

# Parliament, Democracy and Political Identity in Australia

*by James Warden*

Parliament House is a place of the imagination. It is something to conjure with. It was built to contain the grandest aspirations of the nation and of the people. It was intended to express the noblest ideals of democracy and equality. It was deliberately created and crafted to reflect the national identity and to exemplify representative government as an elevated ideal.

The building makes bold, ambitious and deliberate claims about the nature of political identity in Australia. An enormous effort has been directed into capturing the imagination of the people and holding the imagination of the nation. It is a monument to representative government, and is intended to rank with the great legislative buildings of the world.

The architecture of political power has a celebrated lineage. We readily associate great buildings with great regimes and the architecture of power looms at us as a lived experience. History lives through the tangible fabric of colossal buildings. The Parthenon, Notre Dame, the United States Congress, the White House, the Kremlin, Buckingham Palace, Windsor Castle, Westminster, Saint Paul's Cathedral, the Vatican, the Pentagon, Versailles, are all expressions of Western political power in which values and ideas are written into the architecture. The architecture is intended to be awesome. Such buildings are created in order to intimidate.

Or, like the ruins of Ozymandias King of Kings, such megalomania stands abandoned and broken in the vast indifferent desert sands, or it is ridiculed and condemned like the edifices of Stalin, Ceau escu and Franco. The facades of Albert Speer still stand, although the Thousand Year Reich was demolished, but then again so were Dresden and Guernica in the process.

Power was once assembled in hand-hewn stone. Now the concrete expression of power is concrete — ready-mix concrete. The Parliament House fact sheet tells us that there are 300,000 cubic metres of concrete in this building which, we are told, converts to twenty-five Sydney Opera Houses. The Opera House is consistently used as the measure of Parliament House. This is not an inappropriate comparison because, after the Opera House, Parliament

House is the most visited and visible building in Australia. The two buildings are iconic. They are bound together in the national imagination as defining expressions of the nation, of culture and of politics.

Indeed politics, mediated by television, becomes an opera without a musical score. Parliament becomes a political simulcast. It is about villains, heroes, love, loss, slaughter, loyalty, betrayal, pathos, comedy, melodrama and long knives. This is perhaps what the Prime Minister meant when he said, 'I like to whack a bit of Wagner into me.' Politics televised for the citizen is spectacle and drama played out on the vast and expensive marble, glass and stainless steel set, which is this building.

Such a caricature of the building as an operatic set is one analogy for the novice to understand what goes on here, for there is an anxiety that the Parliament is not well understood. Surveys indicate that people have a limited understanding of governmental systems. Members of parliament rightly want to be understood. This anxiety is linked to the long-standing and rather tedious lament that Parliament is in decline. That argument can be traced back at least to Magna Carta.

Nonetheless, the visitor who does not understand this place needs certain cultural cues. The visitor, uninitiated to the mysterious rites, arcane rituals, the open spaces and the closed corridors of the Parliament, needs familiar ways of interpreting what is seen and heard. For visitors — the citizens who come for a look — there are prefigured frameworks of reference and modes of recognition into which the Parliament can be fitted to be understood and imagined. The range of cultural institutions which tourists routinely consume include the memorial, the monument, the museum, the gallery, the church, the theme park and the shopping mall. Motifs of all these places dwell in this building.

Apart from the opera set, the Parliament can be imagined in a variety of familiar guises. One imaginary guise is the space station, hermetically sealed against the outside world, as the Cabinet commanders remotely control far-flung bits of the empire. Parliament House is a self-contained futurist citadel, serviced by docking vehicles — the Comcars — which bring tribunes from distant places from the twilight zone of far-flung electorates. The image of the space station Parliament would have been enhanced immeasurably if the original plan for computer controlled robots, working as little internal delivery vehicles, had not, alas, lapsed for technical and financial reasons.

There are other guises of this place. Those with experience of a prison system — and this was related to me by a senator — have likened Parliament House to a modern gaol. The feel and the look are similar. Guards in grey, watching and waiting, the pass system, doors, routines, announcements, an obsession with telephones and mail, trolleys, locked doors, ringing bells, small cells and common yards. Visitors come in and out in vans and secure cars, which pass through swinging gates or underground entrances. There are security cameras, and video recorders; there are inmates exercising in the yard for an hour a day or jogging once around the perimeter. There is a pervasive feeling of surveillance. Parliament House is Jeremy Bentham's panopticon with privileges. It is the prison house of government.

Or Parliament House is the Holy See of the Australian apostolic state — a separate state within a state dedicated to the glories of a higher Being and with a frisson of historical and potential schism. There is the hierarchy of the Pope and the cardinals, the curia of the cabinet, the battalions of clerics, the stainless steel steeple and the triangulated cupola which reaches to

the heavens. There are the texts, libraries, artworks, altars, confessionals, entourages and images of the saints. There is the over-arching scripture of the Constitution, a deathless, timeless truth, subject to constant seamless shifts and occasional radical revision. There is the cabal of the corridor — Michel Foucault calls it the *cameral* of politics.

