PRIME MINISTER

TRANSCRIPT OF THE PRIME MINISTER, THE HON P.J. KEATING MP DISCUSSION WITH PANEL - PHILLIP ADAMS, FRANK BRENNAN AND CHERYL SAUNDERS, ANU, CANBERRA, TUESDAY, 22 FEBRUARY 1994

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You have just heard from the Peter Pan of Australian politics who while he advocates change, changes very little himself. Now, as you know Prime Ministers' appearances are subjected to rapid aging. I mean Hawke aged a decade every year, and I think the same thing was true of Fraser.

I am going to remind the Prime Minister of a brief exchange we had 20 years ago, when he was, I think, the youngest Minister in the Whitlam Government. I asked him is he was aware that he bore an eerie resemblance to an actor called Anthony Valentine, who played a really sleazy sinister character in Callan. Not only was he aware of it, they turned out to both be aware of it because the two of them had bumped into each other at Foils Bookshop, in London, and gazed at each other in mutual disbelief.

I have great news for you Prime Minster, he hasn't worn well, I saw him the other night in a new series called Body and Soul, he now looks like something the cat dragged in after mastication in the garden, and I think the press should address not the Gould Prints in the Cabinet Office, but the Dorian Gray portrait in the Lodge garage.

Now, we are now going to mark the Prime Minister's home work and I am joined by Professor Cheryl Saunders. Cheryl holds a personal chair in the faculty of Law at the University of Melbourne, she is Deputy Dean of the Faculty with special interests in constitutional law, administrative law and comparative constitutional systems. She doubles as Director for the Centre for Comparative Constitutional Studies; a specialist centre of the faculty of law.

Also sitting here with us, I don't know what the Pope thinks of him, but he is my favourite Jesuit, Father Frank Brennan. For many years he was the Aboriginal Affairs consultant to the Catholic Bishops of Australia, and legal adviser to the Queensland Aboriginal Coordinating council. And he is a member of the Council of the constitutional centenary foundation.

If I can go to you first, Cheryl, given your great interest in institutional matters would you like to address areas or sins of omission and commission in the Prime Minister's extemporised chat?

CS: Well, I'm torn Phillip, starting with the little issues or starting with the big ones so I'll start big and work down. Prime Minister, I spend a lot of time these days wearing my Constitutional Centenary Foundation hat talking to people about this constitutional decade that leads to the centenary of the constitution in 2001 and passes all sorts of other important milestones along the way and I say that this is a great opportunity to engage the people of Australia's interest in their own system of government, to identify issues that actually need change and if we decide collectively in some way or another that change is desirable to pursue those matters. I get a range of answers to that, but having you here it is too good a temptation to miss not to ask you the same question. How would you like us to use this constitutional decade?

PM: I have always been one who has believed that with change one has to - whether it be constitutional change or any other change - to proselytise for it; make it popular; make it interesting; gather and garner support for it; but there has to be some lead, the leadership group has to lead, has to step out and bring the community up with it to be able to make the change stick. Otherwise one is simply moving out on the limb and the limb breaks off. I mean, you have got to, if you like, thicken it up, strengthen it so that it can support the weight of the political change. Therefore, I don't believe that change just comes from the ether. I suppose if there is any point of disagreement with you about not with the question, but other things which you have said on behalf of as you say the constitutional decade, there won't be a constitutional decade unless a political system wants to embrace a change then, I think, you can garner support for change, proselytise for it and move it to an action point. I think, you are in the proselytising business and that is a good and fair business to be inrespect of the constitution. But I think one has to set objectives and go after them. It is a matter about change whether one is objective oriented or whether one sees a change in the broad and wants to make the change in the broad. I don't think you can make the change in the broad. I think you can see the pattern of the change in the broad, but you have got to put the pieces of the matrix in one after the other and build on them.

This is also true in constitutional change where one decides what is possible to be done, what isare desirable and possible, get a commitment to political action for that then bring up the community with us. I think then we can really get some changes into place. But, I think were we to rely upon simply seeding the communities mind with the inadequacies of our current constitution and the benefits of change will do no more than seed the community's mind about the constitution and the need for change, but it won't get the change.

CS: Yes, I understand that but the problem is in the past we've also adopted the other method which is getting the little bits of the matrix and putting them to the community and the community says no. This is an attempt to try and find some other way around that impasse.

