



***AUSTRALASIAN STUDY OF
PARLIAMENT GROUP
(Queensland Chapter)***

Annual General Meeting

**MONDAY, 17 JUNE 2002
Parliament House
Brisbane**

Reported by Parliamentary Reporting Staff

The meeting commenced at 7.00 p.m.

Assoc. Prof. REYNOLDS: I would like to welcome you to the great debate. As I said earlier, this was suggested by our friend Bill Hewitt and long-time executive member: that conscience-free votes should be permitted in Australian parliaments on contemporary social issues. This, of course, to some extent goes back to the old conscience issues of the past, which traditionally in Westminster parliaments were two: liquor and capital punishment. These were the two issues which divided across party lines. More recently, we have had abortion, euthanasia and other issues, which have not been free votes but there has been a lot of agitation that they should be.

Westminster has a very disciplined parliamentary party system where party lines are rigorously enforced, either formally in the Labor Party's case or informally in the conservative parties' cases; nevertheless, there has always been that minor substratum running through parliamentary divisions of the conscience vote or the free vote. It has never entirely disappeared. It can be invoked, although I remember a very cynical whip in the New Zealand parliament, Henry May, saying that free votes are all right, but nobody ever lost a free vote that was organised. So there can be free votes and free votes.

We are here to debate this particular issue. It is very timely, because contemporary social issues are becoming more and more prominent on the agenda of all parliaments in Australasia and the public is demanding that there be genuine debate on a number of issues which are of contemporary relevance, which have to do with biotechnology, information technology, and new issues that have not been part of the partisan alignment and class party nexus which we have lived with for the last 100 years in our party system.

The other thing—and this pertains particularly to the Queensland parliament—is that one by-product of the landslide victory of the Labor Party in February 2001 was an emasculation of the official opposition parties in terms of numbers and the rise of Independents. For students of Queensland political history, the parliament of 2001 does not look very dissimilar to the parliament of 1890 or the parliament of 1901. So in a sense we have come full circle. After 100 years of the party system, we now have the rise of Independents. Liz Cunningham on this platform two years ago said that she would not rest until there were 89 Independent members of the Queensland parliament. I have got news for her: we tried that 120 years ago and it did not work. But it is having somewhat of a resurgence. That was part of our *raison d'être* for having this issue debated and I think that it is very timely that we address this issue.

I also want to introduce the members of our debating teams to you. I shall give them a short biography and then they can get on with it. It is not my purpose to disrupt the debate by jumping up and saying who is who in the zoo. The executive decided when we put this together that each team would consist of a senior member of parliament—ideally the Attorney-General and his shadow, which I am glad to say has happened—two students and two academics. In that way we would have a balance of views, with the practitioners, the theorists, and two young people who are politically involved and who are the next generation, hopefully, of political leaders. Therefore, I would like to welcome in his absence, as it happens, the Honourable Rod Welford, the member for Everton, elected in 1989, and who formerly was the Minister for Environment and now Attorney-General and Minister for Justice; his opposite number, Mr Lawrence Springborg, the member for Southern Downs, formerly Warwick, elected in 1989—the same class. Lawrence was a minister in the coalition government and is currently shadow Attorney-General and Minister for Justice. Sara Law and David Nelson are our student participants. They are both second-year arts/law students at the University of Queensland actively involved in youth activities. I must mention that Sara distinguished herself as one of Queensland's delegates to the United Nations youth parliament in The Hague in 2001. David is very much involved in student politics at the University of Queensland—the politics of the sandpit. But do not knock it; there are plenty of members of parliament who went through that particular kindergarten.

Finally, our academics are Dr Rae Wear, a highly valued colleague of mine in the School of Political Science and International Studies at the University of Queensland. I had the honour of both teaching Rae as a fourth-year honours student many years ago and to supervise her doctoral thesis, which was a leadership study of Joh Bjelke-Petersen, which will be published at the end of August this year by the University of Queensland Press—and this makes me older than I care to remember. Finally, but by no means at the bottom of the pecking order, is

Professor Gerard Carney, who will be known to many people as a professor of constitutional law at Bond University. He is a distinguished academic with many important publications under his belt. However, Gerald always has a special place for me, because he was the first speaker at the first meeting ever of this chapter. It has been a long time between drinks, Gerard, but welcome back. You have been an active and supportive member of us, of course, since then, but being on the Gold Coast we do not see nearly enough of you.

Lawrence and his team are arguing for the affirmative and Rod and his team are arguing for the negative. We have asked them if they would speak for five minutes each and then the two leaders sum up at the end of it for three minutes each. There is no adjudication. This is not the Young Liberal sort of debate of the year award with bells and whistles. You can decide which of the teams has the more persuasive argument and we will be taking as many comments and questions and so on from the floor after the formal debate has concluded. That being the case, after that we will repair to the Belle Vue Room, aka the Strangers Bar, for supper. Without further ado, can I call on Mr Springborg to address us. Thank you, Lawrence.

Mr SPRINGBORG: Thank you very much, president Paul and ladies and gentlemen. It is a great pleasure to be here tonight and to have the opportunity to debate in the affirmative on this issue. Ian Henderson said in the *Australian* very recently that free votes are rare but not as rare as might be thought. As new science and technologies are bound to increase the pressure for conscience votes—and that is a point that was raised by the president a moment ago by way of introduction—in the contemporary context, that provides us with an opportunity to be able to address those particular issues with a contemporary solution, that is, that we need not be scared in the 21st century of conscience or free votes as a way of expressing our own beliefs and also expressing and reflecting the views of the community at large.

Let us look at some of the issues that Australian parliaments have decided to have conscience or free votes on in the last few decades. Some of them certainly are traditional; others are matters that you would not necessarily believe should be the subject of free votes or conscience votes, one being abortion; the death penalty, of course; divorce in the Commonwealth parliament; the issue of homosexuality; property laws insofar as same sex couples are concerned; euthanasia; fluoridation of Canberra's water supply; quorum—the number to constitute a quorum for the Commonwealth parliament, even the siting of Parliament House in Canberra—and, of course, in the contemporary context, in-vitro fertilisation for lesbian or single women; and, in the not-too-distant future, the issue of stem cell research.

As a member of the Queensland parliament, I see absolutely no fear and trepidation whatsoever in actually enshrining and supporting the notion of conscience or free votes as a part of our parliamentary democracy. As Ian Henderson said a little while ago, science and technology is going to make these particular issues even more important in the future. Why is this so? We know that if you believe in the parliamentary system of government, and if you believe in the party system of government as I do, there needs to be some strong notion of discipline, because that is the only way that a state or country can effectively be governed.