When Jim McKiernan, Chair of Caucus, appeared after the ALP party room meeting on 20 December 1991, there could have been a little puff of white smoke to announce the election of a new pontiff, Paul John I. Cardinals in identical suits sweep across the polished floors. Clerks huddle in the corridors in conversation. Audiences are granted. Texts interpreted. Doctrine debated. Rosaries repeated. Sermons delivered. Prayers offered. Saints invoked. Inquisitions held. Heretics burned. Icons are mounted on walls. Holy relics are kept under glass. Law and doctrine are handed down while a Swiss Guard, the Australian Protective Service, stands and patrols. In penance for its sins, the Liberal Party this week must say fifty 'Hail Menzies'.

In the absence of absolutist government, and after the excesses of the architectural propaganda of fascism and Stalinism, State architecture is now dedicated to the people. We are all democrats now. The grass over Parliament House allows the people to stand symbolically over government — a rather trite and quaint point. But does that truth hold equally for the several hundred sheep which were let loose on the lawns overhead in 1989?

Parliament House is a place of the historical architectural imagination, but it is also a place of the contemporary political imagination as it houses political leaders who seek, what James Bryce called, an 'Olympian dignity'. Politicians are vested with the authority and responsibility of legislating for the nation and of representing the people, thus politics still retains what Aristotle referred to as a noble calling. Yet those same parliamentarians also manage at times to portray the meanest human behaviour and indulge the most cynical motives in the pursuit and exercise of power. But manipulation and intrigue are as much a part of politics as the noble gesture and the occasional triumphal act of kindness. That is indeed the nature of politics and we should not be too squeamish about it, as a politician will always have, what the redoubtable Baldrick calls, 'a cunning plan'.

Only one text of classic political theory is on permanent reserve in the Parliamentary Library. Permanent reserve means it cannot be borrowed because it is in high use, precious to the collection or a reference work. To my delight, I found that Machiavelli's *The Prince* is considered a reference work. Some politicians know that Machiavelli was right; that while it is best for the Prince to be both loved and feared, if forced to choose, it is better to be feared than loved. Or, as the prince of Australian politics remarked, 'it is better to be right than to be popular'.

One way of imagining this building, Parliament House, is as the fifteenth century court of the Medici. As one critic and architect Peter Corrigan wrote about the building in 1988:<sup>1</sup>

Form does not address itself to moral questions. Once a Pope or a Medici wanted palaces: now a Labor government or a BHP wants them too.

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<sup>1</sup> Peter Corrigan, *Transition*, RMIT, 1988, p.37.

All that Italian marble helps with the Medici association. Italian marble is perhaps like Gough Whitlam and French champagne. After a strenuous speech on Australian national identity, Gough was standing with his retainers and subjects enjoying a glass of champagne. One subject approached and challenged him by asking why, after having delivered such an emphatic speech about Australia and national identity, would he drink French champagne? After the slightest pause, Gough replied, 'Yes it's French, but when it touches my lips it becomes Australian'. So it is with Italian marble.

For citizens, tourists and visitors — the people — there is a degree of mystification and awe about the building. When I arrived here in January I spent some days wandering about the building, wondering what I was doing here and trying to work the place out. I took the admonition of the United States political scientist Charles Goodsell seriously in that as political scientists we should take architecture seriously. This building is very serious architecture indeed. I will remind you that the final annual report of the Parliament House Construction Authority put the cost of the building at \$1,079,000,000, which I think is a round figure. As the then Prime Minister Mr Hawke said on opening day, 'It has cost a very large sum indeed'.

But for \$5 you can buy a three dimensional cardboard representation of the building, known in the trade as 'origami architecture'. These cards pop up as you open them; the great veranda of Parliament House pops out. You can trade a \$5 note in the Parliament House gift shop for that origami architecture. The \$5 note, of course, has a plan of Parliament House on one side and the Queen on the other side. I think it was the Romans who invented numismatic propaganda and this is the most recent Australian version. Some will recall that the old ten shilling note had Old Parliament House on one side and Matthew Flinders on the other.

The importance of the card is not the thing in itself but the accompanying text which interprets both the building and the little cardboard totem which represents it. The text says, 'Australia's Parliament House is a symbol of national unity and commitment to the democratic process of government.' The designers of the card have lifted the text from one of the handbooks, which the Parliament has produced, to explain the building and Australian government.<sup>2</sup> The text speaks of spirit and image.

The building with its integrated works of art, craft and furnishings reflect the history, cultural diversity, development and aspirations of Australia. Together they project the image and spirit of the nation.

