

PART A

Upon its election into office, the Kennett Government foresaw hardship and sacrifice in order to “get the state back on its feet.” Three years later, although Victoria’s economy is undoubtedly blooming, many voters are questioning the worth of the Government’s perceived erosion of civil rights in the name of progress. Sparked in 1995, the volatile issue of civil rights versus fiscal growth has been fuelled largely by in-depth political analyses and passionate letters which, due to paper demographics, have usually appeared in *The Age*.

One such letter from Ian Grubb¹ uses passionate, aggressive language in a short yet explosive article. In describing the negative social changes the Kennett Government has made, Grubb bombards his audience with barbaric verbs such as “slashing” and “disembowelling”, implying that the Government not only made these changes maliciously, but that they were callously “engineered”.

With his repeated attacks on many of the developments Kennett has undertaken, Grubb aims to discredit both the Government and its supporters. By claiming that the Crown Casino is dedicated solely to “Mammon” for example, Grubb implies that Kennett not only endorses the ‘playboy’ lifestyle and is an “ally” of those who lead it, but the two are waging a war against the State’s helpless constituents. Grubb also refers to the City Link project as the “Missing Link”, creating images in the audience’s mind of a Neandertholic beast that will “dramatically alter” our “elegant city”. In addition, the melodramatic labelling of the re-routing of some roads as “the ultimate abuse of political power” is an attempt to portray a government that has “overstepped the mark”, reducing its people to nothing but sheep that are “herded into tunnels” and who are at the mercy of their “master’s masters.”

Grubb’s pitch to Labour’s supporters, however, is perhaps his most powerful. Passionately referring to the Whitlam dismissal of 1975 and using slogans of the time, Grubb implores his Labour readers to “not contain your rage... It’s time, again.” With this plea, Grubb taps into the outrage felt by many after the Whitlam dismissal and directs it towards Mr Kennett, asking Labour followers to “vociferously resist” as they did 20 years beforehand, instead of simply “whimpering.”

While the extreme language which typifies Grubb’s tone can be found, to a lesser degree, in Richter QC’s letter “Disquiet on rights a source for alarm”², Richter approaches the issue with a more articulate, logical tone—relying upon facts, figures, and his position of authority to gain credence among his readers.

Richter's main concern, also in contrast to Grubb's, is that Kennett is merely "tinkering" with the Constitution, a word chosen to give the impression that Kennett and his government are not qualified to make the amendments. Vital to his case is Richter's discrediting of the Government's "barren, statistical" and "arid" defence concerning allegations of an "assault" on civil rights, using the desert to metaphorically represent the defence's infertility. With these belittling words, and others such as "disingenuous" and "useless", Richter hopes to discredit both the Government and its arguments.

After rebutting the Government's case, Richter attempts to strengthen his own for a review of the amendment process. By describing how Kennett can abolish "substantive rights" and make a "regal" offer of compensation with a "simple Act of Parliament" and then contrasting the process with other states where a referendum is required, Richter encourages the audience to question why one man should hold so much power, and stirs the readers in response to a humiliating offer of compensation.

Richter's conclusion is very similar to Grubb's, claiming that the diminishing of rights is a "source for alarm" and he calls on "all who are concerned" to make it "loud and clear" that they will not tolerate "tyranny". This dramatic call to arms fosters a sense of rebellion among his audience which, unlike Grubb's conclusion, is not confined to a partisan Labour readership.

In stark contrast to both Richter and Grubb's overt opinions, Kendall Hill's article "Our Crumbling Constitution"³ employs a perceived impartiality as a screen behind which the writer subtly persuades his audience. Hill achieves this by weighting the attention given to each side of the debate, and 'reporting' on other people who support his beliefs. Although Hill uses fervent language which is similar to both Grubb and Richter's (such as "disturbing", "illness" and "galloping out of control") in order to raise concern among his audience, these phrases are quoted from other 'experts', thereby strengthening his own case without openly expressing his opinion.

The initial power of Hill's article lies in the depiction of a crumbling column (labelled 'Victoria'), and the headline, which give no doubt as to Hill's contention. For the remainder of the article, however, Hill's 'objectivity' is used to increase the reader's confidence in his opinion. Hill even goes to the length of using the word "apparently" in stating his contention in order to retain his perceived objectivity.

