

FORMATION OF GOVT

Mr SPEAKER - I call the hon mem for Wannon.

Mr MALCOLM FRASER (WANNON) (2.34) - Mr Speaker, this afternoon the Governor-General commissioned me to form a govt until elections can be held -

(Govt supporters interjecting)

Mr SPEAKER - I suggest that hon mems on my right remain silent if they want to stay in the House.

Mr MALCOLM FRASER - The purpose of the Commission is to permit a deadlock between the Houses of Parlt to be resolved and to return Australia to stable govt. It will be my sole purpose to ensure that Australia has the general election to which it is constitutionally entitled and which has so far been denied it. Until the judgment of the Australian people has been registered at this election my Govt will make no appointments or dismissals or initiate any new policies. I have written to the Governor-General in these terms:

Your Excellency,

You have intimated to me that it is Your Excellency's pleasure that I should act as your chief adviser and head of the Govt. In accepting your commission I confirm that I have given you an assurance that I shall immediately seek to secure the passage of the Appropriation Bills which are at present before the Senate.

Mr Whitlam - They have been passed.

Mr MALCOLM FRASER -

... Thus ensuring Supply for the carrying on of the Public Service ⁱⁿ ~~and~~ all its branches. I further confirm that, upon the granting of Supply, I shall immediately recommend to Your Excellency the dissolution of both Houses of this Parlt. My Govt will act as a caretaker govt and will make no appointments or dismissals or initiate new policies before a general election is held.

Under the terms of the double dissolution the Bills that are in a double dissolution position will all be cited in that double dissolution and hon mems will have in mind the significance of that. There will be no new policy changes. There will be no royal commissions ^{of inquiry} into the activities of this Govt throughout the period of the election campaign.

We will be seeking dissolution of the Parlt at the earliest opportunity.

The Appropriation Bills, as some hon mem interjected, have already passed through the Senate. I would only wish to add -

Dr Gun - What is the matter with the Budget now?

^{End!}
Mr SPEAKER - ~~I suggest that~~ the hon mem might like to stay in the chamber. ^{I suggest that} ~~therefore he will~~ remain silent.

Mr Malcolm FRASER - I would only wish to add some parts of His Excellency's statement. In the summary of that statement he said:

It has been necessary for me -

that is His Excellency -

to find a democratic and constitutional solution to the current crisis which will permit the people of Australia to decide as soon as possible what should be the outcome of the deadlock which developed over supply between the two Houses of Parlt and between the Govt and the Oppsn Parties

Later he stated:

Because of the federal nature of our Constitution and because of its provisions the Senate undoubtedly has constitutional power to refuse or defer supply to the Govt. Because of the principles of responsible govt a Prime Minister who cannot obtain supply, including money for carrying on the ordinary services of govt, must either advise a general election or resign. If he refuses to do this I have the authority and indeed the duty under the Constitution to withdraw his Commission as Prime Minister. The position in Australia is quite different from the position in the United Kingdom. Here the confidence of both Houses on supply is necessary to ensure its provision. In the UK the confidence of the House of Commons alone is necessary. But here and in the UK the duty of the Prime Minister is the

same in a most important respect - if he cannot get supply he must resign or advise an election.

Later he also stated that the decisions he had made were made after he was satisfied that Mr Whitlam could not obtain supply. He said:

No other decision open to me would enable the Australian people to decide for themselves what should be done.

The Governor-General draws attention also to the fact that he had consulted the Chief Justice of Australia. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXX~~ The Governor-General also stated:

There is one other point. There has been discussion of the possibility that a half-Senate election might be held under circumstances in which the Govt has not obtained supply. If such advice were given to me I should feel constrained to reject it because a half-Senate election held whilst supply continued to be denied does not guarantee a prompt or sufficiently clear prospect of the deadlock being resolved in accordance with proper principles. When I refer to rejection of such advice I mean that, as I would find it necessary in the circumstances I have envisaged to determine Mr Whitlam's commission and, as things have turned out have done so, he would not be Prime Minister and not able to give or persist with such advice.

11/11/75 REPS

20/1

2.40/3.55

25/1

Mr Malcolm Fraser in continuation.

I return to an earlier passage in ~~his~~ His Excellency's statement.

I would only hope that hon mems will accept this position ^{which} has developed with the dignity that accords ^{to} with this House and not

with some of the views ^{that} which have been expressed, because I recognise

that it must have been ^{the} a most painful duty ^{of} for His Excellency to ^{take} make

the decision that he has ^{taken} made. I read one other section of His

Excellency's statements.

If a Prime Minister ~~xxxxxxxxxxxx~~ refuses to resign or to

advise an election, and this is the case with Mr Whitlam,

my constitutional authority and duty require me to do what I

have now done ^{to} to withdraw his commission ^{and} to invite the ^{Ldr} Leader

Opposition to form a caretaker ^{govt.} government, ^{and} that is one that makes no

appointments or dismissals and initiates no policies, until a

general election is held.

His Excellency has been given that assurance ^{and} that is the way

this matter will be resolved. I ^{should} like only to add that I appeal

^{good}
to the sense of the Austin people to understand that ~~xxx~~ a most
difficult situation has developed. It is one that I ~~xxx~~ would hope that
all members of this House would be able to encompass with a degree of
dignity and a proper comprehension of the importance of the event.
This will set no unhappy precedent for future govts because, as hon
members are well aware, we have never in 75 years had equivalent
circumstances. What needs to happen is that this House be dissolved
as soon as possible. It is inappropriate that further business be
done ^{by} in this House in accordance with the wishes expressed by the
Governor-General and ~~that~~ this House be dissolved, and will be
dissolved, as soon as the double dissolution papers can be prepared
in accordance with the terms that I have indicated in relation to my
agreement with the Governor-General. It is inappropriate that
further business be undertaken. I move:

That the House do now adjourn.