Winter in Canberra is bitter and cold. This is not surprising; Canberra is located in the Australian Capital Territory within the Southern Tablelands of New South Wales some 600 metres above sea level. One of the attractions of this capital city is that it does have definite seasons. So it is that we look with pleasure at the autumn colours and enjoy the blossoms in spring. But equally, the summers are hot and the bush flies troublesome, while the winters are cold, dreary, bleak and bitter.

Politicians cope with this in good years by scheduling the two long breaks—the recesses—in the winter and the summer, so as to avoid the times of greatest heat and cold in Canberra and confine our sitting periods to the more pleasant months and seasons. More than that, the time of these recesses is when many politicians travel overseas, getting away not only from Canberra but also from Australia.

Cabinet ministers are not so lucky. The Budget cycle began in December each year and came to a climax with the Budget cabinet meetings in the depths of winter (when the Budget was presented in August). This then allowed the Budget to be made ready for presentation to the Parliament in mid-August when senators and members returned. So cabinet ministers had to be in Canberra during the very worst part of the year. Many years later, I was a minister in the Cabinet and underwent this experience. One of the things that made it more bearable was the care I received from an exceptional car driver named Patrick Torpy.
Pat used to get me to Parliament House, then get my gear home and turn on the
heaters in my unit. It meant that things were a little less bleak when, eventually,
I returned home from endless Cabinet and committee meetings.

The year 1975 was atypical in many ways, including an atypical pattern of
parliamentary sittings. For a start, the scheduled sittings of the Senate continued
somewhat late, to 12 June, just 10 days short of the winter solstice. Second, the
Senate returned in July, in the depths of winter, for unprecedented sittings
related to the emerging loans affair. In this chapter, some of these events will be
described as they affected this backbench senator and as they contributed to his
understanding of the loans affair.

When the Senate rose for the winter on 12 June, the standard motion was passed
giving leave to all senators until 19 August, the planned date of the Budget, but
it was passed with an Opposition amendment to permit the recall of the Senate
if needed before that date.1 Our forcing of that amendment (with our ‘legitimate’
numbers before the death of Bert Milliner) signalled our belief that we might
want to recall Parliament during the recess—a recess to which the Government
was looking forward and which it needed to allow it to rest, recuperate and
regroup.

We could be certain in 1975 that Labor ministers got no real relief over the winter.
Their fatigue would not have gone, the tension remained on them as they battled
over the form and content of the forthcoming Budget, and Senate ministers in
particular would not have obtained much needed rest and recuperation.

I returned to Sydney when the Senate rose and got straight back into a hundred
activities that had been put aside while Parliament had demanded my presence
and commitment. There were meetings, outings, dinners at home and at other
people’s homes, political meetings, commemoration concerts, senate committee
trips and public hearings, flag presentations, Australian Assistance Plan
meetings, naturalisation ceremonies, dental appointments, school holidays,
and so on.

Late in June 1975, I travelled to Launceston to take a tiny role as one of an army
of workers for the Bass by-election caused by the resignation of Lance Barnard
from the Parliament. Our candidate was Kevin Newman and I found a well-
organised and determined operation when I arrived in Tasmania. Like a large
number of colleagues, I did all I was asked to—and we achieved an enormous
swing (of 14.3 per cent) to win the seat from Labor. So great was our victory
that the result is generally reckoned as the start of a roll that carried us right

1 Journals of the Senate—56th Session, 1975: 817.
through to December and to victory in the general election. Certainly, it was a
devastating blow for the Labor Party and for the confidence of Labor leaders
and strategists.

One of the stupider things that the prime minister did during this campaign was
to argue publicly with a man who questioned some injudicious statements about
the Baltic states, which had been incorporated against their will into the USSR
during World War II. The prime minister managed to alienate all Baltic voters to
the disadvantage of Labor. These events are recorded well in other books.

