

CONFIDENTIAL

GOVERNOR-GENERAL'S OFFICE

Subject **THE GOVERNOR - GENERAL'S**
PERIODIC CONFIDENTIAL REPORTS
TO THE QUEEN. PART 5.

RELATED PAPERS

DESCRIPTION	FILE No.	DESCRIPTION	FILE No.

INDEX CLASSIFICATION

SUBJECT	INITIALS

Government House,
Canberra. 2600.

14 July 1977

My dear Mark

You will by the time you receive this letter have all the information which the Prime Minister has asked to be sent by cable and, doubtless, some indication of press reaction. In a later letter I shall be able to provide an account in more detail. In the meantime I send two clippings from today's Melbourne "Sun" and one from the "Australian" of today. It is false to suggest that I intend to publish anything this year. I have made no plans as to the timing of any publication thereafter. It is also false to say that I spoke to Sir Roden Cutler on or prior to 11 November on "the dismissal".

You will I think be interested in the attached article which is about to be published as a chapter in a book. The book was first published under the title "Australia and the Monarchy" in 1961 and it then contained a chapter by the author of the enclosed article. He has rewritten the chapter in the light of modern developments. It has gone to print and will I understand be published in the form in which it now stands. There will doubtless be comment when it becomes public. The author's views on the substance of the matter - and he says in his current version he does not intend to discuss the propriety of the exercise of power - are, the Prime Minister says known to him and produce no need for concern at all - on the contrary they are wholly favourable. Although I have seen the author a few times in the last couple of years I have not talked to him about the questions he discusses, about his views on what was done, nor about any aspect of these affairs. When the enclosed article is published I shall let you have any reactions that emerge.

The Labor Party Conference in Perth in due course did discuss the need, looked at from the point of view of that Party, of changing the powers of the Governor-General. Things worked out rather differently from what I expected on the basis of earlier press reports.

The report of the Constitutional and Legal Committee of which Mr Whitlam was the Chairman was in fact fairly moderate and recommended no more than that the powers of the "Head of State" should be defined.

.../2

One of the leading Labor academic lawyers from Melbourne, a Mr Gareth Evans, however took the view that this was too weak a statement and that the policy should be that the power should be curbed. Mr Whitlam's views were not adopted. Mr Evans won the day.

I am not clear yet in my own mind whether it is expected that this "curbing" can be done only by constitutional amendment or whether it is believed that the powers of the Governor-General under the Constitution can be curbed by a mere statute without a referendum to produce a constitutional amendment. I enclose a clipping which perhaps gives the best account that I have seen in the press of the way this matter evolved in the discussion at the Conference. There will probably be, if not a transcript, at least an official account of this debate and I shall see if I can obtain a copy to be sent to you in a further letter.

As to the Labor Conference there appears to be a consensus on the part of the political commentators in the media that the Labor Party has not done its image good in the electorate, and this for a number of reasons, including its policy of more or less total opposition for the indefinite future to the mining of uranium and its policy of higher taxation to support various social service policies and for other reasons. The Conference adopted a much more moderate policy on the economy in general, accepting the inevitability of some unemployment and the view that new social welfare policies have to take second place to a realistic approach to inflation and the mitigation of unemployment.

Instead of sending a few press clippings I thought it best to let you have in the bag two from yesterday's "Bulletin". One an article by Peter Samuel, "Labor's Bleak Future", and one by Alan Reid entitled "Whitlam Hits Rock Bottom". The "Bulletin" is not, of course, pro-Labor. It is a magazine which generally supports the conservative interests. On the matters discussed in the two articles to which I refer, the media in general conducted discussion and debate. It seems to be agreed that the Conference has been of little help to Labor and to its aspirations to win the next election. Certainly this is the strong view of the Government parties.

There is some discussion going on, I believe, within the Ministry as to the possibility of an election in December next. Some people think that if this could be achieved it is very desirable for the Government to go to the people then. The reason is, as I have already mentioned, that some fear exists about a further decline in the economic situation. However, the redistribution which will be necessary before the next House of Representatives election can be held,

.../3

may make it very difficult indeed to hold an election by 10 or 17 December which is the last possible date in practical terms this year. I am told however that with hard work it could be possible for the Electoral Officer and for the redistribution machinery to be ready and that it is something that has to be taken into account that I may be asked in November to agree to an election over a year early, at the request of a Prime Minister who has a massive majority in the House of Representatives and a working majority in the Senate.

Some have thought in press speculation that if advised to do this by the Prime Minister, I might well refuse on the ground that the decision is within my discretion as being within the Reserve Powers of the Crown. It has been suggested that if I were to do this it would "even the score", something which perhaps I might like to do to demonstrate to history a neutral approach to these matters. An article written by Emeritus Professor Sawyer published in the "Canberra Times" on 6 July takes up the question of the discretion.

I gave a lecture in India, in New Delhi, during my visit there some time ago. The lecture was to the Indian Law Institute and was published in the Law Journal of that Institute. My lecture was, if not exactly off the cuff, prepared in New Delhi without the benefit of any books. It was based on Sir Paul Hasluck's views as set out in his Queale Lecture, which I in substance adopted. I send Professor Sawyer's article to you because if I were asked to grant an election late this year for the Lower House and half the Senate, the reason that would be given would be the desirability of bringing both Houses into line and the Prime Minister's basic right to decide, within limits, when such an aligned election should take place.

I should say that I broadly take the view that the Government is entitled, subject to some qualifications, to select the time at which it will go to the people. Of course, I have not myself finally decided whether the Prime Minister would, if he is as a matter of practical possibility able to hold it, be entitled to an election after being in office for two out of his three year term but I would need to give heavy thought and consideration before refusing such a request for an election and I am unlikely to do so if the matter arises.

What I said in my lecture and what Sir Paul said in his Queale Lecture were broad generalisations on a matter which has, of course, received an enormous amount of attention from constitutional jurists.

.../4

In making my decision I should need to make it clear exactly where I stand on this matter. However, it is quite likely that it will not thrust itself upon my attention this year. If it were to do so it would round out a rather unusual period in which we have had not only the loans crisis, the dismissal, the aftermath of the dismissal, the first Joint Session in history after a double dissolution (Sir Paul's 1974 double dissolution), High Court discussion in a couple of important constitutional cases about the position of the Governor-General and a number of other unusual problems.

I enclose a copy of Professor Sawyer's article which is written as is his wont in a semi-humorous fashion.

I know that you will be readily able to put your hands on the biography of Sir Isaac Isaacs but so that you may have the relevant chapter immediately to hand, I enclose a copy of the part of the biography that deals with Sir Isaac Isaacs' Governor-Generalship. It contains a lot of material on George V's attitude to the Isaacs' appointment.

When in Perth or London - I think Perth - Her Majesty mentioned to me it would be useful to have a copy of a book which, as it were, balanced the opinions of Alan Reid by the rather different approach. I must apologise that I have not done anything about this. It escaped my memory. If Her Majesty is still interested to have in her records of this period such a book, I shall select and send a copy. There are, of course, many books, now, dealing with the 1975 crisis and its aftermath. I have not found most of them very profitable reading owing to a preponderance of fictional content and ideological attitudes.

May I in the very special circumstances of today ask you to inform Her Majesty of the very devoted humble duty and loyalty of my wife and myself as always.

Warmest regards,

*Yours ever
John.*

*P.S. A statement resigned
by me with the P.M.'s.
J.R.K.*

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

KERR SET TO QUIT



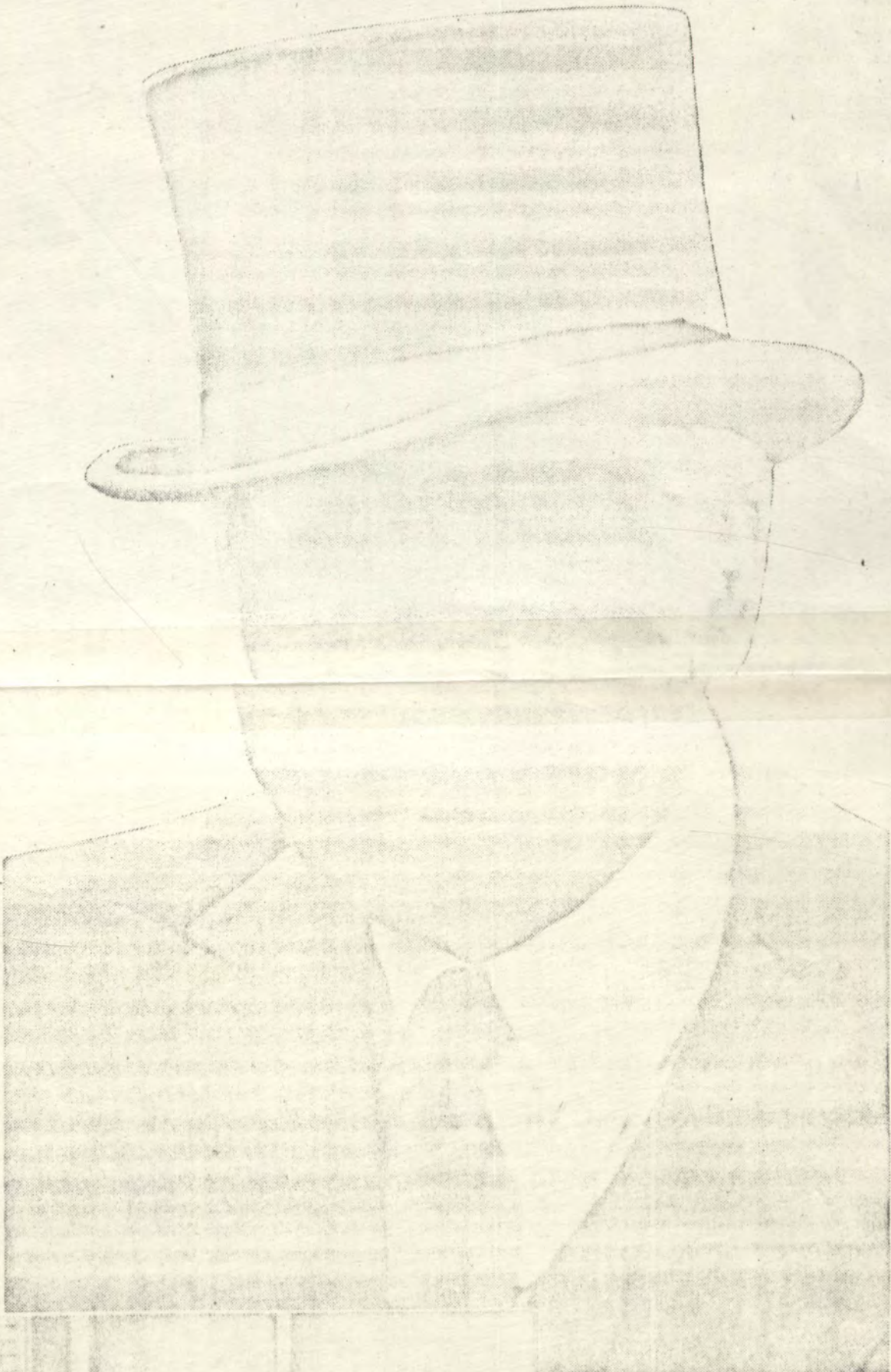
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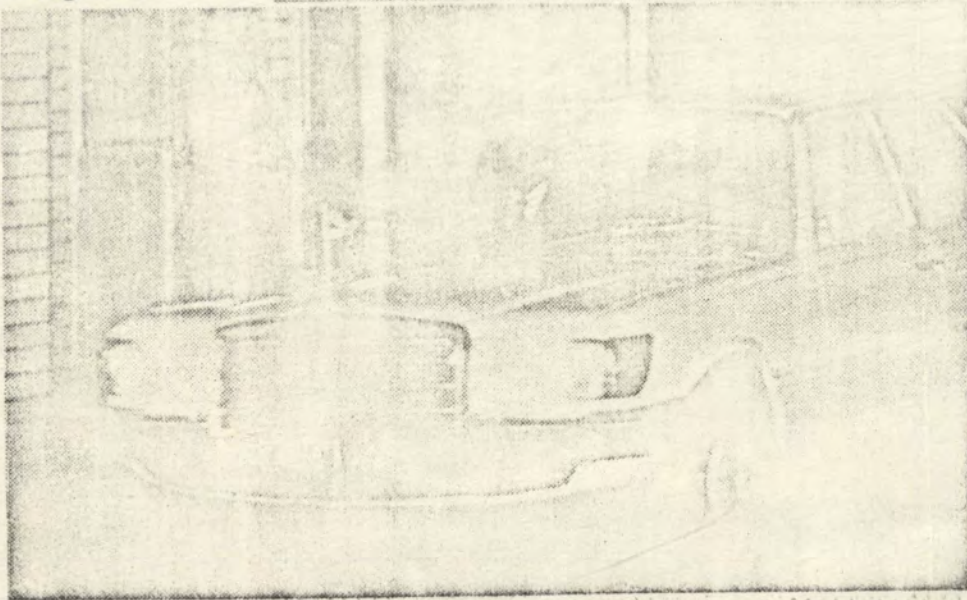
19,037 Melbourne, Thursday, July 14, 1977 72 Pages

620,170
Average daily sale

WEATHER. — Bureau forecast:
Showers in south. Cold wind
moderating. • Details. — P.48.



• ABOVE: Sir John Kerr in grey topper at the Melbourne Cup at Flemington last November. An announcement that Sir John has resigned as Governor-General is expected soon.



• LEFT: Mr Fraser is driven away from Yarralumla, the Governor-General's official residence in Canberra, after his talk with Sir John last night.

From LAURIE OAKES

CANBERRA. — The Governor-General, Sir John Kerr, is believed to have resigned.

An announcement is expected soon — possibly today or tomorrow.

The Prime Minister, Mr Fraser, is believed to have accepted the resignation.

Mr Fraser last night made a mysterious visit to Yarralumla, the Governor-General's residence in Canberra. Officials would not confirm or deny that a vice-regal resignation was discussed.

But a top-level Government source said: "All the legalities have been completed."

Senior officials say a successor has already been chosen.

The Victorian Chief Justice, Sir John Young, 57, is one of those being mentioned in speculation.

Mr Fraser is believed to have received a letter from Sir John Kerr last week.

The letter was written after Sir John and Lady Kerr returned to Australia from a seven-week overseas trip.

Long talk in study

It is believed Sir John's resignation will not take effect for some weeks.

But one Liberal source predicted last night that there would be a new Governor-General living at Yarralumla in September.

The Prime Minister is known to have discussed the issue with advisers over the past few days.

Mr Fraser arrived at Yarralumla in his official car at 5.01 last night.

He left 47 minutes later after a long talk in the Governor-General's study.

Sir John, 62, became Australia's most controversial Governor-General when, on November 11, 1975, he used reserve vice-regal powers to dismiss the Whitlam Labor Government without warning.

The action followed a refusal by a Liberal-dominated Senate to pass the 1975 Budget legislation. Sir John installed Mr

Fraser as caretaker Prime Minister and ordered the December 13 double-dissolution election, which the Liberal-National Country Party coalition won in a landslide.

In the election campaign Sir John was vilified by Mr Whitlam and other prominent Labor spokesmen.

Throughout last year, Sir John faced hostile demonstrations when he appeared in public. He became the first Governor-General to be given a permanent police security guard.

The demonstrations died down this year, but as recently as last week Sir John was hissed when he attended a ballet performance in Canberra.

Reports of Sir John's resignation decision added weight to suggestions that the Government may be planning a snap general election in December.

There have been suggestions that, because of Labor allegations of political partisanship, Sir John might be more than normally reluctant to grant Mr Fraser an early dissolution of Parliament.

Memoirs this year

Government sources said last night they believed Sir John had almost completed his memoirs.

The autobiography — designed to vindicate the role he played in 1975 — is likely to be published before the end of the year.

Sir John was appointed Governor-General by the Whitlam Government in July, 1974.

He had been Chief Justice of NSW since

1972. Before that, he had spent six years as a federal Industrial Court judge.

There were strong suggestions last night that Mr Fraser discussed with Sir John arrangements for a changeover.

Government House sources would not comment on the reports that Sir John had resigned.

But they reminded journalists that in 1974 there had been a gap of several months between the announcement of Sir Paul Hasluck's resignation as Governor-General and his departure from the post.

Sir Paul's resignation was announced in February in that year, but he did not hand over to Sir John until July.

• The Kerr years — Page 35.

THE KERR YEARS FROM CALM TO CRISIS

WHEN the Whitlam Government appointed Sir John Kerr Governor-General in July, 1974, no one suspected he would become the most controversial Governor-General in Australian political history. But it happened on November 11, 1975, when Sir John sacked Mr Whitlam and the Labor Government...

EARLY on the morning of November 11, 1975, the Governor-General, Sir John Kerr, phoned the NSW Governor, Sir Roden Cutler.

In the phone call, which has remained a well-kept secret until now, Sir John confided his plan to dismiss the Whitlam Labor Government later that day.

Sir Roden became one of the few men in the know because, as the senior State Governor, he would have assumed the post of Federal Administrator in the event of Sir John being suddenly removed.



From LAURIE OAKES, chief of The Sun's Canberra bureau



NOVEMBER 11, 1975: Gough Whitlam stands behind the Governor-General's official secretary, David Smith, as he reads the dissolution proclamation from the steps of Parliament House.

SIR JOHN — HE DID IT HIS WAY

Sir John, it seems, was trying to take out some insurance in case Mr Whitlam got wind of the plot, moved first and sacked him.

But, according to top-level sources, Sir Roden gave Sir John no encouragement for the unprecedented action he proposed. Quite the contrary, in fact.

The secret phone call may be one of the hitherto unrevealed incidents Sir John intended to disclose in the memoirs he has been working on for the past 18 months.

It now appears that Australians will get the chance to read those memoirs before Christmas.

No one knows exactly what surprises the memoirs are likely to contain — though the Liberals are remarkably confident that they come out of the manuscript well and Mr Whitlam extremely badly.

But one thing is certain. A book by Sir John about his actions as Governor-General will be a runaway best seller.

And that means it will make quite a bit of money, which may have influenced

Sir John's decision to retire from the Vice-Regal office.

When Sir John was approached by the then Prime Minister, Mr Whitlam, in August, 1973, to take the job, he was mainly concerned with the question of financial security for his future.

He pointed out that the appointment normally was for only five years, by which time he would still be less than 65 years old.

Sir John told Mr Whitlam he would not want to leave public life that early, particularly since he would not have to retire until 70 if he remained NSW Chief Justice.

Sir John was worried also that if he became Governor-General, there would be no pension at the end of his term.

So anxious was Mr Whitlam to get Sir John for the job that he promised him two terms. The Labor Government also legislated to provide for a Vice-Regal pension equivalent to that of the Federal Justice.

Sir John has been Governor-General for only three years — a far cry from the 10 years he was promised.

What is more, he has clearly enjoyed the perks of office — the government-owned mansions in Canberra and Sydney, the black Rolls-Royce with the police outriders, the big salary, the paintings on loan from the National Gallery, the extensive overseas trips, the butler and the valet and the chef, and so on.

But the guarantee of substantial royalties from his literary efforts should remove any fears Sir John has had

about his financial security, making him less reluctant to bow out of public life.

And that is a fact which no doubt delights Mr Fraser, the man Sir John made Prime Minister in such remarkable and controversial circumstances.

Because Mr Fraser is known to have wanted Sir John out of the way for some time.

While Sir John remained Governor-General he was a constant reminder of the way Mr Fraser and his Liberal-National Country Party coalition came to power.



SIR RODEN CUTLER... one of the few men in the know.

Particularly since Sir John would have been faced with the temptation to knock Mr Fraser back merely to give the lie to those who have alleged since November 11, 1975, that he is a partisan pro-Liberal Governor-General.

Even though he has served such a short term, Sir John Kerr has fundamentally changed the office of Governor-General.

The events of November 11, 1975, so politicised the office of Governor-General that it can no longer be considered as a post which can be held by a member of the royal family.

Sir John will not only be remembered as the most controversial Governor-General in Australia's history.

More importantly, he will be seen by posterity as the man who realised the potential power of the vice-regal office and who chose to use it.

His presence meant that, in any election campaign, the legitimacy of Mr Fraser's accession to the Prime Ministership would be an issue.

Moreover, on past performance, not even Mr Fraser could be certain that Sir John as Governor-General would follow the advice of his Ministers on some matters.

Just as Sir John ignored Mr Whitlam's advice in the 1975 constitutional crisis, there was always a chance that he might ignore Mr Fraser's wishes on the question of when an election should be held.



PART ONE of The Sun's series on the rising suicide rate among the young has been held over. It will appear tomorrow.

THE AUSTRALIAN

NUMBER 4010

THURSDAY JULY 14 1977

20 CENTS*

FREIGHT EXTRA

Resignation handed to Fraser last night KERR HAS QUIT

No line on successor

By Political Correspondent,
MALCOLM COLLESS

SIR JOHN KERR is understood to have resigned as Governor General last night.

Mr Fraser went to Yarralumba, Sir John's Canberra residence, to receive the resignation.

It is believed that although it will be announced tomorrow the resignation will not come into effect until September.

The decision will be publicly announced tomorrow from Canberra.

Sir John is understood to have handed his resignation to the Prime Minister at 5 pm.

A new private secretary to Lady Kerr, Mrs V. Anderson, was engaged only on a monthly basis — and was told that even so her appointment was for six months only.

No indication was immediately available on his successor.

Among the names which have been canvassed for the position are Sir John Young, 53, Chief Justice and Lieutenant-Governor of Victoria, and Sir David Derham, 57, vice-chancellor of Melbourne University.

Speculation that Sir John was ready to resign has been mounting for some time.

One of the early indications was the unusual handling of appointments recently at Yarralumba.

LONDON TALKS

It is understood that Sir John's future was discussed by Mr Fraser with the Queen during his recent visit to London for the Commonwealth Heads of Government Conference.

Sir John has for some months been working on a book on the 1975 constitutional crisis, and it is understood it will be published soon.

The choice of a man to fill the now controversial role of Head of State presents Mr Fraser with one of his most difficult decisions since coming to power in the wake of Sir John's 1975 dismissal of the Whitlam Government.

Sir John Young is completely free of controversy or drama — and virtually unknown to the mass of the Australian public.

He is a distinguished company expert and at the peak of his career was a judge.

Sir John — tall and distinguished — was born in Melbourne in 1919, the son of a Scot.

His upbringing was pure Australian Establishment — Geelong Grammar, and Brasenose College, Oxford, where, like Mr Fraser, he obtained his Master of Arts degree.

In 1940, Sir John enlisted in the Scots Guards and rose to the rank of captain. He was mentioned in despatches.

After the war, he was admitted to the Bars of Victoria, NSW and Tasmania and was also associate to Mr Justice Dixon of the High Court of Australia.

SPECIALISED

He later specialised in complex company law and, with Mr Justice Wallace of the NSW Supreme Court, wrote the still standard textbook, *Australian Company Law and Practice*.

Sir John and Lady Young have three children — a son and two daughters. They live in the Melbourne suburb of Camberwell.

Since the November 1975 dismissal of the Whitlam Government, Sir John Kerr has been hounded by demonstrators and shunned by the bulk of the Labor Party.

At the time of his dismissal, Mr Whitlam told protesters on the steps of Parliament House: "Well may we say God Save the Queen, because nothing will save the Governor-General."

Violent demonstrations have followed him around the country and even his own profession, lawyers, have walked out of dinners when he has risen to speak.

The controversy surrounding him spread to Britain when he was included in the 1977 Honors List and made a Privy Counsellor.

Labor MPs even raised the matter in the House of Parliament.

His dismissal even spawned the growth of a new organisation, Citizens for Democracy, which includes many of Australia's leading writers, trade unionists and left-wing politicians.

They have organised mass rallies in all cities.

4. THE CONSTITUTIONAL ASPECTS

Zelman Cowen

Sir Zelman Cowen is Vice-Chancellor of the University of Queensland and Chairman of the Australian Vice-Chancellors' Committee. Born in Melbourne in 1919, he graduated in Arts and Law at the University of Melbourne, and was elected Rhodes Scholar for Victoria in 1940. He became a Fellow of Oriel College Oxford and then Professor of Public Law and Dean of the Faculty of Law, University of Melbourne from 1951-1966. In 1967 he became Vice-Chancellor of the University of New England and later of the University of Queensland in 1970.

*He has written extensively on constitutional issues and questions. Among his publications are a biography of Isaac Isaacs and an introduction to the second edition of Evatt's *The King and His Dominion Governors*. He also gave the ABC Boyer Lectures on *The Private Man* in 1969.*

In 1966 I contributed a chapter to the Sun Book Symposium on *Australia and the Monarchy*. That book was an amalgam of factual material and debate on the continuing relevance of the institution of the Crown to Australia. The task assigned to me did not involve me in that debate; it was, in Geoffrey Dutton's words, to 'give a factual background . . . of the constitutional aspects involved in Australia's allegiance to the Crown'. Allowing broad scope to the word 'constitutional' that is my task on this occasion. Much of what I wrote in 1966, I could leave standing and some of it I incorporate in this chapter. There have, of course, been events, developments and writings in the intervening decade to be taken into account. There have been events of major importance: the invocation of prerogative powers by the Governor-General in November 1975 to dismiss a prime minister and a government was breathtaking and exposed in the most striking way, the scope and potentialities of Royal power and authority. It gave a new intensity to constitutional debate on a variety of issues and it has certainly rekindled debate on the Constitution and the Monarchy.

Of the links between Australia and the Crown, the one which has been longest and most persistently criticised has been the appeal to the Privy Council. Long ago, Isaac Isaacs spoke of it in disparaging alliterative terms. 'It is a venerable body and it sits in a somewhat dingy den in Downing Street.' Many of his colleagues in the Federal Constitutional Convention of 1897-98 shared his feelings and wished to impose substantial restrictions on the appeal—this was reflected in the draft Commonwealth Constitution, approved by popular referenda, and carried by a delegation to England for approval and adoption by the United Kingdom Parliament. The British government did not like the Privy Council clauses and pressed for change. There were second thoughts in influential quarters in Australia and a compromise was agreed. Appeals from the High Court to the Privy Council on issues intimately bound up with Federal and inter-State relations were made subject to High Court control, and attempts in the early days of Federation to circumvent this were defeated by Commonwealth legislative action. Over a long period the

High Court reiterated its unwillingness to see such issues decided otherwise than at home. This still left the Privy Council with a very substantial jurisdiction, including some substantial federal constitutional matters. In 1968 a non-Labor government, with general approval, abolished the appeal to the Privy Council in all matters of federal jurisdiction, and in 1975 a Labor government abolished all appeals from the High Court. Then the Whitlam Government attempted to abolish the appeal from the State Supreme Courts direct to the Privy Council. This appeal rests upon law which long antedates Federation in Australia. The move was opposed by some State premiers, it was also opposed by the Opposition in the Federal Parliament and blocked. The reasons stated did not go to the merits of abolition, but to the proposed means. The legislation took the form of a request to the United Kingdom Parliament to repeal the legislation from which these appeals derived. As Mr Snedden said, the opposition had no argument with the proposition that these appeals were historical survivals and should go. The objection to the legislation was stated in terms that:

I find it an offensive manner in which to go about it . . . if this legislation were passed and if we suppose that the British Parliament passed the legislation as requested, it would interfere with the Constitution of the States . . . The way in which what is proposed should be done is to consult the people who determine the Constitution and that is all the Australian people voting, as they can, at a referendum . . . If there was a referendum I would support it and I am quite sure that it would be supported by the people.

I agree with Mr Snedden that the Privy Council appeal should be put to rest. I am not so sure about the outcome of a referendum. For all sorts of reasons, some of which have little to do with the merits of an ordered argument about jurisdiction, there would be discordant voices.

There has been a change in the procedures of the Privy Council since last I wrote. I spoke in *Australia and the Monarchy* of the procedure which allowed only the majority view to be expressed, lest the Queen, to whom the Board tendered advice, should be confused and distracted by the clamour of discordant voices. In 1966, this was changed. An Order-in-Council changed the old rule that 'no disclosure be made touching the matters treated of in Council and no publication made by any man how the particular voices and opinions went'. Now any judicial member of the Privy Council who hears a case and dissents from the views of the majority of his brethren may speak freely and 'shall be at liberty to publish his dissent in open Court together with his reasons'. It is antique language used in the service of a sensible modernity.

An Australian republic would surely put an end to the Privy Council appeal in its present form; as an appeal to the Queen it would necessarily be extinguished. Of course it is possible to extinguish the role of the Queen and to retain the Privy Council jurisdiction in another form. When Malaya became independent with its own monarchy in 1957, the appeal to the Privy Council was retained in the form of 'advice' to the Malayan Monarch. It was old wine in new bottles and no doubt adopted for local reasons. We would not see it in an Australian republic.

Forty years ago there was angry debate over the propriety of appointing an Australian as Governor-General, but that controversy is now as dead as the dodo. The year after *Australia and the Monarchy* appeared I published a life of Isaac Isaacs, the first Australian-born Governor-General. I told the story of the events leading up to his appointment. There was angry and persistent opposition at home and in the United Kingdom. King George V was a formidable opponent. When the intention of the Scullin government became known in Australia, J. G. Latham then leader of the Federal Opposition denounced it as 'strident and narrow jingoism' and as showing 'lack of enthusiasm' for the British Empire. Mr Scullin retorted: 'What a weird conception of Empire he must have when he suggests that the appointment of an Australian would weaken the ties of Empire'. Yet the 'weird conception' was shared by many substantial citizens.

Isaacs' notes, written in his own hand, tell the story, as Scullin told it to him, of what went on in London when the matter was argued first with Lord Stamfordham, the King's powerful private secretary, and then with the King himself. Finally, the King said that as a constitutional monarch, he would make the appointment, but Isaacs noted

'Then comes the most astonishing thing of all. You remember that the notification was posted on Australia House. "The King on the recommendation of Mr. Scullin P.M. of Australia has appointed, et." Scullin told me that he did not frame it that way. He had sent Garran to the Dominions Office to get the usual form and so framed it. But the alteration was made at Buckingham Palace and followed accordingly. I should think it was meant that the King didn't want to say he approved it.'

That is to say, the King was not graciously pleased to appoint; he simply appointed. No constitutional rule stood in the way of this expression of discontent.

The controversy was revived in 1947 when Mr Chifley secured the appointment of Mr William McKell who was then the Labor Premier of New South Wales. Mr Menzies, then leader of the Opposition protested angrily against the weakening of the symbolism of the office. The Press generally was critical of the appointment, and it was received with hostile criticism mainly on the grounds of Mr McKell's immediate political involvement, but also because it was undesirable to appoint an Australian. During his term of office, with Mr Menzies as Prime Minister, there arose the issue of the double dissolution of the Commonwealth Parliament in 1951. To the intense disappointment of the Labor Opposition, Mr McKell granted Mr Menzies the dissolution. As I wrote in 1966 'at the time of his (Sir William McKell's) retirement, it is fair to say that those who had angrily opposed his appointment remained to praise him, while those who had ~~angrily~~ approved his appointment no longer felt the same warmth. It was not the first time in history that this was so.' While the appointment of Sir John Kerr was uncontroversial, the account of these events has a renewed interest in light of the events of November, 1975.

The controversy over the appointment of Australians died with the appointment of Lord Casey. Three non-Australians in succession had followed Sir William McKell, and in 1965 Lord Casey was appointed. There was no serious dissent and indeed there was general acclaim. No point was made of his Australian origins (he had a special style) or his long career in Australian party politics. He was succeeded by Sir Paul Hasluck who came to the office directly from politics, and Sir John Kerr followed him.

The passions which have flared around the Governor-General in this last year have been of a different sort. They are certainly much more intense than those generated by Sir William McKell's action in 1951. That angered and disappointed the Labor Party but it did not provoke a passionate questioning of the role and office of the Governor-General and of the maintenance of the Monarchy. Writing in 1966 I did not foresee the possibility of a dramatic use of prerogative power. At that time, I was writing an introduction to the second edition of Evatt's *The King and His Dominion Governors* and I noted the discussion of prerogative powers by Governors-General in the stirring and celebrated Pakistani constitutional cases of the 1950s. 'The free exercise of a discretion or prerogative power at a critical juncture is essential to the executive government of every civilized country,' said Chief Justice Munir. In *Australia and the Monarchy* at about the same time, I gave a brief account of the events which culminated in the dismissal of Mr Lang by the New South Wales Governor, Sir Philip Game, in 1932. My comment on that case in 1966 was that 'it is very unlikely (to put it conservatively) that the Queen (or for that matter any present-day Australian Governor) would take spectacular action like that taken by the late Sir Philip Game in New South Wales thirty years ago.' When I collected the cases for my introduction to Evatt, I saw no implications in the Pakistani *dicta* for Australia; when I wrote about the Game case ten years ago, I was proved a poor prophet.

Sir John's action was in significant respects more spectacular than that of Game. Game dismissed Lang for alleged illegality and some of the writing since then has questioned that and what was done. Evatt was one of the critics. Be that as it may, there was no suggestion of any illegal act by Mr Whitlam. He had a majority in the Lower House (as did Lang), but he could not obtain supply because the Upper House persisted in withholding it and he persisted in a refusal to resign. It was on this basis that Sir John Kerr withdrew his commission. As he said in his statement of 11 November 1975—

'Because of the federal nature of our Constitution and because of its provisions the Senate undoubtedly has constitutional power to refuse or defer supply to the Government. Because of the principles of responsible government a Prime Minister who cannot obtain supply, including money for carrying on the ordinary services of government, must either advise a general election or resign. If he refuses to do this I have the authority and indeed the duty under the Constitution to withdraw his Commission as Prime Minister . . .

The result is that there will be an early general election for both Houses and the people can do what, in a democracy such as ours, is their responsibility and duty and theirs alone. It is for the people now to decide the issue which the two leaders have failed to settle.'

As in the Game case, so in December 1975, the subsequent general election supported the party which the Governor had commissioned. In *The King and His Dominion Governors* Evatt objected to the theory that electoral approval *per se* should be regarded as ratification of the action by the people. Certainly it is the case that the electorate is concerned with a wider range of issues, but there can be little doubt that Geoffrey Sawer is right in saying that 'it is certain that Sir John's action will in future be treated as a precedent, ratified by the electoral result and placing the Governor-General in a more active and responsible position in relation to the functioning of the Commonwealth parliament than has in recent decades been thought possible'. Certainly it must be taken into account in any consideration of future constitutional structures in Australia.

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The action of Sir John Kerr has provoked more intense constitutional debate than any event in my memory; indeed the last year has exposed the fragility of the consensus in Australia in a way that few would have foreseen. Of course, many things have contributed to that. His action has confirmed the republicanism of some, and it has converted others. I do not propose for present purposes to canvass the argument about the propriety of the exercise of power; what I am concerned to point out is that it by no means follows that the replacement of the Crown by a republican Head of State would dispose of the problem. Republican Heads of State have at times done dramatic things; it is for the Constitution to determine whether the Head should be a nodding automaton, to use colourful words from the Pakistani cases, or something else. Again it is possible to do something by constitutional instrument to define and confine the powers of a Governor or Governor-General without marching all the way to a republic. The point is, however, that it is not always easy to do it exactly. In my introduction to Evatt's book, I gave an account of an important Nigerian case which considered provisions of the West Nigerian Constitution as it stood at the time. That Constitution dealt with such matters; it dealt at length with the Governor's powers to dissolve parliament and to dismiss a ministry. The question in this case was whether he had acted in accordance with the Constitution in dismissing a ministry. The Nigerian Federal Supreme Court held that he had not complied with the Constitution and they sought aid from United Kingdom practice in reaching that conclusion. The Privy Council reversed the decision and held that the Governor had complied with the Constitution. A decision to establish a republic will not, of itself, do the trick. Whether or not a republic is to be established in Australia, the time has come for a calm and careful discussion of the role and powers of a Head of State or Governor-General in a democratic Australia. No doubt that has to be discussed in the context of other constitutional issues which generated the events. Such have been the passions and hatreds of this last year that that has been too difficult to achieve. The answers, moreover, are not obvious to me. Between nodding automaton and autocrat we have to find a role, but not at either end-point.

I have given some account of the oddities in the Privy Council appeal as it survives in Australia. There are also odd distinctions between the Governor-General and State Governors, and these have been pointed up by events surrounding the appointment, or the possible reappointment of the Governor of Queensland. From 1917 to 1930, conventions and principles were formulated which related specifically to the Governor-General. At Imperial conferences it was agreed and stated that the Governor-General was not the representative of the United Kingdom Government, but that he was the Queen's *personal* representative and stood in relation to his government in the same position as did the Queen in relation to the United Kingdom Government. The case of Isaac Isaacs exposed an issue which had not been settled: the source of advice upon which the Governor-General was appointed. Thereafter it was clear that that advice came from the Commonwealth Government concerned, though some argued as late as the McKell appointment that it was open to the Monarch to reject the Prime Minister's advice.

In the case of a State Governor it is not necessarily so: some parallel practices may have developed, but both the formula for appointment and the channel of communication between State Governor and Queen are different. In 1976, as the term of appointment of Sir Colin Hannah as Governor of Queensland drew to a close, it was reported that the United Kingdom Government would not recommend his re-appointment, notwithstanding the views of the Queensland Government. I state the report; I have no certain knowledge of the facts. It is the case, however, that 21 December 1976, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, Mr Crosland, answered questions in the House of Commons on the case. He said that it would be improper to reveal details of the advice about the appointment of Australian State Governors given by the Foreign and Commonwealth Secretary to the Queen. He then said:

United Kingdom Ministers are at present responsible for advising Her Majesty the Queen on certain matters affecting the Australian States including the appointment of State Governors. In discharging his duty, no U.K. Minister of any party is in any way influenced by party considerations or pressures. This responsibility is a direct consequence of the established Australian Constitutional position. Its continued existence does not mean that United Kingdom Ministers wish to retain any responsibilities which are regarded as anachronistic by those concerned.

The United Kingdom Government's general position in relation to Australian constitutional problems, namely that they regard them as essentially matters for resolution by Australians in Australia, has been publicly made clear on many occasions.

Mr Crosland went on to say that Mr Fraser, the Australian Prime Minister had stated some days earlier that the Commonwealth Government viewed itself to be the appropriate agent of communication with the Queen and that if State governments wished to change the present arrangements to give effect to this, the Commonwealth Government would be willing to assist them. 'The United Kingdom Government', said Mr Crosland 'would not stand in the way of any changes that command the agreement of all concerned in Australia'.

It is ~~notably absent~~ that the United Kingdom Government should tender advice on the appointment of an Australian State Governor. In 1966 I wrote that there was no reason in principle why it should be so and why anything should depend on the consideration that the people of Australia are for some purposes governed from Canberra and for other purposes from State capitals. The explanations are purely historical. The voices heard at the interwar Imperial conferences were those of Commonwealth men who did not speak for the States and had no authority to speak for them. There would be few who would support the silly consequences but the answers given so recently in the House of Commons show that there is a need for action. The 'metaphysical' notion of a liberated Australian in his Commonwealth capacity and a colonial Australian in his State capacity is untenable.

anomalous

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In his introduction to *Australia and the Monarchy* in 1966, Geoffrey Dutton judged the Commonwealth of Nations to be tottering to pieces. Like wine, the British Commonwealth has had its good and its bad years. 1966 was surely a bad year: in the aftermath of the Rhodesian Unilateral Declaration of Independence there were bitter and ugly tensions in the association and little reason for confidence. Though the Rhodesian problem, at this time of writing, is not resolved, the Commonwealth is in better shape. In 1966 there were just over twenty members and ten years later the score is in the mid-thirties. There are elements of value in the association, which has many functional as well as more general links, which explain this growth and confound the predictions of collapse and extinction.

In 1966, the Commonwealth of Nations exhibited a wide diversity of constitutional structures: though some members (Australia among them) retained the British Monarch by local description as Head of State, there was a substantial body of republics, and Malaya had its own monarch. All acknowledged the Crown as Head of the Commonwealth. A decade later the diversity was maintained and then more than half the member states were republics.

In itself this represented a remarkable change in constitutional doctrine. No one before the war would have contemplated a definition of the Commonwealth which did not include the notion of common allegiance to the Crown. The Imperial Conference of 1926 produced the Balfour Declaration which became a classic, though necessarily general, statement of the status and relationships of what were then described as the self-governing

states of the British Commonwealth. That statement included the words 'united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations'. Two years later, J. G. Latham, Attorney-General of the Australian Commonwealth wrote that 'Great Britain and the Dominions are united by a common allegiance to the Crown. There are not several Kings within the Empire. There is only one King . . . The doctrine of a common allegiance has a real significance.' Mr. Menzies gave specific meaning to this when, in September 1939, he stated the proposition that the King is at war and therefore Australia was at war. This was not universal practice; some Dominions considered the matter in parliament before declaring war, while Ireland still strictly a member of the Commonwealth remained neutral throughout. In 1941 when war broke out with Japan a different procedure for a declaration of war by Australia was adopted and a special authority was granted by the King to the Governor-General to declare war on behalf of Australia.

In the postwar period important changes occurred. India, having attained independence in 1947, put it to the Commonwealth Prime Minister's meeting in London in 1949 that she desired to remain a member of the Commonwealth on terms that she might be accepted as a sovereign republic, while recognizing the Crown as the symbol of the free association of its independent member nations and as such the Head of Commonwealth. That formula which, as Nehru said, brought a touch of healing, was accepted by all the Prime Ministers. In its time it wrought a great change in what was regarded as settled doctrine. It was described by one writer as the 'most spectacular event in the constitutional evolution of the modern Commonwealth' and it would certainly have seemed beyond belief to the constitutional theorists of the 1920s and 1930s. I recall sitting beside Mr Attlee (as he then was) not long after the event and asking if he had found difficulty in accommodating to the change. Characteristically he answered no: it was appropriate and it was done. Some prime ministers may have experienced more difficulty but still it was done. It was in form a decision for India specifically: it was, however, a clear policy change and, subject only to special political circumstances like those affecting South Africa, open to all. It follows that if Australia were to become a republic, it would not involve an automatic termination of her membership of the Commonwealth of Nations. Under the rules of the association Australia would have to apply for continuing membership but the precedents establish that the application would be freely granted.

The Australian Constitution (which was brought into operation by a United Kingdom Act and proclamation to which Queen Victoria was an essential party) contains many provisions relating to the Crown, its representative and its powers. There is little point in setting them out in detail and there is a very useful account and analysis of them by Geoffrey Sawer in a recent *Current Affairs Bulletin* (Vol. 52 No. 10, March 1976). He points out that the general pattern of the Constitution is to acknowledge the Queen in general phrases, and to vest more specific powers in the Governor-General without reference to the Queen. Of the powers exercisable by the Governor-General, some are conferred by direct constitutional provision and without reference to any other person or authority. Other powers exercisable by the Governor-General are specifically required to be exercised upon advice. In addition many acts of parliament confer power on the Governor-General. Any account of the place of the Crown in Australia must take into account the Constitutions of the States and of state legislation vesting powers in the Crown or the Crown's representative.

Some royal powers for which the Commonwealth Constitution provides have been significantly modified in the process of constitutional evolution. Thus section 58 provides that where a proposed law is presented to the Governor-General for the Queen's assent he may reserve the law for the Queen's assent and there are provisions elsewhere in the Constitution which require that certain types of law be so reserved. Then section 59 states that the Queen may disallow any Commonwealth law within one year from the date of the Governor-General's assent. Such provisions as these were written into the Constitution at a time when the relationships between the United Kingdom and Australia were still those of superior and subordinate. The Imperial Conferences of the inter-war years reviewed such matters in the course of a comprehensive review of Commonwealth relationships and it was settled that such powers of reservation and disallowance as were conferred by sections 58 and 59 should be exercised by the Queen only on the advice of her Australian Commonwealth ministers. They are, therefore, not a meaningful source of royal power, though their presence in the Constitution led Chief Justice Munir of Pakistan, commenting on them and on comparable Canadian clauses to say that 'in the face of those provisions it is obvious that these great countries can hardly be called "Independent Dominions". Their principal legislatures work under controls imposed from without by force of law'. In practice it is not so, but in any review of the Constitution, with or without republican intent, they ought to disappear.

The Commonwealth Constitution confers specific and enumerated powers on the Commonwealth Parliament. There is no specific legislative authority under which Parliament may enact a law converting Australia into a republic. Such an exercise would have to be carried through by alteration of the Constitution. The Constitution contains its own amendment clause (section 128): it provides that a proposed alteration of the Constitution shall be submitted to a referendum and to be carried must in general be approved by a majority of all electors and by a majority of electors in a majority of the States. If a proposed amendment overcomes those formidable hurdles, 'it shall be presented to the Governor-General for the Queen's assent'. If section 128 authorizes amendment to remove the Crown from the Constitution and to replace it with a republican form of government and if such a proposal were carried, the Queen's representative would necessarily play a role in rendering complete the process which removed the Crown and royal and vice-regal authority from the Constitution.

A question has been raised, however, whether section 128 authorizes an amendment which would destroy the federal character of the constitution or would remove the Crown. There is a further argument about the reach of this amending power: would it, for example, allow of changes which removed the Crown not only from the Federal Constitution, but also from the constitution of the states? Almost forty years ago it was argued that the amending section should be given the broadest scope. It was said that if 'Australia's capacity for dealing with her own affairs is to be large in the superlative degree, she must be free from generation to generation to choose what instrumentalities of government she will employ . . . to give effect to her own views of what will be best. Section 123 may thus be properly regarded as the safety valve of the constitution.' More recently it has been said that the 'pettifogging verbalisms' by which section 128 might be restricted should be disregarded and rejected so that the section might be given the broad scope which Australia's national independence requires.

When it was proposed to abolish appeals from *state* courts to the Privy Council in 1975, the legislative device was the request and consent of the Commonwealth parliament to the United Kingdom parliament for the enactment of appropriate legislation. The opposition argued that this was an inappropriate way to proceed and that action should be taken by way of section 128. That in itself argues a wide scope for section 128; the reason why the government did not take that course may have been justifiable uncertainty about the fate of a referendum; it may also have been uncertainty about the scope of section 128.

My own view is that section 128 should be given a broad interpretation and should provide the appropriate instrument for achieving a republican status for Australia.

The Australian electorate has shown little enthusiasm for constitutional alteration of any sort and measures which touch the emotions, as would any proposal to establish a republic, would encounter formidable difficulties. It is very likely that there are more republicans in Australia than when *Australia and the Monarchy* first appeared, but I do not see a great prospect of success for a set of republican amendments at this time.

Labor's bleak future

By PETER SAMUEL

THE LABOR PARTY has just finished the business of entrenching itself deep in the political wilderness. By persisting with the discredited Whitlam leadership in the parliamentary caucus elections in late May it went halfway to losing the next elections. Last week in Perth the party's national conference went the rest of the way to electoral disaster by promising Australians all the things they do not want right now — higher taxes, even stronger unions, more bureaucrats, less security, and a whole heap of way-out nonsense.

The trouble is not that the Labor Party is numerically captured by the radical ideological left — they lost about as many battles in Perth as they won — but that it is they who consistently set the terms of the intra-party debate, forcing the moderate majority into constant compromises and occasional defeats. Even the moderates are usually forced to argue out policy issues in an intellectual fantasy world in which the ogres are trans-national companies (last conference they were multi-national), corporate monopoly, and reactionary governments crushing underfoot impoverished unionists and conspiring to dismantle the Welfare State.

In the real world outside there are not a few supporters of our conservative governments and companies wishing they were able to do just a little by way of curbing union excesses. There are many who'd like to reduce some of the madder extremities of the regulatory and handout apparatus of contemporary government, but they observe that little of that kind is happening.

The Labor Party moderates do not believe in anything, or at least nothing that they can admit to within the forums of the party for fear of being torn apart by the ideologues of the radical left. One of the more comical and revealing

moments of the Perth conference was when a West Australian delegate, Senator Peter Walsh, made the mistake of admitting publicly he was fed up with "paranoia" about multi-nationals, which he described as the Labor Party's conspiracy theory and the equivalent of Bob Menzies' conspiracy theory about communists and Eric Butler's theory about Jews. He was attacking the left's move to establish a Trans-national Corporations Surveillance Authority and a string of other extremist motions based on the line that everything that does and does not happen in the world economy is the fault of multi-national cabals. He was letting show a decidedly pragmatic world view in sharp contrast to the Marxist, anti-business set of assumptions and slogans that everyone uses at Labor conferences.

Shadow Treasurer Chris Hurford quickly moved to reassure the left on behalf of the moderates that he completely dissociated himself from Walsh's remarks, and that of course *everyone* agreed the multi-nationals were villains who needed to be kept under surveillance and control. It was just that a future Labor Government should not be forced to establish that particular kind of authority. There might be better ways of thwarting the work of the devil.

At Perth the moderates almost always fought the left with these kinds of watery prudential arguments. They managed to stave off nationalisation proposals on the grounds that they would be "political madness" and more boldly that government ownership was "unnecessary." But not once did any delegate positively assert the need for maintaining areas of private ownership or assert the positive value of economic independence of government. In the abortion debate, speaker after speaker opposed the left-radical move to commit



Tom Uren and Gough Whitlam: two leaders, and two of the most silent at the conference



U.S. observer W. Dixon Bloggs: accused of being a CIA man

the party in favor of abortion, using the argument that it would split the party, but no one spoke saying he believed it was wrong. WA's Joe Berinson alluded to personal opposition as a matter of principle, but said he was bound by a State delegation decision to speak and vote for abortion.

There was a curious lack-lustre air about the Perth conference, notably less vigor and fire and much less debating follow-through than at Terrigal in 1975 or Surfers Paradise in 1973. It was partly the demoralisation of being so completely out of government, partly the energy absorbed in the paper war of an ALP conference. The sheer cerebral slog of dexterously shuffling great heaps of papers covering the new platform proposals, the committee comments and



Gough Whitlam with Neville Wran: of the two, the NSW leader took the honors



Mr L. Raina, Russian observer at the conference

was the star of the uranium debate. That was all. Wran did not speak again. Hawke was his usual breezy self, an efficient chairman, but from the chair he could be nothing more. Upstaged the first day, Gough Whitlam was cruelly mauled the second — by the sparkling new debating find of the conference, Melbourne law lecturer, Gareth Evans. Whitlam sulked his way in absolute silence through the rest of the conference. Uren and Doug McClelland, deputy leaders in the House and Senate, spoke several times but like shadow treasurer Hurford and vice-president Ducker managed to keep few people listening to them. Senate leader Ken Wriedt did not even try, sitting silently next to Whitlam until forced on the conference's fourth day to the microphone by virtue of his prior chairmanship of a committee.

handfuls of roneoed amendments and of keeping up with the meaning of the whole game are enough to exhaust many delegates and reporters, not to speak of how they completely bamboozle a Malaysian first secretary or a KGB officer. The Perth conference produced about 2000 sheets of variously colored paper, an unhealthy growth on Terrigal and Surfers.

But partly the trouble was that the conference was sorely lacking any leader. Premiers Wran and Dunstan stole the limelight the first day up with vigorous rostrum performances for the TV, affirming their faith in full employment and denouncing Malcolm Fraser for financial meanness to the States. Dunstan was up again defensively speaking on abortion and he

AMWU leaders Jim Roulston and Jack Garland were the most spirited left-wing demagogues with the TWU's Ivan Hodgson. Socialist leftist Bill Hartley often spoke, but was so isolated that he usually gave his subject a kiss of death. Heir apparent Hayden and minerals spokesman Paul Keating were with John Button, the Victorian Senator, the closest to looking leaders, mostly being able to command attention. But each of them got to looking tired and uncaring at key points in the conference.

The real excitement of the Perth conference was provided not by the speakers but by the trivia — the middle-of-the-night bank blast nearby, the double blowout of a spotlight over the middle of the hall, the seizure of the forum microphones by women's libbers, the villification of Bill Hartley for villifying the U.S. observer in the hall and post-ball shennanigans involving a drunken diplomat, a discotheque manager, girls complaining of moles-



Victorian delegate W. Hartley: severely censured for his CIA allegations

tation and several policemen.

Nevertheless the conference did make many important amendments to the book called *Platform, Constitution and Rules: Australian Labor Party*, which publication remains the catechism for Opposition caucuses until 1979 and therefore points to the kind of future Labor would have for us.

A UNION PARTY

One of Gough Whitlam's greatest political achievements for the ALP was to make it less a Labor party, increasing the role in it of middle classes, academics, other professionals and parliamentarians — at the expense of unionists. That helped the ALP attract hundreds of thousands of new voters in 1969 and 1972. The Perth 1977 conference may, however, go down as a year in which the ALP started to drift back to looking like a trade union party. The organisers seemed to want it to look like that. They gave everyone there a dodger stressing the uniqueness of the party as incorporating unions within it as affiliates and the frontispiece of a handsome black binder of the committee proposals was a full-length photo of Henry Lawson beside the verse which starts "I don't care if the cause be wrong, of if the cause be right . . ." and which finishes "But I've been Union thirty

years, and I'm too old to rat."

In key with that kind of folk faith, the first business for the party was to pass a whole series of declarations intending to strengthen unionism in Australia. At the beginning of the new industrial relations policy is a pronouncement that "every citizen has an inalienable right to industrial democracy." The conference hardly rang with messages of support for Broken Hiller Noel Latham, and everything that followed supported a qualifying clause of an Orwellian kind — "but some citizens will have a more inalienable policy right than others."

Unions are declared to be the truly representative bodies, not only of wage and salary employees, but of all who "share the experience, tedium and rewards of work" — a grander definition designed no doubt to justify the coerced recruitment of unfortunate sub-contractors and independent tradesmen and small business people. The party's policy is now directed to "strengthening and furthering the position of unions in Australian society." They are to be given exemption from provisions of the trade practice laws so that they can engage in collusive, coercive commercial practices outlawed for ordinary mortals. Both the unions and their members are to be given immunity from tort actions in industrial disputes, except where someone is murdered, bashed or defamed. Unionists are always to have preference in hiring, promotions and retention where there is retrenchment. All legal penalties for strikes are to be repealed and prohibited.

Management is to allow union-called meetings in working time, and to allow union bosses full access to all company records and information. A proposal for "equality" of decision-making power between union and shareholder-appointed management was rejected on the argument of the AMWU delegates that they wanted "total worker power," not the halfway house of equality.

