

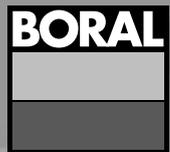
The Sydney Papers

Editor: Anne Henderson

Production Assistants: Lalita Mathias
Tanya Goldberg
Tenille Halliday

The Sydney
Institute
and Boral:
building
a better
Australia

BORAL



CONTENTS

Daryl Williams

Communicating Communications Policy 1

Tom Bentley

Morality versus Ideology – Will the public ever trust politicians again? 11

Syafi'i Ma'arif

Indonesian Islam and Democracy 19

Anne Whitehead

Bluestocking in Patagonia: Mary Gilmore's Quest at the World's End 23

Richard Broinowski

Fact or Fission – Some Reflections on Australia's Nuclear Industry 35

Anne Summers & Dominique Hogan-Doran

The End of Equality 43

Antony Green, Mary Easson & Grahame Morris

2004 – the Political Outlook 57

Dorothy Rowe

Dealing with Mental and Physical Illness 81

Jenny Hocking & David McKnight

The Impact of Terrorism – Two Views 89

Andrew Bartlett

The Democrats, Public Policy and the Senate 103

Frank Brennan, Andrew Bolt & Anne Henderson

Honesty and The Issues 113



Photo – David Karonidis

Daryl Williams

Shortly after taking over the portfolio of Communications, Information Technology and the Arts, the Hon Daryl Williams addressed The Sydney Institute on Wednesday 19 November 2003. In a wide ranging speech, Daryl Williams outlined government policies in the face of fast moving and increasingly complex changes in telecommunications. As the Minister sees it: “... the government cannot take a ‘set-and-forget’ attitude to policy or the regulatory framework. However, what we can do is adhere to our broad philosophical objective. This is to ensure that all Australians have access to high-quality and diverse communications services, while safeguarding basic standards – particularly for those living and working in regional, rural and remote Australia.”

COMMUNICATING

COMMUNICATIONS POLICY

Daryl Williams

Australians are becoming so accustomed to the speed of technological change that it no longer seems extraordinary. I would hazard a guess that most of people in this room this evening would have a mobile phone on them somewhere – turned off, I trust. Even two or three years ago, that proportion would have been roughly half. Five or six years ago only a handful of you might have had a mobile phone. It would have been a lot harder to conceal and would almost certainly have destroyed the line of your suit.

Why do we all carry mobile phones now? Are we so indispensable to our colleagues and our families that we cannot afford to be out of reach for a few hours? If so, we are clearly no more indispensable than the thousands of teenagers thronging the streets, busily text-messaging each other on their own mobile phones. What has changed fundamentally, but is barely noticed or remarked upon, is our attitude towards communication and the flow of information. Recent research by a United Kingdom software company has shown that Internet users are now beginning to abandon websites if they have to wait more than five seconds for a page to download.

We hear all the time that we are living in the information age, that we are part of the information economy. Perhaps our love affair with the mobile phone and our capacity to be irritated by a five-second wait on the Internet represent the greatest proof that the information age has arrived for each of us on a personal level. The speed and scale of change will only become more profound in coming years, as digital technologies superimpose their own mini-industrial revolution over the top of the changes that have already occurred.

Convergence

The really special thing about digital technologies is that they are breaking down the barriers that once dictated that if we wanted to watch the news, we turned on the television, or if we wanted to contact a friend, we picked up the phone. Digital technologies allow quite distinct services – like voice, data, and video – to share

platforms. With digitisation, communications networks like the traditional copper phone network and terrestrial broadcasting facilities are becoming capable of delivering a range of new services.

Today, we are not only dealing with telephony, free-to-air television and radio, but broadband, wireless, multimedia and mobile platforms. These previously distinct technologies now compete for a share of a rapidly converging market. Consider just one example – our diet of daily news. Once, the choice was simple: newspapers, free-to-air television or radio. Now, almost one in four households has pay TV. More than one in two households is connected to the Internet. And community broadcasting has expanded enormously, to serve niche markets. We now have the option of getting our news from all these alternative sources.

Moreover, almost every sizeable newspaper in the country now has an online edition and the national broadcasters offer streaming video on their websites. We can download a transcript of this morning's radio interview or get text news headlines and football results sent to our mobile phones. Other everyday activities have been similarly transformed. Take banking. First it was electronic funds transfer at the point of sale (EFTPOS) and hole-in-the-wall cash withdrawals. Now we have phone banking, b-pay and online transactions available 24 hours a day.

The development of third-generation mobile technologies will transform our lives and our attitudes even further. These new technologies will potentially deliver a whole array of services – telephony, Internet and even broadcasting-type services – on a single network, via one consumer device. This device could look and feel rather like that mobile phone in your pocket this evening. Or maybe it will look and feel nothing like it. If we know anything, it is that there is no longer a “one-size-fits-all” service that meets the needs of all residential and business consumers.

The emergence of new business models

Nor is there a single business model or business strategy appropriate for every industry player. Technological change is driving the emergence of new models. For example, players like Telstra and Optus are bundling services like pay TV, telephony and broadband, in order to improve their attractiveness and reduce the level of churn. And new strategic partnerships between broadcasters, telecommunications businesses and content and applications providers are arising, such as NineMSN. Globally, some of the major industry players, like News Corp, appear to be thriving in this dynamic environment. Others are apparently struggling. These global patterns are also being played out domestically.

Such an environment has implications for government policy-making and regulation. Because new technologies are constantly emerging and new business models are constantly being devised to respond to those new technologies, the government cannot take a “set-and-forget” attitude to policy or the regulatory framework. However, what we can do is adhere to our broad philosophical objective. This is to ensure that all Australians have access to high-quality and diverse communications services, while safeguarding basic standards – particularly for those living and working in regional, rural and remote Australia.

The government’s policy objective

This was the government’s objective when it opened up the telecommunications market to competition in 1997. And it remains unchanged in 2003. What can, and must, change is the manner in which we achieve that philosophical objective. There is no doubt that technological change and emerging business models make the job of regulation more complex. Existing regulatory frameworks and institutional arrangements can become outdated quite quickly, not only in Australia but globally.

A “natural monopoly” is no longer considered the “natural” way to guarantee consumers access to high-quality and low-cost communications services. Competition, operating within a regulatory framework that protects consumers while promoting competition, is now accepted as a better way to go. The proof is in your telephone bill, in the broadband infrastructure that is now within reach of most of the population, and in your pocket, in the form of that mobile phone.

Competition has worked. We have enjoyed overall real price decreases of 20.7 per cent in telephony since 1997. And there has been a dramatic expansion in the range of services on offer. There are now more than 90 licensed telecommunications carriers vying for market share, 13 mobile carriage service providers (four operating national networks) and over 500 Internet Service Providers – more than 100 of them offering Asymmetrical Digital Subscriber Line (ADSL) and a large percentage offering services to regional Australia.

By the time the government’s current targeted programs are completed, mobile phone coverage will be available to 98 per cent of the Australian population. But we have only achieved these results because we have been willing to tackle the structural inefficiencies of the pre-1997 communications market – often in the face of considerable resistance. And we will only continue to achieve such results in the future if we are prepared to take the reform process to its logical conclusion.

Challenges remain – Telstra and media ownership

The privatisation of the remainder of Telstra is one priority. Another is reform of our outmoded media ownership laws, which have been put under increasing pressure by technological convergence and the penetration of new technologies. Like a number of comparable countries, Australia knows that it must reform its media ownership regulations. These regulations were designed for an age when our media choices consisted largely of newspapers, radio and television.

The Australian government is committed to a new regulatory framework for media ownership – one that encourages competition and innovation, while at the same time ensuring that consumers continue to have access to a diversity of media options, particularly in regional areas. The sale of Telstra and media reform are not going to lessen in urgency by being ignored or put on the back burner. If anything, they could assume greater importance as the convergence of telecommunications, broadcasting, Internet applications and content continues.

What is certain is that these reform challenges will be joined by other policy and regulatory challenges.

Looming challenges

How will we manage next-generation networks? And to what extent will new data networks like 3G and next generation networks drive further convergence? Will the customer access network remain the key competition bottleneck for providers of data services, requiring ongoing fine-tuning of regulations? Will existing broadband customer access networks like ADSL limit the variety and effectiveness of the services and applications the next generation networks will want to deliver? Will we need to regulate to ensure the expansion of open standards and interfaces? And how should content on convergent networks be regulated to protect individual privacy and community security concerns? Will we need to further scrutinise product bundling, particularly where broadcasting and telecommunications products are bundled together?

These are all questions that could be best answered with the assistance of a crystal ball – particularly if you have only been in the job a little over six weeks. In the absence of such a handy policy-making tool, we must make do with a little prescience, a lot of evidence-based prediction, an appealing economic environment, a robust and flexible regulatory regime, and eternal vigilance. The existence of a competitive marketplace is obviously the first prerequisite if we want to encourage the growth of new technologies, new services and innovation. But competition is not the only ingredient.

The government's four-pronged approach

The government combines four strategies to achieve its policy objective – competition, a regulatory safety net, targeted funding and leadership. Essentially, we believe that encouraging competition and allowing the market to resolve problems should be preferred to regulation as a response of first resort. But in such a rapidly evolving industry there is a place for a regulatory safety net to safeguard community interests, maintain community confidence and to preserve and promote less tangible but no less precious things such as our Australian identity and our cultural diversity.

The communications safety net

The government's communications safety net is woven from a number of strands, among them the Universal Service Obligation (USO) and Customer Service Guarantee (CSG). These oblige the industry to provide reasonable access to basic telephony to all Australians and impose minimum service standards and timeframes on the connection of services and repair of faults. Both the USO and CSG have been strengthened considerably in recent years. The more recent Network Reliability Framework requires Telstra to meet performance standards for its seven million residential and small-business customers. The Digital Data Service Obligation guarantees, wherever possible, faster data services than those available through a dial-up service.

Other elements of the safety net include the National Relay Service for the hard of hearing; Telstra price controls, including measures to protect low income-earners from price rises, and the Telecommunications Industry Ombudsman. Minimum standards are also expected of industry players in the broadcasting sector. While the government approaches the issue of content regulation with some circumspection, there is no doubt that broadcasters and now online providers wield considerable power. And participation must carry with it some element of responsibility.

That is why we have systems for regulating offensive and illegal content and online gambling. And it is why we have local content regulations for television and radio to ensure that what appears on our small screens and on our airwaves in some way reflects our Australian identity, our character and our cultural diversity. Similar safeguards have been put in place regarding news and information services. Earlier this year, in the wake of its investigation showing a decline over time in the number of sources of news and local information, the Australian Broadcasting Authority imposed a new condition on commercial TV licensees in some aggregated markets, requiring them to broadcast minimum levels of local news.

The government's media ownership Bill imposes similar obligations on radio broadcasters. As with all regulatory solutions, it is important that communications regulations be balanced and proportionate and not work against the very thing the government is trying to achieve. This is a vigorous and competitive marketplace in which the consumer can vote with his or her feet.

Of course, rapid technological change presents real challenges to regulators. We must remain vigilant to ensure that we get the balance right, that regulation achieves its goal across relevant technologies, without stifling technological development, and without denying the benefits which flow to consumers from technological advancement. In relation to content regulation in particular, convergence and technological change are keeping regulators on their toes (and occasionally searching wistfully for that crystal ball). And that challenge will continue in the future.

Targeted funding

The third strategy the government employs to encourage a viable and vibrant communications industry is targeted funding. In recent years the government has provided more than \$1 billion – primarily from the partial sale of Telstra – to improve communications and information technology infrastructure and services in regional, rural and remote Australia. This funding has been distributed through such highly successful programs as Networking The Nation, the National Communications Fund and the Social Bonus program.

Earlier this year, the government committed another \$181 million in funding in response to the recommendations of the independent Regional Telecommunications Inquiry. This will help expand mobile telephone coverage to more small population centres and regional highways, extend the satellite handset subsidy scheme, which is transforming communications for some of the most remote households on earth, and fund IT training and support services in rural and remote areas.

Other important targeted funding programs include the \$35 million Television Black Spots Program, the \$5 million Commercial Radio Black Spots Program, and the \$107.8 million Higher Bandwidth Incentive Scheme. A part of the National Broadband Strategy, the Higher Bandwidth Incentive Scheme will provide financial incentives for service providers who are willing to make broadband services available to regional Australians at prices comparable to those enjoyed by Australians in the big cities.

Initiatives such as these are extremely valuable and cost-effective ways of ensuring that all Australians have the opportunity to reap the commercial and lifestyle benefits of new communications technologies. But they are no substitute for an over-arching national strategy

and a common understanding on the part of industry, government and the community, of where we are headed and why.

Leadership

The Australian government has an important role to play in the development of this national strategic direction and this common understanding. It is a role that involves us leading by example where possible and by giving industry, the research sector and the community the tools and encouragement that will enable them to drive the process themselves. We have led by example in crucial areas such as the transition to e-government and e-procurement. And we have provided leadership and encouragement in a host of ways. We have brought industry, researchers and consumers together to map out a Framework for the ICT Future, and again to develop a national strategy for broadband (the Broadband Advisory Group). We have funded the establishment of a world-class Centre of Excellence in ICT research that is bringing the scholarly community together with industry and the research sector on a range of collaborative projects.

On the face of it, this sort of collaboration would seem to be somewhat at odds with the spirit of competition. But contemporary debate here in Australia and overseas regarding the development of national competitive advantage stresses the importance of joint ventures and collaborative research and marketing. In the development and application of new technologies in particular, where fragments of the knowledge needed to advance a project may be held in the hands of a number of firms or organisations, collaboration of the kind being fostered by the government is crucial.

The recent Creative Industries Cluster Study (CICS), conducted by the Department of Communications, Information Technology and the Arts and the National Office for the Information Economy, looked at this tension between competition and collaboration in areas such as computer games production, film post-production and special effects, web design and advertising. Drawing on models advanced by some economists, the study found that success was linked to greater collaboration and cooperation and the exchange and sharing of information and infrastructure.

This work corroborates the assessment currently being carried out by the Department of Education, Science and Technology on Australia's research and innovation system. This assessment similarly emphasises the importance of collaborations and connections between universities, industry and government. NOIE is a good example of government acting as a facilitator rather than a regulator in many instances. Nevertheless, there will be times, and technologies, where a more hands-on approach by the government is not only warranted but expected by the community, at least in the transitional period.

Digital television

A case in point is free-to-air digital television. This was the subject of much debate even before it was introduced. And it has been the subject of much debate since. The regulatory framework established by Parliament in 1998 and 2000 recognises the high cost to industry of converting to digital and provides for a managed transition. Our aim has always been to protect the interests of the community, whose access to services must be seamlessly maintained during the transition, while acknowledging the significant investment being made by broadcasters. The government has responded and will continue to respond where appropriate to the evolving commercial realities, to ensure that the rules remain appropriate and workable.

I know that there are legitimate questions being asked about the continuation of some regulatory measures that were originally put in place to limit the potential for upheaval during the transition period. One example is the prohibition on commercial free-to-air multichannelling. A number of statutory reviews of aspects of the digital television regime are scheduled between now and 2006 to look at matters such as high-definition quotas and the conditions to apply to commercial television licences after 2007. These scheduled reviews will give us an opportunity to look again at regulations in light of our experience in areas such as take-up rates and the progress of digital pay television.

Digital radio, still in its infancy everywhere, is another issue looming on our horizon. The industry structure and spectrum imperatives for digital radio are quite different to those for digital television and the approach to its introduction may also be markedly different.

The future of the regulators

As it refines and improves the regulatory framework supporting the various aspects of our communications and information industries, the government is also conscious of the possibility that, over time, the role of the various industry regulators themselves may need refurbishment or alteration. In recent times we have been scrutinising the two communications regulators – the Australian Broadcasting Authority and the Australian Communications Authority – to see whether they will remain effective as we travel further towards a convergent future.

While the impact of convergence is, arguably, manageable within the existing two-institution structure, it is possible that the capacity of each regulator to do its job effectively in areas where they intersect could diminish over time. In particular, it may become increasingly difficult for separate regulators to take a strategic view of wider convergence issues. For that reason the government will continue to consider the merits of a merged regulator.

Conclusion

As you can see, my new portfolio is not one dominated by one or two big issues. There are big issues at every turn and, thanks to convergence, every now and then two of those big issues will merge and become an even bigger issue. It is also a portfolio where urgent practical matters jostle for priority against more philosophical issues regarding national direction and even national identity. On the legislative front, the government is endeavouring to get major and much-needed reforms through Parliament, such as the full privatisation of Telstra and cross- and foreign - media ownership reform. Whether they will proceed depends, of course, on the Senate.

Also jostling for attention on the practical front is the government's response to the Australian Competition and Consumer Commission's Report on Emerging Market Structures, and the 27 submissions received in response to it, which touch on everything from anti-siphoning to multichannelling.

I hope I leave you today in no doubt that government regulation is not the only tactic appropriate to controlling and making the most of the dynamic and fast-evolving communications sector. Government cannot regulate all aspects of the communications sector. Nor would it want to. A far more sophisticated approach is required to achieve the best possible environment in which evolving and converging networks, platforms and services can compete and prosper. That is what the government has worked to create since it threw the market open in 1997.

And you can see the results for yourselves every day, in your offices, in your homes and in the mobile phones in your pockets.



Photo – David Karonidis

Tom Bentley

Tom Bentley is Director of Demos, a London based think tank. A former adviser to David Blunkett MP when Secretary of State for Education, Bentley's areas of expertise include democracy, technological change, education, the future of government and globalisation. *The Australian Financial Review* has described Bentley as "one of Britain's leading policy entrepreneurs". On a visit to Australia, Tom Bentley addressed The Sydney Institute on Monday 24 November 2003.

MORALITY VERSUS

IDEOLOGY

Tom Bentley

What I want to talk about tonight is what I see as one of the central paradoxes confronting politics in both of our countries, and many others besides. It is manifested in the readiness of our political leaders to present the challenges of global conflict in unequivocally moral terms, when within our own societies the basis of political and institutional legitimacy seems to me to be open to question and subject to challenge to an unprecedented degree.

Around the world, British Prime Minister Tony Blair, whatever one thinks of him, is now recognised as a leader whose significance and influence carry far beyond domestic politics and the struggle between Labour and Conservative traditions. What has cemented this status, at least for the time being, is his role in forming the terms of the “war on terror”, and the apparently pivotal influence of British strategy in standing alongside the United States and other allies, including Australia.

What was most striking about this position is the extent to which, from the moment the hijackers struck on 11 September, 2001, Blair and Bush were prepared to follow the rhetorical lead of the Al Qaeda attackers and declare the conflict a struggle between good and evil. This, for me, is not an isolated exception. It fits with a more general pattern in New Labour’s formation, which rests on the premise that today’s politics is not defined by the contest between right and left, but between right and wrong.

So the first thing that I want to do is to examine for a few minutes why it is that many of today’s politicians are prepared to make such explicit claims.

An age of uncertainty

The end of the Cold War brought with it many things, but possibly the most important was the apparent victory of liberal democratic, and capitalist values, in the struggle for global pre-eminence. I don’t need to rehearse the detailed debates over the “end of history” or the “clash of civilisations”; the position throughout the 1990s was that

wealth and personal freedom within a liberal constitutional framework was the dominant and, for many, the superlative form of politics.

What I want to focus on in this situation is the extent to which victory in a century long struggle, of global significance, created a vacuum for politics itself. In the US, the UK, much of Europe and many other places, including possibly Australia, (although you might be better qualified to tell me about that), the dividing lines between political parties and the scope for radical political strategy suddenly became blurred and uncertain.

Part of the explanation is the extent to which the great defining issues, in particular the struggle between market economics and state socialism, had been resolved. But part of it is to do with the cumulative influence of other trends; social, economic, cultural and technological, and their impact on the scope of politics and, crucially, the effectiveness and legitimacy of our public institutions.

Two generations of wealth and freedom have brought new forms of social complexity and fluidity. Both social and economic individualism – feminism as much as neoliberal tax policies – have contributed to a loosening of the traditional frameworks and collective obligations which were understood to have held society together and helped to generate definitions of progress which achieved collective consent. The result is a group of societies which are increasingly defined by their openness and their diversity – roughly I would group most OECD nations in this bracket – but which are facing extreme challenges in articulating and renewing their own public institutions and political traditions.

A paradox for our times

And this is the paradox, as far as I can see it; that in a period when statesmen (and they mostly are men) are going out into the world to defend our values through proactive and pre-emptive aggression, the basis of their own democratic legitimacy is, at best, fragile. The most dramatic illustration of this is George W Bush, a president who really didn't get elected to the job.

But it's not so much the mechanics of achieving office, as the techniques employed to keep it, that interest me in this context. Bush, for example, was widely regarded as a politician without an agenda until the emergence of the war on terror. I find it fascinating that a politician trying to escape from the democratic controversies of his own appointment is now embroiled in the difficulties of trying to create a sustainable democracy in Iraq, as the price of his pre-emptive security strategy.

It's interesting to contrast him with his predecessor, Bill Clinton, who was rightly viewed as a consummate politician and a president who successfully rode the waves of change which broke around his

head throughout the 1990s, but at the end of it has no clearly defined legacy to point to; those interested in the difference made by eight years of a Democrat White House have to look hard at long lists of micro-policy interventions, the detail of social programs and legislative change – there is little “broad brush” context to the political identity.

New Labour, while different in certain respects that I will come to, has also suffered from that central accusation that they blow with the wind, have no clear self-identity, and govern through focus group and micro intervention in a politics defined by pragmatism. That is, at least until Iraq came along.

I would suggest that John Howard has experienced, and exploited, a similar phenomenon. Leaving aside the details of your last federal election campaign, it is striking how proactively the Australian Prime Minister has embraced a leading role in the war on terror, making significant commitments and turning it into a domestic political issue well before the trauma and tragedy of the Bali bombing. Watching him both here in Australia and in London for the ceremonies around the Australian war memorial, one can't help noticing how quick he is to use those issues of global insecurity and conflict to surround himself with the rhetoric and the symbolism of nationhood and national pride.

Of course it has always been the case that politicians must have outward facing as well as domestic strategies, and that many have defined themselves in the history books through their stance on foreign policy. But Howard's persona and much of his reputation before 2001, at least from a distance, were to do with his apparent greyness, his managerialism, his lack of obvious charisma, and the absence of big ideas. Now, it is increasingly clear that the Liberals in Australia have found a way of dominating and shaping politics to maintain the critical balance of their incumbency, although the contribution of the Federal Labor Party to this state of affairs should, I guess, not be underestimated. This is not just a personalised observation; I think it is a characteristic of Western politics. And it is worth examining in a little more detail what it is that has put governments in our countries in this uncertain position.

Against institutions

The reality is that societies which have benefited from the great gains in freedom and wealth have created a situation in which people's willingness to defer or subscribe to big, impersonal institutions is much lower than ever before. Across the industrialised world, voting turnout in countries where it is voluntary has also steadily declined for the last 30 years. More striking, people's willingness to identify strongly with any political party has collapsed much more strongly.

And while the thesis of declining social trust is often exaggerated, it is true that people's readiness to place confidence in collective institutions as a whole seems to have declined, though someone may want to correct me on the detail of the Australian situation. However, this is not a sweeping, universal, or inevitable trend. The most recent data in the UK, for example, shows that trust in other key professions has remained broadly stable, but that trust in politicians has fallen sharply over the last 20 years.

For example, the percentage who trust the British government to place the interests of the nation over those of their party most or just about all of the time have fallen from almost 40 per cent to only 15 per cent since 1974. On four of the key election promises made by Labour in 1997, less than a third believe they were fulfilled, despite them all technically being achieved in the first term. Evidence links low political trust with lower compliance – taxes, benefits, cooperation. And it is true that institutions expressing collective identity; trade unions would be the obvious example – have suffered.

From selfish society to social complexity

What is not true, however, is that these changes have given rise to an unbridled individualism or neoliberal selfishness. While contemporary politics may have less clarity and confidence, it is not true that people have stopped being concerned about social or public issues. As far as I can see, issues of the public realm – fairness and opportunity, security and solidarity, and the probity of institutions themselves – are central to the current period.

As globalisation continues to work its way into everyday consciousness, people's response is in part to demand to know how government and the public realm will help them to face the exposure and insecurity that it creates. But this demand for reciprocity and a social foundation to everyday life takes place in a setting of diversity and flexibility which few, especially among the younger generations, are likely to give up. This, in my view, is why the politics of *community* is now taking centre stage.

Again, the most obvious expression of this is the growing concern over social capital, and for governments to find ways of generating it. But, in general, social capital suffers from being treated like some kind of precious substance which magically holds everything together but which emerges mysteriously, scattering like fairy dust across busy communities.

Another manifestation of the concern for both public value and social justice is the emergence of protest politics on a global level. People have strong and varied opinions about the substance and impact of these new global movements, ranging from community development in places like East Timor and Papua New Guinea to

opposition to Global Trade, and of course, to US led military action. Whatever you think of them, it is worth noting the extent to which politics is now defined by a broad ecology of associations, leaders and movements, many of them located in a space we once called “civil society”, and many of them rejecting formal politics and elected governments as a credible solution to what they see as society’s most pressing problems.

Though I don’t believe many of these movements have the answers, or the organisational capacity to propose or manage concrete solutions, I think it is undeniable that they carry a large amount of the “moral energy” on which political contest and action has always depended. It may be that this presents more of a problem for the left than for the right, given that the explicit drive to achieve social justice by shaping social change has been one foundation of the democratic centre left in most democracies.

But I would argue that the challenge to the right, in the medium to long term, is just as serious. No party or project will be able to trade for ever on definitions of nationhood or public authority that are essentially received. The world is too dynamic a place for that to be sustainable. If politicians want to renew and sustain their mandate, they must be able to give an account of how their societies can renew and adapt to these new conditions of diversity and interdependence.

Here it might be worth a brief diversion into the Iraq experience. Tony Blair’s route to this conflict in fact predated the election of George W Bush; his stance was formed far more by the experience of Kosovo and the Balkan crisis. In a speech in Chicago in 1999, he outlined a doctrine of “international community” which tried to generate a twenty-first century conception of the “just war”, based explicitly on values and not on territory.

This ethical position was rooted in the idea of interdependence, and the way it creates complex new challenges and responsibilities for nations and political communities. While he clearly views the new terrorism as a security threat which threatens the British national interest, he also locates it in a view of shared responsibility which extends far beyond the traditional definition of national interest as defined by the classical canon of foreign policy thinking.

And that’s why it is paradoxical once again that his approach to the Iraq conflict, and his somewhat desperate attempt to triangulate between Europe and the US on the biggest imaginable stage, has contributed to a dramatic collapse in the readiness of the British public to trust him, and by extension our politicians, overall.

Iraq in that sense marks the end of an extraordinary honeymoon, in which Blair’s own standing somehow bucked a much longer term trend. It leaves him suddenly confronted with the challenge of how to renew both public institutions and public confidence, to show how

they can be both effective and legitimate in the simmering cauldron of today's politics.

Towards an ethical politics?

The truth is that if we are going to rediscover how to generate trust and collaborative capacity across our diverse and overstretched societies, we will need to learn a new set of habits, as well as to acquire some new tools for public management, governance and intervention.

The first idea that I want to put to you comes from an inversion of the public service reform debate in the UK. Earned autonomy has become a touchstone of the reforms Labour is trying to force through. I think it has got the mood of the times wrong. "Earned legitimacy" would be a better way to put it; in conditions of openness and scepticism, politicians and public institutions need to find strategies which actively build a base of operating legitimacy in order to make their claims more credible and their policies more effective.

There are some promising signs of this around the edges of public policy; the way in which social policy increasingly focuses on public participation and community building, the growing debate about "public value", and the quite strong focus on transparency and probity in public life overall. One example which I've recently experienced is the newly created Department of Victorian Communities, which has brought together the various functions associated with local government, community participation and voluntary association under a single policy roof, and is thinking actively about the new kinds of knowledge and governance needed to create positive social capital in a serious way.

But of course the debate reaches far further than one group of policies. If you look at the dilemmas and controversies coming up the agenda: from

- Multiculturalism and immigration;
- Preventive security, state intrusion and personal privacy in an age of networked computers and genetic information;
- The power and responsibilities of global business;
- The basis and effectiveness of social spending in diverse, unequal societies; to
- The pressures and effects of media intrusion, not least on people's willingness to take public office.

And of course, the legitimacy of defending Western wealth, freedom and values through military force. We can see that the boundaries between the public and private are likely to become increasingly blurred, and that the ethical issues involved in meeting this challenges are complex, to say the least.

I want to conclude with a general but, I believe, fundamental point. This debate is really about the nature and the future of

democracy itself. We've become used, in our affluent and liveable societies to the idea that democracy acts as a kind of platform for all the other good things that we might choose to partake of. Democracy is defined primarily as a set of institutional arrangements, the most obvious manifestation of which is electing a bunch of unfortunate volunteers every now and then to try to make sense of what government should do for us.

But it may be that we need a different and more expansive view of what democracy is, why we value it and how it can be renewed. In particular, that we need to pay attention to the ways in which the everyday acts of citizenship contribute to the cumulative possibilities of politics, and to the quality and transparency of the public domain through communication and the media. It's unclear to me exactly what this renewed and ethical public realm might end up looking like, although Demos is working on a few ideas. But it does seem clear that it is unlikely to emerge without examples of leadership which go far beyond the range currently available to our elected politicians.

An equally open question is where those leaders, and leadership strategies, are likely to come from. But that seems like a good one with which to start a discussion.



Photo – David Karonidis

Syafi'i Ma'arif

Indonesia's Muhammadiyah is an independent Muslim organisation devoted to local initiatives in health and education services. On Monday 1 December 2003, The Sydney Institute hosted a talk by Professor Syafi'i Ma'arif, one of Indonesia's most respected academics and General Chair of Muhammadiyah. Professor Syafi'i Ma'arif is a moderate Muslim leader who has opposed efforts to introduce "syariah" law into Indonesia. He has also taken a strong stance against the US led actions in Iraq.

INDONESIAN ISLAM

AND DEMOCRACY

Syafi'i Ma'arif

The Islamic movement called Muhammadiyah is a moderate, open-minded movement. We are not pro-terrorist, and we have made a strong condemnation of terrorism. We work in education – ranging from kindergarten to university level. Muhammadiyah does not stick to any school of thought of Islam. We are independent, and we are free to interpret the authentic sources of Islam, the Quran and the examples of the prophet.

This evening I would like to share with you something on the issue of recent Islam and democracy. The first question I would like to raise is whether Islam is compatible with democracy, according to the authentic sources of Islam? Is democracy an alien political system for Islam?

If you look at the Arab countries, for instance, you will be very unhappy because there is no democracy in these Middle Eastern countries. So, the type of Islam, the form of Islam in Indonesia, is rather different from the type of Islam in the Middle East. Why? Because Islam had penetrated, had entered Indonesia a long time ago, centuries ago not by conquest but through peaceful ways. But the Muslim kingdom appeared in the thirteenth century in the north part of Sumatra. Not through conquest but through peaceful penetration. In French we have the term “*penetration pacifique*”. So Islam came to Indonesia through peaceful means and showed an accommodating approach to the local traditions and beliefs.

Indonesia now is the largest Muslim nation in the world. Some 88.2 per cent of the Indonesian people are Muslim, nominally or otherwise. Maybe you are surprised because there is also terrorism. The Bali bomb killed many Australians. We have very deep concerns about that. For the last few months we had also the so-called Marriott bombing conducted by some Muslims. We cannot deny some Muslim involvement in this kind of tragedy. Terrorism is uncivilised and inhuman conduct.

Let me return to my first question. According to the first authentic source of Islam, the Quran teaching, social problems should be settled through mutual consultation. In Arabic we call *shura* (*wa amruhum*

shura bainahum) – your affairs should be set out through mutual consultation. This is a very important element in democracy. The other element is that human beings are equal before God and before history.

But of course, this ideal concept of democracy was buried in the coffin of the fourth Caliph, centuries ago. This was a mistake, but it happened. That's why the Arab nations have difficulties dealing with democracy. Because they have lost their historic roots for dealing with democracy. Maybe our democracy should not be similar to yours, to Western democracy. But we non-Arab Muslims highly appreciate people's participation in politics, in social affairs, on an equal basis and equal footing. So, according to Islam, in my understanding there is no reason for Muslims to reject democracy. Although many Arab nations are still unhappy with this creation called democracy.

