

AUSTRALIA

*Speech by***THE HON. E. G. WHITLAM, Q.C., M.P.***Prime Minister**on***The Constitutional Crisis and The Whitlam Government***(From the 'Parliamentary Debates', 16 October 1975)*

Mr WHITLAM (Werriwa—Prime Minister)
(10.24)—Mr Speaker, I move the resolution:

Considering that this House is the House of the Australian Parliament from which the Government of Australia is chosen;

Considering moreover that on 2 December 1972 the Australian Labor Party was elected by judgment of the people to be the Government of Australia; that on 18 May 1974 the Australian Labor Party was re-elected by judgment of the people to be the Government of Australia; and that the Australian Labor Party continues to have a governing majority in this House;

Recognising that the Constitution and the conventions of the Constitution vest in this House the control of the supply of money to the elected Government;

Noting that this House on 27 August 1975 passed the Loan Bill 1975 and on 8 October 1975 passed the Appropriation Bill (No. 1) 1975-76 and the Appropriation Bill (No. 2) 1975-76 which, amongst other things, appropriate moneys for the ordinary annual services of the Government;

Noting also that on 15 October 1975, in total disregard of the practices and conventions observed in the Australian Parliament since Federation, the Leader of the Opposition announced the intention of the Opposition to delay those Bills, with the object of forcing an election of this House; that on 15 October 1975 the Leader of the Opposition in the Senate announced that the Opposition parties in the Senate would delay the Bills; and that on 15 October 1975 the Senate, against the wishes of the Government, decided not to proceed further with consideration of the Loan Bill 1975;

Considering that the actions of the Senate and of the Leader of the Opposition will, if pursued, have the most serious consequences for Parliamentary democracy in Australia, will seriously damage the Government's efforts to counter the effect of world-wide inflation and unemployment, and will thereby cause great hardship for the Australian people;

1. This House *declares* that it has full confidence in the Australian Labor Party Government.
2. This House *affirms* that the Constitution and the conventions of the Constitution vest in this House the control of the supply of moneys to the elected Government and that the threatened action of the Senate constitutes a gross violation of the roles of the respective Houses of the Parliament in relation to the appropriation of moneys.
3. This House *asserts* the basic principle that a Government that continues to have a majority in the House of Representatives has a right to expect that it will be able to govern.
4. This House *condemns* the threatened action of the Leader of the Opposition and of the non-government parties in the Senate as being reprehensible and as constituting a grave threat to the principles of responsible government and of Parliamentary democracy in Australia.
5. This House *calls upon* the Senate to pass without delay the Loan Bill 1975, the Appropriation Bill (No. 1) 1975-76 and the Appropriation Bill (No. 2) 1975-76.

This motion brings to the formal notice of the House a situation of grave constitutional crisis without precedent in the Australian Parliament and the Australian nation—without modern precedent in the parliamentary democracies of the world. That situation arises from statements made outside this chamber by the Leader of the Opposition (Mr Malcolm Fraser) yesterday that the Opposition parties will use their numbers in the Senate to delay the Government's annual Appropriation Bills, which have been passed by this House.

Subsequently the Leader of the Opposition in the Senate (Senator Withers) moved, and the

Senate passed, an amendment to the Loan Bill 1975 that the Bill be not further proceeded with. It is transparently clear from what he said that the Opposition proposes to take the unprecedented step of blocking the Budget of the democratically elected Government of Australia.

In the face of the Leader of the Opposition's attempt to sabotage the foundation of our parliamentary system, this House must, in unmistakable terms, make clear its rights. For the rights of this House are nothing less than the rights of the Australian people. This House must expose the political opportunism of the Opposition in the Senate for what it is. And what it means is constitutional revolution—the proposition that governments can be unmade by the Senate and not by the House of Representatives—the people's House.

Let me recall the words of the Leader of the Opposition:

The basic principle which I adhere to strongly is that a government that continues to have a majority in the House of Representatives has a right to expect that it will be able to govern.

He has professed that principle again and again. He knows the course of honour, of decency, of democracy. Yesterday he espoused a course of action which can only mean that he is willing to overturn his principles and overturn the basis of our system. There is the really 'reprehensible circumstance' today—a man who knows what is honourable, yet who does the thoroughly dishonourable—the exact definition of a man without honour, a man without principle. As another self-indulgent wool grower said in putting personal interests ahead of the nation's interest, *video meliora proboque; deteriora sequor*.

The House of Representatives—the people's House—alone determines who shall govern Australia. Only 17 months ago, the people for the second time in less than 18 months, elected the Australian Labor Party to govern for a further 3 years. I state again the basic rule of our parliamentary system: Governments are made and unmade in the House of Representatives—in the people's House. The Senate cannot, does not, and must never determine who the government shall be.

