

EMBARGO: 7.30 p.m.



PRIME MINISTER

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ADDRESS TO THE A.C.T. DIVISION OF THE LIBERAL PARTY: ANNUAL DINNER

Madam Chairman.

The political rights of residents of the Australian Capital Territory have reached a cross road. A referendum will soon decide whether ACT residents will have the right to vote in future referendums. High Court challenges have been made against the ACT's representation in the Commonwealth Parliament, and we are moving towards a substantially greater degree of self-government for the ACT.

It therefore seems appropriate to speak to you tonight about the political rights not only of ACT residents but of all Australians. Flowing from our over-riding concern for the individual, Liberals believe that all Australians should be adequately informed of Government decisions, have as great a say as possible in such decisions, be given the greatest maximum degree of choice in how they live their lives, and be protected from unnecessary invasions of personal privacy.

We have initiated a wide ranging programme designed to improve the quality of Australian democracy. Our determination to give the people of the ACT their democratic rights is an important part of this programme. First, on 21 May, we will put to a vote of the people the proposal that ACT and Northern Territory residents have a vote at all future referendums. It seems extraordinary that Territorial voters have so long been denied such a fundamental right. The outcome of referendums is just as important to Territory voters as it is to all other Australians. I know of no rational and reasonable argument for denying some Australians this basic right. But more of referendums later.

We have also decided to introduce a substantial measure of self-government for the ACT by delegating a wide range of legislative, administrative and financial powers to an elected ACT Assembly. Detailed proposals for this transfer of power are now being considered. It must be stressed however, that because Canberra is the national capital, significant areas of policy and administration will be clearly reserved to the Commonwealth. Some people may think that the present system works well enough and should not be altered. But as Canberra becomes an increasingly large and complex metropolis, accepting a greater degree of authority and responsibility is both desirable and inescapable.

/Sineca

Since ACT and Northern Territory representation in the Federal Parliament is under challenge in the courts, I cannot comment extensively on this issue, except to say that the Government wholeheartedly supports representation of the ACT and Northern Territory in the Parliament.

Australians have a lively tradition of effective scrutiny of the activities of Governments and officials. We have a vigorous press which is seldom reluctant to criticise the Government of the day, and Parliament provides many avenues for inquiry into Government activity, notably Question Time, and the activities of the Public Accounts Committee, the Senate Estimates Committees and the Auditor General.

The Liberal Party has been committed both in opposition and Government to increasing Parliament's effectiveness. It is our intention to strengthen the traditional Parliamentary safeguards and the investigatory role of Parliament. We have established a Public Expenditure Committee which has already commenced its task of carefully vetting particular areas of public expenditure, and this process of reform will be a continuing one. We are committed to safeguarding the public interest against any tendencies to excessive secrecy or interference in Australians' lives, and to take steps to meet the increasing demands placed upon Government for information on its activities.

We as Liberals have a commitment to increase citizen's participation in decision making. First, we are most concerned to protect individual privacy. In April last year we referred the matter of protection of privacy to the Australian Law Reform Commission.

With the increased computerisation of data on the personal details of each of us, it has become necessary to legislate to give positive protection to the privacy of each of us. The Law Reform Commission recently issued a discussion paper called "Privacy and Publication - Proposals for Protection". The Commission is now inviting public comment on these proposals. When the Government has received the Commission's final report, we shall give serious consideration to introducing legislation to increase your rights against unwarranted invasions of personal privacy. The Government has also initiated a programme to increase the publication by Government Departments of relevant and useful information. We propose to publish manuals and rules of procedure adopted by Commonwealth Departments.

All Departments with significant operational functions will produce informative and relevant annual reports, even where there is no statutory requirement to do so. The Government is also considering reform of the Government Information Services pursuant to recommendations submitted by the Coombs Royal Commission.

Our third policy objective in this area is to confer certain rights on individual Australians to obtain upon demand information about Government activities. While a Government must not reveal advice given to it in confidence - there is often no good reason why factual information held by the Government should not be disclosed.

/We believe

We believe that there should be a positive requirement, backed by the force of law, that such information be made available when it is sought, subject only to limitations which are clearly necessary in the national interest. We intend to bring forward legislation on freedom of information which will incorporate this principle. Moreover, we will introduce comprehensive archives legislation which will set out in clear terms the rights of bona fide researchers to obtain access to records held by the Government.

