

Majorities and Minorities: Evolutionary Trends in the Australian Senate

Senator the Hon. Michael Beahan

Shortly after becoming President of the Senate, I delivered a paper at a conference of presiding officers and clerks believing that in my position I should seek to say something of substance about the institution which I headed—albeit temporarily. I embarked upon a discussion of the strengths and weaknesses of Senate committees.

I take the view that the committees are the most significant and productive institutional development in the Senate probably since Federation. Certainly, committee work has been the most rewarding part of my career as a senator. Perhaps only the emergence of parties and the impact of proportional representation have been as significant in their impact. But like all evolving institutions, their progress has been uneven and occasionally it has disappeared up the odd evolutionary blind alley. I also made the observation that some of the uses of Senate procedures generally, and of committees specifically, had been influenced by considerations of political advantage. Controversial stuff!

My remarks were reasonable, certainly not partisan, and consistent with comment on the committees from other senators, clerks, committee staff and academic commentators. But when I returned to Canberra, I was somewhat taken aback to find myself under attack from the opposition parties for showing partisan bias, seeking to undermine the committee system and protecting the government from proper parliamentary scrutiny at the behest of the Prime Minister—that was the implication.

It was an early warning that the office of President was fair game politically. Clearly, being neutral was not enough. A president was required to be neuter and preferably mute as well. Unfortunately, such a position is both personally uncongenial and, I think, totally at odds with

the evolution of the Senate and its implications for the position of the presiding officer. The office of President is among the last parts of the institution to be affected by change, but it is not immune from the impact. I suggest that one result of that change is to produce a more public role for the office extending beyond presiding over the chamber. Many people assume that the presiding officers can and should be like their British counterpart in the House of Commons: independent of party support and unchallenged in their own electorates. This seems to me to ignore the fundamentally different directions our parliaments have taken since the beginning of this century. The modern position of the Speaker of the House of Commons is the product of at least four centuries of evolution in a different political environment from ours. Ironically, I think an older model of the Speaker—as spokesman for the rights and privileges of the parliament against the encroaching power of the executive—may be of more relevance to the changing role of the President of the Senate.

Professor Gordon Reid identified the ‘pre-eminence of executive values’¹ as the prevailing orthodoxy which shaped the early evolution of the parliament. By concentrating on the executive dominated lower house, this tended to emphasise the contribution of the Westminster model to our constitutional structures at the expense of other sources, particularly the influence of the US on the role of an upper house in a federal system. That pre-eminence has been under systematic and increasing challenge in the Senate for the last twenty-five years.

I would suggest that we are witnessing a fundamental change in Australian politics driven by an upper house which combines extensive constitutional authority, virtually coequal with that of the House of Representatives, and a multi-party character which makes it unlikely that a governing party can expect to secure a majority in the Senate at any time in the future under the current system. That this is happening without constitutional change does not make it any less permanent; it merely serves to demonstrate that our constitutional structure is extremely flexible.

The changes that are taking place are being locked into the standing orders and other orders and resolutions that govern the workings of the Senate. Perhaps equally important, they are becoming accepted by senators and by the community and are unlikely to be threatened even if a government party gains a secure majority in some future Senate.

Because we have a written constitution there is a tendency to contrast our situation with that of Britain with its piecemeal collection of precedent and statute, and assume that the roles and functioning of the various parts of our system are clearly defined and unchanging. For example, a recent letter to me complaining about the behaviour of some senators during question time asked me to remind senators that they were elected to represent states not as members of government or opposition parties.

In reality, the Constitution is a very patchy document. It is full of detail on the areas in which the Parliament may legislate but almost silent when dealing with the actual workings of the Parliament and makes no mention of either cabinet government or political parties. The Constitution gave little guidance about the reality of such key issues as how the business of

¹ G.S. Reid and Martyn Forrest, *Australia's Commonwealth Parliament*, Melbourne University Press, 1989, p.17.

the Houses would be conducted, the relationship between the Houses and between the Parliament and the executive. It is interesting to note that one of the founding fathers, Alfred Deakin, made it quite clear in discussions before the Constitution was finalised that political parties would eventuate—and they have become a real part of the process. So there was an awareness there even though there was no mention of that reality.