The little totems, like the pop-up card with its accompanying text, are not just idle souvenirs of Canberra or Parliament House — they are small artefacts of political structures, constitutional principles and systems of belief. Scholars pay much attention to weighty, learned texts about parliament, democracy, constitutions and law. But the souvenir — the \$5 totem of democracy — should not be ignored in the interpretation of power. Souvenirs serve a purpose in the popularisation of constitutional culture as they are readily available and accessible to the citizen who comes to Canberra for a look. Most people do not read Quick and Garran's *Annotated Constitution of the Australian Commonwealth* or *Odgers' Australian Senate Practice* or even the \$2.50 little green constitution, but they may well buy a card. Unfortunately, citizens cannot buy snow domes of Parliament House in the gift shop on the

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<sup>2</sup> *Australia's Parliament House: The Meeting Place of our Nation*, Joint House Department, Canberra, AGPS, 1987, p.2.

spurious grounds of good taste, but you can get one at the newsagency by the interchange in Civic. They cost \$4.75 and I brought mine today.

Another version of the literature which demands image, spirit and democracy in national identity is the heavy *Conditions for a Two Stage Competition*, which was the formal guideline for the entrants wanting to win the competition to design this building. It was published and distributed in 1979 by the Parliament House Construction Authority. So from the outset, the controlling authorities of this building emphasised the imperative that the building should be significant and capable of being responsive to cultural and political change. The guidelines to architects stated:

Parliament House will, by virtue of its function, be one of the most significant buildings in Australia ... It will stand for a long time and its architecture must endure through cultural and political change.<sup>3</sup>

This was a very high order stipulation. So the conditions were set; candidates entered the field; finalists were selected; and plans and models toured the nation.

The race was run and Mitchell/Giurgola and Thorp won. Romaldo Giurgola was the principal of the firm and is credited with the concept and design of the building. In the program for the opening of Parliament House on 9 May 1988, he stated his intentions for the building.

Through the welcoming gestures of its forms, the building implies direct connections with a long cultural tradition which we have all implicitly made by living in a democratic society as individual parts of a whole.

In the use of materials, the configurations of the exterior forms, the symbolic sequence of the major spaces, the openness of the Chambers and in the habitability and efficiency of the offices, the architecture intends to elucidate to all the meaning of the democratic process.

It is intended to be an architecture moulded by the presence of the unique effect of Australian sun, shade and light: symbolising, for generations to come, the universal ideas through which this nation contributes to the destiny of the world.<sup>4</sup>

The point here is that the more recent modes of legitimating the role of Parliament and the place of democracy have changed from the past. The earlier defining statements on the Parliament are full of the Westminster tradition; the Crown, the Mace, the Black Rod, the Serjeant-at-Arms and the royal presence. The legitimations of the Australian Parliament and its authority were historical and imperial.

A new series of booklets produced from 1987 onwards departed from this approach and concentrated on the processes of the institutions not the artefacts of the Parliament. A

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<sup>3</sup> Parliament House, Canberra, *Conditions for a Two Stage Competition*, Parliament House Construction Authority, vol.2, April 1979, p.6.

<sup>4</sup> *'Program of the Opening of Australia's Parliament House by Her Majesty the Queen, 9 May 1988'*.

deliberate shift took place in the portrayal of Parliament, looking at how the institutions work, rather than emphasising lineage and imperial connections. The dignity and authority of the Parliament once lay in the long historic association with the Crown and Westminster. Westminster was the mother of parliaments in the empire; Queen Victoria was the mother of the empire. Together they were the legitimators of the Australian Parliament, its habits and customs. That legitimation is less employed these days. The new themes relate the Parliament to the people, the symbols of Australia and the appropriateness of the institution to Australia's current and future needs. They are about democracy and accessibility rather than empire and tradition.

The building is also an emphatic restatement of the old and central identifying myths of the nation. Anglo-Celtic and Saxon masculinist and loyalist aspirations are deliberately and comprehensively denied and surpassed in this building.<sup>5</sup> A root and branch reconstruction has occurred in Australian history over the last generation. This has provoked a reconstruction of the Australian consciousness. This is evident in this building. The construction of the past determines not only the formations of identity, but also of architecture and symbol. The construction of history is not a matter of assembling facts to tell the truth, as any such selection demands questions about *which* facts and *who* counts. Our understanding of what matters is constantly recreated and the past is constantly remade. This is an elementary point about ideology, power and *all* versions of history.

Just as the War Memorial is ambiguous about remembrance and glorification, so the institutions of representative democracy are problematic. Symbol easily becomes propaganda when the lived experience is distorted. The stated ideals embodied in Parliament House on the one side and the War Memorial on the other promise much to the citizen of the Australian nation.<sup>6</sup> Parliament House is a big building which makes bold claims about democracy and national identity. Does the building tell the truth?

