

HERITAGE

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LINKING THE PAST WITH THE PRESENT FOR THE FUTURE

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Our Christian Heritage

This issue of *Heritage* with its emphasis on the Australian Constitution, a cursory glance at its intent and the threat posed to it, does in no way endeavour to be comprehensive. In fact to do that would require a task beyond the resources of this Society, for we would need to delve deep into history and trace mans slow and painful struggle towards liberty. In particular, we would need to study in greater depth than this small issue will allow, the influence of the Christian faith. For the ideals of this faith permeate every aspect of our society and it has provided the inspiration for most of our institutions as we know them.

Our Constitution is the product of a stream of history typified by cold revolution (as opposed to the bloody revolutions that so often frequent our newspapers), the gradual development and adaptation of proven principles to situations as they arise. It was the result of years of work by an outstanding group of men, the Founding Fathers, who had the advantage of examining and adapting from the constitutions of many nations including the United States and Canada. This enormous advantage of drawing from the success and mistakes of other nations has resulted in the peace, security and liberty that this nation has enjoyed throughout her short life.

Modern reformers, for reasons best known to themselves, seem to ignore this proven track record and instead are moved to dissent by the use of the many old worn-out cliches and dogmas about liberty that the realities of our modern world have disproved time and again.

However, dissent has its roots deeper than in the shallow ideals promoted for change. The western world today has a new religion, or correctly, an old religion newly revived, and that religion is HUMANISM. This philosophy gives rise to ideas that today dominate our society and it is only natural that they be promoted to replace the Christian values that are embodied in our institutions — and this includes our Constitution.

Nobody should be under the illusion that the danger to the Constitution arises only because of a certain High Court decision. The danger is deep-rooted and the decay is well advanced. It is not something newly conceived, but is a problem that will ever confront men and women who seek liberty.

It is our endeavour in this issue to give some perspective to the nature of the problem.

THE AUSTRALIAN HERITAGE SOCIETY

The Australian Heritage Society was launched in Melbourne on September 18th, 1971 at an Australian League of Rights Seminar. It was clear that Australia's heritage is under increasing attack from all sides; spiritual, cultural, political and constitutional. A permanent body was required to ensure that young Australians were not cut off from their true heritage and the Heritage Society assumed that role in a number of ways.

The Australian Heritage Society welcomes people of all ages to join in its programme for the regeneration of the spirit of Australia. To value the great spiritual realities that we have come to know and respect through our heritage, the virtues of patriotism, of integrity and love of truth, the pursuit of goodness and beauty, an unselfish concern for other people — to maintain a love and loyalty for those values.

Young Australians have a very real challenge before them. The Australian Heritage Society, with your support can give them the necessary lead in building a better Australia.

"Our heritage today is the fragments gleaned from past ages; the heritage of tomorrow — good or bad — will be determined by our actions today."

SIR RAPHAEL CILENTO

First Patron of The Australian Heritage Society

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The views expressed in articles appearing in "HERITAGE" are those of their authors and are not necessarily the views of The Australian Heritage Society.

The author of this article, National Director of The Australian League of Rights, examines the influence of the Christian faith in the development of liberty and in turn the constitution.

CHRISTIAN ROOTS OF THE FEDERAL CONSTITUTION

By Eric D. Butler

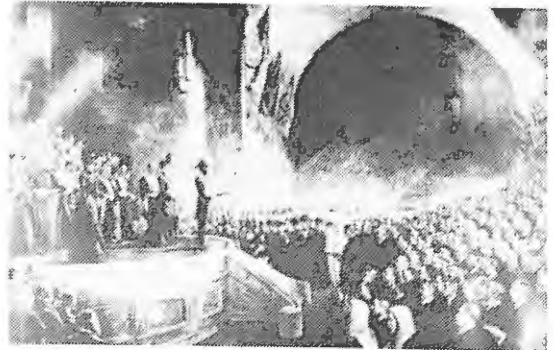
What is often described as “progressive education” has played a major part in contributing to a frightening ignorance of the meaning of a Constitution. Most human activities are governed by the idea of a Constitution; the idea that it is necessary to define in advance relationships which individuals can observe. It is also necessary to define the relationship between individuals, groups and governments.

During the post Second World War years there has been increasing violence in the name of freedom. But freedom is only possible when there are agreed rules inside which individuals must operate. In the absence of some type of rules freedom degenerates into a state of anarchy and the abolition of freedom. Not even a simple game of marbles between two small boys can be played unless there are rules which both agree to accept in advance of playing.

So far from constitutionalism being an abstract subject for dry, technical legal debate amongst lawyers, it concerns the very foundations of society. It is directly related to the subject of individual rights and freedoms. Constitutions may be written or unwritten. The most successful are those which have developed organically over a long period of time, gradually embodying the experiences of the past. There is today a widespread philosophy which supports change merely for the sake of change, and which derides the concept of tradition. But tradition is the accumulated experiences of the past, and those who ignore the past have no guideposts for the future.

STABILITY ESSENTIAL

The greatest genuine progress is only possible when there is stability. Experience has demonstrated the danger of abrupt decisions to change any type of constitution. Such decisions can result in a successful association being irreparably damaged. For this reason most Constitutions are designed to ensure that before any changes are made, there must be an exhaustive examination of what is proposed. There can be no stability if a Constitution can be altered comparatively easily, perhaps by a small number of powerlusters temporarily stampeding electors. The framers of the Australian Federal Constitution understood this matter and so provided that the Constitution could only be changed by a majority of electors in a



Opening of the first federal parliament by His Royal Highness the Duke of York (later King George V) on 9th May, 1901.

majority of States voting for the change, or by the States unanimously agreeing to change. Framers of the Federal Constitution would be horrified to see how a constitutional revolution is taking place without the Australian people being consulted in any way.

Sneering references to the Federal Constitution as a “horse and buggy” document, unsuited for a modern society, merely reflect ignorance of, or contempt for, the truth concerning the nature of power. It was the great Lord Acton, historian and devout Christian who enunciated the famous law concerning power: “All power tends to corrupt; absolute power corrupts absolutely”. The reality of that law has not been altered by the fact that man today travels in motor cars and jet planes, not in horse-drawn coaches. Christ rejected the temptation of world domination on the Mount. Traditional Christian philosophy always insisted that all power should be decentralised; that power should be in the hands of many and not in the hands of the few.

HISTORY OF CONSTITUTION

An effective defence of the Federal Constitution is impossible without an understanding of its

history and the intentions of its framers and the majorities in the separate States who endorsed it. Although it has become fashionable in some circles to describe Australia as part of Asia, the truth is that except in terms of geography, Australia is a Western European nation. A people does not live merely in terms of space, but much more important, live in terms of time. Australia's essential roots are in the British Isles, although those roots in turn can be traced back to Rome and Greece. Language, religion, culture, customs, the system of government and law, were all derived from Europe, not from Asia.

The distinguished British historian, Christopher Dawson, along with others, has pointed out that no Civilisation has ever evolved without being undergirded by a coherent religious system. As indicated by the Latin root of the word "religion", religion concerns the binding back of action to what is perceived as reality. Man's conception of God therefore governs the type of social, political, economic and constitutional system he creates. The Christian concept of God, and what should be Man's relationship both to God and his fellow-man, was, along with the Greek and Roman legacy, the decisive factor in shaping Western Civilisation. A Civilisation is the incarnation of a system of intangible values and principles. Once support for these values and principles is eroded, the essence, the soul, of a Civilisation is dead, even though the physical manifestations of that Civilisation may still exist. No one looking at the remains of classical Greek architecture on the Acropolis believes that the Greek Civilisation still exists.

DESTRUCTION OF REPRESENTATIVE GOVERNMENT

While it is true that what is termed the Westminster system of government still operates in Australia, there has been a basic change in philosophy concerning modern governments. The original concept of democratic government was that it was representative government, with the individual Member of Parliament agreeing to represent the wishes and interests of his electors. This concept has been progressively undermined by the development of the modern party system, with the non-Socialist parties following the Socialist lead of disciplining individual Members to the point where genuine representative government has been virtually destroyed. Former Governor of South Australia, distinguished scientist Sir Mark Oliphant, summarised the present political reality with his comment that Australians were now governed by an elected dictatorship. The centralisation of power strengthens the dictatorship, a development which the framers of the Federal Constitution feared.

One of the most superficially attractive arguments against the Australian Federal system is that because the United Kingdom, with 55 million people, has only one government, it is unnecessary and expensive for 15 million Australians to have a Federal Government and seven State Governments (if the Northern Territory is included as a State).

Before accepting this argument there are certain basic realities concerning government which must be considered. Genuine representative government is only possible when government is close to the people. A former American President, Calvin Coolidge summarised the case against centralised government as follows: "No method of procedure has ever been devised by which liberty could be divorced from self-government. No plan of centralisation has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction and decline . . . Unless bureaucracy is constantly resisted it breaks down representative government, and overwhelms democracy. It is the one element in our institutions that sets up the pretence of having authority over everybody and being responsible to nobody".

The essence of the British constitutional development was that all power should be decentralised. The result was a strong system of Local Government. At one time the Counties exercised powers similar to those exercised by the States in Australia.

CENTRALISATION UNCONSTITUTIONAL

Writing in his classic *History of the English Constitution*, the famous British Constitutional authority, Sir Edward Creasy said: "The practice of our nation for centuries establishes the rule that except for matters of direct general and imperial interest, centralisation is unconstitutional". The British tradition of decentralised government was embodied in the Federal Constitution, the framers of which understood that centralisation of government in a country as vast as Australia must end in bureaucratic totalitarianism. Anyone who has studied the debates which took place throughout Australia before Federation can see that the framers of the Federal Constitution were philosophical giants compared with the political pygmies of today. These men understood the lessons of history concerning power. They were in the main men of Christian backgrounds and conviction, concerned that individuals enjoyed inviolable rights which they derived from God, not from the State. So far from wishing to see the power of the people weakened by the abolition of the States, they made provision in the Federal Constitution for the creation of new States.

Ever since men have been engaged in the practice of government, they have been concerned with the basic question of how to ensure that government did not cease to be the servant and become the master. In *Modern Democracies*, the British authority Lord Bryce succinctly stated a natural law concerning governments which was known to the philosophers of Greece and Rome: "The tendency of all governments is to increase their own powers". The development of Senates and Upper Houses, these elected on a different franchise than Lower Houses, was an attempt to have in-built checks and balances as a curb on government excesses. The concept of limiting the power of government was rooted in the view that there was a Natural Law which should govern all human activities. The famous Roman statesman

and philosopher, Cicero, said that the Natural Law must prevail at all times and in all places, and apply to all individuals, irrespective of their status.

NATURAL LAW PHILOSOPHY

As traditional Christian philosophers, including the great St. Thomas Aquinas, drew heavily upon the pre-Christian exponents of Natural Law, men like the famous Greek Aristotle, it is essential to outline briefly what is meant by Natural Law.

There are two aspects of the Natural Law: physical and metaphysical. Genuine scientists accept as an absolute truth that the physical order is governed by universal and constant laws. What is termed the law of gravity is an example. The Natural Laws of the physical universe transcend human thinking and cannot be altered, even if individuals resent those laws. It was the famous Jewish writer Dr. Oscar Levy, who observed that the ideal is the enemy of the real. In one of his most brilliant essays, *The Great Liberal Death Wish*, Mr. Malcolm Muggeridge points out that the liberal mind conjures up an idealistic vision of what "ought to be", elevating Man into the place of God.

The idealist can produce a theory that people "ought not" to fall if they jump over cliffs, but the reality is that irrespective of what kind of people they are, the Natural Law of gravity will always have the same disastrous results for those who ignore it. That devoutly Christian writer G.K. Chesterson wisely commented that the man who jumps over the cliff not only violates the law of gravity; he demonstrates the truth of the law! The very plight of a disintegrating Civilisation is striking evidence of the existence of that Absolute which Man calls God. But the situation also demonstrates that Man's plight is not hopeless; that when the Social Order is based upon an acceptance of Natural Law absolutes, there can be a regeneration of Civilisation in which individual rights and freedom are guaranteed, not only by a Marxist-type Bill of so-called Rights proposed by Attorney-General Gareth Evans, but as a rightful gift from God.

MORAL ABSOLUTES

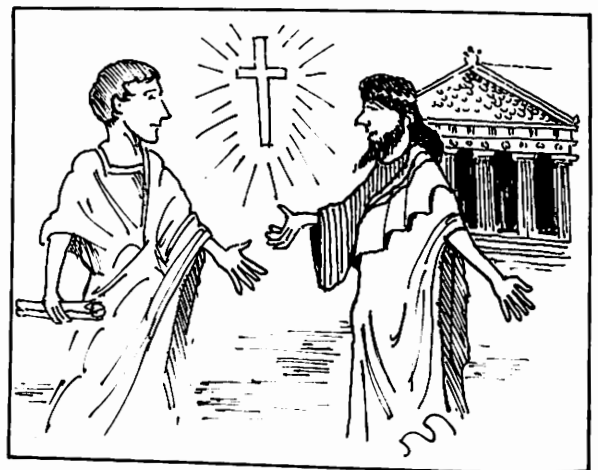
In a series of Second World War radio broadcasts, the late C.S. Lewis, regarded by many as one of the most effective lay Christian apologists of this century, demonstrated that from time immemorial the nature of man was such that he accepted that there was a right and wrong in all human affairs. The recorded history of mankind provides few examples of lying, cheating, and treachery being praised as virtues. As C.S. Lewis pointed out, even Hitler accepted the reality of an absolute moral law, claiming that he had "right" and "justice" on his side. The most primitive of people govern their relations in accordance with some type of moral concepts. When moral concepts are completely rejected, depravity develops.

