



A WEEKLY COMMENTARY

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The price of Freedom is eternal vigilance –

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THOUGHT FOR THE WEEK: *"One of the things that comes home loud and clear to me now that I'm out of politics, is the extent to which politicians in Canberra are so completely and utterly divorced from the reality of everyday life for the ordinary person. In Canberra, you are so completely cushioned by all the lurks and perks of office that it becomes impossible to know how it feels to be Joe Blow out there."*

Ken Wriedt, former (A.L.P.) Minister for Primary Industry, *"The Bulletin"*, 6/11/90.

REPUBLICAN DISHONESTY ON FLAG, CONSTITUTION by David Thompson

Last weekend former Governor-General Bill Hayden warned that the republican movement was concealing that the next logical step after the proposed republic was the elimination of the Union Jack from the Australian flag.

"I hope all realise that should a referendum for a republic be successful, then pretty much the same gang of activists will be on the campaign trail to change our flag," he said. Hayden's view, undoubtedly correct, is that the flag issue is being kept strictly in the background by the republicans, because it could jeopardise the republican campaign.

"The flag is a much more politically volatile issue than the republic, so that stays on the back-burner for now to avoid the emotional exchange that this would release," said Hayden. *"It's a game of wait now and pounce later."*

Although Hayden is undoubtedly correct in his assessment, which we have previously warned about ourselves, it is interesting that he takes the trouble to point it out so forcefully. At the time of his remarks, he was launching Liberal M.P. Tony Abbott's new book, *"How to Win the Constitutional War"*. Hayden refuses to describe himself as a monarchist, but he is a godsend to the anti-republicans. When appointed Governor-General by Hawke, the choice of Hayden was bitterly attacked by many monarchists, as he was a declared republican. But having experienced the weight of the office, he appears to have moderated his views. He can certainly not be described as a supporter of the present republican campaign.

"It's a stunt anyway. I've always said it's a stunt. It's bread and circuses – entertainment for the masses. It won't create one more job, it won't do anything for business or farmers. . . it won't do anything to promote our culture. I just think the energy and resources that have gone into this are misdirected, given the priorities for this country."

The republicans have carefully avoided responding to Hayden's warning on the flag. When Prime Minister

Keating was forced to drop his anti-flag campaign because of the backlash it generated. Turnbull & Co. are prepared to tell simple lies in the republican advertising, which stated "*Australia's Head of State would be an Australian citizen chosen by Australians; He or she would have the same powers as the Governor-General does today; there would be no change to our system of parliamentary government; Our country would remain known as 'the Commonwealth of Australia'; Our flag would not be changed; Our national anthem would not be changed. . . .*" (*The Australian*, 3/11/97).

How can Turnbull make such sweeping statements, knowing full well that such is not necessarily the case **at all**. Everything depends upon **what type** of republic was to be adopted. The very fact that people like Nick Greiner (former N.S.W. Liberal Premier) is such a high-profile republican, and also on the board of Ausflag, indicates that either Turnbull is not telling the truth, or Greiner has a serious conflict of interests. If a republic was to be introduced, **of course the flag would be scrapped**.

KEATING RINGS ALARM BELLS: Turnbull and the A.R.M. claim that a president "would have the same powers as the Governor-General does today", but avoid admitting that this could only be true if a president was appointed or elected by Parliament. Former Prime Minister Keating's interview last week on ABC T.V. **7.30 Report** revealed that Keating agrees with Howard on the question of a popularly elected president; they are both terrified of it.

Why should this be so? Because they fear that if a popularly-elected president enjoyed the reserve powers **of the Crown**, this leaves the "kingly powers" of a monarch in the hands of an elected person without specifying what these powers actually are. Keating knows this is a huge problem. The Constitution doesn't even mention the Prime Minister, and does not codify all the reserve powers, but it mentions the Governor-General dozens of times. Sometimes governments can be elected with as little as 46% of the popular vote, which brings the "mandate" of a Prime Minister into question. Faced with a 'president' elected with perhaps 60% of the popular vote, and holding the reserve powers, the results for a Prime Minister could be terrifying.

