

FOREIGN AND DEFENCE POLICY

is our Parliament not to be trusted?

The development of parliamentary democracy exhibits a constant tension between the power of the parliament and that of the executive. Where once the monarch held all authority over the government of a state, gradually parliaments have wrested powers from them. One power that remains strongly invoked as an executive privilege is the power to make war, deploy troops and declare peace. Australia, in the absence of any clear constitutional statement to the contrary, has inherited this convention of executive privilege with regard to the declaration of war and deployment of troops.

There are lessons in the debates and controversies over the establishment of the Joint Committee on Foreign Affairs Defence and Trade in the Australian Parliament about the remnant strength of the idea of executive privilege and an inherent distrust of parliament and democracy in this country.

In 1951, the Menzies' government proposed to establish a committee that was broad in representation and that would 'give detailed study to the great problems of the day and pass on to the Parliament the expert knowledge which it will, in the course of time, acquire'. However, the new committee, the Joint Committee on Foreign Affairs and Defence, was to be secret in its operations and responsible to and report only to the minister not the parliament and it would have no powers to call for people or papers as part of its deliberations. The government was reluctant to give up its executive prerogatives as far as the consideration of foreign or defence policy was concerned. Parliamentarians were not to be trusted with such weighty matters as foreign policy. It took fifteen years before the restrictions on the committee's powers and operations began to be loosened.

Such restrictions still in large part apply to the Intelligence Committee today.

The argument over war powers today is an extension of that controversy: that the parliament has no place in the creation of foreign or defence policy; that it offers no value to the executive in either parliamentary input or scrutiny; that all wisdom resides in the experts within foreign and defence departments; that parliament cannot be trusted with and should not have access to the largely secret information with which these areas of policy deal.

In the light of the debacle that was the invasion of Iraq in 2003, perhaps the logic of 'this matter is too important for the consideration of parliament' should be reversed. These matters are too important to be left to the narrow consideration of the Prime Minister and Cabinet.



image: Parliament House Canberra, Stage88 (CC)

FOR FURTHER COMMENT:

AWPR President Paul Barratt: 0411 276 996

AWPR Secretary Sue Wareham: 02 6253 1117

E: info@iraqwarinquiry.org.au

WEB: iraqwarinquiry.org.au

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