There is a vast literature, much of it based upon the legends of the Greek classics, dealing with early man's approach to the subject of law making as it

affected individual associations. God was regarded not only as the Author of all law, but the Judge and Administrator. Men shuddered away from the responsibility of deciding guilt and punishment. Thus, for example, the practice of trial by ordeal. Those who survived ordeals alive were accepted as having been found innocent by God. Eventually, of course, men accepted the responsibility for all types of lawmaking, including that which governed the relationship of individuals to government. But running through this development was an attempted reference back to some type of moral values. There is what might be described as the Natural Moral Law. As man is an integral part of universal nature, created like the rest of the Universe, then it is highly illogical to deny his inherent nature, one which is rational and which enables him to make free choices in accordance with the Natural Law. It is this unique aspect of Man which differentiates him from the rest of creation. What is natural for an irrational animal is not natural for a rational man.

THE CHRISTIAN IMPACT

While Western Civilisation would have been impossible without the development and attempted application of Natural Law by the Greeks and Romans, it was the impact of Christianity which resolved problems which baffled both the Greeks and Romans. With no division between Power and Authority, at best the balancing of power prevented too many excesses by the State. But there was no guarantee of genuine liberty for the individual. It is true that the Stoic philosophers did develop a theory of individual liberty in accordance with the Christian view that there is a Natural Law superior to both governments and the will of individuals. However, it was Christianity which gave a new meaning to old truths. When Christ said that it was right to render unto Caesar the things that are Caesar's and unto God the things that are God's, He gave the State a status it had never had before, but also set bounds to its powers which had never previously been acknowledged. A new concept of government developed, with the Christian Church charged with the responsibility of ensuring that the power of the State was limited to serve the individual.



The very essence of Christ's message was that every individual was unique and counted, and that systems existed to serve individuals. The Sabbath was made for man, not man for the Sabbath. The worship of abstractionism, whether it was Mammon or any other form, was condemned. The Kingdom of God was within. There are good reasons for believing that the early Christians were persecuted, not because of their religion as such, but because Christianity insisted that even Caesar must be subordinated to a higher law, that of God.

When the persecution of Christians ended with Emperor Constantine's conversion to Christianity, this permitted for the first time the emergence of Authority, represented by the Church leaders, as separate from Power, represented by the Emperor. The relationship between Power and Authority, of how the use of power should be subordinate to Authority, was the subject of growing discussion and debate. It was examined exhaustively at the famous Council at Nicea, called by Constantine in 325 AD. The most outstanding figure at this Council was the young Athanasius, who provided a brilliant outline of the trinitarian nature of reality.

TRINITARIAN REALITY

Although the Council of Nicea unfortunately failed to evolve specific principles to govern the correct relationship between Power and Authority, in accordance with the revelation of the trinitarian nature of reality, it must be regarded as the first great signpost of European history indicating a road to be followed by those concerned with the development of constitutionalism reflecting Christian teaching. It was this road which led eventually to the establishment of a trinitarian constitution in England, consisting of the House of Commons, the House of Lords, with both Lords temporal and Lords spiritual, and the Crown. It led to the development of the principles of the priceless English Common Law, based upon the Christian stress on the value of every individual, and a reflection of the view that a system of law must be capable of being modified to meet different situations. A brilliant exposition of English Common Law is presented by Shakespeare in his *Merchant of Venice*. Shylock argued for the strict letter of the law. It was certainly written that under certain circumstances he could demand his pound of flesh. But Portia argued that the strict letter of the law should be tempered with mercy and compassion.

One of the most famous, and important, landmarks in English constitutional history was the signing of the Magna Carta (the Great Charter) in 1215. When the Caesar of the day, King John, attempted to monopolise all power and authority in his own person, he challenged the very foundations of Christian constitutional development. Although it was the Barons who claimed to speak for the oppressed people, providing military power against that of John's, it was the Christian Church, in the persons of Archbishop Stephen Langton and his colleagues, who played a decisive role in the formulating of Magna Carta. Here was the



Magna Carta established every individual in the realm in his God-given rights.

Christian Church insisting, not that complete power should be taken from one man and given to a group of other men, but that power should be divided and subjected to God's laws. The famous British historian, Sir Arthur Bryant, writing in his *The Story of England*, brilliantly summarised the essence of the situation:

It was not Langton's wish to see the Crown overthrown, the law ignored, the realm divided, the Barons petty sovereigns as in the days of Stephen and Godwin. What he wanted was that the King should preserve the law his predecessors had created. And it was to law that the archbishop appealed, not only to man, but to God. For it was the essence of medieval Christian philosophy that God ruled the earth, and that men, and kings above all men, must further His ends by doing justice. The earthly order, like everything else, existed to help them do so. Government must be founded in justice or it was not in Christian eyes government at all.

What the Church leaders were saying was in essence: "We need you Caesar (John) because we need government, but you have taken so much from us that there is nothing left for serving God". The underlying concept of Magna Carta was to establish every individual in the realm, irrespective of station, in his God-given rights. It was a striking manifestation of the application of the Christian concept of the sovereignty of the individual. As witnessed by the memorial erected by the American Bar Association at Runnymede, the site on the Thames where Magna Carta is traditionally

believed to have been signed, American constitutional developments grew from the same roots as those in other parts of the English-speaking world, including Australia. It was because the British people in the North American Colonies were denied what they considered their God-given rights, that they eventually revolted against a British government, although they then attempted to embody in their constitutional arrangements traditional Christian principles. The individual had inalienable rights derived from God, and power was divided.

A NEW CONCEPT OF EMPIRE

The successful War of Independence by the American colonists resulted in British governments adopting an attitude towards British colonies more in keeping with traditional British constitutional developments, with a stress on the virtues of decentralised sovereign governments throughout the world. The ready granting of self-government to Canadians, Australians and New Zealanders produced, for the first time in recorded history, an Empire where power was decentralised, where diversity was accepted as a manifestation of Natural Law. The overall result was a sense of true unity, which can only grow out of diversity. Those who seek to monopolise power on a global scale, the Marxists being the most obvious, have always seen the British Commonwealth of Nations as a major barrier to the policy of centralisation. The insidious international campaign to subvert and break up the old British world is a major feature of the history of a century of growing violence and retreat from Civilisation. A major development in the break up of the old British world was the campaign which forced the British into the European Economic Community, a development which was a turning away from a thousand years of history.

Up until 1917 it was generally agreed that Christianity was part and parcel of the British constitution. But in 1917 a subverted House of Lords proclaimed that Christianity was no longer part of the law of the nation. Commenting after the Second World War on the 1917 break with the Christian constitutional heritage, a distinguished British Professor of Law, Sir William Holdsworth, said that this meant that even though Judges believed that no matter how morally unjust government legislation might be, it had to be obeyed, pointing out that "One might have thought the excesses of the Nazi regime would have made our jurists realise the iniquity of such a theory of law". Sir William Holdsworth went on to say that the very British Attorney-General who at Nuremburg had demanded the death sentence for Germans who obeyed the Nazis, was saying that in Britain, "Parliament is sovereign, it can make any laws. It could ordain that all blue-eyed babies be destroyed at birth". This is the logical end result of a philosophy which insists that parliament is sovereign, that once a government obtains office, irrespective of what trickery is used, it can pass whatever laws it likes. Sir William Hold-

worthy tersely observed, "Herod could not teach our modern jurists anything. They are grimly earnest — 'Laws may be iniquitous, but they cannot be unjust'."

"A glance at the map will show that the area of maximum material prosperity and the area of maximum spiritual development coincide exactly with that which has witnessed the diffusion of Christianity. A no less convincing proof of this fundamental will to freedom is the age-long clash between the Church of Christ and the powers we may rightly describe as totalitarian . . . tyrants of every description have never deceived themselves; since the Caiaphas' and the Caesars, down to the masters of Germany yesterday and those of Russia today, a very sure instinct has taught them to see their deepest and most dangerous enemy in Christianity."

"What is immediately apparent to an unbiased observer is that at the first awakening of the notion of freedom and human dignity what we find is Christianity. It is to Christianity that man owes, if not the awakening of the ideal, at any rate its consolidation and universal expansion. The fact is that the Gospel emphasised decisively the dignity of the human person. It preserved the natural bonds between the particular individual and the human groups that fashion him, but it clearly laid down the autonomy of the individual. Based ultimately on the nature of God, in whose image man was created . . . Thus the evangelical ideal, together with the doctrinal principles it inspired, acted through all history as a leaven, constantly urging western man to instil the greatest possible freedom into his social, economic and political institutions."

CHRISTIAN ROOT OF FEDERAL CONSTITUTION

One of the most influential Marxists of this century, the late Professor Harold Laski of the London School of Economics, stressed that the idea of Christianity being an essential part of the British Constitution had to be rejected in favour of the concept of the "sovereignty of Parliament". Laski was a close friend of Dr. H.V. Evatt, Australia's Second World War Attorney-General, who pioneered the assault on the Federal Constitution, later continued by Mr. Lionel Murphy (now Mr. Justice Murphy of the High Court) and now by Senator Gareth Evans. These men have all rejected the Christian origins of Australian constitutional developments. The wording of the Federal Constitution makes it clear that the source of Authority was the Christian concept of God:—"Whereas the people of New South Wales, Victoria, South Australia, Queensland and Tasmania, humbly relying upon the blessing of Almighty God, have agreed to unite in one indissoluble Federal government under the Crown . . ."

"The Federation of the Australian colonies has occupied the best energies of the statesmen and the people of Australia for many years; and this Constitution is the outcome of exhaustive debates, heated controversies, and careful compromises.

"It is an adaptation of the principles of British and colonial government to the federal system.

"Its language and ideas are drawn, partly from the model of all modern governments, the British Constitution itself; partly from the colonial Constitutions based on the British model; partly from the Federal Constitution of the United States of America; and partly from the semi-federal Constitution of the Dominion of Canada; with such modifications as were suggested by the circumstances and needs of the Australian people.

"The Constitution of the Commonwealth, therefore, is not an isolated document.

"It has been built on traditional foundations. It's roots penetrate deep into the past. It embodies the best achievements of political progress and realises the latest attainable ideals of Liberty.

"It represents the aspirations of the Australian people in the direction of nationhood, so far as is consistent and in harmony with the solidarity of the Empire.

"Such an instrument of government must needs be rich in historical associations, and many of its derivative enactments are necessarily intertwined with the course of constitutional development and interpretation in kindred systems and communities.

"There is hardly a phrase in it without a history, or without analogy with a phrase which in some other Constitution has been the subject of exhaustive arguments and judicial decisions."

—Quick and Garran

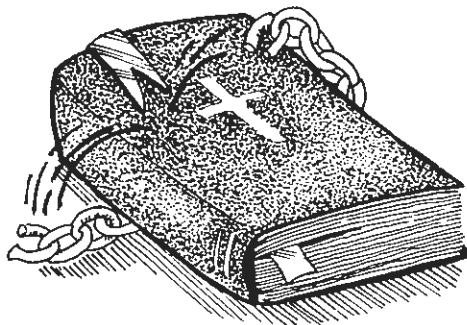
"Annotated Constitution of the Australian Commonwealth", 1900

The underlying philosophy which gave birth to the Federal Constitution is rooted in British constitutional developments shaped by Christianity. The framers sought to ensure that the individual had control over his own affairs by keeping power decentralised. The Federal Government was seen as the servant of the States, as witnessed by the establishment of an Upper House, the Senate, in which all the States are equally represented irrespective of size or population. The Federal Constitution is trinitarian, specifically stating in the first section of Chapter 1 that "The legislative power of the Commonwealth shall be vested in a Federal parliament, which shall consist of the Queen, a Senate and a House of representatives . . ."

High Court decisions, carried by narrow majorities, which clearly violate the spirit of the Constitution, are basically anti-Christian in that they favour the increasing centralisation of all power and the consequent loss of individual

sovereignty. They have naturally been welcomed by those who deny the Divine basis of individual rights and liberties. Every Western nation is now experiencing serious processes of disintegration. Faith in the eternal verities upon which Western Civilisation was erected has been so shattered that the process of disintegration must accelerate unless faith is restored and acted upon. Australia's future as a nation of free and responsible people can only be assured by the fostering of a much more widespread understanding of the roots and the history of the nation's constitutional history. This will be seen by many as a most daunting task. But unless it is undertaken, Australia is doomed to slide into the pit of totalitarianism. It is much later than many people think.

(H)



Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage.

GALATIANS 5:1

No pleasure is comparable to the standing upon the vantage-ground of truth.

FRANCIS BACON

No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.

MAGNA CARTA

How does the meadow-flower its bloom unfold?
Because the lovely little flower is free
Down to its root, and, in that freedom, bold.

WILLIAM WORDSWORTH,
A POET! HE HATH PUT HIS HEART TO SCHOOL.

LET'S KEEP THEM!



OUR FLAG
OUR HERITAGE
OUR FREEDOM

THE AUSTRALIAN

THE AUSTRALIAN NATIONAL FLAG

A flag of history, heraldry, distinctiveness and beauty.
SYMBOL OF OUR NATIONHOOD AND IDEALS.



