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THE SENATE INQUISITION

20 JULY 1975

THIS WEEK WE HAVE SEEN YET ANOTHER EXAMPLE OF THE OPPOSITION'S CONTEMPT FOR PARLIAMENTARY PRINCIPLES AND ESTABLISHED POLITICAL CONVENTIONS. ONE HAS TO KEEP RETURNING TO THIS THEME BECAUSE THESE PRINCIPLES, THESE CONVENTIONS AREN'T JUST DRY LEGAL FORMALITIES—THEY ARE THE BASIC RULES OF THE POLITICAL GAME. EVER SINCE WE CAME TO OFFICE THE OPPOSITION HAS BEEN BREAKING THESE RULES WHENEVER IT SUITS THEM. THEY HAVE REJECTED LEGISLATION IN THE SENATE FOR WHICH THE PEOPLE HAVE VOTED; THEY'VE REFUSED SUPPLY TO THE ELECTED GOVERNMENT; THEY'VE REFUSED TO FOLLOW THE CONVENTION ABOUT FILLING CASUAL VACANCIES IN THE SENATE. IT'S ALL PART OF THE SAME WRETCHED PATTERN. LAST WEEKEND THE PEOPLE OF SOUTH AUSTRALIA SHOWED WHAT THEY THOUGHT OF AN UPPER HOUSE OBSTRUCTING POPULAR LEGISLATION WHEN THEY RETURNED DON DUNSTAN'S GOVERNMENT FOR ANOTHER TERM. BUT THIS WEEK THE OPPOSITION IN CANBERRA HAVE BEEN AT IT AGAIN. THEY HAVE DRAGGED PUBLIC SERVANTS THROUGH A POLITICAL INQUISITION IN THE SENATE—AND NOW THEY'RE THREATENING TO DO THE SAME WITH PRIVATE CITIZENS. THEY HAVE UNDERMINED THE TRADITIONAL NEUTRALITY AND INTEGRITY OF THE PUBLIC SERVICE. THEY HAVE IGNORED THE PRINCIPLE THAT MINISTERS ALONE, MINISTERS ELECTED BY THE PEOPLE, ARE RESPONSIBLE FOR THE ACTIONS OF A GOVERNMENT.

YOU SHOULD NOT BE FOOLED BY THE OPPOSITION LINE
THAT WHAT WAS AT STAKE THIS WEEK WAS THE SUPREMACY OF
PARLIAMENT OVER THE BUREAUCRACY. THE SUPREMACY OF
PARLIAMENT IS PRECISELY WHAT MY GOVERNMENT HAS BEEN
DEFENDING. LET'S GO BACK TO THE BEGINNING AND SEE HOW
THIS DEPLORABLE BUSINESS BEGAN. AFTER THE PARLIAMENT
ROSE FOR ITS WINTER RECESS THE OPPOSITION AND THE PRESS
BEGAN MAKING WILD ACCUSATIONS AGAINST THE GOVERNMENT OVER
CERTAIN OVERSEAS LOAN NEGOTIATIONS. LEAKED DOCUMENTS,
FABRICATED DOCUMENTS, DOCUMENTS FOR WHICH NEWSPAPERS HAD
PAID MANY THOUSANDS OF DOLLARS BEGAN APPEARING IN THE PRESS
AMID A GREAT CHORUS OF ALLEGATIONS AND UNSUBSTANTIATED
CHARGES AGAINST THE GOVERNMENT AND PARTICULAR MINISTERS.
I DECIDED THAT PARLIAMENT WAS THE PROPER PLACE FOR THESE
CHARGES TO BE MADE AND DEBATED. SO I RECALLED THE PARLIAMENT
FOR A SPECIAL SITTING. MIND YOU, WE HAD ALREADY GIVEN
THE PARLIAMENT MOST OF THE INFORMATION ABOUT THE NATURE
AND PURPOSES OF OUR LOAN NEGOTIATIONS. BUT I DECIDED THAT
THE OPPOSITION SHOULD HAVE THE FULLEST OPPORTUNITY
TO QUESTION THE GOVERNMENT, DEBATE THE ISSUE FURTHER AND
MAKE ANY CHARGES THEY WISHED. DURING THAT SPECIAL SITTING
THE GOVERNMENT MADE AVAILABLE SCORES OF DOCUMENTS AND PAPERS
RELATING TO THE LOANS ISSUE. WE HAVE ANSWERED NEARLY EVERY
QUESTION THAT OPPOSITION MEMBERS HAVE PUT TO US IN THE
PARLIAMENT AND EVERY QUESTION WILL BE ANSWERED THROUGH THE
NORMAL PARLIAMENTARY PROCEDURES. DURING THE SPECIAL SITTING
OF THE HOUSE THE OPPOSITION FAILED TO SUBSTANTIATE ANY
SPECIFIC CHARGE OF ILLEGALITY OF IMPROPRIETY AGAINST THE
GOVERNMENT OR ANY MINISTER. NO SPECIFIC CHARGE WAS
SUBSTANTIATED; NO SPECIFIC CHARGE WAS EVEN MADE.

