CONSTITUTION ALTERATION (STMULTANEOUS ELECTIONS) BILL 1975

SECOND READING SPEECH

ВҮ

27 May 1975

THE HONOURABLE E. G. WHITLAM, O.C., M.P.

PRIME MINISTER

MR SPEAKER,

I MOVE:

THAT THIS BILL BE READ A SECOND TIME.

THIS BILL IS IDENTICAL WITH THAT INTRODUCED INTO THIS
HOUSE BY ME ON 11 FEBRUARY 1975 AND PASSED BY AN ABSOLUTE
MAJORITY ON 18 FEBRUARY. THE SENATE RECEIVED THAT BILL ON
19 FEBRUARY AND REFUSED IT A SECOND READING ON 25 FEBRUARY.

I SHALL NOT TAKE THE TIME OF THE HOUSE TO PUT FORWARD AGAIN THE REASONS THAT HAVE LED THE GOVERNMENT TO RESUBMIT THIS LEGISLATION. THEY ARE SOUND AND REASONED. THEY WERE SPELT OUT BY ME IN MY SECOND READING SPEECH IN THE HOUSE, AND HONOURABLE MEMBERS HAVE THEM RECORDED IN HANSARD - PP 53-54 OF 11 FEBRUARY 1975.

THE HONOURABLE MEMBERS FOR MORETON, DARLING DOWNS AND BENNELONG WHO SPOKE FOR THE OPPOSITION ON THE BILL EARLIER THIS YEAR CLAIMED THAT THEY OPPOSED IT BECAUSE SIMULTANEOUS ELECTIONS WOULD DISTURB THE RELATIONSHIP BETWEEN THE TWO HOUSES, DAMAGE THE INDEPENDENCE OF THE SENATE AND ALTER ITS ROLE.

THIS, OF COURSE, IS NOT SO. THE INDEPENDENCE OF THE SENATE WAS NOT FOUNDED ON ELECTIONS BEING HELD FOR THE TWO HOUSES AT DIFFERENT TIMES. IT IS CLEAR THAT THE FRAMERS OF OUR CONSTITUTION DID NOT REGARD SEPARATE ELECTIONS IN THIS SENSE AS BASIC TO THE SENATE'S ROLE AS AN INDEPENDENT HOUSE. INDEED.

REVIEW RECOMMENDED THIS PARTICULAR REFORM IN 1959 - WITH ONLY ONE MEMBER DISSENTING - THERE HAD BEEN ONLY THREE OCCASIONS ON WHICH AN ELECTION HAD BEEN HELD TO ELECT-MEMBERS OF ONE HOUSE ONLY - THOSE FOR THE HOUSE OF REPRESENTATIVES IN 1929 AND 1954 AND FOR THE SENATE IN 1953.

SINCE 1959, HOWEVER, THERE HAVE BEEN NO LESS THAN NINE NATIONAL ELECTIONS, FOUR OF THEM FOR THIS HOUSE ALONE, AND THREE OF THEM FOR THE SENATE ALONE.

I POINT OUT ALSO THAT THE JOINT COMMITTEE CONCLUDED
THAT THE ORIGINAL CONCEPT OF THE SENATE'S ROLE AS A STATE'S
HOUSE HAD NOT BEEN REALISED; NOR HAD ITS INTENDED ROLE AS A
HOUSE OF REVIEW - THE WEAPON OF REJECTION HAD ALWAYS BEEN IN
PARTY HANDS.

ELECTIONS WOULD BENEFIT RESPONSIBLE GOVERNMENT IN MANY WAYS.

APART FROM THE OBVIOUS CONVENIENCE, SIMULTANEOUS ELECTIONS

WOULD PROMOTE GOVERNMENT IN ACCORDANCE WITH THE MOST PECENT

EXPRESSION OF THE WILL OF THE PEOPLE AND DISCOURAGE CAPRICIOUS

REJECTION OF LEGISLATION PASSED BY THE HOUSE OF REPRESENTATIVES.

