

Where have all the Liberals Gone?
Alan Missen Memorial Dinner
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Hon Fred Chaney AO

When the invitation to give this lecture was issued, I agreed because I was concerned that liberal values seemed to have dropped out of the political debate and there was a lack of debate on some important issues. Why the silence within the political system about issues which once would have excited passionate attention from the likes of Alan Missen? After a brief discussion about the invitation I accepted and when asked to nominate a title opted for "Where have all the liberals gone?"

What was I missing and what was I expecting of liberals?

Well as now Senator Brandeis, Tom Harley and Don Markwell once inscribed in a book "On Liberty" which they presented to me at Oxford University, "Liberalism is the ideal of many but the property of nobody."

I agree with their sentiment but I expect the tag of liberal to mean:

- concern for individuals and for individual freedom;
- Scepticism about all ideologies and, in the current environment, refusal to see every thing through an economic prism and to see the market as the driver of public policy;
- preparedness to impose limits on human freedom when it impacts on the freedom of the rights of others;
- respect for the rule of law and for measures which limit power; and
- concern for justice and truth.

But most significantly I would expect respect for free speech and a belief in speaking out. To me the core is how you go about finding the right decisions and the key process is one of debate, the clash of ideas, the pushing out of a bad idea by a good idea and a of good idea by a better idea.

Alan Missen met all these tests although I can't actually remember him agreeing one of his good ideas had been pushed out by a better one. He was, in my experience, more tenacious in his opinions than I have ever felt able to be, although I accept the view of his biographer that his strongly held views were arrived at after careful consideration of facts and arguments. That must be so as he was always able to bring out the facts and arguments which were the basis of his strongly held views.

Last year this lecture was given by David Marr who gave a passionate denunciation of Australia's treatment of refugees. No subject more centrally raised my concerns about the dearth of liberal engagement on such issues in our national Parliament. We all know that Alan would not have remained silent on the treatment of refugees by the present Government (and its predecessor). In fact on the very day that I nominated that topic it became public that four Government backbenchers proposed to introduce a private members bill to change the administration of the mandatory detention policy.

The response of the Government, and what has happened since then, validates my choice of the topic. When at last coalition MPs took a strong public stance the arguments about the inhumanity of the system and the dreadful culture which administering policies which dehumanise and depersonalise powerless people had produced in the relevant department at last had political purchase. Now the PM's

own Department is overseeing the administration of that policy and the head of that department is reporting progress fortnightly to the four backbenchers. Until that time representations by many people concerned at the unnecessary brutality of the system had achieved little. My own file of representations goes back to 1997 and was predated by personal representations to supporters of the previous government which were similarly of no avail.

Frankly I doubt that the four who have made this critically important stand, Petro Georgiou, Judi Moylan, Bruce Baird and Russell Broadbent, should be seen as liberals rather than Liberals. Petro as Party Secretary during the Kennet era, Judi in her pre-parliamentary role as a real estate agent and leader in the small business community, Bruce in his business career in the oil industry and Russell, another small business person and a musician to boot, seem mainstream Liberal to me. They just seem to have remembered that concern for freedom and the rule of law historically have been mainstream Liberal concerns.

What they have done could only have been done by MPs. Those of us who like to present ourselves as liberals are in their debt. We can only hope that those others in Parliament who have in the past so presented themselves but who appear to have relinquished their roles even as advocates take note of the principled way they have argued their case.

It would be wrong to see principled stances as something relevant only to liberals. As I will mention later there are many examples of stances being taken by MPs from a conservative viewpoint. Strangely it is the social liberal Liberals who seem to have forgotten the importance of a liberal approach to the operation of the political system.

Now that the power of politicians who speak out has been demonstrated I want to address a number of matters.

- Do liberal concerns matter?
- What can we properly expect of MPs in our version of the Westminster system?
- Why have we lost the tradition of speaking out?
- The importance of putting dissent into a broad context
- The encouraging signs of dissent from the Right—which is a reminder of the tradition of dissent as precious to the Right of the Liberals as to the Left and which serves to further licence dissent and reduce the extraordinary tyranny of the Party system in Australia.
- The comparatively recent lessons from the success of the economic liberals in the 1970s and 1980s.

