

The University of Tasmania

THE 1977 "SIMULTANEOUS ELECTIONS" REFERENDUM
IN TASMANIA

A dissertation submitted by Patricia Roberts-Thomson
as part requirement for Batchelor of Arts (Honours)
in Political Science, November 1977.

I, Patricia Anne Roberts-Thomson, hereby
certify that this dissertation represents my own
original work, and contains no material which has
already been published or otherwise used by me,
and that to the best of my knowledge it contains
no copy of paraphrase of material previously
written by any other person or authority, except
where due acknowledgement is made.

P. Roberts-Thomson
.....

Acknowledgements

I should like to express my gratitude to a number of people who in many ways have been instrumental in the preparation of this dissertation.

In particular I should like to thank Mr. R.J.K. Chapman whose help, guidance and enthusiasm has assisted me to clarify my appreciation of the Simultaneous Elections referendum in Tasmania. My thanks must also go to Dr. G.C. Sharman for his initial support in indicating the area of study.

I am also indebted to all those politicians of both political parties who gave up their time and allowed me to interview them on various aspects of the referendum.

I should further like to thank the staff of the Tasmanian Parliamentary Library whose assistance was invaluable, to Mrs. Elise Histed who kindly devoted much of her free time during the preparation stage of the document and to Miss Diana Bennett for typing the script.

P.A.R-T.

TABLE OF CONTENTS

	Page
Introduction	1
Chapter I The Referendum in Tasmania and Australia.	8
- The Tasmanian Record.	8
- Characteristics of Constitutional Referenda in Australia.	12
Chapter II A National Overview of the Simultaneous Elections Referendum.	27
- Passage of the Bill through Parliament.	27
- Debate on the Bill.	32
- Communication of the Proposal to the Public.	41
- Events in Queensland and Western Australia.	50
Chapter III The Referendum Controversy in Tasmania.	56
- The Liberal Party's Dilemma.	56
- The Labor Party and Events Leading up to the Official Campaign.	65
- The Official Campaign.	70
Chapter IV Conclusion.	80
- The Results and Influences on Tasmania's Vote.	80
- The Aftermath in the Liberal Party.	92
- Assessment of Wildavsky's Hypotheses.	96
- Conclusion.	99
Bibliography	103

INTRODUCTION

Tasmania's role in constitutional referenda, like many other aspects of her political processes has been subjected at the most to a cursory glance, but more often continual neglect. The first purpose of this study then is to attempt, albeit in a small way, to remedy this situation and describe the conduct of a referendum in Tasmania.

Studies of this nature, despite their limited scope, do contribute to the literature on referenda in Australia. Constitutional referenda have been examined almost since Federation but many of these studies have been superficial and to date no satisfactory body of theory exists. Generalisations about referenda can therefore be made only through an analysis of the life story of each. To date no other study has concentrated specifically upon the four referenda held on the 21st May, 1977, nor have any studies analysed any previous referendum in Tasmania. In fact many authors dismiss out of hand Tasmania's role in a referendum and consider her propensity to deliver a negative vote as determined by fear and conservatism.

The 1977 referenda have been chosen for study for a number of reasons, not least of which is that they are the most recent and much primary information is still available. In addition the memories of the principal political protagonists have not yet been blurred by the passage of time. Further Tasmania's vote was in keeping with her traditional response: to vote 'Yes' when proposals have the overwhelming support of the whole nation and are seen as just and valid reforms to the Constitution, and on all other occasions, (except when they clearly favour the State), to vote 'No'.

Any study of a referendum necessarily re-examines in the light of its experience the nature of the referendum and in doing so verifies or queries most of the familiar hypotheses. The hypothesis that, when referenda are not controversial and are supported by all major political parties they are usually accepted by the people, is well illustrated by the success of the Senate Casual Vacancies, Referendums and Retiring Age for Federal Judges referenda in 1977. Contrary to many hypotheses however, the Simultaneous Elections referendum showed that even the support of both political parties is no guarantee of success when the issues involved become highly contentious. On these occasions State parties have a tendency to disagree with their Federal counterparts and, because of a combination of this and other factors, their opinions are more likely to be accepted by the people of their State. This situation occurred in Queensland, Western Australia and Tasmania in 1977 and so ensured the defeat of the Simultaneous Elections proposal.

It is also interesting to examine in this context the hypotheses of Wildavsky.¹ From a study of the controversy which developed surrounding the 1926 Commerce and Industry proposal he developed a number of theories concerning referenda. He maintained that in the party sponsoring a referendum the proposal invariably exacerbates stresses and strains and these spread out and cross both federal and State lines. These divisions are of long standing and exist prior to the referendum. They are crystallised by it and the spectacular conflicts that develop on the political level are only an extension of these internal tensions.

Wildavsky's second thesis is that the very nature of a referendum involves a change in the balance of power and this alone fosters conflict

1. A. Wildavsky, "The 1926 Referendum", in A. Wildavsky and A. Carboch, Studies in Australian Politics, Cheshire, Melbourne, 1958.

as some groups must gain while others lose. Hence parties find it difficult to adopt a united approach across all fronts and the inter and intra group conflict leads in the final analysis to unusual alliances on both sides. The referendum also shows up the federal nature of parties and the precariousness of their federal-State relationship.

The reasons behind the 1977 referenda remain somewhat of a mystery. The immediate effect of the Simultaneous Elections Bill was that the half Senate Election due before the 30th May 1978 could be postponed by six months or so into early 1979 and, as a result, the Prime Minister could have more time to bring the economy back into shape before having to face an election. However, though it was acknowledged that this was the Government's prime motive for the referenda that it should think it necessary remains inexplicable.

The L-NCP was returned in 1975 with the largest ever recorded majority in the House of Representatives and in the Senate. Even if a half Senate election were held and went against the Government, it would still have retained control unless there was a momentous swing: by all accounts unlikely. The only possible threat, though by no means impending danger, lay in the question of Senate Casual vacancies where in three States Labor Governments were in power. As against this the



Simultaneous Elections proposal was unnecessary to ensure contemporaneous elections and had already been defeated by the people three years previously. On that occasion and again in 1975 the L-NCP had strongly opposed the Bill. Yet, such was the Prime Minister's belief that the referenda was imperative that he was

Source: *The Australian*
Saturday, 26 February, 1977. 2.

prepared to face considerable cynicism and accusations of hypocrisy from both within the Liberal Party and the community at large and, if defeated, the loss of credibility and support and exposure to the retribution of the States.

The only real reason presented by the Government in support of their presentation was that the proposals had been the subject of recommendations at the Hobart Constitutional Convention held in Hobart in October 1976. But, even here the Government chose to substantially modify the findings of the Convention and neglect many of its other recommendations.

Despite the short term implications of the Bills the real change anticipated by the "Simultaneous Elections" proposal was to ensure that

the elections for the House of Representatives and Senate were held simultaneously. Further Senators' terms would henceforth extend for only two terms of the House of Representatives and not for six years as at present. The "Senate Casual Vacancies" Bill would make mandatory



Source: *The Age*, Saturday, 26 February, 1977.

the filling of any vacancy by a member of the same political party as the retired or deceased Senator and the "Referendums" Bill would allow electors in the Northern Territory and the Australian Capital Territory to be counted in the national vote in a referendum. The final Bill, "Retiring Age for Federal Judges", would establish a retiring age of seventy for future judges appointed to Federal Courts.³

On the 21st May 1977 Tasmania voted 'No' to the Simultaneous Elections proposal and in so doing registered an even lower vote than that returned to the same proposal in 1974. On this occasion the referendum was presented by the Labor Government in conjunction with three other proposals entitled "Democratic Elections", "Mode of Altering the Constitution" and "Local Government Bodies". All were soundly denounced by the Liberal Opposition and defeated. But, the significance of this vote to this Simultaneous Elections proposal is that, while in 1974 it was only sponsored by one political party, in 1977 all major Federal Parties advocated a 'Yes' vote as did the State Labor Government. Yet, more Tasmanians voted 'No' to the proposal in 1977 than previously. What factors then accentuated Tasmanians perception of this proposal in 1977?

The situation clearly compels investigation and one must penetrate behind the Liberal Party at both Federal and State levels in order to understand how and why hostility was engendered towards the proposals, and how this opposition came to be transmitted to the State.

A number of factors stand out and one in particular is the sensitivity of Tasmania towards the Senate and the potency of the state's

3. These are the shorthand terms used in the text for the referenda.

rights issue which the 'No' campaign played upon. This transformed the Simultaneous Elections referendum into a question of a threat to the power and influence of the Senate and Commonwealth encroachment upon State powers and responsibilities. A 'fear' campaign against Canberra was waged with the latter being accused mercilessly of an unwarranted grab for more power. In Tasmania, the smallest of all the States, such claims are readily believed where a natural hostility and suspicion of Canberra always exists.

The scope of this study will concentrate specifically on the Simultaneous Elections referendum because it was this proposal that was the source of the controversy in the Liberal Party. Furthermore Tasmanians again registered a 'No' vote to the referendum and it was against its import that the 'No' campaign was waged. The other referenda were not without their own dissention and will of course be mentioned, to give a total view of the whole campaign. In general though they remained relatively uncontentious as was indicated by their success.

In the first chapter a general background will be given to Tasmania's response to referenda and this will be followed by an outline and review of the characteristics of referenda in Australia.

The second chapter concentrates upon the conduct of the Simultaneous Elections referendum in Australia as a whole and how and why the proposal was just first opposed in Parliament. The arguments presented there by the leading protagonists will be examined while outside Parliament and in the media these basic contentions altered and became simplified. As in Tasmania, the proposals were also the source of considerable dissention within the Liberal and National Country Parties

of Queensland and Western Australia and the final section of the chapter will briefly consider events in these two States.

Spearheaded by Tasmania's Liberal Senators the controversy over the Simultaneous Elections referendum in the State waged bitterly and fiercely. Aligned with the Senators and also advocating a 'No' vote was the State Liberal Parliamentary Party but, before they adopted this stand, they were in the invidious position of being at odds with their own organisation and already had decided they would support the proposal. This was made much of by the State Labor Party who, though officially in support of the 'Yes' case, were otherwise apathetic to the proposal. In addition to the Labor Party a few lone Liberals and the Federal Government mounted the 'Yes' campaign. As polling day neared personal animosities and misleading propaganda took precedence and rarely was any serious and unemotional discussion of the merits of the proposals heard.

The final chapter examines those influences which prevailed over Tasmania's resounding 'No' vote and in this light both Wildavsky's thesis and some general characteristics of referenda in Australia are re-assessed. It will be suggested that while a party vote did not appear to determine Tasmanian's response to the referendum it is difficult to suggest any other single factor that may account for it. Many seem to have been influential. Further it becomes apparent that Wildavsky's thesis must be slightly modified and while its basic tenets hold for the Simultaneous Elections referendum, they do not appear valid for the other three proposals. Finally some of the traditional assumptions about Tasmania's response to referenda will be re-examined in the light of the 1977 experiences.

CHAPTER I

THE REFERENDUM IN TASMANIA AND AUSTRALIA

Constitutional referenda in Australia have a history of almost continual defeat and, while political scientists and historians have traced a pattern of failure, there is a substantial lack of agreement on the importance and influence exerted by the various factors.

In Tasmania a similar situation prevails but is exacerbated by the State's geographical isolation, the importance of personalities in politics and an over-riding fear of any diminution of her status as a member of the Commonwealth. With these factors in mind a closer look must be taken of the State's voting record.

THE TASMANIAN RECORD

The Tasmanian experience of referenda has been one whereby consistent 'No' majorities have been returned except on the five occasions when the referenda have been accepted by the people,¹ and the two occasions when a 'Yes' vote was recorded but the proposals were rejected. These occasions were the 1910 "Finance" referenda, a proposal that clearly favoured the State because of its small population and limited financial resources, and that concerning the control of Communists in 1951 where an apprehension emanating from geographical isolation determined the vote. On all other occasions Tasmania has recorded amongst the highest percentages of 'No' votes. Of more significance though is that since 1967 these 'No' majorities have increased both in comparison with those recorded in earlier referenda and with those returned in other States.

1. These occasions have been the 1906 "Senate Elections", 1910 "Finance", 1928 "Finance", 1946 "Social Services" and 1967 "Aborigines" referenda.

In recent years Tasmania has shown a particular sensitivity to referenda concerning the Senate as is revealed by the low vote returned from the State to the four constitutional referenda relating to it: the Nexus proposal in 1967 which attempted to alter the balance of numbers between Senators and Members of the House of Representatives; the Simultaneous Elections proposal of 1974; and the Simultaneous Elections and Senate Casual Vacancies proposals of 1977. Like the 1906 Senate Elections referendum which 'tidied-up' the terms of Senators, the 1977 Senate Casual Vacancies proposal formalised an established practice and hence was relatively non controversial and passed without substantial opposition. But, as the other proposals indicated they could significantly weaken the power and influence of the Senate they were all soundly rejected.

Sharman,^{2.} in a study of the role of the Senate as a State's House, concluded that such threats to the position of the Senate fall on particularly receptive ears in the small states and especially so in Tasmania which is five times over represented in the Senate on a population basis. Hence, the Senate "can hardly avoid being exposed to the particular concerns of Tasmania".^{3.} As a corollary to this he examined Tasmania's voting pattern for the Senate over the 1974 and 1975 Double Dissolution elections which he considered "would be least favourable to the emergence of a distinct Senate vote".^{4.} Commenting upon the particular and unusual result Sharman said the "Tasmanian electors display a voting pattern for the Senate that is not shared by any other state in the elections considered".^{5.} In conclusion he

2. G.C. Sharman, "The Australian Senate as a State's House", Unpublished manuscript, 1977.

3. G.C. Sharman, Loc. Cit., p.15.

4. Ibid.

5. G.C. Sharman, Loc. Cit., p.16.

wrote that "It is plausible to explain the behaviour of Tasmanian senators and the voting patterns of Tasmanians as an attempt to exploit one of the few areas where the State is specially favoured, that of impact on the Senate and through it, access to a national forum for airing Tasmanian concerns".^{6.}

Other writers on Tasmania's voting behaviour in referenda have explained her negative stance in different terms. Livingston^{7.} writing in the 1950's said that in referenda Tasmania "proclaims her desire to maintain the position of the states against the growing power of the federal government",^{8.} and that her vote proclaims her "insistence on the prerogative of statehood".^{9.} Other authors such as Crisp,^{10.} Parker^{11.} and Rydon^{12.} tend simply to assume that her 'No' vote is indicative of a simple rejection of Federal control or reflection of her isolation from the mainstream of political ideas.

Right from the earliest days of Federation Tasmania's predominant 'No' vote was distinctive and Joyner^{13.} writing of the 1911, 1913 and 1919 referenda finds it difficult to explain in comparison with those dominant factors which prevailed over the 'No' vote in New South

6. G.C. Sharman, Op. Cit., p.19.

7. W.S. Livingston, Federalism and Constitutional Change, Oxford University Press, Oxford, 1956.

8. W.S. Livingston, Loc. Cit., p.145.

9. W.S. Livingston, Loc. Cit., p.146.

10. L.F. Crisp, Australian National Government, 3rd edition, Longmans, Melbourne, 1949.

11. R.S. Parker, "The People and the Constitution" in G. Sawyer, (Ed.) Federalism in Australia, Cheshire, Melbourne, 1949.

12. J. Rydon, "Prices and Incomes Referendums 1973: The Pattern of Failure", Politics, Vol. 9, No.1, May 1974.

13. C. Joyner, The Commonwealth and the Monopolies, Cheshire, Melbourne, 1963.

Wales. The hypothesis which he suggested was that due to Tasmania's small size and population, and island state, "electors would be most likely to reject extended Commonwealth power on the grounds that the State would suffer from acts of a Parliament under the supposed domination of the three large eastern States".¹⁴ However, as similar conditions applied in Western Australia where continuous 'Yes' majorities were recorded and a similar "anti-eastern" feeling prevailed this hypothesis he considered had doubtful validity.

Like Joyner, Wildavsky is also at a loss to explain Tasmania's vote and writing on the 1926 referenda he considered that contradictory influences prevailed in the State. On the one hand "of state abuse at the hands of the Commonwealth Government, (and) on the other the realization of the State's helplessness in the face of strikes which cut it off from the mainland".¹⁵ Yet four electorates in the State recorded a double 'No' majority and the other one, Darwin (now named Braddon) an inexplicable double 'Yes' majority. Wildavsky concluded that unknown local conditions must have contributed both to this extraordinary result and to the general State vote as well.

Of particular importance to this study is Tasmania's vote in the 1974 referenda. On this occasion the proposals were all defeated in almost all the States and the only State to record a 'Yes' majority to the Simultaneous Elections proposal was New South Wales. Tasmania recorded the highest 'No' vote followed by Western Australia and Queensland and these States also returned 'No' majorities, albeit narrow,

14. C. Joyner, Loc. Cit., p.84.

15. A. Wildavsky, Op. Cit., p.103.

in 1977. The proposal to allow Territorians to vote in referenda was also included in the referenda of 1974 but was placed in conjunction with a very contentious Bill that attempted to reduce the requirements for the successful passage of a referendum from a majority of the States to only half. Hence to some extent it was overlooked as the other was vehemently opposed by the Liberal Party.

The referenda in 1974 were held in conjunction with the Double Dissolution Election which almost completely overshadowed them. The Liberal-Country Party opposed all the proposals and in their election campaign exploited and confused them with Labor Party policies. Very little discussion of the constitutional issues was heard and most electors remained confused as to their import. However, while the Labor Government was returned to power the referenda were defeated thus belying the claim that the 1974 result was determined by a straight Party vote. Even in Tasmania where all Labor Party candidates were returned the referenda was rejected resoundingly. In particular the Simultaneous Elections proposal received only 41.37% support though this was higher than that recorded for the other proposals.

Clearly then the referenda present a rather complex pattern of voting behaviour in Tasmania but, before the 1977 proposals are examined in detail, some account must be taken of the general characteristics and features of referenda throughout Australia.

CHARACTERISTICS OF CONSTITUTIONAL REFERENDA IN AUSTRALIA

Section 128 of the Constitution empowers the Government of the day to present Bills for amendment of the Constitution to the people once they have been passed by Parliament. The two major provisions for their successful carriage are that the proposals must be passed by

a majority of states and a majority of the people. To date the four referenda under consideration brought to thirty six the number of proposals presented to the people since Federation on eighteen distinct occasions.

The amendment provisions of the Australian Constitution were adapted from those of the Swiss Constitution with modifications based on American experience. At the time of Federation these provisions were considered extremely flexible and liberal but this notion was shortlived and, prior to 1977, only five of thirty two Constitutional Alteration Acts had been successful. By contrast Australians have acquiesced to the increase in Federal powers brought down by interpretations of the High Court and in several instances a High Court decision has reversed previous referenda.¹⁶

Unlike the United States Constitution there is no provision under Section 128 for any State to suggest a referendum, neither is there the provision for the initiative as in Switzerland. The Australian Constitution allows for the initiative for an amendment to rest only with Federal Parliament though there have been suggestions to alter this situation in recent years. Numerous proposals have been presented in Parliament but the majority of these have not been put to the people. Of the thirty six referenda to date twenty four were held prior to 1951, including the Communist referendum, whilst ten have been conducted in the 1970's.

Proposals to alter the Constitution have to be supported by the party in Government and hence most issues become highly divisive

16. In 1970 the Commonwealth was given power over companies that had been denied it in the referenda of 1911, 1913, 1919, 1926 and 1944, and in 1965 over aviation that had been defeated in 1937.

along party lines. Over the seventy-six years since Federation the non-Labor Parties, with fifty-six years of office, have presented seventeen proposals, and the Labor Party, with nineteen years of office, nineteen proposals. Only one Labor sponsored referendum, (the 1946 "Social Services" referendum), to seven non-Labor sponsored proposals have been successful. Generally, Labor referenda have involved greater and more far reaching transfer of power than have those of the non-Labor Parties and this has been in keeping with the Labor Party's avowed intention to reform the Constitution. All successful referenda have been supported by both Federal political parties though as previously indicated this is not always a guarantee of success.