The senate committee on which I served was very busy with visits to
Aboriginal communities in Walgett, Bourke, Cobar, Adelaide, Point McLeay,
Mildura, Redfern and Fitzroy. What we learned (and what had not been known
to me before) is that Aborigines in different locations live quite differently to
one another and face different problems. Traditional Aboriginal people faced
problems with basic services—with the availability of clean water in sufficient
quantities to allow them to care for themselves and their children, for adequate
supplies of fresh food, for adequate hygiene, and so on. Completely urbanised
Aborigines faced different problems—many of them the problems of poverty,
isoation and alienation from mainstream structures and services seen in many
depressed minorities of any kind in our large conurbations. The third group—
then called ‘fringe dwellers’ and later called ‘town campers’—had almost the
worst of all worlds: no place, no roots, no purpose, no acceptance, no resources,
and no hope. Later, when I became Minister for Aboriginal Affairs, I found
that my greatest heartbreaks were in relation to those attempting to make lives
for themselves and their families on reservations close to the towns of non-
metropolitan Australia. I might add too that the greatest expressed sympathy
for Aborigines seemed to come from those living in all-white neighbourhoods.

Nationally, however, the loans affair continued to develop. Documents continued
to appear—a trickle at first and a flood later. Ministers made more and more
statements, but more and more of these proved to be inconsistent one with
another. So it was that our leader, Reg Withers, activated the contingent notice
and petitioned the president to recall the Senate. This occurred on Wednesday,
9 July at 4 pm. The Opposition wanted certain senior officers of the Public Service
to answer some critical questions to which the Government was determined no
answers would be given. The Senate was recalled to settle the matter.

On our reassembling, one of the first things done by Mr President was to
table the ruling of Sir Garfield Barwick, the Chief Justice of the High Court
(sitting as a Court of Disputed Returns), on the qualifications of Jim Webster to
sit as a senator,2 a matter that had been activated by motion of the Senate three

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months earlier. Jim Webster had a family business that was alleged to have had some dealings with the Government and the question was whether this disqualified Webster from sitting in Parliament under the provisions of Section 44 of the Constitution. The court ruling was in Webster’s favour.

Mr President also announced to us the death of Senator Bert Milliner on 30 June. Milliner had been ill for some time and had, in fact, been granted leave of absence by the Senate on account of ill health on 13 May 1975. The failure of the Queensland Government to replace him with a proper Labor senator was one of the worst actions of that or any year and contributed greatly to the bitterness associated with the crisis that followed and to the means used by the Coalition to prosecute that crisis.

The Government opened proceedings by tabling a mass of documents related to loan raisings by it and by previous (non-Labor) governments, to correspondence on the loans affair, to certain legal opinions, to correspondence with Mr Khemlani, and to telex and other communications by ministers (and it tabled more two days later). The Leader of the Opposition Reg Withers then gave notice that he would move that certain senior officers be called before the Bar of the Senate to give evidence on matters related to the loans affair on Tuesday, 15 July 1975. These were the most senior officers in the Departments of Treasury, Minerals and Energy and of the Attorney-General, together with a statutory officer, the Solicitor-General. Although people had been called before the Bar of the Senate previously, the procedure was used very rarely. Here I was, almost within my first year in the Senate, about to see it happen again—and to a swag of the most senior public servants in the country.

The Government had intended its action in tabling papers to be pre-emptive in that it hoped sufficient information would be revealed to satisfy the press and public. But Withers immediately branded the action as inadequate and arrangements were then completed for witnesses to appear a week later. Summons were served on the officers, all of whom indicated dutifully that they would attend as required. Meanwhile, the prime minister and some ministers challenged the right of the Senate to call and examine senior officers even on matters of fact. As a result of those challenges, on 15 July, Senator Withers moved another motion, reaffirming the right of the Senate to call and examine witnesses at the Bar of the Senate, which was agreed to on 16 July.

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What was already occurring was that the prime minister and his ministers were challenging rights of the Senate conferred on that House of Parliament by the Constitution and by established practice. There are quite valid and powerful arguments that go to the continuing relevance of some of those powers but, while the powers exist as they do, it is the duty of those who serve the Senate to resist all attempts to limit or ‘write out’ those powers. This was a part, and not the least part, of the battle then before us. What was occurring was one more skirmish in that never-ending battle between authority (represented by the Crown or by the Executive) on one hand and the people (represented by the Senate) on the other.

I represent the Senate as ‘the people’ quite deliberately. While the House of Representatives is democratically elected—and undoubtedly so—it is by its make-up the electoral college for the Executive and is always a tool on which that Executive can depend for support. Indeed, it was on 3 October 1941 that a government was last defeated on the floor of the House of Representatives10 on a vital matter, and I do not expect it to happen again without some extraordinary concatenation of circumstances. The Senate, on the other hand, partly as a result of its election by a system of proportional representation, is finely balanced in its composition, often without a government majority. (My problems related more to the effects of good dinners and wine on senators than they did to their formal allegiances.) Since then the Senate has been a real legislative chamber in which governments must fight and negotiate for support if their legislation is to pass, a chamber in which argument is listened to and amendments accepted to legislation, albeit reluctantly.

