

The Role of the Leader of the Government in the Senate

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It is always encouraging to be introduced as 'live'; sometimes one has doubts about it. I see that some of these seminars have taken quite a long time. Something like 30 or 40 minutes was allocated to me. I assure you that I do not wish to speak for that length of time. In this business, one becomes a sort of programmed person and one learns that attention spans of audiences diminish year by year, which is probably a consequence of television. In the Senate, of course, we are rarely allowed to speak for more than 20 minutes and it is difficult to do anything else but that. That is probably a good thing, too.

One of my favourite stories concerns Noah Webster, the author of *Webster's Dictionary*, who was an eccentric man and a great stickler for the precise meaning of the English language. The story goes that Noah Webster was in his study one morning when his wife burst in and found Noah Webster with his female secretary sitting on his knee. Mrs Webster said, 'Noah, I am surprised'. He said, 'On the contrary, madam, you are astonished. It is we who are surprised'.

I am quite surprised and astonished to be talking about this topic. It is a very difficult one because, of all the topics one might consider, this one depends very much on the style and personality of the Leader of the Government in the Senate. Awful things are said about leaders: leaders without followers, leadership without followership, people who follow leaders out of sheer curiosity. It is therefore a difficult subject to talk about. Secondly, one does not often indulge in much introspection about these things. One does not often ask oneself, in a job like this, 'What am I doing here?', to use the title of Bruce Chatwin's novel.

I want to make a few points about the Senate and the role of the leader in the proceedings of the Senate. I think the complexity and pressure of the job of Leader of the Government in the Senate comes from a number of tasks reposing in the Leader of the Government in the Senate who has to be a type of multi-function politician compared with, say, a Prime Minister or, certainly, a Deputy Prime Minister.

The Leader of the Government in the Senate is responsible for defending the Government, if that is possible, at all times; he has ministerial responsibility for a major portfolio; and he is the third ranking person in the Government with Cabinet and party responsibilities. You compare those functions, for example, with those of the Deputy Prime Minister. Paul Keating always used to say that the only additional function he saw that he had as Deputy Prime Minister - he was not an enthusiastic Deputy Prime Minister; he has always been an enthusiastic potential Prime Minister - was that of having to meet the Prime Minister at airports when he returned from overseas. That sometimes falls to the Senate leader too. I just make the point that Senate leadership has different responsibilities.

In a sense, the Senate leader is the person with whom the buck stops in the Senate as far as the Government is concerned. The Senate leader also has to understand and, as far as possible, comply with the forms and procedures of the Senate, which has

numerous standing committees and legislative committees scrutinising legislation. So I say at the beginning that the role is much more complex than comparative roles in the House of Representatives.

I want to elaborate on that in some ways. Compiling a list of the Senate leader's responsibilities, as I have just done, can be very depressing. As Mark Twain once said of Wagner's music, 'It is not as bad as it sounds'. There are certain compensations for being leader in the Senate - things which Paul Keating in graphic description once referred to as 'the psychic salary of politics'. That is to say, there are certain things which motivate politicians, things which they enjoy and get a buzz from, which are perhaps associated with being leader in either of the Houses or, particularly, in the Senate. I do not want to go into all of that because that is clearly a subject for a further seminar sponsored by the Senate.

I must say that the role of government leader in the Senate is easier if things are going well for the government of the day. It is much harder if, as Reg Withers, a former Senate leader, once said, 'the Government has its feet in the clag', a graphic description which I have always remembered - more recently in the last 12 months.

I begin by detailing some of the considerations which, in my mind, make the job of the Senate leader different from that of the House of Representatives leader. The first point I would make is that the Leader of the Government in the Senate has not a terribly distinct role from the Leader of the Opposition in the Senate. They are on opposite sides, of course. I have been both, but compare that with the Leader of the Government in the House of Representatives, the Prime Minister, and the Leader of the Opposition. The Prime Minister and the Leader of the Opposition are involved all the time in a continual arm-wrestling process, a presidential style tussle which is highly adversarial.

Although we do not have a presidential system, Australian elections continue to be decided to a large or significant extent upon the performance of the leaders of the major political parties. There is a lot of interest and concern which attracts to the performance of Prime Ministers and Leaders of the Opposition in the House of Representatives which does not attract - for which I am extremely grateful - to the leader and Opposition leader in the Senate. We have opinion polls all the time about most favoured Prime Minister and most disliked alternative which concentrate very much on the performance of the leader and Opposition leader in the House of Representatives.

