



PRIME MINISTER

EMBARGOED UNTIL DELIVERY

CHECK AGAINST DELIVERY

SPEECH BY THE PRIME MINISTER
OPENING OF THE CONSTITUTIONAL COMMISSION
SYDNEY - 31 JANUARY 1986

MY COLLEAGUE THE ATTORNEY-GENERAL, THE CHIEF JUSTICE OF NEW SOUTH WALES, COMMISSION MEMBERS AND MEMBERS OF ADVISORY COMMITTEES, THE CANADIAN HIGH COMMISSIONER MR SCHREYER, DISTINGUISHED GUESTS, LADIES AND GENTLEMEN.

IT IS WITH PLEASURE THAT I JOIN YOU FOR THE OPENING OF THE CONSTITUTIONAL COMMISSION. THE COMMISSION IS UNIQUE IN AUSTRALIA'S HISTORY OF CONSTITUTIONAL REFORM AND BRINGS WITH ITS ESTABLISHMENT NEW HOPE FOR THE RENEWAL OF OUR CONSTITUTIONAL FRAMEWORK.

THE CONVENTIONAL WISDOM, OF COURSE, IS THAT CONSTITUTIONAL REFORM IN AUSTRALIA IS TOO HARD. THE CONSTITUTION LAYS DOWN AN ONEROUS PROCEDURE FOR ITS AMENDMENT: AFTER PASSING THROUGH PARLIAMENT A PROPOSAL MUST OBTAIN A MAJORITY OF VOTES THROUGHOUT THE NATION AND A MAJORITY OF VOTES IN A MAJORITY OF STATES. EXPERIENCE WITH ATTEMPTED AMENDMENTS SINCE FEDERATION HAS BEEN LESS THAN HEARTENING. THERE IS A LONG HISTORY OF FAILED REFERENDUMS, WITH ONLY 8 OUT OF 38 PROPOSALS BEING SUCCESSFUL. THIS IS AN 80% FAILURE RATE.

OUR OWN RELATIVELY RECENT EXPERIENCE WITH REFERENDUMS FALLS INTO THE SAME PATTERN. FOR MANY OF US IN GOVERNMENT IT WAS AN OCCASION TO BE REMINDED OF THE FRUSTRATION AND DISAPPOINTMENT WHICH HAS BEEN THE LOT OF THOSE WHO HAVE HAD AN EXTENDED INVOLVEMENT IN THE AREA OF CONSTITUTIONAL REFORM. LIKE THEM, WE HAVE HAD TO STRUGGLE TO MAINTAIN ENTHUSIASM AND VISION FOR THE PROSPECTS OF CONSTITUTIONAL CHANGE. MANY COMMENTATORS, I FEEL SURE, IMAGINED THAT IT WOULD BE A CONSIDERABLE PERIOD OF TIME BEFORE THIS GOVERNMENT AGAIN VENTURED INTO THE AREA OF CONSTITUTIONAL REVIEW.

THE FACT THAT THIS HAS NOT BEEN THE CASE IS DUE IN NO SMALL PART TO THE VISION OF THE PRESENT ATTORNEY-GENERAL, AND AS A RESULT WE ARE TODAY MARKING THE COMMENCEMENT OF A BODY WHICH GIVES NEW HOPE FOR THE SENSIBLE REVISION OF OUR CONSTITUTION.

NO DOUBT SOME OBSERVERS WILL THINK THAT THERE IS A TOUCH OF THE HEROIC ABOUT THIS COMMISSION'S TASK. BUT, WHATEVER THE EVENTUAL RESULTS OF THIS COMMISSION'S ENDEAVOURS, I AM CONVINCED THAT IT IS NOT 'TILTING AT WINDMILLS'. THE TASK FACING THE COMMISSION, THOUGH DAUNTING, IS ROOTED IN REALITY.