In 1975 one of the sub-agendas was the determination of the prime minister of the day to assert and establish a dominance of the House of Representatives not contemplated by the framers of the Constitution; conversely one of our sub-agendas was to resist and repel such an attack. It is now a matter of history that the prime minister failed in his objective qua the Senate.

I understood then too little of the import of what was going on. It was hard to keep up with the action and with the twists and turns that occurred each time we met. I realised that this was ‘big league’ stuff and that we were moving to virtually uncharted territory; in spite of this comprehension, I was struggling to follow the tactics being used by some very smart and experienced leaders on both sides of the debate. Every point that I understood, they understood better. For each procedure I devised in my mind, they had devised and then executed more subtle and more powerful and more imaginative procedures.

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When the witnesses eventually appeared, I was even more perplexed. The subtlety of the situation was considerable. On one hand, the Senate was exercising one of its undoubted powers. It was taking positive steps to elicit information otherwise being withheld. On the other hand, the press and public were watching closely and were, we suspected, very ready to publicise and criticise any evidence of bullying of those appearing—as had happened in the infamous Browne–Fitzpatrick appearance before the Bar of the House of Representatives11 20 years earlier. So we were determined not to bully and not to give any suggestion that witnesses would be treated other than with the utmost courtesy.

The Government, however, had no intention of conceding the possibility that the activities of the Executive could be scrutinised by the Senate. Such reluctance seems laughable now; we now examine officers of the Public Service in depth about programs and expenditures not once but twice each year, in estimates committees, and each such examination lasts for as many hours as is necessary to obtain all desired information. But in 1975 the Government instructed each of its senior officers, by letters from ministers, to claim Crown privilege for all substantive questions, and the Solicitor-General wrote himself claiming the same privilege. We responded with a motion asserting the rights and privileges of the Senate, pointing out that the Labor Party had itself demanded the appearance of an officer of the Public Service before the Bar of the Senate in similar circumstances in 1967, relying on exactly the powers we were now seeking to use. Our motion was carried.

I had imagined that our inquisitors might pursue the witnesses—we had formidable advocates in Withers, Greenwood and Wright, for example—but in the event Withers carried most of the questions and he did not challenge the claim of any witness to privilege. Reg Wright had a prolonged and fascinating exchange with Sir Maurice Byers about the nature of the privilege he was claiming; it makes good reading still12 and indeed is required reading for anyone making a serious study of Crown (or Executive) privilege in Australia. These claims of privilege were subsequently referred to the Committee of Privileges for examination,13 but in the supercharged atmosphere of that year in Canberra, the examination became an adversarial and party-political exercise of limited value.

So there I was, recalled to Parliament for a unique sitting of the Senate, watching as the whole thing appeared to fizzle out. The very senior witnesses were refusing to answer—and we were calmly letting them get away with it! What

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I had not understood was that the course taken by the Government was unwise and futile, and that it was seen to be unwise and futile by my seniors. Sufficient information was still becoming available to the Opposition to make certain the continuation of the loans affair to the great disadvantage of the Government. Senator Steele Hall called for the attendance of another witness, a Mr Karidis, who attended with his counsel and revealed little to the Senate; he made no claims of privilege but played a very ‘straight bat’ to all questions.

Using our numbers, we passed a resolution asserting that the action of the Government in directing officers not to answer represented a ‘massive cover up’, that we still demanded a royal commission into the matter and, as mentioned above, that the actions of ministers giving instructions to officers not to answer questions be referred to the Committee of Privileges. It is worth reflecting here that, if the Government had appointed a royal commission, it might well have survived past 11 November 1975.

The Senate finished the examination of witnesses on 22 July 1975 and adjourned until the Budget about one month later. The interlude in Canberra at its coldest and least welcoming had seemed to me unproductive politically and played havoc with my program. I had been forced to cancel many visits, party meetings, flag presentations, and all the other activities that go to make up the daily round of a working senator. But I was able to use the rest of July for solid work back in New South Wales, and to spend as much time as possible with my family.

