



PRIME MINISTER

CHECK AGAINST DELIVERY

EMBARGO UNTIL DELIVERY

SPEECH BY THE PRIME MINISTER
"CONVENTIONS OF THE CONSTITUTION"
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Distinguished Delegates,

It has always struck me that, while our Constitution sets down many of the elements of our political system, there is also a large number of basic points which do not appear in the written document.

These unwritten 'principles and practices' are nonetheless widely accepted and supported by long precedent and are understood as important by the Australian people.

Indeed some of these conventions are of quite fundamental significance and have greater moment than some of the detailed points that appear in the Constitution itself.

I am sure, for example, that many Australians would not realise that there is no mention of the following points in the Constitution:

- the Prime Minister must have the confidence of the House of Representatives;
- the Governor-General appoints Ministers on the advice of the Prime Minister;
- the Governor-General dissolves the Parliament on the advice of the Prime Minister.

The founding fathers simply assumed such basic points without spelling them out in the Constitution. In at least one case it has subsequently become necessary to adopt it explicitly. In 1977 the Australian people had the good sense to write into the Constitution, by way of referendum, the practice that a casual vacancy in the

Senate was to be filled by a replacement of the same political party.

If we were writing the Constitution today, I believe that many of the principles and practices we are now considering would have been included.

However, even short of constitutional amendment, I believe that there is considerable value in setting principles and practices down.

If they are set down and endorsed by this Convention they would likely be even more persuasive in the future than they are at present. Our political life, and as a consequence our economic and social life would gain accordingly.

The endorsement of principles and practices will also help to make them more widely known and understood. This greater understanding would in itself increase their persuasive effect.

The last session of the Convention in Adelaide endorsed a number of principles and practices relating to the appointment of the Governor-General and the composition and operation of the Executive Council.

The principles that we are examining today go to the centre of our system of Government. They cover:

- . the appointment of the Prime Minister;
- . the appointment and termination of appointment of other Ministers;
- . the dissolution of the House of Representatives;
- . double dissolutions;
- . the summoning and proroguing of Parliament;
- . joint sittings;
- . referendums.

With one qualification, the Commonwealth Government supports these principles and practices as formulated.

These principles relate especially to the respective roles of the Governor-General and the Prime Minister. They are based on the principle that the Governor-General acts on the advice of the Prime Minister. This principle recognises that responsibility is taken by the person who is accountable to the electorate. This is

basic to Australia's democratic traditions. It is very important that this should be highlighted. Failure to observe it will inevitably result in the office of Governor-General becoming involved in political controversy. Such a result can only lead to that office being weakened in the eyes of many Australians and our political stability being threatened.

I would note that principle R restates the classic formulation of the Governor-General's right to be consulted, to encourage, and to warn in respect of any ministerial advice given to him. I would note also in this context that the principles do not cover the question of the possible dismissal of a Prime Minister. We are still clearly not agreed on this question.

The Government's only qualification regarding the principles and practices now before this convention relates to principle F. The effect of that practice is that if the Government of the day is defeated in the House of Representatives, the Prime Minister should advise the Governor-General to send for an alternative Prime Minister if one is available. While I consider that this is a good general rule, there may be occasions where an election is desirable, despite the availability of such a person.

Apart from the basic principles relating to the timing of elections, some of the lesser points surrounding them also merit careful consideration. I have in mind:

Practice L. Advice from the Prime Minister to the Governor-General relating to an election should be in writing and it is desirable that it be published during the election campaign.

Practice M. In advising a dissolution of the Parliament, the Prime Minister must be in a position to assure the Governor-General that the Parliament has made available sufficient funds to carry through the election period.

I would also note Practice 32 endorsed at Adelaide under which no new initiatives are taken or appointments made during the election period unless they are essential in the national interest. Practice 33, namely that State action in relation to the timing of Senate elections is to be co-ordinated with Commonwealth election timing, also makes a good deal of sense.

I commend the Structure of Government Sub-Committee on the preparation of these principles and practices. The Sub-Committee has been diligent in searching out precedents. It has adopted the sensible approach of

making recommendations only where there is clear precedent or broad political agreement.

If this Convention gives them a strong vote of support, I am sure that the predictability, the stability and good order of our system of Government will be enhanced.
