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Transcript of an interview with

Robert Ian Viner
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Hon. (Robert) Ian Viner, OA, KC State Library of Western Australia

Introduction

(Robert) Ian Viner, OA, KC, is the former Liberal member for the House of Representatives' seat of Stirling, 1972 until 1983. He served as Minister for Aboriginal Affairs, Minister for Employment and Youth Affairs, Minister for Industrial Relations and Minister for Defence Support, and as Leader of the House from 1979 to 1980.

Born in Bunbury in 1933, Mr Viner left school aged 15 to help support his widowed mother. His introduction to politics came during the 1949 federal election, when he was working at the Union Bank of Australia and became inspired by Robert Menzies. With a nascent interest in politics and the law, Mr Viner, gained a place at UWA, where he graduated with a Bachelor of Laws (Honours). He was drawn to the adversarial nature of the bar and the idea of working independently. Following his career in federal politics, he returned to the bar in 1984 and was appointed silk. There is an extensive oral history available in the Battye Library that focuses on his parliamentary career.

In these interviews, Mr Viner discusses his approach to political campaigning, where he broke new ground for politicians in Australia, working initially on behalf of Fred Chaney Senior and then as a candidate himself. He recalls his surprise promotion to the Aboriginal Affairs portfolio in Malcolm Fraser's government. As minister, he introduced landmark laws under which the first freehold land titles were issued to Aboriginal people. This was the Aboriginal Land Rights (Northern Territory) Act of 1976, which would go on to support and inform the Native Title Act of 1993.

Mr Viner talks extensively about his experiences of meeting and working with Aboriginal groups, and his interest in Aboriginal people has continued throughout his life. He served on the National Native Title Tribunal and was deputy chair of the Council for Aboriginal Reconciliation from 1995 to 1997. He also speaks about the Voice Referendum and his own suggested constitutional amendment. The walls of Mr Viner's home in Peppermint Grove are adorned with Indigenous art collected over many years by him and his wife, Ngaire.

Defeated politically at the 1983 federal election, Mr Viner again focused on his legal work and became active in business, notably with the Parry Corporation and in mining ventures, which he discusses in the interviews. Mr Viner was appointed silk in 1984 and is a past president of both the Western Australian Bar Association and the Australian Bar Association. He remained at the bar until illness forced his retirement in 2022. Mr Viner also served as president of the Liberal Party in the late 1980s.

Throughout a very active working life, Mr Viner played hockey continuously for 50 years and was captain of the first Australian World Masters hockey team. He speaks with pride of his wife, Ngaire, and their seven children, their grandchildren, and now, great-grandchildren. He speaks candidly with great sorrow about the loss of his daughter, Annabel, during the Coronavirus (COVID-19) lockdowns in Melbourne. Mr Viner himself suffered from the virus twice and was hospitalised for nearly six months, leading to kidney failure which forced his retirement at age 89.

Ian Viner was appointed an Officer of the Order of Australia 1999 for his outstanding career service.

This is an interview with the Honourable Robert Ian Viner, OA, KC, who was the MHR for Stirling —

Viner: Now KC.

AY: KC, of course!

Viner: We've changed [chuckles]! The Queen is dead. Long live the King.

AY: KC; and who was MHR for Stirling between 1972 and 1983. This oral history is for the State Library of Western Australia and we're meeting at his home in Peppermint Grove. Today is Wednesday 19 July 2023, and I'm Anne Yardley.

Now, there's been an oral history of SEVERAL interviews with you much earlier in your career, those are available in the State Library, so we're following on from that in a lot of ways. We'll be talking post-Parliament with you, but before we do: you've donated many of your campaign materials to the State Library. Could we start by talking about those?

Viner: Yes, indeed. My campaigning for myself started in 1969, which was my first campaign for Stirling, but my actual campaigning, if I go RIGHT back to the beginning, was when I was the ripe old age of 16 in 1949. I was in the Union Bank of Australia, which is a very old bank in Bunbury, where I started work at the age of 15, just 15, 15 and one week, I think. Of course, 1949 was the great election when Menzies won, and it was the election in which bank nationalisation was the big issue, and being in the bank, of course, I wasn't the centre of it but knew about it, even though I was only 15. I remember a bank officer coming down to Bunbury, Alan Joseph, campaigning against bank nationalisation and, obviously, for Menzies; and the particular thing I remember is going down to the Bunbury wharf with him where he addressed the lumpers on the Bunbury wharf.

That was really my first introduction to politics and first introduction to campaigning. I can remember as a boy listening to Menzies with his fireside chats on radio, sitting in the lounge chair in our lounge room in Bunbury and listening to that "Menzies" voice. So, my memory goes back that far. As a family, they weren't out there campaigning for any particular party, but there was some political talk, obviously, within the family. My father died in 1945 just around my twelfth birthday. I can remember, my mother was really a Liberal supporter, that is a Menzies supporter. I don't know why in terms of background, but I remember that as the family background, which, in reflection, seemed to me very interesting because my father was a clerk in the engineer's office of the railways. It wasn't as if he had a Liberal background; you would have thought more, say, a Labor background. But, at any rate, my first campaigning was in 1949 as a 15-year-old bank officer in Bunbury. It clearly stirred my political interests because I kept an interest in politics without being involved in the party.

AY: When it came time for you to start campaigning on your own behalf, for you, did you take lessons from that early experience?

05:00 **Viner:** Well, I also — moving fast forward — I finished up going to university after I did national service training (some of that is in my earlier interview) and at university, I thrust myself into university politics and heavily into the Liberal Party. I was the vice-president of the University Liberal Club. I can't really remember doing much campaigning on the campaign trail for any particular seat, but when I finished university, I joined the West Perth branch of the Liberal Party. Rather than staying in the Young Libs [Liberals], I moved straight to the "old Libs", as it were [chuckles], at the invitation of Ian Medcalf, who later became a state attorney-general, and began campaigning very actively at every state and federal election; state elections for a candidate Ray Nowland for West Perth, I think (three times he tried to win that; got within 98 votes once). And then for Fred Chaney Senior for the seat of

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Perth. That's where I became active in campaigning on polling day, handing out "how to vote" cards; very active; then in Fred Senior's last election, campaigning on the back of a truck going around the Perth electorate and down into Northbridge. In particular, those parts, that's where I got my back-of-a-truck campaigning, although I didn't do any speaking myself, that was Fred Senior. I was running around putting pamphlets in letter boxes or knocking on doors and telling people we were there. All of that campaigning involved a lot of just "foot-slogging" up and down streets and putting up signs, putting pamphlets in letter boxes, knocking on doors, very basic campaigning.

AY: Doorknocking might be called basic but it's something that continues today. What kind of response can you recall you getting from people as you doorknocked? Were they mostly pleased to see you?

Viner: Mostly people were pleasant and friendly. A few times, you'd get a "no, not interested" kind of thing, but mostly people were polite and friendly and would be prepared to listen to you. I learnt some pretty fundamental things in that campaigning, and that is that whenever you knocked on a door, you had to be positive and say, "I would like you to vote for ME." In other words, you don't just go in there in a "NON" situation; you ask people to vote FOR you, positively. The second thing that I learnt was that you had to go with something in your hand, in other words, politically, you had to be able to say, "This is what the Liberal Party is going to do for you." In Menzies' days: "This is what Menzies will do for you. This is what our policy is on housing. We are going to do this for you." For example, there was, at one stage, there were tax deductions for your housing interest, I think it was, rather than the housing repayments, and so that was a positive policy statement on offer. You went to the door and stated it.

10:00

One of the other things you learnt from doorknocking was that—I'm not sure whether it was most people, but MANY people's interests was in the footpath, for example, rather than high-powered federal politics. "When are you going to fix my footpath? Look, I've been onto the local council for years and they haven't done it. Will you fix it up for me?" [Chuckles.] And so, there was always that interesting clash between the very basic local interest and trying to sell yourself at a federal level. So that's where I cut my teeth, election after election after election.

One of my final experiences and memories with campaigning for Fred Chaney Senior. He lived in Mount Lawley at the time, and on the Sunday after the election he'd won, I was over at his place, and he had a lemon tree in the back yard — it's interesting how these memories stay with you — and Paul Hasluck was there; he was the member for Curtin at the time. It's an old saying, but it was one that Hasluck said to Fred Chaney Senior that morning: "Look Fred, your next election starts tomorrow!" That's an ABSOLUTE truism of politics: HOLDING your seat. You don't sit back and say, *Well, I've won and that's fine*. It really does start on the Monday after the election. So, I carried all of those experiences to me when I got the endorsement for Stirling for the 1969 election. But I was also naturally very active, and some of the things that I did then, I care to think, and I think that's right, were groundbreaking.

AY: Such as?

Viner: Well, some of them, again, no doubt, had been done many times before and afterwards; you're standing at bus stops and meeting people. There weren't train stations going north at that time. But, for example, a very good friend of ours, and she was very well known in the media on TV at the time, Santina Stransky, with her cooking lessons on TV; and, as I say, Santina happened to be a very good friend of ours, being next-door neighbours. She did recipes for me, and so I'd be standing at the bus stop handing out Santina's recipes and, "Vote for me, Ian Viner in Stirling" [chuckles], which was a novelty but was pretty effective, because people responded very positively to it.

15:00

The other thing I started doing in '69 and carried through to later elections, was [that] a supporter of the party in Osborne Park sold caravans, so he gave me a caravan; and I had made big boards, wooden boards, "Viner for Stirling", which I would hang on the sides of the caravan. Every morning I'd be up at six o'clock, before the '69 election, towing it out to a position, for example, on Wanneroo Road. Park it on the road so the stream of traffic coming into the city in the morning would see the caravan. Or I'd park it in, say, Karrinyup Road, and likewise, so, with these boards on each side, they couldn't not see a "Viner for Stirling". Then on the Saturday mornings I'd take it into different shopping centres, Innaloo shopping centre, for example, which was much smaller than it is now, and I'd park the caravan there with all the signs around it and, then I'd, in those days, as the candidate, I could walk all around the shopping centre shaking hands with people, handing out a pamphlet or being in the caravan, and people would come over and talk to me there and make enquiries. So, I'd take that caravan to shopping centres all around the electorate.

AY: Over the years, how have you seen election campaigning change, so, over your years, and then compare it with what you see now?

Viner: Well, of course, the big change is television. Television had come in by the time of my last election, 1983, but before that was all the hard work was on the ground. So, I was very lucky, well lucky, but worked very hard to organise the Young Libs; they were tremendous supporters, and also the "old Libs". We had a Stirling divisional office in Scarborough Beach Road, an old rundown house that we'd bought and had that as our headquarters, you know, repaired it and did it up. But that was our base, so from there, through the branches, we had teams of workers so they would put up posters, up and down every main street they could find before our Labor opponents got control politically at the City of Stirling, and they passed regulations that prohibited us doing that. Of course, what it was, candidates came out of the Labor members of the City of Stirling, and they weren't able to compete. It's fair to say, they weren't able to compete with what we were doing and so they banned posters being put up on the street. But we were past masters at that. Even though you'd do the rounds next morning of all the posters we'd put up because somebody would come along and either knock them down or obliterate half of them, we would put them up immediately. So, there was a constant game, if you like, battling your opponents and making sure that we were the ones the public saw.

Letterbox-dropping, of course, is fundamental. We had teams who were constantly letterbox-dropping, and doorknocking, teams doorknocking, and also, we did the back-of-the-truck campaigning, which was both a lot of fun, but you actually made a lot of progress there, particularly in areas like Balga and Nollamara, which were Labor areas, except for 1975 when we nearly got 50/50 in some of those booths. But you would get people come out and listen to you who otherwise would not be interested, as well as the occasions when we had the eggs thrown at us, and I smile these days that you get headlines in the paper, "Oh, eggs thrown at so and so!" We used to have plenty of eggs thrown at us; it was par for the course. You reckoned that you'd made progress if you'd made someone throw a few eggs at you!

AY: Don't wear your best clothes! [Both laugh.]

20:00

Viner: That's right, that's right. But we had a technique. For example, we'd go out and we'd have a team of Young Liberals, young men and young women, [and] they would jump off the truck, they would go down the streets, knock on the doors: "Ian Viner's going to be speaking on the street corner in a couple of minutes: come out and listen to him!" So, you had that dual impact of the door knocking, people knowing you were out campaigning and me speaking on the back of the truck.

The big, not big change, but the big emphasis on the value of ground-level campaigning was after I went to the United States in 1974. When I won in 1972, the United States Consul

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came to me very, very quickly and said to me, "Ian", or Mr Viner it was, "Mr Viner, I'd like to offer you a grant to go to the United States." I said, "Okay." But I wasn't able to until after the 1974 election. The 1974 election was the one where I won by 13 votes, so I went off to the United States for a month with Mrs Viner, and our last call was in San Diego. It was actually to the office of a Democrat member of the House of Representatives. I was just amazed at the support that they had in terms of staff and finances, granted by Congress, to print pamphlets and messages to your electorate, and so on. They introduced me to their campaign methods in terms of billboards, posters — yes, I was going to tell the story — we thought it was the most famous one of the lot — we found all around Perth, you know the big cement trucks who have the revolving hopper, all around Perth my stickers, "Viner for Stirling", appeared on the revolving hoppers on these cement trucks [chuckles].

All of that just demonstrated, learning it from the early days, culminating in the high point in 1975, and which carried on into 1977, was the value of projecting yourself out into the community and people SEEING you personally, which they were able to do. I mean, I doorknocked myself, I doorknocked up until dusk, seven o'clock on the Friday night before the election. Saying that, I can remember one occasion, [when] I was doorknocking till about seven o'clock. It was just about dusk, in the last street in Girrawheen before the next electorate, and I came upon two ladies standing at the dividing fence and talking. I introduced myself and they said, "Oh Mr Viner, we've just been talking about you. We've just been wondering whether to vote for you or for Mr Reece," who was my opponent at the time. [Chuckles.] I chatted to them, and they said, "Oh, we think we might vote for you now Mr Viner." It was just an example that, right up until the last minute, you will win your votes. And you carry that on until polling day.

25:00 If I can put it this way, we were past masters, and were never outdone on polling day with the number of people who manned the booth, the way we presented ourselves to the voters, again on the principle that you hand out a how to vote card and say, "Here's the 'how to vote' card for Mr Viner, please vote for him." You don't just stand there as an inanimate object, which is what we found our opponents were often doing. You present yourself all the time to the people, to vote for you. And that was our campaign-method from pre-polling day to polling day itself. I think the only time we were outdone was in 1983, when not only the Labor Party were there, but the Democrats came in there with the Tasmanian wilderness campaign that swamped the electorate with their posters, which had a tremendous impact. It was the first of the, if you like, climate elections, and of course it defeated me along with the outgoing tide when Bob Hawke came in. The combination of Bob Hawke plus the Tasmanian wilderness impact was too great for me to hold the election.

AY: What was that feeling like, you've been in parliament for more than 10 years and to lose your seat? Were you ready to leave parliament or was it a bitter blow? How did it feel?

Viner: No, I wasn't ready to leave, I mean, I felt as though I had a long career ahead of me, being a cabinet minister there and politics, you used to say then, was in your blood. So, I wasn't ready to lose, but having said that, in the lead up to the election, we knew that we were coming from behind: the impact of Hawke, we'd had the recession, we went through the recession in 1982, the second half of 1982, we hadn't recovered from it in 1983. There was a very bad drought in the eastern states in 82, 83, and Australia had not come out of recession by the time of the election. Then Bob Hawke comes on the scene, being Bob Hawke, and swept everything before him with that tide. So, I wasn't ready to go, although we knew we had a real battle on our hands.

AY: Did you consider contesting again in future in the following election?

30:00 **Viner:** Oh yes, but that's a story in itself, because I suddenly found, after I'd lost my seat that there'd been forces within the Liberal Party working against me in my own electorate. The

president of the Stirling Division, a fellow, Greg Hancock, very quickly announced he was going to stand for endorsement for the next election, so cut my political feet from under me immediately. I didn't have the prospect then of re-endorsement. But I had also, and I think I related this in my earlier interview, there was a very heavy feeling against Western Australian Liberal members over the "bottom of the harbour" tax affair and the retrospective—quote—tax, as they saw it, being imposed to recover tax that had been lost at the bottom of the harbour¹. A lot of Liberals were antagonistic against members like me, even though what they were really demanding was that I give up being a minister and cross the floor against my own party in government. That didn't seem to wash with people, so I found myself with my political feet cut from underneath me very quickly.

AY: You weren't idle though, were you? You made decisions to move on. What did you move on to?

Viner: I went back to the bar as a barrister. I'd kept my practising certificate whilst I was in parliament, and I went, as I say, I went back to the bar pretty quickly.

AY: You also went to study at Harvard Law School?

Viner: That was some years later. That was some years later in the sequence of events, when I became a part time member of the National Native Title Tribunal.

AY: So, going back to that immediate post-politics era, and you've gone back to the bar, what kind of work were you doing?

Viner: Well, I was lucky because, as a barrister, you sit at your desk and wait for somebody to give you a brief. The classic position in THOSE days, perhaps not so much these days, was that a barrister didn't go out and tout for business, that was the word that was used. You didn't tout for business, you literally had to wait for the solicitor to put the brief on your desk. I remember one of my colleagues at university, Pat Kirby, was in the Commonwealth Crown Law Department here in Perth; and he delivered a very interesting brief to me. It was a tax brief. It involved one of the finders, discoverers, of what is now the BHP iron ore deposits, and the tax man was after him [chuckles]. So, I was given this brief to — when I say, prosecute, that is, to claim tax for earnings that he had from his discovery of the iron ore fields in the Pilbara.

Then I had another very interesting brief, because it involved Brian Burke, who was the member for Balga; and through the Labor Party-control of the City of Stirling, they were wanting to give a permit to somebody to do a particular development along Wanneroo Road, and I was given the brief to oppose it on the ground it was invalid. I succeeded. The first one, as I say, was a former colleague at the university, and the other one was a solicitor that I had briefs from before I went to parliament, and he came to me again. So, I was in that position of waiting for my solicitor who'd previously briefed me to brief me again, but it was a slow progress, because people had forgotten you as a barrister, and people who had been

¹ In the 1970s, a complicated method of avoiding company tax became popular. It involved either stripping a company of its assets before tax became payable, or using another company as the entity, which then became liable for tax, but ensuring that it never had sufficient assets to pay the money owed. These schemes were labelled "bottom of the harbour" schemes ... the legality of these activities was unclear, that is, it was not clear whether these schemes constituted tax avoidance or minimisation (legal) or tax evasion (illegal).

<http://users.cecs.anu.edu.au/~James.Popple/publications/articles/retroactive/7.shtml>

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younger than you and behind you at the bar, of course, were in front of you now, and they were getting the briefs and they were well known. So, it was a slow process.

Later on, because part of the sequence was, I had left the bar and went into business and came back to the bar, but again, when I came back to the bar, I found the same thing had happened to me.

AY: You'd lost your place in the queue.

35:00 **Viner:** I'd lost my place. And although I had taken silk, that's a little story in itself, the late Peter Durack, who became attorney-general under Fraser and I were close colleagues, we were both barristers and we were in parliament. In the English system, a barrister going into parliament could still practice and take silk, become a queen's counsel or king's counsel, so we bravely said, "Well why not us?" We went to the then Chief Justice Sir Lawrence Jackson and made applications for appointment as queen's counsel while we were in parliament. But we got very polite letters back saying, "No, no, you're not fully or freely available to the profession, but I am sure there will be circumstances later where, if you apply, you will be appointed."

AY: Do you feel you COULD actually have done justice to both?

