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Does Our Constitution Need Change?

When the House is not sitting it is not by any means fallow that the Members of Parliament cease to work. Cabinet Ministers, of course, carry on with their respective duties but the back benchers also have a great deal of work that must be done and that can only be done during the parliamentary recess. There are many areas that must be visited in the electorate and there is a great deal of preparatory work that must be done if a Member is to anticipate problems that will arise in the future. Session and if he is to make any worthwhile contribution to their solution.

Many of the Parliamentary Committees continue to hold meetings when the House isn't sitting and among these has been the Joint Parliamentary Committee set up to examine the Constitution. It's work is of vital importance.

In this article I would like to emphasize this importance by mentioning some of the spheres in which our Constitution is not working smoothly.

Firstly, powers of taxation. We have the strange position of a State, Victoria, saying the Commonwealth must give back its taxing powers. The answer to this problem now rests with a court of law but that doesn't mean that the legal solution will be the one in the best interests of Australian Government. It is enough to say here that there are strong practical arguments for and against uniform taxation and the answer that we would give probably depends on our attitude towards the Commonwealth as one Nation or towards the States as separate self-governing bodies.

Secondly, roads. The recent floods have shown our present road construction and maintenance system to be utterly inadequate. This is again an instance of our out-dated Constitution. Roads come under the Provinces of the States but great burdens are placed upon our roads by the needs of defence and of interstate trade which has been unleashed on a new scale by the freedom our Constitution gives interstate carriers. It is not reasonable to try once more to put interstate road transport back into a strait-jacket but it is reasonable and urgently necessary to seek ways and means of constructing an interstate
road system that will look after the needs of trade and defence and of private motorists with speed and safety. This surely is a National task, one that must be undertaken by the States and the Commonwealth working together in harmony to achieve real benefit for every Australian.

Thirdly, Wages: In this country we have a system of State and Commonwealth wage adjustments which are made on application to a tribunal or a court. I think everyone has some idea of the anomalies that have arisen, of the Arbitration Court stopping quarterly cost of living adjustments and of these adjustments continuing in most States and of the consequent dissatisfaction that has resulted. The shearing dispute clearly revealed the impossibility of maintaining arbitration court decisions under the present State-Commonwealth relationship on these matters. The State Premiers and the Commonwealth Government have just discussed this problem in relation to our present difficulties and it would have been a real triumph if agreement had been reached. I'll devote a future article to this difficult problem.

There is another urgent problem that concerns only the Commonwealth, that is the relationship between the two Houses, the Senate and the Representatives. Under the old system of voting the party that got in front seemed to win nearly every seat now it is very difficult for the Party with the numbers in the Representatives to have the numbers in the Senate. An answer must be found to this. My own view is that the Senate should not be able to cause a double dissolution but should have a delaying power of about one year.

I have written of these problems, of taxation, of roads, of wages and of the relationship between the two Federal Houses not to offer some fixed or dogmatic opinion on them but to show if I can that our Constitution as drawn up in 1900 is by no means ideal for 1956. If we want our Governments to do the best possible job, if we want continued social security and industrial peace, we must have the courage to tackle these problems and to realise that many of them have arisen because we are now irrevocably bound together as one Nation in a way that our Founding Fathers never foresaw. This is not something we should try to hide.

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