

Senate Occasional Lecture Series 2013

Jack Waterford

24 May 2013

The Constitution tells us that the seat of government of the Commonwealth shall be 'within a territory in New South Wales'. Some people wonder whether this means that this seat, which may need a bit of a kick at the moment, is a specific spot or place somewhere inside the Australian Capital Territory or inside the city of Canberra, other than the territory itself. Strictly the answer, if there is one, is probably of very little constitutional, social or economic significance. But some of us would think that if the sum is less than the whole, that sum must embrace Capital Hill. That, after all, is where the Parliament of the nation is located and it is, after all, from where all the ministers of the executive government operate.

Now there will be some purists around, Sir David Smith perhaps, who might point out that the legislative power of the Commonwealth consists not merely of the physical parliament, or of its elected membership, but also of the Queen or the representative of the Queen. He might add strictly that the executive power of the Commonwealth is located not within the ministry as such but in the Governor-General as a completely empowered representative of the Queen, so that perhaps any notion of some physical spot or place must at the very least include the Governor-General's residence at Yarralumla.

Neither the Queen nor the Governor-General share any power with the High Court of Australia, which is at the apex of the third, or judicial, arm of Commonwealth government, but it is located within a mile or two of both the Parliament House and Yarralumla. But we do not know whether the location of the court is of much assistance since it is by no means clear that the founding fathers intended or expected that the court would be located inside the Australian Capital Territory or at the seat of government.

There is a clue, perhaps, in Section 125 of the Constitution that the location of the Parliament is the key, since it is said in admirable subjunctive voice that 'Parliament shall sit at Melbourne until it meet at the seat of Government'.

This year, in any event, is one of anniversaries. For each of the sentences in Section 125 of the Constitution the Commonwealth did select a city for a national capital and an area of land which was 'not less than one hundred square miles'. In fact it was nearly nine times that, which was to enclose this capital. It was more than one hundred miles from Sydney as the Constitution required. The Commonwealth entered into negotiations with the state of New South Wales about acquisition of the land and a tranche of land—if somewhat different from that first asked for, though enclosing the same city area—was ultimately agreed and it was passed to the Commonwealth by a treaty which has some constitutional status.

A hundred years ago this year, this city was named Canberra and the Commonwealth dedicated itself to the purpose of establishing its capital, including, of course, a temporary Parliament House and administrative headquarters for departments of state. There were little problems such as World War I which slowed progress, but that parliament was complete and first sat here in May 1927, a bit more than 86 years ago. There were some further hiatuses such as the Great Depression and World War II, but then the Commonwealth became fair dinkum about its capital which from about the mid-1950s began to grow quickly.

A lake, which was envisaged by the man who designed the city, was opened fifty years ago. At just about around the same time, the Commonwealth was more than making good on its promises that not only would this capital be at the centre of public administration, but that it would also be a great national city. A centre of great educational, cultural, diplomatic and other national institutions and it would also, of course, be a model city. Not one built on extravagant lines, so much as one designed to demonstrate how sustainable and simple design operating outside a speculative land framework could provide Australians working here with comfort, amenity, environmental pleasure and wonderful facilities, ultimately sustained by the model of land development, including the leasehold system.

It was true that there was net subsidy in building the national city and in transferring to it public servants from all parts of Australia, but it was intended and expected that the system by which we allowed them to buy and to build, and to share the increasing value of the community's resources, would ultimately put that account into balance, much as the Sydney Harbour Bridge, for example, paid for itself many times over with tolls.

I suppose I should interpolate here that the very story of this one hundred years has been one replete with stops and starts; not least ones caused by pressure on the budget bottom line. Outsiders saw Canberra as full of public servants all having permanency of employment with the city in some way being insulated against the economic whims. Some critics could not understand why the capital was not in Sydney or Melbourne, not appreciating that it was fear of dominance by such centres which had so many potentially federating states wary.