1) Do liberal concerns matter?

Of course I think so, and here are some of my concerns.

- A sense that my community does not care much at all about the denial of liberty to and ill treatment of refugees; that our post-Thatcher obsessions turn us more and more toward the self-interested pursuit of individual economic advancement with an accompanying impatience about such abstract issues as human rights.
- As part of that, a diminishing sense of what we really share as Australians—the mateship, the egalitarianism, the support for the underdog, the irreverence towards the rich and powerful. In a practical sense that translates into marked

disparities in the quality of healthcare and education between the better off and the battlers.

- The preparedness to recycle disadvantage.
- The lack of concern for justice and other abstract principles.
- And, most relevantly to this address,
 - the lack of alternative leadership on non-economic issues which allow lowest common denominator attitudes to dominate the politics of issues requiring principled leadership and respect for non-economic values, and
 - the lack of discussion and debate within the political system about matters which raise issues of fundamental principles.

I don't think it is possible to walk around an Australian city or town with eyes and ears open or to read the daily press or to listen to or watch the electronic media without being struck by the sadness and hopelessness of some with whom we share this space. Certainly both my work and my casual observations make me painfully aware of my privileged circumstances and the contrast between our lives (likely to be the lives of everyone in this audience) and theirs—the life of the 'other'. It is my wife's voluntary work with refugees which has brought me into direct contact with an equally put down other—the so called illegals and queue-jumpers—and made me deeply uneasy about how we can as a nation hang them against the barbed-wire fences like so many shot crows to serve as discouragement to other desperate people fleeing persecution and even death.

Then take the case of David Hicks. The justification for him being subjected to what his American Marine lawyer says is an unfair trial is that he's accused of serious offences. What extraordinary logic. Surely the more serious the accusation, the more important it is to have a fair trial. Our mother country Great Britain has insisted that British nationals be dealt with differently as have other countries with which we are allied. The Law Council has spoken out on this matter but no-one in the Parliamentary Liberal Party seems to care.

This sits alongside the much broader issue of the balance between civil liberties and effective policing in an age of terrorism. The temptation is for governments to hugely expand their power over individuals. It is sobering to remember that these powers will be exercised by fallible human beings. Australia's present, like its history, reminds us that abuses of power by officials, and those appointed by officials, are very likely to occur. The admission at all levels that the culture of DIMIA is defective is a reminder that ordinary Australians are just as likely to abuse power as other people. The effective incarceration of Aboriginal people over long periods of Australia's history was undertaken by 'ordinary' Australians. The abuses of detainees reflect the same reality that if you give people power over others there is a need for constant safeguards against abuses of power.

One of the essences of a liberal society is that there is room for dissent. The classic dilemma for liberals is not whether to embrace the principle of freedom of speech but in setting the appropriate limitations where the exercise of free speech may have some impact on others.

In the democratic framework within which we operate, dissenting voices are essential if we are to maintain a liberal society. which takes positions after hearing argument.

2) What can we properly expect of our MPs?

Malcolm Fraser's comment made in the context of an interview about Alan Missen describes one expectation:

In my book if you think something strongly as a liberal I think you have a duty to speak about it. I don't think you're a loyal liberal if you just shut up because the party hierarchy don't like a certain view.¹

But speaking out occurs in the context of a Westminster system within which parties are an essential part, not a nasty intrusion. Government is maintained by having a reliable majority, on budget issues and issues of confidence. It would be hypocritical of me to expect widespread floor crossings when I never did in 19 years in the parliament. Let me explain that.

I was Alan Missen's contemporary in the Senate and was at times, not least when I was Opposition and then Government Whip, an agonised witness to his repeated crossings of the floor. I have to confess in this company that I never crossed the floor once in the parliament although Alan and I shared many views. Because I am asking more of today's liberals I should explain the limits of what I am asking for and my own experience helps that explanation.