The ALP now recognises that the "legitimate role of trade unions is not limited to legally defined industrial matters." A proposal that would have elevated unions completely above government — providing that "no legislation or initiative shall impinge on the full freedom of unions to act in pursuit of union policy" — was defeated after vice-president Ducker pointed out that a Maoist-controlled union might black ban trade with the Soviet Union, and under this clause be exempt from the necessary discipline of a Labor Government. The ALP is to support "worker democracy committees" in companies and to recognise the role of shop stewards.

In total the conference adopted a much radicalised industrial policy.

On employment the conference was



"Stop complaining . . . at least we know where we've been . . .!!"

all over the shop, the first morning being spent in ritual declarations of full employment as the prime economic objective of the party, the afternoon in spelling out commitments making its achievement impossible — higher minimum wages, levies on employers to support training, an extra week's annual leave and 25 percent holiday pay loading, a shorter working week, "equality of remuneration," a minimum of six months severance pay for retrenchment, complete wage indexation and a host of other measures to price people out of work.

Some sociologists must have had a hand in drafting the new policy because the workplace is to be for everything but work, providing "complete safety, adequate amenities for welfare and comfort (and) an atmosphere which encourages friendship and social community" and the work is to provide not only material income but "personal development."

HIGH TAXES

Shadow Treasurer Chris Hurford says that Australia has reached a threshold of taxation, but the Perth conference accepted the claim of a WA delegate that it was a great "myth" that Australians are heavily taxed. It accepted his amendment which allows a Labor Government to reap inflationary gains from personal income tax by allowing less than full tax indexation. The personal income tax structure is to be weighted more heavily on high incomes, capital gains are to be taxed, and there is to be a "secondary profits tax" on minerals and oil companies.

All Labor people live in an intellectual world of their imagination in which government is next to godliness, in which the agencies of State are all-wise, beneficent and capable of representing the public interest, and so

the solution to every problem is some new intervention, regulation or planning. The Perth conference saw a return to sloganeering about how the benign hand of government would replace the inadequate results of the free market. Even though the three years of the Whitlam Government could not even produce a start on an "energy policy," this is to happen next time, and even though three former Whitlam Treasurers never thought seriously about "indicative planning," this is now on the agenda of Labor's future. Government is to take on a whole host of new tasks.

New agencies proposed include a Bureau of Industrial Information and Research to help the unions, an interstate commission to plan and control all aspects of transport in the country and a Fuel and Energy Commission to do the same for power.

Labor's platform is now decorated with the anodyne declaration that "Mankind must live in a symbiotic relationship with planet Earth," the kind of thinking which might justify the renaming of the party as the Society of Saviours. The conference reached an emotional climax of thunderous applause when Premier Dunstan declared that while the party's uranium policy might cause serious damage to the future of the Australian economy, what the party was concerned with has nothing less than "the whole future of mankind." The Australian Labor Party knows better than the mere governments of the rest of the world what is good for their peoples in respect of nuclear power. It is perhaps better understood as a kind of religious sect, fitted in its own collective mind for hugely greater things than the small, mundane business of running the government of Australia.

It has decided to leave that little thing to Fraser.

FOREIGN AFFAIRS

Whitlam hits rock bottom

By ALAN REID

ALP INTEREST in defence has declined to zero; Gough Whitlam's authority in foreign affairs, his pet subject, is virtually nil; and left-wing influences within the ALP match, in the foreign affairs area at least, the persuasive powers of such giants and electoral front men as Whitlam himself, Bill Hayden and Bob Hawke.

These points emerged tellingly from the debate on foreign affairs and defence held on the last day of the national conference. And, because it was the last day, the implications which emerged from the debate were overlooked in the flurry of hasty departures to home States.

Whitlam, who presented the foreign affairs and defence report, himself pointed up the lack of interest in defence. "There is in fact no report on defence matters because no agenda items were received," he told the conference.

The decline of Whitlam's authority, even in the foreign affairs field, was underlined by the vote on the amendment on East Timor moved by Whitlam's deputy, Tom Uren. Though Labor leaders, such as Curtin, Chifley, Evatt and Calwell, were defeated in the past in ALP forums, they were never as pathetically alone as Whitlam was last week. There were always those who followed these leaders out of personal loyalty or friendship or because they trusted in their judgment and long-sightedness. But when Uren's amendment was voted on, Whitlam's was the solitary voice raised in opposition. Some of the older delegates who had seen Curtin, Chifley, Evatt or Calwell in action must have been left wondering about the decline in the status of the party's parliamentary leadership.

What Whitlam wanted was endorsement of the foreign affairs and defence committee's recommendation that Indonesia's invasion and annexation of East Timor should be condemned, Indonesia called upon to withdraw, and that there be a United Nations supervision of the orderly exercise of the right to self-determination of East Timorese people. Uren wanted a similar withdrawal call, but noting of the establishment of the East Timor Democratic Republic on November 28, 1975, free and unimpeded communications with the national independence forces of East Timor, and the suspension of Australian military aid to Indonesia until all troops were withdrawn.



Whitlam argued, almost passionately, that Uren's amendment would be interpreted as recognition of Fretilin as the legitimate government of East Timor, yet Fretilin had won after the departure of the Portuguese, not because of any act of self-determination, but because the army's modern Portuguese weapons were given to Fretilin, which then prevailed by force of arms. Whitlam claimed that more people were killed in this civil war than during or after the Indonesian invasion. Detailing Australia's military aid to Indonesia, he claimed it was of a nature that could not assist Indonesia in Timor. Such aid, he said, was "as much to the economic and military advantage of Australia as to Indonesia."

"Don't let us cut off our noses to spite our faces," Whitlam pleaded. He did not hit the deck. He failed to obtain a supporter.

The amendment which sought to ban the building in Australia of an Omega station, variously described as a navigational aid and as part of a United States network of communication with its submerged nuclear submarines, pointed up the fact that the ALP

national conference is not an area of free discussion with delegates left to make up their individual minds after hearing discussion. Some of the delegations had been bound by their State organisations to vote against Omega, irrespective of the arguments put in its favor at the conference.

Socialist left delegate Bill Hartley, who was not precisely the pin-up boy of conference for having named, without proffering proof, a U.S. diplomatic observer at the conference as the CIA head in Australia, led the fight against Omega.

Whitlam and Hayden, officially the big guns of the conference, thundered their opposition to the Hartley-sponsored ban on Omega. The shells of their derision of Hartley and their insistence that Omega was purely a navigational aid, valuable economically and in the preservation of human life and endorsed as such at international conferences attended by Russia and China, battered the Hartley target. But when ideological factors intrude, personal unpopularity becomes irrelevant.

When the vote was taken, the Hartley-led move to ban Omega's construction in Australia went down by only 22 votes to 21, with Uren voting in favor of the ban against Whitlam. Ken Wriedt and Doug McClelland, Uren's fellow parliamentary leaders.

It was an interesting conclusion to a conference in which the glimpses of strength — and weakness — of the respective forces and factions were at least as equally fascinating as the policies decided upon.

DISSOLUTION OF PARLIAMENT IN MID-TERM

Looking back at the precedents of the saraband and stately contredanse

BETWEEN THE LINES By GEOFFREY SAWER

I SEE by some of the papers that Sir John Kerr may resign as Governor-General in December next, and retire to the south of France in order to write up his side of the events of 1975.

Human memory, including my own, being so unreliable, there is much to be said for his writing about the events as he saw them as soon as possible, though I should doubt whether any part of France would be a suitable venue for the purpose.

He would need to take a mountain of material and might still have to make numerous trips back to Australia to confirm matters in doubt — that is assuming he wishes, unlike his detractors, to provide publicly verifiable sources. Nor is any part of France so devoid of counter-attractions as to guarantee the required concentration on the task in hand.

Embarrassed

Some evidence is offered to support the retirement prophecy, of varying weight, but there is one item which may rest on a misapprehension. It is the suggestion that Sir John would be embarrassed by a request from Chairman Mal for a dissolution of the House of Representatives in May next, so that a general election for that House might coincide with a half-election for the Senate which must occur before July next.

The view that the G-G would be embarrassed by such a request is based solely on something he said in his celebrated lecture to the Indian Law Institute in February 1975, and reported in that Institute's Journal, vol. 17 page 1.

He claimed that one of the powers to be exercised by the Governor-

General on his own assessment of the situation is the power of dissolving Parliament in "mid-term", a phrase he took from Sir Paul Hasluck's equally celebrated Queale Memorial Lecture given in Adelaide in October 1972.

Precedents

It has never been clear to me whether either Sir Paul or Sir John meant by "mid-term" merely an election before the normal three-year term runs out, or whether they mean more literally an election at or earlier than about 18 months after the commencement of that House of Representatives.

I would have thought that the precedents raise no doubt at all about the ability of a government to call for a general election at any time during the last six months of its normal existence, and probably earlier.

However, assuming that this part of the "reserve power" does come

into existence at any time short of, or almost up to, the three-year period, then Sir John appeared to lay down a very severe general test for granting or not granting the dissolution — namely "whether that Parliament has in fact become unworkable".

I think, however, that both he and Sir Paul Hasluck in his similar remarks had in mind the sort of parliamentary impasse caused by three-party situations, or close division between major parties with "floating" independents, or by party splits.

The "three elevens" situation was well illustrated in the first decade of Federal politics, when Deakin, Reid and Watson performed a stately contredanse with the Governor-General as their mutual alliances shifted.

Alex Wilson illustrated the second sort of situation in 1941 when he shifted his support from the Fadden-Menzies Government to Curtin, though he was rather up-

staged by the simultaneous decision of A. W. Coles to do the like.

The same sort of situation occurred in Fiji recently, when the Governor-General, Sir George Cakobau, granted a dissolution to the Prime Minister, Ratu Sir Kamisese Mara, within a few months of a general election, ostensibly because the Opposition Leader, Mr Siddiq Koya, although apparently the election winner, couldn't command the loyalty of all his alleged supporters.

Uneasiness

The subsequent split in the Koyaled Federation Party suggests that Sir George might have been retrospectively right, though I confess to some uneasiness about the way in which he handled the situation.

It is only in such situations that the Governor-General can reasonably reject advice to dissolve, in order to try out the possibility that



Sir John Kerr . . . rumoured to be off to the south of France to write his account of the events of 1975.

another leader can obtain a majority to support him; if the alternative leader fails to do so then the one who first advised a dissolution is entitled to be put back in office and granted a dissolution, as Sir Dallas Brookes did during the McDonald-Hollway saraband in Victoria in 1952.

Less cautious

Sir Paul Hasluck makes it plain in his lecture that he is not attempting to give a complete list of circumstances which might or might not justify an early dissolution.

Sir John Kerr is less cautious, but at the same time he slips in an additional factor directly applicable to a proposal for a general election next May. He speaks of the necessity for "a situation which Parliament itself cannot solve".

If Mr Fraser did call for a general election next May, it would not be in Sir John Kerr's phrase "simply to help a party leader, or a party to solve their own difficulties"; it would be to bring half-Senate elections once again into line with Repelections. To do this is Fraser Government policy, endorsed by the Labor Party and by 62 per cent of the electorate.

Such a course would also be of some electoral advantage for the Lib-County alliance, but it is established by two centuries of UK precedent that Prime Ministers are en-

titled to confer some electoral advantages on themselves by the timing of elections.

The precedents are fewer in Australia only because we tend to have three- rather than five-year Parliaments, and even the most servile of backbenchers will rebel if asked to fight elections at much less than three-year intervals.

In any event, I think that both Sir Paul and Sir John showed a surprising incapacity for thinking through the consequences of their theories about mid-term elections.

Advantage

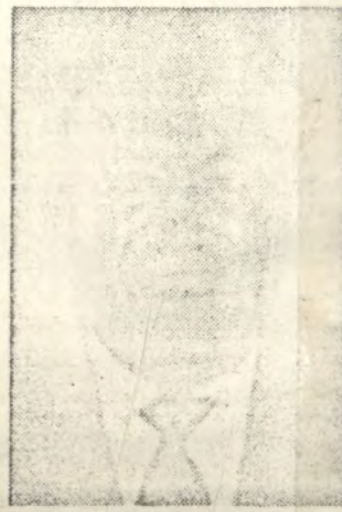
Suppose a Prime Minister like Mr Fraser, with a substantial majority in both Houses, wished to pull a general election considerably earlier than the usual 2½ to 2¾ years — perhaps to take advantage of the impact of another Petrov Case — and was refused a dissolution; he can at once make Parliament "unworkable" by resigning, leaving the Governor-General incapable of finding an alternative government with majority support or the ability to guarantee supply.

The stronger the parliamentary position of a Prime Minister in Parliament, the greater is his ability to make that Parliament unworkable.

A G-G who provoked that response might well soon find himself writing his memoirs.



Sir Paul Hasluck



Sir George Cakobau



Ratu Sir Kamisese Mara

ISAAC ISAACS "

by

ZELMAN COWEN

8

*Governor-General of the Commonwealth
of Australia: 1931-1936*

ISAACS took the oaths of office as Governor-General of the Commonwealth of Australia on 22 January 1931. The oaths were administered in the Legislative Council Chamber in Melbourne by Sir Frank Gavan Duffy who was that day appointed Chief Justice of the High Court in succession to Isaacs.

For months there had been great controversy over the appointment of Isaacs. Early in 1930, the retiring Governor-General, Lord Stonchaven, had informed the Prime Minister, Mr Scullin, that the United Kingdom government would welcome an Australian indication of a suitable successor to the office of Governor-General. It had been customary that the Prime Minister of the United Kingdom should consult informally with the Dominion government concerned before submitting the names of possible appointees to the King. In the case of Australia these had always been United Kingdom men who had attained high rank in the armed forces or had rendered other public service. Men like Sir Ronald Munro-Ferguson (Lord Novar) and Lord Stonchaven had played some part in United Kingdom politics.

The Imperial Conference of 1926 had examined some aspects of the office of the Governor-General of a Dominion. It declared that the Governor-General stood in all essential respects in the same relationship to his Dominion government as did the King in relation to the United Kingdom government. The Governor-General was the personal representative of the King in the Dominion; he was in no respect a representative of the United Kingdom government. The 1926 declaration went only so far; it said nothing as to the *procedure*, nothing as to the appropriate source of the *advice* on which the King might or should act in appointing a Governor-General.

Early in 1930, the Australian cabinet discussed the question of the succession to Lord Stonchaven. Sir Robert Garran, then Solicitor-

General of the Commonwealth, says that some time in February or March, the cabinet, after considering the names of Isaacs and Sir John Monash, decided to recommend Isaacs.¹ Monash, who died in October 1931, was a distinguished engineer and soldier, and though not a professional soldier, commanded the Australian Forces in France with distinction in the first world war. He later became chairman of the State Electricity Commission of Victoria and directed the large-scale electrification project of the State. Garran then says that Scullin cabled the recommendation of Isaacs to Ramsay MacDonald, the Prime Minister of the United Kingdom.² Sir Harold Nicolson in his life of King George V says that Scullin 'announced' that he intended to advise the King to approve the appointment of Isaacs.³ No public announcement was made until the actual appointment was made by the King, and the Scullin government persistently refused to make any public statement on the appointment until that time. But rumours of the government's intention to advise the King to appoint Isaacs leaked out, and when Scullin was questioned in the House on 1 April on the appointment of the next Governor-General, he declined to give a direct answer.⁴ At the end of the month, he said in the House that 'no change has been made in the traditional procedure connected with the appointment of a Governor-General'.⁵ In the Senate, the government also declined to answer questions on the appointment of Isaacs.⁶

Despite these statements, reports of the recommendation appeared in the press. Late in April the Melbourne *Argus* said that it had learned authoritatively that the Scullin ministry was recommending Isaacs, and that there had been insistent Labour demands for the nomination of an Australian.⁷ Scullin and the Dominions Office in London refused to comment on these rumours, and Scullin said that they had been circulated without any authority from Britain or Australia.⁸ Mr (later Sir John) Latham, the leader of the Opposition in the federal parliament, said that the government's action disclosed its 'lack of enthusiasm' for the Empire and was prompted

¹ Garran: Prosper the Commonwealth, at p. 322.

² *ibid.*

³ King George the Fifth; His Life and Reign (Constable 1952) at p. 478.

⁴ Parl. Debs (H.R.) Vol. 123, at p. 704.

⁵ *ibid.*, at p. 1240.

⁷ 23 April 1930, at p. 7.

⁶ *ibid.*, at p. 1201.

⁸ *Argus*, 24 April 1930, at p. 7.

by 'strident and narrow jingoism'. This provoked Scullin's sharp retort:

What kind of an Australian is Mr Latham when even the rumour than an Australian citizen may be chosen as the King's representative puts him into a frenzy? What a weird conception of Empire he must have when he suggests that the appointment of an Australian would weaken the ties of Empire.⁹

At the end of April there were newspaper reports that the King would not accept the Australian government's recommendation of Isaacs. Once again Scullin declined to comment on this report and said that 'the bandying of names and indulgence in public controversy are disrespectful to whoever may be appointed as the future representative of His Majesty'.¹⁰

The controversy in Australia grew louder. The Royal Empire Society opposed the appointment of an Australian and declared that judges should have nothing to do with politics. Representatives of organizations interested in imperial affairs met in Melbourne to discuss plans for concerted action to demonstrate that there was an 'emphatic demand'¹¹ in Australia that Governors-General should continue to be drawn from the United Kingdom. Non-Labour politicians declared their opposition to the appointment of Australians, and the fear was expressed that if Governors-General owed their appointments to the Prime Minister of Australia, there would be 'all sort of political tools and hacks subservient to political parties'¹² as occupants of the vice-regal office. A group of organizations described as the Council of Combined Empire Societies published a statement in which it was said that the Governor-General should not be associated with any Australian political party and that discontinuance of the practice of appointing United Kingdom men would deprive Australia of the service of men of distinction and experience. A petition by the Combined Societies protesting against the change in the method of appointment was circulated and with 130,000 signatures was sent to the Secretary of State for the Dominions.¹³

In England, the King saw Lord Passfield, the Dominions Secretary, and told him that the Australian recommendation of Isaacs

⁹ *Argus*, 25, 26 April 1930.

¹¹ *Argus*, 30 April 1930, at p. 7.

¹³ *Argus*, 13 June, 8 November 1930.

¹⁰ *Argus*, 29 April 1930.

¹² *Argus*, 3 May 1930, at p. 25.

could not be accepted. The King's view was that the resolutions of the Imperial Conference in 1926 precluded the tendering of advice by the United Kingdom government on matters relating to the Dominions, including the appointment of a Governor-General. The 1926 resolution did not however say that such advice was appropriately tendered by a Dominion government. As Lord Stamfordham, the King's able and influential private secretary, wrote:

I cannot for the life of me understand from anything that was passed at the last Imperial Conference that the Dominion governments have the right to advise the King on the appointment of Governors-General or indeed upon any other point.¹⁴

There had been some discussion of the matter by constitutional authorities in the United Kingdom. Edward Jenks, who had briefly been Dean of the Melbourne University Law School in the 1890s, wrote in 1927:

Does it really mean that in future the government of the Empire is to fall into the hands of the King's private secretary? Put picturesquely—are Lord Stamfordham and his successors to 'run' the British Empire? I cannot conceive any rational foundation for such a suggestion. Who then is to advise the King upon the appointment of a Governor-General, say of Canada, Australia or New Zealand? The answer (I may be wrong) seems as a matter of principle to me to be reasonably plain, namely, that, just as the King in matters affecting the United Kingdom takes the advice of his Prime Minister in London, so in matters affecting Canada he will take the advice of his Prime Minister in the Dominion, and in the case of Australia that of his Prime Minister in the Commonwealth, and so forth. And I see no difficulty in applying the principle in that way.¹⁵

In the same year, Sir Arthur Berriedale Keith, a very dogmatic writer, stated a contrary conclusion:

The suggestion that the King can act directly on the advice of Dominion ministers is a constitutional monstrosity, which would be fatal to the security of the position of the Crown. That His Majesty should on his personal discretion and responsibility accept or reject Dominion advice is absurd; but not less so the idea that he should serve the purpose of automatically registering the decrees of six or more independent governments, even if they conflicted with the

¹⁴ Cited Nicolson: King George the Fifth, at p. 479.

¹⁵ 3 Cambridge Law Journal, at p. 21.

interests of the United Kingdom, apart altogether from the delay and inconvenience involved in sending documents to London for formal signature.¹⁶

Keith's certainty on this as on so many points makes curious reading forty years on. But these two views show that constitutional authorities in the United Kingdom then differed in their views.

Opinions on the local position were given by Australian lawyers.¹⁷ Latham stated his views in the House of Representatives on 5 December 1930, after the appointment of Isaacs had been announced:

We have been informed that an appointment has been made by His Majesty the King upon the recommendation of the Prime Minister of the Commonwealth. Appointments to offices in the Commonwealth itself are made by the Governor-General upon the recommendation of a minister, and those appointments are the sole responsibility of the government, the Governor-General being bound to follow the recommendations of the minister. The Governor-General exercises no discretion in such matters. According to the formal announcement of the government, the appointment of the Governor-General has now been made in a similar way. If, as stated, the King acted upon the recommendation of the Prime Minister, His Majesty did not exercise any discretion in the matter. The new Governor-General is the nominee of the Scullin government, and not of His Majesty the King. The appointment, therefore, marks a distinct and most important change in procedure. Section 2 of the Commonwealth constitution provides that the Governor-General appointed by the King shall be His Majesty's representative in the Commonwealth. There is no reference to any advice being given to His Majesty the King by the Federal Executive Council, which is the executive agent of the Commonwealth. It really is the cabinet acting officially. Section 62 of the constitution specifies and delimits the functions of the Federal Executive Council in the following words, 'There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth.' Those words are evidently intended to describe and delimit the functions of the Federal Executive Council. They do not include any function of advising

¹⁶ A. B. Keith: Responsible Government in the Dominions (Oxford University Press 1928). Preface at p. xiii.

¹⁷ Sir William Irvine, Chief Justice of Victoria, Argus, 26 May 1930; Sir Edward Mitchell K.C., Argus, 10, 12 January 1931; Sir John Latham, Parl. Debs (H.R.) Vol. 127, at pp. 1073-4.

His Majesty the King. There is accordingly no warrant in the constitution for the practice that has been adopted in this case.¹⁸

Having regard to the resolutions of the Imperial Conference of 1926, this appeared to mean that nobody could constitutionally tender advice to the King on the appointment of a Governor-General; not the British government because of what was implicit in the 1926 rules, not the Australian government because no power to do so was conferred by the constitution. This was the view to which the United Kingdom law officers unhappily came.¹⁹ Latham surprisingly did not reach this conclusion; his view was that it was still appropriate for the United Kingdom government to tender formal advice after determining that a prospective appointee was acceptable to the King and to the Commonwealth government.

There was a further argument specifically affecting the appointment of a judge as Governor-General. Section 8 of the Judiciary Act provided that:

a Justice of the High Court shall not be capable of accepting or holding any other office or any other place of profit within the Commonwealth, except any such judicial office as may be conferred upon him by or under any law of the Commonwealth.

Some lawyers argued that this disqualified Isaacs, who was then Chief Justice of the High Court. There was a difference of legal opinion on this question; some said that this provision only disqualified a judge from holding another office while he continued to hold a judicial appointment, but did not disqualify a High Court judge who resigned his judicial office and subsequently accepted appointment as Governor-General. Latham said in the House that:

It is a general principle that judges should have nothing to hope for and nothing to fear from any government. It is a matter for regret that, in this instance, that principle has been infringed by making a promotion from the Judicial Bench. It is of benefit to the Bench. It is obvious that if the practice now adopted is continued, Justices of the High Court can look for further advancement from the government of the day. Their position as interpreters of the constitution is such that this procedure may create an atmosphere of suspicion when decisions are given; particularly if those decisions are in favour of the government.²⁰

¹⁸ Parl. Debs (H.R.) Vol. 127, at pp. 1073-4.

¹⁹ Nicolson, *op. cit.*, at p. 479.

²⁰ Parl. Debs (H.R.) Vol. 127, at p. 1075.

Latham put this as a matter of principle, and not as a matter of law to be spelled out of the Judiciary Act. As it happened, in Latham's own case, the Judiciary Act was later amended in 1940 to allow him to accept the office of minister to Japan while still holding the office of Chief Justice of the High Court. But the *principle* which he stated in debating the 1930 appointment does not appear to be more soundly based than the legal argument. The independence of the judicial office is a matter of prime importance, but the arguments advanced by Latham in this context for disqualifying a man once appointed to judicial office from holding other public office carry little conviction.

There is an interesting background to section 8 of the Judiciary Act. In the draft constitution bill adopted in Adelaide and Sydney in 1897-8 there was a *clause* which provided: 'No person holding any judicial office shall be appointed to or hold the office of Governor-General, Lieutenant Governor, Chief Executive Officer or Administrator of the Government or any other executive office.' Mr Higgins (later Mr Justice Higgins) vigorously opposed the clause in the final Melbourne session of the convention arguing that 'it is not expedient for us to dictate as to who shall be the agent of the sovereign',²¹ and it was deleted. When the draft Judiciary Bill was later debated in Committee of the House of Representatives in 1903, Isaacs moved an amendment to what became section 8 arguing that it should be made clear that a judge of the High Court should not be allowed to accept the post of Acting Governor of a *State*. It was then asked whether it was appropriate that the Chief Justice of the High Court might be appointed Acting Governor-General of the Commonwealth. Isaacs said that he did not wish to exclude that possibility, though other members, including Deakin, who was then Attorney-General, disagreed. In the event, section 8 of the Judiciary Act became law in its present textual form and was introduced into the debate when the appointment of Isaacs as Governor-General was discussed in 1930.

The question of *advice* on the appointment of a Governor-General was considered by the Imperial Conference of 1930. Mr Scullin had gone to England to attend that conference and it was by then well known that there were differences between the Australian government and the King over the appointment of Isaacs. The conference resolved that in making an appointment of a Governor-

²¹ Parl. Debs (H.R.) Vol. 14, at p. 1567 where he repeated the argument.

General, the King 'should act on the advice of His Majesty's ministers in the Dominion concerned'. It was also resolved that a formal submission should be made by Dominion ministers *after* informal consultation with the King to allow him the opportunity of expressing his views on any particular nomination. The decision was wise: having regard to the developments in Commonwealth relations it is inappropriate that United Kingdom ministers should be concerned in the appointment of a Governor-General, and while the Governor-General is the King's personal representative, it is surely inappropriate that the monarch should act otherwise than upon advice in the making of an appointment. He should obviously be consulted before formal advice is tendered to him for the appointment of his personal representative, but the tender of names and formal advice should be the responsibility of the ministers of the Commonwealth country concerned.

It appears that Scullin had advised Ramsay MacDonald of the intention to nominate Isaacs. The reports of the opposition in Australia to the appointment reached the British government and Scullin was asked to defer further action pending his arrival in England to attend the Imperial Conference. Scullin was not deflected from his purpose, but agreed to the delay, and when he arrived in England in October 1930, Ramsay MacDonald urged him not to press the matter. MacDonald feared that a conflict between the King and Scullin would have very unhappy consequences. At the end of October, Scullin had an interview with Lord Stamfordham who said that the objection was not to an Australian as such, but was based

upon the principle that any local man, whether in politics or not, must have local political predilections, political friends and political opponents—whereas a nominee from England has no local politics and would therefore, as the King's representative, stand aloof from all politics as much as the Sovereign does at home.²²

He also expressed the fear that the office of Governor-General would henceforth become part of the spoils of the party in office.

Shortly after this meeting, the Imperial Conference formulated the resolution that the Governor-General should be appointed upon the advice of the Dominion government concerned. On 29 November, Mr Scullin was received in audience by the King who stated his objections to the appointment. He said that the Australian

²² Cited Harold Nicolson: *King George the Fifth*, at p. 479.

government's action was a departure from earlier practice. Lord Stamfordham noted that the King added:

that Sir Isaac Isaacs, who would be more than ever His Majesty's representative, was personally unknown to him; that he was seventy-five years of age and that no Australian could be selected without having some party bias, local or social, from which a Governor-General coming from some other part of the Empire would be free.²³

The King raised questions about the method by which advice would in future be tendered to the King in London by the Australian Prime Minister, and he asked whether this case might provide a precedent under which successive Commonwealth governments might wish for the appointment of new Governors-General. Lord Stamfordham recorded that the King finally acceded to Scullin's request because he did not wish to lay himself open to any political manoeuvre.

His Majesty is well aware how easy it is to light and fan the flame of agitation by an ill-disposed minority—especially when, as in this case, constituted of Trade Unions, Communists and Irish, not of the highest class. And, as the King himself told Mr Scullin, he would not give him the opportunity of executing any such manoeuvre.²⁴

Nearly forty years on, these words read strangely.

The King wrote in his diary that 'with great reluctance I had to approve of the appointment. I should think it would be very unpopular in Australia.'²⁵ There were additional steps to be taken, including a formal announcement of the appointment. Garran reports that after his audience with the King

Scullin at once wrote to Lord Stamfordham, formally recommending the appointment of Isaacs. Lord Stamfordham asked me to see him, showed me the proposed notice of the appointment, and asked me to show it to Scullin. It ran, 'The King, on the recommendation of the Rt Hon. J. H. Scullin, Prime Minister of Australia, has appointed . . .' This was a public announcement of the King's displeasure, and it was to be shown to Scullin to make sure that he would not miss its significance.²⁶

²³ *ibid.*, at p. 480.

²⁴ *ibid.*, at p. 482.

²⁵ *ibid.*, at p. 480.

²⁶ *Prosper the Commonwealth*, at p. 323.

It is not surprising that Isaacs followed these uncomfortable events with lively interest. Among his papers was a document dated 1 July 1931, which was a statement in his own handwriting of what Scullin had told him had transpired in England. The document merits quotation in full:

Mr Scullin after discussing other matters told me of his interviews in England respecting the Governor-Generalship.

He said that on reaching England the impression existed in official circles that by agreeing to come and discuss the matter he had weakened on the matter. Nothing, he said, was further from the fact. He had not weakened, but having had an invitation to discuss the question with the King, it was a command that must be obeyed.

First he had a conversation with MacDonald and Thomas. They asked him why he desired a departure from previous precedent. He said 'What departure?' They said, previous practice. He said 'There is no departure. Previous precedent was appointment on the advice of Ministers. Since 1926, the appropriate ministers are the Dominion Ministers. So there is no "departure" really.' They said 'Why insist on your Australian recommendation?' He: 'Is not an Australian eligible?' They: 'Oh certainly.' He: 'Well then have you any objection to Sir Isaac Isaacs as an individual?' They: 'None whatever.' He: 'Then why object at all?' They: 'Well we have always found that whenever a difficulty crops up, it is well to see Lord Stamfordham the King's Secretary.'

Scullin then arranged to meet Stamfordham. Stamfordham said 'Do you insist on your recommendation?' 'Yes,' said Scullin, 'why not?' Stamfordham: 'Why do you hold a pistol to the King's head?' Scullin: 'I don't hold any pistol to the King's head. I have here an invitation to state the type of man we desire for Governor-General. I answer by not only stating the type but giving you the name of the very man.' Stamfordham: 'But he is a local man.' Scullin: 'Do you mean that no Australian is eligible?' Stamfordham: 'Nol Nol You've got me wrong.' Scullin: 'Well if not, what is wrong with Sir Isaac Isaacs?' Stamfordham: 'He was in politics.'

Scullin: 'He has been out of politics for nearly a quarter of a century. He has been on the High Court Bench for that time, and had to be impartial. He is a man of culture and a clean life.'

Stamfordham: 'But the King does not know him so well as he knows others.'

Scullin: 'If I am to be the King's adviser in this, how am I to advise him about men at this end that I know nothing about?'

Stamfordham: 'But you give the King no choice. If you select only one.'

Scullin: 'Well we have chosen the man we regard as the best. He never was a member of our party, he is free from politics and has proved his worth and is trusted by Australia.'

Stamfordham: 'Are you sure he will be acceptable to all Australia? Because we have some petitions.'

Scullin: 'I am His Majesty's adviser and know.'

Stamfordham: 'Would you be prepared to take a referendum?'

Scullin: 'Yes. I am prepared to take a referendum both as to the method of appointment and I am willing to include the name.'

That staggered Stamfordham and he said no more.

Then Scullin went straight down to Ramsay MacDonald and said—I have seen Stamfordham and he suggests a referendum. I have accepted. And he tells me that petitions from private people are being acted on by way of advice. I shall make arrangements for the referendum and when I get back I shall state my views to the Australian Parliament as to whether any persons but the King's Ministers have the right to tender His Majesty advice on such a matter.'

They: 'Oh no! Don't do that. That will never do.'

He: 'Well that's what I was asked to do.'

They: 'Don't! Better see the King.'

Then he saw the King, who put the questions about departure and received the same reply.

The King: 'Have not the former Governors-General always been acceptable?' Scullin: 'Yes—but now we have to advise your Majesty as to the next one. Has your Majesty any objection personally to Sir Isaac Isaacs?' The King: 'No certainly not. All the reports of him that I have had are good. But I don't know him so well as others, though I have twice decorated him.'

Scullin: 'We have full confidence in him. But I say to your Majesty as a P.C. that if your Majesty says there is any personal objection to him I would waive it.'

The King: 'None at all. But he is a local man and has been in politics.'

[I may mention what I forgot when I referred to Lord Stamfordham. Scullin referred to Ireland, and Healy and McNeill. 'Oh,' said Stamfordham, 'Don't mention South Ireland. They were rebels.' But after seeing Stamfordham Scullin learnt that the Governor-General of N. Ireland the Duke of Abercorn was a local man, a Belfast man, and had been very much immersed in politics. So when he saw the King he used this knowledge.]

Scullin (to the King): 'Your Majesty, the Duke of Abercorn is also a local man and has been in politics.'

The King: 'Well do you persist?'

Scullin: 'Yes.'

The King: 'Well, I've always been a constitutional monarch, and will follow your advice.'

So it was done.

Then comes the most astonishing thing of all. You remember that the Notification was posted on Australia House: 'The King, on the recommendation of Mr Scullin P.M. of Australia has appointed etc.' Scullin told me that he did not frame it that way. He had sent Garran to the Dominions Office to get the usual form and so framed it. But the alteration was made at Buckingham Palace and followed accordingly.

I should think it was meant that the King didn't want to say he 'approved' it.

Scullin himself made a note of these events which was among the file of personal papers which he gave to Mr J. B. Chifley when the latter was moving as Prime Minister for the appointment of Mr William McKell as Governor-General. Scullin recounts that a letter was sent by the Dominions office through Lord Stonehaven asking him as Prime Minister 'to indicate the class of candidate we would desire to fill the position' of Governor-General:

In answer to it I recommended the appointment of Sir Isaac Isaacs. It was very early made apparent that strong exception was taken to the proposal to appoint an Australian to the position.

While this document traverses much of the ground covered by Scullin's account as noted by Isaacs, it amplifies and adds to that account. In referring to his interview with Lord Stamfordham and then with the King, Scullin wrote:

He (Lord Stamfordham) then said: 'Would you be prepared to take a referendum on the subject?' I promptly answered: 'Yes, and would, if necessary, be prepared to fight an election on the issue whether an Australian is to be barred from the office of Governor-General because he is an Australian.' Thereupon Lord Stamfordham said: 'But I tell you again we do not object to Sir Isaac Isaacs on the ground that he is an Australian.' Then I asked: 'What is your objection to him? Are there any personal reasons?' He said: 'We have nothing against Sir Isaac Isaacs personally, but the King's representative must be entirely free from politics.' 'Then,' I said, 'that makes my position very easy because Sir Isaac Isaacs has been disassociated from politics for a quarter of a century. He has been a Justice of the High Court and is, at the present moment, Chief Justice. He has lived all those years in the judicial atmosphere,

entirely removed from politics, and even when he was in politics, he did not belong to the party which I lead in Parliament today.' Lord Stamfordham replied that all men are politicians. 'Well, then,' I answered, 'none is fit to be a Governor-General according to that dictum.' 'Oh, no,' he said, 'it is only local politics which matters.' 'Then,' I said, 'it comes back to the original protest: your objection is because our recommendation is a local man, an Australian.' I concluded the interview by asking him if he were speaking for the King when he threw out the challenge to have a referendum. I said: 'I hardly believe it would be the wish of the King that the appointment of his personal representative in Australia should be the subject of public propaganda and public controversy. But if that were his desire and, further, if he were to be influenced by propaganda in the shape of petitions from correspondents, then we would be forced to meet propaganda with propaganda and, for the first time, this appointment would become a matter of public controversy.' Up till then I had absolutely guarded the position from such methods; in fact I had refused members of the Opposition an opportunity to discuss it in Parliament. Before I got to London Mr Gullett had asked questions for the purpose of getting information. I had refrained from answering any statements in the press but had gone along quietly until the matter was successfully accomplished.

About a week later I left London for a tour through Scotland, the northern part of England and across to Ireland. When in Ireland I was informed that the King desired to see me before I left London. That necessitated my cutting my visit to Ireland short by two days and I returned to London on a Saturday. The King said he wished to see me in regard to the appointment of a Governor-General. 'Perhaps,' he said, 'before you say anything I might express my views.' I said I would be very glad to listen. He said: 'It is now 30 years since I opened the Commonwealth Parliament in Australia. Since then we have sent many Governors, Commonwealth and State, and I hope they have not all been failures.' He asked if that were so? I assured him, of course, that they had not all been failures. Then, why my desire to make a change in the usual procedure, he asked. Because, I said, we were asked to indicate the class of candidate we would like and we nominated one whom we knew was an Australian, who understood the Australian people, and the nomination, judged by standards of integrity and culture, training and public service, excelled any of the Governors-General who had ever been sent to Australia. The King traversed much of the ground which had been covered by Lord Stamfordham but he hastened to assure me that the last thing he desired was a referendum or public controversy. He also said that they had the highest regard, personally,

for Sir Isaac Isaacs. After about 45 minutes discussion the King said: 'I have been for 20 years a monarch and I hope I have always been a constitutional one, and being a constitutional monarch I must, Mr Scullin, accept your advice which, I take it, you will tender me formally by letter.' I then withdrew.²⁷

There is good reason to believe that the name of Sir William (later Lord) Birdwood was put forward by the Palace as a counter proposal to the recommendation of Isaacs. Birdwood, who was then completing his tour of duty as Commander-in-Chief, India, had had close association with Australian troops in the first world war and it was hoped that this might make him acceptable to the Australian government.²⁸ But Scullin stood firm on the nomination of Isaacs.

Throughout the months of the controversy, the appointment was freely discussed in the Australian press. The Melbourne *Argus* had vehemently opposed the nomination and had angrily criticized the Scullin government, whose action was assailed as

a preposterous and impudent attempt to alter a system which has lasted since the institution of responsible government in Australia. The Ministry is behaving with the arrogance of an army of occupation in a conquered country. . . . [It was a blow to the mother country] inspired in the last analysis by men who hate Britain and the Imperial connection, and would do all in their power to injure one and destroy the other. These men, or their parents, have brought old world grievances with them to Australia, and they have nourished them so assiduously that all their thoughts and actions have become warped thereby.²⁹

There was no personal attack on Isaacs who was said to have had a long and honourable career and to have been a distinguished jurist. What was reckoned against him was his long political career and his 'political prepossessions [which] have but deepened with the years'.³⁰ When the public announcement of the appointment was made in early December, the *Argus* wrote graciously about Isaacs' personal attributes.³¹

The *Sydney Morning Herald* was apprehensive of the damage to the Empire link and of the possible bias of an Australian appointee,

²⁷ Crisp: 'The Appointment of Sir Isaac Isaacs as Governor-General of Australia 1930: J. H. Scullin's Account of the Buckingham Palace Interviews' (1964) 11 *Historical Studies Australia and New Zealand*, at pp. 256-7.

²⁸ *ibid.*, at p. 253.

²⁹ 25 April 1930, at p. 6.

³⁰ *Argus*, 3 May 1930, at p. 24.

³¹ 4 December 1930, at p. 6.

but write in personal praise of Isaacs.³² The Melbourne *Age* throughout took a different line. It saw no objection to the appointment of an Australian, and certainly none to Isaacs who was 'pre-eminently worthy' of an appointment which was 'a thoroughly befitting climax to a notable career'.³³ It said that a vital principle had been established that Australians were now eligible for the office and that this was consistent with the decision of the 1926 Imperial Conference. The *Age* added, with a just appreciation of the events, that some of the antagonism to Isaacs 'had its basis in pure snobbishness . . . Australians never dreamt of asking the King to make the office of Governor-General a close preserve for native-born people'.³⁴

This controversy was renewed when, at the end of 1946, it was rumoured that the federal government proposed to recommend the appointment of Mr William McKell, then Labour Premier of New South Wales, as Governor-General. The rumours were confirmed and the appointment was announced early in 1947. This time the issue was complicated by the fact that Mr McKell was actively engaged in State politics at the date of his appointment. Isaacs, then approaching the end of his long life, was reported to have said in response to a question about the appointment: 'It is only what I expected—that the King would act constitutionally in accepting the advice of the ministers of this Commonwealth.'³⁵ Once again, as in the earlier case, there was a public and a press controversy; once again, as time passed, it was acknowledged that the appointee had discharged his duties ably and with dignity. In November 1951, in commenting on the award of a knighthood to Sir William McKell, the *Sydney Morning Herald*, which had vigorously criticized his appointment in 1947, spoke in warm praise of his performance as Governor-General. At the same time, it recalled the earlier criticisms and maintained its editorial view that the appointment of an Australian as Governor-General weakened the personal link with the Crown.³⁶

The intensity of the controversy over the appointment of Isaacs and the intemperate and dogmatic positions taken up in opposition to it seem very strange at this point of time, in the mid 1960s. The

³² *Sydney Morning Herald*, 24 April 1930, at p. 10; 4 December 1930, at p. 8.

³³ *Age*, 4 December 1930, at p. 6.

³⁴ *ibid.*

³⁵ *Sydney Morning Herald*, 3 February 1947, at p. 2.

³⁶ 12 November 1951, at p. 2.

appointment in 1965 of Lord Casey, an eminent Australian, who had had a long career in politics, was received with general approval. In the years since 1930, and particularly since 1945, there have been notable changes in attitudes to many questions touching Commonwealth relations. During the angry controversy, Isaacs himself observed the storm with absorbed interest; among his papers are many newspaper clippings reporting the events. It could not have been a very comfortable time for him, and though the controversy was carried on for the most part in the context of the desirability of appointing an Australian, Isaacs would not have been slow to perceive that there were personal elements in it, some of them of the meanest and most prejudicial kind.

Garran says that there can be no doubt that the chief ground of the King's displeasure was that there had been no consultation with him before the Australian cabinet reached its decision and that:

it seems clear that Scullin did, in accordance with what he understood as directions from his cabinet, to all intents fail in that informal prior consultation with the King which was the established protocol.³⁷

This is certainly a valid criticism of the government's action, though no public announcement was made by the government until the appointment was formally announced. But it appears that a firm decision, by the cabinet was made to recommend Isaacs in advance of any consultation with the King. The resolution of the Imperial Conference of 1930 called for informal consultation with the King before a formal recommendation was made by the appropriate Dominion government, to give the King an opportunity to express his views, desires and objections. But although Garran, who was in London at the time and was shown the proposed notice of the appointment by Lord Stamfordham before it was formally announced, was in a position to know a great deal about these events, it may be doubted whether he is correct in his statement of the chief ground of the King's opposition. Sir Harold Nicolson's judgment, on the basis of full access to the papers of the King and of Lord Stamfordham, is that the King was opposed to the appointment of an Australian and to the appointment of this particular Australian, and this is confirmed by Isaacs' own note of what Scullin had told him.

It may be added that Nicolson's account of these events not only

³⁷ Prosper the Commonwealth, at p. 323.

shows him to be out of sympathy with the position taken up by the Commonwealth government in opposition to the wishes of the King, but also discloses a curious hostility to Isaacs. He writes:

The veteran Sir Isaac Isaacs was thus installed as Governor-General. Within a few weeks he was sending the King private letters of immense length, describing his own benevolent activities, and the party dissensions which rendered federal politics of such interest to an outside observer.

When in 1935 Sir Isaac Isaacs, having reached the age of eighty, contemplated retirement, the problem of his successor arose. Mr Lyons, at that date Commonwealth Prime Minister, informed the King that he was 'most anxious that the next Governor-General should come from Great Britain and be of distinguished lineage'. Sir Alexander Hore-Ruthven, subsequently Lord Gowrie, was therefore appointed: he proved one of the most wise and popular Governors-General that Australia had ever known.³⁸

There is little justification for the implications in this statement. Isaacs entered into his duties as Governor-General with great zest; whatever was in his inner mind he showed no traces of resentment at the King's opposition to his appointment, and in communicating with the King as his Australian representative, he wrote in the style and detail which was characteristic of him. With respect to the implication to be spelled out of Nicolson's reference to the subsequent Governor-General, it is unnecessary to say more than that when Isaacs retired from the high office which had come to him as a brilliantly gifted man of no distinguished lineage, it was generally acknowledged that he had served as Governor-General during harsh depression years with dignity and distinction.

Isaacs was Governor-General from 22 January 1931 until 23 January 1936, when his successor Lord Gowrie was sworn in. For the country, these were difficult depression years, 'lost years'.³⁹ As one historian has written:

After the disillusionment caused by the pricking of the bubble of the twenties and the suffering of the depression, development virtually ceased. It was not only that immigration ceased, that the birth-rate fell so low that demographers forecast an early fall in the population, and that low prices of primary products discouraged the further opening up of the country—which was perhaps wise, as farmers had too often settled in unsuitable areas—but that few improvements were

³⁸ King George the Fifth, at p. 482.

³⁹ A. G. L. Shaw: The Story of Australia (Faber 1962) at p. 244.

made where they would have been profitable or were socially very desirable. City transport, slum clearance, education, public health, social services of all kinds came practically to a standstill. Hospitals and schools were not built. The universities were starved. The attempt of the Commonwealth government to introduce a comprehensive scheme of national insurance was abandoned.⁴⁰

This describes the events of a period which continued throughout the decade and extended beyond Isaacs' term of office. Between the financial years 1928-9 and 1929-30, the national income declined from £640 million to £560 million; between 1928 and 1933 the price of wool and wheat halved; and in 1933 nearly one-third of the working population was unemployed. For the Scullin government and for the State governments this presented appalling problems, and they struggled to find solutions to them. British experts advised retrenchment and the Premiers' Plan contemplated far-reaching financial cuts. The Scullin government split three ways. J. A. Lyons in effect took himself out of the Labour party by supporting an opposition motion of no confidence in March 1931, and he joined Latham, the Leader of the Opposition, in attacking the government's financial policies. Shortly thereafter, the United Australia Party was formed under the leadership of Lyons by merging the Nationalists under Latham with the Labour dissidents who followed Lyons. There was also a left wing dissident group, which in the federal sphere supported the views of J. T. Lang, Premier of New South Wales. Finally, the Scullin government was defeated and fell in November 1931 when the Lang Labour group voted with the United Australia Party. At that time, Isaacs as Governor-General acceded to Scullin's request for a dissolution of the House and at the ensuing general election the United Australia Party was returned with a decisive majority.

It fell to Isaacs as Governor-General to swear in the new Lyons government in January 1932, and in February he opened the new parliament. The press noted that the ceremonies were more austere than on earlier occasions and that a motor car was substituted for the vice-regal coach and four. The Governor-General, apart from his speech, made one further contribution to the proceedings. The newly installed Speaker of the House, Mr Mackay, was loaned Isaacs' full-bottomed wig, and the loan was subsequently converted into a permanent gift. The Governor-General's speech, announcing

⁴⁰ *ibid.*

governmental policies, dwelt on economic difficulties, on action to be taken against communism and subversion, and particularly on action to deal with the threat from the New South Wales government under J. T. Lang. The federal quarrel with Lang began in Scullin's time, and it moved to its crisis point after Lyons became Prime Minister. Lang had become Premier of New South Wales for a second time in 1930, and he demanded a reduction in the interest burden to the overseas bondholders whom he violently attacked. He talked of 'class enemies', and there were banners and slogans announcing that 'Lang is right' and 'Lang is greater than Lenin' at huge Sydney public meetings. Lang's threats of default provoked great alarm and angry opposition; as Latham, then Deputy Prime Minister, said in a speech in London in April 1932 when the dispute was not yet finally resolved:

Mr Lang . . . has asked the people whether they believe in supporting the babies of New South Wales or the bondholders. I am not going to enter into that matter here except to say that in our view in the long run the babies will suffer if a government does not perform its obligations.⁴¹

Latham supported Scullin in opposition to Lang's declared intention to default on interest payments due in London in April 1931. On this occasion, Lang finally agreed to meet his commitments, but the new Lyons government was faced with the problem when Lang once again defaulted. The Governor-General's speech foreshadowed federal action to deal with Lang's further default. This was the Financial Agreements Enforcement Act which furnished legal machinery for the enforcement of New South Wales obligations to the overseas bondholders. In effect this legislation garnisheed New South Wales revenues and made them payable to the Commonwealth until New South Wales' obligations were honoured. Lang unsuccessfully challenged the constitutionality of this legislation in the High Court.⁴² The Commonwealth government made clear its determination to win the battle with Lang; as Latham said, 'However many rounds the contest lasted the Federal government would fight to the end against Langism which was nothing short of Sovietization.'⁴³ Move and counter-move followed; and in May 1932

⁴¹ Speech to a Study Committee of the Empire Parliamentary Association, 21 April 1932.

⁴² *New South Wales v. The Commonwealth* (1932) 46 C.L.R. 155.

⁴³ *Argus* (Melbourne), 21 April 1932, at p. 7.

Sir Philip Game, the Governor of New South Wales, dismissed Lang on the ground that he and his ministers had committed a breach of the law. In the subsequent election in New South Wales, the Stevens ministry which the Governor had commissioned was returned, and the Commonwealth victory was complete.⁴⁴

Isaacs as Governor-General played no part in the struggle with Lang beyond taking the formal steps in respect of the Commonwealth legislation which the Governor-General was required to take. The action taken by Sir Philip Game was certainly a remarkable and a controversial exercise of royal prerogative power, but it was taken without reference to Isaacs who by reason of his place in the federal structure of Australian government had no involvement in it.

Not long before the dismissal of Lang, Isaacs in company with Sir Philip Game and other State Governors attended the ceremonies to mark the opening of the Sydney Harbour Bridge in March 1932. It was not a comfortable occasion for the federal representatives, the Governor-General and the Prime Minister, who were pushed very much into the background. Reference was made in the press to the

unceremonious—almost discourteous—treatment of the Governor-General and the Prime Minister at the bridge opening ceremony. The Commonwealth representatives were pushed into the background and particular care seemed to have been taken throughout to eliminate the federal note.⁴⁵

Neither the Governor-General nor the Prime Minister was invited to speak.

The Governor-General's ceremonial guard of honour of light-horsemen provided an opportunity for one Captain Francis Edward de Groot to create for himself a minor niche in Australian history. The times were disturbed, and among the organizations which grew up in New South Wales in angry opposition to Lang was the New Guard which as Shaw says 'in the hey day of shirts of varying hues in Europe was somewhat disturbing to the more normal political life of Sydney'.⁴⁶ It had been hinted by the New Guard leader that a move might be made to deny to Mr Lang the pleasure of cutting the pale blue ribbon, the severance of which was to signal the

⁴⁴ For an account of these events see Evatt: *The King and His Dominion Governors* (Oxford University Press 1936) Ch. XIX.

⁴⁵ *Advertiser* (Adelaide), 26 March 1932.

⁴⁶ *The Story of Australia*, at p. 243.

opening of the bridge. So this delicate piece of cloth was well protected by the forces of law and order. Captain de Groot, who, it was said, acted with the full approval of the New Guard, rode in uniform just behind the Governor-General's ceremonial guard. Then he rode up to the ribbon which he finally severed after several ineffective slashes with his sword, proclaiming, 'I declare this bridge open in the name of His Majesty the King and the decent people of New South Wales.' He was dragged from his horse, taken to the adjacent toll house, and subsequently made his appearance in court. In the meantime hasty repairs were made to the ribbon, and Mr Lang went officially to work on it.

Isaacs discharged the ceremonial duties of his office with obvious enjoyment and the books of newspaper clippings of the period which he preserved record a multitude of activities associated with the vice-regal role. From the cuttings, with their accounts of dinners, balls, agricultural shows and vice-regal visitations it sometimes seems hard to recall that these were bitter and difficult years. But Isaacs was fully conscious of the difficulties of the time. He took the initiative in proposing a voluntary cut in the Governor-General's salary, which under the constitution could not be altered during his continuance in office. He was keenly interested in the development of Canberra, and particularly in the early growth of Canberra University College which later was incorporated into the Australian National University.

He travelled widely throughout Australia and appears to have enjoyed it greatly, despite the discomfort and strain which it must have imposed on a man who was over eighty when he relinquished office. In May 1934, in a letter from Sydney to his daughter Marjorie, he gave an account of travels and activities which he took in his stride:

We have had a busy time since I wrote. We left Canberra at 9.38 a.m. Wednesday, arrived Goulburn at 12.28. Received the Church Representatives in the train. went immediately after lunch in train in car to see Ch. of Eng. Children's Home, then to Community House, then to other sights—then 'Home' to Railway Car. Then dined in car, dressed for Ball (Jubilee) and stayed till 11. Back to Car and at 6.18 a.m. the Car jerked off for Sydney, arriving at 10.10 a.m.

Then received Officers [*sic*] held Executive Co. did official correspondence and dined at Clubs and off to St. Vincent's Ball. Home at 12. Yesterday Investiture.

He maintained friendly relations with State Governors, and the Governor-General's visitors' book contained many signatures of official visitors and friends who came to Yarralumla. Among them is the signature of the Duke of Gloucester who came to Australia in 1934 to take part in the celebrations which commemorated the centenary of the City of Melbourne. The announcement of the Duke's visit for this purpose produced an awful pun. Isaacs wrote to his daughter: 'You have seen that Prince Henry takes P. George's place. Up to now we have been saying cen-tee-nary. Mother says that now perhaps people will say "sent-'enary".' Somewhat earlier, in March 1933, in the visitors' book there is a chill remembrance of the bitter sporting controversy of that time, when Douglas R. Jardine, the captain of the English cricket team, visited Yarralumla with a small group of his team-mates. In 1935 Isaacs as Governor-General took a prominent part in the ceremonies associated with the celebration of the twenty-fifth anniversary of King George V and a letter of that time records with zest and pleasurable anticipation the formidable programme of engagements undertaken by this extraordinarily energetic octogenarian.