If one looks back to the history of Queensland, particularly—and we have to be careful about what was the last century now; I am still trying to wrap my mind around this—in the latter part of the 1800s, we had very much a fragmentation of the political forces and a flocking together of people based on secular or religious grounds. Of course, those governments cannot last very long. It was not until we had the strength and the discipline of the party systems that we see that we tended to see stronger governments.

However, whilst there may have been some strength in not having the party discipline insofar as individual conscience was concerned, there was certainly a weakness insofar as being able to effectively govern with a particular platform. But I do not think that, when the community at large is demanding a greater degree of reflection of the social values of the community in their parliament, as members of parliament, whether we be Independents or members of a party, we should not be fearful of that. Just because we come in here we should not give up the particular views that we hold based on social or moral beliefs, whether they be views on abortion, death penalty, homosexuality, stem cells, or in-vitro fertilisation. These are issues that go a little bit further than matters such as taxation and a range of other matters that we deal with on a day-to-day basis in parliament.

Only recently I had the opportunity to attend the international biotechnology convention in Toronto, Canada. I was sitting there rather intrigued by the fact that debates that we were having in this country have now been superseded by what is already happening in other places around the world. We are trying to come to grips at the moment with the ethics and the morality of experimenting with stem cells—embryonic stem cells—yet in the United Kingdom and across Europe they are using stem cells acquired from aborted fetuses. Can you imagine that particular debate in an Australian parliamentary context when and if it does come to fruition at some future time?

The basic thrust of the argument which is put forward by me and which will be put forward by other speakers on my side tonight is that a modern parliamentary democracy must have the ability for members to be able to express their own free will and fundamental belief on certain moral issues of a contemporary nature. That is something which is right. It is something which the community at large demands. It is something which is an appropriate reflection of the views and the values of the general community. By not embracing, understanding and following those particular values, we do not appropriately represent the broad view at large and we desensitise ourselves as members of parliament and we cannot appropriately reflect those particular moral values, which should not be bound by party discipline.

Mr WELFORD: I am late because I have been out defending the rights of Queenslanders and I want to assure you that I am going to defend them against Lawrence Springborg's arguments, whatever they were. I want to make two quick points in the argument for the negative. Those two points are these: firstly, we have to make a choice as a society between government that is stable and government that is unstable. Do we want stable government or do we not want stable government? That is a clear choice that we have to make in determining whether we want the party system to prevail or whether we want the law of the jungle of individual so-called conscience voters moralising about every individual issue that comes up. The second argument is that conscience votes are for wimps. For anyone who does not want to toe the party line, for anyone who does not want to apply it the discipline of the team, to anyone who does not believe in anything in particular other than what suits them on the day, conscience votes are great, because they can appeal to that last bastion of scoundrel politicians who purport to rely on conscience when, in reality, all they are doing is making decisions on the basis of whim or random emotion.

For the first 30 years of parliaments in the Australian colonies, 1850 to 1880, there were no parties, only conscience voting, and this was the most unstable time in Australia's parliamentary history. One group and its supporters might form a government but the supporters could withdraw their support if the government did not undertake a popular initiative and the government would fall, all on the basis of those who in the bad old days thought that they could do what they liked. Government was unable to make good policy, because none of it was guaranteed to stick. Instead, it just tried to keep supporters happy and in the tent. They were unable to make the tough decisions, because anything that was unpopular could easily result in those who wanted to exercise their conscience vote leaking away, haemorrhaging the solidarity that stable government provides to the community.

Parties also facilitate informed voting and ensure certainty for voters. When people vote for a person, by and large they do not vote for the individual; they vote for them because they stand for a party that has a set of policies that people support or a leader that people support. People did not vote for Rod Welford in 1989—and thank God they did not vote against him in 1995 when I almost lost. The reality was that they were voting against the Labor Party or for the Labor Party on each of those occasions, and if it was not for that I would have felt much worse in 1995 when I nearly lost with 51 per cent of the vote. But that is the reality and that is good, because people know that if they vote for a member of a party, they are going to get a set of policies that they know about. If they vote for someone who is not a member of a party, they have got no idea what they are getting. They are gambling with their vote.

People should be able to have the certainty that the discipline of policy that parties present provides. If an individual can provide a comprehensive set of policies that are outlined in the election campaign and get elected on that basis, maybe that is the counterargument to what I am proposing. But the reality is that most people cast their vote not on the basis of the detailed

sophistication of every policy but on the key issues that the main parties present to the electorate and provide voters with some certainty about having delivered.

Parties also allow people to participate in the democratic process. If every person who came into the parliament exercised a conscience vote on every issue, what would be the point of joining a political party? What would be the point of signing up and supporting and participating in the political process as a member of a political party if you knew that everyone who went into parliament could ignore everything that you have argued about as a party member, or everything that you have put forward as part of your participation in the process as a party member? The Australian Democrats are a classic case in point of a conscience vote. The Democrats basically allow their members, despite the party's policies, to exercise a conscience vote virtually on every issue. Democratic reformers would suggest that this is an ideal way for the democratic system of government for the people to function. But practically, the Australian voting public do not like the uncertainty that it represents and it is one of the reasons why there is little hope of the Democrats ever forming a representative government in the Lower House. The only house in which the Australian public has some confidence in electing Democrats is in the Senate, but it is crucial to note that the Upper House is a house of review only and does not create public policy. This outcome clearly demonstrates that the Australian public has limited confidence in conscience voting.

A quick check of the issues where a conscience vote is called for tends to be related to things like abortion, euthanasia, the rights of homosexual couples, et cetera. Arguably, these are issues with emotive and/or religious consequences. I do not expect to ever witness a conscience vote being called on the passing of a budget, for example, or trade agreements, or, dare I say, public liability insurance on which I will be introducing a bill tomorrow. A call for a conscience vote is often a call to vote emotionally, despite often majority support for an issue at hand. It is also a way in which politicians can escape making the hard decision, even where there is broad public support for an issue.

On one view, there is strong public support for a law allowing euthanasia, but the strenuous objections of a minority are such that no government is going to allow other than a conscience vote on it. The governor of Minnesota, ex-wrestler Jessie Ventura, called on the people of Minnesota, for example, to 'vote with your heart and your conscience'. What he was really imploring voters to do was to make an emotional decision. Vote for the candidate that would stand by his convictions was his argument. That might be fine for him standing by his convictions. But what about the convictions of voters? How do they ever know that the candidate who they put up will ever represent them rather than represent their own whimsical views on any particular issue, because the fact is that standing by individual convictions does not provide either policy coherency or discipline across the range of issues that government members have to express.