IN SHORT, THE RIGHTS AND INDEPENDENCE OF THE SENATE WILL IN NO WAY BE ABROGATED BY THIS BILL. BUT THE BILL WILL ENABLE THE ELECTORS TO RE-CONSIDER WHETHER THEY WISH TO CONTINUE TO HAVE FREQUENT AND COSTLY SEPARATE ELECTIONS FOR THE TWO HOUSES AS IS THE POSITION NOW OR WHETHER THEY WISH SIMULTANEOUS ELECTIONS TO BE HELD FOR THE HOUSE OF REPRESENTATIVES AND ONE HALF OF THE SENATE.

I COMMEND THE BILL TO THE HOUSE.

Vier Il describbation

ELECTORAL BILL

AT ITS JOINT SITTING ON 6 AUGUST 1974. PARLIAMENT PASSED THE COMMONWEALTH ELECTORAL ACT WHICH HAD BEEN ONE OF THE BILLS ON WHICH THE DOUBLE DISSOLUTION HAD BEEN GRANTED IN APRIL, 1974. THE ACT PROVIDES THAT IN ANY ELECTORATE, THE NUMBER OF VOTERS SHALL NOT BE MORE THAN 10% Above or below THE AVERAGE NUMBER OF VOTERS IN ALL THE ELECTORATES OF THE STATE CONCERNED. IN PASSING THE BILL, THE PARLIAMENT THEREFORE DECIDED THAT THE FLECTORAL COMMISSIONERS, IN ESTABLISHING THE BOUNDARIES AT A REDISTRIBUTION, SHOULD BE PERMITTED A VARIATION BETWEEN ELECTORATES WITHIN A STATE OF NOT MORE THAN ONE-TENTH INSTEAD OF ONE FIFTH VARIATION PERMITTED UNDER LEGISLATION THEN EXISTING. BY PASSING THE ACT, THE PARLIAMENT INTENDED TO ENSURE THAT THE NUMBER OF VOTERS IN EACH ELECTORATE SHOULD BE MUCH CLOSER TO THE IDEAL OF EQUALITY, THE PASSING OF THAT LEGIS-LATION EXPRESSED SOMETHING RATHER THAN MORE THAN THE WILL OF THE PARLIAMENT, THE WILL OF BOTH HOUSES SITTING JOINTLY. IN A VERY REAL SENSE IT EXPRESSED THE DECISION OF THE AUSTRALIAN PEOPLE BECAUSE AS I HAVE SAID, THE BILL FORMED ONE OF THE GROUNDS FOR THE DOUBLE DISSOLUTION AND WAS THEREFORE ONE OF THE ISSUES PUT BEFORE THE PEOPLE AT THE ELECTIONS LAST MAY.

Speaking at the Joint Sitting, Senator Steele Hall said: "It is quite clear that the Opposition parties in both Houses of Parliament set up the election as a test for the Government. They said so clearly in so many words and at various times mentioned specific issues. There is no doubt that this Government has a very fair claim to the bills which it is presenting to this Joint Committee ... There is a very real need to understand that these issues are ones to which the Government now has a very fair claim ... Any person who studies the history of the generation of this Joint Sitting will know that anyone who stands against extension of the franchise stands against his own political future."

As a result of that Joint Sitting and in accordance WITH THE CLEARLY EXPRESSED WISHES OF THE PEOPLE, THE COMMONWEALTH ELECTORAL ACT BECAME THE LAW OF THE LAND. LAST WEEK, THE SENATE REFUSED TO ADOPT REDISTRIBUTION PROPOSALS WHICH IMPLEMENTED THE LAW. THE SENATE HAS TRIED TO ENSURE THAT THE LAW REMAINS INOPERATIVE - A DEAD LETTER. IN REJECTING THE PROPOSALS THE SENATE HAS TRIED TO NULLIFY THE LAW OF THE LAND. THERE WAS NO POINT IN SENDING THE BOUNDARIES BACK TO THE COMMISSIONER TO BE REDRAWN. THE COUNTRY PARTY HAS MADE IT PERFECTLY CLEAR THAT IT WILL REJECT ANY REDISTRIBUTION AT ALL. WE THEREFORE PROPOSE TO EMBODY THE PROPOSALS IN LEGISLATION. BY SO DOING WE RE-ASSERT THE INEVITABLE AND NECESSARY CONNECTION BETWEEN THE LAW AND THE PROPOSALS, BETWEEN THE ELECTORAL ACT PASSED AT THE JOINT SITTING AND THE REDISTRIBUTION WITHOUT WHICH THAT ACT IS A MULLITY. FURTHER, IN THE EVENT OF CONTINUED SENATE OBSTRUCTION, WE SHALL ALLOW THE PEOPLE OF AUSTRALIA YET ANOTHER OPPORTUNITY TO ENDORSE, AS THEY DID LAST MAY, THE PRINCIPLE OF EQUALITY OF REPRESENTATION.

