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"FOUR CORNERS"

TELEVISION INTERVIEW GIVEN BY THE PRIME MINISTER
MR JOHN GORTON ON ABC TV NETWORK

Interviewer : Mike Willesee

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We open our programme this week in Canberra, and it's been quite a hectic week in the National Capital. The controversy we might loosely term "law and order" reached a peak with an Opposition motion of No Confidence in the Prime Minister; Sir Henry Bolte stepped in and trumped that with a \$9 million gesture of defiance towards the Commonwealth, and the Prime Minister rounded off the week with the announcement of the Senate election date - November 21 which is seven weeks away - or perhaps I should say almost rounded off the week, because in fact the Prime Minister is here to do that now.

Q. Prime Minister, could I start talking to you on this issue of law and order, and I stress it's a loose covering term. Now you have foreshadowed some new legislation, but you have shown reluctance to use existing regulations. Now are you going to apply the law to those young men who have failed to answer the call-up? If so, could I ask you when?

PM Well, yes, we are going to apply the law to young men who have failed to answer the call-up and, indeed, have already begun to do so. There was a case in Adelaide last week, if I remember rightly, and other ones will be coming along as the wheels of the law grind - and I don't grind them. The Attorney-General and others do. But you spoke of something called "law and order" which has become a journalistic kind of a headline. What I have always said we needed to do was to protect the civil rights of the majority and that is the way I prefer to put it.

Q. I am going to come on to that specifically in a moment, Prime Minister. On the point of prosecuting those people who failed to answer the call-up, would I be right in understanding there may be some 100 such prosecutions in the pipeline?

PM I think less than that. I haven't got the figures in my mind. The Minister for Labour and National Service or the Attorney-General would have but my recollection is rather considerably less than that.

Q. And would they be imminent enough to see them before the Senate election?

PM I believe they would follow the ordinary course of the application of the law. We would not be hastening them nor delaying them.

Q. In the normal procedure of time, would you expect they would come up before the Senate election?

PM I am sure some will. One has.

Q. So we could see some more young men in gaol because of this prior to the Senate election?

PM That would depend on the Courts' consideration.

Q. Prime Minister, the other point where you have shown some reluctance to prosecute is in those who are inciting others to break the National Service Act which is, or could be a breach of the Crimes Act. Do you intend to take action in that area?

PM This is a different area. I think we had a press conference once at which you were present at which this matter was raised. And the Attorney-General later traversed that particular ground, indicating that he had in those kinds of case to be quite sure that he would be on proper legal grounds, and provable legal grounds and he also had to take into account the whole of the public interest. On the one question you asked me first, I can give you a specific answer. On the second one, I can only refer you to what the Attorney-General has already said.

Q. Coming on to this point which you described as offending the civil rights of people. Now, firstly, do you want new legislation because of any increase in the incidence of such offences?

PM I think we do. We are limited in the area that our own legislation can cover because the States cover quite an area of it. What we have got to do in this field is to properly allow dissent to be held and expressed and at the same time protect the people who aren't interested or mixed up in that from being annoyed or having their own rights interfered with by that dissent.

Q. The point I was making there was the incidence of such offences. Now, you want to legislate further because of a rising incidence of such offences?

PM I think to prevent a rising incidence. We have had, as you know, incidents where people have invaded the Labour and National Service Office, torn up the records, intimidated the civil servants working behind the counter and poured ox blood or something on the floor. We have had incidents where people have invaded the office of the Minister for National Service and locked him in. We have had incidents where people have invaded Mr Bury's office. The incidents are there. They weren't there before. I think there are insufficient penalties to prevent that kind of offence.

Q. Looking through some of the various statutes, both State and Commonwealth, it seemed to me there were quite a few acts which covered such violations or apparent violations.

PM Well, I don't think they do myself, and the Attorney-General doesn't think they do either. Now let's put it this way. If, in fact, you are wrong in your legal assumptions - and you are not a legal man.

Q. Quite right.

PMand the Acts don't cover them, then the Attorney-General would be right in seeking to see they were covered - I think.