There was one other major event during that winter recess. Following the double dissolution in 1974, the new Senate, as one of its first acts, divided senators into two ‘classes’: those deemed to have six-year terms and those deemed to have been elected only for three years. Having been the last person elected, I fell into the latter class. So it was that I would have to face another election when next the House of Representatives went to the people and there would be, in normal circumstances, an election for my ‘half’ of the Senate. Accordingly, the Liberal Party arranged for a preselection for its Senate team. I nominated as a sitting senator and, as Senator Sir Kenneth Anderson was not continuing, there was a vacancy for a new candidate and I could anticipate selection in the top position.

The preselection took place on Saturday, 9 August 1975 at the Menzies Hotel near Wynyard in Sydney. I travelled in by train rather than driving my car in a rather tense and nervous state—preselections are always tense affairs. I had booked a room at the hotel so I could rest, and shower and change my clothes as necessary.

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The rules of a Liberal Senate preselection are complex. First, the electoral college was made up of one preselector from each active federal electoral conference plus all the members of the state executive of the party. In New South Wales this resulted then in a college of about 90 people, although on that occasion in 1975 the college was much smaller.

Each candidate has 15 minutes and the order of appearance is determined by ballot. Eight minutes are allocated for a speech on any subject. I have seen one candidate who used his eight minutes to read the Bible for the edification of preselectors, another who lectured on abortion law reform (she joined the party only to provide the opportunity to address that electoral college) and a third candidate who, in a fine rhetorical flush, cut a large paper rooster to pieces to illustrate a dramatic point. The remaining seven minutes are allowed for questions on any subject, ranging from questions about one's political past to questions on arcane and complex issues of policy. Questioners bid for the call and the chair can exercise great influence by choosing or ignoring certain potential inquisitors. Voting is by exhaustive ballot, which means that one votes only for the candidate of one's choice. In 1975, any candidate with an absolute majority was declared elected to the first position (this rule has since been changed). If no candidate obtains an immediate majority then the field is reduced to six ‘finalists’ who speak and answer questions again, after which exhaustive balloting recommences. At that stage, candidates with the fewest votes are eliminated progressively, and ballots are repeated until one candidate obtains a majority. This is a prolonged process; on one occasion, I was present for 20 hours while we selected candidates for positions in the Legislative Council of New South Wales using the same procedure.

My speech was well received at the Senate preselection and Terry Metherell congratulated me on its content later over celebratory drinks. The questions were odd but were not too difficult. After I had made my appearance it was a matter of waiting for all the other candidates to have their turn. It was hard on preselectors and candidates alike. At one stage, the president of the Werriwa Conference collapsed just before Michael Darby spoke; I was called to give him some medical care and then sent him off to Sydney Hospital. I went for a walk around Wynyard Park with Misha Lajovic and then went to my room and watched football: North Melbourne versus Richmond in Melbourne and Gordon versus Randwick in Sydney.

There was a large field but I was well regarded in the party then and won first position on the Senate team on the first ballot, obtaining (so I was told later) all but seven of the votes cast. This was one of several occasions when Bronwyn Bishop and I have been opposed directly in a contest. As has always occurred in such confrontations, I beat her. On this occasion, she was not even selected
when the final six were invited to speak again. For the record, the final six candidates were Bill Bridges-Maxwell, Richard Croll, Robert Holland, Joan Pilone, John Matthews and Misha Lajovic.

I was then invited to join the preselectors and watch the second speeches of the final six candidates trying for the other winnable position. This was an unusual and much appreciated compliment to me. Such a course of action was possible under the rules for preselection then applying; today the rules of the Liberal Party in New South Wales are different and I would not have been selected as cleanly or as quickly as I was then. I remember coming back into the room to a big ovation and then sitting at the head table and listening with interest to the six final candidates. Eventually, the ballots were over and Misha Lajovic was successful. I remember coming down to embrace him, just ahead of his wife, Tatjana, who rushed into the room; we had a good and very productive working relationship both before and after the 1975 election.

We all retired to the bar for drinks and then I went off with John Dowd for a pizza, after which he drove me home. I was late but it is hard not to be late home after such an ordeal. My diary recorded: ‘Lajovic will sell well.’

With preselection behind me a great load was gone and I could look with confidence to the next sitting and to the next election. I spent the days before our return to Canberra in frantic busyness but able now to assume with confidence that I did have a career in politics—a career that would last at least a few more years.