Viner: Yes, and I'll tell you the story about that. The end result of that was that I did become silk. When I went back to the bar, I applied quite quickly, and I was given silk. Sir Francis Burt had become Chief Justice, and he had been my principal when I was an articled clerk. When I went into parliament, I'm not sure if I related this in my earlier interview, but when I went into parliament, I still kept briefs and I went to see Billy Sneddon, who was then leader of the opposition, because I'd been brought up with that knowledge that in England, barristers in parliament still practised, and I was also familiar with the fact that Robert Menzies, when he was attorney-general when parliament was not sitting, went back and practised at the Bar. And also, Sir Isaac Isaacs, who became a high court judge and practised when he was Attorney General of the Commonwealth.

So, I was imbued with this history of the bar and parliament. I went to Billy Sneddon and said, "Look Billy," I was familiar with him enough to call him that, "I'd like to continue to practise, is that alright with you?" And he said, "YES, Ian, I did the SAME thing", he said, "I went to Menzies and asked Menzies", because Sneddon became a QC in the Victorian Bar, and Menzies said, "YES, certainly go ahead." So, I continued to accept briefs right throughout '72 to '75. I can remember right up to the '75 election day, I was having to sign off my last piece of advice. But it didn't impede me at all. I also remember Nigel Bowen, who was attorney-general under McMahon, and he became chief justice of the first Federal Court, and I remember talking to him when we were in opposition about the fact that he was getting briefs and providing opinions. But these days, no, I don't think, because the whole public attitude towards being a member of parliament has changed, and you get the media, and you get your political opponents, and others. How can you do justice to being a member of parliament and practise? But the fact of the matter is that I did them and did them very ably and capably.

40:00 AY: But perhaps times have changed, and it wouldn't now be possible for a parliamentarian to do both?

Viner: Yes, I think in physical, practical terms, yes. If you're prepared to put in the time and effort and the work, yes, you can, but it wouldn't receive public acceptance these days. That's the difference in what's happened.

AY: You didn't leave politics behind because you were president of the Liberal Party in the late 1980s, so you certainly kept your hand in there. Why was it important to you?

Viner: Well, I was still imbued with politics and the Liberal Party, and the whole essence of what you believe was the right way and the way Australia should be governed, all that politics is. There was still not a lingering, but an aspiration to get back into parliament. I did in fact stand for endorsement for the Senate, but a particular a group within the party, they were intent on keeping me out. You had factionalism starting to develop within the Liberal Party at that time, and your [Noel] Crichton-Browne influences on the party, so I stood for the Senate but didn't get it. I stood for endorsement for the seat of Moore when it was established, but didn't get that. That's when the "bottom of the harbour"-retrospectivity bit very hard. So, there were forces at work that kept me out of parliament. But I was, first of all, treasurer of the party for a while under Peter Jones, and he and I had an understanding that when Peter retired, that I would stand for president. But then in my presidency, I met the full force of the Crichton-Browne factions.

AY: What effect did that have?

Viner: Oh, enormous effect.

AY: Detrimental effect to the party?

Viner: To the party, it ripped it apart, divided it straight down the middle and created some very, very nasty situations and personal experiences, which were quite vicious in the attacks on me personally. But it divided the party, and it put enormous pressure on me. But I was always a person who could withstand a lot of pressure. Through my ten years in parliament and seven years as a minister, I was always able to withstand pressure and manage it. And I was able to, as president, and in all those factional fights, which were just dreadful.

AY; The years you were president — I've just got late 1980s here — they were particularly difficult years?

Viner: They were very, very difficult years, because the factionalism withdrew personal support for the party, so that people didn't put the effort into it. They divided branches: you might recall the Wembley Downs situation with Liz Constable? The party would not endorse Liz Constable; that was the Crichton-Browne faction, but then Liz stood as an Independent and won. Recent talk about branch stacking and so on — well, branch stacking was rife in those days through that faction, and they starved the party of money as well, a twofold situation. One: when your supporters see what is going on in the party, they'll be reluctant to support you. But, in addition to that, I know that there was word going out into your business community, your mining community, let alone amongst your branch members, to stop the flow of money. So, I was in the position of having to keep the party afloat with a BARE amount of money and FIGHT this internal opposition. Well, the internal opposition, okay, got the better of it, because they defeated me for the presidency after I'd been in it for a year; and, of course, the result was the money started to flow back in, and they removed Barry McKinnon as leader, parliamentary leader, and put Richard Court in. But the remarkable thing was that a lady member of parliament — her name will come to mind soon [Cheryl Edwardes] — was put up as deputy leader, but Colin Barnett stood and won on the toss of a coin.

AY: Is that how it happened?

Viner: That's how it happened, and that's how history is made. Colin, of course, went on to be deputy premier for many years and premier for eight years, and has changed the face of

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Perth and the state in many ways in his eight years as premier, from the Optus Stadium to all the other things that are his heritage.

AY: I think that's a brilliant place to stop for today, thank you.

48:07 [Interview one ends.]

This is another interview with the Honourable Ian Viner, OA, KC. We're meeting in his home in Peppermint Grove. Today is 5 October 2023 and I'm Anne Yardley. Before we move away from politics, you have a couple of stories about electioneering with the 1974 election?

Viner: Yes, I thought that there were more interesting examples of campaigning and what you did in campaigning and how you dealt with situations. I think I mentioned before, the importance of getting into the Labor areas and the Labor electorates, like Balga and Nollamara and Balcatta. In Balga, we deliberately established a branch there; I had a very active fellow, Peter Wells (MLC), who later became general secretary of the party organisation. Peter himself lived in Balga, and around him we established a very active branch. There was an Anglican minister in Balga, a very active Labor Party supporter — I can't remember his name at the moment — but he finished up becoming a Labor member of state parliament. We used to infuriate him with our activity in all the Balga organisations — the sporting clubs, the social clubs. It was a classic example of how, as a Liberal member or candidate, in the beginning, in a Labor stronghold, you can, in fact, make significant steps and build up your own organisation and support to the point where, I think, at one stage, we almost tipped getting fifty per cent of the vote.

I used to always say in campaigning, that going into those Labor areas was so important. Because gaining one vote from Labor meant in effect that you had two votes, because they went down one and we went up one. I learnt that very early that it was more important to campaign in the Labor areas than your Liberal areas, but you could not forget your Liberal areas. You had to be a presence there both, personally, and your signs and paraphernalia, and so on. You couldn't forget your own Liberal supporters.

Again coming back to Balga, '74 or '75 campaign — I'm not sure which one it was — that branch was so active that down Wanneroo Road, if you know Wanneroo Road — it ran right through the Stirling electorate there — these fellows got to work and put my Viner signs, placards, on wooden poles about 15 feet high, stuck them into the median strip in Wanneroo Road where the stream of traffic of course couldn't miss seeing them. That was a very good example of how we put our placards and our signs, swamped the whole of Stirling to the point where the City of Stirling, at that time led by a fellow Graham Burkett, who finished up becoming a Labor member of the Upper House, got so infuriated with us that they passed a regulation in the City of Stirling banning political posters on public land, in other words, street verges and so on, because we had so outdone the Labor Party that they had to do something to get at us and defeat us in other ways.

AY: I think in 1974 there was a redistribution which gave you sections of Mount Lawley —

Viner: That's right.

05:00 AY: People were talking to you about their fears of Whitlam and there was another interesting issue of a street that had failed to be included in an electorate.

Viner: Well, yes, '74 was interesting, first of all because there was a state election which Brian Burke won handsomely, and within six weeks we had a federal election. On the state election results I'm not sure what I was behind, something like ten per cent — so I knew I had to make ground to win, which I did in the end by 12 or 13 votes.

AY: There was the [Gough] Whitlam factor.

Viner: The Whitlam factor, yes. There was a redistribution, and word was that [Minister] Fred Daly, in charge of the electorate office, had organised a redistribution. No doubt it was required under the law, but the word went out that WA was being redistributed, and they

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were going to get rid of Viner from Stirling. It so happened that Mount Lawley and Yokine were included in the redistribution in Stirling. The doorknocking then, and again in '75 in Mount Lawley and Yokine, was quite remarkable, because those areas are very strong Jewish areas. I had got quite close to the Jewish community — they had an aged persons' home there, and a school, and I was sympathetic to the politics of Israel. But in doorknocking, I found my personal experience quite remarkable. People in Mount Lawley, Yokine, would not stand at the door in the open and talk to me. They'd say, "Come inside", and the curtains or blinds would be drawn. They actually said to me that they were fearful because they and their families had escaped from Germany, and actually said to me that they were fearful Whitlam was turning Australia into what Germany was when they had to escape. And that Whitlam himself was heading in the direction that they saw Hitler move.

They saw that great personality of Whitlam's, bigger than life, and he and [Lance] Bernard taking over the whole of the ministry for themselves, and then the enormous rush of social change that he wanted to bring in and started to bring in: the collapse of the economy, inflation running wild, all of those things. They said to me, "For goodness' sake, Mr Viner, we're heading in the direction that we escaped from Germany to get away from, and we're finding ourselves seeing it in front of our eyes."

AY: So, they were remembering what followed the Weimar Republic?

Viner: Well, the Weimar Republic, but they named Hitler to me, so it became very personal in terms of the leadership. That alongside people who used to ring me up and literally say, "Well, if Whitlam stays in power, we're going to leave Australia." That happened not as an isolated case, but over and over again. The emotion at that time, the political emotion from the men and women in the street, was just something you wouldn't believe would have happened in Australia. These weren't people from St Georges Terrace or business[es] who'd been hard-hit, these were the men and women of the suburbs. In particular, finding that in Mount Lawley and Yokine, was a real eye opener to me. And I found it again in '75, of course, after the dismissal. It was there in the same measure.

AY: You had a very close-run thing in that election, I believe. Did it in fact hinge on a street that wasn't in any electorate?

10:00 **Viner:** Well, that was an interesting story, because sitting there in my office, one day I was ahead and one day I was behind. And [I] then got to the Friday when the count was finished and my electorate officer, who happened to be Chilla Porter, who later became general secretary of the party and father of Christian Porter — Chilla rang me up on the Friday evening and said, "Oh Ian, sorry to tell you that you are one vote behind." I said, "Well, that means we've got to have a re-count." And he said, "Yes, we've asked for it, and it's going to be held tomorrow morning, Saturday."

I went across with all the team to where the re-count was going to occur, and I was told that I was four votes ahead. The first billboards for *The Sunday Times* later in the day were: "Viner wins by four votes." What had happened, the electoral officer had found a parcel of five votes sitting in the back of his safe, which had all come from an army camp in Papua New Guinea. They were all for me. But we went into that re-count, and I had something up my sleeve, put it that way. In the course of doorknocking and on polling day, with our manning the booths, we had people come up to us and say that they had tried to vote, and they found they weren't on the roll. We checked this out, and we found a small street in Mount Lawley at about the junction of the Stirling electorate and the Curtin electorate. There were about a dozen houses in that street. So, when I'm sitting in my office knowing the votes are going this way and that way, I knew to myself that if I finished up losing by a bare margin of a few votes, I had this street up my sleeve, that I could challenge the result of the election.

As it happened, I didn't need to, because at the re-count, I finished up winning by 12 or 13 votes, but the key to it was a parcel of ten votes that happened in this way: Vic Garland, who was the Member for Curtin, was one of my scrutineers, and in scrutineering for a re-count, you go through every bundle of votes, and the electorate office makes a bundle of 100 votes and then puts that tally of 100 into a spreadsheet. So, in the scrutineering, you literally count those 100 votes in the bundle to see how many there are. That was counted — bang, bang, bang, 110. They put that down and ticked it off on the spreadsheet, but Vic, very quick eyed, said, "Hey, hey, that's not right, it's 110." They looked at the spreadsheet, it originally had 100 on it and then it was crossed out and had 110 put on it, and that was crossed out and 100 was put back. So, when they came to the re-count, it was in fact, 110 votes. I was then immediately 14 votes ahead.

AY: That's all you had to have.

Viner: That's all I had to have, but the re-count went on all afternoon and into the early evening, and they told me they had to take a bundle of votes into the electorate officer to check whether a scratchy mark was a "1" or an informal [vote]. So, they still had a bundle of these that the electorate office had to go through, even with a magnifying glass. They told me, to double-check these votes. So, at the end of that, I was 12 or 13 votes ahead. I was actually out at dinner with some friends [and] got this phone call to say I'd won. That was Stirling, but the Mount Lawley experience was a real eye-opener.

15:00

AY: Absolutely. Last time we talked, I think it's fair to say it was quite a bruising experience with the State branch of the party with Noel Crichton-Browne, and various other things, and I think you left unhappily. What did you do next? You did return to the bar, you —

Viner: Well, I was at the bar when all of that happened and I decided, well, I was very anxious to get back into parliament and very anxious to continue to contribute to the Liberal Party.

AY: But in the short term that didn't look as though it was going to happen.

Viner: Well, that's right, because I stood for endorsement for the seat of Moore, which was a new seat. I think I explained that I'd been shut out of my seat of Stirling by the forces at work there. I stood for Moore, but in Moore I found the full force of the Western Australian response to the "bottom of the harbour" legislation, so I was hit between the eyes with this to the point I can recall — and it was a woman who was one of the delegates to the selection committee, who tackled me on retrospectively forgetting all the rest of the taxpayers who'd been deprived of tax funds because of that criminal conduct, which unfortunately largely centred in Western Australia in the hands of some very well-known people, which is all documented in what's called the *La Franchie Report*. It's all there.

AY: It worked against you.

Viner: It worked against me. I was asked to my face, "Well, why didn't you cross the floor?" and I said, "Hang on a minute, I was a member of Cabinet, and in terms of Cabinet solidarity, to cross the floor, I would have had to resign completely. Were you really expecting me to do that?" I copped the full force of that. Not digressing, but at the height of that controversy, leading people in Western Australia were named in the *La Franchie Report* [Dennis Horgan, Bernie Prendiville, Ron Wass], and leading accountants in St Georges Terrace were parties to it. I had — I suppose I shouldn't name them — but I had a very leading figure in the Liberal Party organisation and a leading accountant, a St Georges Terrace accountant, come to me together to say, "You can't support that legislation, I've got a poor widow down in the Great Southern, a farmer's wife, and she is going to be hit with this." I said to them, "Hey, hang on a minute, guys, you're pleading your own cause and you're pleading the cause of more

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significant people.” Really, I kicked them out of my office, because they were trying to use a false story about someone to plead their own cause. It showed the extent to which Western Australia was right at the heart of that unfortunate “bottom of the harbour”² experience. So that cost me politically, very badly.

AY: Given everything that happened to you, it’s a wonder that you were still interested in politics, but in the short term at least you were out of politics. What did you do?

20:00 **Viner:** Ah well, I went back to the bar very quickly. In the lead up to the ’83 election, we knew my prospects of winning, holding Stirling, were very dicey. The fortunes of the government were bad — a drought, the economy and freezing wages. At the end of seven, eight years in power, we were on the nose. In my own mind, I knew that I would go back to the bar, which I did very quickly.

AY: How difficult was it to go back to the bar after that experience? —

Viner: Difficult.

AY: You had to re-establish yourself, I suppose, did you?

Viner: Well, being a barrister, the classic view was that you can’t go out and tout for business; you have to sit there in your office and hope that somebody will send you some briefs. I think I mentioned before that I was fortunate that I got a couple of briefs from Pat Kirby, who was a fellow law student with me, who was in the Crown Law Office in Perth, a couple of tax briefs, actually. One of them was fascinating, because it was for the tax commissioner against the discoverer of the iron ore deposits which now make up BHPs iron ore operations; another couple of briefs from him and another one from a legal firm, but the briefs were very slow coming.

AY: You became an executive director of the Parry Corporation. Tell me about that experience? Particularly at that time, we’re talking about heading into the stock market crash.

Viner: Yes, well, we are indeed, and I lived through all of that. That was interesting, what happened was that I got a brief to act for a man who was a consultant to Parry Corporation. Typically for Parry Corporation, he was right at the edge of new technology, and this was to do with introducing a television antenna, which at that time was called an array, into Australia. What’s the classic Australian icon in the backyard? The rotating Hills Hoist, and the Hills [Hoist] company entered into a contract to make these arrays. Now, I was briefed to defend this fellow, and I successfully did that. In the middle of the trial, Hills abandoned their case against him. Well, having achieved that success — that was in Adelaide, I had to go to Adelaide for that — one day Kevin Parry was driving past, he’d gone to the business of buying stretched limousines, and I remember him waving to me as I was going down to the Federal Court. Anyway, I got a call from him saying, “Ian, will you join Parry Corporation as an executive director?” Well, I had itchy feet, I really hadn’t settled back in the bar, I still had the desire of politics, to get back to all of that, and so I said, “Yes, I will.” I left the bar, which would have been about ’85, or ’86, and joined Parry Corp[oration] as an executive director.

AY: What was that experience like? It was an interesting time.

² “Bottom of the harbour” tax avoidance schemes involved stripping a company of its assets and leaving it with unpaid tax liabilities. The company was then sold to someone else. The term “bottom of the harbour” was coined by members of the Sydney tax avoidance fraternity and referred to destroying company records and dumping them in the Sydney harbour.

<https://taxfitness.com.au/Blog/bottom-of-the-harbour-tax-avoidance>

25:00

Viner: Interesting times is an understatement. It exposed me, internationally, to the world of business and finance. It took me to Indonesia; it took me to Hong Kong; it took me to the United States on the east coast, and the west coast. Kevin had some idea of making a film — somebody had sold him the idea of making a film in Romania. So, I had to go over to the United States and start negotiating and arranging film finance. A totally new experience to me. On the west coast, Kevin wanted to know where all the money was. How could he get his hands on money, so I'm walking the streets of San Francisco, going and meeting — I think the fellow's name was Millikin — who was subsequently jailed for some dodgy deals in America.

Then to Indonesia chasing gold off the coast of Western Australia for Kevin: Pelsart Resources for gold in Indonesia, Pelsart Oil for oil in Western Australia off the Montebello [Islands]. Then he was financing the America's Cup challenge for *Kookaburra*, and he had his department store as well. It just exposed me very rapidly to the world of business.

AY: Were you enjoying this?

Viner: Oh, I was enjoying it. It carried a pretty heavy burden because I felt all the time that I'm keeping Parry Corp. afloat; particularly while the *Kookaburra* race was on, I was the only man left back in the office. People would say, "Aren't you out there watching the race?" I'd say, "No I'm keeping Parry Corporation afloat." The other remarkable one of his businesses, well, two other remarkable ones — one was the regional Newcastle TV [Television] he owned that which was an absolute cash cow, which kept everything else going because of the cash that it generated. Very, very well run. I can't remember the managing director's name at the moment, but a very, very capable businessman and TV station manager.

But poor old Parry department stores made a loss all the time. I kept saying to Kevin, "It's got to make a profit." "Oh, it's got a very good cash-flow." I'd say to Kevin, "No, cash-flow is no good if it's not making a profit." But he also had the most remarkable instinct for latching on to things that were new and prospective, but of course needed money and were risky. The first example, and the great one, was — apparently, he went over to San Francisco Olympics and while he was there, he looked at new technologies and one of the technologies that he found, or was introduced to, was touchscreen technology. He financed a little research outfit in Los Angeles, and I went to Los Angeles and went to this research outfit. A couple of people were developing touchscreen technology and at that time when I was there, for those couple of years, what '85 to '87? There were a number of department stores who were actually testing this touchscreen technology, so people could come along, as we do now, touch the screens, see what goods are there and the price and so on, and he opened a research establishment here at Curtin University. Curtin were interested in having a technology park, and Kevin took a place in it and had the research going. That was being financed by the money that came out of the Newcastle TV cash cow.