To his constitutional duties he brought not only great application and assiduity but also a unique learning and knowledge. In special cases, he furnished elaborate memoranda expounding the reasons for his action. Of these, the most notable was his answer to the address of the Senate in 1931 praying that the Governor-General should refuse to approve certain regulations. Under the Transport Workers Act power was given to the Governor-General (in substance the Executive government) to make regulations with respect to the employment of waterside workers engaged in interstate trade. Subsequently the Senate, acting under the Acts Interpretation Act, disallowed regulations made in accordance with the Act by the Governor-General. The political situation was that the Scullin government had a majority in the House of Representatives but was in a minority in the Senate. The Senate when it met would disallow regulations which would thereupon cease to have effect under section 10 of the Acts Interpretation Act. Then, after the Senate adjourned, the cabinet formally advised the Governor-General to issue a fresh regulation under the Transport Workers Act. This remained in force for a few days until the Senate met and disallowed it. Thereafter the process was repeated. This activity was described by Starke J. as 'entirely subversive of the control of

parliament over regulations'.⁴⁷ The Senate asked the Governor-General to refuse to approve during the existing session of parliament any regulations 'being the same in substance as regulations which the Senate, in the lawful exercise of its powers' under the Acts Interpretation Act 'has, in this session, already disallowed'. It was said to be a rule of each House that no question should be presented which was substantially the same as one on which an opinion had already been expressed during the current session, and that the principle should apply equally to regulations passing through each House of the parliament. The action taken by the Executive was said in the Senate's request to be 'inconsistent with the spirit and intention of the constitution'.⁴⁸

Isaacs, in his reply dated 6 June 1931, declined to comply. He set out his reasons at length:

I do not understand from anything contained in the address that you question the legality of any regulation of the nature you have mentioned. At the same time I wish to assure you that I have, to the best of my ability, carefully re-examined the matter from this standpoint also, in order that no plain illegality should arise. My consideration of the relevant legislation and judicial decisions has led me to the belief that the advice of my legal adviser, the honourable the Attorney-General, is correct—that unless and until disallowed by either House of the parliament such a regulation would be valid and have the force of law.

With respect to legality, therefore, it is obviously my duty to take the only course which would enable the proper tribunal for that purpose, the judiciary, to determine the question should it arise.

As to the constitutional propriety of my approval to such a regulation as is postulated by the address, it cannot be doubted that normally by constitutional practice, confirmed, and perhaps strengthened, by the pronouncement of the Imperial Conference of 1926, I am bound to act upon the advice of my ministers.

My departure from that established principle in the present instance is urged upon me on two grounds. One is the difference between the respective constitutional powers of the legislature and the executive. The other is the rule of practice observed by the two legislative chambers as described and illustrated, together with instances of departure from the rule, in *May's Parliamentary Practice*, 13th Edition, at pages 292 to 302.

⁴⁷ *Dignan v. Australian Steamships Pty Ltd* (1931) 45 C.L.R. 155, at p. 202.

⁴⁸ *Parl. Debts (Senate)* Vol. 120, at p. 2143.

As to the first ground, there is not, as I regard the position, a contest between the legislature on the one hand and the executive on the other. If such were the case it could obviously be speedily ended by ordinary constitutional methods.

But with regard to the political desirability of certain regulations, there has arisen a serious difference of opinion between one branch of the legislature, namely, the House of Representatives, tacitly and constantly supporting the regulations as framed by the Executive, and the other branch of the legislature, namely, the Senate, expressly and constantly disapproving of these regulations.

My plain duty in such circumstances, as it appears to me, acting, not as the representative of His Majesty the King as a constituent part of the Commonwealth parliament, but as the designated executant of a statutory power created and conferred by the whole parliament, is simply to adhere to the normal principle of responsible government by following the advice of the ministers who are constitutionally assigned to me for the time being as my advisers, and who must take the responsibility of that advice. If, as you request me to do, I should reject their advice, supported as it is by the considered opinion of the House of Representatives, and should act upon the equally considered contrary opinion of the Senate, my conduct would, I fear, even on ordinary constitutional grounds, amount to an open personal preference of one House against the other—in other words—an act of partisanship.

The other ground of your request, namely, the practice of parliament during the session as to re-consideration of proposals already dealt with, does not appear to me to be inherently applicable to executive action in making regulations under statutory authority.⁴⁹

In this statement, Isaacs made it clear that he personally had given very careful consideration to the legal issues. He was well-equipped to do so, but as Dr Evatt points out, it should not be assumed that every representative of the monarch whether proficient in legal learning or not is entitled to determine for himself any legal issue which may be raised. It was therefore sound constitutional practice for a Governor-General to assent to the action proposed by his ministers, leaving questions of legality to be determined by the courts.⁵⁰

Isaacs also furnished a memorandum covering his grant of a dissolution of the House of Representatives at the request of

⁴⁹ Parl. Debs (Senate) Vol. 130, at pp. 1595-6.

⁵⁰ Evatt: *The King and His Dominion Governors*, at p. 187 and see *Victorian Stevedoring and General Contracting Co. Pty Ltd and Meakes v. Dignan* (1931) 46 C.L.R. 73 at pp. 129-30.

Scullin in November 1931. The Lang Labour group in the House of Representatives led by J. A. Beasley moved an adjournment of the House to discuss a matter in dispute between his group and the government. When the motion for the adjournment was carried by five votes, Scullin, who had given warning of his intention if the adjournment motion was carried, informed the Governor-General that that motion had been carried by a combination of the opposition parties and the Beasley group. Isaacs wrote:

I have to say that, in view of the present constitutional position of the Governors-General of a dominion, as determined by the Imperial Conference of 1926, confirmed by that of 1930, I am of opinion after careful consideration, that it is my duty in existing circumstances to accept the advice tendered by you and accordingly to grant the dissolution asked for. I note that parliamentary provision has already been made for carrying on the necessary public services.

He cited various works of Keith to support the proposition that while there could be circumstances in which the monarch (or his representative) might decline to accept his ministers' advice to grant a dissolution, they should be viewed as extreme and highly exceptional cases. Isaacs' memorandum continued:

Even apart from the practice recognized by the Imperial Conference of 1926, there are considerations in the known circumstances which tend to support the acceptance of the advice tendered to me. They are such as the strength and relation of various parties in the House of Representatives and the probability in any case of an early election being necessary.⁵¹

The reference in this last paragraph was to the fact that the House of Representatives had run two years of its three-year course, that an election for half the Senate had to be held early in 1932 and that it was a saving of public money to hold the House and Senate elections together. Evatt suggests in this case that the position of the Governor-General may not have been as clear as Isaacs stated it to be, though it cannot be said that his action in granting a dissolution to Scullin was unwarranted.⁵² Evatt, whose book *The King and His Dominion Governors* is the chief source of authority on these questions, points out that the difficulties arise out of the uncertain state of the law.⁵³ In 1935 Isaacs granted a dissolution to

⁵¹ Parl. Debs (H.R.) Vol. 132, at pp. 1926-7.

⁵² Evatt, *op. cit.*, at p. 237.

⁵³ *ibid.*

Lyons, not long before the three-year term of the House was due to expire, but this was not a controversial case.

Isaacs left Canberra as Governor-General for the last time early in January 1936. From time to time there were echoes of the controversy over his appointment. There was, for example, an unhappy incident when a Queensland Supreme Court judge made widely publicized remarks about the non-attendance of four federal ministers in the newly formed Lyons government at a vice-regal dinner in February 1932. It was said that this was a discourtesy to the Governor-General and reflected the unwillingness of the ministers to accept the procedure by which Isaacs was appointed. But such incidents were rare and at the time of his retirement there was much said in praise of him by national leaders and by the press. Early in his term of office, in April 1932, he was created G.C.M.G.

A few days before he retired, King George V died and among Isaacs' last official duties was the transmission of messages of condolence and of loyalty to the new King, Edward VIII. King Edward sent a cable to Isaacs which read:

My father, had he been spared, intended to send you a message thanking you for your valuable service as his personal representative in Australia. I am therefore doing this in his name and add the hope that you and Lady Isaacs may enjoy many years of happiness and leisure.

At a ceremony in the Legislative Council Chamber in Melbourne on 23 January, Isaacs formally took his leave of the Prime Minister and his ministers, and Lyons spoke appropriately of Isaacs' long and notable public services. On that day Lord Gowrie was sworn in at Melbourne, and Isaacs paid a courtesy call upon the new Governor-General. In his eighty-first year, Isaacs retired into private life.



GOVERNMENT HOUSE
CANBERRA

FOR PRESS

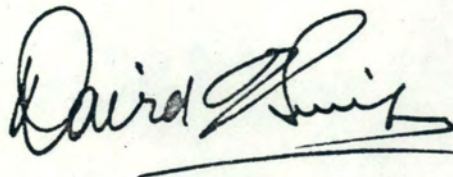
The following statement is issued by
direction of His Excellency the Governor-General:

"At this moment of public announcement of my decision to relinquish, with Her Majesty's permission, my office as Governor-General, I should like to say to the hundreds of thousands of Australians from all over the country and from every walk of life, who have given my wife and me such wonderful support and comfort by the warmth of their welcome to us when we have been present with them, as well as to the vast numbers whose understanding and sympathetic interest have been made known to us in writing and in other ways, how deeply grateful we both are to them and how great are the appreciation and respect we feel for the people of Australia after the experience of these years.

My period as Governor-General has been the most stimulating and challenging period in my life and I believe I have carried out my duties in faithful observance of my oath of office. It is fair, I think, to say that into the first three years of my Governor-Generalship have been crowded action and experience such as would be exceptional even if spread over a much longer period of tenure. Having completed, as I see it, this significant phase of my life which has included the joyful occasion of The Queen's visit to us in Yarralumla at the outset of the splendidly successful Jubilee tour of Australia, and been embellished for us recently by participation in the London celebration of her Silver Jubilee in St Paul's Cathedral and Guildhall, I intend next year to turn towards new fields of constructive activity and I look forward, as does my wife, to this.

We have sent our most sincere congratulations to my distinguished and learned colleague Sir Zelman Cowen and we wish him and Lady Cowen all happiness and success in their new life.

John R. Kerr
Governor-General"

A handwritten signature in black ink, appearing to read "David I. Smith", written in a cursive style. The signature is underlined with a single horizontal line.

(David I. Smith)
Official Secretary to the
Governor-General

14 July 1977.



PRIME MINISTER

FOR PRESS

14 JULY 1977

RESIGNATION OF THE GOVERNOR-GENERAL
AND APPOINTMENT OF HIS SUCCESSOR

The following announcement has been made from Buckingham Palace -

"It is announced from Buckingham Palace that The Queen has accepted the resignation of The Right Honourable Sir John Kerr, A.K., G.C.M.G., G.C.V.O., K.St.J., Q.C., as Governor-General of Australia, with effect from December, 1977.

On the advice of the Prime Minister of Australia, Her Majesty has been graciously pleased to approve the appointment of Sir Zelman Cowen, C.M.G., Q.C., as Governor-General, to succeed Sir John Kerr."

Canberra



PRIME MINISTER

FOR PRESS

14 JULY 1977

RESIGNATION OF THE GOVERNOR-GENERAL

The announcement of Her Majesty's acceptance of Sir John Kerr's resignation as Governor-General of Australia is occasion for me to record publicly, with respect and appreciation, Australia's debt to Sir John for his service in high office, including through a difficult period in Australia's constitutional history.

Sir John will relinquish his appointment in December after more than three years as Governor-General and after service under two Governments. In that period he has travelled widely in Australia and, with Lady Kerr, has associated his office with community groups and state and national associations across the whole spectrum of Australian life. It is also appropriate for me to place on record Sir John's work as first Chancellor of the Order of Australia.

Sir John steps down because he himself has asked leave to do so. He feels that the events of 1975 and the association of his office with issues of state which arose at that time evoked partisan feelings in the Australian community which have now substantially subsided but which nevertheless left feelings which might be resolved more quickly if he now makes way for a successor. He believes too that he has completed an important phase in his own life.

Focus on controversial issues at times has tended to obscure the measure of support that Sir John has always had, and the office of Governor-General has always had, from the large majority of the Australian community. It is to the great credit of both Sir John and Lady Kerr that extreme elements in the community were faced up to and overcome and both can look back on this with a sense of satisfaction and achievement. Sir John's leadership was a service to his office, to the Monarchy, and to the country.

No Governor-General could have relished the position that Sir John found himself in in 1975 but it must be accepted that in the constitutional circumstances then existing Sir John acted in the only way that the high duties of his office allowed him to act.

Sir John's request now to relinquish his appointment and the reasons that have led him to this decision accord with the high sense of public responsibility and statesmanship that he has always demonstrated. He maintained a dignity and purpose in his appointment and history will come increasingly to recognise the debt that Australia owes to his resoluteness in public office.

In his term as Governor-General Sir John has had the respect of people from all walks of Australian life and he has, with the support of Lady Kerr undertaken his duties at all times with the highest responsibility.

Australia and Australians are grateful to Sir John and we extend best wishes to him and to Lady Kerr.

Canberra



PRIME MINISTER

FOR PRESS

14 JULY 1977

APPOINTMENT OF GOVERNOR-GENERAL

I have the greatest pleasure in welcoming Her Majesty's appointment of Sir Zelman Cowen, C.M.G., Q.C., as Governor-General to succeed Sir John Kerr. Sir Zelman's appointment will be widely welcomed in Australia and on behalf of the Government and people of Australia I extend congratulations to him and to Lady Cowen.

Sir Zelman will be sworn as Governor-General in December.

Sir Zelman is well known as Vice-Chancellor of the University of Queensland and he is also the current Chairman of the Australian Vice-Chancellor's Committee. His career has been principally in academic learning and administration and in the law. He was formerly Vice-Chancellor of the University of New England and Professor of Public Law and Dean of the Faculty of Law at the University of Melbourne.

Sir Zelman's other interests include the arts and community affairs. Amongst other appointments he is a member of the Board of Directors of the Australian Opera, President of the Australian Institute of Urban Studies, and Commissioner of the Law Reform Commission.

Sir Zelman was a Rhodes Scholar, served with the Royal Australian Navy during World War II and is the author of a number of books and papers on the law and public affairs, amongst which is a biography of Sir Isaac Isaacs the first Governor-General of Australia to be born in Australia.

Lady Cowen actively supports her husband in his various activities and herself has a strong and active interest in educational and social matters. Sir Zelman and Lady Cowen have a family of four, Simon (25), Nicholas (22), Kate (18) and Benjamin (11).

Canberra

BIOGRAPHICAL MATERIAL

Professor Sir Zelman Cowen

Zelman Cowen, Kt., C.M.G.; Q.C.; B.A., LL.M., LL.D.(Hon)(Melbourne); M.A., D.C.L.(Oxon); LL.D.(Hon)(Hong Kong); LL.D.(Hon)(Queensland); F.A.S.S.A.; F.A.C.E.

Born Melbourne, 7th October, 1919.

Educated Scotch College, Melbourne and University of Melbourne.

Wyselaskie Scholar and Dwight's Prizeman (1938); Supreme Court Prizeman (1941); Rhodes Scholar for Victoria (elected 1940).

Service with R.A.N.V.R. 1941-45; Lieut. R.A.N.V.R.

Vinerian Scholar, Oxford, 1947. Fellow of Oriel College, Oxford 1947-50. Professor of Public Law and Dean of the Faculty of Law, University of Melbourne 1951-66. Vice-Chancellor, University of New England, 1967-70. Vice-Chancellor, University of Queensland 1970-. Emeritus Professor, University of Melbourne.

Visiting Professor, University of Chicago (summer 1949); Harvard Law School and Fletcher School of Law and Diplomacy, (1953-4); University of Utah (summer 1954); George A. Miller Visiting Professor, University of Illinois (1957-58); University of Washington (winter quarter 1959); Harvard Law School and Fletcher School of Law and Diplomacy (1963-64); Tagore Law Professor for 1975, University of Calcutta.

Delivered Mitchell Lectures, University of Buffalo, 1954; Rosenthal Lectures, Northwestern University, 1964; Harris Lecture, University of Indiana, 1965; Macrossan Lectures, University of Queensland, 1965; Boyer Lectures, A.B.C. Australia, 1969, Tagore Law Lectures, University of Calcutta, 1975.

Of Gray's Inn, Barrister-at-Law, Member of Victorian and Queensland Bars. Fellow of Academy of Social Sciences of Australia, 1972. Fellow of Australian College of Education, 1972. Foreign Honorary Member, American Academy of Arts and Sciences, 1965. Dominion Liaison Officer to the British Colonial Office, 1951-66. Adviser on the establishment of Legal education in Ghana, Hong Kong and West Indies. President for Victoria of International Commission of Jurists, 1964-66.

Trustee, Sydney Opera House, 1969-70. Member, Development Corporation of New South Wales, 1969-70. President, Adult Education Association of Australia, 1968-70.

Member and Chairman (at various times) of State Advisory Committee to the A.B.C. (Victoria, to 1966). Member of Regional Advisory Committee for North-West N.S.W., 1967-70.

Academic Governor of the Board of Governors, Hebrew University of Jerusalem 1969-. Member, Board of Directors, Australian Opera 1969-.

Member of Queensland Regional Selection Committee, Winston Churchill Memorial Trust 1970-.

Member, Board of International Association for Cultural Freedom 1970-75. Fellow, Royal Society of Arts 1971.

President, Australian Institute of Urban Studies 1973-. Member of Club of Rome 1974-.

Chairman, Board of Governors, Utah Foundation 1975-.

Trustee Queensland Overseas Foundation 1976-.

Law Reform Commissioner, Commonwealth of Australia 1976-. Chairman Australian Vice-Chancellor's Committee 1977-8.

Publications:

Specialist Editor, Dicey: Conflict of Laws (Lond., Stevens 6th ed. 1949);

Australia and the United States: Some Legal Comparisons (Buffalo, 1954);

Essays on the Law of Evidence (with P.B. Carter) (Oxford, 1956);

American-Australian Private International Law (Oceana, N.Y., 1957);

Federal Jurisdiction in Australia (Oxford, 1959);

Matrimonial Causes Jurisdiction (with D. Mendes da Costa, Law Book Co., 1961);

The British Commonwealth of Nations in a Changing World (Northwestern, 1964, and Cheshire, 1965);

Sir John Latham and Other Papers (Oxford, 1965);

Sir Isaac Isaacs (Oxford, 1967);

Introd. to 2nd ed., Evatt: The King and His Dominion Governors (Cheshire, 1967);

The Private Man (A.B.C. Boyer Lectures, 1969);

Individual Liberty and the Law (Tagore Law Lectures 1975) (Eastern Law House (India), Oceana (N.Y.) 1977

Chapters in books, articles and essays in journals in Australia, United Kingdom, United States, Canada and Europe on legal, political, social and university matters.



BUCKINGHAM PALACE

PERSONAL AND CONFIDENTIAL

11th July, 1977

My dear John

Thank you very much for your letter of 5th July which I have laid before The Queen and which Her Majesty has, as usual, read with great interest.

The point you raise about it being questionable whether the Constitution could be limited by Royal Instructions is obviously one of considerable importance and it is valuable for us to have this on our files. It would certainly be most unfortunate for the validity of Royal Instructions to be questioned in the Courts and one can imagine circumstances in which this would be a real danger.

I think, if I may say so, you were very wise to welcome constitutional debate, including debate on the Governor-General's powers and I was interested to see the reports in the "Sydney Morning Herald" and the "Financial Review", as well as the editorial in the "Sydney Morning Herald" on this subject.

All is set, as you know, for the announcement to be made about your resignation on 14th July and I have no doubt that it will be a relief in some ways to you both when this business is in the open. I hope it goes well and I hope very much that when the announcement is made you will be given the credit you deserve, not only for your decision to resign, but also for what happened in November 1975.

The Queen sends her best wishes to you both.

His Excellency

the Governor-General of Australia,

Yours ever
Martin

Government House,
Canberra. 2600.

5 July 1977

My dear Martin,

There are a few matters about which I can make some passing observations.

The Labor Party is holding its Biennial Conference in Perth. One of the subjects being discussed has to do with methods of limiting the Governor-General's powers. It may interest you to know that one method being considered is to control what he may do by Royal Instructions which would instruct him in all matters to act only in accordance with advice of the Executive Council or perhaps the Prime Minister.

You may remember that I raised the matter of the Instructions on an earlier occasion but then the point was that they should be amended to the opposite effect. The argument was that the Constitution gave his powers to the Governor-General and they could not be limited by Royal Instructions. I sent you at the time a copy of an opinion by the Solicitor-General which seems to me to be correct. (My letter of 9 September 1976.) It may be worth looking at it again in the context of present A.L.P. discussion. If The Queen were to be asked at some time in the future to amend the Instructions in a manner inconsistent with the Constitution an awkward situation might arise.

If she felt impelled to act on such a matter in accordance with ministerial advice a question could someday conceivably be raised in the Courts as to the validity of the Instructions. But, I suppose, sufficient unto the day! Your reply to my letter abovementioned said that sleeping dogs had best be left to lie and with this I agree. Your system would doubtless enable you to find the opinion if you ever needed it in the future. I enclose a cutting from the "Sydney Morning Herald" on the point.

I made an address, opening the 19th Legal Convention organised by the Law Council of Australia, in Sydney yesterday. The Prime Minister also addressed the Convention. In my speech I welcomed constitutional debate, including debate on the Governor-General's powers. I enclose a copy of the "Sydney Morning Herald" report, the "Financial Review" report and of the editorial as published this morning in the "Sydney Morning Herald".

PERSONAL AND CONFIDENTIAL

2.

(I proceed still on the view that press cuttings give you an indication of what the people see and read and add colour to direct reporting by me.)

There has been some speculation in the Press about an impending resignation by me. This was featured in last Saturday's "Australian" with suggested possible successors and a kind of 'profile'. I send the clippings from Saturday's "Australian" and an additional one from Sunday's "Sun-Herald". There has been no further guessing since then. I understand that the Prime Minister is now considering 14 July as zero hour. He has commitments on 12 and 13 July which would make it better tactically to make the announcement after rather than before these engagements but he has not yet made up his mind.

Parliament is not sitting and with Ministers coming home and going abroad the winter period is, on the whole, quiet.

I have not yet had a real conversation with the Prime Minister since his return so there is not much to add on the subject of my personal position until I do.

There has been some discussion about the possibility of a December 1977 election for the House of Representatives together with a half Senate election but this appears to be impossible because a High Court decision has made a redistribution necessary before a House election can be held and this cannot be finalised till early next year - February/March. Accordingly if the Prime Minister wants both Houses to go to the people together that would be the earliest time and May the latest convenient time. Otherwise there would have to be a separate half Senate election by May and a House election about December 1978.

As to the economy, things are not healthy on the unemployment front. It seems to be getting rather worse. But inflation may be down to single figures soon and there is said to be some prospect of reduced interest rates. The Government is working on its Budget. It seems likely that it will stick to its current economic policy but that the Budget will not be too drastic.

May I thank you for your very kind letter of 15 June, the personal and confidential one. I should be thankful if you would inform The Queen of the deep gratitude of my wife and myself for what you passed on to us from her.

.../3

PERSONAL AND CONFIDENTIAL

3.

Would you please add our reaffirmation of
our humble duty and loyalty to Her Majesty.

*Yours ever
John*

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

ALP move on power of Governor General

From MIKE STEKETEE

CANBERRA. — A future Federal Labor Government would limit the powers of the Governor-General under proposals to be put to the ALP's national conference in Perth next week.

The primary aim would be to prevent a Governor-General dismissing a Government which had a majority in the House of Representatives.

These were the circumstances in which Sir John Kerr dismissed the Whitlam Government.

The proposals to be considered by the national conference are being drawn up by the policy committee on legal and constitutional affairs.

Its members include the Federal Opposition Leader, Mr Whitlam, the NSW Premier, Mr Wran, the South Australian Premier, Mr Dunstan, and the Federal shadow Attorney-General, Mr Bowen.

The proposed change to the platform is likely to say little more than that the powers of the Head of State should be defined.

At present, the Constitution gives him very extensive authority, including that of Commander-in-Chief of the armed forces.

Details of how his powers would be limited would be left to a future Labor Government.

How the restrictions would be applied is being debated within the party but some suggestions are expected to be made in the committee's report to the conference.

One which has been canvassed amongst committee members is that the Queen be advised that the Letters Patent she issues to a new Governor-General specify that he cannot dismiss a Government with majority support in the Lower House.

The Letters Patent are the Queen's formal commission to

the person recommended by the Federal Government to be her representative in Australia.

An alternative is to limit the Governor-General's power in this way by changing the Constitution through a referendum.

But such a referendum would be certain to be opposed by the coalition parties and this would greatly harm its chance of success.

Also unresolved within the committee is how to handle the constitutional issue which would arise if the Governor-General was prevented from dismissing a Government which could not obtain Supply.

One view is that, if the Senate did not pass a Supply Bill which had been submitted twice, the Governor-General would be asked to sign it into law.

Senior members of the party stress that, after the experience of November, 1975, a future Labor Government would ensure it appointed a Governor-General who acted on the advice of his ministers on such questions.

Members of the committee argue that, since the Constitution is unclear on the Senate's power over money bills, the Government would be entitled to take this action.

They acknowledge also that the likely result would be a challenge in the High Court on the legality of the move.

The national conference will also be asked to approve a proposal by Mr Bowen for a people's convention, with representatives from each Federal electorate, to draw up a new Constitution.

Tues, July 5, 1977 2

Constitution: Sir John keen on public study

It was good that the role and powers of the Governor-General under the Australian Constitution were being thoroughly assessed and thought about by the whole community, Sir John Kerr said yesterday.

"I cannot myself, at this stage, enter into this debate, but you will appreciate that I follow it as closely as I can," Sir John told 1,700 delegates at the opening of the 19th Australian Legal Convention at the Opera House.

While debate went on, the Constitution, like other laws, "must be maintained and operated as it actually stands until changed," he said.

Sir John said one often needed strength to be independent in the way lawyers were required to be.

"Independence based on courage leads, as we all know, to doing things that will not be popular," he said.

The Governor-General said he always supported wide-ranging discussion on the Constitution through Constitutional conventions, seminars, political and legal

debates, in the press and in books.

"Of course, Constitutional law is mixed with politics and we all profit from the inevitable clash of lines," he said.

"People must, and will, insist on having a direct say (in Constitutional law reform). This they now, in fact, can."

He was pleased to see that the Chief Justice of Canada, the Right Honourable Bora Laskin, would present a paper to the convention comparing common problems of Constitutional law in Australia, Canada and the US.

Sir John said he endeavoured to fulfil, and be guided by the principles of his oath of office — "I will do right by all manner of people without fear of favour, affection or ill-will."

'Humble farmers' 1st on law reform

His Government of "humble farmers" had initiated more law reforms than previous Governments dominated by lawyers, the Prime Minister, Mr Fraser said yesterday.

"Perhaps the temptation for the farmer to be his own bush lawyer has again proved irresistible and is breaking through," Mr Fraser, a farmer, said at the opening of the 19th Australian Legal Convention.

Mr Fraser assured his audience that the guiding hand for the program of law reform was a lawyer, the Attorney-General, Mr Ellicott — "one of the finest and most far-sighted attorneys in our history."

Mr Fraser itemised the "unprecedented" program of law reform: a restructuring of the federal court system, a revision of federal administrative law, the introduction of important human rights legislation, a review of legislation on trade practices and consumer protection, references on a wide range of issues to the Australian Law Reform Commission and three successful Constitutional amendments.

The Government also prop-

osed to introduce a Freedom of Information Bill in the Budget sittings of Parliament, he said.

Mr Fraser said all six States agreed at the Premiers' conference a few days ago, that the work of the Constitutional Convention should proceed.

The next session would be held in Perth early next year as the proposed session next October would "get in the way" of one, two or three State elections.

The Commonwealth Government was firmly committed to the cause of promoting human rights, Mr Fraser said.

The Human Rights Commission Bill had been deliberately left to lie on the table of the House to encourage public comment. He hoped it would establish a foundation for Commonwealth-State co-operation "in this important field."

The Australian Law Reform Commission had shown that the community would respond to an invitation to participate in the process of legal renewal, said Mr Fraser.

The commission had actively sought to engender public interest in its tasks. It had held public sittings and seminars in all parts of the country and stimulated much informed discussion in the media, Mr Fraser said.

G-G welcomes discussion on his constitutional powers'

By RICHARD ACKLAND

IN OPENING the 19th Australian Legal Convention in Sydney yesterday the Governor-General, Sir John Kerr, had some fine words to say about the independence of the legal profession, and some subtle remarks apropos the situation that faced him in November 1975.

He said: "Independence based on courage often leads, as we all know, to the doing of things which will not be popular in some sections of society."

He stressed that the independence of the profession was a most precious quality, and said that it was based on ethical principles, "principles that have bound me all my life, since joining the profession as an articled clerk."

The Governor-General also remarked that "... the Constitution, like other laws, must be maintained and operated in the form in which it actually stands until it is changed."

However, he said he welcomed the debate on constitutional reform, and "we shall profit from the inevitable clash of minds."

"Of course, constitutional reform is heavily intermixed with politics but in a basic area of change such as this it seems inevitable, certainly in our country, that the people must have, and will insist on a direct say.

"This they now in fact have.

"One of the current subjects for discussion here is the role and powers on the Governor-General under the Constitution.

"It is good that this should be thoroughly examined and thought about by all, with all possibilities canvassed.

"I cannot at this stage get into that debate myself, but I follow it as closely as I can. It is a vital one."

After saying that debate on the role of the Governor-General was very healthy, he went on to say: "Judicial and legal ethics are based funda-



The Governor-General, Sir John Kerr, opened the Nineteenth Australian Legal Convention at the Opera House, Sydney, yesterday. The Prime Minister, Mr Fraser, is at Sir John's left.

mentally on simple notions of absolute honesty and good faith.

"This so far as judges are concerned is expressed in the judicial oath.

"It may interest you to know that I am as Governor-General, bound in my work by a very similar oath.

"It is: I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, in the Office of Governor-General of Australia and Commander-in-Chief of the Defence Force of Australia, and that I will do right to all manner of people after the laws and usages of Australia, without fear or favour, affection or ill-will."

The chairman of the NSW Law Reform Commission, Mr J. H. Wooten, also told the convention of some of the work being undertaken by his commission into the State's legal profession.

He said that after the hearing of massive amounts of evidence from lawyers and clients he was "shocked" about the capacity of the profession in its current form to handle the problems of ordinary clients.

His honour said that it is all very well talking about the independence of the profession as though it was the last thing stopping totalitarianism, but a great many people with whom his commission has spoken recently have felt cheated and disappointed by lawyers.

Justice Wootton was junior to Sir John Kerr in many industrial cases in their younger days at the Bar.

He said that from the wide ranging interviews he and his fellow commissioners had conducted with the consumers of legal services he had come away with some strong impressions.

These included: how does a prospective client find a lawyer with the required speciality to handle the problem and why don't lawyers advertise their services and specialities?

There tended to be a bewildering and intimidating atmosphere in lawyers' offices, he said, coupled with the subjugation of the client to considerable costs and delays.

There was also the problem of general assurances being given that the client has a strong case and once on the steps of the court where a settlement is procured he is then told that his case was not so watertight.

All this, his honour said, leaves people with a sense of being cheated.

He added the adage that British justice is a fine thing if you can get it.

He was also quick to reassure the Bar Council that fusion



The Prime Minister, Mr Fraser, addressing the Nineteenth Australian Legal Convention at the Opera House, Sydney, yesterday.

of the profession did not mean "the closing down of Wentworth Chambers, all the senior siik going to work at Allen, Allen and Hemsley and the remainder scouring the positions vacant columns."

He said that the important factor is whether a cherished feature of the profession is also an essential feature or an impediment, and that the challenge for the legal profession was to stand aside from itself with a capacity for critical self examination.

He added that he hoped the convention would not just be another lawyers' talk fest, but was able to undertake some critical appraisal.

The chairman of the Australian Law Reform Commission, Justice Kirby, in addressing a young lawyers forum at the convention also spoke much in the same vein as Justice Wootton.

He said that the prospects of oversupply of lawyers may provide an impetus for making lawyers more adventurous in their professional careers.

"It may set them upon the process, well established and developing in the United States, by which lawyers work in decreasing numbers in private practice and increasingly for businesses, unions and others as 'house counsel'.

"It may encourage the next generation of lawyers to turn their attention to activities where there is a social need but which are neglected because other work is more

remunerative, has more snob value or is otherwise presently considered more congenial."

He also foresaw a reduction of the monopoly grip that lawyers have held over conveyancing, divorce, and other work before the proliferating range of informal tribunals that were springing into existence.

He also said that the issue of national compensation legislation was far from dead and that it would be a bold man who predicted that compensation litigation would survive in its present form to the end of the century.

"It is a labour intensive, costly and unsatisfactory machinery which impedes reform of the substantive law.

"I have little doubt for my own part that governments of both political persuasions will move gradually toward a social services-type solution in which the role of the advocate will be severely circumscribed."

He added that the realignment of the profession from routine conveyancing into assisting the resolution of the real disputes of our society is nothing less than a precondition of survival.

"Rerteat behind monopoly walls to overpriced routine work is the kind of 'feather bedding' which members of the legal profession would be the first to condemn in other occupations, and rightly so."

The Sydney Morning Herald

TUESDAY, JULY 5, 1977

Our Constitution

MR FRASER'S announcement that the Constitutional Convention will meet in Perth early next year (and not late this year, as envisaged by the 1976 convention in Hobart) clears the air and is therefore to be welcomed. Last October he would not commit himself, saying merely that the Federal Government would "look at the future of the convention and other matters." There may be more than one State election this year, he said yesterday; that being the case, early 1978 would certainly be a better time. The important thing, of course, is that the present Federal Government has not abandoned its support for the convention.

Nor should it. For, although the 1973 Sydney session and the 1975 Melbourne session produced little to hearten supporters of constitutional reform, last year's Hobart session was another matter. Sufficient agreement was reached to enable four referendum questions to be put to voters on May 21, and three of them were answered affirmatively. Constitutional reform remains as difficult as ever, but with bi-partisan support and with intelligent public discussion of the issues it is by no means impossible. It is important that there should be a continuing attempt to reach broad agreement where possible.

The cause of reform has been given a

marked impetus by Sir John Kerr's address to the Australian Legal Convention. He has often gone on record, of course, as supporting wide discussion of constitutional change, but yesterday he made it plain that he welcomed public debate on the role and powers of the Governor-General. That is greatly to his credit, not least because it removes all inhibitions from those who have felt obliged to remain silent because advocacy of change in this direction might imply their disapproval of what Sir John Kerr did in 1975 — and would certainly be misrepresented accordingly.

There are many who believe that Sir John acted correctly but that the Constitution should be altered to ensure that no future situation could arise in which the Governor-General had to exercise his powers. They now have a chance to put forward positive proposals. The Perth convention will no doubt discuss a central aspect of the problem — the powers of the Senate. Should the Senate's power to block Supply be removed? Or should it be retained but, when used, automatically lead to a double dissolution of both Houses of Parliament and a general election? The latter is a recipe for weak government. Agreement cannot be easy, but more attempts to achieve it are necessary.

Governor-General is expected to resign in December

EVIDENCE is mounting that the Governor-General, Sir John Kerr, will leave his post in December.

It is understood he has told the Queen and the Prime Minister, Mr Fraser, of his intention to resign.

Mr Fraser is privately canvassing the opinions of friends and advisers on his choice of a successor.

The choice of a person to fill the now-controversial role of Head of State presents Mr Fraser with one of his most difficult decisions since coming to power after Sir John sacked the Whitlam Government in November 1975.

Two things appear certain: the choice will be non-political, and the new Governor-General will be a Victorian.

Names already being canvassed are:

SIR JOHN YOUNG, 58, Chief Justice and Lieutenant-Governor of Victoria, a distinguished company-law expert and judge at the peak of his career, and completely free of controversy or drama. He is also virtually unknown to the Australian public.

SIR DAVID DERHAM, 57, vice-chancellor of Melbourne University, an academic lawyer and, significantly, a constitutional expert.

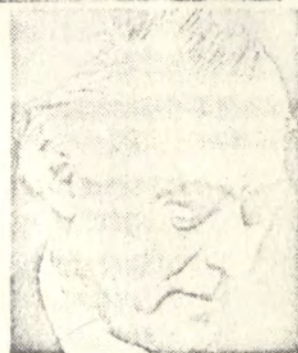
Reports that Sir John Kerr would retire after his stormy years as Governor-General have been circulating for some months.

Sir John is said to be working on his memoirs, which will be the most sought-after work in Australian publishing circles for many years if he chooses to explain in detail why he shattered convention and dismissed Mr Whitlam during the constitutional crisis of 1975.

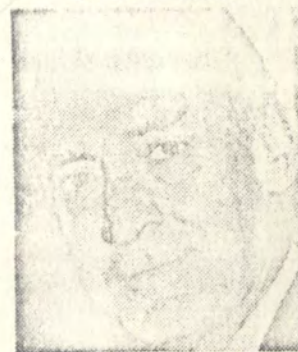
Other indications include the unusual handling of staff appointments at Yarralumla, the official residence of the Governor-General in Canberra.

Miss Jean Lester, who has been lady-in-waiting and private secretary to the wives of several previous governors-general, recently returned to the Prime Minister's Department in Canberra. Her replacement, Mrs V. Anderson, has been

After Sir John Kerr, who?



SIR JOHN YOUNG



SIR DAVID DERHAM

engaged on a monthly basis — and it is understood she has been told her appointment is for six months only.

It is not known when Sir John will announce his retirement, or how quickly Mr Fraser will act to replace him.

A spokesman for the Governor-General said on Friday night he had no comment to make.

Sir John's departure will end a turbulent era in Australian politics. After his actions of 1975 he was determined to stay in office, in spite of vilification and

demonstrations from some sections of the community, to prove his point.

After he has gone the wounds of the constitutional crisis — as they affect personalities — will heal quickly, although the deeper questions will be continually debated. The A.L.P. conference in Perth this coming week, for instance, will discuss moves to curb the powers of future governors-general.

Mr Fraser will be keen to have a new man at Yarralumla before he faces a half-Senate and possible House of Re-



presentatives election before June next year. While clearly Mr Fraser has not yet decided on a successor, the names of Sir John Young and Sir David Derham are frequently mentioned.

CONTINUED PAGE 4

A man
courag
See pa



FOR 19 months, Australia's 18th Governor-General, Sir John Robert Kerr, has walked the tightrope of controversy.

He has probably been the most vilified public figure in Australian political history, following his awesome decision to sack the Whitlam Government on November 11, 1975.

Not since former NSW Premier Jack Lang defied the Federal Government in the 1930s has one man evoked such bitter debate. At times, the argument has flared into violence.

It has divided the Australian people and cast Sir John Kerr out of the Labor movement which once saw him as the shining example of everything which should be attainable by the working classes.

The decision on November 11 cost Sir John Kerr dearly. He was rebuffed by Labor, and snubbed by some lifelong personal friends.

The hatred spawned by the events of November 11 has burned deep into the Labor movement and is certain never to be forgotten. There will be no forgiving.

As far as most of the Labor Party is concerned, Sir John Kerr sold them out; he betrayed their trust.

The bitterness within the party is seen most clearly in its leader, Gough Whitlam, a friend of the Governor-General for many years. Today what Whitlam says in private about Sir John Kerr is best left unprinted.

What he said publicly on November 11 typified the rage with which he received the decision of his dismissal.

Standing before a stunned crowd on the steps of Parliament House after the death knell of the Labor Government had been sounded, Whitlam — battling to control his emotions — said: "Ladies and gentlemen, Well may we say 'God save the Queen', because nothing will save the Governor-General."

Whitlam was both incredulous and angry. Incredulous that the man he had trusted and personally recommended for the governor-generalship, had ended Labor's political re-

Political correspondents KEN HOOPER and MALCOLM COLLESS examine the career which led to Sir John Kerr being, for a few seconds, the most powerful man in the country.

Man of rare courage or betrayer of the nation?

surge. Angry, that he had allowed himself to be outmanoeuvred.

What had happened was that, for the first time, the Governor-General had opted out of the traditional rubber stamp role, to use the powers of the Constitution.

Whether Sir John Kerr was right or wrong will be argued by historians and constitutionalists for years to come.

On the one hand, he will be seen as the man who betrayed the nation and the party which put him in power. On the other, he will be seen as a man of rare courage who put himself above party politics to end a national crisis the like of which Australia has never before known.

Slice of history

Either way, the Governor-General has carved himself a considerable slice of Australian history.

Only Sir John Kerr's memoirs will show what was going through his mind as he made that awesome decision. A decision taken at the pinnacle of a turbulent and brilliant career.

It was a career which had its beginnings in the knockabout working-class waterfront Sydney suburb of Balmain.

His was the classic story of a kid from humble beginnings who worked his way to the top to become, for a few seconds, the most powerful man in the country.

He had been educated at Fort Street Boys High School, the scholastic training ground of some of the best legal, business, and political brains in the country for generations; men like Sir Percy Spender, Sir Garfield Barwick, Bob Ellicott, Neville Wran and Dr Herbert Vere Evatt.

When Kerr was battling to decide what course to take after winning a bursary in arts to study at Sydney University, his father sent him to seek Dr Evatt's advice. It was brief, but set Sir John on the path to Yarralumla: "Don't hesitate. Do law and come back and see me whenever you can."

The decision to study law also gave him the opportunity to pursue his second love, politics.

To his way of thinking, the two could be interwoven.

His family background and the influence of Dr Evatt made it only natural that his interests would gravitate to the Labor Party and its workings.

John Kerr was hailed as one of Sydney's bright young lawyers when, at the age of 24, he was admitted to the Bar. Even then he had set his standards high. He tells the story today of how he frequently travelled across Sydney Harbor on a ferry with his wife-to-be, Alison.

He recalls that on one of the trips, he jokingly pointed to Kirribilli House — the Prime Minister's Sydney residence — and said: "One day I'll buy that for you."

Years later, on another ferry trip with his wife — when he was Governor-General designate — Lady Alison Kerr had said: "You know, you've got me the wrong house."

The Kerrs were due at that stage to move into the Governor-General's Sydney residence, Admiralty House, next door to Kirribilli House.

But although he always aimed high, Sir John believed that his destiny could never be planned. In 1974, he summed up his feelings in an after-dinner chat to friends.

As Sir John put it: "There is a theory that a man is the master of

his own fate, but only some people are like that.

"I have always embraced the contingency, the accident and the unexpected. They have always moved me from where I was to somewhere else. Accidents, contingencies and luck — the unpredictable — always happen."

"I am continually puzzled by the question, 'Where am I going?' There is a difference between people who want to go on for ever, trying to be the most distinguished in their profession, and those who are buffeted by fortune."

World War II buffeted him into the army. It was the first of a series of "accidents, contingencies and luck" which were to thrust him to the top.

He was seconded to the Directorate of Research and Civil Affairs under the colorful leadership of Colonel Alf Conlon. It was an intelligence group, an undercover operation which is shrouded in mystery today.

At war's end, Kerr was appointed executive officer of the army civil affairs unit, an offshoot of the directorate which was charged with the task of training servicemen to help administer the New Guinea Territory.

After the war, John Kerr started a battle of his own. It was a fight he was to carry on for years.

Violent conflict

As an industrial lawyer he was thrown into the turmoil of a bitter struggle within the Labor Party between his boyhood friend Laurie Short and communist union officials who controlled the powerful Federated Ironworkers Association.

It was at times a violent conflict for Short, who was a rank-and-file member of the union, struggling to overthrow the communists.

In the turbulent industrial period from 1949 to 1952, Kerr was involved in a series of legal challenges in which he defended Short and won.

This firmly established Short at the top of the FIA and gave Kerr right-wing links with the Labor movement which were to dominate his future career.

It also cemented a strong relationship between Kerr and Short and another up-and-coming industrial lawyer, Jim McClelland.

McClelland was a member of a firm of solicitors which briefed Kerr in the FIA legal fight and which subsequently became the union's solicitors on a permanent basis.

The friendship of the three was social, legal, and intellectual. In fact, friends began to refer to them as "three parts of the one brain."

It was a lasting friendship — and one of the major casualties of November, 1975, particularly for Kerr and McClelland, who are now not on speaking terms.

But Short was not as emotionally affected by the decision. And many of the ironworkers for whom Sir John won lasting and substantial benefits in workers' compensation cases, still privately have a kind and respectful word for him.

His constant struggle for the "right-wingers" in the industrial movement often brought him into conflict across

the Bar table with other lawyers destined for political power within the Labor Party, most notably former Attorney-General Mr Lionel Murphy, who is now a High Court Judge.

Although Sir John never publicly aligned himself as a member of the right-wing "groupers", his party membership lapsed in 1954, the year of the Labor split.

But he also battled for other causes. In 1964, by then a Queen's Counsel, he successfully appealed against jail sentences imposed on the publishers of *Or magazine*.

The three, Richard Neville, John Richard Walsh and Martin Sharp, had been sentenced to jail terms of up to six months on what became a classic interpretation of the merit of satire.

The junior in the case was a budding young lawyer named Neville Wran.

Sir John's successes in court were recognised in 1966 when he was made a judge of the A.C.T. Supreme Court. It was the first step up the judicial ladder and it seemed only a matter of time before he climbed to the top.

He had developed a wide range of interests and acquired a considerable array of titles including president of the NSW Marriage Guidance Council, vice-president of the State Bar Association, president of the Australian Law Council, deputy president of the Trade Practices Tribunal and was also on the Copyright Tribunal and the Medical Board of NSW.

It was all happening, but the turbulence which has dogged John Kerr throughout his career bubbled into the open again in 1969, putting him in the glare of a national spotlight.

As a judge of the industrial court he sentenced the then Victorian secretary of the Tramways and Motorbus Employees Union, Clarrice O'Shea, to jail under the penal provisions of the Conciliation and Arbitration Act.

This triggered union furore throughout the country, brought industry to a halt and became the graveyard for penal action against unionists.

O'Shea's fine was paid by a man who won the lottery. The union leader was freed, but Kerr's action was never forgotten by left-wing unions, who bitterly opposed his appointment as Governor-General.

But the incident did not set back his advancing career and in 1972, the NSW Premier, Sir Robert Askin, surprised many Liberals by appointing Sir John as Chief Justice of the State Supreme Court.

By tradition, he also carried the title of Lieutenant-Governor of NSW.

It was a move which sparked off argument within the legal profession and saw several personal jealousies surface at the Bar table. But as Chief Justice, Sir John soon showed his real ability.

In one of the most significant contributions of his career he set about reorganising the court system and bringing it into the 20th century.

He had barely begun the mammoth task when the Prime Minister, Gough Whitlam, asked him to become Governor-General.

On his appointment, in February, 1974, Sir John said: "I believe the office is worth while, otherwise, I would not have accepted it."

"It provides the opportunity to play a non-controversial part, but an important one in the nation's affairs."

For once, he had forgotten his philosophy that accidents, contingencies and luck — the unpredictable — always alter man's destiny.

Governor-General expected to resign

FROM PAGE 1

Sir John — tall, distinguished and quiet — was born in Melbourne in 1919, the son of a Glasgow Scot. His upbringing was pure Australian establishment — Geelong Grammar and Brasenose College, Oxford, where (like Mr Fraser) he obtained his Master of Arts degree.

In 1940 Sir John enlisted in the Scots Guards and rose to the rank of captain. He was mentioned in despatches. After the war he was admitted to the Bars of Victoria, NSW, and Tasmania and was also associate to Mr Justice Dixon of the High Court of Australia.

He later specialised in complex company law and with Mr Justice Wallace of the NSW Supreme Court wrote the still-standard textbook *Australian Company Law and Practice*.

Sir John and Lady Young have three children — a son and two daughters. They live in the Melbourne suburb of Camberwell.

Sir David Derham became vice-chancellor of Melbourne University in 1968 and was at pains to keep his office clear of political disputes during the turbulent campus years which followed.

He is tall, greying and freckled, and has a strong sense of humor. After nine years at the university he still wishes students would smarten up their dress a little.

As a student at Melbourne University he won a full blue for swimming. After university he started a legal career, but was persuaded to take up a post as part-time lecturer in constitutional law at the university.

By 1951 he was Professor of Jurisprudence and in 1964 he became the first dean of the new law faculty at Monash University.

Sir David is married to Rosemary, the daughter of General Sir Brundell White. They have a grown-up son and two daughters.

SIR JOHN MAY GET OUT, SAY HIS FRIENDS

From NEIL O'REILLY

CANBERRA. — Friends of the Governor-General, Sir John Kerr, would not be surprised if he retired before the end of this year.

There has been growing speculation that he will step down soon.

Some friends said today that Sir John felt he had stayed long enough to vindicate his action in sacking the Whitlam Government in November, 1975.

There have been reports that Sir John and Lady Kerr would prefer to live in Europe when they leave Government House in Canberra.

Both Sir John and his wife have sold their houses in Sydney and bought a home unit. He would retire on a substantial pension.

If the Governor-General retires at the end of this year, he would free himself of the possibility of having to make another controversial decision.

There are strong reports in Canberra that the Prime Minister, Mr Fraser, will seek an early House of Representatives election next May.

To do this he would have to have the Governor-General's approval to dissolve the House of Representatives.

But in 1975 Sir John, in a speech he made in India, indicated he did not believe the Governor-General should grant a Prime Minister an election just to solve electoral problems.

This has sparked off speculation on Sir John Kerr's reaction if Mr Fraser sought an early election.

It is understood Sir John also is working on his memoirs which will give his version of the events surrounding the sacking of the Whitlam Government.

He could not publish them while he was still in office.

After the downfall of the Labor Government, Sir John was the target for angry demonstrations throughout Australia.

A lot of the anger has now subsided and incidents are rare when he attends official engagements.

For some time now he has been able to move around the country without incident, but strict security precautions are still taken.

It is understood he is not happy about the need for this security.

When the furore began in November, 1975, Sir John was adamant that he would not resign.

He told friends at the time he was determined to stay in office to prove he had acted in the best interests of Australia.



WINDSOR CASTLE

PERSONAL AND
CONFIDENTIAL

15th June, 1977.

My dear John

By the same bag I am sending you a formal reply to your letter to The Queen of 10th June in which you ask to be relieved of your appointment as Governor-General.

There is, however, so much that cannot be said in formal letters! I am sure, nonetheless, that you understand how greatly The Queen respects the honourable motives which have led you to your decision to resign as Governor-General. She fully understands that you are doing this to serve the best interests of Australia and the office you hold.

In the meanwhile we shall, I am glad to say, be in correspondence for some months yet to come. The Queen will, as always, look forward to your reports, and I know she will wish to see you again when you finally relinquish your office.

Her Majesty sends her best wishes to you both.

*Yours on
Martin*

His Excellency the Governor-General
of Australia.



WINDSOR CASTLE

PERSONAL

15th June, 1977.

Dear Governor General

The Queen has commanded me to thank you for your letter of 10th June in which you ask to be relieved of your appointment as Governor-General of Australia.

From the discussions Her Majesty has had with you and in particular from that which took place at Buckingham Palace on Friday, 3rd June, The Queen fully understands and fully respects your reasons for tendering your resignation.

Her Majesty is most grateful for the services you have given as Governor-General and as her personal representative in Australia.

The Queen notes with approval that you are prepared to continue in office until arrangements are completed for the swearing in of your successor.

Yours sincerely
Marilyn Kenton

His Excellency the Governor-General
of Australia.



Copy

10th June 1977

Your Majesty,

Madam,

With my humble duty and for reasons you were good enough to allow me to indicate to you in our recent discussions, I humbly beg to be relieved of my appointment as Governor General of Australia.

If it pleases Your Majesty, I am prepared to continue in this office until arrangements are completed to assist in my successor.

I have the honour to be,

Madam,

Your Majesty's most
humble and obedient
servant,

John Gorton



WINDSOR CASTLE

14th April, 1977

My dear John

Thank you very much indeed for your letter of 5th April with which you forwarded a personal letter to The Queen. I was able to give this to Her Majesty yesterday and she was delighted to receive it and has told me to send you her thanks for it.

Thank you very much for sending a copy of the article from The Melbourne Age. I think this is an intelligent and interesting article and makes a very reasonable assessment of the success of the tour.

We are all looking forward to seeing the B.B.C. documentary of the visit which is to be shown on television tonight. Ron Allison has seen the programme and is more than happy with your contribution to it. We do not of course have any control over what the B.B.C. produces, but in this case there is certainly no cause for concern and I think it is entirely reasonable that you, as Governor-General, should defend a constitutional monarchy and oppose republicanism.

I think everybody who was on the tour with The Queen and The Duke of Edinburgh came back not tired but refreshed by the experience. Her Majesty sends you both her best wishes, as do I.

*Yours ever
Martin*

His Excellency
the Governor-General of Australia.

Government House,
Canberra. 2600.

5 April 1977

I hope that in retrospect you feel that the visit of Her Majesty and His Royal Highness was a success. We all are of that opinion in this country.

I have written a separate letter, which will come to you with this, to The Queen expressing my personal thanks and gratitude to her.

I shall not attempt to make any observations about the visit which you all experienced directly and are able to judge without any comments from me. The press has been very good in its assessment of what happened and as an example I send you a copy of an article from yesterday's Melbourne Age.

You will be aware of the fact that the B.B.C. is preparing a documentary on the visit to the Pacific and Australia. I was asked to participate in this and, on the assumption that it was known in the Palace that this approach was being made to me, and on the assumption that there was no objection to me assisting, I agreed to some material being taken for inclusion in the television programme. I gather from those who were preparing the material on this that the film will be seen by The Queen's advisors before final decisions are made about its contents.

I have never participated in this kind of programme in Australia, mainly because the only approaches to me have been for televised contributions to controversial discussion. The questions which I was asked had to do with the demonstrations, the Monarchy, republicanism, and so on. They were put in a non-controversial and objective way.

I have always felt at liberty to defend the monarchical system of government and to oppose republicanism and have from time to time done this in speeches which I have made around Australia. It has never seemed to me to be a political matter for a Governor-General to defend constitutional monarchy and oppose republicanism.

This is mentioned in case you may wish to give special attention to the way parts of the film turn out.

I have no doubt that you were tired after your return from such a strenuous trip but hope that you found it enjoyable nevertheless.

.../2

I have expressed the humble duty and loyalty of my wife and myself to Her Majesty in the letter to which I referred above but would ask you to reaffirm it on our behalf.

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND



5th April 1977

Your Majesty

Madam,

I would like to express my humble thanks and those of my wife for your gracious inclusion of us in your luncheon party on H.M.S. Britannia on the day of your departure.

