to the wall; deregulation, good; privatisation, good; Darwin's survival of the fittest, good; level playing fields not only exist but are good; the young and those with economic degrees shall inherit the earth; and there should be free markets without end — Amen. That is basically the ritual of their beliefs.

To these advisers, carefully promoting each other to key posts in the bureaucracy, the creation of the SES and the super departments has been a godsend, allowing them to capture the holy ground of political debate. It does not matter that their advice has led to the failed boom of the 1980s, the banking mistakes, the long unemployment lines, the rusting manufacturing industries, the loss of Australia's strategic economic base, the lack of any significant value being added to our primary industries or the diversion of investment into minimally productive real estate. At Harvard in their

MBA courses or at the economics faculty of Sydney University and similar universities, they learned that failure was due not to the illogicality of what they believed but to an incapacity by politicians and business people to make, as they put it, the hard decisions — 'If we just keep making the hard decisions everything will be all right. Australia just needs to restructure, to make itself more open to market forces, et cetera'. You know the liturgy; you have heard it before.

When politicians and economists convinced the electorate that they needed small government, these econocrats were there to provide it. Elaine Thompson described the process as one in which there is not even 'a hint of the bureaucracy's need to respond to and reflect the interests and needs of people at large. Instead efficiency has come absolutely to dominate the role of the public service. It is not efficiency in any broadly conceived way. It is a narrow technocratic managerialism where short term dollar savings are used to justify the direction of policy'.

And, I might add, all of this in a country which comes in only eighteenth amongst OECD countries in terms of GDP spent on government services. In other words, in terms of government expenditure as a proportion of GDP we are way down the list. The notion that has been sold to people in this country that Australian governments are big spenders, especially that the Federal Government is a big spender on government services as a percentage of our national wealth, is absolutely wrong. We are eighteenth on the list and that is behind virtually every developed country that I know, with the exception of Japan.

Finally, a word about the media. I will be brief on this one because they like everything to be pithy and brief. Jackals or good guys — what are they? I do not contribute to the conspiracy theory of media control except when the media magnates' vested interests are threatened, such as when we wanted to restructure the television industry or stop Fairfax being given to a particular person or whatever. That is when they come out of the woodwork and express their personal views and maybe they affect what is being written. But on the whole the parliamentary press gallery is on a day-to-day basis pretty well master and mistress of its own destiny. Australian television, radio and newspapers are voracious particularly in their appetites for a good story — too voracious to worry about the long term political biases of their owners. The gallery is generally well educated, young, and peer-group aware. They play a user game with politicians and in turn we play a user game with them.

If all of us share a belief that democracy is the civilised clash of alternative views and the cooperative pursuit of solutions, we need the media. But parliamentarians in particular must understand the constraints, mechanics and motivation of the media. Rather than complain, I think we have to understand how the media works, particularly in this place. You would be surprised at how many parliamentarians do not understand the constraints that the media work under. If parliamentary debates, for example, are repetitious, colourless and banal, if politicians have no capacity to communicate their own successes and/or the failures of their opponents, if their stories are lost because they timorously follow the party line, if they do not understand that timing is important and the press do go to bed even if the politicians do not, if we do not understand that a free press also means an entertaining and informative press, we as politicians have only ourselves to blame.

When my own stories get spiked — the term we use for a story that is sent to the press and which then goes on a spike; in theory, it goes on a spike but, as a member of the press told me, if they do not like the story it goes in to the cylindrical filing cabinet — I think of *Pravda*. If you recall, *Pravda* was the official propaganda newspaper of the Soviet Union. In a free society it has now gone bust. That is the fate of all propaganda

units; all media that just become propagandists rather than informers or entertainers. So I think about *Pravda* and I wonder about what I said, when I said it and who else was competing with me for column inches or television or radio time. I do not blame the press because they did not take down my pearls of wisdom; it may have been me as a politician expecting them to accept something which probably was not newsworthy on the day, or which was less newsworthy than other things.

So there it is; Parliament, like General Custer, unloved and unlamented in the late twentieth century. I hope this tour today of the battle field has provided what every parliamentarian and the public needs: food for thought, time to think, and a chance to prepare for Parliament's last stand.

Harry Evans has indicated that if anyone would like to ask questions he would be happy to have me answer them.

Questioner — I have one simple and short question to start. How many days, how many weeks, do the two Houses sit? I was thinking of your story about the long distance travellers who have to go home for the weekend. It seems to me that the sitting days have reduced quite disgracefully.

Senator Aulich — On the whole it is difficult to say how many days. I will start off with one question at a time just so we have equity and fairness in the questioning. The number of days that Parliament sits cannot be judged just by the number of days the Parliament, the chamber, is in session because there are also committee hearings both here in Canberra and, in many cases, around Australia. So my guess is, from the studies I have done, that parliamentarians must be away from home at least 120 nights a year on committee or parliamentary business. That is about the average from surveys that I have done amongst members. The number of days that Parliament sits in the chambers is not always the relevant factor to look at. That may have gone down, but certainly the committee system has created a greater burden in terms of time.

Questioner — Would you agree that the importance of helping people feel more responsible is becoming ever more important because of the danger of two leaders coming to an agreement? Who is to tell the general public otherwise? To help that, we might perhaps use democratic processes — as the way to speak of it — instead of democracy; democracy not being really an institution but the democratic processes are building all the time.