NOW IF THE OPPOSITION REALLY WANTED TO PURSUE THIS MATTER IT HAD EVERY RIGHT TO DO SO THROUGH THE NORMAL PROCESSES OF PARLIAMENT. THOSE PROCESSES WERE BY NO MEANS EXHAUSTED. THEY CAN NEVER BE EXHAUSTED. INSTEAD THEY DECIDED TO SUBJECT SENIOR AND RESPECTED PUBLIC SERVANTS TO AN UNNECESSARY AND HUMILIATING INQUISITION. THEY TRIED TO TURN THE SENATE INTO A STAR CHAMBER. IT WAS A PURE POLITICAL STUNT, AND WE WEREN'T GOING TO HAVE A BAR OF THOSE TACTICS. WE WEREN'T GOING TO ALLOW PUBLIC SERVANTS TO BE DRAGGED BEFORE THE SENATE AND INTERROGATED ON MATTERS FOR WHICH THEY ARE NOT RESPONSIBLE AND CANNOT BE RESPONSIBLE. MINISTERS ALONE ARE RESPONSIBLE FOR THE GOVERNMENT'S ACTIONS. MINISTERS ALONE ARE ANSWERABLE TO THE PARLIAMENT.

SO THIS IS THE SITUATION: THE SENATE HAS SAT FOR THREE DAYS NOW, AND THE OPPOSITION HAS FAILED TO TURN UP A SINGLE NEW FACT OR MAKE A SINGLE SPECIFIC ALLEGATION ON THIS MATTER DESPITE ALL THE OPPORTUNITIES GIVEN TO THEM. YET THEY GO ON WASTING THOUSANDS OF DOLLARS A DAY IN PUBLIC MONEY KEEPING THE SENATE IN SESSION. THEY HAVE BROUGHT ONE PUBLIC SERVANT HALFWAY ROUND THE WORLD FOR THIS RIDICULOUS PIECE OF GRANDSTANDING. THEY HAVE WASTED THE TIME OF SENIOR PUBLIC SERVANTS AND MINISTERS. THEY HAVE ALREADY DELAYED THE GOVERNMENT'S WORK ON THE BUDGET. AND ALL FOR NOTHING! ALL FOR A FUTILE, CYNICAL EXERCISE IN WITCHHUNTING AND INTIMIDATION. ALL FOR A FISHING EXPEDITION TO HELP THE OPPOSITION'S POLITICAL PURPOSES. IT IS AN UTTER ABUSE OF PARLIAMENTARY PRACTICE.

I HAVE ALREADY QUOTED WHAT SIR ROBERT MENZIES SAID ABOUT EXPOSING SENIOR PUBLIC SERVANTS TO A PARLIAMENTARY INQUISITION. X HERE ARE SOME OTHER WORDS OF SIR ROBERT MENZIES ON THIS QUESTION:

"CIVIL SERVANTS OUGHT NOT TO BE DRAGGED INTO PARLIAMENTARY DEBATE... IT WOULD BE DEPLORABLE TO HAVE THEIR NAMES AND VIEWS BANDIED ABOUT IN PARLIAMENT, THUS INVOLVING THE CIVIL SERVANT MUCH AGAINST HIS WILL IN PARTY POLITICAL CONTROVERSY."

THOSE WERE SIR ROBERT MENZIES' VIEWS. X AND SIR ROBERT IS NOT THE ONLY LIBERAL POLITICIAN WHO HAS SUPPORTED OUR STAND IN THIS MATTER. X ALL GOVERNMENTS HAVE TAKEN THE VIEW THAT PUBLIC SERVANTS AND THE GOVERNMENT'S LAW OFFICERS CANNOT REVEAL DETAILS OR BE QUESTIONED ON CONFIDENTIAL GOVERNMENT DISCUSSIONS. X THAT OPINION WAS SUPPORTED IN A PARLIAMENTARY PAPER PREPARED IN 1958 BY SENATOR GREENWOOD, THE FORMER LIBERAL ATTORNEY-GENERAL, AND BY MR ELLICOTT, THE FORMER SOLICITOR-GENERAL AND NOW A LEADING SPOKESMAN FOR THE OPPOSITION. X FOR THE LIBERALS KNOW PERFECTLY WELL THAT ANY GOVERNMENT - LABOR OR LIBERAL - HAS TO DEAL CONSTANTLY WITH PUBLIC SERVANTS ON EVERY MATTER, AND IF PUBLIC SERVANTS BREACH THE PRINCIPLES OF CONFIDENTIALITY THE WHOLE SYSTEM OF GOVERNMENT BECOMES UNWORKABLE. X AND GOVERNMENTS ARE FORMED IN THE HOUSE OF REPRESENTATIVES. X YOU WON'T FIND THESE STAR CHAMBER TACTICS IN THE HOUSE OF REPRESENTATIVES BECAUSE GOVERNMENTS THERE ALWAYS HAVE A MAJORITY. X THIS IS A TECHNIQUE THAT CAN ONLY BE USED TO EMBARRASS A GOVERNMENT THAT LACKS A MAJORITY IN THE SENATE. X IT HAS NOTHING TO DO WITH FACT-FINDING. X IT IS A PURE POLITICAL EXERCISE.