On my own behalf I trust that you will permit me to express, in addition, my gratitude for the opportunity of being received in audience by Your Majesty, for the honour you conferred upon me and for your most kind gift.

Your visit was, if I may say so, an outstanding occasion for all of us and it was, as well, one providing us with the recurring possibility, in different parts

of the country, of expressing joyously our
duty and loyalty.

The Government and my wife and I
hope that you and His Royal Highness
find the visit a happy one.

We shall all watch the progress of
events during your Jubilee Year with
deep interest.

I remain, Your Majesty's
most humble and
obedient servant

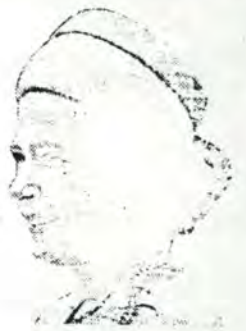
John Kerr



MONDAY, 4 APRIL 1977

6 *Majesty in her terms is the majesty of the common man — and she also embodies the hope that at the centre of the vast, state might lie an ordinary human being, impersonal machinery of the modern living and breathing like everyone else.* 9

Robert Lacey: Majesty



Tour a win for royalty

THE tour is over. The Queen is back at Windsor Castle and the Duke is headed for a wildlife convention in Afghanistan.

After 23 days, 13 cities and a journey of more than 12,000 kilometres, criss-crossing the continent, the 1977 Jubilee visit to Australia is now a memory.

Tour organisers are calling it our most successful visit by royalty, and there's plenty to back that up: the massive crowds, the unprecedented contact with ordinary people, the absence of any concerted opposition.

The Queen and Prince Philip came to Australia expecting trouble and they have left exceedingly pleased.

On the surface the success is owed to a combination of careful orchestration and the unique style of the Queen herself. But underlying it all is the simple fact that in 1977 many Australians want the monarchy as much, if not more, than ever.



This year marks the 25th anniversary of the Queen's accession, but underpinning the celebrations and Royal travels throughout the Commonwealth is the unspoken realisation that the monarchy is on trial.

Republicanism has emerged from the realms of esoteric discussion to become a credible political issue, there are moves in Britain to curtail the sovereign's few remaining powers and debate on the enormous cost of maintaining the trappings of royalty continues.

And all of this has been focused in the Royal tour of Australia.

When the Queen flew in to Canberra from New Zealand on March 7 she was conscious of the continuing political divisions within Australia over the dismissal of the Whitlam Government by her Governor-General, Sir John Kerr.

Senior members of the Royal entourage acknowledged they were expecting major demonstrations and it didn't need the publication of a national opinion poll the day before to inform them that a considerable section of the Australian public supported the creation of a republic.

Their fears did not materialise.

Apart from the mandatory welcome and farewell, Sir John Kerr was never seen in public with the Queen and, while pockets of republican demonstrators turned out in every capital and made their point, they were never more than a drop in the ocean of cheering, flag-waving royal enthusiasts. And very rarely were

By MARK BARKER, who covered the Royal visit.

the chants directed at the Queen personally.

What did surprise was the extent and enthusiasm of the public welcome. In the day of live telecasts, tens of thousands of people came out to watch in weather ranging from the extremes of tropical humidity to torrential rain.

Given the inevitable conscripted school groups, the guides and scouts and the middle-aged women who persistently captured front positions at the barricades, the crowds were generally regarded as bigger than in any Royal visit since 1954.

The phenomenon of hordes of people turning out for a person who essentially is figurehead of a country on the opposite side of the world, who assumes in person her local titular function only once every few years, and whose intervening appearances are mostly limited to the covers of women's magazines, is hard to explain.

The masses of young people who on this tour waved and cheered and fought for a word with the Queen on her public walks belie claims that the Royal popularity today is merely a hang-over from another era.

The Australian tour has shown the emergence of a new generation which esteems this Queen with as much dedication as the old but, remarkably, in the context of a vastly different political climate. Perhaps it is, as Robert Lacey suggests in his book, *Majesty*, a grasping for something of permanence in changing times.

But this tour has also shown how crucial the personality of Queen Elizabeth II is to the modern monarchy.



No longer can royalty expect devotion as its due. The monarchy is an institution of nominal power and enormous constraint, and its survival hangs tenuously on the popularity and behavior of the incumbent.

If the monarch fails to maintain the support of the masses, and keep on the tightrope of neutrality then the survival of the institution is jeopardised. In keeping to that Queen Elizabeth II works harder than any elected leader.

The great success of the modern British monarchy rests squarely on her. She is a woman total. In fact, she is a woman

as her duty to the people; a woman of immense stamina and incredible patience.

Who else would suffer the monotonous repetition of the life of royalty: the pomposity of public officials, the drudgery of official openings, launchings and dedications, and the endless hours constantly exposed to the dissection of thousands of eyes.

And there has been plenty to provoke Royal boredom on this visit: 17 military guard inspections, 11 civic receptions, 26 identical ceremonial arrivals and departures and innumerable unveilings, fountain activations and tree plantings.



The tour organisers continued their unrepentant obsession for military pomp and a visitor could be forgiven for believing, at the close of the 23 days, that Australia was a land of parading soldiers.

There were 46 different brass and pipe bands and I'd like a holiday for each time they played *Those Magnificent Men in Their Flying Machines*.

The Queen had her way in some respects. The number of invitation-only occasions for the local power elite were restricted to enable more time for informal meet-the-people walks, which proved popular.

The Queen's desire to put herself closer to the people, while still maintaining the cultivated mystique, extended to the travelling Press group.

For the first time, members of the household, from the ladies-in-waiting and the Queen's private secretary, Sir Martin Charteris, down, went out of their way to mingle with reporters. Even she was careful on many occasions to pause long enough for photographers to get the best angle.

Much of the credit for the improved Press contact goes to the Queen's Press secretary, Mr. Ronald Allison, an urbane former BBC correspondent who was a member of the Press group for the 1970 tour. He extended the normal daily routine of distributing descriptions of the Queen's dress to helping with judiciously chosen background information, and managed to calm some potentially unpleasant publicity.

Indeed, the Royal party was intensely conscious of its publicity, especially the way the visit, in the aftermath of the Whitlam sacking, was being interpreted in the English Press.



When one London paper reported that Mr. Whitlam had insulted the Queen in his speech at the parliamentary reception in Canberra, there was an immediate Royal denial, a very rare event. The day after the Queen was hit by a placard in Sydney, Sir Martin Charteris told two English journalists: "I hope you boys gave a balanced picture".

The court's courting of the Press and the calculated moves to maximise public exposure of the Royal couple showed how much the Royals are now concerned with their public image.

But in Australia the efforts of their concern paid handsome dividends. The tour captured enormous newspaper, radio and television coverage, the public was swept up in the occasion and everyone, the Queen included, went home happy.

It was a remarkable marketing success.

Government House,
Canberra. 2600.

2 March 1977

My Dear Martin,

We have been collecting a few clippings which provide background on a number of aspects of Australian affairs. You or Bill Heseltine may care to cull them in case Her Majesty may wish to glance at any of them. They deal with the following subjects and I shall not attempt to summarise them.

1. As a result of an interview given by a Miss Arena in the United Kingdom, a number of Labor leaders have referred to the question of demonstrations in Australia during The Queen's visit and opposed them. The clippings dealing with this subject I have put together in one bundle.

2. Mr Whitlam has said that he and his wife will not be present at the Dinner at Government House for The Queen and The Duke of Edinburgh. For the first time on a protocol occasion, he has stated that the reason for his decision is that he cannot accept invitations to Government House whilst the present incumbent is in office. On all previous occasions some excuse was given but, of course, no excuse could be given in the case of the dinner for Her Majesty and His Royal Highness and Mr Whitlam felt forced to close his options by stating his real reason. There has been some bad publicity as a result of this.

3. A Miss Rook who asked without success to interview my wife, has interviewed Mrs Whitlam and Mrs Fraser for the Daily Express in the United Kingdom. She was rather harsh on both of them. Relevant clippings are attached. Mrs Fraser has written me a private letter denying that she said what was attributed to her on the subject of myself and, of course, I believe her. Her letter was quite charming and sincere.

4. The question of Mr Whitlam's leadership has come up again. He is to stand for election in May. A very bitter attack has been made upon him by Mr Cameron and newspaper articles have discussed the matter. Clippings on this subject are also attached. It is regarded as most likely that he will be re-elected.

.../2

PERSONAL AND CONFIDENTIAL

2.

5. The Sydney Daily Mirror has begun a series of articles of a biographical character about me. These are papers under the control of Rupert Murdoch. I attach the available clippings. They repeat errors in earlier biographical material. I had nothing to do with them and we were not consulted or asked any questions.

We are glad that reports of The Queen's visit to this part of the world have so far been happy reading with the exception of the "rifle" incident which we trust was not too distressing. We are hoping that she will greatly enjoy her time in Australia. Here in Government House we are looking forward with great eagerness to the presence of Her Majesty and His Royal Highness and to renewing our friendship with you and Bill Heseltine. We hope there is no embarrassment - or as little as possible. You will doubtless be getting separate security material.

I am sending this letter by hand of Lieutenant Colonel P. Badman. Whether the background is useful or not will of course be for judgment at your end.

Please assure The Queen of our most devoted humble duty and loyalty and of our eagerness for her to be here in her Australian home.

Warmest regards

Yours sincerely,

John

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.

PERSONAL AND CONFIDENTIAL

Australia will be a republic, Whitlam predicts

LONDON, February 1. — It was inevitable that Australia should become a republic, Australian Labor Party leader, Mr. Whitlam, said yesterday.

Speaking in a 'Panorama' programme which examined the role of the Queen in the Commonwealth today, Mr. Whitlam said the manner in which his Government was put out of office "made me realise that the Monarchy can be a hindrance to democratic and responsible Government in Australia.

"I do believe that the movement to a republic in Australia is inevitable and irreversible. It's gained a very great deal of momentum and it will continue to grow."

Film clips of the reception given the Queen when she arrived in Australia for her 1954 visit introduced the Australian segment of the programme — a throw-back, according to commentator Richard Dimbleby, to the time when Australia, like other old Commonwealth countries, always had a "royal flush".

Today, viewers were told, surveys

showed 40 per cent of Australians wanted a republic.

Mr. Whitlam said he was not afraid that airing of his views on the Monarchy would damage his chances in the next election.

"I'm not worried about that," he said. "I don't conceal my view on this matter.

"I believe, now that a Governor-General has purported to use 18th century monarchical powers, that the Monarchy so represented can be a menace in Australia.

"I can see that. I think an increasing number of people are seeing it."

Earlier, Mr. Whitlam had praised the political skills of the Queen, saying:

"I do hesitate to give any impression of dissatisfaction with the way the Queen has conducted herself as Queen of Australia or as Queen of several other countries in the Commonwealth."

—AAP.

Silent protest plan for Queen's visit

SYDNEY. — Silent protest rallies will be held in major centres visited by the Queen in Australia next month, according to an organiser of the Citizen's For Democracy group.

A group organiser (Miss Franca Arena) told The Times in London the demonstrations would be non-violent and that wherever the Queen appeared groups dressed in black and carrying the Eureka stockade flag (a white cross with five white eight pointed stars on a blue background) would gather.

Miss Arena said the demonstrations would aim to show the Queen the growing republican sentiment in Australia and the distaste for the action of Sir John Kerr in dismissing the Whitlam Labor Government in November, 1975.

Miss Arena left Australia last December to take up a Churchill Fellowship and is on a four-month study tour of ethnic groups overseas.

Split

She is a co-ordinator and broadcaster on ethnic radio and a member of the new Women's Advisory Council

Miss Arena's statement in London has revealed a split among members of the anti-Kerr, pro republican Citizen's for Democracy Group in Australia.

In Sydney yesterday, the organisation's convenor (Mr. V. Baueris) said the group had no objection to members holding silent protests during the Queen's visit.

But he said there would be "some disagreement" over the question of protest rallies.

"Some don't want demonstrations against the Queen and some do," he said.

Mr. Baueris said the organisation was concerned about the possibility of violence, espe-

cially when the Queen and Sir John Kerr were together.

This will happen on only three occasions — on March 7 when the Queen arrives in Australia, on March 10 when she leaves Canberra and on March 30 when she leaves Australia.

Mr. Baueris said feelings about Sir John still were very personal and emotional for many people.

"It's something you can have no control over. A lot will depend on the attitude of the police at the time," he said.

2 The Sydney Morning Herald, Monday, Feb 7, 1977 2

Rallies planned for Royal visit

Renewed protests at Kerr's action

Silent protest rallies are to be held in major centres visited by the Queen on her visit to Australia next month, according to an organiser of the Citizens for Democracy group, in an interview with *The Times*, London.

Mrs Franca Arena told *The Times* that the demonstrations would be non-violent. Wherever the Queen appeared, groups of people would gather, dressed in black and carrying the Eureka Stockade flag.

According to Mrs Arena, the demonstrations would aim to show the Queen the increasing republican sentiment in Australia and the distaste for the action of the Governor-General, Sir John Kerr, in dismissing the Labor Government on November 11, 1975.

Mrs Arena left Australia last December to take up a Churchill Fellowship and is now on a four-month study tour of ethnic groups overseas. She is a co-ordinator and broadcaster on ethnic radio and a member of the new Women's Advisory Council.

Her statement in London has opened a split among members of the anti-Kerr, pro-republic Citizens for Democracy group in Australia over the question of demonstrations during the Royal tour.

In Sydney yesterday, the organisation's convener, Mr Vic Baueris, said the group had no objection to its members holding silent protests during the Queen's visit.

But, he said, there would be "some disagreement" among members over the question of protest rallies. "Some don't want demonstrations against the Queen, and some do," he added.

Another prominent member of the group, Senator James McClelland, a minister in the dismissed Labor Government, dissociated himself from any

demonstrations against the Queen during her visit.

"The Queen is not involved and should not be criticised for Sir John Kerr's actions," he said.

"There is no anti-monarchical feeling as a result of what Sir John did. We separate from the Queen our criticism of Kerr, and our aspirations for a republic."

Mr Baueris said the organisation was concerned about the possibility of violence, especially when the Queen and Sir John Kerr were seen together.

This will happen on only three occasions — on March 7 when the Queen arrives in Australia, on March 10 when she leaves Canberra and on March 30 when she leaves Australia.

Mr Baueris said many people's feelings about Sir John were "still very personal and emotional."

"It's something you can have no control over," he said. "A lot will depend on the attitude of the police at the time."

Jubilee service

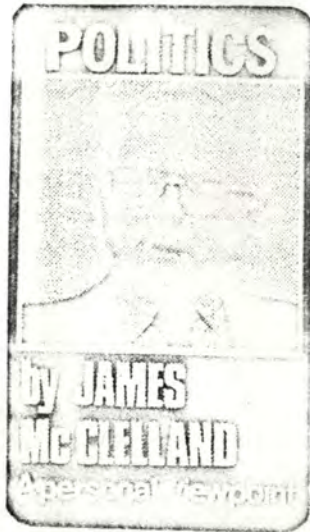
More than 350 people attended morning prayer at St Andrew's Cathedral yesterday to celebrate the Queen's accession to the Throne 25 years ago.

The Governor, Sir Roden Cutler, read the second lesson to the congregation, which included the Consul-General from Britain, Canada and New Zealand.

Members of the Royal Commonwealth Society, including the president, Mr Peter Crosthwaite, who read the first lesson, also attended.

In his address, the Dean of Sydney, the Very Reverend Lance Shilton, said the monarchy was like an anchor which enabled society to resist the pressures from philosophical and political novelties which could disrupt that society's way of life.

"THE AUSTRALIAN" MONDAY FEBRUARY 21, 1977.



Courtesy to an invited guest

I HAVE recently received some caustic letters upbraiding me for having publicly expressed the hope that there will be no street demonstrations against the Queen during her forthcoming visit.

As an avowed republican and one of the Governor-General's most consistent (some would say vitriolic) critics, I am accused of inconsistency and even hypocrisy in taking this attitude toward the Queen.

So let me explain.

Paradoxically I do not regard the British monarch as having much importance in the developing campaign to make Australia a republic. It is precisely because the Governor-General flouted a tradition long respected by British monarchs that republicanism has for the first time become a real issue in Australia.

That tradition was that the monarch or the monarch's representative has no independent political power and must always act on the advice of elected ministers.

One of the best illustrations of the acceptance of this tradition by British monarchs is the exchange between King George V and Australian Prime Minister Scullin in 1930 over the appointment of the first Australian Governor-General.

Scullin put forward the name of Isaac Isaacs and the King was appalled by the suggestion. He resisted Scullin's advice as vigorously as he could but finally he asked Scullin: "Well, do you persist?" Scullin replied: "Yes," and the King said: "Well, I've always been

a constitutional monarch and I will follow your advice." (The story is told in Zelman Cowen's biography of Isaac Isaacs and repeated in a recent work by Richard Hall and John Iremonger, *The Makers and the Breakers*.)

If Kerr had acted in accordance with this tradition in November, 1975 and if I felt sure it would be respected in the future, I would not be much concerned about Australia becoming a republic. The fact is that, until November 11, 1975, we all thought we were effectively a republic in terms of the Shorter Oxford English Dictionary definition: "A State in which supreme power rests in the people and their elected representatives or officers as opposed to one governed by a king or the like." Kerr put paid to that illusion.

Pious devotion

It would be politically naive to believe the Australian people are ready for a republic. The monarch, who I believe is regarded by Australians with feelings ranging from pious devotion to total indifference, suffered no damage from Kerr's action. It was clear she was not consulted and refused to intervene after the event. In short, her attitude was that she had no real role to play in Australian politics.

It is said that she has compromised this neutrality by subsequently conferring new imperial honors on Sir John and his lady, but exactly the opposite is true. These honors would have been conferred on the recommendation of Sir John's beneficiary Malcolm Fraser so that the Queen is sticking to the principle accepted by her grandfather, George V that the monarch must accept a prime minister's advice.

My personal feeling toward royalty is that it is a boring anachronism which is practically irrelevant to the British or Australian political process. The monarchy's alleged value as a tourist attraction is outweighed by its cost to the taxpayers. As for the Queen's consort, his constant exhortations to the British people to work harder come oddly from a man who has never done a day's work in his life.

For all that, the Queen will be an official guest in our country, invited by Gough Whitlam when he was Prime Minister. I see no political virtue in offering discourtesy to an invited guest unless that guest has been guilty of crimes against humanity. I have absented myself from official functions for such a reason. But I can find nothing in the Queen's conduct which puts her in that category.

There are other ways for nascent republicanism to assert its principles during the Queen's visit. For example, I hope there will be public meetings away from the Queen's presence which will make the point that the polite acceptance of her visit in no way implies approval of the monarchical institution.

If and when Australia changes its Constitution to become a republic, I expect no obstruction from the British monarchy still exists.

Premier staunch Royalist

THE Premier, Mr Neilson, last night declared himself a dyed-in-the-wool monarchist and an anti-republican.

He called for unity and goodwill, across party lines, to halt the march of republicanism.

And he mildly childed one of his backbenchers, Mr Lohrey (Labor, Willmot), who earlier in the week advocated that Australia should have an elected Governor - General.

Mr Neilson, speaking during the Address - in - Reply debate in the House of Assembly, warned that in 15-20 years the pro - republican view might prevail "unless we get our house in order."

Reflecting on the events that led to the sacking of the Labor Whitlam Government in 1975, Mr Neilson said all the blame for the situation and its subsequent bitterness could "not be placed on the shoulders of one man, or, for that matter, one party."

But the events had not been "right and proper," he said.

They had led to the most violent, most bitter election Mr Neilson had experienced — in which one of his children had "suffered at the hands of adults, because of politics."

In the wake of these events, support for republicanism had grown — and could prevail "unless people of goodwill from all sides apply themselves."

Republicanism would not be in the best interests of the Australian people, nor of its parliamentary system which, despite its imperfections, was the best yet available.

In many parts of the world, Mr Neilson said, the election of popular figureheads "based on some cult of personality" detracted from the "real issues."

Mr Neilson said the strength of the movement for an Australian republic was illustrated by the announcement by a Federal Liberal MHR, Mr Chipp — "from within the ranks of the conservative party" — that he will not be available to welcome the Queen next month because he will be addressing a pro - republican rally.

Gough's 'no' to Queen's dinner

From BILL D'ARCY in Canberra

GOUGH Whitlam has refused an invitation to dine with the Queen.

Canberra sources revealed this today.

The Labor Opposition Leader has refused to attend a dinner for the Queen to be given by the Governor-General, Sir John Kerr, at Government House on March 8.

Mr Whitlam has conducted a feud against Sir John since he was dismissed from office in November, 1975.

The two men have occasionally attended the same ceremonies and official functions but have not spoken since that historic day.

Mr Whitlam is understood to have declined Sir John's invitation on the grounds that he and his wife "are unable to accept an invitation from the present incumbent."

But the Queen will not be totally deprived of a chat with her Leader of the Opposition.

The Whitlam's will be at Fairbairn RAAF base in Canberra for her arrival on March 7, where they will be formally introduced by Sir John.

The Queen will also have a second opportunity of hearing Mr Whitlam's views at a Parliament House reception the following night.

"The seats will not be empty," was the only reaction from Government House



Mr Whitlam

Whitlam declines royal dinner

CANBERRA, Thursday. — The Leader of the Opposition, Mr Whitlam, has declined an invitation to a State dinner for the Queen at Government House.

It is understood he has refused to attend because the host will be the Governor-General, Sir John Kerr.

The two men have not spoken since Sir John dismissed the Labor Government on November 11, 1975.

But Mr Whitlam is expected to attend six other functions when the Queen is present.

He and Mrs Whitlam will be at the Fairbairn RAAF base on March 7 for the Queen's arrival. They will be presented to the Queen by Sir John.

Sir John's secretary, Mr David Smith, said today the State dinner on March 8 would follow normal protocol.

He declined to comment further, except to say that there would be no empty seats at the function.

Molnar's comment,
Page 6.

Chipp 'boycotts' Queen

THE former Liberal minister, Mr Don Chipp, will miss the Queen's official reception in Canberra next month to speak at an anti-monarchy rally.

He has accepted an invitation that night, March 8, to address a Citizens for Democracy rally in Sydney called "Towards an Australian Republic."

While Mr Chipp is speaking at the rally at Sydney Town Hall the Queen will be dining with the Governor-General, Sir John Kerr, in Canberra, and later attend a parliamentary reception.

Mr Chipp will speak on the need for a complete change in Australia's system of government.

One of the rally organisers, author and republican Donald Horne, said yesterday: "Don

Chipp is one of the few people capable of transcending party values and devoting himself to the country's future."

Mr Chipp said last night he accepted the invitation to address the rally before he knew of the royal reception on the same night.

"The Queen is a very gracious and beautiful lady and I am not for change for change's sake," he said. "I believe that the Australian system of government needs a complete overhaul to make the Government more responsible to Parliament and the people.

"If Australia moved to a republican system we should still keep our emotional, historical and political links with the Commonwealth and the United Kingdom."



MR CHIPP

London Daily Express writer **JEAN ROOK**, in Sydney for the Queen's visit, face to face with **MARGARET WHITLAM**

MRS GOUGH WHITLAM is a huge sweeping woman. A land mass in herself.

She's 56, 6ft 2ins, with a face like a cross between Boadicea and a Roman emperor.

A former Australian breaststroke champion, she has the endlessly long athletic legs of a kangaroo, and great arms.

On the run-up to the Queen's visit to Australia, all eyes are on Margaret Whitlam.

And not only because when she stayed with the Queen at Windsor, she kept — and eventually published — her astonishing diary . . .

Detailed down to the pink eiderdowns on the Royal beds, the estimated cost of the Queen's sapphire earrings, and the pictures on the Whitlams' bedroom walls, and just what, and how much, Prince Philip drank at dinner.

But because "Big Marge," and her even bigger husband, Gough — he's 6ft 4in and as wide as from Sydney to Perth — are in the middle of the mightiest political row in Australian history.

Fifteen months ago, Whitlam was sacked as Prime Minister by the Governor-General, Sir John Kerr.

Since then all hell has been let loose by Australians who think that Kerr acted unconstitutionally.

Royalists in Australia are even worried that the Queen, in Kerr's company, could come in for the rotten remarks which are thrown about, sometimes accompanied by fruit.

Everyone is agog to watch how the Whitlams — and especially embattled Margaret — will react to the unpopular Governor-General — they haven't spoken to him since the fall — when protocol forces Sir John to present them to the Queen.

OBSCENE

"I shall treat him as if he didn't exist," Mrs Whitlam told me yesterday.

"The situation is totally obscene," she snapped. Along with her discretion.

"The man is dishonourable and rude. When I think of the times we were in his company just before he did what he did to Gough, and how he said nothing right up to the last moment, I'm disgusted.

"The man did a total about-face, I regard him as the most dishonourable person I have ever met."

By British left-wing standards the Whitlams are pale-pink; Gough jazzed up the National Anthem, did not buckle at the knees at the Queen's name and aimed at social reformation.

By Australia's standards he was red-hot labor. But, whether or not you are the Whitlam's political shade, you have to admire Margaret's full-colour personality.

She drove herself to my Sydney hotel. Fed her own parking meter. And conducted our inter-

LORD KNOWS, I'M NOT JEALOUS OF TAMIE



● Tamara Fraser . . . "She's got a terrible job."

view — I needed to say very little — in my hotel bedroom.

"I can't stand affectation," said Margaret, who is happy to be back to the simple joys of supermarketing, without a bodyguard, for her own brussels sprouts.

"The English establishment is all right — it's existed so long, it's legitimate.

"The Australian establishment is illegitimate and offensive. I just loath watching aggressive, possessive Australians scrambling for Imperial honours."

ENJOYMENT

Looking back on her notorious Royal diary, published in Womens Day, does she feel no shame?

"I wasn't terribly happy when the magazine asked me to do it," she said. "But I enjoyed writing it, and I don't think it harmed anyone.

"It certainly didn't worry the Queen — I've met her since, and she seemed quite amused by the fuss it caused."

How amused was Mr Whitlam? "He never minds me," she said. "His attitude is, 'What has the old bag been saying now?'"

Mr Whitlam's comment on the Kerr situation has been brief ("The bastard").

Does he know what his wife is saying, at any rate to the Daily Express, about Sir John Kerr?

"No," she said. "I don't mirror my husband's views. It's so absurd, just because you're a politician's wife, to sit around like a dummy saying nothing, or echoing him, you might as well give up living."

EXPECTED

I asked her Australia's reaction to Princess Margaret's marriage breakup.

"We expected it for years, didn't you?" she said. "I believe they used to row like hammer and tong. We weren't shocked though.

"It takes a lot to shock Australians. I think we're rather free and natural."

How does she fancy Charles as a rumoured possible Governor-General of Australia?

"He's a very nice boy and could be popular," said Mrs Whitlam, who has three brilliant sons in varying good jobs, and a daughter at Cambridge.

"But isn't it true that the Queen's standing down, and that he's going to be King once he's settled and married?"

I breathed carefully, feeling as if I were navigating a rock or a shark. Tell me more, I said.



● Margaret Whitlam . . . "I shall treat the Governor General as if he didn't exist."

"I really don't know," Mrs Whitlam said. "I just think it would be a disaster if she didn't abdicate until Charles is 50. And you have an Edward VII situation. But I'm only telling you the gossip."

She said that there's no gossip like the tinsil-wagging in Canberra.

FEELINGS

Tomorrow, I shall be in Canberra to interview Mrs Matcolm Fraser, wife of the Liberal P.M. with whom Kerr replaced the Whitlams. How does Mrs Whitlam feel about Mrs Fraser?

"I shall speak to her — why not? — when we meet at the Royal arrival," she said. "It's not her fault, and, Lord knows,

I'm not jealous of her. She's got a terrible job.

"I loved being the PM's wife, but, my God, it's hard work."

Mrs Whitlam rose to depart. "I read every word you wrote in the London Daily Express about my 'snooping' diary on the Queen," she said.

"I found your reaction to what I thought was quite legitimate rather critical and strange. I'll be interested to read what you make of me now that we've met."

Since she's not a woman to scrape to anyone, I asked how gladly she will bow — alongside Sir John Kerr — to the Queen.

"The Queen is a darling," she said. "I shall sweep into my full curtsy. Actually, I do it very well. And anyway, it's good exercise."

Tamie with tea and prickles

AUSTRALIANS warn you that their Prime Minister's wife is blue-blooded and bloody minded.

They add that interviewing her is like squeezing blood out of an opal.

Mrs Malcolm Fraser is not in the happiest, most relaxed political position.

Fifteen months ago, Australia's Governor-General, Sir John Kerr, sacked Labor Prime Minister Gough Whitlam, and arbitrarily replaced him with Malcolm Fraser.

Since then, Kerr has had everything thrown at him from abuse to rotten tomatoes. The deposed giantess Mrs Gough Whitlam has hurled everything at everybody.

And Tamie (short for Tamara) Fraser has been in the middle of it all, ducking.

To add weight to her problems, Mrs Fraser has dropped her own bricks. Not to say boulders.

Open-mouthed she told the world that Prince Charles, at a Montreal dinner, tried to eat his onion soup with a fork "as if he thought it was shepherd's pie or something."

Later, she carelessly spilled that the Queen, on the Britannia, had offered the Frasers "the typical English gin and tonic — luke-warm and flat."

Since then the once-bubbly Tamie has jammed a cork in her conversation, and to get at what she feels, besides acutely gassy embarrassment, you need a bottle opener.

"That comment about the Queen's gin and tonic was such an ignorant, Australian thing to say," she mourns.

"My trouble is that I used to be very free with my throwaway remarks."

Now, she clutches what she says to her chest and

How English newspaper readers will see our First Lady. JEAN ROOK of the London Daily Express is touring Australia. Earlier this week she talked with Mrs Whitlam. Today she takes a waspish look at Mrs Fraser in The Lodge.



no discomfort when we meet."

The Queen should enjoy the meeting more than Ascot.

On impact, Mrs. Fraser is aggressively English, possibly in training for the Royal visit.

The lawns of the lodge, the PM's official residence, are rolled like a Surrey cricket pitch. Wisteria hangs round the black-coated butler at the door.

We are served hot scones from a silver dish and the butler butters and jams Tamie's.

I am tempted, but I am not bitch enough, to tell Mrs Fraser that the Queen, at home, kicks off her shoes and pours her own tea, and that the Queen Mum, who likes an occasional gin and tonic, helps herself to ice.

Tamie looks like the perfect long-stemmed, pink-cheeked English rose. She is distant and prickly until I ask her how she manages it in this heat.

"Three cheers for Revlon," she says. "I am a lot browner than that underneath and this is the first time I've worn tights for a week."

When she loosens up and sheds her petals there is a

lot more underneath about Mrs Fraser.

Far from the Fraser's multi-roomed family home in lush, wealthy Victoria, she tells me she is worried about the official royal tour dinner.

"This place is far too small and somehow we have to melt down our dinner parties so that 12 people can sit round the table without being squashed."

Her chat is very chit and she speaks in the small, clipped tones of a box-hedged English garden party.

Pressed to comment on the Australian political wrangle which has raised world eyebrows and some mirth, she folds her hands neatly, plants her voice and says, tidily: "It was the only course which Sir John could take and quite in line with the constitution."

Pushed over her trim little edge by my hint that 14,000 miles is a long way to come to hear anything as flatly lukewarm as that, she lets fly. "When Malcolm said that he thought Kerr would sack the Whitlams, I said no one is going to be game enough to do that, and certainly not Kerr."

In the short, following silence, she looks as if she

has dropped a scone, butter-side down.

Asked for her opinion of the British she actually talks about our "sense of humor" and "stiff upper lip."

Her clichés are pearls, strung. She could wear them with a diamond brooch on her left lapel.

If you can snap them and her discretion, she will tell you that her "most unfavorable British export is the Poms who are taking over our trade unions."

The Frasers have been married for 20 years and have four teenage children, one called Phoebe.

"Phoebe, Phoebe, who the hell may she be?" Suddenly snickers Tamie, who has an unenvying habit of bursting into little piggy snorts of laughter.

Feeling that we are reaching common, less parched ground, I ask where and how she and the Prime Minister met.

Rising and stiffening like a standard rose, she says witheringly: "In Australia we don't ask about gory details like that."

It has begun to rain, but the garden sprinklers are still going like Trafalgar Square.

By this time, I'm feeling snappish as a Corn and determined to crack this woman's porcelain.

Can she not break loose from her newly minted and beautifully polished image? Be her old danger-dropping self.

Can she at least command her own language? "Yes," snags Tamie, slyly.

"I speak Australian perfectly. When I'm fed up with taking telephone calls — I hate being a public figure — I speak Strine, so people don't know who I am."

She can even write it. She signs off thank-you-for-dinner notes to friends "airsley fair billis" (absolutely fabulous).

Perhaps Tamie Fraser could be "airsley fair billis?"

If she had the guts.

glances round to see if anyone is listening.

Physically Tamie Fraser is the antithesis of her mighty rival, Margaret Whitlam. Mrs Whitlam is 6 ft 2 ins (188 cm) and built like King Kong. Mrs Fraser is 5 ft 6 ins (168 cm), but thin as an emu's neck.

Is there likely to be a cat fight when Australia's leading ladies meet during the Queen's visit?

"Big Marg" told me earlier this week: "I shall

speak to Mrs Fraser — after all it's not her fault."

Mrs Fraser says: "I've always admired Mrs Whitlam, and of course there will be

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Come on, Tamie — drop a few more clangers!

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By JEAN

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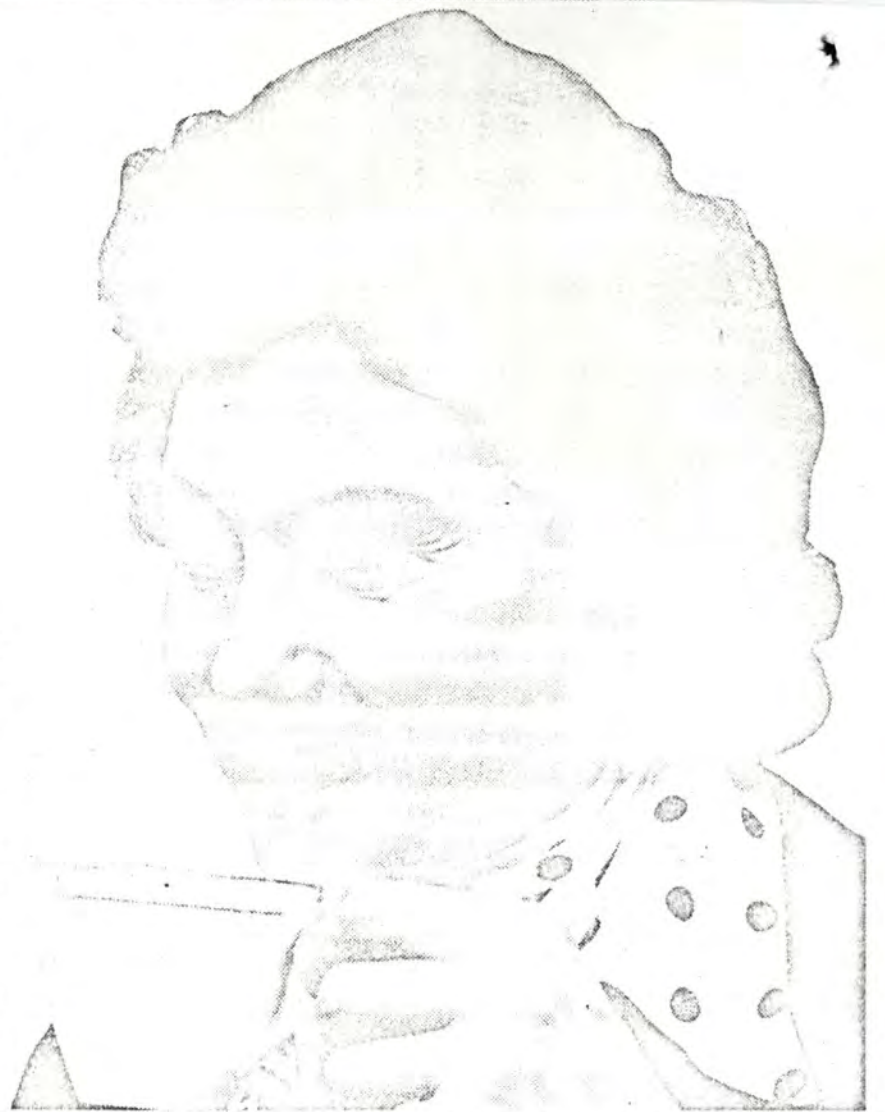
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Caucus backs Whitlam's veto on Kerr



From TONY WALKER

CANBERRA. — ALP Caucus members last night generally supported a decision by the Opposition Leader, Mr. Whitlam, to turn down an invitation to a Government House dinner for the Queen.

They said it would be hypocritical for him to sit down at the same table as Sir John Kerr.

A former Senate President, Senator O'Byrne, said he understood Mr. Whitlam's reluctance to attend the function.

"The actions of the Governor-General were a collective insult to the party done in the name of the Queen," he said. But Opposition sources stressed that Mr. Whitlam will see the Queen on at least six occasions while she is in Canberra.

Mr. Whitlam yesterday declined to comment.

Government House also would make no direct comment except to confirm that normal protocol procedures had been followed in drawing up the list for the dinner.

Traditionally, the Opposition Leader figures prominently at such occasions.

'Hayden for leader' moves

From TONY WALKER

CANBERRA. — Pressure is mounting on former Treasurer Bill Hayden to contest the Labor leadership.

The "draft-Hayden" move is coming from all sections of the Labor Caucus.

His supporters claim they have the numbers if Mr. Hayden is prepared to make a strong bid for the job.

But so far Mr. Hayden has given no undertaking that he is prepared to run against Mr. Whitlam.

In the past he has made it clear he would not be part of a leadership challenge.

However, he is now believed to be interested in running for deputy.

His reluctance to run for the top job could cost him considerable support in any contest for the deputy leadership.

There is a feeling within Caucus that Mr. Hayden should accept leadership responsibility.

Mr. Whitlam has made it clear on several occasions that he regards the former Treasurer as his logical successor.

However the Opposition Leader has been adamant that he will lead the party at the next election.

Pressure has built up for a leadership challenge since the resumption of Parliament, because of what is considered a disappointing performance by Mr. Whitlam.

Names being mentioned by Mr. Hayden's supporters as possible running mates include the shadow Attorney-General, Mr Bowen and the national resources spokesman, Mr. Keating.



Mr. Hayden.

'SAVAGE' LETTER Cameron hits at leadership

By GAY DAVIDSON, Political Correspondent

One of Labor's ministers who was demoted while in office, Mr Clyde Cameron (SA), has written a long letter, savagely critical of the party leadership — and by implication, Mr Whitlam.

The letter, dated February 21, and sent to the caucus secretary, Dr Jenkins (Vic), has been copied and sent to senior Labor Members.

Members and senators yesterday discounted it having any effect on Mr Whitlam's standing now, or on his chances in the leadership ballots in May.

There was a general feeling that Mr Cameron was exhibiting the long and implacable memory for which he is well-known from previous feuds.

It is very likely that Mr Cameron will be criticised for making a potentially divisive attack which has now become public knowledge.

However, it is also likely that some of his barbs will stick, and will become a factor in the campaign that is already well under way to make changes in the senior parliamentary party positions.

Without at any stage making reference to Mr Whitlam by name, the letter says that the party has no room "for a leader who is weighed down by an insane obsession with pride and power".

It implies an elitism out of character with the party — "Australians will not tolerate a one-man dictatorship. Nor should they. Prime Ministers John Curtin and Ben Chifley proved that competent leaders can afford to be democratic.

"Neither of these great Labor Prime Ministers found it necessary to ape the pettiness, petulance and arrogance of Liberal Prime Ministers . . .

"At no time did either of those Prime Ministers find it expedient to use ministerial colleagues as scapegoats for their own inadequacies or faulty judgments, or to threaten resignation whenever they could not get their own way in the councils of the party".

'Dictator'

With considerable subtlety, the letter continues: "Once elected, an anti-Labor PM can be almost as much a dictator as was Hitler, Stalin or Franco. Whatever he wants he gets.

"He can subvert the authority of his ministers by giving orders to their permanent heads. He can interfere in the affairs of departments which other ministers have been commissioned to administer.

"He can dismiss or reshuffle ministers at will.

"He can personally appoint ambassadors, royal commissioners and inter-departmental committees to report upon matters which are under the jurisdiction of fellow ministers.

"Without reference to Cabinet he can agree to changes in the exchange rate, in interest charges and the money supply.

"He can hold secret meetings of the Executive Council to make major decisions without so much as even making an oblique reference to the matter to his Parliamentary Party or Cabinet.

'Veto power'

"He can abolish departments and alter administrative arrangements without the authority of his party or Cabinet. He can make personal declarations in the name of the Government on matters relating to foreign policy and Commonwealth-State relations.

"He can veto the appointment of statutory office holders within the jurisdiction of other ministers and, by the manipulation of the business paper, can even veto Cabinet discussions upon any matter on which he may fear an adverse vote.

"Like a feudal king, an anti-Labor Prime Minister can play favourites. He can be party to, or close his eyes to, a most serious breach of Westminster convention by one minister, and can capriciously as the Governor-General dismiss another for a relatively minor indiscretion.

"Without reference to Cabinet he can give himself extravagant junkets overseas while at the same time refusing to permit his ministerial colleagues to attend important international conferences of vital concern to their ministries.

"He can blackmail his colleagues with the threat of a dissolution or double dissolution of the Parliament, whenever he cannot win his way by the normal means of persuasion".

Mr Cameron's letter listed recommendations for caucus rule changes — some changes are actively under consideration now, including the possibility of a Cabinet chairman, not the leader, as is now the case with caucus meetings. Mr Cameron's suggestions included the need for safeguards "when the Executive Council is proposing to deal with a matter of major importance" not previously considered by Cabinet. "A large overseas loan" was given as an example.

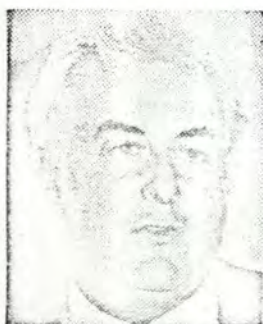
First open move against Whitlam as ALP's leader

From PETER BOWERS, Political Correspondent

CANBERRA, Friday.—Mr Clyde Cameron, a former Federal Labor Minister, has made the first open move against Mr Gough Whitlam's leadership of the Federal Parliamentary Labor Party.



Mr Cameron



Mr Whitlam

Mr Cameron, in a letter to the secretary of the FPLP, Dr H. Jenkins, says: "There is no room in the Labor movement for people who see any merit in the kind of behaviour that is tolerated from anti-Labor Prime Ministers.

"It has no room for a leader who is weighed down by an insane obsession with pride and power, and who assumes prerogatives his office does not possess."

Mr Cameron does not name Mr Whitlam in the six-page letter, but the target of his attack becomes obvious when the letter is read against the background of his long-standing feud with Mr Whitlam.

In June, 1975, Mr Cameron, then Minister for Labour in the Whitlam Government, refused to resign from his post when demoted to a junior portfolio in a ministerial reshuffle.

Mr Whitlam advised the Governor-General, Sir John Kerr, to revoke Mr Cameron's commission but, later that day, Mr Cameron capitulated and agreed to take a junior post.

The contents of Mr Cameron's letter, written last Friday, became public today after being "leaked." While few Labor MPs believed the attack would harm Mr Whitlam directly, there was general agreement that Mr Cameron had enlivened the leadership question, to be decided next May at a mid-term "spill" of all party positions.

Mr Cameron's onslaught takes the form of an impassioned argument for changing the parliamentary party's rules to curb the authority of a future Labor Prime Minister. He sets out 21 new rules he wants written into the party's standing orders.

He said Labor's platform called for the restoration of Parliament as the principal organ of democracy, and demanded "the maintenance of effective parliamentary supervision over the Administration."

That meant all ministers were subject to the decisions of Cabinet, which at all times was subject to the majority decisions of Caucus.

"Australians will not tolerate a one-man dictatorship, nor should they," Mr Cameron continued. "Prime Ministers John Curtin and Ben Chifley proved that competent leaders can afford to be democratic."

"Neither of these great Labor Prime Ministers found it necessary to ape the pettiness, petulance and arrogance of Liberal Prime Ministers."

"Both proved that, in politics, intelligence, loyalty and good judgment are far more important than academic qualifications alone."

"Both were humble men who were able to command the love and respect of their followers, without bluff, bluster or bullying

"Both gave complete loyalty to their party colleagues and received loyalty in return. At no time did either of them display the slightest evidence of vanity or egocentricity."

"Their attitude to party colleagues was summed up by Ben Chifley when he said that the leader of the Federal Parliamentary Labor Party must never be allowed to become more than a first among equals."

"Cabinet must always be above its individual members, and Caucus must always be above Cabinet."

The Liberals took the view that dictatorial leadership must be prepared to accept the consequences of failure.

Woman hurt in house fire

A woman was in a serious condition in the Prince of Wales Hospital last night after suffering severe burns in a house fire at Birrell Street, Bondi, yesterday.

Three brigades fought the fire which severely damaged the front room and hall on the ground floor of the two-storey house.



H. M. YACHT BRITANNIA

PERSONAL AND
CONFIDENTIAL

At Apia, Western Samoa.

My dear John

Thank you very much for your letter, uniquely undated, but received by me about ten days ago. It was about awards in the Royal Victorian Order to the staff at Government House. I am drafting this reply in the air between Los Angeles and Pago Pago as we travel through seemingly endless night: the dawn is chasing us but it makes little headway!

I can assure you that all those mentioned in your letter will be considered for awards in the Royal Victorian Order when The Queen is in Canberra. I am grateful for your recommendations.

I was pleased and interested to see Mr. Whitlam's name on the list of those who will be attending your dinner at Yarralumla. Am I right in thinking that he has in fact accepted? I hope so. Perhaps The Queen's call in her Christmas Broadcast for Reconciliation and her hope that this was what people might give her as a Jubilee gift may become a reality in this case?

Yours ever
Marlene

P.S. Great coming and going as you can imagine over the resignation of Sir John Gaise!

His Excellency
the Governor-General of Australia.



BUCKINGHAM PALACE

PERSONAL AND CONFIDENTIAL

1st February, 1977

My dear John

Thank you very much for your letter of 20th January about the gift for The Queen which is being discussed by the Prime Minister and Members of the Cabinet.

It is of course always appropriate for an attempt to be made to ascertain whether any gift offered to Her Majesty is acceptable. This is not so much for reasons of protocol, but in order to be sure that the gift would in fact give pleasure. The proposition that The Queen should be given an Australian bred racehorse has reached us through other sources and Her Majesty knows all about it.

It is a proposition in which The Queen is most interested and my understanding is that she would like the animal to be a filly and that - and this is the most important point of all - it should be bred for racing in Europe.

From your letter I see that this is the intention and that the suggestion that a number of leading mares should be put to a selected Australian sire and that from the resulting progeny the best should be chosen seems quite admirable.

Lord Porchester, The Queen's Racing Manager, has just spoken to me to say that he has heard on the telephone from Mr. Colin Hayes that he has been discussing this matter with the Prime Minister and that the selected sire is to be one called "Without Fear" and that the arrangements are that Mr. Hayes should keep control of the progeny of the mares and that the selected animal should be sent to England as a two year old.

All this sounds extremely satisfactory and I understand that I may expect to receive a definite proposition on these lines to place before The Queen.

Thank you very much for writing about this matter. Your letter has been most helpful.

We come now to the question of the Sovereign's Brooch to be worn by The Queen as Sovereign of the Order of Australia.

I think the brooch should be handed over by you in an informal manner and that a photograph should be taken of your doing this.

As Chancellor of the Order, I am sure you are the appropriate person to present the brooch to Her Majesty. I understand that David Smith and Bill Heseltine have in fact been in communication about this matter and the proposal is that the presentation should be done at luncheon on the first day in Canberra.

*Yours
Martin*

His Excellency
the Governor-General of Australia.



SANDRINGHAM, NORFOLK

PERSONAL AND
CONFIDENTIAL

25th January, 1977.

My dear John

Thank you very much for your letter of 20th January with which you forwarded the various documents sent you by Mr. Fleming.

I am glad to have seen these and, on the whole, find them encouraging. At any rate there does not seem to be evidence at the moment that anything serious in the way of disturbance is being organized to mar The Queen's visit. We must hope that the sun, the beach and the cricket continue to seduce people's minds away from protests!

I shall be writing separate answers to your other letters also received today.

*Yours as
Martin*

His Excellency the Governor-General
of Australia.



SANDRINGHAM, NORFOLK

PERSONAL AND
CONFIDENTIAL

25th January, 1977.

My dear John

Thank you very much for your letter of 20th January about the rail disaster. I have shown this to The Queen who commands me to thank you for it.

As you will probably know, in the event The Queen instructed that a message of sympathy should be despatched before Mr. McElligott was able to give me the full report on what had happened. We were under much pressure here from representatives of Australian newspapers and broadcasting to get the message out and it was clear from all reports that the disaster had been a major one so it seemed better to get on with it as soon as possible.

Let us hope that now there has been three major disasters in such a short space of time, there will be no more for many years to come.

*Yours
Marina*

His Excellency the Governor-General
of Australia.



SANDRINGHAM, NORFOLK

PERSONAL AND
CONFIDENTIAL

25th January, 1977.

My dear John

Thank you very much for your letter of 20th January which I have shown to The Queen. Her Majesty is, as always, grateful for the information you send her.

I am, of course, delighted that your appointment to the Privy Council passed without criticism and I much look forward to being present when you are sworn in at Canberra.

I note that you expect to leave Australia for your leave on or about 21st April and I think it is an excellent suggestion that you and your wife should be on board H.M.A.S. MELBOURNE for the Spithead Review. Nothing could be more appropriate.

If you are to be in London over Ascot Week you may be sure that The Queen will give instructions for you both to receive vouchers for the meeting. We will arrange all this nearer the time.

The Queen was most interested at the political news given in your letter and it is most satisfactory that there are unlikely to be any problems during the time of Her Majesty's visit.

Perhaps the referendum, of which you write, should it be placed before the electorate, may be one of those that succeed which I believe would make it a rarity! Presumably the chances of success

will be far greater if the Labour Party agree to the proposals.

I naturally hope very much that the doctors will give you a clean bill of health and that you will indeed be in a relaxed and happy state of mind for the Royal Visit, to which everyone here looks forward. Diet and exercise do us all good in mind and in body!

*Yours ever
Martin*

His Excellency the Governor-General
of Australia.



SANDRINGHAM, NORFOLK

PERSONAL AND
CONFIDENTIAL

21st January, 1977.

My dear John

Many thanks to you for your letter of 4th January which I am answering from Sandringham House which is now happily reoccupied by The Queen and her family after a two year absence from it.

I have just been talking to Her Majesty about your letter and she has told me to thank you warmly for the information contained in it.

In your letter you raise one or two specific points and I will answer them as well as I can before turning to more general matters.

The first matter concerns your own leave. On the assumption that your Prime Minister is agreeable, Her Majesty will be glad to approve your absence from Australia from early April to mid-June - or thereabouts. There is certainly no need for you to give exact details at this stage. The Queen will, of course, be glad to receive you when you are in London.

The second point is that The Queen will be very pleased to present the Royal Humane Society of Australasia's award to Roger John Smith when she is in Brisbane. Bill Heseltine will be taking the necessary action to see that this item is included in the Queensland programme.

The third point concerns your writings. We will discuss the matter further when we meet in Australia, in the meanwhile I think all that I can usefully say is the obvious: that it would be clearly improper for you to publish anything about events which have taken place during your term of office whilst you remain Governor-General.

I cannot, personally, see anything wrong in your publishing autobiographical material from a period before you assumed office, but I think one must recognize that almost anything you publish now will be scrutinised with November 1975 in mind, if only to discover and discuss how your past life may have influenced your later actions. I can visualize commentators avidly going back to your childhood and school days for "leads"!

I have also thought that it might be helpful to discover whether there are any precedents for a Governor-General writing about political events which took place when he was in office. I have not been able to discover any. In particular, as far as I know, Lord Byng maintained a discreet silence: but both the times and the circumstances are very different in your case. I look forward to discussing this with you further when we meet.

You need have no concern about any adverse publicity generated here over your Privy Counsellorship. It was minimal and indeed verged on the non-existent! I think your appointment gave much pleasure to your many friends in this country.

I wish you were sitting with me in Norfolk this evening as I should be so interested to have your views on the controversy which is at present going on between the Attorney General and the Master of the Rolls and his colleagues, over the threatened Postal boycott of South Africa. A trained legal mind would be a pleasant and helpful ingredient in the discussions taking place about this most interesting case!

The Queen sends you both her best wishes and looks forward to seeing you in Australia as, I need hardly say, do Bill Heseltine and I.

John
Martin

His Excellency the Governor-General
of Australia.

Government House,
Canberra. 2600.

20 January 1977

I feel I should on a personal basis raise with you a matter on which I am doubtful about the protocol. It is to do with a gift which is being discussed by the Prime Minister and members of the Cabinet to be offered to Her Majesty during her visit. The rules which The Queen applies as to the acceptance of gifts are not known to me and I feel more at ease in mentioning this to you than to anyone else. I assume that the rules would include some attempt to ascertain whether the gift would be acceptable.

If this is so, then doubtless, the proper steps will be made on behalf of the Government in advance. The point of this letter is that it could be helpful for you to have an opportunity to think about this one possibility in particular. The Cabinet is most anxious to make a presentation to The Queen which will give her some personal pleasure. What is being discussed at the moment may not turn out to be the ultimate decision as to what the Government would like to do because the question has not been finally discussed and certainly not determined. I have been asked what my reaction to it is and have given the preliminary response.

As I understand it from the Government and from Senator Withers, who is the Minister for Administrative Services, the Government is considering offering to Her Majesty an Australian bred racehorse. What is proposed is to have a horse bred for the purpose.

It would need to be bred for the northern season. There is no horse regarded as being suitable, already bred, and the plan is to have some six leading mares put in foal by a selected Australian sire, to study the group and to select the best. This would mean that as the foals could not be dropped this year, the one ultimately chosen would have been conceived during the Jubilee year but not born until early next year.

Her Majesty's interest in racing is, of course, well known in this country in which there is a very wide-spread following for the same sport. I have no doubt whatsoever that this proposal represents a genuine desire on the part of the Government to do something which would be pleasing to Her Majesty and would be interesting and unusual in the eyes of the public which would follow later events with great interest including, of course, the history of what happened to the other five foals.