Under such conditions, a 'president' could hypothetically refuse to pass legislation presented by the Parliament, sack the Prime Minister, dissolve both Houses of Parliament (with or without issuing the writs for a new election), perhaps sack the High Court, deploy the armed forces, and perhaps even declare war. All such powers fall within the "reserve powers" of the present Constitution, with the slim exception that the Governor-General is bound **by convention** to act only on the advice of a Prime Minister. But if a 'president' claims a greater 'mandate' than a Prime Minister, how is such conflict resolved? How is a 'president' dismissed under the Turnbull model? No-one is too sure. No wonder Keating is slightly nervous about a popularly-elected 'president'!

The Turnbull republican model is supposed to be the "minimalist" position, leaving the present Constitution relatively "undisturbed". He wants a 'president' appointed by Parliament for the above reasons. But the polls are showing that Australians want to elect their own 'president' if they really must endure such a creature. Turnbull & Co. are forced to give way to popular opinion, which makes patent nonsense of their advertising, which clearly states "*There would be no change to our system of parliamentary government*". This is sheer rubbish. The above dramatic scenario, while highly unlikely, is a possibility under an elected 'president', and the republicans find it impossible to explain why this is any advance on the monarchy we already have.

DOMESTIC MONARCH FILLS THE BILL: Those who attempt to appease the republicans, like Tony Abbott, attempt all sorts of uncomfortable constitutional contortions to meet republican demands. The republicans remain contemptuous of all such attempts. The reason for republican contempt of all the monarchists' concessions is that the republicans will settle only for **total victory**. This requires unconditional surrender from the monarchists, or complete defeat, towards which they are presently being driven. Yet the answer lies within the grasp of the monarchists.

As the debate on the Constitution begins to open up, it becomes increasingly clear that there is only one option which can satisfy most requirements for head of state. Republican propaganda insists that Australia's Head of State needs to be "an Australian citizen chosen by Australians". The best option to satisfy this is *a domestic Australian monarch in residence*. Because such a person does not presently exist, Australians would have to *choose* someone.

The example of Norway is interesting. Forced into a union with Sweden in the 19th century, in 1905 Oscar II dissolved the union of Swedish and Norwegian crowns. Since there was no Norwegian royal family, a Danish prince was invited to become King of Norway.

If Australians felt free to follow such an example, and choose a spare prince (or princess) not required by, say, the British, such a person could be invited to emigrate to Australia and become an Australian citizen, meeting republican demands that the Australian Head of State be "an Australian, chosen by Australians". Would the republicans accept this? Probably not, because the republican elite reject the idea of *hereditary monarchy*. Then let them argue their case. Such a system serves the kingdom of Norway well today.

And what of those shallow Liberal/National party politicians, present and past, who now declare for an "Australian head of State"? Amanda Vanstone is perhaps typical of them, when she declares that the time has come to "advance" towards the next step of a republic. Does a nation "advance" by shrugging off its heritage, and going back to something we once tried and rejected during the Cromwellian interregnum?

CONVENTION A NATIONAL EMBARRASSMENT: As the voluntary postal voting for Convention delegates proceeds, it becomes increasingly obvious that the Convention may not carry significant authority for several reasons. The first is that Australians appear to be refusing to vote. Not being a compulsory election, and not being of great interest to most Australians, the Convention is in great danger of being ignored. This is why the generally pro-republican Australian press began urging voters to fill in their ballots last weekend.

If only a minority of those entitled to vote do so, the decisions (or otherwise) of the Convention become hollow to the point of irrelevance. By last weekend, only 13 percent of the 12 million eligible voters had bothered. Of them, around 2 percent have been ruled invalid for various reasons. Another 36,000 ballot papers are under investigation because their validity is uncertain.

The second reason that the Convention may be seen as irrelevant, is the weird and wonderful people who have nominated. The 'ungrouped' candidates are thick with wild and wonderful characters, few of whom have much chance of election. But even the major groups have some strange characters. For example, the A.R.M. has put up the Victorian "lipstick queen", Poppy King, as a candidate. Ms. King does not have a clue about the Constitution, but is nevertheless a "high-profile" popular figure, with some chance of success.