In various sections of Hill's article it is apparent that, with the use of a few words, he is attempting to persuade his audience without their knowledge. With his emphasis on the Constitution's importance in his opening (labelling it a "blueprint" for democracy) and description of how its "democratic foundations" are "eroding," Hill intends to spark concern

among his audience. In another situation Hill uses quotation marks in order to mock Ms Wade's claim that any amendments to the Constitution have "been done in 'the public interest.'" Not only do the quotations around Ms Wade's comments serve to show a direct quote, they also illustrate Hill's disbelief of her claim.

Unsurprisingly, the articles and letters printed in the news media regarding Kennett's alleged reduction of rights have often been confused with those discussing the other social costs of economic reform. While the erosion of rights is only a facet of this debate, many believe it is the most important as it's outcome will have a great impact upon Victoria's deomocratic structure.

PART B

For centuries, Federal and State Constitutions have been the fundamental source of pride for many countries throughout the 'Western World'. These symbols of freedom outline the doctrines upon which democracy is founded and ensures its continued existence. One hundred and forty years ago, Victoria's own democratic doctrine created the Supreme Court as a non-political, independent branch of government which was equal in status with the legislative and executive arms. One of the many functions of this Court was to act as an avenue for citizens to question the legality of Government actions— in other words, a safeguard against any government 'going too far'.

The current Liberal Government; spear-headed by Mr Kennett, is obviously under the impression that it will never go to excess. In fact Mr Kennett has repeatedly, overtly and arrogantly flouted the principles entrenched in the State Constitution. Since he came into office in 1992, eleven Supreme Court judges have been sacked, the jurisdiction of the Supreme Court to hear complaints against government decisions has been restricted in over 130 amendments to the Victorian Constitution, and officers whose purpose it was to 'check' on the government have either been sacked or not reappointed. This has all been the work of a leader who has said that personal rights should not interfere with government policy, and whose Attorney-General, Jan Wade, suffers from the delusion that not only are these actions "in the public interest"⁴ and that they "improve access to justice,"⁵ but that the Government has been exercising "restraint"⁶ in regard to the frequency of Constitutional amendments!

While many observers appreciate the transparency of Ms Wade's remarks and realise that these actions have been aimed mainly at independent authorities (such as judges) who have expressed 'inconvenient' views or ideas, a majority of Victorians fail to recognise the danger in the Government's insistence on partisan loyalty amongst those who are under a Constitutional obligation to remain impartial. Furthermore, the blatant disregard for the principle that these officials should not be subjected to such heavy-handed blackmail, may ultimately lead to downfall of state democracy. Or maybe it already has.

The Macquarie Dictionary defines democracy as a government in which "the supreme power is vested in the people... under a free electoral system." A free electoral system we may have, but our 'supreme power' ends the instant we have left the polling booth, for Mr Kennett has, and continually exercises, the power to change the single document which was conceived to protect our most basic rights.

Therefore, under this definition, Victoria is no longer a democracy.

4 Hill K "Our Crumbling Constitution" The Age 14/11/95

In defence of her government, Ms Wade claims that the reason for many of these amendments has been to prevent minor cases (such as those appearing before the Small Claims Tribunal) finding themselves in the Supreme Court, at a “considerable cost” to the Government.⁷ However Ms Wade has failed to recognise two vital points. Firstly, in order to retain societal structure, democracy should be preserved at any cost; and secondly, Ms Wade has only accounted for a small percentage of amendments to the Constitution. The vast majority of changes made affect Victorians’ rights to appeal against Government decisions, not other courts, and it is these amendments which are currently causing concern.

It appears, however, that the Government is not concerned with the fact that it is attracting criticism for its violation of civil rights, and this is understandable. The reason for the Government’s apathy lies in the fact that most Victorians don’t even know that their state *has* a Constitution, and therefore they will not protest against any further amendments.

The only time any of the Government’s actions are brought to the public’s attention are in well-publicised situations such as the Grand Prix Act. This Act caused much speculation when it restricted the rights of Albert Park citizens to seek compensation in the Supreme Court, for damage caused to their homes as a result of compaction work (carried out during the construction of the Grand Prix circuit). Regrettably, the majority of voters are under the impression that this was an isolated case and they do not realise that it is an occurrence which takes place weekly, affecting almost every facet of their lives.

Unfortunately, there is only one solution to this problem— a solution which will not sit well with the Government’s paternalistic delusions. Ironically it will require one more amendment to the Constitution which prevents any others being made without a referendum. It will not be a bold move, for all the other mainland states have had this clause in their Constitution for many decades, but it will ensure that the only opportunity to resurrect Victoria’s democracy will not be lost to the obstinance and lust for power of one of it’s short-term leaders.

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