

ADDRESS TO THE NATION,

BY THE PRIME MINISTER,

MR. E.G. WHITLAM, Q.C., M.P.,

SUNDAY, 16 FEBRUARY 1975

I want to speak tonight about some disturbing developments in Australia's parliamentary system which I am bound to say pose as serious a threat to its strength and stability as we have ever encountered in our history. It's time to stop the rot. And that can really be done only by the Australian people

Let me begin by stating a very general principle about the working of our democracy. Our system depends very heavily on custom, tradition, the unwritten rules of the game. True, we have a written Constitution but the Constitution itself is silent on many of the most important and fundamental aspects of the working of our democracy. The Constitution says nothing about rule by popular majority. It says nothing about political parties. It says nothing about freedom of speech. Yet these are basic to how we govern ourselves. The basis of our system - the rule of law - is common consent and commonsense. In the ultimate, these are the only guarantees against the rule of force.

When violence is done to an important convention, a well-established custom, then violence is done to democracy itself.

Last April, we had the unprecedented attempt by the Opposition in the Senate to refuse Supply to the elected Government - that is, to deny the Government the money it needs to carry out its duties. At the election which followed, you were able to pass judgement on this action. You re-elected my Government for a further 3 years and repudiated the action of the Opposition in the Senate. That should have been the end of the matter. Yet almost from the time the numbers went up, the Opposition has made no secret of its intention to repeat the exercise if it can, whenever it can. It confronts Australia with the prospect of 6-monthly national elections - an impossible basis for sound effective government.

This is a generalised threat to set aside the verdict you recorded only last May. Now, only last week, we have a clear specific threat to set aside a clear specific decision made by the people of New South Wales.

In May, the people of the largest State voted in favour of the Government team of the Senate candidates by a majority of 50% as against 41.7% of the votes for the Opposition candidates.

The Senator who headed the successful Senate team, Senator L.K. Murphy Q.C., has now been appointed a Justice of the High Court, the sixth Australian Attorney-General to be made a judge by the Australian Government.- Mr. Justice Higgins, Mr. Justice Isaacs, Chief Justice Latham, Chief Judge Spicer and Chief Justice Barwick. Incidentally, so far this century 12 English Attorney-Generals have been appointed Lords Chancellor, Lords Chief Justice or a Lord Justice of Appeal.

This is the 26th casual vacancy in the Senate since proportional representation was introduced in 1949. Hitherto the States have filled every vacancy with a Senator who belongs to the same political party as his predecessor. In 10 of the 25 cases the new Senator for the State was a political opponent of the government of the State.

The first casual vacancy was caused by the death of a Labor senator for Western Australia in 1951. The Liberal Premier of Western Australia, after consulting the Liberal Prime Minister, Mr. Menzies and the other Premiers, sponsored a Labor man to replace him. This practice has since been scrupulously followed in every State by every Premier, Liberal, Labor and Country Party.

In 1959 the Constitutional Review Committee, composed of 8 M.H.R.s and 4 Senators, 6 of them Labor, 4 Liberal and 2 Country Party, recorded that they were all strongly of the view that, if the Senator for a State whose place has become vacant was a member of a political party, the Parliament of the State or the Governor of the State should be required, in filling the vacancy, to choose a person who was a member of the same political party as the vacating senator.

Last Thursday the Senate unanimously carried this resolution:

The Senate commends to the Parliaments of all the States the practice which has prevailed since 1949 whereby the States, when casual vacancies have occurred, have chosen a Senator from the same political party as the senator who died or resigned.

This a good and very proper rule - good in principle and sound in practice. Yet now the Premier of New South Wales proposed to scrap it. But it's not just a convention, a custom he's throwing on the scrap-heap; it's the wishes of the people of New South Wales, recorded only 9 months ago.

The New South Wales proposal would make the senate as a whole even less representative of the opinion of the electors recorded in May. Instead of a Senate elected with Twenty-nine Labor senators, twenty-nine Liberal and Country Party senators and two Independent senators there would be only twenty-eight Labor senators.

I believe Australians of all political persuasions should be deeply concerned about these events - and should express their concern. Certainly the voters of New South Wales who are about to be defrauded of their proper representation have very right to be aggrieved. But it's not only the majority who voted Labor who should feel incensed. I've always believed Liberal supporters have a deep commitment to the proper workings of the Parliamentary system. Certainly any other commitment should be unthinkable for the party founded and led by Sir Robert Menzies. It is to all those thus committed that I make my appeal - to express in whatever way you can to your members of Parliament to ensure that our parliamentary system shall be given a chance to work.

I've mentioned to you many times over the past year the unprecedented stresses that democracies and parliaments everywhere are now experiencing. The real difficulties are great enough without deliberate sabotage. I leave you with this very earnest question: If men in positions of power feel free to break the rules with impunity, how long will those who feel disadvantaged or deprived or denied of power play *according* to the rules?

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