Parties of either persuasion have a history of internal dissention caused by referenda where the opinions and considerations of the Federal bodies have not always been shared by their state counterparts. This applies particularly to those parties who sponsor the referenda. Organised interest groups, other than political parties, also tend to play a more active role in referendum campaigns than in the same for elections, and their degree of participation usually bears a direct relationship to the extent to which they believe their welfare is threatened. The 1977 referenda are noticeable for the minimal involvement of interest groups but "experts" and "intellectuals" did add their weight in support of either case.

Like the Simultaneous Election proposal the majority of amendments have been concerned with a redistribution of State and Federal powers in the direction of the Commonwealth Government. Many proposals have recurred over the years and those most often submitted have been concerned with the role of the Senate, industrial power, power over trade and commerce, monopolies, trusts, marketing, companies and power

relating to social services. Accordingly many of the issues have met with fierce, but often inconsistent, resistance from the States at such attempts by the Federal Government to encroach upon their powers. This has usually meant that the issues have become highly contentious and such a situation has customarily ensured their defeat. By contrast those which have succeeded like those of 1977 have been of a relatively non-controversial nature, or more importantly have had the support of both major political parties. In any event they have not been "envisaged as constituting serious threats to the independence of the states or the freedom of the individual".¹⁷ However, as was evidenced by the 1967 Nexus and the 1977 Simultaneous Elections referenda, joint Federal party support for any proposal does not always ensure its acceptance by the national electorate and a small but vocal group of dissidents can hold sway over the nation.

Referendum proposals have been put to the people in a variety of ways. On several occasions, most noticeably the 1946 Fourteen Powers referendum, more than one proposal has been included under one Bill while at other times referenda have been put to the people separately or held in conjunction with general elections. There appears to be no optimum means of presentation as the several methods have all been unsuccessful at various times. In recent years the 1967 Nexus and Aborigines referenda were presented separately and while one was successful the other was defeated while in 1973 and 1974 all proposals were defeated: the first was held separately and the latter in conjunction with a general election. Contrary to popular opinion the 1967, 1973 and 1977 referenda appear to show that the electorate can and do distinguish between proposals presented on the same occasion.

17. J. Rydon, Op. Cit., p.22.

What is of particular importance about this information on referendum presentation is that when referenda are held in conjunction with a general election party discipline reigns supreme over any intra-party conflict. As the assumption of power is at stake the façade of unity within a party is strictly maintained while, when held separately as in 1977, this does not seem to be as important and groups are freer to adopt their own position.

Many referenda have been called a "smokescreen" to detract the public's attention from other more deep seated problems of the government and oppositions like to make much of this argument. Furthermore, as amendments are customarily submitted to meet specific requirements or problems of the current government and often the result of compromises or changes, doubts as to the sincerity of the proposals are continually raised. This situation is only exacerbated by the history of inconsistency in the political parties' approach to referenda. As many proposals have recurred over the years party attitudes have changed depending on whether they have been in government or opposition.

A familiar accusation raised against the referenda concerns the minimal public discussion of either the constitutional or federal issues raised by the proposals. The tendency is in most cases for misrepresentation to develop into absurdities or for the arguments to degenerate into simple platitudes. In any event the propaganda of the campaigns takes precedence over logical or reasoned discussion and largely bolsters the 'No' case because it goes unanswered. The other effect of the propaganda is that "opposition to extended federal powers is easily converted into a 'fear' campaign as to the possible consequences of granting such powers. While such campaigns often include gross distortions and even absurdities which most do not take seriously, they

may create sufficient misgivings for many voters to play safe - 'When in doubt vote 'No'' may be the most effective slogan in a referendum".^{18.} This is particularly so as the proposals are often wordy and incomprehensible to the average citizen.

Opinion polls attempting to predict the outcome of referenda have been consistently unreliable and the 1977 experience in Tasmania was an excellent example of its questionable findings. One theory as to this difficulty is that people only make their decisions to a referendum just prior to voting and hence the difficulty for pollsters. The press also play an important part in moulding public opinion but like political parties their stance on proposals is not always an indicator of voting behaviour. As in 1967, 1973 and 1977 the press consistently favoured an affirmative vote but a negative response was returned.

Many of the characteristics of the referenda just described have recurred in the literature where some authors have extrapolated on one or more such features and attempted to generalise on the failure of all referenda. Others have attempted to find more deep-rooted reasons for their lack of success while few if any have given consideration to a successful referendum.

Writers prior to the 1940's were pre-occupied with the constitutional and legal implications of the provisions and saw, in its repeated inability to amend out-moded parts, a major short-coming of the Constitution. Authors such as Quick and Garran,^{19.} Canaway,^{20.}

18. J. Rydon, Op. Cit., p.24.

19. J. Quick and R.R. Garran, The Annotated Constitution of the Commonwealth of Australia, Angus, Sydney, 1901.

20. A.P. Canaway, The Failure of Federalism in Australia, Oxford University Press, Oxford, 1951.

Warner,^{21.} Bland^{22.} and others wrote extensively on the Constitution and many of them also made considerable contributions to the 1927-1929 Constitutional Convention called by the Earle-Page Government. This Government was concerned with the difficulties surrounding the Constitution and called the Convention to attempt to examine it and make recommendations for its improvement. The documents^{23.} from this Convention show all the early considerations of the referendum provisions.

In the late 1940's authors began to go beyond a mere constitutional interpretation and look for more political reasons that could account for their defeat, and from this time on writers took one of three approaches: a general discussion on referenda, a focus on a specific referendum; or a discussion of a particular aspect or issue as raised by one or more referenda.

R.S. Parker's^{24.} article is one of the definitive general studies on the referenda and serves as a continual though now limited source of reference. In exploring the issues Parker maintained that questions of constitutional alteration become political issues and as such people vote along party lines. However, as the strict party vote cancels each other out, the critical factor must lie with the unattached middle group of voters. After examining several influences on these voters he finds no significant answer but, by constructing a table comparing referendum results with an estimate of the current political situation in each

21. K.D. Warner, An Introduction to Some Problems of Australian Federalism, University of Washington Press, Seattle, 1933.

22. F.R. Bland, (Ed.), Government in Australia, 2nd Edition, Government Printer, Sydney, 1949.

23. Proceedings and Minutes of Evidence, Royal Commission on the Constitution, Government Printer, Canberra, 1929, and Report, Royal Commission on the Constitution, Government Printer, Canberra, 1929.

24. R.S. Parker, Op. Cit.

state, he finds an eighty percent correlation. These findings though he concedes are of rather speculative quality.

In complete contrast to Parker, P.H. Partridge²⁵. examines from a federalist viewpoint the paradoxical situation that Australians have clearly acquiesced to the Commonwealth's acquisition of power by indirect means but have opposed any direct moves to this effect. He attributes this dichotomy to four reasons: that the policy implied by the referendum is rejected and the elector is uncertain about it, and, while he distrusts the government he is also nervous about the expansion of government and in consequence considers that the States should retain the power. Such interpretations still retain their validity particularly in the small States where a traditional distrust of Canberra exists along with a strong belief in State rights and responsibilities.

The only author to specifically write on the amendment of constitutions in Federal democracies is W.S. Livingston²⁶. and his chapter on Australia is the most comprehensive account available on both the constitutional and political aspects of referenda. Many of these have been adumbrated in the previous section but he does stress that state parties often differ from the opinions of their Federal counterparts over referendum issues. Also outlined, albeit very briefly, is a proposal showing a slight correlation between the results of referenda and Senate composition but he draws no real conclusion from this parallel.

25. P.H. Partridge, "The Politics of Federalism", in Federalism: An Australian Jubilee Study, G. Sawyer (Ed.), Angus and Robertson, Melbourne, 1952.

26. W.S. Livingston, Op. Cit.

When discussing the continual failure of most referenda Livingston is forced to fall back on opinions similar to those of Partridge. In particular he considers the electorate is ignorant of the Constitution and cannot divorce referendum questions from persons or politics while on the other hand he considers many electors do not necessarily vote along party lines. These features were particularly noticeable in Tasmania during the campaign of 1977.

The role of the States is examined by Livingston in some detail, especially the requirement that referenda must be passed by a majority of all States. This provision of the Constitution was included to protect the smaller states from being overwhelmed by the larger but, as some small states have proved more willing to approve changes than have others, it has not worked in its conceived form. Western Australia, a small state, has until recent years been most willing to accept changes and this position Livingston considers as difficult to understand. Notwithstanding, he assumes that as that State was dissatisfied with federalism any change could be regarded there as for the better. In contrast Tasmania, the smallest state, appears to have a phobia about any change as his remarks related earlier on reveal.

L.F. Crisp²⁷. in a general discussion on referenda investigates the reasons behind their continual failure. Three features he considers could contribute to this fact the first being associated with inherent and procedural difficulties of the referendum provisions. Included under this heading are: Australia's colonial beginning; a general notion that the greater power is dispersed the more freedom is available to the individual; a nation largely ignorant of the Constitution; the

27. L.F. Crisp, Op. Cit.

workings of Federalism; compulsory voting; the double majorities; and the wording of the referenda. The second reason he considers to be the party-political factor which works against any rational and dispassionate discussion of the referendum proposals particularly as most oppositions cannot resist the temptation to oppose them and parties have difficulty in presenting a united and consistent approach across all fronts. The third factor is the ideological considerations which are distinct yet interwoven with the party political factor. To Crisp the consequence of conflict on this level is the resultant propaganda which, in combination with inertia and discontent, invariably ensures defeat.

A number of authors have concentrated upon specific referenda either with the purpose of a simple description of events or, through such analysis, to draw broad generalisations of the nature of referenda. Very little has been written on some referenda like the 1906 and 1910 referenda but the 1911, 1913 and 1919 referenda have been examined by C. Joyner.²⁸ On these occasions the Commonwealth attempted to increase its powers in the areas of trade, commerce, conciliation and arbitration and Joyner maintains that they were defeated because of the influence which interest groups exerted on the electorate. These interest groups were highly motivated by the unfavourable economic and political consequences they felt would follow from a 'Yes' victory and thus ardently campaigned for a 'No' vote.

As mentioned earlier the 1926 referenda were studied by A. Wildavsky²⁹ who examined the divisive effects that a referendum has on political parties. Another of his theses is that inherent in a

28. C. Joyner, Op. Cit.

29. A. Wildavsky, Op. Cit.

referendum proposal is an attempt to alter the balance of power and this fact alone exacerbates conflict as some groups stand to gain while others lose. This may be observed across Federal lines as was the case in the referendum under study where many of the dissenting Senators saw in this proposal a serious attempt to diminish their power and influence.

Other authors who have examined the earlier referenda are E. Mitchell³⁰. on the 1928 referendum and K.H. Bailey and L.F. Giblin³¹. on the 1937 proposals. The 1944 referendum has been covered by a number of writers in varying ways some of whom are I. Milner,³² J.L. Paton,³³ P.C. Spender,³⁴ P.H. Drummond³⁵. and P. Hasluck.³⁶ The latter emphasised the stands taken by Menzies and non-Labor groups which acted as a catalyst for the formation of the Liberal Party and this same theme was taken up by W.J. Waters³⁷. who showed how the proposals conclusively

30. E. Mitchell, What Every Australian Ought to Know, Melbourne, 1931.

31. K.H. Bailey and L.F. Giblin, "Marketing and the Constitution", Economic Record, Vol.12, December, 1936.

32. I. Milner, "Referendum Retrospect", Australian Quarterly, December, 1944.

33. J.L. Paton, "A Further Referendum Retrospect", Australian Quarterly, March, 1945.

34. P.C. Spender, "The Constitutional Alteration (Post War Reconstruction and Democratic Rights) Bill, 1944", in D. Maughan, et al (Eds.) Constitutional Revision in Australia, Australian Institute of Political Science, Sydney, 1944.

35. P.H. Drummond, "The General Case for Revision of the Constitution" in D. Maughan, et al (Eds.), Constitutional Revision in Australia, Australian Institute of Political Science, Sydney, 1944.

36. P. Hasluck, The Government and the People, Vol.II 1942-45, Australian Government Printer, Canberra, 1952.

37. W.J. Waters, "The Opposition and the 'Powers' Referendum, 1944", Politics, Vol.IV, 1969.

united the disparate groups. Purportedly on the 1951 referendum, L. Webb's³⁸ book was in actuality, less concerned with the referendum than with a description of the controversy aroused by Communism in the 1950's, along with discussion of questions of freedom and democracy.

The only examination of the 1967 referenda have been from their impact on Aboriginal society while the 1973 "Prices and Incomes" referenda have been considered by Joan Rydon.³⁹ This author describes all those salient features of the referendum that combined to contribute to its failure and many have already been outlined. Her account is an excellent resumé of the failings of the referendum in Australia and as well she is one of the few authors who attempts to correlate a referendum result with the most recent general election. A very brief account of the 1974 referenda has been undertaken by C.J. Lloyd and G.S. Reid⁴⁰ who consider the implications of the referenda and relate them to the broader principles of Labor policy.

The literature on constitutional referenda from a particular viewpoint has concentrated mainly on constitutional, legal or judicial interpretations of the provisions. Other authors such as J.E. Richardson⁴¹ outline the Commonwealth-State discussions called to review the Constitution and it was purportedly one such Convention that gave the Prime Minister his *modus operandi* for the 1977 referenda.

38. L. Webb, Communism and Democracy in Australia: A Survey of the 1951 Referendum, Cheshire, Melbourne, 1954.

39. J. Rydon, Op. Cit.

40. C.J. Lloyd and G.S. Reid, Out of the Wilderness: The Return of Labor, Cassell, Melbourne, 1974.

41. J.E. Richardson, Patterns of Australian Federalism, A.N.U. Press, Canberra, 1973.

I. Campbell,^{42.} in a theme similar to those of Hasluck and Waters, considers the impact that referenda have had on the structures and activities of participating groups and maintains that referenda have accelerated the development of a federal structure by political parties. The issue of Commonwealth policy on industrial relations has also been another aspect that has come in for special attention with articles on this subject by R. Martin,^{43.} O. de R. Foenander,^{44.} R.M. Eggleston^{45.} and R.J. Hawke.^{46.} In other fields the referenda have been used by Jean Holmes^{47.} to show how state networks of communication have more salience than nationwide networks and by D. Kemp^{48.} who shows how state voting patterns on referenda are diverging rather than becoming more homogeneous. G.C. Sharman,^{49.} has used the results to show how the Senate is particularly a small state's house while L.F. Crisp^{50.} is the only author, albeit briefly, to write on the official 'Yes' and 'No' cases published to explain the import of the

42. I. Campbell, "Parties and the Referendum Process", Australian Quarterly, Vo.34, No.2, 1962.

43. R. Martin, "Industrial Relations" in D.M. Gibb and A.W. Hannan (Eds.) Debate and Decision: Political Issues in 20th Century Australia, Heinemann Educational Australia, Melbourne, 1937.

44. O. de R. Foenander, Towards Industrial Peace in Australia, Melbourne, 1937.

45. R.M. Eggleston, "Industrial Relations" in R. Else Mitchell (Ed.), Essays on the Australian Constitution, Sydney, 1952.

46. R.J. Hawkes, "Commonwealth Arbitration Court - Legal Tribunal or Economic Legislature?", Annual Law Review, University of Western Australia, December, 1956.

47. J. Holmes, "The Australian Federal Process" in H. Mayer and H. Nelson, (Eds.), Australian Politics: A Fourth Reader, 2nd Edition, Cheshire, Melbourne, 1976.

48. D.A. Kemp, "Social Structure and Electoral Behaviour in Australia", Unpublished Manuscript, 1975.

49. G.C. Sharman, Op. Cit.

50. L.F. Crisp, "The Official For and Against Referenda Cases", Politics, Vol.9, 1974.

of the Bills. Many other facets of referenda still remain unexamined and one of these areas is the effect of the findings of Public Opinion Polls.

In 1975 Australia faced a constitutional crisis and stemming from this a number of books have appeared questioning the importance and relevance of the Constitution. Continually emphasised is the failure of the referendum provision to achieve any sort of change let alone meaningful reforms. These books edited by G. Dutton⁵¹. and S. Encel, D. Horne and E. Thompson⁵². appear then to be the beginning of a new trend to re-examine the Constitution and thereby the referendum in Australia.

Thus the major themes which emerge from this Chapter are that in both Tasmania and Australia the propensity is to vote 'No' to a referendum. Generalisations as to the causes behind this fact are difficult to assess and in Tasmania, while previous referenda and other studies have shown that the State has a particular sensitivity towards the Senate, this by no means accounts for all referenda. Similarly while one author is of the opinion that a state's rights issue has determined Tasmania's vote others, after examining particular referenda do not find this hypothesis adequate. Yet they are at a loss to present any other valid reason which may account for Tasmania's vote and simply have to fall back on the assumption that unknown local conditions prevailed.

51. G. Dutton, (Ed.), Republican Australia, Sun, Melbourne, 1977.

52. S. Encel, D. Horne and E. Thompson, (Eds.), Change the Rules, Penguin, Melbourne, 1977.

In a similar manner there is no real agreement on those factors which have caused referenda in Australia to be continually defeated. Early theories attributed a straight party vote as being responsible for their failure but this theory has been seriously challenged as even united support at the federal level is not always sufficient for success. Furthermore parties regularly become divided internally over a referendum and this dissention usually spreads to State levels.

As these hypotheses have not always resulted in satisfactory explanations other authors have searched for more pragmatic reasons. Inherent and procedural difficulties in the nature of the referendum and the attitude of the Australian people towards both the Constitution and change appear now to contribute a significant part to the defeat of a referendum. Generally however, a combination of many factors determines the final outcome of each referendum and with this in mind attention must now focus on the controversy surrounding the 1977 Simultaneous Elections at the national level.

CHAPTER II

A NATIONAL OVERVIEW OF THE SIMULTANEOUS ELECTIONS REFERENDUM

In the Liberal-National Country Party (L-NCP) Government opposition arose to the Simultaneous Elections proposal because of the influence exerted by two factors. On the one hand some Senators saw the proposal as a threat to the power and influence of the Senate, while on the other the inept handling of the issue by the executive allowed a confrontation situation to develop. As the referendum was not held in conjunction with a general election party discipline was not as important as it otherwise may have been and groups were freer to adopt their own stand.

Intra party conflict developed in the federal Liberal Party and it is necessary therefore to examine this in more detail. Also considered will be the arguments presented in Parliament in support or opposition to the Bill and how these became communicated to the public. A national perspective will be taken on these aspects of the controversy while the concluding section of the Chapter will examine the situation in Queensland and Western Australia which was comparable to that which prevailed in Tasmania.

PASSAGE OF THE BILL THROUGH PARLIAMENT

In the Liberal Party dissatisfaction with some or all of the referenda began in the Party room where, as one Senator related, the Government refused to discuss them in any detail and "stand-over" tactics were used. Many Senators, particularly some from Tasmania were affronted at this display of executive power as well as the disrespectful behaviour it had shown in failing to have had prior consultations with senior

members of the Party. The first intimation a number of Senators claimed they had had of the proposals was a newspaper report. Added to this, and aggravating the tensions, were some of the statements made by the Government Leader in the Senate, Senator Withers, concerning the dissenting Senators and the proposals, and the cajolery of the Prime Minister. Beyond this the Simultaneous Elections proposal, and to a lesser extent the other proposals, were opposed on their own merits by those who believed it would have a deleterious effect on the Senate. Others were disturbed by the complete about face of the Government and because the Simultaneous Elections proposal was unnecessary to achieve its aims.

Despite this controversy amongst its own ranks the Government went ahead with the required legislation and, concurrent with the newspaper reports of 16 February, introduced the Bills into the House of Representatives where they passed through all stages without delay.

