

## *Parliament — The Vision in Hindsight*

**Neil Andrew, Geoffrey Lindell, Kim Beazley,  
and George Brandis**

As its contribution to celebrations for the Centenary of the Federation, the Commonwealth Parliamentary Library published *Parliament — the Vision in Hindsight* (G. Lindell & R. Bennett, eds, The Federation Press, 2001), a collection of essays on a range of subjects embracing the Parliament's history since federation. It was launched in the Mural Hall, Parliament House, Canberra, on 13 February 2002. Edited texts of speeches delivered on that occasion are published with permission of the Parliamentary Library.

*Neil Andrew*\*

The Library is a remarkable institution. As a result of the demands that are put on members through the legislative program, the Library currently handles over 100,000 inquiries from members every year. There are many who would be critical and say that reflects simply legislative overload on the part of the Parliament, and I would remind those who are critical that parliaments, generally, only legislate as requested by communities, so it reflects more the demand of the community for our community to change than it does a particular desire by parliaments to be obsessed with the legislative load. It is, however, ladies and gentlemen, reflective to note that if you were to look at all of the legislation passed by the federal parliaments of this great Commonwealth in the first 25 years of our Federation, that would occupy less than half the shelf space occupied by the legislation passed in 1999 and 2000.

Hence, this huge demand on the Parliamentary Library, a demand that is likely to continue. After Question Time today, I anticipate that there will be 18 audit reports presented to the Parliament, and there will be a wheelbarrow full of annual reports presented to the Parliament as well; and there will be members seeking more detail on all of those reports, quite apart from the specific legislation that will add to the workload on the Library.

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\* The Honourable Neil Andrew, MP, has been Speaker of the House of Representatives since 1998. Edited text of address at launch of G. Lindell and R. Bennett, eds, *Parliament: the Vision in Hindsight*, The Federation Press, 2001, in Parliament House, Canberra, 13 February 2002.

It is appropriate in this year, when we have just concluded the Centenary of Federation, in this, the 40<sup>th</sup> Parliament, the first Parliament of the second century of Federation, it is appropriate that we should recognise the work of the Library over a hundred years and that we should have the opportunity, with this substantial book, *Parliament: the Vision in Hindsight*, to celebrate the work of the Library and have a record of the way in which the Library has served the Parliament and the way in which the interaction of institutions with each other has changed, as each of the institutions — while not changes in their form — has changed in their approach because of the people that have changed over that 100 years.

### ***Geoffrey Lindell\****

It really has been a great pleasure to be here to launch this book. It obviously has been the product of a good deal of work on the part of many people, not the least being the distinguished authors, some of whom I am happy to see are able to be with us today. There was the also invaluable support work done by the members of the steering committee and the staff of the Information and Research Services of the Parliamentary Library for whom I have developed a great respect.

The book was indeed part of a wider project which seeks to analyse the role of the Commonwealth Parliament in the development of the Australian Constitution. It is not often that you hear that kind of language, the talk of the Parliament, in the development of the Australian Constitution because, as many of you will be aware, there is not going to be much shortage of published material on the judicial interpretation of the Constitution. This, understandably, highlights the significance of the role and the influence of the High Court.

The aim of this project, however, was to fill a gap regarding the role and the influence of the Parliament. Without the Parliament there would be no legislation or other legislative action for the High Court to review, and the fact that the High Court rightly assumes its role as the final interpreter of the Constitution does not mean that it is or should be the only interpreter of that document. Development of the Constitution by the Parliament takes two forms. The first is the obvious way in which the parliament exercises the powers and functions vested in it under that august document.

The second, however, is the role that the Parliament itself plays in interpretation of the Constitution. Although it is yet to equal that played by the United States Congress, it has become increasingly important. This is in part due to the growth of the parliamentary committee system and also the expanding role played by the Library and the Information and Research Services provided to parliamentarians. And if you may forgive me, it is a long time since I was an officer of the Attorney-

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\* Professor Geoffrey Lindell, formerly Professor of Law, The University of Melbourne; now Adjunct Professor, Faculty of Law, The University of Adelaide.

General's Department but the Parliament has really come a long way in providing independent services to its own members — rightly so.

The distinguished list of authors who contributed to the book, and the research papers which also formed part of the wider project, were drawn from different fields of knowledge. It is fair to say that they all found their task somewhat challenging, but the result of their labours and those involved in editing the work has been to make an impressive start in what we hope will be a continuing project.