Taken together with the various convention debates, there is a broad framework for the role of the Senate as a check on the popularly elected lower house and executive government and clear legislative responsibility. The various constitutional conventions did canvass a wide range of ‘possible’ senates. Election using proportional representation, which has profoundly changed the Senate in the last twenty-five years, was widely discussed and found numerous supporters in the early Senate as it debated what electoral system it would adopt. In fact, the first-past-the-post system that was adopted was a major but not the sole inhibition on the development of the Senate for much of its life.

A number of other factors militated against the emergence of a modern Senate. There were expectations that the Senate would develop a constructive role; for example, the precipitate and somewhat damning judgment of historian Henry Turner in 1911 was that:

As a chamber of review, as a check on hasty legislation, or as the originator of statesmanlike measures of national utility, it has been a failure.²

That in itself is a good short summary of a constructive role for the Senate, even though it was not achieving it at that time. In practice, models of a constructive and dynamic upper house in a Westminster system were few and far between. The colonial and later State upper houses were still elected on property and, in some cases, gender based franchises³ and were complacent and conservative. The Canadian upper house was appointed not elected and made no significant contribution to parliament in that country at that time.

In Britain, the role of the upper house in the early part of the century, admittedly hereditary rather than elected, was the subject of a profound controversy. After an extended dispute over the passage of the budget, the Lords were forced to accept restrictions on their power. In future, the upper house would have the power to delay but not defeat legislation. It is worth noting that this was the curtailment of a previously existing power, not the creation of a new role—the Lords was not converted to a house of review. Thus, in a sense, the model of a national parliament to which Australia was most likely to look was one in which the lower house had finally asserted its authority over an over-mighty second chamber.

If the Constitution offered little real guidance, and there were few models to follow, what of the senators themselves? Professor Reid described the majority of delegates to the constitutional convention as subscribing to an essentially backward looking ‘parliamentary ideal’, which had developed from the nineteenth century liberal theory of representation:

² Quoted in L. F. Crisp, *The Parliamentary Government of the Commonwealth of Australia*, 3rd edition, 1975, p.188.

³ In 1923, Victoria was the last state to give women the right to sit in parliament and in 1979 it was the last state to elect a woman to its upper house.

‘That the elected members must follow their own consciences, free of any obligation to government, patron or political party’.⁴

The emergence of political parties had already undermined that ideal elsewhere, and was to do so quickly in the new parliament as well. The oldest and, in electoral terms, the single largest party in Australia was also actively hostile to developing a constructive role for the Senate. The Australian Labor Party had a policy—which it has since abandoned—of abolishing upper houses, seeing them as essentially undemocratic bastions of privilege, which, based on the example of the colonial upper houses, was a perfectly understandable position. It succeeded in abolishing upper houses only in Queensland in 1921, although it came very close to success in New South Wales in the 1920s. It was only the defection of some Labor upper house members, who presumably enjoyed the perks of office too much to forego them willingly, which prevented its abolition. In New Zealand, the upper house was abolished in 1957.

It may also be that the major parties were quite happy to maintain the ‘government and opposition’ approach rather than seek to develop the potential of the Senate to act effectively as a house of review. Since the major parties both viewed themselves as parties of government, they had little incentive to develop an upper house which would limit their powers when in government.

Reid’s verdict on the impact of party politics on the Parliament was that it:

Has been relegated to a means rather than an end; the values incorporated in both the constitution and the standing orders have been subordinated to those associated with executive government.⁵

I am reminded at this point of an interesting little anecdote of when I met a Chinese delegation recently. A very articulate woman, Mme Hu Qiheng, Vice President of the China Academy of Sciences, was plying me with questions about the Australian political system. After I had told her that the government is formed by whoever has the majority in the House of Representatives and the Prime Minister is selected by that party, she said, ‘In other words, after the election is held, the House of Representatives is irrelevant.’ I thought to myself, ‘Hang on a minute. She’s actually got a point.’ After an election, the focus is then on the Senate because the numbers are there in the House of Representatives. The House of Representatives does do the will of the government; there might be a bit of argy-bargy on the way but that is what ultimately occurs. Mme Hu Qiheng was correct.