I was addressing a group of students a few minutes ago. I told them the famous Staten Island ferry story from when President Roosevelt was President of the United States. A congressional candidate complained about insufficient attention being given to his constituency and his campaign in terms of funds and time. It was explained to him that, 'You really have to understand your position by watching the Staten Island ferry come into the dock. When it comes in, it washes up all the driftwood, garbage and scum onto the beach. The Staten Island ferry is Roosevelt and you are the driftwood and scum which washes onto the beach when he comes in'.

That is increasingly true in Australian politics. Therefore, in terms of the function of the Leader of the Government in the Senate, there is less national political responsibility and fewer preferred leader polls. In the Senate there is less adversarial content in the debate between leader and Opposition leader and less of the pressure-cooker atmosphere of the House of Representatives, which is the House of high drama.

The Senate is a much more intimate chamber. Senators probably get to know each other better than members of the House of Representatives. In passing, I make the point that in some ways the Houses are very divorced. I do not know many members of the House of Representatives and, frankly, I do not want to. I only see them from time to time. The Senate is very divided from the other place, particularly in this building, I think. There was a more intimate atmosphere in the older building where you could walk out into Kings Hall and meet constituents, members of the House of Representatives and so on. In this building the whole thing is much more anodyne. In so far as the Senate is concerned, there is a much better and more friendly atmosphere. There are times of considerable passion and sometimes abuse. I suspect you get to know the personalities on either side of the House much better than you do in the House of Representatives.

I was talking to Don Chipp, coincidentally, about this the other day. He was talking about politicians abusing each other. I said, 'But I never did that to you, Don. We never had that sort of relationship. When you were Leader of the Democrats I never abused you.' He said, 'Oh, yes, you did. You called me a Thespian once. You said that I was displaying synthetic emotions'. It is strange that after all these years he should remember that. That would be regarded as mild in the context of the House of Representatives.

You feel this intimacy much more in the Senate, particularly at Question Time. This may be a bold boast which will come unstuck one day. Reading the newspapers each day before Question Time, I tend to see where the nasty questions are likely to come from; I can put names on them. An Opposition senator who has not been in the Senate very long is highly political and goes for the jugular. When I read some horror story in the newspaper in the morning I know there will be a question from him and I know what it will be. It is probably a week or a fortnight later that the Opposition in the House of Representatives wakes up to this issue. But it always surfaces in the Senate from one or two people. When one looks at the fabric of politics, one can see questions of that kind coming and who is likely to ask them. I think that is largely a function of the intimacy of the Senate process.

The most important point about the Senate for all politicians is that the Government does not have the numbers in the Senate. The Government in the Senate is dependent upon minority party support or independent support, not only in passing legislation, but also in relation to procedural matters. For example, you will remember that a week or two ago there was a great hubbub here which seemed to me to be particularly crass. It related to whether Ros Kelly had used the word 'crass' about the Prime Minister or the State Premiers in comments that had been recorded on tape. The question of whether the Government was bound to table or disclose the contents of an alleged transcript of a tape recording, or the tape recording, involved quite a significant procedural matter in the Senate. Whether the Government had to do that or was going to be required by the Senate to do that was a procedural matter which required a lot of negotiation. In a sense, the Government was unsuccessful at this. If the Opposition was bent on that course, it had to have the support of the Democrats, which it got. That matter relates very much to a whole set of negotiations, and so on, resulting from that dependency on minority party support.

Similarly, the passing of legislation is dependent upon minority party support. I think that since 1973 - with the exception of two or three years in the period of the Fraser Government when it had a majority in both Houses - the Government party has not had a majority in the Senate. That means that the Government has to be in constant negotiation with the Opposition, with the Democrats and sometimes with independent senators. The Government has to be in negotiation in the process of

acquiring numbers to pass legislation by argument, threats and sometimes promises. For example, one can make promises in the course of the committee stage of legislation. If an amendment looks as though it might be carried, one can sometimes get it withdrawn on the basis of an undertaking to review the substance of that amendment or to introduce another amendment at a later date if the Government's view of the matter does not prove to be correct.