IF THE SENATE AGAIN REJECTS THIS PRINCIPLE, THAT REJECTION WILL AGAIN BE AN ISSUE ON WHICH THE PEOPLE WILL BE ABLE TO PASS JUDGMENT.

THROUGHOUT THE DEBATE, IN BOTH HOUSES, NO SERIOUS OBJECTION WAS MADE TO THESE PROPOSALS ON THE GROUNDS OF UNFAIRNESS. THEY ARE SCRUPULOUSLY FAIR. IN THE WORDS OF MR. MALCOLM MACKERRAS, AN ACKNOWLEDGED ELECTORAL ANALYST:

"IN OVERALL POLITICAL TERMS, THE 1975 REDISTRIBUTION IS THE FAIREST SET OF PROPOSED BOUNDARIES EVER TO BE PRESENTED TO ANY AUSTRALIAN PARLIAMENT IN MY LIFETIME. THE COMMISSIONERS HAVE BENT OVER BACKWARDS TO AVOID ANY SUGGESTION OF GERRYMANDERING. THEY HAVE SET OUT TO DRAW BOUNDARIES SO PATENTLY FAIR THAT REJECTION BY THE SENATE WOULD REFLECT DISCREDIT ON THE SENATE NOT ON THE COMMISSIONERS."

I HAVE HEARD NO OBJECTION FROM ANY QUARTER TO THESE PROPOSALS ON THE GROUNDS OF UNFAIRNESS. NO REFLECTION HAS BEEN MADE ON THE INTEGRITY OF THE COMMISSIONERS OR THE SCRUPULOUS IMPARTIALITY WITH WHICH THEY HAVE CARRIED OUT THEIR WORK.

THE REDISTRIBUTION IS BOTH URGENT AND NECESSARY. AN ELECTION HELD ON THE PRESENT BOUNDARIES WOULD BE A TRAVESTY. I INVITE HONOURABLE MEMBERS TO CONSIDER HOW FLAGRANTLY THE NUMBER OF VOTERS VARIES BETWEEN THE DIFFERENT ELECTORATES AT PRESENT. IN QUEENSLAND HALF THE ELECTORATES, NINE OF THE EIGHTEEN, DEPART BY MORE THAN 10% FROM THE QUOTA AND FOUR DEPART BY MORE THAN 20%. IN NEW SOUTH WALES, TWENTY OF THE FORTY-FIVE ELECTORATES ARE MORE THAN 10% above or below THE AVERAGE QUOTA. FOUR OF THEM ARE MORE THAN TWENTY PERCENT ABOVE THE QUOTA AND TWO OF THEM ARE MORE THAN TWENTY PERCENT BELOW IT. IN VICTORIA THERE IS A VARIATION GREATER THAN TEN PERCENT IN FOURTEEN OF THE THIRTY-FOUR ELECTORATES AND A VARIATION GREATER THAN TWENTY PERCENT IN SEVEN OF THEM. In South Australia four of the twelve electorates depart BY MORE THAN TEN PERCENT FROM THE QUOTA AND TWO BY MORE THAN TWENTY PERCENT.