PM: I think with the constitution we'll always need the best we can get it, bi-partisan support in these things and the things you and I have had in a common discussion in the public debate about the republic and these sorts of issues are issues which of course, will always be stronger and better with bi-partisan support. In my terms let me just put a partisan hat on and say I'd be encouraged if, for instance, our opponents were interested in that debate rather than resisting what is an inevitable change in my view. Now, if the political system can move on a broad front I have got no doubt that we can with the great changes already passed in this last decade, encourage Australian people to make changes. I think, if we go with piecemeal referenda which are basically disputed by the parties at a poll, it is as you say, it will go nowhere.

So, it is a matter of understanding what is core and essential and garnering support for it and moving ahead with it and Australians have a great capacity for change and as I said at the beginning of my remarks, perhaps one of the most fundamental and important of the institutional changes has been the appetite for the change.

PA: How do you sense the appetite for change on the republican issue at the moment?

PM: I think there is a tremendous appetite for change in the republican issue. I think that is no longer appropriate for the head of Australia to be the Monarch of Great Britain. It is as simple as that.

PA: I think we know the arguments, I am just saying the polls at the ...

PM: No, I know the arguments ...

PA: ... the polls are vacillating aren't they?

PM: But, you are asking me about whether people have seen it. Well I'm pointing at it. It is such an obvious thing to see, generally people see obvious things.

FB: One of the issues that hasn't been raised thus far tonight of course has been Mabo which surely is a major institutional change.

PA: It is, but I'd like to start by saying I think it is a very welcome thing, Prime Minister, that we can have an extemporised address by a Prime Minister on institutional change to the people and then we can have two lawyers - one able to proselytise and the other a cleric who are not

of your stable, where we can sit down and have a discussion about these things and I think it is about the people that it is most important in terms of these institutions. So when it comes to something like Mabo I think that we have to concede that yes, a political leader like yourself took the ball and ran and that was essential in terms of the recipe of getting it right, but what has been essential is not just arrangements or deals between stake holders or politicians, but rather the public coming with you and the public having to own, for example, the principal of non-discrimination. That even though your political opponents didn't support your legislation, all of our elected leaders nationally after the debate said we insist on non-discrimination and so I just take that as one example that maybe we need to do more as a nation in involving the people sooner. For example, on the republic one, if it is that self evident, rather than leaving the people to the end and the politicians doing the timing, are we perhaps getting to the stage as a nation where we need some sort of indicative plebiscite which just says - do you want a change of head of state or not? And if we can get that out of the way and we then run with that then all of the complexities and all the rest, we can have five years of flash constitutional lawyers and all the other arguments, what do you think?

PM: I still think you have got to find a square peg for a square hole. That is, it is like with Mabo. If I had said at the beginning of that debate: "Look, the High Court has made a decision let's put a motion through both houses of Parliament: are we in favour of a legislation to empower Aboriginal Australians with a title to land vested under this High Court decision?" It would, I think, probably have been defeated. Therefore, I think if one has a square hole and one is starting with a round peg you have got to get the peg squared up to drive it home. Therefore, that requires all of the skilling, all of the technical dexterity, all of the ambition, all of the horsepower, all the people muscle that one can arrange at the particular time so the peg is just outside the hole and you hit it in.

Now, this happened with Mabo and it can happen too with the republic. It is like those who say let's have the full referendum now knowing that the Coalition would oppose it, therefore truncating the public's chance to really consider the issues and get them clearly in their mind. I want the change and therefore I think it should come when we've developed well enough in peoples' minds an understanding of what it is. Then, I think, you have got the fertile ground to put a referenda of that kind, but I think if we went early I don't really think we would advance it. It is all again about spearheading change and pulling up the support behind it and I don't really think there is any substitute for political action and general community support, that is, concurrent community support.

PA: You seem to have got some support from Balmoral. Tell us - you are amongst friends here - what you and the Queen discussed when you sort of worked out what was obviously some sort of deal?

PM: Prince Charles made it very clear. He said he thought that we should have a debate about this subject and he said - who knows, those who argue for it may be right. Well, I'm sure we think they are, but time will tell. At any rate, it's a variation on the same theme. That is, how do you get change? Have we got a community that wants change and has the capacity to change? The answer is very much in the affirmative in both counts and therefore it is a great thing. I mean, you can turn on any talk-back program in this country and find a debate about such things as non-discrimination; a debate about the republic and constitutional change; debate about the micro economy, micro-economic reform - you would never hear this in many other countries in a general debate. We have a tremendous popular debate going and therefore, I think, the thing for the political system to do is to recognise that the community has a great capacity for change provided that it is prepared properly.