In the Senate, the Bills met with immediate opposition particularly those concerning Simultaneous Elections and Senate Casual Vacancies. A number of Senators were sufficiently incensed by them to threaten to cross the floor and a hasty Senate Party meeting was called on 22 February in an attempt to avert a confrontation situation. Those concerned, however, were not appeased and on the same day, accompanied by Senator Harradine,¹ they crossed the floor and voted against the Government and Opposition on two motions associated with the Bills' passage: to waive the twenty-one day adjournment required by Senate Standing Orders for Constitution Alteration Bills² and to

1. Senator Harradine is an Independent Senator for Tasmania.

2. The Labor Government in 1974 had also moved for the suspension of these Standing Orders and had then met with considerable antagonism from the L-NCP Opposition.

postpone the debates so that they would coincide with a Senate broadcast day.³

The Senators involved in this act of defiance against their own Party were Senators Cormack of Victoria, Jessop of South Australia, Martin, Wood, and Bonner of Queensland, Sim of Western Australia, and Rae, Wright, Walters, Townley and Archer from Tasmania; all predominantly Senators from the small States. Of these Senators, only Senators Jessop and Archer voted with the Government on the third reading of the Simultaneous Elections Bill. The debate on the other three Bills was guillotined by the Government, again causing friction and, while Senators Walters and Bonner as well as Senators Jessop and Archer voted for the Senate Casual Vacancies Bill, only Senators Wright and Wood opposed the Retiring Age for Federal Judges Bill. The Referendums Bill passed through the Senate without opposition. These Senators, joined later by other members of the Party, including Senator Drake-Brockman of Western Australia formed the 'No' Campaign Committee to fight the Simultaneous Elections proposal. Senator Sir Magnus Cormack was elected chairman and Senator Rae campaign director and spokesman.

In voting against the Government Senator Martin was prompted to submit her resignation as Deputy Government Whip in the Senate and her actions were given wide coverage in the press. In addition they had considerable repercussions in the Government as it indicated the seriousness with which the dissenting Senators viewed the Bills.

3. The Government throughout the referendum debates in the Senate contrived for them to take place at the most inconvenient times and those least likely to be heard over national radio. This was yet another factor which fuelled the dissenting Senators antagonism to the proposals.



Source: *National Times*
February 28 - March 5, 1977.

A hasty meeting of Ministers was called to discuss the embarrassment caused by the nationwide publicity given to the so called "rebel"⁴. Senators and this meeting was reported to have also discussed the four amendments to the Simultaneous Elections Bill that the Senators proposed as acceptable alternatives. Such amendments, they claimed, would not have compromised the aim of the referenda and

as well would have satisfied their objections to the current Bill. The Government though refused to consider them and they were soundly defeated after the debate had been gagged.

The defection from Party ranks by the eleven Liberal Senators was an unprecedented act of defiance motivated as much in the early stages by the Government's "steam-roller" tactics and clumsy handling of the Bills as by the proposals themselves. Little of this aspect was reported in the press as the "rebel" Senators were reluctant to publicly denounce their own Party. Senator Martin's statement after her resignation was one of the few reported and she said, "I'm opposed to the Bill in any event, and the other part of my opposition stems from the way the Government is going about it".⁵ Later Sir Magnus Cormack

4. This term was given to the eleven dissenting Liberal Senators by the media.

5. *The Australian*, Thursday, 24 February, 1977.

in speaking to the Bill said, "I first wish to add strongly and emphatically opposition to the manner in which these Bills came before this House... All was unexplained by the Government. An inexplicable timetable was presented".⁶.

In addition it was also intimated that there was even more widespread opposition to the Simultaneous Elections Bill than the vote indicated and several mainland newspapers⁷ ran articles on the possibility of seven NCP Senators crossing the floor to vote against the Government. These Senators were reported to have been won over to the Government side on the argument that voting on the Bill to hold the referenda does not amount to supporting the proposal. Privately some Ministers were also reported to be opposed to the Bill, and it was rumoured several had considered resigning. In the House of Representatives, where the haste with which the proposal had been presented had disguised its real implications, a number of MP's later refused to sign the covering letter to the Electoral Officer which accompanied the 'Yes' case. Hence the Bills illuminated the already divisive tendencies in the Federal Liberal Party and without these divisions it is difficult to imagine that such a serious conflict could have developed on the political level. In addition the Prime Minister and his colleagues in the Ministry appeared to have needlessly antagonised powerful groups.

According to Wildavsky, the party proposing the referenda customarily has the most difficulty in presenting a consistent approach. This was true of the Liberal Party and the Labor Party also had their difficulties. The Party had proposed the Simultaneous Elections and Referendums Bills in 1974 and Caucus again decided to support the Bills despite questions as to Labor support for a Liberal

6. Parliamentary Debates (Senate), Vol.2, 22-25 February, 1977. p.393.

7. The Australian and the Financial Review of Thursday, 24 February, 1977 ran articles to this effect.

proposal and the Liberal Party's volte-face. However, the haste with which the Government had introduced the Bills had blurred the real implications of the Senate Casual Vacancies proposal to the Labor Party. This proposal, if successful would almost certainly mean that the Caucus Chairman Senator Brown would lose his seat at the forthcoming Senate election⁸. and as a result there was considerable pressure within the Party to have their earlier decision reversed. The Leader of the Opposition, Mr. Whitlam argued strongly against this move. He believed that the Party was firmly committed to such a policy and in addition he emphasised that the proposal was presented at the Hobart Constitutional Convention by a Labor delegate. By a narrow margin the decision was upheld and the issue then faded from the national controversy.

In later events the Victorian Executive did attempt to have the National Executive of the ALP reverse their decision of support for the proposals but this again failed. From evidence supplied by newspaper reports and political commentaries however, the Labor Party in almost all States only paid lip-service to the Party's directive to support the proposals and Mr. Whitlam and Mr. Hayden were amongst the very few to campaign actively for a 'Yes' vote.

DEBATE ON THE BILL

In the House of Representatives the debate on the Constitutional Alteration Bills was extremely brief due to their hastened passage through that House. In the Senate however, this was not the case and the arguments heard there on the Simultaneous Elections Bill are of importance

8. Senator Brown had been relegated to third position on the Victorian Senate ticket for the forthcoming elections, and, as the successful passage of the Senate Casual Vacancies Bill would mean that Senator Lewis, the replacement Senator for the late Senator Greenwood, did not stand for re-election until 1981, only five seats would be coming up for re-election. It would be most unlikely in that event for Victoria to return three Labor Senators.

as they show the real issues raised by the referendum and the particularities surrounding the opposition to the Bill. Further, as the majority of Senators confused the import of the Bill with its short term implications and the Government's questionable motives the debate throws light on the nature of the referendum in Australia.

The Bills were presented to the Senate by the then Minister for Veterans' Affairs, Senator Durak,⁹ and the Simultaneous Elections proposal was debated at great length by many members of the House. In his opening speech the Senator dwelt heavily upon the resolutions of the 1976 Hobart Constitutional Convention and indicated that the Government took seriously its suggested constitutional reforms. The present Bill he emphasised had also been the subject of a recommendation of the Joint Parliamentary Committee on Constitutional Review of 1958 and 1959.

After outlining the present situation of the disparate terms of Senators and Members of the House of Representatives the Minister acknowledged that it was theoretically possible that elections for the two Houses could be held concurrently, however, he claimed that in these days, "the exigencies of political life are such that synchronisation on this basis is difficult to maintain".¹⁰ Other reasons in support of the proposal were the possibility of an excessive number of elections between 1978 and 1981, the cost involved to the taxpayer and the benefit to Parliament in that the will of the people would be reflected simultaneously in both Houses. "Incidental"¹¹ to the proposal was the

9. As at the time of writing Senator Durak is Attorney General following the resignation of Mr. Ellicott from that portfolio.

10. Parliamentary Debates (Senate), Vol. 2, 15-17 February, 1977, p.195.

11. Ibid.

provision for the Commonwealth Parliament to assume the State's role in issuing the writs for Senate elections and its final benefit was in the removal of a number of technicalities associated with sections of the present Constitution.

Senators Missen and Button led the debates on the Bill for the Government and the Opposition respectively and many of the propositions already outlined were augmented in varying degrees by them along with most other speakers. In particular amongst those aspects of the Bill that were emphasised was the duty of the Government to put resolutions of the Constitutional Convention to a referendum of the people and that the Bill ensured for the future that elections for the Senate and the House of Representatives would be simultaneous. The Bill would also prevent the possibility of fourteen federal elections in twenty years and hence the number possible to 1981. Most speakers believed that the electorate would favour this as they were both tired of elections and politicians. Furthermore the practice in earlier times of prematurely dissolving the House of Representatives to keep elections contemporaneous would be discarded and the country would be relieved of that period when, before a separate Senate election, government effectively ceases owing to electioneering. The removal of a fixed term for Senators would have the added effect of abolishing the anachronistic phenomenon of "lame-duck" Senators.

All arguments suggesting that a government would attempt to hold two quick elections to change the composition of the Senate were dismissed out of hand as it was considered that in such an action any government "would risk the loss of the whole of its power".¹² Also

12. Parliamentary Debates, Op. Cit., p.341.

denigrated were the ideas of those who drew a relationship between the present power of the Senate and separate Senate elections.

One of the more important advantages that the Simultaneous Elections would ensure was that half Senate elections did not adopt the character of a by-election and speakers from both sides of the House emphasised this point while others recognised the benefit that simultaneous elections would bring in eliminating the likelihood of independents being elected to Parliament. In addition the validity of the argument that the Bill was a substantial threat to democracy was seriously questioned when the House was consistently reminded that prior to 1960 every election, with the exception of one in 1953, had been held contemporaneously.

Senator Missen, like other Liberal speakers to the Bill, conceded that one short term benefit would accrue if the Bill was passed. This was that the Government would have an extended tenure of office in which to restore the economy before having to face the people again, but, on this point and others, the Labor Senators repudiated the arguments of their Liberal counterparts.

The most significant point of departure between the two Parties was the anticipated effect of the Bill and in a statement constantly publicised by the "rebel" Senators, Senator Button said: "Of course the real importance and significance of this proposal from our point of view in the Opposition is that it does what many of our critics say it will do. It limits the significance and influence of the Senate".¹³ In reply to this and in face of the extensive quotes from 1974 to the same, the Liberal proponents were silent.

13. Parliamentary Debates, Op.Cit., p.261.

Labor Senators, especially Senators Button and James McClland, exploited the embarrassment caused by the dissention in the Liberal ranks and, along with constant attacks on Senator Withers, the courage of the "rebel" Liberal Senators was praised with monotonous regularity. The undeviating stand of the Labor Party in support of the Simultaneous Elections proposal was lauded amid much rhetoric on the virtues of consistency. The Government was repeatedly harangued on their volte-face and often quoted were statements made in 1974 by members of the then Opposition branding the Bill as a "fraud" and "an exercise in deception". The Labor Senators also accused the Government of "smoke-screening" and opportunism and to them the Government was seen to be doing the right thing for the wrong reason: "By the wrong reason I of course mean political expediency dictated by the sorts of problems it has concerning the management of this country in 1977".¹⁴ Mr. Whitlam in the House of Representatives had mentioned earlier another feature of the Bill of salience to the Labor Party. Harking back to the events of 1975 and the instructions that Liberal State Governments had purportedly given to their Governors, he commended that aspect of the Bill which took from the States the power to issue writs for Senate Elections.

The debate on the Bill was opened for the "rebel" Senators by Senator Wright. Many facets of his arguments were later elaborated upon by other speakers but the Senator's principal objections to the Bill were that it was unnecessary, misleading and "radically weakens and undermines the powers of the Senate".¹⁵ In a short reflection on the history of the Senate he reminded the House that the Founding Fathers had considered that the Senate was the most significant part of the Federal structure, the Bill he therefore believed, would destroy

14. Ibid. J. Button, Parliamentary Debates, Op.Cit. p.261.

15. Parliamentary Debates, Op.Cit. p.372.

the original conception of the Senate and reduce it to a mere "rubber stamp" of the House of Representatives. In support of these claims he quoted the opinions expressed by Odgers¹⁶. on the similar proposals of 1974: "It was considered that the proposals would have undermined the Federal structure and destroyed the independence of the Senate".¹⁷. Consistent with these arguments the Senator took strong objection to the so called "incidental"¹⁸. part of the Bill as the issue of the writs for a Senate election he believed was one of the cardinal powers of a State in relation to a State's House in Federal Parliament.

Senator Martin, speaking to the Bill likewise believed that it would involve a "substantial and radical change in the nature of the Senate and in the distribution of political power in Australia".¹⁹. In one of the few penetrating speeches on the Bill she considered many of its other implications such as its dangerous facility to side step the admittedly rather lengthy Double Dissolution procedures which, in the long run, allowed the Senate to exercise a cool and reasoned judgement to the benefit of the country and Parliamentary democracy. Added to this our present system of government was based on a separation of powers between the Executive and the Legislature and, although the lines were often blurred, this Bill must be opposed because it gave all power to the Executive.

16. J.R. Odgers, Australian Senate Practice, 5th Edition, Government Printer, Canberra, 1976.

17. Parliamentary Debates, Op.Cit., p.367

18. Refer back to page 33.

19. Parliamentary Debates, Op.Cit., p.400

The present Constitution was regarded by Senators Martin and Rae as a constraint upon the possible tyranny of the majority and in the checks and balances that the Senate imposed upon the House of Representatives was protection for both Parliamentary Government and the States. This latter theme was taken up by other Senators and in answer to criticisms that opposition to the Bill was unfounded because the Senate was not in reality a State's House, Senator Martin maintained that such accusations were unjustified. The Senate she believed does represent the States, albeit through the party system. Senator Walters elaborated on the inherent dangers of this Bill for Tasmania and in particular she showed how in the House of Representatives the two large states of New South Wales and Victoria had a numerical superiority over the combined numbers of the smaller States. Hence as Tasmania's vote in that House was almost insignificant the Senate acted as the guardian for the interests of the small states.

A feature of the Bill that caused great contention amongst the dissidents was the Bill's title of 'Simultaneous Elections' and Senator Rae claimed, like others, that the real import of the Bill was concerned with dissolution of the Senate rather than elections as such. Others seriously disputed that the Bill would reduce the number of elections maintaining that its effects could very well be the opposite as a Prime Minister, flush with the euphoria of victory would be enabled to call two quick elections in an attempt to change the composition of the Senate. Furthermore as Senator Wright indicated the proposal would necessitate an election for the Senate even in the extreme case of when one had been precipitated only by internal party strife within the Lower House. In addition the Senators maintained that the Bill was deceptive and went to great lengths to quote earlier speeches denouncing the Bill by members of the present Government.

One of the great dangers of the Bill, most believed, were the consequences to the country, and the States in particular, if it were available to a Labor Government. In support of these claims the avowed intentions of the Labor Party to limit the power and influence of the Senate were constantly iterated. Senator Wood however, reminded the House that the State's themselves had been averse to any attempt to remove or denigrate the power of the Senate when a small group of dissidents opposed the Nexus referendum in 1967. A similar assault had taken place on the powers of the Senate in 1974 and had likewise been unsuccessful. The same was expected in 1977 as he considered the people recognised and respected the position and importance of the Senate.

The Independent Senator, Senator Harradine, also opposed the Bill and in his speech quoted extensively from 1974 Hansard²⁰ and press reports of both Government members and L-NCP Premiers in a vitriolic attack on the Bill and upon all those who had changed their minds. However, the main arguments he presented had already been iterated by earlier speakers opposing the proposals.

The debates on the other three Constitutional Alteration Bills were limited and in presenting the Senate Casual Vacancies Bill Senator Durak indicated that its purpose was to ensure that a Senate vacancy would always be filled by a member of the same political party thus preserving the people's choice and the relative voting strengths of the parties from one election to the next. The other two Bills were regarded as just and valid reforms to the Constitution and aroused little contention in Parliament particularly so as the Government had guillotined the debates and hence only minimal opposition was recorded.

20. Parliamentary Debates (Senate), Vol.59, 1974.

Many features typical of referenda were highlighted in the debate on the Simultaneous Elections referendum. Of particular note was the stand taken by the dissenting Senators which did not accurately reflect the degree of support behind them. Only a small group of thirteen or so Senators took on the combined forces of the Government and Opposition and hence, as Wildavsky maintained from a study of the 1926 referendum, group sentiment may be a more reliable indicator of voting behaviour in referenda than political parties.

While in the previous section the Prime Minister was shown to have needlessly antagonised his Senators, those most affronted were those who had a reported long standing disaffection for him. The referendum issue then may have just been a public forum for the airing of these personal animosities and in this vein some newspaper articles did appear such as one of The Australian entitled "Mal's Enemies Make a Stand".²¹ This went on to describe the political 'heavies' with strong personal following who were opposing the Prime Minister. The Age Editorial stated "the resistance and resentment provoked by the referendum proposals seems purely selfcentred".²² While these selfish motives may not be an over estimation of the situation, some Senators did appear to hold in addition valid and long standing reasons which supported their position.

An outstanding aspect of the debates in the Senate was that the Senators prime concern in opposing the Bill appeared to be because it posed a threat to the power and influence of their House vis á vis the House of Representatives. Only on the periphery of their

21. The Australian, Thursday, 24 February, 1977.

22. The Age, Thursday, 24 February, 1977.

speeches was a concern expressed for the States and Tasmania was mentioned rarely except in those speeches of the State's newest Senators. Again most of the "rebel" Senators were known to be ardent believers in the role of the Senate as a House of Review and some were very senior Parliamentarians with a long history of opposition to attempts to denigrate the Senate's powers. Many Senators, such as Senators Wright and Wood, had opposed the referendum in 1967.

As in most referenda the debates on the Bill involved in the main a tedious repetition of its major immediate aspects and very rarely any consideration of its long term constitutional and federal implications. Both the Labor Party and the "rebel" Liberals emphasised the questionable motives of the Government and its volte-face, and a feeling of suspicion was engendered towards the Government and the Simultaneous Elections Bill. This feeling was continually reinforced while the Government refused to meet or counter the accusations of hypocrisy and political opportunism directed at them. In the media however, they were not ignored.

COMMUNICATION OF THE PROPOSAL TO THE PUBLIC

One of the most interesting facets of the referendum proposals in the media²³ was that while almost all the press, including newspapers in Tasmania, supported the proposals, the focus of the majority of their articles was on the revolt amongst the Liberal ranks and the questionable

23. Because of the ephemeral nature of the electronic media most of this section has to rely upon newspaper reports while in fact Mr. Fraser and others based their campaigns primarily around TV and radio programmes and interviews, especially radio talk-back. Newspaper reports though must not be underestimated as a moulder of public opinion. Unfortunately, the only TV transcripts obtainable were those from the opening of the 'No' campaign and the A.B.C.'s "Monday Conference".

motives and implications of the Government's Simultaneous Elections and Senate Casual Vacancies Bills. The Age welcomed the proposals as "Good Questions for the People"²⁴. while The Australian, The Examiner, The Courier-Mail and The West Australian commented upon the widespread support the proposals had in Parliament and their reasonableness as reforms to the Constitution. All hoped that they would succeed but in view of the history of referenda were reticent about the outcome while The Australian succinctly said "in the May referendum there is some prospect of that rare agreement".²⁵

Despite this the media were instrumental in the defeat of the proposals for their constant coverage in the States of the Liberal Party divisions and the insincerity and opportunism of the Government. Although these aspects of the referendum were newsworthy little account seems to have been taken of the effect they created and Joan Rydon's "When in doubt vote 'No' may be the most effective slogan in a referendum"²⁶. must be recalled. This uncertainty was particularly potent in the small States where the Bill was seriously questioned by most Liberal Senators and in some cases by the State Governments.