30:00

Another one, which was remarkable, was submersible underwater, not submarines, well they were virtually — underwater submersible vehicles. Kevin actually had that technology, floated a company, and was developing it. Remarkably, right at the beginning of that. So, Kevin had that remarkable capacity to attract people to him, get people to do things for him, and then leave them to it. Unfortunately for Kevin, his downfall, like the downfall of Bond and Holmes à Court, was that he believed that he had to have fifty-one per cent of Parry Corporation. I used to say to him, "No, Kevin, you don't need that. You have thirty, thirty-five per cent, that's all you need, and you can control it." Twiggy [Andrew] Forrest hadn't come along then, and got his thirty-five per cent of Fortescue, but I used to quote to him the big American companies that started off with the family owning one hundred per cent, and then allowing it to come down to thirty-five per cent, and still controlling the company. "No, no." [Kevin would say]. Well, came the point where we very nearly bought Channel Seven

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Melbourne, but Murdoch — Kevin always reckoned he “did the dirty” on Kevin — sold it to David Gonski.

We set out to float Newcastle TV as a public company, and we had it right there, ready to be floated backed by Sydney finance, but Kevin having fifty-one per cent of Parry Corp., or a bit more, whatever it was, meant that he had an entitlement to shares in the new Newcastle TV public company. He had to finance that, and we implored him to let his interest drop down thirty, thirty-five per cent, and he said, “No.” He prevaricated and prevaricated, and, bang, the 1987 crash occurred. That was the downfall of Kevin’s empire.

AY: Is that what sent you back to the bar?

Viner: Basically yes, well, not basically, yes it did, yes it did. The other unworldly experience: Kevin was approached to take an interest in a company called Western United, which was a merchant banker controlled by a couple of brothers, Abbott brothers. Kevin put me on the board and took an interest in Western United and then Parry Corp. went broke, but I stayed on the board of Western United, which converted into a company called Duke Group under a reverse takeover. Duke Group collapsed in the crash, and so did Western United, and they — Western United and Duke Group — were taken to court on a great long series of cases, which finished in the High Court. That was a great eye-opening experience of how some businesses can work and some businesses and businessmen can do the wrong thing. The Parry Corporation-Western United-Duke Group experience of mine in business was more than an eye-opener, it brought me into a whole new world.

AY: You return to business though, but before you do, you did something interesting things back at the bar, didn’t you? What do you think is most significant during this period?

Viner: Well, later I became president of the WA Bar Association

AY: And the Australian Bar Association.

35:00 **Viner:** And the Australian Bar Association. The presidency of the WA bar was very interesting because I, from the time that I joined back in 1965, was a fervent believer in the independence of the bar, the value to the whole legal system and judicial system of having barristers who were independent, not tied as a partner in a big firm to clients, but independent and available to everybody, from the smallest person in the street, the worst criminal to the high-powered business people, and whomever. The essence of the independent bar. But also, I believed the WA bar, like the profession itself, was very insular when I joined it. The solicitors’ side, if I can put it that way, had become more national and international because with the growth of the economy and the mining industry in Western Australia, and the oil industry, national firms and then international firms bought into all the big legal practices. So, they had become national and international, but the bar had remained small and insular. The other thing was, many of the barristers not only thought of themselves as part of the amalgam — barristers and solicitors which were all admitted to practice — but they were also, a lot of them, not all of them, but a lot of them, felt tied to these big firms and other firms from whom they got their work.

My view, if I can put it this way, was more expansive, and believed we had to be national, but we weren’t a member of the Law Council of Australia. The small bars — WA, South Australia, Tasmania — were not members of the Law Council of Australia, and I said, well we should be. So, when I, as president, travelling to the eastern states for meetings of the Australian Bar Association, of course came into contact with the leading barristers there, amongst whom was Bret Walker, now regarded as the leading silk, King’s Counsel, in Australia. I talked to them about WA becoming a member of the Law Council of Australia, and then pushed it with our bar council in WA and got approval.

The Law Society of Western Australia hated that, because they were the West Australian representative on the Law Council of Australia. They did not like the idea of the WA bar being a member of the Law Council of Australia. Anyway, the upshot of it was with the distinct help of Bret Walker, the Law Council of Australia agreed to allow the small bars to become members, and WA was the first one to do that.

40:00

The second aspect of that was that I was very keen about legal education, and I was very keen that those who wanted to come to the bar, should know what the bar was all about. You're not a solicitor anymore, you're going to be a barrister, and the essence of independence as well as the art of advocacy. It so happened at that time that the professions around Australia were moving ahead with professional education, whether it was accountants, all the professions, as well as the lawyers. WA decided — and I was a member of the Barristers' Board as a Queen's Counsel — decided that we should develop a system of compulsory legal education in WA. So, the question was who was going to provide the education, and I said that the bar should be a provider of legal education to qualify people to be lawyers. At the same time, as I said, we should have a program within the bar, of legal education for upcoming barristers, what we call a Bar Readers' Course. I again ruffled a lot of feathers in the law society, and eventually it got in when they developed the scheme of compulsory legal education, that the bar could be a provider of legal education, and at the same time the Bar Readers' Course was not compulsory because we had no legal power to make it compulsory. Anybody could open an office and be a barrister as distinct from a solicitor.

I got the bar, over a lot of objections, interestingly within the bar, to run these Bar Readers' Course. The objections were: *Oh no, it was much better to have the practical experience and just come to the bar and learn how to be a barrister.* I said, "No." Eventually we got the Bar Readers' Course established and going, and to this day, it's a major part of the bar's activities. The second thing that came out of an Australian Bar Association conference with the English bar in Florence, where I heard a talk by a leading English QC of higher-level education courses they were running actually at Oxford University. I came back with my colleague, Chris Shanahan QC, and said we're going to establish that in Australia, and we did that through the WA Bar [Association] and very quickly the Australian Bar Association said, "We'll do this too." That higher-level advocacy course is now run by the Australian Bar Association right across Australia.

AY: Do you see this as one of your great achievements during that time?

Viner: I think so, I think so, because it brought to the West Australian Bar a new view of itself as barristers in Western Australia, but as part of the national legal profession. Having an equal say in national legal affairs affecting barristers through the ABA [Australian Bar Association] and the Law Council of Australia as Victoria, New South Wales and Queensland, which I thought was very important, very important.

AY: You worked very hard and achieved a lot, what took you back into business again?

Viner: Well, going back into business, I went full time into Parry Corporation, but I guess I didn't lose the thrill of it. Politics was a thrill a minute in that sense, and business also was a thrill a minute. It was the challenge, new experience — I was always open for a new experience and a new world. So, whilst I left Parry Corporation when I went back to the bar, I finished up becoming a director of companies in the mineral exploration and the oil exploration industries. That kept me interested — a lot of hard work, a lot of heartbreaks, and in the end no real success. But that was a constant learning experience.

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In my return to business, I was approached to be a director of a pretty small exploration company, Central Mines and Metals. It was chasing diamonds outside Derby after the Ellendale diamond find, which, ironically, as Minister for Employment, I'd visited. They took me for a trip through Western Australia and one of the places was Ellendale Diamonds. But also, Central Mines and Metals — one of the directors, who had a big shareholding, wanted to use the company to build a casino on Christmas Island, and it was running into all sorts of problems — the whole of Christmas Island was — with the Australian government. They had been mining phosphates on Christmas Island for a long, long time, and the Christmas Island Workers' Union was pretty strong, but the government was not supporting them in continuing phosphate mining, so the Christmas Island Workers' Union wanted to take over the mine and do it. Now, being a lawyer, I got involved in some legal questions, and we actually took the Australian government to court. I said, "The best man to act for you is my old colleague, Bob Ellicott", who had been attorney-general. He and I fought this case and won on behalf of the Christmas Island Workers' Union, so the casino idea went out the window, and the phosphate mining was re-established, and one way or another I became a hero for the Christmas Island Workers' Union. Here I was in the Liberal Party and active, and so on. It was a very satisfying experience.

Anyway, Central Mines and Metals didn't find diamonds, but then found its way to Indonesia, that was a return to Indonesia, because I'd been there as minister, and we were chasing gold in Indonesia. We were put onto an old Dutch gold mine — this is by the Indonesian government, in East Java called Cikondang — there was real gold in it. The price of gold wasn't too high, and part of the Indonesian business framework is that you've got to have a significant — I think it was more than ten per cent — Indonesian interest, in the enterprise. So, we found ourselves with an Indonesian business group called Gunung Agung. They were actually booksellers, but they'd got themselves into all sorts of other business activities; a combination of Indonesian and Chinese Indonesian people, very savvy businesspeople, as I found out. We decided to open up this old Dutch gold mine, clean out the old shaft and redevelop it, including finding a number of skeletons, literally, in the bottom of the shaft, and the story of the locals was that they were friendlies to the Japanese, and so the locals had thrown them down the shaft to show the community what they thought of that. Literally.

50:00 Anyway, that was a sad, sad story, a bit like Kevin Parry and Newcastle TV. I negotiated with the Indonesians with the National Resources Bank a loan of ten million US dollars to reopen the gold mine. Down here in Perth, I did all the negotiating with financiers and engineers, mining engineers for the building of the plant, and we'd got to the stage of almost ordering all the mining plant, and I said, "Well, now, okay, let's see the ten million dollars?" And the ten million dollars wasn't there; it had been spent by my Indonesian colleagues on hotels they were developing. By the skin of my teeth, I had not entered into any financial or business arrangements down here in Perth committing us to all the equipment that was going to be shipped up to Indonesia. So Gunung Agung then collapsed, or partially collapsed, and the gold venture in East Java collapsed. The irony of that was, I don't know, 10, 20 years later a friend of my son who's a geologist said, "Oh I was up in Indonesia, in Jakarta, talking to the Ministry for Mines for opportunities and they pulled out a file and said, 'Well here's one, here's Cikondang. Do you know somebody by the name of Ian Viner?'" [Laughs.] Ironies, but I don't think they took it on either.

I'd been up in Indonesia before then for Pelsart Resources for Kevin Parry, and he had found a significant gold discovery in an area which had already been mined by the locals, you know, digging up the alluvial gold, on Kalimantan, which is the old Borneo in a place called Mount Muro, but when Parry Corporation collapsed, of course that went out the window and a West Australian company subsequently went up there and mined Mount Muro. That took me to Indonesia. While I was up there, I floated another company called Tanjung Resources Limited on the Perth Stock Exchange, which had a small but very rich lead, zinc [and] silver

deposit in Kalimantan, but the price of zinc and lead collapsed, and so that finished up not going anywhere, so my entre into Indonesia was not successful.

AY: It wasn't your money.

Viner: It wasn't my money, no.

AY: What were your roles in business, with Parry for example you were Executive Director—?

55:00 **Viner:** I was an executive director; at Western United and Duke I was only a director. I went to Duke Group because a Sydney Queen's Counsel was also a director, so I thought to myself I had some protection but in the end the Duke Group collapsed with a huge amount of litigation over the reverse takeover of Western United. With Century, I finished up being Chairman of Directors, Tanjung Resources, I was Chairman of Directors and then later I was invited by an old colleague friend of mine, Dr Jaap Poll, he had been managing director of a company called Ranger Oil which Kevin Parry took over and Ranger became Pelsart Oil, and I became a director of Pelsart Oil, so I was introduced to the oil industry. But I also had a very keen political interest in the oil and gas industry because of all the Woodside discoveries of the West Australian coast and Rex Connor, Whitlam's Labor Minister for Resources had put a ban on developing all the gas discoveries. I had a very close association with some people in the oil industry who were affected by that — Kevin Richards from Esso and Colin MacDonald from another company. So, I learnt while I was in parliament a lot about the oil industry, and I came up with some pretty bright ideas to try to get the discoveries developed notwithstanding Rex Connor.

AY: Is this a federal issue or a state issue?

Viner: Well, it was a huge federal issue and a huge state issue.

AY: Both had jurisdiction?

Viner: Yes, yes. I talked to Charlie Court and gave Charlie Court lots of ideas on, well notwithstanding what Rex Connor had done we ought to look at this way of doing it, very, very difficult because of the Commonwealth's powers particularly over export about development in waters beyond the three-kilometre state jurisdiction. Having been introduced to all the politics of the oil industry as well as knowing something about the business of extracting oil from that experience, I then found myself with Pelsart Oil, and Kevin Parry had an oil find off the Montebellos, and Larry Adler Senior, not the junior one that went to jail — Kevin found himself involved with so many interesting people it didn't matter — Larry Adler wanted to take over St George Bank at one stage and invited me to be a director if he was successful in taking it over. But he wasn't. Anyway, he had an oil company which owned a producing oil well off the Montebellos, which for some reason I never understood swapped with Kevin, so I became chairman of Auzoil until the collapse of Parry Corporation and everything else. Coming back, Jaap Poll invited me on the board, that took me to Vietnam, would you believe?

Oh, and I forgot to tell you one of the most intriguing experiences of my life, that took me to Anzoil, and we were putting down a gas well in Vietnam, an oil or gas well but it actually found gas, but wasn't at the time strong enough at the time to economically develop it, but that took me to Hanoi in the early '90s when Hanoi was still coming out of the war, after the Vietnam War, and that was fascinating. It still had a lot of very strong French influence there; it was really quite fascinating. The one I meant to mention before relates to what I have on the table in front of you. Now, I've got here the two things that I brought out of North Korea, one is a bottle of adder liquor, and inside that bottle is, believe it or not, an adder.

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AY: I do believe it, not that I've seen an adder close up before.

Viner: There's not much liquor in there now that's all evaporated.

AY: You've drunk that?

Viner: I haven't drunk it but that was in a shop in Pyongyang. Just down the road from the hotel, we were in was this shop where every wall was full of bottles of adder liquor. I don't believe there was anything else, any spirit of any other kind than adder liquor.

AY: They live to tell the tale after they've drunk this?

Viner: I presume so.

AY: Let me ask you then, why is that nearly empty?

Viner: Because there's a bit of leak it's evaporated. I haven't drunk it [laughs]. Now, the other one is the most exquisite piece of pottery with the classic colours.

AY: Very Chinese.

Viner: Very Chinese but it's North Korean. It's from Pyongyang, when I went to these places, I always wanted to bring home something and that one caught my eye, it's absolutely exquisite, it's a water carrier bottle. It is actually exquisite. I carried that out safely through China and legally, quite legally. But the funny part about it, I had this bottle of adder liquor in my suitcase and one of the colleagues I was with had two bottles of it in his suitcase and of course the North Koreans opened our suitcases to see what we were taking. They smashed both his bottles of adder liquor without him knowing. We got to Hong Kong, and he opened up his suitcase and everything was ponging with adder liquor.

That was with Century Mines and Metals, somebody in Hong Kong had introduced Century Mines and Metals to the prospect of mining gold dumps. When they mine gold, they make these dumps of residue and just like Kalgoorlie, they still had gold in them up to five ounces of gold. So, I, being the lawyer, researched the legalities of mining laws in North Korea and finance in Hong Kong and getting finance from Hong Kong to North Korea and back to Hong Kong. We set up a trip to North Korea with this agent in Hong Kong that did business with North Korea. Three of us from Century Miles and Metals went to Pyongyang in about 1986, '87, can you believe, and this is when the father of the present Kim Jong Un what was he — Kim Jong II, I think, who was the son of the original dictator, is standing there on a monolith of a statue in the middle of this huge square in Pyongyang. We went to a hotel that were twin towers 10, 20 storeys high, closer to 20 than 10, we were about the only people in it. There was an island in the river just close by to us with a partly finished hotel being built by the French which they'd abandoned.

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We were followed everywhere by secret police, and we were taken out to a water Barrage where they had a fresco and of course the classic communist fresco — all the workers and the sickles and the megaphones all on the fresco. Back in our hotel at night all the megaphone messages in Korean, which we didn't understand, blared out into the streets and when you wake up in the morning, the same thing. All propaganda. We set a little trap to see if anybody was coming into our room to search us and set our clothes and our shoes in exactly a certain way. And of course, came home and they were all different. Our little driver, one day we got back to our hotel, and we were busy talking to him, all of a sudden, he flew, literally flew over the hedge, disappeared and hid. He came back a little bit later, what happened? Pointed over there, a couple of secret service people watching us. At night we

went up the top of the hotel and had a drink and played a bit of billiards. Down the end of the table were a couple of big looking fellows just watching us all the time. Anyway, that bar closed, we went downstairs to have a cup of coffee and these fellows, lo and behold, soon appeared. I said, okay we're going to find out who these guys are and went over and said hello to them and talked away to them, sure enough they blabbered away. They were a couple of Russian secret service agents [laughs], so had a big discussion, they openly said, once I quizzed them about it, big discussion about the Russian system of government and the Australian system of government.

Which reminded me, this is back tracking a little bit, I haven't mentioned a fabulous trip I had through Africa for the 1982 Commonwealth Heads of Government Meeting — I'm not sure if I mentioned it, I think I did — where I visited the president of Uganda, the president of Kenya and the president of Nigeria. Previously I'd met President Suharto of Indonesia on a parliamentary trip I did there. To each of them I had long, long, long discussions about systems of government and our respective governments. In particular, I remember in Nigeria. Nigeria was going to set up a new capital similar to Australia setting up Canberra, so I had a long discussion with the Nigerian president about democracy and having the capital away from your main business area and so on. So, talking to these guys in Pyongyang was a similar experience.

AY: You still have a lot of war stories. I think perhaps we might leave —

Viner: Now, one before I finish, I forgot to mention it in talking about the campaigning, I don't hesitate to say we were pioneers. I think I've told the story of going to America and seeing how they campaigned in America and bringing back here, for the 1975 campaign, all the techniques they'd shown me in a Democrat electorate office in San Diego. But two things we did for ourselves that were our own initiatives. One was, where these days you have "robo-telephone calls", we set out in 1974 and '75, in particular, to do our telephoning. We literally went through the telephone book. We broke it up in parts from A to Z, gave it to volunteers who went through it name by name, address by address, marked out everybody who was in our electorate and then we gave pages to volunteers who would ring up, on the phone days before mobiles, and we had a pattern. It always had to be after dinner, not before dinner or during dinner, after dinner, to ring up and say, "Vote for Ian Viner" and sell a little message of "why", always had to be a "why". Now that was not done anywhere else in Australia as far as I know, we broke that ground completely but all with volunteers.

The second one we broke was this — I've got a box of them still — called *Let's Get Things Moving*. It's a 33.3 rpm plastic disk, old fashioned record, that you could play on your record-player. I had a fellow, one of my campaigners and supporters, Terry Jackson — he became very successful business wise making swimming pool cleaners — anyway, he said, "Look, I go to Hong Kong; I'll get some discs made for you in Hong Kong." Sure enough, came back and there are these plastic discs with a little message.

AY: What's the message on it?

Viner: Well, it's a message about tax, and it's a message from a lovely elderly lady who lived in a state housing commission home, that's what's called these days social housing, in Innaloo, if I remember correctly, and found while doorknocking. A very, very keen Liberal supporter. So, I went to her and said, "Would you mind saying a message for me that I'm going to put on this disc." Sure enough, in here is a message from her. And with another team of volunteers, now I'm not sure whether this was the '74 or '75 election?

AY: This is a message about taxation?

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Viner: It was taxation and assistance for people like this elderly lady, pensioners, and there's something else in there as well. I haven't played it for a while, but I can on my record-player. Another team of volunteers — we had 10,000 of the discs made so they went into 10,000 letter boxes with a note, "Please play this on your record-player. It has a message for you." It broke ground. I've given that to the state library archives, half a dozen copies of that, but I've got a box full of them.

AY: We'll leave things for today and come up with some more tales from Ian Viner next time.

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Viner: Okay, I do a lot of talking! —

[Interview two ends.]

This is a further interview with the Honourable Ian Viner, OA, KC. Today is 23 October 2023. We're again meeting at his home in Peppermint Grove and I'm Anne Yardley. We were talking last time about some of your experiences in business, the oil industry, and we talked about Auzoil. There's another one though to talk about. Tell me about Anzoil which sounds suspiciously like Auzoil?