Those sorts of things can be the subject of promises and sometimes threats to sit all night or something like that, which can be used to try to get acceptance of the Government's position in that process of negotiation. Except on procedural matters, where Oppositions are notoriously difficult, negotiations with the Opposition are usually fairly straightforward, whoever is in government. Usually the Opposition of the day has a party position on legislation or the contents of legislation. It sticks to that position and it is quite clear.

I cannot say the same for the Australian Democrats. When they were led by Don Chipp, they usually had a clear position. One could negotiate on the assumption that the word of the Leader of the Democrats could be respected and they would deliver on undertakings. That was largely so under Janine Haines's leadership and it is increasingly less so as the Democrats try to decide who their leader is. Certainly, they are not a party of happy little vegemites at the present time. It is very difficult to negotiate with the Australian Democrats on the certain understanding that you will get legislation through. At times, the same sorts of difficulties occur with the independents, if they be necessary in the equation.

The other problem is that some of the independents and some of the Democrats often salve their commitment to single issue politics - and that is what a lot of them are about - by declining to participate in votes at all or in committees of the Senate. From time to time we will get single issue independents - and I include the Democrats in that - declining to participate in votes, which makes the task of negotiations even more difficult. These sorts of negotiations, certainly in my earlier time as leader in the Senate, depended very much on leaders; for example, the interaction between me and, say, Fred Chaney or Don Chipp. Negotiations depended very much on those sorts of things.

With the passage of time and the decline in the respect for the major political parties, more complex negotiations have been required. In that process of complex negotiations, you get into the mess of individual Ministers trying to negotiate their legislation with independents and Democrats; the role of Manager of Government Business in the Senate becomes a much more important function in negotiating with minority parties; the Whips, to some extent, negotiate with minority parties as well, with the Leader perhaps having to be brought into it at a certain stage. The point I want to make from all that is that the necessary process of conciliation and negotiation tempers the mood of the Senate considerably more than is the case in the House of Representatives.

One of the most salutary things in politics is to have the experience of being in a minority. I can say that because I have been in that position for most of my life in the Labor Party and elsewhere. Being a minority government in the Senate is a very salutary experience and very difficult. Being experienced at being in a minority is important.

That experience, of course, has never been shared by the House of Representatives. Mr Chaney, a former senator, once described the situation in the Senate in these words: 'Compromise by Opposition and Government is a necessity in the Senate'. That

is true. Compromise by Opposition and Government is a necessity if the legislative program is to be dealt with. If there are to be civilised rules for what takes place in the Senate, that degree of compromise is necessary and it is imposed on the major political parties by the presence of minority parties and the need to conciliate and negotiate.

It is never so in the House of Representatives. It can introduce legislation, perhaps spend a lot of time not debating the issues with much care, and can be assured of a certain result which can be imposed on the House of Representatives by the government of the day at any time in terms of gags or other constraints on the Opposition.

One function of the Leader of the Government in the Senate which I want to refer to particularly is that at Question Time. I suppose the Leader of the Government always 'cops it worst', if that is an appropriate expression, at Question Time because he or she is the Leader of the Government and, secondly, because of the representational role which the leader has to perform in the Senate. For example, at Question Time I represent the Prime Minister, the Treasurer, the Minister for Finance, my own portfolio - Industry, Technology and Commerce - and the two junior Ministers, the Minister for Science and Technology and the Minister for Small Business and Customs.

I was in India a couple of years ago and I had a meeting with Rajiv Gandhi. Before I went in to meet with him, I looked at what his responsibilities were. They were Prime Minister, Minister for Communications, Minister for Science and Technology, Minister for Space, Minister for Electronics, Minister for Ocean Development and Minister for Personnel Administrative Reforms. I thought, 'What an extraordinary man this is'. The way Indian politics seems to work is that if a Prime Minister is attracted to any particular topic, as Rajiv Gandhi was, he can become Minister for that particular subject. That is very much the Indian way. I noticed he had seven portfolios. In a representational capacity I have six at Question Time.

There are a lot of difficulties associated with that. I do not want to refer to any personalities, but one can imagine a particular time in Australian political history when representing the Prime Minister and the Treasurer on the same day was not always an easy task. That, of course, is made more difficult by the electronic capacity of senators now to listen to what is going on in the House of Representatives. So there are always trick questions. I am asked a question, I give an answer and three minutes later the Prime Minister is asked the same question in the House of Representatives and he gives a different answer. That becomes a split in the Government, a disaster and a blot on the landscape for everybody concerned. There are difficulties associated with a multi-representational role.