In Indonesia, from the very beginning, we preferred democracy and we chose democracy as our political system. Muhammadiyah, as an Islamic movement which I am now in charge of, began in 1912. In its constitution, it has always held that the leadership's election could be conducted through voting. As we know, the founder of Muhammadiyah, KH Ahmad Dahlan, never studied in the West. He graduated from a traditional Islamic boarding school and he had no knowledge of Western democracies. So, from where did he get the voting principle laid down in Muhammadiyah's Constitution? From the Quran! So democracy is part of the Muslim tradition if we open the Quran, or if a Muslim is sincere enough to consult the Quran, rather than follow the dynastic politics of a despotic political system. I strongly criticised Iraq's Saddam Hussein when he was in power. I also criticised strongly the US, Britain and Australia's involvement in the invasion of Iraq. Because what kind of moral right did you have to invade another sovereign state? You did it without the permission of the United Nations.

When I met with Mr Bush a few weeks ago in Bali, I asked him: "What kind of moral right do you have to invade another country, another sovereign state?" He said: "Oh, because Saddam Hussein was bad, because Saddam has killed many Iraqi people." Yes, of course. But I said: "Why did you go there? That is not your country?" Mr Bush gave a rather unsettled answer – but he was a good listener. We arranged first to meet for about 30 minutes; it lasted for about 55 minutes. And he was a good listener; he is also a good actor, in politics, I think. So the majority of Muslims in Indonesia have no reason to oppose democracy – based on our understanding of our religion and also based on our historical experience. If we can overcome our domestic problems – corruption, mismanagement, weak leadership – Indonesia will become a model for other Muslim countries. Indonesia will demonstrate how to develop a good, strong and happy democracy.

I have just visited a school here, in Sydney. It is an Islamic school called Malik Fahd Islamic School. I heard from the principal that your government has treated them very justly. You do not differentiate between religious denominations. That's fantastic. Seventy per cent of the funding for that school comes from the government. I think other Western countries should follow Australia. Your domestic policy towards religious groups is very good. I highly appreciate it. Even though, sometimes, I strongly criticise your foreign policy which has followed America and the British. In the future, Australia should be itself, and not be part of any other great nation. You are close to us. So an Asian-oriented foreign policy would be better for the future.

In Indonesia, we cannot forget that during our struggle for independence, Australia supported us. We very much appreciate Australia's position at that time. Without Australia's positive help, it would have taken a longer time to attain our independence. This took place long before Mr Robert Menzies became your Prime Minister in December 1949.

Islam itself means peace. Muslim means the one who advocates peace – although some Muslims, some splinter groups of Muslims, interpret this doctrine wrongly and for their own pragmatic purpose. Therefore, if I talk about terrorism – the 11 September 2001 tragedy, the Bali tragedy, the Marriott tragedy – I can say that those who were involved in these tragedies were people who have no future. They have nothing to offer to humanity. They want to take a short route to achieve their pragmatic purpose and objective on behalf of Islam, and this is very wrong. I have tried to understand them, but I can't. How do they come to the conclusion that Islam encourages violence and terrorism? The British writer Karen Armstrong has tried to picture Islam objectively and fairly. I like her books. And also I am thankful to her, because she, as a non-Muslim, has tried to show to the West that Islam is not identical with terrorism.

Terrorism is not the authentic face of Islam. Judaism, Christianity and Islam came from the spiritual offspring of Abraham. We have the same roots, we are the Abrahamic family. Now, and in the future, we have to develop constructive dialogue – a dialogue among religions, a dialogue among civilisations on an equal basis. We are equal. Humanity, according to Islam, is one. So we must respect each other. Yes, of course, Islam has been declining for some centuries. But we have no reason to be pessimistic. We have to learn from Christianity. We have to learn from Judaism. Just as the West once learned much from Islam – when Islam was at the peak of human explorations, before Europe developed the Renaissance. It is high time for us to foster mutual respect and mutual trust – because as I said, humanity is one.



Photo - David Karonidis

Anne Whitehead

Dame Mary Gilmore (nee Cameron) is one of the icons of Australiana. Her face is as familiar as a ten dollar note where she is honoured as a great Australian. Principally remembered for her literary achievements, Mary Gilmore was also one of the 500 disillusioned Australians who set out, with William Lane, for Paraguay to found a socialist colony in the late nineteenth century. For Mary, it was to end in bitter penury and a failing marriage. Her adventures are now fully recorded in Anne Whitehead's *Blue Stocking in Patagonia* (Allen & Unwin). To capture some of the highlights of Mary's travels, Anne Whitehead addressed The Sydney Institute on Tuesday 2 December 2003.

BLUESTOCKING IN

PATAGONIA: MARY GILMORE'S QUEST AT THE WORLD'S END

Anne Whitehead

There are two Marys on the Australian \$10 note – most prominently, the young idealist and fledgling poet, Mary Jean Cameron in her twenties, and a faint image of William Dobell's controversial 1944 portrait of the grand old matriarch, Dame Mary Gilmore, in which she looms – with high lace collar and huge satin sleeves – like Queen Elizabeth I bereft of the red wig. By then, Mary was a famous writer and a campaigner for countless social causes – and an outspoken champion for Aboriginal rights, long before that cause was taken up by the wider left. After the Dobell portrait she was to live another eighteen years, always a crusader – for industrial arbitration, prison reform, old age pensions, freedom of the press, maternity leave, and the planting of native trees; even smaller issues engaged her attention, such as pocket handkerchiefs for women in gaol, an Arbour Day in schools, and a memorial for working dogs – and when she campaigned, wagging the ears of premiers and prime ministers, she usually got her way. One of her friends remarked: “One almost senses an invisible army behind Mary Gilmore when her sense of justice is aroused.” She was 97 when she died in 1962 and was honoured with a State funeral in Sydney.

But between those two Marys was the one who came under the influence of William Lane during the great workers' strikes of the 1890s – and that Mary adopted the racism of the labour movement and the even more virulent racism of Lane, a charismatic English journalist, socialist and editor of the Queensland *Worker*. His was not mere job chauvinism – fear of imaginary hordes from the north or the Pacific islands willing to work for cheaper rates – but a visceral hatred of the Other: “I would rather see my daughter dead in her coffin,” he wrote, “than kissing a coffee-coloured man.” After the failure of the five-months-long Queensland Shearers Strike of 1891, Lane encouraged hundreds of disaffected workers, mostly bachelors but also about 50 families, to sail off to South America to implement his dream of a socialist commune, far from the old British world of “caste and class”

in landlocked Paraguay. It was to be a Workingman's Paradise – and emphatically, as it turned out, not a Workingwoman's.

There was much rhetoric about social justice, and occasionally of gender equality – but those fine ideals were strictly for Europeans – and more particularly for those of Anglo-Saxon or Celtic stock. All who joined the Paraguay colony were obliged to pledge not to cross “the Colour Line” – there was to be little fraternisation with the locals, particularly not with the attractive Paraguayan women. All members were required to pledge to Teetotalism as well. In a movement overwhelmingly made up of Australian bachelors and bush-workers this all seemed to be testing the faith rather too sternly – but in fact 2000 signed up, and over 400 departed for South America in the first two boatloads in 1893.

When I wrote *Paradise Mislaid*, my book about the Paraguay experiment, Mary and her experiences in that country were an important thread, but I have to confess that I did not always like her: mainly because she supported William Lane on race and wrote, for instance: “The merging with the Paraguayan is the thing to be dreaded. The universal rule is that a man who marries a native becomes a native, living the easy-going animal existence that has no complexities and no ideals – a human vegetable by sheer inertia of the brain.” Also for much of her time in Paraguay she was a bitter, unhappy and quarrelsome woman.

After completing that book, I decided I had spent quite enough time on Australians in South America anyway. I went to India on an Asialink fellowship and started research on another story set there. But I kept puzzling about Mary and how she became the crusading, humane woman of her later years. I wondered how the difficult and crotchety woman of Paraguay had come to change so much – and what had happened to her during the eighteen months she and her husband spent in Argentina, earning their passage money home to Australia. Almost nothing had been written about this period in her life – August 1900 to January 1902 – and her biographer W.H. Wilde devotes just two pages to it.¹ Mary published very little herself, apart from a few enigmatic poems, and some snippets of memories in her book *Old Days, Old Ways*.

Yet in 1900 this woman, a compulsive writer, had lived in the great city of Buenos Aires when it was busy re-inventing itself in a fever of rebuilding and the new, scandalous tango was being performed in the streets. And she had spent over a year – and much of that alone – in Patagonia, the windswept, barren far south of the country. I knew she *must* have been moved to write about these experiences. So I went looking – and found her manuscripts about Argentina in the National Library, and a wonderful cache of them in the Mitchell Library, including hundreds of letters she wrote to

her husband, Will Gilmore, when they were both in Argentina but separated because of his work on sheep properties. I came to believe that she had been through some transforming experience during this forgotten, “lost” period in her life. My new book was on the way.

I discovered that Mary wrote more – and more vividly – with a sense of wonder and excitement, about her time in Argentina than she did about Paraguay. This is not so surprising. If travel broadens the mind, it is not just because of observing new and exotic scenes, but because of meeting people whose ways are very different to one’s own. During her four and a half years at the Paraguay colony she was, by racist pledge, cut off from local people. Mary may as well have been living in a rather exclusive resort in far north Queensland. She confessed that at the time she left Paraguay, she had about ten words of Spanish.

However, before taking a look at this significant time in Argentina – the main subject of my book *Bluestocking in Patagonia* – I should briefly explain how Mary came to go to South America at all and to Paraguay – the only single woman to make the journey and she did it alone – to join Lane’s colony. The fact is that she had a genuine commitment to the ideals of the movement – but there was also a tangled love story.

In 1890 she had come to Sydney after teaching at Silverton in far-western NSW and she lived in a boarding house in Bligh Street, the first of her many rented rooms. In that year she met the writer Henry Lawson, two years younger than herself, who fell romantically in love with her. But there seemed little passion in Mary’s response – she wrote later that there was a “curious immaturity” about Lawson at the time, he was in “the sappy twig” stage of development. However, she rejoiced in his company and they walked the streets of Sydney together talking of social injustice and poetry; but she declined his proposal of marriage and his suggestion that they elope together to the goldfields of Western Australia. (Later she claimed that they might have got together after all, but that Henry’s formidable mother, Louisa Lawson, sabotaged the relationship.)

When in 1892 Mary met William Lane, the dauntingly articulate editor of the Queensland *Worker*, dubbed “the bushmen’s hero”, she was teaching at Stanmore Public School in Sydney. A tall, young woman who wore her auburn hair hacked unfashionably short by her own hand, she usually sported a jaunty straw boater and a red sash at her waist as a declaration of her socialist beliefs. She was deeply impressed by Lane’s intellect and his dream of a socialist commune in Paraguay, where there would be no bosses — except himself, as it turned out – but their relationship was always platonic, at least on her side. She joined Lane’s New Australia Movement and after school

hours she would head into the city office in Elizabeth Street and co-edit their journal.

There she met an important Lane-lieutenant and unionist, David Russell Stevenson, a tall, handsome Queensland shearer with a swashbuckling ginger moustache. She was utterly smitten for the first time in her life. Of Scottish stock, he was cousin to the writer Robert Louis Stevenson and in the tradition of bush auto-didacts he carried Shakespeare in his saddlebag; he could quote Robbie Burns, Sir Walter Scott and the works of his famous cousin. He flirted with Mary and she believed she had found her life partner.

When the pioneer colonists sailed for South America on the *Royal Tar* in 1893, Mary was unable to join them because single women were excluded until the colony was established. The one single woman travelling without family was a Queensland nurse, Clara Jones, who was required because of the NSW government's insistence that a certificated sister be on board. During the voyage Clara and Stevenson fell in love – but Lane put a stop to their evening assignations (often in a swinging lifeboat) by forbidding single women from being on deck after sunset. He also told Clara that Stevenson was already betrothed to Mary. Believing her erstwhile lover had lied, Clara married the first man to ask her, a sweet-natured bushman called Billy Laurence whom she never really loved – although she wrote to a friend later, “I did my duty”. (At the end of World War I, after Billy's death, she married Stevenson at last.) Thus three or four lives were blighted by Lane's manipulations.

However, Mary was still back in Sydney, teaching and working at the New Australia office, and knew little of the intrigues during the *Tar's* maiden voyage. But before the year 1894 was out, there were compelling reasons for her to abandon any idea of finding a communal or personal utopia in Paraguay. The original colony, Nueva Australia, had broken up in acrimonious circumstances after just a few months. As this is discussed at length in my *Paradise Mislaid*, I will shamelessly condense by saying that it was over transgressions of the pledges of Teetotalism and the Colour Line. Lane had no confidence in those colonists who wanted to drink and to fraternise with the local villagers, particularly the handsome women – and in response a majority of the community produced a vote of No Confidence in him as Chairman instead. In the latter half of 1894, Lane and 63 of his most loyal followers walked out and – with another land grant from the remarkably tolerant Paraguayan government – re-established themselves 130 kilometres south-east of their rivals, put up some mudbrick and grass huts and called the new commune Colonia Cosme.

Because the colony schoolteacher had remained with the “Rebels”, the original New Australia group, Lane wrote to Mary and begged her to join them. She had just turned thirty, the age at which

the term “spinster” was often replaced by “old maid”, a condition she devoutly feared. She gave notice to the NSW Department of Public Instruction and packed teaching materials and, optimistically, eight yards of white hailstone muslin, suitable for a wedding dress. In November 1895, it was Henry Lawson, on his knees weeping, she claimed, who saw her off at the wharf.

It was a momentous journey for a lone woman, in a tiny sailing ship to New Zealand, then a mailboat for the perilous voyage around Cape Horn and up the east coast of the South American continent to Montevideo. From there she had to negotiate her way without any Spanish onto a paddle steamer to voyage 2000 miles up the great rivers – Rio de la Plata, Paraná and Paraguay – that snake into the heart of the continent, to Asuncion, capital of Paraguay. (For my research, I duplicated that voyage but as few cargo boats ply the waterways these days, I had to make do with a week’s cruise on a gleaming white ship among affluent Argentines who enjoyed, as I did, a three-course lunch and a siesta before the four-course dinner, working it all off dancing the tango into the small hours. Yes, corny I know, but *someone* had to do it.)

Mary’s arrival at the colony, after a steam train ride and the final 30 miles on horseback, was celebrated with a Welcome Dance. But there was no welcome from Dave Stevenson, her imagined betrothed, and the fact that he failed to request a single dance with her was noted by the colony gossips and letters were fired off back to Australia along the lines of “Imagine – the old affair is off!” and “It’s not every man would suit a girl of her description, is it?” The rejection of her was the prurient sensation of the day and I believe there was a considerable element of misogyny towards a woman who was deemed rather too clever and capable (for already she was editing their “Cosme Evening Notes”), but not quite pretty enough for this to be forgiven.

Humiliated and embarrassed, Mary wrote to her old suitor Henry Lawson inviting him to come over after all, adding with no particular subtlety, “Harry, don’t let someone else snap your chances... PS. I didn’t get married...”

But Henry had recently married Bertha Bredt (who was the stepdaughter of the Sydney bookseller William McNamara – writers and radicals regularly met in his upstairs reading room in Castlereagh Street; Bertha’s sister, incidentally, married Jack Lang.) Henry failed to respond and it was his friend John Le Gay Brereton who wrote to Mary with the bad news.

However, Mary had joined Lane’s experiment not just for love, but because of the ideals of socialism and gender equality. What she did not realise was that in this new Cosme colony the clause about gender equality had been peremptorily scrapped. But she tried to make the best of things, moved into a little thatched hut, began

teaching her pupils with a formidable curriculum and she wrote to her friend, the trade union leader W.G. Spence, that "Communism here is a great success".

But she knew what the gossips were writing about her, and must have craved some face-saver. Before long she was reading in the colony hospital to a quiet, shy patient called William Gilmore, who, with characteristic decency, had saved a post falling on some children by taking the weight – and the injury – himself. He was a shearer from Victoria who had left school at the age of ten; his grammar and spelling were atrocious and Mary usually tended to notice such things. But he was a good, kind and extremely handsome man and before long an engagement was announced. I speculate that Mary may have prodded Gilmore towards a proposal because he was so self-effacing that I doubt he would have dared put the question himself to a woman so widely regarded as a formidable intellectual. But although Mary may have married him to salvage her dignity, I believe she *did* fall in love with Gilmore within the marriage. A wonderful flurry of sensual poems written by Mary at the time suggest that their physical relationship was a surprise and joy for them both.

Mary gave birth to a son, Billy, in August 1898, fifteen months after her marriage. The following year, William Lane, with his family, walked out of Cosme in protest at the infringements against his various rules. Mary and her husband, always Lane supporters, then wanted to leave and return to Australia, but they had absolutely no money. Their life savings had gone into the colony. Gilmore, however, was a skilful "gun" shearer and Australians and New Zealanders were prized for their competence in the predominantly British-owned sheep properties of Patagonia, southern Argentina, where shearing was only possible in high summer. He went down for the season, leaving Mary and their two-year old son in the colony. This was not a happy time in her life. Her letters are those of a disaffected and unpopular woman. Before long she walked out of Cosme and stayed in the country town of Villa Rica. Gilmore at last returned for her, and they came by paddle steamer in August 1900 to Buenos Aires.

Once I determined on writing this new book about Mary and had secured a British publisher's contract, I wanted to return to Argentina and did so in late 2002. A previous speaker at The Sydney Institute, biographer Brenda Niall, has said, "some of the building blocks of biography are public records, private papers, travel and interviews".² As well as my manuscript research, I needed to travel to the places in Argentina where Mary had lived, and in the archives of the Buenos Aires Biblioteca Nacional I leafed through two years – 1900-1901 – of the two English-language newspapers that she had read when she could, in order to gain an understanding of the social and economic context when she was there – a time of economic depression, massive

immigration from Europe, political upheavals, street demonstrations and skirmishings of war with Chile.

I had briefly visited Argentina three times before – on my way to Paraguay researching *Paradise Mislaid* – but when I returned for this book in September-October 2002, the nation was experiencing the greatest economic crisis in its extraordinarily volatile history: it had defaulted on its US\$140 billion external debt, the peso was in freefall, the banks were boarded up against angry citizens seeking to withdraw their money, five presidents had been in office in the previous eighteen months and there were daily demonstrations in the streets and squares.

In contrast to Mary's time 100 years earlier, there was now a massive emigration, long queues forming every day at the embassies of the United States, Spain, Italy, Canada and Great Britain. And also Australia. So *Bluestocking* is partly a travel book, as I recount my own adventures and observations following in Mary's trail. However, never *really* in her footsteps: while she travelled by tramp steamer, horseback and oxen cart, I went by jetliner, pleasure cruiser, airconditioned bus and 4-wheel drive vehicle. I never experienced a fraction of the privations that she suffered, and I was in Patagonia during an uncommonly balmy spring, while she lived through one of its fearsome winters, much of it alone except for her baby son, in a corrugated iron hut.

When the Gilmores arrived in Argentina in August 1900, the great city of Buenos Aires was busy re-inventing itself as the endlessly extolled "Paris of South America". But where the riverboats came in, the approach was still confronting, squatter settlements and washerwomen at work on the riverbank. In slum suburbs such as San Telmo, where the Gilmores headed, hundreds of immigrants packed into rooming houses known as *conventillos*, formerly owned by wealthy families who had fled yellow fever; in one case 350 new arrivals crammed in where a family of eight had lived before. Gilmore obtained shearing jobs at two sheep properties on the pampas, while Mary stayed on for three months at the Salvation Army hostel in San Telmo. When I tracked down the location of the building, I discovered the derelict site was still housing the homeless, those squatters who were luckier than the literally thousands who were sleeping rough on the streets and in the parks.

Mary stayed on at the hostel, writing about her fellow residents, walking the streets with her friend, a Chilean-Scottish businessman, James McGregor Finland, whom she claimed was murdered during her time there, because of the hostilities between Chile and Argentina over the definition of their border in Patagonia. (In the *Buenos Aires Herald* I found a record of "a fatal knife fight" at the appropriate date, but such brutalities were common and only cursorily mentioned.)

Mary witnessed the birth of the seductive, languorous tango, lonely immigrant men dancing with other men, or with a prostitute if they could afford her fee, on the pavements and patios of cafes and bordellos. Mary would not, could not, have approved. She would have gathered her long dark skirts about her and hurried on. Meanwhile Gilmore was working on the pampas at a property I visited, “Estancia Los Yngleses”, “The English People”, still owned by the same Scottish-Argentine Gibson family today. (They were friends of the late Susan Baranthes, mother of the Duchess of York and – brush with fame – I slept in Fergie’s bed. On the drive there I was in a roadblock and a hold-up but you’ll have to read the book to find out more about that.)

Finally, in November 1900, the Gilmore family voyaged south on a leaky tramp steamer, taking a month to arrive at the wretched port of Río Gallegos. Will worked on a sheep property, Killik Aike, owned by the English Felton family who at last agreed to take Mary on too as governess for their daughter Emily, usually known as Millie. “The most awful girl that ever lived,” Mary wrote later, “she was 16, looked 18 and called herself 14”. Among the items of Millie’s own peculiar knowledge was that “she knew the woman who made *all* the lace for Queen Victoria’s wedding”.

But, nevertheless, Mary spent a happy eight months on the property and loved the little corrugated iron, red-roofed house with its bay windows which, when I visited Killik Aike I longed to camp in myself.

She had a secret life of the imagination, the writer in her revelling in the spare, haunting beauty of this strange southern land. She loved to wake when all was still dark and her husband and child lay sleeping; she would pull on her woollen clothes and lambskin petticoat and tiptoe out the door, climb the hill to the headland overlooking the river, to her left a wide gulch that carved its way down to it. She would sit by the grave of a workman who had drowned at the time she was there – George Jeffries was his name, I discovered, as I sat by the grave too – and she’d wait for the sun to rise:

In a few hours the sky will whiten. Dawn comes stepping across the earth.
Like a silver shield, the sun will rise over the rim of the pampa... Life stirs
and wakens, the great pampa shakes herself, and the sheep waken and
follow the trail, while the fox sneaks out of his shelter and follows them...

Being egalitarian and Australian – in the days when the two terms were alleged to be synonymous – Mary befriended some of the workmen on the property, including Jesús, a lowly *peón* or oddjob boy, aged 12, who had come from the northern provinces in search of work. Mary said her Presbyterian notions could not allow her to call him Jesús so she called him “José” instead. (In the cellar at Killik

Aike there were boxes of glass negatives, including a group of people in two wagonettes said to be of the Gilmores with the Felton family. The young *mestizo* boy standing next to Mary's cart *may* have been young Jesús/José, although I have no way of proving it.)

Soon the Patagonian winter set in, when for days a person never saw the sun and the temperature could plunge to 30 degrees below freezing. Winds reached 80 km an hour. Mary said a woman in full Victorian skirts became almost airborne. She described how José had terrible chillblains and no warm clothes because the boss had told him he hadn't earned them yet. Mary took pity on the boy, persuaded her husband to get him woollen clothes from the store, and she mixed an ointment of lanolin and eucalyptus oil for his severely chapped hands.

She wrote that the boss, Herbert Felton, observed their friendliness, and in the middle of a blizzard he evicted Jose from the property – for being over-familiar to “a white woman”. Urged by Mary, Gilmore went after the boy. He found his lifeless body in a snowdrift. Felton ordered the workmen to bury the corpse behind the shearing shed and keep quiet. The death was not to be reported. But *somehow* news leaked out. “A bird in the air must have done it,” Mary wrote enigmatically (we can imagine who the bird was), and the body was required to be dug up and taken on the long inconvenient journey into town to the coroner.

Certainly Herbert Felton must have believed Mary was the informant, for he abruptly terminated her position as governess and announced the cottage was no longer available either. Gilmore was valued as a shearer and was allowed to stay on in the single men's quarters – but Mary was obliged to leave.

When I visited Estancia Killik Aike in late 2002 as the guest of the Anglo-Argentine family, who had bought the property from the Feltons, they told me that the wonder was not that Mary had been evicted, but that she had lasted a whole eight months on the property. “Can you imagine a woman such as she was,” they asked, “an active radical, coming into such an enclosed atmosphere and fraternising with the workmen, the *peones*?! Of course she had to go. We would have kicked her out too!”

I think the episode does Mary credit – but her account is framed in a short story. Why should we believe it? She was quite capable, especially in later life, of claiming credit where she could and of telling some tall stories, falsifying history, often with misguided good intentions: for instance, how as a child she saw a convict hanging from a gibbet, how she lived with the Waradgery tribe for six weeks and later witnessed an Aboriginal massacre ... Why is this tale about José any different, any more plausible?

First of all, she didn't claim credit, it was never published. The account is autobiographical, she uses her own name, those of her

husband and son, and of Herbert Felton. There are also the names of various estancia workmen, and I found those same names all listed in the old 1901 Killik Aike wages book which was stored in the cellar of the property – including the name of a young *peón*, Jesús Vasquez, whose entry abruptly ends in August. And in that month Will Gilmore is listed as resuming board at the single men's quarters.

Unless Mary was evicted, it is otherwise inexplicable that in the middle of the Patagonian winter she and young Billy did in fact move into the town of Río Gallegos and they spent the next six months there in desperate circumstances. It seems she had put her security and indeed her very survival on the line in outrage at the cruel death of a young mixed-race *peón* – someone at the very bottom of the social hierarchy in Patagonia (except that is for the Tehuelche Indians, those surviving in wretched camps on the edges of towns).

In Río Gallegos, Mary applied herself to the dictionary every day and learned some Spanish, enough to survive by giving English lessons. Soon she could manage to rent a little corrugated iron cottage, giving lessons in the front room and cooking and sleeping in the back. "This is the nicest little house we've ever had," she wrote to Will. But it was an incredibly hard and punishing time: she had suffered diarrhoea for 18 months (almost certainly amoebic dysentery), war was threatened with Chile and soldiers drilled every night outside her hut. She slept with an axe, three carving knives and a whistle under her pillow. She wrote constantly to Will and sometimes became desperate: "It is terrible to be always alone – and sick... And I am not strong enough to keep from writing letters that I know will make you miserable..."

In January 1902 they sailed for England and stayed in London with Henry Lawson and his wife. Mary discovered with gratified surprise that she had quite a name as a poet and Henry took her to meet some of the literary world's movers and shakers. At these meetings Gilmore was diffident and awkward – it was the beginning of a wedge between himself and his writer wife – which, back in Australia, was to lead to their tacit separation in 1911 while Mary pursued her writing and journalism in Sydney. Will moved to a farm in Queensland and she wrote him chiding, confiding, loving and sometimes merely dutiful letters every week, but rarely saw her husband again.

As the years went by she became well known for her journalism and her poetry, especially during the Second World War when her poem "No Foe Shall Gather Our Harvest" went on the cover of the *Australian Women's Weekly*, was made into a Christmas card and set to music as a battle-cry. Through the Women's Page of the NSW *Worker* she advised thousands of Australian women on how to make jam and remove spots from their carpets – *and* to be independent in their

politics. She coaxed and chided prime ministers and premiers on a host of issues and in 1937 she was made a Dame of the British Empire for her services to literature and to social justice causes.

During the course of the Second World War, and especially after the fall of Singapore, Mary wrote feisty poems exhorting Australians to resist invasion. By 1944, when Dobell painted his controversial portrait, she was arguably the most famous woman in Australia. The following year she was one of the saddest: in February 1945 she received news from Queensland of the death of her husband from septicaemia, and, just five months later, of her son Billy from alcoholic poisoning. One had to endure, she wrote, with courage and with grace:

Never admit the pain,
Bury it deep;
Only the weak complain,
Complaint is cheap.

Much of her life was a paradox: she was a Dame of the British Empire who from 1952 wrote a column for the Communist newspaper *Tribune* – as a protest at the Menzies government’s attempt to ban the Party which she never joined; she was a devoted admirer of the young Queen Elizabeth II and equally of the Russian cosmonaut Yuri Gagarin. At the age of 96, she was the workers’ heroine as May Queen, riding in an open car to the acclaim of thousands. She died aged 97 in 1962, honoured with a State funeral, attended by the Prime Minister, the NSW premier and the governor, with thousands watching her cortege pass by. But although it is the image of the grand old lady who is remembered these days – when she is at all – it is Mary as a young woman who appears on the \$10 note.

If very little is known about that young woman, I hope *Bluestocking in Patagonia* will go some way to rectify that. And although I don’t want to make too large a claim, I do believe the four years in Paraguay and particularly the overlooked eighteen months in Argentina – August 1900 to January 1902 – were a significant turning point, a transformative time in Mary’s life. The woman who returned to Australia had been through hell *and* had come out the other side, stronger because of it, more in touch with the lives of ordinary people. She was a remarkable woman who went on to do brave and extraordinary things, a crusader for social justice who ever afterwards spoke up for the defenceless and helpless, the underdogs.

Endnotes

- 1 W.H. Wilde, *Courage a Grace: A Biography of Dame Mary Gilmore*, Melbourne University Press, Melbourne 1988, pp.119-20
- 2 Brenda Niall, *Writing a Boyd Family Biography, The Sydney Papers*, Volume 14 Number 4, Spring 2002

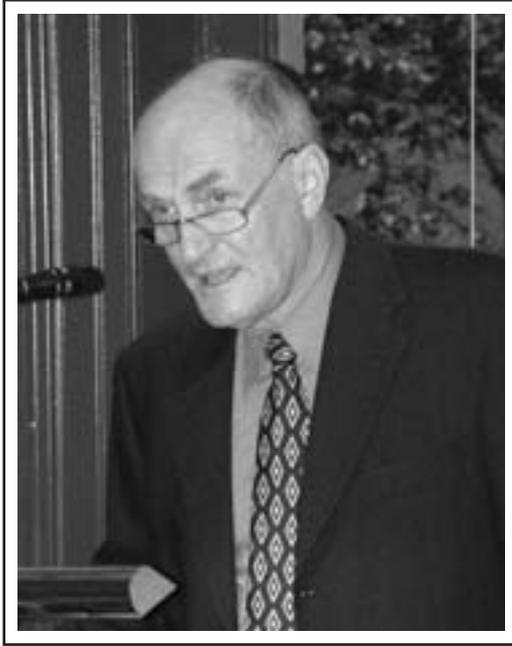


Photo – David Karonidis

Richard Broinowski

Richard Broinowski, author of *Fact or Fission? the truth about Australia's nuclear ambitions* (Scribe 2003), is a former diplomat, a lawyer by training and a current affairs commentator and legal consultant. On his retirement from a 34 year diplomatic career, he became an Honorary Professor, first with the University of Canberra and then with the University of Sydney. His career as a diplomat included the posts of Australian Ambassador to Mexico, the Central American Republics and Cuba; Australian Ambassador to the Republic of Korea; and Australian Ambassador to the Socialist Republic of Vietnam. Richard Broinowski spoke for The Sydney Institute on Tuesday 9 December 2003.

FACT OR FISSION –

SOME REFLECTIONS ON AUSTRALIA'S NUCLEAR INDUSTRY

Richard Broinowski

In this paper I will address three main themes, all of which are covered in detail in my book *Fact or Fission*. The first is the Australian uranium mining industry – how it evolved and where it is going. The second concerns the safeguards, both Australian and international, that are supposed so to encase our uranium that it may never find its way into nuclear weapons. The third is the development of Australia's non-proliferation diplomacy, how successful it has been in the past, and where if anywhere, it appears to be heading.

In addressing these issues, I hope to show how Australia's involvement in nuclear matters has, ever since the nuclear age dawned at Alamogordo in New Mexico, been marked by ambivalence, conflicting objectives, and the pervasive influence of United States policies.

We wanted to join the nuclear club formed by the United States, United Kingdom and Canada. We wanted access to nuclear technology, both for weapons and non-military technology, even though for a number of the early post-war years we had no accurate idea of the civil uses to which it might effectively be applied. We wanted to make huge profits from our uranium, but also to use it as a bargaining chip to get into the club. We allowed the British to use some off-shore islands and desert spaces to test their nuclear weapons for the same purpose. In both cases the British took what they wanted, but gave us little or nothing in return.