.../2

My first response was to say that it seemed to me worthwhile to explore the idea. I cannot, of course, in any case enter into decision making, nor the steps which would be taken. As you can see my purpose in writing this personal letter, which I am not doing at the request of the Government, is so that you may consider in the Palace, in advance of this possibility becoming an actuality, if there is any reason why an approach of this kind would not be desirable. I can ensure that, before any attempt is made to put such a plan into action, the Prime Minister has enquiries made about its suitability. I can even exercise such influence as I have in one direction or the other but there are, of course, limits to this.

If I have not done the wight thing in letting you have notice of the possibility which, as I have said, may not turn out to be the actuality, let me now please apologise in advance. As you will, I am sure, realise I am attempting in this letter only to give you notice so that all the angles and possibilities which might flow from such a gift can be taken into account.

Turning to another entirely different subject, I should like to raise the question of The Sovereign's brooch to be worn by her as Sovereign of the Order of Australia. This is, as I understand the position, to be ready to be received by her during her visit. The purpose of this letter is to enquire what kind of arrangements should be made for her to receive the brooch. Should they be in the form of some ceremony? Or should it be done informally? Who should be the person to hand the brooch to her? Presumably as it is not a government matter, I as Chancellor might have to play some role. If David Smith has taken this matter up with you please forgive me for doing it again. David has been on leave since before Christmas and will not be back on duty until Monday next. I can understand, therefore, that as Secretary of the Order, he may have written and he would certainly have had my approval in taking up the matter mentioned above. We are away from Canberra and I mention the matter in this way because I am writing for other purposes.

The Queen, as you know, is having an investiture including an investiture in the Order of Australia and I should like us to have achieved the position that at the time she actually has received her brooch as Sovereign of the Order.

Please assure Her Majesty of the continuance of my humble duty and loyalty.

Lieutenant-Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.

Government House,
Canberra. 2600.

20 January 1977

I have sent by telegram my thanks on behalf of those to whom The Queen expressed her sympathy and that of His Royal Highness The Duke of Edinburgh, because of bereavement and injury in the Sydney rail disaster, and I now again express our thanks from Australia for her personal and immediate concern.

I was present, in Melbourne, yesterday with the Prime Minister when he spoke to Mr Wran, the Premier of New South Wales, at my request, to make sure that we had the up to date position to pass on to Her Majesty on this terrible accident. It was clear to me that The Queen would want to send a message and I wanted her to have the true facts. Mr McElligott has told me that Her Majesty had early in the morning asked to be fully informed and it was very sympathetic and understanding of her, if I may venture to say so, to send a message immediately based upon the publicly available information. We have given you the latest details by telephone. The final facts as to deaths and injuries are now available - an appalling 80 dead and 83 injured. Mr McElligott has, at my request, sent in the same bag as this letter an account of the accident given to the Prime Minister by Mr Wran.

I have passed Her Majesty's message on to His Excellency the Governor of New South Wales and appropriate public notice has been taken of her most sympathetic and personal statement.

There is not much that can be added to the publicly available information. The Chief Judge of the District Court of New South Wales, Chief Judge Staunton, (we have in that State a system of District Courts, similar to your County Courts of which he is the head) has been appointed to conduct the inquiry. It would perhaps be helpful if I keep you informed about this disaster so that The Queen will be fully aware of the unfolding story when she arrives in Australia.

.../2

PERSONAL AND CONFIDENTIAL

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The impossible and distressing things which can and do happen have been amply demonstrated in the last couple of years - I mention only the Darwin cyclone, the fact that in Hobart a ship incredibly ran into a bridge over a river and now a train has run into a large bridge over a railway line. These three disasters, together with floods, other cyclones, bushfires and various troubles, both natural and involving mechanical operations have shown how much we need, in a country like this, really effective disaster organisations. Fortunately our people come good under such circumstances and show what I hope and believe to be our underlying qualities.

May I again express, on behalf of Australians, deep gratitude to Her Majesty and add the request that you should pass on the personal feelings of loyalty and humble duty of my wife and myself, as of the country, to The Queen.

Lieutenant-Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

PERSONAL AND CONFIDENTIAL

Government House,
Canberra. 2600.

20 January 1977

I should like to thank Her Majesty for conferring upon me the honour of membership of the Privy Council. Of course, my response was immediate when the matter was raised with me by Sir Donald Tebbit, and I am deeply grateful.

I understand that there have been two different streams of advice going to the Prime Minister, as always on matters affecting me and my household. There are people around who are frightened of criticism because what has always been normal is done in my case. It is understandable that in the higher echelons of the Public Service there are some who have some personal bitterness due to their own private political allegiances and others who are fearful of the criticism that I am being rewarded for services rendered. This attitude is, of course, absurd. In point of fact, there was, as far as I know, no criticism at all of what happened. I am glad that at the outcome such a signal honour was not marred for me by critical reaction openly expressed in Australia.

We are all happy here that the Jubilee Year has begun and that the visit to our part of the world is to be early in the year.

The Prime Minister has approved of my wife and *me* taking mid-term leave and we shall leave Australia somewhere between 7 and 21 April.

The Chief of the Naval Staff has mentioned to me that there is to be a review of naval ships at Spithead on 28 June. HMAS MELBOURNE and an escorting destroyer will be in the line of ships, and he has asked me whether, as Commander-in-Chief of the Australian Defence Forces, I could be on the MELBOURNE during the review. If possible my wife and I should like to do this, which would mean that we would probably delay our departure from Australia until say about 21 April and plan to get back at the end of June or the beginning of July. Parliament, of course, will not be sitting during June and July.

Would it be possible for us to hope that if we are present in the United Kingdom during June we can have the pleasure of being at Ascot?

.../2

The fact that we shall be going on leave soon after The Queen's visit means that Sir Roden Cutler, to whom I propose immediately to speak, will probably take over as Administrator.

The Labor Party will solve its leadership problems for the period up to the next election soon after we leave for overseas. It is difficult to imagine how the first half of the year can involve any problems, subject to what I say in a separate letter about The Queen's visit.

It is inevitable that the Parliamentary session beginning in Australia in August, or thereabouts, with the presentation of the Budget will concentrate attention on economic issues. The Government's tactic appears to be to aim for an election in late 1978 or as late as March 1979. The House is automatically dissolved under the Constitution three years after it first meets and an election must then be held. If the Government wish to bring down a 1978 budget and have a few months to allow it to work itself out and to produce results in the minds of the electors, the House of Representatives' election could be delayed until about March 1979.

The Attorney-General has announced that the Government will probably bring down a referendum to enable the half Senate elections to take place concurrently with the House of Representatives' elections. It has adopted for this purpose a Bill which the Labor Party itself produced when in office. That Bill, or rather the proposals on which it is based, had the unanimous support of the Constitutional Convention in Hobart recently. All parties apparently accepted it. If it is put to the people in May next, as is in mind, and if the Labor Party decide to support it, then a half Senate election could be delayed, if the referendum passes, till the House election. This would give the Government the advantage of not having to fight a half Senate election in May 1978.

To fight such an election as I have previously indicated would be to face what could be looked at as a kind of byelection. People could in fact register their disapproval of the Government without having to accept the responsibility of voting it out of office. Despite this advantage to the Government, flowing from such a successful referendum, it is thought that the Labor Party will nevertheless agree to the proposals upon the ground that in the future when the tide turns it will gain advantages in the Senate by having Senate elections held at the same time as resounding Labor victories in the House.

All of these matters are, of course, questions of political judgment. The events will unfold during the course of the year. If things work out according to the Government's present strategy it will have the 1977 and 1978 Budgets to help bring the economy into some upward movement. Certainly any Government would need time, in present circumstances, to improve things on the economic scene.

.../3

One of the interesting features of the present situation is that Ministers with whom I talked, so far as I can judge, did not appear to be depressed by the latest Morgan Poll, figures which at the last minute I slipped into my last letter without having time to make any reference in the letter to them. This showed an adverse reaction to what has happened on the devaluation question with Labor surging ahead. Despite this the Ministers appear to be calm in that many of the indicators are showing movements in the right direction. Retail trade purchases, purchase of new motor cars, approvals for new housing and other indicators are showing slight upward trends. They claim to have got some growth into the economy. It is realised, of course, that there will be more inflationary tendencies due to devaluation.

The Treasurer has announced that there will be no tax cuts this year despite enormous pressure from interests right across the board in favour of tax cuts. The Prime Minister told me the other day that the Government's intention is to keep heavy pressure on Government spending with the intention of keeping it down. Expenditure will not be allowed to increase in real terms if he can achieve this. The object is to grant tax cuts later as a measure which the Government wishes to take but feels it has to delay for the time being.

We are at the present time living in Kirribilli House, Admiralty House being under extensive repair, the electrical wiring having been found very defective and other major repairs being necessary.

Parliament is to open on 15 February and to be prorogued after a two week sitting so that it may be opened by The Queen.

I propose to have a check up from the point of view of my health and physical condition, starting late in January and going through to somewhere about the middle of February. The doctors take the view that after the heavy year that we have had, although tests have so far shown no reason for concern, I should have a test done of my fitness similar to what I had a couple of years ago and involving heavy exercise under medical supervision with a very limited diet. They want me to take off some more weight.

I am quite willing to submit myself to this as I should come out at the other end in a relaxed and happy state of mind, ready for the Royal visit. Please excuse these trivial personal details. I mention them because my wife and I will need to operate from Kirribilli House for a few more weeks to enable all of this to happen. The kind of things involved in the health programmes interfere very little with the official work that I have in the period up to the opening of Parliament and as I will not be actually living in the hospital and will be able to have callers and preside at Executive Council Meetings, it will be obvious that there is nothing wrong with me and I am not, as doubtless will be said to begin with, having health troubles of some serious kind as a .../4

PERSONAL AND CONFIDENTIAL

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result of activities last year. The Prime Minister and I have talked about all of this and he agrees that it is better both to have the tests and to avoid residential handling of matters in a hospital.

As I have said in recent letters we are all getting excited about the Royal visit and look forward to being able to express our humble loyalty and duty to Her Majesty personally.

Lieutenant-Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

PERSONAL AND CONFIDENTIAL

Government House,
Canberra. 2600.

20 January 1977

I have had, today, a long talk with Mr Fleming the man in charge of the co-ordination of V.I.P. security. He left certain documents with me and after reading them I shall return them to him through David Smith. I am sending you a set of these documents for background information in relation to the visit.

I shall keep my personal "outside" programme down to a low level of activity while The Queen is in Australia and before she arrives. There is a real possibility that there may be attempts to embarrass me by the use of placards and chanting on occasions when The Queen is present and I am not and when I am present and she is not. Whatever is done will get maximum coverage by the media and this will be attractive to political demonstrators - especially the professionals.

The enclosed documents speak for themselves.

The Australian Union of Students is 250,000 strong on nominal figures "represented" but its executive is in the hands of militant extremists though moderate representation is increasing. The 'Age' clipping may indicate a real intention to step up demonstrating during the visit.

S.A.C.K. is weak in numbers but mainly through Harriet Swift active in press handouts and other ways. I hope she is not bothering you too much with a flood of material.

It should be possible for me to keep you up to date with intelligence between now and when you leave but most of what happens is amongst students spontaneously organised in the last few days before an event.

In sending the enclosed I have assumed that it is better for you to have this background than not to have it.

This bag contains other letters and all are meant to demonstrate my continued humble duty and loyalty to Her Majesty.

Lieutenant-Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.

AGE

13/1/77

Palace is getting anti-Kerr mail

A group denouncing the sacking of the Whitlam Government is sending Press cuttings and pro-Labor literature to Buckingham Palace.

The articles and pamphlets mainly refer to demonstrations in capital cities against the Governor-General, Sir John Kerr.

The selection of the articles and mailing are being handled by members of the Society for Asserting the Constitution over Kerr (SACK).

A spokesman for SACK said last night packages had been posted regularly for several weeks.

The campaign was designed to "bring the Queen up to date on popular attitudes towards Sir John before she begins her Australian tour on March 7".

The secretary of SACK, Miss Harriett Swift, said mailing would be intensified over the next eight weeks.

Members of SACK would be formulating demonstration plans against Sir John during the Royal visit.

A spokesman for the Australian Union of Students said AUS would discuss the possibility of protests when the Queen and Prince Philip arrive in Melbourne on March 16.

The assistant police commissioner for operations, Mr. Ron Kellett, said a meeting would be held to work out a security plan while the Queen and Prince Philip are in Melbourne.

The Royal couple will arrive in Canberra on March 7. They will have lunch at Government House and dinner at the Prime Minister's Lodge.

- 13/1/77
1. *Word Gen - I will see in hand when discussing intell. requirements with*
 2. *Word Obs*
 3. *Word Int.*
 4. *Mr Kavanagh*
 5. *P.A. Royal Visit file. Copy SACK AUS.*

Correspondence should be addressed to -
Chief Commissioner of Police
Box 331, G.P.O.
Melbourne, Vic. 3001

Telephone:
662 0911

VICTORIA



POLICE

CHIEF COMMISSIONER'S OFFICE
POLICE HEADQUARTERS
MELBOURNE

Our Ref.

11th November, 1976

Your Ref.

CHIEF COMMISSIONER:

Inveterate Demonstrators

In the course of conversation with the Prime Minister, the Right Honorable J. M. Fraser, his security consultant, Mr. A. Fleming and Dr. A. Griffin of the Premier's Department, at Warrnambool Airport on 30th October, 1976, the Prime Minister requested advice regarding "regular" demonstrators who habitually attend almost any demonstration, irrespective of the issues involved. The Prime Minister said that he intended using this information as the basis of a statement in parliament to give the public an awareness of the trend in dissidence.

Evidently, the Prime Minister's interest was inspired by a widely publicized incident which occurred during a demonstration against the Governor General, Sir John Kerr, outside the Melbourne Hilton Hotel, on the eve of his visit to the V.F.L. Grand Final, when an office-bearer of the People Against Communism organization and two companions were recognized by anti-Kerr demonstrators, pursued and severely assaulted. One of these, a former member of the now defunct National Socialist Party, suffered a punctured lung and other injuries.

This confrontation occurred when left wing elements, demonstrating against the Governor General, recognized the right wingers as a result of the presence of both factions at a demonstration against the nuclear powered U.S.S. Truxtun, at Port Melbourne, organized by the Green Earth Society.

Since criminal charges have been laid in connection with this incident, the matter is now sub judice and no comment can be made upon the evidence, other than in the most general terms.

It has become notorious to police involved in controlling demonstrations and providing security for controversial public figures, that a hard-core of demonstrators, intent on provoking disorder, appear at most major demonstrations. The same familiar faces have been observed among the crowd at demonstrations against the Governor General, the Prime Minister of Singapore, nuclear powered warships, etc.. Some of these persons have been active since the Vietnam moratorium demonstrations. Some are student activists, some are well known political activists and others are of unknown political allegiance. Over the past twelve months, as many as 100 of these regulars have been in evidence. Motor vehicles driven by some of them have been observed near demonstrations in the City and even outside the Prime Minister's property at Nareen. *+ Seelung*

Most have never been the subject of prosecution. A few have acquired convictions as a result of prosecutions arising from political protest and demonstrations extending over several years. A comprehensive list of specific instances has not been detailed since our criminal records are not collated of these events of this

Taking to the streets became an established method of expressing dissent during the Vietnam era and it is abundantly clear that, with a decline in popular causes, hard-core dissidents are intent upon perpetuating this device as a means of achieving confrontation with authority. This results in a degree of media publicity out of all proportion to the particular issue involved.

It must be stated, in this context, that the mass media continues to create the environment for demonstrations by publicizing proposed visits of dignitaries to particular functions, whether of a private or public nature. The effect of this publicity is to sensationalize events which, otherwise, would pass unnoticed and to invite the consequences which follow.

Because of the necessity to preserve the confidentiality of police records, the subject matter of this memorandum has been dealt with in general terms and without identifying particular individuals. Nevertheless, it can be categorically stated that there is a hard-core of inveterate demonstrators who have a continuing involvement in demonstrations inspired by any cause which happens to be topical.

Although advice of this general nature does little more than confirm the Prime Minister's belief, I suggest that his request should be brought to the attention of the Under Secretary, for information of the Minister, because of the political implications involved.

C. Miller

ASSISTANT COMMISSIONER (OPERATIONS).

MINUTE

Originating
Office:

Ref: 74/5316

74/5200

NOTE FOR FILE:

MR A.P. FLEMING *(Handwritten initials)*

Domestic Violence and Counter Terrorism

Your minute of 27 November 1976 refers.

2. The climate of demonstration is perhaps less turbulent now than it was in the years 1968-71 when the New Left had reached a pinnacle of popularity and when Viet Nam allowed extremists to exploit and expand legitimate protest into violent demonstration. From these extremist groups emerged a nucleus of hard core demonstrators dedicated to the overthrow of the establishment and practised and skilled in the techniques of violent protest. These cadres given certain suitable conditions have a continuing capacity to mount violent demonstrations over a wide range of causes and through a considerable number of organisations.

3. Hot on the heels of protest violence there developed another global phenomenon which added a new and ruthless dimension to the existing security problems of subversion, sabotage and espionage. This evil of terrorism used the weapons of fear, murder and destruction to exert pressure and achieve political ends.

4. Domestic Violence: In a report dated 18 November 1976 Commonwealth Police listed 251 demonstrations held throughout Australia over the period December 1975 - November 1976. 21 of those 251 demonstrations resulted in arrest or arrests and therefore could reasonably be assumed as being violent in some degree. The issues involved in those 21 demonstrations were as follows:

Issues in Violent Demos :

Anti Governor-General	9
Anti U.S. Vice President	3
Anti Prime Minister	1
Campaign against Nuclear Power	2
Lebanese Situation	1
Moshe Dayan	2
Lee Kuan Yew	1
India (religious)	1
Unemployment	1

That is, 16 out of the 21 violent demonstrations were aimed at prominent people and there is no reason to believe that this pattern will change. Whilst there are indications that the

CONFIDENTIAL

.../2

campaign against the Governor-General is on the wane it seems likely that more activity will be generated against the Prime Minister.

5. The 21 demonstrations were held in capital cities as follows:

Melbourne	8
Sydney	7
Brisbane	1
Perth	1
Adelaide	1
Canberra	3

6. Some of the other major issues around which demonstrations were held were: ^{but such violence was recorded}

East Timor	39 demos	Likely to decrease considerably
<u>Anti Nuclear Power</u>	22 demos (2 violent)	<u>Likely to increase considerably</u>
Anti Apartheid	11 demos	Likely to decrease
Anti United States and Military Bases	22 demos	Likely to decrease
Aboriginals	13	Likely to decrease
Anti Government - Political and Industrial Issues (Medibank, education, shipping)	63	Possible increase on various issues

7. Principally because of a slackening of interest by students it is considered that over the next 12 months there could be some decrease in protest activity but it is unlikely that the percentage of violent demonstrations will diminish appreciably.

8. Counter Terrorism: Because of the planning and co-ordination of counter measures by most countries and NATO in particular it is considered that Terrorism could be further contained over the next 12 months. Nevertheless, Palestinian Guerilla groups and the Japanese Red Army have an undoubted capacity to carry out kidnapping operations and to mount sophisticated and daring attacks directed mainly against air transport.

9. Conclusion: It is considered essential that this office receive timely intelligence of relevant demonstrations, domestic violence, and counter terrorism. It is suggested that this requirement could best be met by the appointment of the Co-ordinator-General as chairman of S.I.D.C.'s - Counter Terrorism and Domestic Violence.

K. S. Turbayne
(K. Turbayne)

MINUTE

Originating
Office:

Ref: 76/7367

CO-ORDINATOR-GENERAL

Protection of V.I.P.s - Sitrep

In response to your verbal request on 14/1/77 for an assessment of the likely extent of any threat to V.I.P.s, and particularly the Governor-General, during 1977:

- (a) pre Royal Visit
- (b) during Royal Visit
- (c) post Royal Visit

the following information and opinion are provided.

2. Pre Royal Visit: No information is available to ASIO and Compol to indicate that demonstrations or harassment of V.I.P.s will occur during this period. Most subversive and dissident groups and organisations tend to restrict their activities during the festive season and take some time to generate fresh initiatives. This inactivity is complimented by the absence on vacation of radical students. Unless some event occurs prior to the beginning of March which would arouse the dissidents this calm is expected to continue.
3. The itinerary of the Governor-General up to the first week in March includes a visit to Melbourne for the China Art Exhibition on 18/19 January; to Hobart from 25-28 January for the Judicial Conference; visit to Canberra on 29 January; Sydney Opera House on 29 January; Guest Speaker at Royal Commonwealth Society dinner at Embassy Motel, Deakin, on 3 February; opening of Tenterfield (NSW) show on 12 February; church service at St. Christopher's Cathedral, Manuka, on 15 February; diplomatic corps dinner/dance on 17 February; and the Legacy fete at Government House on 26 February.
4. In the absence of any concrete intelligence or information covering this period my opinion is that demonstrations are unlikely to occur with the possible exception that the R.C.S. dinner at the Embassy Motel may provide S.A.C.K. and S.A.I. with a suitable venue for a protest demonstration.
5. During Royal Visit: Although no advance intelligence is available to ASIO concerning plans by subversive organisations during the Royal Visit it must be accepted that the Communist Party of Australia (Marxist-Leninist), the Maoist oriented organisations, Students for Australian Independence, Worker Student Alliance, and the Trotskyist organisations will seek to mount demonstrations against the Governor-General.
6. More definite information is available concerning S.A.C.K. and the A.U.S. In an article in the Age of 13 January

Large number
Max public
(74, etc)

S.A.C.K. announced that "their members would be formulating demonstration plans against Sir John during the Royal Visit".

7. In the same article AUS announced that they "would discuss the possibility of protests when the Queen and Prince Philip arrive in Melbourne on March 16th".

8. This possibility is amplified by intelligence from ASIO that at the recent AUS annual council meeting, officials called for greater support of demonstrations against the Governor-General and consolidation of a more radical perspective in the community towards the present political system.

9. Also in the student field ASIO has advised that Tom ZUCKER, a member of the Melbourne University ALP Club, was reported in July 1976 to be an organiser in a campaign of demonstrations against the Governor-General during the Royal Visit.

10. ASIO drew attention also to the Australian Liberation Army bomb threat against the Governor-General, Prime Minister and the Queen last year.

11. Engagements and possible engagements of the Governor-General during this period include opening of the Queanbeyan R.S.L. Club on 12; visit of the Archbishop of Canterbury on 15/16; opening of Festival of Arts at Orange (NSW) on 18; Overseas Students Council garden party at Government House on 19; Jewish Congregational banquet in Sydney on 22; Legacy dinner at Canberra Golf Club on 26; and address to Urban Land Institute seminar at Hotel Windsor in Melbourne on 29 March.

12. All of these events, with the exception perhaps of the visit of the Archbishop and the festival at Orange, appear to provide suitable opportunities for demonstrations and harassment.

13. It is assessed, therefore, that the Governor-General's reception and farewell commitments for the Royal Visit and his other engagements during the Royal Visit are likely to be subject of protest demonstrations by the AUS, S.A.C.K., radical student groups and subversive organisations and in particular the Maoist oriented S.A.I. and W.S.A.

14. Post Royal Visit: There is no intelligence available on the likely threat to V.I.P.s during the period April-December 1977.

15. Based on an assessment of recent trends in protest activity it is expected that the main subversive organisations and environmental and other dissident groups will focus mainly on the question of opposing the mining and use of nuclear energy. If this forecast proves correct the demonstrations against and harassment of the Governor-General could lessen.

16. However, it should not be overlooked that the sudden emergence of a political event which could be associated with the 1975 constitutional crisis could very quickly arouse the dissident and extremist minorities to fresh activity.

W. H. Anson

- A. Pro-Violence
- (1) Maoist
- C.P.A. (M-L) - (mainly Vic. S.A.)
 - Students for Australian Independence (Vic. NSW S.A. ACT)
 - Worker Student Alliance (S.A.)
 - Australian Liberation Army (Vic)
- Estimated Membership
150 - 200
150 - 200
?
- (2) Trotskyist
- Communist League
- 35

B. Other Subversive Organisations

- (1) Communist Party of Australia (all states) Estimated 2000 Active 700
- Socialist Party of Australia (" ") " 800 " 500
- (2) Trotskyist
- Socialist Workers Party / Socialist Youth Alliance (all states) 80-100
 - Socialist Labor League / Young Socialists (all states) 100
 - International Socialists (mainly Vic. NSW) 35-50
 - Spartacist League of Australia & New Zealand (NSW, Vic) 10-20

C. Discontent Groups

- Australian Union of Students - under strong influence by radicals - mainly Maoist and Trotskyist
- S.A.C.K. (ACT)
- Australian Independence Movement (Vic) (ACT) (probably now absorbed in S.A.I.)
- Collective People's Campaign Against the Governor General (student group in W.A.)
- Nick Kerr Committee (Old student group)

Government House,
Canberra. 2600.

4 January 1977

My dear Martin,

We are now having a reasonably quiet time at Admiralty House but unfortunately have to leave here on the 17th because a considerable amount of work has to be done by way of renovation and new electrical wiring. We shall spend most of our time for the next couple of months on visits to Sydney at Kirribilli House though that has to be shared with the Prime Minister and distinguished overseas guests. We shall manage to work out schedules which cause as little inconvenience as possible.

I had a visit here the other day from Mr T.K. Critchley, our High Commissioner in Papua New Guinea. He gave me some further background about the situation there. His own view is that it is unlikely that Sir John Guise will resign but he qualifies this by saying that in fact anything can happen. He thinks that Sir John will see the great uncertainties involved in trying to re-enter politics at his age because politics in Papua New Guinea will be very fluid and a lot of members and even ministers will lose their seats. It will be difficult to predict the position after an election. He confirms that Sir John Guise and the Prime Minister get on reasonably well together and that the difficulties which have existed between Sir John and Sir Maori Kiki are long standing and have an element of personal antagonism in them.

He seems to find it difficult to foresee what will happen in the election. The Prime Minister will be returned without any doubt, but Sir Maori Kiki could be defeated. There will be many new faces in Parliament and it is by no means certain that the Prime Minister's coalition will survive with a sufficient majority. However, he says that, as others have told me, the Prime Minister could easily find himself accepted by everyone as the country's national leader and be invited to remain on as Prime Minister supported by a different coalition. It all adds up to the proposition that during The Queen's visit Sir John will, in his opinion, still be Governor-General.

Things continue to be quiet in Australia. The Prime Minister is not yet back on the job.

He and I have not settled the details of the leave which, with Her Majesty's approval, my wife and I should like to take but it seems likely that we shall leave Australia a week or so after Her Majesty leaves Perth

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PERSONAL AND CONFIDENTIAL

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and shall make some official or semi-official visits on the way to Europe. Possibilities were mentioned in an earlier letter. It may be suggested that on the way back we should include an official visit to some South American country. I am hoping that we may be able to pass through Canada where I should very much like to have a talk with Eugene Forsey. All of this is still uncertain.

Perhaps it would be proper for me to ask officially, at this time, whether Her Majesty would approve my absence from the country on leave from early April till mid June or a little later. The length of the absence will depend on the extent of official or semi-official activity that is arranged. Is it necessary for me to give exact details on time of departure and return before seeking Her Majesty's official approval? A programme cannot be worked out until contacts are made in the various countries.

We are all looking forward very much to The Queen's visit. I am sure that it will strengthen sentiments in favour of the Monarchy in Australia and agree very much with what you say about getting the idea across that the Monarchy is part of the Australian Constitution and, as such, essentially Australian. The point is that the Constitution is virtually unchangeable in this respect and the more people who come to understand, appreciate and accept this fact the better. As you know from my earlier letters some ordinary people, especially people from countries other than Great Britain, have difficulty in realising consciously that Australia is a Monarchy and that The Queen is Queen of Australia and visits us in that capacity. I believe the people here as elsewhere have a real personal affection and respect for her but many think of her as 'Queen of England'.

I am sorry if I left the impression that I knew nothing about the Silver Jubilee Appeal. Actually I was not carrying your letter of 26 April clearly in my mind because it was not a letter that invited me to take any action. I became directly interested recently because of the nature of press discussion. I shall be kept in touch with developments by the Prime Minister's Department, and especially by Mr Yeend. Consideration is being given to the Australian approach but, the Prime Minister being away at the present time, it is not easy for me to talk with him. As I want to settle some details about my leave and have one or two other matters to discuss with him, we shall probably arrange an appointment in Canberra fairly soon.

With regard to The Queen's visit to Australia, there is a very small point that I take the opportunity of mentioning. The Royal Humane Society of Australasia has raised the question whether it would be possible for The Queen to find a few minutes in Brisbane to make a presentation to an award winner. The circumstances are very unusual. Roger John Smith, a boy aged 12 years, has won the Silver Medal and Rupert Wilks Trophy for an act of

.../3

PERSONAL AND CONFIDENTIAL

PERSONAL AND CONFIDENTIAL

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outstanding bravery in coming to the rescue of his mother and two other women in the surf at Eurong Beach, Fraser Island on 2 January 1976. I am attaching an account of what he did, as published by the Royal Humane Society of Australasia.

The suggestion is that Her Majesty may feel it possible whilst she is in Brisbane to receive this boy for two minutes or so to give him his medal and trophy. I merely pass this request on. I know that the programme has been settled and I suppose at this end no one at the Federal level would seek to change it. However, my Acting Official Secretary has mentioned the circumstances to the Official Secretary in Government House, Brisbane. I feel that I should leave it at that. I pass this on at the request of the Royal Humane Society of Australasia simply because it may appear to Her Majesty to be something that she herself may care to do though I appreciate that it is difficult, if not impossible, to alter even in a very minor way the arrangements that Bill Heseltine and the others out here have so carefully made for submission to The Queen. If there is anything at all that you would like me to do about this matter please let me know, otherwise I shall assume that nothing can or should be done.

Your observations on British politics at the present time have been most interesting to me. The parallels with Australia are very close. I have been following the various comments and prognostications in the press and journals about the position of Mr Callaghan's Government. Experience has shown me how difficult it is to make any predictions at all about politics but I have the impression, from this distant place, that Mr Callaghan will probably survive during 1977 as you are inclined to believe.

I had a letter the other day from our Sir Morrice James who I know has been raised to the Peerage. He and his wife have asked my wife and me to stay with them for awhile at Cap Saint-Pierre in the South of France. We shall do this with great enthusiasm if our movements can be made to coincide with those of Morrice and his wife. I hope you see him occasionally. He tells me he goes to Britain not infrequently and mentioned that he had a conversation with you and found you in fine form. Will he be active in the Lords? I hope he finds time to go along and take part in such debates as interest him.

You may like to know that I have had some offers from publishing companies to publish my "memoirs" or "autobiography". I have been doing some writing but, of course, have made no decisions or commitments about publication. Certainly I cannot publish anything about my Governor-Generalship while still in office. One question that has arisen is whether I can write autobiographical material dealing with earlier stages in my life and publish

.../4

PERSONAL AND CONFIDENTIAL

PERSONAL AND CONFIDENTIAL

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that while still in office. I shall not make any decision about any of this until I have a chance to speak to you when you are in Australia. One of the approaches which have been made to me was by the Right Honourable Maurice Macmillan, M.P. on behalf of Macmillan's. This letter included the following paragraph:

"As Your Excellency is naturally aware, the United Kingdom's economic difficulties, the size of the present Government's majority, the stresses both within the Government Party and between the various Parties of the Opposition, combine to create a political and constitutional situation for which there has been little precedent for many years. The House of Commons is about to debate another matter of major constitutional importance, the Devolution Bill, which touches on the unity of the United Kingdom itself. It is, therefore, hardly possible to exaggerate the importance to the United Kingdom that will be attached to your account of a constitutional procedure that has not been used here for nearly a century and a half."

I shall talk with Mr Macmillan when I am in London but will do so in the light of whatever emerges from our discussions. I have to bear in mind that anything I do, by way of publication of autobiographical material from my past, may have effects that ripple out beyond Australia to the United Kingdom. I have made no secret of the fact that I am doing some writing but I have never said that I intend to publish anything while still in office. However this can be discussed in relation to earlier reminiscences.

I attach a clipping from the Sydney Morning Herald of New Year's Day. It is a review of Alan Reid's book by John Pringle. Pringle has twice been editor of the Sydney Morning Herald. He is from Britain and now does a weekly review for the Sydney Morning Herald. You may be interested in what he had to say. He is very well informed about Australian affairs. At an earlier stage in his career he was, I believe, editor of the Guardian or at least held a high position on the staff of that newspaper. It may have been in the days when it was called the Manchester Guardian.

I am looking forward very much to having a good talk with you if time can be found whilst you are in Canberra. I was honoured to become a Privy Counsellor and would like to express my gratitude to Her Majesty for allowing the proposal to go forward. Some publicity was given here to rather strong statements by a Labour member of the United Kingdom Parliament. He was also featured here on television. I hope that controversy about me does not become a British phenomenon as well as an Australian one but I am assured by Sir Donald Tebbit, your High Commissioner out here, that I should not worry about the gentleman concerned. His name I think is Malone or Molloy.

.../5

PERSONAL AND CONFIDENTIAL

PERSONAL AND CONFIDENTIAL

5.

May I say finally that if The Queen is disposed to agree to my taking leave during the period I have mentioned I shall, so the Prime Minister tells me, be likely to finish the period of my leave in the United Kingdom and to be present at a Silver Jubilee ceremony in London. He said that he had had some indication that both he and I and our wives would be involved. I have not heard anything otherwise about this and trust that you will understand that in mentioning it I am simply relying on what the Prime Minister has said to me. Naturally, I am not seeking to do anything that is not planned or arranged or intended to happen.

In any event, I assume that I shall be in the United Kingdom for say three weeks. Is there any time better than any other in the busy period ahead that would provide me with an opportunity to pay my respects to Her Majesty and express my loyalty and humble duty to her personally during the visit, if she is willing to grant me an audience for the purpose? We can arrange to be in London at whatever time is best. Here again I know that you will take into account that I fully understand how hectic things will be after your return from your visit abroad and that many planned activities will inevitably involve Her Majesty at any time selected for us to be in London. I should also, if possible, like to see His Royal Highness The Prince of Wales.

As always, my wife and I wish to assure The Queen of our continued loyalty and humble duty and, now that we are launched into Her Jubilee Year, to express our firm conviction that her reign and the Monarchy will be enhanced and made even more popular by the joyous celebrations and the constructive plans about to be realised.

With warmest personal regards and best wishes for the New Year to your wife and to you from my wife and myself.

Yours most sincerely

John

P.S. I have been speaking on the telephone to Mr Peter Lawler, Permanent Head of the Department of Administrative Services, who says that his Minister has been asked by the Prime Minister to prepare a scheme for the Ministers to consider on the question of a Jubilee Appeal. There is a small departmental committee of public servants working on this and a proposal will be ready for the Ministers when the Cabinet has its first meeting of the year in the second half of January. I shall let you know what happens.

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.

SILVER MEDAL AND RUPERT WILKS TROPHY — 6385

ROGER JOHN SMITH, Bundaberg, (Q.), aged 12 years in going to the rescue of his mother and two other women in the surf at Eurong Beach, Fraser Island, on 2nd January, 1976.

About 1.15 p.m. Roger Smith was swimming apart from the main group who were paddling on a sandbar covered by about three feet of water. The lad found himself caught in a rip whilst swimming near the breakers and he swam across the rip to warn the main group of the danger, but they had been caught in a rip. His sister was with their mother as he swam out and brought his mother to the sandbar. When they could touch bottom he directed his sister to take their mother the rest of the way to the beach and returned for the two other women. He swam between them assisting each in turn and encouraging them. He brought one in to the beach and then the second to within about ten yards of the beach when he saw that his mother and sister had again been washed from the sandbar. By this time he was sick from swallowing sea water and near to exhaustion but he swam out to his mother — a little further out this time — and brought her near to the beach where he received some help. Roger Smith was near collapse and physically ill when all the rescues had been completed. The three women were all bigger than the lad and were non or poor swimmers and could do little to help in their own rescue.

WEEKEND MAGAZINE AND BOOK REVIEWS

Remarkable pieces of political reporting

THE WHITLAM VENTURE by Alan Reid (Hill of Content \$8.95)
Reviewed by JOHN DOUGLAS PRINGLE

IT WILL BE no surprise to anyone who has followed Alan Reid's career as a political journalist to find that his book, *The Whitlam Venture*, is by far the best informed of the several books which have already appeared about the rise and fall of Gough Whitlam. Not the best written or the fairest or the most objective, but the best informed. It is full of quite remarkable pieces of political reporting.

There is, for instance, an extraordinary account of the Cabinet meeting on July 16, 1973, which decided to make the 25 per cent "across the board" tariff cut. The argument is reported in such detail that one is almost ready to believe that Alan Reid was hidden under the table.

There is a brilliant description of Fraser's rise to the leadership of the Liberal Party, giving every move and almost every conversation in that complicated story. But his greatest coup is undoubtedly his version of the Executive Council meeting on the night of December 13, 1974, held in the absence of the Governor-General and without his knowledge, which gave Mr Connor the authority to borrow on Australia's behalf and on terms left entirely to his discretion \$4,000,000,000 in United States currency from sources left unspecified in the document. This was, as he rightly says, the death warrant of the Labor Government.

Since the Herald's Peter Bowers has al-

ready reported on this chapter in an article in this paper, I will not try to do it again here. But it is undoubtedly important not only for its accurate detail and the publication of the Treasury's admirable minute on the proposal, which almost revives one's faith in that body, but because it provides an insight into the Governor-General's mind when he finally dismissed the Whitlam Government. It was the beginning of Sir John Kerr's belief that Mr Whitlam was prepared to cut constitutional corners to get what he wanted and that he was also prepared to raise money in some very odd ways.

On the dismissal itself Alan Reid has I think, two new and important points to make. I have never understood why Sir John Kerr did not plainly warn Mr Whitlam that, in his view, the crisis over Supply could be solved only by a double dissolution and a general election, and that, if Mr Whitlam refused to do this, he would invite Mr Fraser to do so. And I am pleased to see that Alan Reid does not take seriously the story that Sir John Kerr was afraid that Whitlam would dismiss him before he could dismiss Whitlam. (The mechanics required to persuade the Queen to dismiss a Governor-General she had appointed only a few months before would surely have taken weeks if not months.)

Alan Reid offers the more plausible and more honourable explanation that Sir John Kerr feared that if events reached this point, it would inevitably drag the Queen into a horrendous Australian constitutional crisis.

Alan Reid also reports a very striking conversation he had with Mr Fraser on

that fatal day when Mr Fraser was leaving Parliament House to go to Government House. (It is not true that the Governor-General had sent for him before Mr Whitlam: it was only an accident that he arrived first.) As Alan Reid says, Mr Fraser may have been misleading him in revealing total ignorance — and considerable gloom — as to what was going to happen. "But if Fraser was misleading me that day his performance ranks with any Sir Laurence Olivier has turned in and merits an Oscar."

Having praised these feats of reporting I must now balance this by saying that, in my opinion, the rest of the book is marred by a very marked bias against Mr Whitlam. Alan Reid would no doubt deny this and say that he has left the facts to speak for themselves; but I simply do not believe that Mr Whitlam was to blame for all the mishaps and disasters of the Labor Government or that he is remotely like the ruthless and ill-tempered maniac who emerges from this book.

I think there are two reasons for this bias. The first emerges from the way the book is written. Although Alan Reid has secured some splendid documents, this is not a book by a historian but a reporter, that is to say, it depends for about 80 per cent of its material on personal conversations with the politicians concerned in the events. But it is obvious that most of the material came from politicians — there is a fairly long list — who had some grievance against Mr Whitlam because they had been dismissed or demoted. I do not suppose that Alan Reid asked Mr Whitlam for his version of these events or that, if he did so, Mr Whitlam would have consented; but without that the picture is seriously out of kilter. The second reason is, perhaps, more subtle. Alan Reid has been so long a lobby correspondent that he has come to think and feel like a politician himself.



All his sympathies go to the tough old professionals who are skilled at the game of political consequences, the fixers and numbers men of both parties. (His highest compliment to Mr Fraser is that, at

25 years of age, "he had developed into as professional a politician as the people who sat opposite him in Parliament.")

Now Gough Whitlam conspicuously lacks these skills and this was, no doubt,

a serious disadvantage to him in office. But Alan Reid does not reflect that it was perhaps this very un-professional, un-political side of Whitlam's character which attracted so many voters to him. The public does not share Alan Reid's admiration for professional politicians.

It follows also from Alan Reid's view that the only criterion for judging a politician is results. He quotes with approval a saying of Machiavelli — he is a great Machiavellian — that "in the actions of all men, especially of Princes . . . one judges by the result." But that is not the only criterion. Let us take, for instance, a remote example. By advocating home rule for Ireland, Gladstone split his party and destroyed his Government. According to Machiavelli and Alan Reid Gladstone was therefore a failure: according to my book he was a great man.

I do not think that Whitlam adopted any principle so important or so generous as that, but there was rather more to be said for some of his decisions, including the 25 per cent tariff cut, than Alan Reid is prepared to admit.

I am sorry to have to add that this book is hurriedly constructed and carelessly written. There are far too many sentences with glaring grammatical errors. It would be unkind to quote these but I cannot resist this sentence on Mr Cameron, "Prematurely white-haired, medium sized but with the powerful wrists of the shearer he once was, a former AWU State Secretary in SA who turned parliamentarian in 1949, with a tongue that cut like a whiplash, knowledge of where many of the ALP's least attractive cadavers were buried and prepared to exhume them to secure his objectives, Cameron had been for years a power point, not only in his home territory of South Australia, but in ALP Federal affairs." Whew! I suggest that before he writes his next book Alan Reid should re-read Machiavelli's *The Prince* for style.



WINDSOR CASTLE

Personal and
Confidential

30th December, 1976.

My dear John

Many thanks for your letter of 19th December which arrived before Christmas and which Her Majesty has just returned to me to answer. She has read it with much interest and thanks you for your further reflections on the Monarchy in Australia.

The point you make about the now large and increasing non-British element in Australia's ethnic make up is, of course, significant. It is one of the reasons why the Monarchy in Australia could not, I believe, long remain a reality without more frequent visits by The Sovereign than was customary in the first half of this century and, indeed, up to 1969. During the present decade there have, of course, been three visits already, and next year's will make a fourth. This compares with one visit in each of the two preceding decades.

The days when The Sovereign of Australia could remain in London and still remain acceptable are, I think, long past; new immigrants, changing values, to say nothing of modern communications, would all make this impossible, as well, of course, as being wholly undesirable.

Neither The Queen nor I have waited until January to read the transcript of your Australia Day Broadcast! If I may say so, with respect, I think it is admirable.

I was interested in your idea that you should visit Thailand, Jordan and Iran on your way to or from Europe next year. If these plans meet with the Prime Minister's approval, I am sure that The Queen would approve.

In your letter you say that when The Queen herself visits countries and Monarchies in your region, she does not do so as "Queen of Australia" (you no doubt have Indonesia particularly in mind). I do not altogether agree with this proposition as The Queen is always Queen of Australia (and other Commonwealth Monarchies), and we always try to emphasise this fact by giving special attention to Commonwealth Representatives on Her Majesty's State Visits. It is undeniable, however, that Her Majesty's State Visits to Foreign Countries have hitherto been carried out essentially as an element of British Foreign Policy.

I am sure therefore that there is a place for visits to Foreign Countries by Governors General, but just as The Queen's visits to Foreign Countries are planned and executed on the constitutional advice of the United Kingdom Prime Minister, so I think yours must be firmly based on advice from Mr. Fraser.

I am writing this letter at Windsor in the room that Baron Stockmar used as his office, and my window looks out on the Long Walk to the Copper Horse. There is a thick carpet of snow everywhere and it is genuine winter weather. Apart from many other reasons, this makes me look forward to Australia and the Antipodean summer!

Many congratulations on your
appointment to the Roy General.

John
Monkin

His Excellency
the Governor-General of Australia.



WINDSOR CASTLE

PERSONAL - CONFIDENTIAL

23rd December 1976

My dear John

Many thanks for your letter of 13th December which The Queen has read with much interest. Once more I feel inclined to reflect on the similarity between the economic situation in Australia as reported in your letters and that which casts a shadow over the British Christmas!

I expect you will have heard that Mr. Healey presented his package, or mini budget, and that it got about as bad a press as could be imagined. Yesterday Mr. Prentice (Minister for Overseas Aid and Development) resigned from the Government, but I do not think this will lead to much in the way of political excitement and I believe there is a good chance that Mr. Callaghan's Government will carry on through 1977. It is however undoubtedly a great deal more unpopular than Mr. Fraser's.

I have read the press reports of the Age Poll with much interest, and agree with your view that the results indicate a reasonably satisfactory position, particularly as I think the questions, with the somewhat provocative use of the word "independent" were slanted towards an answer in favour of republicanism.

I am sure The Queen's visit next year will strengthen sentiment in favour of the Monarchy in Australia. I am also sure that the more it can be made plain that the Monarchy in Australia is part of the constitution and as such essentially Australian the better. This conception which is obvious to you and me is of course not an easy one for ordinary people to grasp.

I hope the Silver Jubilee Appeal will provide a useful follow-up to The Queen's visit in directing sentiment towards the Monarchy.

You write in your letter as if you had not previously heard about the Silver Jubilee Appeal, but I did of course write to you a long letter about this last April. If by any chance this has gone astray, do please let me know and I will send you a copy. In the meantime I understand from Jack Bunting that he has passed a lot of information about the Appeal to Geoff Yeend who would I think be able to tell you all that is known about it.

Thank you very much indeed for the latest information you have been able to give me about the atmosphere in Papua New Guinea. I was particularly pleased to see from this that there is no great conflict between Sir John Guise and Mr. Somare. I had thought differently.

As I write you will probably already be at Admiralty House where I hope you and your wife will have a pleasant Christmas without too many cares of office.

The Queen sends you both her best wishes and is much looking forward to seeing you next year.

John
Martin

His Excellency
the Governor-General of Australia.

Government House,
Canberra. 2600.

19 December 1976

I have been musing about the Monarchy as an institution, in our part of the world. There is, of course, the position in Australia. As to this I shall not add to what I have said in my recent letters except to make one point which for some reason, perhaps because it is so obvious, I have not touched upon. This is that a larger proportion of our population today is not of British extraction than was the case at the end of World War II. In 1947 98% were of British stock. By the 1971 census only 88% were so derived. The figures from the recent 1976 census are not yet available but the proportion would I think be lower. By far the majority of the non-British are Italians, Greeks, Yugoslavs and Germans.

Our immigrants come from over one hundred countries including, for example, Egypt and Turkey, Lebanon and other Arab countries. Increasingly, but not yet significantly, we have Asians. Most of these, and most who have come from Europe are from republics and are not directly acquainted with monarchy, especially our subtle and sensitive form of monarchy.

In my opinion, the polls reflect a certain disposition of the immigrant community to express a preference for republicanism that may rather be automatic than involve real thought or emotion. In fact why they have come here is to benefit from our democratic and stable institutions which happen to include the Monarchy and our task for the future is to make it clear to them that in coming, and especially in becoming naturalised, they have bought a package deal which is, with the Monarchy, entrenched in our Constitution. On advice I have started in a modest way to do this in my address to the nation which is televised and broadcast on Australia Day and will also go out in six or seven languages over our "Ethnic" Radio. I enclose a copy of the transcript for you to glance at some time in January if you are so minded. When we get down to work I shall take up during later January and February the beginnings of the new approach I mentioned in my last letter.

I also attach a clipping from today's "Sun-Herald".

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The only other point I should like to make is that, in addition to The Queen being Queen of a large part of the South Pacific - Australia, New Zealand, Fiji, Papua New Guinea and U.K. territories here - monarchy is still important in Japan, Iran, Jordan, Nepal, Thailand and elsewhere in this region. It so happens that the Shah and Shahbanou have stayed in Government House and I with them; the King and Queen of Jordan, and the Queen of Thailand have been our guests and Australia has received the Crown Prince and Crown Princess of Japan. The Crown Prince of Thailand spent a year at Duntroon and the son of the Crown Prince of Japan spent a holiday here. He stayed with me for part of this and his father and mother entertained me privately in Katmandu at the time of the coronation to thank me for our hospitality. The Shah is, I believe, contemplating at least a visit to Australia for his eldest son at some time in the future.

I believe that a lot of the interest in Australia, so far as the Crown Princes are concerned, is based upon the successful stay here of His Royal Highness The Prince of Wales. It is my view, having regard to messages I have received, that our constitutional crisis has not diminished the interest of the countries mentioned, in Australia with its monarchical system of government.

When my wife and I take some mid-term leave, between April and June, if The Queen approves of our doing this, we shall probably call in to Thailand, Jordan and Iran in a non-official way - though the possibility of an official visit to Jordan and perhaps to Thailand would need to be contemplated.

Australia's relations with all the countries I have mentioned are of growing importance and, although there are many countries in our region which are not monarchies, the institution is well understood in the area.

It is obvious enough that political and constitutional circumstances vary in all the countries concerned and it is also obvious that U.K. relations with those countries differ from Australia's. But The Queen of Australia has, I feel, a special position in relation to the countries and monarchies in our region. It is a symbolic position but, in the various places I have mentioned, an important one. As I understand it she does not visit such countries as Queen of Australia but leaves that kind of visit to the Governor-General.

I feel that in travelling for Australia I may be able, without any problems flowing from 11 November 1975, to be of some use on the symbolic level in countries of our region that are monarchies - without,

.../3

PERSONAL AND CONFIDENTIAL

3.

of course, moving outside proper constitutional boundaries - and that the Monarchy in Australia would not suffer from any such symbolic activities of mine. Indeed our possible longer term approach to healing remaining wounds in Australia may be helped by my calling in officially or unofficially in Thailand, Iran and Jordan on our way over to Europe or on our way back.

In any event these are pre-Christmas musings, as I said at the beginning. Unless Her Majesty would prefer me not to do so I am inclined to begin planning on these lines.

We have already sent our Christmas greetings and add most sincerely our expression of continued loyalty and humble duty to Her Majesty.

Lieutenant-Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

PERSONAL AND CONFIDENTIAL

(EMBARGO: Not for publication before 6.00 p.m. on
26 January 1977)

AUSTRALIA DAY MESSAGE

BROADCAST BY HIS EXCELLENCY THE GOVERNOR-GENERAL
OF THE COMMONWEALTH OF AUSTRALIA, THE HONOURABLE SIR JOHN KERR,
A.K., G.C.M.G., K.St.J., Q.C.,

WEDNESDAY, 26 JANUARY 1977

This year, we celebrate the 25th anniversary of the accession to the throne of Her Majesty Queen Elizabeth II, Queen of Australia. In another 25 years time, we shall be in a new century. At this midpoint, and on Australia's national day, we might pause to consider some of the changes that have occurred amongst the Australian people during Her Majesty's reign and assess our prospects for the rest of this century.

In doing so, the first thing we should observe is that we remain a constitutional monarchy as we were 25 years ago, and that our Constitution, until it is legally changed, ensures that this is what we will continue to be.

Sometimes we forget that Australia is not simply a physical entity. What we call Australia and what other people see as Australia is largely determined by the nature of its institutions and of its people. We should therefore ask ourselves the question, "What are Australians living under Australian institutions today, really like?"

Since the days of the first settlement, people from every part of the globe have come to this country to make their home here. When we look back on these past generations, the drovers and shearers, the cattlemen and the dairyfarmers, the timber getters and the road builders - the individualists, the offspring of our first immigrants - we see in them a people who learned to adapt to a country of great physical challenge. Our poetry and folk songs record the development and persistence of a lifestyle of individual response to Australia's vast spaces, its extremes of climate, its droughts and its bushfires and, at times, its loneliness.

Those people had courage. A former Governor-General, the late Viscount Slim, once said, "Courage is not merely a virtue; it is THE virtue." I like to think that courage is a strong characteristic of Australian people that has remained constant from long before Queen Elizabeth's reign began, and will still be one of our notable qualities when the 21st Century Begins.

When The Queen first visited Australia almost twenty-five years ago, the country and people she saw then still reflected a good deal of the British heritage, even though substantial changes in our ethnic and economic bases had already taken place since the end of World War II. Although Her Majesty has made frequent visits to this country since her first visit, in this jubilee year of her reign, I believe she will be seeing an Australia that has changed even more in these intervening years.

You may be able to remember the reconstruction days that followed World War II. We had our problems, but they were small compared with those of countries which had taken the full brunt of the heavy bombing, shelling and burning. Millions of people had been displaced from the countries where they had lived before 1939, and many couldn't go back because the old national boundaries had been redrawn. We had a need for people with all kinds of skills, so that we could develop our natural resources and help in the building of a better world. So the great post-war migration programme began.

Now, in 1977, Australia shows that it has absorbed the cultures and the skills of many people from more than a hundred nations. You can see it in the foods we eat, the sports we play and in our musical and artistic endeavours. Migrants helped to build the Snowy Mountains Scheme and many of the tall buildings of our major cities; they'll be found in our steelworks and manufacturing industries; they've opened shops, they teach in our schools and universities; they and their children are to be found in every part of Australian Society.

As each group of new settlers has started life in Australia, while retaining their own identity, they've merged harmoniously with Australians of longer standing, recognizing our parliamentary system, our free and just courts, and our adherence to the concept of democracy and the rule of law as guaranteed by our Constitution. It has not always been easy, some of us have felt that the newcomers should conform to a personal idea of what an Australian is or ought to be. On the whole, though, new settlers and the descendants of yesterday's new settlers have met each other with goodwill and I'm sure will continue to do so.

What I've been talking about, of course, is the continuing growth of a modern nation that started with the first settlement. There was already, when Captain Arthur Phillip led his first group of immigrants ashore at Sydney Cove, a substantial population of aboriginal Australians. From the beginning, the impact of the energetic pioneering of the new settlers and the vigorous fostering on Australian soil of a European culture, had an adverse effect on the original Australians. There were some people from the beginning who saw that the aborigines were being forced away from their traditional lands and customs by an ever widening new Australia, but the forces at work were too strong and too blind according to standards now recognised. We have a great debt to discharge to our aboriginal citizens. It gives me pleasure to be able to refer to aborigines as "fellow citizens" because that is one of the important changes which has taken place during the reign of Queen Elizabeth. A clear majority of Australians decided at a referendum in 1967 that it was time to change an unhappy anomaly in the Constitution thereby removing any doubt that aborigines have a right to full

During the past 25 years we've been aware of the important changes taking place adjacent to Australia as newly independent countries have tackled the important tasks of early nationhood. In particular, we've recognized the desire of the peoples of Papua New Guinea to govern their own affairs. When The Queen first came to see us, Papua and New Guinea were parts of Australia; now they form one independent nation with which we have the closest of friendly relations and which can rely on Australia to be a good neighbour.