A FLAG OF MANY PARTS

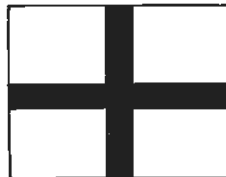
Cross of St. Andrew

(White cross on blue background)
 – flag of Scotland
 – for Honesty



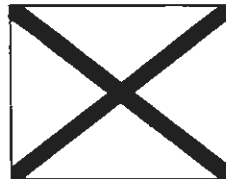
Cross of St. George

(Red on white background)
 – flag of England
 – for Service



Cross of St. Patrick

(Red on white background)
 – flag of Ireland



THREE CHRISTIAN CROSSES COMBINE TO FORM

Union Flag (commonly called the Union Jack)

– flag of the United Kingdom
 – for Justice

Reflecting Australia's history, language and the source of her institutions and law.



Our flag three crosses showeth, the first is white on blue.
 It stands for good St. Andrew, who well his Saviour knew;
 He met that light so squarely, St. Peter caught the glow,
 And now his cross reminds us a brother's love to show.

Our flag three crosses showeth, the second red on white;
 St. George's shield once bore it, whom England chose her Knight;
 He fought and slew a dragon, then won a martyr's crown;
 And now his cross flies o'er us, to bid us bear our own.

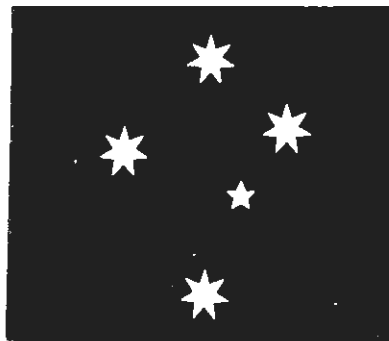
Our flag three crosses showeth, the third slants white and red.
 It stands for good St. Patrick, in Scotland born 'tis said.
 He gave his life for Ireland, he lies 'neath Irish sod,
 And now his cross reminds us to win the world for God.

Australia's flag shows clearly, the Southern Cross on high,
 The stars that gleam to guide us when darkness dims the sky;
 The Federal Star for concord, with each for all our aim;
 And crosses three for heroes, who earned enduring fame;
 On Union Jack for history, for kinship, law and name.
 Then live, work, die for freedom, Australia's people may;
 That freedom and the search for truth may never pass away.

VERSES TAKEN FROM
UNFURLED by G.H. SWINBURNE

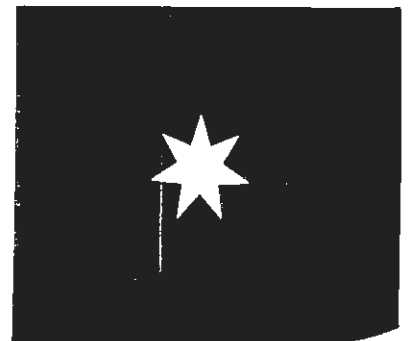
The Southern Cross

– the nation's geographic position
 – has place in Aboriginal legends

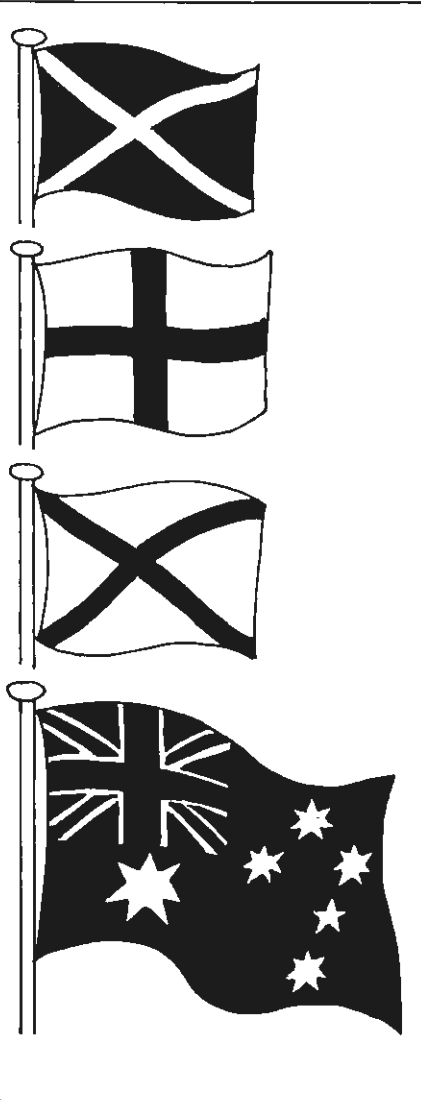


Commonwealth Star

– six points representing the Federation of six states and one point for the territories.



NATIONAL FLAG



GOVERNMENT POLICY ON THE AUSTRALIAN NATIONAL FLAG

The Government's policy, which was stated in the 1982 A.L.P. Platform, is that we will initiate and support moves to establish with popular acceptance an Australian Flag and National Anthem which will more distinctively reflect our national independence and identity.

The Government will be considering matters relating to national symbols, including the National Flag, at a later time.

Mr. Mick Young,
Then Special Minister of State
in a letter dated 13/4/1983 in reply to
a letter from the Editor, *Heritage*.

Symbols in the Flag

Dear Sir,

It is very apparent that those who suggest changing the Australian flag do not know what the symbol of the Australian flag, or the Union Jack in the corner, represent.

Our Australian Flag is the most sacred symbol in our National life, embodying as it does, the ideal of freedom — of government resting on the people's will and the Crown.

The Union Jack in the flag represents three Principles, which are, Service, Honesty and Justice shown by the Red Cross of St. George for Service — the Cross of St. Andrew for fidelity

or honesty and the flag itself for justice. There is no nation that has any symbol or flag that has such vital principles and duties of government as represented by our flag. This is not taught in our schools which is a serious omission. Human life is advanced, protected and is held sacred as represented by the British Tradition, the Monarchy (The Crown for Principles and Ethics) and safeguarded under the Union Jack.

Any flag is more than a rag but our flag is a symbol of all that is imperishable in human progress.

Eric Farleigh,
Boyup Brook, W.A.

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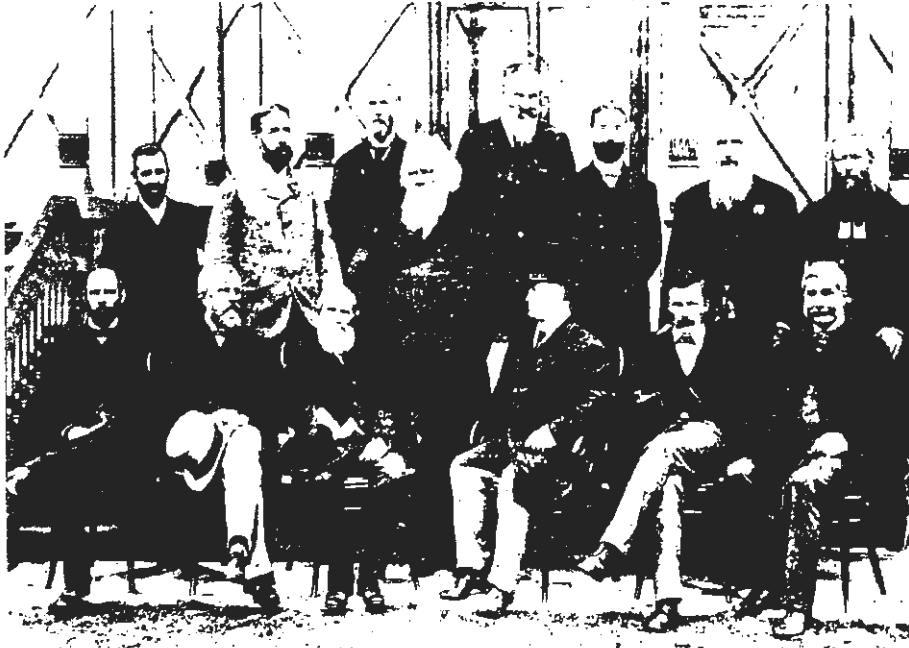
THE AUSTRALIAN HERITAGE SOCIETY
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The implications of the recent High Court decision in halting the construction of the dam in South West Tasmania are now becoming clear. Not so clear in the public mind is the intent of the Founding Fathers as expressed in the Constitution. The author, former lecturer in education at North Brisbane C.A.E., examines this vital issue.

THE FRANKLIN DAM DECISION: Betrayal of Our Founding Fathers

By Dan O'Donnell



Father of Federation Sir Henry Parkes (centre) pictured with other colonial leaders at the 1891 convention on Federation.

While the nation at large was divided before 8th July, 1983 over whether the Franklin Dam should be constructed or not, there now appears to be unanimity that the Australian Constitution has been irrevocably altered by the historic High Court decision. On the slender basis of a 4-3 split decision, the hitherto sacrosanct residual powers of the Australian States can henceforth be over-ruled by the Federal Government through its external affairs powers vested in Section 51 (XXIX). What is abundantly clear to students of the Australian federal movement is that the Founding Fathers of this nation NEVER conceived of a situation whereby the strictly defined powers of the Commonwealth Government would be augmented so massively at the enormous cost of the autonomy and integrity of the States. It is, in fact, almost certain that had such hideous erosion of the States' powers been envisaged in the nineties, federation would never have taken place at all.

The very essence of the union of Australian States lay in the inviolate autonomy of the States in the area of residual powers, the authority of the

new federal organ being strictly defined by Section 51:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to...

Thence follow thirty-eight specifically defined areas, including external affairs (XXIX), on which the federal government was empowered to legislate. Never was it envisaged that a future government would invoke its treaty-making powers with foreign governments in order to over-rule a State on a purely internal State matter. Indeed, the very notion that the legislative autonomy of a State in the area of residual powers could be over-ridden — especially when avowed so publicly and with such determination as happened in Tasmania — is repugnant to the total concept of federation.

What is clear is that the Australian Constitution as framed by our Founding Fathers has undergone a radical transformation.

What is clear is that the Australian Constitution as framed by our Founding Fathers has undergone a radical transformation. While it has been argued that the Constitution is a living document which must, of necessity, adjust to changing times, it does appear that the Founding Fathers of our young nation have been betrayed. As a result of the High Court decision of 8th July, 1983, our federal union is no longer as it was originally forged. Just witness the declaration of one of our Founding Fathers on 1st February, 1911:

Under the Constitution the sovereign power of legislation, derived from the Imperial Statute, is divided between the Commonwealth and the States. The Parliament of the Commonwealth has delegated to it powers necessary for national action; matters necessary for local action are reserved to the States. Each Government is distinct from the rest. Neither can invade or usurp the authority of the other. An alteration of the Constitution is necessary before there can be a re-distribution of powers.¹

Thus observed Queensland's Littleton E. Groom at the time of an attempted federal incursion into States rights, a mere decade after the Australian Constitution came into being.

In his authoritative *The Law of the Australian Constitution*, Donald Kerr described the Australian Constitution as:

the expression in Statute form of a compact between the people of the six self-governing political entities of Australia to mutually abrogate certain powers of self-government in favour of a central governing body exercising (under the British Crown) clearly defined and limited governmental powers over the six composite States.²

The principle of strictly defined federal powers with all residual authority vested in the individual states has for four score years been the very essence of our federal union. Indeed the granting of legislative power over interstate commerce to the Commonwealth (Section 92) and the withholding of such federal authority over intra-state commerce have entrenched the doctrine that control over the internal affairs of the various States is reserved to the States. Early High Court judges — Griffin, Barton and O'Connor — vigorously upheld the doctrine of an implied prohibition against the Commonwealth usurping or attempting to usurp the domestic powers of the States, except in those cases where the prohibition or implied prohibition was removed by express words or unequivocal implication. Donald Kerr has argued that the limitation of the power to regulate interstate trade and commerce was construed as a virtual denial of any power to the Commonwealth to interfere with the internal trade and business of the component States, "except as a necessary and proper means of carrying into execution some other Federal power vested in the Commonwealth by the Constitution".³ The essential point is that the power must be specifically vested in the Commonwealth by the Constitution, any power not within the purview of the Constitution being unconstitutional. In the words of Donald Kerr,

A Statute, therefore, of the Commonwealth Parliament, which, in its entirety, purports to deal with a subject matter not within the legislative sphere of that Parliament, is wholly void.⁴

In its defined areas of legislative competence, the Federal Parliament was granted supremacy by the Founding Fathers. Section 109 allows for no doubt on this point:

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of inconsistency, be invalid.

But the intention of the Founding Fathers that federal powers should be unmistakably defined permitting of no inroads into the residual powers of the State is equally apparent. Section 107 states:

Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

Latterday constitutionalists have turned topsy-turvy the unambiguous intentions of the Founders of this nation.

Just witness today's flirtation with multiculturalism, which is currently transforming Australia from a predominantly monolingual, Christian nation into a pseudo-cosmopolitan mish-mash of diverse cultures and religions and over 140 separate languages. Australia is presently undergoing a radical metamorphosis from a relatively homogeneous nation with a common "crimson thread of kinship", a common unifying language and common moral values. Instead of being enriched and strengthened as an "indissoluble federal Commonwealth family united for many of the most important functions of government", our nation appears to be at risk of fragmenting into scores of minority pressure groups all stridently pressing their own selfish claims to the exclusion of the "common weal". Our Constitution is at risk.

"Humbly relying upon the blessings of Almighty God."