I might say in passing that I believe that an organised system of parties is a valuable adjunct to our representative system. It offers a structure for testing ideas and policies and their proponents, and it offers some collective protection against single issue extremists out in the electorate. I am a defender of the party system. The existing party system is not necessarily a failure of the intentions of the founding fathers—the effect of the Senate’s constitutional

⁴ Reid, *op.cit.*, pp.12–13.

⁵ *ibid.*, p.17.

make-up has been to ensure that only a party having a genuinely national spread of support can contemplate gaining a majority in that chamber.

It is too simple to divide the history of the Senate into pre and post-proportional representation phases. Many of the later developments were foreshadowed in the first half century. The first standing orders prepared by the Clerk of the Senate provided for the appointment of committees. The first committees of any significance, in terms of scrutinising executive activity, were the public works and public accounts committees—interestingly both were joint committees. In 1929 a select committee was set up to examine the establishment of a standing committee system, noting that such a system: ‘Has become an inseparable part of legislative and ... administrative procedure in the leading countries of the world.’ In the event, the committee achieved relatively little. Only the Regulations and Ordinances Committee became a permanent feature of the Senate as a result of that inquiry.

During the Second World War the inevitable enhancement of executive power was balanced by an increased use of parliamentary committees to involve the Parliament more fully in the war effort. These committees were all joint committees which, for the first time, sought to cover significant areas of government in a systematic way. Despite making a valuable contribution during that period, they were not re-established in peacetime.

In 1948 the electoral system was reformed by introducing proportional representation—cynics have suggested that the Labor Government facing defeat in the House of Representatives was seeking to ensure that it retained some influence in the Senate. This produced the Senate with which we are familiar—a chamber characterised by the lack of a clear majority for any single party and, increasingly, where minor parties and independents have an influential role. However, it did not happen immediately. It would be a mistake to consider the modern Senate solely as a product of numbers.

I am not totally cynical about politicians; all the changes have not been forced on unwilling major party hacks by principled, open-minded minor parties. The minors cannot get anywhere without the support of a major party, and the initiative for many significant changes has come from major parties. In fact, the introduction of a committee system for the Senate was supported by both sides of the chamber and represented the culmination of a decade of growing use of committees in a period before the emergence of the ‘progressive’ independents, who now hold the balance in the Senate.

The first beneficiary of the new electoral system was the Democratic Labor Party, which emerged out of the split in Labor ranks in the 1950s and was to hold the balance of power in the Senate for much of the period from the later 1950s to the mid-1970s. The DLP was not an innovative party offering an alternative view of how parliament should work; it was more concerned with maintaining a conservative status quo. Much of the initiative for change in this period was to come from the major parties themselves.

Rather than seeing the relationship between the electoral reform and parliamentary reform as simple cause and effect, I think a slightly more complex explanation is required. The 1960s and 1970s saw a significant change in attitudes to politics with the emergence of activism in a

variety of areas—Vietnam, feminism and the environment perhaps the most significant. Such attitudes both influenced the people who participated in the major parties and produced a generation more willing to pursue political objectives outside those traditional parties.

The process of change may be characterised as being at two levels:

- an increased willingness on the part of mainstream politicians to reform the parliamentary process to improve scrutiny of legislation, accountability and backbench involvement, while retaining Reid’s ‘executive values’; and
- a more radical movement prepared to challenge those values. To return to the comment of Gordon Reid, which I used earlier—to reverse the process whereby the parliamentarians had ‘been relegated to a means rather than an end’.

The presence of a minor party and independents who do not share the majoritarian approach of the larger parties has played a significant role in this by bringing different perspectives to the conduct of parliament. It should be remembered that to have any influence they need to be allied to a major party. In opposition, a major party may be willing to cooperate in establishing practices and precedence which they might regret when in government.