WE HAVE TO REMEMBER THAT PARLIAMENTARY INQUISITIONS
 OF THE KIND THE OPPOSITION IS SEEKING - OR EVEN
 ROYAL COMMISSIONS FOR THAT MATTER, HOWEVER RESPECTABLE
 THEY SOUND - ARE QUITE FOREIGN TO THE FORMS AND
 PROCEDURES ESTABLISHED OVER MANY CENTURIES TO APPLY
 THE LAW OF THE LAND. IT'S TRUE THAT PARLIAMENT HAS CERTAIN
 POWERS IN DEFENCE OF ITS OWN PRIVILEGES, BUT THAT'S A
 DIFFERENT MATTER; AND IN ANY CASE, THE PRIVILEGES OF
 PARLIAMENT ARE FOR BOTH HOUSES TO DETERMINE, NOT JUST
 THE SENATE. I GATHER THAT WHAT THE OPPOSITION IS
 DESPERATELY SEEKING IN THIS CASE IS SOME EVIDENCE OF
 CRIME OR MALPRACTICE. BUT IF A PERSON IS ACCUSED OF
 A CRIME HE IS ENTITLED TO HAVE PROPER NOTICE OF THE
 CHARGE AGAINST HIM, TO BE TRIED BY A COURT WHICH CAN
 APPLY THE RULES OF EVIDENCE AND, IF HE'S GUILTY,
 IMPOSE SOME PENALTY. SIMILARLY, IF A PERSON HAS BROKEN
 SOME CIVIL LAW HE IS ENTITLED TO THE SAME RIGHTS AND
 PRIVILEGES; HIS CASE MAY BE HEARD BEFORE A JUDGE AND THE
 FACTS DETERMINED BY A JURY. THE SENATE OR A ROYAL
 COMMISSION CAN DO NONE OF THESE THINGS. A ROYAL COMMISSION
 HAS NO POWER TO GIVE VERDICTS OR MAKE JUDGMENTS. IT
 CAN'T FIND PEOPLE GUILTY OR NOT GUILTY. IT CAN'T AWARD
 DAMAGES OR IMPOSE SENTENCES. ITS FINDINGS HAVE NO
 FORCE IN LAW WHATSOEVER. AS FOR THE SENATE,
 IT'S BOUND BY NO RULES AT ALL, NO RULES OF EVIDENCE,
 NO RULES OF PROCEDURE. IT CAN DO WHATEVER IT LIKES,
 WHATEVER A MAJORITY OF PARTY POLITICIANS DECIDE. IMAGINE IT -
 TRIAL BY POLITICIANS, TRIAL BY LIBERAL AND COUNTRY PARTY SENATORS!

WE SHOULD BE DEEPLY ALARMED WHEN PUBLIC SERVANTS OR PRIVATE CITIZENS CAN BE HAULED BEFORE A POLITICALLY MOTIVATED CHAMBER TO SERVE THE INTERESTS OF A POLITICAL PARTY. THIS IS A VERY SINISTER AND DANGEROUS ABUSE OF PARLIAMENT'S POWERS. ONCE WE START SUMMONING PRIVATE CITIZENS FOR POLITICAL ENDS WHERE IS IT GOING TO STOP? WHO WILL BE SAFE FROM POLITICAL INTERROGATION? THE SENATE HAS SET A DIRE AND PERHAPS DISASTROUS PRECEDENT IN ITS ACTIONS THIS WEEK. PARLIAMENT HAS ITS ROLE TO PLAY IN OUR DEMOCRACY; THE PUBLIC SERVICE HAS ITS ROLE; THE COURTS HAVE THEIR ROLE. THOSE ROLES ARE SEPARATE AND DISTINCT. WE MUST NOT ALLOW AN ANTI-GOVERNMENT MAJORITY IN ONE HOUSE OF PARLIAMENT TO DESTROY THE INTEGRITY OF THE PUBLIC SERVICE OR BYPASS OR USURP THE FUNCTIONS OF THE COURTS. THAT WAY LIES CHAOS AND TYRANNY.