Another interesting facet in the communication of the proposals to the public is that outside Parliament the arguments against the Simultaneous Elections Bill altered their focus particularly as polling day neared. Whereas in the Senate opposition was based on the presumed threat to the power and influence of the Senate, in the media this was

24. The Age, Thursday, 17 February, 1977.

25. The Australian, Thursday, 17 February, 1977.

26. J. Rydon, Op. Cit., p.24.

transformed into a grab for power and a threat to the integrity of the States. One journalist writing on the Queensland campaign had this to say: "On the referenda issue, Mr. Bjelke-Petersen is trying to do to Mr. Fraser what he did to Mr. Whitlam in a wider political sense - portray him as a dangerous centralist who was not to be trusted".²⁷

In the last week of the campaign the proposals became almost totally lost in the propaganda and accusations and counter accusations made by the leading protagonists. The arguments in the media at this time concentrated upon the cost of elections with Senator Withers



FINANCIAL REVIEW, Tuesday, March 8, 1977.

of the real argument is demonstrated".²⁸

Other issues which arose were the threats made by the Prime Minister to hold an early election if the proposals were defeated and by Mr. Whitlam to abandon any further attempts to change the Constitution.

27. P. Bowers, Sydney Morning Herald, Monday, 16 May, 1977.

28. The Australian, Thursday, 10 March, 1977.

Senator Rae also became over zealous in his opposition to the proposal with "'No, no, a thousand times no, I'd rather die than say yes'? That's about how I feel in relation to the major referendum question."²⁹.

While in Parliament the Government refused to be drawn on answering the questions raised by the proposal, the media readily ascribed reasons and discussed all aspects of the issue. In the electronic media Mr. Fraser attempted to allay some of this adverse criticism on the Government's motives and constantly maintained that the Simultaneous Elections Bill was necessary because it removed from the Senate the ability to force the House of Representatives to an election while avoiding one itself. In support of this proposition he claimed that the Senate had only blocked the Supply Bills in 1975 because, as Double Dissolution Bills were in hand, it would not have been immune from electoral judgement. In addition he believed that the influence of the Senate would be enhanced by the Bill because the Senate "will be conscious of the results of its own actions and it will be more able to use the power available to it because it would know that half the Senate at least would go to the elections each time the House of Representatives does."³⁰. In attempting to justify the Government's volte-face Mr. Fraser explained that circumstances had changed and that to have supported any of the proposals in 1974 would have confused the electors as the Opposition was then strongly opposed to some of the Bills.

29. The Age, Friday, 6 May, 1977.

30. The Age, Monday, 21 February, 1977.

Most critics believed these to be rather doubtful assertions by the Prime Minister, but considered the proposal was of merit because: it may make the Senate more responsible, there was a possibility of fewer elections, the reduced cost to the country, the removal of the by-election character of half Senate elections, a Parliament that reflected the will of the people concurrently and less likelihood of instability caused when each House was controlled by an opposing Party.

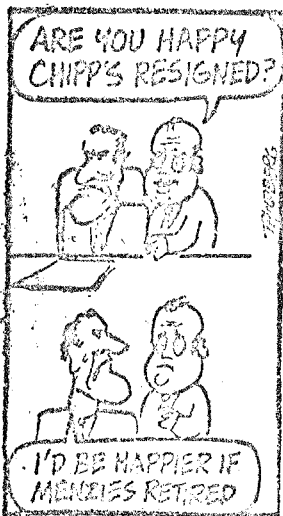
The Senate Casual Vacancies proposal also came in for considerable criticism and cynicism as the Editorial in the Financial Review succinctly put it: "Merely by putting the proposal to the electorate the Government acknowledges that the constitutional devices it empowered to oust the previous Government were not entirely satisfactory."³¹. The other general criticisms of this Bill were concerned with the fact that it gave political parties considerable power and enshrined them into the Constitution while in presenting this proposal the Government had gone beyond the guidelines as laid down by the Constitutional Convention.

The Bill allowing votes for Territorians was regarded by all concerned as being just and fair, although there was considerable debate on this issue in the Northern Territory's newspapers and The Canberra Times which said: "It is an incredible commentary on the state of democracy in Australia today that the basic right to vote in referendums has to be fought for by the people of the Territories."³².

31. Financial Review, Thursday, 17 February, 1977.

32. The Canberra Times, Thursday, 14 March, 1977.

In contrast to the Referendums proposal the Retiring Age for Federal Judges received considerable criticism and comment from legal groups. The Committee for an Independent High Court advocated a 'No' vote while the Law Council of Australia was divided on the issue but later in a public statement believed that such a proposition was not in the best interests of either their profession or the country. The former Prime Minister Sir Robert Menzies in a rare intrusion into every-day politics said he opposed three proposals but particularly the Retiring Age for Federal Judges Bill as "it excites my particular hostility".³³ He considered it would be a calamity for Australia



Source: The Age Friday, 25 March, 1977. 'No' vote and lessened the Bill's chance

of success. The Adelaide Advertiser said "Now the referendum waters have been further muddled by the rather surprising intervention of Sir Robert Menzies".³⁵ In reply the Prime Minister repeatedly claimed that Sir Robert had misunderstood the proposals and re-iterated that they were just and fair.

if written into the Constitution as had the proposal been introduced at Federation the High Court would "not have achieved the eminence it did in Judicial work".³⁴ This was because a substantial proportion of this work occurred after many of its judges had turned seventy. Sir Robert's statements claimed the headlines for several days and most of the media considered that his comments added immense weight to the

33. The Age, Wednesday, 23 March, 1977.

34. Ibid.

35. The Advertiser, Monday, 24 April, 1977.

This occasion was one of the few in the 1977 referenda when interest groups took an active part and after the publicity surrounding Sir Robert's statements died the dissention amongst the law groups quietened and they became insignificant in the campaign. The only other groups to actively campaign were the Northern Territory Legislative Council and the Legislative Assembly of the ACT on a 'Yes' vote for Territorians. A delegation from these bodies mounted an intense campaign on this proposal in Perth as they feared for its success as the Queensland Premier was advocating a 'No' vote and Sir Charles Court was not supporting it. Several spokesmen from this delegation came to Tasmania though their visits were brief and not well publicised.

A number of "experts" and "intellectuals" also added their weight to either case and particularly prevalent were the number of constitutional lawyers who took a stand. Several advertisements advocating a 'No' vote were placed in newspapers by the N.S.W. Constitutional League and a similar position was adopted by the Proportional Representation Society. Added to this the Clerk of the Senate Mr. Odgers came in for considerable criticism from the N.S.W. Premier Mr. Wran for allegedly aiding and abetting the 'No' case while The National Times reported "Doctor No, Guardian of the Senate" and went on to say "the intellectual and ideological rock on which the 'No' case is based is the slight figure of James Rowland Odgers, 62."³⁶.

The official "for" and "against" cases were another factor which moulded public opinion and both the "Case for 'Yes'" and the "Case for 'No'" presented their basic arguments in an extremely simplified

36. P. Kelly, The National Times, April 25-30, 1977.

form. The 'Yes' case emphasised that the reforms were practical and sensible and had the support of both Parties while the 'No' case asked a number of rhetorical questions unrelated to the referendum concerning government manipulation, the centralization of political power and political principles. The 'No' case also included a very detailed outline of their arguments presented in a question and answer format which were designed by the Committee more to act as free notes for those interested persons who may wish to speak on the issue than for any other reason. In particular they concentrated upon the Simultaneous Elections proposal as the Committee had decided to fight only that proposal rather than by opposing them all to defeat none. Also it was only the Simultaneous Elections Bill that all 'rebel' Senators had found disagreeable.

Throughout the 'No' case slogans such as 'No more power to Canberra', "Don't be Deceived", "Safeguard the Senate", "Preserve Power for the People" and "Your Right to Vote is Priceless"³⁷. appeared while State Parliaments were reportedly faced with a dangerous subversion of their powers if the referendum on Senate Casual Vacancies was carried. In commenting upon the 'No' case The Age said that the case emphasised the "tiresome inconsistency of the Government"³⁸. and was "strong on misleading assertion and weak on relevant argument".³⁹. In conclusion the 'No' case cannot be exempt from accusations of misleading and highly emotive statements which were designed to appeal to the people's fear of Canberra. When confronted by such allegations of propaganda-mongering the 'No' Campaign spokesman merely replied, "Isn't that what elections are all about?"

37. Chief Australian Electoral Officer, Referendums, Wilke, Victoria, 1977, pp.9-15.

38. The Age, Monday, 28 March, 1977.

39. Ibid.

In other features of the referendum the unusual sight of Mr. Fraser and Mr. Whitlam agreeing was counter productive and the electors were reported to be confused by the spectacle "of the Prime Minister and the Leader of the Opposition, zipping around the country



Source: *The Age*,
Friday, 20 May, 1977.

in a frenzied fortnight of campaigning for a 'Yes' vote".⁴⁰ Similarly the communication with the public was not generally successful and The Australian warned "The degree of general disinterest is such that one suspects a large proportion of people do not know now what the referendum questions are ... there is likely to be a heavy apathy factor in the poll".⁴¹

From here attention must be turned back to the Liberal opposition towards the referenda. The rifts which occurred in Federal Parliament, the cynicism expressed by the media towards the proposals and the campaign which developed out of all proportion to the issues were all only part of the hostility and dissention that became evident throughout the country. When Parliament was prorogued at the end of February the focus of action created by the issues moved to the Liberal Parties in Queensland, Western Australia and Tasmania.

40. The Australian, Thursday, 28 April, 1977.

41. The Australian, Tuesday, 10 May, 1977.

EVENTS IN QUEENSLAND AND WESTERN AUSTRALIA

In Queensland and Western Australia the referendum proposals were the source of confusion for the L-NCP Government; and party organisations and Federal and State members found themselves at odds with one another. The basic contention however surrounded the arguments for and against the Bills as already adumbrated: those who accepted political reality and those who adopted a state's right view and were fearful of the changes inherent in the Bills.

On the first announcement of the referendum proposals opposition was expected from Queensland as that State had raised objections to almost all the recommendations of the Hobart Constitutional Convention. The Acting Premier, Mr. Knox, on hearing of the proposed plans warned of political suicide and electoral backlash if the Commonwealth Government went ahead with their referenda. In addition he argued that the expense of the referendum was not justified in view of the economic problems of the Government.

On the return from overseas of the Premier, Mr. Bjelke-Petersen, the Prime Minister flew to Brisbane to discuss the proposals personally with him, while later on the Deputy Prime Minister and Leader of the National Country Party, Mr. Anthony, had discussions with his State colleagues there in an attempt to win their support. However, despite substantial rumours indicating a 'Yes' decision, on 22 March the State National Parliamentary Party changed their minds at a meeting the day following the departure of Mr. Anthony and voted unanimously to oppose all four referenda. This decision was a considerable rebuff for Mr. Anthony and at odds with their own State Management Committee⁴².

42. The organisational policy making body of the Queensland National Party.

but in accord with some of their Federal members particularly the Senators who had earlier indicated they were not going to campaign for a 'Yes' vote.

The position of the Queensland Liberal Party was one similarly characterised by confusion. Mr. Knox had come out strongly against the proposals on economic grounds and his stance was upheld by his Liberal colleagues in State Parliament, who were prepared to "go it alone"⁴³. and advocate a 'No' vote irrespective of the position taken by their National Party colleagues. In contrast to this the State Liberal Party organisation adopted a neutral position thereby accommodating the diversity of opinions between the Federal and State members.

The referendum campaign in Queensland was as a result dominated by 'No' campaigners and vociferous attacks were made on the Bills by the Premier, his NCP and Liberal Party colleagues and some remnants of the DLP. The Prime Minister's campaign developed into a slanderous match against the Premier as Mr. Fraser accused Mr. Bjelke-Petersen of "hitting at windmills" and riding an "anti-Canberra horse".⁴⁴. Both sides resorted to quoting from secret political advisers to support their case. On a more serious note the Federal Cabinet condemned the Queensland Government of wilful misuse of taxpayers money to support the 'No' campaign while in reply the \$9 million spent by the Federal Government was justified because of the distinction between propaganda and that spent on staging referenda.

43. The Courier-Mail, Thursday, 3 March, 1977.

44. The Age, Wednesday, 18 May, 1977.

Other Ministers also entered the fray with Mr. Robinson alleging that the Premier was intimidating some of his colleagues to support the 'No' case. Senator Martin accused the Government of a "deliberate and calculated untruth"⁴⁵ and Senator Wood claimed Mr. Fraser had a hatred of the Senate and should be supporting the 'No' case in view of the fact that Mr. Whitlam had said the Simultaneous Elections proposal would most benefit the Labor Party.

In Western Australia a similar pattern of confusion and division was evident where decisions and counter-decisions were made coupled with bitter wrangling within the Party.

At the State Council Meeting of the Liberal Party on the 27 February a minority of the delegates voted sixty to ten in support of the referenda after a speech by the senior West Australian Parliamentarian, Senator Withers.⁴⁶ This meeting, unfortunately, was not attended by the Western Australian Premier, Sir Charles Court, who later declared he was not bound by the Council's decision. In subsequent events the Premier made it clear his Government would not be displeased

45. Ibid.

46. During the morning session of the State Council meeting four notices of motion had been put proposing that the Council oppose the referenda. Many councillors had then left believing that the vote would not take place until the next meeting. In the latter part of the afternoon, however, Senator Withers in a fiery speech to delegates present, and supported by speeches of Senators Durak and Chaney, had persuaded Council to overwhelmingly support the campaign. Senator Sim, along with the Premier and others who opposed the Bill, were not at the meeting. Immediately after the motion of support was passed, however, a notice of motion to rescind it was given. This in effect left the Council without a position on the proposals until it was brought up again at the next Council meeting. The rescission motion incurred the wrath of Senator Withers who branded it as "ludicrous" and as an attempt to stab Federal members in the back. The West Australian, Monday, 28 February, 1977.

if all proposals were lost and released the text of a letter he had written to the Prime Minister outlining his objections to the current Bills. He considered this letter had not been adequately answered by the Prime Minister and just prior to a press conference of the Prime Minister's in Perth, the Premier let it be known that the L-NCP State Parliamentarians had decided to oppose two referenda - Simultaneous Elections and Senate Casual Vacancies, and not actively support the other two.

Meanwhile in the Liberal Organisation a substantial challenge had arisen over the earlier decision of State Council to support the referenda and at their meeting at the end of April the Council decided to reverse their earlier decision, further confusing the issue, and oppose three of the proposals but not actively campaign against them.

To further add to the disarray the NCP in Western Australia urged 'No' votes to the Simultaneous Elections and Senate Casual Vacancies proposals though declined to give reasons for doing so to allow itself room for manoeuvre. It did however ask its Federal Leader, Mr. Anthony, to stay away else it would be forced to campaign against him. Mr. Anthony cancelled his Western Australian campaign.

Those Liberals in support of the proposals along with some 'luke-warm' ALP members were in such few numbers and as well divided that there were not enough members to form a 'Yes' committee in the State, and MP's had to campaign individually. The Prime Minister's campaign there also ran into trouble and Mr. Fraser was castigated by Sir Charles Court for failing to have had consultations with the States and later accused him of "gutter tactics" to promote the referenda.

As May 21 approached each side claimed increasing support amongst their electorates while most newspapers ran editorials explaining each of the proposals. In conclusion The Age said "The referendum in Queensland and Western Australia is inevitably being seen as a trial of strength between the Fraser-Anthony coalition and the conservative State governments".⁴⁷



Source: The National Times, May 23-28, 1977.

Typical of referenda, as suggested by Wildavsky, the 1977 referenda exacerbated and highlighted the stress and strains in the Liberal Party both between and across Federal lines. The considerable publicity which followed these conflicting decisions, the weight of the State Governments, the propaganda, and the personalities campaigning against the proposals, all contributed to the defeat of the

47. The Age, Friday, 20 May, 1977.

Simultaneous Elections Bill. In the other States such as New South Wales there was some opposition to the Bill but this was relatively restrained while Victoria and South Australia were the only States where, except for a few individuals, all Liberal Party Federal and State bodies were in substantial agreement. All, however, bitterly complained that Mr. Fraser had failed to consult them.

The situation in Tasmania was similar to that in Queensland and Western Australia the major difference being that the State Labor Government was in favour of the proposal and hence the dissention surrounded the Liberal Opposition. This situation will now be examined in more detail.

CHAPTER III

THE REFERENDUM CONTROVERSY IN TASMANIA

Two of the more important questions that stand out when considering the referendum in Tasmania is why and how did the Liberals divide so seriously and what factors determined Tasmania's overwhelming rejection of the Simultaneous Elections proposal?

This chapter then will penetrate behind the Liberal Party in the State and attempt to illuminate the rifts that developed on State, Federal and Organisational levels, and the resultant inter and intra-group alliances. As Wildavsky maintained, the end result is a strange collection of 'bedfellow'.

Also examined in the chapter will be the 'Yes' and 'No' campaigns and the emotionalism and propaganda generated in their support. Possible influences on Tasmanian voters will also be considered and as a noteworthy comment on the campaign The Mercury said, "Referendums are supposed to be of the people for the people. Unfortunately, the referendums on May 21 will be very much by politicians for politicians".¹

THE LIBERAL PARTY'S DILEMMA

On the revolt of the five Liberal Senators against the Government's proposed referenda Bills the State Liberal Party was in an awkward position as its own members were at serious odds with the Federal Party. Within the Party Organisation a strong move developed to support their stand essentially because of the considerable publicity they had received in Tasmania and elsewhere. An emergency meeting of

1. The Mercury, Tuesday, 29 March, 1977.

State Council was called at Campbell Town on 27th February and to this Mr. Fraser sent the Attorney General, Mr. Ellicott, as his personal envoy in an attempt to "try to quell the 'referendum rebellion'".^{2.} At the meeting the Attorney General was joined by the Minister for Environment, Housing and Community Development, Mr. Newman in presenting the 'Yes' case to the Executive while Senators Wright and Rae presented the 'No' case.

In addition to the arguments outlined in Parliament it is believed that the 'Yes' proponents relied heavily upon the State Party's duty to support the Federal Party and particularly the Prime Minister, while other aspects of their case queried the Senate's real validity for Tasmania as in the majority of instances it votes along party lines. In reply the 'No' case was of the opinion that the Senate is of fundamental importance to Tasmania and the other small states and it is only in the House of Representatives and the Executive where, owing to the superiority of members from Victoria and N.S.W., the Senate is not regarded in this manner. Furthermore the 'No' proponents argued that there was no demonstrable reason for change while the complete about face would force the Liberal Government into a massive credibility crisis in the electorate. Senator Rae also argued that support for the referendum on Simultaneous Elections was not in accord with Liberal policy as had been clearly enunciated on five occasions from 1973 to 1975.

In an effort to accommodate the differing opinions both within the Party and the Organisation, (though it was reported very few members of the Executive supported the 'Yes' case,) the Executive adopted a neutral position on all of the referenda. The provision of their stand

2. The Examiner, Saturday, 26 February, 1977.

did however accord recognition to, "the special position of the Senate in relation to the smaller States",³. hence supporting the Senators. At the same time they allowed that "each individual should be free to make its (sic) own decisions and that all members - both Parliamentary and organisational - be free to act and vote as they see fit".⁴. The Executive thus disassociated itself from the political turmoil and allowed the Tasmanian Liberals to take an individual stand without committing the Party to a line that was in direct opposition to that taken by the Party in other States. Their failure to support the referenda however was, in electoral terms, tantamount to rejecting it.

The decision of the Executive was a rebuff for Mr. Fraser and the 'Yes' proponents, and indicated the Organisation's pique at not being consulted over the issue as well as setting a precedent for the positions taken by other Liberal bodies elsewhere. The media, however, took the Party to task over their compromise calling it "brawling", "quick political footwork",⁵. "internecine wrangling"⁶. and for "having to fall back on the convenient excuse that party philosophy provides freedom of choice to disguise the fact that members are so divided on the issue".⁷.

Over the months to polling day and in the heat of the campaign the Executive's decision was the source of much speculation on the internal affairs of the Liberal Party. Aspects most often mentioned

3. The Mercury, Monday, 28 February, 1977.

4. Ibid.

5. Ibid.

6. The Mercury, Tuesday, 1 March, 1977.

7. Ibid.

were the unpopularity of Mr. Fraser amongst State Liberals and the ill-feeling which had developed between the Prime Minister and Senator Rae over that latter being bypassed for a Cabinet position in 1975. The State Party had also had "something of a love affair" with the former leader of the Liberals Mr. Snedden, while others saw the decision as a victory for the ruling party triumvirate: Senator Rae, Mr. Bingham, and the State Party President, Mr. Wing.