The Australian Democrats have a different set of expectations from the major parties. They do not realistically expect to be the governing party or the majority in the Senate. However, their commitment to improving standards of public behaviour—keeping the bastards honest, which was their initial catch cry—and improving the quality of parliamentary review of the administration while being a long-term player in the Senate has meant that they have played a generally constructive role in promoting changes to procedures, strengthening the scrutiny of legislation and improving committee work.

The Greens (WA) have brought a different sort of pressure to bear on the Senate. An article in the *Independent Monthly* described the WA Green senators as:

Primarily interested in the parliamentary system only to the extent that they can use the resources it provides to weaken it. They explicitly repudiate the notion of centralised government.⁶

The article also suggests that the processes of traditional politics mean very little to them with the result that they are not susceptible to many of the pressures which might be brought to bear on ‘conventional’ politicians. A recent speech by Senator Chamarette arguing for the retention of the Senate’s power to reject supply suggests that the Greens are neither naive nor totally unconcerned with the realities of traditional politics. In that speech the Senator put forward a very clear defence of the Senate’s current powers and evolving role as fundamental to real democracy in Australia.

It is a measure of how far the Senate had evolved as a party house that accommodating the independents has been a sometimes painful process. The diversity of views and the uncertainty minor parties introduce into the process can be very frustrating, particularly for the government party. The frustration is best caught in the comment of the Foreign Affairs

⁶ *ibid.*, p.38

Minister and Leader of the Government in the Senate, Senator Evans, when he said, ‘They have made my life an absolute and unequivocal misery. And as much as anything, that’s why I’m fleeing the Senate.’⁷ He went on to say that negotiating with them was, ‘the sort of thing that made grown men weep and jump off tall buildings’.⁸

I do not necessarily endorse these judgments, however they do indicate the changes wrought by the presence of independents who accept neither the traditions of the institution nor the conventional practices of political parties.

The most significant procedural changes in the chamber to accommodate minor parties and opposition have been in the handling of legislation. One of the more embarrassing features of the ‘old style’ Senate was the end of session rush to put through legislation without even a semblance of proper scrutiny. That has gone as a result of a Democrat initiative and legislation must now be introduced into the Senate with ample time for proper consideration. A subsequent development of this procedure, instigated by the Greens, also set deadlines for the introduction of legislation into the House of Representatives if it were to be considered by the Senate in the same sitting. The practice is now to introduce legislation in one period of sittings for passage in the next.

This has had repercussions throughout the bureaucracy, demanding much more efficient planning of the legislative program and acceptance by government that bills cannot be rushed through. The more measured consideration of bills in the Senate has been supplemented by the systematic reference of bills to committees for more detailed scrutiny under a procedure introduced in 1989.

There have been many other changes which generally have the effect of reducing the control of the governing party in the Senate. For example, in the conduct of question time there is:

- an imposition of time limits on answers by ministers;
- the use of supplementary questions; and
- the practice of taking note of answers immediately after question time—a practice which was formalised in 1992 and is now, in effect, a thirty-minute extension of question time, which the opposition uses almost exclusively.

These visible changes to procedures are paralleled by a whole range of practices behind the scenes. The meetings of ministers, whips and parliamentary staff to organise the programming of business in the chamber have grown over the years to accommodate the independents and minor parties. Contentious pieces of legislation also demand extensive informal negotiation before they appear in the chamber—and I refer you to Senator Evans’ comments.

⁷ The *Independently Monthly*, p.36.

⁸ *ibid.*, p.37.

The development of committees has been extensively discussed and analysed. Recent changes have seen the estimates and standing committees amalgamated, and, consistent with the theme of declining executive control, the acceptance that the government party should no longer control the general inquiry function, the reference function, of the standing committees means that these committees now have coalition or Democrat chairs. How this will all work out remains to be seen. We will be reviewing that probably next year.

These changes have not been without cost. They are open to abuse by those who wish to disrupt the chamber or 'beat up' partisan controversy. If there is a change of government, it will be very interesting to see how they are used by a new opposition or tolerated by a new government.

In the midst of all this, the President's role is changing. It used to be a position that rated high in protocol but low in real power. The changing nature and increased complexity of managing the chamber and the size and scope of the parliamentary departments have changed all this.

