



ON TARGET

- NEWS HIGHLIGHTS
- BACKGROUND INFORMATION
- COMMONWEALTH AFFAIRS

The price of Freedom is eternal vigilance –

Print Post Publication Number 381667 00258

Vol.33, No.7

February 28th, 1997

THOUGHT FOR THE WEEK: *"The evil that men do lives after them."* – Shakespeare

HOW THE PRESENT IS GOVERNED BY THE PAST by Eric D. Butler:

The publication of the memoirs of Sir Paul Hasluck, senior Liberal Party Cabinet Minister and later Governor-General, in which he gives his views concerning the Liberal Prime Ministers who followed Sir Robert Menzies, provides a valuable insight into the machinations of modern party politics and the type of leader they are likely to produce. As one reads Sir Paul's assessment of Holt, Gorton, McMahon and Malcolm Fraser, it becomes clear that the Liberal Party founded by Menzies has progressively moved from its original principles and values. It is only necessary to read the first basic document issued by the Liberal Party, *"We Believe"*, to see how far has been the shift. It is not surprising that in his latter years Menzies did not even vote for the Party he had played such a dominant role in founding. If alive today, Menzies would be appalled by the number of Liberal Party politicians who openly support the Republican cause. It is highly significant that some Republicans have expressed the view that the Republican cause was more likely to succeed under a Liberal Government than a Labor Government. Large numbers of Liberal members have been driven by psycho-political warfare to accept as "inevitable" the changing of the present system of constitutional government. If Keating were still in office, resistance to the change would be much greater. But with John Howard "sitting on the fence", and indicating that he is not prepared to make a real fight on the issue, effective resistance is weakened.

Holt is described by Hasluck as an extremely shallow man, easily manipulated by his P.R. guru who persuaded Holt if he felt he could write to the President of the U.S.A. and address him as "Dear Lyndon" he had established some special relationship with President Johnson. As Hasluck observed, Lyndon Johnson was a hard-nosed professional politician whose primary interest in Holt was how the Australian Prime Minister might serve his ends. John Gorton fares little better in Hasluck's assessment, undisciplined and naive. The decorum of Menzies was missing. Bill McMahon is depicted as an over-ambitious little man, and not very trustworthy. According to Hasluck, Menzies completely distrusted McMahon and would never have made him Treasurer because he could not be trusted not to "leak" information to his own personal advantage. Hasluck declined to accept the leadership of a Party which, by the time of the McMahon Government, had obviously completely lost its bearings. The way was cleared for a revitalised Labor Party led by Gough Whitlam to come to power. The Whitlam *"It's Time"* campaign was openly backed by internationalist and Republican Rupert Murdoch.

With all his faults, and they were many, Billy Snedden reflected any remaining element of decency left inside the Liberal Party. Paul Hasluck's memoirs suggest that he had the greatest respect for

Country Party leader John McEwan, who followed a clear-cut policy of attempting to build up Australia's industrial base. It is not surprising that some Liberals advanced the view that McEwan should be invited to become Prime Minister. He only agreed to serve in the McMahon Government on the condition that he were left free to pursue the type of trade and economic policies he favoured. The second Whitlam Government destroyed itself and cleared the way for the election of the Fraser Government, under the worst possible conditions, with the Governor-General forced to act as he did.

The Fraser Government was the worst of the Liberal Governments which followed Menzies. Fraser's willingness to sacrifice Rhodesia in his blatant support for internationalism, confirmed what many of us knew about Fraser and his support for multiculturalism. The Murdoch papers provide Fraser with a platform from which he helps to demoralise the Australian people by wailing about the results of some of the internationalist policies he promoted while in office. But he leaves no doubt about where he stands on the multicultural issue and the proposed integration of Australia into Asia. Fraser has made it a point of attacking Pauline Hanson. Apart from his amazing scenario of the League of Rights coming to power on the Pauline Hanson factor, Fraser had written in *The Australian* of December 6th, 1996, that "*We need to accept that economic integration with Asia means an increasing interaction with Asian people and Asian cultures. We need to face the fact and accept it willingly, that it will mean an increasing proportion of Asian migration to Australia.*" Fraser was commenting on the affirmation in the Federal Parliament that Australia was now a "multiracial and multicultural society united in the one nation". No such nation operates successfully in any part of the world.