Contrary to the latter claim the decision could in no way have been seen as a victory for Mr. Bingham who, as Leader of the State Parliamentary Liberal Party (PLP), was now in the unenviable position of being at variance with the State Organisation. The PLP had reportedly made a decision to support the referenda both prior to the opposition of the Senators and the State Executive's decision. This had been taken on a general consensus of the members and with a minimum of debate while it was also rumoured that members had not even seen a copy of the Bills.

At a meeting on the 2nd March a subsequent decision on the PLP's position was deferred in an effort to escape their dilemma and diffuse the issue. The reason given for this was because members were both apprehensive about the divisive effect on the State in view of the Executive's decision and anxious about getting into a position of opposition with the Federal Government. In the press Mr. Bingham claimed at great length that the deferral was not a backdown and maintained that reports of their earlier decision to support the proposals were "fabricated". He said "We have not and never did form a view"⁸. and that rather the State MP's had only supported the idea of four referenda being put to the people, but had "specifically avoided

8. The Examiner, Wednesday, 2 March, 1977.

forming any attitude"⁹. towards the proposals.

In State Parliament Mr. Bingham's statements were the source of considerable questioning from Labor backbenchers who attempted to exploit the Leader's embarrassing predicament. In reply Mr. Bingham refused to be drawn on the issue and at the end of the Parliamentary sitting the State Government gave notice of motion to debate the issue in the House. This action by the Labor Party brought pressure on the PLP and forced them to take a stand. Had this not occurred it was indicated the matter would have rested and members be allowed a conscience vote. The majority however, were expected to have opposed the proposals regardless.

On the 18th March, almost three weeks after the Executive's decision, the Parliamentary Party ended speculation and vacillation, reversed their earlier decision, and advocated a 'No' vote to the Simultaneous Elections referendum. Mr. Bingham branded the Bill as misleading as he considered it should be described as a Senate dissolution proposal and in any event was an "unjustified attack upon the Commonwealth Upper House in the guise of convenience to voters".¹⁰ The Liberal decision, he claimed, was based solely on the criterion of "What was best for Tasmania"¹¹. and, as this proposal tended to weaken the Senate, it was contrary to the interests of the State. Mr. Bingham was emphatic that the PLP's decision rested on the fact that it regarded the referendum as purely a State matter.

9. The Examiner, Wednesday, 2 March, 1977.

10. The Mercury, Saturday, 19 March, 1977.

11. Ibid.

In supporting the other three proposals Mr. Bingham emphasised the PLP's belief in the Constitution Convention as a worthwhile project "that should be supported as the only way likely of achieving meaningful amendments to the Federal Constitution".¹² He considered that the proposals should be put to the people for them to decide and as well outlined the State Party's longstanding support for it as a viable means for non-partisan discussion of constitutional reforms.

Despite the stand taken by the PLP very few State Parliamentarians took an active part in the campaign but rather preferred to leave the whole issue with Mr. Bingham. But, while the decision of the State Executive had allowed all politicians and organisational members to take an individual stand, the PLP's decision had over-ridden this liberty. On the 19th May, however, Mr. Baker, a delegate to the Constitutional Convention, broke the façade of their unity and declared himself in support of the Simultaneous Elections proposal while in the press Mr. Mather was also rumoured to support the 'Yes' case.

The State Executive's decision gave freedom to the Federal Senators and MHR's many of whom took singular positions, complicated the Party's position and confused the electorate with their claims and counter claims made in support or opposition to the proposals. In a State where politics is personalised and personalities play a significant part these individuals had considerable weight. Those leading the 'No' case were Senators Rae and Wright - both with considerable prestige and strong personal followings throughout the State while Senator Wright is particularly renowned as a constitutional lawyer. On the opposing side

12. E.M. Bingham, Q.C., M.H.A., (The Hon.), Leader of the Tasmanian Parliamentary Liberal Party, "For Tasmania's Sake - Don't Weaken the Senate", Press Release, 1977.

were two of the States most vocal MHR's, the States only Federal Minister, Mr. Newman of Launceston, and the outspoken member for Denison Mr. Michael Hodgman.

From the time the conflict over the Simultaneous Elections proposal first arose Senator Rae repeatedly appeared in the Tasmanian press refuting claims made by his Federal colleagues and repelling attacks of the State Labor Party. In doing so he constantly advertised the 'No' case and branded the Simultaneous Elections proposal as deceptive because it gave power to the Prime Minister and "takes away the protection which the Senate gives to the States".^{13.}

His other Senate colleagues supported his stand at intervals over the months. Senator Wright declared the proposal dangerous and Senator Walters tried dubiously to reconcile the Parties' stand while still rejecting the proposal: "The Liberals did not intend to abuse the proposed change in the Constitution but the Labor Party recognised the use of which this power could be put - weakening and finally abolishing the Senate".^{14.}

Mr. Michael Hodgman, on the personal request of the Prime Minister, was appointed the Tasmanian chairman of the Committee to Coordinate the 'Yes' Campaign. This decision was announced by Mr. Newman, who was ostensibly involved with heavy Ministerial duties but who privately expressed some misgivings about the proposals. Mr. Newman took very little part in the campaign but in The Examiner

13. The Examiner, Wednesday, 27 April, 1977.

14. The Mercury, Thursday, 14 April, 1977.

he strongly advocated a 'Yes' vote to all and said he "Found it difficult to accept the view that the referendum would in any way diminish the role of the small states such as Tasmania".¹⁵ Mr. Hodgman in leading the 'Yes' case said he was concerned for rational reforms to the Constitution and maintained that the proposals were for justice, reason and common sense while expecting the proposals to be carried by the support of the silent majority. He also reiterated many of those reasons heard in Parliament in support of the 'Yes' case.

Lack of even basic consensus was evident amongst almost all of Tasmania's other Federal politicians and each took a very individual stand. Despite the fact that all had voted for the proposals in Parliament many showed considerable misgivings particularly as polling day neared. The member for Braddon Mr. Groom, advocated a 'Yes' vote but did not campaign and for the most part remained aloof from the fray while the member for Franklin, Mr. Goodluck, stayed uncommitted. In contrast Mr. Burr, the member for Wilmot, came in for considerable attention over his stand and first maintained he was neutral on all issues. However, under the supposed pressure from his electorate to divulge his personal opinions, he declared that he would be voting 'No' to the Simultaneous Elections and Senate Casual Vacancies referenda but in doing so, it was reported, "considerable pressure had been put on him not to make his feeling public".¹⁶ Senator Archer, the only Tasmanian Liberal Senator not to defiantly oppose the proposals, maintained a neutral position on the issue but did state that "any move which tended to lessen the authority of the Senate could only disadvantage the smallest, and smaller States".¹⁷

15. The Advocate, Tuesday, 1 March, 1977.

16. The Examiner, Thursday, 12 May, 1977.

17. The Mercury, Tuesday, 26 March, 1977.

Most of the Tasmanian politicians then were in some way either not enthusiastic about or rejected the proposals and such uncertainty clearly transmitted to the electorate a very unfavourable impression of the referendum. This was re-inforced almost daily by constant reminders that the Simultaneous Elections Bill was a threat to the State's power and influence as it attempted to weaken the Senate.

In combination with the politicians' approach to the proposals the Liberal Organisation was also confused and apathetic and, despite the Executive's decision, branches, with the exception of several in Hobart, adopted a negative stance to either or both the Simultaneous Elections and the Senate Casual Vacancies proposals. In addition the Women's Group and the Council of the Young Liberals came out in support of the 'No' case, the latter only after extensive presentation of the two positions by Senators Wright and Mr. Hodgman. They believed it was not necessary to write the proposed reforms into the Constitution.

The most contentious aspect that developed from the Organisation's stand was the public announcement on the 19th May by the Party President, Mr. Wing, that if the Simultaneous Elections Bill was passed "the power of the Senate will be weakened. Consequently it is Tasmania that will suffer."¹⁸ But, while he considered that the resolution of the State Executive to allow members of the Organisation "to be free to act and vote as they see fit"¹⁹ applied to him, some sections of the Party were of the contrary opinion. In this vein the Launceston Examiner headlined that Mr. Wing's stand was in breach of the agreement with the Executive and would bring out some ill-feeling in the Party towards his leadership. Such reports Mr. Wing claimed were totally fabricated and misinformed as he had previously cleared his statement

18. The Mercury, Thursday, 19 May, 1977.

19. The Mercury, Monday, 28 February, 1977.

with the State Executive and hence the publicity was unwarranted and out of all proportion to the issue involved. At the following meeting the State Executive passed a unanimous vote of confidence in his leadership and the stand he had taken. Generally however, the Party Organisation remained uninvolved throughout the campaign though a few ardent rank and file members did volunteer to man the polling booths and distribute campaign literature.

THE LABOR STAND AND EVENTS LEADING UP TO THE OFFICIAL CAMPAIGN

While the Liberal Party were in a quandary and their rifts constantly in the public eye, the Labor Party gave immediate and unequivocal support for all four referenda, particularly the Simultaneous Elections proposal. As early as 2nd March the Premier had come out strongly in their favour and his actions were later backed by the unanimous decision of the Administrative Committee²⁰ of the Party. The Simultaneous Elections referendum they believed did not comprise a threat to either the State or Tasmania but rather related to a slight but important reform to the Australian Constitution.

The united front presented by both the Federal Labor Senators and the State Labor Party belied their minimal participation in the referenda campaign. This was due to both a lack of money and the diversion of what money they had in an attempt to capture Legislative Council seats for the Party whose election was to be held on the Saturday following referendum polling day. The Party did however, make a concerted effort to exploit the Liberal Party's divisions and a few Ministers and backbenchers in Parliament were engaged in a

20. The Administrative Committee of the Labor Party is a key policy making body.

repeated onslaught on Mr. Bingham over the Liberal position.

Mr. Lohrey, a member of the Tasmanian Constitutional delegation, made a vitriolic attack on the Liberals stand believing it was based on childishness and malice for Mr. Fraser while in reply Mr. Bingham retorted that such statements had shown up Labor's real motive for its stand. This was to abolish the Senate at the first convenient opportunity and indicated that "the State Government is putting the Federal ALP's political motives ahead of the interests of Tasmania".²¹ On several occasions the Minister for Education Mr. Batt harangued the Liberals and accused the 'No' case of being put by "either reactionaries or those with an axe to grind".²² Two days before polling day he took Mr. Bingham to task for supposedly silencing several of his Parliamentary colleagues reported to be in support of the proposals. His tactics worked and in reply Mr. Baker broke with the PLP and indicated his support for the 'Yes' case.

The most active and continuous proponent of the proposals in the Labor Party was the Premier, Mr. Nielson. On numerous occasions he repeatedly admonished the State that: "if we are not prepared to accept reasonable and moderate changes to our Constitution through the ballot box, we could be opening the door to extremists who could argue that change cannot be achieved without unrest".²³ Amendments were therefore necessary to update the Constitution and, as these proposals were moderate and sensible, they would enhance and strengthen the Constitution. The Senate election procedures he regarded as ridiculous and the

21. The Mercury, Tuesday, 22 March, 1977.

22. The Mercury, Wednesday, 6 April, 1977.

23. The Mercury, Friday, 29 April, 1977.

slogan "Don't Complicate the Constitution" was a mindless approach to serious questions of Constitutional reform. In addition he believed that the Constitutional Convention should be supported and that the shallowness of the Liberals was revealed in their support for the resolutions at the Hobart Convention but their opposition to them on the hustings. When the real crunch came they had opted for the status quo.

In events prior to this an attempt had been made by some members of the Tasmanian Constitutional delegation to adopt a united front in support of the proposals. However, due to the delegations partisan composition, this was impossible and instead they issued a statement which, although implying support for the principle of the referendum and drawing attention to the Convention's decision, did not specifically mention the current proposals. In this vein, and to embarrass the State Liberal PLP even further, the Government sought to bring the matter before State Parliament. A motion was subsequently passed by the House which supported their resolution and urged Tasmanian electors "To support the Referendum proposal ... by voting 'Yes' to all four".²⁴

The Independent, Senator Harradine from Tasmania, bolstered the 'No' campaign with his strong advocacy of the 'No' vote to both the Simultaneous Elections and the Senate Casual Vacancies proposals. In Federal Parliament the Senator had voted against the Government on the Bills and had said to the press "I do not see anything in it for Tasmania which being the small State, looks to the Senate for protection".²⁵ Furthermore the Senate Casual Vacancies Bill had nothing to say about independent Senators like himself. In the intervening

24. House of Assembly, Notices of Motion and Orders of the Day, Session of 1977.

25. The Examiner, Saturday, 19 February, 1977.

months to the campaign the Senator was little involved in the controversy except for several radio programmes, the 'No' campaign television programme and a long article in The Advocate on the eve of the election. The Senator said then that "definitely the safest thing is to vote 'No'."²⁶ and also considered the referenda a waste of time and taxpayers money. The successful passage of the proposals he claimed would only allow for a harsh budget to be brought down later in 1977.

Despite the internal wrangling of the Liberal Party and the Labor Party's aggravation of the contention, the Tasmanian electors were fleetingly informed over the months of the controversy that the referenda caused in other States. The affairs in Queensland and Western Australia were covered briefly but with little depth and served mainly to emphasise Tasmania's crucial position for the success or otherwise of the Simultaneous Elections proposal. The statements made by Sir Robert Menzies made the headlines for several days and the opinions of other experts and intellectuals, past politicians and members of the Legislative Council were mentioned in passing.

On the publication of the for and against cases some comment was recorded in the press but generally this was only to reiterate the arguments already heard. They did however, provide a fruitful subject for many "Letters to the Editor".

This column in the State's three newspapers was a constant source of interest over the months. On several occasions the State and Federal politicians used it as a means to praise the validity of their arguments and accuse the other side of polemics and sophistry

26. The Advocate, Thursday, 19 May, 1977.

and in this manner letters of Senators Withers, Walters and Wright were published. From the general public many letters outlining their dangers or praising their virtues were printed. The referendum was variously described as a "Fascist Plot"^{27.} and the 'No' case as a "monument to irrationality and perverse logic",^{28.} while another writer implored Tasmanians to rid themselves of old inhibitions once and for all and give "a big 'Yes' to change".^{29.}

As in most referendum campaigns public opinion polls^{30.} have attempted to gauge the mood of the electorate. The first polls were conducted over two weekends in March and clearly indicated a big majority in favour of all the proposed changes with the Simultaneous Elections proposal registering at 73%. Polls taken in April still showed a high proportion of those questioned in favour of the reforms with the Simultaneous Elections proposal remaining at the same level but, by the 20th May, these figures had dropped. Had the Simultaneous Elections proposal been held on the 14th May it was estimated it would have had a 75% and more chance of being accepted as a 66% nationwide response was recorded. In Tasmania though this support was only registered at 55%. The pollsters qualified their findings with a number of variables and believed that final result could be even lower, and in the end were not too wide of their national estimate. What they appeared to have forgotten however, was that for a referendum to be carried a majority of states as well as a majority of people must accept the proposals.

27. The Mercury, Tuesday, 15 March, 1977.

28. The Mercury, Monday, 25 April, 1977.

29. The Mercury, Tuesday, 17 May, 1977.

30. See The Mercury, Tuesday 28 March, Wednesday 20 April and Saturday 20 May, 1977.

In general, while the referenda controversy ranged widely, the people of Tasmania were primarily concerned with what was happening in their own State. As polling day neared the bitterness in the Liberal Party and the emotionalism and propaganda of the campaigns intensified and the Tasmanian voters became the pawns of the inter and intra Party warfare.

THE OFFICIAL CAMPAIGN

The 'Yes' and 'No' campaigns were conducted across the nation but Tasmania, as Queensland and Western Australia where the proposals were also threatened, became the focus of the nation's attention. The 'Yes' case had the more difficult task to try and convince the State to accept change while the 'No' case, in listing the dangers the Simultaneous Elections proposal posed to the State, simply appealed to the status quo.

Early in the campaign both protagonists attempted to explain their case in some sort of way and most newspapers ran articles detailing the 'Yes' and 'No' cases. As polling day neared though rationality progressively disappeared only to be replaced by emotionalism, propaganda and wild and misleading accusations.

With the resources of the Federal Government and the Liberal Secretariate behind it the 'Yes' campaign had unlimited funds in comparison to their opposition. The latter, however, had got away to a leading start and this impetus had been maintained by the squabbles in the State Liberal Party and the easy access that the rebel Senators had to the media. Such access was out of all proportion to their numerical strength and through this means the 'No' campaign was given

an estimated quarter million dollar campaign at absolute minimal cost. The 'Yes' case also had the support and influence of the Prime Minister and Leader of the Opposition to bolster their cause and right up to polling day believed erroneously that they had won Tasmania's vote. Their optimism however, was never shared by their opponents.

In Tasmania the campaign was conducted on a number of levels with the Federal 'Yes' and 'No' campaigners continuing their bitter wrangling in the State and competing for media attention with the State Liberal and Labor politicians. The great advantage that the 'No' case had over their opponents was that, with the State Labor Party relatively content to sit back and watch, the 'Yes' case was dominated by Federal politicians. At the best of times these people were never very popular in the State and were even less so when they attempted to woo Tasmanian's votes with slanderous accusations against the State's own politicians. Furthermore the referenda had followed hard on the footsteps of the Apple and Pear Industry³¹ controversy in which the Federal politicians had been denounced for their neglect of Tasmania in contrast to the local politicians who had been lauded for their stand in the interests of the State.

31. The referenda campaign, unfortunately for the Federal Government, had followed this issue where Messrs. Goodluck, Burr and others from Tasmania had attempted to oppose the Government's proposed measures. They had reportedly had several heated exchanges with the Prime Minister over the issue and during one such occasion Mr. Fraser was reported to have called Mr. Goodluck a "grub". This was given wide publicity in the Tasmanian press and the politicians were lauded for their valiant attempt to buck the Party and fight for Tasmania. More importantly for the referenda campaign the Federal Government was unpopular as the issue had served to accentuate Tasmania's insignificance in the Commonwealth and heighten the anti-Canberra feeling.

Central to the 'No' campaign was a fear that the referendum might pass through apathy and ignorance and the principle thrust therefore was to attract the public's attention firstly to the referendum and secondly to the Simultaneous Elections proposal that many took objection to. But, the campaign in Tasmania was substantially different from that in the other States because of the failure of the Committee to establish a Federal co-ordinating secretariate.³² In addition to this drawback members of the Committee had planned to present their case to the nation but the national airstrike stranded them and sent their schedules awry. The strike coincided with almost a week of the campaign - seriously overshadowing it as well as stranding Senator Rae out of Tasmania.

In Melbourne on 10th May Mr. Fraser opened the 'Yes' campaign declaring that the proposals were "Fair, just and reasonable"³³. and asked, in addition to those arguments he presented at the time of the Parliamentary crisis, if the nation was capable of allowing basic reforms to the Constitution. Throughout the campaign he deviated little from these precepts. Furthermore he refused to answer any of the criticisms raised by his opponents and amongst other threats considered that should the proposals be defeated it would be bad for Parliamentary government in Australia. In Tasmania his basic contentions ranged a little wider and in between bitter reproaches on the rebel Senators he maintained that the referendum would protect the smaller States. As well, with simultaneous elections no government could afford to forget these States as each had an equal number of Senators in the Upper House.

32. All moves in this direction were reportedly "thwarted by people in high places".

33. The Mercury, Tuesday, 10 May, 1977.

The 'Yes' campaign in Tasmania was co-ordinated by Mr. Hodgman and Mr. Fraser made two visits the first of which coincided with the airstrike. The Prime Minister's handling of this issue bolstered the 'Yes' case considerably and improved his image in the State as he offered to bring the RAAF Hercules aircraft to the rescue. Mr. Fraser was hosted at a dinner given by the Party in Launceston where he exhorted the Bass electorate to again show the way,³⁴ and from there went to Hobart to another dinner in his honour.³⁵ He spoke on a number of commercial radio-talkback programmes, had several television interviews and was guest in a half hour interview with the ABC's "This Day Tonight". A panel of the State's leading political journalists interviewed him on many aspects of the referenda but the more interesting parts of the programme were when the questions ranged from that topic to the Apple and Pear Industry controversy.