At the Melbourne Convention Debate on 2nd March, 1898, Patrick McMahon Glynn from the South Australian delegation moved that the words "humbly relying upon the blessing of Almighty God" be inserted into the preamble to the Constitution. While affirming that all of the States participating in the Federal Convention debates were a "Christian people", Henry Bournes Higgins — soon to be elevated to the High Court of Australia — argued against the amendment on the ground that it might be subsequently construed as conferring on the Commonwealth a power to pass religious laws. "I want to leave that as a reserved power to the State, as it is now", he told the Convention:

Let the States have the power. I will not interfere with the individual States in the power they have, but I want to make it clear that in inserting these religious words in the preamble of the Bill we are not by inference giving a power to impose on the Federation of Australia any religious laws. I hope that I shall be excused for having spoken on this matter. I felt that it was only fair that honourable members should know that there is a danger in these words, if we are to look to the precedent of the United States.⁵

His words underscored the importance placed on States' rights. Federal powers were prescribed and defined. All other powers resided in the States. "I am not going, no matter what the consequences are, to help to entrust this power to the Commonwealth", Higgins pledged:

I want the people of the different States to manage their own affairs as well as they can.⁶

Dr. John Quick, also of the Victorian delegation, rejected Higgins' argument that the words empowered the Commonwealth to enact religious laws. "I do not know that the placing of these words in the preamble will necessarily confer on that Parliament any power to legislate on religious matters", he argued:

It will only have power to legislate within the limits of the delegated authority...⁷

William John Lyne of the New South Wales delegation concurred with Quick. "I cannot see that there is any menace to the states at all", he declared:

or that any power will be taken from the States by inserting this amendment in the preamble of the Constitution.⁸

His perception of the paramountcy of States' rights in the residual legislative areas is unambiguous. "I may say that I would not hesitate for a moment, if I thought there was any menace to the powers of the States in adopting this proposal, to vote in opposition",⁹ he avowed.

Sir John Downer of South Australia also emphasised the urgency of limiting and prescribing federal powers. The new nation would be unquestionably a Christian nation, the words in question placing this very Christian character at some future risk with an unfettered federal parliament. "The piety in us must be in our hearts rather than on our lips", Downer explained, cautioning against allowing the federal government any powers open to loose interpretation:

Whether the words are inserted or not, I think they will have no meaning, and will have no effect in extending the power of the Commonwealth; because the Commonwealth will be from its first stage a Christian Commonwealth, and, unless its powers are expressly limited, may legislate on religious questions in a way that we now little dream of.¹⁰

Higgins' fear lay precisely in unfettered centralist power. On the very same day he returned to this issue in discussion of clause 109 dealing with freedom of worship. The March 1898 Convention had earlier struck out this clause which provided that

A State shall not make any law prohibiting the free exercise of any religion.

Higgins moved as an amendment that

The Commonwealth shall not make any law prohibiting the free exercise of any religion, or for the establishment of any religion, or imposing any religious observance, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

"My idea is to make it clear beyond doubt", Higgins explained:

that the powers which the States individually have of making such laws as they like with regard to religion shall remain undisturbed and unbroken, and to make it clear that in framing this Constitution there is no intention

whatever to give to the Federal Parliament the power to interfere in these matters. My object is to leave the reserved rights to the States where they are, to leave the existing law as it is; and just as each State can make its own factory laws, or its own laws as to the hours of labour, so each State should be at full liberty to make such laws as it thinks fit in regard to Sunday or any other day of rest. I simply want to leave things as they are. I do not want to interfere with any right the State has.¹¹

His defence of States' rights was utterly unambiguous. "[The States] have the power as it is", he declared:

They can make any factory laws they like, and I want to make it clear that there cannot be an overriding Commonwealth law which will interfere with the power the States now have. Therefore, I have moved this new clause.¹²

Not even Higgins, however, anticipated the extraordinary threat to States' rights locked up on those two innocuous words of Section 51 (XXIX): "external affairs".

Edmund Barton of New South Wales echoed similar sentiments on the fundamental principle of States' rights. Clause 109, he said, was struck out because it had been decided that no State should be prevented from making a law prohibiting the free exercise of any religion. "That was done", Barton said:

partly on the ground that we did not desire to interfere unnecessarily with the States.¹³

Dr. Cockburn of South Australia pointed out to Higgins that his amendment was the only prohibition amongst clearly defined legislative powers given to the Commonwealth. "It seems to me", Cockburn warned:

that by making one exception we are introducing a whole atmosphere of ambiguities; that is to say, the Commonwealth at present can only exercise such powers as are explicitly vested in it. If, in addition to that, we forbid the exercise of some power, we leave an ambiguous area between the powers specifically vested in the Commonwealth and the powers forbidden. That opens out a whole circle of ambiguity in this respect.¹⁴

It was a most cogent point about a Constitution that was supposed to leave no margin for doubt or ambiguity. "It seems to me", Cockburn added:

that by introducing this clause we shall run the risk of indicating that there is another sphere of powers which, though not specified as belonging to the Commonwealth, are not forbidden.

Clearly the Founding Fathers wanted to define federal powers beyond ambiguity.

Clearly the Founding Fathers wanted to define federal powers beyond ambiguity. The proposed Federal Parliament was to possess only enumerated powers determined and limited by actual grants within the Constitution. Implicit in the Constitution is the principle that what was not granted to the Federal Parliament was denied to it. Higgins' amendment expressly forbidding the Commonwealth from exercising legislative powers in the matter of religion was a direct response to potential dangers perceived in the words added to the Preamble — "Humbly relying on the blessing of Almighty God" — but it was fundamentally

designed to protect States' rights. Any incursions into the "reserved power" domain of the States was unquestionably repugnant to the spirit of the Constitution.

What still proves difficult to comprehend for those in Australia obsessed with power is the enormous gulf — utterly unbridgeable — between total unification with its unlimited centralised power, and federalism. Even before the Australian States ultimately opted for federation, Robert Randolph Garran in 1897 identified the choices available to electors across the vast expanse of the antipodean continent:

The only possible alternatives are between federal and complete union, and there can be little doubt that, as against unification, federalism will win the day. It involves a less violent change, less disturbance of the old order. It gives fuller play to local self-government and makes fuller allowance for local differences of climate, industry, and interest which exist side by side with the general unity of interest throughout Australia. Federated Australia is a foregone conclusion.¹⁵

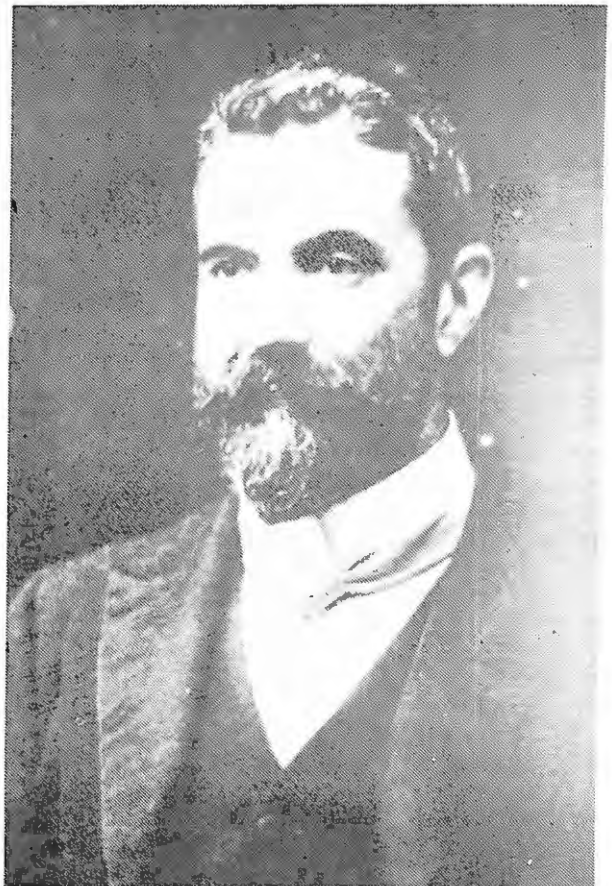
Even before the critically important referenda of 1898 and 1899, Garran articulated in 1897 the essential spirit of Australian federation: a central government with defined powers relating to those legislative areas of common concern to all participating State governments. "We do not want to abolish State governments", Garran wrote:

nor to make them subordinate to the central government. We do not want to make New South Wales, Victoria, and the other colonies mere departments of a great unified Australian government. We want each colony to retain its independence except in matters of common concern, and we want an Australian government empowered to deal with those matters, and with those matters alone. Not a single colony would agree to union on any other terms. The union therefore must be a true Federation; neither a mere Confederation on the one hand, nor an absolute Unification on the other.¹⁶

Centralist powers able to overturn political decisions arrived at by individual States were viewed by all the Founding Fathers with abhorrence. Sir Samuel Griffith articulated this commonly-held fear as early as 12th February, 1890. "We have been allowed absolute freedom to manage our own affairs", Griffith told the Federation Conference of 1890:

and I know that there are many people who, although they are favourable to the idea of Federation in the abstract, would yet hesitate to give up any of those rights which we have been in the habit of exercising. The advantages of Federation like everything else will have to be paid for; we cannot get them without giving something in return, and every power which may be exercised by the Federal Government with greater advantage than the separate governments, involves a corresponding diminution in the powers of the separate governments and legislatures. That is the first objection with which we shall be met; but there is an answer to it. There are some things which the separate parliaments and executives cannot do.¹⁷

Those things were henceforth defined in Section 51 but never was it conceived that lurking menacingly in Section 51 (XXIV) was the power and authority to overrule traditional States' rights in such areas as dam construction, water conservation, public works and employment of its citizens.



Alfred Deakin — representing Victoria and Australia's second Prime Minister.

Thomas Playford of South Australia and Alfred Deakin of Victoria both emphasised the importance of upholding the integrity of the States. In his address, Deakin alluded to this very issue:

Mr. Playford endeavoured to impress upon us the necessity of protecting the rights and privileges of the legislatures which we represent, and which represent the several colonies. I venture to think that all that could be demanded or expected by the most exacting of them is also contained in the resolution — in the last words, which come as a proviso to the whole — requiring that any Federation which may be adopted shall be one which shall be founded on principles just to the several colonies.¹⁸

How would Deakin and Playford have reacted today to the High Court decision on the Franklin Dam? Deakin, particularly, stressed the sensitivity of both South Australia and Victoria to the question. South Australians, he averred, were loathe to allow their support for federation to "run counter to their interests and the development of their own colony".¹⁹ In Victoria, similar fears were evident. "A considerable section of the Victorian public", Deakin commented:

will require to know how the new proposals may affect their own interests before they commit themselves to Federation. But it does not alter the general statement I have made with perfect accuracy, that the whole of the people of Victoria are moved by a desire for Federation, merely because numbers of them will need, before they give that feeling sway, to see that their interests are properly preserved and adequately protected.²⁰

Is it conceivable that Deakin would have interpreted the Franklin High Court decision as properly preserving and adequately protecting the best interests of Tasmania? Remarkably, with hindsight, it appears that poor, unsuspecting Tasmania made the gravest error of judgment in sacrificing State autonomy for the advantages of federal union. At the 1890 conference, for example, A. Inglis Clark of Tasmania informed delegates that the island State was "quite ready, and even anxious for Federation".²¹ What would he think today?

**"Federation of independent states
but not an amalgamation into one
empire."**

Time and again the fundamental principle of States' rights had been emphasised as indispensable to Australian federation. As early as 1890, Edmund Barton argued for a "federation of independent States but not an amalgamation into one empire".²² The very first resolution of the Federal Convention of 1891 clearly captures this essential element:

That the powers and privileges and territorial rights of the several existing Colonies shall remain intact, except in respect to such surrenders as may be agreed upon as necessary and incidental to the power and authority of the National Federal Government.

The ultimate consummation of the federal movement at the end of the nineties depended primarily on this fundamental principle of State autonomy over all of the residual powers.

In 1959 Zelman Cowan foreshadowed in his admirable study *Federal Jurisdiction in Australia* the very conflicts of July, 1983. "It is fairly clear that the Founding Fathers were not very sure of what they were doing [in investing the High Court with original jurisdiction]".²³ Cowan observed of Section 75(i) — matters arising under any treaty. Cowan alluded to the evidence placed before the Royal Commission on the Constitution by Mr. Dixon:

No one yet knows what is meant by the expression 'matter arising under a treaty'. The word 'matter' refers to some claim the subject of litigation. It must, therefore, be a claim of legal right, privilege or immunity. Under a British system, the executive cannot, by making a treaty, regulate the rights of its subjects. A state of war may be ended or commenced, and the rights and duties of persons may be affected by the change from one state to another, but this results from the general law relating to peace and war, and not from the terms of the treaty. If a treaty is adopted by the legislature and its terms are converted into a statute, it is the statute and not the treaty which affects the rights and duties of the persons.²⁴

Even now that the High Court has made its historic decision on the Franklin Dam, citizens of this nation still do not know what is meant by the expression 'matter arising under a treaty'. It is not beyond the realm of possibility that a different bench of High Court judges will make an entirely different interpretation of Section 75(i). Surely the spirit of the Constitution is more important than its literal wording, especially when it is so demon-



Edmund Barton — first Australian Prime Minister.

strable that in interpreting it with strict, legalistic precision, that spirit is violated. One thing appears clear: the Founding Fathers of this nation have been betrayed.

(H)

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"In other words no one is really interested in constitutional amendments, in the formal sense," Professor Cowen said.

"Nobody really believes any longer that it's a goer.

"You have to accept the document and seek to rely on all sorts of manipulations within its framework.

"We have to make our constitution work within its verbal perimeter."

"Professor Cowen said Australia would have to rely on the High Court for its constitutional changes — although the great days of the court were over. He did not want to talk in detail about what he meant by this."

— *The Courier-Mail*, Thursday, 27th March, 1969.
(Professor Cowen — Later Sir Zelman Cowen,
Governor General of Australia)

"The dominance by all central governments has been so enhanced by money power that the longer we wait for a review of the intentions of the founding fathers and the unintended authority assumed or acquired by Commonwealth governments of all parties in Canberra, the more difficult will it be to avoid the destruction of the Federation."