Viner: That's right, I coined that phrase Auzoil because I couldn't quite remember the name of that company. I think I explained that that was whilst I was with Parry Corporation and so when Parry Corporation collapsed, my involvement with, let me call it Auzoil, disappeared as well. Auzoil had interests off the coast of Western Australia, the Harriet oilfield up near the Montebellos but Anzoil — I was invited to join it by Dr Jaap Poll who had been involved Kevin Parry's oil companies. I became a director of Anzoil and its main activity when I joined was it had some concessions in Vietnam. It had one particular gas exploration which produced a flow of gas which was very good but one of the problems was it was what's called a tight reservoir, so the gas doesn't flow freely. We were successful, but in the end, I'm not sure how long I stayed with it, but for a number of years, we weren't able to economically develop it. But I'm sure somebody else has since with modern techniques.

That took me to Hanoi which was an absolutely fascinating experience. This would have been around about the late 1990s, and it was just at the time when a couple of Australian companies were trying to get in there. I think Wesfarmers was one and then some American companies were starting to go in, but it was just at the beginning of the Vietnamese accepting western investment. We were pretty proud of ourselves because we established ourselves very well whereas, I'm pretty sure it was Wesfarmers, didn't. We were a minnow, and they were a very big company at that time. Anyway, it was in terms of going there, there was still significant French influence that you could see in the buildings and activity. They took me to the French hotel, not Metropole, something like that, which was still classic colonial building. Then they had the opera house. I remember this distinctly; the opera house was a magnificent building, but the only thing was it was completely shuttered and closed and the windows Barred because obviously there was no money to keep it open or to renovate it. I know subsequently it was one of the activities by the United Nations, whatever it's called, the heritage — anyway, they invested money in it and reopened it many years after I was there.

5:00

I saw Ho Chi Minh's mausoleum and Ho Chi Minh himself lying in state. I went to a diorama of the battle of Dien Bien Phu, which was very, very revealing as to the military tactics used by the Vietnamese to defeat the French and then the rest of history followed. That was one of the fascinating experiences I had along with my visit to North Korea and Pyongyang which I've talked about. They leave lasting memories with you.

Then some years later, I'm not sure how long I stayed with Anzoil at that time. Years later I came back, strangely to Anzoil, again invited by Jaap Poll but I finished up chairman of Anzoil and Poll left and there is a bit of a story there, unfortunately he then mounted an attempted takeover of Anzoil which I frustrated by going to the Takeovers Panel. That was a business experience in itself.

Anzoil had interestingly, reasonably substantial shareholding in a company called Arrow which had coal seam gas tenements in Queensland. It was very unfortunate businesswise because I had a managing director who wasn't able to maximise our investment in Queensland and then Western Australians, the stockbrokers and so on here, were just not interested in putting money into Anzoil to put money into Queensland coal seam gas. Eventually we teetered on the brink financially. Somebody came in and took us over and believe it or not, they gave up — or, I think, sold off the interest in Queensland and ran off to California of all places to find gas and of course they found none in California and the

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Queensland coal seam gas fields then became immensely valuable, with Shell and Santos in particular moving in. Shell, I think, took over Arrow and Arrow became a very valuable company, but poor old Anzoil lost that opportunity. That rather burnt me business wise so that was the end of my ventures into business, so I just concentrated on the law.

AY: I'd like to take us to quite a different subject. We're recording this in the wake of the Voice referendum³ and you've been vocal, you and some of your former Liberal Party colleagues. It was a resounding No vote by the Australian voting public, I wonder how you see the referendum, the way it was worded and the way it was carried out; the result and where you think things will go now.

10:00

Viner: Well, taking it step by step. I actually drafted a Constitutional amendment and submitted it to Ken Wyatt when he was minister and they were in government; the Liberals were in government before the last election. If there was going to be a Constitutional amendment change of this kind, let it be a Liberal government who does it because we've really got a very proud history in this field with land rights in the Northern Territory and other things that we did in government: established an Aboriginal development commission which was established by Fred Chaney and brought together a number of different agencies and activities.

AY: Can I ask about the timing for you then — was it fortuitous or were you watching what was happening like the Uluru Statement⁴. What prompted your thinking?

Viner: Well, it was the Uluru Statement that was in the background, but it was simply because I followed all things Aboriginal from my time in government. I guess I had a spurt of intellectual energy and drive, and I thought, *Well, I'll draft an amendment to the Constitution*, because there'd been a lot of legal debate amongst Constitutional experts about how it can be written into the Constitution without derogating from the power of parliament. I went over to Canberra, actually we were in Melbourne, and we went up to Canberra for a few days because I wanted to go to the Australian War Museum to give a couple of artefacts I had from the First World War, and I went and visited Ken Wyatt then. I said, hey, Ken look you can do it this way. In other ways there are precedents within the Constitution whether it's the creation of the High Court and even a creation of the House of Representatives and the Senate. There's an old provision in the Constitution for an interstate trade commission whereby the Constitution says, there shall be this body and then parliament fills it in and says how it should operate.

³ In October 2023, Australians voted in a referendum about whether to change the Constitution to recognise the First Peoples of Australia by establishing a body called the Aboriginal and Torres Strait Islander Voice. It was the first referendum of the 21st century. The referendum did not pass.

<https://www.niaa.gov.au/indigenous-affairs/referendum-aboriginal-and-torres-strait-islander-voice>

⁴ In 2017, constitutional convention brought together over 250 Aboriginal and Torres Strait Islander leaders at Uluru in Central Australia on the lands of the Anangu people. The majority resolved, in the '[Uluru Statement from the Heart](#)', to call for the establishment of a 'First Nations Voice' in the *Australian Constitution* and a 'Makarrata Commission' to supervise a process of 'agreement-making' and 'truth-telling' between governments and Aboriginal and Torres Strait Islander peoples

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/UluruStatement

AY: Parliament legislates around it.

Viner: Yes, parliament legislates how this Constitutional body will operate. As I said to Ken, the High Court's the classic example of that: there shall be a High Court. Parliament says how many judges and what its jurisdiction will be and so on. I also, at that same time, had a talk to Julian Leaser who became quite prominent in the recent referendum and talked to him about the same thing. Unbeknown to me, simply because I hadn't done that much historical study, Professor Anne Twomey, had written an article saying exactly the same thing — this is some years before — as I was proposing to Ken Wyatt and Julian Leaser.

15:00 So, I came back from that, Covid interfered of course with the death of one of our daughters in the height of Covid had occurred. It meant that mentally I wasn't equipped to do anything. And then that settled down and as I say I must have had a bit of a spurt of intellectual activity and said, well I will write an amendment to the Constitution myself. Which I did. And I still reckon it's a pretty good one. The thing is, from the time of the Uluru statement, right up to then, which is what three years away, and even sooner. It was always talked of as a voice to parliament. So, I said, "Alright, I'll write that", and I wrote it on the basis that it was voice to parliament, which all the Indigenous people had talked about, as well as others who wanted it. It was focussed and expressed in terms that there is to be an Indigenous advisory body to parliament on laws affecting Indigenous people so that if parliament proposed to pass a law, well, then the Indigenous advisory body had the authority under the Constitution to provide advice, if it chose.

I also set out similar wording that parliament would then legislate the powers functions and authorities of this advisory body so that parliament, like in other provisions of the Constitution was left to do it. Also specifically, because I knew this would be a critical question, what would be the constitution of the advisory body and how was it to be elected or selected. I set out that it was to be an elected body by Indigenous people on the same proportionate basis as Indigenous people were in a particular State so that there are many more Indigenous people in New South Wales, well they would have a representation of their number of Indigenous people. Likewise, Queensland and WA and so on. It was to be elected by Indigenous people, and I made specific reference to Aboriginal and Torres Strait Islanders so in other words you couldn't get mainland Queenslanders purporting to represent Torres Strait Islanders. They had to be specifically provided for.

I set out in my amendment a definition of who an Indigenous person was and that was simply a person who was descended from an Aboriginal person — I used the terms Aboriginal and Torres Strait Islanders — an Aboriginal person who occupied, lived and occupied any part of Australia in 1788. Likewise, a Torres Strait Islander, a person who was descended from a Torres Strait Islander who lived and occupied any part of the Torres Strait in 1788.

AY: Was that a bit restrictive? Would that be difficult for people to prove?

Viner: No, I don't think so. You see, under Native Title Act, by comparison, the court is prepared to make inferences because under the Native Title Act you can give evidence of when active contact occurred between the European settlers, British settlers and so on, at the time of Aboriginal people, for example, in Western Australia, around about the 1860s, 1860s to 1890s in the Goldfields. In Perth of course it's 1829. The other thing about Native Title is you have to prove there is possession and occupation at the time of "sovereignty", which is a point I want to come to. So, the court said, "Well, we really don't have any evidence in that period, [is] say 1829 to 1860, because nobody ever made any contact with the Aboriginal people in the Goldfields or up in the Pilbara", so the law — that is the court — inferred, if you can prove it in 1860, it inferred it existed in 1829.

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In terms of my proposal of identity, Indigenous, Aboriginal identity, by descent from occupation in 1788 the law was prepared to do it by inference. So long as you can trace your ancestry back a certain distance and many, many people can, the law will infer it. I found no difficulty with that proposition. Anyway, I put that to Ken, but it didn't eventuate, the Morrison government — I don't know if Ken ever put it to Cabinet or not.

AY: Were you talking to constitutional lawyers.

Viner: No, this was my own bright idea [chuckling]. It ticked all the boxes from my point of view. I studied what Anne Twomey had written. She'd written an article, and I'd read what others had said about it. But this key formula for having it written into the Constitution and then leaving it to Parliament, that was the key formula. The argument that Parliament would lose power was answered. That takes me to the referendum, now, early in the peace I'd got a telephone call from my old colleague Senator Peter Baume who took over from me as Minister for Aboriginal Affairs, Fred Chaney then came after Peter Baume. And Peter said he and Fred were going to issue a statement in support of Ken Wyatt and Julian Leeser [and] would I be prepared to join them and I said, "Yes". He said, "We're going to put out a statement, we're not going to argue or debate the point", and so on, and leave it at that. I said, "Well that's fine."

After that, unfortunately, I think the whole movement for the referendum went downhill. I think it started when the Indigenous working group decided that it should be a voice to Parliament and the executive government. Once it said it could talk to executive government — if it was restricted to the minister who has the executive power and then the bureaucracy administers the departments for which the minister is responsible, limited in that way, alright you can understand it. But then when statements started being made by various Indigenous people, now referred these days as First Nations people, saying oh no, it can spread its wings, and it can talk to bureaucracy; it can talk to any agency of government. One of the people Meghan Davis, said, well it can make representations to the Reserve Bank, once those sorts of statements started to be made, people sat up and said, hey this is something more than a voice to Parliament, you want it to be a voice to something else. Then statements started to be made about sovereignty — we've never given away sovereignty, we are of the view that we have co-sovereignty, The lawyer in me thought, hey, that's not right because the High Court has already twice by decisions made in cases — both as it happened called Coe against the Commonwealth, both from the same family, the Coe plaintiffs one in the 1970s and one in the 1990s — the High Court had said, no this concept of Indigenous sovereignty just doesn't exist. We are the Australian nation, the British did assert sovereignty, and sovereignty lies today in the Commonwealth and each of the States because the States, as colonies had sovereignty, and the States followed and retained it.

25:00

Mabo itself is predicated on the British government having what is called radical title over all the land, but that radical title did not discharge or extinguish native title. Native title exists under the Common Law of Australia. That's the propositions that were upheld in Mabo⁵. When they started talking about sovereignty, I started to say to myself, you're going to lose

⁵ In 1992, the High Court ruled that a group of Torres Strait Islander people, led by Eddie Mabo, held ownership of the Murray Islands, including Mer. In acknowledging the traditional rights of the Meriam people to their land, the court also held that native title existed for all First Nations peoples. This landmark decision led to the Australian Government introducing native title legislation the next year. It also proved that Australia was not *terra nullius* (land belonging to nobody) when it was claimed by Britain. <https://digital-classroom.nma.gov.au/defining-moments/mabo-decision>

the people here. I think that's gradually what happened more and more as the referendum went on and on. Then when Albanese refused to provide any 'detail', how this Constitutional body would operate, he started to lose people left, right and centre. To me that was one of the fundamental weaknesses of the campaign. I got very cross with Albanese for saying, just look at the words. Well, sorry, how do you intend this new Constitutional body to operate and what do you expect it do to and what power will it have. People do look at things in terms of political power, people other than politicians do.

I think Albanese and Linda Burney and the Aboriginal leaders like Marcia Langton and Noel Pearson and Megan Davis and others forgot the fundamental of politics which is that it is the people out in the 'burbs, those people out in the suburbs, they have a lot of — I was going to say native intelligence, and they do, they have far more than politicians give them credit for. I think that's what happened. They weren't told really what Albanese had in mind; they weren't told really what the Indigenous leadership had in mind, and they started to say, well, what is this thing. On top of it, you had of course, this question of will it divide the country. In the end I don't believe it was a race-based attitude, it was simply people — and this was the common statement people have made to me since the referendum — they didn't want Australia divided. It was a simple proposition as they saw it. That is the people out in the suburbs and of course when you look at where the No vote occurred within Australia, apart from the country regions, it's out in the suburbs, out in the 'burbs that it was lost.

AY: Are you saying in the absence of having clear information, this is where for instance, social media kicked in with all sorts of stories, what the implications might be, because the message wasn't clearly given to them?

30:00 **Viner:** I believe so. Social media, of course, is open ended to get all sorts of bizarre propositions. Quite apart from that the lack of an explanation of substance on what this was intended to be and how was it intended to operate and how would it operate in conjunction with parliament and government, I think it started to fall away very, very quickly. But as I say, in the end it was that instinct of people, most people — there are plenty of racists around — but I think most people have a good heart felt towards Indigenous people but they said, no, no we don't really want Australia divided in this way particularly if it's going to operate and how it's going to fit into the power structure of the Commonwealth.

AY: Were you surprised with the result?

Viner: No, I wasn't surprised, I guess I was surprised at the magnitude of the No vote but for quite some time I thought it was battling to win, unfortunately. I'd have sufficient confidence politics, that is Parliament, if it had won, to come up with an effective and sensible mechanism for it to operate. I think it would have created a power structure but then with politics you have power structures everywhere. One way or another democracy copes with them and the Australian democracy would have, not so much coped with but managed and managed reasonably well an Indigenous voice. We all know referendums are very hard to win and I'm afraid, in my humble opinion, they handled this very, very badly, that is to give it a chance to win.

AY: Where to from here both for the Indigenous community and for the Parliament. What can be done now because there is a lot of hurt within the Indigenous community.

Viner: I think, in the Aboriginal community, it will run from the shrug of the shoulder — *Oh well, there we are*, to disappointment to those that are very cross and said we will fight on. There's already starting to come out in the press, 'we'll fight on; we believe in co-sovereignty and we're never going to let it go,' well those people will continue to agitate that point of view.

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The Liberal Party said it will legislate for regional and local advisory bodies and I've no doubt that's a genuine policy proposal.

AY: Is that messy though?

Viner: Well, not really. As minister, I had created an advisory body. Labor, Whitlam, created an advisory body but I thought it was a pretty unsatisfactory one both in terms of its representation and its operation and its effectiveness so I invited Professor Les Hiatt to advise me on types of advisory bodies we might have, and I implemented one which was an elected, representative body from right across Australia and the Torres Strait. It had, I don't know, maybe 50 people in it so it was a large body, and it started work under me and continued under the other Aboriginal Affairs ministers. Well, that was created by executive direction not by legislation. But it was very, very effective, the point being that you can create them by legislation as well as by executive order. Then it depends on the representation and the job that you give them to do. At the moment, there are I don't know how many, an enormous number of advisory bodies in Indigenous affairs and then on top of it they call it a peak body of all the peaks, and they advise on health, education, housing all this range of things.

35:00 AY: How effective are they?

Viner: I believe — from what I know of them, and I'm not deeply informed about them — they very effective in advising government on budgets and the operation of all these programs. The one thing I learnt as minister and put into effect was that your programming, and hence your budget vision, starts in the communities. We were very, very strong on that under my two departmental heads, Barry Dexter and Sir David Hay. It came in the constant cry, as it should come, from grass roots, very true and that's effectively how I did it. The trouble with peak bodies is that they are peak bodies and they sit on top of everybody and they sit on the peak so it's always the problem with so called peak bodies as to whether they do truly get their information and their ideas and knowledge of needs and how to implement them; whether they do in fact get it from the communities, from the grass roots levels themselves. That's the problem with peak bodies, so I've got this big question mark over it. The key to the future, to me, is really to go back to the past, go back to fundamentally drawing your information, drawing your knowledge of needs, drawing your knowledge of how your funding into communities or localities can be, and will be, managed and dispersed.

AY: We know that whatever the communities or government bodies have done in the past has still led to a big gap between the Indigenous and the non-Indigenous community. So, does that suggest that something more needs to be done and if so, what?

Viner: First of all, there is a query these days as to how big the gap is. I remember in my day, we were right at the threshold, 19 —

AY: 1975 to '76.

Viner: Yes, when I was minister, 1975 was only eight years after the referendum⁶, the Commonwealth government was still pretty innocent, if I can put it that way, in how to develop its programs out into Aboriginal communities and what they needed and Aboriginal communities were still pretty raw in many places in terms of their interchange and contact with wider society.

⁶ In 1967, Australians voted to change the Constitution so that Aboriginal and Torres Strait Islander peoples would be counted as part of the population and the Commonwealth would be able to make laws for them.

40:00

To give you an absolute classic example, a place called Kalumburu on the north-west coast was a Benedictine mission, had been for decades. With all the immense goodwill in the world, and the department before I became minister, had simply sent into that community, amongst other things stoves for Aboriginal people in their own homes, and they were not big homes, very small places because up till that time, 1972 to 1975, all the meals in that community were provided by the Benedictine nuns. They'd be called for breakfast and called for lunch and called for dinner. You have to be careful how you say these things, but the Benedictine priest, Father Sands would not allow the stoves to be put into houses because his honest opinion was that the people were not yet ready for it. I went there and they put on for me just the most magnificent feast, all foods that they'd produced from magnificent orchards and so on there, oysters galore from the reef just metres away. I came away and wrote to Father Sands and said to him, my description to him was that Kalumburu was that it was a paradoxical paradise. He wrote to me afterwards and said, Minister what do you mean by that and said, it was paradise, everything was there but the people were not allowed to live in it entirely of their own independence and volition.

My point that having told that story was that there in Western Australia in little known places on the fringe of the desert like Balgo and others further south like Warburton and so on where western society in its fullness had not yet reached them, that was as close as when I went to all those places in 1975, the same thing with the Torres Strait and I've got a few stories I want to tell including the Torres Strait. The other thing was that with my department here in Western Australia, which was also the State department, there was sort of a joining of the two, as recently as the 1950s and even 1970s, they had been out in the desert fringes, out from Wiluna bringing people in, the nomadic husband, wife, child family, as recent as that. Working out what programs to put into communities in those days, you couldn't do it by a peak body, they'd have no idea. You had to go out into the communities, talk to them, work with them so that they, if I can use the phrase, so that *their* voice carried to Canberra and then to Canberra we sent back the programs and the activities.

AY I'd like to look at the time that you were minister and you were a new minister, 1975 to 1978. You weren't really expecting to get this portfolio, were you?

Viner: Well, I wasn't expecting to be a minister actually because I'd got into parliament in 1972, I was on the backbench, I wasn't a shadow minister under Billy Sneddon nor under Malcolm Fraser. I was actually secretary, I think I was secretary, certainly I was a member, of the Aboriginal Affairs Committee with Neville Bonner and I was on the Industrial Relations Committee with Malcolm Fraser. I wrote with Fraser the 75 industrial relations policy and participated in the writing of the 75 Aboriginal affairs policy, Bob Ellicott was the shadow minister.