We wanted to buy, then construct, our own nuclear weapons. But when the United States made it clear that they would not sanction such acquisitions, we did a 180 degree turn and developed a high moral position on nuclear non-proliferation. We persuaded ourselves, quite disingenuously, that the Nuclear Non-Proliferation Treaty legally obliged us to sell our uranium abroad; also that such sales, and the development of a nuclear research capability in Australia, would ensure that we maintained prominence in international nuclear non-proliferation councils.

Such is the degree to which in the last nine years we have allowed ourselves to become subject to United States policies, that our non proliferation credentials have become degraded to the point of non-existence.

Mining and exporting Australian uranium

Australian uranium was mined in three waves. The first, in the 1950s, involved the government, a few corporations like CRA, and a lot of individual prospectors. The uranium was mined to fuel British and American nuclear weapons. It came from Rum Jungle, Mary Kathleen, Radium Hill and Myponga. In some cases it left behind an environment that will be devastated by radiation for thousands of years.

The second stage coincided with a substantial increase in nuclear power reactor construction around the world in the 1970s. The individual Australian miners had gone, to be replaced by large Australian companies like CRA and Western Mining, the Canadian company Pancontinental, the American company, Western Nuclear, and the French company, Total Mining.

The third and current proliferation in uranium mining companies has occurred since John Howard abolished Labor's three-mine policy in 1996, and replaced it with a policy of allowing any company to mine and sell Australian uranium if it feels the price is right. Thus we now have 29 new uranium mine sites around Australia – in Western Australia, Northern Territory and Queensland – waiting for the current depressed world prices of uranium to improve before they join Olympic Dam in South Australia and Ranger in the Northern Territory on the Australian yellowcake production line. Many of the proprietors of new mines are Australian companies like North Limited, or wholly US owned ones like Heathgate Resources. Many have a long history of environmental and indigenous conflict.

Meanwhile, the current average spot price of uranium is about \$A45 per kilo. It needs to rise to \$A60–80 on a sustained basis for commercial incentives to activate mining. And this will probably occur – even with a current hiatus in new reactor construction worldwide, uranium prices have been slowly rising over the last year as overseas power companies seek to renew their uranium inventories.

Nuclear safeguards

In 1972, Gough Whitlam and his Resources Minister, Rex Connor, initiated the most comprehensive environmental examination of the Australian mining industry ever undertaken, the Ranger Inquiry. Mr Justice Fox of the NSW Supreme Court found that the nuclear industry was dangerous because civil technology could easily be diverted to weapons technology, and because no method had yet been

found to isolate nuclear waste products from the biosphere for the time required for ionising radiation to decay to safe levels, in some cases tens of thousands of years.

Although Australian uranium had already been sold without safeguards to India, Japan and France, Justice Fox developed a set of comprehensive safeguards for all new Australian uranium exports. These were imposed by Prime Minister Malcolm Fraser in May 1977. But Australian diplomats were quick to discover that potential customer countries were unhappy with them. Throughout the remainder of Fraser's tenure, and well into that of his successor, Bob Hawke, the mining industry, backed by successive Trade Ministers, succeeded in having the safeguards modified.

One of the first safeguards to go was the stricture that uranium could not be sold to any country not a party to the NPT and subject to IAEA safeguards. Fearing French trade retaliation, or that Australian aerospace companies would lose offset contracts for the components of Mirage fighter aircraft, Australian uranium was sold to France. Then, contrary to Fraser's conditions, commercial contracts for the sale of uranium were allowed to be negotiated before bilateral safeguards agreements had been negotiated with the consumer customer's government. Then programmatic, rather than case-by-case, approval for retransfers, enrichment or reprocessing of Australian uranium was permitted to governments that threatened not to buy our uranium unless such tedious redtape was modified. Flag swaps and book transfers were arranged to allow the *substitution* of Australian uranium held in one country by equivalent quantities of uranium held in another form in another country to save on expensive handling and freight charges. The doctrine of "equivalence" was introduced – Australian fissile material was a fungible commodity, which, like dollar notes put into a bank, could never be identified once it had entered the international nuclear fuel cycle.

Canberra's bureaucrats who are charged with tracing Australian Obligated Nuclear Material (AONM), routinely assure anyone who asks that none of these modifications has ever affected their ability to trace AONM and to ensure that it never enters nuclear weapons programs, clandestine or otherwise. But these assurances become unconvincing in view of the sheer quantities of AONM on world markets. According to its 2000-2001 Annual Report, the Australian Safeguards and Non Proliferation Office (ASNO) lists 19,000 tonnes of natural uranium, 19,600 tonnes of enriched uranium, 47,800 tonnes of depleted uranium, and 56 tonnes of plutonium as being held abroad. Scepticism grows when power companies in countries with which Australia has bilateral safeguards agreements, including Japan, admit that some of their nuclear materials is routinely mislaid or has gone missing.

Such assurances are further eroded when Australian nuclear authorities indulge in what Winston Churchill would have called terminological inexactitudes. One, claimed by the Safeguards Office, is that plutonium obtained from spent fuel from power reactors operated under normal conditions cannot be used in nuclear weapons. Others, asserted with various degrees of insistence by officials in the Australian Nuclear Science and Technology Organization (ANSTO), are that a reliable supply of radio pharmaceuticals from Lucas Heights is essential to prevent falling standards in public health, and that nuclear waste emerging from Lucas Heights reactors is “intermediate level”, not “high level” waste. From the office of the Minister for Science comes the assertion that all nuclear materials have been cleared up from nuclear weapons test sites at Maralinga.

None of these assertions is true. Their inexactitude is not reassuring to anyone who has objectively examined the issues involved.

Australia’s nuclear non-proliferation diplomacy

Australia gained its seat as South East Asia and Pacific representative on the board of the International Atomic Energy Agency (IAEA) in 1957. But because of our preoccupation with the possibilities of developing nuclear weapons, or “peaceful” nuclear explosives for making ports and harbours, or, in a notorious case involving Lang Hancock, in mining, we did not begin to develop a strong international profile for nuclear non-proliferation activities until 1972.

Our non-proliferation reputation grew during the Hawke years, beginning in 1983. The goad was the opposition of many in the Australian electorate to all forms of nuclear proliferation, and nervousness that Australian uranium exports might exacerbate the problem. To assuage these people while allowing Australian uranium sales to continue, Hawke’s Foreign Minister, Bill Hayden, came up with a number of palliatives – to appoint an Ambassador for Disarmament, negotiate an effective test ban treaty, outlaw chemical and biological weapons, contribute more to UN disarmament activities, condemn French nuclear testing in the Pacific, negotiate a nuclear free zone there, and establish a peace research institute at the ANU.

And so Australia’s non proliferation industry began in earnest. Several committed and capable Australian diplomats were involved in establishing Australia’s credentials in UN bodies and at the IAEA. While never losing sight of the American alliance, or of the constraints it imposed on Australian initiatives, our diplomats engineered or helped engineer some major non-proliferation achievements during both the Hawke and Keating governments, especially during the early 1990s. These included gaining the indefinite extension of the NPT in 1995, and international adherence for a comprehensive test ban treaty (CTBT) in 1996. In the same year, Keating initiated the Canberra

Commission, a major conference which examined practical ways in which, in a post-Cold War world, practical nuclear disarmament could be realistically achieved.

Have we maintained our non proliferation credentials?

The answer, if you share my view of the dangers of uranium and nuclear proliferation, is no. Since John Howard's election as Prime Minister in 1996, there has been a substantial degradation in our profile as a responsible international citizen – in nuclear matters as well as in others, such as human rights, the environment, refugees, torture, discrimination against women, and illegal military intervention in the affairs of other countries.

In all these areas, we have moved closer to the policies of the Bush Administration in the United States until the two become practically indistinguishable. Howard and his Foreign Minister, Alexander Downer, are uncritical of President Bush's revised military doctrines of preventive war, or what Condoleezza Rice calls "anticipatory self-defence". They have supported without question Bush's Nuclear Posture Review of 31 December 2001, and the National Security Strategy of 17 September 2002, which together lower traditional barriers to the use of US nuclear weapons, even against countries which do not have them. They have demurred in the mildest terms when the Americans refused to ratify the CTBT. They have expressed no concern that the United States may begin a new nuclear weapons testing program.

Howard and Downer have accepted with complacency Bush's decision to walk away from the ABM Treaty originally negotiated with the Soviet Union, but inherited by Russia, and have announced Australia's intention to participate even more comprehensively than under Hawke or Keating, in United States plans for a system of theatre missile defence and national missile defence systems. (Through Pine Gap and in other respects, we have in fact been involved in preparations for theatre missile defence for some years).

What Howard and Downer do not seem to appreciate is that Bush's protestations that such systems are solely directed at missile attacks by "rogue states" convinces neither China nor Russia that they will not also target them. As a result, these countries are already building more offensive missiles to maintain the credibility of their own nuclear forces. The Russians have quietly revived and expanded their nuclear bomber fleet, and reversed course on scrapping their multi-warhead SS-18s and SS-19s. With the demise of the START II Treaty, these missiles will remain the core of the Russian nuclear arsenal until at least 2016. By 2003, China had 400 nuclear warheads

in stock. Stimulated by an American theatre missile defence system which they see as targeting China, the Chinese can be expected to rapidly expand their stocks of warheads and delivery systems.

The Howard government has also supported Bush's efforts to isolate and diminish North Korea by labelling it a "rogue state", part of the "Axis of Evil", and by initiating the so-called Proliferation Security Initiative designed to intercept exports of missiles and WMD components from such states. By his efforts, and those of the neocons in his Administration, Bush has succeeded in destroying the Agreed Framework stand-off engineered in 1994 by his predecessor, President Clinton. He has goaded North Korea into walking away from the NPT, eject IAEA inspectors, and re-process its spent nuclear fuel. If North Korea is then incited to detonate a nuclear weapon to demonstrate that it has them, Japan and the Republic of Korea, Australia's second and third biggest customers for uranium, could also go nuclear. They may do so anyway. And if they do, they will almost certainly be using Australian uranium.

Of perhaps greatest concern has been how Bush's policies are likely to erode and will perhaps destroy the NPT. Non nuclear weapons states which previously supported the Treaty, including key forces for moderation, like Mexico, have become increasingly cynical at the way in which the United States, and to a lesser extent the other four recognised nuclear weapons states, ignore Article VI of the NPT. This states:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Indefinite extension of the NPT was achieved in 1995 only on the basis that the five nuclear powers would honour their end of the bargain, the price of that being that all nuclear non-weapons states would agree never to acquire or possess nuclear weapons of their own.

If the Australian government supports non-proliferation, as the DFAT web site assures the reader it does, why have not Howard or Downer engaged the United States in some kind of dialogue on how to bring the Treaty back on the rails? Why do they so uncritically accept, even agree to participate in, missile defence systems the utility and effectiveness of which are highly questionable, and which are likely to precipitate a regional arms race?

Alexander Downer talks about an "outcomes-oriented" foreign policy (as if no Foreign Minister before him wanted results in their foreign policies). Such words become dangerous toxic sludge if the outcomes his policies encourage are directly contrary to Australia's national interests.

A nuclear arms race in our region (or indeed any other region) of the world, would not be in Australia's national interest. A nuclear armed Japan, or South Korea, or Taiwan would not be in Australia's national interest. Attempts by the Russians or Chinese to maintain the credibility of their nuclear deterrence by building more and more nuclear weapons would not be in Australia's interest.

How our leaders can claim that in promoting the nuclear policies of the United States they are promoting Australia's interests, remains to me a mystery. Their credibility has fallen as far as that of the intelligence reports they use to substantiate their misguided policies in Iraq. Downer's flounderings and meanderings in particular remind me of one of Trudeau's Doonsbury cartoons, where the lecturer is telling an aspiring class of CIA operatives:

So that's the new standard! If the intelligence fits – no matter how thin – the White House wants it in! Be imaginative! Be creative! If we want another success like Iraq, we can't let plausibility get in the way of an Empire-friendly report!

Question – Sir? Are we bound by the laws of physics?

Answer – Only gravity. We need it to bomb.



Anne Summers



Dominique Hogan-Doran

Photos – David Karonidis

Anne Summers has long been one of the most vocal in the Australian Women's Movement – as activist, as Head Of The Office For the Status Of Women in the Hawke Government years and as a writer, magazine publisher and commentator. Her latest book, *The End Of Equality: Work, Babies and Women's Choices in 21st Century Australia* (Random) is based partly on the views of women who attended specially convened focus groups and argues that, in policy terms, many women in Australia have been delivered raw deals. Dominique Hogan-Doran is a Sydney barrister and immediate past president of Australian Women Lawyers. On Thursday 11 December 2003, Anne Summers addressed The Sydney Institute and Dominique Hogan-Doran responded.

THE END OF EQUALITY

Anne Summers

Thirty years ago we began a revolution in this country. It was a revolution that recognized the legal, social and attitudinal barriers to women achieving equality of opportunity and as it progressed – as these barriers were ripped away – I doubt if anyone in this country escaped the ramifications.

We were all affected. Some of us were pioneers and agents in this revolution – I certainly was myself. Others were beneficiaries, directly or indirectly, as educational opportunities widened, jobs that women once were not allowed to do became open, our incomes improved so that we had at least the possibility of economic autonomy *and* we had the means to control our fertility.

This opening up of opportunities benefited women of all ages and virtually all sectors of society. There really was a revolution in the *way* we women saw ourselves – and in how we expected to be seen and to be treated. Moreover, these advances not only changed women, they also changed men. And they changed relations between women and men – or they should have, because women's lives don't change so comprehensively without impacting on men's.

For 30 years we have seen progress towards equality – or so we assumed. If I can speak for myself, I had always been optimistic, even confident, that this was a revolution that was unstoppable and irreversible.

So it came as quite a shock to me to discover a year or so ago that in fact things were not as they should be, and that we had not merely stalled on our road to equality but that we were actually starting to go backwards.

This might seem hard to believe when all around us are visible signs of women's accomplishments – we see women in all kinds of great jobs, still breaking all sorts of barriers, doing amazing things. Yet you don't have to delve very far beneath the surface to discover that things are not so rosy. In fact, you could describe them as terrible, even shocking.

We cannot ignore the facts of our regression. Despite appearances to the contrary, the proportion of women in full-time employment has not increased in thirty years. More Australian women work part-time

than at any time in our past, and more than in any other country in the industrialised world. In a great many cases this is not from choice – they'd rather have full-time jobs – but because of the lack of childcare and other support for working mothers. As a consequence of working fewer hours most women do not earn enough money to support themselves.

Equal pay is a myth. Women are earning less, in relation to men, than they did a decade ago. Women's total average weekly earnings are just 66 per cent of men's. In May 2002 women averaged \$555 per week while men got \$839, and this was a larger gap than ten years earlier. At the same time, the number of women totally dependent on welfare has increased to an unprecedented degree.

There are now almost one and a half times as many female-headed sole parent families with children than there were at the beginning of the 1990s and two-thirds of them are totally reliant on government support. These families receive only about half the income of families with two parents where the women are more likely to be in the workforce, even if only part time.

There are now more divorced women aged over 60 than there are widows and many of these have limited means of support due to lack of superannuation and not yet being eligible for the age pension (due to the phase in of equal retirement and qualifying ages for men and women). As a result of all these factors, there are more women living at the economic margin, or in actual poverty, than ever before.

Many of the services women need in order to be able to participate equally in society, such as childcare, simply are neither adequate nor affordable. There is, in fact, a childcare crisis in this country, with estimates of a shortfall of as many as half a million places needed to meet the demand; in addition, the cost of care exceeds the means of all but the most well-off of parents.

It was reported recently that there are almost 2000 children under the age of two on waiting lists for childcare places in just two Sydney council areas alone. Even when you can get a place, the cost is so great that it often becomes the determinant of whether or not a woman continues to hold down a job. In Sydney an average place costs \$250 a week yet the maximum government assistance is \$137 a week – and to qualify for that your combined family income cannot exceed \$31,755 a year.

The average payment last year of the Child Care Benefit, the government's only assistance for childcare, was just \$28.12 per week. For many parents and, especially, for women who want employment, this crisis in childcare is a constant source of anxiety and even panic.

Women have precious little power in Australia in the early twenty-first century.

When we look at the powerful public and commercial institutions of our society, we see that their top ranks remain closed to all but a tiny fraction of women and even here the numbers seem to be falling. Less than ten per cent of the senior executives in our large companies are women. There is just one CEO of a top company who is female – Gail Kelly of St. George Bank – and only 8 per cent of the directors of Australia’s top 200 companies are women.

There has been a large increase in the number of women in state and federal parliaments – there are now 60 women in federal parliament, equalling 26.5 per cent of the total. But this increase in numbers has not been matched by a corresponding increase in their being appointed to leadership positions.

Ten years ago there were two women state premiers. Today there are none (although there is a woman chief minister – in the Northern Territory).

The increase in the number of women parliamentarians has not been accompanied by any noticeable improvement in the protection of women’s entitlements; indeed, the decline in women’s economic well-being and the roll-back in women’s rights has been taking place while the numbers of women entering parliament soared.

Then there’s the collateral damage. Women’s physical integrity and well being continues to be undermined by a huge and seemingly increasing incidence of sexual and domestic violence. Although we do not often link the subject of violence to the question of equality of opportunity for women, I feel it is high time we did.

I should tell you that in researching *The End of Equality*, I took the somewhat unusual step of commissioning some market research to help me understand how ordinary Australian women today see their lives. I felt that to just do the usual research, using published sources, newspaper reports, government documents, etc was not enough. I believe that there is also a lot to be learned from asking people what they think and in this instance, I believe the groups allowed me access to a wide-range of women whose opinions I would not otherwise have had access to.

It was these women who provided some of the language for this book, and they who gave me information and insights that I would not otherwise have had. They provided, if you like, a reality check. My book is not just what I think – it reports the views of ordinary Australian women speaking about their lives in all their complexity.

For instance, it was women from these groups who said that while they mostly enjoy being women in Australia today, they find their lives “hard” – and they were not talking about money. They were talking about the difficulties society now puts in their way when they want to exercise their choices about having jobs and also having kids. It was also these women who said that much of the violence women experi-

ence today is a result of men not being able to cope with women's independence and women's quest for equality.

In the book I call this phenomenon Payback, but the thought came from the women themselves – rather too many of whom seemed to know, from personal experience, what they were talking about.

Some of the women in my survey had grown up with domestic violence. “I lived in a house where domestic violence was always a Friday, Saturday night thing,” said a mother from Bathurst in the 30–40 age group. “That happened all my mum's married life and we just grew up with it. It was horrible but we grew up with it.”

Women are now willing to talk about such violence. Many of them expressed the view that there is no longer a stigma in admitting that it has happened, that there are now places to go to escape and services to help women rebuild their lives. Almost all the women were pleased that this was the case, and that there are now options for women who once might have had to just put up with it.

But far too many women *are* still putting up with it. And it is rare, even today, for a woman to be able to admit that it is happening to *her*. Yet it was clear from the tenor of many of the remarks made in the focus groups that such violence was still a factor in the lives of at least some of these women. One or two cringed visibly when the subject was raised.

The women in my survey had very strong and definite ideas about the causes of much contemporary violence by men against women. As I have said, they saw it as a form of payback on the part of men who simply cannot accept or cope with the women in their lives having greater freedom and independence.

These men responded to women having greater equality by trying to knock them down to size. “I think they feel they have lost control and the only way to get back up there is by putting the women down,” said a working mother, 33–39, from Sydney's west. “It's a top dog kind of attitude. That is the only way they are on top,” said another woman from the same area. “And they have friends that make them feel that it's comfortable or the right to do that.”

The last government survey on violence against women, in 1996, reported that 1.1 million Australian women had experienced some form of violence in a domestic relationship. This was equivalent to 23 per cent of all women who had ever been married or in a de facto relationship. Children witnessed the violence in almost half a million cases. Almost one-third of these women reported that violence had occurred during a pregnancy, and 14 per cent of these women said the violence had been inflicted for the first time when they were pregnant. Large numbers of Australian women's lives are being disrupted or even destroyed by such violence. Often this violence requires them to flee from the violent partner and thus become homeless. Yet what are

we as a society doing about this? Not much. We don't even know the full extent of the violence.

Just two years ago, in 2001, 13,500 women reported to police that they had been sexually assaulted. This was a large increase on the previous year's reporting but, we know from crime studies, it represents the mere tip of the iceberg as most such assaults go unreported. Using the formula for under-reporting adopted by the Australian Institute of Criminology, the actual number of women sexually assaulted that year was more like 90,500 – *about 248 a day*.

In 1975 I wrote in *Damned Whores and God's Police* that the incidence of rape in Australia had “considerably increased”: the number of reported rapes had more than doubled, from 251 in 1966 to 544 in 1972. In other words, the total number of rapes reported in Australia in 1966 is now about equal to the probable number of sexual assaults perpetrated on Australian women every day!

Back then, who could have imagined that in 2001 more than 13,500 women in Australia would report a sexual assault to police, and that this figure represented a nine per cent increase over the previous year, which in turn was nine per cent greater than the year before? Or that conviction rates for rape and other forms of sexual assault would be declining? This is another area where we are going backwards.

For all the reasons I have just outlined, I say we have reached the end of equality.

Although we never achieved full equality of opportunity between women and men in Australia, we did for a couple of decades at least have it as a national goal. It was up there on the political agenda and no prime minister, however conservative he – and the leaders were all, and still are, men – would have dared challenge its right to be there.

And, we *were* making progress. We could report encouraging statistics on women in the workforce, women's earnings, women's appointments to top jobs. This is no longer the case. We have stopped even having the national conversation about women's entitlements and women's rights. Instead, all the talk is of families, or mothers, and women, especially women who are mothers, are left to feel that that's the only part of their lives that is held in any esteem.

There is another concept I want to introduce today and that is what I call the breeding creed. This is the philosophy of procreation advocated by the federal government and other powerful agents in Australia who are panicking about our declining birth rate. That rate has fallen well below what is needed to reproduce ourselves, so that we now need to rely on immigration to increase our population.

The brunt of government policy towards women for at least the last seven years has been designed to reverse this decline by making it more difficult for women to hold jobs, even part time jobs, *and* have

children. The hope has been, apparently, that women would just give up any career aspirations and decide to stay home and have babies.

I was shocked to discover just how much federal government policy has been manipulated to penalise women with children who want to work, just as I can still scarcely believe that a prime minister in the twenty-first century would come up with a policy as cruel and regressive as the Baby Bonus. This policy is one of the powerful financial incentives that has been created to try to induce mothers to leave the workforce altogether. In order to qualify for the full Baby Bonus, a woman has to stay at home for five years!

I think we all know how hard it is to retain skills, qualifications and confidence in oneself after a five-year absence from employment. The women in my groups were appalled by this policy, which had just been announced at the time the research was conducted. They had no illusions as to its basic purpose. Here is ideology at work, an ideology that wants women to be breeders before they are anything else. Perhaps to the exclusion of anything else.

It is the breeding creed that has led to the end of equality. Instead of fostering a society where women can be mothers *and* be employed – and thus have an identity, not to mention an income, that is separate from their maternal status – the federal government has done everything in its power to impose on women who want to have children only one choice: that of fulltime motherhood.

Those women in my focus groups who were full-time mothers – and they made up about half of the women – even those who were very happy with their situation, all characterised this phase of their lives as temporary. None of them doubted that they would return to employment but many of them worried about how they would do this, whether they would have lost their skills and their confidence.

As a society, we should be acknowledging these fears – and helping women to maintain their skills. One way to do this, of course, would be to have a national scheme of paid maternity leave. Such a scheme acknowledges that women are “on leave” from their jobs. They have not been exiled permanently from the world of employment – which is what many women feel these days when they leave their jobs to have a baby.

Since the book was published and I have had further opportunities to talk about these issues with women, I have heard young women about to leave their jobs to have a baby talk about it as being like “a death warrant”. Or it being the “end of their lives”. I find it truly shocking that many young women today are made to feel this way.

For women in their late 20s or early 30s, the crunch really comes when their biological clock starts to collide with their career path. This is the age when most women who are going to have children start to plan for motherhood. Yet more and more women, especially those

with higher education and well-paying jobs, are recognising the high price demanded of them when they become mothers, and it is giving many of them pause for thought.

At least 25 per cent of young women today will not have children at all and they are most likely to be the well-educated, high earning ones who have so much to lose. It is women aged 30 and over with a university degree who have the lowest birth rate. Most women start out wanting and intending to have children. Why do we make it so hard for them? If we were really worried about the birth rate wouldn't we be making it as easy as possible?

That would mean acknowledging and creating policies that facilitate the fact that most women want to continue to have an economic life as well as have babies. Instead we try to force women into a strait-jacket – or what I prefer to call a “white picket prison”.

The birth rate has continued to fall since the breeding creed became official policy, which suggests that it is ineffective and even counter-productive. And it is illogical – as well as an ideological – approach. Women need to be aware, however, that unless we can change the thinking of our political leaders, even more coercive measures might be in store for them

Most women are not receptive to the breeding creed. They want lives that encompass a range of things – marriage, children, careers, travel and some time for themselves. But in pursuing these, they are paying a high price – emotional, financial and even physical – because our society has become one that penalizes women who want to be equal.

Yet the prime minister has the temerity to say, as he did to the *Sydney Morning Herald* last year, “We are in the post-feminist stage of the debate...I find that for the under 30s women...the feminist battle has been won. That is not an issue. Of course, a woman has a right to career. Of course, women are as good as men. Of course, they are entitled to the same promotion and they can do it as well. Of course. That is accepted.”

If only it were so.

This is the same man who bragged on the *Sunday* program earlier this year that we now “effectively” have income splitting in this country. This is a tax policy that penalizes couples where both partners work. This is the policy where millionaires with stay-at-home-wives do not have their family payments income-tested, whereas battlers who need two incomes to bring home \$35,000 are subject to brutal income testing. This is post feminism? This is equality? This is fair? Only on Planet Howard.

My book does not pretend to find answers. Its purpose is to hold up a mirror to our national life and to show things how they really are, not how we imagined them to be or hoped they were. Today I have

been able to give you only a few glimpses of my arguments and my findings. You will find much, much more in the book itself.

In the book I ask the big questions, questions that we thought no longer needed to be asked. Unfortunately, as I have tried to demonstrate, that need is in many ways greater than it ever was. Once I got over my surprise, what I discovered made me angry. I suspect that many who read the book will have a similar reaction. I don't want people to get depressed from reading it – I want them to get active.

In my final two chapters, I have suggested various forms of action we can take to try to restore equality to the national agenda. To get women back onto the political radar. I have also recently established a website where all these same suggestions for action are “up” – and clickable. It's easy to find. Just go to www.annesummers.com.au There is a “Don't Get Mad, Get Justice” button which takes you to all sorts of suggestions for action – from emailing politicians to boycotting companies that are unfair to women.

The issues and questions I have raised in *The End of Equality* are big ones. We need to talk about them, debate them, get them back on the political agenda so we can restore equality as a national goal. I have been surprised and disappointed that this debate has not yet started. I had hoped the book would generate a lot of discussion and disagreement. That it has not is quite ominous. Does it mean that as a society we really don't care any more about the fate of women?

I believe there is a huge need to know how our choices are being manipulated and restricted in ways that are so unfair, especially unfair to women.

I believe – perhaps naively – that the only hope of stopping, and then reversing what is happening is for people to know about it. Information ought to be the first step towards change. I invite you all to become part of that process of change by raising these issues. If we can reverse the end of equality I believe we will *all* be better off.

KEEPING GENDER

ON THE AGENDA

Dominique Hogan-Doran

As one of the beneficiaries of the revolution led in no small part by Anne Summers, I am delighted to follow her comments here tonight.

As Keating's biographer Don Watson observed, Anne has the capacity to make debate about women's issues "more robust, less precious and slogan riddled". All this whilst reportedly storming the corridors of power in "mini skirts, white stockings, high heels and startling vermilion lipstick"! Anne first began bringing her energy and ideas to this debate a generation back. We need that energy and those ideas again.

Legal profession

Looking at the legal profession, there is no end of (formal) equality for women. But the hope that the passing of time alone would bring substantive equality has not yet been realised. In more than 200 hundred years of legal history, it was only last month that a woman was appointed as a Chief Justice to a Superior Court in Australia. That was Justice Marilyn Warren, now the Chief Justice of Victoria, and universally acknowledged as an outstanding appointment.

I want to share with you an anecdote. Her Honour's appointment was one of a number of female appointments made by the Attorney General of Victoria this year – including a number of women appointed senior counsel, known, affectionately as "silk" (or less charitably, "nylons"). A leading Melbourne silk was apparently attending a function to celebrate the appointment of one of the male silks. He commented on the apparently large number of new female silks and judges that, "It is obviously an advantage for candidates not to have testicles."

The ensuing uproar caused him much angst as I understand it.¹ (But to show we have a sense of humour, a good friend *and female silk* in that state emailed me and said: "What makes him think that we don't have testicles?") However inappropriate and wrong his comment, underlying it was this extraordinary notion: that far from

the glacial progress we have come to expect in this area, things are now going too far, too fast!

Identity

Like the young Sydney lawyer referred to in Anne Summers' book, I too was judged differently, by some, when I returned to work after our first child was born. But I was also confronted by how I would come to regard myself. I had returned to a career that threatened to run parallel yet separate to the domestic path. It seemed that it would only be in the professional sphere that I could gain skills, recognition and a separate identity.

But like most women I know, I won't accept attempts to subsume all my choices and ambitions into a work *or* motherhood mentality. My priority is to try to synthesise these disparate paths.

I want to acknowledge that the experience and skills of each one adds value and meaning to the other. So that involves a readjustment and reassessment by women of themselves – and by others.

These *are* issues for men and the work-life balance issue (whatever that slogan may mean) *is* an issue for us as a community of professionals, and of citizens.

There is no doubt that parents across our industry are exhausted. Their children wonder whether they will be home early tonight (for a change)? They miss out on school prize giving because they are desperate to win a crucial new client in a depressed and anxious market. They get up at 4am to answer emails before their youngest rises at 6 for breakfast and play. This is not mere rhetorical flight – each of these has happened in my own family in recent weeks. We all make choices and sometimes the tradeoffs are unsatisfactory, even unpalatable. There is simply no easy answer.

Gender warming

Underlying Anne's book is the argument that in fact the glaciers are retreating – a sort of *gender warming* that threatens the existence of working women as a recognised and accepted species. So is this because suddenly equality is no longer on the agenda?

As Anne describes it, current public policy approaches to women's issues are designed to develop a "breeding creed".

If that's the problem, my response to it is two fold.

In the absence of a counter public policy vision, women generally and particularly those in positions of influence particularly must:

- first, spread the message within our own families and communities to stem the emergence of any solitary "breeding creed" – such as pushing the role and responsibility of fathers as equal partners in the child rearing process.

- secondly, adopt some practical measures through public-private partnerships (to necessarily adopt some current jargon) that recognize the cost and realities of caring for children.

The underlying thrust of this is that there ought to be a shared commitment and responsibility to women in work by our community as a whole.

Women at the Bar

During my term as President of the Australian Women Lawyers, we sought to put gender well and truly back on the agenda.²

I think that has been successful – in as much as that the profession's leaders are now in furious agreement that they should be – and be *seen* to be – supportive of women. Indeed, in demonstration of that, the Law Council of Australia has enthusiastically declared that gender inequity is its “first priority”.³

The real debate is, as you would expect, carrying on in a far more subtle way. Some urge caution; others are impatient to remedy structural and systemic inequalities. I would like to see that debate become more robust, less precious and slogan riddled than it has been to date.

We ought to care as a community about women at the Bar. That is because the Bar is, and is quite likely to continue to be, the pool from which most judicial appointments are drawn.

The diversity and representativeness of our judiciary goes to the heart of the legitimacy of those institutions. We have no prospect of making any kind of substantial inroad into achieving that democratic objective if we do not find a way to get more women a seat at the bar table.

Today, in Australia women make up 50 per cent of law students, 40 per cent of legal academics and over 30 per cent of practicing lawyers. That is a situation reflected in most western democracies.

But the level of female participation and promotion at the Bar has been dismal. One of the consequences of this has been that there is no gender equality on the bench either.

