

Speech to ALOR

TITLE: "Restoring the Constitutional Commons"

It is indeed a great honour to be invited to address this conference today. The Australian League of Rights have supported the Crown throughout and the Australian Monarchist League for several decades and we are tremendously grateful to you and to all those who have gone before.

The title of my comments is: "Restoring the Constitutional Commons." The word 'Commons' has several interpretations. There is a legal meaning, as explained by Robert Bazola, and then there is the general interpretation basically signifying 'available to all', 'to be shared by all' and above all 'for the good of the people'. In this regard one could say that the Australian Constitution was 'of the people, by the people and for the people'. This is because it was drafted by Australians, not just to create the Australian Federation of States, but also to protect the interests of the people. Furthermore, change to the Constitution was placed in the hands of the people, something that our Founding Fathers had to fight for in their negotiations with the British government.

Having said that, I am afraid that I have to inform you that for many years the Australian constitution has been subverted by politicians to take power away from the people – away from the Commons - to empower themselves.

Now this is not the fault of the Founding Fathers. They did everything they could to ensure that the voice of the people would always be heard and that the democracy of and for 'the Commons' they established under the Crown would survive.

However, it did not take long for the federal parliament to deflect the intent of the Founding Fathers and establish political control. This began with elected representatives of the lower house joining into political groups, mainly into the Protectionist Party, the Free Trade Party and the Labour (later spelt Labor) Party (established in 1901). The National Party had been formed in 1920 as the Country Party. In 1944 most non-Labor parties and movements morphed into the Liberal Party which formed a coalition with the National Party.

Today the two main political parties, Labor and Liberal control the political scene. The election of the supposed independent climate group called the Teals will most likely be an aberration and the voter as usual will go back to the two main parties.

This is probably to be expected, politicians being politicians. However, the worst devastation of the intent of the Founding Fathers has been in the senate. The Australian senate was established as the 'States House'. Its purpose was to be both a house of review and to represent the interests of the states they represent in the Parliament.

This is why the smaller states have an equal number of senators as the larger states: something now viewed as unfair under current circumstances.

However, the control of the political parties in the senate means that the interest of the states is rarely relevant nowadays having been overridden by the interests of the political party each senator represents.

Of course, added to the enormous damage done by the subversion of the constitution from always acting in the interests of the people to being subsumed into party-political interests, are the often-unsuitable candidates put forward by political parties who are then blindly elected by an apathetic, uninterested, voting public.

Surely, any Australian of thought and integrity would never, ever cast a vote for a political party that would elect some of the radical anarchists now sitting in the senate.

Similarly, how is it that the constitutional requirement to formally swear allegiance to the sovereign of Australia is treated with such casual abandonment by the parliamentary and law officers of the country whose duty it is to ensure that the decrees of the constitution are maintained.

If our lawmakers have no regard for the oath or affirmation they have taken, how can any of them have the integrity required to serve the people and the country in the positions of trust they have been elected to?

Of course, other than blatant attempts to remove the symbols and the traditions of our monarchical system of governance as well as pushing aside, whenever possible, any mention of the sovereign, there have been a number of other incursions into the constitution to remove power from the people, or 'the Commons', to empower the parliament.

The 1986 Australia Acts are one case in point. Whilst the Acts did not change one word of the constitution, they opened the door to completely undermine and even remove the constitution. At the time they were going through the state parliaments, there were warnings about this, but the legislators on both sides took no notice. Joh Bjelke-Petersen, then premier of Queensland stood against it, but to his later shame, gave in.

In 1999 the Howard government arranged for two bills to be presented into each of the six state parliaments using clauses of the Australia Acts. The first bill would allow the state to become a republic in its own right with no need for a commonwealth referendum and the second bill enabled the removal of the existing preamble.

In 1999 there was a mix of labor and coalition governments in the states and yet they all came together to pass legislation making each state into a republic if the referendum passed. Because it failed, the legislation was allowed to lapse in each of the states.

However, it remains a very great danger that if one political party controls the six states plus the commonwealth parliament, they can bypass the constitution or even, as I have said, remove it.

It is likely that next year Labor will control five of the six states. Fortunately, the Tasmanian election will not be until 2025, but there are elements in the Liberal government of Tasmania that are ultra-left, including, I believe, its premier.

These are matters on which we need to keep a close watch. The earlier Labor prime ministers of this century never ventured into such dangerous territory but I do not believe that the current prime minister would be so considerate.

We have therefore been building up a support group of MPs and Senators in the Federal Parliament and have been reaching out to non-Liberal & National politicians to create an alliance in opposition to any move by the federal government to bypass the referendum process. However, with politicians being party-political, one can never tell what will happen, particularly since most nowadays are not there for the Commons, or the common good of the people with many there solely to enrich and empower themselves.

