Abuses of privilege cost MPs respect

By JOHN HYDE, MP

IT concerns most members of Parliament that MPs as a group are not held in very high regard.

Peter Shack, the Federal Member for the West Australian seat of Taneyouy, and recently appeared over talkback radio program to debate retrospective taxation. In Western Australia at the time the retrospective tax issue was supposed to be "pretty hot".

Certainly there had been some extraneous claims made about it by both sides. Yet, after we opened the retrospective tax issue, more than half of our enquirers preferred, in one way or another, to raise the ethics of politicians and in particular the abuse of parliamentary privilege.

Privilege is an immunity from the ordinary law of defamation that is ascribed by the Parliament or Westminster in order that its members might speak and act without fear of reprimand or hindrance.

Its only justification now is to enable the ordinary parliamentarian to protect the ordinary citizen against the might of government. It cannot be justified as a weapon that should be used in political games. It should not be a licence to slander.

In eight years I can recall no occasion on which I have felt it necessary to say anything in the Parliament that I was not prepared to say outside it. I believe most other members could make a similar claim.

Yet a few members safe in their cowards castle will heap calumny upon persons associated with public affairs in the hope that guilt by association will attach to the opposing political party.

It is bad enough that MPs should slander each other, but far worse that they should slander the lay public.

An MP is a volunteer in a blood sport; deplorable as that circumstance may be, at least he knows what he is letting himself in for. An MP is offered some protection, ineffective though it is, by the standing orders; an outsider, unless he is subject to a judicial process, has no such protection. An MP has the opportunity to rebut almost immediately claims made against him; obviously an outsider has no such opportunity.

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The threat of disclosure does much to keep Government, particularly the Government, honest. Privilege, along with a free press that helps to control the excess of Government. It is, however, a dangerous tool in the hands of the careless or the unscrupulous.

Any member who seeks the protection of privilege should ask himself these questions: First: Is it necessary for me to raise this matter in Parliament to achieve my purpose, or have I another means available to me such as a complaint to the police?

Second: Is it necessary to identify a "guilty" party? Third: Have I gone no further than is necessary to identify the wrong which needs to be righted?

I suggest that on very few occasions could these questions be answered satisfactorily.

Politicians depend on popularity. The ultimate political sanction is unpopularity. If the public understands the nature and purpose of privilege and condemns its misuse, then their condemnation will also be their protection.

MPs like other members of the community may earn regard by fair play, respect of other's rights and loyalty.

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The events following the Costigan Royal Commission have seen most flagrant abuse of parliamentary privilege.

Members of the Opposition have stood in the House of Representatives and in the Senate and sought to besmirch the characters of persons associated with the Government, who have not been charged with any offence.

It was tried by accusation alone in Parliament. The standing orders provide no ready opportunity for rebuttal and no one roses to defend the accused, although the Treasurer to his lasting credit kept pointing out when he had the opportunity, that there could be no presumption of wrongdoing.

No circumstances not already adequately described in the Costigan report was revealed, so the purpose cannot have been to bring a scandal to the public attention so that it might be remedied. And, in any case, merely to bring a wrong to public attention it would...