To some extent Anne Summers is right when she says women are shunning the NSW Bar. Sometimes it is not hard to see why – but among its attractions is an appealing mix of flexibility and independence as well as stimulating variety of work.

Over the last ten years there has been no change in the number of women coming to the bar – on average they make up to 25 per cent of each twice-yearly intake. There has been no substantial rise in our overall number – we still make up only 14 per cent of the almost 2000 barristers.

And then, when we consider the work we actually get to do, we are not being briefed to the extent that our seniority and experience appear to warrant. Our promotion prospects are dim too. Only nine

women are silks. Male silks make up the other 97 per cent, although remember that men only make up 86 per cent of the bar in total. And our attrition rates are lamentable; women leave the bar more quickly and in greater numbers than do men.

So what have we done at the Bar? On the supply side, we've set up:

- visits by young university women to sow the seed of a career in advocacy;
- an emergency child care scheme to provide a back up when all else fails;
- mentoring schemes to foster and keep women at the bar;
- discrimination policies to make life at the bar less forbidding.

And why? Because this is not just about sharing responsibilities but also about breaking the male stereotypes of the bar – let's get those trail blazers started!

But fostering the demand for women barristers is our greatest challenge. The Victorian and NSW Bars agree that it is in the interests of clients that the best and the brightest are briefed to appear.

So it is no surprise then that our new Bar President has said that advocacy is at its purest form an intellectual exercise where hormones and chromosomes have no relevance".⁴

Whilst true, it nonetheless contained a crucial yet unacknowledged assumption. The problem is that barristers can't practise "advocacy at its purest" unless and until they have a seat at the bar table.

Choosing barristers requires a well-informed market. Women are small in number, we lack visibility, so we may not be immediately called to mind. Sometimes, prejudice simply excludes women from consideration at all.

What is needed is equality of opportunity briefing policies designed to address these fundamental issues – that means identifying women barristers and giving genuine consideration to briefing them.

That is not a call for special treatment, quotas or even affirmative action. And in my view, it simply makes good sense.

That's the work we do. The other problem we have is attrition rates and finding ways to make the Bar more appealing as a workplace for not only mothers but parents generally. The take up of part-time work is poor. Women in the legal profession are three times less likely to work part-time than women in the general workforce. We should recognise and accept that there can be part-time practice, even if only for a time. But you need to take the long view and be open to innovation.

Where to?

I am personally happy to accept Anne Summer's challenge "don't get mad. Get justice". We can:

- run a concerted campaign to get it on the agenda of the various bar associations, law societies, and governments;
- use the buying power of state and federal governments to drive cultural change through the legal profession and eliminate bias against women lawyers;
- eliminate the individualised financial burden of the cost of care and treat them for what they are – a community contribution – by allowing those costs as a tax deductible expense;
- call for public/private partnerships in the CBD area for child care attached to our local hospitals and schools, and so
- bring our families closer to us and us closer to them.

These are some of my ideas. Let's have that robust debate, without slogans or dogma.

With the commitment of women and men of good will and foresight, I believe we can do it.

Endnotes

1. "Top silk apologises over bias comment" *The Age*, 27 November 2003.
2. See www.womenlawyers.org.au and links to media reports.
3. "A level playing field for Australian Lawyers" Media Release 7 December 2003 available at www.lawcouncil.asn.au/read/2003/2388554493.
4. Bar News, Summer 2003/2004 reported in "Don't mention the hormones, female lawyers told" by Michael Pelly, *Sydney Morning Herald*, 9 December 2003.



Antony Green



Mary Easson

Photo – David Karonidis



Grahame Morris

To begin the federal election year, The Sydney Institute held a discussion of the issues and political outlook with three well known commentators on Tuesday 20 January 2004. Addressing a capacity audience, ABC election analyst Antony Green, former Labor Member for the federal seat of Lowe Mary Easson and former adviser to Prime Minister John Howard Grahame Morris surveyed a refreshed political landscape with the election of Labor's new leader Mark Latham, and reflected on their expectations for the year ahead.

2004 – THE POLITICAL

OUTLOOK

Antony Green

Since the election of Mark Latham to the Labor Leadership, there has been a lot of talk about generational change. This point was brought home to me when I checked Latham's date of birth. I was shocked to discover that the alternative Prime Minister of Australia was younger than me. Now you might think this is more mid-life crisis on my part than evidence of generational change in politics. However, on checking, I also realised that John Howard is actually a year older than my father.

So while the electorate as a whole may not take seriously the idea that the 2004 offers the chance for generational change in politics, I think you can understand why on a personal level the issue has some resonance with me.

The Coalition's current advantage

Prime Minister Howard won the 2001 election thanks to three factors. The first was the short term defence and immigration issues that flowed from the Tampa incident and the September 11 terrorist attacks. While these factors have provided a long term boost to positive perceptions of John Howard, I would expect these issues to be less of important at the 2004 election, barring some unforeseen event.

The second factor is the medium term issue of economic management. The memory of high interest rates in the early 1990s is still potent in the outer suburbs of Australian cities. With the exception of Perth, Labor has failed since 1996 to recover seats in the mortgage belt. That is why the Coalition won the 1998 election with just 49% of the two-party preferred vote. Unless something goes wrong with the investment property market in the next six months, this will be the biggest issue Labor has to overcome if it hopes to win the 2004 election.

The third factor on which the Coalition's majority rests is the Coalition's dominance of voters aged over 60. At the 2001 election, AC Nielson polling showed this to be the only age group in which the Coalition scored a majority of the two-party preferred vote. I like

to think of this group as the Menzies to Howard generation. Most developed their political attitudes in the era of Menzies Prime Ministership, and John Howard speaks their language. The Coalition will face a problem with maintaining its huge lead amongst older voters once John Howard retires. Time will also eat into the Coalition's lead, as the simple passage of time sees more of this older conservative cohort depart the electoral roll.

In the first quarter of 2001, when the Coalition lost the state elections in Western Australia and Queensland, as well as the Ryan by-election, the Coalition's lead amongst voters aged over 50 fell to just two points according to Newspoll. That was the smallest gap in more than a decade. It is no wonder then that the May 2001 budget spent billions getting older voters back on-side with the Coalition. I do not expect many desertions to Labor from older voters at the 2004 election.

To my mind, barring some new defence issue arising, the federal election will be decided by the second issue above – that is how issues play in the mortgage belt. Will the government continue to dominate these seats on the back of good economic management, or will Labor be able to make problems in health and education into the key issues?

At this stage, I would say Mark Latham has made a good start, for two reasons. First, he has re-energised Labor's support base. I no longer expect that Labor will be troubled by voters defecting to vote for the Greens. Second, he has started to try and define his own position on issues rather than jostle to stand in John Howard's shadow. Labor's huge mistake in 2001 was to try and campaign on health and education having first accepted all the government's existing spending priorities. This gave Labor no rhetorical room, and equally importantly no spare government revenue, to set out its own priorities in these areas. Then along came the Tampa and September 11, and Labor was trapped into looking like simply a pale shadow of the government.

Looking beyond the 2004 election, the aging profile of conservative voters is a serious challenge for the Coalition. I know everyone in Canberra keeps writing about the weakness on the Labor side of politics, but you don't have to look very long at Liberal Party oppositions and party organisations in the states to understand that the real political weakness currently lies on the conservative side of politics. As Premiers like Bob Carr and Steve Bracks have shown, if Labor starts to do well in the mortgage belt, then there is not much room left for the Coalition.

Back in 1970, when Labor was out of government federally and in every state, political scientists wrote that Labor could not win elections because of its failure to win support from young voters and migrants. That sounds a strange statement to modern ears, but the

fact that Labor has consistently bested the Coalition with younger voters for three decades is one of the reasons why a demographic advantage is building up for Labor

It is without doubt that John Howard has dominated federal politics since elected Prime Minister in 1996. The question is, why he has not been able to turn this dominance into the sort of electoral dominance achieved by Labor premiers? Perhaps because federal politics is different, and perhaps people take their federal voting decisions more seriously. However, what you are seeing in the states is a trend which I suspect will be repeated when the Coalition eventually loses federal office.

However, this is a question that is for after the next election. The question for today is where will this election be decided? Let me do a quick run-through of all the states. I'll do it in the reverse to the normal pattern, starting with the smallest Territory and moving to the largest state.

There are 78 seats in New South Wales and Queensland combined. Labor holds just 26 of those seats to 48 for the Coalition, with three Independents and one Green. There are 72 seats in the rest of the country, where Labor holds a majority over the Coalition of 37 seats to 35. John Howard's current majority is built north of the Murray, in Rugby League territory where he feels most at home.

Northern Territory

Last weekend, the Northern Territory's Labor Chief Minister Clare Martin, welcomed the first goods train to Darwin on the new north-south rail link.

I am not sure which part of the above statement I find more remarkable, the fact that the rail link has finally been built, or that the Northern Territory has a Labor Chief Minister. At the time of the first Territory election I covered in 1994, the prospects of either event occurring within a decade appeared quite remote.

After 80 years with only a single MP, the 2001 election was the first at which the Northern Territory elected two MPs, the Darwin based seat of Solomon (CLP 0.1%) being won by the Country Liberal Party's Dave Tollner, while Labor's sitting MP Warren Snowdon won Lingiari (ALP 5.3%). However, the Territory was 300 people short of justifying a second seat at the February 2002 determination date. At this stage, the two seats will be re-combined into a single Northern Territory seat with a Labor margin of 2.5%.

However, both sides of politics have decided this is a bad thing. Labor thinks it can win the second seat, the Country Liberal Party that they can hang on to Solomon. A bill will be introduced into the Parliament in the New Year to re-create two Territory seats, returning the House of Representatives to 150 members.

Australian Capital Territory

There are only two seats in the ACT, and both are safe for Labor. The southern electorate of Canberra (ALP 9.4%) is held by Annette Ellis, and northern Fraser (ALP 12.7%) by frontbencher Bob McMullin. Labor will retain both seats at the federal election.

An election is due for the ACT Legislative Assembly on 16 October 2004. If a federal election has already been called for that date, the ACT election will be delayed until 4 December.

The ACT has two Senate seats, one Labor and one Liberal. You only need 33.3% of the vote to win a seat, and in the past, while the Liberals have sometimes fallen short of that quota on primary votes, they have easily been elected on preferences. Labor always has well in excess of a quota, but never enough to win both seats.

At the 2004 election, local Greens MLA Kerrie Tucker will contest the Senate, and there has been talk she could win a seat. That would require the Greens to take votes from the Liberals rather than Labor, not the usual pattern at recent elections. I suspect the Greens will poll well, but not eat into Liberal support enough to break the major party's ACT hegemony.

Tasmania

Despite its small and relatively declining population, Tasmania retains five seats in the House of Representatives courtesy of being one of the original states at Federation. As the state uses the same electoral boundaries for the House of Representatives to elect five members per seat to the local House of Assembly, voter familiarity with their electorate and elected representatives is higher than anywhere else in Australia. Enrolments for Tasmanian electorates are a third lower than for seats on the north island.

Between 1975 and 1987, the Liberal Party held all five Tasmanian electorates. It was reaction to the Whitlam Government that first delivered this full house to the Liberal Party. The Franklin Dam dispute in the early 1980s and the rise of the Greens also ended five decades of Labor dominance at the state level, the party split hopelessly and in 1992 recording 28.9% of the vote. For a decade, the Liberals under Robin Gray captured much of Labor's traditional blue collar support that was wedded to the old policies of hydro-industrialisation. Labor looked as though it could wither away in Tasmania, until the Burnie paper mill industrial dispute in mid-1992 re-created an old fashioned class battle. Six months later, Labor made dramatic advances at the 1993 federal election.

Just a decade later, it is Labor that is dominant and the Liberal Party in the depths of despair. In August 1998, Labor won government under Jim Bacon, a very old style union leader. Five weeks later

at that year's federal election, Labor won all five House of Representatives seats. In July 2002, the Bacon Government was re-elected with 51.9% of the vote to the Liberal Party's 27.4%.

These dramatic shifts in Tasmanian vote owe much to the rise of the Greens. It appears many voters are prepared to vote either Labor or Liberal depending on which is most likely to be able to govern the state without Green support. Tasmania remains the Greens political heartland, and the party has significantly changed the political debate even though it has never held the reins of office.

Tasmania is currently undergoing an economic miracle. A state that seemed to have entered a period of population decline with permanent double digit unemployment rates is now booming on the back of rising property prices and a tourism boom. The Tasmanian Liberal Party is a shadow of the party so dominant in the 1980s and early 1990s.

If the Liberal Party does recover between now and the election, the seats to watch are Launceston based Bass (ALP 2.1%) and the north-west coast seat of Braddon (ALP 6.0%). Baring unexpected retirements, there appears little chance of the Liberal Party winning either of Franklin (ALP 8.0%) or Lyons (ALP 8.2%), and even if Duncan Kerr chooses to retire, Labor will have no problem holding Denison (ALP 14.3%).

The real interest may well be the Senate. It is highly likely that the Greens Christine Milne will win a seat. The question is whether Brian Harradine will continue his long career or retire. His vote has been falling for two decades as his support base ages.

South Australia

Like Western Australia, the Labor Party's two-party preferred vote declined at every election from Bob Hawke's victory in 1983 until Paul Keating's defeat in 1996. On leaving office, Labor's two-party preferred vote stood at 42.7%, the party winning only 2 of the state's 12 House of Representatives seats. The swing back in 1998 took Labor's two-party vote back to 46.9%, but this was still Labor's third worst result since the war, until Labor's support fell again to 45.9% in 2001. Labor currently holds three seats, having gained the southern Adelaide seat of Kingston in 1998.

Two important political events have taken place since the 2001 election. First, the February 2002 state election brought Labor to power under Mike Rann. Labor only achieved office with the help of conservative Independents, and still lacks a parliamentary majority. However, Mike Rann has astonished the knockers by becoming a popular Premier, while the Liberal opposition has almost disappeared from view.

The second event has been the redistribution that has reduced the number of seats in the state from 12 to 11. The safe Labor northern Adelaide seat of Bonython has been abolished. However, the previously safe rural conservative seat of Wakefield has been re-drawn as a marginal Labor seat based on the northern fringe of Adelaide and rural areas to the north

On the new boundaries, Labor has two marginal seats. The Labor margin in the southern Adelaide seat of Kingston (ALP 1.3%) has been cut in half. On its new boundaries, Wakefield (ALP 1.3%) is a marginal Labor seat rather than the safe Liberal fiefdom currently represented by retiring House of Representatives Speaker Neil Andrew. Labor should retain both seats.

The problem for Labor in trying to gain seats in South Australia is that all three are held by well known hard working and popular female MPs. First there is the central seat of Adelaide (LIB 0.6%), where Trish Worth's hard work can be measured by the fact that she trailed on election night in 2001, but polled spectacularly well on postal and absent votes. In Adelaide's western beachside suburbs, Chris Gallus has an equally enviable record as a marginal seat MP in Hindmarsh (LIB 1.0%). The third seat is in Adelaide's north-east mortgage belt, where Trish Draper holds Makin (LIB 3.7%), having increased her majority in 2001.

Western Australia

Western Australia often gets overlooked on election night. Summer elections leave the state three hours behind the east coast, so by the time the sun starts to slide towards the Indian Ocean and the polls close, the fate of government has usually been decided "over east". Only in close elections, like 1998, have we had to wait for the first trickle of returns from the west to make sure of who will form government.

Labor's high point in Western Australia occurred in 1983. Malcolm Fraser called the snap election at a time when the Western Australian branch of the Liberal Party was half-way through a state election campaign it was doomed to lose. In the space of a fortnight, Western Australia elected first Brian Burke as premier, and then Bob Hawke as prime minister. Labor won 55.0% of the two-party preferred vote in the west, and 8 of the 11 seats. However, Labor's two-party vote then fell at every election until 1996 when it recorded only 44.0% of the two-party vote and won just 3 out of 14 seats.

After thirteen years of Labor decline, the 1998 election produced major changes in the west, with half the seats in the state changing hands. Labor regained the four seats it had lost to the Liberal Party at the two previous elections, while the Liberal Party gained the three seats won by Independents in 1996. By contrast, the 2001 election was

relatively uneventful, with the Liberal Party re-gaining the seat of Canning.

Six seats will be worth watching at the 2004 election, two held by the Liberal Party and four by Labor. With the Gallop government consistently the least popular Labor government in the country, Western Australia is one state where Labor is realistically in danger of losing seats. If it is a close election, then we may yet be awaiting the results from seats in the West.

Based in Perth's south-eastern suburbs and rural areas further south, Canning (LIB 0.4%) is held by Liberal Bob Randall, winning by just 530 votes in 2001 after previously representing Swan 1996-98. Safer on paper is the vast electorate of Kalgoorlie (LIB 4.3%), covering more than 2.2 million square kilometres, and held since 1998 by Liberal Barry Haase. Labor's strength in the seat has been weakened in recent years with the gradual replacement of mining towns by fly-in fly-out mining operations, and also by unrest over the operation of the Native Title Act.

Labor has four key seats, all in metropolitan Perth. In the northern suburbs, Stirling (ALP 1.6%) is held by Jann McFarlane, while the popular Graham Edwards holds neighbouring Cowan (ALP 5.5%). Edwards was one of the few Labor MPs to increase his margin in 2001. Across the Swan from the Perth CBD is Swan (ALP 2.0%) represented by Kim Wilkie. To the east along the edge of the Darling Range lies the new seat of Hasluck (ALP 1.8%), created in 2001 and won by Sharryn Jackson.

Queensland

While the success of the Coalition at federal elections offers a contrast with Labor in power in every state and territory, probably no state offers a starker contrast than Queensland. Since the end of 32 years of conservative state government in 1989, Labor has been the dominant player in state politics, governing for 12 of the last 14 years. State factors have seen a slow wasting of the once dominant Queensland National Party machine, and the decline of the state Liberal Party is equally dramatic. Yet despite Labor's state dominance, the Liberal Party has dominated Queensland at the last three federal elections.

It seems that any swing at a federal election is magnified in Queensland. Twice since the Second World War, Labor's two-party preferred vote in Queensland has fallen below 40%, in 1975 when Labor won just 1 of the state's 18 seats, and again in 1996 when Labor won only 2 out of 26 seats. The two-party swing against the Keating Government was 8.7% in 1996, Labor even losing Oxley to disendorsed Liberal candidate Pauline Hanson.

Labor's improved position in Victoria since 1980 has meant Queensland has become Labor's weakest state. Only twice since

the Second World War has Labor won a majority of the two-party preferred vote north of the Tweed. The first was in 1961, when Labor's gain of eight seats came close to making Arthur Calwell Prime Minister. The second was in 1990, when for the second election in a row, Labor gained seats in Queensland.

After doing relatively well in Queensland between 1987 and 1993, the tide finally went out for Labor in 1996. The campaign in Queensland began badly, as the first two weeks of the campaign were dominated by the Mundingburra by-election and Wayne Goss's resignation as Premier. Labor lost 11 federal seats in 1996, winning only Brisbane and Rankin. Since then, only Bowman, Capricornia, Griffith, Lilley and Oxley have been recovered. Dickson was won narrowly in 1998 by Democrat defector Cheryl Kernot, but lost spectacularly in 2001.

A redistribution in 2003 has given Queensland a 28th seat, named after Australia's first Indigenous Senator, Neville Bonner. It has a notional Labor majority, but the change in boundaries means that the neighbouring Labor seat of Bowman becomes marginal Liberal.

As the only state to retain three year terms, Queensland elections have had a habit of providing a lead in to federal polls. The dramatic rise of support for Pauline Hanson at the June 1998 state election caused a significant change of tactics by the Coalition in the lead up to the October 1998 federal election. The Beattie landslide in February 2001 also changed the political landscape by altering the pattern of expenditure that eventually emerged from the May 2001 budget.

Leaked Labor Party polling suggested Labor faced a wipe-out in Queensland under Simon Crean. This now looks unlikely. However, if Labor were to go backwards, the key seats are inner-city Brisbane (ALP 1.0%), the new inner-eastern seat of Bonner (ALP 1.8%), southern suburban Rankin (ALP 2.4%) and Wayne Swan's inner-north side seat of Lilley (ALP 4.6%).

The most marginal Liberal seat is northern Herbert (LIB 1.5%), held by Peter Lindsay and consisting almost entirely of the Townsville metropolitan area. Further south, Hinkler (NAT 2.2%) based on Gladstone and Bundaberg was the government's most marginal seat in 2001, won by just 64 votes, though the addition of more rural areas in the redistribution has boosted the margin of sitting MP Paul Neville. Longman (LIB 2.5%), based on Caboolture between Brisbane and the Sunshine Coast, will be a tough contest for Employment Services Minister Mal Brough, and expect Dickson (LIB 6.0%) just to the south to be tougher for Peter Dutton without the presence of the Kernot factor. The inner Brisbane south side seat of Moreton (LIB 2.6%) has been held by Gary Hardgrave since 1996, and his margin has been halved by the redistribution. Teresa Gambaro has also held

Redcliffe and northern Brisbane based Petrie (LIB 3.5%) since 1996. The redistribution has also made Bowman (LIB 3.1%) a marginal Liberal seat, the sitting Labor MP MP Con Sciacca now contesting Bowman.

Little change is expected in Kennedy (IND 19.7% vs ALP), where Bob Katter was re-elected in 2001 after resigning from the National Party. In the far-flung corners of northern Queensland, the statements of maverick MPs like Katter are viewed as virtues rather than eccentricities.

Victoria

Traditionally, Victoria had always been the Labor Party's weakest state. The local branch of the Labor Party has normally been further to the left than its interstate brethren, leaving the Liberal Party and its Deakinite "small-L" Liberal traditions to dominate the middle ground of the state's politics. The great Catholic-Labor Party split in the mid 1950s was also much deeper in Victoria, with the preferences of the breakaway Democratic Labor Party responsible for the Labor Party's poor performance for two decades after 1955. At the 1969 federal election, when the failure of Labor to make gains in suburban Melbourne prevented Gough Whitlam leading Labor to victory, Premier Henry Bolte dubbed his state "the jewel in the Liberal crown". The result led to federal intervention in the Victorian branch of the Labor Party in 1970, a move that began to pay dividends for the party later in the decade.

The 1980 federal election was a turning point for Victorian politics. Labor gained seven seats, winning more than half the seats in Victoria for the first time since the war and pushing into the traditional Liberal Party heartland of Melbourne's eastern suburbs. Under Bob Hawke, Labor dominated Victoria at the 1983, 1984 and 1987 federal elections before the financial disasters of the Cain government cost Labor 10 seats in 1990. Labor's vote has recovered back to the levels of the mid-1980s, but Labor has not received the same return in seats. Labor has not regained the marginal seats in Melbourne's east. As a comparison, Labor won 53.5% of the two-party preferred vote in 1998, a better result than in 1984. Yet Labor won only 19 out of 37 seats, where in 1984 it had won 25 out of 39 seats.

Since the last federal election, the Bracks Government was re-elected in a November 2002 landslide. Labor swept the state, a red tide sweeping across Melbourne's east and lapping up against the Dandenongs. For the first time in history, Labor won effective control of the state's Upper House, and has since passed legislation to completely reform the chamber. Most people from outside of Victoria, not aware of the state's political history, would not understand quite how dramatic Labor's victory was in 2002.

The question is, will this new Labor dominance flow through to the federal election? In 1996, as John Howard won office, Labor recorded a majority of the two-party vote in Victoria. In 2001, Victoria did not show the dramatic swings to the Coalition evident north of the Murray, and Labor gained the marginal seat of Ballarat. What will happen this time?

There has been a redistribution in Victoria since the 2001 election which has cost Labor a seat. The marginal Labor electorate of McMillan has been significantly re-drawn and now has a notional Liberal majority. The National Party's hold on the neighbouring electorate of Gippsland has been significantly weakened as a result. The marginal Labor electorate of Burke has been abolished, replaced by the new and very safe Labor electorate of Gorton.

If things go pear-shaped for the Labor Party, there are three seats worth watching. In the eastern suburbs, Anna Burke holds the marginal electorate of Chisholm (ALP 2.7%). The regional seats of Ballarat (ALP 3.2%) and Bendigo (ALP 3.6%) remain marginal, but Labor's vote in these regional centres has increased remarkably in the last decade at both federal and state level. With the change of Labor leadership, the chances of Labor losing seats now looks to be diminished.

There are four key seats for the Coalition outside of Melbourne. Stretching from Melbourne's northern fringe up into Central Victoria is McEwen (LIB 2.2%). Held by Fran Bailey, she knows what it is like to defend a marginal seat, having first won the seat in 1990, been defeated in 1993, and held the seat again since 1996. Covering southern Geelong and areas south and west along the Great Ocean Road, Corangamite (LIB 5.4%) looks like a traditional Western Districts Liberal Party seat, and is held by a traditional Western Districts Liberal in Stewart McArthur, but has a surprisingly small margin. Labor did well in the area at the 2002 state election.

The two remaining key regional seats lie in Gippsland. Traditionally, McMillan (LIB 2.9%) has contained all the industrial towns of the LaTrobe Valley and been marginal Labor, while surrounding Gippsland (NAT 2.6%) has been rural and safe for the National Party. Now the new boundaries split the LaTrobe Valley towns, Morwell and Traralgon in Gippsland and Moe and Warragul in McMillan. Instead of being a Labor seat with margin of 2.5%, McMillan is now a notional Liberal seat, while the buffer of National Party Minister Peter McGauran's seat of Gippsland has fallen from 8.1% to 2.6%.

The rest of the attention will lie with the Liberal marginal seats in Melbourne's east. The most marginal is Deakin (LIB 1.6%) held by Phillip Barresi. LaTrobe (LIB 3.7%) in the Dandenongs is interesting with the retirement of its MP Bob Charles and Labor's pre-selection of former state Independent MP Susan Davies as its candidate.

Dunkley (LIB 5.2%) is based on the mortgage belt around Frankston in Melbourne's south-east. Beyond those three, Aston (LIB 6.0%), Casey (LIB 7.2%) and Flinders (LIB 7.4%) were marginal at the 2001 election, but now look safer barring a collapse in the Liberal vote.

New South Wales

With one-third of the seats in the House of Representatives, New South Wales is always critical to the result of a federal election. It is nearly impossible for either side of politics to win if they do badly in New South Wales. Conversely, a good result in New South Wales can cancel out poor results in the smaller states, and the size of a government's majority is often determined by how many seats it can win in NSW. The last occasion on which a government was elected without a majority of seats in New South Wales was 1961, and then the Menzies government was re-elected with a 2 seat majority.

The last four federal elections have seen a seismic shift in party fortunes in NSW, from a Labor landslide in 1993 to Coalition dominance in 2001. In 1993, Labor achieved its best two-party result in the state since 1974 with 54.4% of the state-wide 2PP vote, winning 33 of the 50 seats, proportionally Labor's best post-war result. Then on the defeat of the Keating Government in 1996, the two-party swing against Labor was 7%, delivering only 20 seats, the worst result for Labor in both vote and seat terms since the defeat of the Whitlam government in 1975.

NSW has produced the largest swings at the last two federal elections, 5% to Labor in 1998 and 3.2% back to the Coalition in 2001. But rather than the vote and swing, the most significant factor in NSW since 1996 has been the Coalition's ability to hold on to its marginal seats. Of all the seats won by the Coalition in 1996, only Lowe has returned to the Labor fold, while Paterson was re-gained in 2001 after being lost in 1998. The Coalition has even improved its position, winning the last of Sydney's outer suburban seats in Dobell in 2001, and hanging on to Macarthur and Parramatta in 2001 after redistributions had given them notional Labor majorities.

Indeed, NSW was the key state for the result of the 2001 election. More than any other state, the "Tampa" crisis had greater play in Sydney as it coincided with the prosecution of several gang-rape cases by Australian-Lebanese gangs. In the whirl of talk-back radio, the two issues seemed to coalesce, and Labor's relatively good result in NSW regional seats was masked by some savage swings to the Coalition within Sydney.

NSW also has the two most famous "litmus test" seats. Eden-Monaro has been won by the party forming government at every election since 1972. Macarthur has an even longer record, being

represented by a government MP after every election since Robert Menzies won office in 1949.

The change in Labor leadership now makes it less likely that Labor will lose seats. The current Labor marginals are all in Sydney. Inner-city Lowe (ALP 3.8%) was marginal in the 1980s and 1990s, but demographic and electoral boundary change seem to be making it more of a Labor seat. However, Banks (ALP 2.9%) and Greenway (ALP 3.1%), further towards the edges of Sydney, are the two seats left teetering on the point of the pendulum at Labor's big defeats in 1996 and 2001. It would take an even worse result for Labor to lose either seat. The change in Labor leadership also makes it less likely that ultra-safe inner-city Labor seats such as Grayndler or Sydney will fall to the Greens.

The result of the 2004 election could be determined in NSW, and there are two key areas where Labor needs to win seats from the Coalition. The first is in the marginal Liberal and National Party seats dotted across rural and regional NSW. The second is the critical mortgage belt of Sydney, the arc of seats extending round the metropolitan from Sutherland in the south, through Camden, Penrith and Windsor to Wyong and Gosford on the Central Coast north of Sydney.

First the regional seats. The Liberal Party have two seats at serious risk. Paterson (LIB 1.4%) based in the Hunter valley and the lower north coast has not re-elected a sitting MP since the seat was re-created in 1993, changing hands in 1996, 1998 and 2001. As usual, everyone will be watching the southern regional seat of Eden-Monaro (LIB 1.7%) on election night as an indicator of who will win government.

Three other regional seats to watch are held by the National Party on the north coast, an area that is no longer the Country Party's rural heartland of old. From north to south, Richmond (NAT 1.7%), Page (NAT 2.8%) and Cowper (NAT 4.7%) could all be won by Labor with the right candidates and campaign.

The real battle will probably be in Sydney's outer suburban mortgage belt, with lots of families that seem to have become collectively known as the "aspirational class". This fringe around Sydney is dominated by young home buying families with a much higher proportion of Australian-born residents than more ethnically mixed electorates closer to the city. It is an area where Paul Keating's 17% interest rates of the early 1990s still work against Labor, and where John Howard's family friendly tax and welfare policies have been very popular.

From the north anti-clockwise round the city, the key seats are Wyong based Dobell (LIB 0.4%), gained from Labor by Liberal Ken Ticehurst in 2001. Then there is Gosford based Robertson (LIB

7.0%), held since 1996 by Jim Lloyd. Penrith based Lindsay (LIB 5.5%) is held by popular backbencher Jacki Kelly, and has become an iconic seat in explaining how Howard has held office since 1996. Camden based Macarthur (LIB 7.0%) was won against the odds in 2001 by long distance runner Pat Farmer in a huge swing. Completing the circle, the demographic profile of Sutherland and Moorebank based Hughes (LIB 10.4%) has the highest proportions of tradesmen in the country, but has shifted strongly into the Liberal fold since being lost by Labor in 1996.

At every election from 1984 to 1996, the federal swing in NSW was against the party in power in Macquarie Street. The 1998 election broke the trend, with the swing towards Labor while the Carr Government was in office in Sydney. However, in 2001 the old pattern returned, with Labor's vote declining while the party governed in the state. If Labor is to win the 2004 federal election, Mark Latham will be hoping his old boss Bob Carr does not continue to generate bad headlines on the delivery of basic government services.

I would expect Labor to recover the Illawarra based seat of Cunningham, lost to the Greens in an October 2002 by-election. With the return of a Liberal candidate, a new Labor leader and the focus on the campaign elsewhere, the Greens will struggle to retain this seat.

In Conclusion

My expectation is that the government will be re-elected, unless Labor can find a way to convince mortgage belt voters to abandon their current support for the Liberal Party. With these voters feeling the economy is doing well, Labor will need to convince them that they should be doing better in areas of service such as health.

As in 1998, I think Labor will win the majority of the two-party preferred vote. However, the question is whether Labor can win a majority of the seats.

I am sure of one thing. This time it will not be a campaign dominated by "me-tooism". Already, Mark Latham is showing signs of campaigning on territory defined by him and not by John Howard. Already I can hear journalists and politically interested voters cheering with joy at the prospect of a real campaign.

