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PRIME MINISTER

CHECK AGAINST DELIVERY

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**PRIME MINISTER'S SPEECH TO THE VICTORIAN
STATE PARLIAMENTARY PRESS GALLERY
THURSDAY - 1 SEPTEMBER 1988**

Members of the Press Gallery,
Ladies and gentlemen,

In about thirty six hours time it will be up to Australian voters to play their part in the great process of constitutional reform by bringing in their verdict on four referendum questions.

I believe their verdict will be an historic one - that they will agree to amend the Constitution and to reform the rules by which we govern ourselves.

I believe they will vote "yes" to all four questions because they will recognise that all the referendum proposals are ultimately about enhancing their own constitutional stature - not the power of any Government, not the power of Canberra, not the power of any political party, not the power of politicians.

They are people's reforms and I believe they will be recognised and acceded to as such.

Constitutional change is not to be proposed or agreed to lightly.

But there are times when such changes have to be proposed and should be made.

Such a time is now.

It was to allow change and to open the way to progressive modernisation of the Constitution that our founding fathers provided a means by which change could be carried out.

In creating the referendum provisions in the Constitution, our founding fathers were expressing their faith in the intelligence and good sense of the Australian people - a faith that in the years to come the people would be able to consider proposals for constitutional reform and make an informed judgement, just as they had done when they approved the Constitution in the first place.

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It was a faith that the people of Australia would not approve of change for the sake of change - but equally would not stand in the way of change where it is necessary and desirable.

I share that faith.

But the campaign that has been conducted over recent weeks by the Opposition Parties shows that they unfortunately - but perhaps typically - do not share that faith.

Their 'no' case has treated the Australian people like children to be scared by horror stories.

It has been a campaign reminiscent of that Patrick Cook cartoon on referendums, showing a big billboard, in Queensland of all places, on which was written 'Vote No or giant snakes will eat your children.'

At the end of the campaign, looking back at the 'no' case, all we see is a fog of conspiracy theories and wild allegations.

The only arguments we have heard from the Opposition have been either inconsistent - in that they contradict positions the Opposition has adopted in the past - or hysterical - in that they deliberately distort the real implications of these referendum proposals.

Their arguments have boiled down to the oldest trick in the conservatives' book - the argument of pure reaction, that no change is better than any change, regardless of the merits of the proposed reforms and regardless of the credentials of those who propose them.

It's difficult in politics to meet argument with argument, to debate the real issues - too difficult for the Opposition, it seems. They have found it more convenient, less intellectually taxing, to fall back on the unsubstantiated allegation, the fearmongering claim, the easy assertion that any simple proposal must conceal a hidden agenda and that any suggestion for change must amount to a grab for power by the wild-eyed Canberra socialists.

The nadir of the 'no' case is their ridiculous complaint about the layout and typeface of the booklet sent by the Australian Electoral Commission to every voter. They claim the small sized print of the 'no' case compared with the 'yes' case reflects bias - deliberately ignoring the fact that both the 'yes' and 'no' cases were submitted to the Electoral Commissioner in camera-ready form by each side. In other words, they chose the typeface they now complain of.

Most of the conspiracies and allegations made by the Opposition are forgettable sideshows like that.

But one of them goes to a much deeper and more serious matter: their attempt to revive the State aid issue.

The issue of State aid to church schools is one of the most divisive and bitter issues of recent Australian history. One of the proudest achievements of my Government is that we have buried that issue for all time.

The last thing that anyone in my Government would wish is for this issue to blight our community again.

It was for that reason we took the greatest care to ensure that the proposed new provision would not in any way affect the existing capacity for church schools to receive state aid.

Our intention that state aid not be affected was made absolutely clear in the explanatory material for the Parliament. If it ever came to a High Court challenge and if there were any doubt about the intention of the Referendum, that explanatory memorandum could be taken into account by the High Court.

I cannot, and nor can any Minister or Member of Parliament, state categorically what a future High Court may or may not decide in any case. That would be impossible and improper.