In each of these States the Quota for an electorate is about 64,000 voters. Yet in Queensland, the enrolment between the largest and smallest electorates varies by 43,000 voters. In New South Wales it varies by 35,000 voters. In Victoria it varies by 38,000. In South Australia it varies by 31,000 voters. Throughout Australia, and within particular States, some seats have more than 70% more people on the rolls than others. Thus some people's votes are worth more than 70% more than other people's. In Queensland one seat has more than twice as many voters as another. This is a denial of the very essence of democracy and a travesty of the electoral process.

LET ME GIVE SOME SPECIFIC EXAMPLES FOR QUEENSLAND.

As at 25 April, the seat of Macpherson had 94,024 electors on the Roll. By contrast, Maranoa had 46,456 electors.

Kennedy had 50,890 electors. That is the kind of variation that operated just after the last election.

LET US ASSUME, HOWEVER, THAT THE PARLIAMENT RUNS ITS FULL TERM. THE CHIEF ELECTORAL OFFICER HAS PROVIDED A PROJECTED ENROLMENT AS AT MAY 1977 FOR THE THREE EXISTING SEATS WITH THE HIGHEST ENROLMENTS.

AT APRIL 25, 1975 Macpherson had an enrolment of 94,000. By 1977 the Chief Electoral Officer forecasts it will be 104,000. Bowman is projected to increase from 79,000 to 87,000 and Petrie from 77,000 to 84,000. An election held in such circumstances would be a mockery.

THE DEBATE ON THE PROPOSALS IN BOTH HOUSES ILLUSTRATED VERY CLEARLY THE MOTIVES BEHIND THEIR REJECTION IN THE SENATE. IT SHOWED HOW COMPLETELY THE LIBERAL PARTY HAD CAVED IN TO THE PRESSURE OF ITS COALITION PARTNER. IN THIS HOUSE, NO SENIOR LIBERAL INTERVENED. THEIR CASE, SUCH AS IT WAS, WAS LEFT TO THE FLEDGLING MEMBER FOR BENNELONG, WHO SPOKE ON THE PROPOSALS FOR THREE OF THE FIVE STATES CONCERNED. NEITHER THE LEADER OF THE OPPOSITION NOR THE DEPUTY LEADER SPOKE. HOW COULD THEY? THEIR OWN SEATS PERFECTLY ILLUSTRATE THE DISPARITIES WHICH THE REDISTRIBUTION SEEKS TO REMOVE. THE LEADER OF THE OPPOSITION REPRESENTS 53,360 VOTERS IN WANNON. THE DEPUTY LEADER REPRESENTS 79,665 VOTERS IN FLINDERS. HOW COULD THEY RECONCILE THEIR INTERESTS?

THE DEPUTY LEADER'S VOTERS ARE WORTH ONLY TWO-THIRDS THOSE OF HIS LEADER, THE LEADER'S VOTERS ARE WORTH HALF AS MUCH AGAIN AS HIS DEPUTY'S. IT MIGHT BE URGED THAT THE LEADER'S COUNTRY SEAT DESERVES SUCH AN ADVANTAGE OVER THE DEPUTY LEADER'S METROPOLITAN SEAT. OF THEM, HOWEVER, COME FROM A STATE WHERE A TOTALLY LIBERAL GOVERNMENT HAS JUST PROCURED A REDISTRIBUTION OF ELECTORAL DISTRICTS FOR THE LEGISLATIVE ASSEMBLY, IN WHICH ENROLMENT FOR COUNTRY DISTRICTS VARIES BETWEEN 23,561 AND 25,095 AND FOR METROPOLITAN DISTRICTS BETWEEN 26,092 AND 29,353. THUS A LIBERAL GOVERNMENT FREE FROM NATIONAL COUNTRY PARTY PRESSURE DOES NOT TOLERATE THE DISPARITIES WHICH EVEN THE LEADER AND DEPUTY LEADER OF THE LIBERALS IN THIS PARLIAMENT MUST ENDURE. MOREOVER THE VICTORIAN DIVISION OF THE LIBERAL PARTY ON 14 NOVEMBER LAST WROTE TO THE ELECTORAL COMMISSIONERS FOR THE STATE AS FOLLOWS:

"GIVEN THE CRITERIA IN THE ACT, WE HAVE
TO AGREE WITH THE LABOR SUBMISSION OF A REDUCTION OF
ONE SEAT FROM THE RURAL AREA AND AN INCREASE OF ONE IN
THE SOUTH-EASTERN AREA."