I suggested at the beginning of this paper that the President is no longer above the fray. The Senate has become a more combative chamber; the government has to work much harder to get its program through; it is more vulnerable to opposition scrutiny and attack; and the numbers make the whole process less certain and therefore more tense. In these circumstances, the perceived independence of the presiding officer can come under close scrutiny while at the same time he or she is denied the security of being supported by the majority party.

The party on the government benches in the Senate is that party which has a majority in the House of Representatives, irrespective of whether it has a majority in the Senate. Thus although the Senate has, so far, continued to elect a president from the government party that person does not have the security of knowing that he or she necessarily has the backing of the majority of senators in all situations. In practice this means that unlike my colleague in the House of Representatives I cannot easily remove a senator from the chamber for persistent interruption or other misbehaviour. I simply do not know that I have the numbers, and I certainly do not have that standing order which the Speaker refers to as the 'sin bin', which allows him to throw members out for an hour.

The presence of minor parties and independents has also added complexity. For example, the opportunity to ask questions is now subject to fairly complex arrangements seeking to balance the interests of the major and minor parties. The Government, in that process, has been forced to concede the fact that it asks fewer questions than it is proportionately entitled to—it has virtually given them to the minor parties and the independents.

The President's role as 'minister', jointly with the Speaker, for the five parliamentary departments will also increasingly expose him or her to controversy. There is a vast inequality in access to information between the government and non-government parties. Ministers are supported by their departments, and government backbenchers benefit from that as well. All senators and members expect first-class administrative support. However, for non-government members and senators, the resources of the Parliament itself are vital to their effectiveness. An independent may have virtually no organisational research or clerical support other than that provided; therefore they have a keen and critical interest in it.

Like every other area of public activity, the services which individual senators think they should receive far exceed the funds available. The application of computer technology to members' offices, the *Hansard*, the library and the internal operations of the Parliament is now a vast expense and, given the rate of change of technology, an open-ended commitment. For example, access to the Internet for all senators and members is a matter of current debate—it is, in fact, now a resolution which passed through the Senate just this week. The resolution was moved by the Greens and supported by everybody. It says that we have to put the Internet into everybody's office immediately despite the problems and costs.

The scope of these services is ever increasing; for example, the Department of Parliamentary Reporting Staff now has capital assets of more than \$100 million, mainly in the form of electronic equipment requiring progressive upgrading. In fact, the capital replacement program for this Parliament has now become a major problem.

A former senator once remarked that this building was a tourist attraction in which Parliament occasionally met. While exaggerated, the comment does point out the vast change in the responsibilities of the presiding officers brought about by the move to this building. The building itself now demands a level of management and operational skills and a budget unheard of in the Old Parliament House. Our responsibilities now embrace everything from privatisation of catering services to art acquisition programs; from maintaining the design integrity of the building to dealing with protesting loggers, farmers and opponents of US bases in Australia.

The 'good old days' of fairly lax public scrutiny of what used to be considered one of the peripheral areas of the public sector are gone. Thus the presiding officers may find themselves in conflict with the Minister for Finance on the one hand, who believes that parliamentarians should practice what they preach and control their budget, and their parliamentary colleagues on the other, who believe that budgetary restraint imposed by the executive represents an unwarranted interference in the working of the legislative arm of the Constitution.

Issues of procedural change and the provision of services are increasingly brought into the public arena. Matters relating to standing orders or the operations of committees or budgetary questions were, in the past, generally resolved pragmatically in one of the house committees—library, appropriations and staffing, procedure and joint house—which oversee the workings of parliament. Now it is not uncommon for these matters to be brought to the floor of the Senate and debated there or examined in an estimates committee. In either case, the presiding officer cannot be an aloof figure above the tumult; all too frequently, he or she is required to defend administrative or policy decisions in detail. The President of the Senate must appear before an estimates committee to answer questions relating to the appropriations of all the parliamentary departments except the House of Representatives. In practice, these committees can range over every aspect of the operations of the departments.

