

The Contribution of The Greens (WA) to the Australian Senate

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The sheer quantity of their Senate contributions gives an indication of the range of issues which the Greens (WA) have had to deal with over the years. The Greens (WA) operate according to four basic principles or ‘pillars’. These are ecological sustainability, peace and disarmament, social justice and participatory democracy.

The principle of peace and disarmament indicates that we would take a close interest in both domestic and foreign defence and security issues, which has certainly been the case over time. Contributions have been via committee work, questions, motions and speeches. It surprised me to realise how little foreign policies were questioned between the major parties. With some limited exceptions, the foreign affairs line was accepted, even when many sources within the world community held quite a different view of Australia’s position. Defence policy usually has the bipartisan support of the major parties. It is thus of great annoyance to other committee members when someone like me refers to evidence of those who hold a different view or writes a minority report on such issues as the training of overseas forces by the Australian Defence Force because of human rights considerations—or even questions that defence exports should be subsidised to promote growth as an export industry.

Ecological sustainability and social justice have also involved a great deal of committee work, but including these principles in the legislative process has meant analysing the fine detail of legislation to see not only what it contains but what options governments are ignoring. The so-called ‘economic rationalist’ agenda has put corporate profitability before economic or social sustainability. Tracking through these measures and policy changes has involved an extraordinary frustration when major policy changes are shoved through with almost no debate or scrutiny other than from minor parties. Policies to promote ‘free trade’, for instance, have had bipartisan support from the two major parties. Once again it shocked me to know how little was

understood or even discussed within Labor or Coalition ranks about the General Agreement on Tariffs and Trade (GATT), the World Trade Organisation (WTO), and the effects of these agreements and international bodies. Very few senators, other than the Trade Minister or Shadow Minister were even in the chamber in 1994 for the debate on the WTO, even though few trade bills have had more effect on Australia's domestic life, as well as the economy.

It was a Labor government which took the first steps to abolish pensions as a right, supported by the Coalition. It was a Labor government which began down the labour-market deregulation road with enterprise bargaining (which quickly moved on to individual contracts and de-unionisation when the Coalition took power). Standing up for the rights of migrants, refugees, Aboriginals or the young unemployed is not, it seems, a populist way to win votes. Over my six years in the Senate I have witnessed a range of measures from either side where basic human rights were subsumed for economic or other reasons. On these occasions, to amend or oppose legislation did not win majority support in the Senate, but it was important, I feel, that the voice of humanity was not totally silenced.

It is, of course, not enough to accept at face value what governments say about their own legislation. Few people take the time to follow the committee stages of legislation, but that is where the content and impacts of legislation begin to become apparent. The fact that governments of either side over the last fifty years have known that their legislation was likely to be scrutinised in some detail meant that they had to take greater care in drafting.

The fourth Green pillar, participatory democracy, is what has driven us to try to open up the Senate process to give greater access to the community. I remember the first meeting Christabel Chamarette and I had with Paul Keating in 1993 after my election. It took about five minutes for the pleasantries to turn to threats. The reason for the outrage? Christabel had put forward a motion to require that the Senate, and thus the community, have time to consider new legislation. Otherwise known as the Senate 'cut-off' motion, it required bills to be automatically adjourned if insufficient time was available for scrutiny, unless a government could provide a good reason for urgency. Keating called it a 'constitutional impertinence' and started talking of double dissolution. We remained unimpressed. The motion was carried, along with a number of other changes that Christabel helped instigate with the support of the majority of the Senate, including the Coalition Opposition at the time. These included changes to ensure committee structures better reflected the make-up of the Senate.

Giving the Senate time provides the community with a valuable window of opportunity. Governments generally do not like this level of scrutiny and we have frequently heard the chant of 'mandate' from governments in recent years when any of the details or unexplained impacts are questioned. Few people in the wider community accept that the party which scrapes over the line on preferences in the House of Representatives has the right to a three-year elected dictatorship. Most people would recognise that even when a political party won an election on a particular platform, the average voter had not handed them a blank cheque for its entire program. They expect members, within their political party principles, to represent their electorates.