In the English-speaking world — since the Restoration of Charles II or, alternatively, the coup against James II in 1689 — the Parliament has been the key institution of the state, however ill-assembled. According to David Judge, 'So comprehensively did Parliament occupy its central position in the state's institutional structure that in 1689 its legal supremacy was asserted ... thus effectively consigning the monarch and the courts to a subordinate position.'<sup>7</sup> Gradually the methods of assembling the Parliament have been reformed and opened — democratised — yet most people seem worried about the Parliament. Those in the trade, such as political scientists, constitutional lawyers, political journalists, parliamentarians and parliamentary officers are seemingly all cautious about the operations and effectiveness of parliamentary government. As Tom Paine said of the English constitution, 'Every political physician will advise different medicine'. Poor general health is often the diagnosis and chronic illness is often the second opinion.<sup>8</sup>

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<sup>5</sup> See, Marilyn Lake, 'The Politics of respectability: Identifying the masculinist context', *Historical Studies*, vol.22, no.86, April 1986.

<sup>6</sup> George Mosse, *Fallen Soldiers*, Oxford, 1990.

<sup>7</sup> David Judge, *The Parliamentary State Sage*, London, 1993, p.195.

<sup>8</sup> 'The constitution ... is so exceedingly complex, that the nation may suffer for years together without being able to discover in which part the fault lies, some will say in one and some in another, and every political physician will advise a different medicine.' Tom Paine, *Common Sense*, 1776, p.69.

The main argument being put is that modern liberal parliamentary systems, including Australia, are not delivering what they promised. The tendency to treat the Parliament as an effective, self-contained institution, free to determine outcomes, ignores the imperatives of international political economy and the leviathan of bureaucratic state power. The claims for 'democracy' and 'representation' so earnestly made by legislatures and legislators can, therefore, be no more than statements of good faith and sound intention.

Parliament serves many functions but that of principally representing the people, as somehow a distillation of democracy, is not a role which can be plausibly maintained. But the analysis of Parliament forensically continues. I think we are asking the wrong questions. The mistake we make is to continue the obsession with the entrails, organs, limbs, mind, psyche and soul of the parliamentary body rather than ask: 'What does democracy mean?' Democracy is messy. It is fluid, contingent and culturally dependent; the Parliament is concrete, glass and numbers. So the diagnosticians of democracy examine the Parliament for stress fractures and transparency. Instead, we should ask more insistently: 'What is democracy?'

In his 1990 book *The Return of Scarcity*, Nugget Coombs asked, 'Is democracy alive and well in Australia?' He said:

There is no doubt that Australians have been given opportunities almost unique to determine their own form of government and to mould it to their heart's desire, and that they are inclined to think of their system as one embodying the essential principles of democracy. It is much less certain that we have used those opportunities wisely and generously, and there are grave doubts about whether our democracy is more than a matter of legal forms and empty processes.<sup>9</sup>

Coombs expressed a concern that despite all the historical advantages that Australia has enjoyed in creating a political system there remains doubt about the democratic nature of government and society. The formal and symbolic attainment of democracy could still leave a hollow centre. The architecture of democracy, in the decorated building and the elaborate institutional arrangement, may remain a shell if the values of democracy are neglected. Coombs has had a longer involvement in public life in Australia than perhaps any other living person. I think he has advised twelve prime ministers.

Democracy and representative parliamentary governments, Coombs reminds us, are not synonymous. Defining the meaning of representative government is simple compared with defining democracy. Representative government in Australia is given in sections 7 and 24 of the Constitution.<sup>10</sup> Under the Commonwealth Electoral Act, which stipulates the method of election, the Australia Electoral Commission manages the boundaries and conducts the elections. From time to time the people vote. Thus, representative democracy in a

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<sup>9</sup> H.C. Coombs, 'Is Democracy Alive and Well?', *The Return of Scarcity*, Cambridge University Press, Cambridge, 1990, p.130.

<sup>10</sup> 'The Senate shall be composed of senators for each state, directly chosen by the people, voting, until the Parliament otherwise provides, as one electorate.' Whereas: 'The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of senators.'

parliamentary system is minimally achieved, but we also must appreciate its limits. I would like to say something about the limits of representative democracy in terms of the control of political decision making.

The shifts which have taken place in the control of political decision making have diminished the significance of the Parliament in the political process — at least according to David Held, the British political scientist. In trying to account for the changes in Britain over the last generation, he has argued that three major reasons for that shift are evident, and I think they translate to Australia.

First, the recent tendency to include extra parliamentary bodies in policy decision making diminishes the central controlling role of the Parliament.<sup>11</sup> This point is pertinent in Australia perhaps because of the Accord and that form of corporatism which has been employed in Australia since 1983.

Second, according to Held, territorial representation in the Parliament is no longer the most significant way to represent interests. Other bodies of an extra parliamentary character organise and express interests and exert pressure on government and members of parliament. In Held's words, 'Extra-parliamentary forces have become the central domain of decision making'. In *The End of Certainty*, Paul Kelly interpreted this as merely a political strategy rather than a crucial institutional change.

Third, the scope for individual members of a territorially organised representative institution to exercise influence is diminished. Citizens have less chance of influencing political outcomes as political participation becomes organised around policy making élites which maintain direct links with the executive or exert direct pressure on the governing parties. In short, the Parliament and the citizen are 'undermined by economic changes, political pressures and organisational developments'. Law making is shaped by what Held calls 'flexible', informal processes which are not regularised by constitutional arrangements.

