

# COMMONWEALTH OF AUSTRALIA

SPEECH

BY

The Rt. Hon. HAROLD HOLT, P.M.,

ON

## REFERENDUM PROPOSALS

### Ministerial Statement

*(From the "Parliamentary Debates," 23 February 1967)*

**Mr HAROLD HOLT** (Higgins—Prime Minister)—by leave—Mr Speaker, Cabinet has given further consideration, as I outlined in answer to a question put to me by the Leader of the Opposition (Mr Whitlam), to the matter of holding a referendum on the two items which were the subject of legislation by both Houses of Parliament towards the end of 1965. It has decided to proceed in relation to both of these matters. The major purpose of the first proposal was to remove the requirement in the Constitution that any increase in the number of members in the House of Representatives would automatically produce an increase in the number of senators to the extent of half the increase in the number of members of the House of Representatives. The second proposal, in the form in which it was previously passed, was designed to remove the provision which prevents Aboriginal natives from being counted when the population is reckoned. This is one of two provisions in the Constitution in which Aboriginal or people of the Aboriginal race are mentioned explicitly. They are to be found in section 51 (xxvi) and section 127. Section 51 provides:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxvi.) The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary, to make special laws:

The Government has decided to propose that the words 'other than the Aboriginal race' in any State' be omitted from the section. While the original intention in inserting these words was to safeguard the position of people of the Aboriginal race they have been widely misinterpreted and there is a general impression that they are discriminatory.

When amending proposals were previously before the Parliament, that relating to Aboriginals was adopted unanimously in both Houses, and the proposal to break the nexus between the House of Representatives and the Senate was adopted unanimously in the House of Representatives and by a very substantial majority in the Senate. Indeed on the second reading of the Bill in that chamber there were forty-four ayes against

seven noes. On the third reading there were forty-three ayes to eight noes.

For reasons which I publicly indicated on 15th February 1966, and later repeated in my first policy statement to the House of Representatives on 8th March 1966, the Government decided to defer until the commencement of this Parliament the consideration of the taking of a referendum in relation to these matters. I said then:

... we intend, early in the life of the next Parliament, to introduce the necessary legislation to enable a referendum to be held on the proposal to break the nexus between the two Houses of Parliament. We will also then give a general indication of our intentions in relation to the distribution proposals which would be made should the referendum prove successful. We intend, at the same time, to present also the proposal relating to Aborigines. This proposal has been supported by all political parties, and there was indeed no negative case prepared for circulation to the electors.

I now give the general indication then promised of our intention in relation to redistribution proposals. Need for this is long overdue as I am sure all honourable members will agree. Some metropolitan electorates, for example, in the same State, have fewer than 40,000 voters while others have in excess of 100,000. By the time of the next election, assuming the Parliament will run its full course, the disparity will have widened. Should the referendum in relation to abolition of the nexus between the two Houses prove successful the Government would propose to increase the size of the House of Representatives so as to provide one member for not fewer than 85,000 persons. It is worth mentioning here, I think, that if a specific provision relating to 85,000 persons were made it would be the first occasion when such a specification had been included in the Commonwealth Constitution. This, we anticipate, would require an increase of about thirteen in the size of the House of Representatives.

Unless the nexus is removed an increase in the House of Representatives must be accompanied by an increase of as nearly as practicable half that number in the Senate. If the present voting system were to be maintained this could be performed effectively only by increasing the Senate by twenty-four, thus involving a total increase in the House of Representatives of forty-eight. In other words, to secure what would

be intended as a modest increase in the House of Representatives we would be driven—I repeat, assuming that we maintain the present system of voting for the Senate—to a total increase of seventy-two parliamentarians. The purpose of the nexus proposal is as I have mentioned. It has been suggested that our object is to permit an excessive increase in the number of members of Parliament. This was one of the grounds of criticism which we heard at the time of the earlier legislation. This, of course, is not so. Our proposal is, I repeat, to ask the electors for approval to change the Constitution so that as the growth of the population requires we can legislate in this Parliament for modest increases in the size of the popular House. It is true that the present Constitution would permit small increases in the size of this House, but they would have to be accompanied by directly proportionate increases in the size of the Senate. Our proposals, if carried, are designed to allow the smallest increase that we consider to be consistent with effective representation without the necessity to make adjustments in the size of the Senate.