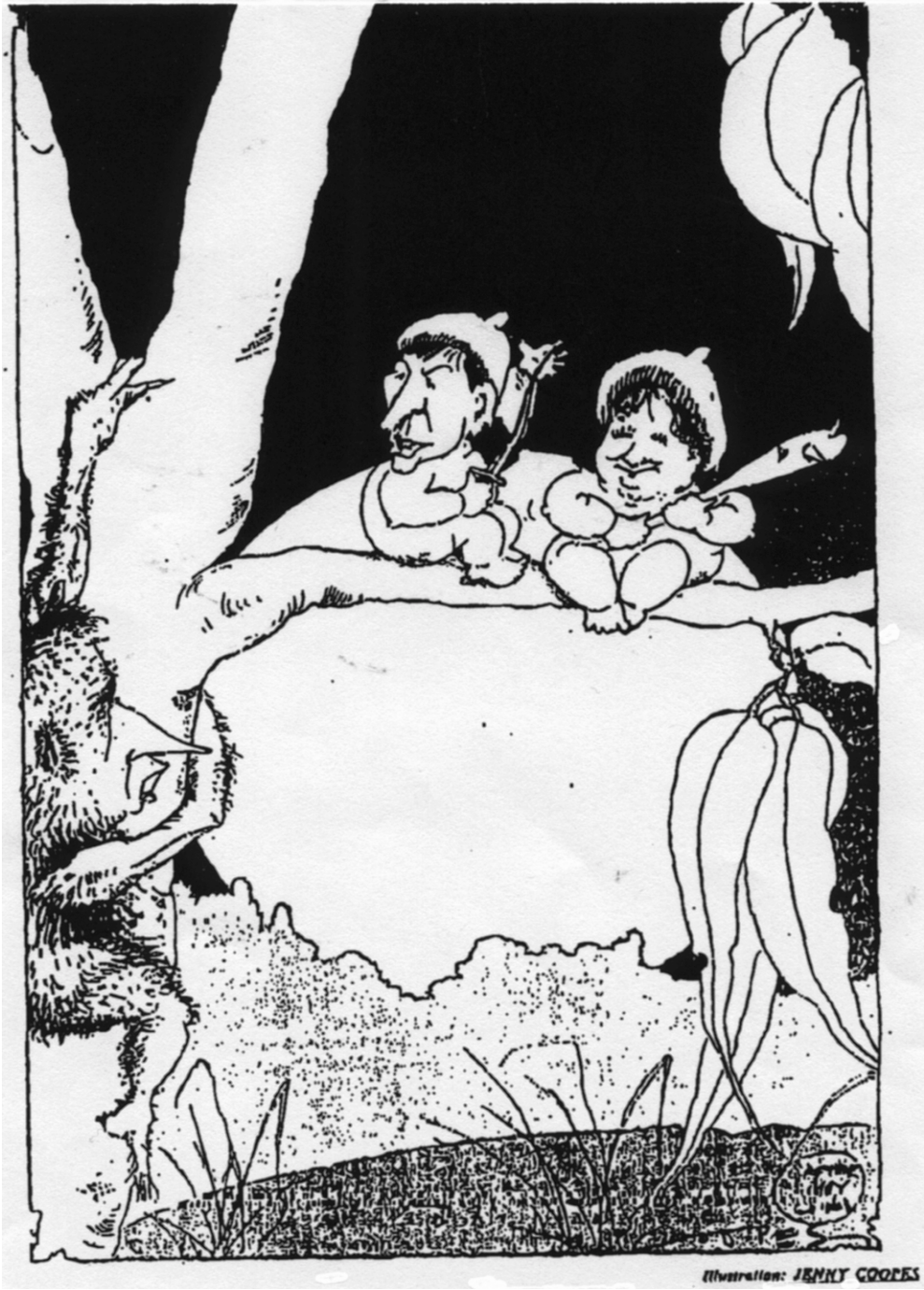


Illustration courtesy of Jenny Coopes

The greater democratic outrage is the party block voting system, not the ability of the Senate to amend or indeed reject any aspect of the government's legislative program. Let us suppose that a party went to an election with a particular position on tax or spending. We all know that the gap between platform promises and legislative drafting is often wide. Yet in recent times, we have seen a succession of governments complaining about amendments by the Senate, no matter how poorly considered their actual legislation might be.

The legislative program is not, however, the only problem that the Greens have had to deal with over the years. There is a strong motivation for governments to play their cards close to their chest with the minimum of scrutiny. The Greens have been strong and consistent in issues of the accountability of executive government. There is a particular problem in the context of the increasing privatisation or corporatisation of government functions. Governments are using the excuse of 'commercial-in-confidence' more and more, even where large amounts of public money is involved.

The Administrative Appeals Tribunal has clearly signalled, in recent rulings, that many of these excuses are unsustainable. The Senate estimates process has been very important in bringing forward some of these important accountability issues. We might get to the ridiculous situation where a minister will refuse to answer any questions related to his or her portfolio because of outsourcing. Both of the major parties have moved in this direction—it is the cross-benchers who have been consistent in calling governments to account.

Another related issue is the recent blurring of the separation of powers. This is the principle that the parliament, the judiciary and executive government should remain separate. Budget cuts and corporatisation of government programs and services have threatened this separation. These are not popular or well-worn issues—I mean, who cares if the budget is cut to the parliamentary research service or the parliamentary committees? Parliamentarians are often portrayed as having their snouts in the trough anyway, so who is going to worry? The problem occurs when permanent staff are replaced by departmental personnel (under the control of executive government) or by private contractors (who do not want to ruffle too many feathers as they want more work in the future). Even the independence of the Attorney-General's department was questioned during one inquiry because of outsourcing and the difficulties created with real or potential conflicts of interest.