45:00

A rather interesting story: after the dismissal and the caretaker government, Senator Drake-Brockman from WA was Minister for Aboriginal Affairs in the caretaker government. In the 1975 landslide, the Liberal vote was so great that the Country Party didn't get their senator in Western Australia and so Senator Drake-Brockman wasn't re-elected. I didn't even think about it and then when we had our party room meeting, I'm walking out to leave and a close colleague of mine John Bourchier who was the Whip said to me, "You go down that way." I said, "What do you mean?" He said, "No, you go down to the Prime Minister's suite." I thought, well okay, something's on then I sat there with all the other members who'd been told to go down to the Prime Minister's suite. We're all looking at each other and we're all thinking the same thing, who's not here? (laughs) Rather than who's here. Anyway, I was called into Fraser's office, the Prime Minister's office, and he said, "Ian, I would like you to take on Aboriginal Affairs." I think I said, "Oh my God."

AY: I wonder why he offered that portfolio to you, had you shown an interest in Aboriginal Affairs?

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Viner: Well, as I said, I was on the Liberal Party backbench Aboriginal committee.

AY: That's a long way off being minister?

Viner: It is, the only thing I can think of is I was asked to go on that by Neville Bonner and the chair, Senator Sir Condor Laucke from South Australia and I hadn't been on that committee up to the '74 election, I think it was after the '74 election. I don't know what the discussions were when Fraser picked his ministry. I'm so every grateful that he did because it was just a life changing experience politically and personally, absolutely life changing.

AY: Why personally?

Viner: Well, because you came to meet a totally side of Australian society, totally different. I grew up in Bunbury and I used to say after I became minister, well I grew up in Bunbury, never saw an Aboriginal person but they were only 10 miles away in the Roelands Mission. There were none at school with me, either primary or Bunbury high school. There was another mission at Brunswick, but the Roelands Mission was just up the railway track there. Going from the Torres Strait to Central Australia to the North-West of WA, down to Albany and up the Great Southern Line. It was just a new world. But it also instinctively my personal attitudes, my personal values, my political Liberal instincts were all, if I can put it this way, favourable, that is empathetic, to the Aboriginal people and Torres Strait Islanders and what needed to be done.

AY: What did you find when you first started to explore what was happening with Aboriginal people. I know this is a big question because we've got the whole country plus the Torres Strait but as you point out it wasn't so many years since that referendum that granted them citizenship⁷.

50:00 **Viner:** You're constantly having your eyes opened. I remember, and vividly, going up the north coast of New South Wales up towards the border with Queensland around Tweed Heads and so on and being taken to an Aboriginal community there, very poverty stricken in the sense they were still living in huts. Hardly any of them spoke English, I'm sitting there thinking how can this be in modern Australia, so you were constantly hit with situations, or met people you didn't know or imagine still lived in Australia. Or going on that north-west trip we did in Western Australia from Oombulgurri down to Kalumburu to what is now Bidadanga and all through there. Well, going out to Balgo on the edge of the desert. I went to all these places, and it just opened your eyes completely to another part of Australia.

That was the huge impact and then the instinct was well I wasn't a believer in assimilation at all but if I can just re-tell my first story: my first speech as Minister for Aboriginal Affairs was here in Perth in Barrack Street, or it might have been in William Street, to the Aboriginal Advancement League in WA which had been around for a long time with a group of non-Aboriginal people working with Aboriginal people, creating social situations of trying—well reconciliation we'd call it today. My speech was based on the simple proposition, which is a religious one, that we're all equal in the sight of God and that is the way I will treat you and that is the way I will seek to work with you: treat you with equality, do everything I can for you to come to a position of living in equality with the rest of Australia. That was the underlying value and motivation I had wherever I went.

⁷ In fact, this is incorrect, The *National and Citizenship Act 1948* had given citizenship to all Australians previously deemed British subjects, including Aboriginal people. In the 1967 referendum Australians voted to change the Constitution so that like all other Australians, Aboriginal and Torres Strait Islander peoples would be counted as part of the population and the Commonwealth would be able to make laws for them.

AY: Were they able to voice their opinions at that stage, it's quite a new process at this stage?

Viner: Yes, they were well able to from the communities. Ngaire and I went to a community called Bamilyi in the Northern Territory, and that was where a lot of things seemed to gel in terms of how you put money into a community and how you put it to work and how you sought to provide work for people and how they were part of the process of developing programs that they needed and wanted and we provided the money.

55:00

Wherever I went, they were well able to articulate their views; quite a big contrast in a sense between, well, your urban situations were something of their own, to what's called remote places but say Northern Territory — Northern Territorians like Yunupingu, Yirrkala groups to others in Groote Eylandt and elsewhere — very, very articulate. They had a sense of political purpose and political power but down in Central Australia, still very, if I can put it this way, elemental. But they were developing their Central Land Council, there was the Northern Land Council. They were developing it in their own way and in their own way, even though they weren't as articulate in English and in terms of power politics and so on, they knew what they wanted, and they were very, very effective in expressing it. The other thing I mention also, one of the things that came out of what I was doing and the granting of land rights and so on, was the growth in the involvement of women. They became very powerful motivators and actors within communities where previously they'd been just subdued. They, if you like, came out of their shell and we saw it in the schools, they became the teachers' assistants; we saw it in the writing of language — making it written language rather than just spoken. That came out of bilingual education where they wrote up materials for the kids in school and so you then had the growth of language groups where they wanted to retain language, so people got to work, both men and women, but mainly women to record languages and write them down. Then within communities, women started to come to the fore and be encouraged — and they had the courage — to come and say their piece.

Some places the women were much more, 'forcible' in that regard, that is coming forward, than others. The most forcible of all are the Wik women out at Aurukun who were very strong in coming forward.

AY: What were you finding in the Torres Strait Islander communities, how different are they?

Viner: Torres Strait Islanders are totally different to the mainland ones. It's a bit hard — where to start, there are some stories of their own which I'll put in another basket. Again, I'll start with the women: if ever you want to be overwhelmed, you go to a community meeting on a Torres Strait island in their hall and it begins with a language hymn, that is a Christian hymn because the Torres Straits are very Christian, that's another story, and the women's voices are the most powerful voices you ever heard in your life and to hear them singing a hymn in language, it exports you to somewhere else. So, women very, very strong in the Torres Strait. When we went there, there were still some houses, well-constructed places out of coconut palm and you think, hey, that's flimsy but in fact, woven coconut palm — I had one out in the garage — a woven coconut palm wall will withstand anything. We were starting to build houses on some of these islands, but you still had a mixture of the traditional housing and new houses.

They wanted to be independent, but they were, I was almost going to say totally, they were at one time, totally subservient to the Queensland government, totally subservient. That, amongst other things, was because the Queensland government maintained the only boat that serviced all the islands therefore, they were the only communication with the islands. They held the purse strings, and they held the transportation. So, one of the first things I did was to break that monopoly of the Queensland shipping service by building some airstrips

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and helicopter pads so that they were no longer dependent on the Queensland government. They were very anxious and very dynamic in their leadership, a fellow called George Mie big man — I want to tell a story about George and Malcolm Fraser—but big man, came from Darnley [Erub] Island which is just off Murray, or Mer, Island. It's where the London Missionary Society first came in 1871 to Darnley and brought what they called the 'Coming of the Light', which is the coming of Christianity, to the Torres Strait. All the islands had their own leadership groups and then they had a regional advisory council across. But all the islands had their leadership right across to Saibai which is within 800 metres of the Papua New Guinea coastline. Wagyi Wei was the leader in Saibai.

The Torres Strait was really being brought into the Australian political and social system. That's what we were doing with the Torres Strait by providing them with money, as I say, for transportation, for access to Australia as distinct to just relying on their tinnies to travel between islands — which is literally what they did. When Mrs Viner and I went to Murray Island, Mer, on one trip there were dugout outrigger canoes that had sailed across from Papua New Guinea, lined up on the beach. They follow what is called the Warrior Reefs down from Papua New Guinea, the interchange is there. That's sort of gabbling on a little bit about the Torres Strait, but I did quite a number of trips there. It was really highly motivating to take the Australian political system and government to the Torres Straits.

AY: This is a big portfolio with a lot of complicated things happening.

Viner: That's right.

AY: Let's come back to it, shall we?

Viner: Yes, by all means.

[Interview three ends.]

This is a further interview with the Honourable Ian Viner, OA, KC. Today is Tuesday, 14 November 2023, and we're meeting at his home in Peppermint Grove. I'm Anne Yardley. Mr Viner, we've been talking about Aboriginal affairs and your time as Minister for Aboriginal Affairs is covered in much earlier interviews, so I'd like to ask how you've watched things progress in this area since the years you left the parliament? You've remained active. You were, for example, Deputy Chair for the Council for Aboriginal Reconciliation.

Viner: Yes, going back to my time as minister and the Land Rights Act which I introduced which was pretty fundamental in recognising traditional occupation of land and giving a title of that to the Aboriginal communities. One point I would particularly mention there is that the title that was granted under the Northern Territory Land Rights Act was freehold title. I was determined that if there was to be recognition of traditional occupation and possession of land that the Aboriginal people should get the equivalent title to that land as all other Australians got when they were granted freehold title to occupy and possess their block of land or whatever it was.

So that was very fundamental and I was very determined to see that that happened and I handed over the title deeds in North Eastern Arnhem Land — can I digress for a moment — when I handed over the title deeds in Yirrkala which is Galarrwuy Yunupingu's country — I say his full name with respect to his recent death — there was a huge corroboree and it was a classic, traditional corroboree, there was I standing rigid with four clan leaders including Yunupingu's father approaching me with their spears, which almost touched my nose, to see if I was friend or foe. When they accepted, I was friend, I handed over the title deeds and they handed over to me four magnificent Bark paintings, one representing each of the clans. Thankfully three of those survived and I presented those to the Australian Museum in Canberra.

Down in Yuendumu, which is hundreds of kilometres west of Alice Springs, there was a huge meeting of Aboriginal people from everywhere, as it were, to explain the granting of the title deeds to them, my speech was translated into five different languages. It was the most remarkable experience to find yourself in the centre of Australia and of necessity my speech having to be translated. It was a great impact upon me to then fully understand just the diversity of Aboriginal people and Aboriginal languages throughout Australia.

So anyway, fast-forward to the Mabo decision and I made quite a number of public statements about that, I had old friends from way back in my very young days ringing me up, they were farmers and others, wanting to know, will my land be taken away from me. So, I had to allay fears about that, that it wouldn't be. Then the Native Title Act was passed applying native title across the whole of Australia. Now that did not grant, for example, freehold title to Aboriginal people but it recognised — and this is rather legal — their customary law as part of Australian common law. If I might say so, I actually foresaw that with my land rights act in the Northern Territory and particularly referred to it in my second reading speech saying for the first time in Australian legal and legislative history, Australia was recognising the customary law of the Aboriginal people of the Northern Territory within the common law of Australia which was then legislated to give effect to it.

The Native Title Act does the same thing but recognises what are the native title rights of occupancy and possession ranging from exclusive occupation and possession rights, which the High Court recognised in the Mabo case for the Torres Strait Islands and so in some parts of Australia and here in Western Australia, native title will recognise that exclusive right of occupancy and possession. In other places it will recognise the rights to, for example, travel over land, camp on land, hunt on land and exercise their sacred ceremonies and matters of that kind. That's what native title does, as I say the range of native title rights which are recognised. Now I got myself involved in some pretty heavy political controversy

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when the Wik decision⁸ was brought down by the High Court which recognised that native title rights can exist alongside pastoral lease rights, in contrast, for example with mining leases. Mining leases extinguish native title. Or if the government gives you a lease to put up a building and so on, that will extinguish native title but apart from those situations, native title co-exists with other legal rights. I was very critical of John Howard's Wik ten-point plan. I won't go into the plan and so on, but I got myself into plenty of controversy at that time⁹.

AY: Would it have strengthened native title had the Australia wide legislation — 1993 Native Title Act — if it had been freehold or was that just a step too far?

Viner: It would have been a step too far, I think. Conceivably it could be granted and if you look at it, exclusive occupation and possession, recognised in Mabo's case and has been recognised here in Western Australia. There's a big legal controversy going on now between Andrew Forrest Fortescue and the Yindjibarndi people because the Yindjibarndi people have been granted exclusive occupation and possession over land that holds some of Fortescue's major iron ore deposits for which he's never paid compensation to the Yindjibarndi people. So that is the controversy that's going on.

AY: Where does native title legislation come into a case like, does it help or hinder in a situation like this?

Viner: Strictly speaking, now under the regime as it's in place in our West Australian Mining Act and likewise around Australia, before you can get an exploration licence but more particularly a mining lease to mine the land, you have to reach an agreement with the Aboriginal people over the terms upon which you can mine that land. Through that legal right and mechanism, the Aboriginal people can now obtain financial benefits from the use of and disturbance and destruction of land over which they have native title rights. That's the way in which it works at the moment.

10:00

Interestingly, it was always a matter of controversy in the South-West because we're so highly developed in the South-West there wasn't that much Crown land over which the Noongar people could claim native title. Colin Barnett, to his great credit and foresight, which is never really been given full recognition, entered into a very significant land rights agreement under the Native Title Act to recognise native title but in certain instances extinguish it but in return paid them significant amount of money, down payments something like over a billion dollars plus continuing payments over, I'm not sure how long, but for many years to come. That was a remarkable use of the Native Title Act to resolve ongoing and continuous disputes of the Noongar people trying to obtain recognition of their historic rights over this South-West and Great Southern part of Western Australia.

⁸ The Wik people of Far North Queensland claimed, in 1993, that the land should be theirs under native title. The case eventually reached the High Court in 1996, where the Court decided 4:3 in *Wik Peoples v Queensland* in favour of the Wik people <https://digital-classroom.nma.gov.au/learning-modules/law-and-democracy-defining-moments/33-taking-mabo-further-native-title-act-and-wik-decision>.

⁹ Ian Viner has been the Church Advocate for the Anglican Diocese of Perth, And provided advice on native title to then Archbishop Peter Carnley, particularly when the Howard Government was planning the contentious Wik Amendments. A practising Anglican, Ian Viner and his wife worship at St. Phillips Anglican Church, Cottesloe.

AY: And compensation?

Viner: And compensation, yes, now in view of the recent referendum, it's also ironic that some people have called it an example of a treaty. It's not called a treaty but in many respects that's what a treaty is. So, it was really ahead of its time and the other States have not been able to bring themselves to copy what Barnett did.

Another aspect, or flow-on, from my time introducing the Land Rights Act in the Northern Territory there was in around the late 1980s, I think, that was the time span, the Howard government obtained what was obtained the Reeves Report. It was done by John Reeves QC who would have ripped the heart out of the Land Rights Act and changed its whole purpose and given government a whole new power over the land rights that had already been granted in the Northern Territory and I took a very active part in opposing those attempts to change the Act writing very substantial piece in one of the university reviews. Over all that period, I was very active in that, if you like, native title area.

15:00

As well as that, I started to do work as a barrister under the Act in the Goldfields and then in the Pilbara in particular. The Goldfields was a very, very difficult area because all the Goldfields families and the traditional community structure of Aboriginal communities throughout the Goldfields had all been fractured over time since Paddy Hannan got there in the 1890s. And secondly of course, the mining industry was a very powerful lobby group and very much on the defensive in those early days against native title and the State government both Labor and Liberal were very vigorously opposing applications for recognition of native title and siding with the mining industry. So, court cases and before court cases, the State government, I would put it, on both sides behaved very badly let alone the Court government ran a case right up to the High Court trying to have the High Court hold the Native Title Act was invalid. But that was rejected.

In those early days it was very, very difficult to get any realistic mediation going. That also was ironic because after I became a part time member of the Native Title Tribunal, which at that time under the presidency of Robert French who later became Chief Justice of the High Court, and before the Wik amendments by John Howard, it was essentially an investigative tribunal along the lines of the methodology of the Northern Territory under the land rights act I introduced, initiated by John Toohey who I had appointed as First Land Commissioner and Toohey became a member of the High Court and was a member of the High Court in Mabo so it's amazing how things come round and go round.

Anyway, I said, well I need to learn more about mediation as distinct from litigation, so I took myself off, with the support of Robert French, to Harvard to one of their special schools on mediation and advanced negotiation. I was lucky enough to be there and taught by Professor Robert Fisher who was at that time the leading teacher of mediation, this style of mediation.

AY: Is this specifically for the legal profession?

Viner: Well, it was for native title and then around about that time you had an incentive and quite a strong growth within the legal profession and within the community to find ways to avoid litigation and the high cost of litigation and the adversarial contest so there was a big move promoting mediation. I was fortunate, very frustrated in some respects which I'll mention, in going to Harvard in the late '80s it would have been, the second half of the 1980s, to attend those courses under the leadership of Professor Fisher.

AY: Was it useful, you just mentioned frustration.

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Viner: Well, it was tremendously helpful in native title, should have been helpful in my practise of the law, but the trouble is I tried to put all the principles into practice at the Bar and of course my colleagues on the other side, both solicitors and barristers, no, no, no. They wanted to get in there with the boxing gloves in the adversarial system while I'm trying to promote mediation to reach a conclusion that's acceptable to both sides even though both sides give away a bit, they go away and the old saying was, well if both sides are complaining about the outcome, then you've reached a good result [laughs].

AY: Our system is adversarial by nature.

Viner: Yes, our system is. Anyway, the frustration was in trying to get barristers on the other side to not be adversarial in a mediation set up.

AY: Is this *pro bono* work that you're doing on behalf of Aboriginal people?

20:00 **Viner:** A lot of it was *pro bono*. Sometimes it was very hard to get any money out of the Commonwealth to support the Aboriginal people but most it was *pro bono*. I did a bit for the Goldfields Land Council which was paid but more often than not the payments were at the rate of a junior counsel for example rather than senior counsel, that was fine. But I did a huge amount of *pro bono* work.

AY: That showed the level of your commitment.

Viner: Yes, and also in the Pilbara for particular group, a great amount of *pro bono* work.

AY: Can you tell me a little about the Council for Aboriginal Reconciliation that you were deputy chair of. What did it involve?

Viner: There was a public meeting on the Wik amendments that I attended, and I was invited to speak, in the Perth Town Hall. Unbeknown to me, at the time, the then Minister for Aboriginal Affairs in the Keating government was in the audience and that was Robert Tickner. Anyway, sometime later, I got a telephone call from him inviting me to become deputy chair of the reconciliation council under Pat Dodson. I was replacing — I've got his name on the tip of my tongue — Sir — Ronald Wilson, had been the first deputy chair. That period of three years which then spanned John Howard becoming prime minister — I started under Keating, then Howard became prime minister — was a massively constructive and intellectually satisfying period. We had a really very, very good council. Linda Burney was on it; the fellow who became her partner, Rick Farley who unfortunately later died came from the National Farmers' Federation; Pat Dodson as I say was chair; Ray Martin was on it; a lady called Jackie Huggins, Aboriginal lady from Queensland who's become very prominent since then in academia as well as active in women's issues. I think it must be Lidia, the current Lidia Thorpe's mother. She was very active in Aboriginal mental health. She came, as I understand, from a place called Lake Tyers in eastern Victoria.

25:00 Now Lake Tyers when I was minister — I keep digressing all the time — there were two places that my department said, oh minister you don't want to go there. Anyway, I got to one of them, it was Cherbourg which was in Joh Bjelke-Petersen's town and that's because it had, under the Queenslanders, become a highly institutionalised community of Aboriginal people who were, I think to say highly institutionalised really gives the description of it. You just held your breath when you went in there, it was classic Bjelke-Petersen country. The second place they said, oh minister you don't want to go there, and I said, but I will. They said that's Lake Tyers which historically in Victoria, when Victoria started closing down all the reserves, including post-war and very close to Melbourne which would be in the outer boundaries of Melbourne now, some of them to make way for soldier settler development, sent them all off to Lake Tyers and forgot about them. Hence, they were saying it was a very

poor, poverty-stricken area. So, I didn't get down there before I finished at Aboriginal affairs so I can understand the background from which Lidia Thorpe comes and the intensity of the feeling that she sometimes expresses.

AY: That's an interesting observation.