In addition to the representational capacity one has in the Senate at Question Time, there are, of course, some senators in the Opposition who always ask questions of the leader, irrespective of his ministerial responsibility or the topic. I do not know whether Flo Bjelke-Petersen is here, but she tends to be one of those senators; Senator Boswell tends to be one of those. Flo always asks questions of me, I think - I have to say this - because she thinks I am nicer than a lot of the other Ministers. That is an historical thing.

I digress for a moment. I nearly was not here one year because of Senator Bjelke-Petersen. She opened the Benalla Flower Show one year. The mayor of Benalla was a Labor mayor. He introduced Flo - this was a few years ago - as a megastar of politics who was above all the hurly-burly. In her response she said, 'They are not all bad on the Labor side. In fact, Senator Button and I are very good friends'. That was a

week before I had a preselection in Victoria, of all places. Talk about the kiss of death. She certainly gave it to me on that occasion.

There are a number of senators who always ask questions of the leader, irrespective of ministerial responsibility - some because all sins of the Government are seen as represented by the leader and others out of genuine curiosity. You get some questions which I call 'water engine' questions. David Marmet, the American playwright, wrote a beautiful essay once called the *Water Engine*, which is a discussion of oral history in the United States as distinct from written history. The point he was making is that everybody in the United States really knows deep down that the CIA was responsible for the assassination of President Kennedy. There are a whole variety of things like that which are strong in the oral history of the United States. As Marmet put it, everybody knows that there was a man in Kentucky who invented a motor vehicle engine which would run on water, but General Motors and Ford conspired to have him assassinated and the water engine has never reached its full potential as a result.

I get a lot of water engine questions such as, 'Isn't there some sort of thing out there which is beneficial to this country that nobody knows about?' You know what I mean, Mr Clerk. You have to listen to them. All sorts of vague beliefs about this country's culture, aspirations and problems are reflected in what I call water engine questions.

I just say in relation to Question Time that I do not know what effect - the Clerk would be a better observer than I am - the broadcasting of Question Time has had on Question Time in the Senate. I think it might have led to shorter answers by Ministers in the House of Representatives; I am not sure. But I doubt if it has had very much effect on Question Time in the Senate. Indeed, I do not think many people are very conscious of Question Time being broadcast. I am not. But I have to tell you that a three-year-old called Rebecca writes to me quite regularly from a station in western New South Wales. The letters are written by her nanny. Apparently, where she lives, Question Time in the Senate comes on straight after Sesame Street. When she first wrote to me, she said, 'I love you, Senator Button'. I am hoping that it is the nanny rather than Rebecca. I wrote back and said, 'Well, look, I am sure Sesame Street is much better than Question Time in the Senate'. I got a letter on Friday saying, 'No, Question Time in the Senate is better than Sesame Street'. We are showing a lot of improvement, Mr Clerk.

I want to talk about some of the other burdens attached to the Senate leadership which are different from those attached to the House of Representatives leadership. The first of those is Estimates committees, which involve very long hours and require a detailed knowledge by Ministers. This is not just a function attaching to the leader; a detailed knowledge is required by Ministers of a range of portfolios, which is not so in the House of Representatives. I think very few procedures in the House of Representatives require Ministers to spend the time taken in preparing for Estimates committees in the Senate. I think we as a government have tended to let Estimates committees get a little bit out of hand and go into greater detail than perhaps they ought to. That is something of a charitable largess which we have extended to the Opposition, and it may have been abused.

The second point I will make about the differences for Ministers between the House of Representatives and the Senate functions is that there are fewer Ministers in the Senate. There is always this consistent conflict between one's exercise of ministerial or Executive responsibility and one's function as a leader in the Senate. For example, I remember that a few months ago when the Government had 'its feet in the

clag', to use then Senator Withers's expression, lots of urgency motions and so on were being moved by the Opposition in the Senate. The Expenditure Review Committee, which is a Cabinet subcommittee which takes up a lot of time, was going on at the same time. I did not appear in the Senate for some of these debates, but after two or three days the Opposition started to say, 'Well, he is not prepared to defend the Government in the Senate' and 'He is not interested'. All of these sorts of conclusions were drawn. You then have to make a decision as to whether you are going to continue to attend Cabinet meetings or whether you are going to perform the Senate role which, in a sense, the Opposition seeks to impose on one.