It was Fraser and his spiritual friends who have been responsible for what is happening in Africa. The Indonesian Government is grappling with growing explosions resulting from the attempt to impose multiculturalism. The last *Weekend Australian* carries the headline "*Borneo's Tribal Backlash*". An article by Patrick Walters begins: "*A clash of cultures in West Kalimantan has left as many as 5,000 dead and severely tested the Indonesian Government's transmigration policies.*" Perhaps the Indonesian Government should send for Malcolm Fraser to seek advice on how to make multiculturalism work? He might suggest to an increasingly desperate Indonesian Government how their militant Moslems can be encouraged to stop torching Chinese properties. The Fraser Liberal Government continued supporting the myths that a harmonious and united Papua New Guinea nation could be created out of a number of diverse tribal and cultural groups. Authorities like Sir Raphael Cilento warned of what would inevitably happen. Consider the ominous situation in Bougainville where an Independence movement has successfully defied all attempts by the central government at Port Moresby to force them to submit to rule from Papua New Guinea. Troops sent in to deal with the situation in Bougainville have been captured and held hostage. A weekend headline reads, "*PNG HIRES MERCENARIES TO BLAST REBELS*". Such action can only worsen the situation. Paul Hasluck was one of the Ministers who always supported a cautious approach to premature "independence" for Papua-New Guinea, while his approach to the question of Australia's relatively few indigenous people was one of making it possible for the Aboriginal people to progressively become part of mainstream Australia. His approach was in direct conflict with the approach of Fabian H.C. Coombs. Events have dramatically confirmed the reality of the Hasluck approach. Unfortunately that approach was rejected by the policy makers of the two major political parties. Australia is now paying the price, and clearly there is worse to come. As Shakespeare correctly warned, "*The evil that men do lives after them*". The Hasluck diaries should be carefully studied by all Australians, particularly by those who still cling to the myth that in some way salvation will be found through loyalty to the Liberal Party. All the evidence suggests that John Howard will be the last Liberal Prime Minister of Australia. It is difficult to discern any remaining Paul Haslucks in the Liberal Party to write the appropriate obituary.

THE HIGH COURT AND FEDERATION by David Thompson:

With an eye towards establishing a decade of Prime Ministership, Mr. John Howard will think long and hard before he permits any radical political changes. The suggestion last week from two of his Premier colleagues that "something must be done" about the High Court and its impact on the Federation, was quickly squashed by Howard. But the final ramifications of the High Court's rulings in cases like that of "Mabo" and the Wik" case are far from evident. The fact that the "Aboriginal Industry" is such a sensitive issue, particularly in rural and regional Australia, ensures that far from moving towards "reconciliation", tensions are certain to increase seriously. In addition to this, is the distinct impression that, being virtually a "city-bound" politician, Mr. Howard badly underestimates the resentments being generated.

Criticising the High Court for "making law" rather than interpreting it is a dangerous business, since the very basis of our legal system – Common law – was established by centuries of judicial "law-making". However, it is not automatically improper to criticise judicial decisions, even at the highest level. If High Court judges indulge in making decisions on the basis of their own value judgements, questionable interpretations of history, and "the expectations of the international community", as they did in the historic "Mabo" judgement, then criticism must be expected.

Judgements concerning the High Court are further clouded by the **use to which judgements are later put**. Those who have actually read the Mabo and the Wik judgements fairly are forced to the conclusion that in the particular cases being decided, the decision was quite just. But applying the same "precedent" to quite different cases produces massive injustice. For example, in the "Mabo" case, the Court was asked to rule on a question of land title on the small island of Mer, in the Torres Strait, where plots of land were handed down from generation to generation and tended by identified family members.

The granting of title to Eddie Mabo under such circumstances was vastly different to assuming that nomadic people of a different race could automatically claim title to vast tracts of land on the mainland. And yet this is what Aboriginal people now expect to achieve, since the Keating Native Title Act of 1993. If anything, it was the Keating Government that was guilty of applying a false standard to mainland Australia, rather than the High Court. The same result could yet flow from the Wik decision, which was reached on a question concerning the conditions on certain pastoral leases of a certain class.