So, in her visit that starts in six weeks, The Queen will be seeing an Australia that is in many ways very different from the Australia of 25 years ago. A stronger and more independent nation; a nation more conscious of a culture which is its own; a nation more concerned about the affairs of its own region in the world; yet a nation which vigorously retains the basic inherited belief in democracy and an unfettered legal system; the freedom of the individual and a concern for the welfare of others. If we can retain these qualities as our nation grows, Australia Day in 25 years from now will be a happy occasion.

Sun Herald 19.12.76

CANDID COMMENT

BY ONLOOKER

That opinion survey indicating that 39 per cent of people favour Australia becoming an independent republic with an elected president must have jarred the traditionalists in our society.

Such a result would have been inconceivable less than a generation ago.

We are not about to break the last ties with Britain and abolish the Governor-General as the Queen's representative. So portentous a change — unwanted by 58 per cent of Australians, on the survey's showing — could be effected only over a long period of time.

But it is apparent that republican sentiment is no longer confined to a few radical propagandists. A sizable proportion of the population share it. The formerly unthinkable has become the theoretically possible.

Why the shift? The post-war influx accounts in part for it. European migrants do not feel the old attachment to the British connection and the British monarchy, even though the Queen is now titularly Queen of Australia too.

G-G's action

How far republican thinking was stimulated by last year's constitutional upheaval is anybody's guess. Probably the impact of the Governor-General's dismissal of the Whitlam Government was quite considerable.

Few people shocked by that intervention stay to reflect that an Australian president, however chosen, would have to be equipped with some such powers as Sir John Kerr exercised, if the office were to have any real meaning. Of course, though its occupant would be directly answerable to the electorate.

Perhaps the disclosure that four of every 10 Australians, notably in the younger age groups, incline towards a republic will move the "loyalist" majority to more active support for institutions that have served the nation well and are still widely cherished.



BUCKINGHAM PALACE

PERSONAL AND
CONFIDENTIAL

9th December, 1976

My dear John

Thank you so much for your letter of 1st December which The Queen has read with the attention and interest she gives to all the letters you write to me.

Your opening sentence "Our affairs have been dominated by economic issues in recent weeks" is one which I could well have used in this reply: it is singularly appropriate to our situation in Britain! For us this week is the moment of truth in respect of the IMF loan and indeed, I suspect, for much else besides. The situation is delicate, but I think Mr. Callaghan's Government will survive. The next few weeks and months will none the less be extremely difficult.

It seems much is similar in economic situations. You have devalued and here the pound, though steady for the moment, has sunk in value with all the consequences of higher import costs, more inflation and inevitable wage demands which you predict for Australia.

A marked difference between our situations is however the popularity of the Governments in power as reflected in opinion polls, and in our case in bye elections. Here there is evidence of a marked swing away from the Labour party, and to some degree towards the Tories.

Returning to similarities we also are far from immune from serious leaks of Cabinet discussions. We are no more preserved from this than is a properly constructed sieve from holding water! By working with all speed at Cabinet papers it is just practicable to keep The Queen informed of what is going on 24 hours before it is available to her in more dramatic and sometimes more digestible form in the national press.

Your report on your own position is, I think, encouraging. Let us hope that the attack against you is really subsiding and will continue to do so.

Thank you for the cuttings which are most interesting and thank you also very much for sending a copy of "The Whitlam Venture". Bill Heseltine has already swiped this and is devouring it. I shall read it when he has reached the stage of digestion.

Thank you also for the PNG news. Could you tell me when it is thought likely that Sir John Guise will step down and re-enter politics?

The Queen sends you both her very best wishes, as do I,

Yours
Martin

P.S. I do not believe that our political partners will introduce with The Queen's visit next year. My fingers are so permanently crossed

His Excellency
the Governor-General of Australia.

that my handwriting is deteriorating!

My

Government House,
Canberra. 2600.

13 December 1976

My dear Martin,

The Tasmanian election has resulted in the return of the Labor Government probably with the same number of seats as before. The economic issues, especially unemployment were dominant. The year has ended with all-round concern about the economy. Today is the anniversary of last year's Federal election and we are not much ahead, economically, of the position as it stood on 13 December 1975, if indeed we are ahead at all.

The Fraser Government will have an enormous job ahead of it next year. The inflationary impact of devaluation, pressure for consequential tax cuts and tariff cuts and problems of wage and salary increases all inter-react. But there are some small signs of a coming economic upturn. There has been a big flow back of money since devaluation leading to some revaluation, which has taken place in two steps and the prospect of more. I must say I find it all very complicated and difficult to follow and there are as many conflicting opinions about what has been happening as there are experts. The Fraser Government has not had a good press and lately it is worse. Still things are not as bad, from the point of view of public opinion as might have been expected by now, in view of the hard economic decisions which had to be made in the first year.

I recently had a long talk with Mr Peter Lawler who is Permanent Head of the Department of Administrative Services which covers V.I.P. security. He is very pleased about the way the year has ended on the security side. The battle he thinks is won and that the strategy of appointing Mr Fleming to consolidate the whole exercise has been a success.

He believes we should, whilst continuing vigilance on security, undertake a new strategy as well. Before going into this could I draw your attention to the attached clippings dealing with the result of polls held on the Monarchy and republicanism, the British connection, the correctness or otherwise of my decision and whether or not I should resign. These speak for themselves and I shall not summarise them. Having regard to everything, I believe they indicate a reasonably satisfactory position. Things will be quiet till February and then we shall see how the build-up for the visit goes.

Mr Lawler's idea, with which I agree, is that the Jubilee Year should be used discreetly to strengthen the sentiments for the Monarchy further. The visit will, of course, help enormously. Planning for the Jubilee Year should be undertaken, he believes, in a conscious and careful way. I shall be able to help. (It should be understood that there is no real oppositional emotion on the issue of the Monarchy and republicanism. It is an academic question which has arisen as part of the after-math of 11 November 1975 because a few people have raised the question. Those who favour republicanism in the polls do so mainly in an abstract unemotional way. There is, I believe, no active campaign which engages the feelings of the masses.) You know, of course, from what I have said earlier how difficult it would be to change the Constitution in the direction of republicanism. Indeed in Queensland the reverse process is being undertaken - one to entrench the Monarchy in the Queensland Constitution.

I have spoken to the Prime Minister about a positive Jubilee Year strategy of delicacy and discretion and he sees the point. Later letters will keep you up to date.

With regard to the call which David Smith made to you a week or so ago about a Jubilee Appeal, there has been a development I should like to mention. We are, of course, endeavouring to find out what is happening in Canada and New Zealand. Apparently His Royal Highness The Prince of Wales proposes to launch an appear in the United Kingdom in about April of next year. On this basis ~~there~~ seems to be ample time for decisions to be made about what should be done in Australia.

Sir Ian McClelland who is the Chairman of the Broken Hill Proprietary Company recently saw the Prime Minister and told him that Lord Remnant had been in touch with him with a view to ascertaining what, if anything, might be done by way of a private appeal in Australia. Sir Ian informed the Prime Minister that he would be happy to give some help in association with any committee that might be set up under my chairmanship possibly in association with the State Governors.

The Prime Minister arranged for a conversation between Sir Ian and David Smith which was more or less along the same lines as that between Sir Ian and the Prime Minister. We shall, I hope, develop some ideas and will let you know what they are, but it would be a help in the meantime if you could let me know what is happening in the United Kingdom and in the other Commonwealth countries or alternatively if this seems the better course, if you could get someone who is in the picture to let us know what developments take place.

I had a long talk with the Foreign Minister recently about the changes which appear to have been taking place in Japan, China and America. I am especially interested to try and sort out what affect upon Australia happenings in those places may have. During the conversation he told me that, as he understood the position, it now seemed less likely that Sir John Guise would stand down and enter politics. Apparently there is a real concern that a very considerable number of existing Members and Ministers will lose their seats because of disapproving attitudes in their electorates about their work as parliamentarians. This being the case it is very difficult to predict what aspect the new House will have and hence difficult for Sir John Guise, so the Minister believes, to work out whether he would be able to become a Cabinet Minister in any new government. Mr Somare's position as Prime Minister seems to be firm and strong.

In addition to information coming from my talk with the Foreign Minister I have been advised by a senior officer of the Prime Minister's Department, who has recently been in Papua New Guinea, along the following lines. I quote from a note made from his points:

- " . Sir Maori Kiki is under great pressure at present. He is not certain of re-election in the 1977 elections.
- . Sir John Guise is definitely going to return to politics.
- . If Sir Maori loses his seat, there is every possibility he could be the next Governor-General.
- . Much of Sir John Guise's problem is the inability of himself and Sir Maori to sort out their relationship for the good of Papua New Guinea, with Sir John being less conciliatory than Sir Maori.
- . There is no great conflict between Sir John and Mr Somare.
- . One deficiency in the present Papua New Guinea system is lack of contact between Parliamentarians and the electorate. The old "Patrol Officer System" brought the Government to the people - under the indigeneous system there is no Government representation at the village level and the electorate sees too little of Representatives. Consequently, when Sir John Guise makes visits around the countryside, he apparently finds himself confronted with the villagers' problems which the Patrol Officer in the past resolved, but today's Parliamentarians are not around to tackle. Hence part of Sir John's frustrations.

.../

- . Sir John is committed to a united Papua New Guinea.
- . There is a possibility that, because talents in the Papua New Guinea Opposition are somewhat wasted, Papua New Guinea could become a one party state - Griffith saw this stemming from Somare's very strong position as undisputed leader in Papua New Guinea, with no challenge in sight from either side, and both recognising his great qualities. "

I may have an opportunity to let you have another letter before Christmas but things will wind down here from the end of this week. My wife and I will not be taking leave but will be in effect having a rest at Admiralty House and very little will be happening. In case I do not get another letter off to the Palace before Christmas I should like to say by way of addition to the sentiments expressed in our Christmas cards sent to Her Majesty, members of the Royal Family and the Palace staff that we have deeply appreciated all the understanding and help we have had during the past year from the Palace and from all members of the Royal Family with whom we have been in contact, including of course during our stay last January in the United Kingdom.

My wife and I would especially like to reiterate our feelings of thanks and humbled duty and loyalty to Her Majesty. Her understanding has been wonderfully supportive during the year.

*Yours sincerely
John*

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

40 pc want a republic

Nearly four out of every 10 Australians of voting age are in favor of Australia becoming an independent republic with its own elected president, the latest AGE POLL shows.

Among young people the percentage is higher still.

Fifty per cent. or more of those aged 18-34 favor an independent Australia with its own president.

Support for Australia becoming a republic is very strong among European migrants. British migrants, however, are even stronger in favor of Australia remaining a member of the Commonwealth with a Governor-General as the Queen's representative.

Liberal and National Country Party voters are also strongly in favor of Australia remaining a constitutional monarchy.

Western Australia is the most republican-minded State (45 per cent. in favor), followed by NSW and Victoria (41 per cent.) and SA and Queensland (35 per cent.).

But the most republican-minded capital city is Melbourne (45 per cent.), followed by Sydney and Perth (40 per cent.), Brisbane (36 per cent.) and Adelaide (33 per cent.).

AGE POLL interviewed 2000 people of voting age in all six States and the ACT. The sample covered every Federal electorate except the Northern Territory.

In an attempt to gauge current republican feeling in Australia, people were given two statements

and asked which came closest to their views.

The statements were: "I would prefer Australia to remain a member of the Commonwealth with a Governor-General as the Queen's representative in Australia"; or, "I would prefer Australia to become an independent republic with its own elected President."

Fifty-eight per cent. were in favor of Australia retaining its Governor-General and remaining in the Commonwealth. Thirty-nine per cent. favored an independent republic.

Women favored a constitutional monarchy (63 per cent.) more than men (53 per cent.). Men, on the other hand, favored a republic (44 per cent.) more than women (34 per cent.).

Support for a republic was strongest among those in the 21-24 age bracket (54 per cent.). It remained at 50 per cent. in the next age bracket (25-34), but tailed off steadily thereafter.

Among those aged 60 and over, it was only 21 per cent.

Twenty-seven per cent. of this age group favored the present constitutional relationship with Britain. Among those aged 45-59 the figure was 63 per cent.; among those 35-44, 56 per cent.

Seventy-four per cent. of Liberal voters and 83 per cent. of NCP voters — but only 41 per cent. of Labor voters — favored a constitutional monarchy.

A majority of Labor voters (57 per cent.) favored a republic instead. Among Liberal voters, the comparable figure was 24 per



Report:
**LEONARD
RADIC**

cent., and among NCP voters 16 per cent.

Of the four major religious denominations, Catholics (47 per cent.) were strongest in their support for an independent republic of Australia, followed by Presbyterians (32 per cent.), Methodists (31 per cent.) and Anglicans (30 per cent.).

On the reverse side, the figures were: Anglicans (68 per cent. in favor of Australia remaining within the Commonwealth), Methodists (67 per cent.), Presbyterians (66 per cent.) and Catholics (51 per cent.).

The university-educated were

more likely to support a republic (43 per cent.) than either the secondary-educated or the primary-educated (37 per cent.).

On the reverse side, 55 per cent. of the university-educated, and 61 per cent. of both the primary and secondary-educated, favored Australia remaining in the Commonwealth.

While 59 per cent. of people born in Australia, and 69 per cent. of people born in the UK, wanted Australia to remain in the Commonwealth, only 32 per cent. of those born in Europe shared their view.

Sixty-seven per cent. of the European-born favored a republic of Australia, compared with 38 per cent. of Australians and 29 per cent. of those born in the UK.

In a previous, deliberately emotive, question designed to measure the level of nationalist (as distinct from republican) feeling in Australia, people were asked:

"Which of these two statements comes closest to your view — "No matter what some people might say, Great Britain is still our mother country and we should do nothing to weaken our ties with her"; or, "It's about time that Australia stood on her own feet and broke all our remaining ties with Great Britain".

While 49 per cent. wanted Australia to keep its traditional ties with Britain, 47 per cent. wanted

all legal ties with Britain severed.

While 61 per cent. of Liberal voters wanted the traditional ties with Britain kept, 35 per cent. wanted all legal ties with Britain to be broken.

Among Labor voters, the figures were almost exactly the reverse: 37 per cent. wanted our traditional ties with Britain kept, but 61 per cent. wanted all legal ties with Britain severed.

Where 54 per cent. of those aged 21-24 favored a republic, 63 per cent. of this group thought Australia should break all its legal ties with Britain.

And where 43 per cent. of the university-educated favored Australia becoming a republic, 57 per cent. of this group thought we should break all legal ties with Britain.

A comparison of answers to both questions suggests that while republicanism has strong minority support a present, a still larger number have strong nationalistic leanings.

While not all of them go so far as to support an independent republican Australia, they still think Australia would be better served by severing all legal ties with the Mother Country.

(AGE POLL is conducted for "The Age" by Irving Saulwick and Associates in conjunction with Beacon Research Company Pty. Ltd. and the Department of Political Science in the University of Melbourne).

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1-ATTITUDES TO AUSTRALIA BECOMING A REPUBLIC
1977

Australia should:	Total (2000) %	MALE (999) %	Female (1001) %	18-20 (111) %	21-24 (175) %	25-34 (456) %	35-44 (360) %	45-59 (503) %	60 and over (395) %
Remain a member of the Commonwealth with a Governor-General	58	53	63	46	43	47	56	63	77
Become an independent republic with its own President	39	44	34	51	54	50	41	34	21
Don't know	3	2	3	4	3	2	3	3	2

2-ATTITUDES TO AUSTRALIA BECOMING A REPUBLIC
1977

Australia should:	Uni. educated (193) %	Primary educated (271) %	Will vote LIB. (802) %	Will vote NCP (118) %	Will vote ALP (823) %	Church of England (676) %	Catholic (527) %	Born in Aust. (1544) %	Born in UK (230) %	Born in Europe (159) %
Remain a member of the Commonwealth with a Governor-General	55	61	74	83	41	68	51	59	69	32
Become an independent republic with its own President	43	37	24	16	57	30	47	38	29	67
Don't know	3	2	2	1	2	2	2	3	2	1

3-ATTITUDES TO TRADITIONAL TIES WITH BRITAIN
1977

Australia should:	Total (2000) %	Aged 21-24 (175) %	Aged 60 and over (395) %	Uni. educated (193) %	Primary educated (271) %	Will vote LIB (802) %	Will vote ALP (823) %
Do nothing to weaken our ties with Britain	49	34	70	37	59	61	37
Break all our remaining legal ties with Britain	47	63	27	57	39	35	61
Don't know	4	3	3	6	2	4	3

Note: percentages rounded to nearest whole number.

Nation still divided on Whitlam sacking



Report:
**LEONARD
RADIC**

Twelve months after the dismissal of the Whitlam Government, Australians are still evenly divided over Sir John Kerr's action, the latest AGE POLL shows.

Forty-eight per cent. of voters think the Governor-General acted properly in dismissing the Whitlam Government. The same number think he did not act properly.

The bulk of Labor voters think Sir John Kerr acted improperly. The bulk of Liberal voters think otherwise.

But 14 per cent. of current Liberal voters, and 13 per cent. of current National Country Party voters, think Sir John did not act properly, while 11 per cent. of current Labor voters think he did act properly.

Asked whether the Governor-General should resign or not, 39 per cent. said he should resign and 57 per cent. said he should not resign.

Those who said he should resign included 14 per cent. of current Liberal voters. Those who said he should not

Kerr should go, say 39 per cent

resign included 31 per cent. of current Labor voters.

AGE POLL interviewed 2000 people of voting age in all six States and the ACT. The sample included every Federal electorate except the Northern Territory.

People were asked two questions: the first being: "Looking back on the dismissal of the Whitlam Government last year, do you consider that the Governor-General acted properly; or do you consider the Governor-General did not act properly?"

Slightly more males (50 per cent.) than females (47 per cent.) thought Sir John Kerr had not acted properly. Slightly more females (49 per cent.) than males (47 per cent.) thought he had acted properly.

The differences between blue collar and white collar workers were much more pronounced. The majority of white collar workers felt Sir John had

acted properly. The majority of blue collar workers felt he had acted improperly.

Approval of Sir John's action was strongest among those aged 45-59 (49 per cent.) and those aged 60 and over (53 per cent.).

Disapproval of his action was strongest among those aged 18-20 (52 per cent.) and those aged 21-24 (53 per cent.).

Approval of Sir John's dismissal of the Whitlam Government was stronger among the university-educated (52 per cent.) than those with some secondary education (45 per cent.) or those with primary education only (41 per cent.).

People were then asked: "Taking all things into account, do you think the Governor-General should resign; or do you think the Governor-General should not resign?"

An equal number of men and women (39 per cent.) thought he should resign.

Fifty-seven per cent. of men and 58 per cent. of women thought he should not resign.

Sir John's resignation was favored by blue collar workers (46 per cent.) more than white collar workers (31 per cent.), and by the primary-educated (47 per cent.) more than the university-educated (39 per cent.).

Eighty-four per cent. of Liberal voters and 72 per cent. of NCP voters thought Sir John should not resign. Fourteen per cent. of Liberal voters and 26 per cent. of NCP voters thought he should resign.

Among Labor voters, the figures were: should resign (65 per cent.), should not resign (31 per cent.).

Support for Sir John's resignation was stronger in NSW and Victoria (both 40 per cent.) than in SA (39 per cent.) or Queensland (34 per cent.).

[AGE POLL is conducted for "The Age" by Irving Saulwick and Associates in conjunction with Beacon Research Company Pty. Ltd. and the Department of Political Science in the University of Melbourne.]

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1. ATTITUDES TO THE GOVERNOR GENERAL

Based on responses to the question: "Do you think the Governor-General should resign or not?"

The Governor General, Sir John Kerr	Total (2000) %	Male (999) %	Female (1001) %	Blue collar workers (1043) %	White collar workers (889) %	Will vote LIB. (802) %	Will vote ALP (823) %
Should resign	39	39	39	46	31	14	65
Should not resign	57	57	58	51	65	84	31
Don't know	4	4	4	4	4	2	4

Note: Percentages rounded to nearest whole number.

2. ATTITUDES TO THE GOVERNOR GENERAL

Based on responses to the question: "Do you think the Governor-General acted properly or not?"

In dismissing the Whitlam Government, the Governor General, Sir John Kerr:	Total (2000) %	Male (999) %	Female (1001) %	Blue collar workers (1043) %	White collar workers (889) %	Will vote LIB. (802) %	Will vote ALP (823) %
Acted properly	48	47	49	39	58	83	11
Did not act properly	48	50	47	57	38	14	87
Don't know	4	4	4	4	4	3	3

Note: Percentages rounded to nearest whole number.

Government House,
Canberra. 2600.

1 December 1976

My dear Martin,

Our affairs have been dominated by economic issues in recent weeks. In my last letter of 11 November I gave an indication of some of the problems. We started with the creation of a new Department of Productivity and a serious attempt to avoid devaluation. The Treasury and the Reserve Bank apparently were still fighting strongly when the decisions referred to in my last letter were arrived at to hold the line on an anti-inflation policy as the prime object. This, as they saw it, required avoidance of devaluation. It appears that even at that time a majority of Cabinet really favoured devaluation but the Treasurer and Senator Cotton, the Minister for Industry and Commerce, prevailed. The Prime Minister acquiesced whilst feeling that the anti-inflation policy, especially the element in it which prevented devaluation, bore down unfairly on certain industries.

As you will by now know it did not take long for this approach to be changed. The outflow of money and the depletion of reserves proceeded so rapidly that even the Reserve Bank and probably the Treasury came around to the view that we should have to borrow \$1,000 million to cope with the outflow or alternatively to devalue to the extent of 17½ per cent. The Cabinet changed its mind and the result is now history - or the beginning of what will be a new chapter in history. I shall not attempt to outline the various aspects of a devaluation of this kind upon our economy. All the classic consequences will follow. Imports will be dearer, exports should produce higher prices in Australian dollars helping, for example, rural industries. Inflation will be stimulated. Wage demands will doubtless rise. You will be familiar with all of this.

The labour situation does not look healthy. Wage indexation seems in peril though the most recent decision passed on the full 2½ per cent increase in the cost of living which appeared to anger the Prime Minister. The Government did not want the full result of wage indexation to be applied. On the other hand the unions are showing signs of battling for what they lost because of failure to grant the full result of indexation in the previous case and the militant unions are not content, in any event, to limit claims to the indexation formula.

.../2

With increased inflation thought to be likely - indeed some commentators regard the anti-inflation policy as having been abandoned to a substantial extent by the Government - union leadership, especially militant leadership, may insist on returning to wage demands which will anticipate future inflation as well as compensate for past inflation.

There is accordingly growing talk of confrontation between the Government and the unions. As you know, because of our Constitution the Government has no direct power to decide upon wages and income policy but is substantially at the mercy of the Arbitration Commission.

Despite all this the Government, according to the polls, remained unexpectedly popular until today's Bulletin poll. This showed a decline from 50 per cent to 47 per cent with the Australian Labor Party up to 45 per cent. Mr Fraser's popularity is down from 48 per cent to 47 per cent and Mr Whitlam's up from 38 per cent to 40 per cent.

The Government has been greatly surprised at its continued reasonably good standing, having expected to be rather badly thought of by now because of unemployment and its anti-inflationary policies. The consequences of devaluation are complex and affect different sections of the community differently. The latest Gallup poll does not give any indication of reaction to devaluation. We shall get this in the next couple of weeks.

In my last letter I enclosed a clipping from the economic editor of the Age which appeared to have been based upon a very serious leak of Cabinet discussions. This seems to have come from Treasury sources despite the fact that at the time they had had a victory. The Prime Minister was angry about this. It seems to have been the last straw which weighed him down in favour of splitting the Treasury into two departments - one to deal with budgetary matters, estimates and so on, and one to deal with economic policy. The latter will be headed by Sir Frederick Wheeler and the former by a Mr Cole who had been the Statistician but originally was a Treasury man. The Treasurer has been promised that he will remain in ministerial control of both departments - the Department of the Treasury and the Department of Finance. His position has probably been weakened somewhat on the devaluation issue but he still seems to have Prime Ministerial backing.

As to my own position we have had no demonstrations of any kind since 11 November. There were some meetings around Australia on the day. Some brought a few thousand people out but there was no violence and not much significance in it all. Issues like mining and exporting uranium and on other Government policies seem for the moment to be attracting action and such demonstrations as occur, relatively small, seem to be directed for the time being at the Ministers.

I attach a few clippings:-

- (1) from Peter Bowers in the Sydney Morning Herald along the lines that the Whitlam "rage" is over - sed quaere;
- (2) a letter from an academic - Crowley taking up the theme in an article sent in my last letter - "It wasn't Kerr who was wrong, it was the L-NCP Coalition";
- (3) a rather charming public statement of support from Sir Mark Oliphant at the time of his retirement as Governor of South Australia;
- (4) a report on a poll on the Monarchy and republicanism;
- (5) a letter by a former academic, Emeritus Professor Sykes on the same issue;
- (6) an extract from a Whitlam interview published in the Melbourne Herald on 5 November in which he said I could and would have brought the Armed Forces out at the time of the crisis. Absolute nonsense, of course, as he knows.

There have been two important social occasions recently, a dinner of the Melbourne Scots presided over by Sir Robert Menzies and a luncheon of the Sydney Club - no press present at either. Sir Percy Spender presided over the latter. There were substantial numbers of influential people at both. Sir Robert and Sir Percy made very strong speeches of unqualified support for the correctness of last year's decision. The speeches were very well received and very gratifying to me, having regard to the great legal and political eminence and authority of each speaker.

We have a busy social period ahead for the next three weeks and then a quiet time. Parliament has two weeks to go and a heavy legislative programme.

I watch with some fascination what the Lords have been doing and the debate about their further reform, with possibilities of written constitutions and so on. This and the prospects of an election are hard to assess from here but we both hope that The Queen's Jubilee will not be affected by political developments.

As to election dates here my reference to the irony of discussion about the prospects of my refusing a dissolution at the end of 1977, if it were asked for, was not meant to imply that I conceivably might get into such a situation. Once in a life time to exercise the reserve powers is more than enough for me.

.../4

PERSONAL AND CONFIDENTIAL

4.

I have had another letter from Sir Stanley Burbury who has run into some trouble with his attempt to get the right to wear a uniform. He has asked me if I can do anything by writing to the Palace. Perhaps the only thing I can do is to attach the correspondence. I can understand his despair at trying to get uniformity among the Governors. A case by case approach based on the Cutler precedent could be helpful and more productive. I know that Sir Henry Winneke in Victoria would like to follow Sir Stanley if approval could be given.

There is a very good new book, well researched but a little turgidly written which you may not otherwise come across. I send a copy for the Palace Library. It has a surprising degree of accuracy - "The Whitlam Venture".

Papua New Guinea. Mr Somare has been trying to get an earlier election. He failed yesterday in the House in an attempt to bring one about. This probably does not reflect adversely on his own popularity. Indeed some reports coming out of Port Moresby indicate that he seems to be acceptable, as Prime Minister, to all parties. There is even talk about establishing a single party and Sir John Guise is now thought to be most likely to step down and contest the election, being succeeded by Sir Moari Kiki. All of this comes to me at second hand but I shall be getting some first hand information probably from our Foreign Minister during the next couple of weeks.

I am deeply grateful to Her Majesty for her gracious response to my reports and the humble expressions of duty and loyalty of my wife and myself are of course reiterated.

Yours sincerely,

John

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

PERSONAL AND CONFIDENTIAL

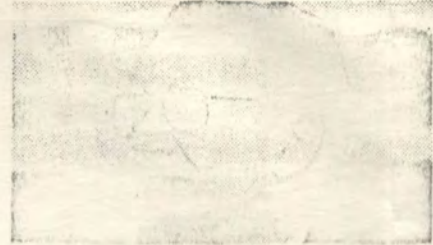
REMEMBERING THE EVENTS OF NOVEMBER 11, 1975 . . .

For
him



the rage
is over

For
him



the fight has
just begun

THE TOWERING figure in a towering rage will NOT — by special request — be making a return performance on the steps of Parliament House today.

Mr Whitlam has not been invited to address the November 11 rally in front of Parliament House to mark Labor's own Remembrance Day, of the dismissal of the Whitlam Government.

If there is one image that captures the stunning drama of November 11, 1975, it is that of Mr Whitlam, larger than life, dwarfing the small dark figure of the Governor-General's official secretary and emoting that God might save the Queen but nothing would save the Governor-General.

It was his greatest and most tragic moment. Remembrance Day will not seem the same without him but Mr Whitlam has been persuaded by his advisers that there is nothing to be gained by rekindling the rage or ranting at Sir John.

Mr Whitlam is so mindful of the advice that it is difficult to get him to mention Sir John's name these days, let alone bucket him. A coy Whitlam is about as convincing as an innocent Macbeth, but this week a woman interviewer found herself being accused of trying to "seduce" Mr Whitlam into discussing the Governor-General. It is a change of tactics rather than a change of heart because Mr Whitlam will not soon forgive or forget Sir John Kerr for sacking him without warning.

Mr Whitlam made two fatal mistakes during the constitutional crisis: he underestimated the power of the Senate, even after he had been dismissed, and he misread the Governor-General's character. He chooses to present his dismissal as a betrayal rather than to admit he allowed himself to be caught by Sir John. Why Sir John chose to keep Mr Whitlam unaware of his thinking remains one of the fascinating untold stories of the constitutional crisis.

The only explanation forthcoming is that Sir John believed that if Mr Whitlam had received any warning, he (Whitlam) would have got in first by having the Queen dismiss Sir John.

The events of November 11 demonstrate how fragile our democratic institutions are and how much their survival depends on the civilised conduct of one or two men in a critical situation.

Suppose Mr Whitlam, instead of quietly accepting the dismissal notice, had torn up the letter and flung the pieces in Sir John's face? There would have been a race to get to the Queen, Mr Whitlam insisting that she dismiss Sir John, and Sir John insisting that Mr Whitlam was no longer Prime Minister and therefore no longer able to advise the Queen.

The Queen would have been in an impossible position. Whom would she have believed? Australia would have looked ridiculously like a colonial power appealing to a distant monarch to solve an internal political squabble.

Until all the crowded history of that day is written, it will not be known how perilously close our governmental institutions came to breaking point. But politics is a continuing process and it is one of the great strengths of

the democratic system that what is intolerable to politicians today becomes bearable tomorrow.

It would have been unthinkable a year ago that Labor would have turned the first anniversary of November 11 to good commercial use by launching a campaign for party funds to pay for the last election.

Similarly, in turning his back on Sir John, Mr Whitlam is acknowledging that if Labor is to make ground at the next election it is Mr Fraser who must be discredited.

Mr Whitlam, in a message read to the "Remembrance Day" rally in Melbourne, dismissed the Governor-General in 12 words and concentrated on Mr Fraser and his Government's economic management.

The Whitlam Government's incompetence in economic management is too recent for the attack to impress many swinging voters, but it was none the less good tactics in a week when the Fraser Government received its worst press since coming to office over its anti-inflation package. The measures announced by Mr Lynch are consistent with the Government's anti-inflation policy, although some think they



come too close to a credit squeeze for comfort. It is further evidence that economic recovery is going to be a long haul (not that Mr Fraser pretended otherwise during the election campaign).

Even so it was widely believed at the time that the Labor Government had performed so lamentably in economic management that the change of government would go some way to restoring business confidence. Labor ministers, including Mr Whitlam, were convinced their government had become the victim of some sort of capital conspiracy they called a business strike. A lot of senior Liberals also believed the business strike theory. Everyone knows better now.

As Mr Whitlam conceded in a recent speech, the business strike was a myth. Mr Lynch is having no more success in talking up business confidence than Labor Treasurers had. If any Liberals actually believed in an investment-led recovery, they no longer do so. The Government's latest measures to maintain tight monetary control may only further delay economic recovery because they will tend to scare already nervous consumers who will respond by saving more money rather than spending it.

The Government is caught in a Catch 22 situation. It won't take action substantially to reduce unemployment until it gets inflation below double figures. And the public will not start spending until it loses its fear of unemployment and/or inflation, i.e. until after unemployment and/or inflation start to fall.

The public's tight pockets suit the Government's tight money monetary policy for the present but it will be a different matter in six months when the Government starts running out of time electorally. With elections due the following year, Mr Fraser can't afford to introduce another deflationary Budget, even if in-

flation remains high. The Government will be in trouble if unemployment rather than inflation is not the main target this time next year.

During the election campaign, Mr Fraser said he needed three years to restore the economy. The projection is proving too short. Mr Fraser still needs a full three years, and if he goes to the very limit, he has only two years.

That is why he may be tempted to grant substantial tax cuts in the next Budget, and provided the Governor-General proves amenable to early elections, take both Houses to the polls next November. Mr Fraser can afford to lose 20 seats and still have a comfortable majority of 15.

It would be a ruthless trade-off — Mr Fraser losing seats to win time.

In such a situation, Mr Fraser's huge majority could become a party embarrassment: election battles are not noted for producing heroes willing to sacrifice their seats.

A year ago today, Mr Fraser successfully toughed out the constitutional crisis. Today, his Government is toughing out the economic situation. It looks like being a longer test of nerve this time.

It wasn't Kerr who was wrong, it was the L-NCP Coalition

SIR, It is gratifying to find at last in your journal the judgment of a reputable authority, in the person of Professor Don Aitkin, that Sir John Kerr acted properly on November 11, 1975 (NT, Nov 8). I doubt if anyone with any real claim to expertise in constitutional law would disagree with him.

It follows that one can only applaud his verdict that it is against the irresponsible and unprincipled breach of convention by the Liberal-National Country Party leaders that anger should be directed, and that the Horne clique are vitiating their declared, and admirable purpose to foster intelligent discussion of the defects of the Constitution by their continued clamour for Sir John Kerr's resignation.

Perhaps his absence from the country last November is partly responsible for a minor flaw in Professor Aitkin's otherwise excellent analysis. He mentions his surprise that Sir John "had apparently not given Mr Whit-

lam the option of fighting an election as Prime Minister."

But it was Mr Whitlam who had refused to go to the electors: if Sir John had instructed him to do so this would have been a dictatorial act, beyond his constitutional powers.

The same comment applies to the suggestion made in John Jost's article — which is also very sound otherwise — that Sir John might have directed the Senate to grant Supply.

A constitutional monarch or governor-general under the Westminster model can only respond to the stances of political leaders: he cannot direct them to alter their stances. Otherwise, we should really have dictatorship, and not democracy.

Professor Aitkin also seems to take insufficient account of the very real possibility that if Sir John had given any hint of what he might do, Mr Whitlam would have had him dismissed. This aspect surely explains why Sir John's action seemed precipitate. It reveals another

serious defect in our Constitution: the Governor-General has very little scope for negotiation.

Dr D. W. CROWLEY,
Director,
Department of Adult
Education,
University of Sydney.

Sacking of Whitlam 'democratic'

ADELAIDE. — Sir John Kerr's dismissal of the Whitlam Government last year was an example of democracy in action, the Governor of South Australia, Sir Mark Oliphant, said on Saturday.

In answer to questions at his last Press Conference as Governor, Sir Mark said he thought it would be hard to point to any real fault in the Governor-General's decision last November.

"I believe democracy can succeed only if one has got somebody who can be an unbiased observer of the scene and who can be a referee when something goes wrong," Sir Mark said.

"I am not saying this because I hold any brief for Mr. Whitlam or Mr. Fraser.

"But in the end what Sir John Kerr did meant that the people were asked what they wanted."

Asked if he thought the Governor-General's action brought the post and the monarchy into disrepute, he said he believed it had added to the repute of both the office of Governor-General and of the Queen.

"We saw this country. Mr. Whitlam included, abide by the consequences and accept the situation," he said.

Sir Mark said the advice of Mr. Whitlam's Ministers had been ignored by Parliament and the Prime Minister had indicated that he would not consult the people, thus choosing instead to be dismissed.

"If Mr. Whitlam had said 'let's ask the people what they feel about it' then probably he would still be in office now," he said.

Sir Mark said he felt far too much fuss had been made about "this little domestic storm in a teacup".

No republic — 65 per cent

Sixty-five per cent of Australians say the country should not become a republic.

The Gallup Poll shows that 25 per cent want Australia to become a republic, and 10 per cent are unsure.

Forty-four per cent say Australia is likely to declare itself a republic within 20 years.

Sixteen per cent believe Australia will become a republic within 10 years.

The poll also shows that 66 per cent of Australians would not like to see Australia break its ties with the British Crown at present.

The poll was held on the first two weekends of this month, exactly a year after the Governor-General, Sir John Kerr, dismissed the Whitlam Government.

In the poll, 1996 people aged 16 and over were interviewed throughout Australia.

More men (30 per cent) than women (19 per cent) wanted Australia to declare itself a republic.

And more men (33 per cent) than women (23 per cent) wanted Australia to break its ties with the British monarchy.

Younger people showed



themselves to be more "republican" in their outlook than older people.

For example, 49 per cent of people aged 16 to 29 thought Australia would become a republic within 20 years, compared with 39 per cent of older people aged 50 and over.

There were no major differences of opinion by states, except that fewer South Australians (55 per cent) than people in other states did not want Australia to declare itself a republic.

Country people (21 per cent) were less in favor of Australia becoming a republic than city people (27 per cent), and fewer of them (37 per cent) than city people (47 per cent) thought Australia was likely to become a republic within 20 years.

Whether Australia should declare itself

Whether Australia should declare itself a republic—

	Total	Men Women		Age Groups		
		p.c.	p.c.	p.c.	p.c.	p.c.
Yes	25	30	19	29	24	21
No	65	62	68	59	66	69
Don't know	10	8	13	12	10	10

Whether Australia should break its ties with British Crown —

Yes	28	33	23	36	30	19
No	66	62	70	57	66	76
Don't know	6	5	7	7	4	5

Australia is likely to declare itself a republic—

In 10 years	16	16	16	19	15	15
In 20 years	44	43	44	49	43	39
Not 20 years	45	49	41	42	45	47
Don't know	11	8	15	9	12	14

Copyright: Australian Public Opinion Polls (The Gallup Method).

Copies of the Gallup Poll releases or print-outs can be obtained from The Melbourne Herald Feature Service, 44 Flinders St., Melbourne, 3000, or the Field Survey Office, McNair Anderson Associates Pty. Ltd., 40 Miller St., North Sydney, 2060.

Republic or monarchy — it's a non-argument

SIR. — The controversy as to whether we should become a republic is, in the way in which it is currently phrased, something of a non-argument. For we already are a republic in just about every substantial aspect.

Monarchy as a system of government surely means a structure under which the person who is monarch performs meaningful exercises of personal power when he or she so wishes it. I don't think, however, that anyone could with reason contend that the present Queen's personal views had much to do with the way our country is run.

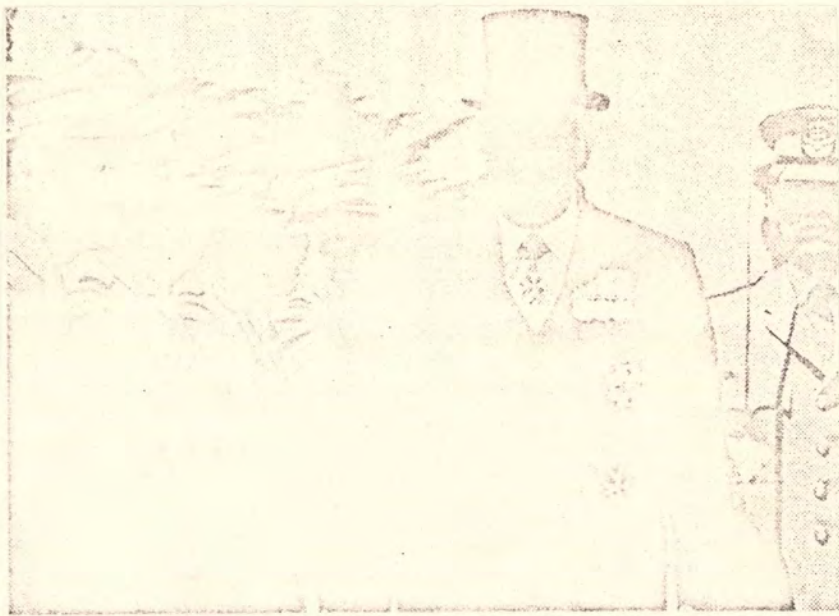
The argument really is that we should have the forms and style of a republic. This, however, is a dubious conclusion. One of the good things about the Governors and Governors-General is that they have kept out the Presidents. In the case of republics that have provided for both a President and a Prime Minister (or Premier) in their system of government, the former has been the more powerful figure and has tended to dwarf the latter. Witness France, Egypt, Eire — to name only a few countries. In very few countries indeed has the President turned out to be a cipher.

If at the time of the November, 1975, crisis in Australia Sir John Kerr had been President instead of Governor-General his effective power would have been greater, not less. Among other things he would not have been subject to dismissal by the Queen. Although the powers of a Governor-General or Governor are on paper great, any strong, independent exercise has happened only twice in the past 40 years — once in 1932 and once in 1975.

Moreover, it has never proved possible under a republic to sever the Presidency from association with some political party, whereas with the Governors-General and Governors political aloofness has been the rule rather than the exception.

Of course, one could follow the recent not-very-original suggestion of electing the Governor-General. We could then abolish the Prime Ministers and Premiers and finish up with a Richard Nixon. In theory it is perfectly possible to reduce Presidents to pint-size. In practice this has not seemed to work.

EDWARD I. SYKES (previously Professor of Public Law, University of Melbourne, and now Emeritus Professor).



SIR JOHN KERR reviewing the military.

Whitlam — Kerr and the military

From PAUL ORMONDE in Canberra

Could the Governor-General, Sir John Kerr, have used his power as commander-in-chief of the armed forces after the November 11 dismissal of the Whitlam government?

Mr Whitlam, now Opposition Leader, says he could have, and would have.

He claimed this in a special interview with The Herald — six days before the first anniversary of his sacking by Sir John on November 11 last year.

Armed forces chiefs denied at the time they were on alert to maintain order during the tense period immediately after the dismissal of the Whitlam government.

The Governor-General under the Constitution is commander-in-chief of the armed forces.

Mr Whitlam had been asked if he saw any danger in a Governor-General taking literally his powers under the Constitution as Commander-in-chief.

Would Mr Whitlam see any merit, for instance, in removing from the Constitution those sections which were transparently absurd in 1976, such as that power?

A: Yes, I do. But it can in fact be done by the Prime Minister being more watchful in the circumstances that arose in October last year.

A Governor-General who assumed that he had political powers which were not expressed in the Constitution, as Kerr did last November, would be certain to assume that he had powers as commander-in-chief which are expressed in the Constitution.

Q: Would you see that as a dangerous situation?

A: I don't believe that any Governor-General will ever act as Kerr did politically last November or would ever act militarily as Kerr would have acted last November in any similar circumstances in the future. Prime Ministers from now on will be aware of what a Governor-General might think he's entitled to do.

They will make sure that no Governor-General so acts in the future.

Q: Have you any basis for thinking that Kerr could have acted militarily on November 11?

A: I have nothing to add to that.

Q: There has been a lot of speculation about it.

A: I am not saying anything on it.

Earlier in the interview, Mr Whitlam blamed the Senate and the NSW and Queensland governments for the events of November 11, 1975, rather than Sir John Kerr.



GOVERNMENT HOUSE
TASMANIA

22 November, 1976.

Dear John,

I have sent you a copy of my submission to Sir Martin Charteris, regarding Governors Uniform on 13 October. He referred the matter to the Lord Chamberlain's Office and I have since received a letter from Sir Eric Penn in which he referred it to the Foreign and Commonwealth Office to obtain the views of the other State Governors.

From bitter experience I know how nearly impossible it is to obtain a consensus and I view with some despondency a long delay. I have accordingly written to the Secretary of State asking that consideration might be given to a recommendation for the Tasmanian case to be taken as an individual one. If there is a delay of 6 to 8 months it would really not be worth my while having a Uniform made for the very short time left of my Term of Office in which to wear it.

Would you, I wonder, be prepared to help in this matter? I feel that a word from you to the Palace might well cut the Gordian Knot. Having once established a Uniform for a State Governor it would be a stepping stone for other Governors and perhaps ultimately the Governor-General.

I enclose copies of the correspondence to Sir Eric Penn and the Secretary of State.

Warm regards,
For Sir
Stanley Bunting

His Excellency the Honourable Sir John Kerr,
A.K., G.C.M.G., K.St.J., Q.C.,
Government House,
CANBERRA. A.C.T. 2600

PERSONAL



GOVERNMENT HOUSE
TASMANIA

22 November, 1976.

Thank you for your letter of 11 November and for your sympathetic consideration of a Governors Uniform.

I note that you have forwarded the correspondence to the Foreign and Commonwealth Office to obtain the reactions of the other Australian Governors and I quite understand that this is the correct procedure. However, as you so rightly say, it will be difficult to obtain immediate unanimity on such a personal matter as Dress. Indeed, from personal experience in other matters I would say that it is virtually impossible to secure a consensus. You will, I am sure, appreciate that quite apart from her Majesty's visit early next year there is still a pressing need for a Uniform on other occasions and if the sort of delay which I envisage takes place my Term of Office as Governor will virtually have expired by the time Approval is given.

I am therefore writing to the Secretary of State, asking him if it might not be possible to treat Tasmania as an individual case in this matter. The precedent has been set and I feel that there are grounds for consideration to be given to an early submission for Approval.

Lieutenant-Colonel Sir Eric Penn, KCVO, OBE, MC.,
Lord Chamberlain's Office,
St. James's Palace,
LONDON. S.W.1
England.



GOVERNMENT HOUSE
HOBART
TASMANIA

22 November, 1976.

Sir,

I have the honour to draw your attention to the question of Governors Uniform. After discussion with the Governor-General I submitted a paper and a request to the Queen's Private Secretary who referred the matter to the Lord Chamberlain's Office. The Controller, Lieutenant-Colonel Sir Eric Penn has written to me advising that in his turn he has referred the matter to your Office to obtain the reaction of other Australian Governors. However, he points out that there may be difficulty in obtaining unanimity in such a personal matter as Dress and in my experience of these things he is considerably understating the facts.

As you will understand, a delay of 6 or 8 months before Approval has been given, would mean to say that I would not obtain a Uniform much before the beginning of 1978 and my Term of Office as Governor expires towards the end of that year. The exercise therefore becomes somewhat academic as it would neither be practical nor appropriate to go to the expense of having a Uniform made in those circumstances. I wonder therefore whether you would consider making a recommendation to the Lord Chamberlain's Office to seek Her Majesty's Approval for my own particular case. I should like to draw your attention to three particular facts in support of this.

- (1) There is a precedent for States receiving individual attention in some matters and in particular our own request for a new Governor's Flag which has been informally Approved and which is currently with the College of Heralds.
- (2) The Governor of New South Wales was, subsequent to the abolition to the Number 1 Dress in 1959, granted individual permission to wear this.



GOVERNMENT HOUSE
HOBART
TASMANIA

- 2 -

- (3) If approval is given for a Uniform for the Governor of Tasmania it could facilitate matters for other Governors seeking a similar accommodation.

With respect I hope you will give favourable consideration to this request.

I have the honour to be,

Sir,

Your most obedient, humble Servant.

GOVERNOR.

The Secretary of State for Foreign and
Commonwealth Affairs,
Commonwealth Office,
Downing Street,
LONDON. S.W.1
England.



BUCKINGHAM PALACE

PERSONAL AND CONFIDENTIAL

18th November, 1976

My dear John

I find myself in the embarrassing position of having three unanswered letters from you, those dated 26th October, 3rd November and 11th November, lying on my desk. The reason for the backlog is that The Queen spent last week in Luxembourg on a State Visit followed by two days staying privately with the Grand Duke and Grand Duchess when it was difficult for Her Majesty to deal with correspondence, and I never answer your letters until she has read them.

Her Majesty has now had time to absorb all your last three letters and has told me to thank you warmly for them and for the admirable way in which you are keeping her informed.

But first let me say how pleased everyone is here that 11th November passed off so successfully: that anniversary and the Melbourne Cup! You must feel tremendously relieved as I know that you were naturally concerned at what might happen. I think 11th November was an important milestone to get behind us, and this having been satisfactorily passed, I hope we may be able to look to the future with increasing confidence.

In your letter of 26th October, you speak of possible dates for the next election, which come in Australia, inevitably, with greater frequency than would normally be expected here. At least there seems no prospect of anything happening in this respect in Australia next year. I wish I had the same confidence about Britain where many people now speak of an election within the next six months. Most of those who do speak like this, however, are Conservatives flushed with victory in the three bye-elections. I can detect no disposition on the part of the Government to go to the country before 1978, so I hope at least that The Queen's visit to Australia next year will be untroubled by British electoral problems! That is certainly a hoop through which no one here wants to jump again!

I appreciate the irony of those who denied the existence of the reserve powers of the Crown now speculating on its possible use against Mr. Fraser! I hope ~~that~~ this possibility will not arise, both for your own sake and also I think for the sake of the Crown. It is good that reserve powers are acknowledged to exist, but unfortunate, I believe if they have to be used too often.

I was of course extremely interested to read about the litigation in Queanbeyan alleging conspiracy against the four Ministers who signed the Executive Council Minute of 13th December: from your letter of 3rd November I can see that this may lead to no little difficulty in Government House.

Thank you very much for what information you have been able to let us have about affairs in Papua New Guinea. Jack Bunting looking well, but still of weak voice, is as you well know back in London, and I have just returned from lunching with him. He is going to come round here before long and I think will be able to give me some more information on a confidential basis.

It was agreeable to have news of you from him and also from Bill Heseltine who much enjoyed his time at Yarralumla.

You may be sure that The Queen will be delighted to receive you when you come here for your mid-term leave.

The Queen sends you both her very best wishes as do I.

*John and
Marilyn*

His Excellency
the Governor-General of Australia.

Government House,
Canberra. 2600.

11 November 1976

My Dear Martin,

There is much to report in this letter.

1. The Economy

The Prime Minister called an unexpected Cabinet meeting on Friday, 5 November, recalling Ministers from all over the country, and sparking off rumours of either devaluation or a mini budget, with tax cuts or increased spending, to encourage recovery. Indeed neither happened. The Government kept to its established path announcing restrictions on bank spending by requiring the banks to increase by 1% their deposits in the Statutory Reserve Deposits, thus reducing their capacity to lend, and by increasing Treasury Note interest, thus ending hopes for cheaper money for some time to come. What has happened does not really amount to a credit squeeze but demonstrates that the Government is continuing its attack upon inflation by way of control of the money supply which it aims to prevent from growing by more than 10-12% this year.

At the same time Cabinet decided to establish a new Government Department - a Ministry of Productivity - by taking parts of the Departments of Employment and Industrial Relations, Business and Consumer Affairs, and Industry and Commerce. This has puzzled some people and the philosophy behind the decision is not apparent. It is clear enough that the Government has big problems to face in relation to protection and pressures in the direction of protecting labour intensive industries are great. However the problem of over-protection with its consequent support for inefficiency is also significant and a Ministry of Productivity must be concerned with efficiency which is reduced by over-protection. The new Minister, Mr Ian Macphee, is in his late thirties and is very able.

Other economic troubles exist in relation to the balance of payments and money is flowing out of, rather than in to, Australia. This and other problems in the rural, textile and other industries are keeping the problem of devaluation under discussion. The decisions on Friday are seen as having been adopted to avoid devaluation at this stage by demonstrating that an overvalued dollar can best be handled by curbing inflation and by encouraging people by higher interest to leave their money here in Australia.

.../2

The Government will be watching the effects. It is undoubtedly concerned that some industries are being expected to bear the brunt of the anti-inflation policy significantly more than others. These are the ones driving for devaluation and they are powerful. I shall not attempt to predict what will happen on that difficult question. From my talks with the Prime Minister I judge the attached clipping from "The Age" to be very well informed.

2. Papua New Guinea

I attach a very interesting clipping from "The Melbourne Herald" of 8 November. It speaks for itself and I leave it to do so. Later I shall try to get some up to date information from Port Moresby.

3. Investiture and Honours

We held two Investitures on 5 November, to one of which the Prime Minister came. Both were pleasant and successful. Sir John Egerton dominated the press the next day with large pictures, on the front page, of his dubbing. He has lost all his positions in the Labor movement but is still influential in Queensland.

It is interesting to see what is happening in New South Wales on Honours. They are, despite the earlier Whitlam policy, recommending up to C.M.G.'s which Labor Governments used to do in the forties and fifties. This could spread to Tasmania and South Australia. An interesting further Wran decision is to recommend that Joan Sutherland should be made a Dame in the Order of Australia (she is now a Companion) on the ground that had Knights and Dames been permitted in that Order when she was made a Companion, she ought to have been made a Dame. It is all a little puzzling. One view might be that Labor is coming to realise how popular the two Honours systems really are and, indeed how popular all aspects of our monarchical system remain throughout Australia.

4. New Books

Yesterday Mr Odgers, the Clerk of the Senate, published the 5th Edition of his classic work on Senate practice. He comes down firmly on the side of the Senate's power under Section 53 to deny supply and the duty of a government which cannot get supply to go to the people or resign. I am sending you a copy of this important book for the Palace Library. A clipping from "The Australian" of 9 November and "The Sydney Morning Herald" of 10 November indicate the impact his book is likely to have.

Another new book is out called, "Elect the Governor-General" by David Solomon who used to be Mr Whitlam's press secretary. It is a weird book which assumes that I proved, last year, the enormous powers the

.../3

Governor-General has. He argues that they should all be taken literally, that the Governor-General should be elected for a fixed term, that he should govern like a United States President, that the Prime Ministership and the Cabinet should be abolished, that non-parliamentarians should be appointed to the Executive Council, that parliamentarians should be ministers in charge of Departments and that they should as such play no general policy roles.

His main thesis is that top policy should be settled by the Executive Council upon which non-parliamentarians should exercise great powers, settling policy for the parliamentary ministers to follow. The Constitution requires that Ministries of State be run by persons who are in Parliament. Some of these could be in the top policy deliberations of the Executive Council. The mixture of parliamentarians and non-parliamentarians would be fixed by the Governor-General who would be a top U.S. style presidential boss.

All this, Solomon argues, can be done without constitutional amendment. As to this he is almost certainly wrong, but in any event it is a political fantasy. Puzzle - find the Prime Ministers and political parties who would try to do it!