For 15 of my 19 years in the Parliament I was in the position described by Chris Puplick in Anton Hermann's excellent biography of Alan Missen, on the front bench, with all the discipline that the Westminster system requires of that position. Chris was describing why he thought Alan would not have been a suitable person to be a Minister because of his dislike of compromise. As Chris put it:

As a minister or a shadow minister you do that [compromise] everyday because you are always in a position of defending something you don't believe in. Even if you win everything in your portfolio area you're still always going to be on the losing end of some argument and you have got to defend that without compromise... You've got to argue as a frontbencher for the party line on every single issue.²

Chris Puplick served as a shadow minister and he understood the rules. But it was not only those rules which led me to resist crossing the floor while defending the right of others to do so. One of the highlights of the 1975 legislative program was the passage of the Racial Discrimination Act. Introduced by the Whitlam Government, there was, as you would expect, a significant section of the Opposition which had genuine and principled reservations about this extension of Commonwealth power based on the external affairs power. Having seen a lot of the discrimination meted out to Aboriginal Australians, I was an enthusiastic supporter of the Bill. After a false start, the Opposition decided to support the legislation and put aside what it had first proposed, namely amendments which would have made the prohibitions against racial discrimination into criminal offences. I felt that I had been part of winning a significant argument within the Coalition. As we all voted for the legislation in the Senate, I watched the people who had lost the argument on that occasion, those who thought this was a significant error, voting with those of us who had supported the Legislation in the internal discussions. I remember thinking at the time that this could not be a one-way street. You could not expect in a party system to have the support of your colleagues when you won the argument and withhold your support when you lost. I formed the view then, and hold it now, that crossing

¹ In A. Hermann, *Alan Missen: Liberal Pilgrim, A Political Biography*, The Poplar Press, Woden, 1993 p.183.

² In A. Hermann, *Alan Missen: Liberal Pilgrim, A Political Biography*, The Poplar Press, Woden, 1993 p.184.

the floor is a matter which has to involve a significant issue of personal principle and, for example, should not be undertaken just to curry favour with your electorate or endorsing party or to satisfy your own policy whims. So my individual judgment was that crossing the floor was something one did when there was a violation of fundamental principle rather than a mere disagreement about the right answer. Right answers on most political issues are imperfect. There are usually good arguments either way and decisions made as a matter of judgment rather than high principle.

Quite apart from my 15 years on the frontbench, for three of the remaining years I was whip in the Senate so some of Alan's stances on principle were painful for me however much I agreed with him. I think we remained good friends through those vicissitudes of parliamentary life and perhaps one anecdote will illustrate some part of our relationship in the Senate.

In our first year in the parliament together we were both members of the Legal and Constitutional Affairs Committee. That is the Committee that was the vehicle for Alan's influential work on the Family Law Act. Alan was also involved with the Senate Regulations and Ordinances Committee. This Committee had a long history. With the assistance of counsel it scrutinised delegated legislation for infringements of liberty such as retrospectivity. It had become accepted that when such infringements were reported they were likely to be removed by the Senate. During the course of those early years, I saw great volumes of legislation being processed with limited time for parliamentary scrutiny. It occurred to me that we should submit all legislation to the sort of technical scrutiny which was given to delegated legislation. I therefore took up the idea of a Scrutiny of Bills Committee which, like the well established Regulation and Ordinances Committee, would have the benefit of legal staff who would assist the Committee to draw attention to legislative proposals which infringed civil liberties. This idea was taken into the Constitutional and Legal Affairs Committee for examination. By the time the Committee had dealt with the matter I was a Minister, part of the Executive. When it recommended the establishment of such a Committee, I participated in discussions which resulted in the Government rejecting the idea. It then fell to me to explain the Government's rejection to the Senate. It was not my role to incite rebellion and I did not. Fortunately Alan and other senators did not need my assistance and the rebellion occurred with Alan and others crossing the floor to ensure that the Committee was established. My only point of personal satisfaction was when a year or more later after the Committee had been operating for some time I was able to report to the Senate that the Government now accepted the utility of the Committee.