There is an important principle in the party system that we operate. It is valuable because it provides stability and it provides security for voters in knowing what they are voting for. If you vote for people who only want to vote on their conscience, you never know which way their conscience is going to swing this week, and for many politicians their conscience swings according to where their survival stands or falls, whether their hip-pocket will be hurt or not hurt. If that is the basis on which we want politicians to be selected, or to operate, then sure, support the affirmative's argument. But the fact of the matter is that there is no guarantee that even those politicians would want to be elected on the basis that they will stand by their convictions and vote on conscience. You never know where their conscience is going to arise from—whether it arises from their income or their popularity or their political survival. What is their conscience, you can never be sure. Vote for certainty; vote for stability; vote for the affirmative team.

Ms LAW: Good evening, ladies and gentlemen. I thank the Hon. Mr Welford for his comments so far. Ladies and gentlemen, this evening my colleagues and I will present a case for free votes on contemporary social issues. We will contend that the means for determining whether party discipline should be waived on a particular social issue has diluted the basic reason behind having a free vote to start with. This is to such an extent that the essence and purpose of our parliamentary system is in danger of taking second place to the customs and norms that, in time, have become rules unto themselves as opposed to rules to serve the greater purpose of a balanced approach to representative democracy and responsible government.

Mr Welford has raised a timely point on how the electorate votes when it comes to elections—that is, whether it votes for a particular politician or a political party. He has contended tonight that, despite the fact that each individual politician has their own profile, when it comes down to it, the electorate votes according to party lines. He also contended supplementary to that since the electorate votes for a particular party it then in essence votes for a particular basket of key policies and issues which differentiates each party from another. However, I challenge the honourable member to show us that when the people go to the polls they indeed vote for key issues such as abortion and euthanasia. Are those in essence the key issues that people select a political party for? My contention is that, no, they are not. Therefore, we need greater debate—a more free and relaxed debate—on issues of contemporary social relevance outside of the key policies that the governments of today deal with.

Moving on to our case tonight, the opposition will have you believe that we are advocating the ludicrous suggestion that we should have a party made up of 89 Independents, which completely ignores our established Westminster system and which would impute anarchy and blatant impracticality. Ladies and gentlemen, in actual fact the model with which we propose to approach free and conscience votes tonight sets a contrary agenda. Our model of approach firstly acknowledges that the status quo is simply not good enough. How can it be that as a society we have evolved from an arguably closed and populist position to that which embraces and celebrates pluralism, yet our parliamentary norms have yet to respond to the rapidly changing perceptions of what are contemporary and contentious social issues? Indeed, we need only put our ear to the wind to hear that all around us the ordinary person is concerned with a lot more than just abortion and euthanasia. Even more evident is the fact that issues such as reconciliation, stem cell research and mandatory sentencing can and have generated many a heated opinion.

Allow me to quote our esteemed Prime Minister, Mr Howard, on the issue of free votes. He said—

The question of whether you have mandatory sentencing is quite different from something like euthanasia or abortion. Those things go to the very essence of somebody's religious or philosophical or moral view whereas mandatory sentencing, although people feel very strongly about it, is of a completely different category. If you have a conscience vote on mandatory sentencing then you might as well have a conscience vote on just about everything.

I thank Mr Howard for giving us his opinion on how a parliament should be run, but this is little reason to restrict free votes to the traditional abortion and euthanasia debates. As my colleague Dr Carney will discuss later, this simply draws an artificial distinction between issues that concern human rights and basic freedoms. Furthermore, let us dispel the popular myth that to allow a conscious vote on one issue will effectively open the floodgates for every matter that comes before parliament.

Ladies and gentlemen, once again allow me to bring the issue back to the real debate and acknowledge our model of approach for what it is really worth. Quite simply, it dares to subject the current norm of free votes to a test against the very purpose it proposes to serve. There are two grave issues we must grapple with. Firstly, it seems sadly evident that the issue of whether free votes should be allowed has become subordinate to machine politics and party dictation. While this serves a practicality of our party system granting us stable government, as Mr Welford has pointed out, does this necessarily put itself on a higher plane than the need to safeguard the integrity of our individual politicians? In doing so we encounter the supplementary concern that the parliamentary process is the likely slave of the perceived popular view. Edmund Burke, an 18th century political theorist, said—

Your representative owes you not his industry only but his judgment and he betrays instead of serving you if he sacrifices it to your opinion.

What Burke was alluding to was the disaster that would ensue if you abdicate the need for leadership to solely a pursuit of representation and stable government.

Ladies and gentlemen, I do not need to specify the specific ramifications of being constantly at odds with your political party or to the other extreme—with your electorate. However, to allow a greater breadth in conscious voting would not necessarily burden the business of politics or alienate your voters. Quite clearly, we the affirmative are arguing for the need to

balance representative democracy, responsible government and the need to just get the job done. To change the current line does not call for a sacrifice of our fundamental precepts or a politician's political survival, but rather it addresses the need to bring the concept of a free vote back under the precepts that it currently has ceased to serve.

Mr NELSON: Good evening, ladies and gentlemen. My role tonight is to convince you that a system of conscience voting in Australian parliaments will result in instability and inactivity on such a grand scale that parliaments throughout Australia would be rendered useless. But I begin tonight by dealing with the affirmative case. Lawrence suggested that somehow diversity and the purposes of diversity in reflection of moral issues in today's parliaments would be best suited by having conscience votes. Correct me if I am wrong, but the waspy, middle-class white guys who represent the bulk of the 89 members of parliament do not exactly represent what we would call diversity within Australian society. If anything, parliament is the least diverse section of the Australian political community, and, as a result, relying on the conscience of these people, who for the most part have come from similar social and ethnic backgrounds, would be the least effective way of achieving diversity on a range of social issues.

Sara called into question the idea that when people vote, they vote for a party platform, that they vote for a basket of policies. She made an excellent point in that you have to consider whether or not people vote necessarily on the same issues that we assume they vote on—that is, when people overwhelmingly endorsed Peter Beattie in 2001 were they voting on the kinds of social issues that we are asking politicians to make a vote on based on party bloc? However, this misses the point. At any stage during 2001 was public liability made an issue during the election campaign? Indeed not. People did not vote on issues necessarily. They voted on a policy framework in which they entrusted a certain government of a particular colour to make decisions about the way they move forward. They were not asked to make a judgment about every single policy issue; they were asked to set into place people they trusted to make a judgment based on a party platform.

Sara then used the argument John Howard made—that is, a lot of people feel strongly about mandatory detention, and if we allowed that to be a conscience vote we may as well allow everything else to be a conscience vote. He differentiated it from moral issues. He made it clear that people cared about it, but he made a differentiation with moral issues. Sara, for me mandatory detention is a moral issue. The question I have for you is this: if you will not have a free vote on mandatory detention, such an amoral and despicable action, then why have free votes at all?

