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The Price of Freedom is Eternal Vigilance

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THOUGHT OF THE WEEK: Executive and High Court Appointments

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP07

The Framers' Vision

It is a commonplace that the Australian polity is a mixture of the British system of 'responsible government' and that of federalism derived largely from the example of the United States. Simply put, responsible government means that the Executive Government, chosen from those elected to Parliament, is accountable to Parliament, and through Parliament to the people.

Sir Samuel Griffith (Qld), speaking during the (*Constitutional-ed*) Convention Debates on 4 March 1891, said that the system of responsible government 'is the best that has yet been invented in the history of the world for carrying out the good government of the people.'⁽¹¹⁾ According to Wise (NSW), despotism and government by bureaucracy could only be avoided by a 'strict adherence to responsible government and to the parliamentary system as we know it today.'⁽¹²⁾ 'We find in responsible government', Deakin (Vic.) suggested, 'the promptest, the most sympathetic means of expression and execution of the popular will consistent with the deliberate consideration of the problems to be solved.'⁽¹³⁾ Playford (SA) too commented that it would be 'a mistake to go away from the old responsible government under which we have been brought up.'⁽¹⁴⁾ And, as Isaacs (Vic.) noted on 26 March 1897: Responsible government is the keystone of this federal arch.⁽¹⁵⁾

(11) *Official report of the National Australasian Convention debates, Sydney, 2 March to 9 April, 1891, Govt. Printer, Sydney, 1891, 4 March 1891, p. 36.*

(12) *Official record of the debates of the Australasian Federal Convention; third session, Melbourne, 20th January to 17th March, 1898, Govt. Printer, Melbourne, 1898, vol. 2., 22nd February to 17th March 1898, 10 March 1898, pp. 2198-2199.*

(13) *Official report of the National Australasian Convention debates, Adelaide, March 22 to May 5, 1897, op. cit., 26 March 1897, p. 288.*

(14) *Official report of the National Australasian Convention debates, Sydney, 2 March to 9 April, 1891, op. cit., 5 March 1891, p. 60.*

(15) *Official report of the National Australasian Convention debates, Adelaide, March 22 to May 5, 1897, op. cit., 26 March 1897, p. 169.*

RESPONSIBLE GOVERNMENT - The Weapon at Hand By Arnis Luks

My research for this week has taken a few interesting turns, stretching my thought processes and perspective.

- *Herbert Vere Evatt, a prominent industrial lawyer working mainly for trade union clients was elected as the Australian Labor Party member for Balmain to the New South Wales Legislative Assembly in 1925. Re-elected as an "Independent Labor" candidate in 1927, Evatt served in the Legislative Assembly of NSW until 1930. He was then appointed by the Scullen Labor Government as a judge of the High Court of Australia from 1930 to 1940. He later served as Attorney General and Minister for External Affairs from 1941 to 1949 and leader of the Labor Party (in opposition) from 1951 to 1960.*
- *Sir Garfield Edward John Barwick, AK GCMG QC (22 June 1903 – 13 July 1997) was an Australian judge who was the seventh and longest serving Chief Justice of Australia, in office from 1964 to 1981. He had earlier been a Liberal Party politician, serving as a minister in the Menzies Government from 1958 to 1964 - Attorney-General of Australia from October 1958 till March 1964. Barwick, one of eight justices of the High Court to have served in the Parliament of Australia prior to his appointment to the Court; others being Edmund Barton, Richard O'Connor, Isaac Isaacs, HB Higgins, Edward McTiernan, John Latham, and Lionel Murphy.*

Senate: the States House has Equal Power

In his book "*The King and his Dominion Governors*", which is forwarded by Harold J. Lasky, (*London School of Economics and Political Science*), H.V. Evatt's main focus is with the problem of the 'reserved powers' of the Crown. It's a most interesting historical work on these 'reserved powers' in light of the recently released *Kerr Letters*. Having downloaded the six archive files of the *Kerr Letters*, I targeted the dismissal of 11th of November 1975. The jostling between Whitlam and Fraser and the evolving thoughts of Governor General Sir John Kerr leading up to the dismissal, confirming the strategy by the Chief Justice of the High Court Sir Garfield Barwick as to its Constitutional validity, makes for compelling reading. Real history is more interesting and dramatic than fiction. **Had** Kerr not dismissed the Whitlam government November 11th 1975, we in Australia **may** have experienced a significant curtailment of the democratic process **that** Whitlam, by successfully navigating through the Khemlani