FB: What about for every action there is an equal reaction. Do you reckon the Mabo debate on open-line radio programs, one was aware of the vast swelling of bigotry carefully flamed by many of the radio presenters. Don't you also recognise ...

PM: Don't mention names there.

FB: No names, I wouldn't mention Alan Jones if you paid me! But this appetite for change is also surely shadowed by a repugnance for change, a growing fear of change?

PM: I don't believe that, I really don't believe that. This Government put itself at risk in 1987 and in 1990 and to some extent again in 1993 by running policy changes in short parliaments, which governments in the post-war years didn't do. And it was done on the simple nostrum that good policies represent good politics and faith in the Australian community's capacity to believe in something better. Now, that may sound starry eyed - there are three important election victories to prove otherwise. I actually think anybody who believes that the public has had too much change and they are afraid of it sells them short. That is, not particularly to sell them short, but fails to understand, in fact, how much they comprehend. This is a most conscientious electorate, a most serious constituency and it is listening all the time for value. This is what the pollsters never pick up, it is what the press galleries never pick up. They ran on herd instinct, on basically what they think a pollster can deliver, it always needs a politician to decipher the code. I used to do this with Bob Hogg - you'd pick up the pollster's information, I'd read it and I'd just read completely different things to him, completely different, completely different things to me.

PA: Like a couple of Dead Sea scrolls' scholars.

PM: Exactly. So, yes, one looks at the colour of the paper and the parchment and style and note the way the questions are put. Therefore, I think one has to know that there is this great well of listeners, people listening to bits of value and they hear it and they register it, but it may not be in the static and the hubbub of public life that sort of drifts through them. I think if one assumes that I do, that this, if you like altruism and sense of greater good exists in the Australian community, therefore one operates in the belief if you can tap it, you prosper by it.

PA: Cheryl, if the states didn't exist they would need to be invented we have learnt tonight. This I suspect you would view as not sufficiently moving down the path of change, a bit to minimal for you.

CS: No, no, the minimalist stuff comes up with the republic Phillip. No, I was wondering whether we should turn to the states and COAG and leave some of these other matters behind and I was very interested in what you said about that Prime Minister. I am personally of the view that we have wasted a lot of time as a nation in wondering about whether we should have a federal system instead of making it work so any efforts in that regard over this decade are, I think, very welcome. But the real question still is how. I mean you set out your four principles, but nevertheless that doesn't really get us there. We have somehow managed to build up a very adversarial federal system, a federal system that, I think, to a greater degree than any other federal system in the world relies on the courts to police it rather than having political will at both levels. How are we going to actually make COAG work and the other institutions of inter governmental relations work?

PM: I certainly share the view and I have always, I think, that is, we are better getting on making it work than seeking to abolish the states because if you look at the areas ... I mean we are a most urbanised country and if you look at the areas of greater Melbourne, Sydney, Brisbane, Adelaide, Perth et cetera, one would find very large regional areas to their hinterland. For a start, very large regional greater city governments and given the fact that most of the populations of the states are concentrated in these places the greater city government in fact becomes the government of the provincial area or the state so really you are into a discussion about what the boundaries of NSW and Victoria ought to be in the hinterland. Now, it may be if you were redrawing all this you would have northern NSW relating more to Brisbane than to Sydney and in north Queensland there would be another central authority - there would be another rather than the authority being in Brisbane. But that said largely in terms of the change that would be about it, so therefore given the enormous constitutional difficulties of trying to rescramble that one it's better to

get on with it as you say and make it work. But, one of the things I said tonight which is central to that is that whether the people who did at the time understood what they were doing - uniform taxation is the glue that binds the whole thing together.

Now, much of the haggling and arguing of the last ten years, I can only speak for my time with the states, has been about not really them acquiring taxing powers, but guaranteed revenue shares from the Commonwealth et cetera. Some would like now taxing powers. To give them taxing powers, to give them income taxing powers would end up with six different economies in this country and not one and when given half a chance a couple of years ago they wanted actually to have different rates of income tax in different states.