Q. Yes, but I am specifically asking you on this point because you have spearheaded this campaign. Now, just for a couple of examples - I don't want to go reaching into the statutes too long, but on the point of going into Commonwealth offices, Ministers' offices, there is a Section 29 of the Commonwealth Crimes Act which specifies that "any person who wilfully and unlawfully destroys or damages any property whether real or personal" etc. two years' imprisonment.

PM Yes, that's right. Now, you would not wish to have two years' imprisonment. you are asking me now to try and translate the law and I am not a legal man. I can only take the legal advice that is given to me. This I think is something which requires a jury trial and, from memory, two years is the penalty - this is from memory. Now what we would want to do would be to make a greater penalty than exists at the moment for trespass or for preventing people from using roadways - for preventing citizens from using roadways, and see that it was a penalty which was sufficiently severe to stop it.

Q. But even on that, there is a Police Offences Act which covers unauthorised demonstrations and people who don't go away when they are told to are liable to up to three months and/or \$100. This would seem to be adequate?

PM Have you ever heard of people being fined more than \$2 or \$5 or something of that kind for sitting on roadways and preventing people from using them, or for unauthorised entry?

Q. But, really, Prime Minister they are different charges - such as vagrancy, and Police Offences Act covering riotous behaviour. I'm talking specifically about the Crimes Act.

PM Well, really, what you are saying now to me is this, that in your opinion you think there are enough laws already to cover the kind of offence of which I have spoken.

Q. No, I am saying there appear to be enough laws to question it.

PM Well you are saying that you think there appear to be enough laws to question it. I am saying that the legal advice that I have is that it would be necessary to bring in an Act to provide penalties for the sort of offences of which I have spoken, and it would also be very necessary in bringing in that Act to see that one didn't take away the right of people to dissent or to congregate to dissent. Now, it ought to be perfectly easy to arrange that people can congregate for dissent but that they can do it without interfering with other people's rights, without letting off stink bombs in post offices, for example.

Q. Prime Minister, why do you make this move now rather than some time in the past - say two years ago?

PM I think the incidence of these incidents has been increasing, but you may remember that two years ago I did indicate then that I felt some moves along these lines were necessary.

Q. You now say they are increasing. You said earlier that you didn't know that they were increasing.....

PM Oh, now wait a moment... You are now going back to two years ago.....

Q. No, no, no. I am talking about earlier in the interview when I asked you if the rising incidence....

PM I know you did but you said... rising incidence since when? Since last week or something? I think that since two years ago there has been an increase in this kind of activity.

Q. Do you have any evidence of any increase?

PM Well, just recently I suppose we had the refusal of some Moratorium marchers in Sydney to obey the instructions of the police. That's a State matter. We have the invasion of Mr Hughes' own home.

Q. You are talking about specific things, and in 1967 and 1968.....

PM I thought that you wanted me to talk about specific things.....

Q. The point is that we have had these things happening for four or five years. Now you say there is a rising incidence, and I asked you if there was evidence of this.

PM And I thought I was answering you because in the last few weeks I have given you two instances of two things which have happened.

Q. Couldn't we go back to the visit of President Johnson or Marshal Ky and say, well, there were certain things happening then. Is there an overall increase in numbers, for instance?

PM I can only tell you - you don't have to believe it, you obviously don't; but I can only tell you that I believe there has been an increase in these kinds of incidents. Now, let us suppose there hasn't been.....

Q. No, I accept that.....

PM Well let us suppose there hasn't been. Would that mean that you still didn't need a law to prevent them?

Q. No, the point I was questioning you on, Prime Minister, was whether there was evidence of any increase. You now say it is an observation on your part that there has been an increase.

PM This is right.

Q. I think the overall criticism that your opponents direct towards you on this is that it is political. Now what do you say to that criticism?

PM I say that it is not political. I say that if Parliaments are going to function properly, then they are going to make laws after they have been elected and that those laws should only be changed if a government is changed or if a government, through Constitutional methods, decides to change them.....that they should not be altered by people seeking to bring pressure outside of the Parliament on individuals by attacking their privacy, on the public by interfering with their use of public facilities, on the Government by taking over the streets. This obviously must be stopped, or else you could get to a situation such as happened in Germany where, under the guise of dissent, Hitler's Brownshirts took over the streets and terrorised people they didn't like or who disagreed with them and eventually overthrew the government. Now, I would think most people of Australia of either political party would agree with what I have just said.