I will now move on to our team's case. These social issues are of great importance. They are; everyone has acknowledged that. However, we believe that they are of such importance that they deserve a unified and well-organised policy direction. Decisions need to be made in the coming decade about the way that we use biodiversity and biotechnology. The response to this is not to let everyone go willy-nilly into a vote on their conscience on a whim once a week. The way that you set about doing that and plan for that and set up for that in a proper way is to allow governments to make decisions about that based on stability, based on their ability to project for the next 10 years the way in which governments will move forward in dealing with these complex and important issues that face society at the moment.

An excellent example of how free voting or even the existence of Independents works contrary to this was an example from early in the 1990s. The state, territory and federal health ministers decided that they wanted to set about putting together a national framework for how to operate health policy for those health issues that cross borders, those that cannot be done in discrete groups. They did what ministers do when they want to make a decision—they had a summit. They all went down to Canberra. They met up and spent a week talking about it. After great debate, they managed to come to an arrangement that everyone was happy with. They had set up a framework for which the entire nation could put into place stability and certainty to make decisions about the health policy and how it could move forward. The only thing they had left to do was to take it back to the individual states and pass the appropriate legislation. Queensland passed it. New South Wales passed it. Victoria passed it. In fact, everyone passed it—everyone, that is, except Tasmania.

You see, Tasmania at the time had a minority government. The balance of power was held by three Independents. At first it did not look like it was going to be an issue. The Tasmanian Health Minister went back and sat down with the three Independents and explained the situation and what the amendments and policy were going to achieve. All three agreed and said, 'Yes, this is a good policy. This is essential for Australia to move forward in health policy. We'll support it.' Unfortunately, one of the Independents went home to sleep on it. An hour before the vote was scheduled the next morning, he called everything to a halt. He had some concerns. He decided that he could no longer in good conscience vote for the bill before the House. Nothing could be said to convince him to change his mind. As a result of one Tasmanian Independent's nightmares, an entire national framework for the coordination of health policy went down the tube. One Independent in one state held an entire nation of democratically elected governments to ransom. If just one Independent in this one tiny state could do this, can you imagine a Liz Cunningham version of 89 Independents in Queensland?

It was also argued that for good policy you cannot have free votes, that free votes are ineffective in the need for good policy. To recognise this, the first place you have to go to look is America. America has long had a situation of free votes. Senators and Representatives have always been entitled to vote as their conscience dictates. A good example came out of the Reagan years. The Judiciary Committee was holding an important piece of legislation to deal with the operation of the Supreme Court that needed to be passed for Reagan to push through some of his policy ideas—not necessarily policy ideas I endorse but ideas that he had been elected to put into place. It had to first go through the Judiciary Committee and then be placed upon the Senate floor to be voted on.

The Chairman of the Judiciary Committee had the control on whether or not to release the bill for voting. He stopped it until there was a rider placed upon it that there would be enough cash to buy a bridge in his electorate so that he could put his name on it and so that he could be re-elected the following year. This is not good policy and this is what happens when you allow people free votes and you allow them to be susceptible to immediate electoral pressures. When you remove from them the right to be supported by a party on a broad policy platform throughout the nation or throughout the state, you put them under individual pressures. Another good example of this was the fact that you will never see in the American Congress legislation on real gun reform because the National Rifle Association got 75 per cent of the southern delegation elected this year. When these people go to vote with their conscience, they remember who got them there.

Tonight, ladies and gentlemen, you are lucky. The choice is clear and simple. You can side with the affirmative and endorse instability, gridlock, pork-barrelling and boondoggles or you can side with us, the negative, and endorse stability, the regular passage of legislation and effective government. Thank you.

Prof. CARNEY: I will admit that I have not argued a debate for at least 30 years anywhere. I am a completely raw recruit. I should correct Paul. I am not a professor: I am an associate professor at Bond, which is a big difference.

The affirmative position, as Lawrence and Sara have explained already, is that we are not advocating the removal of the party system or indeed the whole process of discipline within the party in terms of voting within the House. What we are advocating is that in the current time of great change it is necessary for members to have the privilege of exercising a free or conscience vote on contemporary or social issues. It is very important to appreciate the foundation of our argument. The real foundation of our argument is that the members of each parliament have an essential duty to act in the public interest. That is their primary obligation. It is recognised time and time again. Sara quoted earlier, part of Edmund Burke's famous quote that: a representative should keep in close contact with his constituents but that his unbiased opinion, his mature judgment, his enlightened conscience he ought not to sacrifice to you. Your representative owes you not his industry, as Sara said, but his judgment.

As well, the High Court of Australia in a case called the *Crown v. Boston* in 1923 recognised in the judgments of Justices Isaacs and Rich the duty of members to serve and in serving to act with fidelity and with a single-mindedness for the welfare of the community. This is also recognised in the code of conduct in the Queensland Statement of Fundamental Principles,

code of ethical standards No. 2, which states that members are elected to act in the public interest and make decisions solely in terms of the public interest.

If there is this fundamental obligation on the part of members to act in the public interest in all that they do within the House, how can the party stifle that duty to act in the public interest according to their conscience? It is not compatible with that essential public duty. So they must be allowed at least a conscience vote. I distinguish between conscience and free votes. But at least in relation to a conscience vote, the fundamental basis for all of the examples we have heard so far about a free or conscience vote being possible in cases of abortion, euthanasia and so on and recognising categories for a free or conscience vote, is that they are issues of fundamental human rights.

We have an entire international regime, beginning with the Universal Declaration of Human Rights, which recognises these fundamental rights. Australia is a party to both the international covenants. We are under an international legal obligation to give effect to these human rights within our own country. Our record on that is not exceptional by any means, but I think the free votes that have been acknowledged throughout this century within Australia reflect that concern—that members have to have a free or conscience vote in relation to fundamental human rights. Abortion, euthanasia, capital punishment and stem cell research are all issues that have been recognised as entitled to a conscience vote. They all reflect the right to life.

In terms of marriage and divorce, the Family Law Bill of 1974 was a free vote in the Commonwealth parliament. That covers the right to family. In terms of sexual issues, the decriminalisation of homosexuality at the Commonwealth level in 1974, the Sex Discrimination Bill in 1984 and the medical benefits for termination of pregnancies legislation all relate to non-discrimination, again a fundamental tenet of human rights law. The issue today is: why does IVF not have the same right to a conscience or free vote for members?