With opinion polls and Liberal surveys indicating that some voters in Tasmania were still undecided on the referenda but generally there was hope of success, Mr. Fraser was persuaded to make a return visit on the eve of the election to swing the last few hesitant voters. On this visit though he undid much of his good work of the week before and became embroiled in accusations with the local politicians. He accused the 'No' campaign of using arguments out of the past and the campaigners of bitterness towards him while in reply Senator Rae made headlines with his claim that the Government was only seeking to delay an election. Mr. Bingham accused him of poor timing as, in presenting the referenda, it "had led to neglect of the crucial fight against inflation".³⁶

34. In 1975 the Bass electorate had overwhelmingly voted against the Labor Government in the by-election following Mr. Barnard's resignation from Parliament.

35. Those Liberal politicians advocating a 'No' vote did not attend these dinners.

36. The Examiner, Friday, 20 May, 1977.

In the two weeks of the campaign and sometimes concurrent with Mr. Fraser's visits the 'Yes' Co-ordinating Committee had organised for no less than seven Federal politicians and Ministers to come to Tasmania. These were Senators Guilfoyle, Withers, Knight, and Hall and Messrs. Ellicott, McKellar and Howard. The itinerary for these visits was carefully scheduled with the campaigners arriving in time for a talk-back radio programme on one of the commercial stations, a luncheon engagement with a selected group or service organisation, an afternoon television or press interview and then back to Melbourne in the late afternoon.

The most vociferous campaigner of all of these was Senator Withers who demanded of the 'No' case the source of their funds. In Launceston he made a bitter attack on Senator Rae for questionable campaign finances and abuse of funds and in reply Senator Rae disclosed all the 'No' campaign finances. In Tasmania they had received \$1400 in donations from the public, \$500 of which had been given by Senator Wood of Queensland. Their public exposure however, was out of all proportion to this figure as the media had given their stand wide coverage.

Due to the almost total non-involvement of Mr. Newman and Mr. Groom in the campaign Mr. Hodgman was the only Tasmanian Federal Liberal politician to actively campaign for a 'Yes' vote and most of his personal activities were confined to the Denison electorate. In addition to writing several articles for Tasmania's newspapers outlining the 'Yes' case, he issued press statements and spent considerable time debating the issue against Senator Wright at Liberal branch and electorate meetings.

The campaign waged by the Labor Party in the State was a very low-key affair with Mr. Whitlam and Mr. Hayden making very short visits.

Mr. Whitlam conducted the only public meeting of the campaign and, to a predominantly student audience, maintained that the Simultaneous Elections proposal was merely making running repairs to the Constitution and was in no way a move for centralism or extra power to Canberra. Other features of his brief visit were several radio and television interviews one in which he was reportedly completely nonplussed by a young reporter who blithely asked him: "Why should we vote Yes?"

Apart from the Premier, Mr. Batt and Senator Wreidt who debated on the "Monday Conference" programme, the only other Labor members to be actively involved in the campaign were two of the Party's Federal candidates: Mr. Coates, the candidate for Denison, and Mr. Tate a Senate candidate. Mr. Coates advocated a 'Yes' vote in his weekly S.E.M. articles³⁷ while Mr. Tate, an expert in constitutional law wrote the Labor pamphlet outlining the Party's position on the proposals. The principle thrust however of the Labor campaign was to ensure that their own supporters were aware that the Party wanted them to support the 'Yes' case. In so doing they were afraid to push the Party line for fear of an anti-Fraser vote and a backlash from Liberal voters, and in any event were hampered by a lack of enthusiasm amongst the rank and file and minimal funds.

On 10th May the national 'No' campaign opened with a ten minute television and radio broadcast relayed throughout the country. In the programme many leading figures, including four Liberals and Senator Harradine from Tasmania, all gave a big verbal 'NO' to the Simultaneous Elections proposal and variously elaborated on their stand. In the

37. Saturday Evening Mercury articles of 26 February, 12 and 26 of March, 9 and 23 of April and 7 and 21 of May, 1977.

prelude to this programme it was stated that "The Referendum on May 21 is about one simple question. Do we want the politicians in Canberra to have still more power?",^{38.} and this rhetorical question summarised the emphasis of the whole programme - that the Federal Government was trying to grab more power for itself at the expense of the people and in particular the small States. Senator Rae combined this succinctly with the State's rights issue by saying: "This proposal is really about power. It's a proposal which takes power from the people, power from the States".^{39.}

The 'No' campaign in Tasmania was opened by the Chairman of the 'No' Committee Sir Magnus Cormack who accused the Simultaneous Elections Bill as being fraudulent especially as Mr. Fraser had given no explanation nor elaboration of the claim that the Bill was good for the country. Furthermore he claimed it would "erode the status of Tasmania in the Federal compact",^{40.} and would be particularly damaging to the small States while, apart from being a blatant grab for power it would "emasculate the Senate and end in its eventual abolition".^{41.} The Senator's visit was followed soon after by that of Senator Wood who added to the attacks on the Federal Government and described Mr. Fraser as a centralist and a power hungry Prime Minister who feared an election. He had much praise for those politicians in the State who had stood up and put Tasmania's interests first.

38. Transcript of Opening Telecast in Support of the 'No' Case for the Federal Referenda.

39. The Examiner, Wednesday, 11 May, 1977.

40. Ibid.

41. Ibid.

On the resolution of the air strike Senator Rae was able to return to the State and refuted a number of accusations made against him by Federal Liberals, particularly Senator Withers. He denied being responsible for civil war within the Party claiming the Government's departure from established policy as the root cause of the dissention. Throughout the final days the Senator continually stated that the Simultaneous Elections proposal was "against the interest of Tasmania"⁴². and branded the referendum as an unjustified quest for power and the Government of bringing the campaign to the gutter. The most public of Senator Rae's appearances was the "Monday Conference" debate with Senator Wreidt but neither speakers covered any significant new ground and a general consensus was that Senator Rae had probably argued the 'No' case more cogently.

The other Tasmanian Liberal Senators, especially Senators Wright and Walters, campaigned actively in the State particularly amongst organisations and Liberal Party branch meetings while speaking occasionally on radio and television. Senator Wright had also been allowed a ten minute right of reply to Mr. Fraser's "This Day Tonight" programme during which he emphasised the threat that the proposals presented to Tasmania. In conjunction with this Mr. Bingham conducted the PLP's campaign almost on his own and, through Party meetings, television interviews and press statements he constantly attacked the State Labor Government.

Both the Liberal and Labor Parties and the 'No' Committee issued some campaign material and the Liberal's Federal Director of Public Relations, Mr. Baudino had made available to the Labor Party the

42. The Examiner, Thursday, 19 May, 1977.

Liberal's pamphlets and "How to Vote Cards". These were not widely distributed by the Liberals in the State while T-shirts, badges and other paraphernalia also came from Canberra. The Labor Party however, only reluctantly accepted the Liberal offer as it was considered by them to be against the best interests of their supporters. Instead they had printed one pamphlet and distributed Mr. Tate's article which he had written for the Tasmanian University newspaper Togatus. This was also reprinted in the Labor Party's own newsletter and was reported to have been letterboxed to some 30,000 homes in the Hobart area.

In contrast to the 'Yes' case the 'No' case only printed one small "How to Vote Card" although Senator Wright had one of his own showing 'No' to both the Simultaneous Elections and Senate Casual Vacancies proposals. These again were not widely distributed in the State.

Advertisements on television and in the press appeared from both sides but for the most part were small and rare. Those press advertisements of note were the large advertisement from the N.S.W. Constitutional League and the telegram Sir Robert Menzies had sent to Senator Wright in support of the 'No' case, while one for the 'Yes' case had been submitted amid much publicity by the personal donations of several Labor politicians.

On polling day booths were manned sporadically by supporters of both cases and from both parties but the coverage was in no way comprehensive. In Hobart the Labor Party claimed to have manned most booths in the Denison electorate at some stage, while in Launceston they were reported to have covered almost half the city. The Liberal turnout for the booths in support of either cases was even less. The

Labor Party also provided a transport service for their voters on the day.

Thus the campaign showed up the emotionalism and propaganda generated by the politicians and the lack of real support and enthusiasm amongst the rank and file in the Parties in the State. While the campaign was brought before the people by the media and had actively engaged a few politicians and the Federal Government, the majority of Tasmanians were uninvolved.

The Liberal Party in the State was in disarray and in no body, Parliamentary or Organisational was a united front adopted. Individuals went their own way and the end result was a strange collection of bed-fellows. On the one hand was the Federal Government, the State Labor Party, and a few Federal MHR's, a Senator and State Liberal MP, while on the other were the State Liberal Parliamentary Party, the Liberal Senators, Mr. Wing and Senator Harradine. In between were all those who were either undecided or neutral.

Yet, despite this confusing array, the Tasmanian response to the Simultaneous Election referendum was a clear and unequivocal 'No'.

CHAPTER IV

CONCLUSION

THE RESULTS AND INFLUENCES UPON THE TASMANIAN VOTE

At the close of polling on Saturday, 21 May early returns in Tasmania indicated that the Simultaneous Elections referendum was unlikely to be passed. This trend was accentuated as returns from country areas came in and the final result was beyond even the highest expectations of the 'No' campaigners. At the declaration of the poll Tasmania had delivered an overwhelming 'No' vote of 65.8% to the Simultaneous Elections referendum.

However, while Tasmania and Queensland had clearly indicated their rejection of the proposal the early returns in Western Australia had registered support. It was not until late in the evening that the trend began to reverse itself in that State and the 'No' campaigners saw victory. The final result in Western Australia was a 48.4% vote in favour of the proposal and in Queensland a slightly less 47.5%.

As can be seen from Table 1. in the other States the proposal passed with a clear majority and the results show the lack of any substantial controversy raised by the issue there. New South Wales returned the highest vote in favour of the proposals, 70.7%, and between this figure and the Tasmanian vote was a margin of 36.5%. It is this margin which has real salience for the referendum as it indicates the divergence of opinion throughout the nation. The Simultaneous Elections proposal only became an issue in the small States which believed the proposal to be a threat to them. Hence it

TABLE 1.

NATIONAL SUPPORT FOR THE FOUR REFERENDA: 21 MAY 1977

(by State, percentage of formal votes)

REFERENDUM	Tas.	W.A.	S.A.	Qld.	Vic.	NSW	Aust.
Simultaneous Elections	34.2	48.4	65.9	47.5	64.9	70.7	62.2
Senate Casual Vacancies	53.7	57.1	76.5	58.9	76.1	81.6	73.3
Referendums	62.2	72.6	83.2	59.6	80.7	83.9	77.7
Retiring Age for Federal Judges	72.4	78.3	85.5	65.2	81.4	84.8	80.1

Source: Data provided by the Australian Electoral Office

was only defeated in there. In Tasmania which returned a 'No' vote of 66%¹, the results may be looked at from a number of perspectives and the politicians' viewpoint was the one which was most often presented to the public.

The resounding 'No' vote was believed by the leading 'No' advocates to be because the State saw the proposal as a threat to the power and influence of the Senate and thereby itself. Senator Wright said that the rejection "showed the value that the smaller States placed on the Senate"², and that the small States "did not regard the Senate as completely a party House",³ while Senator Harradine said the vote justified the conclusion "that smaller States regarded the Senate as the protector of their rights".⁴ Senator Walters and Mr. Bingham also expressed views similar to those above while Senator Rae considered the vote was one of confidence in the Senate and "a re-affirmation of its role as a State's House".⁵

In addition to these statements the vote was seen by Senators Rae and Harradine as an indication that Tasmanians clearly wanted an independent Senate and "parliamentary representatives - particularly in the Senate - who would speak up for Tasmania".⁶ Senator Rae went even

1. The figure represents the closest whole number to the actual figure of 65.8%

2. The Mercury, Monday, 23 May, 1977.

3. Ibid.

4. Ibid.

5. The Australian, Thursday, 26 May, 1977.

6. The Mercury, Monday, 23 May, 1977.

further and saw in the results a victory for the Senate and a green light for it "to further develop its separate entity"⁷. while the rift between the two Houses over the referendum was nothing more than the development of vigor and separateness between them. Senator Harradine hoped that Senators in future would "assert their independence and act in the interests of the people rather than pursue blindly the dictates of party politics".⁸.

On several occasions Senator Rae maintained that the vote was a stand against centralism and the growth of central power just as the 'No' campaign had branded the Bill as a grab for power. Hence the victory was then for federalism and democracy as "the electors in the three smallest States have clearly indicated they are not prepared to give unlimited power to Canberra".⁹.

In explaining the referendum result Mr. Hodgman and the Labor proponents considered the corollary of the above argument. Rather than seeing the vote as one in favour of the Senate they considered that the issue of state's rights had determined the vote. The 'No' campaign had convinced Tasmanians that the Simultaneous Elections proposal was a threat to their power, and integrity and position in the Commonwealth and, once this fear was engendered its influence was so pervasive as to be almost uncounterable.

7. The Australian, Thursday, 26 May, 1977.

8. The Mercury, Monday, 23 May, 1977.

9. The Advocate, Monday, 23 May, 1977.

The "Editorial" in The Advocate also followed this theme and considered "Tasmanians ... have again made it plain to Canberra that they will fight tooth and nail to preserve the Senate's function as a champion of the rights of the small States in the national forum".¹⁰

The belief that the negative stance of Tasmania on a referendum is determined by a state's rights vote has been longstanding and Livingston was clearly of a similar opinion when he considered the referendum in Tasmania. Furthermore this argument provided a convenient peg from which the 'Yes' proponents could rationalise their defeat and protect their own integrity.

As mentioned in Chapter I Sharman has shown that Tasmanian have a distinctive relationship with the Senate. The Simultaneous Elections Bill was portrayed as being a threat to this House and hence the results can be seen as a further indication of this phenomenon. From Table 2 Tasmania has shown a consistently low vote for all Senate referenda and this vote has been significantly lower than that recorded in other States. Although the Senate Casual Vacancies Bill was also concerned with the Senate it was not perceived as presenting any great threat to the Senate and, like the Senate Elections of 1906, was passed successfully.

In comparison with the 1974 figures, see Figure 1., the 1977 Simultaneous Elections result indicates unequivocally that Tasmanians are averse to this referendum regardless of whichever federal party proposes it. In 1974 the proposal was presented by the Labor Party and,

10. The Advocate, Monday, 23 May, 1977.

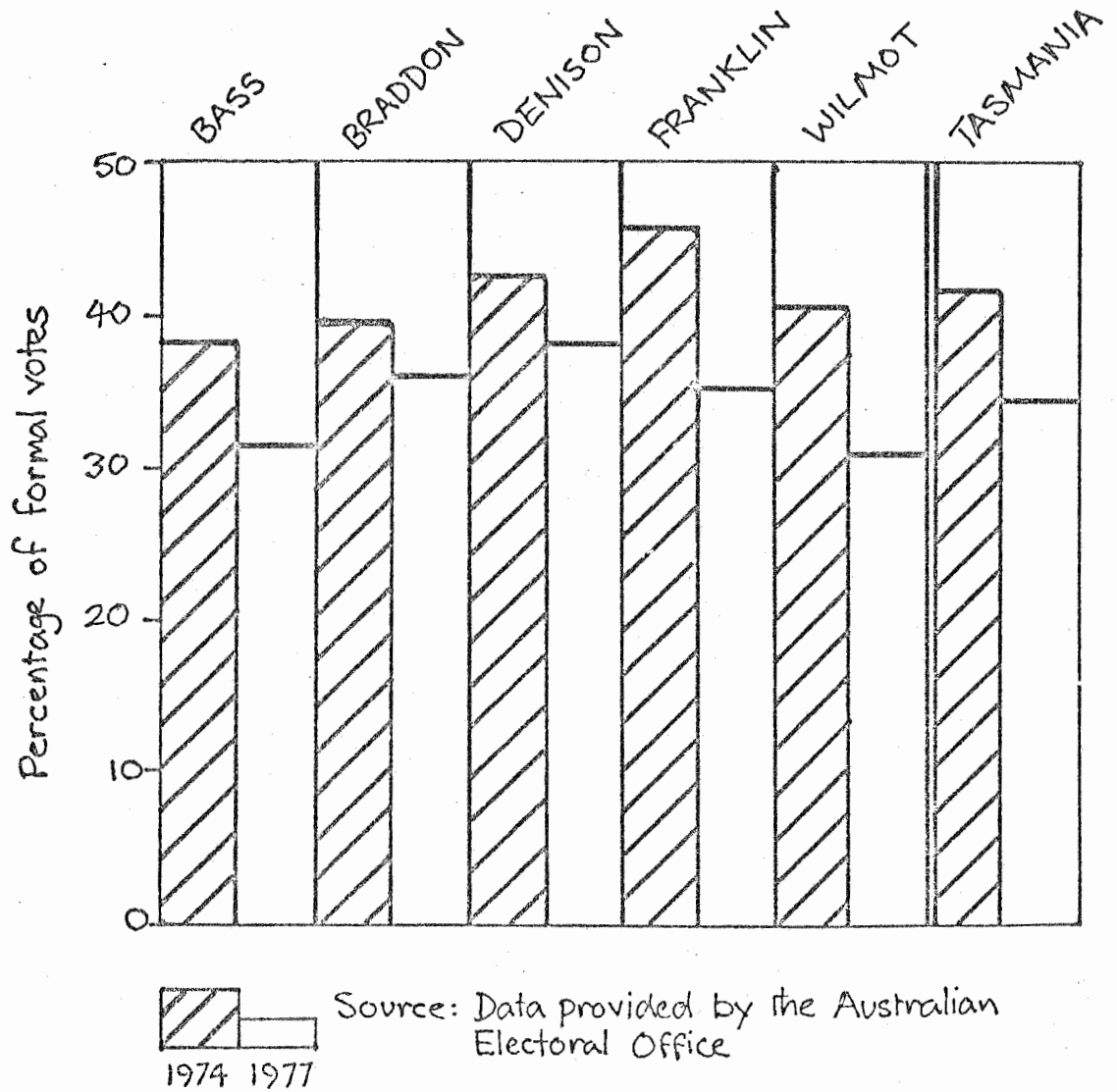
TABLE 2.

NATIONAL SUPPORT FOR SENATE REFERENDA: 1967,
1974 and 1977 (by State, percentage of formal votes)

	Tas.	W.A.	S.A.	Qld.	Vic.	NSW	Aust.
1967 - Relative size of Senate and House of Representatives.	23.06	29.05	33.91	44.13	30.87	51.03	40.25
1974 - Simultaneous Elections	41.37	44.07	47.14	44.32	49.19	51.06	48.30
1977 - Simultaneous Elections	34.27	48.47	65.99	47.51	65.00	70.71	62.22
1977 - Filling Casual Vacancies	53.79	57.11	76.59	58.86	76.13	81.62	73.32

Sources: 1967 and 1974 data from Australian Parliamentary Handbook; 1977 data provided by the Australian Electoral Office.

Fig 1 Support for the Simultaneous Elections Referenda 1974 and 1977



while voting in the general election held at the same time, Tasmania returned a Labor Government and a Liberal Senate but soundly rejected the Bill. In 1977 it was presented by a federal Liberal Government and supported by the State Labor Government but again defeated. This therefore disproves any attempt to see the referendum result as indicative of a strict Labor or Liberal vote. However, this party vote in 1977 warrants closer scrutiny.

One journalist maintained¹¹ that the Simultaneous Elections result paralleled the Labor and Liberal vote returned for the Senate in the elections of 1975. In doing so he combined the Liberal vote of 49% with that of Senator Harradine as the latter had advocated a 'No' vote to the proposal. The Senator had received 13% of the vote and hence, if Tasmanians voted on a Liberal-Harradine line this would account for 62% of the vote - not far removed from the 66% returned for the referendum. However, the essential fallacy of this claim is revealed when the Labor-Liberal votes are examined in more detail.

