

STATEMENT BY SIR JOHN KERR

A question has arisen about a conversation which I had with Mr Fraser on the telephone on the morning of 11 November 1975.

A conversation did take place between us between 10 and 10.30 am on that date, and one question is whether I have any written notes about it.

I do in fact have notes in a handwritten document in my own handwriting prepared on 16 November 1975 for my own purposes. It is a twelve-page document and is headed: "Notes by Governor General on discussions with Mr Whitlam and Mr Fraser".

The following is an extract from these notes, beginning on page 9 thereof and continuing to page 10:

"... I decided on Sunday that if the leaders came to no agreement on Tuesday I would terminate Mr Whitlam's commission immediately provided that he assured me that his position was the same and that he intended to continue to govern without supply. He told me he did. This happened by telephone just before the Remembrance Day ceremony. He said he would carry on and have a half Senate election. I had expected this to happen because both sides had made their position clear publicly before the meeting. I rang Mr Fraser to find out whether it was true that they had got nowhere and whether it was the Opposition intention to continue to refuse Supply. His answer to both questions was 'Yes'."

This is the sole reference, in my notes of 16 November 1975, to the conversation between Mr Fraser and myself which took place on the telephone between 10 am and 10.30 am on the morning of 11 November 1975.

The events of 11 November 1975 came to their climax, before lunch on that day, at approximately 1.15 pm. By that time the Prime Minister had had his commission withdrawn by me, Mr Fraser had been

told about the nature of the guarantee that he would have to give that he could obtain supply and about the undertakings which he would have to give in order to be appointed caretaker Prime Minister. He had agreed to give that guarantee and those undertakings. He had also by that time, 1.15 pm, accepted, on behalf of the caretaker government, that they would be sworn in on the following morning and would accept political responsibility for the dismissal of the Prime Minister and also for the double dissolution of the two Houses of Parliament which he had undertaken to advise. He had signed a letter accepting that he could guarantee supply and giving in writing the required undertakings. The only outstanding matters at this time (1.15 pm) were:

1. Mr Fraser's actual carrying out of his undertaking to obtain supply after lunch, by a decision to be taken in the Senate; and
2. the carrying out by Mr Fraser of his undertaking to advise a double dissolution.

By 1.15 pm, before lunch, everything that needed to be done to bring the crisis to an end, except the above-mentioned two events, had already taken place. These two events took place after lunch, in the early part of the afternoon.

Examination of the Proceedings of the Senate on the morning of 11 November 1975 discloses no change of the Coalition policy or intentions, and there were no public statements outside the Senate indicating the possibility of such a change. Once it became publicly known during the lunch-hour, and before both Houses of Parliament met at 2 pm after the luncheon adjournment, that the Prime Minister had been dismissed and Mr Fraser had been appointed caretaker Prime Minister, there was no possibility, if there ever was, of Coalition senators crossing the floor in the Senate.



The events of the morning in both the two Houses, at the Stone of Remembrance, at Government House, in the party rooms of the main political contenders and in other respects were moving rapidly and were intense in their effect on all of the persons directly concerned in what was happening and what was to happen.

The point that has to be made is that it was the responsibility of the politicians to decide how they were to proceed, what changes, if any, in their political decisions, such as in their loyalties to their parties, they were prepared to make and how these decisions would affect the constitutional position. It was for the Governor-General, bearing in mind all of his previous consideration of the problem, to decide how to react in constitutional terms to any political change of significance. By this time all the discretionary decisions under the reserve powers were for me to make and they had already been made by me. I made them all in the morning before 1.15 pm. The result flowed automatically from the circumstance. There was no escape, after Mr Whitlam's final decision at about one o'clock not to go to the people himself, from the inevitable, ultimate outcome, namely the dissolution of both Houses of Parliament and a democratic decision by the people.

*Statement given to me by Rep John Kerr on 11 November 1987  
at around 5.30 pm*

*- Gerard Henderson 11/11/87*