Viner: Hmm, hmm. And another one, a wonderful Aboriginal man, Wenten Rubuntja. I had met Wenten Rubuntja when he was Chair of the Central Land Council, I took him to meet Malcolm Fraser in Canberra, invited him to come and he did, to tell Fraser the importance of land rights to the Central Australian people, that is the people that I mentioned where I handed out the title deeds at Yuendumu. Wenten Rubuntja was a relative of Albert Namatjira, he was of all that family clan. His nephew's painting is that one hanging on the wall.

AY: I should mention you have quite a collection of Indigenous art.

Viner: Yes, they're lovely but that one is Michael, I think it is, Michael Rubuntja and the other one on the wall is Kevin Wirri and he, as you can see, they're both of the Albert Namatjira style. And there was Rod Carnegie of quite considerable mining industry fame, he was there when I first joined and a couple of others. Oh, I should remember her, she had been leader of the Democrats in the federal parliament, whose name escapes me —

AY: Cheryl Kernot.

Viner: Cheryl Kernot, that's a good memory. It was really a powerful group of people, and they were all committed to reconciliation, and reconciliation as its name implies, is bringing people together on a basis of equality and respect and dignity. Three aspects I'll mention: one, we did a big study and made recommendations to the government, including constitutional change. Interestingly at that time, there was no proposal or suggestion of anything like a voice to parliament. This is 1995 to 98, one of the proposals was however a bit like the New Zealand experience to have dedicated Aboriginal and Torres Strait Islander representation in parliament. Well, we now, without having it dedicated, we now have 11 Aboriginal members of parliament. That's one thing; the second thing was the convention that we held in 1997, I think it was, a big convention that we put together. That was the one where John Howard lost his block and started screaming at the audience and they turned their back on him. I had Malcolm Fraser sitting alongside me, which was very, very interesting.

30:00 There was a presentation of the Stolen Generations' Report, particularly what was going on in the Northern Territory but also elsewhere and Fraser said to me, "Paul Hasluck was the minister at that time wasn't he?" And I said, "Yes he was." He said, "You know, he never told us in the party room that this was his policy, that that's what was going on in the Northern Territory." He leant over me quizzing me and then made that comment, which was very, very revealing. Fraser was sitting right alongside me when John Howard was performing, if I can put it that way, and Pat Dodson trying to calm him down, highly emotional as well as intense.

But we also made every endeavour, and very nearly, had Nelson Mandela attend that convention. And we very nearly, but we didn't in the end, have him appear by video link but weren't able to achieve it because, as word came through to us, foreign affairs was fearful that if Mandela came to Australia, it would cause riots on the street and that sort of thing. Well, it wouldn't have. We had in place of Mandela, a non-African, that is non-black African Donald, I think his first name was, Donald Boraine, who had been a very, very strong anti-apartheid fighter, white South African on the side of the African National Congress so he gave the international dimension to the convention. That was a very, very powerful event and impact. But without going into huge detail, Howard and his minister, John Herron, didn't see it

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in them to re-appoint me [laughs] and they started off not wanting to re-appoint Pat Dodson. In the end Pat Dodson — we were there at a meeting in Canberra — Dodson went across to see Howard on a Sunday evening and Howard started saying, “Well, well, well, I will appoint you Pat”, and Pat said, “No thanks.” So neither he nor I were appointed but we know that Howard and Herron, we surmised and inferred very early as events unfolded and subsequent things were said by Howard, that he and Herron had already decided to appoint Evelyn Scott who was actually a South Sea Islander, I think I’m correct in saying that without disrespect to her, from Townsville, which was John Herron’s electorate up there, and Sir Gustav Nossel, we couldn’t work out how Sir Gustav came into it because Pat and I had travelled all the way around to Brisbane to meet Herron and we sat outside his office for 45 minutes and then went inside for 15 minutes trying to talk to him about re-appointments and new appointments for the new council and he said nothing to us. We came out saying, okay, he doesn’t want to re-appoint us. So that was the end of my time on the council, and also Pat Dodson’s.

35:00

I continued my reconciliation work here in WA, just to mention, we ran, and it was part of the National Reconciliation Council, it went on all around Australia. We ran very active and very powerful reconciliation meetings from Albany in the south to Geraldton bringing together what is now called key stakeholders. You brought together the local authority: the police, the health, the Aboriginal people and others. For example, in Geraldton there was a very active night patrol trying to get kids off the street instead of the police coming along and throwing them in a paddy wagon and taking them off to spend a night in the cells. We had volunteers, I remember Miriam Borthwick in particular who had a young baby, you know barely twelve months old, but she travelled with me all around Western Australia on these volunteer efforts and they were hugely successful. So, when I hear these days the difficulty of reconciliation and so on, it’s really a matter of getting back to those kinds of communities’ activities where you bring together all the stakeholders. And they responded superbly, you could visibly see in the days and weeks that followed, changes of attitude of Aboriginal to non-Aboriginal and vice versa.

AY: Lasting change?

Viner: Lasting change, lasting change. Geraldton is where my mother grew up. She went there in 1911, she and my father married there in Geraldton. But Geraldton, at one time, together with Carnarvon and also Albany, were the most racist towns in Western Australia — and Broome in its day. And they were. In Geraldton and Albany, we didn’t get to Carnarvon, well I didn’t, but there were reconciliation activities in Carnarvon, but I certainly saw it in Geraldton and Albany, fundamental change of community, people’s attitudes towards to each other which was absolutely marvellous.

AY: There’s so much more we could say but I’d really like to talk about you personally.

Viner: Ah yes [laughs].

AY: Hockey, tell me about your involvement with hockey, that’s been a lifelong passion for you, and you have achieved a great deal in your hockey career. You were a former first grade hockey player in Perth competitions, you represented WA and Australia in veteran’s hockey. What’s been the importance of hockey?

Viner: Well, I guess the continuity of it. I first started in Bunbury when I must have been about 17, I suppose. I was playing footy, you know — footy, footy, footy. I was vice captain of the Bunbury underage footy team, and you had your heroes in Bunbury, and I had the hero of my footy club, Pastimes Football Club, Ray Teed, tapped me on the shoulder and said, son you’ll be playing in the A grade one day, keep it up. So that made you feel pretty good. I won the most improved player trophy one year, lost that unfortunately over all the moves. But then one day I got knocked over and my wrist was broken, and I said, hey, I’m a bit small,

you know, I wasn't quite big enough and tough enough, I thought. For some reason, I don't know why, I thought oh well, I'll play hockey. There were only a couple of teams in Bunbury, I think we must have played each other each weekend.

AY: What was it about hockey?

40:00 **Viner:** Well, I guess the skill, it wasn't a rough, tough game. Not that I was frightened of a rough, tough game on the footy field, but I guess that was it, the skill level. I guess that was about it. I played a lot of badminton in Bunbury in the winter that followed tennis in summer. But beyond say football and then hockey, you didn't have any basketball or anything like that in winter, so it was the alternative winter sport to play. Now, then when I went up to York from Bunbury, still in the bank, I played both football and hockey for York — footy on Saturday, hockey on Sunday and played tennis in summer. I was captain of the tennis club, or secretary and captain of the York Tennis Club. I also was the raconteur for them, I wrote the weekly tennis notes for the local newspaper. That's where I gave myself the *nom de plume* of Riv — which are my initials — and Ian.

With hockey though, in York, we were terribly lucky because all the top teams in Perth used to come up for a day trip to York on Sunday and play, we York fellows. And we had some very, very good hockey players. I went down and played country week hockey; I must have come under the eyes of the State selectors because I was invited to come down in the selection trials only one in the under 21 State team but missed out. That was pretty difficult because I didn't know anybody and they didn't know me, so nobody passed the ball to me [laughs]. Anyway, when I came down to uni, I played hockey for uni, played A grade hockey for uni. When I finished my degree and played inter-varsity — that's interstate hockey — one year for the uni team and then when I finished my degree, in those days, you couldn't keep playing hockey for uni, only if you were an undergraduate. One of my legal colleagues and hockey players at uni, Alan Barblett who's an Olympian hockey player in 56, ran into me and I told him my dilemma and he said, well come and join us at Suburban. So, I played hockey for Suburban continuously for 50 years and also Alan did. Alan and I both made a point that we would play for 50 continuous years; he became an Olympian and State captain but I played A grade for Suburban; I was captain; we got dropped from A grade one year—for beaten 1 nil in the last game by Fremantle and so we dropped and I was captain of the senior Suburban team; continued playing until I ran into Alan again with an interesting experience.

45:00 Fraser shifted me from industrial relations to what was called Defence Support and Minister Assisting the Minister for Defence. I was a bit down in the mouth being moved from industrial relations and some interesting political circumstances. I ran into Alan Barblett at the airport in Melbourne, Tullamarine, and Alan said, come on Ian, chin up kind of thing. He said, come and play veterans with us. I was still trying to play up the grade even though I was going down — A, B, C, D, E, F-sort of thing. Every so often, I'd pull a hamstring and complain bitterly so I said, okay. I played veterans for the rest of my period, including playing hockey the whole time I was in parliament. I made a point of coming home on a Friday and going back on Sunday evening because Cabinet was on Monday. Freddy Chaney used to quote me to people saying well, look at Viner, he goes home every weekend. Except when there was federal Liberal council meeting, rarely for political purposes elsewhere. Instructions to my staff were: I'm sorry Mr Viner is going home for the weekend. As I said, well if you didn't go home for the weekend, soon it would become two weekends, then it becomes three weekends and soon you wouldn't know who your wife and kids were.

AY: Tell me who your wife and kids are?

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Viner: Ngaire, my wife, we married in 1956, my third year at university; the kids: Robert who was born in my final year at university, 57, when I got four distinctions out of five. I should have got my fifth one, but my blessed equity lecturer gave me 74 instead of 75, the blighter. Then Andrew, Cathy, Elizabeth, Annabel, Natasha and John.

AY: Ngaire had her hands full then while you were away during those years in Canberra.

Viner: She did, absolutely marvellous, slotting into the life of a member, let alone a minister because when I came home for the weekend you always had some community function to go to whether it was your own Liberal Party function or more particularly the footy club, or the basketball club or the netball club or the pensioners' group, always. So it was a huge demand on her but the counterpoint to that was, we made a point — and this is very interesting in terms of today's community attitudes to politicians and politics — I was entitled to take my family to Canberra, I think it was three times a year, and so we made a point of taking the kids and Ngaire to Canberra every school holidays and they would come into the House of Reps and sit in the public [gallery] in question time, except little John as he was. We had to leave him back in the office, he was a bit small. One day one of the stewards, or whatever they call themselves, attendants, wouldn't let Elizabeth in because she was wearing jeans even though they were pretty smart, fashionable — no you can't wear those. The point of it was, we used to talk about it in the family, the kids knew where I was going to work and I used to say to them, it was like going to work from London, of all places, to Moscow, I used to say, Dad goes to work.

AY: It's a particular challenge for West Australian federal politicians.

Viner: A huge challenge, a huge challenge, you're always flying. I started off where you couldn't fly direct to Canberra, you had to go via Melbourne, sometimes to Sydney, but generally Melbourne or Adelaide and then up to Canberra. Then coming home, I've had the occasion where you had to stop halfway across the Nullarbor because of the head winds and the old stories of passengers having to get out and push the plane up to the bowser to full up with fuel. So, I've been through those, then as a minister, you come home with a bundle of papers. I used to sit in my seat on the way home and go through all the papers. There was John Wheeldon, a Labor parliamentarian who was very popular with the Libs — he used to travel Ansett with us, not TAA, but he used to complain bitterly about, oh all these papers that I have to take with me and read on the plane. Well, if you didn't do it, you couldn't cope.

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The other thing, going back to Canberra I was very lucky, I could catch the midnight on Sunday, and I'd be asleep before the plane took off; they'd give me the first seat, I'd take the middle arm rest off, and I'd be asleep, as I say, before the plane took off. I'd stay overnight at the airport hotel in Melbourne then up to Canberra, although mostly I'd try to catch the day flight on Sunday. Sometimes, I'd get a VIP flight if there were events I had to attend in Perth and then get a VIP flight. That was an interesting one, some of my colleagues in Western Australian had a go at me once and went public without telling me: Viner's getting this VIP flight and he's not taking any other West Australians with him. So, politics can get down to that unfortunate, nasty business at times.

Anyway, with the family, and Ngaire, we had a very, very strong Liberal women's group in Stirling, very powerful in the sense of being very active and committed and dedicated. They were lovely people with it and Ngaire was very active with them and then of course leading up to polling, Ngaire would go and collect postal votes from the aged care facilities and so on. Then on polling day, she would accompany me for twelve hours going round and round the booths. It was a very congenial partnership but there were times when with little kids growing up tremendous demands on Ngaire, but she's simply got a personality that was able to deal with that. Which makes me make the suggestion that of all people to be interviewed, she has got a history herself from growing up in Mukinbudin to coming down to Perth and

being the wife of a federal minister. Growing up on a farm in Green Hills outside York with a one teacher school, going to school in a horse and cart to being as I always chide her — or remind her — head prefect of the boarding school. From the stories she tells me, I keep saying, she used to run MLC in those days. This at the end of the war. So, she's got a story in itself that's worth telling.

AY: I couldn't agree more and that's exactly what oral history should be about, the stories of people who are sometimes left out of history. Now, you're clearly used to hard work, one of the things that you found time to do, was to be involved with St Mary's school, so how did that come about and why?

55:00 **Viner:** The fact is that four of our daughters went to St Mary's.

AY: But not every parent gets heavily involved with their children's school.

Viner: That's right. Two of them started at PLC but then I moved into my electorate and lived in Waterman right on the ocean which was absolutely fabulous to bring up a family and so the four girls went to St Mary's until 85, 86 after I'd finished in parliament, and all the girls had finished school, I think, I was invited by the then chairman of the board, Les Hearn, to join the board. I was more than glad to do that, and I stayed on, became deputy chair under Les, then became chair following him. I was chair for five years I think and then I continued as a member of the St Mary's Foundation, Les Hearn and I set up the foundation to give the school an ongoing long term capital fund. I think we were almost the first of the private schools to do that, and did it very successfully with the late Ron Farris, who was the inaugural chair of the foundation, and I stayed on the foundation after I finished on the school board until I think it was 2018. (Ron and I were made life members of the foundation.)

What I loved about it was that it was so different from the cut and thrust of the pressure of the law, the adversarial part of being a barrister puts a lot of pressure on you, a lot of demands on you. And then the constant high-powered use of your brain, your intellect, is constantly there and for a QC, almost seven days a week in order to keep up with it. So, to be able to take yourself out of your office in St George's Terrace out to Karrinyup and sit down with some wonderful people who are all committed to the same thing that the school, the students and seeing it succeed as a good school in every respect, is just a different mindset. That's what I enjoyed, going out there and being involved in that part of the community. It was a very personally satisfying period.

AY: You have upwards of 18 grandchildren and about six, did we decide, great-grandchildren. If any of your grandchildren came to you to ask for advice about what they should do in life, what would be your advice?

Viner: Well, I would say to them, go where your — I was going to say feelings take you — that's go where your interests and motivation takes you. Actually, it's interesting, our youngest son, John, was here last week. He's been very successful in IT, information technology, he was dux of Hale School, bless him, a very busy active person. We were just talking somewhat about this, and he said, Dad, you made lots of choices in your life now which is right? You know leaving school, I had to go to work, my father had died, my mother was a war widow, she was the one who got me the job. So going to work at 15 was necessary. But whether it was the fact that I was left without a father at the age of 12, so you start to decide your own, if you like, paths in life for yourself, rather than driven by a parent. My mother was very good, her concern was to see that all her children got a good job and were set up, which she did magnificently given her circumstances.

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I know where it came up, John said to his son who is John, called Jack, you know Grandad was in the air force. I was in national service training, and I said, you know, I very nearly

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joined the air force when I was there because I was talking about how I just missed out on pilot training. I was number six when they were choosing five. I said, well if I'd been number five, I reckon more than likely I would have been in the air force. I said, when I was leaving national service training, I very, very seriously looked at joining the fleet [air arm] but my mother was alone down in Bunbury and my brother had gone off to England on a trip with his mates, so I said, well I'd better go home to Bunbury.

I went back to the bank, then I made another choice which was, I'm going to become a lawyer. What motivated that I still wonder. And then I made another choice: I'll have a crack at politics. Through my life it's been a series of choices and that's what we were talking about to John and young Jack, so I guess that's been my life, but I've also known where I wanted to go when I made a choice.

AY: They've been conscious choices?

Viner: Yes, yes.

AY: And is that important?

Viner: I think so, I think very important. In other words, you're in a position to make, hopefully, and not everybody is of course, to be able to make your own choices. Again, in making my choice to be a lawyer, I wasn't educated to be able to go and study law, so I had to sit down and in six months I did enough study, which is normally two years, to gain my university entrance as a mature age student. In making your choices you have to know what it is that you've got to do to get where you want to go. I guess in my life, in those early choices — becoming a lawyer, I was simply imbued with the idea of being a barrister. I loved the concept of working independently for myself, which is the essence of being a barrister, and finding I had the brain power, the intellectual capacity to do what was required and also able to make decisions.

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That's one of the things I've said to all my kids, having the capacity, that is having the ability, well capacity and ability, to make decisions, you can then do things. I used to quote to them in politics, making a decision gives you power. My colleagues as ministers who weren't prepared to make a decision, really had no power. But I found that also making a decision brought your department with you, brought the leaders of the department with you and they would join you in making and implementing that decision. That's what I found in each of my departments except industrial relations because they wanted to make the decisions. They wanted to be the player in the game of industrial relations and if I as minister said no, this is what we're going to do, and this is the direction we're going to go. They didn't want to go that way, which enables me to tell one story that I think needs to be told that wasn't told in my, if you like, political interviews, and that was the background to me being moved by Fraser from industrial relations to defence support. What I call the stab in the back. It was actually pretty terrible, I didn't ever tell Malcolm Fraser this, I didn't tell any of my other colleagues this. I didn't learn about it until after I'd been moved.

A leading journalist in the gallery at the time, Anne Summers, you may have heard of her, very prominent in feminism and women's affairs. Anne was in the gallery at the time; I'd come across her because as minister assisting the PM I was responsible for the public service and I actually did a lot with the women in the public service, you know, setting the scene for a bigger role for women in the public service than had occurred before. So, Anne, given her personal background, was very keen on following that. So anyway, she came to see me one day and said, Ian I want to tell you something — I said, yes, Anne. She said, Andrew Peacock had brought to her house my departmental head, a fellow called Mick Keogh, with a cabinet document which are of the utmost secrecy and confidentiality, and said, Keogh is prepared to give you this if you'll write a story about it. Anne said to me it was

a Cabinet submission by me on the progress of the action that was being taken to try to deregister the BLF [Builders Labours Federation]. Andrew Peacock had started that and then he resigned from Cabinet to attack Fraser, and it was after he resigned that Keogh must have gone to Peacock and given him this document because I had answered a question in the House on the progress of preparing the case against the BLF. Hawke had brought a motion against me that I'd lied to parliament.

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So, setting the scene, it all started with Peacock taking Mick Keogh, my department head, to Anne Summers. Anne Summers said, "Ian, I kicked them out of my kitchen." What they did however, they went and gave that document to Alan Reid who was the leading gallery journalist, doyen, of the gallery writing for the Bulletin. He wrote the big article attacking me which Hawke picked up then ran the motions to parliament. So, it all started with Peacock because Peacock and his chief of staff had started to use me as the stalking horse for Fraser but to find one of my former ministerial colleagues had done that to me was (pause) well, it was rather revealing as to the lengths some people will go. I just buried it with myself, I didn't tell anybody. I could have gone saying all of these sorts of things but anyway I didn't. As I say, industrial relations was just that sort of department because I had tried to change things, but they didn't want to change, you know, all this wage regulation, centralisation, the industrial relations club, all of that, was like the lifeblood of the department rather than serving the government of the day and the minister.

AY: And the people.