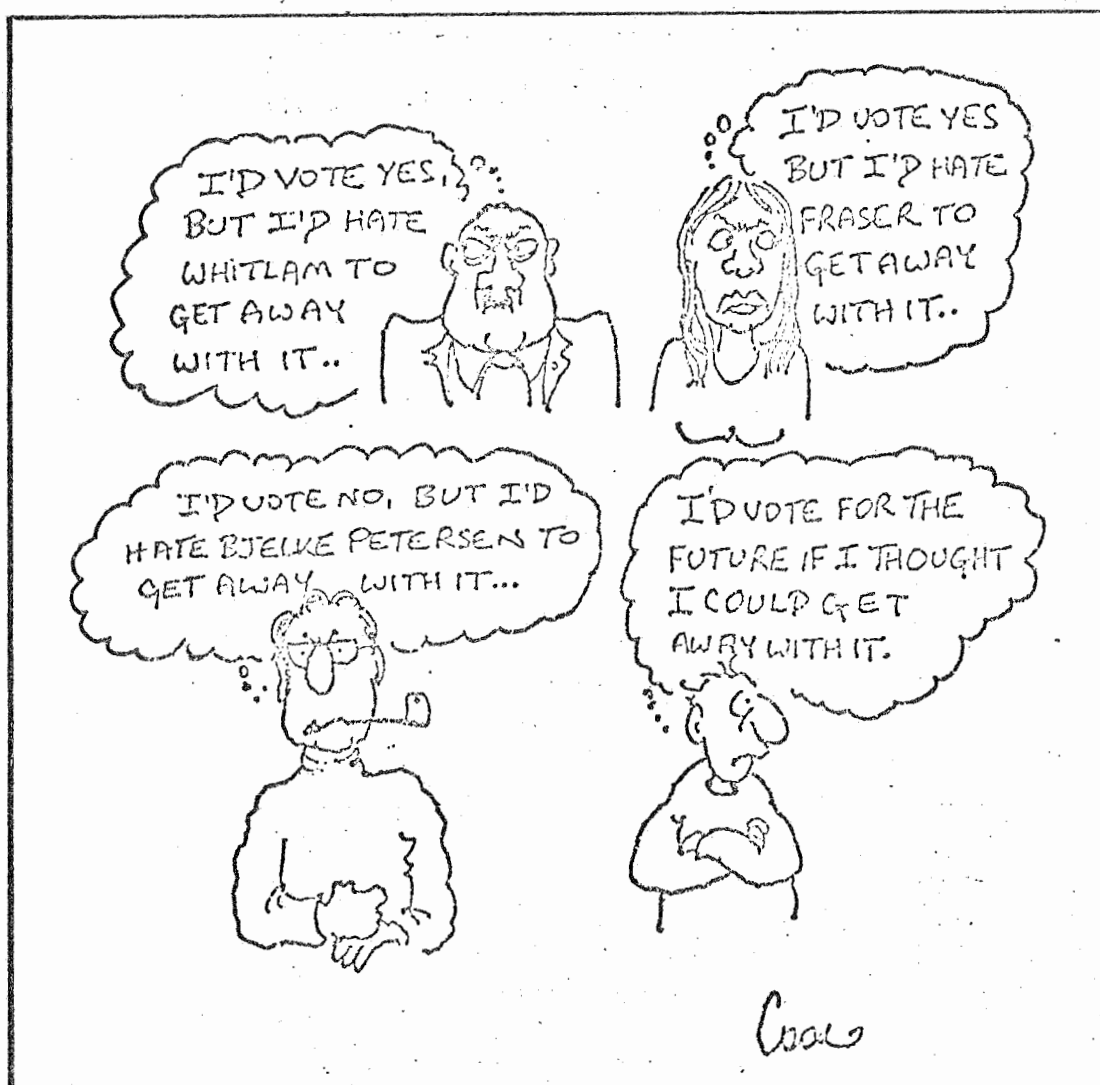
If a number of subdivisions which are renowned for returning a strong Labor or Liberal vote are examined, it is obvious that many Labor voters voted against the official Labor Party line. For example in Denison, Nelson (Liberal) and Merton (Labor) both returned a 62%¹² 'No' vote to Simultaneous Elections question while in Braddon, Murchison (Labor) returned an even higher 'No' vote - 65%, than did the Liberal stronghold of Circular Head - 63%. Clearly then this referendum was not considered a party issue and Tasmanians did not vote along party lines. This is a most unusual feature for a referendum.

11. Mr. Adrian Wild in The Sunday Examiner Express of Saturday, 28 May, 1977.

12. All data supplied by the Australian Electoral Office.

During the campaign the State Labor Party was relatively uninvolved and both they and their Liberal companions did not push the party line in their advocacy of a 'Yes' vote. The reason for this was that they feared alienating each others traditional supporters and hence incurring an electoral backlash. Hence the 'No' vote in Tasmania could be regarded as one of support for the Federal Liberal Senators who had taken a stand which was projected as being in the best interests of the State.

Conversely, the results could also be seen as an anti-Fraser vote by members of both parties. The Liberals because he is unpopular in Tasmania, and by Labor voters because they did not want to appear



to be supporting him. This latter reason could well have been accentuated by the lack of definite direction taken by the State Labor Party. Labor members often appeared to be more intent on discrediting the State Liberals than convincing their supporters to vote 'Yes'.

Although an anti-Fraser vote was denounced by all 'No' proponents, especially Senator Rae who declared it as "utter rubbish", the unpopularity of Mr. Fraser in Tasmania and the divisions within the State Liberal Party, could well have been negative influences on Liberal voters. In addition to this the influx of "heavies" for the 'Yes' campaign could have been counter-productive in a State known for its loyalties to its politicians and suspicions of so much attention. Again Liberal voters could have been wary of the federal Liberal line because it was also espoused by Mr. Whitlam. The latter had made a disastrous mistake in Queensland of saying publicly that the proposal would most benefit the Labor Party. Other factors also operating against the Liberal vote were the unexplained volte-face and the refusal of Mr. Fraser to adequately answer the 'No' case's criticisms.

In combination with these negative influences was the positive weight of the personalities of the 'No' campaigners. The low vote to all the proposals in Bass was assumed by most political commentators and newspapers to be due to the strong personal following of Senator Rae. In a State where politics is personalised and personalities play a significant role this claim has much validity. In contrast to this the State Liberal 'Yes' campaigners were relative newcomers to the political arena and were not considered to have strong followings. In addition the federal 'Yes' campaigners were all non-Tasmanians and while the State Government also supported the proposal, the issue was seen by most

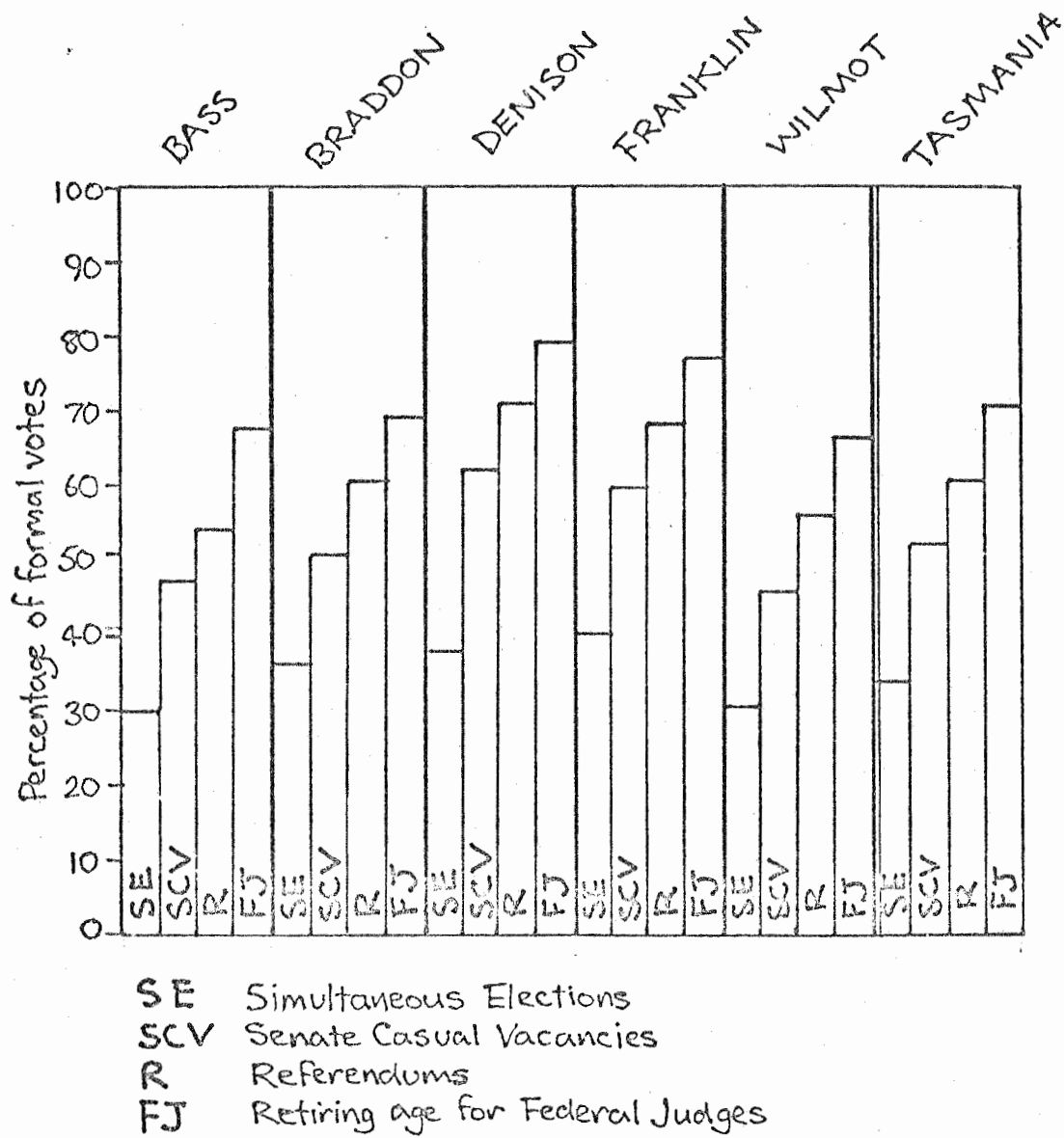
Tasmanians as primarily one which concerned the Federal Government.

The ramifications of the Senate, State's rights and Party vote on the Simultaneous Elections proposal are the major features which emerge from the Tasmanian results. Other factors which could also have been influential are: the aftermath of the Apple and Pear Industry controversy; the airstrike which isolated and inconvenienced many Tasmanians; the propensity for Tasmanians to have a sharp sense of political reality particularly in relation to Upper Houses - visualise Tasmania's vote for the Legislative Council; and the influence exerted on Tasmanians by the Legislative Council elections the following Saturday. On that occasion the Labor Party had campaigned strongly for their candidates but all had been soundly defeated. In combination with this could have been the effects of the propaganda, a vote for a constitutional principle as well as those factors which invariably accompany a referendum - ignorance and apathy.

Thus, like in all referenda, no over-riding reason appears to explain Tasmania's result to the Simultaneous Elections referendum. On the one hand the argument that Tasmania voted for the Senate has great credence but cognizance must also be taken of the State's rights issue. In combination with this were other factors and inherent and procedural difficulties which may have been influential. However, while these factors determined the Simultaneous Elections result at the same time they did not influence Tasmanians' perception of the other three proposals.

The Senate Casual Vacancies referendum received a 53.7% 'Yes' vote but from Figure 2. the proposal failed to be supported in the electorates of Bass and Wilmot. The Referendums proposal was passed with a 62.2% majority and the margin between the Franklin and Denison

Fig 2 Electorate support for the four Referenda in Tasmania: 21 May 1977



Source: Data provided by the Australian Electoral Office

electorates on this proposal was a very high 15.6%. Denison's vote on this referendum as for the other proposals perhaps reflects a more discerning and intelligent electorate and the focus of the 'Yes' campaign. The Retiring Age for Federal Judges proposal was passed by a State majority of 72.4% - the highest vote Tasmania has recorded for a referendum since 1910.

In the other States (see Table 1.) these proposals also passed without any serious threat though Tasmania, Western Australia and Queensland all registered votes lower than those recorded in the large States. Despite an overall national majority of 62.2% the referendum failed to pass because it failed to be accepted in a majority of States.

While a complex pattern of influences prevailed over the Tasmanian vote to the Simultaneous Elections referendum, in the Liberal Party in the State the issue has had very little long term affect.

THE AFTERMATH IN THE LIBERAL PARTY

At the time of the referendum campaign the 'Yes' and 'No' proponents had strongly opposed each other, but, in the State party at least, there is very little evidence to show that this has been carried over to any great extent in subsequent Party affairs. As Mr. Adrian Wild in the Sunday Examiner Express remarked a week after polling day, "with the result now clear, the degree of Tasmanian Liberal unity appears unchanged. That is not to say there is no division".^{13.}

This is perhaps the most succinct summary of the Liberal Party position for division did exist prior to the campaign. But, while these flared up during the controversy they do not appear to have unduly

13. The Sunday Examiner Express, Monday, 28 May, 1977.

exacerbated, nor significantly altered, the previous situation. As those Liberal politicians interviewed constantly reiterated, in the Party "issues once settled die".

From the eve of polling day the State Liberals began to close ranks. Mr. Hodgman declared "We have never had a party split"¹⁴. and "any disunity in the Liberal Party ended at eight o'clock sharp on Saturday night".¹⁵ His 'No' Party colleagues were a little more reticent on the issue and Senator Wright was reported as saying "The campaign, from the point of view of Liberal Party unity is obviously regrettable",¹⁶ while Mr. Bingham referred to it as "troublesome".¹⁷ Senator Rae said "the public disagreement over the issue within the ranks of the Liberal Party would not affect the unity of the party in the long term - particularly in Tasmania"¹⁸. while in another article it was reported that "there has been no indication in the past few days of continuing animosity".¹⁹

Despite one report that the State PLP was "deeply divided"²⁰. there has been little other evidence to show that the referendum has had any lasting effect upon them. The defection of party ranks by Mr. Baker was a serious act of defiance at the time but does not appear, publicly at least, to have had any wider ramifications. Possibly it showed some

14. The Mercury, Monday, 23 May, 1977.

15. Ibid.

16. Ibid.

17. Ibid.

18. The Mercury, Monday, 23 May, 1977.

19. The Sunday Examiner Express, Monday, 28 May, 1977.

20. The Mercury, Monday, 23 May, 1977.

disaffection with Mr. Bingham's leadership but even Mr. Bingham acknowledged privately that he should have taken a stronger stand on an earlier occasion and hence prevented the Labor Party exploiting the issue. Despite this, Mr. Bingham's claims that the Party has been strengthened by the controversy seem rather dubious assertions.

In an attempt to regain some of their lost respect the PLP tried to attack the Labor Government and show how the decision was a rebuff for Mr. Neilson and the Labor proponents. However, this was shortlived, was not overly effective and was soon overshadowed by other events.

The only occasion on which the Simultaneous Elections issue has been resurrected was at the State Council's Meeting of the Party when Mr. Wing's position as Party President was challenged. One of the reasons mentioned at this time was his public announcements in opposition to the Bill but sources regarded this as only a convenient peg from which to mount some opposition to his Presidency. With four years in office a challenge was not unexpected especially as some of the more conservative members of the Party believed that a federal leader should be supported regardless of any opinions to the contrary.

To the Party the controversy is now regarded as embarrassing. The issue revealed the division within the Liberal ranks across all levels and had left the PLP in the unenviable position of both having to change their minds and to be at odds with their own organisation and federal leaders. Furthermore the issue was used by the Labor Party to ridicule them in public.

While the controversy has left the Liberal Party in Tasmania embarrassed but substantially unchanged it is more difficult to gauge the position of and relationship between Federal MHR's, Senators and Canberra.

The campaign waged by some of the leading protagonists from both sides seemed to contain more than an element of surface bitterness. In addition to the constitutional and federal stands taken on the issue the evidence from newspaper reports and interviews does appear that for some protagonists at least, the campaign was an extension of personal animosities.

The euphoria shown by Senator Rae to the 'No' victory may be viewed in this light. The Senator saw the issue as the most significant of his whole parliamentary career and hence his description of the victory as, "as important as the Eureka Stockade"²¹. is not out of context. He also attacked his State 'Yes' opponents when he said of them: "This group had inflated ideas of the extent to which it rejected the views of the rank and file Liberal support in Tasmania".²² These people now have "reason to reconsider what Tasmania expects of them".²³ The defeat of the proposal he believed had seriously discredited Mr. Hodgman in the party and left Mr. Newman in an even more awkward position. In a State Party dominated by those who show disaffection for Mr. Fraser this may well be the case.

In contrast to this, Mr. Hodgman privately considered that the 'No' victory could be attributed more to the influence and prestige of Senator Wright, than that of Senator Rae. The latter's influence he considered negligible. Mr. Hodgman also related the fact that Mr. Fraser had personally thanked him for this 'Yes' campaign in Tasmania and had

21. The Examiner, Monday, 23 May, 1977.

22. Ibid.

23. Ibid.

done so publicly in Cabinet. In addition the Prime Minister had asked many of his Ministers to express their personal gratitude to him.

In a barely disguised attack on Mr. Fraser Mr. Bingham accused the Federal Government of neglecting the country. He said "At the time when they should have been concentrating on that (the economy) ... they have been skipping round the country exhorting people to vote 'Yes'."²⁴. Several other politicians interviewed considered that the Simultaneous Elections defeat was a serious setback for Mr. Fraser both at the State and Federal levels. Further it indicated the real extent of his unpopularity in Tasmania and, as one political commentator remarked, "Prime Minister Fraser was treated like the head of an opposition party when he visited Tasmania during the referendums campaign".²⁵.

The personal animosities in the Liberal Party are of long standing and apart from perhaps re-inforcing them and consolidating Senator Rae's position in Canberra, it is difficult to really assess any other affect. In view however, of the seriousness with which the campaign was fought it is surprising that there has not been a greater aftermath to the issue. In public at least the issue appears to have died and the Liberal Party has emerged remarkably unscathed.

ASSESSMENT OF WILDAVSKY'S HYPOTHESES

While the controversy has left the Liberal Party relatively unaltered in the long term, at the time of the campaign the tenents of Wildavsky's hypothesis were evident and the referendum did exacerbate stresses and strains in the sponsoring party. On this occasion it

24. The Mercury, Monday, 23 May, 1977.

25. The Sunday Examiner Express, Saturday, 28 May, 1977.

occurred between the Federal Liberal Government and some Liberal Senators and its repercussions extended through all levels of the Party and polarised it into opposing camps. In Wildavsky's examination of the 1926 referendum there is nothing to show that he considered any time span in relation to his hypothesis. Thus, from the evidence supplied by the Liberal Party in the 1977 Simultaneous Elections his theory must be qualified. The stresses and strains exacerbated by a referendum are evident only for the duration of the campaign and are not usually carried over into other affairs of the Party.

The campaign provides a telling comment on the internal affairs of the Liberal Party and the extent of personal enmity. Wildavsky hypothesised that the spectacular conflicts which developed within the Party over a referendum are generally determined by pre-existing tensions. From the evidence supplied, personal disaffection for the Prime Minister and some of his colleagues was one of the motivating factors that prompted the dissident Senators to mount such an intense and emotional campaign. It is not unreasonable to consider then that the positions adopted by the various protagonists as a mere extension of these personal animosities.

Wildavsky's second hypothesis was that the nature of a referendum involves a transfer of power and this alone promotes conflict. Again from the positions adopted by the State Premiers of Western Australia and Queensland it was evident that they saw in the referendum a diminution of their powers. In Tasmania the Liberals and Senator Harradine, adopted a similar attitude. In contrast to this were the unusual alliances between Labor members and Liberals in support of the 'Yes' case.

