

2439

“LET NOT YOUR HEART BE
TROUBLED, COMRADE”

Melbourne University Press,
University of Melbourne Law School,
Melbourne,
4 March 2010.

Launch of *Malcolm Fraser – The Political Memoirs*
By Malcolm Fraser and Margaret Simons

The Hon. Michael Kirby AC CMG

MELBOURNE UNIVERSITY PRESS
UNIVERSITY OF MELBOURNE LAW SCHOOL

MELBOURNE, 4 MARCH 2010.

**“LET NOT YOUR HEART BE TROUBLED,
COMRADE”**

**LAUNCH OF *MALCOLM FRASER - THE POLITICAL MEMOIRS*
BY MALCOLM FRASER AND MARGARET SIMONS**

The Hon. Michael Kirby AC CMG

Malcolm Fraser is an enigma. His *Political Memoirs*, written in collaboration with Margaret Simons, lift some of the veils that hide the inner core of the man. But the centre remains mysterious. One suspects that this is the way he likes it.

Curious that it should be so. Very few people in the history of Australia have had such a long public life. Born in May 1930, he is approaching his eightieth birthday. His first election to federal parliament was in 1954, when Mr. Menzies was Prime Minister and Dr. Evatt led the ALP. He was elected from the rural Victorian seat of Wannon, then marginal. He gradually built it into safe Coalition territory. At 24, he was welcomed to Canberra as ‘the youngest MP ever’. And he has been part of national politics ever since.

Even last week, he made a typically pointed condemnation of the reported misuse of Australian passports by the Israeli secret service. Characteristically, he warned in blunt language that Israel could not act in such a way and claim exemption from international law because of the

Holocaust. In an age when politicians live by opinion polls, fed by a media addicted to infotainment, this dour plain speaker comes across as something authentic - a shock to the system.

His only request to me was that I should acknowledge the work of Margaret Simons in writing this book on the basis of conversations with him and with access to his huge collection of official and private papers. The book is well written and is a good read. Unlike some other political memoirs of the 70s, it is not jam-packed with self-justificatory official documents, written by protective public servants long-forgotten. Until now, Malcolm Fraser says he did not have the interest, or desire, to record his political perspectives. He explains that, 35 years on, he finds the controversies surrounding the dismissal of the Whitlam Government “boring”. He declares that, if this book produced news stories asserting that it had disclosed “new evidence” on that subject, the authors would have failed. There is, of course, some new evidence. Already a number of the published facts and perspectives have been challenged by other actors in those far-off dramas. That is inevitable with history. One has to have boast of a small emotional repertoire to maintain hatreds over three decades. Fortunately, that attitude is almost completely missing from the memoirs.

Most Australians know the basic outline of Fraser’s life. (I describe him in this way, as the book does. It is part of his persona to reserve his given name to a few close friends. In biography, this is often a problem for the writer. But, in Malcolm Fraser’s case, it is no problem at all because only the surname fits.)

Fraser was born in Riverina New South Wales, into a family which boasted one of the founders of the Australian Commonwealth, Sir Simon Fraser, a Scottish immigrant from Canada. His parents were comfortable farmers. But, like most of their kind, they suffered the ups and downs visited on them by nature. Eventually, the family moved to the western district of Victoria. There they established the family home at *Nareen*. It was beautiful but quite modest. It would later be elevated in the public imagination into a kind of squatter's mansion, akin to *Tara* in *Gone With The Wind*. Fraser's sister, Lorri, is a gifted artist who stood up for her rights when that was less usual in young women. As a child, Malcolm gave little trouble except by displaying no real interest in sport. When, later well-meaning party spin merchants were trying to exaggerate his prowess in football, he penned a blunt disclaimer. He said that the only role for which he was suited on the football field was that of a goal post. He was always tall.

Fraser's hopes to sit in the Menzies Cabinet were never realised. It was Harold Holt who gave him his first ministerial position. This he did after Fraser bluntly asked Holt whether he had a future in politics or should move on. In his ministerial posts he revealed the depth of his thinking. This contrasted with his sometimes awkward oral delivery in and out of parliament. Appointment as Minister for the Army during the Vietnam War was a poisoned chalice. But he discharged his ministerial tasks with authority, making huge demands on his public servants although generally earning their respect.

Fraser's disagreement with Holt's successor, John Gorton, led to a bitter parting of the ways which led to Gorton's own fall. Gorton's replacement by Billy McMahon virtually guaranteed the Whitlam victory for the ALP

that followed in 1972. When Fraser replaced Sneddon in 1974, the temperature of Australian politics rose markedly. The Senate, exceptionally, held up the grant of supply to the elected government. Whitlam was dismissed by the Governor-General, opening the way for three electoral victories that kept Fraser Prime Minister of Australia from 1975 to 1983. His defeat, in 1983, at the hands of a resurgent ALP, belatedly led by Bob Hawke, resulted in Fraser's resignation from parliament.