Viner: And the people as well, the people. Then my next department, I thought oh, crikey, defence support, but again, I found it fascinating. All the research — I was in charge of all the shipyards, naval shipyards. There was an aircraft factory, all the research establishments of the army, navy and air force and in South Australia, over the horizon radar which was being developed. I was given the job by cabinet to try to privatise what military hardware construction we did have in Australia. There were guns being manufactured in Bendigo. All the badges and embroidery and so on, there was a little factory down in Bob Hawke's electorate and I went down and said, hey, this'll be fun if we privatise you people in Bob Hawke's electorate, they all laughed and said, yeah, yeah.

A munitions factory in Maribyrnong — and this is an example of my approach to being a minister and relationships with my departments. I said, well let me go to all these places I want to meet the people there. I went to the Maribyrnong munitions factory and the last minister responsible for that factory who'd gone there was Harold Holt when he was a minister for supply and of course there'd been plenty of ministers in between. I can still remember to this day how excited all those — they were all men at the factory — that the minister was coming to see what they were doing. Absolutely thrilled. They got me to sign the visitors' book: *Minister, please sign the visitors book*, and that's where the signature before me was Harold Holt.

AY: We've talked about a lot of things, is there anything you'd like to say before we finish?

Viner: Well, I suppose, just going back to hockey, I've told you all about the beginning, but when I left parliament, I went and played state veterans hockey, I think for four or five years in a row — [19]84, -5, -6 and -7. Then at the last one, they called for nominations to go in what they called the masters international travelling team, this is the over 50s, there hadn't been one before and so I put my name down. I think I was playing pretty good veterans' hockey at the time. Anyway, lo and behold, I was not only chosen in the team but asked to captain the team. I was captain of that first international Masters hockey team.

1:15: AY: Touring team?
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Viner: It was a touring team into Southeast Asia. We went up there to play a tournament in Singapore on the famous Padang in Singapore and teams came from all around Southeast Asia and also Hong Kong. We won. I've still got the bloodied hockey stick that was presented to me. I was due to go again as captain the following year and lo and behold I got appendicitis and had my appendix out about two days before I was due to jump on the plane. So, I didn't go.

The consolation from that is that we made up a team from Perth called the black swans which went to 1987, I think it was, to the world veterans' tournament held in conjunction with the world championships in London, which was a great experience. The German team were fascinating, if I can digress, at half time all the ladies brought out two silver platters to the men, champagne glasses on top full of champagne. We thought that was pretty good, we'd just go back to the sidelines and have a drink of water [laughing]. We were talking to one of the Germans at morning or afternoon tea one day, Ngaire and I, a lovely Wimbledon Common setting which is just opposite Wimbledon Tennis Club, and he said, I was last in London in 1939. Ngaire and I looked at each other and thought my goodness me was that in a bomber over London in 1939 [laughing] but no, he'd been there just before the war.

Those experiences were great, taking the team on that tour, we went to Kuala Lumpur and I met there a player who'd played with me in the university team years before, Santok Singh who played state hockey for WA and went back, a big fellow, at the long bar at the Selangor Club, which is classic Asian, English — colonial — but the Malaysians, it was their place and they were looking after it just as well as the British, if I can put it that way. Anyway, they challenged us to a swim through. That is swilling beer, but they finished, the Malaysian hockey players, finished way before us and all my team's looking at me as if I'm going to make up ground and try and pour the beer down my throat. I'm afraid it wouldn't go. But you had those wonderful personal experiences playing hockey wherever you went whether it's in Kuala Lumpur or Singapore or London.

AY: You've had an incredibly full and busy life, a satisfying life by the sounds of it.

Viner: It has been very, very satisfying, very fulfilling. My dialysis, of course, but that period of the pandemic is just [becoming very emotional] a disaster [pauses] because we lost one of our daughters in Melbourne. Those terrible, terrible impositions, if I can put it in personal terms, that McGowan and Andrews imposed upon people. It's impossible for other people to really understand when a tragedy like that strikes. We unfortunately experienced it with Annabel who lost her life (pause). Because the pandemic has given me the dialysis that I have now. I happened to get Covid, thinking it was all over and done with then it struck me like a bolt to put me in hospital. This was after Annabel died, we'd gone back to Melbourne to look after her affairs and she left two beautiful little daughters — big girls now — Mia's eighteen and Bridget is 15. And I got hit by COVID, went into hospital in emergency, thought it was all okay but then went back with my kidney and while I was there, I had massive internal bleeding which took them days and days and days to get on top of. I think I had about 20 blood transfusions to keep me alive.

And so, they did, kept me alive, but left me with this dialysis. But anyway, Ngaire and I as a team, we cope with it every day. It's not as bad as having to go into Charlie Gairdner Hospital three or more days a week doing dialysis.

AY: It's remarkable because you can do it here in your own home.

Viner: Yes, we're doing it at home. I did in Melbourne; I had to go and lie on my back for four or five hours and then in Charlie Gardner when we came home to Perth. But then, fortunately, my kidneys work enough to allow me to do this daily, well it's four times a day dialysis, here at home. That keeps me going.

AY: It keeps you going very well. Thanks for your time, Mr Viner. It's been very special.

Viner: Yes, yes, we didn't talk about the other thing which has been such a big part of our lives since 1983, that's our Molloy holiday home. But that's another story.

AY: That's another story [both laugh], thank you.

Viner: Thank you, Anne.

1:23: [Interview four ends.]
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This is a supplementary interview with the Ian Viner, KC. Today is 18 March 2024. We're meeting at his home in Peppermint Grove. Perhaps we could start with what we talked of a little bit last time, about your really quite traumatic experiences with COVID, but I think there's more you'd like to say about that, Ian?

Viner: Yes, there is. It was indeed a traumatic experience and, of course, it was heavily overlain with the loss of our daughter Annabel, but I thought that it's worth putting down the personal experience of the lockdowns and the constant border controls and so on between Melbourne and Perth. We were put in the position when Annabel died of the Victoria limitation on the number of people who could attend the funeral, so we flew over to Melbourne and only twelve of us could be there and it's almost impossible to describe the personal trauma in a situation like that. So, we got through that experience at the Christ Church Anglican Church in Hawthorn where we all worshipped, including Annabel and her daughters and we came home and at that time we could get through the border, but we couldn't come to our own home. We had to go and get an "Airbnb" little place down at Fremantle where, of course, people had to stand in the street and say hello to us across the fence, which just showed the ridiculousness of not being able to come into our own home and doing our quarantine. Well, I was appointed administrator of my daughter's estate but all her estate was in Victoria, so it had to be done at arm's length for a while until it was necessary to go to Melbourne but, of course, we couldn't go to Melbourne because we couldn't go back to Perth and so the border lockdown here in Perth affected us, you know, very seriously. Then we had promise after promise from Mr McGowan that the border was going to be opened and wasn't it was delayed and delayed and delayed till Mrs Viner and myself said, *Well, okay, we're going to go in the expectation that this latest promise that the border would be open would be fulfilled.*

AY: That was quite a risky move?

Viner: It was a risky move, but anyway coming back — I should say the first time we came back before my daughter died, the second time we had to come back from the funeral service and we were all pretty traumatised — before we had left, I'd been in touch with the police and my daughter who accompanied us had been and they effectively promised when we landed back in Perth, if we told them our circumstances we'd be able to come back to our own home with our daughter as our carer. Well, landing in Perth, trying to put this to the police — bear in mind there were police everywhere and they were the ones who looked at our border passes and checked us and they were all armed with their guns at their hip and their batons and uniforms—and we were met with a very aggressive "No, there's no excuses, no exemptions" and one of the police said, "Look, we've just made a hundred year old woman go into hotel quarantine. We're not going to let you avoid quarantine". So, we were all stunned by this, having had actually very polite police back in Perth that we'd spoken to on the phone, so we're — "Go through that door." All right, you're not knowing where you're going and what's happening to you. We walked through the door and there's a big sort of auditorium hall, chairs all spaced out and a few very glum-looking people there, wondering what they're doing there. You sort of sit down, nobody tells you anything — we're wondering, *Well, what's going to happen?* You know, time goes by, time goes by, time goes by, and then, "Follow us." Okay, we all line up in a line, walk out through the door, go down along this pathway and the whole pathway is lined with police, again fully armed with their

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pistols and their batons and so on and also defence personnel, not armed, thankfully, and we're just guided onto a bus. And we, my wife and I and my daughter, we all look at each other and in all of this our daughter is separated from us and I know I was, and I know Ngaire was thinking, *Hey* — and this might sound bizarre to people, but you say, you know, *We could be in the Holocaust. We don't know where we're going; nobody's telling us.* We're not going into cattle trucks but, *Oh, okay, there's a nice gleaming modern bus.* So, we're just ordered, "Get in the bus". You're not told anything, you're just directed. You're just like an automaton that's "robo", that you're told to go here and to go there and, oh, we finish up at the Westin Hotel and then assigned a room and left on our own. We just find our way through the foyer and then up to our room and we're told, "You cannot open your door except when there's a knock to receive your meal three times a day."

So, we were then after that experience going with our daughter's funeral in this hotel room for the fourteen days. Well, okay, we pulled ourselves together, if that's the right way of putting it, and worked out a regime which included — and I used to walk a hundred and fifty or two hundred steps a day [laughs] and Ngaire would walk a hundred steps a day and you'd occupy yourself there but I mean the sheer — it was totally unnecessary to lock us up in a hotel room when we could come into our own home in full quarantine. We're quite happy for that but going through that experience at the Perth airport and you could see the vacant blank looks on all the other passengers who'd come off not knowing what was happening to them, where they would finish up and not being told and just — you know, I'm just starting to read *1984* and so (laughs) it is as if, you know, your *1984* is reached to, but for me it was that sudden thought, "For goodness sake, I can now imagine somehow what people went through when they were taken away, not knowing where they were going and finishing up in a camp, in an Auschwitz or somewhere" and to think that you could have that experience in — yeah, 2020 it was, was really an enlightening experience that it can happen today as it happened years ago.

AY: It was a sobering experience.

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Viner: Very sobering experience and I mean all my Liberal instincts were against what McGowan was doing but experiencing that you can how very quickly and how very easily authoritarianism can impose itself upon people in a way in which they are helpless to do anything about it and of course we've got all the multitude of experiences over in the eastern states. And just to finish it, the Victorian lockdowns undoubtedly had an enormous impact on [crying] Annabel and when you go through that you say to yourself, "Well, society should never allow that sort of situation to happen again". There are other ways of dealing with COVID than the way in which the state governments of Australia went about it at that time [laughs]. It was simply unnecessary and whilst it affected me personally, objectively it was totally unnecessary to fight COVID in the way which it was. So, the price of being kept safe was a price that none of us should have had to bear, if I can just sum it up in that way.

AY: Yes. I think that's a good way of summing it up. I think there's probably a lot more that could be said but yes. Do you think we could move to something happier?

Viner: [Laughs.] We certainly can. No, no, I just felt that something more than what was said in the first interview just needed to penetrate and be expressed in the supplementary interview because, well, for so many people COVID impacted them in so many different ways

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but a personal experience of that kind, you know, tells a story much more than — people here in Western Australia, we came back to saying, *Oh, thank you, thank you, thank you, Mr McGowan, you kept us safe.* But having gone through a personal experience like that overlain with grief as it was, nevertheless that grief didn't detract in my opinion from the utter — it was just unnecessary for us to be kept safe in the way in which we were by the Health Department and the politicians in WA at the time, the government of the time.

AY: And it didn't keep everyone safe?

Viner: And it didn't keep everyone safe.

AY: It's a very powerful story and it's a really good reminder for all of us about what happened. It's very easy for those of us who weren't so very touched by COVID to forget what it was really like, so thank you for that story.

Viner: Well, now hockey.

AY: Hockey. Let's talk about hockey. You continued playing until you were 75?

Viner: I did indeed and 75 was a milestone because it meant that I'd been playing hocked for the Suburban Hockey Club for fifty continuous years. I think I might have mentioned that I continued playing hockey right through the ten years I was in parliament, you know, coming home every weekend in winter and I'd be off playing hockey, so it was very, very much a part of my life. But there was one particular very gratifying or satisfying experience that I had whilst I was in parliament and a member of cabinet and the Sesquicentenary of Western Australia, the 175th anniversary of its founding, was happening in 1979, so the question came up in cabinet, "Well, what are we going to do for Western Australia by way of acknowledging and honouring it?" And so we all went away and thought about it and I said to Malcolm Fraser one day, "Well, I've got an idea", and I gave it to him, which was that the Commonwealth should contribute cash to the building of a Perth hockey stadium with an artificial surface, the first one in Australia at which the Hockey Association was in the process of developing in conjunction with the West Australian government on the government putting money in and the hockey fraternity putting money in.

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It so happened that the Secretary of Cabinet who was the number one public servant in the Commonwealth, Geoff Yeend, happened to be [laughs] on the council of the Australian Hockey Association and I understood from Fraser that his wife Tamie was a hockey player when she was younger. So, the matter came up in cabinet and Fraser said, "Well, I think Ian's got a proposal". So I put the proposal which was for something like, I don't know, five hundred thousand dollars something that we should contribute and there were no nays around the cabinet table, so Fraser said, "Don't" but then — this is how things happen in cabinet — Doug Anthony pops up and said, "But, Ian, how much do they need?" and I told them that they actually needed, as I recall three hundred million dollars, plus what the state was going to put in, so he said, "Well, we shouldn't be mean. Let's put in that amount". So that was agree and that was the Commonwealth's gift to WA and so I had the privilege of presenting the Hockey Association out there at the Perth Stadium when it was half-built a cheque, as I recall, for three hundred million dollars. And one of the things the Commonwealth wanted was that it should be named the "Commonwealth Stadium", which it

was for a number of years, but then that was quietly dropped, and it became the Perth Stadium. But also, the other thing that the Hockey Association proposed was that when it was built, we should have a premiers versus prime ministers hockey match as the first one on this astroturf as it was. So, we had all the West Australian hockey players, Olympic players and others, played that very first match on the astroturf and it was really very exciting because suddenly the pace and the speed of modern hockey was displayed to everyone. You know, it was like drawing in your breath when you saw, as I say, the pace and the speed of hockey which revolutionised hockey in WA. It was already the number one state, but it just stood out so much after that until other states got their astroturfs, and Hyatt of course, it lifted the whole standard of Australian hockey to a world level that — it was world level hockey before but even higher. So that was really very exciting as part of my hockey life, but associated with it was we — that's the federal government — created the Australian Institute of Sport and that had all the different, the athletics and the swimming and so on and so on, and I proposed and it was accepted that the Hockey Institute or part of the Institute should be located at the Commonwealth Hockey Stadium, which it was, which reinforced even more WA as the leading hockey state and the centre of hockey in Australia.

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And had a fellow hockey player, Bruce Goodheart, appointed to the Council of the Australian Institute of Sport — sort of locked it up for WA. So, I feel very satisfied of my contribution to WA hockey, both as a player and I was for a number of years after I left parliament Vice-President of the Hockey Association, so that's all been very gratifying.

AY: And it's something you continued to do right through your political career as well as your legal career.

Viner: Well, that's right, and so every weekend [laughs] and in between of course, hockey and the fraternity and your fellow hockey players. I guess it's like any sport, that you grow up with these people over, you know, 50 years; you're all still playing, so that was a very, very satisfying stage of my life then.

AY: Now, we talked previously about some of your *pro bono* work as a QC, as it was then.

Viner: Yeah.

AY: More in the Indigenous and Native Title.

Viner: Well, yes, I did a lot in the Native Title field, but I also did a tremendous amount in the non-Native Title field, in other words in other areas of practice and I suppose the most notable one was that I acted as barrister for all the families who tragically lost children and husbands. I don't think any women died in the Gracetown tragedy. I acted for all the families there, trying to get compensation for them. Unfortunately, I didn't win that case which was a tragedy in itself because people deserved it, and I was very upset that the state government defended themselves where they could have easily offered in mediation compensation and the local government, Augusta-Margaret River Shire through their insurers defended. All right, they'd say that was justified because they won but everybody put up the argument, "Oh, you can't have a notice up and down the state of Western Australia, 'Danger — Falling Cliffs' everywhere". Well, the irony of the whole situation was that that's what you see up and down the coast of Western Australia now [laughs].

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AY: Yeah, this is something that happened in 1996 and it's at Cowaramup Bay.

Viner: Yeah, Cowaramup Bay.

AY: This was Gracetown students — it was a sports day.

Viner: It was a sports day.

AY: And the limestone overhang —

Viner: Yes, it was a limestone overhang which made, you know, a lovely cover for people to sit on the beach and watch the surfboards, the competition, and they were schoolchildren, teachers and parents, I think mainly husbands but there might have been some wives and mothers there who lost their life and to me, you know, I suppose as the plaintiffs' lawyer you see things simply but once you looked at the geological formation — and you didn't need to be a geologist to understand it — you could see the prospect, the reasonable possibility, of that falling at some time — it was more of a likelihood than not.

AY: So, it had been raining beforehand.

Viner: Yes, it had been raining.

AY: And the limestone overhang came down on all of these people and nine were killed and three were injured.

Viner: Yes, that's right. It was an absolute tragedy.

AY: What did they receive in the way of compensation?

Viner: Nothing.

AY: Nothing?

Viner: Nothing, no, and I was really very upset with the state government. Okay, they put in the bulldozers and all that kind of thing. They said all the right things at the time but when it came to even a gesture of compensation it wasn't there, and we lost the case. In other words, the judge said, "No, it wasn't reasonably foreseeable that this overhang would fall". Okay, that was upsetting but we announced that we were going to appeal and then a mediation was called and I'm not in a position to disclose discussions in mediation but outside the mediation the insurers sent the message that if the appeal proceeded and the families lost, the insurers would go them for costs. Well, that just really took the wind out of my sails, that insurers would be prepared to do that and say that but of course the families then said — well, look, whilst the rules of litigation are if you lose you'll pay the costs but in this circumstance it wasn't expected that the insurers or the state government would go the families for costs — but they then said, "Well, this is a bit too much for us, both psychologically and financially" and so it wasn't taken on appeal. But I actually took over the case from Eric Heenan, QC who'd been appointed a judge and he started the case, so it had

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a pretty sound legal basis for pursuing it, but Eric was very, very upset. He'd become a judge by this time [laughs]. He was very upset by the case being lost

AY: You continued your involvement, though, didn't you? You were a trustee of the Legal Contribution Trust for twenty-odd years.

Viner: Yeah, yes, twenty-odd years. Now, the Legal Contribution Trust is the statutory trust set up by parliament to receive interest on solicitors' trust accounts that is paid by banks and that accumulates and forms a trust fund from which clients of solicitors who've lost money because of their solicitors' fraud and defalcation, there is a fund of money from which they can be compensated. So it was a pretty responsible position as one of the trustees of the Trust accountable to the parliament as well as to the profession and I was asked to be a trustee fairly soon after I returned to the bar, fairly soon, and then I was on it till after I quote "retired" at seventy five [laughs], so something like twenty years I was on that, yeah. It was a big contribution to the profession as well as my presidency of the Bar Association and the Australian Bar Association.

AY: You returned after time in business to the bar but let's go back a little bit. You took silk in 1984 —

Viner: Yeah.

AY: — as a QC and a KC. Is there more you want to talk about there? You did so much work, family law, commercial, administrative, equity, medical negligence, medical negligence, medical disciplinary—

Viner: Yeah.

AY: — personal injury and Native Title we did talk about, and some crime.

Viner: Yeah, and some crime. Well, you can see from those descriptions you've just made that mine was a very broad practice. In other words, I wasn't narrow and simply a criminal lawyer or narrow, simply a commercial lawyer. I had a very wide practice, including appellate practice to the Court of Appeal in WA, and also to the High Court.

AY: Is that unusual, to have such a broad practice? I thought people tended to specialise a bit more.