A loss of eight seats on a uniform swing of 1.5% would deprive the Howard Government of its majority. For Labor to achieve majority government requires a gain of 12 seats, a swing of 2.2%. On those calculations, Labor needs 51.2% of the vote to win office. Of course, swings are not always uniform.

NEW LABOR, NEW

LATHAM

Mary Easson

Let me begin with a prediction: The election of 2004 will be memorable. The election campaign has already begun. Labor begins the year, believing that the “man of steel” is looking rusty.

Today, I want to talk about Labor’s chances and discuss that interesting phenomenon; can the “new Latham” do it?

After 18 months of stress and indecision, the Labor Party opted – narrowly – for generational change. The Coalition decided against such change. Labor isn’t too far from government – at least on paper. Only 11 seats are needed to achieve government. A one per cent swing will deliver 4 seats. A two per cent swing will give 11 and victory. Such a swing is possible. Labor is beginning to believe that this is so. That Howard is beatable. To achieve this, the good ship “Labor Party” needs to expertly navigate some rough water and hidden rocks.

Can we win? There are pluses and minuses in the Labor calculation. First, let me note, as Harold MacMillan once observed, “Politics is shaped by events”. Tonight we meet a week ahead of the Labor National Conference and three weeks before the Queensland election. I think those events will be good for federal Labor. Latham will be associated with a comfortable Queensland victory. The Labor Party conference will be better than expected.

One potential event looms more significant than others; the possibility of a major terrorist incident. There has been no major terrorist outrage since Bali. Should one occur before the US or Australian elections it will upset all calculations. I will proceed on the basis that anti-terrorist operations will continue to be successful in 2004.

As it is no secret that I will vote Labor at the next Federal election, let me start with the difficulties facing the party, so I can end in a positive way on the party’s advantages.

Problems

The first problem to be overcome by the Labor Party is John Howard. The Prime Minister is extremely canny and knows the Australian

electorate; especially its weaknesses, very well. He knows how to press the right buttons to get the result he desires. John Howard is not an “easy beat”. Although he is going for his fourth term, there is no certainty that this is too much for him to ask from the Australian voter. Though later, I want to speculate that the Prime Minister in fact isn’t as strong as he has looked these past two years.

On paper, the 11 seats needed by Labor is deceptive. This figure does not take into account the individual qualities of incumbent coalition members holding marginal seats. There are further difficulties.

The National Conference to be held next week in Sydney will be essentially a calm and deliberate affair. All 400 delegates are aware that 2004 is an election year and the party has a new leader and a curious sense of expectation. Let me assure you, when Labor is feeling optimistic, the conferences tend to be dull affairs. I predict that no significant player will want to create major divisions. There will be vigorous debate and some sharp exchanges. It wouldn’t be a Labor conference if it wasn’t.

Some of the issues up for debate are serious and deserve consideration. Issues of potential conflict will be refugees, foreign relations – and its relation to missile defence, the US-Australia free trade agreement and general trade policy.

Despite a fairly wide range of views on refugees and immigration, the conference looks like it may settle on a broad agreement to retain mandatory detention although with a much stronger use of temporary visas. Australia’s relations with the US will be a very interesting debate. Some of the previously expressed views of Mark Latham concerning the present administration will not be repeated.

Party leaders tend to become very circumspect very quickly. This restraint however, will not be exercised by all the other 400 delegates. Kevin Rudd has been working very quietly behind the scenes to bring about a positive outcome and this is most likely to be successful. I like his recent rhetoric that says that having bombed Iraq, Australia has the responsibility to contribute to the rebuilding of that country.

The defence missile project will be strongly debated, the Hawke Government rejected the original proposal in 1984 – despite the then prime minister (and his treasurer), initially, instinctively favouring cooperation. Labor has genuine doubts. As do many leading analysts within the defence community. It is likely that Labor will support “theatre missile defence” and express doubts about continental missile defence (“requiring more evidence”, etc) without explicitly condemning the US or enabling Howard to drive a wedge into Labor by claiming either or both that “Labor is soft on defence” or that “Labor is weak on the US Alliance”.

Post Bali, the Australian electorate knows – and Mark Latham is in no doubt – that the American alliance is more important than at any time in the past 40 years in the minds of the Australian people.

The Australian/American Free Trade Agreement will be the subject of a very heated debate. There is a serious concern in the party circles, especially from the Australian manufacturing union and its allies about the need for “fair trade” – which is usually code for protection. Also, there are reservations about how a free trade agreement will affect the pharmaceutical benefits scheme. How it will affect Australian content on television and films. I believe that, at the conference, “concerns” will be expressed about such items and, overridingly, Labor will commit rhetorically to the merits of multilateral rather than unilateral trade agreements.

Again, the leadership will be worried that the conference not hamstringing the parliamentary party. If an agreement meaningfully and significantly covers free trade in agricultural products – traditionally the big obstacle in trade negotiations with the US – the opposition will not want to be portrayed as “purist”, or negative to such an outcome. I expect the conference to give leeway to the leadership to vote for the agreement and, perhaps, to say that if elected “Labor will seek to rectify certain anomalies”.

So the conference could be an occasion for well-managed “anger management”. It could be the occasion to portray the new leader as restrained, responsible and successful.

What of Mark Latham himself? He has been in the job since 2 December. He has been in the parliament for ten years. Soon after he was elected, I received a phone call from Gough Whitlam – I was the member for Lowe at that time. Gough urged me to “Give Mark any assistance as he [Gough] considered that Mark would be a future prime minister”. This managed to effectively draw my close attention to the new member for Werriwa, and I’ve been watching him ever since. Others got similar phone calls.

The character of Mark Latham is something of an enigma. He is outspoken. Is this a deliberate attention-getting ploy? He is genuinely supportive of Israel, but has never entered any of the debates about the Middle East. He is very well read and now even better briefed, but I’m not sure he shone brightly as a front bench spokesperson.

A clear difference that we can see now, as compared to what we saw before 2 December, can cause us to ask: “Is there a new Latham?” This real or “new Mark Latham” is not widely known. However, perceptions of past inconsistent behaviour are not necessarily a problem.

In 1983 the Federal Labor Party dropped Bill Hayden and took on Bob Hawke as leader. Hawke, though very popular in the country, had not been particularly effective on the front bench as shadow

minister for industrial relations. As well, he had a major and well deserved reputation for “larrickinism”. This Australian euphemism generally refers to drink and associated misbehaviour. On achieving leadership, however, as leader of the Australian Labor Party and one month later as prime minister, the “new Bob Hawke” stayed the real Bob Hawke for the eight years and eight months of his prime ministership. The pre-lodge Hawke did not give an accurate indicator of Prime Minister Bob Hawke.

The second example is from America. Richard Nixon, the US President Mark Latham most admires, had two careers. The first one ended with his narrow defeat to John F. Kennedy. Many of you will be balancing the “old Latham” and the “new Latham”. However, it is important to discover the “real Latham”, because this is the one who will govern.

The “old Latham” was frustrated in his pre-leadership days and allowed his “100 flowers” policy phase to bloom. He is now moving into managerial phase, is constant refrain on all issues and policies is: “What is the real value and principle underpinning this policy idea?”

Mark Latham is a reformist and “values” politician. He is driven by a conviction that the things that a government can do, it ought to do well and effectively, for the benefit of those on the receiving end. Thus social welfare is to benefit people in need and not perpetuate its need. Second, the third generation social welfare families will find that Mark Latham is a strong supporter of the “work ethic”. He believes work is intrinsically good and is good for all. Work leads to independence and this is a value that he holds.

His values are not very dissimilar to those of John Howard. However, Howard is not, and never has been, much of a reformer except when it is about lightening the tax load on his favoured groups. Of the two, Howard is the more determined ideologue. Latham will be happy to allow what succeeds to stay standing. It would be very surprising to see Latham engage “à la John Howard” in a “culture war”....interfering in Museum appointments, picking favourite historians, constantly running around soldiers and cenotaphs.

Howard’s Australia is what we have inherited from yesterday, Latham’s Australia is what we can build tomorrow with the best values from yesterday answering the real needs of today. In 1960, Richard Nixon’s reputation was an especially dark and bleak one. Humourless, grim, intense and extremely combative – Nixon was the leader of the American right and the nation’s foremost anti-communist. In 1968 the “new Nixon” was more engaging, less intense and he even appeared on the biggest TV comedy show of the era – *Laugh In*. “Sock it to me,” he cried during one sketch and just missed receiving a pie in the face. Rove McManus, here is your cue with Latham. It was a major change from the public persona of the “old Nixon” and other

aspects of the “new Nixon” all worked to his election as the thirty-seventh president of the United States.

My point, simply, is that old personas can be dropped, successfully, and new ones accepted by voters. The Coalition may be making a big mistake concentrating on the “old Latham” while he successfully offers voters the “new Latham”. Since 2 December, Mark Latham has been campaigning hard around the country. Frankly, he is going well. My colleagues tell me that in the last month, while visiting their electorates, he is well briefed, with boundless energy, personable and exhibiting knock about humour, with himself as the point. In South Australia, he spoke to a group of taxi drivers waiting in line and thanked them for their support. “Glad you turned up here today folks.” Clearly, he is not overly fussed about well publicised events from his past.

For the Coalition, Latham remains a shifting target. There is nothing wrong with this. All politicians talk about ideas or policies that don’t eventuate. In recent times, Latham has advanced ideas on tax thresholds. This is all now “inoperative”. Is this cynicism or clever? Or does this show that Latham can spin a line and move on? Changing one’s mind strikes me as no handicap. As Lord Keynes once said, “When presented with new facts about something I had formed a view on, I change my mind. What do you do?”

Prior to his 1983 election, Hawke’s Boyer Lectures were full of hazy ideas about the governing of Australia including having a ministry that was outside the parliament like the US system, saying that the Australian constitution does not preclude this. But, as PM, this idea was “inoperative”. He dropped a lot of them.

Latham is certainly attracting interest. Some politicians become successful because of an indefinable “chemistry” that forms around them. Hawke is the best recent example. Voters take a liking to a person. Certainly, in the Labor Party now, Mark Latham is generating great interest and enthusiasm. This will be invaluable for the campaign ahead. For the rest of 2004, Latham will need to create a positive impression in parliament.

Parliament still counts. It’s still the primary stage for public life. Latham’s great hero, Gough Whitlam, shone in parliament like a beacon in the year before his election victory in December 1972. Latham will need to make a real and definite impact in the parliamentary debates this year.

He will also need to get a good performance from his front bench. The current opposition front bench is looking better with some obvious depth. A leader is not a solitary person. He must get a good result from his team. This will give some indication of how he would lead a federal cabinet. Many voters will want such an indication during this year.

The Labor conference next week will settle party policy for the coming elections. From this conference there will be no more chopping and changing of policy ideas. From next week, Mark Latham will have his “songbook” and he will need to sing in tune.

It is clear that the election of Latham is a calculated risk by the Labor Party. He has never been in cabinet – but neither had Curtin or Hawke. He has yet to prove himself to his colleagues in the upper reaches of the Labor Party – but Whitlam had the same problem in 1967. He needs to appear to the voters as a Prime Minister. This mysterious “look” does not automatically fall on an opposition leader. Who has the look and who does not is part of the metaphysics of politics and is sometimes a mystery to behold. Who, in 1987, would have predicted that one day John Howard would be prime minister nine years later and would run in office for a longer term than any prime minister other than Menzies? Howard certainly didn’t look like a prime minister in 1987.

Particularly in Timor and in the aftermath of Bali, John Howard looked every bit a prime minister. I’ve earlier, in this speech, mentioned his formidable, political fighting attributes. Yet I think he is beginning to fail. He is looking older, more whining, less sure. I wonder whether the electorate thinks his best batting is over. Late last year and early this year, after eight years in the job, they may have given him a Steve Waugh send off. But as the year wears on, as the new Latham gains traction in the electorate, many in the electorate think he is staying at the crease too long. Time’s up. Time for the new boy to have a go.

In conclusion, let me sound like Nixon by making one thing “perfectly clear”. For Prime Minister John Howard the problem may come down to the voters simply liking the “new Latham”. In this case the boy from Green Valley may yet “sock it to” a three term prime minister.

2004 – THE POLITICAL

OUTLOOK

Grahame Morris

This year's federal election is going to be very close and with the major parties targeting around 30 marginal seats they have to win or defend, it's also going to be a very expensive election campaign to run.

Once voters get into the polling booth at a federal level, they basically split 50-50 and any government trying to be elected for a fourth term and starting with a margin of only eight seats is going to have some sleepless nights. At this stage, there are a number of unknown ingredients still to be poured into the election melting pot. They include:

- The policies and performance of the major players prior to the calling of the election;
- Any left field scandal or issue mismanagement that throws one side off course;
- The 2004 federal budget;
- New federal campaign directors for the Liberal and Labor parties;
- The effectiveness of the marginal seats campaign;
- The fickleness of the media and its short attention span; and
- The actions of the Reserve Bank and the antics of the global economy.

As well, the final totemic issues or messages that tend to crystallise what the parties are saying have yet to emerge... and then there's the Latham factor.

By any historical measure, after three losses in a row, Labor should be going into this campaign odds on to win but it is up against a government that is still actually governing well. No ground swell has emerged that it's time for a change – generational or otherwise. The economy is extraordinarily strong by any standards and the duet of John Howard and Peter Costello is as good as this country has seen and I think every government needs a lasting partnership in those two positions.

In the meantime, the Coalition between the Liberals and Nationals is as strong as it has ever been and the government has a

whole raft of new policy plans it wants to implement, so it still looks fresh. As well, the government is led by a Prime Minister with a tremendous ability to set the agenda, to be able to pick the electorate's mood, to act early to solve a problem or drive through a new idea or policy, and ultimately to campaign well.

However, Labor's move to change Leader sparked a new interest in the electorate to at least have a fresh look at the Opposition and I think that was the real benefit in the shift to Mark Latham. Simon Crean and Kim Beazley would probably have been sitting ducks in a campaign. Mark Latham is more of an unpredictable mobile bull in a China shop. He may still end up as a dead duck and Labor will have cut the throats of three leaders in one term.

However, in the meantime, he is being given a fair go by the media and is being given the benefit of the doubt by the electorate and none of that is surprising.

Election timing

There will be lots of gossip about timing and you have seen them all before. Things like:

“The Electoral Office has booked schools for September.”

“My wife's niece works in the Health Dept and she's been told the second Saturday in November is the date.”

“The Treasurer is not accepting any invitations in the back half of July.”

“Sources in the local Liberal Party branch said...”

It's all drivel.

The decision on when is the right day to call an election is made very late and even then only the PM, the Treasurer, the Nationals Leader, the campaign director and a couple of close advisers will know. It doesn't take an Einstein to work out that there are a couple of obvious options for an election. The earliest would be to bring down the federal budget, spend some time presenting it to the community and then having a double dissolution election. The other is the traditional Saturday in December. Then again, any Saturday in between may suit just as well, depending on the mood at the time, the issues in the community and the agenda of the government.

The battlefield

This time, the main battlefield will be in Queensland and NSW.

After the recent redistribution of the electoral boundaries, there are now 7 marginal Coalition seats in NSW 6 in Queensland, 5 in Victoria, 3 in SA and one in the Northern Territory. But what many people forget, is that Labor will have to fight hard defending some of their own seats including 3 in WA, 2 in Queensland, 2 in South Australia and 1 in Tasmania. The government is not going to sit back

and just defend its own seats. That would be dumb because there are a few Labor marginals that genuinely could change hands.

The election outcome

There are a few ingredients that are likely to decide the election.

- The policies and promises will probably cancel each other out, unless one side makes a hash of the detail or a main spokesperson gets an explanation wrong.
- There's something out there about values.
 - What sort of person is this Leader?
 - What type of government will he run?
 - What sort of priorities does he have? and
 - What sort of society does he have in his mind?

In other areas:

- Labor will have to lift its marginal seat campaigning from last time if it is to win.
- Political advertising is a lottery and just one spark of well timed brilliance can strike a chord.
- The media during an election are basically fair. The major players can get most of their messages up if they do their job properly.

But at the end of the day, a close election like this will come down to three things – pressure, detail and discipline. And that brings me back to the Latham factor. How will he go in the lead up to an election and during a campaign when he is under real pressure? We know he's got the passion and the fire in the belly. But does he have the grasp of the detail needed to switch from explaining solutions about:

- an aging Australia, to child care, to the economy and to border protection one minute; then
- face a grilling over health care, policy costings, fertiliser subsidies and renewable energy the next; and
- can he hold the team together to make sure that they too get the answers and the details right.

That's pressure, that's leadership and that's Australian campaigns nowadays.

And I don't think even Mark Latham's staunchest supporters know how he will go when the blowtorch is really applied to the belly. On the other hand, the electorate knows John Howard can handle pressure.

FUNCTION NIGHTS



Photographer: David Karonidis



Photo - David Karonidis

Dorothy Rowe

Recently named as one of the 50 wisest people in the UK, Dorothy Rowe is the author of *Depression: The Way Out of Your Prison* (Brunner-Routledge). Published 20 years ago, it became one of the first, best selling self help manuals, its very success proving how widespread depression is in the community. Dr Rowe believes depression is a defence mechanism. Depression is not an illness or mental disorder, she says, but a defence against pain and fear which we can use whenever we suffer a disaster and discover that life is not what we thought it was. During a visit to Australia, Dorothy Rowe addressed The Sydney Institute on Wednesday 28 January 2004.

DEALING WITH

MENTAL AND PHYSICAL ILLNESS

Dorothy Rowe

Any similarity between mental and physical illness resides solely in the language used to discuss them. It is the language of medicine, of physical causes, symptoms, syndromes, cures, and where the illness cannot be cured, management. We may talk about mental illness in terms of physical causes and cures and list the symptoms of mental illnesses such as depression, schizophrenia, mania, obsessions and compulsions, and phobias, but such language actually prevents us from understanding what is happening to the person concerned.

If we want to understand a particular physical illness all we have to do is refer to the results of the scientific research into the functioning of the body. We no longer have to rely on fantasies such as bodily humours or demonic spells to explain why we become ill. The causes and effects of physical illness can be readily demonstrated by various tests carried out on the body. The medical profession is extremely reluctant to decide that a set of phenomena is a disease if a physical cause cannot be demonstrated. It took some time to establish that Creutzfeldt-Jacob Disease (CJD) was a physical illness while whether chronic fatigue syndrome (ME) is a physical illness is still hotly debated.

In contrast, if we want to understand mental illness or, as it is now called, mental disorder, reference to the body is a complete waste of time. No physical cause has been found for any mental disorder. Psychiatrists may claim that depression is a result of the chemical imbalance of the brain, that mental disorders have a genetic cause, and that psychiatric drugs restore the chemical balance in the brain, but such claims are without any scientific basis.

The brain is the most complex object we have yet encountered in the universe. It operates differently from all other known objects. There are a great many differences between individual brains because the pattern of connections between the neurones in the brain is determined by the experiences the person has, and no two people ever have the same experience. Neuroscientists like Walter Freeman¹ recommend that we should not talk of “the brain” but of “brains”,

thus acknowledging that no two brains are ever completely alike. Such wisdom is completely ignored by those people who are not neuroscientists but who wish to appear to be authorities on the brain. They talk seemingly knowledgeably about direct connections between brain activity and behaviour, as if, a magnetic resonance scan of a brain can reveal what the person is thinking. David Healy², the psychiatrist who has shown how dangerous drugs like Prozac can be, calls such talk “biobabble”, in contrast to “psychobabble”, the nonsense which is talked by another kind of would-be authorities. Unfortunately biobabble often replaces proper care.

For instance, if you get depressed and consult a GP or a psychiatrist you are likely to be told that your depression is a result of a “chemical imbalance in the brain”. What isn’t mentioned is that nobody knows what a chemically balanced brain is, so no one can possibly say what a chemically imbalanced brain might be.

You might also be told by your doctor that one feature of a chemically imbalanced brain is that there are lower levels of serotonin in the brains of depressed people than in the brains of non-depressed people. The Australian national depression initiative called *beyondblue* has a website to inform people about depression. There it states that, “Severe depression appears to be associated with a reduction in the chemicals in the brain.”³ Such a statement appears to be based on sound research but it is not. Because there are no physical tests for any psychiatric disorder all diagnosis is simply a matter of the opinion of the psychiatrists doing the diagnosing. There is immense individual variation in these opinions. As a psychiatric patient you can discover that one psychiatrist says you are depressed, another that you are anxious, another that you have a borderline personality disorder. Thus it is extremely difficult for researchers to establish that their research group are all suffering from the same disorder. The *beyondblue* website may refer simply to ‘severe depression’ but in the *Diagnostic and Statistical Manual*⁴ used by most psychiatrists there are listed 39 different kinds of depression, including ‘depression in complete remission’.

What can logically be deduced from the discovery that depressed people have lower levels of serotonin than non-depressed people? These lower levels and the depression occur at the same time. A correlation cannot be a cause. For instance, in the 1990s there was an increase in the number and size of the famines in Africa and an increase in the number of mobile phones. Can we conclude from that that mobile phones cause famine, or is it that famine causes mobile phones? To show that lower levels of serotonin cause depression it would be necessary to show that such lower levels occur before the person becomes depressed. To date no physical change has been shown invariably to precede depression.

The latest kind of anti-depressant drugs, the Selective Serotonin Reuptake Inhibitors (SSRIs), were created to replace the missing serotonin in the brains of depressed people. The *beyondblue* website states, "Antidepressant medication is designed to correct the imbalance of chemical messages between the nerve cells." When these drugs seemed to be successful in curing the depressed person the conclusion was drawn that this was further evidence that the cause of depression was a lack of serotonin. Drawing such a conclusion is the same as concluding that, because aspirin cures headaches, the cause of headaches is a lack of aspirin.

If you consult a psychiatrist about your being depressed you are likely to be asked about your family history to see if depression runs in your family. You may recall that in your parents and grandparents' generation there were relatives who went through unhappy periods in their lives but in those days people were not diagnosed with mental disorders as they are nowadays. It is on such flimsy evidence like this that psychiatrists interested in genetics have concluded that depression has a genetic cause. Things do run in families. My father voted Labor, I vote Labor, my son votes Labor. Obviously we have the Labor voting gene. Trouble is, it is an Australian Labor-voting gene and it doesn't get on well with the New Labour-voting gene in the UK.

If you are interested in the whole question of genetics and mental disorder I would recommend that you read Jay Joseph's book *The Gene Illusion*⁵, published last year, which shows how unscientific and self-serving most of the research into genes and mental disorder has been. Alternatively, you can read geneticists like Professor Steve Jones of London University who is always pointing out that complex behaviour cannot be explained by the functioning of genes. He often says quite sadly that no one even understands the genetics of height or of eye colour so to talk of the genetics of depression or schizophrenia is a nonsense.

Many people, perhaps most people, get depressed and get over it. Some of these people are prescribed anti-depressants, some are not. However, current psychiatric dogma is that depression is a genetic disorder which must be managed by psychiatrists. Many patients are advised by their doctors that, even though they are no longer depressed, they should take anti-depressants to prevent themselves getting depressed again. The *beyondblue* website states, "Once you have had an episode of depression you are likely to have further episodes," and advises people to continue taking antidepressants long after they have ceased to be depressed, even for the rest of their lives. Long term research on the prophylactic use of antidepressants shows that, despite taking these drugs, some 30 per cent of the people taking them get depressed again. This figure is hardly good, but it cannot be concluded that the drugs actually prevent depression since of that 70

per cent who did not get depressed an unknown percentage would not have got depressed again whether or not they had taken any drugs.

From written history we know that depression and psychosis have always existed, but they were not defined as mental illnesses until the late nineteenth century when the German psychiatrist Kraepelin declared that they were. In describing them he said that depression and schizophrenia were life long illnesses. Once you got depressed, once you became schizophrenic, you were in that state for life. This belief still operates in psychiatric practice today.

In diagnosing schizophrenia psychiatrists were always taught to regard auditory hallucinations as the front-rank or primary symptom of the illness. In a psychiatric examination a psychiatrist would seek to establish whether the person heard voices. It was not part of the examination to ask who these voices belonged to and what they were saying. A person who tried to talk to a psychiatrist about the ownership and content of the voices would be ignored. Psychiatric nurses were taught that if patients started to discuss their voices the nurse should distract them by, say, suggesting a game of scrabble. Many ex-psychiatric patients are experts at scrabble.

Then about ten years ago a woman called Patsy Hage got angry with her psychiatrist. She took him to task for never letting her talk about what her voices were saying. Her psychiatrist, Marius Romme, is a very kindly man and he dutifully conceded that he was wrong. He listened to what Patsy told him, and then he listened to other patients talk about their voices, and it soon became clear to him that these voices were not just random noise in the person's head but part of the way in which the person made sense of his life. Marius and his research assistant Sandra Escher set about doing some systematic research. They soon discovered that quite a significant percentage of the general population hear voices. Most of these people hear voices that are benign, even helpful. Only those people who hear horrible, persecutory voices earn the diagnosis of schizophrenia. These patients themselves, once given the opportunity, were able to work out ways of keeping their voices in order.⁶ The voices are actually auditory memories that occur in the same way as we can hear music in our heads. The voices and the music will disappear as soon as you start to speak because the brain cannot do both tasks at once. Have you ever wondered how many of those people busy talking into their mobile phones are actually engaged in keeping their voices in order?

The Hearing Voices Movement was set up and run by psychiatric patients. Their work has been the greatest advance in mental health since the asylums stopped shackling their patients. Many people, once diagnosed as incurable, are now leading ordinary lives. Psychiatrists responded to the Hearing Voices Movement by allowing nurses to run

Hearing Voices groups and by redefining auditory hallucinations as a not very important symptom of the mental disorder schizophrenia.

Such a re-definition is an example of what Professor Bill O'Neill, my professor at Sydney University, used to call "saving your hypothesis". This is a technique which protects you from having to say that you were wrong. Another example of saving your hypothesis occurred in the 1990s with regard to depression.

In the early 1960s when the first anti-depressants were being prescribed widely with good results psychiatrists' view of depression changed. Instead of seeing depression as a life-long illness they saw it as a short-term disease which psychiatrist could cure with drugs. This was the view of depression held by Professor Alec Jenner and his colleagues at the professorial in-patient unit in Sheffield, UK, where I went to work in 1968. They could see no point in having a psychologist there but they had no objection to my talking to the patients. At this clinic depressed patients were treated with drugs and electroconvulsive therapy (ECT). There was common pattern. People would come in to the clinic depressed and go out some months later not depressed. Then six or so weeks would pass and they would be back, depressed. I took to calling the front door of the clinic a revolving door, something which did not endear me to my colleagues.

By the early 1990s the evidence from long-term studies supported my observations and could no longer be ignored. It showed that for those depressed people who were treated only with drugs and ECT a certain group of them would get depressed once and not get depressed again but for the majority depression recurred. The best predictor of further depression was the occurrence of an episode of depression. Here is a curious contrast with physical medicine. If, say, an antibiotic repeatedly fails to cure an infection most doctors would conclude that the antibiotic does not work. Not so with psychiatrists. It is not that the anti-depressants do not cure depression. It is that there is a kind of depression which is impervious to anti-depressants. This is now known as chronic depression. There's a lot of it about.

Also by the end of the 1990s evidence was accumulating that depression need not be chronic and lifelong⁷. Depressed people who went into therapy rather than take drugs stood a very good chance of not only ceasing to be depressed but also not get depressed again. Very reluctantly psychiatrists began to take account of this. They particularly liked Cognitive Behaviour Therapy (CBT) because it does not ask difficult questions about family life, or old age and death, or what is the purpose of living. The originator of CBT was a psychiatrist Aaron Beck. There is no doubt that CBT, in the hands of a competent therapist, can be extremely effective. However, Aaron Beck was very careful not to offend his psychiatrist colleagues by showing that CBT was more effective than drugs. He and his followers always

use the language of illness and never say that drugs are unnecessary. As a result cognitive therapists have never developed a coherent model of depression which shows why changing how we think can bring depression to an end.

Psychiatrists have not succeeded in developing a coherent model of depression or of any of the mental illnesses. They have been forced to acknowledge that, as they say, social and psychological factors play a part in mental disorders, and they acknowledge the success of CBT not just in depression but in all the mental disorders, but they shy away from examining the question of why changing how you think can bring a mental disorder to an end but changing how you think will not cure cancer or even the common cold. Having a positive attitude can be helpful in the course of a physical illness but thought alone will neither cause nor cure a physical illness.

Psychiatrists want to hang on to their belief in the physical causes of mental illness because it is this belief which justifies the existence of their profession. Thus on the *beyondblue* website the model of depression which is presented includes every possible aspect of a person's life but it explains nothing.

Where therapy is concerned the *beyondblue* website gives the greatest space to drugs, followed by CBT and behaviour management. Therapies where the person and the therapist explore the relationship between childhood experience and adult life are given short shrift with the advice, "Most people with depression do not need this kind of in-depth and prolonged re-evaluation of their life."

What psychiatrists and many of the CBT therapists ignore is what actually determines our behaviour. Studies of the brain – our brains – by neuroscientists show clearly that physiologically we are not capable of seeing reality directly. All we can perceive are the structures which our brain learns over time to construct. These structures are theories, guesses, about what is actually happening. The structures which we create come from our past experience, and, since no two people ever have the same experience, no two people ever see anything in exactly the same way. *What determines our behaviour is not what happens to us but how we interpret what happens to us.*

All of the structures or meanings we create cohere together to form a structure which we experience as our sense of being a person. But the ideas which form our sense of being a person can easily be disconfirmed, and when this happens we feel ourselves falling apart. We cast around for some ideas which will defend us and hold us together. The most desperate of these defences are those behaviours which psychiatrists call mental illnesses. People turn to these when they have completely lost confidence in themselves⁸.

However, if we understand that when we suffer a major disconfirmation of our ideas, such as happens when we suffer a disaster, our

ideas have to fall apart so that we can construct ones that better fit our situation, we can ride out the chaos and uncertainty of such changes without having to resort to any of the desperate defences. If the disaster we have suffered has undermined our self-confidence we can rebuild it with the knowledge that, as we have created our ideas we are free to change them.

The cause of mental illness is ignorance and the cure lies in knowledge of ourselves.

Endnotes

- 1 Walter Freeman *How Brains Make Up Their Minds*, Weidenfeld and Nicolson, London, 1999.
- 2 David Healy *Let Them Eat Prozac: The Unhealthy Relationship between the Pharmaceutical industry and Depression*, University of Princeton Press, New York, June 2004.
- 3 www.beyondblue.org.au
- 4 *The Diagnostic and Statistical Manual* revision IV, American Psychiatric Publishing Inc, Arlington VA, 2000.
- 5 Jay Joseph *The Gene Illusion*, PCCS Books, Ross-on-Wye, UK, 2002
- 6 Marius Romme and Sandra Escher (eds) *Accepting Voices*, Mind Publications, London, 1993.
- 7 Dorothy Rowe *Depression: The Way Out of Your Prison* third edition, Brunner-Routledge, London, 2003.
- 8 Dorothy Rowe *Beyond Fear* second edition, HarperCollins, London, 2002



Jenny Hocking



David McKnight

Photo – David Karonidis

The Australian government has given ASIO new powers to detain and question individuals on suspicion that they may be acting against the interests of Australians, or that they may know someone who is. Are these powers justified? Do we accept some loss of civil liberties at a time of genuine threat? Can we trust the new-look ASIO? To discuss all this and more, Associate Professor Jenny Hocking, from the National Centre for Australian Studies at Monash University and author of the recently released *Terror Laws: ASIO, Counter-Terrorism and the Threat to Democracy* (UNSW Press), joined Dr David McKnight, Senior Lecturer in Journalism, University of Technology, Sydney, and author of *Australia's Spies and Their Secrets* (Allen & Unwin) at The Sydney Institute on Tuesday, 3 February 2004.

NATIONAL SECURITY

AND DEMOCRATIC RIGHTS: AUSTRALIAN TERROR LAWS¹

Jenny Hocking

“When the rights of any are sacrificed, the rights of none are safe”.²

In the two years since the tragic events in America of 11 September 2001, the war on terror has become “one of the defining conflicts of the early twenty-first century”.³ In this post-September 11 security environment, many Western nations have enacted dramatic and unprecedented domestic counter-terrorism measures as part of this on-going drama “war on terror”. And Australia has been no exception.