I suggested at the beginning of this paper that the kind of passive ceremonial role which some of my colleagues seem to think proper for the President of the Senate is not only personally uncongenial but also impractical. Like my colleague in the House of Representatives, I am a

member of the government party, I attend its caucus meetings and conferences and participate fully in factional activities and the workings of state and local branches in my electorate.

There are regular calls for an ‘independent’ presiding officer on the English model, free of party involvement and whose re-election is uncontested. I find this latter proposal particularly attractive, having had major problems with my own preselection. However, I question whether such a role is practical in Australian politics. A chamber of 630, as in the UK, may cheerfully write off one seat. I doubt whether one of 76 can do so, particularly where the outcome of votes is now so uncertain given the number of independents and minor party senators.

An alternative might be to make permanent a process whereby the President and his or her deputy are always selected from opposing major parties and are, thereafter, ‘paired’ for the life of the Parliament, thus cancelling out each other’s votes. Since I do not, as chairman of the Senate, have a deciding vote, this would not be a problem. It may not, however, be acceptable to members of minor parties or independents who may aspire to either position.

The continuing party involvement outside the chamber would also be difficult to overcome. Seats in the Senate are highly valued; it would require a major shift in attitude for one to be reserved for a figure who was to be denied any party or political role. Nor would it be realistic for a presiding officer to forgo all party activity for three or six years and then expect to be in a position to contest a preselection. Already the increasing demands of the President’s job make it progressively more difficult to meet one’s party obligations as well.

It seems to me that to look to the modern British speakership as a model is a mistake. Lack of bias in applying the standing orders is not difficult to achieve. Being freed from party allegiance is not really necessary. I do not think anybody in my position would seek to use it for partisan advantage: I do not believe I do—and I think the best test of that is that I get criticised equally by both sides of the chamber for being biased against them, so I must be doing something right, although I do not pretend to be doing everything right.

Political reality is more likely to lead to different sorts of presidents. I have suggested that the President’s role is expanding to the extent that soon he or she will no longer be a figure above the fray. The Senate, as an increasingly independent institution embracing parliamentary rather than executive values, does come into conflict with the executive and is occasionally subject to attack from members of the other place. The presiding officer in the future might be drawn into such conflicts as the spokesman of the Senate. As the chief executive of an agency with a budget comparable to some of the smaller departments of state, the presiding officer is already exposed to all the mechanisms of accountability. He or she will frequently be in conflict with the government of the day in seeking to maintain the institution’s budget. As the first among equals of an increasingly fractious chamber, he or she will frequently be drawn into controversy with his or her own colleagues on matters of procedure or the provision of services.

Thus, the days of the long-serving President, filling a largely ceremonial office prior to a well-earned retirement—which was the case until recently—are gone. A single-term president drawn from the non-government parties representing the Senate against the executive and

defending non-government party interests seems a more likely outcome than a British-style presiding officer.

Questioner — You said that the Constitution does not recognise political parties. I would suggest that the 1977 amendment to the Constitution was a far more important amendment than people generally recognise. For the most part, it is thought that no amendment can give constitutional status to what was called Convention 40. I would suggest that what previously existed was a gentlemen's agreement and that the real significance of the amendment was that it gave status to political parties and the States in the filling of casual vacancies—that is, we now have party machine appointments for casual vacancies.

The significance is that the Senate has the balance of the term. For example, Senator Christabel Chamarette would have been forced to face the 1993 election under the old arrangement but now fills the entire term, as does Senator Kay Denman who fills 95 per cent of the term for which Michael Tate was elected. Therefore, that amendment actually gave status to the proportional representation system because without proportional representation you would not have been able to justify such an amendment. It gave status to political parties and it therefore essentially said that the Constitution now says that the Senate is a states' house and a party house and is elected on the basis of proportional representation by a political party within each state. Therefore, I suggest that the Constitution does recognise political parties and does give status to them—much greater than most people realise.

Senator Beahan — You have made a good point—that the 1977 amendment to the Constitution does, in fact, recognise political parties in a de facto way. The explanation was very interesting.