IN THE FIRST PLACE IT IS MY VIEW THAT CONSTITUTIONAL CHANGE IS ACHIEVABLE. I DO NOT BELIEVE THAT THE EXTREMELY MODEST ACHIEVEMENTS OF THE PREVIOUS 85 YEARS CAN BE CONSIDERED AN ACCURATE REFLECTION OF THE AUSTRALIAN COMMUNITY'S CAPACITY FOR CONSTITUTIONAL REFORM. OUR RECORD OF UNSUCCESSFUL REFERENDUMS DOES NOT MEAN THAT AUSTRALIANS ARE INCAPABLE OF ACHIEVING FUNDAMENTAL CHANGE BUT, RATHER, THAT SUCH CHANGES MUST BE CLEARLY EXPLAINED TO THE PEOPLE AND MUST ALSO BE DEVELOPED IN CONSULTATION WITH THE PEOPLE.

THE GOVERNMENT RECOGNIZES THE REALITY THAT AUSTRALIANS NEED TO BE LEAD TO CONSTITUTIONAL REFORM NOT PUSHED.

THE GOVERNMENT ALSO RECOGNIZES THAT AUSTRALIANS WILL NOT SUPPORT CONSTITUTIONAL REFORM IF THEY SUSPECT THAT SUCH PROPOSALS ARE BEING ADVANCED FOR PARTISAN POLITICAL PURPOSES.

THE COMMISSION REPRESENTS A NEW APPROACH TO REFORM OF THE CONSTITUTION. IN CONTRAST TO SOME PREVIOUS EFFORTS IT IS A VERY PRACTICAL UNDERTAKING WHICH WILL GO OUTSIDE THE COMMONWEALTH AND STATE PARLIAMENTS TO MAKE USE OF THE TALENTS AND RESOURCES OF LEADING AUSTRALIANS FROM MANY FIELDS. THE WIDE RANGE OF COMMUNITY INTERESTS AND TALENT THAT IS REPRESENTED IN THE COMMISSION AND ITS ADVISORY COMMITTEES SHOULD ENSURE THAT PROPOSALS ARE EXAMINED FROM A VARIETY OF PERSPECTIVES THAT ARE OF CONCERN TO AUSTRALIANS.

IT IS THE GOVERNMENT'S HOPE THAT THE COMMISSION AND ITS COMMITTEES WILL OPERATE WITH THE MAXIMUM DEGREE OF INFORMALITY AND IN A WAY THAT MAXIMIZES PUBLIC INVOLVEMENT AND INTEREST IN POSSIBLE ALTERATIONS TO THE CONSTITUTION. IN THIS WAY THE EFFORTS OF THIS GROUP OF ACTIVE AND ARTICULATE AUSTRALIANS MAY SERVE TO DEMYSTIFY THE CONSTITUTIONAL PROCESSES AND ENCOURAGE THOUGHTFUL CONSIDERATION BY ORDINARY AUSTRALIANS OF THE SHAPE OF OUR CONSTITUTION. THIS WOULD CLEAR THE WAY FOR THE BUILDING OF THE KIND OF CONSENSUS THROUGHOUT THE COMMUNITY THAT IS NECESSARY IF SUCCESS IS TO BE ACHIEVED.

THE GOVERNMENT HAS CONSCIOUSLY SOUGHT TO SET UP THE COMMISSION AND ADVISORY COMMITTEES ON A NON-PARTISAN BASIS AND IS HOPEFUL THAT THIS WILL CONTRIBUTE TO THE FOSTERING OF AN AGREED VIEW AMONG THOSE IN AUSTRALIAN POLITICS WHO GIVE LEADERSHIP ON SUCH MATTERS TO THE AUSTRALIAN PEOPLE.

AS A GOVERNMENT WE SEEK REFORM WHICH IS REAL, DURABLE AND ACHIEVABLE WITHOUT BEING PARTISAN. AND AS GOVERNMENT WE WILL SUPPORT THE EFFORTS OF THE COMMISSION TO BRING ABOUT THIS OUTCOME.