Since then, Fraser has taken part in many national and international projects. These have included his role, with the support of the ALP government, on missions that helped lead Zimbabwe and South Africa to eventual majority rule. At home, he joined with his old adversary Whitlam in backing the republican referendum in 1999, and the national apology to Aboriginals in 2008. During the latter period of the Howard Government, Fraser was repeatedly critical of the policies pursued by that government on Hansonism, refugee arrivals and terrorism laws. His blunt speaking tested severely the oft-made proclamation that the Liberal Party of Robert Menzies was still a place for different opinions and a 'broad church', open to all believers within the liberal-conservative spectrum.

Fraser was denied election as President of the Liberal Party of Australia. But he refused to resign from the Party over their differences. In the book, he explains that: "It is our party too". He repeatedly suggests, in words taken up by his co-author, that it is not he who has changed his opinions over recent years. For Fraser, it is both the Coalition parties and the ALP that have moved steadily to the right. Fraser portrays himself as an 'enduring Liberal'. The rest of the Liberal Party may have

altered and shifted to a more conservative stance under John Howard. But he has maintained what he sees as the 'liberal tradition' of the Party founder, Menzies. Still he acknowledges, in a poignant passage, that 'my thinking just doesn't coincide with that of the times'. It is an assessment with which his critics would probably agree.

The basic questions presented by Fraser's life, as told in this book, are whether Fraser's diagnosis of his positioning in the national political spectrum is correct. Or is it the kind of self-justification that Australians have come to expect in political biographies of this kind? To answer these questions, the book not only details the actions and achievements of Fraser in politics and beyond. It also reveals the features of his personality that played a part in the values that he espoused from his earliest days.

The memoirs disclose how Fraser was a member of one of the shortlist of important families in right-of-centre politics in Victoria last century (the Hamers, Caseys, Horderns). More surprising is it to discover the profound effect that his education at Oxford had on his thinking. There, he learnt from fine scholars like Keynes, Toynbee and A.J.P. Taylor, teaching their young charges to think problems through and to refine their thoughts by vigorous debate with others. Fraser often seemed tongue-tied in public speaking. He recounts how he 'threw up behind the hall' after the pre-selection speech that won him the chance to become an MP. He tells how, viewing the cheeky assertiveness of his grand-children, he could not imagine behaving so boldly. It would, he says, cause him to 'shrivel to death' with fear. Yet, on paper and in action, this was a man capable of great boldness, courage and risk-taking.

From their early days together in the old Parliament House in Canberra, Fraser admired Gough Whitlam for his grand ideas and potent sense of Australian identity. He parted company with him on economic themes and what he saw as Whitlam's naive faith in international institutions and over the US relationship. By 1974, he could not abide what he regarded as dangerous departures from due process when, as he saw it, Whitlam sought to bypass the Senate and the irksome necessity of getting supply, to procure a huge loan from doubtful sources on the international money market.

The book reveals that Fraser, perhaps from his time in Oxford, recognised the decline of the British Empire. In this, he was well ahead of the nostalgics in his own party. By delving into his early life, the memoirs seek to explain his embrace of multiculturalism and his rejection of religious sectarianism. Each of these were reactions to what he saw as repulsive family and party attitudes. As Minister for Education and Science (twice), he played a big part in advancing State aid for Catholic schools. His strong stance on Aboriginal rights was greatly praised at the time by Charlie Perkins, first Aboriginal agency head in Canberra. He declared that, on such issues, Fraser was 'absolutely A-1 ... tops ... the best of them all'.

The book brings out Fraser's demand, and even need, for argument and disagreement in the evolution of politics. For him, process was always essential. Critics will say that he himself departed from proper process in 1975. His answer is that exceptional steps were necessary because of the departures by Whitlam from due process in the Khemlani loans affair.

The sections of the book dealing with the government's dismissal are comparatively brief. He discloses the supporting advice he received at the time from Menzies, the cautionary warnings of Ian Macphee and Dick Hamer and the assurance that Senator Alan Missen gave him that he would not cross the floor to vote with the ALP. That risk, with others, is often cited as evidence that the Governor-General acted prematurely. Sir John Kerr's denial that he telephoned Fraser before effecting the dismissal of Whitlam, is contradicted by a note Fraser recorded in his handwriting (reproduced in a photograph) of the conditions that Kerr offered, and Fraser accepted, for the caretaker appointment given to him immediately Whitlam was sacked. Fraser also reveals an acquaintance with Kerr over many years that led to his canny assessment of Kerr's personality and motivations. In the end, this proved more accurate than that of the man who had appointed Kerr and who would have counted him as a colleague and friend, Whitlam.