That everything had to be new, however, meant that every facility was seen as a cost of government, a folly of public servants rather than an incident of community living. But with or without permanency, the local economy was the sum of money being spent locally and stops and starts might sometimes cause slight bumps in Sydney and Melbourne but had a habit of causing severe chills here. Canberra had bad experiences with depression and war, with massive inflation in the early 1950s, with the credit squeeze in 1961. When from the mid-1970s an incoming Liberal government decided that remorseless growth of the city had to stop, there was a pronounced local recession. At that stage the local building industry, which was constructing houses and offices for a public service and closely allied beltway industries, was bigger than the public service itself. By about 1980 there was scarcely a building industry here at all.

When again we put on the tap, if only by a turn this time, it was very hard to lure back many burnt operators. Local businessmen began to argue that Canberra had to become a more diversified economy, lest the local economy be strictly a boom and bust one, unable to attract a population.

About the same time, as it happened, the Commonwealth Government was giving thought to a permanent Parliament House and where it should be located. Capital Hill was chosen and an international competition found a remarkable entry, one which, like the city's designers, Walter and Marion Griffin, had an especially Australian merit for its incorporation of the landscape into the design.

That plan was realised 25 years ago this month. The new Parliament House was one for more than 100 years, and it reflects this not only in the quality of its manufacture, but in the provision made for the needs of representatives of the people in new times, whether for staff or physical facilities in the scope allowed for developments even then broadly anticipated such as the telecommunications and information revolutions and the computer.

The House has also some features that are by no means necessary, capable down the track of providing even further scope for expansion. First it could be said to be as much designed around the needs of executive government as it is around the needs of two houses and their committees. The executive wing has come to house not only ministers and their immediate staff, but an array of minders, ministerial assistants and others so that the complete work of administering a government department can, apparently, be completed without having to leave this building.

Second, the house has allocated generous space to an array of ancillary parliamentary services and the needs of the media that could at some future time be folded into extra provision for parliamentarians. Some of this might occur in any event with the contraction of the media caused by the decline of the old newspaper. But even assuming a substantial continuing demand, modern communications technology may not make proximity so important even for services such as Hansard, the Parliamentary Library or parliamentary administration.

I should mention one other set of anniversaries while we are in a birthday mode; this is also the 25th year of the passage of ACT self-government legislation through this parliament. There are many people who will rush to tell you that they did not want it, indeed that they had specifically rejected it by referendum. Perhaps they did, even as others recognised that self-government was not merely a right but a duty. But in any event self-government did not occur because the child wanted to escape from its parents, it occurred because the parents, at least in the form of the Hawke Government, was sick of the expense and the responsibility of purely local administration. We were thrown from the nest.

If we were given some money and some concessions as an inducement to not make too much fuss, it was also clearly understood that if we wanted to keep living in the style to which we had become accustomed we were going to have to pay for the extra ourselves. Otherwise we would have to make submissions to the Commonwealth Grants Commission in the same way as everyone else and in modern days live off GST revenue or our own raised taxes. The citizens of the ACT receive these days much less revenue per capita from the Australian taxpayer than the citizens of South Australia, Tasmania or the Northern Territory. In terms of actually what goes in per region compared to what goes out, more than the citizens of Victoria, New South Wales and Queensland.

Even if, from the point of view of the people of Canberra, there has since been heavy cost-cutting and a reduction in both the quality and the quantity of state-level public services, the outside perception remains that the very existence of the city, and the lifestyle of its inhabitants, is a heavy and probably extravagant drain on other Australian taxpayers. The people of the national capital are thus part of a general conundrum. On the one hand there is ample evidence that Australians as a whole are rather proud of Canberra and of its institutions, and readily recognise both its outlines and its major buildings and avenues, particularly Parliament House, Old Parliament House, the Australian War Memorial and the lake. On the other hand they are as suspicious of public servants or citizens of Canberra generally, as they are of politicians and they include an affected dislike of us in their general hostility to government, particularly when the government of the day is unpopular, such as right now.