Finally, we have introduced a number of measures to enable individual citizens to obtain prompt and fair redress of genuine grievances. We have brought into operation an administrative appeals Tribunal. It is empowered to review a wide variety of Government administrative decisions which affect individuals. The Tribunal reviews the whole case on its merits and may substitute its decisions for that of the official who made the original decision. To complement this initiative, we propose to introduce a new simplified system to make it easier for citizens to test the legality of administrative action by Government officials.

A citizen may have a decision reviewed by the new Federal Court if he feels the decision is not simply misguided by illegal and beyond the powers of the official concerned. In addition, the newly appointed Ombudsman, Professor Richardson of the ANU, will be able to assist directly citizens with a justified grievance against some Government action. The Ombudsman will commence operations about the end of June this year.

To review the adequacy of all these procedures, the Government has established an Administrative Review Council. One of its first tasks will be to recommend standard procedures to be adopted by all Commonwealth Administrative Tribunals. We are also taking steps to implement the international covenant on Civil and Political Rights. To this end, we intend to establish a Human Rights Commission.

This concerted programme of reform and enhancement of our democratic system provides the context for the referendums on 21 May. You, in the ACT, will be able to vote on only one question - your choice of a National Song for Australia. But voters in the six states will be asked to vote on four proposed changes to the Constitution. These four proposals are considered and necessary reforms which will improve our Constitution. I am well aware that the success rate of referendums in the past has been low, and often for good reason. For so many of the referendums in the past have been nothing more than a grab for power by the Commonwealth.

These referendums are different. They protect the rights of the states. They maintain the power of the Senate. They do not extend the power of the Commonwealth, and they do not seek more power for politicians. All the changes are fair and sensible reforms which will improve our Constitution.

/The four

The four changes are these. First, that Senate and House of Representatives elections always be held at the same time. It is simply common sense that the elections be held together, and that the only time you have to vote in a Federal Election is when you have to choose Australia's Government. This proposal will maintain and strengthen the power of the Senate. It also means we will not have to vote in as many Federal Elections.

It is sometimes said that elections can be brought together by the Representatives election being brought forward to match the Senate. That is not practical. Even after the last Double Dissolution, when the elections were held together, the two Houses are now out of phase. That is because the Senate's term is fixed by the Constitution and is back-dated to the previous July 1. The term of Members of the House of Representatives dates from the time of swearing in, usually a few weeks after the election. Thus, if the elections are to be together, under present provisions there would be the continual risk of having to cut short the term of the House of Representatives - already a relatively short term of only three years. This will not help good government.

The second referendum proposal is that, whenever a Senator dies or resigns, he will be replaced - for the remainder of his term of office - by a member of the same party. This will guarantee that your choice of parties for the Senate cannot be altered, by accident, or by design. It is fundamental to our democracy that only the people should determine the balance of the parties in the Senate.

The third proposal - to which I have already referred - is to give voters in the ACT and the Northern Territory the basic right to vote at referendums. This is precisely the right all other Australians have now. It is a right which residents of Canberra used to hold and which was taken away when the ACT was created. Our democracy is the weaker until this basic right to vote is restored to citizens in the ACT and Northern Territory.

The last proposal is to set a retiring age for Federal Judges. High Court Judges would retire at 70, and the retirement age for other Federal Court Judges would be determined by Parliament. Most jobs have retirement ages, and for good reason. Judges are as affected by old age as the rest of us. Federal Judges will still be completely independent. All State Judges are subject to retiring ages. No one has ever suggested they are not independent.

So those are the four changes on which Australians will vote on 21 May. Although Liberals in the ACT are precluded from voting on them, I am delighted that a number of Liberals from Canberra have been actively campaigning in the States for a Yes vote.

The proposed changes are simple and straightforward. They are fair and sensible. It is for this reason that I am confident that these referendums will succeed.

Madam Chairman, thank you for your invitation to me to address the ACT Division of the Liberal Party tonight. I wish your Division every success in the Legislative Assembly elections to be held later this year. The increasing role which citizens here are being asked to play in the Government of the ACT provides a great challenge to the Liberal Party, and I am confident that you will accept that challenge and take a leading role in this transition to greater authority and responsibility.