

THE AUSTRALIAN

THURSDAY JULY 7 1983

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Constitution belongs to the people

THE AUSTRALIAN

EDITORIAL

enlarge its authority so as to prevent the building of the dam by carrying a referendum of the people. Instead, it relied on an international convention to which it was a party to gain a power not endowed upon it by the people. Its legal victory has saved a river but has sacrificed one of the safeguards of our democratic system.

Most public interest is still concentrated on what will now happen to those workers who could be unemployed as a result of the High Court decision and the amount of compensation to be paid by the Commonwealth to Tasmania.

These matters are certainly of great importance. But they must not cause us to overlook the fundamental change to Australia's constitutional system and the

means whereby we govern our country, which has been brought about by the outcome of the Franklin River case.

Few Australians seem to have yet realised the magnitude of what has happened. Four judges out of seven have brought about a massive change to our Constitution. A group of men - appointed, not elected - has radically changed the principles whereby our country is governed without the people as a whole being given any voice whatsoever.

In the past, constitutional alterations have been brought about only by the vote of a majority of the electors in a majority of the States and by a majority in the Commonwealth as a whole. This has often been found frustrating by impatient reformers. But it has ensured that no change

could be made without the consent of those they are supposed to represent.

The Australian Constitution rightly belongs to the Australian people, and until now it has been fundamental to our system that only the people could change it.

Our democracy will be poorer and weaker if we accept that the people are to be deprived of the right to decide their form of government and allow that right to be the possession of an appointed few.

Already much of the discussion about appointments to the High Court had begun to centre on the political philosophy of prospective appointees rather than their ability as jurists.

It is inevitable that in future any federal government will face an overpowering temptation to stack the Court with those who agree with its political objectives.

How the people vote in a referendum will

no longer be important. What will now matter is how seven judges vote on the High Court.

Our federal system has given Australia, a vast country most of whose citizens live far from Canberra, a division of powers which has allowed many of the vital decisions affecting the daily lives of its citizens to be made at a relatively local level. It has prevented a concentration of power in the hands of any one government.

This system is now in acute danger of being destroyed.

One of the most urgent tasks facing this nation is to repair the damage. We cannot allow the very structure of our democratic processes to remain in the confusion into which last week's decision has cast it.

Once we recover from the excitement of saving the Franklin River, those Australians who believe in democracy must work to restore to the people that right to govern themselves which has been taken from them.

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One of the most urgent tasks facing the government is to repair the damage. We must allow the very structure of our democratic processes to remain in the confidence of the people which last week's decision has cast in doubt.

Once we recover from the excitement of saving the Franklin River, those Australians who believe in democracy must restore to the people that right to decide themselves which has been taken from them.

ROL over the basic principles of a system of government has been taken from the hands of the people and put in the hands of judges not answerable to any one.

In the long run, will prove to be the significant result of the campaign to save the Franklin River.

As not the intention of most of those who set out to preserve what they regard as an invaluable area of the wilderness. The attention of most was concentrated on a wild and beautiful area under threat and on the political reminders of man's earliest which appeared to be in danger.

The course of the emotional, and bitter, argument nearly all of us followed was based on the fact that there was more at stake in the conservation of the area than the Government did not seek to

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