At this point, I would like to thank all who participated in the project but, of course, I cannot name or mention everyone. There are three people in particular who I have to mention by name. The first is my co-editor, Bob Bennett. He had the inspiration for the volume and its challenging theme. As I indicated in the introduction, he worked tirelessly to bring it to fruition and he knows how grateful I am for the help that he gave me and the others.

The second is Cathy Madden, who played a very effective and reliable role as the secretary of the steering committee, helping to keep us on track, and also in the checking of the manuscript.

Last but by no means least is the ever-cheerful and cooperative Judy Hutchinson. She handled all the negotiations with the publisher and edited the final manuscript. She was a great help in the final stages of this project.

May I also take this opportunity to thank Chris Holt, who is not here today, and the staff of the Federation Press for the wonderful work they did in producing an attractive volume. The government and academic community owes a great debt of gratitude to Chris Holt and Federation Press for his willingness to publish material that would otherwise not be available to the public.

In conclusion, it may be noticed that if you look carefully the book is not dedicated to anyone in particular, but if I could, I would dedicate it to the memory of the late Ralph Jacobi, a former member of the House of Representatives from South Australia. The dedication and work that he performed for his constituents and the Parliament provides an outstanding practical illustration of the central theme of this book. There were great contributions that he made as a member of Parliament, in the fields of constitutional law and constitutional reform, the reform of corporate insurance and taxation law, and also the preservation of the Murray–Darling River System, to name just a few.

## *Kim Beazley*\*

I always forget, at book launches, to talk about the book, and given that I have been told to talk about things that are not in the book, I had better — just in launching it — say one or two things briefly about it. Firstly, it is an excellent book. It is the sort of book that if you take it to bed with you, you must have a lectern as well. This is solid meaty stuff. It is not designed for entertainment; it is designed for information; it is also beautifully presented. I do not think you would find anyone in this Parliament who, on picking up this book and reading through it, would recognise what it is that they did with their lives. This accords us a level of significance that none of us thinks we have, and you and your contributors have done us great honour in what you have done here in this book. You have established Parliament as the centrepiece of the Constitution.

In academic studies, this would hardly seem to be so — academic studies tend to focus on the Executive or they focus on the court system — and the processes that we go through here establishing law get pretty short shrift as the end process or where it ends up which tends to be the subject of analysis. So this is redressing the balance, and what more appropriate thing could there be, as a celebration for this Parliament, of its contribution to this nation in the centenary year of the Federation of this nation.

However, my father\*\* was invited to talk about the sorts of things that were not in there, in the book — the lifeblood, if you like, of the way legislation is arrived at, or the lifeblood of the way in which life is lived in the Parliament which establishes these laws, addresses these great public policy issues that are contained here. So I had a conversation with him to discern things that were at least in the 50-odd years of the Centenary history that the Beazleys have some minor degree of responsibility for; what things have actually changed in that period of time in the way in which Parliament does its business.

I think the first and most obvious change is that, including even in my father's day where there are a couple of exceptions, basically half the population has rarely been represented here, and only now is it being represented by about a quarter of the membership, and that is women. At the point of Federation there were no women in Parliament. A couple came along in the 1940s. There has been, in the last 20 years, a rush to redress the balance, but it does mean that in the life of this Parliament and in the histories that are written of it, there is an exclusion of a section of the population which is particularly important and only just now are they coming in to writing their role in Australian history as well in the parliamentary process. So they variably are missing a ghost, if you like — Banquo's ghost — that this

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\* Kim C. Beazley, member for Swan, 1980 to 1996; for Brand since 1996. Numerous ministries, 1983 to 1996. Leader of the Opposition in the House of Representatives, 1996 to 2001.

\*\* Kim E. Beazley, member for Fremantle, 1945 to 1977; Minister for Education, 1972 to 1975.

Shakespearean feast in this book is the participation of Australian women in our parliamentary process.

The other thing that has changed is relationships between both sides of the House and in the way in which we socialise and discuss the sorts of issues that are here in the book. My father recalls — and I recall in the old Parliament House — the focal point was the bar, and that is no longer the focal point of members' activities, possibly to the benefit of the Parliament. But in the days when he was here, there was a much lighter touch if you like, a greater sense of erudition about the way in which one discussed one's habits. So you went into the parliamentary bar, when he was first elected a member, and you demanded the Pope's telephone number, which was a glass of VAT69. Or you wanted to pay your respects to the royal family, and that was a King George IV whisky when you said that you wanted to do that.