The federal nature of political parties was also considered by Wildavsky to be highlighted by a referendum. In 1977 this was certainly so in the Liberal Party where in general Senators and MHR's provide a bridge between the State and federal bodies. The referendum controversy however, showed the precariousness of this relationship. While Tasmanian MHR's in the main followed the federal line, the Senators adopted a position in defence of the interests of the State and were supported by the State Parliamentary Party. The Organisation, caught between opposing sides took a neutral stance. However, the strength of the Tasmanian Party is indicated by their vehement and successful opposition to their federal colleagues and it would be expected that in future more cognizance will be given to their opinions.

Wildavsky's hypotheses apply then with some qualifications to the 1977 Simultaneous Elections referendum. But, the essential limitations of his theories are revealed when due recognition is given to fact that at the same time they did not apply to, nor seriously affect, the other three referenda proposals. His theories, while explaining the 1977 Simultaneous Elections proposal, are only applicable to those situations where the party sponsoring a referendum becomes seriously divided. On other occasions it is an unsatisfactory means of interpreting referenda defeat.

CONCLUSION

The 1977 Simultaneous Elections referendum simply added to the number of other futile attempts to amend the Constitution of Australia. In contrast to this defeat however, the three other referenda presented at the same time were carried thus supporting the hypothesis that referenda have more chance of success when they are not overly controversial and have the support of major political parties.

The Simultaneous Elections referendum contained a number of those characteristics typical of other failed proposals. Firstly the proposal involved a redistribution of State and Federal powers in the direction of the Federal Government, and the small States and some Senators saw this as a threat to their position and influence.

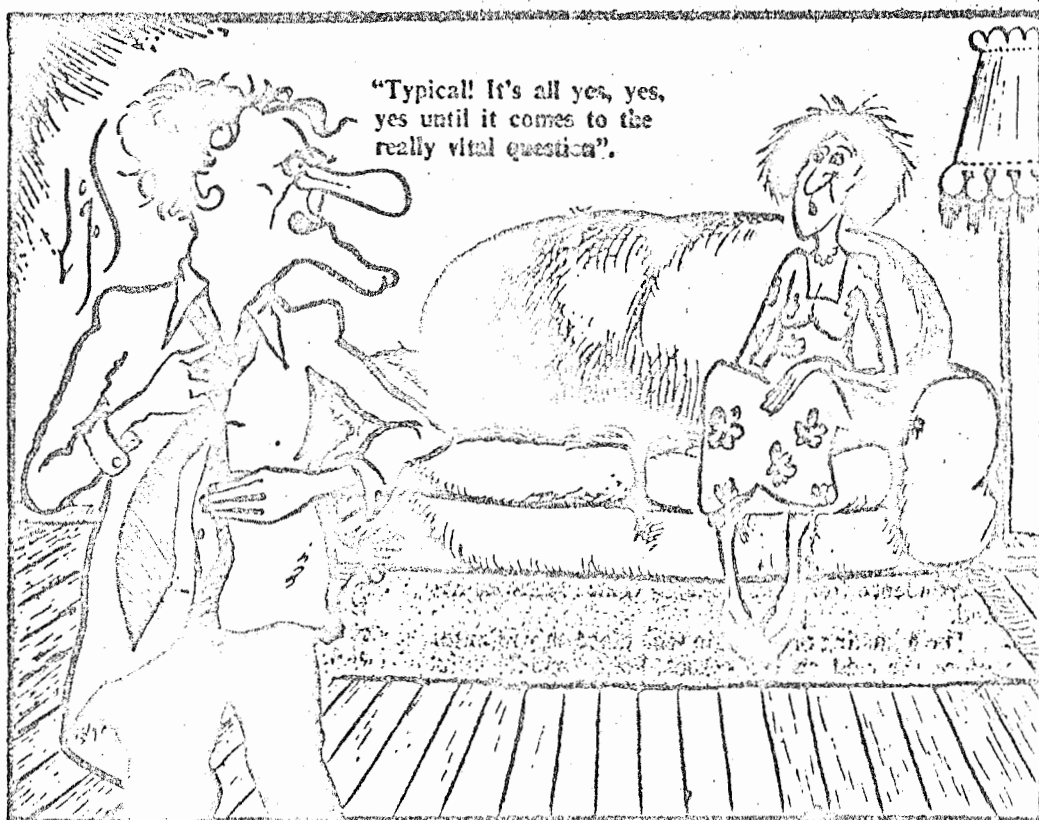
Characteristic of a referendum campaign, minimal public discussion occurred of the constitutional and federal issues raised by the proposal. While in 1977 some newspapers did attempt to present the for and against cases, the emphasis in the media was on the personalities involved and the propaganda of the campaign. The accusations both sides made ranged widely from the subject and for the most part were not answered by the 'Yes' case and capitalised upon by the 'No' campaigners.

While both Federal Parties supported the proposals such agreement was unusual in a country essentially strongly divided on party lines and had a counter productive effect of arousing suspicion amongst the electorate. This was particularly acute in those small States at the geographical extremes of the federation where such a feeling often prevails. Furthermore this suspicion was accentuated by the inconsistency of the Federal Liberal Party in presenting a proposal which they had so strongly opposed on all previous occasions.

In addition to this the Liberal Party could not adopt a united approach and, while government was not at stake, the State organs of the Party and some Federal members adopted a stand contrary to the official line. However at the same time these factors did not apply to the other three referenda which were overwhelmingly passed by the nation.

Thus, while at the same time the Simultaneous Elections referendum was defeated and the other three successful, it has disproved the notion that the electorate votes indiscriminately on referendum issues. Clearly in Western Australia, Queensland and Tasmania this was not the case. Similarly this referendum has further disproved those theories which suggested that people follow a party vote on referenda.

The influence exerted by inherent and procedural factors associated with a referendum are difficult to gauge in relation to the Simultaneous Elections issue, but certainly it has been proved again



Source: *The Australian*, Tuesday, 24 May, 1977.

that it is extremely difficult to achieve any significant change to the Australian Constitution. What does stand out however is that in the nature of each referendum different and sometimes opposing factors may operate on any one occasion.

Although Wildavsky's hypotheses have been qualified by this study, for the most part they have proved a valid means of analysing the Simultaneous Elections referendum. However, like the 1926 Commerce and Industry proposal for the most part his theories have been shown to be limited to particular situations which may apply to any one referenda.

In Tasmania in 1977 those factors which determined the State's vote on the Simultaneous Elections referendum were not applicable to the other three proposals. Tasmanians voted for either or both the Senate and the preservation of the State's traditional rights and responsibilities, and or for the stand taken by the Liberal Senators. Yet, while it was also considered that the vote may have been an anti-Fraser vote, against more power to Canberra or because the 'Yes' case was presented by non-Tasmanians intent on discrediting the local politicians, these factors did not apply to the Senate Casual Vacancies, Referendums and Retiring Age for Federal Judges proposals.

The referendum showed up some of the internal divisions in the State Liberal Party but these were short-lived and have not re-appeared since. It also revealed the apathy of the Labor Party and the extent to which a campaign can be waged in a State as small as Tasmania.

Thus a referendum in Tasmania has been analysed and described and while from previous referenda Tasmanians had been assumed to take a negative and indiscriminate approach to all proposals, the 1977 Simultaneous Elections results belied that contention. Tasmanians

showed that they could discriminate between referenda, were not averse to voting 'Yes' when they saw reason to and at the same time to give a resounding 'No' to any proposal which they saw as a threat to their position and integrity in the Commonwealth.

BIBLIOGRAPHY

- Bailey, K.H. "The Working of the Constitution Since Federation" in G.V. Portus, (Ed.), Studies in the Australian Constitution, Angus and Robertson, Sydney, 1933.
- Bailey, K.H. "Reform of the Commonwealth Constitution", Australian Quarterly, Vol.II, March, 1939.
- Bailey, K.H. "The Constitution and its Problems" in C. Hartley Grattan, (Ed.), Australia, Berkeley, California, 1946.
- Bailey, K.H. and Giblin, L.F. "Marketing and the Constitution", Economic Record, Vol.12, December, 1936.
- Bland, F.R. (Ed.) Government in Australia, 2nd Edition, Government Printer, Sydney, 1946.
- Bland, F.R. Changing the Constitution, N.S.W. Constitutional League, Sydney, 1946.
- Boyce, P.J. "Tasmania" in J. Rorke, (Ed.), Politics at State Level - Australia, Department of Adult Education, Uni. of Sydney, Sydney, 1970.
- Brennan, T.C. Interpreting the Constitution, Melbourne University Press, Melbourne, 1935.
- Campbell, I. "Parties and the Referendum Process", Australian Quarterly, Vol.34, No.2, 1962.
- Canaway, A.P. The Failure of Federalism in Australia, Oxford University Press, Oxford, 1930.
- Crisp, L.F. Australian National Government, 3rd Edition, Longmans, Melbourne, 1973.
- Crisp, L.F. "The Official For and Against Referenda Cases", Politics, Vol.9, 1974.
- Davies, A.F. Australian Democracy, 2nd Edition, Longmans, Melbourne, 1964.
- Drummond, D.H. Australia's Changing Constitution: No States or New States, Angus and Robertson, Sydney, 1943.
- Drummond, D.H. "The General Case for the Revision of the Constitution" in D. Maughan, et.al., (Eds.), Constitutional Revision in Australia, Australian Institute of Political Science, Sydney, 1944.
- Dutton, G. (Ed.), Republican Australia, Sun Books, Melbourne, 1977.
- Eggleston, F.W. "The Commonwealth and the Coming Referendum", Australian Quarterly, June, 1930.

- Eggleston, R.M. "Industrial Relations" in R. Else Mitchell, (Ed.), Essays on the Australian Constitution, Sydney, 1952.
- Encel, S., Horne, D. and Thompson, E. (Eds.), Change the Rules, Penguin, Melbourne, 1977.
- Evatt, H.V. Post War Reconstruction: A Case for Greater Commonwealth Powers, Commonwealth Government Printer, Canberra, 1942.
- Evatt, H.V. "Reconstruction and the Constitution" in D.A.S. Campbell, (Ed.), Post-War Reconstruction in Australia, Australian Institute of Political Science, Sydney, 1944.
- Foerster, O. de Towards Industrial Peace in Australia, Melbourne, 1937.
- Gain, A.C. "Existing Provisions for Altering the Commonwealth Constitution", in G.V. Portus, (Ed.), Studies in the Australian Constitution, Angus and Robertson, Sydney, 1933.
- Garran, R.R. The Coming Commonwealth, Angus and Robertson, Sydney, 1897.
- Garran, R.R. Prosper the Commonwealth, Angus and Robertson, Sydney, 1958.
- Gibb, D.M. and Hannan, A.W. (Eds.), Debate and Decision: Political Issues in 20th Century Australia, Heinemann Educational, Melbourne, 1975.
- Greenwood, G. The Future of Australian Federalism, Melbourne University Press, Melbourne, 1946.
- Greenwood, G. "The Case for Extended Commonwealth Powers" in G. Sawyer, (Ed.), Federalism in Australia, Cheshire, Melbourne, 1949.
- Hamer, R.J. et.al. The Constitution - Time for Change?, Council of Adult Education, Melbourne, 1973.
- Hasluck, P. The Government and the People, Vol.II, 1942-45, Australian Government Printer, Canberra, 1952.
- Hawke, R.J. "Commonwealth Arbitration Court - Legal Tribunal or Economic Legislature?", Annual Law Review, University of Western Australia, December, 1956.
- Holman, W.A. The Australian Constitution: Its Interpretation and Amendment, Law Book Coy., Brisbane, 1928.
- Holmes, J. "The Australian Federal Process" in H. Mayer and H. Nelson (Eds.), Australian Politics: A Fourth Reader, Cheshire, Melbourne, 1976.
- Holmes, J. and Sharman, C. The Australian Federal System, George Allen and Unwin, Sydney, 1977.
- Howard, C. Australian Federal Constitutional Law, 2nd Edition, Law Book Coy., Melbourne, 1972.

- Isaacs, I. Australian Democracy and Our Constitutional System, Horticultural Press, Melbourne, 1939.
- Joyner, C. "W.M. Hughes and the 'Powers' Referendum of 1919: A Master Politician at Work", Australian Journal of Politics and History, Vol.5, No.1., May, 1959.
- Joyner, C. "Attempts to Extend the Commonwealth Powers 1908-1919", Historical Studies, Vol.9, No.35, November, 1960.
- Joyner, C. The Commonwealth and Monopolies, Cheshire, Melbourne, 1963.
- Kemp, D.A. "Social Structure and Electoral Behaviour in Australia 1946-75", Forthcoming publication, Queensland University Press.
- Knowles, G.S. Commonwealth Constitution, Commonwealth Government Printers, Canberra, 1936.
- Latham, J.G. "Changing the Constitution", Sydney Law Review, Vol.1, April, 1953.
- Livingston, W.S. Federalism and Constitutional Change, Oxford University Press, Oxford, 1956.
- Lloyd, C.J. and Reid, G.S. Out of the Wilderness: The Return of Labor, Cassell, Melbourne, 1974.
- Martin, R. "Industrial Relations" in Gibb, D.M. and Hannan, A.W. (Eds.), Debate and Decision: Political Issues in 20th Century Australia, Heinemann Educational Australia, Melbourne, 1973.
- Maughan, D. et.al., (Eds.), Constitutional Revision in Australia, Australian Institute of Political Science, Sydney, 1944.
- Mayer, H. and Nelson, H. Australian Politics: A Fourth Reader, Cheshire, Melbourne, 1976.
- Melbourne, A.C.V. Early Constitutional Development in Australia, 2nd Edition, Queensland University Press, St. Lucia, 1963.
- Milner, I. "Referendum Retrospect", Australian Quarterly, December, 1944.
- Mitchell, E. What Every Australian Ought to Know, Green, Melbourne, 1931.
- Munro, W.B. Encyclopedia of Social Sciences, Vol.8, Macmillan, New York, 1958.
- Murphy, D.J. "Religion, Race and Conscription", Australian Journal of Politics and History, Vol.20, No.2, August, 1974.
- Nicholas, H.G. "Amending the Constitution", Australian Quarterly, June, 1952.
- Nicholas, H.G. The Australian Constitution, 2nd Edition, Law Book Coy, Sydney, 1952.

- Odgers, J.R. Australian Senate Practice, 8th Edition, Australian Government Printing Service, Canberra, 1976.
- Parker, R.S. "The People and the Constitution" in G. Sawyer (Ed.), Federalism in Australia, Cheshire, Melbourne, 1949.
- Parker, R.S. "Federalism - Australian Brand" in H. Mayer (Ed.), Australian Politics: A Second Reader, Cheshire, Melbourne, 1969.
- Partridge, P.H. "The Politics of Federalism" in G. Sawyer (Ed.), Federalism: An Australian Jubilee Study, Angus and Robertson, Melbourne, 1952.
- Paton, J.L. "A Further Referendum Retrospect", Australian Quarterly, March, 1945.
- Portus, G.V. (Ed.) Studies in the Australian Constitution, Angus and Robertson, Sydney, 1933.
- Prince, E.J.G. "Towards National Railway Planning by the Commonwealth Government: Defence Considerations and the Constitutional Referenda of 1911 and 1913", Australian Journal of Politics and History, Vol.22, No.1, April, 1976.
- Quick, J. and Garran, R.R. The Annotated Constitution of the Commonwealth of Australia, Angus, Sydney, 1901.
- Richardson, J.E. Patterns of Australian Federalism, ANU Press, Canberra, 1973.
- Rydon, J. "Political Power: Framework of the Struggle" in D.H. Gibbs and A.W. Hannan, (Eds.), Debate and Decision: Political Issues in 20th Century Australia, Heinemann Educational, Melbourne, 1975.
- Rydon, J. "Prices and Incomes Referendum 1973: The Pattern of Failure", Politics, Vol.9, No.1, May, 1974.
- Rydon, J. "Frustrations of Federalism" Australian Quarterly, Vol.47, No.4, December, 1975.
- Sawyer, G. "The Record of Judicial Review" in G. Sawyer, (Ed.), Federalism: An Australian Jubilee Study, Angus and Robertson, Melbourne, 1952.
- Sawyer, G. "Reforming the Federal Constitution", Australian Quarterly, March, 1960.
- Sawyer, G. Australian Federal Politics and Law 1929-1949, Melbourne University Press, 1963.
- Sawyer, G. "The Constitution and Its Politics" in H. Mayer and H. Nelson, (Eds.), Australian Politics: A Fourth Reader, Cheshire, Melbourne, 1976.
- Sharman, C. "The Tasmanian House of Assembly Elections of 1976" Politics, Vol.12, No.1, May, 1977.

- Sharman, G.C. "The Australian Senate as a State's House", Unpublished manuscript, 1977.
- Sharman, G.C. "Tasmania: The Politics of Brokerage", Current Affairs Bulletin, Vol.53, No.9, February, 1977.
- Spender, P.C. "The Constitutional Alteration (Post-War Reconstruction and Democratic Rights) Bill, 1944", in D. Maughan et.al (Eds.), Constitutional Revision in Australia, Australian Institute of Political Science, Sydney, 1944.
- Starke, J.G. "Constitutional Aspects of the Communist Party Dissolution Referendum:", Australian Quarterly, September, 1951.
- Townsley, W.A. The Government of Tasmania, University of Queensland Press, St. Lucia, 1976.
- Warner, K.D. An Introduction to Some Problems of Australian Federalism, University of Washington Press, Seattle, 1933.
- Waters, W.J. "The Opposition and the 'Powers' Referendum, 1944", Politics, Vol.IV, 1969.
- Webb, L. Communism and Democracy in Australia: A Survey of the 1951 Referendum, Cheshire, Melbourne, 1954.
- Wheare, K.C. Federal Government, Oxford University Press, Oxford, 1947.
- Wildavsky, A. and Carboch, D. Studies in Australian Politics, Cheshire, Melbourne, 1958.
- Whitlam, E.G. On Australia's Constitution, Widescope, Victoria, 1977.
- Williams, J.R. "The Emergence of the Liberal Party of Australia", Australian Quarterly, Vol.39, No.1, March, 1967.

Government Publications

Minutes of Proceedings and Official Record of Debates, Australian Constitutional Convention, Wrest Point, Hobart, 27-29 October, 1976, Government Printer, Melbourne, 1976.

House of Assembly, Notices of Motion and Orders of the Day, Session of 1977.

Parliamentary Debates (Senate), Vol.2, 15-17 February, 1977.

Parliamentary Debates (Senate), Vol.59, 1974.

Parliamentary Handbook of the Commonwealth of Australia, 18th edition, Government Printer, Canberra, 1973.

Proceedings, Australian Constitutional Convention, September, 1975, Government Printer, Melbourne, 1976.

Proceedings, Australian Constitutional Convention, September, 1973, Government Printer, New South Wales, 1974.

Proceedings and Minutes of Evidence, Royal Commission on the Constitution, Government Printer, Canberra, 1929.

Referendums: 21 May, 1977, Chief Australian Electoral Officer, Wilke, Victoria, 1977.

Referendums: 18 May, 1974, Chief Australian Electoral Officer, Canberra, 1974.

Report, The Royal Commission on the Constitution, Government Printer, Canberra, 1929.

Newspapers

The Advocate

The Age

The Advertiser

The Courier-Mail

The Examiner

The Financial Review

The Mercury

The National Times

The Saturday Evening Mercury

The Sunday Examiner Express

The West Australian

Other Documents

Bingham, E.M., The Hon., Q.C. MHA, "For Tasmania's Sake - Don't Weaken the Senate", press release, 1977.

Current Political Notes, The Liberal Party of Australia,
"The Referendum: What's Wrong with the 'No' case?"

Current Political Notes, The Liberal Party of Australia,
"The Referendums: 1974 and 1977".

Labor Newsletter, ALP, Tasmanian Branch.

Monday Conference, A.B.C., "The Referendums and the Senate. What are the Real Issues?" Transcript.

Togatus, magazine of the Tasmania University Union, "Transcript of Telecast in Support of the 'No' Case for the Federal Referendums".