The government says that what they are doing is enacting legislation for the States to leave it to them to decide. The opposition says that we want IVF available. How can a party dictate to individual members what is their real conscience? The Attorney has argued that members are wimps or 'Who knows what their conscience will be from one day to the next?' I think members deserve a much better assessment of their character than that. I would distinguish conscience votes from free votes. Free votes have been allowed for daylight saving. They were allowed for the republic legislation. They no doubt will be allowed over the oath of allegiance to the Queen within this parliament. Free votes are slightly different. They are really matters that the electorate in a sense demands; we want a free vote.

What is the model? We are suggesting that there is a right, that there must be a qualification to the party's capacity to enforce its discipline in the case of conscience votes and in other cases where the public interest or the public themselves demand that separate or free vote. I will conclude with a quote from Sir Thomas More, who I think epitomises the rationality of this issue. He wrote this in prison:

The cleanliness of my conscience has made my heart hop for joy.

I hope all members of parliament enjoy that experience equally.

Dr WEAR: I am joining my colleagues in opposing the proposition that a further expansion of conscience or free votes should be permitted in Australian parliaments on contemporary social issues. Already we have heard our opposing team list an ever increasing number of issues on which these free or conscience votes might be allowed. There seem to be a plethora of these cases. They seem to be proposing to allow parliamentarians conscience votes on a whole range of issues, which effectively is to allow our parliaments an increasing exercise of discretion. That, it seems to us on our side, is to suggest that parliamentarians can stop representing us and start representing what they think is right, not what we think is right on a range of crucial issues. I think that goes against everything that we take representation to mean.

As Sara and our opposing team indicated, Edmund Burke argued along these lines. I, too, was going to quote Edmund Burke—obviously a favourite tonight—but only to disagree with him. When in 1780 Edmund Burke spoke to the electors of Bristol, he suggested to them that MPs should act on what he saw as their enlarged view of things. He intimated that the people who had actually elected him had rather a narrow perspective. If too much notice was taken of the people who put him into parliament, he said we shall at length degrade our national

representation into a confused and scuffling bustle of local agency. I guess that assumes that parliamentarians have in fact an enlarged view of things.

Perhaps I am becoming another cynical voter, but I have not necessarily observed this enlarged view of things—that a parliamentarian's vision of the national interest or that their conscience is in some way superior to mine or that of my fellow electors. Burke himself admitted that he did not obey his electors' instructions and that he had been accused of neglect—quite rightfully, I think. How easy it must be to neglect your constituents if all you have to rely upon is your conscience. It seems to me the height of arrogance and self-indulgence to do that. The need to find out what your constituents need or want is what makes a good representative. That is certainly what we believe on our side—that our representatives need to keep in close contact with the people that they represent. If this close connection is broken, we will end up with very inadequate representation. We may reach the point where politicians examining their own consciences in the rather pleasant surroundings of parliament may feel that they do not need to go very near their electorates.

Certainly, people who do not keep in touch with their electors will end up losing touch. They will in fact cease to represent the people who put them in parliament—even more than putting them in parliament, the people who in fact pay their wages. Once again, I am beginning to sound like the cynical voter. But not only do voters put them in parliament and pay their wages; they also pay for quite generous superannuation, gold passes and so on. I think we as electors are quite entitled to have our views put and not have to put up with just the conscience votes or free votes of parliamentarians.

Since Burke's time people have fought long and hard to achieve representative democracy. People have suffered a great deal to achieve the system which we have, to achieve the right to choose who represents us and to ensure that they legislate in a way that reflects our wishes—not what they think is appropriate. So we want to be sure that our MPs vote according to their constituents' wishes. On those grounds I argue that we should resist giving conscience and free vote to parliamentarians; otherwise I suggest that we might do just as the electors of Bristol did to Edmund Burke and reject them.

Mr SPRINGBORG: I must admit to being take aback by the Attorney-General's inference that I was some sort of whimsical or nebulous creature that was not able to appropriately balance my conscience and therefore needed to have a free vote. But I would contend that it would be more preferable than in your case being led by the nose by the party machine men in parliament and not being able to vote in accord with your conscience.

In response to David, who indicated that somebody such as myself would not be able to represent appropriately my conscience in parliament even if called upon to do so because I was a WASP—I understand WASP to mean White Anglo-Saxon Protestant. I confess to being one of those, but I also confess to being a SNAG, that is, a Sensitive New Age Guy. That is a person who has a capacity to appropriately represent the broader view of the electorate at large. I found it a little interesting in your argument that, on one hand, you indicate that a WASP such as myself might not be able to appropriately represent my conscience. However, you were very comfortable in the assertion that the political machine, which is basically made up of WASPs, would be able to appropriately represent the contemporary views and values of Queensland's and Australia's parliaments.

To the Attorney-General: it is certainly true that when we were elected to this place in 1989 many of us were elected by virtue of politics. Now the party tag is somewhat less prominent in getting you elected than what it was at that particular time. I think that is because people at large want to know that their member of parliament is able to reflect their contemporary values and their contemporary concerns and that is why they demand a certain amount of votes on the basis of conscience. It is important that politicians also have a heart, as well as have a head, as well as have a direction.

I think it is wrong to assert that we should take away that capacity and the compassion of our member of parliament and say that the party machine must be supreme on all occasions and that it must dominate. Certainly, in a compassionate modern society, we have to consider that members of parliament must have an appropriate reflection and connection with the electorate at large. Our team argues that, by having a greater but not entire reliance upon free or conscience

votes on increasing contemporary issues, you can have the best of both worlds. You can have a party system which provides you with that stability which is so important and so necessary but also that conscience which the electorate at large is demanding insofar as the broader representation on, as my colleagues on my side indicated earlier, the human rights issues which people themselves want to know that their members of parliament are capable of reflecting their particular views on.

We have heard much tonight about how if we go down this path we will deinstitutionalise the party system and make it far less stable. The United States, which is one of the world's great free democracies, has a much higher reliance on the free vote than what even the affirmative team tonight is contending, that is, that you have Republicans and Democrats as a matter of course in their Congress at a federal and a state level voting against the position or platforms of their parties. That is something which does not tear down the economic stability and certainty of the United States, granted that their executive system is somewhat different from ours. But if we are going to assert, as the negative team does, that the party system is so crucial to stability in government and that free votes are contrary to that, we also need to look at the greatest free democracy in the world, that being the United States. Conscience votes are for people with a heart and a soul and a compassion, and that is why we believe that the evolving political system in Queensland and Australia must ensure that increasing contemporary social issues and values are able to be best dealt with by a party system which can provide the stability in government but also the compassion and the sensitivities that are necessary to address those issues in line with contemporary people's values.