This anecdote may seem either self-indulgent or irrelevant or both, but to me it illustrates some of the subtleties of our system of government within which Party and Cabinet discipline is an essential element and at the same time there is value in dissent within those structures. I didn't regard my own role in this particular episode from beginning to end as illiberal. What the story does illustrate however is that no harm is done and sometimes good is achieved by bucking the system as Alan was prepared to do. What is important is that there is public knowledge of a range of views within the Parliament and within parties.

3) *Why have we lost the tradition of speaking out?*

Why should this be? Why has the party system become more predominant and loyalty to party such a primary part of the political system? In answering those questions it is important to remember that political parties are intrinsic to the Westminster system. The system operates on there being a government which has a dependable majority in the lower house on matters of confidence and a loyal

opposition which does not have a majority but which will take government if it can get a majority at the next election. In terms of what we inherited from Great Britain the parties are intrinsic to the system, not an aberration. Nor is party discipline new. From its earliest days the Australian Labor Party realised that it needed to have a high level of party discipline to become an effective political force. It operated on a strict caucus system and the only Labor politician I can recall crossing the floor lost his endorsement and ultimately his seat. On the Liberal side of politics our proud boast was that one of the distinguishing elements of our party was that it did not impose a strict caucus. The primary obligation of Members of Parliament was to their electorates and if they crossed the floor so be it. The Labor Party made up for its strict caucus by being a party of vigorous internal debate, which over the years of my political life, it found difficult to disguise behind a façade of party unity. In the case of the Liberal Party, the tradition of vigorous dissent was summed up in my earliest years in parliament by Sir Reginald Wright who told me that, 'the Liberal Party is about the clash of ideas.'

There has been a clear shift since the early 1990s away from any apparent internal party debate. It may be a legacy of the long years in opposition when the notion 'if you can't govern your party, you can't govern your country' and 'disunity is death' became political mantras along with the increasing professionalisation of the political process which has probably added to the extraordinary levels of internal discipline. I think it is fair to say that there are a significant number of people in parliament who know most about the business of politics. By that I mean the business of controlling power in the party and the business of winning elections by carefully tailoring messages to public demand. The Labor Party seems particularly afflicted by the former problem and the Coalition Party's perhaps more influenced by the latter.

In my view party discipline has become too pervasive. It certainly exceeds the discipline imposed at Westminster as the vote on the Iraq war in that Parliament reminded us when many government MPs crossed the floor.

4) The importance of putting dissent into broad context

One reason for liberal silence is, I suspect, because conservatives have created the impression that only they are interested in the concerns of middle Australia. They have also contrived to appear to have a mortgage on patriotism. The liberals have allowed themselves to be branded into the ghetto of being elitist and out of touch with ordinary concerns.

I think it is important and indeed vital to put liberal concerns into a broader context—something the unhappy non parliamentary liberals with whom I meet often fail to do. I think that the failure to put their complaints about Australia into the context of the whole Australia that those they wish to influence inhabit is to their ultimate detriment as persuaders.

What is the country I hear discontented liberals complaining about really like? From the perspective of the majority, a pretty good place. I know that because I am one of the well-served majority. There is little that is good about Australia that I don't enjoy. My life, the lives of my immediate and broader family and those of most of my life-long friends, reflect the opportunities that exist for many and the prospects for advancement in a country enjoying the fruits of steady economic growth. I use the phrase 'the lucky country' without irony. I can't imagine a better place to live than here. I know that in my generation and my parent's generation before me the country permitted the great mass of its citizens to achieve home ownership, to access good education, to live in freedom and prosperity and to enjoy a high level of civil liberties. The recent figures on the distribution of wealth and income are instructive,

a lot of income poor are asset rich. This is a pretty good place. At the same time I have to remind myself continuously of my own good fortune and of the good fortune of the majority of Australians because of the areas in which I work, and the areas that I come into contact with through the work of my wife, Angela. Being respectively engaged in matters relating to Indigenous Australians and refugees, and sharing each others concerns, we are continually reminded that this is an imperfect Eden. Working in those contexts can give you a bleak and skewed view of what sort of country we are. If you only convey that bleak and skewed picture you lose credibility with most audiences.