This year of anniversaries has seen some reflections on the institutions. Since the opening of the new Parliament House, nostalgics, including myself, have wondered whether we have lost something of the intimacy of the old house, and whether the new one has the buzz of the old. Many have complained of the miles of corridors, and others of how the claimed needs of security or the self-generating demands of security bureaucracies have strangled a certain democratic feeling. Others wonder whether the architecture itself reinforces not only the tyranny of the executive, but a culture of secrecy and privileged access. All of these are important issues, though not for today.

I want to use this conjunction of anniversaries instead to focus on the relationship between the city, that is to say the territory and its population, and the citadel—that great building here on Capital Hill, surrounded by a moat. One is, if one uses the constitutional words, within the other. Increasingly, however, there is a question of whether one is an alien—an essentially uncomfortable and difficult presence which is not at ease with its environment. If this is true what does it mean and what can or should be done about it?

I do not necessarily pretend that there was once a ready and free intercourse, in every sense of the word, between the old Parliament House, that more relaxed parliament house, and the city and its population, although the very ease of access to one is a point to be borne in mind. In 1930, or 1950, or indeed in 1970 or 1980, a far greater proportion of the people of Canberra had regular reason to be in or at Parliament House when it was in session. The

relationship of many with it was not as mere Australian citizens, if one somewhat more conveniently located. Parliament was, after all, of the very essence of the reason why Canberra existed.

Some of us might have opinions about politicians in general, or politicians of a particular party, and for others, the nature of the inhabitants might not matter a jot. But we lived with each other. Alan Reid, the veteran journalist, once told me that I should always remember that one could work in a zoo without liking the animals. Many of those who were familiar with the building and the institution were, of course, public servants, though by no means all were advisers or private secretaries of ministers, or people conveying materials to and from the departments. There were also telegraphists and stenographers, drivers and cooks, librarians, Hansard people and attendants. There were also journalists, lobbyists, urgers and other ne'er-do-wells in semi-permanent residence, as well as a somewhat bohemian culture founded on the existence of the non-members' bar and its related facilities. No one challenged one's right to be there, and anyone looking even vaguely purposeful could stride down the lobby corridors, or up to the press gallery, or along the passageways to ministerial and representative offices, such as they were. A number of local citizens would wander regularly into the public galleries when they were bored, or, perversely, when they expected a lively debate.

In 1972 when I was a copy boy at the *Canberra Times* and would make half a dozen trips to the old house every day, picking up and delivering material from various bureau and ministerial offices. Typically I could and would park within a cricket pitch of the front door and there was no ticketing or queuing to do so. On one occasion, on a hot February day, I saw a rather red-looking child in a car parked beside mine. Its windows were up and the car was locked. I strolled over to fetch a policeman and as he looked for a brick to break the glass, I found a piece of coat hanger with which I had become a bit of a whiz. We had just retrieved a very heat-stressed baby when a woman rushed down the stairs, glared at me and the cop and rushed off with the child in the car. I need hardly add that neither she nor the child were restrained, as they now call it.

The incident was over, in my mind at least, until an hour or two later when a most senior politician of Queens Council rang to threaten the editor of the *Canberra Times* that if we made any mention of the incident we would be sued by him personally and the woman (unnamed) to within an inch of our lives. Apparently he thought wrongly that we had deduced that the woman in question was his mistress and that her inattention to the needs of the child

was a consequence of what they had been doing on the desk in his office. Now I tell this tale not so much to retail scandal, or to give you some clues as to who the person might be, but so as to underline the ease and speed of possible access to the old parliament. These days, the lover, even assuming he had the right security pass, would probably be held up for 15 minutes just getting in, and another 15 minutes just getting out of the place.