THE LIBERAL PARTY SUBMITTED A COUNTER
SUBMISSION WHICH WOULD HAVE PRODUCED ENROLMENTS FOR RURAL
DIVISIONS VARYING BETWEEN 59,405 AND 68,923 AND FOR
METROPOLITAN DIVISIONS BETWEEN 59,379 AND 68,860. THE
LIBERAL PARTY ITSELF SUBMITTED THAT THE LEADER OF THE OPPOSITION
SHOULD REPRESENT 63,464 VOTERS AND THE DEPUTY LEADER 62,816.
LAST MONTH THEY REPRESENTED RESPECTIVELY 53,360 AND 79,665.
THE CHIEF ELECTORAL OFFICER'S PROJECTION FOR 1977 IS 53,000 AND
81,000. Little conder that the first counter than the first conder that the first conder than the first conder the first conder than the first conder than the first conder the first cond

TO PUT IT ANOTHER WAY, A LABOR VOTER IN WAKEFIELD IS WORTH TWICE AS MUCH AS A LIBERAL IN BONYTHON. THAT IS THE REAL ISSUE, FOR THERE CAN BE NO QUESTION OF PARTISANSHIP.

THE VOTE OF A SOUTH AUSTRALIAN IS TO BE VALUED NOT BY PARTY BUT BY PLACE OF RESIDENCE, NOT BY FOR WHOM HE VOTES BUT BY WHERE HE VOTES. AND OF COURSE THE SAME PRINCIPLE APPLIES TO THE PROPOSALS FOR THE TASMANIAN, N.S.W., QUEENSLAND AND VICTORIAN STATES.

Who objects to these proposals? Not the Australian Labor Party, although my Party in fact is weakened electorally by the proposed redistribution in Queensland. Not the Liberal Party which may well benefit. The objection is from the National Country Party, which made only one official submission to the commissioners. Its submission was not about how the boundaries should be drawn but was simply an objection to any redistribution at all.

Under the proposal, one of the ten non-metropolitan seats in Queensland disappears. Yet this change is not a result of the operation of the new electoral act -- not a result of the reduction of the permitted variation of one-tenth. For the fact is that even with a 20% variation the commissioners could not have drawn up any set of proposals which would have preserved ten non-metropolitan seats. It is not the Act which has created this situation; it is the pattern of Queensland's development.

SO LET'S BE QUITE CLEAR ABOUT THIS. THE COUNTRY PARTY'S OBJECTION IS NOT TO THE PROPOSALS BUT TO THE FACT OF ANY REDISTRIBUTION AT ALL. THEY HAVE A VESTED INTEREST IN PRESERVING A STATUS QUO WHICH UTTERLY VITIATES ELECTORAL JUSTICE.

IN VICTORIA, THE ELECTORATE OF WIMMERA HAD

49.200 ELECTORS AS AT 25 APRIL 1975. THE ELECTORATE OF

DIAMOND VALLEY HAD 87.522. THE CHIEF ELECTORAL OFFICER'S

PROJECTIONS FOR 1977 IN THOSE ELECTORATES IS 92.000 AND

49.000 RESPECTIVELY. DIAMOND VALLEY IS OF COURSE ONE OF

THOSE SEATS WHICH THE LIBERAL PARTY MUST WIN IF IT IS EVER

AGAIN TO FORM A GOVERNMENT. LET THE LEADER OF THE

OPPOSITION JUSTIFY TO THE PEOPLE OF DIAMOND VALLEY WHY

THEIR VOTE IS DEBASED TO SCARCELY THALF THE VALUE OF

THE VOTE OF A PERSON LIVING ELSEWHERE IN VICTORIA.