5) The encouraging signs of dissent from the right, a contribution to a more liberal political system

The performance of the four Liberal backbenchers is in current circumstances very impressive. I think Alan Missen would admit that they have given independent voice in a very different era from that in which he worked. Dissent to the point of voting against the Party was then an accepted part of the Liberal Party approach to Parliamentary representation. The voting record of some of Alan's contemporaries speaks for itself. Of those who chose to label themselves as small-l liberals: Alan crossed the floor 37 times; Peter Baume—who for a good part of his parliamentary career was also whip, a minister or a shadow-minister—3 times; Neville Bonner 34 times; the present Minister for Defence Senator Robert Hill 9 times; and Kathy Martin who arrived in the Senate with liberal views, but I think became more conservative after she moved to the House of Representatives, crossed the floor 20 times, on all occasions as a Senator. The record of these is insignificant compared to the ultra-conservative Senator Ian Wood from Queensland who crossed the floor 130 times and Senator Sir Reginald Wright, seen by many as a conservative but who in my mind practised his politics in a truly liberal style, crossed the floor 151 times.

What these figures remind us is that what we are missing in politics today is not just liberal voices but a diversity of voices which facilitate appropriate debate and examination of major issues. The lack of diversity also makes many feel disfranchised, "no one speaks for me".

I think the really critical thing in Australia today is not to be concerned about the absence of liberal voices but to be concerned about the absence of contesting views across the political spectrum. In that regard I take as much heart from Barnaby Joyce and Steve Fielding as I do from my ex-colleagues in the Liberal Party.

Barnaby Joyce has already contributed to making the Australian political system more liberal because he challenges what seem to be hegemonic views within the Government parties though it is yet to be seen whether he is merely a mouthpiece of the Queensland nationals or is an independent voice. His views on compulsory student unionism are particularly interesting. His published remarks suggest contempt for the tiny cells of student Liberals and Labor when he was at University and his perception of them as being quite unlike the bulk of the student body. That reflects my own sense of what has been going on in the universities now for more than 20 years. Senator Joyce not only described how unrepresentative these politically identified students were, but lamented that a lot of them had found their way into Parliament. Again that seems to me a factual observation. Barnaby Joyce has legitimised a much broader debate on what seems to be a rather absurd and narrow ideological issue within the Government parties. We are, after all, talking about how to fund student facilities.

Senator Joyce has done the same thing with respect to both industrial relations and the privatisation of Telstra. What he has demonstrated is that honest men and women of goodwill within the Coalition can hold quite different views. What

decision is appropriate should be determined after there has been a full hearing of those different views and, most importantly, a careful examination of the facts rather than the ideology which may be motivating Government action.

Similarly Steve Fielding (I might say to my initial surprise) has put forward opinions as a representative of the Family First Party which have probably surprised other political observers. His concern about the impact industrial relations might have on families gets to the heart of what appears to me to be something of a dilemma or contradiction between liberal economic policies (by that of course I mean pro-market policies) and conservative views about the traditional family. I haven't been hearing that debate from any other part of the political spectrum. Like John Howard I have great sympathy for the concept of an open (liberal) economy and great sympathy for the significance of strong families. The latter is a view which is shared, for example, by Noel Pearson who talks about functioning families as being the necessary precondition to having a good community. Steve Fielding has pointed out that having a secure job and good prospects is something of a pre-condition for family formation. In a country where there is a widening pool of people who can only access part-time work, and modestly paid work at that, these are significant issues demanding widespread debate and discussion. They demand debate and discussion because the answers are not simple. It is only when people are really applying their minds and voices to the issues and possible solutions that we will get better policy.