The new Parliament House, in short, sits isolated and alone at the top of a hill with stiff security. Aloof, and, it increasingly seems, disconnected from the city. That disconnect, and a steady stream of abuse, makes it sometimes seem an invader rather than the reason for our existence.

It was not at all new in 1972 for the people of Canberra to complain of the tendency on the part of some parts of the media, particularly those located outside the ACT, to use the word Canberra as some shorthand form of abuse for big 'G' or little 'g' government or for ministers or for the public service. We were used to, if not excited about, the ready assumption that all public servants wore cardigans, did very little work and were generally useless, even as we ourselves knew that the service then was well into the process of becoming a merit-based, elite service capable of recruiting and training the best and the brightest young people in Australia.

In all of this, thus, we had some natural common cause with the wretched politicians. Even as we sometimes resented their tendency, the moment they were out of our sight, to pretend that they were not of us, but were part of them. The *Canberra Times* made a bit of a specialty of reporting comments made about Canberra by politicians in their own environments, including descriptions of public servants as pigs in the trough or the claim by John Fahey, if I recall, that no one in Canberra had ever seen or heard of a fibro house. Sometimes we retaliated, in the nicest possible way, of course, by making sure that local constituents were up with accounts of demands for special privileges or rights by the representatives.

One can, of course, write learned treatises showing that the Canberra economy is diversifying, that the Commonwealth public sector proportion of it is considerably reducing, and that many in the new jobs that are being created in an uncommonly educated and information au fait city are in education, communications and lobbying. But there is little point in this with a good deal of the general criticism of the city, given that a high proportion of it is essentially ideological, in the public sector bad/private sector good sense.

Reason and facts mean very little in such a debate. In any event, it probably is still true that there is a close interdependence between the Commonwealth, as one of the high drivers of demand, and a specialised and alert Beltway private sector, whether in the lobbies, advocacy, regulation, in the supply of goods and services to government or in the sale of information about it.

Like it or not, we denizens of the seat of government are tarred with the same brush as the politicians. But some of it is increasingly tedious. Last week, for example, was budget week, so we had the usual cavalcade of journalists, artists, computer and production people brought up from Sydney and Melbourne to add economic and political analysis and colour reportage and gossip to the work of the resident parliamentary press gallery reporters in the coverage of what is, or once was, the government's economic and social manifesto for the year ahead.

These foreigners, as it were, arrive at the Parliament House lock-up, after a bus trip and a feed at a local swillery, at about 1pm. They are released from *durance vile* at 7.30pm having been fed by people associated with Parliament House catering fairly continuously during the intervening time. By then each team involved will have largely completed one of the biggest newspaper production jobs of the year, preparing up to 24 pages of detailed reportage and commentary based on Treasury documents, the claims of the politicians, and such access to expert opinions as one can manage given the blackout on external communications. After being let out, the journalists party—typically in Manuka, Kingston or Barton. Traditionally, employers are reasonably generous in picking up the tab, all the more so these days since they have seemed mean in resorting to buses rather than aircraft to move these teams of people around.

After the party, well past midnight, the journos go back to hotels, and, early in the morning, they motor off. A day or two afterwards, one or two of the conscientious writers will write a polemic deploring the ACT. Miranda Devine, who lives comfortably on the Sydney northern shore and writes for the *Daily Telegraph*, might provide a good example. The budget was 'sombre', 'funereal' perhaps, she wrote, but the mood of Canberra was 'anything but'. Canberra was:

a town on steroids ... a cashed-up boom town of boutique hotels, gourmet restaurants, passionfruit martinis and funghi pizza. Jamie Oliver is opening a restaurant soon. Sydney might be in the doldrums, with

shuttered shops and sky-high costs, where even law firms are laying off, and taxi drivers say business has never been so slow. But in Canberra it's clover. This is Wayne's world, a town of politicians and wall-to-wall public servants in protected jobs, untroubled by market disciplines and insulated from the wealth creators who fund it all. This is where the government's promises and wacky policies make sense, where big government is a growth industry that fuels the economy ... the postcode that has thrived most under this government is 2600—Canberra. No wonder the buzzing bars and restaurants around town on Budget night felt like the last days of Rome.¹