WHY SHOULD THE LIBERAL PARTY COP THIS SORT OF SITUATION? THEY KNOW THAT THE COUNTRY PARTY WILL ACCEPT NO REDISTRIBUTION UNLESS IT DICTATES THE TERMS. WEEK THE LEADER OF THE OPPOSITION HAS HAD A SHARP LESSON ON THE SORT OF LOYALTY HE CAN EXPECT FROM HIS COALITION PARTNERS IF THEY FAIL TO GET THEIR WAY, IF THEY FEEL THEIR NARROW AND SELFISH INTERESTS THREATENED IN ANY WAY, THE LEADER OF THE OPPOSITION SHOULD TAKE SIR CHARLES COURT'S PLIGHT TO HEART. IN GOING ALONG WITH THE COUNTRY PARTY, IT IS DAMAGING ITSELF IN TWO WAYS. FIRST IT COMMITS ITSELF TO DOMINATION BY THE COUNTRY PARTY; MORE IMPORTANT, IN THE EYES OF THE AUSTRALIAN PEOPLE, IT COMMITS ITSELF TO THE PERPETUATION OF A FLAGRANT BREACH OF ELECTORAL JUSTICE. In effect it commits itself to a gerrymander by omission, A GERRYMANDER OF WHICH THE LIBERAL PARTY ITSELF IS THE VICTIM EVERY BIT AS MUCH AS THE LABOR PARTY. AND ABOVE ALL, IT DENIES TO THE AUSTRALIAN PEOPLE - LIBERAL VOTERS EVERY BIT AS MUCH AS LABOR VOTERS - THE BASIC DEMOCRATIC RIGHT OF EQUAL REPRESENTATION.

I URGE THE MEMBERS OF THE LIBERAL PARTY TO UPHOLD THE PRINCIPLE PUT FORWARD BY THE JOINT COMMITTEE ON CONSTITUTIONAL REVIEW ESTABLISHED BY SIR ROBERT MENZIES OF A CASA ALL PARTIES WERE REPRESENTED AND UNANIMOUSLY THE COMMITTEE REPORTED;

THE COMMITTEE FEELS CONSTRAINED TO SAY, . HOWEVER, THAT THE ONE-FIFTH MARGIN ON EITHER SIDE OF THE QUOTA FOR A STATE WHICH THE ACT ALLOWS MAY DISTURB QUITE SERIOUSLY A PRINCIPLE WHICH THE COMMITTEE BELIEVES TO BE BEYOND QUESTION IN THE ELECTION OF MEMBERS OF THE NATIONAL PARLIAMENT OF A FEDERATION, NAMELY, THAT THE VOTES OF THE ELECTORS SHOULD, AS FAR AS POSSIBLE, BE ACCORDED EQUAL VALUE. THE FULL APPLICATION OF THE MARGIN EACH WAY TO TWO DIVISIONS IN A STATE COULD RESULT IN THE NUMBER OF ELECTORS IN ONE DIVISION TOTALLING 50 PERCENT MORE THAN THE NUMBER OF ELECTORS IN THE OTHER DIVISION. SUCH A POSSIBLE DIS-PARITY IN THE VALUE OF VOTES IS INCONSISTENT WITH THE FULL REALISATION OF DEMOCRACY',

THE COMMONWEALTH ELECTORAL ACT PASSED BY THE

JOINT SITTING UPHELD THAT PRINCIPLE - THE FULL REALISATION TO DEMOCRACY, THE PROPOSALS REJECTED LAST WEEK UPHELD THAT

PRINCIPLE. THESE BILLS UPHOLD THE PRINCIPLE. LET US

ENSURE THAT THE MEXT ELECTION IS HELD ACCORDING TO THE

LAW OF THE LAND. LET US ENSURE THAT THE NEXT ELECTION

REPRESENTS A FULL REALISATION OF DEMOCRACY. BY PRESENTING

THESE BILLS, WE ARE GIVING THE LIBERAL PARTY A SECOND CHANCE
A CHANCE TO UPHOLD THE BASIC PRINCIPLE OF EQUAL REPRESENTATION,

A CHANCE TO REDEEM THEMSELVES IN THE EYES OF THEIR OWN

SUPPORTERS.