Q. I think your opponents might say this is why it could be political because you judge popular support for such a move.

PM Our opponents.....by which I presume you mean the Labor Party?

Q. Well.....the Labor Party.....

PM The Labor Party would say I am being political in what I have just said because I think that most people would support it. Well, the only answer I can give to that is that I believe in it so strongly that I believe it should be attempted to be done if a minority of people supported it. It could always be changed by Constitutional means if the Labor Party wanted to, if they had the chance.

Q. Prime Minister, I would like to move to Vietnam and a good linking point seems to be conscientious objection. Now, of course, you agree a man has a right to follow his conscience if he objects to a war, and have legislated accordingly. And you would agree, I am sure, there are some circumstances where a soldier must follow his conscience rather than an order. Do you agree with that?

PM You are going to sort of talk about Nuremberg trials - if you are going to bring in Nuremberg trial stuff we could go on for a long, long time, and one would have to say, yes, there must be instances where according to what was laid down at the Nuremberg trials, a soldier can't excuse himself because he has been given an order to do something.....

Q. Yes, well, My Lai would be..... I don't want to labour that point. What I am trying to set up is that on these two points, there is room for conscientious objection.

PM There is room for conscientious objection to bearing arms at all. As you say, we have legislated for that in two ways. We have legislated to enable a man to claim conscientious objection to bearing arms and to come before a court, and we have subsequently extended that to say that if he doesn't do it, we are prepared to do it on his behalf. Now, there is then a question of whether a man should have a conscientious objection to a particular war. I don't believe that he should. I believe if he has no objections to bearing arms then the question of saying, "Well, I won't fight in Malaysia. I won't fight in Germany. I won't fight in Vietnam".....

Q. Well they are not saying that, in fact. They are saying Vietnam.

PM If that is admitted, it must be admitted for any theatre that anybody says they have conscientious objections about.

Q. All right. Well how can you feel so strongly about this point when it is a matter of conscience?

PM Because there is no conscientious objection to bearing arms or to fighting or to war. This then is merely a matter of judgment, or alleged to be a matter of judgment as to bearing arms in a particular theatre of war. But, of course, as you know, we have also legislated to prevent anybody really being faced with that dilemma..... if they genuinely have it.

Q. You are referring to the CMF?

PM I am referring to the opportunity people have to join the CMF.

Q. But don't you invite young men to gamble when you provide this lottery?

PM You say young men. . . . have all young men got this conscientious objection? I don't think we are inviting young men to gamble at all. I think all we are saying to them is, "Look, if you have conscientious objections to bearing arms, there is a way in which you can have that tested. If you think you are going to be called up and you feel you will have conscientious objection now to Vietnam, maybe tomorrow to Malaysia, OK, join the CMF and then you won't have to have those conscientious worries."

Q. Don't you think it's reasonable that a young man, not wanting to go to Vietnam and not wanting to go into the CMF which takes up a lot of time, might look at that lottery and say "I've got six chances out of seven of avoiding it".

PM You used the words "not wanting" which is quite different from a genuine conscientious objection.

Q. Well I didn't give any reason why he might not want to. We are talking about conscientious objection.

PM But you said some young man not wanting. . . . If he is not wanting to do it, and that is as far as it goes, then it is up to him, isn't it to judge his chances. If he has got a really, genuine, deep conscientious objection to it, then he has an opportunity to avoid a confrontation and getting into difficulty.

Q. Prime Minister, I wonder if this might not prove to be an academic argument. I wonder whether you intend to send any more conscripts to Vietnam?

PM What do you mean?