No one will stand ahead of me in my admiration for Miranda Devine and in her capacity to craft a sentence and to arouse fear and envy and anxiety amongst her readers—almost all of whom earn an awful lot less than her, and some of whom even earn less than the median income of the people of Canberra. But I have to say it was fairly standard stuff, rendered only a little bit more bizarre by her failure to notice that the roisters she was deploring were people like her rather more than people like us. We Canberra folk do like to think we are special and that ours is a city of which Australians should be proud but most of us were home safely, perhaps too securely, in our beds. Indeed most of the Canberra that she imagines us to be, which is to say federal public servants, would not describe the last five years as being like life on steroids and a non-stop boom. Nor would those of us whose jobs hang off government, actually, such as journalists. It has, in fact, been a further extension of much of the agonies of the past 20 years, which is to say, of continuing cut backs, retrenchments and attempts to maintain quality in the face of efficiency dividends and government accounting tricks.

Politicians and a public want more and more from less and less resources and it is becoming more and more difficult to be effective and efficient. Whether the size of the public sector is expanded or contracted, and how much money that is putting into the local economy, is no mere matter of numbers, it is also a matter of the work requiring to be done and the people who are screaming for results. When Devine is suggesting that the people of Canberra have no idea of what is going on in the so-called real world, the city and its public service inhabitants are merely paying the price of her primary view, one that colours each and every one of her articles—that the Gillard Labor government is hopeless and ought to be sacked. Now she may be right about this. She is certainly entitled to her opinion, but that need not depend on her flourishes

¹ Miranda Devine, 'Party over but we'll still pay for their fun', *Daily Telegraph*, 15 May 2013, p. 13.

about the government's professional advisers being out of touch with the real world, or Canberra lying in some sort of la-la land and not subject to ordinary market forces.

As I say there is nothing particularly new or particularly ignorant about such contributions and I am not dwelling on them as such. What may be changing, however, is the solidarity with which the inhabitants of Canberra grin and bear it, as a regrettable, but somewhat inevitable price that one pays for living in the national capital. It is, after all, what white people in Washington also have to endure, even though it is not necessarily what the people of Paris, or London, or Rome, or Berlin have to endure.

The first point I have already made: fewer local citizens have any much business in the house. Fewer, as a proportion of the population, actually work in it; even fewer have occasion to make regular professional visits, say to visit a minister or an estimates committee. Many fewer would feel the need or the inspiration to attend for some special occasion such as an apology or a demonstration.

This is not to say that Parliament House has a small staff, indeed it does not. But Canberra is a growing city and the federal public service is not growing at the pace of the city. Moreover, a high proportion, even if it is still a minority, of the denizens of the house are minders, operatives and other political staff, a very high proportion of whom do not actually live in the city, except when they are forced to do so. The dramatic exit from the city once Parliament rises is no longer primarily a matter for politicians; many more of the people with Blackberries growing out of their ears are hangers-on. The high consumption of such people—a high proportion of whom are very clever, very single and very well paid—is consumed in south Canberra, and a good many of them live in its townhouses and flats, providing, by the lifestyles and promiscuity, the backdrop of accounts about Nero fiddling while Rome burns. Their lifestyles are not terribly relevant to the populations of the Woden Valley.

Increasingly, moreover, the net economic activity of Parliament House in action does not cause any dramatic bumps in electricity consumption, or the local measures of economic output. Particularly if one factors in the ordinary, if more mundane, lives of ordinary Canberrans, in or out of the public service, living in regions such as Belconnen, Tuggeranong, or Gungahlin. Taxi drivers may notice when Parliament is sitting, and so might a few bars in Kingston and Manuka, and perhaps a few brothels in Fyshwick, but there is, by and large, a

bigger bounce from a Brumbies match or a National Gallery blockbuster. In such a circumstance, some might reason, why should locals pay such a regular price for being blamed for what the itinerants, and their minders, do?