The Leader of the Opposition himself has asserted that basic principle again and again. In a very real sense he owes his present position to the assertion of that principle. He was only able to destroy his predecessor because the right honourable member for Bruce (Mr Snedden) had fatally weakened himself by his attempt to subvert the principle in April 1974 and his failure

to pledge that he would never again be party to another attempt.

By appearing as the champion of this basic parliamentary principle the present Leader of the Opposition drummed up support among Liberal senators who wanted security of tenure, and among the business community who wanted stability in politics more than they wanted a change of government. That was how he was able to destroy his leader—the second time he had destroyed a Liberal leader by posing as a man of principle. He enjoyed his honeymoon with the Australian people precisely because he professed the principle—the principle that the elected government had the right and responsibility to govern for its full term of 3 years. This is the man of principle, the man of honour, who stood up in this place on 9 March 1971 when he for the first, but not for the last time, destroyed his leader and said of the former Liberal Prime Minister of Australia, the present Independent member for Higgins (Mr Gorton) and the next senator for the Australian Capital Territory:

This man is unfit to be Prime Minister of Australia.

His own reproach will be his own epitaph. And it will be my exquisite duty soon to ram this message home to the people of Australia, in terms that neither they nor the Leader of the Opposition will ever forget.

The Leader of the Opposition announces with some pride that departments are running or will run short of funds. Of course they will run short of funds. The Leader of the Opposition is refusing to pass the Appropriation Bills in the Senate which provide for the ordinary annual services of the Government. He will be responsible for bills not being paid, for salaries not being paid, for utter financial chaos, and this will continue as long as the Leader of the Opposition refuses to allow the Senate to pass the Supply already authorised by this House, the people's House. And now, like a pyromaniac he dances around the fire. He will get burnt.

Let us cut through the humbug. The Leader of the Opposition has been planning this action ever since he was elected. And all the nonsense about 'reprehensible circumstances . . . or extraordinary circumstances' was so much eye-wash, so much a smokescreen for his real intentions. Look at the terms of the Senate resolution yesterday—the reasons it gives for delaying Supply, for not proceeding further with the Budget. It mentions the Government's overseas loan raising efforts. There is nothing in that resolution which raises matters which were not fully known on 9 July when the House met to thrash this

whole matter out. Yet neither then nor subsequently has the Opposition in this House ever moved a motion of censure or no confidence upon the Government on this matter, any more than it has ever been able to bring any specific charge of illegality or misconduct by the Government or the Ministers in our negotiations. It is absolutely plain that the Leader of the Opposition determined upon his course from the outset, just as the Leader of the Opposition in the Senate, Senator Withers, let the cat out of the bag, last time, when he said:

We embarked on a course some 12 months ago to bring about a House of Representatives election.

That is, from the time that the people of Australia had the impertinence to reject the men born to rule and to elect a Labor Government. Over the period of 75 years since Federation there have been 20 occasions on which the annual Appropriation Bills have come before a Senate in which the Government did not have a majority of its own. There has been a similar number of occasions in respect of the Supplementary Appropriation Bills and also of the Supply Bills. Not one of these Bills has ever been rejected. They number in all 139. I seek leave to table a list of the Bills concerned.

Mr SPEAKER—Is leave granted?

Mr Sinclair—Yes, leave is granted.

Mr WHITLAM—On the other hand, numerous examples can be given of government measures other than annual Appropriation and Supply Bills that have been rejected by the Senate. In this 29th Parliament alone, in a bare 15 months, 22 Bills have twice been rejected by the Senate and a further ten have been rejected once, deferred or unacceptably amended by the Senate. The contrast between the record of the Senate over 75 years in respect of Appropriation and Supply Bills with its treatment of other Bills points to only one conclusion. The conclusion must be drawn that the treatment by the Senate of Appropriation and Supply Bills has reflected a firm conviction that the Bills for financing the annual services of government should not be rejected.

The specious protestation by the Leader of the Opposition that it is not rejecting the Budget will fool no one. But it does at least serve to reveal that even he is conscious of the gross violation of constitutional principles involved. He shrinks from calling his action by its true name.

There are compelling reasons why the Opposition cannot be allowed, in an unscrupulous grab for political power, to shatter the principles that have stood for 75 years. Appropriation and

Supply Bills can originate only in this House and the Senate may not amend them for the ordinary annual services of the government. Responsible government on the Westminster model, upon which our system of government is founded, requires absolutely that the people's House—this House—through which the Government is chosen, should hold financial paramountcy over an upper House. The convention has been clearly established that the Senate, which has no power to originate or amend money Bills, shall not block or reject them either.

The principle I assert is the principle for which, I am certain, everybody who has stood in my place in this House would also have stood firm in the three-quarters of a century that we have had a National Parliament. Prime Minister Menzies did. Prime Minister Holt did. Prime Minister Gorton did and does. I repeat the principle: The Government is formed in this House and is answerable to this House and this House must control financial matters. This has been the situation in every English speaking democracy. No other democracy would permit a situation where an upper House could reject a Budget.

