



A WEEKLY COMMENTARY

ON TARGET

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The price of Freedom is eternal vigilance –

Print Post Publication Number 381667 00258

Vol.39, No.12

April 4th, 2003

THOUGHT FOR THE WEEK: *"The plight of humanity is of its own making. It is the inevitable outcome of a progressive violation of the Canon – of shutting off the outward, fear-dominated Mind from Reality. The resulting conflict in the sphere of human affairs is fundamentally a conflict between the spiritual concept of Life and the 'materialistic' concept of Life – between the power of faith and the forces generated by fear – between the power of God and the forces of Mammon – between Christ and the anti-Christ... Upon the outcome of the conflict there can be no doubt... Put in another form, the havoc being wreaked upon the material world around us by the unleashed forces of evil – of destruction – is merely evidence of the self-annihilation of those forces and the materialistic concept they engender, viewed in terms of time and space.." – "Faith, Power and Action" by L.D. Byrne, 1946*

PRESIDENT HOWARD STEPS OUT OF LINE by Jeremy Lee:

Prime Minister John Howard has had no compunction about playing the monarchy card when it suited him. But he has increasingly by-passed the Constitution and adopted a presidential role.

When it comes to war, attitudes in the electorate ebb and flow with the state of the battle. There is a strong tendency to the "footy-game" psychology when our troops are in action. Objectivity about the rights and wrongs of war tend to give way to the subjectivity of backing "our team". Knowledge of this fact is understood by politicians, who exploit the "footy-game" tendency to further their ambitions. This was clearly the case with the *Tampa* election, where a lagging government surfed back to victory on the waves of exploitation involved in refugee and Timor issues.

There are now three 'triggers' allowing for a double-dissolution of parliament, able to be exploited at any time. If the widespread anti-war sentiments are seen to be muted by watching our servicemen in action, the Coalition may well opt for another election on the issues of defence and the Iraqi war.

This is a major gamble. Any setback in Iraq may swing the electorate back to its anti-war stance. There is bound to be a short period of war euphoria in which a successful election could be staged and the Coalition returned again. But there's many a slip 'twixt cup and lip. Any number of crises could change the scene – the price of petrol at the bowser, any further deterioration on the stock exchange, Australian casualties on the battlefield, etc.

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All of which leads to the biggest issue, which will sooner or later have to be faced. At one point Howard publicly proclaimed that the final decision to commit Australian troops into war was his alone. He modified this later by saying it would be made "by the Cabinet". There was no reference to Parliament as a whole, or to Australia's Head of State the Governor-General, who is also Commander-in-Chief of the Armed Services.

In other words, if Mr. Howard's position is to be taken as serious, a paid minister of the Crown, together with a dozen fellow-ministers he has hand-picked from the ranks of his own party, have taken unto themselves the right to put their nation into a war situation in the Northern hemisphere, with all the hazards involved – added financial debt and taxes, the risk to the lives of servicemen and women, and the feelings of Australians.

It should be noted that President Bush had to seek the dispensation of Congress before making a declaration of war. Britain's Prime Minister Tony Blair sought the agreement of the British parliament. 122 members of his own party voted against him and a number of his ministers resigned. But with the support of the Conservative Opposition, the British Parliament was seen to have endorsed Blair's intentions for war.

Not so in Australia. There was absolutely no representative check on the Executive. It was a law unto itself. Magnanimously, Howard allowed a parliamentary debate in which hundreds of Labor, National and Liberal members spoke with passion. But he allowed no vote, and made it clear he did not feel himself bound in any way to the views of Parliament as a whole. He and his cabinet coterie would decide – and that was that.

WHAT DOES THE CONSTITUTION SAY? If there is one thing made absolutely clear in Australia's Constitution, it is that neither Prime Minister nor Cabinet are "head of Australia". There is no mention of either in the Constitution.

Who, then, is responsible for Australia's defence? On this matter, the Constitution is quite clear:

"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:-

(vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth."

The word "Parliament" means much more than the Prime Minister, his Cabinet or his party. It means the combined gathering of ALL the representatives of the Australian people, in parliament assembled.

What, then, should have happened? The Prime Minister should have tabled before his colleagues a Bill or Act outlining the need for war in defence of Australia, and moving that Australian troops be committed to war. Proper room for the Parliament to debate the Bill should have been provided, before a final vote was taken in support or opposition to the Bill.

Two things should then have happened. The Bill should have been sent to the Governor-General for his assent; and the Prime Minister should have announced to the nation that the full Parliament had given its assent to the Bill, and that Australia was now at war:

Section 61 (the Constitution): "The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth."

Neither John Howard nor his cabinet colleagues are owners of "executive power" in Australia. In fact, they are employees in office at the Governor-General's pleasure:

Section 64: "The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth".