In the same way, Steve Fielding has related concern for refugees to his concerns for the family and indeed to the dignity of human individuals. He has also stressed the importance of reconciliation. If Steve Fielding is able to maintain this commitment to the security of families and wider Christian principles and their relationship to political decision making, he will have introduced what appears to me to be an important broadening of the issues which identifying Christian politicians will express concerns. Peace and war, inequality and poverty, the plight of Aborigines were not the stuff of meetings of the old Parliamentary Christian fellowship in my day. Steve Fielding appears to share ground with those US Christians who affirm that God is neither a Republican nor a Democrat. He has already widened the debate and licensed others to speak out on a wide range of issues.

So I would like to think that Alan Missen would have approved, if not all the arguments then certainly the conduct, of Barnaby Joyce and Steve Fielding as well as the four Liberals already referred to. All are playing a part in licensing a much more open debate on important policy matters.

The importance of political leadership from any level seems clear. What each of the people I have mentioned has done is give people with similar views a sense that there is something there to support—that the views held by those sympathetic individuals are not necessarily eccentric or contemptible. They are helping to break out of the new political correctness which ruthlessly puts down anyone opposing the current hegemony as elitist or at best out of touch with "ordinary Australians".

It is much harder to marginalise a view when people in positions of authority—not least Senators and Members—raise that view and promulgate it in debate. Not everyone can win any argument. In our democratic Australia the majority will make the decision. But oppositional voices do legitimise the other viewpoint and the arguments which are used to sustain that viewpoint. This is one part of the immense value of the stand of Petro Giorgiou and his colleagues.

Public opinion is hugely affected by these acts of leadership. Given the paranoia which developed about refugees in recent years it is worth remembering the way the

Australia community received over 80 000 Vietnamese refugees in the 1970s and early 1980s without undue public alarm.³

Of course in the final Whitlam period both the then Government and the trade union movement showed plenty of signs of alarm and there were no shortage of people wishing to foment negative public feeling and fears of refugees. Prior to giving a talk in Sydney a few years ago I obtained all of the media clips relating to refugees over 1976 and 1977. It was instructive reading. Every statement made by the then Prime Minister, Malcolm Fraser, and his Minister for Immigration, Michael Mackellar, was soothing. Essentially they were telling the Australian public that this was manageable and it would be handled. It was manageable and it was handled. In my view the silent majority listens very carefully to what identified political leaders are saying. When they are saying different things it discourages knee jerk responses, it offers raw material for thoughtful consideration of alternatives.

6) *Recent lessons from the dries*

The silent social liberals on both sides of the Parliament presumably believe they are doing the right thing by their timorous acquiescence with prevailing views whether about economics or civil liberties. The Liberal Party ginger groups who sought to open up the Australian economy in the 1970s and 1980s, the deservedly famous dries, showed more ticker and intellectual grunt. The names will be forgotten by all but aficionados of politics but they should not be. Bert Kelly, for most of his career on the back bench, inspired in part and led in part people such as John Hyde, Jim Carlton, and Peter Shack. They advocated more liberal economic policies at a time when the old economic hegemony still held sway. They had their supporters in Government including John Howard, Senator Peter Durack and indeed me. But the old Australian settlement of high tariff protection and centralised wage fixing about which Paul Kelly and Gerard Henderson have written so clearly was then the accepted wisdom. They wrote their views, they argued for them, they saw their beliefs as a matter which required them to risk unpopularity in the Party and the electorate. They gained little in terms of preferment but they helped change Australia for the better. Their influence was dominant in the Liberal Party after we lost government in 1983 and made the way easy for Labor when Treasurer Keating was converted to the same views and the Hawke/Keating Government laid the framework for a more open economy.

New ideas matter in politics as do the principles which are the foundation of our liberal democratic society. Liberals above all should be at the forefront in examining new ideas and identifying the issues which deny for some what Australia has to offer. John Howard's determination throughout his career to pursue ideas important to him is a reminder of what we have not got from liberals in the party over a long period. In my last few terms in Parliament I sometimes knew what the self identifying liberals opposed, but seldom what they stood for? Until they work that out and develop enough ticker to find voice Australia will be short changed.

³ *Humanitarian and Total Settler Arrivals of Vietnamese Citizens*, DIMIA-unpublished data.