I think there are seven specific reasons for the failings of the Australian Parliament, or at least for its sense of being under duress. I will state them briefly. The first is that a disillusionment with government and Parliament has developed. Coombs certainly found this on the royal commission. The second is the well-known dominance of executive government. The third is the well-known dominance of party government over Parliament. The fourth is the power of bureaucracy over Parliament. The fifth is the peculiarity of Canberra and its remoteness, both geographical and conceptual, from what people like to think is the *real* Australia. The sixth is the perceived and actual surrender of the economy to international market forces, the internationalisation of law and the complexity of the administered state. The perceptions of those things remove Parliament from a capacity to act. The seventh is the media portrayal of Parliament, especially question time, which is said to bring the institution into disrepute.

Is Parliament in decline? No! The question is wrong. Parliament, just like cricket, never had a golden age of grace, elegance and fair play on a level field. There was always cheating, sledging, ball-tampering, secret betting and imaginative interpretation of the rules. In both sport and politics, television cameras expose the sleights of hand more readily as, in times past, the perpetrators were seldom caught in the act. Parliaments have always operated under

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<sup>11</sup> David Held, *Models of Democracy*, Polity Press Oxford, 1987, p.217.



considerable constraints and have been coerced or influenced by immensely powerful external political-economic forces. Any critical analysis of power, institutions, class interests and power-élites will contradict the simplistic notion of representative government as an expression of the people's will through their elected representatives. However, this simple version is still relentlessly advanced by the official organs of the Parliament, that somehow the people's will is expressed through an institution which symbolises democracy. Seemingly another simple account of the Parliament cannot be stated in the brochures and the introductory texts which say that the Parliament is a legitimating theatre which ritualistically and symbolically approves or marginally alters decisions which are made by the Executive under the influence of extra-parliamentary bureaucratic political and corporate forces. The institution cannot be placed in that light as its legitimacy is then undermined and the alleged decline continues. Thus, parliamentary 'manque' is a more persuasive explanation than decline. 'Manque', that which could have been but is not.

If these are fatal flaws, what remains of the argument about democracy?

Australia has achieved a democratic condition and maintains it through two factors, apart from the sheer existence of the Parliament. First, a culture of democracy has developed and, second, a set of democratic institutions and practices exist outside the Parliament. The interpretative practices of political scientists tend to run these two points together with the sheer fact that the Parliament exists as if there were a necessary relationship between them. Democracy is considered in the abstract, but rarely is the Parliament and Australian democracy analytically considered jointly.

We should give up on the question, 'What is the place of Parliament?' and ask, 'What is the place of democracy?' Once that question is posed and adequately answered, then the next or prior question can be asked, 'How is the Parliament working?' Democracy is assumed too easily and we need to disaggregate the question. I would like to say something about democracy in Australia.

Australia is one of the oldest continuing democracies and one of the few countries to have maintained an unruptured constitutional history. Australia was second only to New Zealand in adopting a universal franchise. The reform of electoral systems has continued. By contemporary and historic standards, Australian government is peaceful. The parliamentary process works smoothly enough. There is no threat of military involvement in Australian government. Changes of government happen routinely. Members of parliament, individually, are highly valued by the electors in performing crucial specific problem solving tasks. Riots are rare and political protest is mostly non-violent.<sup>12</sup>

There is a rule of law; free, fair, regular elections; constitutional balance of powers; right to a fair trial; the assumption of equality before the law; a jury system; open access to the citizens to public office; and accountability of government in a variety of ways. If these are measures of a good state, then the Australian political system is an outstanding success. The continuing challenge is to allow change without rupture and to open the access to redress and protection more effectively.

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<sup>12</sup> James Warden, 'Jacking up: Styles of Protest in Australia', in *The Abundant Culture: Meaning and Significance in Everyday Australia*, David Headon, Joy Hooton and Donald Horne (eds), Allen and Unwin, Sydney, 1995.

The characterisation of Australia as a democratic society rests in the arrangement of a diverse set of institutions. The multiplication of institutions to protect and promote democratic values has unintentionally contributed to diminishing the place of the Parliament. Other functions and legitimations for the Parliament then become relatively more important such as political theatre — not to be underestimated — accountability, recruitment of political leaders and law making. The frequent plea to revive the Parliament, to increase its importance, is therefore forlorn.

Democracy in Australia has developed multiple forms or layers. The ideal of democracy being secured through a majoritarian centralised parliamentary state — a view once fervently held by the ALP — has now been completely surpassed, I hope, as the elective dictatorship is understood to be the lamentable consequence. If an accessible Parliament was once the sum of democracy it is now only a prerequisite. The institution of the Parliament is a necessary but not a sufficient condition, as its existence does not of itself amount to democratic government.