He concedes some legislation would be necessary to provide for the election of a Governor-General whose name could be put to The Queen after election upon the basis that he is to have a fixed term. This seems to fly directly in the face of the Constitution. I do not know if anyone has been advising him legally. His book is not a satire. He wants it to be taken seriously.

Alan Reid's new book, "The Whitlam Years" is to come out, we are told, on 17 November. It is said to be a slashing attack upon the former Prime Minister. I have not seen any of it and, of course, have had no discussions with Reid.

5. The Anniversary

There will be some demonstrations or meetings but the Labor Party is supposed not to be intending to participate.

The week-end press was very good, from my point of view. I attach two clippings from the "Sun Herald" of 7 November. The National Times, which had the previous week announced an Anniversary issue, was very mild. I attach the relevant pages.

Before this letter is despatched we shall know what happened at the Stone of Remembrance and at Government House on the Anniversary itself. I shall add a postscript. There was a ragged, paltry "demonstration" at Admiralty House on Sunday 7th. My wife and I were in the country.

.../4

PERSONAL AND CONFIDENTIAL

4.

Most press men in the Canberra Press Gallery are preparing pieces for 11 November. It seems that they have really got the point by now that the Senate had the power to do what it did and one hopes that instead of rehashing 11 November 1975 they will continue the only useful debate, namely whether the Constitution should be amended. We shall see. I send a clipping from "The Sydney Morning Herald" of today.

Attached on a "secret" basis is an interesting security report which may help you assess what is going on. It will be useful in thinking about The Queen's visit.

I am almost tempted to say that it looks as though Mr Menadue was wrong in his dire predictions earlier in the year about the terrible situation likely to exist by November 1976. Like the peasants I never say that the crop is good until it is in the barn but the picture, as of today, tempts me to offer The Queen the humble loyalty and duty of my wife and myself whilst in a continuing state of relaxation. Would you please convey these sentiments to her on our behalf.

Yours sincerely,

John

P.S. No demonstration at the Stone of Remembrance and, as far as I can discover little elsewhere. We do not know about the 4.30 p.m. demonstrations outside Parliament. J.

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

PERSONAL AND CONFIDENTIAL

KENNETH DAVIDSON, our Economics Editor, backgrounds the Lynch economic policy.

THE Reserve Bank was the queen piece in the successful attempt by the Treasurer, Mr. Lynch to turn the rest of Cabinet away from devaluation to a tough money policy at the Cabinet economic committee meeting last Friday.

It emerged at the meeting that a majority of the Cabinet — including the Prime Minister — are soft on devaluation.

Mr. Lynch presented the Cabinet with a number of options — the monetary package finally announced, tax cuts, Government spending increases and devaluation.

In essence the package involved calling up an extra \$170 million from the trading banks and increasing the interest rate on some Government securities — both designed to reduce the cash in circulation.

The options were dressed up such a way as to make the money squeeze the most attractive and devaluation the least attractive.

Essentially the line was put to Cabinet that tax cuts, expenditure increases and devaluation would require offsetting monetary action which would be far worse than the squeeze package if inflation was to be contained.

According to inside reports, much of the time was spent on the devaluation option. Mr. Fraser and the rest of Cabinet, with the exception of Mr. Lynch and Senator Cotton, were drawn to the subject like moths to the light.

If the Cabinet discussion is any guide, Mr. Fraser is attracted to the idea of devaluation because he believes in the justice of redistributing income to farmers and miners and increasing industrial protection.

This position rests on the argument that if income is shifted to the "productive" sectors of the economy, economic growth will be enhanced.

Initially, neither Mr. Lynch nor Senator Cotton was able to persuade the rest of Cabinet that the inflationary consequences of such a move may upset the whole Government "beat inflation first" strategy.

Senator Cotton gave an emotional, table thumping defence of the present parity of the Australian dollar.

But Mr. Lynch was able to pull a political rabbit out of the hat which has stayed off devaluation at least for the time being.

The Reserve Bank was invited to make a submission to the Cabinet economic committee. It was brought to Canberra for the meeting by the governor of the bank, Mr. Harry Knight, and the chief manager of the research department, Dr. Bill Norton.

They made a very strong sub-

Fraser lynched by the Reserve Bank



mission to the Government against devaluation.

They said categorically that it had absolutely no economic justification and that it would do long term damage to the economy.

The submission went on to suggest that if the Government did devalue, then the bank would advocate a very tight monetary policy in order to offset the inflationary consequences.

And the analysis suggested that devaluation in conjunction with a tight monetary policy would ac-

tually have a deflationary impact on the economy and create unemployment rather than stimulate growth and jobs.

Mr. Fraser found this difficult to swallow given the fact that the business community is pushing devaluation hard on the grounds that it would stimulate business and the fact that Labor's devaluation in 1974 received widespread approval.

It was explained to Mr. Fraser that the September 1974 devaluation was accompanied by a very expansionary monetary policy.

Mr. Fraser then said that if the Government decided to devalue, it would have an expansionary monetary policy too.

Mr. Lynch told Mr. Fraser that this was indeed the Government's prerogative and the Reserve Bank could be directed to expand the money supply.

But Mr. Lynch then called the attention of the rest of Cabinet to section II of the Reserve Bank Act 1959-66 titled "differences of opinion on questions of policy".

This says that in the event of a difference of policy between the Government and the Reserve Bank board, the board shall put its reasons in writing to the Government through the Treasurer.

The Government may then "determine the policy to be adopted by the bank".

While the Government can direct the board, the act requires that the difference be made public by the Treasurer within 15 sitting days of Parliament.

The Government must lay before the House a copy of the determining policy, a statement by the Government as to why and a copy of the statement to the Government from the board of the bank spelling out why it disagrees with Government policy.

So far this has never occurred under the present act or under the act under which the Commonwealth Bank including the Reserve Bank, operated under the Curtin and Chifley Governments.

Mr. Lynch did not have to spell out to Cabinet the catastrophic political consequences of such a public disagreement between the Government and the Reserve Bank.

Mr. Fraser could see sufficient steel in the face of Mr. Knight when the anti-devaluation briefing was made to know that while Mr. Lynch could have been bluffing, the issue loomed so large in the eyes of both the bank governor and his advisers that it was possible that the governor just might take such a terrible step.

As a result, the Prime Minister acquiesced to the first Treasury option in the monetary package finally announced by Mr. Lynch even though for once the top two Treasury officials at the meeting, Sir Frederick Wheeler and Mr. John Stone, left most of the running to the people from the Reserve Bank.

Naturally enough senior Treasury officials are not popular with the Government at present. Not only was Treasury opposed to most of the Government's election programme apart from the expenditure cutting but the recovery is well below what the Treasury told the Government earlier in the year it could anticipate.

After the Cabinet committee rose Mr. Fraser attempted to inject some humor into the sombre occasion by saying he thought he would go to church on Sunday and pray.

But he was not amused when one of the advisers at the meeting quipped "and I suppose you will be praying for us?"

G-G poser for PNG

From *ANGUS SMALES*

**PORT MORESBY,
Today.— WANTED:
One temporary Gov-
ernor-General.**

That's the problem Papua New Guinea faces for The Queen's visit next year.

An unusual set of circumstances is developing which could mean that neither the present Governor-General, Sir John Guise, nor any of his constitutional deputies will be available to carry the office in March.

The 1977 general elections, which will be spread over several weeks, are at the root of the problem.

Normally Sir John, who is a constitutional Governor-General elected by the Government of the day, would hold office continuously during the elections.

But it has become increasingly obvious from recent controversies that Sir John is considering standing for election to Parliament.

His candidature would force him to resign as Governor-General in March, shortly before the Queen's arrival.

Under the constitution the acting responsibility would be taken over by the Speaker of Parliament, who continues to hold office during an election.

But the present Speaker, Mr Barry Holloway, is understood to have declined to act as Governor-General at that time because of election commitments.

Mr Holloway, born an Australian but now a PNG citizen, is one of the most thorough political campaigners the country has known.

He "goes bush" for long periods, meeting small village communities in remote parts of his Eastern Highlands electorate.

The chief justice is third in line for the Governor-General's responsibilities.

However, the constitution states that the Governor-General or an acting Governor-General must be a PNG citizen — Justice Sir Sedney Frost is an Australian citizen.

The only course of action left entitles the national executive council (the PNG cabinet) to appoint any citizen as an acting Governor-General, and it may be forced to take this action in March.

The Queen will be in PNG from March 23 to

Clerk defends Senate

'Every right to block' Supply bills

By WARREN BEEBY

JAMES Rowland Odgers, author of the "Bible" of Senate practice, has dropped a bombshell into the political arena on the anniversary of the dismissal of the Whitlam Government by claiming the Senate had every right to block Supply last year.

"Any contention that there is a convention that the Senate should not defer or reject money bills is insupportable," he says in the fifth edition of Australian Senate Practice, to be published this week.

Among a list of prestigious authorities Mr Odgers quotes in support of his claim are Mr Justice Murphy (in June, 1970, when Senator Murphy was Labor Senate Leader) and Mr Whitlam (then Leader of the Opposition, August and October, 1970).

Mr Odgers, 62, is the Clerk of the Senate, and originated Australian Senate Practice in 1953 when he was Usher of the Black Rod, administrator of the Senate.

He has penned all five editions of the Senate "Bible," but says that the new one will be his last. He will have retired before the next edition.

Mr Odgers makes other controversial assertions in the new edition:

STATES appointing a new senator to fill a casual vacancy should choose a replacement from the same political party as the senator who retired or died.

THE Federal Government should not "strain" the practice by any action likely to antagonise the States in the matter of casual vacancies.

THE appointment of an Independent to fill a vacancy caused by the death of a Labor Senator in 1975 did not alter the course of events in October, 1975.

THIS was because Liberal-National Country Party numbers in the Senate were 30 — equal to half the number of senators — and "an equal vote is a negative vote." This meant the Senate could have stopped the Budget supply bills from being read for a second time, and thus deferred supply.

THE Labor senators could have used delaying tactics to keep the Senate in session after the dismissal of the Labor Government on November 11.

THE Labor-dominated House of Representatives could have asked the Senate to return the blocked appropriation bills, which would have left the Government without money to function until after the election on December 11.

Mr Odgers says in the book that any government denied Supply by the Parliament cannot govern and should advise a general election or resign.

He contends that the Senate was given its power to defer or reject all bills to give reality to its role in exercising checks and balances in the Federal system of government.

"There would have been no federation if the Senate had not been given the veto power, and the need for the power is real today, as it was at the time of Federation in 1901," Mr Odgers said.

Mr ODGERS, in Canberra yesterday . . . controversial

Wednesday, 10 November 1976

Senate's Nov 11 role supported

CANBERRA, Tuesday. — The Clerk of the Senate, Mr J. R. Odgers, has strongly supported the dismissal of the Whitlam Government on November 11 last year by the Governor-General, Sir John Kerr.

He also argues forcefully in favour of the Senate's right to block the Budget.

Mr Odgers reveals his view in the fifth edition of his book *Australian Senate Practice*, released for sale yesterday.

The book has long been regarded as the best reference work on the Senate and the latest additions will be drawn on by the Government in the continuing constitutional debate.

But the Opposition also has been given some ammunition with Mr Odgers' condemnation of the actions last year of the NSW and Queensland Governments in not following the convention of choosing a senator from the same party when another senator dies or resigns.

On Mr Whitlam's actions in trying to stay in Government last year,



Mr Odgers

Mr Odgers said: "Those who persist in denying the Senate's power to refuse supply to a Government are repudiating the constitution and the rule of law."

He referred to section 83 of the Constitution which provides that money must be appropriated by law and section 58 which requires that proposed laws must be passed by both Houses before being presented to the Governor-General for assent.

As well, the standing orders of both Houses, made under the authority of the Constitution, required that proposed laws before being presented for assent, had to be first certified by the signature of the clerk as finally having passed both Houses.

Mr Odgers said the Senate's powers over money bills are checks and balances against any concentration of unbridled power in the executive government or against any misuse of

power or mismanagement by a government.

"Without the assertion of those powers, the Senate could not effectively fulfil its role as the safety valve of the Australian Federal system and of the nation."

Mr Odgers said it was unreal to argue that the exercise of the Senate's powers to withhold supply might result in unstable government, with the spectre of elections every six months.

"It is inconceivable that any Senate would deny supply and force an election except in the circumstances when it strongly believed that it was acting in the public interest," Mr Odgers said.

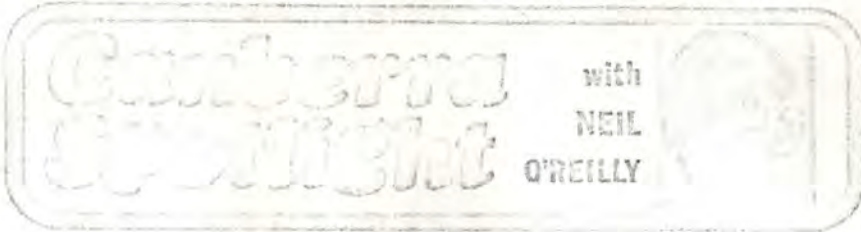
"The electoral sanction is the safeguard against any irresponsibility."

"The Senate has always had to fight hard for recognition of its constitutional rights and independence."

Mr Odgers said the Senate was at the zenith of its powers.

"It enjoys a good electoral system in proportional representation, a successful committee system has been established and the Senate's responsibilities and great financial powers are recognised."

"Above all, the Senate has won the confidence and goodwill of the people without which no House of Parliament may flourish."



Almost 12 months ago a thunderstruck Gough Whitlam stood on the steps of Parliament House and exhorted his followers to "maintain the rage."

The Governor-General, Sir John Kerr, was the silver-haired Thor who had unleashed the thunderbolt not with a hammer but with a slip of paper dismissing Mr Whitlam and his Government.

With only a few days to go before the first anniversary of the traumatic day, all evidence suggests that the rage is not being maintained.

Indeed, Canberra has never been more tranquil. Even somnolent.

Labor parliamentarians have neither forgotten nor forgiven Sir John Kerr, but politicians are resilient people, and by the very nature of their trade are more concerned with the future than the past.

Even Mr Whitlam seems to have abandoned his "magnificent obsession" about Sir John, and nowadays can even manage the occasional joke about the dismissal.

At a recent parliamentary luncheon in honour of the Prime Minister of Singapore, Mr Lee Kuan Yew, he referred to the arrangements in Singapore where the Prime Minister's official residence and that of the president share common grounds, and the two could walk together in the garden to discuss problems.

He remarked that perhaps this would have been a good arrangement in Australia.

Further evidence of the way the rage has dissipated is the way Labor MPs have reacted to a report that one of their colleagues and one of Mr Whitlam's dismissed ministers, Mr Gordon Bryant, had actually shaken hands and had morning tea with Sir John at the recent Kangaroo II military exercise in Queensland.

Even a few months ago such a report would have resulted in calls for disciplinary action against Mr Bryant.

Anniversary

Today most MPs are annoyed rather than angry with their colleague.

But while the rage has subsided, the events of November 11 last year will not go unrecognised next Thursday.

Security officials are not being lulled into any false sense of relaxation.

Both Government House and Parliament House will be closely guarded and nothing has been left to chance.

They are none the less relieved that the universities are in the midst of annual examinations, and most students these days seem to give more priority to their careers than political demonstrations.

The new situation, however, has made life more difficult for the security men responsible for Sir John Kerr.

The angry demonstrations are becoming fewer, but they can never be sure when one will erupt.

Many precautions have to be taken, and the Governor-General cannot

The rage over Kerr seems to be fading



Sir John Kerr

travel around the country as he would like.

Whatever the problems of the security men today, they fall far short of the dire predictions made in the turbulent weeks following the dismissal of the Whitlam Government.

Labor men then argued, quite genuinely, that people would feel cheated and deprived, and would turn away from responsible parliamentary government to achieve their aims.

Predictions that Australians would take to the streets have not eventuated.

The incendiary situation subsided soon after the Fraser Government settled into office.

It was replaced with a curious apathy and lethargy which has settled over the Australian political scene ever since.

The Prime Minister, Mr Fraser, predicted soon after he was elected that by the end of this year his Government would be the most unpopular since Federation, when it started imposing some harsh economic strictures on the community.

Mr Fraser's predictions have not eventuated despite some unpopular measures which were hardly in keeping with his election pledges, however vague they were.

Political apathy appears to have encouraged Mr Fraser to back down on some of his election undertakings, and to take more risks than he otherwise would have done.

Since October 1, few

Australians would admit that the new Medibank arrangements were what they envisaged from Mr Fraser's pre-election undertakings.

Looking back on the past 12 months it appears that few of the predictions made by both sides have eventuated.

The Labor Party predicted head-on clashes between the Government and the trade unions.

In fact, there have been few serious clashes, although things seem to be warming up a bit lately.

Predicted cutbacks in Government spending have not been as tough as Labor supporters feared, and many Government supporters hoped.

The ratings

Mr Fraser may not be feeling he was too cautious in the early periods of his government.

Soon after taking office he seemed to fear that confrontation with the unions would be disastrous, and elected for a far more moderate approach than most people expected.

He retreated on pledges to abolish the Prices Justification Tribunal, and to introduce secret ballots for union elections.

But as the Government has done more unpopular things its ratings in the opinion polls have remained surprisingly high.

Whatever his faults, Mr Fraser has managed the past year with considerable skill and political adroitness.

There was an explosive air around the nation after Sir John Kerr acted last Remembrance Day, and Mr Whitlam urged people to "maintain the rage."

Last week, as the anniversary of that dramatic day drew near, it was hard to believe that it had happened, as the politicians went about their daily chores, and the tourists inspected the portraits of former Governors-General.

There is still no portrait of Sir John to remind anybody of that day.

The rage was maintained until recently, though with diminishing vigour and enthusiasm.

It is sure to be rekindled ritually next Thursday, the anniversary of the dismissal of the Whitlam Government.

But with the lapse of time and increasing public preoccupation with economic issues, the fire and fury have faded from the protest movement. Sir John Kerr has ridden out the storm.

Even the ex-Prime Minister has said that, if he had to make the decision, he would keep in office the man who sacked him — a far cry from that angry "nothing will save the Governor-General" speech on the steps of Parliament House just on a year ago.

Labor's leaders, while still bitter and unforgiving, have perceived the futility of pursuing the vendetta and wallowing in self-pity when they ought to be looking to the future.

Shadowy powers

Easing of the tension, however, does not mean that the dramatic events of last November can or should be consigned to political history.

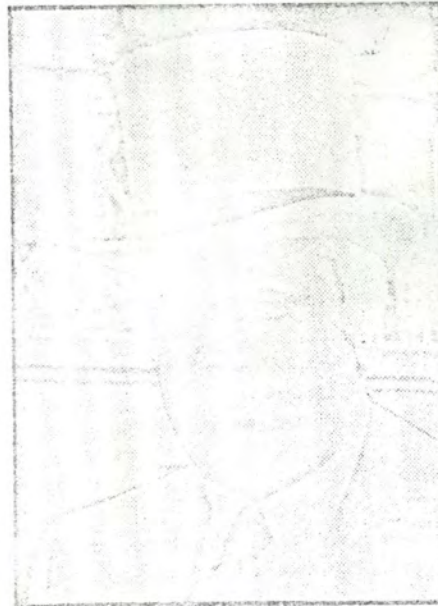
It came as a profound shock to Australians to discover that the Governor-General, normally thought of as an imposing figurehead, had the power to dismiss an elected Government — a power no modern British monarch would dream of exercising.

There is no point now in traversing the arguments for and against the legitimacy or propriety of Sir John Kerr's action, or in speculating how near it brought this country to revolutionary violence.

Sir John had a difficult decision to make and he made it in accordance with what he conceived to be his duty and in the best interest of the nation.

But it should be the business of statesmanship to avoid a repetition of the circumstances leading to last year's upheaval. Another time the country might not escape with street demonstrations.

The Senate's power to block Supply ought to be more clearly defined — the opportunity was ducked at the Hobart constitutional convention. So should be the authority of the Governor-General. If too heavy a responsibility is cast



SIR JOHN KERR . . . ridden out the storm

upon him, the office so dramatically brought under scrutiny last November cannot survive in its traditional form.

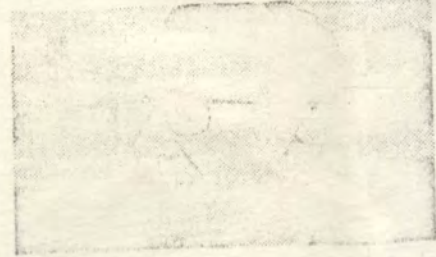
REMEMBERING THE EVENTS OF NOVEMBER 11, 1975 . . .

For
him



the rage
is over

For
him



the fight has
just begun

THE TOWERING figure in a towering rage will NOT — by special request — be making a return performance on the steps of Parliament House today.

Mr Whitlam has not been invited to address the November 11 rally in front of Parliament House to mark Labor's own Remembrance Day, of the dismissal of the Whitlam Government.

If there is one image that captures the stunning drama of November 11, 1975, it is that of Mr Whitlam, huger than life, dwarfing the small dark figure of the Governor-General's official secretary and emoting that God might save the Queen but nothing would save the Governor-General.

It was his greatest and most tragic moment. Remembrance Day will not seem the same without him but Mr Whitlam has been persuaded by his advisers that there is nothing to be gained by rekindling the rage or ranting at Sir John.

Mr Whitlam is so mindful of the advice that it is difficult to get him to mention Sir John's name these days, let alone bucket him. A coy Whitlam is about as convincing as an innocent Macbeth, but this week a woman interviewer found herself being accused of trying to "seduce" Mr Whitlam into discussing the Governor-General. It is a change of tactics rather than a change of heart because Mr Whitlam will not soon forgive or forget Sir John Kerr for sacking him without warning.

Mr Whitlam made two fatal mistakes during the constitutional crisis: he underestimated the power of the Senate, even after he had been dismissed, and he misread the Governor-General's character. He chooses to present his dismissal as a betrayal rather than to admit he allowed himself to be caught by Sir John. Why Sir John chose to keep Mr Whitlam unaware of his thinking remains one of the fascinating untold stories of the constitutional crisis.

The only explanation forthcoming is that Sir John believed that if Mr Whitlam had received any warning, he (Whitlam) would have got in first by having the Queen dismiss Sir John.

The events of November 11 demonstrate how fragile our democratic institutions are and how much their survival depends on the civilised conduct of one or two men in a critical situation.

Suppose Mr Whitlam, instead of quietly accepting the dismissal notice, had torn up the letter and flung the pieces in Sir John's face? There would have been a race to get to the Queen, Mr Whitlam insisting that she dismiss Sir John, and Sir John insisting that Mr Whitlam was no longer Prime Minister and therefore no longer able to advise the Queen.

The Queen would have been in an impossible position. Whom would she have believed? Australia would have looked ridiculously like a colonial power appealing to a distant monarch to solve an internal political squabble.

Until all the crowded history of that day is written, it will not be known how perilously close our governmental institutions came to breaking point. But politics is a continuing process and it is one of the great strengths of

the democratic system that what is intolerable to politicians today becomes bearable tomorrow.

It would have been unthinkable a year ago that Labor would have turned the first anniversary of November 11 to good commercial use by launching a campaign for party funds to pay for the last election.

Similarly, in turning his back on Sir John, Mr Whitlam is acknowledging that if Labor is to make ground at the next election it is Mr Fraser who must be discredited.

Mr Whitlam, in a message read to the "Remembrance Day" rally in Melbourne, dismissed the Governor-General in 12 words and concentrated on Mr Fraser and his Government's economic management.

The Whitlam Government's incompetence in economic management is too recent for the attack to impress many swinging voters, but it was none the less good tactics in a week when the Fraser Government received its worst press since coming to office over its anti-inflation package. The measures announced by Mr Lynch are consistent with the Government's anti-inflation policy, although some think they



come too close to a credit squeeze for comfort. It is further evidence that economic recovery is going to be a long haul (not that Mr Fraser pretended otherwise during the election campaign).

Even so it was widely believed at the time that the Labor Government had performed so lamentably in economic management that the change of government would go some way to restoring business confidence. Labor ministers, including Mr Whitlam, were convinced their government had become the victim of some sort of capital conspiracy they called a business strike. A lot of senior Liberals also believed the business strike theory. Everyone knows better now.

As Mr Whitlam conceded in a recent speech, the business strike was a myth. Mr Lynch is having no more success in talking up business confidence than Labor Treasurers had. If any Liberals actually believed in an investment-led recovery, they no longer do so. The Government's latest measures to maintain tight monetary control may only further delay economic recovery because they will tend to scare already nervous consumers who will respond by saving more money rather than spending it.

The Government is caught in a Catch 22 situation. It won't take action substantially to reduce unemployment until it gets inflation below double figures. And the public will not start spending until it loses its fear of unemployment and/or inflation, i.e. until after unemployment and/or inflation start to fall.

The public's tight pockets suit the Government's tight money monetary policy for the present but it will be a different matter in six months when the Government starts running out of time electorally. With elections due the following year, Mr Fraser can't afford to introduce another deflationary Budget, even if in-

flation remains high. The Government will be in trouble if unemployment rather than inflation is not the main target this time next year.

During the election campaign, Mr Fraser said he needed three years to restore the economy. The projection is proving too short. Mr Fraser still needs a full three years, and if he goes to the very limit, he has only two years.

That is why he may be tempted to grant substantial tax cuts in the next Budget, and provided the Governor-General proves amenable to early elections, take both Houses to the polls next November. Mr Fraser can afford to lose 20 seats and still have a comfortable majority of 15.

It would be a ruthless trade-off — Mr Fraser losing seats to win time.

In such a situation, Mr Fraser's huge majority could become a party embarrassment: election battles are not noted for producing heroes willing to sacrifice their seats.

A year ago today, Mr Fraser successfully toughed out the constitutional crisis. Today, his Government is toughing out the economic situation. It looks like being a longer test of nerve this time.

AUSTRALIA AFTER KERR

AUSTRALIA AFTER KERR

On this and the following pages, the National Times discusses the effect the events of November 1975 have had on Australia in the past year and may have on Australia in the future:

The greatest impediment now to Labor's revival and its hopes for the next election and beyond is the remembrance of November 11.

It has been a useful issue in keeping the party together after its defeat. It has been particularly useful to the leader, Gough Whitlam, who has been able to confirm his hold on the leadership by portraying Labor's loss as a betrayal by Sir John Kerr rather than an electoral judgment on himself as Prime Minister.

But its usefulness as an issue has long since been exhausted, and the party's continuing concern with the circumstances of its defeat has postponed a re-examination of its defeat and an accommodation to the issues presented by the Fraser Government.

Labor now has two broad roads open to it, and the party's most hopeful sign in recent months is that Mr Whitlam is treading cautiously, down the road to electoral recovery.

One road is that of The Constitution Crusade, and at the end of it is the mirage of republicanism. It is that road which Lionel Bowen indicates when he speaks of presenting a new Constitution to the people, and which some of Mr Whitlam's advisers see when they urge him to come out for a republican Australia.

It is the road which threatens to absorb all the party's energies in seeking merely a cosmetic change, like breaking Australia's ties with the Crown British monarchy; or threatens to expend all its energies in the pursuit of changes which the electorate has demonstrated time and again that it will not accept.

It is as plain as any political fact can be that if Labor could not make headway with the issue of Sir John's actions in 1975, it certainly will not be able to in 1978.

The most poisonous of the effects of the Kerr obsession is that those Labor Party leaders most infected are, by a process of compensation, most inclined to compromise on really important issues like the party's attitude to industry and social-welfare programs. Unless Labor sorts out its priorities, it may end up in 1978 in the conservative camp on economic change and preserve its radicalism only on constitutional issues.

This combination of attitudes reflects one set of lessons Labor drew from government. Influential groups within the party are pessimistic about the pace of change possible in Australian politics, and outraged by their dismissal by a Governor-General they appointed. Together those lessons have produced a line of thinking which seeks accommodation with industry, and confrontation with the Governor-General.

Other lessons have been forgotten — about the problems of making and effecting policy in government, and about the real changes that Labor achieved nonetheless in such difficult circumstances.



JOHN EDWARDS charts the course for a Labor comeback.

The other road open to the party — which the younger members of the shadow ministry and now Mr Whitlam himself are treading — leads to the real issues which will concern the people in 1978 and in the election thereafter.

After a year of uncertainty, there is now a growing consensus within the Federal parliamentary Labor Party on which issues will be important over the next few years, but no consensus at all on appropriate policies for them.

Over the past year, the economic debate in Australia has become more sophisticated. It is no longer simply about inflation, unemployment and public spending. It is increasingly about sectoral economic policies — about the appropriate policies for manufacturing, mining and agriculture to increase output and jobs.

There is now very little possibility of a return to the issues which Mr Whitlam made important in 1969 and 1972 — the issues of education spending, urban and regional spending, health insurance and open government, which were added to the classical issues of social services, wages and working conditions to produce a winning electoral coalition.

So long as a high unemployment persists with a low rate of economic growth, the central issue must remain economic policy. But once the Labor Party gets down into a discussion of sec-

toral economic policies, it immediately revives in itself the unresolved dispute over the level of government assistance to mining, manufacturing and agriculture delivered through tariffs, subsidies and taxation concessions.

Seeking a compromise on that issue will be the central task of the Labor Party over the next two years.

Mr Whitlam's October 18 speech on Labor's future strategy is the starting point for any consideration of where Labor is heading. It went as far in specifying themes as is possible at the moment, without committing the party to definitive policies before July conference next year.

He identified a long-term problem of high structural unemployment, and anxiety over economic change. The policy solution aims at facilitating changes, and increasing individual security during them. In broad terms a series of policies for modernising industry as well as diminishing the costs of change to individuals may well be exactly the response required if the economy is in long-term malaise.

If the Labor Party can stand convincingly for both economic growth and individual security in 1978, it will be attacking the Fraser Government on what are likely to be its most vulnerable fronts.

That growth—security combination is an extremely difficult one to pull off, particularly since the Coalition parties have successfully associated public spending, on which security depends, with inflation and economic uncertainty.

Only the outlines of that combination are apparent so far. On October 18, Mr Whitlam listed four policy directions to achieve.

The first was a commitment to establish a Department of Industries and the Economy (DIN-DEC), recommended by the Coombs inquiry to advise on medium to long term planning, and to co-ordinate programs across economic sectors. Mr Whitlam described it as a "counterweight" to Treasury, which would concentrate on short term policy.

This new department would then become the principal vehicle for implementing sectoral economic policies. But what policies? That will have to be worked out next July in a compromise between the party bloc most committed to protection and that committed to a more outward-looking economy.

There is a strong manufacturing industry protection bloc, which includes the shadow spokesman Mick Young and what used to be called the "Left," led by Senator Arthur Gietzelt in NSW.

In opposition, there's an almost irresistible tendency to sympathise with the claims of any groups pressing a case on the Government, and that is now apparent in the remarks of Mick Young on manufacturing industry, Paul Keating on mining, and Arthur Gietzelt on agriculture.

Ultimately these competing sympathies will have to be fused into an industry policy if Labor is to become a convincing growth party. The danger is that shadow spokesmen will make too many concessions before that policy is put together.

The second change put forward by Mr Whitlam was a wide-ranging reform of the Public Service, along the lines recommended by the Coombs inquiry to increase the autonomy of departments from the accounting controls of Treasury, and the staffing controls of the Public Service Board.

That general approach is of greater interest to public-service employees than to electors generally. But recast as a demand for a Public Service more responsive to community needs, it is an inexpensive way of picking up votes.

The third direction for the party is towards sectoral employment policies and manpower policies, both intended to reduce structural unemployment and to facilitate change. These policies can include a variety of programs from retraining and relocation to the establishment of new industries and combine effectively the aims of growth and security to which Labor's policy development is heading.

As a group, those policies could make a big hole in the claim of an economic miracle which the Government will no doubt make in 1978.

The fourth direction is in the development of superannuation and compensation schemes, which Labor worked on in office but were too complicated and expensive to introduce in its three years.

Together with restoration of universal Medibank and a revival of the idea of a Australian Government Insurance Office, these policies amount to the "individual security" package which Mr Whitlam has referred to several times recently.

As was demonstrated by the experience of the Labor Government, which was internally divided about the practicality of national superannuation and compensation, this package is the most vulnerable element in the likely policies for next election. It is these policies which the Fraser Government will most easily characterise as extravagant, reviving the debate about public spending.

Labor has almost no chance of winning in 1978 (or sooner, if Mr Fraser is silly enough to call an early election). But it stands to make good gains.

And the calibre of the people it brings to Parliament will then determine the calibre of the next Labor Government. The next election will be quite as important as an election which presents a real possibility of transferring power, just as 1969 was in many ways a more crucial election for Mr Whitlam than 1972.

Photograph by Peter Murphy, from a Remembrance Day exhibition now at the Hogarth Galleries, Sydney.

While November 11, 1975 is now part of Australia's history, interminable arguments pro and con, have hopelessly muddled the waters of discussion.

Probably the one man who can give a definitive statement on the matter is the Right Honourable Sir Paul Meernan Caedwalla Hasluck, PC, GCMG, FASSA, FAHA (Hon) the distinguished former holder of that high office now adorned by Sir John Kerr.

Sir Paul, at least on one previous occasion, has not been averse from dilating on the duties and responsibilities of Governors-General. He demonstrated this in his William Queale Memorial lecture of October 24, 1972.

Part of that lecture may be interpreted as implying that his predecessor, Sir William Slim, might well have taken a different course with Mr Gough Whitlam's predecessor, Robert Menzies, in 1955.

We therefore felt that the interests of ordinary citizens, befuddled by endless harangue, would be well served if Sir Paul were to set down his views on the dismissal of the Government; and wrote to him to that effect.

At first blush, his reply does not appear to add greatly to the sum of our knowledge.

It may be, however, that some future cryptographer/historian may seek to glean what crumbs he may from what seems likely to be Sir Paul's only words on the subject.

In the interests of historical gleanings, we therefore print Sir Paul's letter, thus:

Hasluck speaks (or does he?)

RT HON. SIR PAUL HASLUCK
8th Floor Prudential Building
95 St George's Terrace
Perth, Western Australia 6000
20 October, 1976.

The Editor,
The National Times,
Box 506, G.P.O.,
SYDNEY, N.S.W. 2001.

Dear Sir,

Your letter of October 18, sent by TNT urgent delivery, took me by surprise. I find it hard to understand that anyone could imagine that I would enter into public argument about the actions of my successor in office. Courtesy, propriety, discretion and the conventions



surrounding the office of Governor General all enjoin silence.

If your invitation to me to write an article was really made seriously, I can only ask you to excuse me from accepting.

May I add my own opinion that the events of November 11 are not yet, as you claim, "part of Australia's history" but rather are still being kept as a matter of current controversy.

Yours sincerely,
Paul Hasluck.

Now this looks, on the face of it, to be a letter written with some asperity, in medium dudgeon even.

What it appears to convey is this: this is a private matter, between gentlemen, who find that the need to be courteous, proper, discreet, and conventional are considerations that out-

weigh all others, even on a matter of such supreme importance as the dismissal of a government.

It is, of course, a matter of record that considerations of courtesy, propriety, discretion, etc, did not impede Sir Paul from declaring, on May 5, 1976, that many Australians are garrulous, beer-bellied, self-centred, selfish, gluttonous, self-indulgent, and spongers on the State. But we should always be chary of making rash assumptions about a man who was a journalist for 16 years, and therefore careful in his choice of words.

And, on closer examination, one begins to wonder if Sir Paul is not in fact, by the very words he uses, making some sort of signal to us, in code.

Why, one asks, does he emphasise "convention", "propriety" and "discretion" as the sort of guidelines a former (and presumably present) Governor-General should follow?

Again, Sir Paul's verdict must be either favourable or unfavourable to the action of Sir John Kerr.

If favourable, would Sir John feel Sir Paul had been less than courteous? The evidence is that Sir John would be positively gratified. Is there then some significance in Sir Paul's withholding of such a verdict?

These are weighty matters, and we make no judgment, leaving it to our future cryptographer-historian to make what he may of Sir Paul's very interesting letter.

- Evan Whitton

Whether or not Sir John Kerr helped polarise the community, he did help forge an alliance between Donald Horne and Frank Hardy. Over lunch some months back, this pair dreamed up the peaceful protest held at the Sydney Town Hall in September, which led to the resurrection of Citizens for Democracy.

In the run up to the election last year, several Sydney people had established Citizens for Democracy.

Similar groups were rapidly set up in other States. Citizens for Democracy was not officially associated with any political party, but the ALP channelled funds and assistance its way. Support came from the middle class, and most backers were Whitlamite Labor voters. Their newspaper advertisements were stocked with the names of successful professionals and artists.

Citizens for Democracy dispersed when the Liberals romped home last December.

Then came the Horne and Hardy scheme. About 3,000 people attended the "Kerr and the Consequences" meeting at the Sydney Town Hall, and another thousand or so listened outside.

At least half of those who came were middle-aged or elderly, many of them genteel people from leafy suburbs who looked as if they would sooner dine at Government House than demonstrate in the streets. The proportion of Identikit protesters, the "rent-a-crowd" Left as Senator Reg Withers has called them, was not substantial.

When the committee of 18 "concerned citizens" who organised the affair next met, another 140 people from across Sydney turned up with ideas about generating citizen action in their own localities. Organisational meetings rarely attract such members.

By now, says Donald Horne, "Citizens for Democracy has revived itself all over the bloody country."

Dr J. Davis McCaughey, president-elect of the Uniting Church, will chair an anniversary rally in Melbourne.

Citizens have also organised mass meetings to press for constitutional reform in Adelaide, Perth and Newcastle and a series of less ambitious local anniversary projects.

Donald Horne, the group's guru, will appear at many of the meetings. He, Patrick White and Senator James McClelland are to be the star turns at a mass rally held at Sydney Town Hall Square on November 11. Organisers predict a crowd of 30,000 and are warily hoping that people do not confuse their function with that planned by Maoists for earlier on the same day in the same place.

This burst of activity is partly because Citizens

Radical-conservative middle class takes umbrage

for Democracy is so loosely organised — Mr Horne calls it anarchic — and can accommodate people of widely varying views who happen to agree on the need for constitutional change. At one extreme of this united front are those who have not previously engaged in political activity — like the woman who wrote in to say "I would like to help in framing the Constitution."

At the other extreme are the traditional ALP and union activists. Citizens for Democracy is now less coy about its inevitable association with the mainstream Left.

The NSW Labor Council has endorsed the rally, is circulating the petition calling for Sir John Kerr's resignation among its 100 affiliated trade unions, and is prompting the unions to conduct an education campaign for a new Constitution.

The obvious rationale is that otherwise Labor may again be dismissed from office. But it may not have been lost on those responsible for the Labor Council decision that Citizens for Democracy, however "anarchic," is one of very few signs of life emanating from a demoralised Left.

For those in search of a cause which gives adequate vent to their lasting frustration, or sense of justice injured — or, as Gough Whitlam and Donald Horne have it, rage over the events of last year — Citizens for Democracy offers a compelling orchestration of the "we wuz robbed" theme.

This appeals to the middle class, especially disillusioned Whitlamites. Supporters include numerous latter-day Labor Party voters who never joined the ALP, and Citizens groups have sprung up in some affluent northern and eastern suburbs of Sydney.

If the predicted 30,000 turn up to the Sydney rally, the campaign could become the biggest mass movement since the Vietnam moratorium days.

Which might explain why some Liberals have leapt in to denounce those involved with it. There was Senator John Carrick's parliamentary attack on historian Professor Manning Clark.

Senator Carrick had recourse to the hoary "associating with known communists" ploy.

And Edward St John, presumably in his role as enlightened Liberal, wrote in *The Australian* newspaper of the spectre of revolution, one indication of which he considered to be "the attempt to set up 'the people' as the true rulers."

Mr St John warned: "Let us beware of this people's convention advocated by Horne, Hardy & Co."



ELISABETH WYNHAUSEN
considers the radicalisation
of the middle class.



Donald Horne . . . "a lot of people got very cranky."

& Co may be an elusive factor, but it is already difficult for opponents to write off Citizens for Democracy as the radical fringe. Yet the organisation is built on the premise that the Australian Constitution is undemocratic, and that the chance to go to the polls every three years (or more often, as the case may be) does not in itself safeguard a democracy.

In the past, such beliefs have regularly been associated with extremists. If, as some critics have claimed, Citizens for Democracy exists solely for certain demagogues to air their anger and to stir up mass hatred against the present Governor-General (and the present Prime Minister), then it will become extremist and of eventual concern to a minority only. And their cause will be lost if Sir John Kerr happens to resign.

But if, as Donald Horne hopes, the passion is focused on widespread debate, education and action for a new constitution — even a republican constitution — then Citizens for Democracy may well continue to thrive after November 11 and its possibly cathartic display of "rage."

"If there is no longer popular support, we can pack up," says Donald Horne. "It doesn't have to mean 51 per cent or even 42.75 per cent. A lot of people got very cranky last year and they'll never forget it . . . Some of them have been jolted into thinking differently. It's a question of experimenting."

AUSTRALIA AFTER KERR

Rarely have so many important policy decisions been made by so few people with so little public discussion.

This is the style of Malcolm Fraser, who in 12 months has injected into Australia a new form of political management characterised by control, stability and secrecy.

The most remarkable aspect about his first year of government is that despite the huge cut-backs in the public sector, crippling of Medibank as Labor conceived it, rising unemployment, and determination to depress the level of real wages, opinion polls indicate the Government's public support is still at about 50 per cent. It stood at 53 per cent last December in the biggest election win ever.

Mr Fraser has proved wrong with his dire predictions when he assumed office that at the end of 1976 his Government would be the most unpopular since Federation.

Even more important is that this popular support comes after a long period of activity and many decisions that have hurt people in the name of economic recovery.

Why is the Government doing so well in the polls? Two obvious reasons are the weakness of the Labor Party and public apathy about politics, compared with the last few years.

But beyond this, another reason is the management style of the Prime Minister who has come from caretaker to become the most powerful rousemaster in the nation's history.

Malcolm Fraser derives his power not just from the strong Liberal leadership ethic, not just from his astonishing record of political success over the past 24 months, but also because of the pedestrian quality of many of his ministers who are happy to defer to him.

Mr Fraser has left his stamp on nearly every major policy area, sometimes giving new force to the current direction, sometimes changing that direction himself.

A short list includes his personal intervention early in the new year — in breach of election pledges and despite the Labour Minister, Mr Street to push for a halving of wages flow-on after a 6.4 per cent price rise, heralding the Government's tough wages policy and heavily influenced indexation decisions by the Full Bench.

He supported the Treasury in slashing the public sector and budget deficit, and then opposed the Treasury in forcing through personal income-tax indexation and stock-valuation proposals of the Mathews Committee.

He was responsible for the expanded child-endowment package prepared by the Prime Minister's Department and which Mr Fraser has labelled one of the nation's greatest welfare reforms (the responsible minister, Senator Guil-

Fraser's government: firm, secretive and surprisingly popular

By PAUL KELLY

foyle, did not know the nature of the proposals until the eleventh hour).

The inquiry into education and training which has been heralded by Senator Carrick was co-ordinated in the Prime Minister's Department and announced by the Prime Minister.

In Foreign affairs, it has been Mr Fraser, not

In defence, it was the Prime Minister's personal commitment, not that of the Defence Minister, which ensured an expanded five-year rolling program for defence at a time when the rest of the public sector was being squeezed.

On the industry front, it is Mr Fraser who, by his public commitment to protectionism, has encouraged the criticism of the Industries Assistance Commission, given local manufacturers hope that they can preserve local markets no matter how inefficient their operation. More significantly, he is provoking further opposition from primary-industry export groups for forcing up their costs.

So far, Mr Fraser's dominance of his Government has been more of a unifying than a divisive factor, for he has set the course on which all the rest have steered. Yet if the political fortunes of his government change and if individual ministers and the party grow more alarmed, this dominance may become a running sore.

The second component of the Prime Minister's management is his penchant for secrecy.

Mr Fraser follows the ancient axiom that in politics, knowledge is power. He therefore denies knowledge to as many people as possible.

The style of his government is to bottle things up, bury options about alternative policies, present his own decisions as a fait accompli, and attempt to "snow" the public.

The standard process is the establishment of a committee — typical examples are the Green Committee on broadcasting, the Bland Committee on the Public Service, the Hay Inquiry into Aboriginal affairs, the Medibank Review Committee, the Bailey Committee on health and welfare services, along with a whole labyrinth of interdepartmental committees (IDCs).

The committees investigate — and report, and cabinet makes a decision. More often than not, the report which was the basis for action is never released.

The Prime Minister's commitment to secrecy has two basic motives. The first stems from his conviction that great damage is done to a government through exposing its decision-making process if differences between ministers see the light of day, as they did under Labor.

The second notice relates to Mr Fraser's efforts to dampen down the political aspirations of the Australian electorate.

Just as Gough Whitlam sought to create expectations within the community that could be translated into political demands for Labor's policies, Mr Fraser, with his pledge to reduce the public sector, must eliminate those expectations or face an electoral backlash.

The Prime Minister admits privately that this means making politics more boring, but adds that boredom normally accompanies a long and successful tenure of office.

The third element in his management style is stability and this relates to the Parliament, the coalition, the States and the parliamentary party.

In each of these areas Mr Fraser has deliberately set out to eliminate the problems which have brought his predecessors unshak.

He is the first coalition Prime Minister in a decade to control both Houses. He is a contemporary of Messrs Anthony, Sinclair and Nixon. Despite talk to the contrary, has cemented the coalition tighter than any Prime Minister since Mr Menzies. At the same time, as implementing stage one of the New Federalism, he has maintained sound relations with the States, powerful organs within the Liberal Party that were crucial in the downfall of both John Gorton and William McMahon.

Finally, Mr Fraser has an impeccable record of Cabinet solidarity (the Cabinet has not even leaked, let alone broken). This is backed up with a high level of back bench acquiescence on economic policy (given the consequences of that policy), apart from some notable exceptions.

As Mr Fraser enters his second year of

Continued on page 37



Mr Peacock, who has charted the much-criticised new path towards China, collision course with the Soviet Union and attempted reconciliation with Indonesia.

government, there are a number of dangerous flash points for him.

Unemployment in both its nature and dimension threatens to become a bigger liability than ever. But perhaps Mr Fraser's most intractable task will be to satisfy and reconcile the often conflicting demands of the big industry sectors whose support he values so much — the miners calling for development projects, the manufacturers seeking high tariffs and investment subsidies, and the rural sector, more politically aware than before, seeking either lower tariffs or tariff compensation, and ready to damn a government that cannot improve its position.

Mr Fraser's style is also likely to open up divi-

'Boredom accompanies long tenure of office'

Continued from page 31

sions within the community. The extent to which he grants concession appears directly related to the political muscle which groups can bring to bear. The result is that government resources have been diverted away from Aborigines and

the under-privileged, to business and weapons merchants.

The Prime Minister has also displayed an un-subtle approach towards managing the news. He held a meeting at the Lodge the day before the

May 20 mini-Budget to brief editors, and sanctioned the recent leaking of a cable involving the Canadian Foreign Minister (again designed to discredit the Opposition leader.)

Finally, it is a moot point whether Mr Fraser's management techniques will remain so successful under greater pressure.

Perhaps the vacillation he showed over Medibank will come more to the fore, along with the streak of political violence that runs through his whole career, revealed in his current hostility towards the ABC.

Politics takes on a new dimension of hatred and bitterness

Sir John Kerr's dismissal of the Whitlam Government seems to attract most of the attention when last year's constitutional crisis is discussed. Only recently has the right of the Senate to bring down a government increased in prominence as an issue.

Instead of defending or attacking Sir John Kerr, our political leaders have lately been debating the role of the Senate, including a referendum to either confirm or deny the power it exercised last year.

Sir John, while being the man who effected that incredible dismissal, was not responsible for the deferral of the Budget. That responsibility surely lies with the Prime Minister, Malcolm Fraser, coalition leaders and parties, especially senators.

With the help of hindsight, it is not so hard to conclude that the dismissal of the Whitlam Government was inevitable, at some stage or another, from mid-1973. As time passed, and the convention system was eroded, a fatal strike at the Labor Government through the Senate became more certain.

This is relevant to any discussion about last

year and the hangover effects within the community today.

Many people simplistically identify the date (November 11) the man (John Kerr) and his action (the dismissal) with the apparent deep divisions now existing between the political forces in Australia. There is also a division between the politically orientated and those with no interest — haven't you noticed people just switch off when politics are mentioned these days?

According to some people, the conflict between the so-called left and right wings has never been more bitter, more intense.

A recent survey by a research group at the Australian National University (NT, Oct 25-30) polled Australia's elite — the powerbrokers, opinion leaders and policy makers — about the system, etcetera. The survey found deep dissatisfaction with the political system, and discontent with political leadership, this dissatisfaction and discontent flowed directly as a result of the constitutional crisis last year. The elite were as much concerned by Supply deferral as the dismissal.

Understandably, we all are inclined to relate our feelings and opinions about politics, politi-



cians and political institutions to that period, regarding it as some sort of watershed. We all have our perceptions of John Kerr and what should or should not be done about him. Everyone, for instance, has a story about that time.

I was lunching unsumptuously in the Federal Parliament's Sheltered Workshop, the informal title of the parliamentary non-members' dining room. A member of my bureau (The Age) came and told us that Sir John Kerr had sacked Gough Whitlam. This information was greeted with total disbelief — and he was told to ring Government House for comment about the hoax!

Very few in the press gallery then — they may claim differently now — thought Sir John would sack Mr Whitlam at that stage. Most expected some compromise, either a half-Senate election or a stand-off until early this year. Only the Liberal and Country Party parliamentarians and their stronger supporters considered the option seriously, and even they were far from sure, if you judge by their comments at the time. There are strong suggestions that the senators were about to crack when the sacking occurred.

Most were openly doubtful about deferral and its wisdom. There was a sort of shocked relief, a sense of deliverance and justification after the event.

"Of course," they would say, "he just had to do it."

Of course, he need not have. I suspect that if the Governor General had called a half-Senate election — or even directed the Senate to pass Supply — his decision would have brought the same havoc to the forces of the Right as were actually brought to the other side. Liberal and Country Party members would have become the Republicans, instead of the Labor Party.

Nevertheless, the actual decision seems to fit the political pattern since 1973. A pro-Whitlam decision would have conflicted with the trend. And the trend appears to have been running strongly in favour of destruction of constitutional conventions, the repudiation of past political practice, and a generally lower ethical standard, if ethics exist in politics at all.

Given the divisive example set by politicians and parties since 1973, it is not surprising that the community is divided now, that the elite (as identified by the ANU) is disenchanted with the system. The system has not been very systematic, has it?

Just look at the record. In 1973, Bill Snedden was publicly thwarted from deferring Supply over the School's Commission by the country Party. In 1974, after Labor persuaded Vince Gair to accept an ambassadorship, the Coalition threatened Supply again. But the challenge was accepted, while the threat remained verbal. In 1975, Malcolm Fraser re-presented these longstanding intentions as a promise not to block the Budget in the absence of reprehensible circumstances.

But this is foreground stuff. During the same period, the Senate rejected more Bills than it had in its previous history. It acted successfully to frustrate, thwart and stop the implementation of policies and programs of a group denied power for the previous 23 years.

Labor's failure to stop record inflation made the efforts of frustration easier and less risky in the political sense. Those "born to rule" saw this failure as proof of their worthiness. The Senate's behaviour had the incidental effect of rattling the Government, so compounding poor performance.



It seems that today's disenchantment flows directly from these events — the right-wing righteously horrified by economic failure, Labor's fiddling with reform while the economic Roman candle burned, the nibbles at subsidies and tariffs, wages biting into profits; the Left frustrated by the struggle to survive in government, let alone achieve much reform.

And since then the Coalition has won a giant victory, winning absolute parliamentary control, something the Labor Party never had. To add grist to the mill, it has dismantled Labor's greatest achievements, secure in the belief that the election result is ample justification.

For 23 years, the Liberal Party was pushed left by the exigencies of holding power. Failure in 1972 provoked many Liberals, especially people like Malcolm Fraser, into thinking that the party had gone too Left — so far that the electorate was prepared to go all the way and install Labor.

After waging bitter opposition, 1975 brought its great reward, the victory providing the opportunity to begin to dismantle the centralist, therefore socialistic, system, hence New Federalism. A unified Coalition, with unequalled parliamentary power, is now trying to delegate Federal functions, a sure way of making the reformative task of any future Whitlam-style government extremely difficult.

The recent history of relations between the Coalition parties and Labor is characterised by hatred and bitter confrontation. The present ability of the Coalition to impose right-of-centre values through the attack on the centralist ABC, the dismantling of Medibank, the use of the unemployed to curb inflation and the unions — all done in an environment of supremacy — can only heighten the divisions which began widening after 1972.

The Fraser Government's actions in 1976 hardly seem designed to generate consensus across the political spectrum. Given that inflation and unemployment continue, that the private sector languishes still while Federal spending has dropped, contemporary feelings of insecurity and disillusionment with the system and politics are perfectly understandable.

PERSPECTIVE

Sir John Kerr acted properly—but nothing can excuse the politicians



This week sees the first anniversary of the dismissal of the Whitlam Government by the Governor-General, and it will be celebrated in a variety of ways. No doubt some of those in government will lift a glass to the head of state; those who were forced to leave office may declare a pox on the man and all his works. There will be demonstrations, vigils, remonstrances. Heaven knows what Sir John Kerr will do.

A year ago I was in London, finishing a year's study leave in the hospitable Institute of Com-

monwealth Studies. Asked what was likely to happen in what was known as "Australia's constitutional crisis," I replied that if nothing else happened by the end of November, I would expect the Governor-General to dismiss the Prime Minister; he could hardly allow the Government to continue in office if the money ran out.

There was nothing especially prescient in all this. I was removed by a year and 12,000 miles from the kind of insider-depsester information that deluded many in the press gal-

—and the Labor Cabinet. I had once done some research into the dismissal of Jack Lang by Sir Philip Game. I had no doubt that Governors-General could dismiss Prime Ministers; the only question was — were the grounds sufficient?

When it happened I was surprised only that he had acted before the end of November, and that he had apparently not given Mr Whitlam the option of fighting an election as Prime Minister.

By DON AITKIN*

Then I returned to Australia, to discover how differently many of my friends and relations felt about it all, and how what had seemed to me an example of the Constitution in action was seen by others as the very betrayal of that Constitution, and of Australian democracy itself.