F.J.S. Wise (former Premier of W.A.)
The West Australian, Wednesday, 27th September, 1978

"I must say, and I speak only for myself, that I am glad that the draftsmen of the Australian Constitution, though they gave close and learned study to the American Constitution and its amendments made little or no attempt to define individual liberties. They knew that, with legal definition, words can become more important than ideas. They knew that to define human rights is either to limit them — for in the long run words must be given some meaning — or to express them so broadly that the discipline which is inherent in all government and ordered society becomes impossible.

"In short, responsible government in a democracy is regarded by us as the ultimate guarantee of justice and individual rights. Except for our inheritance of British institutions and the principles of the Common Law, we have not felt the need for formality and definition.

"I would say, without hesitation, that the rights of individuals in Australia are as adequately protected as they are in any other country in the world."

— Sir Robert Menzies
Central Power in the Australian Commonwealth — pp. 52 & 54

Poetry of Australia

MY COUNTRY

Dorothea Mackellar

The love of field and coppice,
Of green and shaded lanes,
Of ordered woods and gardens
Is running in your veins.
Strong love of grey-blue distance,
Brown streams and soft, dim skies—
I know, but cannot share it,
My love is otherwise.

I love a sunburnt country,
A land of sweeping plains,
Of ragged mountain ranges,
Of droughts and flooding rains.
I love her far horizons,
I love her jewel-sea,
Her beauty and her terror—
The wide brown land for me!

The stark white ring-barked forests,
All tragic to the moon,
The sapphire-misted mountains,
The hot gold hush of noon,
Green tangle of the brushes
Where lithe lianas coil,
And orchids deck the tree-tops,
And ferns the warm dark soil.

Core of my heart, my country!
Her pitiless blue sky,
When, sick at heart, around us
We see the cattle die—
But then the grey clouds gather,
And we can bless again
The drumming of an army,
The steady soaking rain.

Core of my heart, my country!
Land of the rainbow gold,
For flood and fire and famine
She pays us back threefold.
Over the thirsty paddocks,
Watch, after many days,
The filmy veil of greenness
That thickens as we gaze...

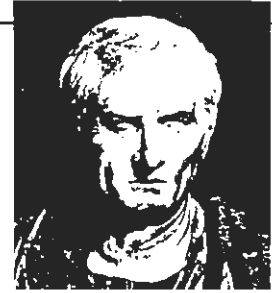
An opal-hearted country,
A wilful, lavish land—
All you who have not loved her,
You will not understand—
Though Earth holds many splendours,
Wherever I may die,
I know to what brown country
My homing thoughts will fly.

A Lesson From History

By David Thompson

Long before our own time the customs of our ancestors molded admirable men, and in turn these eminent men upheld the ways and institutions of their forebears. Our age, however, inherited the Republic like some beautiful painting of bygone days, its colours already fading through great age; and not only has our time neglected to freshen the colours of the picture, but we have failed to preserve its form and outlines. For what remains to us nowadays, of the ancient ways on which the Commonwealth, we were told, was founded? We see them so lost in oblivion that they are nor merely neglected, but quite forgot. And what am I to say of you? Our customs have perished for want of men to stand by them, and we are called to an account, so that we stand impeached like men accused of capital crimes, compelled to plead our own cause. Through our vices, rather than from fate, we retain the word "Republic" long after we have lost the reality.

MARCUS TULLIUS CICERO, *DE REPUBLICA*



MARCUS TULLIUS CICERO:

Marble sculpture by an unknown Roman artist; Uffizi Gallery, Florence.

The story of the great Roman lawyer, orator, Senator, statesman and author Cicero is a tragedy of one man's struggle against the decay and decline of the great Roman Republic. The Roman Republic was originally a democracy, but Cicero chronicles the death of the Empire as one dictator after another manipulates the 'will' of an increasingly immoral and corrupt people, while Senator and plebian alike regard themselves as immune from constitutional law. Dictators, therefore, became the creatures of the mobs, and the 'will of the people' increasingly reflected the baser lustings of the Roman rabble rather than an intelligent assessment of Italy's problems.

In many ways the conditions of the disintegrating Roman Empire bear a startling resemblance to conditions in the Western world today. The burden of Roman debt grew heavier, taxes became intolerable and inflation soared. The progressive centralisation of power added to the destruction of rural communities and merchant classes, and the crime rate began to explode. Drug abuse became a major problem, social standards increasingly permissive, and as Malcolm Muggeridge has pointed out, the youth of the nation began to revolt. Bureaucratic regulations abounded and became more oppressive. Rome even had the equivalent of the modern hijacking problem; the young Julius Caesar being sent by his general to put down the Cillilian pirates in the Mediterranean Sea.

It is a scriptural truth that without a vision a nation will perish. Rome had law, and institutions to enforce the law. However, while Romans worshipped numerous pagan gods, these gods offered no basis for the foundation of constitutional law. In contrast, the heritage of British constitutional law is rooted in Christian principles. The prime example is the great Magna Carta, which was forced upon King John by a Christian representative, Archbishop Langton.

Rome had an excellent constitution, carefully constructed by the founding fathers. In this sense a constitution reflects the philosophical views and moral character of a people. If this character is lacking, the best constitution cannot save a people, as Cicero lamented.

STRENGTH OF BRITAIN

A tradition of moral strength, sturdily based on the Christian faith, has served the British well in the past in times of peace as well as times of crisis. It is interesting to note that long after other European nations enforced their laws with some form of military strength, Britain had no police force. The duties of police were performed by ordinary citizens on a compulsory parish roster, each serving in turn as constables, or paying others to deputise for them during their years of service.

The British historian, Sir Arthur Bryant notes that this method worked extremely well in the small, decentralised villages, and that even in London a small patrol of less than fifty mounted men was maintained to guard its highwayman-infested approaches. A handful of professional Bow Street Runners — popularly known as 'redbreasts' on account of their scarlet waistcoats — occasionally patrolled the more lawless districts. For the best, says Bryant, the public order of the capital was left to the medieval constables of the parishes, assisted by a race of venerable watchmen, or 'Charlies' with traditional staff, lantern and rattle.

For a nation to survive for so long with no formal police force is a sign of great moral strength. Britain, therefore, has traditionally been able to form a bulwark against tyranny in Europe, rather than succumb to violent revolution as did the French, or to dictatorship as did the French, Italians, Spaniards and Germans. Looking back over twenty five years of war and revolution in Europe, the Duke of Wellington attributed Britain's

strength to the Christian faith, saying "It is the Church of England that has made England what she is — a nation of honest men".

Another principle of freedom scrupulously honoured was the sanctity of private property. This was also a legacy of the Magna Carta. The British believed that it was individual ownership that enabled a man to defy excessive authority, bribery and official intimidation. Sir-Arthur Bryant said: "The guardians of English liberty were the gentlemen of England whose hereditary independence protected them from the threats and guiles of despotism . . . This was also the belief of the great libertarian pioneers of the United States. To Washington and Jefferson property and democracy were synonymous: their ideal was the small freeholder scorning all tyrants, political and economic, and dispensing almost with government itself". Such ideals went directly back to Merrie England, and an age when a free and vigorous people managed and exercised control over their own affairs.

FREEDOM IN AUSTRALIA

Australia is not, strictly speaking, a democracy, but a constitutional monarchy. Since the formation of our constitution by our founding fathers, Australians of integrity have constantly sought to defend the spirit of the constitution, the essence of which is the division and decentralisation of political power. The history of Australian Federation practically consists of constant battles between the States on one hand, and the Commonwealth Government on the other hand, for powers that the states retained for themselves. It could well be that our future as a free people depends upon the question of whether our residue of moral strength is sufficient to ensure that the spirit of our constitution is upheld. Cicero has documented the results of moral decay in the great Roman Empire when the ravaging of the constitution went uncontested. His nation and its Empire no longer exist, and Cicero has left us with a trenchant warning for our own future.

If we believe that there is little that we as individuals can do, let us follow the lead of Cicero, and speak out. Let this be our code: *I am only one, and there is little that I can do. However, the little that I can do, I shall do. In association with all Australians of integrity, I shall help to preserve that which is good in the Commonwealth of Australia, and improve that which is shown to be not good. Just as a builder must have a plan on his paper in order to build wisely and well, so must a people have a constitution in order to guide them. But we have abandoned our plan and our map so painfully wrought by our fathers. Hence, we have dictators, men who lust for centralised power in order to oppress us.*

CICERO, THE MORAL LAW



SHARPEN YOUR SCISSORS



The editor is eager to hear from any reader who will undertake to send a continuing supply of useful newspaper clippings on any subject relating to Australia's heritage.

Those readers who receive newspapers from overseas are particularly asked to keep a look out for suitable material. Alternatively, why not ask overseas relatives or friends to do it for you?

So often, vital information is discarded when the newspaper ends its life in the dustbin. Why not share the news with others?

Freedom Wears A Crown

Recently Amnesty International issued a report naming notorious violators of human rights among states of the world. With only one exception, the countries named were all republics. The significance of this report will not, it is hoped, be lost as an important point in the continuing debate between monarchists and republicans. Even the one monarchy which was included, Lesotho, does not seem so bad when compared with its black and white neighbours in sub-Saharan Africa.

FROM MONARCHY CANADA

Liberty means judging everything freely in accordance with one's individual judgment, and does not hesitate to reprove what it sees opposed to good morals. Nothing but virtue is more splendid than liberty, if indeed liberty can ever properly be severed from virtue.

JOHN OF SALISBURY, THE STATESMAN'S BOOK

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The pressure for Australia to become a Republic continues and, in this the 32nd year of our Queen's reign, the arguments for and against are, more than ever, clouded by emotion and misconception.

The author of this article, a distinguished Australian who was a Cabinet Minister in four Menzies' Governments and Ambassador to the United States from 1957-64, argues for the retention of the Crown.

THE CROWN FOR AUSTRALIA

By Sir Howard Beale

Now that the romantic excitement has died away after the royal wedding, another sound is being heard again in the land.

It is not the voice of the turtle mentioned in the love passage in the *Song of Solomon*, but the much harsher voice of those who want to make Australia a republic and take the Union Jack out of our flag. I note that the Eureka flag has flown over Sydney's Town Hall, and that the ALP has very gingerly put its toe in republican water.

Anti-monarchy sentiment in Australia seems to derive mainly from two sources. There are, of course, the case-hardened English-haters from way back who have long resented the British connection. Some of them have recently been squatting in their little midden outside my office building at Circular Quay, handing out pamphlets condemning the wicked British for letting brave IRA murderers starve themselves to death. Such people are impervious to argument or persuasion.

But there are also those who genuinely believe that Australia's present link with the Crown is archaic and that we would be better off without it. Only to these people is it possible to put a contrary view.

Their argument is that for Queen Elizabeth of England to be Queen of Australia too is to brand us as a colonial dependency and

to limit our national independence. It is further said that the relationship is not understood, and is even resented, by migrants coming to Australia from non-British, and especially Asiatic, countries.

Then there is the claim that the events of 1975, when the Australian Governor-General appointed by the Queen dismissed the Whitlam Government, make it necessary that we should have a president or some other head of State of our very own, free from Britain.

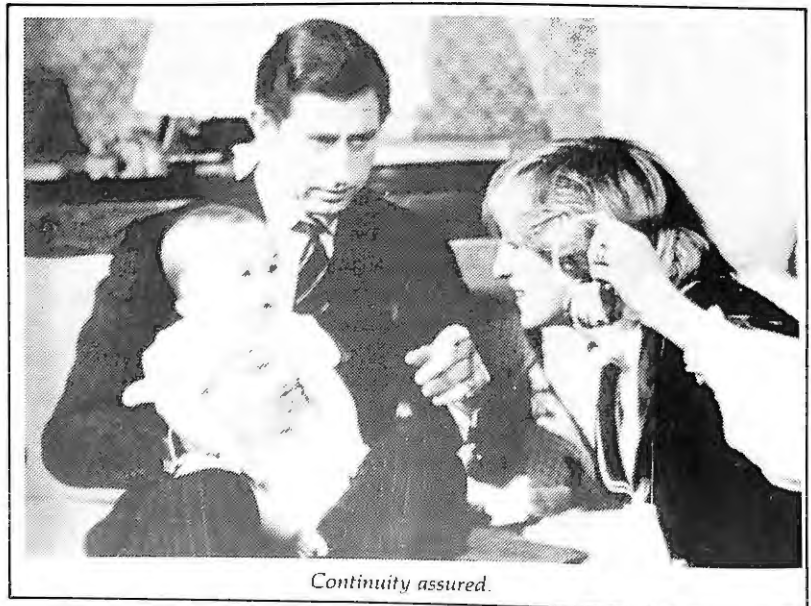
This argument can easily be dismissed: our Governor-General is entirely the choice of the Australian Government, and his

powers and actions are, and were, entirely regulated by the Commonwealth Constitution written by Australians. The Queen had nothing whatever to do with Mr. Whitlam's dismissal.

The republican arguments get a good press, whereas those in favour of the maintenance of the link with the crown are rarely heard, which is a pity because, as Dr. Goebbels showed us, one-sided propaganda repeated often enough tends in time to become accepted as truth, or what Professor Galbraith sardonically calls the received wisdom.

As to our flag. The Australian ensign with the Union Jack in the top canton against the staff was established as our national flag first by Order in Council and later by Act of Parliament many years ago, and is wellknown throughout the world. It is also, by common consent, a very beautiful flag. To change it would require an act of the Commonwealth Parliament, and it would be a brave government which, at present at least, would attempt to do so. The Jack is also incorporated in the flags of the various states, who would be most unlikely to agree to remove it from their flags.