Q. Do you intend to send any more conscripts to Vietnam?

PM At the moment, the situation in Vietnam is that one of our battalions is being withdrawn. It is coming back and some supporting troops. You are asking me what will happen regarding the two battalions that remain there after this one is withdrawn. I can't give you an answer to that because it depends upon the progress of the Vietnamisation and the capacity of the Vietnamese to look after themselves. But if you are saying will we replace the other battalions that are up there when they in turn come to be withdrawn, you are asking me to make a guess as to what situation will have arisen up there and how strongly the Vietnamese will be able to look after themselves.

Q. It's conceivable then that no more conscripts may go to Vietnam?

PM You said that and I didn't.

Q. But you don't disagree with that?

PM How could I disagree with that? Supposing the Paris peace talks were successful, and peace started tomorrow? Let's conceive that. Then, of course, no more troops of any kind would go to Vietnam, but you are asking me to say what is going to happen in the future when nobody can tell you what is going to happen in the future.

Q. You foreshadowed the withdrawal of the Eighth Battalion six months ahead.

PM Yes, we foreshadowed it when the Americans foreshadowed their own. We joined in that withdrawal. I haven't seen any other similar foreshadowing because of Vietnamisation. But let's turn it round the other way. You must conceive there will be more conscripts going to Vietnam?

Q. You say I must conceive there will be more.

PM. Well if I must concede that I can conceive there won't be, you must concede that you will conceive that there will be. You are talking about something we don't know in the future.

Q. Well, I think we could make a simple point that there is a real chance that no more conscripts may go to Vietnam?

PM I wouldn't make that simple point at all.

Q. Would you like to be optimistic about that?

PM I wouldn't make that simple point at all. I simply cannot tell you what is going to develop in Vietnam. All I know is that we would like to have our troops - all of them - cut of Vietnam as soon as our objective was achieved, and that is of allowing the South Vietnamese to be strong enough to look after themselves. Now, when that will happen I can't tell you.

Q. Well, let's talk about something happier, Prime Minister. Mcney, for instance. Do you think Sir Henry Bolte has been, ... do you think he acted responsibly with this move on the payroll tax - the \$9 million?

PM Well he didn't let me know that he was going to do it at any stage. I don't want to say whether he acted responsibly or irresponsibly. I don't know what was in his mind. But all I can say is that it was quite a surprise since at the last Premiers' Conference, all the offers that the Commonwealth made to the States - which increased very, very considerably the benefits to the States -

were made on the condition that the States did pay payroll tax. Now, Sir Henry Bolte didn't agree to that, which means there was no agreement either as to him paying payroll tax or as to us to paying any of the offers that were made. The other States did agree.

Q. This whole area of Federal/State financial relationships seems to be in pretty poor shape at the moment. Now, can you patch up the problems or do you think it requires a rebuilding job?

PM I am interested to hear you say it seems to be in pretty poor shape at the moment. I have got some figures here on this which show that the States are going to get \$291 million more this year than last year through various fields. This is a very great percentage increase in their funds, deliberately done by us to enable them the better to finance their schools and hospitals and the other responsibilities they have.

Q. But don't you think this Bolte move would indicate it is in poor shape. You are calling a special meeting next week.....

PM Oh no. I am not calling a special meeting next week on the Bolte move.

Q. On Federal/State financial relations?

PM No, I am not calling it on Federal/State financial relationships.

Q. Could you tell us what the meeting is?

PM It is to consider the receipts tax and the areas in receipts tax - non-excise areas and excise areas....

Q. Wouldn't this add to my argument?

PM I don't think so.

Q. Receipts tax is part of Federal/State financial relations?

PM. Sure. But the fact that there is such a meeting to find out how best the Federal Government can help the States and in what areas the States can help themselves, would, I should have thought, indicate that the relations were working fairly well and fairly smoothly.

Q. I am surprised that you should say that because particularly as you had to back down before the Senate on the receipts tax.....

PM Well, that's right, so... but has that got anything to do with the fact that we are having a meeting to find out how best in co-operation we can overcome that difficulty?

Q. I thought it would have a lot to do with my earlier question that Federal/State financial relationships were in some sort of a mess.

PM Just because a Senate votes against a proposition which we bring in at the request of the States - again showing co-operation in order to help the States, again showing co-operation, doesn't, I think, show that Federal/State financial relationships are in a mess.