In 2002 the Australian parliament passed legislation which introduced crimes of “terrorism” for the first time in federal law, we have debated and ultimately rejected a proposal to allow the Attorney-General the power to proscribe or ban, on his own determination, terrorist organisations, and have instead introduced an attenuated form allowing for the proscription of organisations listed by the United Nations as “terrorist organisations”.

In June 2003, the Australian parliament passed amendments to the ASIO Act which would allow ASIO, under warrant, to detain for up to seven days and interrogate for up to 24 hours within that seven day period, Australians not suspected of any involvement in a criminal offence but who may have information relating to terrorism. Detention and interrogation would be conducted without appropriate access to independent legal advice and, in some cases, incommunicado. Late in 2003, the government again announced that it would seek still further expanded powers for ASIO, specifically, to enable this interrogation period to be doubled to 48 hours if an interpreter had been “present at any time” during the questioning period and further, to create new criminal offences for public disclosure of the specific use of these detention powers.⁴

Australia remains the only liberal-democratic nation to have proposed the detention and interrogation of non-suspects in this way, and to have introduced such stringent secrecy provisions in relation to public disclosure of its implementation. You can see why the Joint

Parliamentary Committee which examined the Bill, described the ASIO Legislation Amendment (Terrorism) Bill in its original form as “one of the most controversial pieces of legislation considered by the Parliament in recent times” and one “[which] would undermine key legal rights and erode the civil liberties that make Australia a leading democracy”.⁵

These counter-terrorism measures represent the greatest contemporary challenge to relations between the arms of government (the judiciary, the parliament and the executive) and to long established civil and political rights since the liberal Prime Minister Robert Menzies’ several failed attempts to ban the Communist Party of Australia. The central issues raised throughout that intriguing struggle over the Communist Party Dissolution Act, “about the limits of legislative and executive power and supremacy of the judiciary in deciding such questions”,⁶ also remain at the heart of the current debate over national security needs and their implications for democratic practice.

And yet, despite the obvious political parallels between arguments for enhanced and exceptional security powers during the Cold War and those of the current day, the widespread community concern over expanded Executive power evidenced during the parliamentary committee hearings into the counter-terrorism legislation has not been matched by a widespread public debate. One of the problems we face in encouraging debate of such significant developments, is that the current counter-terrorism response rests on a universalised notion of threat rather than any specific threat. Justification for extreme measures then is not in terms of a specific and present threat but in terms of the fear of an unknown future. This creates a sort of intellectual fortress in which anything is possible and therefore we must guard against everything and debate on these terms immediately becomes difficult, if not impossible. The current security environment neither encourages such debate nor would willingly accept its conclusions.

In this already complex security environment, to reduce essential debate about democratic practice, the rule of law and legal protections in combating terrorism, to claims of “absolving the perpetrators of their crimes” as David McKnight has said elsewhere, serves only as an effective intellectual closure in what has become the contemporary mode of academic and journalistic censure. From this intellectual closure too easily stems the crude denunciation of those who seek to locate causative factors in these attacks as also condoning them. We can see this in McKnight’s attacks on John Pilger and Noam Chomsky and indeed on his mythical “the Left” in general, as “blaming the victims of September 11” and “absolving terrorists”, a view which is neither fair nor original.⁷

In this, McKnight is echoing the apocalyptic language of the Bush administration, depicting a world in which one is either for or against the war on terror in all its global and national manifestations, with no possibility of further analysis or nuanced response to a highly complex and precarious situation: "Either you are with us or you are with the terrorists"⁸ (in Alain de Benoist's words "an absurd totalitarian slogan")⁹. The facile nomenclature of "Operation Infinite Justice", "Operation Enduring Freedom", "rogue states", "Axis of Evil" and the USA Patriot Act¹⁰, indeed the very notion of a "war on terror" are a rejection of complexity, a denial of reason, a type of adult-American "baby talk".¹¹

Nevertheless, for those concerned to have a meaningful discussion of these critical issues, several key features of the debate that we have not had, ought now to be addressed: what has the Australian experience of terrorism been; what is the level of terrorist threat in Australia; what are Australia's existing powers and structures to counter terrorism and are they adequate to meet this level of threat? These requirements need to be considered politically as much as legally before we determine further on a path which takes us into the uncharted terrain, for Australia, of introducing exceptional powers to deal with terrorism.

The final, and certainly the least reported, aspect of the government's amendments to the ASIO legislation, was passed late last year with Opposition support. This introduced new crimes for disclosures about ASIO's activities. Firstly, disclosing information about ASIO's warrants is now illegal with a penalty of five years imprisonment. This penalty applies even if the warrant was itself illegal or improperly applied, for example if it was used against an individual under the age of 16 or continued beyond the specified seven day detention period. Further crimes relating to the more general disclosure of "operational information" were also introduced. "Operational information" is defined as "information that [ASIO] has or had".¹² The breadth of this term makes it unclear what reporting, if any, will now be permitted about any of ASIO's activities.

One example of the danger to public debate this new secrecy provision has created, was cited by a Department of the Parliamentary Library report into the Bill and its implications: *The Weekend Australian* reported late last year that: "At least one of the seven men raided by armed police and ASIO ... was detained and questioned this week ... the man was taken to the Australian Crime Commission offices in Sydney's CBD for questioning in two eight-hour sessions about his connections to [Willie] Brigitte. ... the man was later released and no charges have been laid". The Parliamentary Library, citing this report, asked "whether this sort of reporting would and should be caught by the new disclosure offences."¹³

One key assumption recurs, again and again, in all of these developments in domestic security. That is, that civil and political liberties must “bend” in order to respond to terrorism. The notion of a “balance” between national security and legal protections, too readily suggests that civil and political rights are to be imperceptibly wound back to accommodate the over-arching needs of national security. This argued need for balancing apparently competing interests has become a dominant theme in recent developments in counter-terrorism. It can be seen in the growing view politically and legally that “the maintenance of national security underpins and is the foundation of all our civil liberties”, rather than the other way around.¹⁴ It is a view which the Attorney-General Philip Ruddock also holds, “the unavoidable fact is that any tightening of security arrangements does involve some diminution of rights”.¹⁵

It is, in my view, a flawed equation. And it is the dichotomy suggested in this popular view, the argued trade-off between liberty and security, that lies at the heart of what has been described as the “startling surrender of fundamental democratic principles” in the heightened security environment of post-September 11. National security and individual liberties, far from being in competition with one another in a simplistic zero-sum game, are in fact mutually reinforcing:

We guarantee the right to confront one’s accusers ... not only as an element of human dignity but also because cross-examination exposes lies and forces the government to continue looking until the truly guilty party is found. ... We protect freedom of speech not only because it allows room for personal self-expression, but also because it promotes the stability that comes from the availability of channels for dissent and peaceful change ... surrender of freedom in the name of fighting terror is not only a constitutional tragedy, it is also likely to be ineffective and worse, counter-productive.¹⁶

So, rather than seeing national security and democracy as being in perpetual friction (as if each exists somehow independently yet in tension with the other), political and civil rights and a robust democratic process need to be seen as the key elements in the maintenance of national security itself.¹⁷

If we consider the core requirements of contemporary democratic practice to be “responsible government, the rule of law, and freedom of legitimate political dissent”, then the dangers to civil and political rights that attach to the arbitrary and expansive use of Executive power, are clear.¹⁸ A democratic state, underpinned by these fundamental principles, cannot compromise those principles without at the same time also compromising the democratic nature of the state itself. The preservation of rights and liberties can never undermine security but will instead constitute the very means of sustaining it. In this

view, democracy “is not limited by the rule of law but rather is defined by it”.¹⁹

The need for such “formidable powers” for ASIO has also been questioned by one of Australia’s most experienced security officers. The former senior security adviser to the Defence and Attorney-General’s departments, Allan Behm, has expressed grave concerns about such a dramatic expansion in ASIO’s already extensive powers and over the removal of fundamental rights such as independent legal advice during detention and the capacity to detain without charge. Behm has also raised the question of whether ASIO’s existing “special powers” were already adequate to meet this current security environment, arguing that, “ASIO has enough in the way of powers to meet the current terrorist threat ... What it needs to do is extend itself fully within those current rights”.²⁰

Nor is the ASIO Act an isolated example of the growing dominance of the interests of security over individual rights. The Act continues the pattern established elsewhere in the government’s counter-terrorism legislative package of a dramatic expansion of Executive power and a significant recasting of the balance between the Executive and the judiciary. It is also entirely consistent with the government’s reluctance to intervene in the detention without charge and without access to independent legal advice of the Australian citizens Mamdouh Habib and David Hicks at Guantanamo Bay by American military authorities.

At issue in all of these aspects of the corrosive effects of an expansive counter-terrorism national security structure, beyond their more quantifiable effects on democratic institutions, is the effect of these developments also on political behaviour, their impact on our ability, willingness and freedom to speak openly, to debate and to agitate. In his minority judgment in the Church of Scientology case in 1982 which ruled on the extent of ASIO’s powers of surveillance, Justice Lionel Murphy reflected on the need for adequate legislative control and oversight of security organisations, recognising in particular that the practice of political surveillance and the public awareness of this practice, generates what he termed; “a climate of apprehension and an inhibition of lawful political activity even at the highest levels of government ... Experience thus shows [Murphy continued] that for a free society to exist intelligence organizations must be subject to administrative supervision and amenable to legal process”.²¹

The rapid expansion in the state’s security powers highlights the need to protect our basic legal and political rights in the face of revised security priorities. Within three months of 11 September 2001, the abrogation of rights and legal protections, the erosion of established procedures in the name of countering terrorism, had become so pronounced that the United Nations Commission on Human Rights

expressed deep concern over what it called, this “reckless approach towards human life and liberty”, which would ultimately only weaken democracy itself.

In an unusual political twist, those concerned with the impact of these developments on democratic institutions and practice are the new structural conservatives, concerned to protect the liberal-democratic institutions and the relations between them that the Westminster tradition with its emphasis on the rule of law and the separation of powers, has given us. For these counter-terrorism developments presuppose the impossible – that democracy is infinitely divisible, that we can suspend aspects of the rule of law for whole groups of people without also affecting the democratic nature of the state itself. We risk surrendering democracy in the name of its protection.

Endnotes

- 1 This paper draws on the author’s recently published “Terror Laws: ASIO, counter-terrorism and the threat to Democracy” (UNSW Press). An earlier version was delivered to the University of NSW Gilbert & Tobin Centre for Public Law *National Forum: The War on Terrorism and the Rule of Law* NSW Parliament House. Sydney, 10 November 2003
- 2 ACLU Board of Directors (1939) in Romero, “In defense of liberty at a time of national emergency”, *Human Rights* vol.29 no.1 2003
- 3 Michaelson, C. “International human rights on trial – the United Kingdom’s and Australia’s legal response to 9/11” *Sydney Law Review* 2003 Vol.25 pp275-304; p.276
- 4 ASIO Legislation Amendment Bill 2003
- 5 Parliamentary Joint Committee on ASIO, ASIS and DSD, An Advisory Report on the Australian Security Intelligence Organization Legislation Amendment (Terrorism) Bill 2002, May 2002, Report 1, foreword.
- 6 Galligan, B. *The Politics of the High Court* University of Queensland Press. Brisbane. 1987. :203
- 7 D. McKnight, “Stuck in Noam-man’s land” *Sydney Morning Herald* 29 December 2001
- 8 President George W. Bush ‘Address to the Joint Session of Congress and the American people’ 20 September 2001
- 9 A. de Benoist, “The 20th century ended September 11” *Telos* Fall 2001 :113-133
- 10 Full title: “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act 2001”
- 11 P. Williams in R. Liverani “Mad law Professor delivers Julius Stone address” *Law Society Journal* September 2002 :23
- 12 *ASIO Act 1979* S.34VAA
- 13 Department of the Parliamentary Library *ASIO Legislation Amendment Bill 2003 Bills Digest* No. 68 2003-4:14
- 14 Lord Donaldson, *R. v. Secretary of State ex. p. Cheblak* in Lustgarten, L. & Lee, L. *In from the cold: National Security and parliamentary democracy* Oxford University Press. Oxford. 1994 p.9
- 15 Ruddock, The. Hon. Philip ‘Opening Address’ 12th annual conference Australian Institute of Professional intelligence Officers. Canberra. 22 October 2003

- 16 Dempsey, J. "Civil liberties in a time of crisis" *Human Rights* Vol.29 No.1 Winter 2002 pp. 8-10
- 17 See the discussion in Lustgarten, L. & Lee, L. *In from the cold: National Security and parliamentary democracy* Oxford University Press. Oxford. 1994
- 18 Thacker Committee in Lee, H.P.; Hanks, P. & Moribito, V. *National Security Law* Book Company. Sydney. 1995 p.15p.15
- 19 Abbott, T. "The World since September 11" Address to the first plenary session of the Australian Academy of Forensic Sciences 13 February 2002. P.3
- 20 in Schubert, M. "Questions of fear and safety" *The Australian* 16 December 2002
- 21 Justice Lionel Murphy *Church of Scientology Inc. v. Woodward* (1982) in Jean Ely and Ron Ely, *Lionel Murphy: The Rule of Law* Sydney: Akron Press, 1986 pp. 71-78.

CLEAR THINKING,

DOGMA AND THE WAR ON TERRORISM

David McKnight

Ten years ago I published the first in-depth study of the Australian Security Intelligence Organization¹. I had begun the research for the book four years earlier with a fairly clear purpose in mind. I was a sharp critic of ASIO and the book was intended to expose the undemocratic and reprehensible things which the organisation had done during the Cold War. As well, at that time I was on record as stating that the major event of the 1950s Cold War, the Royal Commission into Espionage or Petrov inquiry, was a fraud and was motivated solely by political gain for Menzies.

As I researched, I certainly found plenty of material which damned ASIO. It had a roving brief to wage a war against the Communist Party and the broad left whose activities were legal and an exercise of democratic rights. Toward the end of the 1960s, ASIO had become an extremely politicised body, running operations against Left targets and passing security information to Ministers and even backbenchers in the Menzies, Holt, Gorton and MacMahon governments.

There was, however, a problem. This concerned the Petrov Affair and ASIO's original role as a counter-espionage service. There is an old journalism saying – usually used ironically – that you should never let facts get in the way of a good story. This was my problem.

As I probed the events of the Petrov Affair it became clear that the charge that a small number of members of the Communist Party of Australia had been engaged in espionage on behalf of the Soviet Union was indeed true. And that this was the reason that ASIO was formed in the first place, indeed by a Labor Government. When Petrov defected, he brought further evidence that the KGB was active – though rather unsuccessfully – in Australia. It was not a palatable conclusion to have reached for me personally. I had joined the CPA in the 1970s after it had broken with Stalinism and even at that stage one would prefer to imagine the CPA as purely a victim of the Cold War, rather than having any responsibility for its predicament and for the events.

In the end I wrote the book according to the facts, rather than my preconceptions. I concluded that both things *were* true – that security issues were politically manipulated by the Menzies government *and* that the origin of ASIO lay in genuine espionage in the post war period, which occurred largely because the CPA was dogmatically determined to assist the Soviet Union by any means necessary. I mention this as a cautionary tale for those of us on the Left who are grappling with the circumstances of global terrorism and the response of Western governments.

The events of 11 September 2001, Bali and the Iraq invasion present a major challenge to many traditional left-wing analyses. We live in a time when old frameworks and instinctive reactions must be re-thought.

Unfortunately the most widely-known voices which are identified as left in public debate are what are more correctly described as "ultra-leftists". These are people such as John Pilger who are inclined to see the undoubted political opportunism of Bush and Howard in regard to the war on terror but who ignore the fact that there is, at the heart of the matter, a real physical threat to ordinary people and a challenge to values of democracy and secularism.

Moreover, some on the Left draw facile comparisons with the Cold War. We know that in the Cold War a kind of hysteria was abroad in the land, based on anti-communism. Groups were targeted and raided, people lost their jobs, and a powerful security agency operated to do these things.

But the situation today bears only superficial resemblance to those days. Consider the comparison between the threat of communism and the threat of Bin Laden-style Islamic fundamentalism. On the one hand, you had the Cold War communists in Australia – the CPA. They were a legitimate, radical force which grew out of European social thought i.e. Marxism. They fought for goals which were often later accepted by the society broadly. They operated in a political party – and they had roots among the community. Their means were peaceful. There was never any actual danger that the Left's most revolutionary ideas would ever be realised.

Whether you agree with this assessment of the Left during the Cold War or not, there is no comparison with the ideas and actions of Bin Laden or of violent Islamic fundamentalism more generally. They are not open or public, they are not progressive in any normal meaning of that word, they do not have a mass base in the community generally, nor in the Moslem community. Their political and moral views are pre-modern, pre-Enlightenment. Moreover they do not demand anything. What I mean is this: until now terrorism was more or less a *choice of tactics* in a political struggle. You can think of the IRA or PLO, for example. It was part of a campaign to intimidate or

hurt the enemy in order to achieve goals, such as driving the enemy from your country.

What is quite new and different about Bin Laden's crew is that there is no demand, no political struggle. Thus no negotiation will ever be possible. My point is that comparisons between the current situation and the threat to civil liberties in the Cold War are often facile. Those who make a simple comparison between security measures now and during the Cold War leave out these central points of difference.

Security agencies

Another reason that the war on terror presents a difficult problem for the Left is that – at least in the short term – a key part of preventing and countering terrorism of this kind must fall squarely on security and intelligence agencies.

This is a problem because the attitude of the Left towards security agencies was formed by the Cold War and has not moved on. That attitude is essentially that the mere existence of security and intelligence organizations is an affront to democracy. The idea that an agency like ASIO might have a legitimate function in protecting a democratic society is something many people find hard to accept. It was a view I once held, in different circumstances, but no longer do so.

The ultra-Left in particular find it impossible to accept that a security agency could play any legitimate role. Given that starting point, the facts must then be made to fit the theory. This means that one must minimize or even deny that there could actually be a threat of terrorism in Australia or to Australians. This may seem extraordinary after the Bali bombing, but such is the nature of dogmatism. The denial of a real threat is implicit rather than explicit. If you *genuinely* acknowledge a threat exist you have to incorporate it into your own analysis. You have put it on the scales and weigh, on the one hand, the possible physical threat against, on the other, the need to retain democratic liberties. But if you read the works of ultra leftists such as John Pilger or Noam Chomsky or Tariq Ali, you can see that the scales are wildly unbalanced.

What these writers do is to condemn the atrocity of 11 September 2001 then simply ignore the challenge this poses and get onto the main game – which is condemn the policies of the US. Unfortunately a significant number of people, especially idealistic people from the broader liberal-Left, are listening to their simple-minded message.

One reason for this is simply that there is indeed much to condemn in the response of the Bush and Howard governments. Most of all, the lies that were told which linked Saddam Hussein to Al Qaeda and which asserted his readiness and ability to immediately

deploy WMD. The quite legitimate cause of opposing global terrorism was deeply damaged by Bush's opportunist attack on Iraq. Added to this was the disgraceful attempt to tar asylum seekers with the terrorism brush from our local Bush deputies.

This is part of the problem with the "war on terrorism". Its chief advocates display an enormous hypocrisy in their foreign policy as well as a lack of principle. Among the political elite in the US and in Australia, to seriously discuss foreign policy in terms of principle brings only a superior smile. So-called "realist" foreign policy means putting the interest of your country first, regardless of principle, and to hell with any one who gets in the way. Thus we have the US supporting the dictatorship of Saddam Hussein at one point, and then overthrowing it. And then, desperate for a justification that will stand up, claiming that it was motivated by principle in overthrowing a brutal dictator. But to anyone with eyes to see this is pure hypocrisy. And this matters especially in the war on terrorism because values and principles are at the heart of the challenge which violent Islamic fundamentalism has thrown up to the democratic and secular West

Pilger and "root causes"

So, principles matter. Another issue about which it is important to get clarity are the causes of terrorism. Dogmatists of all stripes – religious or political – often try to explain the whole world in terms of simplistic notions like "root causes". They want ultimate causes and final solutions. The "root cause" of 11 September 2001 and Bali, according to Pilger, is the domination of the world by the United States.

One of the dangers of this kind of world view is that critics of the US begin to sound like bin Laden or Abu Baker Bashir. The baggage of "root causes", for example, denies an obvious truth about the Bali bombing. It is this: one of the unexpected consequences of UN and Australian intervention in East Timor has been to drive to murderous outrage the tiny group of Islamic Indonesian fundamentalists. Their mentor, bin Laden, has twice threatened Australia in very specific terms, blaming us for dividing an Islamic nation – Indonesia – through our actions in Timor. But intervention in Timor does not fit the pattern of "root causes" and so it is hardly mentioned by the ultra-Left.

The *broader* Left, which was one of the few moral voices on Timor for 25 years, found that *de facto* it had common ground with the Liberal PM John Howard when our action aroused the murderous wing of Islamic fundamentalism. It is a situation which ultra-Leftists refuse to recognise.

Poverty and economic determinism

One of the most widely held views about the meaning of 11 September 2001 is that it was a judgement on the United States for its wealth, in comparison to the poverty of much of the rest of the world. This attained the status of a common sense assumption. For example, the Democrats Senator Andrew Bartlett referred to poverty and racism as “the root causes of terrorism”.² The Chaplain of the Defence Forces, Dr Tom Frame, argued that the “pervasive cause” of terrorism is poverty “because poverty breeds instability, instability breeds fanaticism, fanaticism breeds hatred, and hatred breeds terrorism”.³ (A more sophisticated view of this comes from CAA-Oxfam which states that it “does not suggest that poverty is in itself a direct cause of violence or terrorism.... [but] human misery and despair create breeding grounds which extremist political movements are only too capable of exploiting.”⁴)

There is no doubt that the wealth of the US (and Australia) is obscene when compared to the dire poverty of much of the world. A UN Development Report recently noted that the wealth of the world’s three richest families is greater than the annual income of 600 million people in the least developed countries.⁵ Such facts appeal to a certain common sense view that the desperately poor might use desperate measures to redress their situation. But, as many have pointed out, this does not conform with the known facts about the terrorists, their social origins or their stated motives.

Rather than explaining anything about terrorism, the simplistic yoking of poverty and terrorism performs a political or moral task of critiquing the gross inequality of the world, a worthy motivation but a misleading and crude basis for an analysis of a quite different phenomena.

(Perhaps surprisingly Noam Chomsky is one of those who disagrees with this economic determinism. In his top selling book on those events, he states that “what happened on September 11 has virtually nothing to do with economic globalisation, in my opinion. The reasons lie elsewhere.”)

One of the revisionist Leftists in the debate, the editor of the US *Dissent* magazine, Michael Walzer, notes that, “Whenever writers on the Left say that the root cause of terror is global inequality or human poverty, the assertion is in fact a denial that religious motives really count. Theology, on this view, is just the temporary, colloquial idiom in which the legitimate rage of oppressed men and women is expressed.”⁶

Conclusion

Finally back to ASIO. In the new post-September 11 world, it is no longer rational to see ASIO as it was in the Cold War. For those who bother to find out, one of its main activities for nearly a decade was the pursuit of violent neo-Nazism. The destruction of the neo-Nazi National Action was largely due to ASIO. Among other things, it provided crucial evidence – based on bugging – that jailed one NA leader for murder. As one who has been shot at by National Action guns, I am glad ASIO targeted them. I am equally glad they have targeted the Australian branch of Jemiaah Islamiya in October 2002. If ASIO did not do its job effectively and an unanticipated bomb exploded in Melbourne or Sydney, the Left would be the first group to denounce ASIO's incompetence. And rightly so. Such agencies should not be insulated from criticism, and nor should we rubber-stamp draconian legal changes to their powers but knee-jerk analyses on the basis of a previous historical era should be abandoned.

Having said all that, I believe that it is important to preserve democratic and liberal values in considering the new powers needed by the security forces and government in dealing with this new kind of terrorism.

It is a good thing that the proposed powers for ASIO were moderated by Senate review and by public debate. These make more acceptable the unprecedented practice of detaining individuals for questioning and compelling them to answer. It is a pity that the threat of terrorism has led to this but it seems unavoidable. A sunset clause in three years will be a useful opportunity to review the actual practice of the new powers

Endnotes

- 1 *Australia's Spies and their Secrets*, David McKnight Allen & Unwin, 1994.
- 2 Question to the Minister for Defence, The Senate, 15 Oct 2002.
- 3 Speech at a service for the Bali victims, 21 Oct 2002. See <http://www.anglicanmedia.com.au/2002/397.htm>
- 4 CAA-Oxfam Submission to the Australian Government's White Paper on Advancing the National Interest;
- 5 "UN attacks growing gulf between rich and poor", *Guardian*, July 15, 1999.
- 6 Michael Walzer, *Dissent*, Spring 2002.



Photo – David Karonidis

Andrew Bartlett

Senator Andrew Bartlett, Leader of the Australian Democrats, addressed The Sydney Institute on Monday 9 February 2004. With most people expecting a federal election to be called before the end of 2004, the future of the Democrats and the number of seats the party would hold after that election have become important issues. However, whatever the outcome of the 2004 election, the Australian Democrats will continue to hold at least four Senate seats – and will remain a significant factor in the government’s ability to pass its legislation.

THE DEMOCRATS,

PUBLIC POLICY AND THE SENATE

Andrew Bartlett

I acknowledge the traditional owners of this land.

I am very pleased to be addressing The Sydney Institute for the first time.

I am proud to be a member of the Australian Democrats and it's a great honour to be the Leader.

And I am excited about 2004. Everyone assumes it will be an election year. Many people are predicting it will signal the end of the Democrats, a claim that has been made many times over the last 27 years.

I joined the Democrats in 1989 and experienced my first federal election in March 1990. Despite that election producing the highest vote the Democrats had ever got, before or since, we lost our leader, Janine Haines, and many people predicted it would mean the end of the Democrats. I entered the Senate in 1997 on the shock resignation of Cheryl Kernot, with the predictions of many people ringing in my ears that the end of the Democrats was now at hand.

As part of researching Democrat history for our 25th anniversary celebrations in 2002, I came across newspaper commentary after the 1977 election saying that the fact we won only two Senate seats, despite all the momentum we had leading into our first election, meant it was "the end of the Democrats" before we'd barely begun.

I quite enjoy elections and election years. I was the Democrats' national campaign director for the 1998 election and remember that, after the Queensland Election of that year, One Nation had won eleven state seats and were surging in the federal polls. A cover story of *The Bulletin* predicted the end of the Democrats. At the election just four months later, we strengthened our Senate position. So whilst I do not deny this year presents many challenges for the Democrats, forgive me if I don't sound too despondent at predictions that the next election will signal our demise.

Understandably, there is a lot of focus on the Howard versus Latham contest at the moment. But the Democrats are in a different contest – one for the balance of power in the Senate. The crucial,

complex and difficult role of Senate balance of power is often misunderstood. The issues on which we get to exercise direct power are often determined as much by others as they are by us. The big skill of the job is in exercising influence – on government, other parties and public opinion. Success revolves around being able to do the job effectively and responsibly, regardless of who is Prime Minister and which party is in government.

Whilst we naturally explore every opportunity to achieve our policy aims, the Parliament, the economy, the government and the public sector must be able to continue to function. It is a role which – to do properly – requires you to be able to both work with and oppose the government at the same time, sometimes on the same issue.

It is that role and that theme that I wish to focus on tonight. For while the focus of many this year will be predominantly on the election contest, the Democrats' focus must also be on the job we have the responsibility of doing in the Senate. There are many issues, major and minor, high profile and low, which require attention this year and where the Democrats will be more crucial to the result than any other political party.

Whilst tax and (a very distorted notion of) security have featured prominently in recent elections, health and education consistently turn up as the issues Australians are most interested in. Medicare and health will be central when the Senate resumes this week. Higher Education is off the legislative agenda, but on the front pages with the jump in unmet demand and the pending hike in student fees. The role of schools funding will also deservedly receive a lot of attention. The government will want to focus on the economy and who can manage it best. Both major parties will promise tax cuts in some form. And it is likely there will be new security and defence issues.

The Democrats have already shown we are able to engage comprehensively and effectively on all these issues. But as well as being able to be credible on the major, mainstream policy issues of the day, we will also be strong on those issues that the major parties don't want to focus on. Issues like the three R's – refugees, Reconciliation and a Republic. Issues such as equal rights for gay and lesbian people, nuclear issues or the ongoing crisis in housing affordability. Also, Honesty and Accountability – a long-term speciality of the Democrats.

Promoting honesty in politics involves a lot more than just saying the PM's pants are on fire. It involves doing the work scrutinising the actions of government and proposing tangible changes to make not just politics and bureaucracies, but corporations more transparent and accountable. We need better standards all round.

We welcome Mr Latham's announcement on reforming superannuation for politicians. Today I wrote to Mr Latham offering the

Democrats' cooperation to give this issue priority in the Senate. If together we can get the Senate to pass a law bringing politicians' superannuation into line with everyone else in the community, it will bring the strongest pressure yet on Mr Howard to either support this reform or be left defending the indefensible.

We also want to lift the standards higher on electoral donations. We believe a cap is needed on donations from business and unions. According to the Electoral Commission website, last financial year one company alone (Manildra) gave the Coalition hundreds of thousands of dollars and one union alone (Shop Distributive & Allied Employees Association) gave the ALP hundreds of thousands of dollars. It was an official from that same union that reportedly ensured a motion supporting equal rights for same sex couples was not put forward or debated at the recent ALP national conference. A host of companies and entities with undisclosed sources of income also feature heavily in the list of donors. In the 2002/2003 year, one association entity donated \$1.8 million to the Liberal Party, another donated \$1.2 million to the ALP.

It is only due to the work of the Democrats that the information regarding donations is now publicly disclosed. We will continue to work for further improvement. Putting a cap on electoral donations and improving reporting, particularly for in-kind support and donations laundered through associated entities, will reduce the improper influence of outside organisations on the decisions and behaviour of all political parties.

The Democrats have always been proud of our refusal to be beholden to any group, whether it be big business, trade unions, environment groups or any other community organisation. We listen to everybody and then we make our own decisions.

Work and family issues are something the Democrats have been highlighting strongly since the time of my predecessor Senator Natasha Stott Despoja. We have led the debate on maternity leave and we will continue to make proposals regarding working hours, family friendly workplaces, employment, childcare, housing costs and the pressures on families to have two incomes to support rising house prices.

On environmental issues, we will continue to demonstrate that we are the party that gets the strongest and widest results in this crucial area. We will continue to support those issues that have the media or symbolic appeal, such as logging of old growth forests. But we will not be forgetting the many other environmental issues that, frankly, are of much greater significance environmentally and economically. Top of this list is climate change, which has the very real potential to dramatically alter environmental conditions throughout the world in a very short space of time. Along with this will be issues such as

land clearing, water management, the health of our marine resources, including the unique Great Barrier Reef, and the threat posed by pest and weed species. We have already achieved a lot, but there is much more to do.

In doing so, we that are part of the environmental movement must ensure that we do not become party to dishonesty or distortions of the truth in making our case. We cannot criticise Mr Howard or industry groups for misleading the public or distorting the facts to suit their argument, if we are also guilty of the same thing.

The same applies to the debate on defence and security. In my view, both the Right and the Left continue to fail the public in this crucial area. Much of the Right relies on accusing their critics of “softness” or a lack of patriotism to win their argument. Much of the Left still relies on knee-jerk anti-American rhetoric to justify their views. It is extraordinary that in an area that costs so many billions of dollars and has a history, of appalling wastage, that political debate is so shallow. The Democrats will do what we can this year to remedy that situation. It is too important an issue to be left to bumper sticker politics.

Responding to important and complex issues involves a lot more than stating what you oppose. As Mark Latham has pointed out, and he will hopefully attempt to live up to his own rhetoric, you need to have solutions. Balance of power in the Senate is about more than having a catchy T-shirt slogan – don’t get me wrong, I love catchy T-shirt slogans, it’s something the Democrats are quite good at, at times – but they don’t work too well when you try to move them as amendments in the Senate, or when you’re trying to argue with the Prime Minister about why your proposal is better than his. They just don’t suffice when you have to come up with properly costed, thought-through, legislative solutions.