But we can look at the pro-State-aid trend of decisions by the Court over the years - and we can look at the proposed wording of the referendum - and we can look at the clear cut legal opinions the most recent of which was provided by Sir Maurice Byers, QC, a former Commonwealth Solicitor-General - and we can conclude from all this that State aid will not be affected.

And we can conclude further that the Opposition's suggestions to the contrary are nothing more than a shameful exercise in scare tactics.

The purpose of the proposed freedom of religion amendment is to extend the right of Australians to follow their own religious beliefs subject to the laws which govern us all.

This question, the fourth on the ballot paper, does no more than ask voters to ensure the rights of:

- . trial by jury for people facing serious criminal charges;
- . fair compensation for property taken by any government; and
- . freedom of religion.

The Constitution does not give a right to trial by jury for offences against State or Territory laws or for a number of serious Commonwealth offences; and it gives no right to fair compensation when property is taken by a State, Territory or local government, or by the Commonwealth in a Territory. There is only limited constitutional protection of the right to religious freedom against the Commonwealth and none against the States or Territories.

This referendum will rectify each of these shortcomings - nothing more and nothing less.

Let me briefly look at the other three proposals.

The first seeks a four year maximum term for both the Senate and the House of Representatives.

It is a change which will dramatically reduce the number of elections.

The benefits of such a change are clear.

Since 1945, a federal election has been held on average once every two years.

This is universally recognised as too costly, not only because of the \$50 million that is now spent to hold each election, but also because of the increased economic instability and the restraint on good government imposed by the ever-present prospect of an election.

Moreover, of the five elections since 1975, only 2 have been held more than 12 months early - and both were held early specifically because half Senate elections fell due. Passage of the 4 year term proposal would immediately do away with half-Senate elections and the need for such early elections.

Elected governments deserve a fair go and enough time to implement their policies.

Business deserves a fair go so that it can plan ahead with confidence that Government policy will not change every two years.

And, most of all, the Australian people should give themselves a fair go - by giving the governments they elect the ability to get on with governing.

Don't listen to the nonsense from the Opposition about the powers of the Senate. This referendum will in no way reduce the powers or independence of the Senate: it will remain the States' house, the house of review, the watchdog of the Parliamentary system. The Senate will still be able to force a Government to elections - but it will be accountable to the people for its performance at the same time.

Make no mistake - the Opposition sees merit in four year terms for the House. But to achieve the reform that we all agree is desirable, they imposed an unacceptable price - eight year terms for Senators. How they reconcile eight year terms with the principle of democratic accountability of elected representatives has never been made clear - because of course they are irreconcilable concepts.

All the first referendum does is to offer to the Australian people better quality government and more stable government - whatever the political persuasion of that government.

Side-by side with the proposal for fewer elections is the second proposal, a referendum to provide for fair and democratic elections throughout Australia.

And, like the first proposal, the end result will be better government because a fairly elected government better represents the will of the voters.

This proposal seeks, quite simply, to ensure that every adult citizen's vote has the same value as any other person's vote and that every Australian has a constitutional guarantee of the right to vote.

At this point in the late twentieth century, as we celebrate our Bicentenary, it ought to be taken for granted that a democracy should be based on equal representation of its citizens.

Indeed, this is the case everywhere in Australia except in Queensland, Western Australia and the Tasmanian Legislative Council.

The Opposition makes the claim that such matters should be up to the States themselves to rectify if they wish.

I am a great believer in mankind's potential for self-improvement but I am not so naive as to imagine that chambers elected on, and entrenched by, undemocratic boundaries will so easily see the error of their ways.

Indeed, Western Australians have encountered precisely that problem in their attempts to reform the outrageously unfair boundaries of the Legislative Council.

The proposed amendment to ensure fair and democratic elections will bring that insult to Australian democracy to an end.

It will ensure that the number of voters of each electorate is within 10 per cent of the average electorate enrolment.

Redistributions will occur frequently enough to make sure that the basic unit of Parliament, the electorate, remains a fair basis for democratic government.