loans affair, could have destroyed the equal power of the Senate in relation to the House of Representatives. This is most profound in that with the requirement of the People's House - the House of Representatives, to annually seek supply through Appropriation (Parliamentary Departments) Bills, compels the People's House to stand under judgement of the States House - the Senate - as to whether it continues to represent the will of the people. It is this balancing of political powers across parliamentary houses - Bicameral - that is important.

Our Australian Federal Constitution, clearly places equal power vested in both houses. The only limit on the Senate is the inability to initiate supply bills, otherwise the two houses have identical power. This balancing of powers needs to be viewed in that Queensland has no upper house, nor New Zealand, so both these political situations are Unicameral - two legged monsters. The dominant party rules by its own accord in-between elections - effectively an elected dictatorship answerable only every few years.

Another part of this consideration is the erosion of the relationship within the Senate - the 'states' house - by party aligned politicians instead of 'representation of the best purposes for their own state', which could do much good. We should consider this deeply when we vote. A re-education program is vital for the upholding of the value of the State's House - the Senate, and it's ability to reliably keep the House of Representatives to account.

Responsible Voting

Every time you put a tick in the voting box for a political party for the upper house you may be committing an act of misguidance against your very own state. The political party politicians, working together across state boundaries and across parliamentary houses, do represent their party instead of the people of their own electorate and state. It is timely to relearn our civics - the study of the rights and duties of citizenship. Voting-practices need to be re-considered in the light of the 'responsible voter'.

Victoria's One or Two Legged Monster

The Victorian Constitution (Parliamentary Reform) Act 2003, curtailed the power of the Legislative Council (upper house) to hold the popular Legislative Assembly (lower house) to account. Victorians are experiencing the consequences of this dramatic change in their constitution of the despotic executive on full display.

In 1947 and in 1952 the Victorian Legislative Council rejected the Supply Bill, as did the Tasmanian Council in 1952. Public administration came to a halt in Victoria in 1878 and again in 1879 with mass sackings of the public service due to the withholding of supply by the upper house. Since 2003 this balancing of powers has changed.

Had the upper house in Victoria still been of equal power 'after 2003', it could have more readily called the despotic executive to account on this COVID-19 lockdown, as also could the Governor by withdrawing their commission and calling an immediate election.

ON TARGET

I am not convinced the governor can still do this since the Victorian Constitution (Parliamentary Reform) Act 2003.

Party Machine

Political Party Machines circumvent representative's ability to do their two primary duties of re-presenting the will of their electorate and holding the executive to account. All political decisions are made behind the closed party room doors rather than in public light of the parliamentary floor and recorded into Hansard.

Representative Void

Party discipline and party objectives hold no time for the common man/woman, traditional labour, the small businessman and free competitive enterprise. These points of view and values are not represented through any of the political parties. Rather collectivism, in the forms of neo-liberalism, libertarianism or socialism. Big donors get big results. Progressive thinking, being for the direct benefit of big business and big government, is de-constructing any opportunity for the common man/woman's parliamentary representation. This void is a significant political opportunity for genuine conservative representation to stand up, to start 'baying' in favour of 'economic and political democracy' - representing the values of the common man, traditional labour and free enterprise, and also the traditional church - all being the custodians of our cultural inheritance for regeneration.

Political Party Thinking Towards Collectivism

It is mentioned in Evatt's book, that Labor thinking (Socialism) is more likely to support Liberal policy in preference to Conservative policy.

Likewise Liberal thinking is more likely to preference Labor policy (Socialism) over Conservative policy, both Liberal and Labor being a collective philosophy.

Traditional labour, as does free enterprise small business, has preference towards Conservative values and policy over collectivism (Socialism/Capitalism) if it can correctly identify the issues and their long term ramifications e.g. the Trans Pacific Partnership doesn't benefit local industry, but preferences multi-nationals. Liberal/National and Labor/Green politicians are more aligned with totalitarianism, whether it is the collective ownership of all material goods and administration in the hands of the state, or collective ownership of all material goods and administration in the hands of big business, both towards Technocracy. The common man being disenfranchised by both, of his cultural inheritance, his property and his freedom. This has taken me several years of effort and study to come to this understanding of collectivism from all political party persuasions.