It is vitally important that committee or research staff have the ability to give advice without fear or favour. Minor parties like the Greens are acutely aware of these problems and I have spoken out about them on a number of occasions. One very specific example I can give of this problem occurred when the Joint Foreign Affairs, Defence and Trade Committee took on a serving military officer to its Defence sub-committee secretariat. General budget cuts and other circumstances led to a situation in which the officer was acting as the secretary of the Defence sub-committee. On one occasion, the officer appeared in uniform during a defence committee inspection visit to a defence establishment. When you see a defence committee secretary saluting other officers, it spells out the problem. Effectively, the secretary was still a serving military officer. I brought this to the attention of parliament and there have been

changes implemented, but only so as to give the official position to another already busy senior secretariat member.

What concerned me was that committee members from the two major parties were unable to acknowledge that a problem even existed. This could relate to the fact that the House of Representatives really does not have a clear separation of powers in its committee system. Ministers can direct or block committee inquiries and staff quite frequently are seconded from departments for seemingly practical reasons. I cannot over-state the importance of maintaining the independence and professionalism of the Senate committee system, and I can only hope there will be others speaking out in future against these kinds of encroachments. When Senate inquiries are one of the few ways left for the community to have a say in the way our country is governed, most people would like to be reassured that outcomes will not be designed simply to please the government of the day.

Another issue I have encountered is the ability of a minor party senator, like myself, effectively to represent a community view even though it may not be the view supported by both major parties. On some occasions, it is best to circulate a minority report. On others, it may be putting yourself and those you represent in a position to be unfairly attacked if you are forced to circulate your report early to all other committee members. I won this one too—in the Senate chamber.

Another area of committee work where the Greens (WA) have played an active role are the Senate estimates. There have been many occasions when Green questions have been met with hostility by the minister of the day and often other committee members. Some of these lines of questioning have later proved to have wider public interest and significance. Examples include money spent on training troops from other countries who later engaged in human rights abuses, such as in Thailand, Indonesia or Papua New Guinea; the Collins Class submarine debacle and other defence spending issues; and, of course, environmental issues like the Regional Forest Agreement.

There are other committee processes where the frequent consensus of the two major parties makes the role of parties like the Greens vital. If I return to my pet topic of trade and competition policy issues, an area in which legislation has just been introduced, it is not unusual for a government to rush through the whole process perhaps before its own party catches on to the details of what it is doing. The WTO bills that I mentioned earlier had only one or two hearings as did the National Competition Policy enabling legislation. On these occasions, if you do not want to be left with just ‘the usual suspects’ giving evidence, you have to get on the phone and advise groups you know will be interested that the process is happening and explain how they can get their views across.

There have even been some occasions when, behind closed doors, Nationals have urged us to stand strongly against the position of the Coalition in committees and support legislative amendments because they had been done over in the party room! The frustration on these occasions has been palpable to all except some of the old party politicians!

Other examples include the nuclear issues that are of concern to a large number of people in the community. Uranium mining and exports, Lucas Heights, nuclear ship

visits, the nuclear alliance with the United States, nuclear testing and nuclear proliferation are all issues that have been given an extra edge over the years by the work of The Greens (WA). Many of these issues would not have been debated at all if we had not pushed for answers.

I have often been asked where the Greens get the depth and extent of the information that we use in our work. The answer is simple. We would not have survived without the wider green community, and a whole range of individuals and groups who would never be identified as part of the Greens' electorate. One way the party operates is to check with those people likely to be most affected by government policy decisions as to their opinions, and to seek specific technical advice from them. You would be surprised how many people have been responsible for speech notes that have been delivered by me at some stage in the Senate! I was asked by a senior DETYA official on a plane one day where we got our information for questions as he had noticed how often I asked about education and training issues. I explained the network system of two-way communication with the wider electorate. He asked how we controlled that flow of information and I replied that we had no intention of controlling it! He blanched. It is not a method of operation that is well understood in politics.

In recent times the Western Australian Farmers Federation (WAFF) was camped in our office working up the details on the wheat bills. We also worked with the WAFF on important trade and competition policy issues. It was not that we did not understand that the WAFF was not our natural electorate and it was not that we did not understand that on a number of other important issues, such as native title, we might take an opposite line. It simply reflected that we have never demanded that lobbyists be Green supporters before we took up a cause that we felt to be just and in line with our own principles.

That is what community participation in decision making has meant to us at the Senate level. It does not mean that we are necessarily going to get re-elected and, of course, I did not (although the Green vote in WA actually increased from the last two elections).

The work in which the Greens (WA) has been involved in the Senate is one example of why we cannot allow the major parties' attacks on minor parties and independents to come to fruition by way of legislative or constitutional attacks to the current system of proportional representation. In my six years in the Senate, I have witnessed many threats to parliamentary democracy. The threat of changes to prevent minor parties and independents being elected who can amplify the voice of the community, which the major parties may not hear, is real. If you value the community voice, you have to stand up to the bullies!