Mr WELFORD: I thank the member for Southern Downs for his contribution to the debate. He was a little unduly sensitive, I thought, in thinking that I was in any way personally suggesting that he did not have a conscience. In a sense, he has felt guilty about it. I welcome the new-found interest in the member in voting on a conscience. There is always a first time, isn't there! But beyond that, what you noticed about the argument was not that he was arguing strenuously for a free vote or a conscience vote but that he wanted a bob each way. He wanted one foot either side of the barbed wire fence. He wanted a strong party system and he wanted a free vote.

In fact, a couple of the affirmative arguers put that view, although what I put to them is: where do you draw the strong line? How do you decide when a free vote should be allowed or when it should not be allowed? How do you decide when individual members are going to vote according to their so-called conscience? When is one person's conscience, when is one politician's conscience, another politician's scandal? How do we know which things should be voted for on conscience and which should not? 'Have a heart, have a head and have a sense of direction,' he said. You need a heart as well as a head and a sense of direction, not to be dictated to by the party but to be independent. Well, you cannot have it both ways. Either you believe in the discipline and stability of the party system or you do not.

The fact is that there are a whole range of issues that we could have a conscience vote or a free vote on if we wanted to but we do not, do we? The 'almost' Professor Carney argued that we vote on a conscience on human rights issues. Well, I can think of a few human rights issues, too. What about the right to a trial by jury? Should we have a conscience vote on that? What about the right to equal votes, one vote one value, that is, a free and fair electoral system, or the right to vote at all? That is a human right. Should we have a conscience vote on whether we should have a right to vote? Of course not. The only things we have a call for conscience votes on, whether it is within the Labor or any other party, are things about which we have a hangup: birth, death and sex in between. They are the things we want a conscience vote on because we do not have the courage to decide on them and make a policy about them as part of a coherent policy framework. A vote for a conscience or free vote is a vote for hangups, basically, and it is about time politicians of all political persuasions got over it and decided to make their decisions based on coherent policy.

The fact is that MPs can both contribute to policy through the party system and be protected in the integrity of the stand they take as a member of a party by virtue of the party system. The case for arguing your conscience is not a case for arguing it inconsistently or whimsically according to votes in the House. The case for arguing your conscience and representing your community, as has been well put by the negative team, is when you are in the party room, when you represent your electorate as a member of a party that the electorate

chooses because it has confidence in that party to carry out the decisions that need to be made by government, whether they be on issues that are flagged during the election campaign or issues that arise subsequently. It is the party system that provides the public with the certainty that they will get a government that largely reflects the decision-making character that they seek, and it is also the party system that protects individual politicians from tests against their conscience.

Mr Springborg argued that the US system is the greatest free democracy in the world. Well, it sure is. Fewer than 50 per cent of its people even bother to vote. That is how much confidence the greatest free democracy in the world has in its citizenry. Just about every one of their politicians, because they are not subjected to the same level of party discipline that we are in this country, on a daily basis are bombarded with the corrupting influences of interest groups—particularly business-based interest groups—willing to withdraw funds from their campaigns. Everyone knows that the political system in the US is fundamentally corrupted by the excessive influence of campaigning and campaign funds. Indeed, it was only that corrupting influence that prevented the one candidate in the run-up to the presidential election who was campaigning in the Republican Party against excessive influence of campaign funding from being elected at all, because big dollars made the decisions. You cannot draw the line, you see, consistently or on the basis of any consistent theory about what ought to be a conscience vote and what should not.

There is a natural tendency for all of us to feel compelled by our conscience, whatever that may be to us individually, on particular issues. Some things feel like they are harder to support or oppose than others, and that is natural. But those are arguments we should put into the political process through the organisations that provide the greatest access for political participation in this country, the great political parties that are the hallmark of our system. It is not a basis for electing politicians on whom we can never rely and governments which may never survive. We want a system that works. We want a system in which governments are sustained and get on with the job of making decisions, including hard ones, that are not always popular on individual issues. And we want politicians who are prepared to be disciplined enough to stand up and argue their point and argue their case within the party system on things where their conscience troubles them and outside the party system and in the public arena where they want to stand for something that is consistent. Human rights are important, and that is why the stability of government, governments which can protect human rights, are also important. It is not about being dictated to by a party.

It is about having the courage to participate in the party process and put your arguments within a party and then the discipline to stand by the majority outcome. We all do that as part of a democracy collectively anyhow. Why shouldn't we do it just as much for the political system that represents us? That is the basis on which the negative case is being put for stability, certainty and a corruption-free representative democracy. We believe that any watering down or cutting away of that fundamental approach is fraught with risk. It is fraught with the risk that you eventually elect people who, whatever they call their conscience, do not stand for anything.

Assoc. Prof. REYNOLDS: Thank you to our speakers and to our team members. Now it is your turn. There have been some interesting and provocative remarks made backwards and forwards and I think there is food for thought there. As the second 'almost' professor in the room, Mr Welford, I will hope that we get some bloody awful questions.

Mr HEWITT: You have attributed the theme of tonight's discussion to me. I suspect I owe some explanation by way of prelude. Boy and man I have been a party man and I endorse the broad sentiments that Rod has expressed tonight. I believe—and this was particularly evident in the last state election—that when people vote they look for predictability, certainty and stability. In the last state election the Labor Party certainly was the pre-eminent party and was able to offer those three characteristics. I believe that while politicians are spoken about in poor regard, the fact is that we have a very proud political record in this country. We have had 100 years of unbroken democracy, but, importantly, throughout those 100 years we have shown those great characteristics as to certainty and predictability any time there has been an alternate government to take the reins of government. I think that those things are very poorly acknowledged by the Australian public in their race to downgrade the standing of politicians themselves. I pose a question about conscience votes, because for better or worse I believe politicians have to be

rescued maybe from their own worst conduct at times. It is a matter of great regret that politicians are held in poor regard, because politics is a fine profession and that is the way it should be regarded.

When I pose the question of whether there should be conscience votes, it is on the basis of giving the electorate itself a greater sense of participation on very specific and very limited issues. In no sense at all would I suggest opening the floodgate, because that would be a nonsense. I believe that in the process of rescuing the political process it could well be that selective conscience votes would be one of the ways of doing it. Importantly, it would remove politicians from the protection of the party itself and on specific issues they would have to find out what the electorate is thinking and make a judgment thereon.