Daniel Andrew's preference for local council 'gardeners' to continue working (big government) while Jim's Mowing Services (free enterprise, small business) are not permitted, even though both are performing identical tasks.

Reserve Powers of the Crown

This brings us to the main consideration of Evatt's book in the 'reserved powers' vested in the Crown, and how

these reserved powers have at times done great good. In 1975, Sir John Kerr's dismissal of the Whitlam government was demonstration of these 'reserved powers' of the crown at the Federal level. The 1932 dismissal of the NSW Lang government by Sir Philip Game was a demonstration of these 'reserved powers' at State level. *Kerr's Letters* show, in his role as Governor General, he must remain impartial. He could not choose sides or be construed to choose sides in any deadlock between the two Houses of Parliament. Sir John Kerr chose to send the parliament back to the people for their determination.

Note: Sir John Kerr was brought up in a labor orientated household, found a role model in HV Evatt, represented trade union clients, labor causes and held direct links with the Labor Party from 1948 - 1955, including in 1951, seeking selection for a federal parliamentary seat.

Moral Choices in a Political Situation

It is now apparent that the despotic decisions in Victoria are to enslave the people of that state. And that moral clarity is what is lacking in both, the leadership for their moral misbehaviour, but equally so for the community for progressively failing to accept and insist on personal responsibility and accountability for their own lives.

They, the community, have effectively abrogated their lives over to an external authority to manage for them. Have they come to love the very chains that bind them?

The Plight of the World is the Hope For the World

That we are to use what we have, and build on from that.

The constitution is a magnificent document, not perfect, but certainly magnificent. We have ample opportunities for innovative people to take initiatives against the despotic powers of the day.

The will of the people, if channelled correctly, is formidable and cannot be resisted. With the local government elections in Victoria, the state election in Queensland and the National election in New Zealand, now is an opportune time for an innovative community to go forward to freedom. We must do everything practical that we can to oppose tyranny within the legal and constitutional framework available to us. At the very least a VETO VOTE directed against all those candidates who support the current lockdown policy is in order.

Federal Constitutional Revue

There is a great need to look deeply at our constitutions, the agreements we have made about government. The constitutions belong to the people, not the administration. The constitution is not the plaything of power but rather the framework of how our communities are to get on.

The function of government is to provide the correct environment for the will - the work orders - issued from the community by way taxation and payments for services rendered. Governments have failed, bureaucracies have failed, the financial system has failed to provide the correct working relationship between the individuals in community and the administration. It is not to serve power elites, but the individuals in

community, in families, at the local level. This is the very justification for coming together to build a community, a state and a nation - to serve first and foremost.

Victorian Constitutional Revue

The perversion of the 'equal power' between the two houses of parliament and the emasculation of the 'reserved powers' of the governor have changed since 2003. Victoria is now this one legged monster. The Victorian constitution was subverted by treacherous acts of the then Labor government and bureaucracy, and **endorsed by the then Liberal opposition**. The major parties played a principal role in this treachery. This must never be forgotten, that the party machine is designed to undermine the effectiveness of our constitutions and parliament, and in the case of Victoria, has achieved its goal of centralised power.

Debates and discussions are held in the party room rather than on the Parliament floor so that the recordings by Hansard are reduced to mere vote counting and incidentals rather than the extended considerations that need to be taken into account if legislation is to be effective in its purpose and a true reflection of the will of the people. Parliament has become, as Douglas describes in *The Tragedy of Human Effort*, 'legislative work orders' placed by the government over the people. This is the very opposite of what should be achieved through the 'work orders' placed by the responsible voter and the responsible vote, directed towards the responsible administration and responsible government.