In other words, Government ministers are appointed, paid officers of the Crown, holding their positions at the Governor-General's pleasure. They are certainly not put in a position where they can by-pass the Parliament or the Constitution. It seems clear from the foregoing that the actions of Mr Howard and such of his cabinet colleagues who accept personal responsibility for their actions have been both unconstitutional and illegal.

FORMER BRITISH FOREIGN SECRETARY OUTLINES PRINCIPLE: Robin Cook, former British Foreign Secretary, resigned in protest at Blair's war decision. In his resignation speech he acknowledged that Parliament had at least been consulted. He said **"From the start of the present crisis, I have insisted as Leader of the House on the right of this place to vote on whether Britain should go to war. It has been a favourite theme of commentators that this House no longer occupies a central role in British politics. Nothing could better illustrate that they are wrong than for the House to stop the commitment of troops in a war that has neither international agreement nor domestic support ..."**

The British Parliament could have voted to stop the commitment of troops. The Australian Parliament could not.

Commenting on this difference, Laura Tingle, *Australian Financial Review*, 21/3/03, said:

"... The Australian Prime Minister has worn the executive power to go to war both as a badge of honour – a tough decision to be made by tough men – and a reason for his blatant disregard for public opinion on this issue....."

"It is interesting to ponder why Howard – who swept into office in 1996 as the great protector of parliament who would restore standards of accountability by executive government – didn't make a similar commitment.

"The fawning supporters who dominate his own party room, and the risks of Labor splitting on the issue, would have made it a loaded political punt while appearing to bow to democratic principles.

"But the bad feeling aroused in the community about the processes by which we have gone to war, as much as the war itself, could now spark a much more radical turn of events"

The term "fawning supporters" in the Coalition is, if anything, an understatement. Not one Liberal or National has been man enough to stand for what the Constitution lays out. They have remained, silent and speechless, in their electorates. Each has a personal duty to speak out fearlessly against the misuse of power by the executive. Each has been derelict in this duty. Parliament has, in consequence, suffered further corruption.

WHAT COULD, AND SHOULD, HAVE HAPPENED? In the face of the massive anti-war demonstrations in Australia – unprecedented before the outbreak of war – every member of parliament, no matter what party, should have conducted his own poll in his own electorate, by advertisements in each paper, seeking the views of all voters. He should have announced the results for publication, together with a statement of his own position.

He should have reminded his voters as to what the Constitution says about the making of decisions about defence – that it is a parliamentary decision, not an executive one. In other words, he should have held himself accountable for a decision that would affect the lives and safety of fellow Australians, instead of hiding behind the skirts of a rampaging "rogue prime minister".

And the Governor-General? He is confined by the convention that he must not involve himself in partisan politics. Fair enough.

But, surely, he should have asked for the parliamentary bill, voted by parliament, authorising military action in accordance with the Constitution before ordering his troops to war:

Section 68 (constitution): "The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative."

No – President Howard is **not** the Commander in Chief; and Australians should be made aware of the fact.

If true parliamentary representation is to be regained in Australia, it will need enormous effort and initiative in the electorate itself. The "footy-game" approach must be renounced, and constitutional integrity re-established. How great the forthcoming crisis must be before this happens is anyone's guess.

D'MARKRAZIES by Betty Luks:

South Australia's Labor Premier Mike Rann and Attorney-General Michael Atkinson have announced changes in the law for the crime of trespass, now euphemistically referred to as 'home invasion'. Instead of the law treating the criminal as the victim, it is hoped the householder will be given back his right to defend that which is rightfully his. The intention is, I think, for the law to once again recognise the citizen's right to protect his own self and property.

In this case, it could be summed up as the householder's right to life, liberty and property. Property, meaning that which is *proper* to him, to enjoy, to possess, to do with as he sees fit. Hopefully, a South Australian's home is once again going to be 'his castle' – and all that implies.

I might be considered a little old-fashioned but I think those rights are also rights the Iraqi people possess – or should. But just as the 'do-gooders' call the criminal act of trespass 'home invasions' so the 'coalition of the willing' (countries all claiming to be *d'markrazies*) are basing their invasion of a sovereign nation-state on the euphemistic term, 'pre-emptive strike'.

C.H. Douglas wrote of their kind in *Development of World Dominion*, 1946: "Any gang which gets a majority, by a fallacious ballot and a manipulated agenda, can upset all the rules, sell or give away all the assets, and liquidate the Company (Nation), all in the sacred name of *d'markrazi*. It is not a question of 'Party', but it beyond question that the less scrupulous the gang, the less it is handicapped either in the achievement of power, or the use of it."

"ON TARGET" is printed and published by The Australian League of Rights, 145 Russell St., Melbourne.
Postal Address: GPO Box 1052, Melbourne, 3001. Telephone: (03) 9650 9749, Fax: (03) 9650 9368.

Subscription \$40.00 p.a.