MAKING THE COURT ACCOUNTABLE: The magnitude of the decisions reached by the High Court, and the far-reaching consequences of those decisions, raise the question of **the accountability** of the High Court. To whom does the Court answer if they make a mistake? The answer to this question seems to be "their consciences". There is no longer any appeal to a higher court, unless the International Court in the Hague is regarded as a legitimate Court of Appeal for Australia. It has no heritage of common law, and is based more on the Roman legal system than the British.

As a question of historical fact, there can be no denying that since Federation, the High Court has assisted in the centralisation of power in Australia. Cases like the Koowarta, Franklin Dam, Mabo and Wik are modern examples of a century-long trend. As this trend now moves from the **national centralisation** of power to the **international centralisation** of power, Australians are entirely justified in asking for further accountability from the High Court.

Professor Geoffrey Walker, Dean of the Queensland University Law Faculty, was trenchant in his criticism of the High Court in 1993, when he described the Court as the main agent in the subversion of Australian federalism. Referring to the Franklin River Dam case, Walker charged that the Court had **defied all recognised principles of constitutional interpretation**.

"This judicial coup d'etat gave Canberra the tools with which to over-ride the federal distribution of powers whenever it chooses," Walker said. He added that the Mabo case was the most divisive and disruptive in the Court's history, in which it had again abandoned its constitutional role.

There is no doubt that the Commonwealth has ruthlessly exploited the High Court's interpretation of the "external affairs" power of the Constitution, in order to strip the States of many of their legitimate powers. Will Mr. Howard move towards correcting this "trend"? Or will he shut his eyes, hang on tight, and hope for the best?

Professor Walker made a suggestion in 1993 which Howard might examine. He suggested that the High Court comprise judges from the Supreme Courts of the States to hear all matters concerning constitutional divisions of power, or the powers of the States. In between such cases, Supreme Court judges could resume their normal State duties, thus minimising the centrist bias that is so blatantly obvious.

THE PASSING OF DENG XIAOPING:

Perhaps it is a case of good manners to be gracious about the death of a person whom we really couldn't stand, but it is a case of the falsification of history to laud the passing of a tyrannical dictator responsible for the deaths of millions in order to maintain power, and prove an ideological point. The response from Western leaders to the death of Deng Xiaoping (actually pronounced "dung", apparently) is all the more sickening in the light of his responsibility for what has become known as the massacre in Tienanmen Square of 1989.

The truth is that Deng himself ordered the tanks and troops into the Square, where about 1,500 demonstrators died in the vicinity of "the Gate of Heavenly Peace". He was never known to express regret for the result of the confrontation, apparently regarding it as necessary to restore the discipline and control essential to the Communist state. What are we to make of comments like that of former Prime Minister Fraser, who claimed that Deng "governed effectively and for the well-being of China"?

We recall that, upon the death of Deng's senior political henchman, Mao Zadong, Sir Joh Bjelke-Petersen was taken to task for failure to idolise Mao. In fact, Petersen had welcomed Mao's death, claiming that the world was a better place without such a murderous tyrant in it! History will be better served by applying the Bjelke-Petersen standards to Deng than Fraser's.

Deng came from a wealthy Chinese landlord background, and as such his family could afford to have him educated in the West. It was while in Paris, studying, that Deng studied Marx and Lenin, and became a communist, like many other Asian and Third World leaders. In his early close relationship with Mao, Deng must also share Mao's responsibility for the deaths of (perhaps unknown) millions of Chinese peasants and others who were either purged, or failed to accommodate the Great Leap Forward of the early 1960s. The Chinese annexation and abuse of Tibet, in which Deng also played a role of responsibility, is conveniently glossed over by Western eulogies to Deng. We doubt that the views of the Dalai Lama will receive much currency.

Much of the eulogy accorded to Deng was for more recent achievements, particularly crediting him with having "opened up China" to the West. This is apparently to the benefit of both Westerners and Chinese, as now China will be able to take its place as a massive trading power, with a huge market of nearly a billion "customers". It is assumed that admitting China to the global market is a good thing, and economic rationalism extended to the Chinese, while initially painful, will be to the benefit of all. We suggest at this stage that those who have yet to read *"The Asian Mind Game"* should make it their business to do so. \$23.00 posted from all League addresses.