Senator Aulich — I passed over the question of the independents. I take it for granted that, provided there are sufficient numbers of independents elected to a parliament, you have another influence on the process. I would not like Parliament to be full of independents because you might get a lot of conservative independents or radical independents — they all take a position somewhere. But I must say that the election for the seat of Wills was a very healthy event. It was healthy because the independent, Phil Cleary, has a philosophy — intelligent protectionism. He went and sold that in the electorate; he did not back away from that issue. He took on the econocrats up here who believe that protectionism — tariffs in particular — is old fashioned and ought to be done away with. He said: 'I stand for this' and the electorate had a very good idea of what his political philosophy was. He was also clever enough to organise people within his electorate and the trade union movement to back him so that there was a genuine alternative for the voters of Wills to choose from in addition to the other two parties.

Sometimes the independents can help change the process and they have to be recognised for the role they play. Most political parties hate independents, and they do not like Democrats much either because they believe that they are not really a political party — just a collection of individuals. But the independents and the Democrats are necessary to force political parties to rethink their agenda.

It is very interesting to watch Paul Keating retreating slightly from free trade ideas. The closer we get to an election the more he looks at how the honourable member for Wills, Phil Cleary, polled, and the more John Hewson continues towards the goal of implementing a zero tariff policy by the year 2000. It is interesting that we are starting to go back to the old party differences, which is healthy. It was Tweedledum and Tweedledee in terms of economic policy for many years. Now you are starting to see both parties pull apart slightly.

I think the vote for Phil Cleary did a lot to make people in the Labor Party start to reassess economic orthodoxy in this country. Let us face it, it failed in the United Kingdom and the United States — and they are about to punish Bush for that — so dry economic rationalism cannot be all that effective either politically or economically in the 1990s. It is going to be challenged and independents are going to start that challenge. I think the political parties will have to accept that challenge or lose support, and not just at the fringes, but basic support.

Questioner — In your talk you emphasised the negative aspects, if you like, of party discipline. To go to the opposite extreme, it seems to me that we basically have seen the degutting of the Democrats by personal things being played out very much in public through a lack of factional and party discipline. I think that at least factions give some order to the political process. Perhaps you have emphasised a notion of individualism, but that does not necessarily open up the political process to any greater democratic thrust, and there is something to be said for knowing where people stand within a party to make it function effectively.

Senator Aulich — I agree with you. I accept political parties as a necessity. You need to know where the bulk of your members of parliament stand in terms of their beliefs. They are essential for making parliament work in a relatively productive way. But when they become almost an end in themselves, it is time to call in the Democrats and the independents to shake the system a little. Once people work in a system which rewards and punishes, with the sophistication that both the major parties can apply nowadays, that essential component of the system — that is, individual initiative and creativity in ideas — is lost. The capacity to ask why we are doing this and why this country is going down the chute using policies that are ten years out-of-date is also lost. So it is a balance. The basic structure has to be the party structure. The independents and the Democrats are needed. Let us face it, personal animosity can break up political parties. I will not say that we had a good time when Hawke and Keating were vying for the top job. It almost cracked us up. We were without a father or mother for seven months.

Questioner — Are you saying that the country has been going down the chute for ten years?

Senator Aulich — Yes, statistically we are. We are not the only ones — the United Kingdom and the USA are in the same boat. All developed western democracies of the Anglo-Saxon mould that have followed dry economic rationalist policies have experienced a massive recession. I am not blaming one particular party. In fact, I blame both political parties for getting in bed together on this question of economic policy.

Questioner — You spoke about accountability. That seems to be the key ingredient that the electorate is dissatisfied with in democracy. Not only here but also in the western world, the level of accountability does not seem to be adequate. You have spoken about the committee system. I have had some exposure to the committee system. I made some recommendations for change to the committee system to the Joint Parliamentary Privileges Committee ten years ago, in particular, in relation to the power of the committee system. What do you think needs to be done to improve the adequacy of accountability through the committee system in the Senate? What powers do they need to have? I have my own suggestions, but I would like to hear whether you feel it is adequate. You spoke about the work of these committees absorbing the time of the local member. I suggest that they are ineffective in terms of time.

Senator Aulich — They already have immense powers. Senate committees and, I might say, House of Representative committees can pull anyone before them. They can punish people if they refuse to come. They have the power to investigate government departments. Their powers are pretty well unlimited. I would say that their powers are as great as a lot of royal commissions, probably greater than those of a court of law. But the politicians themselves have yet to work out those powers — how you go about it; how you can make yourself effective; how you can make yourself time-effective in the way you approach things.

More than anything else, I think that the Speaker and the President of the Senate should be given independence to change the structures, rejig the committee systems, gee people up, create an ethos in which the committee system becomes much more important than it is now; debate ideas, call people in from the various parties, and say, 'Look, I'm the President of the Senate. Twenty of you are going to sit around with me tonight over dinner and we are going to have a chat about how we make this committee system work. If the ministers do not like it, that is tough luck because I am an independent President of the Senate, and I want to create a working Senate in which senators are not overloaded with work but are able to focus their attention on making the executive accountable'. There are various ways, but I have tried to put it in a nutshell. You have to come back to the independence of the Speaker and the President because they will have a vested interest in making the system work.

Questioner — I have two questions. Do you agree with Senator Hill's proposal to limit questions in Senate question time to two minutes? Would you like to see it extended to the House of Representatives?

Senator Aulich — Two minutes is not enough. I think it should be four minutes, and it should be extended to the House of Representatives. Those figures that I gave you on question time are pretty disgraceful. I might say that both parties cause them. There are constant points of order from the opposition and people are waiting to be kicked out in order to be on the front page of their local newspapers, et cetera, to make a point of principle. The government, on the whole, answers Dorothy Dixers as if there were no chance to make ministerial statements elsewhere in the place. So both parties have been abusing question time. We have to learn how to control ourselves. We can simply move in the Senate, with the Democrats' support of course, to enable the four minute question time to be the norm for the future.

Mr Evans — The Senate sits in thirty-five minutes, which is bad news for me, but your comments are much appreciated. Thank you very much.