In no other parliamentary democracy has the elected government been subject to the artificial pressures and intolerable stress to which this Government has been subject by the unconstitutional threat of an election every 6 months. And that threat has been sustainable only through the fortuitous, the accidental situation in the Senate—by the actions of a Senate described by the honourable member for Moreton (Mr Killen) as a 'tainted Senate'.

Last night on television the Leader of the Opposition made 2 remarkable assertions, breathtaking in their audacious distortion of the truth. He said that the people of Australia had given his coalition a majority of senators at the last Senate election. The truth is of course that at the last Senate election the people not only recorded 200 000 more votes for the Australian Labor Party candidates—the Government—than for all other Parties represented in the Senate combined, but elected 29 Labor senators and 29 Opposition senators and 2 Independents. Because 2 State Premiers flouted another great constitutional convention, the Government now has only 27 senators. Yesterday's Senate vote was a complete distortion of what the people decided about the Senate in May last year. The second assertion last night by the Leader of the Opposition was that the scandalous appointment of a replacement for the late Senator Milliner by the Queensland Government was not relevant to

yesterday's decision. Senator Steele Hall nailed this once and for all when he said:

Let it be remembered that the Opposition succeeded only because a Labor senator died. They did it over a dead man's corpse.

If the Premier of Queensland had acted honourably and constitutionally by appointing a Labor supporter to hold Senator Milliner's place then the Opposition's amendment would have had as many senators voting against it as voting for it. Yesterday's spurious resolution in the Senate would have been negated.

The political immorality of the Opposition is demonstrated further by the grossly improper incitement of non-Labor State governments to restrain the Governors of the States from exercising their duties under the Australian Constitution in relation to periodic Senate elections. On 24 occasions the Governor-General has suggested to the Governors of the States the date which they should set for elections of senators for their States. On four of those occasions—May 1953, December 1964, November 1967 and 1970—an election for the House of Representatives was not held. On all 24 occasions the State Governors met the Governor-General's request. The years 1975 or 1976 could see the first time in the 75 years during which Australia has had a national Parliament, the first of the 25 occasions on which a Governor-General has put such requests to the State Governors, that a Premier advises a Governor to disregard constitutional practice, to fail in the duty which the Constitution imposes on a Governor. This outrage would be at the behest of the Federal Council of the Liberal Party last Sunday—the faceless men of the Liberal Party.

At this time particularly when constitutional issues are at stake it ill behoves any representative of the Crown to cast aside the traditions of his office and throw in his lot with one or the other of the political parties in dispute on national issues. It is a matter of grave concern that a man in this position can be so careless of his responsibility, so unconscious of the precedent, so unthinking as to the danger as the Governor of Queensland showed himself yesterday.

I have recently had occasion to quote many authorities on the perils of the course upon which

the Leader of the Opposition has embarked—not least Sir Robert Menzies who founded his Party. Let me now quote Quick and Garran, writing at the time of the founding of the Australian Parliament:

The House of Representatives is not only the national chamber; it is the democratic chamber; it is the grand depository and embodiment of the liberal principles of government which pervade the entire constitutional fabric. It is the chamber in which the progressive instincts and popular aspirations of the people will be most likely to make themselves first felt . . . by the Constitution, it is expressly intended to be such a House, and by its organisation and functions it is best fitted to be the area in which national progress will find room for development.

And this, with a prescience, prophetic insight, that Quick and Garran would not have claimed for themselves, gets to the heart and the root of this present grave crisis. It is because this Government has attempted to make this Parliament the instrument for reform, for long overdue change, for progress, for the redistribution of wealth, for the uplifting of the underprivileged, for the reduction of the privileges of great wealth and deeply entrenched vested interests, an instrument towards equality of opportunity for all Australians, that our opponents and those vested interests have from the very beginning, as Senator Withers revealed, embarked on a course to destroy this Government at the earliest opportunity. But what they are really doing is destroying the very basis of parliamentary democracy in our country.

The Senate resolution talks about 'submitting to the judgment of the people'. Precisely! This matter should be submitted to the judgment of the people. It will be submitted to the judgment of the people. The issue is the unconstitutional and undemocratic conduct of a chance majority in the Senate. The issue is the rejection by the Senate of a Budget designed to bring great benefits to this nation. It is the Senate which is on trial. It is the Senate which will have to submit to the judgment of the people. It is the Senate which has rejected the Budget. It is the Senate which must face the people. Again, in the indelible words of Senator Steele Hall, it is the Senate, the Liberal Party and the Liberal leader which, by the course they are now attempting, have sown the seeds of their own destruction.