PA: Well, it worked with the railways didn't it?

PM Yes, well the thing is that can't happen to us, but that said I believe the states should be properly resourced and I think then we should sit down and look at all the functional areas, but sit down as Heads of Governments and Ministers and see whether what we are doing in health or supported accommodation or in housing is - are we getting the biggest bang for the buck; are we able to deliver the Australian community the best programs. I think, that sort of co-operation, we are already seeing quite great strides. Let me just indicate a couple of them. In the last few years the development of a national training authority to do in education in the vocational area what the Commonwealth has been able to do with the universities but, to do it co-operatively with the states. A National Rail Corporation for a national rail highway is another. We are now looking at a national, certainly an east coast electricity grid. So there is a lot of progress and one has to underline that progress and then go on to do more, but it has got to be done on the basis of we're saying look, let's forget this debate about states, let's make clear that they should be properly resourced, let's have a central taxing authority and a central economy, that's fine, let's look at these functional areas, but in the micro areas where it now does matter about the turnaround times in ports, where it does matter what the price of electricity is, where it does matter about the competitive quality of the states, government business enterprises - be they in these areas or in rail - these things need to be worked out between the commonwealth and the states.

The commonwealth can't do this alone, the states can't do it alone.

PA: Frank Brennan, would you like to turn your finely honed Jesuit and intellect onto micro economic reforms as an area of which you have some criticism.

FB: I don't have to earn a living. But, I would like to turn it onto is looking at something of the role of the Parliament as the elected

representatives when you are speaking of these sorts of changes and if I might draw one other from the Mabo discussion - if COAG had gone well and you pushed through Mabo there, I think the chances of Aboriginal endorsement of it would have been very slight. Whereas it was because you had a Senate, people like Michael Mansell could come out and congratulate you on being flexible and saying this is the sort of legislation we can run with. So, how do we go forward in terms of insuring that our Parliamentary institutions are strong so that the voice of the people can really participate in that debate rather than the elected politicians simply delivering from the executive some sort of sealed solution?

PM: Even had the COAG meeting endorsed the proposals that I had put, that was never a Bill or a piece of legislation. Even if there had been endorsement for that, by the time it had got into the form of a Bill we would have had these debates and the government had moved well before the COAG meeting to have most broad consultation with the Aboriginal community, with the mining industry, with the agricultural industry, pastoralists, we had already had a very large consultative structure.

I think one of the reasons so much change has been accommodated in the last decade is the process of consultation. Consultation has mattered with the workforce, with business, with the states and in this case with the Aboriginal community. We have seen it in other things in the forest debate with the forest industry, with the environment lobby et cetera.

PA: But in terms of institutions, could I suggest that even with a reformed Labor party, but for a High Court decision and but for a Senate you didn't control, the Aborigines would not have got from a Labor government what they got?

PM: That is not necessarily so. They might not have got a native title springing from the common law which was emanating from the common law which was then given if you like, turned into a propriety title by the Parliament, but they may well have been given some kind of statutory title - that is, with a general land rights legislation except remembering that general land rights legislation existed in every state of Australia bar Western Australia. So, really, it was always going to be about statutory land rights in Western Australia. We could have also at the same time land funds could have acquired pastoral leases as under the native title legislation. So you have had in a sense, something of the same result, but maybe not on the broad front that we got by virtue of the fact that terra nullius was overturned.

But doesn't that prove just another point. When a wrong is righted we are all better off.

PA: Prime Minister I think your homework has been marked quite nicely tonight. You have got a koala bear stamp which is very rarely given and I have the privilege of asking you the final question. What is the single aspect of our character and our culture that we need to change in your opinion? What do we really lack?

PM: What do we lack? I think we have mostly lacked adequate confidence in ourselves to be able to represent ourselves or to relate to other people and other nations as a fully developed culture. I think this is what we have lacked most. This is changing fortunately, it has changed, but we still have a way to change it. The fact that we can have a debate about this question, the fact that there is still a debate about the flag - the flag of Australia with the flag of Great Britain in the corner means that we are not past this hump and we have to be to be a fully fledged confident nation.

PA: So it is the cultural maturation process?

PM: Yes.

PA: Simple as that.

PM: Yes.

PA: I would like to thank my guest tonight. I would like to thank Cheryl Saunders and Frank Brennan and of course the Prime Minister.

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