I do not think that is always understood by senators, particularly senators who have not been in government, and that conflict between ministerial and Cabinet responsibility and one's functions in the Senate creates a lot of difficulty. Indeed, I think it creates a lot of concern in the public. All these delegations of children and community groups who come and watch debates in the Senate are often surprised to see only one Minister there. That may be for the most venal or worst possible reasons you can imagine, but usually it is because Ministers are very much involved in Executive functions.

The third point I will make in relation to the comparison of the Senate and the House of Representatives is that, of course, in the Senate there is much more time for debate; there are many more opportunities for an Opposition; and more detailed knowledge is required of legislation. If you cannot gag legislation in the Senate, which you cannot do without the support of the minority parties, the debate can go on and on and all sorts of questions tend to be asked which are not asked in the House of Representatives because the Government has curtailed the time for debate. So in the House of Representatives you get set speeches and perhaps less exploration of the more detailed issues associated with legislation.

The other matter that I draw attention to is the considerable demand on the Government leader in the Senate to speak on matters such as censure motions, urgency motions and so on. Certainly, I think they are ones which the Leader of the Government is largely required to defend in the Senate and that creates all sorts of conflicts with ministerial responsibilities.

As I said, the Government in the House of Representatives can jam legislation through. There is no capacity to do this in the Senate. The debate is more difficult; sometimes more intricate. The other important point I would make here is that there is probably less ministerial briefing by ministerial counterparts and public servants in the Senate than there is in the House of Representatives. This is not always understood in the House of Representatives. The processes of the Senate and the difficulties are not well understood.

The very fact that you are not a majority party in the Senate has never been well understood. We have been in government nearly nine years now and I think it is starting to be understood. In the early years of government, people would say, 'Well, we will do this'. Everybody would agree that that was an appropriate decision. The question would never be asked as to whether the Senate would pass this legislation or not. We always got into difficulties about that sort of thing. But I think there is more understanding now of the difficulties in getting legislation and other business through the Senate, but it seems to have taken a long time. The other thing associated with that, of course, is the much longer Senate sitting hours, which I think is also not understood.

I do not want to spend my whole time here saying we are not understood. That is cry-baby stuff - seeing ourselves as victims of the system. All I can say about that is that in a sense we are victims of the system and I will reiterate the point in that form.

I think in recent years the composition of the Senate in terms of personnel has changed quite significantly. I do not think this point is particularly relevant to anything, but the Senate has become a more serious political chamber, I think, than it was when I first came in. Sure, there were crises in the Senate at the end of the Whitlam Government and so on. There was also a hard core of senators when I first came here who saw the Senate as a sort of congenial club. I think more man-hours or person hours were spent in the bar in those days than now. There were a number of senators who really enjoyed debating for its own sake and less for the purpose of achieving or trying to achieve a political debate; they enjoyed the form and discussion. Senator Wright was one of those. He was a great Liberal senator from Tasmania. He loved debate. He spent hours in the Senate debating issues and taking points of order and so on. On Labor's side, somebody like Senator Cavanagh was the same. They used to enjoy each other going on for hours. I think that is much less so now. I think the Senate's business in a political sense is a more serious business in some ways than it used to be.

Finally, I just want to say something about the role of the Senate leader as the 'Third Man', as it were, in party political terms, which imposes, I think, additional obligations. For those of you who have seen the film, there is no Harry Lime theme played for the Senate leader, but masses of time has to be spent wading through political sewers, escaping through manholes and so on - all the things that Harry Lime had to do in the film. In the political process, the Senate leader has to spend a lot of time on that sort of stuff. It is not always easy in the leadership of political parties to balance some of the frictions which develop, particularly at the top. There is a different role in all of that for somebody who is slightly detached from it, but not enough, unfortunately, as Leader of the Government in the Senate. As Senate leader I have additional burdens at election time through involvement with the National Executive of the Labor Party and other Party committees.

To summarise, I think that if one analyses the role of Senate leader, one sees that it is distinctly different from other leadership roles in the parliamentary system, largely because of the nature of the beast itself - the Senate - but also because in recent years the significance of minority parties in the Senate has made it quite a distinct sort of role. At all times, historically and now, there is the added complexity of the multi-functionalism that is expected - as Minister, as Cabinet Minister, as party functionary and so on - which I think makes the function much more difficult.