Gough Whitlam and the Australian Constitution
Hannah Martin

Inspired by the Museum of Australian Democracy, my research has focused on the ways in which democracy is perceived, defined and debated. I have focused on the contribution of Prime Minister Gough Whitlam to this process, using as a focus the 1974 referendum. That referendum contained four proposals on which the Australian people were asked to vote yes or no: on simultaneous elections (of the House of Representatives and half the Senate), democratic elections (including amendments to the way in which electoral divisions are divided), mode of altering the Constitution (amendments to the section 128 referendum procedure) and local government (relating to local government borrowing). I have used the referendum and the debates preceding it as a way of teasing out ideas about democracy and tracing their use over a short period of time, but against the background of a long history of agitation for constitutional reform. I have drawn particularly upon the 1958 and 1959 Reports of the Joint Committee on Constitutional Review of which Whitlam was a member.

The 1974 referendum represents but one instance in Whitlam’s ongoing engagement with constitutional reform, but it is an important case study because of the two layers of significance it has for democracy: firstly as an instance of the referendum mechanism, and secondly because of the substance of the four questions which were asked of the people, each of which has resonance for the machinery and principles of democracy. Indeed my argument is that the machinery and principles of democracy are not so easily separated: the machinery of democracy is, in fact, a matter of principle.

Whitlam’s vision for democracy may not have been realised through the 1974 referendum, because all four proposals failed, but the ideas which he articulated, and on which he drew, have ongoing importance. Ultimately, the issues raised by the 1974 referendum have relevance because they demonstrate the different ways in which we define, operate and challenge democracy. Those same concepts, albeit in modern clothes, inform many of today’s political debates.

The many guises of Australian democracy
Perhaps the best way to explain the substance of my work and my findings so far is to show the many different ways in which ‘democracy’ was defined, discussed and used in the debates in 1973 and 1974. Each of these descriptions, as rhetorical constructions, reveals something important about the debate’s context, participants and about how they viewed and used democracy. They included characterisation of the system as ‘Australian’ democracy (evidence of the link between nationalism and constitutional change, particularly in this period), ‘Representative’ democracy (giving rise to questions about how, when, and in what manner to conduct the elections which facilitate that representation), ‘Federal’ democracy (linking to the, unavoidable in any discussion about Whitlam, question of the Senate, its role and its powers relative to the House of Representatives) and ‘Parliamentary’ democracy (leading to an evaluation of how Parliamentary procedure, and the government’s alterations to it, gave rise to Parliamentary fireworks and bitter debate).

(Draft) abstract for article
‘This article looks at the role of Australian political leadership in constitutional change, focusing on the process of deliberation, discussion and impassioned argument which occurred leading up to the 1974 referendum. I show the way in which Prime Minister Gough Whitlam’s referendum proposals were issues of law, politics and ultimately, democracy: not merely matters of machinery, but matters of principle. Indeed I argue that matters of democratic machinery are matters of principle. The referendum process is a vital and unique element of Australian democracy. This article looks specifically at what happened when, during the Whitlam Government, the democratic and federal
mechanism for altering the Constitution became itself the focus of a highly politicized debate.

This 1973 and 1974 debate is important because of what it reveals about the way the mantle of democratic reform was claimed by both parties, and used to justify policies which, in practice, pointed in very different directions. Referendums can be understood variously and simultaneously as expressions of narrow political intent (in Whitlam’s case, the intent to remove obstacles to implementing his ‘program’), and of wider beliefs about representative democracy and the manner in which ‘the people’ legitimise the government and actions of their leaders. Set against a background of Federalist conflict, New Nationalism and a changing position for Australia in her international relations and status, I will analyse the language of political debate to show that despite - or perhaps because of - its failure, the 1974 referendum is evidence that while Australia may be, constitutionally, the ‘frozen continent’, there was a great deal going on under the ice.¹

**Approach to research and collections researched**

Though covering a period which is temporally fairly small, I have found an enormous amount of material, from a range of different sources and collecting institutions. My approach to research is focused on close analysis of the sources and the language used by the author.

**Australian Prime Ministers Centre**

The Killen Collection of books and papers belonging to Sir Denis James Killen has been a useful resource, particularly as Killen was a parliamentarian during the period under study, and held copies of primary materials such as the Report of the Constitutional Review Committee of 1959, and material relating to the 1973 Constitutional Convention.

I made extensive use of the APMC’s full collection of Hansard and Parliamentary Papers from the years 1959, and 1972-1975.

For secondary materials and existing works on the Whitlam government and Australian political history more generally, the APMC reference library has proved invaluable. The APMC collection of volumes of *Who’s Who, House of Representatives Procedure* and other such works has also been very useful throughout the research process.

**National Library of Australia**

From the Library’s collection I used primarily manuscripts, including the papers of politicians who engaged in the debate with Whitlam or supported him (Snedden, Daly) and papers of the Chairman of the 1959 Constitutional Review Committee (Neil O’Sullivan). The Library also holds a collection of oral histories of some of the protagonists in the referendum story.

The Library also holds a large collection of ephemera, and I was particularly pleased to find a large amount of ephemera relating to the 1974 referendum in the Petherick Reading Room. This included newspaper clippings, speeches and campaign materials from all the major parties, all of which provided an important insight into how arguments played out in the public domain.

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In the National Archives I found files relating to Whitlam Cabinet and Whitlam’s program of legislation to amend the Constitution; also files created by departments and agencies such as the Attorney-General’s Department, the Australian Electoral Commission.

The Whitlam Institute’s extensive collection of digitised material has been primarily useful for the speeches it contains, particularly speeches given by Whitlam during his early and formative years as a politician, which provide important clues to his intellectual history and form the background for his later engagement with constitutional reform.

Where to from here
The research I have conducted during the Summer Scholarship will form the basis of my Honours thesis. That thesis will be a more in depth examination of some of the concepts discussed above. I envisage that the thesis will also draw on material relating to the other referendums held by the Whitlam Government, and also those referendums which were proposed or planned but never actually held (specifically on the abolition of appeals to the Privy Council and on Commonwealth power over merchant shipping). I also plan to look at how some of the issues which arose in 1973 and 1974 had been dealt with in the Federation Debates, given that politicians of all stripes sought justification for their 1973 and 1974 actions in the words of the founders. Similarly, I would like to investigate further the links, similarities and differences between 1974 and 1914, the only other comparable occasion where a referendum bill has been passed by only one house: but in 1914, it was the Senate.

I will also engage with one question which remains largely unaddressed so far: in the midst of these arguments about democracy and the role of the people, what were ‘the people’ actually thinking, and what was their view on their role? To answer this question I will focus on the opinion of the people as it is expressed - albeit selectively and imperfectly - on the opinion pages of the press. Letters, editorials and reports from around the election will give a sense of how people other than politicians thought of democracy, and how they reacted to Whitlam’s vision.

Short Autobiography
I am an Arts/Law student from the University of Sydney, and I am currently in my Honours year. The research I chose to undertake at the Australian Prime Ministers centre combines my two areas of study and interest: constitutional law and Australian political history. My research interest is in the intersection of constitutional law and politics: in the politicians, personalities and the process of debate which have shaped the Constitution. I am interested in political and constitutional change as a process and an argument, an exchange of ideas.

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