There is not much new that is revealed on the subject. Perhaps now we know it all. I remember at the time considering that Kerr had undoubted legal power to do what he did. It was Whitlam's predecessor as head of the ALP, Dr. Evatt, who had demonstrated this in his book on vice-regal powers. The issue was not power, but, in a sense, due process. Whatever the risks and consequences, those who value the system of constitutional monarchy expect that the monarch or her representative will always act with total candour and integrity towards those commissioned as head of government. Like Kerr's denial of his telephone call to Fraser at Parliament House just before the dismissal, his assertion that Whitlam's immediate response was that he would 'telephone the palace', seems most unlikely. In any case futile and

ultimately unimportant. People die for the Crown. Kerr's duty was one of complete honesty to Whitlam, Fraser and the Australian people. Any error here was, in the end, Kerr's. It was not Fraser's. This is always the view that Whitlam has taken. It is why he describes his relations with Fraser as always civil, and growing in warmth as old men can do.

Much of the second part of the book is a description of the doings of the Fraser Government, its fall in the 1983 election and Fraser's many activities since, including in the charity CARE Australia, to which he was introduced by his daughter Phoebe. This chronicle attempts to counteract what Fraser believes is a 'myth' plagued by a lack of legitimacy, having regard to the way he first won office in 1975. And that this resulted in paralysis and inaction, especially on the economic front. For these myths, Fraser blames the later leaders of the Liberal Party, including John Hewson and John Howard.

From the point of view of a lawyer, there is no doubt that the Fraser Government had many major achievements to its credit, in the field of human and legal rights. It implemented an astonishing range of laws to render federal government more accountable: creating the Ombudsman, wider judicial review of administrative decisions, FOI, administrative appeals and a national Human Rights Commission. Clearly, such basic rights mattered greatly to Fraser. He reversed Whitlam's antagonistic policy on Vietnamese refugees. He created an Institute on Multicultural Affairs. He also set up the Special Broadcasting Service (SBS) for which any Australian with the slightest interest in news beyond the headlines must be eternally grateful.

Much space is devoted to demonstrate, with strong arguments and evidence, that it was Fraser, before Thatcher and Reagan, who pioneered the principle of containing the growth of big government. I can confirm that this was the immediate first, and recurrent, impression of the Fraser Government from within as seen after 1975. I was then chairing the Australian Law Reform Commission. Like every part of government, we were cut back and reined in under the successive 'razor gangs' led by Phillip Lynch. If Fraser did not introduce further economic reforms that came later under Hawke and Keating, the politics of the Coalition and a lack of pressure from Ministers, including Treasurer Howard, may afford explanations. At the very least, this book provides a partial antidote that needs to be administered before yet another urban myth becomes accepted as gospel truth in the media-driven world of contemporary Australian politics.

All of these battles, and the occasional factual dispute over who said what to whom, and when, melt into insignificance 30 and more years on, in comparison to the remaining puzzle that Malcolm Fraser's political memoirs present to us.

The book candidly reveals Fraser's personality which is one of the most unusual to reach a top position in Australian political life. Throughout its pages, there are references to his apparent aloofness and unapproachability. To his reserve and sometimes inconsiderate behaviour towards colleagues and workers. To his awkwardness and lack of the usual coterie of close friends. To his shyness and distain for the bonhomie and glad-handling that are such a feature of most successful political lives. To his unwillingness, even where it would be in his interests, to offer the emblems of apparent friendship and thanks.

How did such a reserved man, repeatedly pictured as an indigenous human variety of the Easter Island statutes, reach the top elected office in Australia? Having got there, how did he proceed to win three successive elections, two with landslide majorities?

The answer to these questions, suggested in the book, is that Fraser did this because he was very steady, highly focused, intensively hard-working and deeply interested in policy. Observers declare that Bill Clinton was the greatest 'policy wonk' to reach the presidency of the United States of America. Malcolm Fraser was of a like disposition. He was not in politics for the gain or the trappings. He was interested in values and decisions. He worked himself, and those around him, with unflagging zeal. He was methodical and ordered, which is why he could not accept what he saw as the chaos of Gorton or the deceit of McMahan.

Above all, Fraser had distain for the world of infotainment which, even in 1975, was beginning to surround Australian political leaders. For him, politics was about public policy – something his latter-day critics like David Kemp and Tony Staley who were then close to him – readily concede. His delivery of speeches was less inspiring than others. But he was what his old adversary Clyde Cameron wrote of him on his loss of office: 'I admired you in your moment of defeat. Although you lost the election, you did nothing to lose the respect of those who admire a tough and courageous political fighter'.