Films played an enormous role in the social life of members and still do to a small degree now, but there were constant film shows put on in Parliament House at the time. In those days, Question Time was not gladiatorial. Question Time was viewed — and it was, really, up until about the last 20 or 30 years — as part of individual members of Parliament's time, much like grievance debates or adjournment debates, and so whilst the two major parties would have a question or two, a message that the minister must get out or a question that the Opposition must ask, basically Question Time was a time for backbench members of Parliament to ask genuine questions of those in power.

My father recalls being shown a piece of paper by Paul Hasluck after he had asked him a question. Hasluck got up and said: I don't know the direction of the honourable member's question; I will make inquiries and come back to him. Hasluck showed him a piece of paper on which he had written a comment, sending the paper back to the department: the member who asked this question is a serious member of parliament with serious concerns about these matters, and if I were to answer him like this I would appear an idiot. So he showed him the answer that he was given by the department and then showed him the revised answer. It is unthinkable that a minister of either political hue would do that with a member of Parliament these days.

So where did the conflict go in my dad's day, as opposed to my day, where the conflict is heavily oriented towards Question Time? Oddly enough, it was in debate. It was in the discussion in the Parliament of the issues of the day and in the legislation of the day, and so there were different mechanisms the Executive had to use to control things; not just the way in which Dorothy Dixers might be asked in Question Time. You always, for example, in my father's day, made absolutely certain that boring legislation was on at 8 o'clock at night. Why? Because there was a parade through the galleries of the public at 8 o'clock at night. That was when they came to watch Parliament — not during the day. They came at 8 o'clock at night. That is when the coach-loads of people would go through or the public servants and others who lived in Canberra — and it was always thought important

that you kill debate at 8 o'clock at night. But all members of Parliament had the same habits then that they have these days, so 8 o'clock at night could also produce quite virulent debate, even if about nothing. Everybody would appear tanked to the eyeballs.

My father recalls the day when the Chifley Government was on the skids and about to fall, and the gallery was full and the meat bill was being discussed. Menzies was on top of us, was coming into the chamber, and Reg Pollard was the Minister for Commerce and Agriculture. The crowd was in the gallery, and Menzies was obviously trying to think of a way in, in difficult circumstances. Pollard was speaking, introducing a bill, and Menzies suddenly leant forward and said, 'Did you say "ooh" or "who"?''

Pollard said, 'What?'

'Did you say "ooh" or "who"?''

And there was a titter around the gallery — though a bit pro-Liberal. So Pollard said, 'I might have said "ooh"; I meant to say "who"; unlike the honourable gentleman, I've not had the advantage of a university education and it takes a cad to point it out.'

Menzies flushed; there was a sharp intake of breath in the gallery; and Menzies came round and apologised to Pollard for his intervention.

It was also an era, too, when anything the Opposition raised was taken particularly seriously. At 8 o'clock at night you would try to close things off. If you moved a censure motion, the Parliament would shut down. Menzies always took the view that if there was a censure motion being moved, the right of the government to govern had been challenged in the place where the government should be or could be removed.

Sometimes it is thought it was a more orderly era than it is now; it was not really. My father recalls when he was elected, sitting next to James Scullin (Prime Minister, 1929 to 1932). Scullin sat at the back as an ex-prime minister; my father sat next to him. And Scullin watched Jack Beasley who was Minister for Defence — he was a Lang Labor man — stand tipping buckets on his political opponents — infinitely more dramatic than anything that Keating, Costello and others have been capable of in this place. My father turned to Scullin and said, 'God, he's pretty good, isn't he?', to which Scullin replied, 'My dear Beazley, if you stay in politics as long as I have — and I suspect you might — you will understand about our party, that the rewards for disloyalty are always greater than the rewards for loyalty'.

Another participant at that stage, Eddie Ward, was seen as one of the wild men of Sydney. There was also Archie Cameron, a very independent Speaker at the time, but he hated Eddie Ward. He took pleasure in suspending him one day, and Ward

was on his way out but failed to pay obeisance to the chair. So Cameron stopped him at the door and said, 'The honourable member will bow to the chair'. Ward responded with, 'How low would you like me to bow, Mr Speaker?', to which the Speaker responded, 'I have never been able to discern how low you can go'.

But it is not only the members who have been disorderly from time to time. Frank Green, Clerk of the House for a long time, told my father of one instance — one of his predecessors was sacked for this. He decided he was so fed up with the Government he got tanked to the eyeballs one night, and all of a sudden the Clerk appeared sitting on the Opposition benches, heckling the ministers as they rose to speak, chanting 'Rubbish, rubbish'. He was terminated the next day.