Questioner — Could you tell us whether there is any device that would enable a government to spend money contrary to the wishes of the Senate, perhaps up to a limited amount of something like \$240,000? I ask this because many years ago when I was studying public administration under the highly respected Professor Bland, who subsequently was the Chairman of the Public Accounts Committee in this Parliament, I learned that there is a fund called the advance to the Treasurer in which every year in the Budget the Parliament provided a sum of money on which the Government could draw to meet any unexpected expenditure. I wonder whether a government could use this device to meet the debts of unhappy ministers who have found themselves saddled with enormous legal costs?

Senator Beahan — I do not pretend to be an expert on the Constitution, but I think the answer to that one is simple enough—the Government tried to use that device, but the Senate, rightly or wrongly, stopped it. I believe that the funding for the challenge to the Royal Commission was more important than the defence of Carmen Lawrence in the Royal Commission itself. What was at stake there was a fundamental attack on the executive and, more importantly, parliamentary privilege. I think that one has yet to be resolved. It is a pity that that case is not going to be pursued.

Questioner — I have been unhappy about the fall in the standard of conduct in debates in recent years, particularly in the House of Representatives. I wonder whether it might possibly be due to the falling away of the rule that members should address the Chair. They now often

seem to address each other across the floor. I think it is fair to say that in the Senate this rule has never been so strictly enforced. People have tended to address each other across the floor, and it has been accepted as part of the cut and thrust of debate. I wonder whether the President might have some comment on this.

Senator Beahan — I think it is a significant point. It is important to remind people regularly that they should address the chamber through the Chair. It immediately draws away from that tendency to attack the person and makes people think twice about what they are doing. But I think it goes much deeper than that. I think the behaviour in the chamber is partly a tradition of the Westminster system, which I think is a bad tradition that we have picked up and made worse; partly a product of the more serious nature of politics and of greater tension in the Houses; and partly a general breaking down of standards, which is hard to control from the Chair.

As much as possible, I try to exhort people to behave better, but have been attacked by many people in my own party—not everybody. It is only a minority in both parties who regard question time as a bit of a joke. They see it as a bit of fun—‘you have it for an hour and it has little impact’. My view is that it has a very big impact on the standing of the institution and the standing of the people in that institution because it is televised.

Many more people see it than I thought. I used to think it was only my mother who watched me at question time, but there are a lot of other people who watch question time. I was recently door knocking in Shark Bay when somebody said, ‘Hello, Mr President. Come on in and have a drink. I watch you every day’. This has happened to me several times at airports and elsewhere. Many people seem to watch it. The program ‘Ring the Bells’, which is shown at the end of a sitting week, rates at something like 22, which is a very high rating for a program screened at eleven p.m. So there is an interest in it. Given that there is this interest, the behaviour must have an impact, and it must have a deleterious impact. Getting that message across is very difficult and, as I said, the whole business of question time is a slightly anachronistic ritual.

This is an heretical thing to say. It is not a process that is very good for disseminating information. It is used politically, especially in this time of the electoral cycle. We really do need to look at it carefully and to question just how well it is working. That is something that there is not a great deal of willingness to do. The other point is that there are a few very rude and coarse people who are not going to be affected by any of these exhortations. That is another aspect of it that needs to be said.

Questioner — Senator Beahan, could you return to the standing of the Parliament and the points you were making about political parties? I am interested because generally there seems to be a decline in regard for the political process and its practitioners. I would like you to comment on how this might be improved.

Senator Beahan — At the outset, I should declare an interest. I am a member of a big political party. I have been a central member of that political party as state secretary of the party in Western Australia, national vice-president of the party and convenor of one of the

factions—the Centre Left faction—for a number of years. I am very much a party machine person, so you will have to account for these prejudices.

I happen to think that the big party systems work because they refine ideas. You cannot come into a big political party with crazy ideas and get them through to the policy level very easily. They have to go through a process. They are knocked about a bit and the people who put them up are knocked about a bit. The learning process is a very speedy one as that happens. So the policy proposals and the platform of my party that come out at the end of a conference are pretty well refined policies that have had a lot of discussion, compromise, debate and are proposals on which people have risen or fallen. That is a very good process, I think, for refining ideas.