So is it true that Fraser just remained the same, although both the principal political caravans, Labor and Coalition, had moved on and to the right? In part, this may be true. Certainly, Fraser became a lonely

voice over the past decade, criticising Australian tendencies to revert to racism, condemning the *Tampa* affair and refugee policies under successive governments and attacking anti-terrorist laws as extreme. In government, and in opposition, he too performed acts deemed necessary at the time, but which he now appears to regret: conscription and the war in Vietnam, resistance to the damming of the Franklin River where he now fishes, the exit of Bob Ellicott from the Ministry, the failure to appoint a true liberal, Alan Missen, to Cabinet, and an inability to deliver effective land rights for indigenous Australians. Perhaps the infotainment age, the almost daily opinions polls, personality politics and media agendas are a product of the new technology of the internet, Facebook, Google and Twitter now play a growing role in politics as it is now practised.

Yet, I cannot accept that such an intelligent man as Fraser just stood still, emotionally and intellectually, whilst the rest of the world exited off to the right. In my view, Malcolm Fraser has maintained his commitment to the rule of law, the role of the individual, and anti-racism, which were always part of his core values. But other values have changed, like his embrace of a republic and his commitment to a constitutional Bill of Rights to prevent the kind of abuses in Australian law and public life that he has seen and condemned in recent years. As Prime Minister, Fraser took important steps on the environment such as on Fraser Island, the Great Barrier Reef and elsewhere. He now has a greater sense of urgency about it. This is seen by his praise of Bob Brown for his role in federal politics and his assessment that the leader of the Greens 'often talks a great deal of sense'.

Few people are completely immovable in their values. Certainly not a politician of such substance as Malcolm Fraser. In the deep pools of his feelings are to be found undisclosed waters of strong emotion and firm commitments. He himself accepted that in politics, realities deny even the chief players many stands on principle. He says that, for himself, a resistance to racism was one such a rock-solid principle to stand by. This book reveals others. In the end, it acknowledges errors and mistakes. In the democratic way, it leaves it to the reader to judge where the balance lies in his life.

The cover displays a lined and pensive face of Malcolm Fraser. Within there are handsome photographs of his life's journey. His wife, Tamie Fraser, emerges as a calm and sensible partner, with good humour and the willingness to argue back that Fraser alone respected.

In my own life, like many Australians, I owe a debt to Fraser. He preserved and, with Ellicott, utilised the Law Reform Commission. This was one of the many changes of the Whitlam Government that he took over, adapted and used. His razor gangs spared us from destruction, although that would have been easy and relatively painless at the time. He re-appointed me to that Commission in 1980 and later to the Institute of Multicultural Affairs. In 1983, just as he was about to lose office, he recommended to the Queen that I be appointed to the Order of St. Michael and St. George, in the last imperial honours list in Australia's history.

When, in March 2002, a Senator from his old Party, misused parliamentary privilege to make false claims against me in Parliament, later withdrawn, Malcolm Fraser was only the second person on that

strange morning to telephone me at the High Court to express his abhorrence and disapproval: 'I do not believe that this would have happened during my time as Prime Minister'. Quite.

Last week, with perfect equipoise, I delivered the 2010 Whitlam Lecture in Sydney. We must get better in Australia in honouring our public figures, and especially those who have carried the heaviest elected burden of them all: the Prime Ministership. Political parties and citizens dishonour the democratic tradition by failing to acknowledge the room for legitimate difference in a democracy and in political parties and the need for public debate and disagreement. The British are so much better at this than we are. It is time (if I can use a phrase) that we all grew up.

After the Whitlam Lecture, Gough Whitlam telephoned me with words of thanks. I told him that I was to launch Malcolm Fraser's memoirs. Ever the stickler for detail, he expressed some words of praise for Malcolm Fraser. But then he declared, with characteristic precision, that the record should be corrected to contain the exact words that he expressed to his successor as Prime Minister when he was criticised in the memorial service for then predecessor John Gorton: 'What I actually said' declared Whitlam, 'as I reached over the grasp his arm, was "Let not your heart be troubled, comrade"'.

Those who read this book and who reflect on the life and national contributions of Malcolm Fraser over such a long span of years, can take those words as an assessment of an old adversary and once political foe. Years should heal wounds and give perspective. For all the errors, there were many more good achievements by Fraser in the service of the people of Australia, who are the ultimate judges in such matters.

And as for that judgment, contemporary Australians can say to Malcolm Fraser with thanks: 'Let not your heart be troubled, comrade'.

Malcolm Fraser and Margaret Simons, *Malcolm Fraser – The Political Memoirs* (The Miegunyah Press, Melbourne University Publishing Ltd., 2010). ISBN 9780522855791 (Hbk).