Speakers could occasionally take that view, too. Sol Rosevear was the Labor Speaker when my father was elected, and Sol considered himself part of the Government. So when he was not in the chair and his deputy or one of his assistants was in the chair, Sol would come in and sit on the government front bench and make interventions, speeches and interjections. He regarded himself as a member of the Government and he was rightly there, in his mind, to defend the Government. No nonsense about independent Speakers, he felt, in those days.

Rightly, none of this is in this book. This does not belong in a serious tome. What is in this book are the things which give significance in this Parliament to — not just this Parliament, all our predecessors — significance to what it is that we have done.

### ***George Brandis***\*

When he addressed the 18<sup>th</sup> century in *A Shortened History of England*, the historian George Macaulay Trevelyan commented upon the rise of Parliament as the central institution of governance as the great achievement of the 18<sup>th</sup> century. And he reflected upon what a remarkable thing it was that, to use his words, a debating club of elected persons should be transformed into an efficient mechanism of governance for an empire in peace and in war. It is, indeed, a remarkable thing. Parliament has been with us for so long, for so many centuries, in the constitutional traditions which we inherit, but it is taken for granted. It serves us well, I think, to reflect upon what a radical idea government, through parliamentary institutions, in fact is. The fact that a government should conduct its business not only in the sight of but on a day-by-day and hour-by-hour basis answerable to its principal enemies and its chief critics; the fact that conflict is institutionalised peacefully is the most important facet of our democracy, and the culture which Parliament facilitates and the manner in which Parliament itself works enables that democracy to function as efficiently as it does.

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\* Senator George Brandis, Liberal Senator for Queensland since 2000.

I came to this place from a background at the bar, another institution in which conflict is institutionalised so as to conduce to civic harmony, and I had never worked in politics before. I was very surprised by a number of first impressions which I had because, in some respects, Parliament was nothing like I expected it to be. And I wonder if I may be permitted to speak especially from the point of view of the Senate, because one of the impressions one has is that the Senate is very frequently forgotten about. Even Mr Beazley did not make mention of the other chamber of the Parliament once, and one could almost have gained the impression that the Parliament is the House of Representatives. Of course, it is not.

One of the first impressions, indeed, that I had which surprised me as somebody who had watched politics through the media, was how quite separate and distinct the institutional cultures of the two chambers are — and I notice the President of the Senate nodding in agreement. The general public has a perception that they elect politicians to go to this magnificent structure here on the hill, and they are all the same, and the institution works in a slightly mystical way but there are really no institutional differences between the chambers. It struck me that, indeed, there are; they are important. They ought to be appreciated. And the fact that there are such institutional differences and differences in the cultures of the two places, is one of the important features that makes this bicameral parliament work so well.

A second impression which, again, rather surprised me, as somebody who had seen the political conflict mediated through the five-second grab on television news programs, was the collegiality. Perhaps that is merely a feature of the Senate; I am not sure. But certainly within the Senate, perhaps born of the fact that the Government does not control the chamber and has not done so for a generation and therefore members must work more closely together; perhaps because of the committee system; perhaps because physically the chamber is a smaller place; the atmosphere was much more collegial than I had expected to find it.

I had hoped to find it a collegial place and my hopes were met and my expectations were exceeded.

I was particularly pleased to make that discovery because I was one of those who was educated in political science and in law in the late 1970s when the prevailing attitude towards parliamentary institutions was one of cynicism — a much more cynical time, I think, than the times today; and it was a delight to someone, coming as a newcomer, to find, notwithstanding and giving no quarter for partisan conflict, that the cooperation between men and women from different points of view was as extensive as it is. It is something the general public does not realise, and perhaps the media bear a responsibility for that, but it is a feature of this place that I discovered and, as I say, was delighted by.

One hears stories of the great men and women of the past with awe and reverence, but I have just come from listening to some maiden speeches by both Liberal and Labor members in the House of Representatives, and I can tell you that the awe and



reverence we have for the great men and women of the past is matched by the enthusiasm and commitment and love of this institution, and pride in the privilege of service which I have just seen exhibited by the newest members of the House of Representatives this morning. I hope the future is as optimistic and as rosy as I paint it. I believe it is. I believe that this institution is one of the great institutions of this land. It is a shame the public does not fully appreciate the good work that it does

I finish, then, in joining Mr Beazley in launching the volume, in congratulating the steering committee; in congratulating the contributors for their fine scholarship; and in congratulating the Federation Press, one of the most significant law and academic publishers whose reputation has grown very considerably over the years — as I know from my former profession — congratulating the Federation Press for the very high production standards of this volume. ▲