It begs the question, which really was not touched on tonight: if there is a conscience vote, and that is preceded by sounding out the sentiment of the electorate, does the member then vote according to the way he or she thinks the electorate that that person represents would want them to, or do they properly exercise a conscience vote? Burke—who, incidentally, has been quoted to me by Jim Killen ad nauseam for the last 50 years—demonstrates that very point about voting according to your own judgment and not always according to the judgment of the electorate. Suffice to say that when there was a free vote on euthanasia, Barry Jones—whose name is known to everyone here, I am sure—said it was one of the finest debates that he had ever heard. If you make a judgment on the vote on euthanasia, I would tend to believe that if the Australian electorate per se was asked to express a point of view on euthanasia, it would be in favour of it. But the House of Representatives—in my opinion, quite properly—voted against euthanasia. So it could well be that conscience votes would lead to some disappointment in the electorate itself but it would certainly put greater emphasis upon the representative role of members. I do believe that there is a great number of sensitive social issues coming forward these days upon which conscience votes could well be useful.

Assoc Prof. REYNOLDS: Does anyone want to take up any of Bill's themes?

Mr SPRINGBORG: Certainly, there are a lot of issues that you touched on there. I do think it is right to say that the electorate at large takes for granted the quality of representation which they generally receive from members of parliament. One thing that we tend to not think about enough is that members of parliament are only a proportional representation of the electorate at large, and that goes for the human failings and the individual likes and the dislikes of the electorate at large.

As I move around Queensland, whereas you might be individually popular in your own area, as a collective you are not very popular at all because people view you as different. You seem to take on this aura when you become a member of parliament of being some sort of other creature. That is very unfortunate and I do not know how you go about addressing that. But we live in a robust democracy which is about a certain degree of adversarial conduct and I do not think we should ever do away with that. People think it is a modern manifestation of our political system. It is not. If you look at *Hansard* as reported in this parliament going back 100 years ago, what was said then would certainly polish off your boot leather compared to some of the stuff that is said even today. That was not reported. We have a greater degree of scrutiny and transparency. I think that that raises a number of other issues. I believe in that discipline, but I do believe that there is a range of issues where you cannot bind people because of the social policy aspects of it, because of individual conscience. That is something that I think we all concede. I suspect that there may be a greater reliance on that in the future as we deal with issues such as stem cells.

You pose the question about whether you would vote in accord with your own beliefs or whether you would vote according to the electorate's beliefs if you were given a conscience vote. I think that is an interesting point, because I will tell you how I would vote myself on matters of conscience with regard to stem cell research: I would vote for the position as the Prime Minister has proposed. Some of my colleagues may vote differently on that. There certainly should be scientific research on embryonic stem cells. On capital punishment I know which way I would vote, and I have certainly expressed views in the past in favour of it with regards to certain heinous crimes.

The issue of euthanasia is an interesting one. This is where you would consider a dichotomy insofar as my own personal views. I believe that the electorate at large, probably 60 odd per cent of them, support euthanasia. I personally have a view which is predisposed towards

it. However, if given a conscience vote in parliament, I think that because of what it proposes I would vote against it. If you wanted to ask me why, it would take me a long time to sit there and actually explain it. I am being completely candid here tonight with my views. Yes, you have certain circumstances which manifest themselves and which operate both ways. But I do not think that is necessarily a bad thing, because it allows you not only to reflect your own values but also to basically look at what you believe is in the best interests of the stability of the community as well. There are lots of funny things like that that happen in politics, but it happens in life and we have to accept it.

Mr WADSWORTH: I thank both teams for the arguments they presented. They presented some very powerful arguments, especially the team for the negative. I think they presented a very powerful case for why toeing the party line is a good idea. However, I think that they lost me because, to quote the leader of the negative team, 'conscience voting is about birth, death and sex in between'. There seemed to be an undercurrent in the team that voting on a conscience basis tends to remove people's emotional faculties. I think that is a terrible indictment on people who go to parliament and on conscience voting in any setting. I do not think there should be rules and regulations to stop people from doing that. The risk of people losing their rational faculties and not voting in a thoughtful, considered, appropriate or reasonable manner is a lot less than what the negative team would have us believe tonight. It is possibly to the team's detriment that they did not highlight that. I thought I would add that to the discussion tonight.

Mr WELFORD: The interesting point that comes out of your comments is not whether the votes of individual politicians are rational or irrational. Bill and Lawrence also drew out this question about what is the purpose of a conscience or free vote? Initially, my first impression was to say, 'Well, there are only two potential purposes.' One is to reflect self-reverently what you believe about an issue. That is the sort of Burke-Keynesian conscience, that is, 'What do I deeply believe about this issue?' Other people might form the view that the purpose of a conscience vote is, as Lawrence reflected, to respond to the electorate's view about how you should vote. Of course, Pauline Hanson's entire argument was, 'I am here representing you; that is why you should trust me.'

Indeed, many Independents claim that the higher moral ground they tread is based on the fact that in not being dictated by the party machine they are in a better position to reflect the interests or the views of their electorate. That raises two alternatives as well. What is in the interests of the electorate? What are the views of the electorate? They may not coincide. Lawrence very perceptively raised an even further option: that even if you have a view about what your electorate thinks and whether or not you agree with them, you have a view about what you think in your deep conscience you may adopt neither approach. You might say to yourself, 'Well, even though 60 per cent of the people in my electorate support euthanasia and I am inclined to support it, too, in my personal conscience I am not going to vote for it because there are enough people opposed to it for me to be concerned about it.'

The question is: what are the criteria for determining how you vote when you exercise a so-called free or conscience vote? There can be multiple criteria, obviously. I think one of the first things we need to sort out in determining whether conscience votes are a good thing or a bad thing—not whether we outlaw them or permit them but whether we encourage or discourage them, because that is what this debate is about—what purpose do we want conscience votes to serve? If we have a clear sense of the purpose of a conscience vote, we might have a better view about whether or not they are desirable.

QUESTIONER: I refer to the term 'conscience vote'; it is actually a pertinent point. If you take it that the duly elected representative represents their constituency, the reason for that is that in these grounds it is not because they have a firm opinion. They are reflecting the majority. That brings me to the second point: what actually governs what generates the majority? We have heard some comments about 60 to 70 per cent on euthanasia. We indicated that they are a majority of people. Unless you actually have a referendum on the item and then some mechanism for determining what the majority is, the question of whether a conscience vote should or should not be permitted is almost immaterial, because without a referendum you do not know the answer or what the majority of the electorate wants. It is almost a nub question as to whether or not you should have conscience votes.

Assoc. Prof. REYNOLDS: Does anyone want to have a go at responding?

Mr SPRINGBORG: There is another thing that politicians operate on, and that is gut feeling. Sometimes we get it right and sometimes we get it wrong. There have been a number of issues in my electorate, for example, going back to when One Nation exploded onto the scene in my electorate and my leader said to me, 'How many per cent do you think they will get in your electorate?' and I said, '30 per cent,' and they got 31 per cent. That might have been a best guess, but I think it was a bit more than that, because you can get a bit of an idea as you go around.