There will be a lot of focus throughout the year on the Latham/Howard contest and the different choices they offer. Who will be Prime Minister is, of course, important but that shouldn’t obscure us to the fact that in many areas there is still not much difference between them.

If you focus on style, John Howard is a bit like the slower grinding manoeuvring of a cricket test match and Mark Latham has more of the flash and slash of the one day game, but it’s still the same game. We mustn’t forget that many Australians prefer other sports and even a few who (shock, horror) don’t really like sport much at all! The bottom line is, whoever is in the Lodge, or Kirribilli House, you need the Democrats in the Senate. While a lot has been written about the current Independents – Lees, Harradine, Murphy, One Nation’s Len Harris – the only significant issue they have used the balance of

power for is passing the higher education legislation at the end of last year, and the outcome was and will continue to be disastrous.

The Australian Democrats worked hard throughout 2003 drawing out the many flaws in the government's higher education legislation and attempted to pass more than a hundred amendments to improve it. The fact that we were unsuccessful simply reinforces why a competent party that takes a comprehensive approach is needed in the vital balance of power role. Quite frankly, the risks are too high to give others the power to stuff things up.

This will be shown in the near future on the vital issue of Medicare. I want to talk a bit about health issues – firstly because they are so important, secondly because they will be a key feature of the first few weeks of Parliament and finally because it gives a good insight into how the Democrats do things differently and why that is so important.

Almost a year ago, the Democrats hosted a Medicare forum with key players in the health field. It included community groups representing retirees, the ACTU, medical groups, nurses, allied health professionals and members of other political parties. We wanted to do more than chant slogans, we wanted to put forward solutions.

The government's initial Fairer Medicare package was not good enough. The Democrats put forward an alternative reform package "Committed to Medicare". The Democrats then initiated the Senate Inquiry that resulted in the public airing their concerns and a significant revision of the package by the government. Some key elements of the Democrats' proposals were taken up by the government, including incentives to bulk-bill all children, the inclusion of practice nurses in Medicare, and better medical support for aged care.

Further, the government did not proceed with two planned initiatives that the Democrats strongly opposed: firstly, the electronic swipe card for bulk-billing – a better solution has been found – and secondly, the government's initial desire to fund the safety net through private health insurance. The fact that these have not gone ahead is already a significant win for the Democrats.

Submissions to the second Inquiry continued to reinforce our concerns. The notion, put forward by Labor and the Greens, that very high rates of bulk-billing can be achieved in the current system for all health services, particularly for specialists, is romantic but misleading. In the medium term, it is credible to try to lift average bulk-billing rates for GPs to back over the 70 per cent mark. However, there has been no recognition from Labor or the government of the very low levels of bulk-billing for many specialist services.

Less than 40 per cent of all specialists bulk-bill or charge the schedule fee¹. This means that many Australians are having to pay

very significant out of pocket expenses for specialists, particularly those with chronic or acute illnesses.

In the absence of any genuine attempt by the Government or the ALP to acknowledge, let alone attempt to address, the high cost of specialist fees, a stronger safety net is very desirable for those Australians suffering because of high health costs. What we need to ensure is that an enhanced safety net works properly and does not generate more problems.

It is clear that a lot of people are not aware that there is already a safety net in existence. This is not surprising, as the safety net has become so inadequate that it provides very little help to the many Australians who need it. Last year, only 30,000 families and individuals had access to the safety net, and those who did received assistance averaging about \$146 over a year.

I have been very disappointed in those who have taken the view that any attempt to negotiate should be condemned, purely because those improvements would have to be made by the Howard Government. It is clear that some groups who advocate on specific issues actually give greater priority to causing damage to the Government than they do achieving improvements in the area they are allegedly concerned about.

The Democrats do not make our decisions based on whether or not they will assist the electoral fortunes of the Howard Government, but on the outcomes for the Australian public. That is what negotiation – and our role – is all about. Last year the Senate passed 157 bills. They all in some way make an impact on some Australians, so they all deserve thorough scrutiny and consideration. But you cannot expect them all to get a profile on the news. An example is taxation. Three times in the last week of Parliament last year, the Democrats responsibly exercised the balance of power to ensure that the business community was not adversely affected by political stunts by the ALP and the blanket opposition of the Green senators to anything to do with business or international trade.

Firstly, we used our votes to implement Taxation Treaties with the United Kingdom and Mexico. Without these agreements, Australian companies doing business in these countries faced double taxation and increased costs of capital.

Another tax change that was supported by the Democrats, and opposed by the ALP and Greens, ensured that companies with tax losses did not face an effective double taxation upon the receipt of dividends.

Thirdly, the Democrats supported a provision designed to allow banks and credit unions to offer longer term deposit products without requiring teller staff to have detailed financial services training, but

only after we negotiated an amendment that provided consumer protection.

Last year the Democrats also successfully negotiated a \$920 million win for low income earners with superannuation. After almost twelve months of negotiation, we convinced the Government that their priorities were wrong and the final package gave twice the benefit to low income earners. The financial institutions called this package the “most positive news for superannuation in 15 years”.

It’s an election year. The Opposition may be handing out children’s books now but the government’s going to be handing out tax cuts. And the ALP will probably follow. Promises of big tax cuts are now inevitable. Capital gains tax was halved just a few years ago, with Labor support, despite the Democrats’ opposition and despite the fact that it mainly benefited those wealthy Australians with investment properties and share portfolios. The Coalition’s 30 per cent rebate on private health insurance, costing the taxpayer nearly \$3 billion a year, also favours higher income earners.

If we are going to use some of the surplus on further tax cuts, we have to look very closely at what is the right way to go and do everything we can to ensure that further tax changes do much more to help those struggling on low and middle incomes. These people clearly get the rawest income tax deal because of the withdrawal of welfare benefits combined with the tax rules such as the threshold that kicks in at the ridiculously low level of \$6000. If the disposable income of low-wage earners increases as a result of a rise in the bottom threshold, it would reduce pressure on wage inflation and act as a strong economic stimulus.

We have long pushed for tax loopholes such as family trusts to be tightened. We believe that the housing bubble has been fuelled by the generous interaction of negative gearing and CGT concessions. The housing boom has caused great satisfaction to home owners, but has forced many out of the housing market; it has given us the highest interest rates in the developed world and an Australian dollar that is hurting exporters.

There are plenty of options to talk about in the taxation debate to ensure that the tax system is equitable and provides sufficient revenue. The Australian people deserve a pre-election debate that provides far more than “My tax cut is bigger than your tax cut” or for that matter, “Tax the rich not the poor”. The Democrats acknowledge that there is a case for income tax relief for many Australians, but it needs to be properly targeted and not done in isolation from other necessary measures that would improve revenue

Closer to an election we will also start to see Senate polls. There is a widespread assumption that is now regularly repeated amongst political commentators that many voters vote one way in the House

of Representatives and another way in the Senate. This is true, but it must be remembered that the Democrats are the *only* party in the past 30 years that has consistently polled significantly higher in the Senate than the Lower House. It is clear that the electorate recognises the special – and specialist – role the Democrats play in the Senate. This, of course, is not reflected in the regular polls, but we will do everything we can to ensure it is reflected in the results on election day this year.

There are many other issues we will engage in that I haven't got time to go into here, such as the continuing disgrace of how we treat asylum seekers. I'll respond on any issue, as we have to be across every piece of legislation that enters the Senate. There are literally hundreds of pieces of legislation. No one else does that work and no one else is offering to. That's why holding the balance of power is a role of massive responsibility and that's why Australia still needs the Democrats in that role and that's why the latest predictions of the Democrats' demise, or indeed any other peripheral issues, are not going to distract me for one minute from my work ensuring we do that role as effectively as we possibly can.

Endnotes

1 September quarter 2003

FUNCTION NIGHTS



Photographer: David Karonidis



Anne Henderson



Andrew Bolt

Photos – David Karonidis



Frank Brennan

How do we begin to define honesty in public life? Can there be any credible notion of truth as against opinion and perception? And how does the public judge its leaders and commentators in the swirl of spin and counterspin in public debate? To discuss the problem – and suggest some pointers for guidance – the Sydney Institute conducted a seminar, on Wednesday 11 February 2004, with Fr Frank Brennan SJ, author of, most recently, *Tampering With Asylum* and Associate Director, Uniya-Jesuit Social Justice Centre, and Andrew Bolt, columnist with the *Melbourne Herald Sun*. ABC Life Matters presenter Julie McCrossin, also listed to speak, was unable to attend on the night due to illness – Anne Henderson, Deputy Director of The Sydney Institute, introduced the seminar and explained Julie McCrossin's importance to the idea of the discussion.

HONESTY AND THE

ISSUES

Anne Henderson

Disappointingly, Julie McCrossin can't be with us tonight. Because it was Julie who gave me the idea for this evening's function.

Late last year, I organised a small lunch for about 30 people (around one table) – the proceeds of the lunch went towards refugees released into the Australian community on protection visas which do not allow them to work. The two special guests at that lunch were Julie McCrossin and David Malouf. The topic for discussion – led by Julie and David – was “Writing not Preaching”. It was a topic suggested by David Malouf who firmly believes, as a writer, it is his role to tell stories and not impose on his readers what to think.

David, who himself is mentoring a young Afghani refugee in Sydney, began his comments by saying he would not be joining in the protest “cage” on Bondi Beach (a few weeks on) to draw attention to the plight of asylum seekers in detention. This on account of the fact that he did not believe that, because he was a celebrated author, he had any right to use his position to try to persuade others. He was not an expert on detention policy. What he did for refugees was private.

Julie McCrossin took a different tack. As a broadcaster she was more interested in the way public debate was handled – and had been for many years. A committed “leftie” from way back, Julie had taken on most of the burning issues of her day – from Aboriginal rights to refugees, from the Holocaust to women's liberation. And so on. But at our lunch, Julie talked of the many issues where the focus was predominantly one way – and how many aspects of the so called burning issues were left unspoken. For Julie, as a broadcaster, this had become a concern.

I should add here that the group around the table consisted of some very well known and not so well known Australians. All were able to pay the \$132 for the modest lunch – so that most of the cost could go to the needy refugees, many who have trouble, since they cannot work, getting food themselves. The guests at this lunch were a truly diverse group. Some supported the government's policy of detention, and at least one would have argued that boat people should

“join the queue” and not enter Australia unlawfully. Most, though, were in favour of greater empathy for asylum seekers and a new policy to get people out of detention more quickly. Julie’s comments struck a cord.

As one of the guests at that lunch, Vera Ranki, put it to me recently, “What I remember is the anguish and the authentic caring that came across. (In the best sense, that we are each other’s keepers.) Here was a bunch of people who could be described as belonging to many different hues of the political spectrum, yet meeting on the common ground of humanity and sense of community. It represented an inspiring and reassuring example of community spirit and that it is possible to stay within one’s paradigm (left, right, centre, whatever) without being dogmatic.”

In this atmosphere – and with quite a number of voices gently challenging her views – Julie McCrossin threw down a few examples of where the issues, she believed, were excessively focused one way.

For starters, she suggested *Washington Post* columnist Anne Applebaum’s recent work on the still not widely or popularly known details of the Soviet gulag – presented in her much praised *Gulag – A History* and published in 2003 by Doubleday.

The Soviet gulag, sucking in dissidents and minor offenders of the Soviet and Stalinist regime, began in 1918 and was personally expanded by Stalin in 1929 to use forced labour to accelerate Soviet industrialisation and exploit the natural resources in the country’s barely inhabitable northern regions. Now, some of us will remember the compelling drama (later made into a film) of Alexander Solzhenitsyn’s *One Day in the Life of Ivan Denisovich* and his other works on the Soviet gulag – most notably *The Gulag Archipelago*.

But the writing, dramatic portrayals or film documentaries on the Soviet gulag have never impacted on the popular conscience – either in Russia or in the West – anything like the brutality of the German (Nazi) Holocaust of World War II. The portrayal of the German Holocaust is repeated endlessly in film and documentary and our children will know it as we do for what it was – a tremendous black era in Western history. But the Soviet gulag lasted from 1918 till the 1970s, affecting the lives of generations in a vast nation of many, many millions. And it is barely noticed by comparison.

The Soviet gulag absorbed some 18 million people into its massive system, at least 4.5 million never returned. Anne Applebaum queries why there is a lack of interest in telling that story again and again, as with the German Holocaust. And she suggests that unless it is retold it will be repeated – such as with the Chechens who were brutally massacred 50 years ago.

Writes Applebaum: “... half a century after the war’s end, the Germans still conduct regular public disputes about victims’ compen-

sation, about memorials, about new interpretations of Nazi history, even about whether a younger generation of Germans ought to go on shouldering the burden of guilt about crimes of the Nazis. Half a century after Stalin's death, there were no equivalent arguments taking place in Russia, because the memory of the past was not a living part of public discourse."

Australian public discourse, for Julie McCrossin, offered its own examples too. She drew the group's attention to the massive coverage and debate over Aboriginal land rights, *Mabo* and terra nullius, even deaths in custody while it was rare to hear a warts and all discussion for listeners of the ABC's Radio National and the like of the plight of Aboriginal families suffering dysfunction, widespread domestic violence and the corrosive community effects of alcohol abuse – problems which have been ongoing for decades. On such issues there is a relative silence compared to the discussion of more political issues. But why? Aboriginal women, especially, have suffered in silence.

And then there is the issue of refugees. Asked to attend a seminar panel for a function to "debate" the issue of the government's detention policy in Western Australia, Julie McCrossin refused to take part until the panel included a person who could rationally and coherently argue the government's case. As an opponent of government policy on refugees, she argued that there was no value in having only everyone who agreed talking to one another and, largely, to the converted. The organisers of the seminar were puzzled by this but did what she asked – they found a coherent government spokesperson. The panel discussion was all the more valuable for it.

The past few decades have left us with such a trail of post modernist deconstruction that it would be unlikely if there is anyone in this room who believed there is any such thing as "truth". There are of course plenty of facts, interpretations and realities. And it is only when these variants can come into play, in a civil and rational way, that a real or meaningful exchange about truth, reality or facts can happen.

Each generation there are fashionable slants on public debates. Sadly, this was one of the factors that allowed John Howard, as Prime Minister, to claim that so-called "elites" and "chardonnay drinking socialists" were dominating the public discourse in Australia. And a flock of voters in marginal seats, who felt their views had been unheard in the public arena, for whatever reason, agreed with him. Alienation doesn't only happen on the left side of politics.

As we agreed around that table last year, with Julie and David, there is no value in a selective or edited version of the issues. You might not want to hear that your political heroes have feet of clay – but, if they do, you will be better for knowing it. And, hopefully, by knowing a bit more of the truth, people and events thereafter might be better for it too.

HONESTY AND

THE ISSUES

Andrew Bolt

In what passes for polite circles today, there is widespread agreement that we live in the most deceitful of times. In a culture of lies. As I'll explain later, I'm tempted to agree. In those polite circles there is also widespread agreement who it is that's the liar-in-chief in this land of lies.

Yes, I'm speaking of the man whom Phillip Adams claimed "speaks to the deep, dark depths of our mediocrity". The man publicly branded a liar by such Men of Conscience as Robert Manne, John Pilger, Andrew Wilkie, Dick Woolcott and Bob Brown. All of us could recite, some no doubt in a near-religious ecstasy of hate, the litany of lies said to have been perpetrated by John Winston Howard. There was the children overboard lie, of course. And the weapons of mass destruction lie. Some of you might even manage to remember the Manildra lie of last year, which I actually consider the most disturbing incident of the lot, involving as it did the genuine misleading of parliament over meetings with ethanol producers and a panicky cover-up. And don't forget that never-ever promise not to impose a GST. Or was that really a promise?

See, the litany then tails off into uncertainty. Does Howard's decision to impose the GST after all – after an election in which he was quite explicit about his change of heart – really count as a lie? Does his talking about non-core promises further prove he's a liar, when it isn't a lie in itself? Sure, we could insist that there isn't strictly speaking a formal queue for refugee places here, not as such, which would make Howard a liar, but isn't that really just sophistry? It's odd how short, then, is the generally agreed list of Howard's big, nailed-down lies. After all, a man reputed to be such a brazen and shameless liar, and so widely reviled as such in plays, comic routines, newspaper polemics, university seminars, writers' festivals, fashionable symposia and newspaper cartoons should, in eight years in office, have managed to commit a few more atrocities than this.

For starters, look at some of the big lies the honest Whitlam Government got up to in just three short years – lies about Khemlani,

about East Timor, about Junie Morosi, and about offering commissions to a middleman for loans to the government. And yet an adoring ABC TV studio audience last month voted Gough Whitlam as the greatest ever Australian. To be fair, the *Sydney Morning Herald's* Craig McGregor did last December name John Howard as one of the ten greatest Australians, too – but only on the grounds that “he exploits ... our racism, our xenophobia, our ocker jingoism” and altogether “brings out the worst in Australians”. Like all this lying, presumably.

But the oddest thing about John Howard and his supposed culture of lies has been the public's reaction – or lack of it. How often have Australians been told by our noisy class of teachers and preachers that Howard is a liar, lying on all the issues that matter most? Yet what do we see? Howard elected three times in a row, and even now – looking tired – still with a decent chance heading for a fourth election win. How can we explain what Professor Robert Manne last year claimed was the “peculiar and disturbing” habit of Australians not to mind being lied to by John Howard?

Two years ago, on ABC TV's *Lateline*, I debated something like this very question with Frank Brennan. Why was it, we asked ourselves, that so many Australians did not accept the truth of what people like Frank were arguing – that the Howard Government, contrary to what it claimed, was in fact treating asylum seekers monstrously in our detention centres? Frank argued strongly that all we needed was more debate about asylum seekers, more leadership by politicians, and then Australians would swing round and see the shameful truth. I told Frank I couldn't agree. Even at that stage – as I said, two years ago – no local issue had been debated so exhaustively as this one. And the debate is still filling pages of our newspapers, and only last month dominated an entire day of the ALP's national conference. It's manic. It's incessant. And, as I told Frank then, it's even truer now – the public has heard as much of the argument about asylum seekers as it is ever going to listen to. We must now, surely, agree that the public has heard you, Frank, but simply disagrees in the main with you and your many supporters on this one.

This is odd, or even disturbing. After all, in a healthy society, I would assume that teachers and preachers – our intellectual class – would have a significant, even decisive, influence on our public debates. Aren't such people the best equipped, intellectually, to tell the rest of us what to think? Wouldn't many of them also be able to intimidate us with their moral authority, made visible by their clerical collar, their Australian Education Union lapel badges or their Human Rights Commission chauffeured car? But what have we seen? Our intellectuals, our moral elite, told us to vote for the republic. Most Australians refused. Our intellectuals, these teachers and preachers, told us to shun Pauline Hanson. Thick as she was, a million

Australians voted for her anyway. Our intellectuals told us to let in the *Tampa*, close down detention centres, say sorry for the so-called stolen generations, throw out Howard, and stay out of Iraq. And every time, most Australians said no, no and certainly not. Now our intellectuals – or, rather, journalists, commentators, academics, priests, former Office of National Assessment officials and the like – are chanting: Howard is a liar. He lies and lies.

“We went to war on a lie,” Labor says. Remember the children overboard? Yet the public barely seems to care. Why not? Is it that Australians are simply moral defectives – racists and xenophobes, who’d be up for some lying as well? For many commentators, this indeed seems to be the explanation. For Paul Keating, the answer is a little different – Australians are so mindless that Howard and three or four conservative commentators, me included, could just lead them astray. And that, despite the best efforts of the ABC.

But let me tell you the real explanation for Australians not reacting more strongly to the allegations that Howard is a liar. It’s an explanation I hear seconded by so many Australians in their emails, letters and phone calls. Is Howard a liar, they ask. Well, he’s a politician, isn’t he? But what are his lies compared to the lies of the people who call him a liar? You want lies? Look at so many of the teachers and preachers. The intellectuals. The journalists. Our moral elite. Why should we believe these liars when they tell us Howard lies? That’s what many readers say to me. And they’re right. I closely examine half a dozen papers a day, and several magazines a week. I listen to at least a couple of hours a day of talkback radio, the ABC in particular, and an hour or two of television news and comment from around the world. I also read several internet news digests, two or three wire services and five or six political blog sites every day.

This is my job, and was once my job for the Hawke Government. It’s a sad waste of a life, I guess, but I feel I’ve at least got a handle on what is commonly believed and said by the people who are noisiest in our biggest public debates. And I cannot tell you how shocked this little country boy has been by the sheer deceit or, at best, reckless ignorance of so many who should know better. Let me recite for you a list of untruths commonly repeated, again and again, in the media. More than list, actually – a mantra.

This is a list, and only a partial one, of things commonly said, commonly believed, by people who have a healthy sense of their morality, and they are all – all – untrue. Yet those who say these things barely seem to care that they are untrue. No, there was no “stolen generation” of children snatched from loving homes. No, there was no genocide in Tasmania. No, the smallpox that decimated Aborigines so cruelly was not brought here by European settlers. No, windfarms will not stop global warming, or do much good to anyone. No, man-made

global warming is not a proven or agreed scientific fact. Kyoto won't stop the world from heating, and, no, there is no proof that global warming is causing all this spooky weather. No, we are not losing thousands, hundreds or even dozens of species each year. Chernobyl did not kill countless thousands or even 60 people. Aborigines weren't killed by the Maralinga blast, and the uranium mine at Jabiluka was a threat to no one. No children won't be poisoned by sucking on plastic toys, and genetically engineered food crops have not caused havoc to Monarch butterflies – or to the digestion of a single human.

The list goes on. No, forest cover in the industrialised world is not shrinking, we're not running out of oil and the Murray is not dying. In fact, the Murray's salinity is now as low as it's been for 50 years. No, child care isn't good for young children, and, no, getting divorced isn't better for the children than staying together with someone you don't love so much any more. No, heroin injecting rooms have not been shown to save lives, and the death toll in Switzerland went up, not down, after they were introduced there. No, America's war on drugs did not fail – in fact, drug use in the past 20 years has fallen. No, the CIA did not train Osama bin Laden, and the man himself denies getting a dollar of US cash. No, the US did not sell chemical or biological weapons to Iraq, the CIA did not bring Saddam to power and the turkey George Bush held up was not plastic. And if all the votes in Florida had really been counted, no, Bush would not have lost the 2000 election. And on and on.

How often are such falsehoods repeated, usually by people campaigning on elite-approved good causes, and how much Australians who know the truth in their bones seethe to hear them. And you complain about Howard telling lies. People know they're being had by their moral guardians. They see it in their lived day, in sometimes the most prosaic ways. One of the most loved attractions in Melbourne are our Royal Botanic Gardens. But then tens and tens of thousand of bats moved in, and stripped and stank out the place so badly that the managers, having tried almost everything else, prepared for a cull. The Bracks Government, terrified of the green lobby, promptly declared these teeming bats to be so rare that they were endangered and couldn't be killed. Now these allegedly scarce bats are so numerous that they're stripping another park further up the Yarra, and plaguing Geelong. People see this kind of trickery every day from those who pose as our moral vanguard. And they see it particularly in those who most loudly denounce Howard as a liar.

Look at the “refugee” activists who claim Howard lied about asylum seekers throwing a child overboard. Did he lie? Almost certainly no. What we do know is that he unwittingly said something untrue, and that Peter Reith failed – deliberately – to correct the record. I think that's unpardonably dishonest conduct by Reith,

but those who claim Howard lied about this are lying themselves – or saying something they cannot know to be true. But I doubt most Australians bother with such hair-splitting. They are more likely to look at those accusing Howard and think of pots and kettles. They've heard Phillip Adams, Mike Carlton and the like claim that asylum seekers are held here in concentration camps – or in an “Auschwitz with Foxtel”, as Bob Ellis put it. And they know those are wicked untruths. They watched the Refugee Action Collective and the ABC desperately promote the highly dubious Ali Bakhtiyari as a poor Afghan refugee, fleeing the Taliban. And they know he was found actually to be a plumber from Pakistan. They've heard the asylum seekers described as all lovely people who'd fit right in, and then seen for themselves the pictures on television of riots, burning huts, hurt guards, deliberately scuttled boats and sewn lips. And, yes, even footage of a child on another boat being indeed thrown overboard.

Let's look, too, at the anti-war activists – like the former analyst turned Fairfax hero and Greens candidate, Andrew Wilkie – who claimed Howard lied about Iraq's weapons of mass destruction and that he “sexed up” intelligence reports. Did Howard lie? Wilkie has given not a skerrick of evidence for his claim, which is denied by his former intelligence chiefs and by Howard himself. Nor has Labor. Nor has anyone. And now Australians know that similar accusations of lying made by the BBC against Britain's prime minister, Tony Blair, were themselves lies, too. Think of all the people who repeated that lie that Blair “sexed up” an intelligence dossier, inserting information he knew was probably false. Who are they now to complain of lies?

Let's name names. Who is John Pilger to complain of untruths, when for years he claimed United Nations sanctions were killing Iraqi children in what he said was close to a genocide – a claim that leading Iraqi doctors have denounced as utterly false? Saddam, not the UN, kept medicines from children, they say. Who is Carmen Lawrence to complain of untruths, when she endorsed clearly absurd and self-serving predictions that a war in Iraq could cause the deaths of up to 3,900,000 people? Who are the anti-war critics to complain of lies when they refuse to face up to the central truth about Iraq – that they would have left in power a tyrant responsible for more than a million deaths, and one we know – *know* – had links to terrorists and was developing horrific weapons of mass destruction?

I've learned in a very personal way how unwelcome truth is to the very class of people who complain loudest about John Howard's supposed lies. A couple of years ago, I revealed that Lowitja O'Donoghue, co-patron of the Sorry Day Committee, had not – as she'd claimed – been stolen from her family by missionaries. As her former Aboriginal school friends and a nephew told me – and as O'Donoghue herself admitted to me – her white father had instead

freely given her to the missionaries to educate. Nevertheless, three opinion pieces in the *Age* condemned me for having told this truth. So did Malcolm Fraser, Ronald Wilson and gaggles of academics and women's groups. Likewise, when I showed that the film *Rabbit Proof Fence* was not at all that it claimed to be – a true story of three girls stolen from their mothers, as anyone can see by comparing it to the book on which it is based – I was again publicly birched for telling the truth.

I don't have time here to discuss why it is that telling untruths is so acceptable – even essential – when polite people now discuss several totemic issues, particularly the environment and Aborigines. Or why telling the truth can have you lynched so badly that you feel like Keith Windschuttle. Or Geoffrey Blainey. Or Bjorn Lomborg. Let me just say that most religions are built on lies – perhaps even necessary lies – and environmentalism and designer tribalism are the foundations of a dangerous new religion of the intellectual class.

Think of Germaine Greer, the “honourary Aborigine”, who swears she never enters Australia without being greeted at the airport by Aborigines so she “can be admitted into the country”. Think of Greenpeace, which tells us to repent, for the end of the world is nigh. When a cause is sacred, where is the sin in telling lies to advance it? But let's leave that. My argument here is much less ambitious. Howard is no more of a liar than any other Prime Minister, and possibly less than most. But whatever our teachers and preachers try to make of his supposed lies, they'll face a public that's in little mood to hear it from them. It's a public that thinks that when it comes to telling lies, Howard's a pygmy compared to the Great and the Good who denounce him.

HONESTY AND

THE ISSUES

Frank Brennan

Let me first plead guilty to being one of the teacher-preachers. But I do not come to canonise or demonise John Howard, just as I have never canonised or demonised any of his predecessors as prime minister in the years that I have been publicly engaged in advocating the rights of Aborigines, refugees, and other marginalised groups in Australia. I have no doubt that John Howard would prefer a senior public servant to keep the truth from him if that would help the government politically. And I have no doubt that senior public servants are now well schooled in keeping the politically explosive truth under wraps.

I returned to Australia on the Australia Day weekend, having been in Indonesia, Thailand and Cambodia during the previous month. And before Christmas I had been in Vietnam. When I return from such countries, I come with a heightened sense of the gift and the burden it is, being Australian and wanting to give as much as we receive in this part of the world. Each time I return, prizing more our democracy and the rule of law. I can criticise John Howard if I want to and he cannot just throw me in jail even if I annoy him greatly.

I also return each time a little more worried about the state of our democracy and the rule of law, precisely because honesty in public life is now such a fickle commodity. There are some issues where truth does not matter, provided the majority approves the outcome. When a government has been in power a long time, when the upper echelons of the public service are rewarded for keeping their political masters in the dark, when the Opposition has been in disarray, and when the public has been afraid, there seems to be less political oxygen for the usual checks and balances on the Executive which acts in harness with its media scrum of supporters. The Senate gets treated like “unrepresentative swill” (to quote Mr Howard’s immediate predecessor). The judiciary gets sidelined because they are unelected and deemed to be soft in the head. Church leaders get head-butted, except those who caution their fellow church leaders to leave the government alone. The leaders of civil society get told to stand for election or shut up. And

those who appeal to public morality are told by people like Andrew Bolt to wake up to ourselves because we are so out of touch with what the people want.

For example, Andrew Bolt is right when he claims to have told me on the ABC *Lateline* program two years ago that the government's policy of mandatory detention was popular and would stand. I continue to respond, "That may well be so. I could not care if the policy is supported by 99 per cent of Australians. I will continue to decry a policy and its implementation that results in a seven year old child being hit with baton and tear gas and public servants glibly denying that any such thing occurred or was even reported." Let me be so bold as to declare that these marginalising assaults on groups which provide some check and balance to the Executive and their supporters are more likely to occur unchecked when the Liberals are in power. Because when they are in Opposition, they are more likely than Labor to stand up for senators, judges, clerics and the like, or at least to decry the indecency of the government attacks on the nation's traditional institutions.

Having been a long time campaigner for Aboriginal rights under both types of government, I thought I had seen most of the dangers. But I think there is an increasing flabbiness in our consideration of honesty and the issues. Let me commence with three anecdotal examples before considering three case studies of the honesty of government in its treatment of asylum seekers in the name of border protection.

The Devine praises

I returned from East Timor two years ago. I was immediately called to Woomera where asylum seekers were sewing their lips and throwing themselves on the razor wire. I then met with Minister Philip Ruddock who said he understood my purpose. I was opposed to detention and I would do what I could to reverse the policy. That was true but I told the minister there was little point in an unelected member of the elite fulminating against a policy which enjoyed bipartisan support in the parliament and which, with rigorous implementation, had assisted in the return of the government. But I assumed Ruddock and I were *ad idem* in wanting to ensure no further breach of human rights inside detention centres. Presumably the regular attendance of a credible citizen with access to government would be a useful thing. On that basis we then corresponded often and met regularly.

There is a bevy of highly paid armchair journalists who have never visited one of these centres and yet they not only defend the government policy to the hilt. They feel obligated to "do in" any of us who dare to suggest there might be a better way than holding seven year old children behind the razor wire at places like Woomera

for four years. For some of these journalists, the publication of my *Tampering with Asylum* was the last straw. Some reviewers have pointed out that the book is very unemotional. I am pleased to hear it. One of my government deep throats told me early in my visits to Canberra, "Frank, we're sick of the moral outrage." So I set about writing a book that might have some prospect for shifting the terms of the debate.

Frank Devine's "ad hominem" piece appeared under the headline, "Do gooder Priests should stay out of the asylum debate" (*The Australian* 12 December 2003). He said:

Brennan has apparently had an unusual freedom of access to boatpeople in detention camps. Yet he tells us little about them as human beings. Sparse anecdotes are used to belabour the government for its harsh treatment of them. We learn next to nothing about their experiences, their values, their aspirations.

The Australian finally agreed to publish my response dealing with the substantive issues a month later. But the editors omitted my one reference to Frank Devine. I had said, "Frank Devine be warned. This column is written by a priest and contains some references to decency." Some elites are protected from public criticism. Meanwhile the manager of the Tiger XI soccer team, a group of mainly Afghan asylum seekers in Brisbane, had written to Devine inviting him to meet the boys. I had quoted these boys' experiences extensively in the book. Devine declined the invitation, saying, "As an individual I don't doubt that I would be moved and sympathetic by making contact with the members of Tiger XI, and their generous supporters. However as a journalist commenting on policy, in this particular instance, I don't believe my store of knowledge would be enhanced."

It would not matter how much detail I gave of the experience of these boys or others like them. Professional journalists know all the answers in this policy area without ever having visited a detention centre. All they need to do is access the government web sites and turn on the drip.