The lack of mutual reliance has been much aggravated by traffic engineering and by the development of a national security industry. Parliament House is increasingly difficult of access. The architecture remains attractive, but the bollards and the fences do not. Even more daunting are changed road arrangements, one-way traffic, privileged access for insiders, reduced access to the top of Capital Hill, the alleged need for security screening, the segregation of visitors from workers, the operation of pass laws and the creation of mini-Bantustans. There has not, in fact, been a security incident worth a cracker at either parliament house since someone shouted at David Smith in 1975, but no one can prove that this is not a result of the tens of millions of dollars we now throw at the task of keeping people away.

The process of keeping people out works also, of course, to keep people in. Canberra is a truly fabulous resource for anyone interested in almost any field of public policy. It has an experienced and professional independent bureaucracy. It has an array of think tanks, lobbies, industry and professional headquarters, and people engaged in the business of marshalling facts and preparing arguments. It has an educational industry engaging more adults than the Canberra-based federal public service including an array of institutes and bodies that are particularly focused on the needs of government. It has a big diplomatic, defence, intelligence and foreign affairs establishment. One in every fifty adults in the ACT now works in the intelligence and security business. Canberra's second biggest building, an especially unattractive Lubyanka, is soon being opened to prove it.

Quite apart from this being a bush environment, a social, sporting and cultural milieu bigger than that of Adelaide or Brisbane, which operates alongside schools and systems of high standard, for most of the powerful figures of Parliament House, these advantages, these opportunities, are passed by in the rush to get out of town as quickly as possible, or in disinclination to leave a building it is somewhat difficult or time consuming to re-enter, even with a flash pass. And with the business of high government decision-making increasingly transacted by ministerial staff, more often than not communicating electronically, there is less of a need for interchange, even with public servants, let alone representatives of the so-called real world.

I have long thought that the processes of government would undergo beneficial revolution if both the executive government and the parliamentary press gallery were expelled from this house, given ready access but forced to headquarter themselves elsewhere, out in the real, if apparently still rarefied, air of Canberra.

For many Canberra citizens, in short, the la-la land is not the federal capital territory as a whole, but it is in the seat of government. And it is getting worse. It is not a party-political thing. Indeed, the fact that the soon-to-be incoming government is familiar with the system of running an administration means that it will slip readily back into the drivers' seats. If there are residual things, including public service professionalism and loyalty and confidences as between employer and employee which might prevent a blow-up, there is less and less of a congruence of interest, least of all in concealing from the public at large some of the grimmer secrets about the fault lines of modern government.

And there are fault lines. No matter how some seem to think that this is all a problem of management or perfect information, it is obvious that some of the systems do not work as once they did. The old economic levers no longer achieve anything like the same effects when they are pulled. That is in part because the economy is now far more complex and far more subject to other variables including the world economy. Nor can programs work as once planned and devised even by the best ministers or the purest intentions, not least because we are still essentially a full-employment economy in which skills and labour are not as mobile or available as some of the theoreticians fancy.

We have a pretence of open government and an obsession with information management, and all of its cousins including spin, concealment and outright lying. We have more and more dirty hands on the steering wheel and, as often as not, fewer records of who has said what and when. Perhaps we are more free of political corruption than the state of New South Wales. But those who are cynical can hardly help noticing how many players come from the same places and how handicapped these days so many of the checks and balances are.

Some of these problems can be addressed, but not by public relations stunts or mere promises of reform or better intentions. Some risks have to be taken. Mercifully they are all ones that tend in democratic directions based on the idea that the more open and accessible the councils of the people are, the more likely it is that these councils will do good work and do honest work. I

have noticed no climb in public zeal for good government or good service to government, just a weariness with the way things are going.