To my mind, the democratic character of the Australian polity has four indicators. Firstly, political violence. The sustained absence of political violence in Australia is a strong indicator of the success of government and of Parliament in creating what Aristotle said was a good society and, as Paul Keating said on election night 1993, contributes to 'making Australia a nice place to live'. Violence systematically directed against the state and its officers is rare.

Edward O'Farrell shot the Duke of Edinburgh in 1876 and was then hung by the New South Wales government in a loyalist frenzy against Fenianism.<sup>13</sup> Peter Kocan shot Arthur Calwell in 1966, without great harm, was convicted, goaled and became a leading Australian minor poet. I wrote quite a lot about the absence of political violence in Australia prior to 5 September when John Newman, member for Cabramatta, was murdered by unknown assailants outside his home. Thus Australia tragically experienced the first assassination of an elected person to public office.

Regardless of this tragedy, the historic and comparative lack of politically motivated violence is a good indicator of a good society. We should not, however, be complacent about the seemingly entrenched institutional violence in prisons or the ill treatment of the mentally ill, as the Human Rights and Equal Opportunity Commission has reported, but that is institutional violence of a different order.

The second point is the elaborate mechanisms that we have for creating a Parliament and a government, including free elections, fair electoral systems and open access to office. On those measures, Australia is an effective democratic polity and is politically peaceful. On the one hand the Australian Electoral Commission is a mundane bureaucratic agency, yet on the other it is a spectacular and precious institution which helps define a democratic society.

Prior to the 1993 election David Malouf spoke about election day as a festival of democracy and as his favourite national day. The great electoral machinery rolls out in school halls, church halls, town halls and memorial halls — halls all across Australia — accompanied by cake stalls, endless cups of tea, grocery shopping and an air of expectation. All day we are surrounded by spruikers and posters of smiling hopefuls. For David Malouf, the quiet significance of the peaceful achievements of democracy should not be underestimated. I for

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<sup>13</sup> Keith Amos, *The Fenians in Australia 1867-1880*, University of New South Wales Press, Sydney, 1988.

one had certainly not thought of elections as a national day of festival until Malouf told Kerry O'Brien on *Lateline* about it one night.

The third point is what I have referred to as a web of protective institutions which have developed. Democracy in Australia was once identified wholly with the Parliament and its surrounding myths. In the nineteenth century democracy was about the representation of men. In the early to mid-twentieth century it was about the female franchise and reforming electoral systems. Latterly, it has been about the development of systems and institutions which create and maintain equity, as Parliament is increasingly unable to secure democratic values of itself. Parliament is only a prerequisite for democracy. The institution of the Parliament is a necessary, but not sufficient condition and does not of itself amount to democratic society.

In response to democratic and bureaucratic imperatives a web of representative and protective institutions has developed in Australia. Just as government has created a phalanx of government business enterprises — because competing demands and the complexity of the market are beyond the means of the conventional departmental arrangements — so the institutions of democracy have been hived off. These include institutions such as the Ombudsman, the Aboriginal and Torres Strait Islander Commission (ATSIC), the Human Rights and Equal Opportunity Commission, various royal commissions, the Administrative Appeals Tribunal and the Auditor-General.<sup>14</sup> Similarly, the representative roles of the state governments and local governments should be estimated in this.

Other more ambiguous protections exist such as freedom of speech, which the High Court is seemingly determined to read into the Constitution, freedom of religion, freedom of information, whistle-blowing protection, a potential bill of rights, international treaties and UN charters, legal aid and guaranteed freedom of movement under section 92. Most importantly, however, there is a cultural expectation of fairness and equality which underpins the rationale of these institutions and includes the practices of investigative journalism, access to welfare, affordable justice and the evolution of a viable and tolerant multiculturalism.

Thus in Australia there is a cultural assumption of democracy, and this is my fourth point. The gift to Australia by the Returned Services League (RSL) to mark the 1988 bicentenary is a sculpture by Peter Corlett. It is placed in the north-eastern corner of the Parliament House block. It is on the left approaching from Kings Avenue. It is a big, black, broken square of granite decorated with the four bronze hats of the armed services. The inscription reads:

Look around you, they fought for this — A gift to the people of Australia in honour of the fallen for the bicentenary, 1988.

The point of the RSL black block, which resonates with the sentiments of the larger memorials across the lake, is that egalitarianism and democratic values are taken as the basis of Australian society.

Australians have an expectation of democracy and a guarded faith in the capacity of Parliament to deliver what is promised, along with a certain ambivalence about the

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<sup>14</sup> As a result of the sports rorts affair, the Auditor-General's powers were strengthened on 20 June 1994.

constitution. Electors have a willingness to suspend disbelief at election times, even if a continuing dubiousness lingers about parliamentary government. Parliament seemingly cannot meet popular expectations and new institutions have been deliberately created to fill the vacuum. The transparency of the executive and the bureaucracy have also been enhanced by federal and some state legislation providing for freedom of information. At the same time the courts have, over the past two decades, greatly expanded their powers to review executive and administrative action and to reduce the scope of the executive to refuse to disclose documents and other information on the ground of some greater alleged public interest.