There is no question of eroding the proper role of the Senate by the proposal to break the nexus, nor indeed of precluding future increases in the size of the Senate. I think that questions of this sort, with the restraints removed, could safely be left to the good sense of representative members of the Parliament in both Houses, themselves responsive to the wish of the electorate as they interpret it at the time. Under the existing constitutional provisions, it is not possible to secure changes in the numbers of the House of Representatives without running into serious difficulties in effecting the proportionate changes in the size of the Senate. We believe that the Government and the Parliament should have flexibility to secure such changes in the size of this House as we deem desirable as our population grows. However, we believe that the Senate as at present constituted is well able to discharge, and discharge effectively, the role designed for it by the Constitution. We are well aware that some fears are held that the prestige and authority of the Senate may in some manner be diminished as a consequence of this proposal and that its role as a house of review and custodian of the rights of the smaller States weakened. We do not accept these views as having

practical force. The Senate of the United States provides an example of how a chamber much smaller in numbers than the popular House may develop great authority and prestige. In modern times, most senators—in my experience this has invariably been the practice of those from the Australian Labor Party—have followed in the Senate the policies adopted by the majority in their party room discussions.

The Government, I may say, has considered other suggestions that have been brought forward to effect an increase in the size of the House of Representatives and at the same time enable an increase in the size of the Senate, but without having the considerable jump in numbers that would follow if we maintained the present system of voting. We have looked in particular at a proposal that the Senate be increased by a total of six, with one additional senator for each State. This would mean that at alternate elections there would be six senators voted for on one occasion and five on the other. It might be necessary to have six senators elected in some States and five in others at the same election. The possibility of a deadlocked Senate would be considerably increased and there are other factors which, in the view of the Government, make this a less desirable course than the more simple and clear cut proposition to increase the House of Representatives to the required extent without the requirement of a corresponding increase in the Senate.

We did consider whether other referendum proposals should be added to the two that had previously been considered by the Parliament. However, except in the one respect I have mentioned in relation to Aborigines, we have come to the conclusion that we ought not to complicate the issues to be put to the people by introducing additional proposals but should confine ourselves to the two issues previously considered by the Parliament. These, as I have mentioned, were matters which received the unanimous support of this House and, as to one, unanimity in the Senate, and, as to the other, the very large majority that I have detailed. The Government feels that, with an understanding of its intentions and recognition of the necessity to provide ade-

quate parliamentary representation for a rapidly growing population, there will be the necessary electoral support for the desired constitutional change. There should also be wide approval for the removal of provisions generally deemed, even if mistakenly, in some way to discriminate unfavourably against Aborigines and persons of the Aboriginal race.

Our intention, Mr Speaker, is to put through the necessary legislation relating to these proposals as soon as practicable. I expect it to be introduced in this House within the next week or two. We propose to have the measures passed by the two Houses as expeditiously as possible. Whatever may be the fate of the referendum we are resolved that there shall be a redistribution of electoral boundaries during the life of this Parliament. Clearly it would be unsatisfactory to continue indefinitely a situation in which metropolitan electorates in particular exhibit such wide disparity of numbers of voters and in which there is great need for a more balanced and more equitable distribution of boundaries between the electorates of the Commonwealth as a whole. The expedition proposed for the passage of the legislation and the submission of the proposals to the people by way of referendum is dictated in large part by our knowledge that the carrying through of a redistribution for all the electorates throughout Australia will take considerable time. We must have these initial procedures completed well before the next general election, which we hope will occur in three years from now.

**Mr Bryant**—Mr Speaker, I ask for leave to make a statement.

**Mr SPEAKER**—Is leave granted?

**Mr Harold Holt**—I asked the Leader of the Opposition (Mr Whitlam) whether he wished to make a statement. He considered that as the legislation would be introduced shortly that would not be necessary. If one honourable member is given leave to make a statement, doubtless others will want to join in. There will be an early opportunity to debate the matter when the relevant legislation is before us soon.

Leave not granted.