I remember Mrs. Whitlam saying some years ago that she would be sorry to see the old Union Jack taken out of our flag.



So would I, and for good reasons. It is there because it is very much part of our history. Australia was founded by Britain and people of British descent still form the great majority of our population. To remove the Union Jack would be to deny our history and to turn our backs upon a long and often heroic association with the country which founded us, nurtured us and brought us to independence, and alongside whose sons our sons have fought and died on many fields.

Britain is still a mecca for Australians and they go there in droves. For most of us she is the country for which we have a special feeling based on common language, laws and institutions, as well as shared history, religion and family ties. (These family ties are recognised by Britain in the patril provisions of British immigration regulations). We are also closely linked with Britain through a whole network of other associations and organisations — professional, religious, academic, scientific, educational and commercial.

Australia in fact and in practice is as independent of Britain as is the United States

To say that the Union Jack in our flag is an indication of subservience or subordination is nonsense. Australia in fact and in practice is as independent of Britain as is the United States. Even in that country during the bitterness of the American War of Independence, George Washington flew a flag over his tent at Valley Forge which contained a British flag in the top corner, and the state of Hawaii still has the Union Jack as part of its flag to mark the historic fact that the islands were discovered by Britain and that in later years she freely relinquished her sovereignty to the Hawaiian people.

It is true that some years ago Canada, where Queen Elizabeth is also Queen, replaced its flag containing the Union Jack with its present maple leaf flag. But Canada has a formidable minority



The Crown — inspiring respect and affection.

problem with its very large French-speaking population in Quebec, and the change was made to placate them, although in fact it has not succeeded in doing so.

We have no such problem, and will not have unless our governments, in the sacred name of multi-racialism, are unwise enough to promote migration policies which result in so great an influx of people of quite different culture and background that it gives rise to the sort of turmoil and dissension apparent in many other countries. Our culture is British and European in character, rooted in moral values and traditions which have grown out of more than 2000 years of shared history and human experience.

As to abolishing the formal position of the Queen as Queen of Australia, her presence in that office does us no harm: she exercises no control over us, nor does she or her government decide the appointment of our Governor-General or ministers or any other officials. Hers is a purely historical, romantic and ceremonial role in which, despite the fierce light that beats upon a throne, she is clearly to be seen as an intelligent, conscientious and gentle person, inspiring respect and affection.

Moreover, she is remote and above the political storms which rage here. To replace her with an Australian president or other head of state would be to expose

CONTINUED ON PAGE 20

ourselves to the likelihood of political and other controversy on the merits of the appointee and the extent of his powers. It would also involve a fundamental amendment to and rewriting of the Australian Constitution which, if past experience of constitutional amendments is any guide, would create much opposition, and would probably end in failure.

Some mercenary souls, true to the present climate in Australia, have suggested that the Queen costs us too much, but almost all the cost of the royal establishment is paid by the British, and I would estimate that the financial burden of a president or head of state of our own with all its attendant trappings would be far greater than what the monarchy costs us at present.

Then there is the argument that the present link with the crown is unacceptable to non-British migrants. I greatly doubt this. So far as European migrants are concerned, I suspect that most of those who think about the matter at all are content to have the British Queen as Queen of their adopted country; echoes of Britain's struggles over the last century or so in defence of the freedom of European countries are still present in the folk memory of many who come here from Europe.

If the position is really different with Asiatic migrants — and I wonder about this too — it may be due to ignorance or to republican propaganda to which they have been exposed since they came. In any case, are migrants, wherever they come from, entitled to dictate what form of government we should have?

Presumably, in most cases they knew when they made their choice what sort of institutions they were to live under. And they can always go away. If we are to defer to the various views of newcomers about how we should alter our established institutions we may end up like the man, the boy and the ass in Aesop's fable — off the bridge into the river.

The United States has received millions of migrants from a multitude of foreign countries but there has never been any question of Americans changing their constitution to accommodate the alleged wishes or prejudices of those who come from countries with quite different cultures or forms of government. On the contrary, what America has done has been to mount a powerful educational campaign to teach newcomers about America's history and the virtues of the system established by its founding fathers. We in Australia should do the same.

There is another thing about the monarchy, elusive, subtle and tenuous perhaps, but nonetheless valid. When I was abroad recently I asked an American whether she had watched the wedding of Prince Charles and Lady Diana at St. Pauls. "Of course", she said. "We all did, millions of us. We got up at 5 a.m. and sat glued to our televisions for hours".

"Why?" I asked. "Why you Americans?"

She replied: "Well, of course, he is young and handsome and she is young and pretty, and all the world loves a lover, and the ceremony was beautifully done

...". Then she paused and said, "But it was really not that. It was because what we were seeing was something tremendously valuable to us in our own society. Despite all the shacking up that goes on, and our roaring divorce rate, most of us deeply believe in the idea of the family, its unity and continuity". And there it was, before our eyes.

I think most Australians feel the same way. When the Queen comes here, crowds of many national origins gather or watch on television, especially mothers and fathers and their children. They do so not just out of curiosity but also because in her they see an ideal, a symbol of something important to them — a caring family conducting itself with quiet dignity, good taste and devotion to duty.

Institutions and customs are not immune from change, and it may be that in the course of time our formal link with the crown will dissolve. But until then, I think we would be foolish not to try to preserve a relationship which is part of our history and gives colour and quality to our national life.

This article first appeared in *The Australian* and is reprinted with permission from Sir Howard Beale.

A NOTE TO CORRESPONDENTS AND CONTRIBUTORS FROM THE EDITOR

The production and administration of "Heritage" is carried out by a team of volunteers who support the Heritage Society by offering their services.

On some occasions there may be delays in our administrative duties and we ask that readers spare a thought for our hardworking team.

Contributions to "Heritage" do not always receive acknowledgement for their material unless points of clarification are required. Please accept publication of your contribution as part thanks. In so doing, a great workload can be lifted from our volunteer workers.

Where possible, of course, every endeavour will be made to personally thank our correspondents and contributors.

Thank you for your support and consideration.

A LIGHTER TOUCH

(FROM "AUSSIE" —
THE AUSTRALIAN SOLDIERS MAGAZINE — WWII)



Private Kummagutzer regarded critically the mysterious contents of his mess-tin.

"What's this?" he asked, perplexedly.

"It's stoo," said the pugnacious-looking cook, emphatically, "and if anyone says it aint stoo he can come outside."

"I say it aint stoo," said Private Kummagutzer. And he went outside.

He returned in about five minutes. His eyes were closed and swollen, his face bleeding, his hair dishevelled, his uniform torn.

"I think it's stoo, alright boys!" he said with conviction. "And if you take my advice you'll all think it's stoo!"

"And how often do you get leave to Australia?" asked the inquisitive old lady.

"Once every war," replied one of the dinkums; "at the end of it."

Two officers were occupying a shell-hole. Fritz was putting over some big stuff. Every time a plonker landed near them, one of the officers energetically fired his revolver into the air.

"What the blank are you doing that for?" asked the other.

"Retaliation, my boy, retaliation! We must retaliate at all costs!" And he vigorously fired two more shots into the air, as the dirt from a 5.9 showered over them.

Couldn't Get Out of the Groove

An M.T. Officer fell ill last winter with lung trouble. He was repaired in England, and then transferred to a Camel Corps somewhere in Egypt. He had not been on the new job long when one of the camels "konked out" and became sick. And this is how the ex-M.T. Officer applied for an evacuation:—

To the Camel Transport Officer.

I wish to evacuate Camel W.D. No. 608, Single Hump, Dual Ignition, 4 h.p., with defects as under:

- Eyes loose in sockets
- Knees not tracking right
- Wind flapper not seating
- Hump worn and scabby
- Tail shaft out of alignment
- Torque rod badly torn
- Chassis bent
- Ten teeth missing from top chewing gear
- Will not pull in reverse
- Water joint leaking
- Tyres worn
- Half horn missing
- Steering faulty
- Offside hind leg not firing right
- Left elbow twisted
- Bonnet weak and bent
- Rising joints very stiff

I shall be agreeable to accept one double-eared Donk in lieu thereof.

H.R. FELLONHISNAVEL,
O. i/c Workshops,
No. 109 Camel Corps.

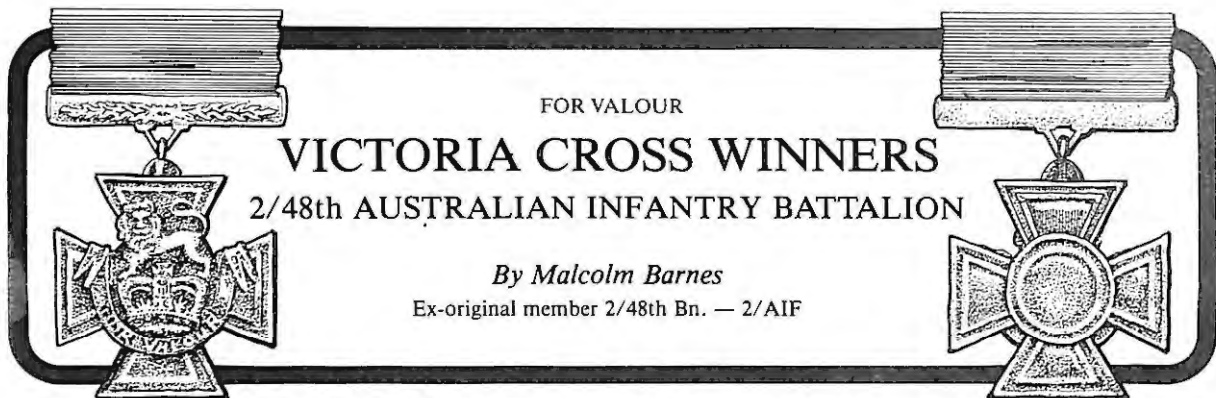
ROY SCOTT

The Flea Farm

I've heard Aussies tell stories to the unsophisticated of many different kinds of farms we have "out there" — there's the Jackeroo farm, the Nulla-nulla farm, the Wombat farm, etc., etc. But the boy with the Flea farm is the best novelty I've struck. He was a badly-wounded inmate of an English hospital. At every opportunity he would tell the nurse about his wonderful flea farm. Finally the nurse concluded that he had gone off his block and reported the matter to the doctor.

"What do you do with this flea farm of yours?" the doctor asked him. "Oh," replied the Aussie, "we make beer out of the hops!"

J. LLEWELLY



FOR VALOUR

VICTORIA CROSS WINNERS

2/48th AUSTRALIAN INFANTRY BATTALION

By Malcolm Barnes

Ex-original member 2/48th Bn. — 2/AIF

After more than six months of defending Fortress Tobruk, the 2/48th Australian Infantry Battalion moved out by sea, as part of the Ninth Australian Division of the 2/Australian Imperial Force bound for Alexandria and then by train to Palestine. The Division remained in the various camps in Palestine until after Christmas of 1941, when they were moved to Lebanon where they engaged in rigorous training in the mountains of Lebanon and in the Syrian Desert. All other units — divisions — of the 2/AIF had returned to Australia, and the men of the then famous 9th Division were all ready to join the other divisions in Australia, and to proceed to introduce themselves to the 'Sons of Heaven' in New Guinea.

However, 'Mr!' Rommel put paid to that hope, and the Ninth — including the 2/48th — were once again on their way to defend Egypt near a small railway siding called El-Alamein — some 70 miles west of Alexandria — a place they had passed through in the troop train the previous year and without any notice. After several positional moves the 2/48th Battalion — with other units of the 26th Brigade, moved out to attack the German and Italian front line and to capture Tel-el-Eisa railway station, a strategic area in military terms — the attack commencing in the early hours of July 10th, 1942.

On July 22nd, an attack by daylight was made on the Tel-el-Eisa railway and the railway cutting nearby. The attack began with 'D' Company at 6.15 a.m., moving in straight at the German positions when they were met



Private A. Stan Gurney, first V.C. winner for the 2/48th Battalion.

with terrific shell, mortar and machine gun fire from the German front and left flank, and suffered heavy casualties, but with the slow, deliberate movements of highly trained and disciplined soldiers, the Company continued the advance in perfect formation, over ground that shook and trembled with eruptions and vicious explosions all around. Through all of this, and much obscured by dust and smoke, the men of 'D' Company moved forward and, as they advanced, the enemy fire kept pace with them, leaving behind the still shapes of fallen men among the camel bush and sand.

As the Company reached the cutting the withering enemy fire destroyed the radio, and communications were cut off, the German fire was terrific, the Company commander went down, and orders could not be heard at all. After calmly walking 1600 yards from the start line to the objective the men advanced

almost into the enemy positions — to describe it as follows — The noise was terrific, German machine guns spreading fire right across the company front, the continuous calls for stretcher bearers told of our severe casualties, a sergeant and two men were cut down as my section cleaned out a pocket of Germans with Tommy-gun and bayonets — the sergeant who 'copped it' was an outstanding man, and had done a magnificent job to that point. Intense German fire sent the men of 'D' and 'B' Companies to ground. The attack was foundering when one man, seeing the situation was desperate, jumped to his feet and, with rifle and hand grenades, charged straight into the first German post, hurled a grenade and bayoneted another German who had jumped out of the pit, then bayoneted two more Germans. The soldier, Private Stan Gurney, of W.A., charged a second post and killed the occupants, then raced on to the third German post when a grenade burst near him, knocking him to the ground. He rose again and charged into the third German post where he was last seen vigorously using the bayonet, having run out of grenades. His body was later found in the post with the dead Germans.