The third proposal asks the Australian people to agree to constitutional recognition of local government as an integral part of the Australian system of government.

If this question succeeds, it will insert a new section into the Constitution which will guarantee a system of elected local government in every State.

This is a proposal which comes from local government itself, and has the support of Australians from across the political spectrum who believe, quite rightly, that the ability of local government to serve the people who elect it will be enhanced by constitutional recognition.

There can be no more complete response to the Opposition critics of this proposal than to point to the fact that an overwhelming majority of local councils have expressed their support for it. The Australian Local Government Association could find no more than 23 local councils out of the 836 in Australia today where individual councillors have opposed this amendment.

Even John Howard supported it. He recently wrote to the Attorney-General expressing his support for constitutional recognition of local government. And he has never bothered to explain the reasons for this somersault.

Members of the Press Gallery, Ladies and Gentlemen

I can recall no set of referendum proposals ever put before the Australian people which are more deserving of the Australian people's support.

I do not think there has ever been a more extensive opportunity for public involvement and awareness in the process of Constitutional reform than in the process leading up to these referendums.

I refer not only to the 92 days between the time Parliament passed these proposals and referendum day

- this has been the longest period for public discussion between passage and polling for referendum proposals in at least the last 30 years.

Nor do I refer only to the more than 43 hours of Parliamentary sitting time devoted to the consideration of these proposals - which does not count the Matters of Public Importance debated on the Opposition's initiative in Parliament this week.

I go further back - to 1985 - when the Constitutional Commission, a bipartisan community-based group, began its immense task of studying what could be done to achieve essential Constitutional reform.

The work of this Commission, chaired by Sir Maurice Byers, has been absolutely first class - in the number of public hearings it has held and the number of submissions it has received, in the quality of its committee work and above all in the quality of its reports.

It is from the work of the Commission that the four proposals on which Australians will pass judgment on Saturday were drawn.

Even people whom one would normally not expect to support my Government have stood up in favour of these proposals.

The Queensland Liberal leader, Angus Innes, and the former Liberal Premier of this State of Victoria, Sir Rupert Hamer, have argued strongly for the fair elections proposal.

Local governments throughout Australia, whatever their political colour - people such as Sally Anne Atkinson, the Lord Mayor of Brisbane - have been virtually unanimous in backing the need for local government to be recognised in the Constitution.

In the face of such broad-based support for these proposals the increasing stridency with which the Opposition has presented its claims is understandable only as the response of desperate people.

I have had reason to recall in an earlier speech the words of Robert Menzies in 1944, during the Curtin years. In a speech in Canberra in that year he had this to say of the contribution the conservative Opposition had been making:

"... on far too many questions we have found our role to be simply that of the man who says "no". ... There is no room in Australia for a party of reaction. There is no useful place for a policy of negation."

That was Robert Menzies in 1944. But there must be a large number of Liberals who agree with those sentiments today, and who are appalled to see their party's current position on these referendums.

Because now the Liberals have turned the full circle; here they are again, more than four decades later, as the party of reaction, confronting new challenges with the oldest word in their dictionary: "no".

It seems to me that the Opposition's arguments, and the vehement way they have been presented, have been as much to convince itself of a position it does not really believe in as it has been to convince the Australian people.

They have failed to convince themselves. As recently as last weekend Liberal MP Steele Hall announced that he would be voting in favour of the fair elections proposal and this week former Liberal Minister Ian Wilson has written to his electors urging a yes vote on the local government and the rights and freedom questions.

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And they will not convince the Australian people.

In these last couple of days, as Australians study the arguments for and against the proposals, I have no doubt that they will recognise that there is nothing hidden and nothing to fear from the passage of these referendums.

I have no doubt, moreover, that they will reject the voices of reaction which seek to retain the unjust privileges and powers of politicians without responsibility, and which seek to shackle the Constitution to the past.

On Saturday, I am confident that the Australian people, having judged these proposals on their merits, will express their approval of them.
