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Robinson,G 2014, Pink batts and union inquiries revive a tradition of political retribution, *The Conversation*, pp. 1-1.

**Available from Deakin Research Online**

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# THE CONVERSATION

20 May 2014, 6.19am AEST

## Pink batts and union inquiries revive a tradition of political retribution

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The Abbott government's use of royal commissions for political retribution has revived an older tradition around the politics of scandal. AAP/Dan Peled

It would be a fair observation that the Abbott government hopes that the result of the two royal commissions it has established since taking office will be damaging to the Labor Party. The royal commissions into trade union governance and into the Rudd government's home insulation scheme, which both held high-profile public hearings last week, aim to establish the basis for a "non-political" condemnation of the government's opponents.

This is an approach that the minority political left has often employed. Mobilisations against asylum seeker detention have evoked the image of the innocent child without agency. Now the right is using similar rhetoric: the royal commission into the home insulation scheme evokes the image of the program's victims.

But this supposedly "non-political" political approach by the Abbott government has revived an older tradition around the politics of scandal.

### Labor in the inter-war years

Labor was haunted by the politics of scandal between the two world wars, which would provide rich inspiration for later novelists such as Frank Hardy and Vance Palmer.

Then, Labor was the party of economic and cultural outsiders. Alliances could be formed between Labor and entrepreneurs, like John Wren, in the unrespectable industries such as liquor and gambling. Some Labor local governments developed an unenviable reputation. In New South Wales in the 1920s and 1930s, claims of Labor corruption in council tendering and the allocation of greyhound racing licences led conservative state governments to establish royal commissions.

In the eyes of many voters, these scandals merged with reports of ballot rigging in union and internal Labor Party elections. Together with fears of Catholicism and communism this helped to create a particular image of Labor.

However, in a polarised political system, voters largely interpreted these scandals through the prism of their existing party allegiances. A royal commission in 1933 revealed the greyhound racing licences scandal of Jack Lang's 1930-32 NSW Labor government in detail, but it was not until later in the 1930s that Lang's labour movement opponents took up allegations of corruption as a weapon against him.

The most legendary case of inter-war Labor corruption was the Mungana affair. In 1929, Queensland elected a conservative government (the Country and Progressive National Party) after 14 years in opposition. The conservative government established a royal commission into the purchase of a copper mine in the north Queensland town of Mungana by its Labor predecessor at a time when Ted Theodore was premier.

The royal commission was clearly intended to undermine the federal Labor government led by James Scullin in which Theodore was treasurer. Theodore denounced the royal commission as a political stunt and refused to give evidence before it. In 1930, the royal commission reported that Theodore had held shares in the Mungana mine at the time of its purchase and had thus acted corruptly.

Theodore resigned as treasurer. Although he returned to the post, in the eyes of the public the scandal helped discredit his argument for an unorthodox economic response to the Great Depression. It added to the fear and distrust that his ambition and capacity generated within Labor. The Scullin government unravelled and Theodore's political ambitions were never truly realised.



Ted Theodore was forced to resign as treasurer due to adverse findings of a royal commission. Australian Government

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## Since World War Two

Two decades later, it was communism – not corruption – that led to another devastating royal commission.

In 1954, Robert Menzies' conservative federal government established a royal commission into the defection of Soviet diplomat Vladimir Petrov. Sensational claims were made in evidence before the royal commission of contacts between staff members of opposition leader H. V. Evatt and Soviet officials. Evatt appeared before the commission to vehemently defend his staff.



Malcolm Fraser declined to pursue the Whitlam government's affairs through a royal commission. AAP/Tim Dornin

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The royal commission contributed to the 1955 split in the Labor Party, which kept it in opposition at a federal level until the Whitlam government won office in 1972.

The subsequent decades saw a decline in the politics of scandal directed against Labor. The Whitlam government's loans affair generated calls by some conservative activists for Gough Whitlam and his colleagues to be charged with criminal conspiracy. They argued that Whitlam had acted illegally and in defiance of the Constitution.

However, Malcolm Fraser believed that voters had made their judgement on Labor at the ballot box. His government was not interested in providing support to a legal campaign against Whitlam.

## The Abbott government's royal commissions

The Abbott government has revived an older style of judicial politics directed against Labor. In part, this is a response to the rise of what political theorist John Keane has called "monitory democracy". Keane argues that with the decline of political parties, non-government organisations and bodies such as Human Rights Commissions are becoming the vehicles of democracy.

The right has often condemned monitory democracy as a challenge to the legitimacy of parliament. And yet now it has sought to construct its own conservative version with its pair of royal commissions.

The focus of the home insulation royal commission on Kevin Rudd is also significant. For a time, Labor seemed particularly skilled at non-political politics. State premiers like Steve Bracks and Peter Beattie championed a consensual “ordinary populism”. Rudd continued this formula. But the conservative campaign against Rudd on the basis of the home insulation scheme challenged his appeal on apparently “non-political” grounds.

The campaign revived themes that were employed against the once remarkably popular Labor politician Carmen Lawrence. Lawrence was accused of having contributed as WA premier to the suicide of Penny Easton by allegedly supporting, in cabinet, the tabling of a petition in state parliament relating to a family law case against Easton’s former husband Brian, which involved then-opposition leader Richard Court.

A royal commission, established by the Court government after it took office, reported in 1995 that Lawrence had misled the parliament concerning her knowledge of the petition. Lawrence was charged with perjury but was acquitted in 1999.

The revival of royal commissions as political tools is a sign that in an age of cynicism about the political process, political actors of both left and right will seek non-political weapons to inflict political retribution on the other side.