

PRIME MINISTER**PRIME MINISTER'S SPEECH TO VICTORIAN REFERENDUM CAMPAIGN MEETING**

9TH MAY, 1977

I'm very glad that the first meeting I am addressing in this referendum campaign has been organised by the women's sections in Victoria, because if the women's sections are behind the referendum proposals, then the proposals have gone a long way toward succeeding before even a single vote is cast.

This campaign is a vital one because the success of the four referendum proposals on Saturday week is of fundamental importance to the constitutional development of Australia.

It will determine whether or not we are capable of making sensible, practical and major reforms. Reforms which are considered and necessary, reforms which will improve and enhance our constitution.

The four referendum proposals are all these things. The Constitution our Founding Fathers wrote has served us well.

The Constitution is not outdated, nor has it outlived its usefulness just because it was drafted over 70 years ago. But every so often, reform of our Constitution is required. Reform which maintains the vitality of the Constitution. Reform which brings parts of the Constitution into line with contemporary reality.

The four proposals being put up for referendum are designed to do these things, and I am sure that they will succeed. Indeed, if we campaign hard and effectively, there is no reason why they should not be carried in all States.

I am confident of success because the proposals are fair, sensible and just and because they fulfil all the requirements the Australian people have demanded of constitutional changes in the past.

The changes have been the subject of long and careful debate and extensive consultation.

The principles of all four referendums were discussed in detail at the Hobart Constitutional Convention last year. At that Convention, the Commonwealth, all the States, local Government and all the major parties were represented.

The principles of the four proposals were adopted overwhelmingly by the Convention. The changes are supported on a bipartisan basis by all the major Federal parties. Each of the four proposals we are now supporting was passed in the House of representatives without a single dissenting voice, and each was passed by an overwhelming majority in the Senate.

The changes do not ask for more power for politicians. They do not ask for more power for Canberra. They do not take anything away from the States.

Putting the four proposals forward is evidence of our concern to make necessary constitutional reforms, and of our support for the Constitutional Convention.

The Convention was established by the McMahon Liberal Government, and has met on a number of occasions.

It is due to meet again in Perth later this year.

There is of course no point to the Convention unless the Government is prepared to give the people the opportunity to vote on those proposals which are supported on all sides and clearly have merit.

These four changes are these. First that Senate and House of Representatives elections always be held at the same time. It is simply commonsense 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 Senate. It also means we will not have to vote in as many Federal elections. Otherwise we could have as many as four elections in the next four years.

It is sometimes said that the elections can be brought together by bringing the House of Representatives election forward to the same time as the Senate's. That is not practical.

Despite the fact that the elections for the two Houses were held together at the last double dissolution, they are now out of phase.

This is because the Senate's term is fixed by the constitution and is back dated to the previous July 1. While the term for the House of Representatives dates from the time members are sworn in. Usually a few weeks after the election.

Thus, if the elections were to be brought together, under present conditions there would be the continued risk of cutting short the term of the House of Representatives

This at three years is already relatively short. Further reducing it would not help good Government.

The Senate, far from being weakened will be strengthened and protected by the simultaneous election proposal. Requiring at least half the Senate to go to an election if it forces the Government to go to the people will actually strengthen the Senate.

In 1975 it was quite by chance that certain bills existed which enabled the Governor-General to order a double dissolution and made both Houses face election.

Had this not been the case, and the Senate not been able to face the people at the same time. A number of Senators would not have agreed to block supply. They would not have felt they had the right to make the House of Representatives go to an election without the voters being able to pass a judgement on the Senate's actions at the same time.

The Senate's powers are great. But if the present situation, where the Senate can send the House of Representatives to an election alone persists, I can foresee two alternative consequences either of which will diminish the Senate's power and authority.

On the other hand, the Senate might refuse to use its power to check a bad government unless there are the circumstances which would permit a double dissolution.

Senators would not act because their actions could not be judged by the people at the election. This would erode the Senate's powers.

Alternatively, if the Senate were to act to make the House of Representatives face the people without going to an election themselves. Then there would be a public outcry against the Senate which would lead to the Senate's powers being restricted or abolished.

Either of these alternatives would be bad for democratic government bad for the States, bad for Australia, bad for the Senate. That is why it is important that this referendum be passed.

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 design. Our system of proportional representation for the Senate is designed to ensure that the Senate represents all sectors of the electorate in precisely the correct proportions.

Yet under the constitution as it presently stands, a vacancy in the Senate can result in a complete change in the party balance. It is fundamental to our democracy that only the people should determine the balance of the parties in the Senate.

Once this proposal is accepted the peoples choice will be preserved until they have an opportunity to make another choice at the next election.

The third referendum proposal is that voters in the Australian Capital Territory and Northern Territory should have a vote in all future referendums.

It is extraordinary that territorial voters have for so long been denied this fundamental right. A right all other Australians have.

I know of no rational or reasonable argument for denying territorial voters this basic right. Territorial voters have the same obligations as other Australians.

They pay taxes, they are obliged to observe the laws of the Commonwealth. They vote for members of Parliament. The outcome of referendums affect them as much as they do other Australians.

Our democracy is the weaker until the voters of the territories have the basic right to vote in referendums restored to them.

The fourth and final referendum proposal is to set a retiring age for Federal Justices.

High Court Justices would retire at 70 and the retirement age for other Federal Court Judges would be determined by Parliament.

The proposal does not affect the terms of Judges already appointed to the Bench. There is thus no question of breaching the existing Judges terms of appointment. This proposal is only reasonable.

Most jobs have retirement ages, and for good reason, Judges are as affected by old age as the rest of us.

It is only fair that after the age of 70, responsibility should be handed over to younger people. This is even more important now that the new system of Federal Family Courts have been set up.

All four referendum proposals are fair, just and reasonable. They meet all the requirements for success. They have been the subject of extensive consideration and consultation. They have the support of all major Federal Parties.

They do not involve more power for Canberra. They will make the Constitution work better. The polls show that all the referendums are supported by substantial majorities in all States.

But we all know that there is no sure guarantee of defeat than complacently believing success is assured.

To guarantee success, we should all go out and work for the referendums by talking to people about them, by manning polling booths, by doing all we can to increase support for them.

If we do this, then I have no doubt the referendums will be agreed to by a majority of people in all the States.