Rod, I think, would probably also reflect this point and also the other members of parliament here today: as you go around you have a fair view of whether you are on the nose or whether you are on a wave. I have seen that fairly well over the last five terms that I have been in parliament. It changes in an instant. Sometimes it is true; it is very difficult to say how you come to a percentage conclusion. You just have to work on a best guess sometimes. Mostly, that is borne out in what happens in the polls. Sometimes, but not all of the time, you can be wrong.

I suppose your argument would be: if that is the case, why are you not always in government? There are certain other vagaries that come in over and above that. On the issue of euthanasia, I can gauge that by the number of people who come up to me. It is not the most spoken about issue in the electorate. A matter that the Attorney-General will be attempting to address tomorrow by way of legislation with regards to personal injury and professional indemnity insurance is probably one of the most significant issues of the year, if not the last couple of years.

Certainly, with regards to euthanasia, I can gauge that by the number of people who speak to me about it and the views that they raise vis-a-vis those who put an opposing view. It might be different in other places. But you draw your conclusions based on what you feel as you move around. The other important thing about representative democracy is to not shut yourself away but to move around and try to feel what your electorate and what the electorate at large is basically telling you. I suppose that is how you arrive at a whole range of different policy positions which go in your platform that you take to parliament, but also the views which you feel predisposed to agitating for a conscience vote on a particular matter.

QUESTIONER: What percentage of your electorate who are eligible to vote have actually spoken to you about euthanasia?

Mr SPRINGBORG: It is very much like polling, that is, of the 27,000 people in my electorate who are eligible to vote and the 36,000 people at large, only a very small percentage. Very few people who come into your office actually talk about a particular issue. They talk about something that is personal to them, for example, a problem they are having with the local P&C or a problem they are having with their road or their leasehold land—whatever the case may be. All I can say is that you have to consider it in the context of averages, of what people basically talk about. It is a small percentage, but polls are basically a small percentage. It is only a sample of the community at large. You need to be very careful; sometimes you do not hear the full story. Sometimes it is very good to get an alternative view as well. I have found over the time that I have been in the parliament—the same time as the Attorney-General—that you generally hone your skills insofar as being able to gauge what people say and what they are feeling.

Mr Welford: It goes to the conservatives who did not want to abolish the Upper House.

Mr SPRINGBORG: Of course, the Attorney-General being a student of history would recognise and realise that it was not only the Labor Party that voted in favour of it; it was the then Country Party as well. So there you go. I am a modern manifestation of the Country Party.

For those two-thirds who might actually support it, their support of it is far more ambivalent than those people who would actually oppose it, and that is the sort of issue you have to consider about how it potentially divides the community at large. Whilst people might overwhelmingly support something, their support for it might not be as passionate as the support of the people who oppose it. I think that is very important. On a matter like that you need to know that you have almost unanimous support and that it is not going to create division.

Ms LAW: Bringing the debate back to what the purpose of a free vote is, Rod pointed out to us that there is a difference between what the views of the community are and what the best interest of the community is. As to my perception of what a politician and what a parliament should represent, it is not about just representing what the people think; it should also take an active role in leading what society should be, to aspire towards an ideal.

When it comes to sensitive social issues such as euthanasia that involve fundamental human rights, just because you have 51 per cent or 60 per cent of people in support of it does not necessarily mean that it is in the best interests of the community. When you come to issues like that, as Lawrence has pointed out, it might be an issue where you do need almost absolute support for it because of the potential for it to, firstly, divide the community and, secondly, undermine fundamental precepts that are outside of issues such as taxation but are more akin to issues that relate to the person per se. Whether you necessarily agree with euthanasia or not is really an issue that comes down to the person, in terms of whether you have a right to life or not.

When it comes down to a purposeful approach to whether conscience votes should be allowed on social issues, it should be considered wider than the importance of stable government, wider than the need to just represent the majority of people, whether you can gauge it or not through a poll in your community; it goes to the best interests of the community at large in terms of aspiring towards an ideal.

Assoc. Prof. REYNOLDS: Interestingly, I think the point that Gerard made about the difference between a conscience and a free vote is something that we could well ponder. I think it was a very good point and a novel one for many of us. But it has come down to euthanasia, which is the issue of the day. In the 1920s and 1930s it would have been capital punishment. In the 1990s it would have been gay law reform. Every issue has its day. It is now euthanasia.

I want to make two very quick points. One is that I am always fascinated by the absolute aura that Edmund Burke throws over throne and altar Tories like Jim Killen. It is just bizarre. This was a member of a parliament which had an electorate of perhaps 5,000 people throughout the entire British Isles at the time. Roman Catholics could not vote, Protestant Non-conformists could not vote, women could not vote, agricultural labourers could not vote, artisans could not vote and only persons with property recognised by the Crown could vote. Edmund Burke was talking to people like Edmund Burke and saying, 'I'm going to do what I like. Screw you.' That was the whole import of the address to the electors of Bristol. When Killen mouths on about all of this, just remember to contextualise it a little.

The second thing I would like to say is that we have been talking about conscience votes on the floor of parliament, and that, of course, was the whole import of this debate. But do remember, ladies and gentlemen, because they are too shy to tell you, that in their party rooms is where the consciences come out. That is when they hammer out the party line. Jack Egerton is dead. He is not dictating what the Labor Party here does from Trades Hall as he did for decades. They are doing it in their party room, where they are having knock-down, drag-out, blood-on-the-wall debates and then they come out and say, 'This is what the party line is.' The party line is what these guys say it is. If you want to deviate from that, do so at your peril; you have said it all in the party room. If you have not got the guts to stand up and say it face to face with your colleagues, what right have you got to stand up over there and say it and big-note yourself. That is another issue, but that is perhaps for another day.

Ms MALONE: Ladies and gentlemen of the affirmative team and the negative team, it is my very great pleasure to express the thanks of the Australasian Study of Parliament Group and everybody present for a wonderful evening's entertainment. I would like to thank you individually and collectively. Individually, I would like to thank each of you for enthusiastically and immediately accepting the invitation to speak tonight and to create the debate tonight. Our gratitude on that score is amplified when we consider the other calls on your time at present. For Sara Law and David Nelson, who are students, this is exam week; for Gerard Carney and Rae Wear, who are academics, this is the end of semester, with a huge workload; and for Lawrence Springborg and Rod Welford, this is budget eve. We are extremely grateful to you for that. Collectively, we appreciate that you have taken us on a wonderful journey through history across jurisdictions and countries and into the nub of a wide range of issues. Ladies and gentlemen, please join me in expressing our appreciation.

Assoc. Prof. REYNOLDS: Thank you, Noni. It goes without saying that we all endorse that.

The meeting adjourned.