Q. Isn't that a dangerous argument because an argument could be made out to show cause for a double dissolution when a government is not able to put its measures through the Senate. But you have said, "Well, we were doing this on behalf of the States". Couldn't you take that to the point, that argument of saying perhaps at the next Budget, "Well the Commonwealth is happy but the States need more money, so we are going to lift taxes for the States?"

PM No, this was a specific measure, the receipts tax one, and you are seeking to translate a specific measure which came into being as a result of an unexpected High Court judgment in a particular field, you are seeking to translate that into the whole field.

Of course, if the Commonwealth brought in a taxation Budget of some particular kind, and the Senate went to the unusual lengths - most unusual and I think, improper lengths, of disallowing it - that would create a very serious situation. But they would need to disallow the Budget.

Q. Prime Minister, I have judged time badly. I would like to skip through a few more things fairly quickly. Talking about the Budget, the last Budget you described as possibly being one of the great Budgets, despite the fact that you introduced more indirect taxation which is generally regarded as being an inequitable tax.

PM Well we will see what the future says about it, but it was a Budget which did a number of things. One was to greatly increase the amount of finance available to the States to the extent that a third of our entire Budget is going to finance the States and more than a third of the increase in expenditure. . . . this to pick up the problems which the States had been indicating, or to help to pick them up. It reduced direct taxation in a meaningful way. You can argue whether it should have been less on \$10,000, but throughout the range it reduced it in a meaningful way which was the promise we had made. It introduced indirect taxation which, if I may take issue with you, is not generally regarded as an inequitable tax. Indeed, you will find that nearly all countries in Europe, for example, are moving towards indirect and away from direct taxation, and the last Labor Chancellor of the British Government made a very strong speech showing that indirect taxation was not inequitable when that Labor Government moved towards more dependence on it.

Q. Now just one other point that intrigued me out of that. . . . you said at the time that if people wanted to drink more wine and drive cars and smoke, that was their business and they could pay the extra taxes because of it. But I wonder by what principle you tax moderate people more lightly than you tax the people who want to drink and smoke and drive?

PM I think the principle I would advance would be this. . . . that there is a certain amount of money left in people's pockets after they have paid direct taxation, after they have paid their income tax. That is the same for all people at a given level of income. Now what they do with that money is their own choice. They can save it all if that is what they wish. They can spend whatever part of it they wish to spend on cigarettes or on wine, and this is a choice that they have as to how they use the money that is left in their pockets after direct taxation. And one of the tenets of Liberal philosophy is that people should have a right of choice rather than be told by an overriding government everything they have got to do.

Q. Don't you think people have exercised that choice as to the general way in which they will lead their lives and the people who drink and smoke will continue to, even with this extra imposition?

PM If they do, that is their decision.

Q. Haven't you discriminated against them because of their way of living?

PM No. We have given them a right of choice.

Q. Prime Minister to close. You have got the Senate election coming up. How confident are you about the election?

PM Oh, I am never confident about elections, either confident that one will win them easily or that one will lose them. I think people that talk about elections before they are held are always rather silly.

Q. Let me ask one more question on this. Do you think it matters more how you go vis-a-vis Mr. Whitlam or do you think it really matters as to the seats and the votes and the general counting of the election?

PM As far as the wellbeing of the Australian people goes, I think what really counts is how the Liberal Party goes as against the Labor Party. Not me as against Mr. Whitlam or the other factors you mention. What I feel is that the people of Australia will see a continuance of advancement and a continuance of improvement under the Liberal Party that they won't under the Labor Party, forgetting me and forgetting Whitlam.

Q. Do you think the Press and the public might see it in terms of Gorton versus Whitlam?

PM I don't know what they will do, but you asked me what I thought was the really important thing, and I think the really important thing is that Australia should continue with the type of Government which has given it such great advances for the last twenty years.

Q. You don't think the minor exchange of seats which might come out of it is going to matter very much?

PM I wouldn't think so. I think that mathematically in any case there will be a very marginal exchange of seats.

Q. Prime Minister, thanks very much for talking with Four Corners.