The tendency, therefore, has been to look outside the Parliament to supervise and control the executive and bureaucracy. The argument here is that the changes in Australian culture and the complexity of government have necessitated changes in the organisation of political institutions. Many other avenues of redress and protection have been opened, apart from the conventional parliamentary ones.

To conclude, the Parliament may be the symbol of democracy in Australia, but it is no longer the single exemplary institution of democracy. Democracy more properly understood is a cultural attribute which rests in a plethora of bodies, laws, customs and relationships. The role of Parliament is more adequately seen as an institution of political theatre, accountability, law making and recruitment. These are all legitimate and necessary functions for the Parliament, but they are centrally concerned with the reproduction of institutions and are not connected directly with the citizenry.

The current debates are missing an important point partly because it is not in the interests of executive government to pursue it. Citizenship, the centenary of the Commonwealth, the recollection of the bicentenary, the meaning of the Constitution, the meaning of republicanism, the place of women in Parliament and public space, the role of the High Court, the importance of international obligations, the values of multiculturalism, the integrity of the reconciliation process and the shape of the welfare state, plus an Australian historical attachment to egalitarianism, are all crucially important, but surely the missing question is, 'What is the nature of democracy in Australia?'

It is no use worrying over the role of Parliament and the struggle between the executive and the legislature if we are not clearer on how these institutions fit into a democratic society. We should not continue to ask the question, 'How does the Parliament express democracy?' We have exhausted that question and must now turn it around. We should be asking, 'What is the nature of democracy in Australia and how then does the Parliament fit into the larger principles, ideals and practices?' That is a nebulous and difficult question which is precisely the reason why we should ask it. This building makes claims about democracy and we should not take it at face value. We should exercise our democratic imagination more richly.

In 1988 the convict origins of Australia were censored in favour of the celebration of a nation. In my view we should understand more clearly the world historic significance of the transformation of Australia from a brutal convict prison — what Robert Hughes called 'the sketch pad of the twentieth century gulags' — into an open and tolerant democratic society.

**Questioner** — If the building is a monument to parliamentary democracy, why do you think we have replaced the Kings Hall of the Old Parliament House, where the public and the parliamentarians could and did mix with each other, with the Members Hall? Here we may

not share the same space with our parliamentarians but may only gaze down upon them from above?

**Dr Warden** — I think the vast polished floor down below is an architectural mistake. The intention was that it would be a meeting place where parliamentarians from both sides — the Senate and the House of Representatives — would mix and presumably do those things that I described. Clearly, for a variety of reasons, it is not used for that purpose. People pass through it. One reason is that it is very public and people can see what is going on down there. It is a fairly alien space as well. It is spectacular, but it is alien. People do not use it.

Constitutionally, perhaps it marks a post-1975 division between the Senate and the House of Representatives. Symbolically, there is an empty space between them whereas Kings Hall was a place where members from both chambers and parties blended much more. My observation of it, as someone who takes architecture seriously politically, is that that was a flaw in the design and a failed architectural device.

**Questioner** — I do not know if you have been down in the basement, but the character of the basement is very different from what stands aboveground. I work in the Joint House Department and it has many of its workers down in the basement. I wonder how you interpret that.

**Dr Warden** — I think this is perhaps another mistake. I have been down there and it is a dreadful place to work. It does create a structured underclass. The way that the old parliament building was managed, and similarly with this new building, was to celebrate parliamentarians and the big people — the visible public people — and to render invisible all the workers who inhabit the building for most of their time.

One of the first things that occurred with the Old Parliament House was that the old kitchens were pulled out when they were debating what to do with the building. Therefore, they removed one of the real hearts of the old building. Kitchens are where things happen. People stand in kitchens at parties. I am sure that people stood in the kitchen of the old parliament building as well.

Systematically and architecturally, the way that certain workers in this building are rendered invisible is a mistake. To condemn hundreds of people to work underground is a practical solution in terms of the design of the building, but socially and occupationally it is regrettable. You can play with that in terms of the hierarchical relationship, but I will not elaborate on that.

**Questioner** — I am interested in your thoughts on the political process. In particular about your comments on the policy process, who actually takes part in it, what those players think they are doing and what others think they are doing. I am thinking of the next step in that process where you might be asked at some future venue to advise seventeen and eighteen-year-old aspiring politicians in Australia where best to start their careers.

What I am reading from your comments is that quite a few of those young people would be better off not looking at a career which develops through the backbench of the Parliament House of Australia, but rather in organisations, non-government organisations and other very active groups who are well organised, often well funded and so on. Would you like to comment on that?

**Dr Warden** — The transition of policy issues made inside the Parliament to outside the Parliament has become a real feature of the political process since the early eighties. Indeed, it has become celebrated. One of the great advertised virtues of the Native Title legislation was that parliamentarians were not really consulted. All the consultation happened outside and the bigger the consultation outside with ATSIC or the aboriginal leadership, then the more authoritative the legislation. I think that is a spectacular example of the way that outside extra-parliamentary representative bodies were used and the merits of that can well be argued. The Parliament was deliberately used as a vehicle to rubber stamp or legitimate legislation which was more broadly consulted outside.