Over the past 2 years what was once called the free world has been subjugated by forced imprisonment of the people said to be for their own protection. In 2020 the announcement that a dangerous virus originating in Wuhan, China, was spreading around the world was made and soon Australia was in different stages of lockdown. The Bio Security Acts gave an enormous power to health ministers and officials to determine the free movement of the individual. Most parliaments did not meet and we were all subjected to a daily barrage of detail and unverified advice by health officials.

Contrary to the Constitution and federation itself, state borders were closed. No one was allowed to cross borders, children could not visit parents and vice versa, families were not allowed to attend funerals and even the sick living close to borders were forbidden to seek help from the closest hospital if it was in another State. The words of the Queensland premier, Annastacia Palaszczuk in October 2021, should probably be engraved on her tombstone "Queensland hospitals are for Queenslanders." With those words the Queensland premier hammered a nail straight into the heart of the Australian constitution.

In the lead up to Federation Edmund Barton, later to become Australia's first Prime Minister had stated that they were working towards "a nation for a continent and a continent for a nation." It took our state premiers using Acts of their state parliaments to destroy that dream that had once been a reality in this country.

Where was the High Court, where was the Governor-General and the state Governors and where was the leadership from the federal government to maintain Australia as one nation?

Mind you, it is an absolute disgrace that most of the King's viceroys in this country support a republic. This is despite the special oath of allegiance they give. As one had said to me "what is the oath but mere words."

Now, having delivered the bad news, what, you may ask, must we do to restore the equilibrium to our constitutional arrangements.

I am afraid that I have no rational answer and neither do most clear-thinking people. If barriers were to be put into place, they should have been done in the earlier years of the last century when the state and federal parliaments predominantly comprised men of integrity unlike the rabble that recently cheered the antics of Lidia Thorpe.

In earlier days until more recent times there were no high salaries, but instead a minimal allowance of £400 plus expenses. Most politicians lived hand-to-mouth existences. Career politicians of the time either wanted to serve their state or were there because they loved politics, or generally both. Most members and senators were business people, lawyers, farmers or independently wealthy. They were there to play their part, whatever their motivation.

Section 48 of the Constitution provides that all members of the Parliament would receive an 'allowance' of 400 pounds per annum until, that is, the Parliament decided otherwise and, of course, decide otherwise they did. Today the base salary of a member of Parliament is \$211,250 which is 3.2 times real wages.

Initially, parliamentarians had small offices and a small staff who also oversee volunteers working in the electorate offices. However, as of last year, there were a total of 2,020 staff employed with four electorate staff allocated to each MP or senator. Other arrangements generally increase the number. MPs have taxpayer funded offices in their electorates and senators in their states. Added to this are quite substantial offices provided in parliament house.

And yet, despite high salaries and large offices and staffing, so many of today's politicians insulate themselves in what I call the mausoleum in Canberra or hide away in their multi-staffed electoral offices rarely mixing with the people until they need their vote. Letters and certainly emails are rarely answered and very few phone calls get through to the member or senator but are deflected by staff.

Most contact is second or third hand via Facebook, Twitter or other social media means. I am afraid that it is a sign of modern politics today and is not going to change.

Some say that becoming a republic is the answer, but I can assure you that it is not. In fact change to our Constitution will make the situation far worse as it will further empower politicians, who are at the root of our problems. Have not politicians been meddling for decades to take power away from the people to assume it for themselves?

The Constitution itself needs little reform. Obviously it does need to be updated but any attempt to do so would lead to demands for it to be emasculated.

What does need to be countered is control of governments by political parties. How this is to be done I really don't know. Some people think a revolution is the answer, but it's not. Revolutions lead to dictatorship and dictatorship leads to anarchy.

Our democracy under the Crown remains intact despite these political incursions. Politicians come and go but the Crown remains to both protect the Commons and be responsible to the Commons.

It is therefore up to the people to stand up and demand proper governance and the end of politicking. They must demand that the Constitution be returned to them for the common good.

The solution lies with the people and it is the people who must be educated as to their rights and their responsibilities in holding their representatives in their electorates to account and likewise their Senators in their states.

As we all know, education on civics is now virtually non-existent in schools and elsewhere, having been consistently and purposefully removed by successive governments from the curricula.

The Australian Monarchist League has set up an independent educational foundation to properly educate all Australians and intending Australians on the Australian Constitution and our system of governance. You can see details on our website at: [www.nationhood.org.au](http://www.nationhood.org.au) The Foundation will be formally launched in the New Year.

Accordingly, in a democracy such as ours, the answer will always lie with the people themselves. Politicians only managed to get away with their manoeuvrings due to the apathy of the individual voter. It is that apathy that must be countered with patriotism, something politicians have done their best for many years to undermine and now, perhaps, we can see their purpose in so doing.

May I end, as I often do, with the 1951 words of Ben Chifley the last 'old' labor prime minister:

*'but if I think a thing is worth fighting for, no matter what the penalty is, I will fight for the right, and truth and justice will prevail'.*

Thank you.

Philip Benwell  
(National Chair – Australian Monarchist League)  
[www.monarchist.org.au](http://www.monarchist.org.au)