The parliamentary Liberal Party and the parliamentary National Country Party met in Canberra on 12 August in preparation for the Budget due to be presented a week later. At the meeting, we considered our view on some government Bills, discussed some tactics and looked at some policy. My diary records:

Kevin Cairns was sat down by Malcolm when he attempted to speak for the third time in a row. He was contributing little. Kevin was angry. He deserved it. Reg Wright gave a passionate address (again) holding on to the back of my chair and my head! I moved before he spoke again.

Dined with Magnus Cormack and Peter Sim.

It is fascinating to see Magnus examining life in retrospect—events and memories. Spoke of himself as a Parliamentarian—said he had twice refused places in the Ministry. Was this correct or was it self justification?

The next day, still in Canberra, an ad hoc group met to determine our position on the Compensation Bill and the Senate report on it. Reg Wright dominated proceedings, supported by Fred Chaney and Alan Missen. Don Chipp was in the chair and Tony Street was present.
Later I ran into Syd Einfeld by chance. He congratulated me on ‘conquering the machine so quickly’—a reference to my success at preselection:

We discussed the likely Labor tragedy in Tasmania and local problems with Lewis in New South Wales. Took Syd to lunch—he is well remembered and liked. Joined by Arthur Hewson from McMillan—a dolt and a fool—at least he did not move his dentures about today. Surely the National Country Party could do better.

In the evening, back in Sydney, I had my first experience with B’nai Brith. This Jewish organisation is named in translation ‘Sons of the Covenant’ and is the nearest thing to Rotary that the Jewish community has. It also has an honoured function fighting anti-Semitism. Today I belong to the Alfred Dreyfus Unit of B’nai Brith—the anti-defamation unit—but in 1975 I had not met the organisation before. I was the guest speaker and discussed the role of opposition and preparation for government. It was all received very well.

There were two notable occurrences the next day in Sydney. The first was lunch with Professor Bob Walsh and with Professor Byrne, president of the Royal College of General Practitioners. What made this memorable was that this doctor knew of plans I had made with a charismatic Englishman named John Stevens for a medical school at the University of Wollongong. I recorded: ‘He described John Stevens as “derivative” which is not really a surprise but is a thought which I had not allowed myself to entertain.’

Let me recount here the tragic story of John Stevens. This outstanding English general practitioner first came to Australia as a Nuffield Travelling Fellow in the late 1960s. I was so impressed with him that I proposed that the RNSH should do something unprecedented: invite him, a general practitioner, to be its guest professor at its annual refresher week. The hospital, to its great credit, took a deep breath and then issued the invitation. What followed was the most memorable of all the North Shore reunion weeks I ever attended. For John Stevens’ final address, the lecture theatre was packed to the ceilings with excited, fascinated and appreciative people. He not only described family medicine but also inspired people with what it offered.

While he was here, we discussed at length the need for another medical school to complement what Newcastle was offering and promising. We worked with a gentle medical genius named Wilson Corlis and prepared a submission for a faculty of medicine at Wollongong—a proposal that failed as a result of other political considerations.
Some time later Stevens suffered a disabling stroke in England. His patients and his partners could not cope with his disability and he left his Aldeburgh practice. Later he decided to sail a boat single-handed to Australia and was lost at sea somewhere in the Pacific. His memory remains with me as one of the greatest men I have ever known, a friend and an inspiration *nonpareil*.

The other memorable event on 14 August was a function for Malcolm Fraser. We met for a drink at 5 pm and then went to the home of Arnold Newhouse, a citizen prominent in the Jewish community. Asher Joel was already there and we all had 30 minutes of private discussion before dinner with a group of leaders of the Jewish community. We had a little problem with Justin Jones, who was argumentative. Malcolm listened attentively to a historical discourse from Joachim Schneeweiss and then handled questions very competently. As I had worked with Newhouse to set the whole thing up, I was delighted that it went so well.

The next day, 15 August, we started our Liberal Party Convention, an annual gathering at which there was a lot of breast-beating and some display of our wares. John Atwill made a good speech, then Puplick and Fraser spoke and there was a good question time.

On the next evening, in Penrith, we received 12 debutantes—yes, they still do this in some places. On Monday evening, Misha Lajovic attended a Parramatta Federal Electoral Conference meeting with me and was no better or worse than new candidates when first they are thrown in off the deep end and told to swim. I wrote at the time: ‘The Parramatta Conference is grey and drab and very conservative—our image seems hopeless. How to improve?’

How to improve indeed! We were to be back in Canberra the next day for a new sitting and for an opportunity to take the battle once more up to the Labor Party.
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