There is clearly a party difference as well which the ALP and the Liberal Party have both discussed, that is, the training ground is different. It is a well-known fact that the ALP has a better way of bringing people up through its organisation and learning about political processes, policy making and the brutality of politics; whereas the Liberal Party still maintains that amateur quality that Robert Menzies made a virtue of. We are watching that debate unfold once a week on television with the showing on Wednesday nights of 'The Liberals' and through newspaper articles about the Liberal Party.

In terms of advising seventeen and eighteen-year-olds where to go to find out about Parliament, I would firstly suggest the Parliament House gift shop. That is a very good place to find out about it. Secondly, I would direct them into these peak bodies. A few years ago it was the green movement, but they seem to have lost a little bit of their political influence in favour of other sorts of groups. Clearly, that is where the training grounds are and where the direct impact on senior members of government and parliamentarians can be made. These extra-parliamentary institutions can be used both as a training ground and as a way of exerting policy making influence.

**Questioner** — Parliament House is divided along two planes of division with four lobes. There are very deep divisions between those four lobes. The Senate and the House of Representatives are hived off to the side of the main body, which are also divided by the public section and the ministry. I wonder whether you might discuss that in relation to politics.

**Dr Warden** — An invisible line runs down the middle of this building. If you are on the House of Representatives side, you can pass — sometimes you do not need a visa — across to the Senate side.

One of the criticisms or remarks made about the building when it was first designed and constructed was that it entrenches the federal system used in the Parliament. There is a binary opposition that equally divides the House of Representatives and the Senate. It then becomes the concrete expression of the federal system whereby the people are represented and the people of the states are represented. It is written into the architecture. Remember that this building was designed and built in the immediate aftermath of 1975 when there was some discussion about these kinds of principles.

The other criticism or remark about the building is that the executive is right in the parliamentary building. It intrudes into the parliamentary building or, alternately, it is the most convenient place to put it. I was told the other day — I would be interested to verify this, but I think I heard it on good authority — that the executive needs more space, so some of the officers who serve the Parliament are moving out to East Block and West Block. The executive is claiming greater space in this building, which is a parliamentary building, not an executive government building. Gradually and by not so small steps, the building is being turned into an executive building with the Parliament added. Perhaps that is the character of the current administration. I am not sure. I am told that that process has hastened in the last three years. It is an important constitutional issue that the Parliament be kept separate from the executive.

When officers of the Parliamentary Education Office speak to people coming in — and students particularly — who ask, ‘Who runs this building?’, the belief is that the Prime Minister runs this building, instead of the Presiding Officers. The public apprehension is that this building is for the Prime Minister. It is a parliamentary building.

Questioner — I would be interested in your comments on the flagpole. At what stage of the design process was the pole brought in and what was considered the importance of its symbolism?

Dr Warden — The flagpole was in the original design. There was a lot of criticism of the flagpole because it was a very bold expression of the nation. The architects were American. The American flag, except in some southern states, is an unambiguous expression of American national pride and authority. Every day the flag on top of the US Congress is given to a school somewhere in the United States. A new flag is flown every day. For these American architects coming into Australia, putting the flag on top was a clear expression of the nation.

The Australian flag, as we know, is a much more problematic icon than that. The Irish, Aboriginal groups, republicans and others have long held debates about the flag. So it is not an unambiguous statement of authority. Some were critical because it was like Joe Rosenthal’s famous photograph of US marines putting up the flag in Iwo Jima. The expression was that it was ‘just another American mission in the Pacific, scalping the hill and sticking the flag on top’. This was the degree of bitterness that nationalist architects were feeling about the design not going to Australian architects.

I remember on the building’s opening day, which was televised nationally, Bob Hawke asked Lloyd Rees, ‘What do you think, Lloyd?’ Lloyd, with his raspy old voice said, ‘I think the building is fine, but that flag has got to go.’ Hawke was very taken aback and moved on quickly.

Clerk of the Senate — I will tell you a story about the flagpole. There was a review of this building in an architectural magazine, which made a ferocious attack on the building, calling

it a fascist building, representing the megalomania of some of our leaders. It concluded by asking what the flagpole reminded us of, and pointed out that it bears a strong resemblance to the fasces, the bundle of rods with an axe in the middle, the symbol of fascism. So, the article said, we have a fascist building with this fascist symbol sitting on top of it. But people who know about symbols will know that if you go to the Congress in Washington, you will find a representation of the fasces on the wall of the chamber of the House of Representatives. The reason for this is that the fasces were a republican symbol long before they were taken over by the fascists. They have since been rehabilitated as a republican symbol, and appear, for example, on French banknotes. In thinking about this, it must be remembered that the architect was an Italian-American.