By this single handed action he enabled his Company to move into the objective. For his part in the action WX9858 Private A. Stan Gurney was awarded a posthumous Victoria Cross — the first of four to be won by the famous 2/48th Battalion, which ended the war with more than one hundred decorations — making it the most highly decorated unit of either world wars.



Is the War, Just Not the Battle Lost?

The decision handed down on the 1st July, 1983 by the High Court against the State of Tasmania sent shivers of shock and anger throughout the island community. Among the many advertisements that appeared in the daily newspapers, one stated: "The burial of State Rights, Australia's sovereignty and pollution-free power will now take place".

During the evening the television stations interviewed ordinary citizens and all expressed disappointment and anger. One person said, "I think Mr. Gray (the Tasmanian Premier) should go ahead and build the dam". Another said, "The decision stinks!"

How can I, a Tasmanian, endeavour to explain to you mainlanders how we feel? We are aware that the established media gave a biased one sided story on the issue — and that you were not allowed to be given the facts. To those who accused us of considering ourselves Tasmanians before Australians, let me say, the recent decision will enforce this more than ever.

I am Tasmanian and proud of it, as I am a proud Australian. My father and grandfather fought for this land; my ancestors arrived in 1788, but as one ex-serviceman said to me on that fateful day of 1st July: "What did we fight for? So that Bob Brown can dictate the terms?"

The Labor Party electorally is probably finished in Tasmania; we will not forget that we were sold out. The decision of the dam, should have been ours and ours alone.

Personally speaking, I have always been a defender of State Rights but not so of the Hydro Electric Commission. Nonetheless, of late I toured the West Coast and to the centres affected such as Queenstown, Zeehan, Gormanston, Strahan, Tullah and others. I door knocked to gain a consensus of opinion. I interviewed the Council personnel at Queenstown besides the management of the Hydro and the ordinary site worker. I contacted the Organisation of Tasmanian Development (O.T.D.) which was founded by West Coast housewives. I inspected the plans and site of the proposed Gordon Below Franklin Scheme. The results were revealing.

Upon returning home, I wrote a report which, briefly, I concluded: The Scheme was wanted and indeed, needed by the West Coasters. It was not going to destroy vast areas — it was to alter some.

There is no commercially and viable huon pine left in the area. There is very little virgin wilderness as natural fire has swept through the area regularly, as recent as fifty years ago. Tasmania will need that extra, non-polluting, inexpensive electric power in the 1990's. There is as yet no viable energy alternative. As a Doctor of Chemistry put it to me: "It will be about ten years time before the full repercussions are felt from this decision".

Much of the propaganda put out by Bob Brown and his Wilderness Society was incorrect and misleading. Photographs of areas said to be "threatened" were in actual fact up to 100 miles away from the proposed site. Many of Brown's team were mainlanders, especially here for the campaign. For instance, two thirds of those arrested for trespassing on Hydro land were non-resident of Tasmania and very young. The media of course backed them to the hilt particularly Nationwide (ABC) and the local radio personality, Sue Becker who harped and harped on the theme of destruction.

Pam Bathchelor, one of the founders of the Organisation for Tasmanian Development informed me that a mainland television crew flew into Queenstown, got their material, distorted the truth flew back to where they came and put it to air.

The day following the tragic announcement, feeling was still running high throughout the State. State Rights remained in name and nothing else.

Secession again was frequently heard, yet we of the Anglo-Saxon-Keltic Society should not have been totally shocked, as we were forewarned that Tasmania would lose the decision. The Government of Tasmania knew a fortnight before the handing down of the decision.

So where do we go from here? What has resulted is more power to the Federal Government, more power to politicians to direct our lives and less choice and freedom for the individual.

Mr. Kion, of the Victorian Democratic Labor Party suggested a national referendum on the subject so that the Court's decision could be reversed. One thing is for sure: if something is not done or if a leader does not rise to meet the crises, then Australia as we know it is finished. If the Human Rights Bill is passed, it will herald the end of our national independence. Then we will not have only lost the battle, but also the war.



CUSTOMS & CURIOSITIES

COMPILED BY DAWN THOMPSON (W.A.)

Readers are invited to contribute articles and photos to this column.



IN A LITTLE BUSH SCHOOL

When I was a little girl, forty years ago, my brother and I went to a small country school which had only one room and one teacher. There was a verandah outside with pegs where we hung our coats and the leather school bags, worn on our backs, which were "in" at that time. Sheltering the door of the school was a tiny porch, with two wooden steps leading up to it. An iron tank caught the rainwater off the roof, and its tap provided for our ablutions and drinks, while two small buildings with wooden screens around the doors, one marked "girls" and the other "boys" and served by the pan system common to our homes, served as our toilets, and a handy refuge from being teased or bullied, or just to escape members of the opposite sex.

There were only ten or twelve children attending this school, and the teacher taught us all, giving one class work to go on with while he attended to another class. Sometimes there were only one or two children in each class, and none in others. If the teacher was very busy an older child would be allowed to leave his or her work and help the smaller ones. This was being a "monitor", and we loved this, though we had afterwards to catch up with our own work. No doubt many a teacher of the future first became enthusiastic about their profession while "taking the babies".

I remember being a monitor one day, for a health lesson on bodily cleanliness, and asking one little boy why we must always wash our feet before going to bed — all-over baths were only once weekly in those days — "Because", said this little lad,

"We don't want to get toe-jam on our sheets!" This broke up the whole school for a few minutes.

Although we could of course hear everything that went on in the room we learned to concentrate on our own work, and not to be distracted by the other classes. When the lesson was poetry, the class would recite in unison, speaking correctly and expressively, and I can still remember snatches of many poems learned by the others, as well as whole poems — quite long ones — which we had to learn for homework and recite in class.

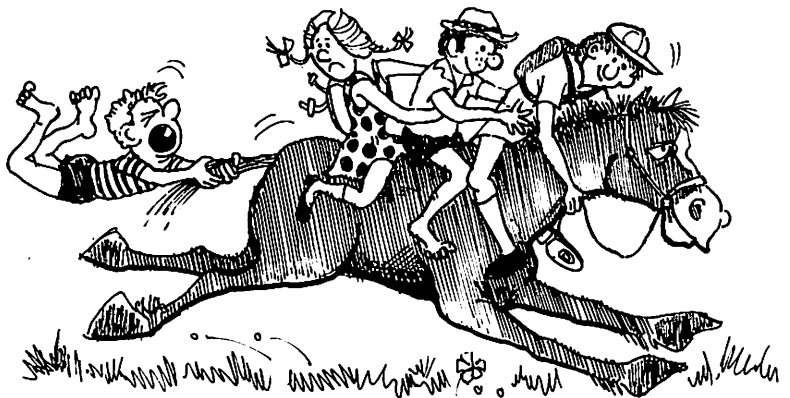
Another lesson that used to filter through our ears as we worked was Grades 3 and 4 learning their tables, which they had to repeat "three fours are twelve, four threes are twelve, three into twelve goes four, four into twelve goes three". These times tables had to be memorised before we left Grade 4, and the oft repeated chant rings in my mind still when I have to do sums, and the answer I need pops into my mind just like it does on a calculator.

We had no school buses to our school, and all the children lived on farms within five or six miles of the school. Some walked to

school, some rode bicycles, but my brother and I and the Doolan family rode ponies, and kept them through the day in the school horse paddock. Doolan's horse was called "Phar Lap" and they said it had been a trotter. Sometimes Phar Lap would "take off" and head for home with all the Doolan kids hanging on like mad — sometimes there were four of them: Dennis and Larry and the little twins, Cassin and Margie. My brother and I rode together on our little palomino pony "Silver" who looked so lovable, but was really a devil. He often bucked us off, and would shy and bolt and refuse to go at all at other times. We lived across a river from the school, about five miles distant, and Silver lived in a little paddock on the school side of the river, and was fed on hay and chaff.

After we got home from school to the river at night, we let Silver go and fed him, and then called until our mother heard us at the house up the hill on the other side. She would come down and untie the punt, a kind of raft afloat on four big oil drums, attached with two loops of wire to another wire stretching across the river. Standing stiffly on the punt, she would pull hand over hand across to us on the other side. We jumped on, and in a few minutes were pulled over to the home side. At times the river came down in flood, and Silver had to be moved to higher ground and safety, and of course, we had to be off school until the waters went down enough so we could cross in safety.

I saw the site of my little old childhood school the other day.



The school was moved away years ago to form part of a cluster of buildings — the Consolidated School. There the children of today live such a different life, transported on buses, using video and computers and going on camps and visits to cultural and sporting functions. My old school playground is now a pine plantation, and the trees are tall and sturdy. All the children nurtured there have made their way in the world and contributed each in their own way, and I am sure we all at times look back and remember the simple, happy, innocent days we spent in the little bush school.

— Dawn Thompson

AN OLD TRAGEDY

Early this century, there were many ships wrecked off the coast of Victoria between Warnambool and Melbourne, the most famous probably being the Loch Ard near Port Campbell. The Maritime Museum in Warnambool has graphic descriptions of many of these wrecks, and a great deal of memorabilia, including the exquisite porcelain peacock salvaged from one of these vessels.

One lonely tragedy that is not well known is that of the loss of a Greek ship that sank off Childer's Cove — the site of more than one such wreck. This loss occurred in bitter weather, and police investigating the scene along the steep and rugged cliffs found a lone boy clinging dead and rigid to the cliff face. So wild was the sea that they were reluctant to go down to retrieve the body, but a brave local man volunteered to be lowered down, and managed to bring back the unfortunate sailor.

It was later learned that a simple lad had come rushing in from his work by the shore some little time previously, tremendously excited and insisting that the Germans were coming — he had seen their gunfire away across the sea. But he was ignored or ridiculed, and so was lost the opportunity of perhaps saving the life of a gallant sailor, who came so close to safety, and died alone in a stubborn struggle for survival.

GRANDMOTHER'S RECEET

Years ago when my mother was a bride, my grandmother gave her a "receet" for washing clothes. This treasured bit of writing now hangs above my gleaming automatic washer as a grateful reminder of today's mechanical blessings.

1. Build fire in back yard to heat copper of rain water.
2. Set tubs so smoke won't blow in eyes if wind is sharp.
3. Shave one whole cake of lye soap in boiling water.
4. Sort things — make three piles; one pile whites, one pile coloured and one pile work breeches and rags.
5. Stir flour in cold water to smooth, then thin down with boiling water for starching.
6. Rub dirty spots on board. Scrub hard. Boil. Rub coloured but don't boil — just rinse and starch.
7. Take white things out of copper with broomstick handle, then rinse, blue and starch.
8. Spread tea towels on grass.
9. Hang old rags on fence.
10. Pour rinse water on flower bed.
11. Scrub porch with hot soapy water.
12. Go put on clean dress — smooth hair with side combs, brew cup of tea — sit and rest and rock a spell and count your blessings.

— Anonymous



Dissenting Reader

Dear Sir,

I have been reading *Heritage* No. 28 and must say that I would endorse the aims of the Australian Heritage Society as set out on page 1 of that issue. I myself favour our present flag and value greatly our precious heritage in the English language and would strongly seek to preserve it. My great-grandfather came to South Australia in 1850 and he and my grandfather 'sweated and toiled' in the mid-north of that State. I claim to be fully Australian, a third generation citizen sixty-five years of age.

However, I must say that the tone of some of the letters and articles in the issue irked and annoyed me quite a bit.

Mention is made of our spiritual, cultural, political and constitutional heritage. I am glad the spiritual is placed first. Presumably that implies a belief in God, the God of truth, goodness

and beauty, the creator and father of humanity. To my mind it follows from this belief, that God values and loves every human being equally, that he is not colour-conscious, that despite what many humans may think, miscegenation or 'mongrelisation' of the human race would disturb him not one jot (racial purity, so-called, was the abominable Nazi heresy) and that the inviolability and permanence of national boundaries, national sovereignty and nations as such are of little concern to him.

Regarding political and constitutional matters, I resent the imputation made quite often these days that members and supporters of the Australian Labor Party (over 50 per cent of the electorate) are somehow less loyal and less patriotic Australians than Liberal and National Party supporters.

Abuse and slander of any opponents one might have, does not do anyone's cause any good.

LETTERS

Such methods only antagonise, and strengthen the opposition of opponents. In attempting to induce others to accept one's own viewpoint, it is far better to rely on reason and peaceful persuasion. Republicans (and some have been around in Australia for a long time) are not necessarily 'bad' Australians, nor are all advocates of a flag change, although I do not favour any change in this regard myself. Are all Canadians 'bad' members of the British Commonwealth because they decided to change their country's flag? I would think not.

I must say I heartily endorse the sentiments expressed by Henry Lawson in his poem 'The Men Who Made Australia' because Australia has never counted for much with the average Britisher. Feelings of sentimental attachment are almost totally in the other direction, from us to them.

G.H. Temperly,
Campbell, A.C.T.

Defend the Constitution

As a developing nation, we must go back to that precious instrument, our Federal Constitution. This, first and foremost, is that part of our heritage which must be held inviolable. That lofty document which recognises God as our Creator, the Monarch as Defender and Protector of our freedoms, and government by law.

Our present Federal Attorney General is at this moment losing no time to reverse laws formed by the Constitution's founding fathers. Having sworn an oath to serve Her Majesty faithfully, he is

preparing legislation to eliminate all remaining links between the States and the British Crown and to centre all power in Canberra. The Governor General's present position is to be whittled down, making him a mere rubber stamp; a robot responsible to Parliament rather than the converse.