Drawn from that platform is the manifesto which the party takes to the people. I think it is much more honest to go to the people with a manifesto drawn from a platform and backed by a platform which that party is committed to. Political parties commit themselves to those policies to a greater or lesser degree, but they do commit themselves to a platform in the main. The people know broadly what they are voting for.

If you vote for an independent, you are never quite sure what you are voting for. You know that you might be voting for a cluster of ideas or for an attitudinal position, but usually only on a small group of things. For example, Green senators—I am not criticising Green senators for this—by the very name, represent green issues, but they vote on all matters and participate very actively in debate on all matters. So the people who voted for them, I do not think, had any idea how they would vote on certain matters and yet they are able to do that freely once they get into power.

The second point is that I think there is a protection given by large political parties against those excessive groups—extremist groups—within society that would like to influence events but do not have enough base support to do so. They can make it very difficult for a member in a local constituency.

The American system suffers from this. Congressmen—more in America than here—tend to see themselves as local constituency representatives. Getting coalitions of those congressmen together to do some of the difficult things that need to be done in any nation to address the problems is always difficult because they are always looking over their shoulder at their constituency. So reducing defence expenditure, cutting the deficit and agricultural reform are extraordinarily difficult things in America because you have the vested interests of local constituent politicians fighting them at all times, and they are subject to the extremists. For example, groups like the Right to Life Association can put immense pressure on somebody who votes according to its view the wrong way. The political party gives you some protection against that and allows you to take unpopular decisions in the national interest with some protection against the fallout from that.

For those two reasons I am a strong supporter of big parties. I am not suggesting that minor parties and independents do not have a place, but I would hate to see a parliament made up of them. I do think that in parliament, even as it is, they can be quite a destabilising force.

Questioner — I would like to raise two points. Firstly, you expressed scepticism about the effectiveness of question time as a means of extracting information from the executive. I wonder whether you might care to speculate upon how the mechanism might be improved.

Secondly, in relation to parliamentary committee hearings, I have been struck by how their effectiveness is limited by the fact that members and senators have obviously not had time to do all the necessary preparation. I wonder whether their effectiveness might be increased by instituting the idea of counsel assisting the committees, which I understand happens in America.

Senator Beahan — On the first point, I do not see that change will occur because I think the political forum is important for other reasons. There is not much information drawn out of it, but it is important for other reasons—it is a showplace for the skills of the protagonists on either side and the gallery watches it and reports it with great interest. No, I do not have any suggestions as to how that might be improved, and I have never addressed my mind to it because I do not think it is going to change. I think we just have to put up with that. It is one of the imperfections of parliament which we probably have to put up with, although I do not think we have to put up with the level of behaviour which is, as somebody has already suggested, dropping.

On the other question, it is difficult for senators, particularly those who have heavy committee responsibilities with a number of committees to attend and very busy schedules, to do the full preparation that they need to do to address issues. Frankly, it would be a pity if that were solved by bringing in counsel. It moves too far away from the parliamentary ideal of local representatives representing the ideas of people out there.

I have not seen the American system in progress. There may be cases where it would be sensible to have that; for example where a highly technical issue is being discussed or something like that. Another solution offered was to increase the number of staff in the committees. While that might help things, the staff, as they are, present plenty of material to the senators. It is just turning that material into useful material for hearings that is difficult. The difficulty there is that they simply do not have the time to do it.

There are no simple answers to that issue except to take a more realistic view of how many committees there are. We have set up far too many select committees, for example, and we have sometimes set them up for the wrong reasons. All that does is dissipate the efforts or the energy of senators as they have to attend these meetings for, very often, purely political reasons. That just draws on the energy of the committee system generally.

I believe that we should be more sensible about the number of committees we maintain and should not keep setting up committees for whatever reason without concern for the fact that people are overloaded. One of the difficulties for the government party in the Senate now is that it has only twenty-nine members but has to have a full representation on all committees, including trying to make up the majority on half of those committees. That is an impossible task. People are just run ragged. A rationalisation of that has to occur, and that is currently under review. It will be discussed, but it is a difficult one to control.

