



... Continued from page 5

## Executive - Parliamentary Committee Relations

Spectators to the Conrad Black-Bob Hawke stoush before the Senate committee into foreign ownership may have forgotten one significant sideshow with constitutional implications. The Senate, a committee of which wanted certain information from senior Treasury officials, clashed with the Executive, whose Treasurer, Ralph Willis, instructed the officials not to provide the information. That stand-off is unresolved and the inquiry is still on foot. Meanwhile the High Court has pronounced on the need to ensure the efficacious working of *representative* democracy. So far, the focus has been on the electors in that democracy and their freedom of discussion with government and amongst themselves. But what of the representatives, and the need to ensure that they can work efficaciously?

## Hate speech

Now that the Federal Government has introduced in Parliament its Racial Hatred Bill, which punishes racist speech, the question arises as to the extent it was strained through the sieve of the latest High Court decisions.

## Commercial speech

*Theophanous* contains bleak portents for Philip Morris, the tobacco company which is challenging the legislative ban on tobacco ads in part on the grounds that it offends the implied guarantee of freedom of political discussion. The majority note that political discussion ordinarily excludes commercial speech, like advertising aimed at selling goods and services and enhancing profit-making activities. However, the majority note, 'what is ordinarily private speech may develop into speech on a matter of public concern with a change in content, emphasis or context.'

Paul Chadwick and Jenny Mullaly

# Plus Ça Change...

While Paul Keating and the Liberals debate Menzies, those interested in media policy might enjoy a short consultation with history too.

Excerpt from *In Search of Keith Murdoch* (Desmond Zwar, Macmillan, 1980, p.89), after a description of Keith Murdoch's involvement in Joe Lyons' political career, first in Lyons winning the leadership of the Nationalist party and then in his defeat of the Scullin Labor Government states:

*Most of these meetings took place at the [Melbourne] Herald office, at luncheons, to which Lyons went in at the front door in full view. When Lyons announced that he was walking down the steep hill from the Oriental Hotel in Collins Street to the Herald office to see Murdoch, a private secretary asked: 'Why don't you get him to see you here: you are the Prime Minister?' Lyons answered: 'Oh, I like Murdoch. It pleases him to see me in his office, and it does me no harm to go there.'*

Excerpt from 'Inside Keating's Creative Nation' (Michael Gordon, *The Australian* 22-23 October 1994, p 27), after reporting that 'many decisions were driven by the Prime Minister alone' states:

*Another [example] is the agreement with [Rupert] Murdoch's News Corporation to establish [with public subsidy] a 20th Century Fox movie studio in Australia. Despite suggestions that Keating first put the proposal to [Ken] Cowley, chairman of News Corporation's Australian arm, three months ago, the truth is that it was Cowley who put the idea to Keating and Murdoch independently. Both were attracted to it.*

*In recent weeks, Keating and Cowley discussed many options before the PM met Murdoch for three and a half hours last Thursday week at Murdoch's Canberra home to finalise an agreement. Like so many big decisions during Keating's period*

*as treasurer, knowledge of the discussions was confined to a select few. Apart from discussing the studio idea, Murdoch and Keating canvassed their shared view of the opportunities afforded by the information revolution.*

We wonder what kind of independent advice was sought before a commitment of Government support was made to a capital investment by 20th Century Fox, something more than a struggling home-grown business in search of export markets.

Is history symmetrical, Prime Minister? On 4 January 1939, in a letter to his friend Clive Baillieu, Keith Murdoch mentioned his plans for his prime ministerial caller: 'I do not think it would require a long continued demonstration to convince Lyons that he should get out, but he definitely wants to stay in. He has lost his usefulness...'

On 14 March, Menzies, Lyons' deputy, resigned from the Lyons Cabinet, prompting the *Herald* to declare that Menzies had 'given new and welcome proof of his fitness for leadership in national affairs' (*Menzies - a Life*, vol 1, A.W. Martin, MUP 1993, p 262). On 7 April Lyons died and in the jostling which followed the *Herald* said of Menzies: 'Certain it is that with him in command, Cabinet would function like the very best of business boards...'

By the end of April, Menzies was PM. □

Paul Chadwick