We must seriously ask ourselves whether firstly, the Constitution needs "renovation" and whether, more seriously, Senator Evans is a fit person to tamper with something not exclusively his own property, but a document conceived and expressed in such terms for the protection of the Nation from such people who might wish to convert it to their own personal use, or that of any minority pressure group they represent.

It is most significant that the loudest cries advocating republicanism emanate from those who by law are directly responsible to the Governor General. Obviously they wish his present powers curtailed so that they can assert their own without having to be answerable to the Australian Nation at large. Many more of us need to appreciate and to examine the reasons why hundreds of thousands of immigrants flock to Australia. Why do they not choose to emigrate to countries governed in the republic style? Why Australia of all countries on the earth?

Too often it seems, "freedom" is confused with "licence". If people refuse to honour the Queen and their Country's flag, actively working for the overthrow of those things most Australians obviously want, as evidenced by their love for the British Royal Family, then let us who love our country and the blessings conferred on us by our legal heritage stand resolutely in defence of them. Anything worth

defending merits watchful guardianship. If we refuse to act, leaving it to someone else, then our adversaries deserve the spoils they have worked hard to own.

As a matter of urgency, we must rid our parliaments of those who while swearing allegiance to the Crown, work actively towards making it a legally impotent arm of government.

It is not the British Crown that is archaic, but rather the republics around the world which have given the voter less freedom than he had before. To millions of people the world over, the term "Glorious Revolution" has left a bitter taste in the mouth.

Are we going to stand idly by and allow our freedom to go under the legislative axe?

This is the burning question for all of us "Heritage" supporters, and there are thousands we must try to persuade to lend active support and not merely the impotent nod of consent. If Senator Evans can bring relish and enthusiasm to the task of dismantling that which belongs to the nation, there the nation must redouble its efforts to see that he and his kind are rendered impotent.

If school children were taught the simple legal facts about their freedom under the Federal Constitution, there would exist little if any opportunity for politicians to hawk their false gospels around the halls of Canberra. Opportunists thrive on ignorance, and we who hold sacred our freedom must ensure that Senator Evans and his henchmen will not succeed in their quest to fool all of the people even some of the time, or in fact, even some of the people any of the time.

Kingsley Sutton,
Hampton, Victoria.

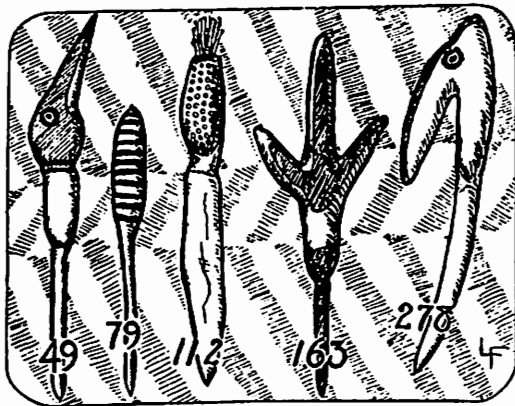
Contributions

Address written contributions to:

THE EDITOR, "HERITAGE",
BOX 69, MOORA
WESTERN AUSTRALIA 6510

ARTICLES and other contributions, together with suggestions for suitable material for "Heritage", will be welcomed by the Editor. However, those requiring unused material to be returned, must enclose a stamped and addressed envelope.

Aboriginal Toas



Toas: message-sticks of the Central Australian blacks; the originals have extraordinary variety of form and meaning, and brilliant colouring.

Toas are Australian aboriginal direction signs. When the natives were leaving one camping-ground for another, it was the custom for one of these toas to be erected in a prominent place to indicate to any visitor the direction taken by the last inhabitants of the camp. From a collection of over three hundred of these interesting articles, five were chosen for reproduction in the sketch herewith.

The collection was mainly made by the late Rev. J.G. Reuther, who was for eighteen years in charge of the mission station at Kallalpaninna, in Central Australia. In a volume of the *Records of the South Australian Museum*, there is an extract from Reuther's manuscript, by Stirling and Waite, accompanied by a fine series of coloured plates of the toas.

Reuther believed that the natives of many of the Central tribes originally believed in the

existence of a single supreme being, Mura. Muramura signifies a demi-god, and the tribes there today recognise some eighty of these minor deities; for instance, Muramura Darana was the demi-god of the drought, and so on.

These demi-gods are regarded as the ancestors of mankind, and their doings are interwoven in the nomenclature of places and in the songs and tales of the various tribes. We are familiar, from the writings of Sir Baldwin Spencer, with the way in which every natural feature — hill, pool and rock — is attributed to some action of these legendary ancestors.

The following descriptions of toas are given to indicate more clearly the significance and use of these interesting objects. They show also the influence of the Muramura legends and the close knowledge of topography and small landscape details. The numbers refer to the sketch:

49. Tampangaratirkanani (Tirari tribe). To the place where many pelicans stand. Here, on a lake, a Muramura saw many pelicans standing, and so named the place. The toa represents a pelican's head. It may be noted that the "ni" on the end of the name given indicates "towards"; the first part of the word is the name of the place to which the toa directs.

79. Nganpanawirinani. To the place of furious anger. The toa represents a watercourse crossed by rows of trees (white stripes). Here with uncontrollable rage, a Muramura fought with his uncle.

112. Pankapankaraburuni. To the rush plain. So called because a Muramura once came here and found it overgrown with rushes. The plain is represented by the white oval head, and the rushes by the (yellow) spots and the bunch attached.

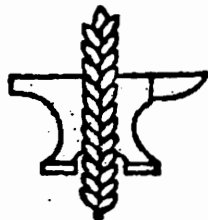
163. Paralkuterkanani. To where the paralku bird stands. The white patch represents Lake Hope, and the shaded (red) portion three peninsulas jutting into it. Because a Muramura found many paralku birds there, and because the disposition of the three peninsulas resembled a footprint of these birds, he so named the place.

278. Worantirrani. To the high bank. The white head of the toa represents Salt Creek, where it makes a sharp bend, and the shaded (red) margin denotes a high bank of that colour formed at the bend. The eye-spot denotes a waterhole, also with red banks. Named by the Muramura Turuturungamiri.

The records of these toas represent a veritable treasure house of authentic and original tribal art and legend. They present an astonishing and pleasing variety of form and colour, associated with mythological and traditional stories. Doubtless they will one day provide inspiration to artists and designers who may seek to add to the individuality of modern Australian art.

From *Bunyips and Billabongs* (1933)
by Charles Fenner, D.Sc.

SOCIETIES OF INTEREST



*Modular
Conversion
Bureau*

"We need to remember also that the majority of our transactions are with one another at home. Transactions involving size or quantity made with persons in another country are minute compared with the enormous volume of transactions which we have with each other at home.

Lastly, do benefits in fact follow from the use of metric rather than imperial? The answer is, yes — in a few cases. If we have the area of a field in square yards and we want to reduce it to acres we have to divide by 4840. If we have the area in square metres and we want it in hectares; we divide by 10,000.

But: (a) How often in a lifetime does the average person reduce square yards to acres? (b) If we want to know the number of cubic inches in a box 15" x 17" x 13", the calculation requires 20% more labour if the dimensions are expressed in metric (38cm x 43cm x 33cm).

(c) In many transactions — perhaps 70% of all — the statement of quantity is merely a description and no calculation is involved — a pint of milk, a half-pound of tea, a four-gallon tin of petrol, a pound packet of sugar. If one system did have a mathematical advantage over another that would be irrelevant in these cases.

METRIC CLUMSINESS

In the present situation, what does strike us is the clumsiness of metric quantities. An 8' ceiling is now 2400mm, a pint of milk is now 600ml, a 9 x 4 envelope is now 228 x 102mm, quarto paper was 10" x 8", is now 254mm x 203mm.

We may ask ourselves what we gain by:

Expressing distance in kilometres rather than miles, stating rainfall in millimetres rather than points, buying paint in litres rather than gallons, weighing letters in grams rather than ounces, expressing body weight in kilograms rather than pounds, buying clothes line, wire, carpet, hose, piecegoods in metres rather than yards, measuring tyre pressures in kilopascals rather than lbs.

The answer in every case is of course — we gain nothing. Very clearly there are no benefits of any kind."

FROM AUSTRALIAN METRIC RECORD No. 8

MODULAR CONVERSION BUREAU

No. 5



AUSTRALIAN



METRIC RECORD

The Truth about METRICATION in Australia

Cold shouldering Celsius
Fahrenheit scale wins doctors' vote



An unusual spell of cold weather in South Australia prompted a letter published in the *Field* "Advertiser" on 11th June 1982, under the heading: "COLD SHOULDERS CELSIUS" (above). It reads:

"The recent freezing weather has emphasized the practical stupidity of using the so-called 'Celsius' scale for atmospheric temperature, which even in SA's warm climate it has become necessary to resort to the absurdity of recording negative temperatures.

"In the Fahrenheit scale, which was scientifically evolved to register atmospheric temperatures, a whole number, of two digits, will give the temperature with adequate accuracy in all but the most extreme conditions. Decimals of a degree are only necessary for the most precise measurements.

"In the Celsius scale, the confusion and complication of decimals and minus signs are all too obvious. It is only necessary to measure a temperature of 10 degrees below zero to have a temperature of 32 degrees below zero in Fahrenheit.

The Modular Conversion Bureau was formed as a non-profit organisation to serve the Australian public and media by disseminating information about metrication in Australia and the world, and specifically to advocate and facilitate the use of customary (Imperial) measures and the improvement of efficiency in such usage.

There is no formal membership as such, as the organisation is a Bureau rather than a Society, but subscriptions to the 12-page journal, the *Australian Metric Record*, are invited. This is issued approximately every two months as material becomes available, and will be posted to any address in Australia for 80¢ per copy. All back numbers are in print. A set of eight back numbers will be supplied for \$6.00 including postage.

The Bureau welcomes items of information on any aspects of the effects of metrication, and will supply on request available information (SAE please). All correspondence should be addressed to:

Modular Conversion Bureau,
P.O. Box 61,
Clarence Gardens, S.A., 5039.



Back Cover

THE "PARRAMATTA"

In the year 1866, when the great tea race from China resulted in a dead heat, and the three famous tea-ships — *Ariel*, *Taeping* and *Serica* — all docked on the same tide, four very different types of first-class sailing-ships were launched. The first of the four was the *Titania*, the beau ideal of a composite tea clipper, a thorough-bred racer from truck to keel, built in Steel's yard of picked teak, and finished off like a yacht. Next came the iron clipper *Antiope*, one of the earliest of a type which for the last fifty years has shown the world what the Clyde could do in the way of shipbuilding. Then Hall, of Aberdeen, launched the celebrated passenger-ship *Sobraon*, a confessed experiment in type and design, but one which turned out to be a great success. Finally, there was launched, from Laing's yard at Sunderland, the *Parramatta*, which, though her lines were those of a clipper-ship, bore a far closer resemblance to the old East Indiaman than to the windjammer of the latter half of the 19th century.

The *Parramatta* was specially built for Devitt & Moore's passenger line to Sydney. She was a first-class London passenger-ship of the familiar Blackwall type, frigate-built of teak, with iron beams. In her design above water she adhered strictly to the characteristics of the old Blackwall frigates, and was practically an enlarged *La Hogue*. She had the same heavy stern, with large cabin windows, which had gradually been developed from the old East Indiaman's quarter galleries and balconies, with their wealth of carved work and gingerbread.

Like all true Blackwallers, she had next to no sheer; and the dead eyes of her rigging were bolted through wide channels to chain plates, which reached almost to her water-line. Her low poop or, more strictly speaking, her raised quarter-deck, extended so far forward that it only gave a small clearance for the fiferail round her mainmast. Her fo'c'sle head also reached as far aft as the fore swifter, and between the fore and main masts she had a long deck-house, whose top was on the same level as her fo'c'sle and poop decks. Thus she practically had an extra deck.

The great aim in passenger-ships of those days was to provide room on deck for working the ship, as well as give sufficient space for the passengers not only to sit about, but to promenade and dance. In the short, mallet-shaped frigates, which were the immediate predecessors of the *Parramatta*, the crowding up of the decks with cattle stalls, pig pens, extra boats, and the rows of hen coops had become quite a serious problem. Hen coops often lined the bulwarks, even on the sacred quarter-deck, and the smell coming from these coops, after the ship had been a few weeks as sea, will be remembered by all those who have made passages in sailing-ships as far back as the 'sixties and 'seventies.

The rig of the *Parramatta*, except for the double topsail yards and wire standing rigging, was little different from that of twenty years before. Her bowsprit and jib-booms were of immense length, carrying four big headsails. I say jib-booms, for a long flying jib-boom was fidded on the end of the jib-boom. When she came out she set a full suit of stunsails, though when stunsails went out of fashion, towards the end of the 'seventies, the booms were reluctantly sent down from aloft.

All her sails were clewed up to the quarters in the old style of both Royal Navy and Mercantile Marine. The modern fashion of clewing up to the yard-arm only became possible when square sails had become broad strips of canvas, with no flow or fall, owing to the doubling of the topsail and topgallant yards. Courses still clew up to the quarters, being deep sails, but it is rare to find clew-line blocks on the quarters of even a royal-yard in a modern sailing-ship.

Neither in her model, her rigging nor her cabin and deck fittings did the *Parramatta* in any way resemble the *Titania*, *Antiope* or *Sobraon*, but as regards her hull measurements she was right up to date. With a registered tonnage of 1,521, she measured 231 feet in length, 38 feet 2 inches beam, and 22 feet 8 inches depth.