30:00 **Viner:** It is today, it is today and I think the reason why I had that broad practice is because when I started that was the nature of a practice and when I started both as a solicitor and later as a barrister, yes, you've got a reputation in commercial law or maybe in negligence or what we used to call right at the beginning as common law — you were known as a common lawyer. Sir Francis Burt for example who's my principal, he was a quote "common lawyer" but then in the firm that I was with we had Bill Elphick who was the matrimonial lawyer and he used to do all the solicitor's work and then hand it over to me and I did all the barrister's work in court — Matrimonial Causes [Act], it was called in those days, family law. I happened to be in parliament when Lionel Murphy brought in the National Family Law Act, so when I came back into practice after parliament it was Family Law.

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AY: Things changed?

Viner: Yeah, it all changed but the old Matrimonial Causes law was very simple and straightforward except that they had some very peculiar grounds for divorce, you know [laughs], five years of separation and twelve months — not aggravated — twelve months aggravated — anyway, in other words the poor wife — and I had to do a couple of these — had to prove that, you know what we call domestic violence these days, you know, knocked about physically, had suffered it for twelve months and when you think about it now it was rather bizarre. So, I did quite a number of Matrimonial Causes cases before I went into parliament but when I came out, I did some Family Law but really didn't want to get mixed up in it. I did some special cases for people, special requests, there. My High Court case, I'm very, very pleased with that one. It recovered a lot of land for a family down at Mandurah who had land compulsorily taken by the government for the Perth-Mandurah railway and highway and the government took a whole lot more than was needed. I lost down at the lower court, Supreme Court of WA, took it to the High Court and won five-nil. When I say five-nil, one of the judges would have given me the case one hundred per cent, the other four judges gave me seventy-five per cent, what they call "severed". They said, "Well, the government can have its little bit of land that it needed but the family gets all its land back". And I had a number of other High Court cases, one I didn't win but my very first case was way back in the 1960s, so there was something like forty years between cases and my first one I was victorious as a very junior barrister and my last one was victorious as a senior silk, so that was satisfying.

AY: You were at Sir Francis Burt Chambers too for quite some time and he was your principal, wasn't he?

Viner: Yes, and so he was the doyen — well, he was the creator of the bar and when I went to him to see if I could do my articles with him, referred by Ngaire's uncle, he said to me, "Well, I'm not sure how long I'll be here as a solicitor, Ian. I'm thinking of just practising as a barrister." There was no bar in Western Australia at that time. Anyway, he stayed on for the two years that I needed to do my articles and then he retired from the firm to set up the bar and then John Wickham went to the bar—he was a senior partner in Muir and Williams — he went to the bar, and I became a partner. Another one, Blue Wilson — I should remember his proper name [laughs] — anyway he went off to Hong Kong and I took over his partnership and then I mean I was imbued with the bar and so I followed Burt and Wickham to the bar as number five at the bar when it was created in Western Australia. And then I retired at 75 from Sir Francis Burt Chambers — "retired" in inverted commas. I thought, "Well, if I don't retire now", that is leave this office that I'm in, which was very comfortable, "I'll never retire" but having left my office in Sir Francis Burt Chambers I kept practising for another, what, another 14 years [laughs], 14 years.

AY: You did. So, you describe that you retired somewhat reluctantly, I think, when you were 89, and that was only because of illness.

Viner: Yes.

AY: So when would you have continued till if you —

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Viner: Well, I was quite comfortable continuing until I was ninety. I had this particularly big piece of litigation with the same solicitor that we had won that High Court case, somewhat similar, challenging the state government, the legality of the state government taking certain land for the Mitchell and Stephenson Freeways and that litigation is still on foot, being handled by another barrister but I was quite happy to continue with that piece of litigation at least until my ninetieth birthday. And my brain was still working at a hundred miles an hour to do that kind of work and so I was quite happy to do it, but I didn't have a full-on practice where I had solicitors from everywhere giving me work, I had this particular job from this particular solicitor that I'd worked with before, which was actually a pretty heavy piece of litigation. So, I would have been happy to continue to at least ninety or beyond [laughs].

AY: There's no time at which you were made to retire off the bar?

Viner: No, no. Well, in fact, before I went to Melbourne when I got COVID, we went to Melbourne, I think in the January, in the November, I had appeared, if I can put it that way, in a mediation in front of the former Chief Justice, so Wayne Martin, KC, on a quite big case seeking to recover some money, a large amount of money which we successfully did to a substantial amount, so that had some pretty high-powered legal issues in it. So that was when I was, what, 88, yeah, 88, yeah. So, I had the intellectual mental capacity, legal capacity, and importantly I had the legal stamina to be able to handle that sort of work, yeah.

AY: Let's go back, a fair way back. "WA Inc." — we take ourselves back that far — you talked about you received, which we did talk about last time, some deep-throat information.

Viner: Yeah. I'm not sure that we —

AY: We talked about that.

Viner: I don't know that I touched on that one but—

AY: Let's talk about that.

Viner: — in reading my interview I thought, "Well, it's worth just mentioning that because it was big politics in WA, big social issues and matters of financial credibility in the business and financial circles and also the credibility of the government of the day, which was a Labor government under Peter Dowding and later Carmen Lawrence but Laurie Connell was the centre of it and he was, well, a money man, financier, also a hockey player as it were if I might mention [laughs] and much to Ngaire's chagrin, Laurie Connell gave one of our veterans', state veterans' hockey teams, all our outfits, so we had to wear "Laurie Connell" on our back [laughs]. And at the height of this question was whether Laurie Connell was going to be financed and supported by the state government and there were also very serious questions about whether Laurie Connell was viable. And I had somebody contact me who turned out to be what I call a "deep-throat", you know, ala Watergate, who was within Connell's organisation, didn't like what was going on and saw how he was enticing people and particularly local government authorities to deposit their money with him at high interest rates and what he was doing, of course he was using new people's money to pay out old people's money. In other words, if I put in ten thousand dollars to mature in three

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months' time and I wanted my ten thousand back, he would go to you and get ten thousand dollars from you and your ten thousand dollars would pay me and so that was his Ponzi scheme. And I was given this information, and in particular because the person was concerned that Connell was getting money out of local government, the unwanted money that they didn't need at this moment. And, of course, I was quite close to the then mayor and some councillors in the City of Stirling [laughs] and I remember telling the mayor, I said, "Hey, have you got any money in with Laurie Connell because this is what's going on". "Oops", he said, "we put some money in". So, they pulled it out very, very quickly but then I was informed by this informer that there was a midnight meeting held which involved the then Premier Peter Dowding at which Dowding committed seven hundred and fifty thousand dollars to keep Laurie Connell afloat and without disclosing it to the public.

AY: What were you able to do with this information?

Viner: Well, I was able to pass it on to the then Liberal opposition to ask questions in parliament but those questions, typically you might say, in parliament [laughs] they weren't answered so as to disclose the truth of what was going on and it didn't come to light until WA Inc, the Royal Commission into WA Inc was formed and then all of this information came to light. I mean all the funds from the Motor Vehicle Third Party Insurance Trust were used and other monies by government was used to prop up Laurie Connell and other big businessmen at the time were conned into if the state government put in money, they would put in money to prop up Laurie Connell and so on. So, it was just the fact that I had that deep-throat, I had that information. I actually gave it to *The Sunday Times* who had the front-page information or the leading story.

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AY: Not to quote you, I'm assuming.

Viner: No, not to quote me but I gave an assurance that the story was true.

AY: So, you were confident that your deep throat was accurate?

Viner: It was one hundred per cent, one hundred per cent, one hundred per cent, but of course it was denied by the then premier, but it all came to light later. But I had somebody who, I suppose because of my background in politics and so on, they had confidence in telling the story to me, but I can also say that that person was absolutely fearful for their own safety. Such was the tension at the time that they were, you know, fearful for their own safety, that if the truth got out about what was going on within WA Inc that their safety was at risk. Well, thankfully the whole thing blew up in other ways and through the Royal Commission we all know the truth about what happened.

AY: We do indeed.

Viner: There was one thing there I notice that I thought was worth a mention. I talked a lot about Indonesia in my interview, but I was for quite a number of years the chair of the WA chapter of the Australia Indonesia Business Council and that was at a time when WA was trying to and did establish a sort of business office in Indonesia to really build up trade relations with Indonesia.

AY: How important is that relationship, its value in Indonesia?

Viner: Well, it was interesting and very, very important. They're a country of almost a hundred million people now and a big economy. I mean I saw it in its early days of growth, very early days of growth — you know, and you see it by the motor cars on the road, second-hand vehicles and so on whereas now you'd see like Perth they're all brand new, shiny vehicles but in those days not so many of them and they're all second-hand. They were just beginning to build the skyscrapers, they're just beginning to build the highway out to the airport, so it was a growing, rapidly growing, economy. I'd been there first in 1976, leading a parliamentary delegation. I had a personal session with the then President Suharto, which was fascinating, talking about the politics of our own countries and democracy in each country and perceptions of democracy and also with General Panggabean who had led the Indonesian forces into East Timor, which was a very, very sensitive political situation at the time that I led that delegation in 1976. And then I went back in 1982 on a visitor's Minister for Defence support and the then Ambassador, Philip Flood, was tearing his hair out because he couldn't get Australia to pay enough or proper attention to Indonesia and the opportunities in Indonesia for Australian trade. So, when I had all my interaction with Indonesia through Century Mines and Metals, I'd joined the council or the chapter and then became its chair for a number of years.

AY; Do you recall when that was, those years?

Viner: It would have been in the late 1980s, early 1990s, I think.

AY: And how do you characterise the relationship now?

50:00

Viner: Oh, very, very much better, although I think — I mean I went up there for mining. It was very hard to get Australians interested in Indonesia — I think it's waxed and waned and I still don't think Australians have found their way to relate to the trade opportunities that are available in Indonesia—I mean its economy has grown enormously now. Of course, one of things that's happened very currently is the Chinese have filled the vacuum. They've poured their money into the mining and processing of nickel and now, of course, is hurting our West Australian nickel industry. But I was there in the very early days, and I think the term would be "immature" industrial development and I think Australians found it very difficult to relate and also to the legal systems, whereas the Americans were in there to some extent at that time and some British and still some Dutch.

AY: Let's have a little bit of a look at the look at The Voice. We did talk about that before and you had your own proposition for The Voice, which of course was the referendum that failed last year and I notice that you were talking about — well, I'll let you tell the story about the failure to have a chair of ATSIC.

Viner: Well, I thought — there's a little bit of history here. I've told the story about the creation of the National Aboriginal Conference when I was Minister for Aboriginal Affairs. That was on the basis of a report provided to me by Professor Les Hiat. Interestingly, Lois O'Donoghue, as she was known then and lived in South Australia, had put up an alternative report or for an alternative advisory body to the minister, but I had chosen the Hiat body, which was an elected body of Aboriginal and Torres Strait Islanders from around Australia

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but I appointed Lois the first chair of the National Aboriginal Conference and I've got a wonderful photograph on the steps of the old Parliament House of the first NAC with Lois there with Malcolm Fraser and myself before we all went into lunch. Now then, of course the Labor Party extinguished the NAC and created ATSIC and appointed Lois who had then adopted her Aboriginal name, Lowitja, as the first chair of ATSIC. She was chair for several years, followed by a wonderful Aboriginal man from Yirrkala in the Northern Territory, Gartjil, G-a-r-t-j-i-l Djukerru, D-j-u-k-e-r-r-u, I think is the spelling, Djukerru, Gartjil, wonderful man, Gartjil. Just interestingly, Gartjil and Galarrwuy Yunupingu — I'm using Galarrwuy's name although he's deceased — they were from different clans. Galarrwuy was sent off to a Baptist or Methodist, I think, college to become a priest but didn't. Gartjil went off to become an Anglican priest and served at a place in the northwest of WA called Oombulgurri but he then gave that up to return to Yirrkala and he became very significant in bridging the gap between the Yirrkala people and his clan and business, creating a partnership there, so the Yirrkala people very, very innovative as well as show great political leadership and other leadership in bilingual education. Anyway, Gartjil was followed by Clark — I should remember his Christian name, first name — but he was the one that created all the trouble [laughs] for ATSIC and who Howard then abolished ATSIC under Clark's leadership. He was very controversial amongst the Indigenous community as well as publicly. And so, the Howard government did not replace ATSIC with any kind of advisory body, executive or legislative, created a vacuum. It had the last three years of the Aboriginal Reconciliation Council and then formed the successor body, Reconciliation Australia, I think, or somewhat like that but did not create an advisory body to government-on-government programs for Indigenous people, so left a vacuum there.

AY: You're saying it's this vacuum which helped to lead to the call for a Voice to Parliament?

Viner: Yes, yes, yes. And together with academics like Megan Davis saying, "Oh, Indigenous people are not mentioned in the Constitution. There's a gap, therefore they should be" but in terms of government there was a clear vacuum and the other thing that had occurred was Tony Abbott abolished the Department of Aboriginal Affairs — well, it had been abolished before, I think — but he then put Aboriginal Affairs into the Prime Minister and Cabinet Office. Well, it sounds good, but it doesn't work.

AY: He's burying it — was he burying it, do you think?

Viner: Well, no, not burying it. I think Tony, giving him his due, he had high ideals and also, "Well, it needs to be under the umbrella of the prime minister to give it priority", those kind of political statements but it doesn't work because the Prime Minister and Cabinet is not a program department; it doesn't deliver services; I mean it's an advisory body, it's the prime minister. So that in my view allowed, together with the intervention and the Stronger Futures polices, which was a continuation of the intervention to become highly bureaucratic and, of course, what they call the top-down rather than the bottom-up administration of Aboriginal Affairs. So that's a very quick conspectus where there was a vacuum supposedly filled by the Indigenous agency within the Prime Minister and Cabinet but in fact becoming highly bureaucratic, losing touch with the Indigenous people and problems just multiplied and you don't close the gap, yeah.

AY: Speaking of closing the gap, yes. I think before we finish up today, I think you have a few things you'd still like to say about treatment by the Liberal Party.

Viner: Yes. See, the thing is there are so many things to talk about but let me try to put it into perspective and conspectus. First of all, my life in the Liberal Party, as I've said before, began at the university Liberal Club. Before the 1969 campaign I had been president of Perth division and a vice-president of the party which would have supposedly led to being president. Well, I went on the parliamentary path, and I've said something about my time as president and what I call the Crichton-Brown insurgency.

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AY: What was the effect that it had on you?

Viner: Yeah. During that time, it was only twelve months, but just constant disruption of state council meetings and state executive meetings and it was never-ending, so you couldn't really get to work on the stability of the party, the raising of finances and the preparation for elections, which is what the party is all about. But the low point was — it's unbelievable, really — I had people spitting at me. The venom that was generated was unbelievable.

AY: Is this at meetings or something?

Viner: At meetings. I couldn't understand why — I mean I'm a pretty ordinary bloke. I mean I'm also dedicated to the Liberal Party and getting the Liberal Party back into government and here I am, that's what I want to do but you had people with some sort of inner venom spitting at you was bad enough.

AY: So, these are presumably your Liberal Party colleagues?

Viner: Well, they're not parliamentary colleagues, they're party members.

AY: Party members?

Viner: Party members, party members.

AY: The loyal and the faithful party members?

Viner: The supposedly loyal [laughs] but with such an intense heat in what they were wanting to do and trying to do — that is get control of branches and get people selected for parliament and to get their own people in control of the organisation; that's what it was all about, but that intensity came to the surface a couple of times and so it's very hard to describe but I think that kind of conduct in itself says it all. It came to a head also with [laughs] the charging of Bill Hassell's campaign manager, a lifelong member of the Liberal Party, Geoff Langdon with the offence of having dared to enter Liz Constable's electorate office and she was a candidate and yet been elected. And I've told the story shortly about Liz was kept out of the endorsement for Wembley Downs, so she stood as an independent, then went to win and become Education Minister under Colin Barnett but they put [laughs] Geoff Langdon and his wife up on a charge and I had the unenviable position, of course, being president of chairing that kangaroo court.

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AY: And these were friends of yours?

Viner: Oh, well, they were all the Liberal Party colleagues. Oh, Geoff Langdon [indistinct] 6310 I knew very well; yeah, good friends, known him all my political life there. But I made sure I had an independent lawyer sitting at my side so that the meeting was conducted properly. Every effort was made to get Geoff, and he was taken outside and talked to admit his offence, but he refused, so he was expelled but his wife was not because they had no evidence against her. And so, I told her, "You just sit firm" and they can't do anything to her.

AY: Liz Constable — you've said that there was quite a stacking going on so that she would not become the endorsed candidate?

Viner: That's right.

AY: And she became an independent. Do you think if she'd been a man that she would have had that sort of treatment? I think you've indicated that women were not treated well.

Viner: Yeah, I don't think so. No, at that time there were some very prominent women in the party and the party had a very strong women's branch. All this lot of external political talk about women in the Liberal Party, they underrate the fact that when Menzies set up the party, he did two things: one is women could be members of the party, like men, equality, but they had their own section and so they did, and it was very strong. And in WA I can remember from my earliest days there were strong women leaders of that women's section but at this time that I'm talking about, when it came to women holding positions of leadership within the party, including endorsement for parliament, there was not that much sympathy. I mean I had a lot of women who [laughs] in fact were very strongly supportive of me but there was this group of women that the men, regrettably, they wouldn't open the doors and let them into positions of authority and influence, and you might say "power" there. So, Liz was a victim of that as well as all the power struggles to get control of the party.

65:00

AY: So, despite all of these things that have happened both to you and to your colleagues, you remained as director of the party for quite some time, helping to rebuild its financial base, so you weren't disillusioned?

Viner: No, no, no, I wasn't disillusioned [laughs], disappointed at what happened but, okay, you know, politics is a tough game, but they weren't going to get rid of me [laughs]. But anyway I stayed on for, I don't know, probably five years as a director of the company, Liberal Party Pty Limited which held the assets of the Liberal Party and nurtured them along with fellow directors very carefully because if you weren't careful that money would be grabbed very quickly to be spent on, you know, campaign for this and campaign for that, campaign for something else rather than looking to your broad base of donors. So, I left with some satisfaction that I'd left the party in a reasonably good financial position when I stepped down as a director of the company. And then I said, *Well, okay, there are other things in life: the law, the family and Molloy Island [laughs] to fill in my time.*

AY: And you still have your Molloy Island home?

Viner: Yes. We got Molloy in 1983. When I left parliament, I capitalised my pension rather than taking it as an annual pension and with it built our holiday home down at Molloy Island summer of 1983/'84 and we still have it, which has been an absolute joy for the family for children and now grandchildren and there are great-grandchildren coming who no doubt will enjoy Molloy Island there.

AY: As you both do.

Viner: As we both do, and we're going down there. Hopefully we're able to manage now with my dialysis. I can, as it were, take my dialysis with me, not my overnight machine but my daily dialysis, I can take that with me to Molloy for a week or a fortnight. And can't quite do all the things physically that I used to do, can't paddle the canoe to go and catch a few fish and crabs but still it's a joy to be down there.

AY: That's what grandchildren are for.

Viner: That's right, that's what I reckon [laughs], and children.

AY: And children, and children. How are we going? Do you think we've —

Viner: I think we've —

AY: — most of the things that you wanted to pick up on?

Viner: Yeah. I think there are other things that I've pencilled in on the transcript of the interview.

AY: We will add those in.

Viner: But there are all sorts of things, and some are incidental, some we've mentioned. On the transcript, Ngaire's kindly printed all the names that couldn't be read, so I think they're readable, but I'll give you the transcript with all those pencilled notes and make of them what you can.

AY: I will.

Viner: And if there's anything more, Anne —

AY: I'll come back to you.

Viner: — come back to me. And thank you very, very much for the interview.

AY: My absolute pleasure.

Hon. (Robert) Ian Viner, OA, KCState Library of Western Australia

Viner: It's been a joy.

AY: Thank you.

69:50 [Interview ends.]