QUITE APART FROM CONSIDERATIONS OF ACHIEVABILITY, THERE IS ALSO THE WORTH OF THE EXERCISE IN ITSELF. THE PRESENT GOVERNOR-GENERAL WHEN ADDRESSING HIS FIRST SESSION OF THE CONSTITUTIONAL CONVENTION IN ADELAIDE QUOTED THE GREAT AMERICAN PATRIOT AND DEMOCRAT THOMAS JEFFERSON AND I SHALL QUOTE THE SAME WORDS:

"SOME MEN LOOK AT CONSTITUTIONS WITH SANCTIMONIOUS REVERENCE, AND DEEM THEM LIKE THE ARK OF THE COVENANT, TOO SACRED TO BE TOUCHED. THEY ASCRIBE TO THE MEN OF THE PRECEDING AGE A WISDOM MORE THAN HUMAN, AND SUPPOSE WHAT THEY DID TO BE BEYOND AMENDMENT ... LAWS AND INSTITUTIONS MUST GO HAND IN HAND WITH THE PROGRESS OF THE HUMAN MIND ... WE MIGHT AS WELL REQUIRE A MAN TO WEAR THE COAT THAT FITTED HIM AS A BOY, AS CIVILIZED SOCIETY TO REMAIN EVER UNDER THE REGIME OF THEIR ANCESTORS."

WE OWE IT TO OURSELVES AND TO FUTURE AUSTRALIANS TO DO OUR VERY BEST TO ENSURE THAT OUR CONSTITUTIONAL FRAMEWORK IS EFFECTIVE AND WELL ADAPTED TO MODERN NEEDS AND CIRCUMSTANCES. TO DO OTHERWISE MAY CONSIGN US TO WEARING THAT 'BOY'S COAT' AND MAKING DO WITH A RIGIDITY IN OUR GOVERNING INSTITUTIONS WHICH HOLDS BACK OUR DEVELOPMENT AS A NATION.

WE MUST PERSEVERE AT THE TASK OF CONSTITUTIONAL REFORM. TO TAKE AN EXAMPLE WHICH WILL BE FAMILIAR TO OUR GUEST THE CANADIAN HIGH COMMISSIONER - WHO IS A FORMER GOVERNOR-GENERAL OF CANADA - I THINK IT IS TRUE TO SAY THAT UNTIL RECENTLY THERE WAS SIMPLY NO FORMULA IN THE CANADIAN CONSTITUTION FOR AMENDING THAT CONSTITUTION. IT IS NOW WELL KNOWN, HOWEVER, THAT THE CANADIANS HAVE BEEN ABLE TO SOLVE THAT PROBLEM VERY SUCCESSFULLY AND WERE ABLE TO ACHIEVE A FUNDAMENTAL REVISION OF THEIR CONSTITUTION IN 1982.

OTHER GOVERNMENTS BEFORE THIS ONE HAVE TAKEN MEASURES TO EXAMINE, IN A COMPREHENSIVE WAY, POSSIBLE REFORMS. THERE WAS A ROYAL COMMISSION ON THE CONSTITUTION IN 1929, A CONFERENCE OF COMMONWEALTH AND STATE MINISTERS IN 1942, A JOINT PARLIAMENTARY COMMITTEE ON CONSTITUTIONAL REVIEW IN 1959 AND WE HAVE JUST SEEN TWELVE YEARS OF OPERATION OF THE AUSTRALIAN CONSTITUTIONAL CONVENTION. NOW MY GOVERNMENT WISHES TO EXPLORE, THROUGH THE COMMISSION, WHAT CHANGES MAY BE DESIRABLE FOR THE FUTURE GOVERNMENT OF AUSTRALIA.

I SHOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK ALL OF YOU HERE TODAY WHO WILL BE PARTICIPATING IN THE COMMISSION AND ITS ADVISORY COMMITTEES FOR YOUR WILLINGNESS TO PARTICIPATE IN A TASK OF THIS MAGNITUDE. IT IS THE GOVERNMENT'S FIRM BELIEF THAT YOU ALL HAVE A GREAT DEAL TO CONTRIBUTE AND THAT THIS WORK IS OF THE UTMOST IMPORTANCE TO THE FUTURE OF OUR NATION.

I NOW HAVE PLEASURE IN DECLARING THE CONSTITUTIONAL COMMISSION OPEN.