The Windschuttle connection

I have not bought into the contemporary academic culture wars. While surfing the net for other things, I stumbled across Keith Windschuttle's address to the Samuel Griffith Society in May 2003 entitled, "*Mabo* and the Fabrication of Aboriginal History". I had thought I had put the Catholic conspiracy to rest in my unanswered letter to *Quadrant* in September 1999. But not a bit of it. Here it was, back again, in a more simplistic, virulent form. Windschuttle wrote:

One of the critical issues in the debate over native title is the attitude the pre-contact Aborigines had to the land. Most discussion assumes they had clearly defined territories, which were exclusively theirs. This concept was one of the principal assumptions on which the *Mabo* decision was made.

Justice Sir Gerard Brennan has made clear that his own judgment had been informed by his son, Father Frank Brennan, the Jesuit barrister and advisor to the Catholic bishops on Aboriginal affairs.

I contacted Keith Windschuttle intimating that this statement was not only unsourced but also unfounded and untrue. Justice Brennan had made no such thing clear. Neither could he, because it was a lie. Windschuttle replied:¹

I can also now see that my statement that Justice Brennan's views had been informed by your own work could have been better worded. I should have said: "Justice Sir Gerard Brennan's judgment made it clear that his views were informed by his son, Father Frank Brennan ... " In support of that statement, I should have cited Franklin's lengthy discussion of the subject in *Corrupting the Youth* (pages 388-98), which shows it is a reasonable inference to draw since your earlier opinions were couched within the framework of the same Catholic natural law principles that informed your father's judgment.

Windschuttle's claim is historically unfounded, philosophically stupid and logically false. Consider the logic: "X and Y are influenced by Theory Z. Therefore X's views are informed by Y." For example, Windschuttle and Reynolds are influenced by the historical method. Therefore Windschuttle's views are informed by Reynolds." Writing of his opponents in this oration, Windschuttle says, "I have been checking the footnotes of the other historians in this field, and have found a similar degree of misrepresentation, deceit and outright fabrication". Meanwhile he can find support for bold assertions about Justice Brennan's mindset with a general reference to the writings of James Franklin. Rather than being misled by Franklin, would not the serious historian interested in discerning what has informed the judges in the formulation of their views about land rights and the legal propriety of land claims be better off researching the writings and activities of the judges?

I was only 14 years old when F. G. Brennan QC appeared for the Fijian landowners in the Denning Commission of Inquiry which determined the future of CSR in Fiji. I was only 18 years old when the Commonwealth of Australia briefed him to prosecute the murder trial involving many Tolai landholders in PNG charged with the murder of the Commonwealth district patrol officer. The issue was at its core a land rights dispute. I was only 19 years old when he was briefed by the Commonwealth as the senior counsel for the Northern Land Council in the Woodward Royal Commission. Woodward is on the public record having acknowledged that Brennan drafted key sections of the land rights bill then presented to government. It is spurious to suggest that my father's professional legal activities were being informed by my views at this time. Justice Brennan then spent more than ten years on the High Court before the determination of *Mabo*

hearing numerous land rights appeals from the Northern Territory. Like his brother judges, he was more aware than Windschuttle of the different perceptions of land rights between people in Arnhem Land and Torres Strait Islanders.

Professor Tony Coady has observed in his review of Franklin's *Corrupting the Youth* that "Franklin's idea that Catholic philosophy via natural law theory had a big influence on the *Mabo* decision" is "unconvincing", "since resorting to morality to justify legal decisions has other foundations other than natural law, as is clear in the work of the Oxford philosopher Ronald Dworkin and in much of the human rights movement."² It is extraordinary that there are still Australians credited as thinkers and academics who can seriously postulate that it is only a Catholic mindset that could result in the High Court finding for Aborigines in their common law claims to land. Most other superior courts in other equivalent countries have done the same regardless of the religious affiliations of the judges.

I would have thought any fair reading of the majority judgments in *Mabo* would have given rise to the conclusion that the Brennan judgment was the most conservatively and judicially crafted of those judgments. Unlike others, he did not quote historians such as Henry Reynolds. He actually confined himself to the historical record regarding the Torres Strait Islands. I have always presumed that is why the Brennan judgment commanded the assent of Chief Justice Mason and Justice McHugh, two judges very unlikely to subscribe assent to a judgment "informed by" a priest who was a son of the judge.

When it comes to Aboriginal and refugee rights, much "academic writing" as well as the journalistic comment is little less than unreflected prejudice.

Headbutting Carnley

Enough of Catholics! Let me take an example from the government's treatment of the primate of the Anglican Church. Anglicans Howard and Downer continue to be upset about the remarks made by the Anglican Primate after the Bali bombing in October 2002. Preparing for the next election, John Howard is not prepared to let go the Carnley interviews of that time. *The Adelaide Advertiser* of 16 February 2004 carries this report of the Prime Minister:

"I think church leaders should speak out on moral issues but there is a problem with that justification being actively translated into sounding very partisan," he said, in an interview with *The Advertiser*. I don't deny the right of any church leader to talk about anything. But I think, from the point of view of the unity of the church, it stresses and strains when the only time they hear from their leaders is when they are talking about issues that are bound to divide their congregations."

Mr Howard singled out an attack by Anglican Primate of Australia Peter Carnley after the Bali bomb blast, which included suggestions the bombers believed Australia was too close to the US. Echoing a speech by Foreign Affairs Minister Alexander Downer in August, Mr Howard said a church leader's first responsibility should have been to deplore the attack. "I know something of the composition of church congregations," he said. "There are a range of political views and you can offend. Particularly (when) some of the church leaders have been particularly critical of our side of politics, they end up offending a large number of their patrons."

Some church leaders also mounted a campaign just before the Iraq war last year, trying to convince Mr Howard to find a way to end the crisis peacefully. Mr Howard, an Anglican, said the churches' "primary responsibility is spiritual leadership", which he respected and supported. "They can say what they like but, equally, they have to understand that if they say things that are unreasonable, a lot of people are going to have a go back," he said.

Last August, Downer had commenced his Playford Lecture in this way:

Let me begin with a personal anecdote.

Listening to the ABC's *AM* on Saturday morning 19th October I was dumbfounded to hear the announcer Hamish Robertson say "well, the head of the nation's Anglican Church says the Bali Bomb attack was an inevitable consequence of Australia's close alliance with the United States...Dr. Peter Carnley says terrorists were responding to Australia's outspoken support for the United States and particularly its preparedness to take unilateral action against Iraq."

Here was the head of my own church, reported by the ABC as rushing to judgment and blaming the Australian Government for bombing incidents in which so many of our people were killed or terribly injured.

Whether this report was fair or not, it struck me hard.

There was no concentration on comforting the victims and their families, no binding up of the broken-hearted while a shocked nation mourned.

Yet surely that first and foremost is what was needed and what we were entitled to expect.

It was a stark reminder of the tendency of some church leaders to ignore their primary pastoral obligations in favour of hogging the limelight on complex political issues – and in this case a national tragedy – in ways which would have been inconceivable in the Playford era. This is something that has troubled me for some time.

There is always need for caution when you have a senior politician with a team of researchers and speech writers ten months later deciding not to quote directly what his victim said. In the *AM* interview, Carnley actually said, "I wouldn't say the Howard Govern-

ment brought the bomb attack on the people of Australia.” Downer was taking exception to Carnley’s address to the WA Synod on 18 October 2002 in which he actually said:

Most of us now believe that such a well planned and strategic placing of a bomb speaks clearly enough for itself. Retaliation against America’s allies has been verbally threatened for some months. The targeting of a nightclub, which is known to have been popular with young Australians on holiday, suggests that this terrorist attack was aimed both at Australia, as one of the allies of the United States of America and, at the same time, at what is seen by militant Muslims to be the decadence of western culture.

Does anyone now seriously doubt what Carnley was saying? Australians were being targeted both because we are identified with the decadent West by militant Muslims and also because of our close relationship to the United States. There may also have been other factors, including our intervention in East Timor.

There was controversy at the time with Carnley’s address. He then sought to set the record straight with his published letter of 29 October 2002:

A number of your correspondents have alleged that I laid the blame for the nightclub bombing in Bali on the Australian Government. This is incorrect.

Those who take the trouble to read the text of my Synod address on the evening of Friday 18 October, and the transcript of the press conference that followed it, will find that at the press conference Tanya Nolan explicitly asked: “So are you therefore criticising the Howard government’s vocal support of American-led action?”

The record shows that my reply was: “No I’m not wanting to criticise the Howard government’s support. I think we did think earlier on that we were unwisely supporting unilateral action by the United States in Iraq. I think we’ve moderated that position. If anything I think the Howard government is to be commended for backing away from that and for supporting UN inspections.”

It is public knowledge that I wrote to John Howard as long ago as 8 August expressing the concern of Anglican Bishops at Australia’s support of the US “first strike” policy. That is a matter of fact. It might now be alleged in the spirit of “I told you so” that the bomb attack in Bali had been brought upon the Australian people. In response to that suggestion I once again said: “No; I wouldn’t say the Howard government brought the bomb attack on Australian people. I think it was our lot in fact to suffer because of our close association with America anyway. I think any government with an alliance with America would have been in the firing line.”

Clearly, far from laying blame, I resisted being led in such a simplistic direction. The fact is that the Church is not into the culture of blame. Its business is to help people process the trauma of an utterly despicable event that we will wrestle to understand and agonise about for many years to come. Some of your correspondents are apparently content to contend that the bombing was a reprisal for Australian support of independence for East Timor, or even that the large number of Australians killed or injured

can be explained simply as a kind of geographical accident: the proximity of Australia to Bali means that naturally there would be a good number of Australians there.

For many of us, however, such an explanation of a well planned and deliberate targeting of a nightclub when it was common knowledge that large numbers of Australians would be present, seems both too narrowly focused and at the same time too shallow. The shadow side of human motivation to hatred is surely much more complex.

We will be whistling in the dark if we do not take note of the actual reasons expressed by the terrorist network itself. Within recent weeks there have been explicit reported threats against America and its allies. For this reason alone, it is entirely understandable that a Newspoll conducted last week for a Sydney newspaper found that 69 per cent of respondents believed our support for the US was a factor in the Bali attack.

Islamic fundamentalist invective against Western culture – whose global intrusiveness is resented and hated – has been long sustained. The addressing of hatred is a religious and not just a political matter. You cannot bomb away hatred. That is why Christian leaders have a responsibility to enter into dialogue with moderate and peaceable Islam and work actively to overcome the deep seated alienation that so clearly exists at present between East and West.

It is not by denial, but in owning up to some of the harsh and difficult realities of our situation, and in grappling with them together, that we will be able to move forward. By this means we will give ourselves the understandings to marginalize – and eventually neutralise and eliminate – the destructive forces of suspicion and hatred that feed world terrorism.

Though this lengthy correction of public misperception by Carnley counts for nothing with Howard and Downer, should they not at least acknowledge that Carnley was trying to deal with a highly nuanced issue in a responsible way? How can anyone honestly read this letter and then ten months later make Downer's outburst about clerics "hogging the limelight on complex political issues – and in this case a national tragedy".

It is incorrect for Downer ten months later to claim, "There was no concentration on comforting the victims and their families, no binding up of the broken-hearted while a shocked nation mourned." As Downer well knows, on 14 October 2002, before the Synod address and immediately after the bombing, Primate Carnley issued a statement full of comfort for the victims and binding up of the broken-hearted. Consider the text for yourself:

The head of the Anglican Church in Australia, Archbishop Peter Carnley of Perth, today expressed his horror at the murderous attacks in Bali yesterday:

"I am shocked at the ferocity of the attacks and deeply concerned for the victims and their loved ones," Dr Carnley said. "The loss of life and injury caused is tragic. This has shattered any illusions we may have had about

the threat to Australians posed by terrorists. Terrorism can rear its ugly head even in the most idyllic surroundings.”

“This tragic event also reminds us that evil people are operating close to home.”

Dr Carnley said he had some sympathy for the suggestion that Australia might need to give priority to using its military and intelligence resources to pursue the architects of terrorism within Australia and in cooperation with its near neighbours.

Archbishop Carnley said that for the Balinese, who depend so heavily on tourism, this was a double blow. They had suffered heavy casualties as Australia had, and many would lose their livelihoods.

Dr Carnley said that all Anglican parishes would offer prayers for the victims, their friends and families, regardless of their nationality or faith. He said he had called on members of the Anglican community to offer whatever support they could at a local level.

“My prayers are with the families and friends of those who are victims of this atrocity.”

Two months before Downer’s Playford Oration, the government was arguing for an expansion of ASIO’s powers in the Senate. Government Senator Santoro told the Senate:³

We know from horrific experience that not only do Australians face the same level of threat as any other people but also, as was the case in Bali in October last year, they are very specific targets.

What Santoro said is quite consistent with Carnley’s position. So what’s the problem? Are we not permitted to speculate on why Australians are very specific targets. Or is that no role for reflective church leaders?

Though there was spirited debate and cabinet resignations in the UK because of Mr Blair’s ready membership of the Coalition of the Willing, Canberra compliance with prime ministerial directives was complete. It was very troubling to hear the mixed messages from Prime Minister John Howard and Mr Tony Abbott about the increased risks of terrorism to Australian citizens. Abbott, the Leader of the Government in the House, told Parliament, “There is the increased risk of terrorist attack here in Australia”⁴. Next day, the Prime Minister told us, “We haven’t received any intelligence in recent times suggesting that there should be an increase in the level of security or threat alert.”⁵

Regardless of who was right, their contradictory statements provided incontrovertible evidence that there was minimal debate, discussion and discernment within our Cabinet and political party processes prior to making a commitment to war in such novel political circumstances. The thinking was done in Washington. We signed on, presuming that our national interest and the international common

good would be served by Alliance compliance. In these circumstances, there is a place for church leaders to speak out. If they are misunderstood and then correct the public record, that should be acknowledged by our very sensitive political leaders.

The dishonesty in seeking a coherent rationale for the detention of children

Last week, the Commonwealth Solicitor General went to great pains to avoid any suggestion that the mandatory detention policy was designed as punishment or a deterrent. Mr David Bennett QC submitted to the High Court that “that the legitimate non-punitive purpose has two aspects; it is the facilitation of removal or deportation and prevention of absorption into the community. Both those purposes are capable of applying to children of all ages”. The Commonwealth feels constrained to make such submissions for fear that the High Court would rule that mandatory detention imposed by Parliament without any court order or review, and designed to be a deterrent would be unconstitutional. No doubt there were a few shivers around Canberra when the influential Justice Gummow observed, “Undoubtedly, it is punitive. The question is whether there is an exception. Of course it is punitive. ... They are locked up.”⁶

The Commonwealth’s submissions are in line with Mr Ruddock’s oft-repeated remark that “Detention is not arbitrary. It is humane and is not designed to be punitive.”⁷ The Commonwealth’s submissions are more difficult to reconcile with the Prime Minister’s general observations on his policy, including mandatory detention, when he told Fran Kelly on the ABC in London on 14 November 2003:

The point of our policy is to deter people from arriving here illegally. That’s the starting point. That’s what people have got to understand. Our policy is to say to the world – we will take 12,000 humanitarian refugees a year, we’ll have that policy, we’ll run a non-discriminatory immigration policy, but we will not have people arriving here illegally and we will act to deter that occurring.

Presuming the voters are not to be told one thing while the courts are told another, we have to assume now that the purpose of mandatory detention is not punishment or deterrence. (But it would be a good thing if someone told that to the Prime Minister.) We citizens are entitled to a coherent rationale for detention once it is established that someone arriving without a visa is not a health or security threat and once their identity is established. This is especially the case if the detained person is a child suffering the proven traumatic effects of ongoing detention.

All non-government parties now accept that mandatory detention at the processing phase is irrational and unacceptable. They also accept that rejected asylum seekers should not be detained if there is

no immediate prospect of their being returned home and if they are not a flight risk.

We should all keep the Howard government focussed on providing a sensible answer as to why they detain all unvisaed asylum seekers once they are known not to be a health or security risk, while at the same time allowing other asylum seekers to reside in the community even if they did not make a full disclosure of their circumstances when they applied for a tourist or business visa. This week Justice McHugh wrestled with the circumstances in which you could impose mandatory detention on all members of a class (unvisaed asylum seekers). He said, "The reason may be that you just cannot deal with a class and seek to detain a class of people, unless there is some cogent evidence that more or less every member of the class is a person who may breach the particular purpose that the legislature is seeking to achieve."⁸ Ninety per cent of this class end up being proved to be refugees. Very few of them are removed from Australia each year. On average, they constitute only 222 of the more than 10,000 removals each year.

How can you justify detaining this class, most of whom are proved to be refugees, while allowing another class (previously visaed asylum seekers) to reside in the community during their processing and appeals even though most of them are proved not to be refugees? Mr Ruddock's explanation was always very feeble, namely, "The situation for people who overstay their visa is fundamentally different. We know who they are and have already assessed that they do not constitute a danger to the Australian community."⁹

Was a seven year old child hit with baton and tear gas at Woomera?

I was in the Woomera facility at Easter two years ago when the riots broke out. I returned to the facility a couple of days later and saw the baton bruises to a seven year old boy with my own eyes. I heard from others, including the ACM manager, that tear gas had hit some children during the disturbance. I immediately wrote to Mr Ruddock saying that this was no place for children. There was no need for children to be hit with baton and tear gas in modern Australia. Two weeks later, DIMIA denied that any child had been injured. Mr Stewart Foster, the Director of DIMIA's Public Affairs section in Canberra, posted a denial on the departmental webpage within six working hours of the publication of my complaint in the newspapers.¹⁰ He checked neither with the minister nor with the relevant sections of his department who had received copies of my complaint two weeks previously.

After an inquiry by HREOC, the Australian government has now apologised to the child and his mother for the breach of his human rights. The government acknowledged “that at the end of an exhaustive investigation, where the delegate duly and fairly considered submissions from all concerned parties”, HREOC found “on the balance of probabilities, that (the child) was struck with a baton by an unknown Australasian Correctional Management (ACM) officer and that this constituted a breach of his human rights.”¹¹ For its part, ACM continues to claim that the delegate’s finding “was against the weight of the evidence before him” and “not established to the requisite standard of proof”. ACM continues to claim that it did not discover the allegation of the assault until a month after it occurred. But even ACM admits that its own doctor had a record of the assault shortly after it occurred. Given that the mother and child were being held in detention, surely notice of the assault given to an ACM employee constitutes notice to ACM.

ACM tried at the hearing to suggest that the mother had simply invented the injury to her son so people like me would take up her cause. At no time did ACM choose to question me even though I came to the hearing in Adelaide having provided an affidavit of what I had seen and heard at Woomera. ACM submitted to HREOC that tear gas does not cause harm. They also claimed that “a full and thorough investigation into the assault” could not “remedy or reduce the loss or damage suffered by (the child) as a result of the baton strike”.¹²

Was Justice Mildren told the truth and was he given the assistance he could rightly expect from the Commonwealth as a model litigant?

We are used to politicians in the Howard government attacking unelected judges. That seems to be the prerogative especially of grey suited ministers trained as lawyers and priding themselves on their conservatism. It is just not altogether clear what they are conserving when they engage in this sort of political sport. But now things have been taken to a new level. Unelected public servants are now given licence to criticise judges.

When the *Minasa Bone* was being towed out on to the high seas two weeks ago, lawyers sought the intervention of the Supreme Court of the Northern Territory to ensure that the 14 Turkish Kurds could obtain assistance and pursue their asylum claims if they had any, which of course was highly likely.

The Commonwealth saw fit to inform the court by affidavit: “On 6 November 2003 the AFP/DIMIA team boarded the vessel and conducted interviews with the crew and passengers to elicit intelligence information regarding possible people smuggling.”¹³ Why did

the Commonwealth not see fit to inform the court of the interviews conducted or about the information received about asylum claims? The government now admits that asylum claims were made across the Turkish-English language barrier without translation services being made available.

During the hearing of the case on 7 November 2003, the judge asked the Commonwealth's key witness, Mr John Charles Eyers, Assistant Secretary, Legal Services and Litigation Branch, DIMIA: "Do you know whether or not any of the persons who arrived on the vessel asked for assistance?" He answered, "Not to my knowledge, Your Honour". He clarified this answer saying, "I don't know whether they did or not." When the judge delivered his written reasons two weeks later, he said:¹⁴

Mr Eyers (was not) able to advise whether or not any interpreters in either Turkish or Indonesian had been employed at any time either by the Navy or by the Australian Federal Police/DIMIA team. Mr Eyers was asked specifically why Ms Cox's request to seek access to those on board the vessel was not acceded to. He replied that it was normal procedure that unless a person requested legal assistance it is not provided. He said that he did not know whether any of the persons concerned had asked for legal assistance or not and did not know whether any of them had asked for asylum. Even allowing for the urgency under which this affidavit was sworn I found it incredible that the (Commonwealth's) principal witness could not answer these questions.

Next day, Mr Stewart Foster issued a statement saying that "a number of comments made by Justice Mildren in his judgment on the *Minasa Bone* case need to be clarified". Mr Foster wanted the public to understand, as Justice Mildren had not, that one reason for the government pronouncement of a "temporary air exclusion zone" around the boat was "to protect the privacy of those on board the *Minasa Bone*".¹⁵ Justice Mildren had the temerity to observe, "Behaviour of this kind usually implies there is something to hide."

According to Mr Foster, "The government's key witness was never asked if those on board the *Minasa Bone* had made a claim for asylum". But hang on. The key witness had told the court that interviews were conducted "to elicit intelligence information regarding possible people smuggling" and he did not know whether anyone on the boat had asked for assistance of any sort. What is DIMIA now suggesting? If Mr Eyers had been asked directly about any request for assistance with asylum, would he not have answered, consistent with his more general answers, "I do not know". Or is DIMIA now intimating that if asked directly, Mr Eyers would have told the court that he did know. That he did know what? Would he have asserted that no claim of asylum was made?

Remember that two days after Mr Eyers gave his evidence, Ministers Downer and Vanstone told us formally in a joint press

release, “The passengers of the *Minasa Bone* did not claim asylum in Australia”.¹⁶ We now know that was incorrect. At the time Downer and Vanstone made this statement, there were public servants who knew it was incorrect. Is DIMIA now intimating that, if asked, Mr Evers would have told us correctly that asylum claims had been made? Either he knew or he didn’t. The judge thought it incredible that he did not know. If that requires clarification, then presumably Mr Evers did know or else there must be some credible reason for the most senior public servant responsible for immigration litigation not knowing. If he did know, did he know the truth or did he know only the line being peddled around Canberra at the time by his fellow public servants: that there had been no asylum claims made?

Isn’t it time for DIMIA to wear the rap? After all, public servants have caused senior Ministers to mis-state the facts and have withheld from court relevant information in a way the judge finds “incredible”. Having heard from the government’s key witness that he did not know whether any of those on board had asked for assistance of any sort, the judge was fully justified in finding it “incredible” that the key witness did not know whether any person on the boat had asked for asylum. It is even more incredible that public servants use the taxpayer funded web site to further obfuscate the truth, implying that the judge hasn’t quite got it right. Unlike Downer and Vanstone, Justice Mildren was not led into error by the public servants. But neither was he assisted by them. Sadly in this high policy area, the Commonwealth is no longer a model litigant. It is time to put a stop to the government’s word games.

If there is to be criticism of the judiciary, should it not come from elected politicians answerable to the Parliament (and presumably subject to the Standing Orders)? I am aware that the Howard Government has engaged in a high level of criticism of the judiciary. But it is a novel development to license your public servants to challenge the findings and reasoning of judges suggesting the need for clarification of the judge’s findings, especially when you have been a party to the proceedings, and especially when one of your public servants has failed to provide the judge with information which he thought could be provided by the Commonwealth as a model litigant. If Mr Foster continues this precedent, I suggest there be a formal amendment to the Commonwealth’s model litigant policy.

Conclusion

When we go through a down in the political cycle with government encountering little opposition in the parliament, it is difficult to conduct honest public dialogue about policies related to minorities and national security. Fear and flabbiness take over. We come even to a forum like this assuming that Andrew Bolt comes to canonise the

Prime Minister and Frank Brennan comes to demonise him. I must confess that I do think Andrew exhibits canonising tendencies. Having maintained a robust, face to face dialogue with Minister Ruddock and now Minister Vanstone, I pride myself on not engaging in the business of demonisation. The temptation is more readily avoided when Labor was the first to institute the policy and Labor for so long was indistinguishable from the Howard government on the policy.

Not being a paid columnist, I make no pretence to being an expert in all fields of government policy. I confine myself to my last. So confined, I find an ongoing deficit in public honesty and rigorous inquiry when it comes to our treatment of asylum seekers and the identification of their deprivations with national security and border protection. I am staggered by the prejudice of some of our journalists and so called academics. I hope there is still a role for church people such as myself to name it as we see it, to correct the misperceptions if need be, and to espouse rational and coherent policies that do less harm to vulnerable people. While Howard and Downer continue to put their church leader in the public gun over Bali, while Devine rests in his Sydney armchair pontificating about Woomera, and while Windschuttle deludes himself and his supporters about the Catholic enactment of land rights, there is a need for more encounters between people like Andrew Bolt and myself.

I am pleased to live in a country where government finally has to apologise to the mother of a seven year old boy assaulted with baton and tear gas. I lament that the mainstream media does nothing about it. I deplore the independent contractor's refusal to acknowledge fault. And I content myself with the thought that even Messrs Howard, Downer and Ruddock would prefer to live in a country where these things did not happen. The cost is allowing the Carnleys, the courts, the Senate, an independent media, and a robust civil society to express a contrary view, even if the majority are satisfied that the government will do what is best for "us" (as against "them") in tough times.

Endnotes

- 1 Windschuttle thinks I owe him an apology for quoting these remarks, having "broken a confidence by publicly repeating what was a private conversation between the two of us, without seeking my permission". The prompt correction of the public record warrants the publication of his own inadequate correction and defence. I am not aware of any private confidence between us being broken. My purpose has been a correction of the public record. I was never consulted prior to the publication of his uncorrected, false statement to the Samuel Griffith Society. I do not need his permission to correct the public record, given his failure to do so.
- 2 "From Aquinas to Mabo", *The Age Review*, 14 February 2004, p 5
- 3 Hansard 11685, Senate, 17 June 2003
- 4 Hansard, 18 March 2003, 12551
- 5 Interview with Steve Price, Radio 2UE, 19 March 2003

- 6 Applicants M276/2003, Ex parte – Re Woolley & Anor [2004] HCATrans 2 (3 February 2004)
- 7 *Medical Journal of Australia* (21 January 2002, Vol 176, No 2, p.85)
- 8 Applicants M276/2003, Ex parte – Re Woolley & Anor [2004] HCATrans 2 (3 February 2004)
- 9 P. Ruddock, Address to the Australian Anglican Synod on 27 July 2001
- 10 At 2.41pm on 18 April 2002, DIMIA posted a letter on its web site: “Misleading injury claims” in response to my reported comments in *The Canberra Times*, 18 April 2002
- 11 Letter of DIMIA to complainant, 23 December 2003
- 12 Letter of ACM to HREOC, 5 December 2003
- 13 Affidavit of John Charles Eyers, Assistant Secretary, Legal Services and Litigation Branch, DIMIA, 7 November 2003
- 14 *Cox v Minister for Immigration Multicultural & Indigenous Affairs & Ors* [2003] NTSC 111
- 15 “Comments Need Clarification”, Letter to the Editor, *Northern Territory News*, 21 November 2003
- 16 Joint Media Release, The Minister for Foreign Affairs Alexander Downer and The Minister for Immigration, Multicultural and Indigenous Affairs Senator Amanda Vanstone, “Minasa Bone Returns to Indonesia”, 9 November 2003

Editorial note

Alexander Downer’s comments in his Playford Lecture concerning Dr Peter Carnley focused on the Archbishop’s comments on the ABC *AM* program on 19 October 2002. The full transcript, taken from the *AM* website, is as follows:

AM – Saturday, 19 October, 2002 00:00:00

Reporter: Tanya Nolan

HAMISH ROBERTSON: Well, the head of the nation’s Anglican Church says the Bali bomb attack was an inevitable consequence of Australia’s close alliance with the United States.

In his address to the Anglican Synod in Perth last night, Anglican Primate, Doctor Peter Carnley, says terrorists were responding to Australia’s outspoken support for the United States and particularly its preparedness to take unilateral action against Iraq.

Doctor Carnley spoke to Tanya Nolan.

PETER CARNLEY: It is fairly obvious that we are seen as enemies of certain sections of Islam anyway because we are aligned with the United States. I think the terrorist motivation is pretty clear and I have said on many times that they think Western culture is something to be hated and quite evil, and I think that’s what’s behind the terrorist activity.

TANYA NOLAN: So are you therefore criticising the Howard government’s vocal support of American led action.

PETER CARNLEY: No I’m not wanting to criticise the Howard government’s support. I think we did think earlier on that we were unwisely supporting unilateral action by the United States in Iraq. I think we’ve moderated that position. If anything I think the Howard government is to be commended for backing away from that and from supporting UN inspections. I think that does become much more clear in Australian policy.

TANYA NOLAN: By putting your name to that letter to John Howard on the 8 August, along with the Australian Bishops where you questioned the Howard

government on a number of matters to do with any possible war against Iraq. Were you sounding some sort of warning against the possibility of backing American action against Iraq?

PETER CARNLEY: Of course. We were raising the warning in the form of a number of questions to the Prime Minister.

TANYA NOLAN: So therefore are you saying the Howard government in some way brought this bomb attack upon the Australia people?

PETER CARNLEY: No I wouldn't say the Howard government brought the bomb attack on Australian people. I think it was our lot in fact to suffer because of our close association with America anyway. I think any government with an alliance with America would have been in the firing line.

TANYA NOLAN: You do refer to Western decadence, do you think that there is an onus of responsibility on Australian people to reassess their values?

PETER CARNLEY: I think that's the way Islam sees us. I think sections of Islam see us as a very decadent culture and I think we need to hear that message and look very carefully at our culture and identify what parts of it we think are good and what parts of it we can improve. I think no culture is perfect and I think that should be appreciated by non-Western cultures as well. They're not going to be perfect even though they may think they are.

HAMISH ROBERTSON: The Anglican Primate, Doctor Peter Carnley, speaking to Tanya Nolan in Perth.

GUEST SPEAKERS AT THE SYDNEY INSTITUTE November 2003 – February 2004

The Hon Daryl Williams MP

(Minister for Communications, Information technology & the Arts)

Communicating Communications Policy

Tom Bentley (Director, Demos)

Morality versus Ideology – Will the public ever trust politicians again?

Professor Syafi'i Ma'arif (General Chair, Muhammadiyah)

Indonesian Islam and Democracy

Anne Whitehead (Author, *Blue Stocking in Patagonia* [Allen & Unwin])

Bluestocking in Patagonia: Mary Gilmore's Quest at the World's End

Professor Richard Broinowski

(Former diplomat & author, *Fact or Fission?* [Scribe])

Fact or Fission – Some Reflections on Australia's Nuclear Industry

Dr Anne Summers (Columnist, Sydney Morning Herald & author of *The End of*

Equality [Random]) & **Dominique Hogan-Doran** (Barrister, & immediate past president of Australian Women Lawyers)

The End of Equality

Antony Green (ABC election analyst), **Mary Easson** (Former Labor Member for

Lowe) & **Grahame Morris** (Former adviser to the Prime Minister John Howard)

2004 – The Political Outlook

Dr Dorothy Rowe

(author of **Depression: The Way Out of Your Prison** (Brunner-Routledge)

Dealing with Mental and Physical Illness

Jenny Hocking (Associate Professor, National Centre for Australian Studies, Monash)

& **Dr David McKnight** (Senior Lecturer in Journalism, University of Technology, Sydney)

The Impact of Terrorism – Two Views

Senator Andrew Bartlett (Leader of the Australian democrats)

The Democrats, Public Policy and the Senate

Fr Frank Brennan SJ (Associate Director, Uniya – Jesuit Social Justice Centre)

Andrew Bolt (Columnist, *Melbourne Herald Sun*) &

Anne Henderson (Deputy Director, The Sydney Institute)

Honesty and The Issues