Security and Freedom -

Indivisible in a Moral Environment

Victorians are experiencing elevated security at the expense of freedom, everyone is under house arrest. In order to re-establish the correct relationship the first thing to consider is the responsibility for living a full life that always includes some elements of risk and danger. This is what life is about. Crossing the road, going for a swim or playing any kind of sport involves some risk. Building a company or planning for the future also carries risks. If security is wanted above all else, live in a jail. If freedom and security are both wanted, then individuals must exercise and accept personal accountability and responsibility for their actions. This is in the fundamental character or spirit of any culture, the rules of the universe that transcend (go above) human thinking. Australians were once described as larrikins, mischievous by nature.

Natural Law is above Man's Law

We cannot rationalise past this point that: 'this is how it is in the nature of things'. The natural law exists :: that the individual must accept responsibility for their life and for their actions if they are to live a fulfilling life with freedom and security in balance. This is Trinitarian, this is Christianity, this is immutable, that emanates from the ethos, from the very beginning of time. We can foolishly attempt to rationalise observed nature, then set about changing nature in our minds, but this is delusional.

ANNUAL WEBINAR REPORT

Man is a limited being, he can't get past this fact of life. At best he can learn from the natural law, the way it is, and therefore must observe and abide by it. You can't build a bridge without adhering to natural laws. Girder strength, size and mass is in the nature of things - 'gravity and spans of distance' - all come together in the design calculations. Without a Trinitarian perspective you cannot build this bridge. Have a look next time you pass across a metal bridge and count the triangles - holding each other member under tension in equilibrium. This is unavoidable if the bridge is to stand. And so it is with our Parliaments. Adhering to these natural rules of the universe is simply an acknowledgement of the way things are and the way things work best. Bicameral parliaments, with 'reserved powers' vested in the crown offer us the most stable form of government. Where the two houses of parliament work separately but together, with different points of view to produce the good. We would do well to re-read the Athanasian Creed once more, to place our thinking under the discipline of the Trinitarian perspective, the framework of the nature of things. This philosophy of Trinitarianism is within the warp and woof, in every cell, in every DNA, in every part of created and non-created, it is the signature, the mark of the Maker. There is no avoiding this. Should we now choose between civilisation collapse or progress and regeneration? Civilisation collapse is not mandatory. Faith and a life more abundant are before us all in this time of the Holy Spirit. The regeneration begins for everyone, every day. Will you join with me to bring about God's Kingdom on Earth as it is in Heaven?

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Invite you to attend the **Frank Bawden Memorial Dinner**
6pm - seated for 6.30pm - 10th October 2020

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Viewers of the League of Rights Webinar on Saturday September 19th heard 3 speakers discuss our Rights and Freedoms. In particular the message was about how these privileges are disappearing.

From Robert Balzola we learned how some laws have their origin many hundreds of years ago; where they were written on stone or even brass tablets. These are still applicable today and cover what we might call 'absolutes' or the things that never change. Modern laws are written on paper and are amended to suit changing circumstances.

Justice is the prime aim behind all natural laws whether they affect the economy or political matters. Laws which reflect Christian values provide sustainable results.

Bernard Gaynor displayed his philosophical attitude to the multitude of court cases he has endured to clear his name from terrible accusations over his complaint to military chiefs for permitting army personnel to wear their uniform while marching in the Sydney Gay Mardi Gras. His strong faith ensures him seeing the goodness as well as the evil and Bernard urged people not to let the evil dominate their thinking.

Michael Watson described the virtues of the Constitutional Monarchy system of Government prevailing in the British world. The separation of powers between the two Houses of Parliament and the Crown were designed to permit citizens to influence the political process. It is true that these powers have been eroded in some cases. He nominated the House of Commons in Britain as having gradually taken more powers away from the House of Lords and the Crown. Communities will need to be alert to such moves and protest to the maximum. He quoted the Victorian case in point where since 2003 legislation passed to allow the Government to dissolve Parliament without consulting their State Governor.

The Webinar closed with a strong message urging citizens to apply their political power. If the tide is to be turned, more actionists will need to be involved. Sometimes a fairly local matter will be the best target for success. If your Local Council needs to take action or maybe cease some activity, it will be easier than tackling a Federal problem. The League of Rights seeks no power for itself. It cannot fix your problems. However it does have a wealth of information and can offer direction to assist willing actionists to set about the task. A vast array of booklets, videos and journals are available from the website alor.org. A weekly newsletter, ON TARGET is available for less than one dollar per week. We leave you with the offer - "Can we help?" - ND