Professor Greg Craven, Dean of Law at Notre Dame University in W.A., observes: "*If you look at the quality of the candidates for this election and the people likely to be at the convention, . . . and you compare them to the quality of the people who were at the conventions in the 1890s, it is probably a matter of deep national embarrassment. . . . Where is Barton, where is Deakin, where is Griffith, where is Playford, where is Andrew Inglis Clark, where is George Reid, where is Henry Parkes, where is Henry Higgins, where is Isaac Isaacs, and where is Josiah Symon, where is Sir John Forrest? It goes on and on and on.*"

The only answer to Professor Craven is that we no longer produce people capable of such philosophical depth. We are too busy training them to run computers, or manipulate the letter of the law. The nation is the poorer for it, and the fact that we have such an issue as "the republican debate" in which so much nonsense confuses so many, is a testament to what has been done to Australians in the last century.

KENNETT VENEER WEARS THIN: When former Minister Roger Pescott resigned from the Victorian Parliament, his open letter of resignation demonstrated the corrupt nature of the party system, and the dictatorial manner in which Jeff Kennett controls the party room.

"Speak up and be branded disloyal to the cause, say nothing and be part of it," wrote Mr. Pescott of his experiences in the Kennett-controlled party room. "Most members follow the latter course because they do not want to be accused of being disloyal."

Apparently Mr. Pescott has overlooked his parliamentary loyalty to his electorate, or the people of Victoria. Prescott resigned because he could not support Kennett's "privatisation" of the auditor-general's office. The 'party line' requires that any party member is expected to toe the party line, and vote with the party in Parliament regardless of how his vote may affect his electorate.

The party system allows representative government to flow only as far as the party room. Members of the Kennett government are expected to subvert their promise to the people (Parliamentary oath) and vote in the Parliament as directed. Kennett's powerful personality intimidates members in the party room, especially junior Members, and the ideal Member for the party has become a wimpish "yes-man".

The Member for Shepparton, Don Kilgour (National), has great difficulty defending his subservient role in the Kennett team, with an electorally damaging public debate in the local Shepparton *News* over draconian Workcare legislation. In a letter to the newspaper, Kilgour says that once he has lost in the party room, he is then somehow bound to vote against his own judgement in the important chamber, the Parliament.

Kennett's 'crash-through-or-crash' philosophy and his demand for total party loyalty is beginning to wear thin. He is the classic example of the elected dictator, having been given a massive majority in both Houses of Parliament when Victorians rejected a disgraceful Labor government.

Kennett was able to ram through legislation with little opposition. One of his first 'reforms' was a characteristic betrayal; the forced amalgamation of local government on a massive scale. With the wholesale adoption of the 'privatisation' dogma, even more massive damage was done, and the state debt still lingers. The privatisation of the auditor-general was the last straw for Roger Pescott, and the Mitcham by-election on December 14th may show that it is a similar turning-point for the electorate. With the savage backlash against Kennett building quickly now, his 5.4% majority in Mitcham may not be enough.

GORTON ON THE HIGH COURT: Although a relatively ineffective Prime Minister in retrospect, John Gorton carries at least some moral authority. In his Prime Ministers address at Old Parliament House last week, Gorton accused the Senate of "undermining democracy" in that it could frustrate a government with a "mandate". This is a shallow assessment; it is the role of the Senate to act as a House of review, and a States' House, neither of which it does very well.

But Gorton's attack on the High Court was better grounded. *"The basic function of the High Court is to ensure Australia remains a federation by ensuring that Commonwealth and State laws are consistent with the Constitution. In other words, its role is to interpret what the Constitution says."*

"For nearly 100 years the High Court has rarely aroused criticism for its rulings, but in recent years, it has become more actively involved in areas better handled by politicians than judges. The most obvious example of this has been in the court's finding of native title in the Mabo decision. . . . The Labor Government and the High Court turned Australia's land title system on its head. Land disputes will be tied up in the courts for years, with the only sure winners being legal practitioners."