A year later, I am immeasurably better informed about the circumstances, and about the year of Australian politics that I missed by being away in 1975 — am in a much better position to appreciate the fury that broke over Sir John Kerr's head in November 1975, and the almost inexpressible rage that members of the Labor Government exhibited in the two or three months after the event.

For all that, I stick to my view that the Governor-General acted properly in very difficult circumstances, and that he does not deserve the vilification that he has endured since. He may have acted too precipitately; and had he waited until the end of November the crisis may have been solved in some other way. But we do not know that this, true, and we shall never know. He was certainly lucky in the outcome: the dismissal was accepted, the Parliament was brought to an end, and the caretaker Government won a resounding victory at the polls. It might have been otherwise.

My anger, such as it is, is directed not at the Governor-General, but at the politicians who brought about the situation in which he felt he had to act, and in particular at the then leaders of the Opposition parties. It is not that I object to their desperate attempts to get back into power, for that is what most politicians are about most of the time. It is rather that the methods they used in this case have proved very costly for all of us, and there have been no compensating benefits.

For the first time since Federation we have a Government about whose legitimacy important sections of the community have serious doubts. That is to say, there are lots of Australians who believe that Messrs Fraser and Anthony and their colleagues have no

moral right to hold the positions they hold. This sounds strange when you recollect that their parties won 53 per cent of the vote last December. But the point of course is that in the view of these people there ought not to have been an election last December.

Now this too sounds strange because we do not have fixed-term parliaments on the American pattern, and it is not at all unusual for a Government to have to go to the polls before its hoped-for three-year term is up. But in this case there are many who see the whole business as grossly unfair.

And this is the sticking point for those who were outraged at the dismissal. The non-Labor parties broke some of the unwritten rules of Australian politics in getting back into office. It seemed to have been a rule that the Senate did not use its power to unmake Governments formed in the House. It seemed to have been a rule that the Governor-General stayed above politics. In both cases the rules had no official status; but politicians of the past had played their game in ways that kept both the Senate and the Governor-General out of the arena of the making and unmaking of Governments.

In October-November both rules were broken and a Government displaced. Why? Not because there was a fearful national emergency, not because the very existence of the nation was in doubt, but because those in Opposition wanted to get back into Government. They had been out of office less than three years.

Of course, they said things were very bad. But politicians constantly say that when they are out of office, and ought not to be believed. If things are in fact very bad, the electorate usually has the wit to realise it. Had they waited it seems hard to believe that they would not have comfortably won the next election in 1977 (it would have been only six months away).

To appreciate how many who are not Liberal or National Country Party supporters see it you need to think of the fury surrounding the bodyline controversy in cricket in the 1930s.

The rules of cricket did not positively forbid stacking the leg side with fieldsmen, and then bowling fast at the batsman so that he would use his bat to defend himself and offer an easy catch. But it was one of the unwritten rules that you did not attack the man. If you did, the result, however legal, was not cricket.

What makes it all the worse now is that it is the conservative parties who are the great upholders of following rules, of respect for authority. They have helped to generate a climate of disrespect for the rules of the game. It is simply not credible any longer for non-Labor politicians to reproach unionists or students or strikers for having departed from the accepted procedures in a given case; they owe their own presence in office to some particularly cavalier indifference to the rules of the game of Australian politics.

Unless you are a revolutionary it is in your own interest in the long run to support the relatively fragile consensus upon which a peaceful society depends. That consensus in Australia has been damaged, perhaps irreparably. The proportion on the left who see democratic procedures as a sham which serves only the interests of those who hold power has unquestionably increased. The amount of real bitterness in politics has very greatly increased. The preparedness of those who engage in politics to show self-restraint, to think of the future as well as of the present, has declined. Australian politics is the poorer as a result.

Mr Whitlam and his colleagues have a share of the blame: their abrasive style, arrogance and deviousness when in government helped to produce the climate of 1975. But that would have been less important had not those in Opposition been so greedy, and because of their greed, so blind to the implications of their deeds. It is they, not the Governor-General, who deserve the consideration of protesters on November 11.

*Don Aitkin is Professor of Politics, Macquarie University, Sydney.

Mr David Smith,
Official Secretary to His Excellency
the Governor-General

NOVEMBER 11 PROTEST GROUPS - BACKGROUND INFORMATION

AUSTRALIAN INDEPENDENCE MOVEMENT (AIM)

This group has been active in recent demonstrations against the Governor-General in Melbourne. At the present time there is no indication of membership in cities other than Canberra and Melbourne.

A New South Wales branch which is part of the Australian movement uses the title "The Students for Australian Independence (USAI)". This organisation is known to receive support from the Communist Party of Australia.

The declared aims and objectives of the AIM are:-

- A free and Independent Australia
- Opposition to foreign (especially United States) dominance in Australia
- The expulsion of foreign military bases from Australia
- Establishment of nuclear free zones of peace in Indian and South Pacific areas
- The dismissal of the Governor-General.

STUDENTS FOR AUSTRALIAN INDEPENDENCE (SAI)

All the Maoist youth groups currently in viable existence have renamed themselves "Students for Australian Independence" (SAI). There are known to be SAI groups at Melbourne and La Trobe Universities in Victoria, at Adelaide and Flinders Universities in South Australia and at the University of N.S.W. Isolated reports suggest that there are Maoist supporters at the Australian National University, Royal Melbourne Institute of Technology and Swinburne College of Technology, but there is no firm evidence of the existence of formed groups.

The new name provides the clue to their principal policy line. They contend that Australia has no real independence, is dominated by US Imperialism and subject to the influence of a growing Soviet Social-Imperialism. The Government (of whatever political party), the press, the multi national companies and their Australian subsidiaries are seen as a traitor class, the stooges and lackey's of super-power Imperialism. The power of the Imperialist forces can be destroyed only by a revolution of a broad united front of all classes oppressed by Imperialism, and led by the Working Class.

The SAI groups have taken part in campaigns and demonstrations related to their main theme including the on-going campaign against the Governor-General, the "Mobilization Against Rockefeller" which demonstrated against the visit of the US Vice President, the Campaign Against Foreign Military Bases which organised the "Long Marches" to North-West Cape and Pine Gap and the demonstrations against the visit of the "USS TRUMFUR". Members of the groups have taken a leading and decisively influential role in the campaigns. On those occasions when violence has erupted at demonstrations, SAI members have been reported as being responsible for urging violent action and acting violently themselves.

The policies, propaganda and activity of the SAI group is identical with those of the Communist Party of Australia (Marxist/Leninist). Some members of SAI are in touch with leading members of the CPA(M/L) from time to time. The most important of those contacts is John Herouvin of the La Trobe SAI who works part-time in the office of Duncan Haig Clarke, a senior CPA(M/L) member, director of the NUNA and publisher of "The Vanguard" CPA(M/L)'s weekly newspaper. Herouvin writes material for "The Vanguard". Some SAI students have been reported to have been in contact with Charles Joseph McCaffrey, Leader of the CPA(M/L) in South Australia.

The SAI groups are amorphous bodies, not tightly organised or structured and in which membership and leadership are loose concepts. Some of the leading figures in Victoria are Dimitrio Katsambis, Michael John Kowalik and Stephen Gregory O'Hair.

The SAI groups met for the first time nationally in August 1976 in Melbourne. The meeting produced a voluminous document setting out their policies (as summarised above) but nothing of detailed future planning is known.

SOCIETY FOR ASSERTING THE CONSTITUTION AGAINST KERE (SACK)

A small group recently formed in Canberra. It has publicly lobbied against the Governor-General by television, radio and press as well as writing to Vice-Royal visitors and organisations under Vice-Royal patronage.

They wrote to HM The Queen warning that if Sir John was still Governor-General next March "there will be demonstrations against him in your presence, regardless of whether he is present".

Convenor of SACK, Harriet Swift of Canberra, was convicted for throwing an egg at the Governor-General at Duntroon Military College.

The organisation receives more publicity than its size warrants.

WORKER STUDENT ALLIANCE (WSA)

The Worker Student Alliance would appear to be a left-wing organisation of both worker and student radicals, united with the object of disrupting the established order.

Activities of the Worker Student Alliance have embraced such areas as student demonstrations, participation in campaigns against foreign military bases and anti-American and anti-Indonesian activities. Recently in Adelaide the Worker Student Alliance formed a 'Front' organisation called "Campaign to Free Will HEIDT". HEIDT was a shop steward at the Chrysler factory in Adelaide, alleged to have been wrongfully dismissed. His subsequent arrest for refusing to leave the plant was the cause of industrial action and presented an opportunity to the Worker Student Alliance to cause internal disruption and attack United States business interests.

In June 1975 a person, identified as a spokesman for the Worker Student Alliance, was prominent in a demonstration held in Adelaide against the presence of OMEGA bases in Australia. Recent information from South Australia suggests that the Worker Student Alliance is tied in with the organisation People Against Fascism, for Democracy and National Independence (PAFDNI), as on 9 February 1976 Worker Student Alliance members were seen at Flinders University distributing literature for People Against Fascism. People Against Fascism for Democracy and National Independence may be a Worker Student Alliance satellite organisation.

The Worker Student Alliance has made a special effort to attract the support of migrant workers and print pamphlets in foreign languages.

In Victoria it has been reported that this organisation is now known as Students for Australian Independence (see above).

NOVEMBER 11 COMMITTEE

This appears to be a name of convenience to give "respectability" to amorphous elements of the groups shown above and from left-wing groups such as the Communist League,

Socialist Workers League/Socialist Youth Alliance and the Communist Party of Australia. Its main role seems to be the co-ordination of protest activities.

It is likely that this Committee will be short-lived.

CITIZENS FOR DEMOCRACY

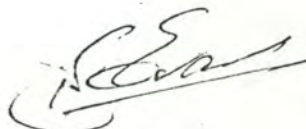
Citizens for Democracy groups were set up in several States prior to the elections in December 1975. Well known persons gave their names to newspaper advertisements. Although not officially associated with any political party, a newspaper report claims that the ALP channeled funds and assistance its way at that time. Citizens for Democracy dispersed after the elections.

Donald HORNE and Frank HARDY held a "Kerr and Consequences" meeting at Sydney Town Hall in September and from this the Citizens for Democracy was re-activated.

NSW Labor Council has endorsed the Sydney rally to be held tomorrow.

Inevitably, because of its anti-Governor-General/Government theme, its activities may also be supported by groups mentioned above.

Like the November 11 Committee, the Citizens for Democracy may be short-lived.


f (A.P. Fleming)

10 November 1976



BUCKINGHAM PALACE

1st November, 1976

My dear John

I fear I have been all too long in replying to your letter of 19th October but we seem to have been more than usually busy here since The Queen came down from Scotland. I think this is really because we are beginning to feel the pressure of the Silver Jubilee year both in terms of planning and correspondence.

You probably saw reports that Her Majesty had had one of her very rare bouts of illness in Edinburgh and as a result had to cancel two days' worth of public engagements. Fortunately, it was nothing serious and she is now fully restored to health.

I hope Bill Heseltine's visit went well and I am much looking forward to seeing him when he gets back. I know how grateful he was to you for having him at Yarralumla and it will be good to get direct news of you from him.

The Queen has of course read your letter and was glad to have your opinion that there is a good chance of her visit to Papua New Guinea passing without any major eruptions from Sir John Guise.

I hope I have not caused too many eyebrows to be raised in Canberra by my suggestion to Jack Bunting that we might get some information about what is going on in Papua New Guinea through Australia House. If such information were to be provided, I cannot see that it would lead to any criss-crossing of constitutional links. After all, it would of course be totally unconstitutional for The Queen, as Queen of Papua New Guinea, to receive any information at all about events in that country from either the Australian or the British Government! It was just a matter of arranging some friendly source of well-informed information!

I hope you have had a talk with Bill Heseltine about the difficult question of invitations to Mr. Whitlam for protocol occasions, with of course a particular eye on what happens when The Queen is in Canberra next year. I fully understand your problems but subject to anything which you have said to Bill and which I have not yet heard, it seems to me that it must be better, from Her Majesty's point of view, that he should be invited when she is there. He is bound to ask to see her, or so I suspect, and if he has been invited to Government House and refused to come I think it would strengthen our hand in dealing with such a request.

It is very good news that your visit to Brisbane passed off without incident, and I shall be thinking of you as 11th November approaches.

I am beginning to look forward to being in Australia next year and to seeing you and Lady Kerr again. We shall have a great deal to talk about!

The Queen sends you both her very best wishes.

*Yours ever
Martin*

His Excellency the Governor-General of Australia.

Government House,
Canberra. 2600.

3 November 1976

My Dear Martin,

On Tuesday we were in Melbourne to attend the Melbourne Cup. We were in Melbourne last week for two functions. These were apparently well known in Melbourne but there were no demonstrations of any kind. I shall mention the Melbourne Cup later.

My wife and I spent two pleasant days on HMAS MELBOURNE at sea, watching seagoing manoeuvres and the launching and recovery of aircraft. It happened to be Melbourne's 21st Birthday whilst we were on board and the Admiral was anxious for me "to splice the main brace", which I did.

As to Papua New Guinea, there has been public controversy between Sir John Guise and Sir Maori Kiki. I enclose relevant cuttings. They speak for themselves.

There has been a development in the committal proceedings in which the two alleged conspiracies referred to in my last letter are being investigated.

The solicitor for the informant has been in touch with David Smith, indicating the possibility of subpoenaing him to give evidence about the events of 13 December. He has asked for an interview with David before issuing the subpoena. This has been parried for the time being. I have taken advice from the Attorney-General about what David's attitude should be. He will not grant an interview. If he gets a subpoena we will need advice about a claim of privilege.

The Secretary of the Executive Council and other important officers have received subpoenas, either to produce documents or to give evidence. The Crown is considering its attitude to a claim of Crown privilege because what is being done affects the working of the Executive Council and preparations for its meetings, as well as relevant practices relating to the summoning of the Council. Government House will need careful advice. I shall keep you informed.

The Constitutional Convention in Hobart produced a small amount of consensus on matters of no great controversy. It seems possible that the Government may decide as a result of what happened there to hold

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referenda next year on proposals to reduce the retiring age for Federal Judges appointed in the future to 70 years of age. At present they hold office for life. Agreement was reached on this point at the Convention.

Agreement was also reached on the proposal that an attempt should be made to get a constitutional amendment to enable elections of the House and the Senate to be held at the same time. This will be a more complicated piece of legislation to draft. The Prime Minister is inclined to let these proposals go to the people next year.

Agreements were also adopted to the effect that residents of the mainland territories, the Australian Capital Territory and the Northern Territory, should have a vote in a referendum and also that what is called the nexus between the House and the Senate should be broken. The nexus produces a situation under the Constitution which requires that there should be twice as many members of the House as there are members of the Senate. This means that the number of members in the House cannot be increased without also increasing the number of Senate members. Some time ago there was a referendum on this point.

It was supported by all parties except the Democratic Labour Party and one dissident member of the Liberal Party. Despite this the referendum was lost. It was supported by only one State. This was due to the hostility in the electorate to increasing the number of politicians. Whether the Prime Minister will agree to referenda on these last two points remains unclear. He is not much of a supporter of the Constitutional Convention but he and all members of the Convention have agreed that it should meet again at the end of 1977 in Perth. The decisions of the members to the Convention are, as you know, only advisory and not mandatory.

Some newspapers welcome the small amount of consensus achieved on relatively unimportant matters. Others regard the Convention as demonstrating the practical difficulties of getting amendments through which are substantial or fundamental or controversial in character. So far as the Senate powers in relation to supply are concerned, a Labor motion that they should be abolished and a Liberal motion to the effect that supply denied for 30 days should produce a double dissolution both failed to pass. The whole subject was referred to a Standing Committee of the Convention.

This outcome was due to the defection of three Tasmanian Liberal voters and the Conservative majority leader from the Northern Territory. The outcome annoyed Mr Fraser to begin with but he later reacted calmly. It is commonly agreed that the Senate's powers are so controversial and the events of 1975 so recent that agreement about changing them is impossible - perhaps for a long time. Indeed they may never be changed.

On the eve of the Convention I delivered a speech to the 125th Anniversary Luncheon of the Melbourne Chamber of Commerce. This was not intended by me to be a major speech but in the process of referring to the continued existence of the Monarchy in Australia into the long distant future, I made some passing remarks about the obstacles in our Constitution, as things stand, to republican ideas being introduced by constitutional amendment.

The press seem to think that I made an important constitutional address. Much prominence was given to it in the Melbourne Age in which it was the lead story on page one. I attach a copy. I must say, that although the newspaper article did not mention it, I quoted from an essay by Sir Zelman Cowen in a book published in 1966 under the title, The Monarchy in Australia. His address was entitled "The Constitution and the Monarchy". Sir Zelman Cowen edited the second edition of The King and His Dominion Governors. I attach, in case you have not seen it, a copy of the final two pages of Sir Zelman's essay. The passage I quoted I have side-marked.

It is not, of course, my intention to take up in any regular way this theme about republicanism. It seemed worth while to make the passing references upon which I ventured because the Constitutional Convention was about to begin and no one had dreamed of raising the republican issue for its debates. The question as I see it is brought forward only by very radical people who do not understand or else ignore the enormous difficulties which stand in the way of the necessary constitutional amendments, as well as the wide support of the Monarchy.

Mr Whitlam has however since said that Australia will become a republic probably in the time of his children though not in his time. He has said this before - some months ago. How it is to happen short of a revolution, of which there is no sign, I cannot imagine.

The nearest that could be got to it would be a puppet Governor-General who would always do exactly as he was told by the Prime Minister and would never even question anything - a Governor-General who would put his signature on anything. This would make a modern Prime Minister in full control of his Cabinet and Parliament virtually a President. The Monarchy would be preserved, in the absence of a successful referendum, in name only. This would be so because the Prime Minister would be exercising both the powers of the Governor-General and his own.

Yesterday we attended the Melbourne Cup. It was a dramatic day but for reasons different from those which we feared might operate. Just before the Cup a deluge occurred of tropical proportions and there was, for a period, a real risk that the meeting would have to be abandoned. However, the tropical type storm passed over, having made the track very heavy indeed.

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PERSONAL AND CONFIDENTIAL

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This led to last minute betting on horses able to handle heavy-going. The ultimate winner, a New Zealand horse, finished up as favourite. The Cup was run in the slowest time since 1934, which was understandable enough.

The reasons which I thought may have made the Cup dramatic had to do, of course, with security. I had always been interested in the problems of attending the Cup because from 80-100,000 spectators were likely to be present and my arrival would be very public, driving down the straight in an open car. The presentation of the Cup also takes place in the saddling enclosure, very much in public. Because it had been raining all night the arrival down the straight had to be cancelled, so that the track would not be damaged, and wet weather procedures were adopted.

The security people had been worried because in a crowd so large there would, of course, be thousands of people who might have been expected to be not only Labor supporters but also opposed to the events of 11 November. What was concerning those giving attention to security was the risk of a hot day with heavy beer consumption and possible unsuccessful betting, leading to feelings of frustration by the time the Cup had to be presented.

In point of fact there were few people amongst the 78,000 present who resorted to booing or jeering. The day went off very well indeed and the security people were delighted at the incident-free way in which events developed. It was in fact raining when I presented the Cup but only lightly and there were many thousands of people surrounding the enclosure. There was some booing which was drowned by loud applause.

The winning horse and its connections were from New Zealand and I said towards the end of my few remarks that New Zealanders were very welcome in Australia and we were glad to see the success that they had in Australian racing. I then added, "You may feel quite sure that any funny noises you hear in the background are certainly not directed against you." This was gratifyingly greeted by a great shout of laughter.

I am feeling very relaxed this morning because yesterday could have been sticky, though not I believed involving violence.

I am looking forward now to getting past 11 November. There will be demonstrations around Australia on that day. I hope it will not affect the ceremony at the Stone of Remembrance. Senator James McClelland has urged everyone attending demonstrations in various parts of Australia on 11 November, not to direct the demonstrations "against the man". This is a big change for the Senator.

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PERSONAL AND CONFIDENTIAL

There is one other point I should mention. I have had a conversation with the Prime Minister about the Killen/Guilfoyle allegations. The writs issued by Mr Killen have put an effective stop to press speculation. The Prime Minister tells me that he has been assured by both Ministers that there is nothing in the allegations and that their homes and families are not threatened. He is willing to accept this assurance but if anything else breaks he realises some decisions will have to follow.

In my last letter I said that the two parties had conceded the truth of the allegations. This was based on authoritative information which had come to me but it is now clear from what the Prime Minister says that he accepts the view that he should act on the basis of a denial. I, of course, accept what the Prime Minister says. I have not spoken to either of the two Ministers and will not do so. The purpose of this part of my letter is to correct a statement I made and understood to be accurate about the situation.

We are approaching the end of the first year since our crisis. My wife and I are looking forward to a period of Christmas celebration and relaxation and a rest in January. I am hoping to have the Prime Minister's agreement to the taking of some mid-term leave after The Queen's visit. This will be in the nature of true leave and will be spent in the United Kingdom and Europe. If there is an opportunity to have an audience with Her Majesty I should be most grateful as I should be for her approval to me taking leave in the late Spring and early Summer. I shall not however ask for any official approval yet as I have to clear things with the Prime Minister.

It is, as I have said, in a spirit of relaxation and pleasure that I ask you to assure Her Majesty on behalf of my wife and myself of our continued humble duty and loyalty.

Yours sincerely,

John.

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

Sir Maori renews attack on Gov-General

From JOHN WAUGH, Staff Correspondent

PORT MORESBY, Friday. — The Governor-General, Sir John Guise, recently tendered his resignation to the Prime Minister, Mr Somare, but it was refused despite the advice of senior PNG Cabinet ministers.

This was revealed today by the Deputy Prime Minister and Minister for Foreign Relations, Defence and Overseas Trade, Sir Maori Kiki.

An angry Sir Maori made his statement during a special interview at which he stressed his determination to get rid of Sir John from the Governor-Generalship if he did not stop "meddling in politics."

Asked whether it was a "him or you" situation, he said forcefully: "I'm not going to become an easy victim to Sir John."

Sir Maori also said the Cabinet was behind him — although not formally — in his decision yesterday to bring the growing feud between the coalition Government and the Governor-General into the open.

(Yesterday, Sir Maori demanded Sir John's resignation, charging that he had continued to "undermine the good work of the Government.")

Sir Maori said he had read his statement to an Executive Council meeting before releasing it to the press, and the ministers had said almost unanimously: "It's about time something was done about him (Sir John)."

Revealing for the first time details of Sir John's recent resignation move, Sir Maori said both he and the Minister for Finance, Mr Julius Chan, had advised the Prime Minister to accept it.

Sir Maori said: "We told the Prime Minister 'He will always find excuses to attack the



Sir Maori Kiki



Sir John Guise

Government if you don't accept now."

"Unfortunately, the Prime Minister did not accept his resignation."

"If this had come into a full (Executive Council) discussion, they would have accepted it."

A source close to the Prime Minister agreed later that there had been a recent communication from Sir John, but that rather than a full resignation, it had been a notification of his intention to submit his resignation to the Queen so that he could "re-enter the political fray" — at the next election, due in March.

The source said the Prime Minister's only reply had been that he would not want Sir John to resign, but that it was not up to him, but the

Queen, to accept the resignation.

But a spokesman for the Governor-General denied yesterday that Sir John had yet sent a letter of resignation to the Queen.

Sir Maori said today that if Sir John intended to contest the election, "as he has clearly indicated to a number of people, why should he disguise himself under the apron of Governor-General?"

"Why can't he come out in the open and say, 'I am intending to run for the next election'?" Sir Maori asked.

Sir Maori said he had no doubt that Sir John, a still-powerful political leader here and behind-the-scenes figure in the Papua pressure group, would be elected when he stood.

"And good luck to him," he said.

Sir Maori went on: "In my opinion, honesty is the only policy. If you're going to rule this country, whether as Prime Minister, Governor-General or Deputy Prime Minister, you've got to be honest about it."

Denying an accusation from the Governor-General that he wished to take over as Queen's representative in the place of Sir John, Sir Maori, one of the nation's leading trade unionists, said:

"He can keep the power and the glory, but labour is mine, and always has been. That's the way I've always worked, and will continue to do so."

Guise told: Keep out or get out

From ANGUS SMALES

PORT MORESBY, Thurs. — The Papua New Guinea Governor-General, Sir John Guise, should "keep out of politics or resign", the Deputy Prime Minister, Sir Maori Kiki, said today.

And Sir John countered with a biting accusation that Sir Maori was trying to get the Governor-Generalship for himself.

The row erupted in public when two leaders issued formal statements.

It is over opposing opinions on Sir John's constitutional role.

Sir Maori called for Sir John's resignation if he could not remain above politics and would not admit it.

Sir Maori accused Sir John of interfering in politics, undermining the work of government and insulting the Prime Minister, Mr Somare.

Sir John claimed in his statement that he had a public opinion of national right and a duty to get issues and to pass the opinions to the Government.

That's what he had been doing, and that's what he would continue to do, he said.

He challenged Sir Maori to take the necessary steps through Cabinet to dismiss him.

Sir John, 62, has been Governor-General since independence 13 months ago after a long career in national politics, including the post of Speaker of the Parliament.

General election

He tended to be a controversial political loner, not joining the Pangu Party of Mr Somare and Sir Maori but tacitly supporting it.

There have been suggestions, which he has not commented on, that he might resign the Governor-Generalship to stand for Parliament again in next year's general election.

He is defined as a constitutional governor-general representing the Queen as head of state, subject to appointment or dismissal by the National Executive Council (the PNG Cabinet), on a fixed-term appointment and bound to accept the council's decisions.

Sir John claimed today that he shared the duty of every other Commonwealth governor-general in being expected to give advice to the Government on matters of national importance.



SIR MAORI KIKI

PNG row over Gov-General

From JOHN WAUGH
Staff Correspondent
PORT MORESBY,
Thursday. — The Deputy
Prime Minister, Sir Maori
Kiki, demanded today that
the Governor-General, Sir
John Guise, resign.

Sir Maori claimed the
Governor-General had con-
tinued "to insult the Prime
Minister, Mr Somare, and
undermine the good work of
Government."

The attack has brought
into the open a long, sim-
mering feud between the
Governor-General and the
Government over the Con-
stitutional powers of the
Queens' representative.

There is a growing feeling

among coalition members
that Sir John may be consid-
ering resigning to contest the
next election on a platform
opposing the Government.

Sir Maori is known to
have consulted a number of
Ministers before issuing his
statement.

The immediate cause of
his demand was the
"unauthorised disclosure" of
a letter from Sir John to the
Prime Minister criticising the
Bougainville peace agreement
as an unwarranted intrusion
into police activities, and a
move by Sir John to advise a
Government Minister on
policy for a recently public-
ised giant oil palm project in
Sir John's home province.

The feud between Sir John

and the Government
surfaced earlier this year
when Mr Somare asked Sir
John to sign urgently dis-
missal notices for two Min-
isters — Mr Thomas Kavali
and Mr Iambakey Okuk —
and Sir John — according to
a government official — de-
cided to "go fishing" for
three days.

Sir Maori said: "The Prime
Minister and his Cabinet have
remained polite and quiet for
too long, while Sir John con-
tinues to play his political
games from the safety of his
official residence.

"Sir John, under the Con-
stitution, is required to accept
the advice of the National
Executive Council and other
prescribed authorities. It is not
for him to direct, dictate or

even comment on policy mat-
ters.

Sir John Guise, in reply
challenged Sir Maori to have
his dismissal passed by the
National Executive Council —
the national Cabinet.

"It is in his power to recom-
mend my dismissal any time by
having the National Executive
Council pass a motion to that
effect."

"He will then be eligible for
election to the position of
Governor-General for which he
may be manoeuvring."

Sir John denied he had ever
acted against the advice of the
National Executive Council,
and went on to say: "It is my
right to advise on policy mat-
ters and it is my right to warn
the Government if the policies
they are pursuing are against
the national interest."

Ther Age Friday October 29 1976

Another G-G in strife

PORT MORESBY, October 28. — The PNG Deputy Prime Minister, Sir Maori Kiki, today demanded the resignation of the Governor-General, Sir John Guise.

Sir Maori made his demand in an unprecedented attack on the Governor General for, he claimed, continuing "to insult the Prime Minister, Mr. Michael Somare, and undermine the good work of government".

The attack has brought out into the open a long simmering feud between the Governor-General and the Government over the constitutional powers of the Queen's representative and a growing feeling among coalition members that Sir John may be considering resigning to contest the next election on

From JOHN WAUGH

a platform opposing the Government. Although Sir Maori is believed not to have consulted the full Cabinet on the text of today's statement, he is known to have consulted a number of Ministers before issuing it.

The resignation demand was prompted by the "unauthorised disclosure" of a letter from Sir John to the Prime Minister, attacking the Bougainville peace agreement as an unwarranted intrusion into police activities, and a move by Sir John to advise a Government Minister on policy for a recently-publicised giant oil palm project in his home province.

CROSSED LINES TO THE PALACE

Special writer **ROBERT DARROCH**

begins a revealing minute-by-minute reconstruction of the events of November 11 1975, the most dramatic day in Australia's political history

NOVEMBER 11, 1975, dawned fine and clear in Canberra a maximum of 21 degrees had been forecast and by 8.30, when Malcolm Fraser arrived at his office in Parliament

House, the main roads of the capital were crowded with morning peak-hour traffic.

That the day was to be a fateful one in history was a commonly-held belief, not only in Canberra; but exactly how fateful was probably known by only one man — Sir John Kerr.

How much Fraser knew that morning of the events that were to unfold later is still largely a mystery. Many people in the Labor Party firmly believe he was part of a plot to sabotage their Government and their leader, Gough Whitlam. They say Fraser knew what Kerr was planning. If not the previous week, then certainly on the morning of November 11. But Fraser himself says that he was part of no plot, that he knew nothing for certain, that he merely had guessed or calculated that today Kerr had to act to resolve the deadlock between the Senate and the House of Representatives over the blocking of Supply. All Fraser had to do that morning was to keep his troops firm and in position and the Prime Ministership would drop into his lap like a ripe plum.

A FEW kilometres away at The Lodge the Prime Minister was speaking on the phone to David Combe, A.L.P. Federal secretary. Both were blissfully ignorant of what was about to descend on them.

For weeks they had watched the opinion polls swing more and more in their direction and observed with undimmed relish what they thought was the fading resolve in the Opposition ranks. They had turned the tables on Fraser and his grab for power, and now all they had to do was turn the screws and complete his humiliation.

But time was running out, and Whitlam knew this. Supply — the money to run the country and pay the pensions and civil servants — would be exhausted within three weeks.

It was time for another move in the game of blind man's chess that Whitlam and Fraser had been playing for over a month now. Whitlam would offer to delay a half-Senate election for six months in exchange for Fraser passing Supply; otherwise Whitlam would ask the Governor-General for an immediate half-Senate election which would be a test of the Government's popularity and could give them a ten-solution the deadlock.

Both Combe and Whitlam knew Fraser would not agree to the first idea, so they discussed plans for a December 13 half-Senate election. Combe would book the Sydney Opera House and inform the State branches. Just before his rang off, Combe asked: "Gough, are you sure of the G-G?" Whitlam replied: "Of course."

The reason Whitlam and the rest of the Labor Party — and a good slice of Australia generally — were so confident of winning the day was that very assurance: that the Governor-General would do nothing except what Whitlam told him. On this certain belief the



Australia's longest day

whole of Labor's strategy was based. Victory was assured: Kerr was Whitlam's man.

Over at Government House, Yarralumla, Kerr's official secretary, David Smith, was preparing two documents: a letter informing Whitlam that he was sacked and a statement of the reasons why Sir John was sacking him. Kerr had ascertained that today was the last day an election could be announced before Christmas; he had also found out that Supply would run out before the end of the month; and he knew that Whitlam planned to continue to "tough it out."

Exactly when the Governor-General made the decision that he would probably have to dismiss the man who hired him is a mystery also. For weeks Fraser and his colleagues had been telling Kerr, certainly publicly and no doubt privately, that this was the only course open to him.

Kerr had absorbed this advice but had decided to let the crisis run its course; he could not intervene decisively until the last moment. That this moment would come on November 11 Kerr had probably decided at least the previous week. He had reason to believe the State governors, under instructions from the non-Labor premiers, would refuse to issue writs for a half-Senate election. Short of anarchy and a climb-down by Fraser, he knew that the option of sacking Whitlam had become his only option.

Although he might not realise it, it was probably Labor Treasurer Bill Hayden who finally tipped the scales and sealed Whitlam's fate. On Thursday, November 6, Hayden was summoned to Yarralumla to explain to Kerr what would happen when Supply ran out. An honest man, Hayden said the Government could manage, but it would be difficult. The emergency measures were cumbersome and they might need government legislation (which, of course, the Senate would block anyway).

IT NOW seems certain that it was this meeting that convinced Kerr that Whitlam would have to go.

Of course he could not tell Whitlam of this decision; he knew that this would touch off a race to the Queen to see who could sack whom first; besides, he could not interfere until all other options had been exhausted — he had to wait just in case either Fraser or Whitlam backed down before the November 11 deadline.

Whitlam arrived at Parliament House a little after 9 am. He had been due to see Fraser at 9 to discuss the crisis but the call to Combe had delayed him and Fraser and his colleagues had got tired of waiting. They were summoned back and Whitlam delivered his ultimatum of a six-month pause or an immediate half-Senate election.

He gave Fraser six hours to decide, but added that he would add to the Supply condition the extra condition that the electoral distribution should

also be agreed on. He told Fraser he had no choice: either he agreed to the delay idea, or there would be a half-Senate poll. Fraser said: "Are you sure that's the only option?" The meeting broke up before 10 am and Fraser went away to confer with Doug Anthony, Phil Lynch and other senior colleagues. Just after 10 he phoned Whitlam to say he rejected the offer: the Opposition would stay firm and see what happened.

Whitlam was in a good mood. He felt things were taking his way. He rang independent Senators Steele Hall and Cleaver Banton, who had voted with Labor, to tell them of the half-Senate poll. Hall told him: "I'm pleased, Mr Fraser. I had a skin feeling that you had to act today." Whitlam said: "I've got a healthy respect for your skin feelings, Steele."

While these calls were being made, Whitlam's staff had been trying to get on to Yarralumla to see-up a meeting with Kerr; but they had trouble getting through. Finally Whitlam himself got on the phone and Kerr spoke to him. Whitlam told him of his half-Senate decision and asked when he could come to Government House. Kerr apologised for the delay — his grand-children had been ill. He said he couldn't see Whitlam immediately because he had to go to the War Memorial for a Remembrance Day ceremony at 11, but he would see him at 1 pm. Whitlam agreed to the time and hung up.

At 10.30 Whitlam told a Labor Caucus meeting of his decision to hold a half-Senate election. The news was greeted with cheers. The fight was being taken to the enemy. The meeting broke up with a general feeling of elation and euphoria.

Fraser attended his own party meeting shortly afterward; but he did not reveal Whitlam's offer, or even the news of the half-Senate election. Rather tense and restrained, Fraser told the Opposition MPs that they had to stay firm and abide by their decision of a month ago to stop Supply. He said events would sort themselves out in the next few hours. Anthony also spoke, reiterating what Fraser had said. "The next 24 hours are the most vital in the history of our parties," he said.

As the Opposition MPs filed out into Kings Hall, Labor members shouted at them: "We've got you! They were rather surprised at the blank responses. A few minutes later Fraser's deputy, Lynch, held a press conference, parrying questions about what the Opposition would do about the half-Senate election with the enigmatic comment: "We believe the present course is sound for reasons which will become apparent to you later."

MEANWHILE at Yarralumla, the Governor-General and his staff were preparing to leave for the Remembrance Day ceremony. Sir John had a busy day planned. Not only was there the ceremony, but, at 12, three army captains were due to arrive to be interviewed for the job of aide-de-camp. They were to be unwitting witnesses to the most momentous day in Australian political history.

Kerr arrived at the War Memorial just before 11 am, to be greeted in Whitlam's absence by the Labor Attorney-General, Kep Enderby. The ceremony went off as planned. Enderby was rather surprised at Kerr's reticence and as he escorted Kerr and Lady Kerr back to their car he waited for the Governor-General to shake his hand. Instead Kerr got straight in. Lady Kerr hesitated, gave a wan smile and said, "Good-bye, Mr Attorney."

Parliament met at 11.45 and Fraser immediately got up and moved a motion of no-confidence in the Labor Government. He accused Whitlam of trying to hang on to power. "He believes that he alone is the Constitution," said Fraser. "That he alone is Parliament." He reminded Whitlam that the Parliament consisted of not only the House, but the Senate and the Queen. Then he added these prophetic words: "There are circumstances, as I have said repeatedly, where a Govern-

or-General may have to act as the ultimate protector of the Constitution."

Commentators, however, thought Fraser's speech lacked sparkle and conviction. On the other hand, when Whitlam rose to reply, he was aggressive and confident.

He turned the motion around into one of censure against the Opposition. He said Fraser had plunged the nation into turmoil and abrogated the rights of the Lower House, the people's House. He was "selling the people's House down the drain."

As Whitlam was speaking Fraser, contrary to custom, got up and left the chamber. He had received a message summoning him to Yarralumla. He had been instructed to allow Whitlam to leave first and arrive at Government House at 1.10. The message could mean only one thing: Whitlam was being sacked; Fraser was to be offered the Prime Ministership.

Whitlam finished speaking at 12.55 and the House adjourned for lunch. Whitlam was delayed in his office and didn't set off for Yarralumla until after 1 pm. Unbeknown to everyone, Kerr's carefully planned timing was going astray.

Normally lunch at Yarralumla is at 1, but today it had been delayed. The three army captains had arrived at 12 and were being entertained by Lady Kerr and several of the staff in the sitting room opposite the Governor-General's study. Whitlam's office rang

to say he would be a few minutes late. At this Kerr's secretary, David Smith, realising that Fraser and Whitlam might arrive at the same time, desperately tried to stop Fraser from arriving. But Fraser's car didn't have a radio and, besides, he was already at the gate. Smith met him at the State entrance and escorted him to the staff sitting room.

AT HIS a buoyant Whitlam arrived and was met at the private entrance — the traditional portal for the Prime Minister — by the senior aide-de-camp, Major Chris Stephens. As Stephens escorted Whitlam up the gold-carpeted corridor to the study, he gestured to the closed door opposite and said: "My successors are in there." Whitlam was to remember this later.

Kerr was sitting at his desk and Whitlam sat down opposite him. Before Whitlam could say anything, Kerr asked him: "Are you prepared to recommend a general election?" Taken aback, Whitlam said he was not. The conversation continued:

Kerr: "You realise that this leaves me no alternative but to dismiss you?" Whitlam: "I will contact the Queen."

Kerr: "It's too late — your commission has been withdrawn." Kerr handed Whitlam his letter of

dismissal, together with the statement of reasons. Dumbfounded, Whitlam took them. Kerr got up and held out his hand. Whitlam shook it and the aide-de-camp came in and escorted him out to his car. Whitlam got in and as the car moved off he told his driver, Bob Millar, "I've been sacked." Millar said: "You've got to be kidding."

Already Whitlam was making mistakes. He might have remained Prime Minister had he kept his wits about him. When Kerr said: "You realise you are giving me no alternative," Whitlam could have said: "Well, John, if that's the way you feel, I will change my mind and recommend an election." Thus Whitlam would have stayed PM, with all the advantages that this means going into an election. He might also have been able to get to the Queen and change the Governor-General.

Even after he had been handed the letter of dismissal he could have taken another course. He could have said: "John, I didn't realise you thought so strongly about this. Let's forget about this and he tears up the letter and talk it over." It's a moot point when the action of dismissal takes place. It might be held that the mere signing of the letter by Kerr does not constitute dismissal. If Whitlam had not accepted the letter, he could argue that he was not properly dismissed. This possibility raises the spectre of Kerr chasing Whitlam around the study trying to put the letter in his pocket.

But Whitlam was — understandably — in a daze. Or perhaps he was concentrating on what steps he could take elsewhere; in Parliament. Yet he was confused. He imagined that Major Stephens, referring to his "successors" was

CONTINUED ON WEEKEND 3

You're kidding, says the Palace

FROM WEEKEND ONE

talking about Fraser, not the three army captains. Later Whitlam was to say that the major ad been trying to tip him off.

As Whitlam was driving back to the Lodge, Smith conducted Fraser into Kerr's study to wait. So Fraser was probably not surprised when Kerr informed him that he had dismissed Whitlam and asked him if he was prepared to form a caretaker government. He also asked Fraser if he was prepared to do what Whitlam was not prepared to do — recommend a general election. Fraser gave the necessary assurance.

The vexed question of Supply then arose, Fraser said he would try to gain Supply, but as the bills were still before the Senate he could not give a categorical promise that they would go through. Apparently Kerr accepted this and Smith handed Fraser a Bible and Kerr administered the oath of office.

At 1.30 pm David Smith made two phone calls: the first to the Prime Minister's Department to tell John Menadue that he now had a new boss, and the other to Buckingham Palace to inform the Queen of what had happened.

Smith got Menadue and told him the news; but the second call ran into trouble. It was answered by the switchboard at about 3 am London time. Smith said he wanted to speak to Sir Michael

Charteris, the Queen's Private Secretary. "You must be kidding," the switchboard operator told Smith, "Do you realise what the time is?" Smith assured the operator that Sir Michael would not mind being woken — the news was fairly important. The operator said he would try.

About half an hour later the operator ran back. He hadn't been able to raise Charteris. Would Bill Heseltine (the Australian who was number three in the Palace hierarchy) do? A sleepy Heseltine came on the line and Smith told him what had happened. He promised to tell Charteris as soon as possible.

This incident created a slightly awkward situation, for about an hour later Whitlam also rang the Palace. This time Charteris could be raised and Whitlam spoke to him, also telling him what had happened. The trouble was that Heseltine hadn't yet seen Charteris, so the Queen's Private Secretary didn't at first realise he was talking to a Whitlam who was no longer Prime Minister. However, the mix-up was sorted out later and by the time the Queen was informed later that morning the right message got through.

Back in Canberra news of the dismissal was gradually getting out. Kerr joined Lady Kerr and the other Government House staff — including

the now-bewildered three army captains — at lunch and broke the news.

Fraser drove back to Parliament House to be greeted at the top of the steps by Tony Eggleton, the Liberal Party Federal director. He had heard from the PM's Department of the drama at Government House and the two men shook hands silently. Then Fraser went to his office to tell his colleagues.

Fraser also phoned his wife, who was at the hairdresser's. Later she recalled what happened:

"The phone went and they said he was there and I said that's peculiar . . . he just said 'Gough's been sacked' and I said 'I don't believe you,' and he said, 'Yes, it's true' and I said 'Oh well, thank you, got to go, got to go, bye.' And it wasn't till later when someone rang up that I realised to the Prime Minister's . . . he didn't even tell me."

At the Lodge Whitlam also telephoned his wife (who was in Sydney) with the news. His senior advisors, surprisingly including Menadue, had already been summoned and began arriving from 1.30 on — to see Whitlam calmly sitting in the summer room tucking into a giant-sized steak.

Whitlam's private secretary, John Mant and speechwriter Graham Preudenberg arrived together and as they passed the glassed-in patio they smiled and gave Whitlam a

"V" for Victory sign. Puzzled by the leader's companion response, they still didn't realise anything — or rather everything — was wrong.

As they entered Whitlam informed them: "I've been sacked." They still thought it was one of his heavy jokes — until he handed them Kerr's letter. When Kep Enderoy arrived Whitlam varied the news, saying: "The bastard's sacked us." It was a phrase to be repeated a thousand times around Canberra in the next few hours.

Still in a state of shock, the group got down to discussing what they could do. At this point it seems that Whitlam — and the rest of them — still were thinking as if he were Prime Minister. Menadue's presence was indicative of this — the Secretary of the Prime Minister's Department should not have been conferring with the Leader of the Opposition.

A phone call recalled Menadue to his duty and he slipped away to speak to his new boss. But his going still didn't bring an air of reality to what was later to be known as "the stunned mullet conference."

Finally Whitlam took the initiative and began drafting a motion of no-confidence in the new administration. As the group broke up, the scene switched to Parliament House for the climax — and anticlimax — of this, Australia's longest day.

MONDAY: LABOR'S THREE BLUNDERS

LABOR'S THREE BLUNDERS

A myth with the aura of holy writ

HARDLY a day passes that some political, journalistic or academic pundit does not describe our economic problems in terms of the rescue, resuscitation and nurture of the private sector and its preservation from the inroads of a public sector which promotes increasing governmental interference in our daily lives.

For the conservatives, who are temporarily in the ascendency, this myth has taken on the aura of holy writ. But the preservation of personal freedom from the tentacles of government does not depend on whether free enterprise or socialism (whatever those abstractions may mean) emerges as the winner. The Professor of Economics at the London School of Economics, E. J. Mishan, recently published an article in the English monthly magazine Encounter which should be compulsory reading for all who see our problems in the simplistic terms I have mentioned.

Professor Mishan points out that "the state of the public sector has advanced to even more menacing proportions in all Western countries since the turn of the century."

In the USA, for example, government expenditure (Federal, State and local) increased from some 10 per cent of national expenditure in the early 1930s to 42 per cent in 1970.

Socialists had nothing to do with this remorseless growth. The policy-makers on all levels throughout this period were irrefragably committed to the preservation of the free enterprise system.

The growth of the public sector in Australia has been furthered by governments of all political persuasions.

Although Mishan himself would prefer that the public sector should not grow at the expense of the private sector, he sees small hope of such an eventuality.

The culprit is neither capitalism nor socialism, but man's unbridled avarice and his stubborn belief that more means better.

Mishan poses the question: "Does the process of economic growth itself cause both a diminution in the private sector of the economy and a diminution of individual liberty?"

He answers both questions in the affirmative. He argues persuasively that there is a direct relation between economic and, more specifically, technological growth and the growth of government economic activity.

Rapid economic development over the past century caused unprecedented expansion and mobility of populations, and the growth of the monstrous conurbations where people and problems multiply.

The more rapid the changes taking place in society, the greater the demand and the need for government intervention.

Consider the number and scope of such interventions (and the increasing bureaucracies to back them up) occasioned by the motor car, speed limits, one-way streets, stricter control on exhaust emissions.

The air, water and soil pollution inseparable from economic growth has produced a backlash no political party dares to ignore.

Mr Fraser's religious belief in the undesirability of government interference with free enterprise may not save the sandcastles of Fraser Island.

Future developments in medical research involving growing dependence of the medical profession on expensive machines for diagnosis and treatment could so increase the cost of private medicine as to induce citizens to favor an extension of State medicine.

In the increasingly dangerous world of nuclear power it is clear from the preliminary Fox Report that any private sector activity in mining uranium or associated activities, if permitted at all, will be hedged in with most rigorous governmental control.

Incidentally, the free market becomes less and less free. Malcolm Fraser will learn that there are deep potholes along the road back to Adam Smith.

Unless there is a miraculous change in man's attitude to the sanctity of growth the looming perils confronting our species will, in Mishan's view, lead man to cede more and more of his liberties to government.

It is a thesis hard to refute. Man's real problem may be to decide how much growth is compatible with the preservation of the freedoms we still have.

THERE WERE three moments in Australia's Longest Day — Tuesday, November 11, last year, the day the Whitlam Government was sacked — when we could have been thrown into such troubled constitutional waters that the whole structure of orderly government was put in peril.

If Labor had snatched any one of these three chances, the beaten party might well have been able to hang on to power — or might have brought the nation to the brink of some kind of revolution.

Of course, "ifs" don't count in politics. But these three were so crucial that they must be examined in detail as we unfold the events of that fateful day.

Briefly, the three climaxes were:

1. Labor, with the help of the two Independents in the Senate, could have refused the Supply it had been seeking for so long;

2. Speaker Gordon Scholes could

THE Senate Labor Leader, Ken Wriedt, spent his lunch-hour having a quiet stroll around the Parliament House grounds unaware his Government had just been sacked. As he walked back Fred Daly drove past and Wriedt waved to him. When Daly didn't respond Wriedt thought, "That's funny. It's not like Fred."

But Daly, who had just come back from the stunner-mullet meeting with Whitlam at the Lodge, had his mind on other things. As Labor Leader in the House he was planning his tactics for the afternoon session.

Wriedt also had a busy afternoon planned. The Supply Bills were due to come before the Senate when it resumed at 2 pm and Labor was going to move they be treated as a matter of urgency. This was another ploy to embarrass the Liberal-NCP coalition and force them to pass Supply.

What Wriedt didn't realize was that the Supply he was seeking to get through was no longer Labor's Supply — it was Supply for his deadly enemies, the new Fraser Government.

No one had thought to invite Wriedt or any other Labor senators to the Lodge. Indeed, the Labor senators hadn't been told of Whitlam's sacking. This incredible oversight was to cost Labor dear that afternoon — and give Fraser the first unbelievable break.

At 2 pm the statement from Yarralumla announcing the news of Whitlam's sacking hit the press pigeon-holes at Parliament House. The news was flashed by radio stations all over Australia — but senators don't glue their ears to transmitters.

The Liberal Senate Leader, Rex Wither, had finished his lunch around 1.30 and was wandering across King Hall when Labor's Senate manager, Doug McClelland, told him of the urgency motion. "Righto, Doug," replied Wither as he

have refused to sign the certificate on the Supply Bill which must be signed before it could be sent to Yarralumla for the Governor-General's assent;

3. Fred Daly, Labor Leader of the House, instead of adjourning the Representatives could have kept them sitting, thus making it doubtful for the formal dissolution to be read by David Smith, Sir John Kerr's official secretary.

If Labor had taken any one of these initiatives Kerr would have faced almost impossible dilemmas: Could he have allowed Fraser to be the caretaker Prime Minister without Supply? Would he, as Commander-in-Chief, have ordered the army to clear the elected MPs out of the Chamber? Far-fetched questions perhaps; but that's how near we were to chaos.

Pick up the thread of events and see how these incredible possibilities slotted into the happenings of this incredible day:

continued on to Fraser's office.

Here was a scene of tense activity. Fraser asked Wither: "Where have you been? We've been trying to raise you." Then he told Wither the news and asked him how soon he could get Supply through. Wither replied: "Duddy, I can get it for you in five minutes."

Whitlam arrived back at Parliament House. As he dashed up the steps he passed Paul Keating, who had recently been appointed a minister, replacing Rex Connor. Whitlam might have been slightly fazed, but he had not lost his sense of humor. As he passed Keating he said to him: "You're sacked."

As Whitlam and the other MHRs filed into the House, across the other side of King Hall the senators were drifting into their chamber. Both sides were at full strength, and as an adjourned debate resumed Doug McClelland went across to Wither and asked him what they were going to do when the Supply Bills were moved.

What else could Labor have done? If Fraser did not get Supply his position would have been tenuous, to say the least. It was because the Labor Government did not have Supply that they were sacked. How secure was a caretaker Prime Minister who had not got Supply either?

Probably both Fraser and Kerr had calculated on the Liberal-NCP majority in the Senate to ensure Supply.

But instead the Senate was suspended at 2.24 pm, not to meet again until after the December 13 election.

The focus now switched to the House where Labor's deputy leader Frank Crean was putting up a desperate filibustering speech while Wither and his advisers worked behind the scenes to perfect their no-confidence motion.

At 2.34 pm word came to Fraser that Supply was ensured, and as Crean resumed his seat Fraser rose and was granted leave to make a statement to the House.

About this time a clerk slipped into the chamber and placed a piece of paper in front of the Speaker, Gordon

Wriedt, still ignorant, came over to Wither. With a smile of triumph he asked Wither: "So you've buckled at last, have you?" Wither, straight-faced, replied: "Yes, we've buckled."

Wriedt: "Well, I'll be damned. Why?"

Wither (still keeping a straight face): "Because Gough's been sacked and Malcolm's Prime Minister."

Wriedt laughed. "I'll say this for you, Reg. You can keep your sense of humor when you're in trouble." Some more banter was exchanged

feared, only one State voting for it.

The Executive Officer of the Constitutional Convention, Mr Finemore, QC, pointed that out last year. It's not that change is difficult (though it is). It's not that proposals have been badly put (which they have), it's not that some groups oppose change (though they always do — it's that the electorate since Federation simply doesn't seem to want the Constitution changed.

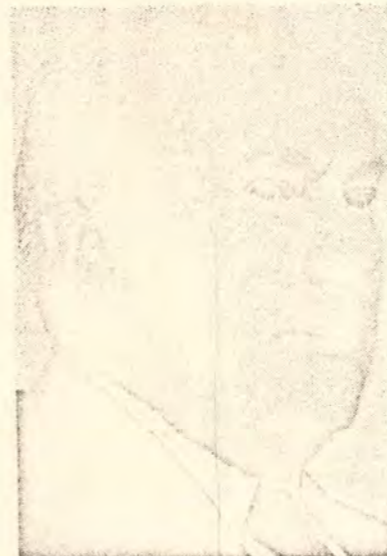
Now get that through your heads, politicians. THEY DON'T WANT CHANGE. The vast majority of the Australian people have never shown the slightest inclination (except perhaps in wartime) to change our system.

The founding fathers, in retrospect, were very prudent in the referendum provision.

Foreseen

Had they left it to the politicians, we'd have a nice up-to-date Constitution with each political party changing it the way they would like to see it each time they came into office. The Labor Party would get in and change it one way, then the Libs would get in and change it back. Those founding fathers must have foreseen this, and so placed almost impossible conditions on change in the Constitution.

Personally I don't agree with this. I like reform. I think that most majorities, given the chance to reject something untried, will blindly do so, and for base reasons. But that is not the point. The country would not like to be governed on the basis of my personal whim, nor any other individual's whim, be he God himself. History has shown



DALY... Tactics that could have led to Cromwellian situation.



WRIEDT... "Well, I'll be damned"



SCHOLES... "I could not believe Kerr wouldn't see me"

Scholes. It was a certificate confirming that Supply was passed. In order for the bills to be sent to Yarralumla for Kerr to give them the royal assent it was necessary for the presiding officer of the originating house to sign the necessary certificate.

This was a crucial moment. If Scholes had demurred, the whole change-over could have collapsed.

"It registered on me," Scholes says now. "I held out to the certificate for a while. I considered holding it longer. But I decided to let it go — because I could not believe that Kerr would refuse to see me. I did not conceive it possible that the Governor-General would do the ungentlemanly thing and refuse to see me before dissolution."

Does he regret his decision? "Given the chance again — and knowing the way I was treated by Kerr — I would neither have signed the certificate nor put it through. I would have taken to Yarralumla with me and used it as a bargaining point."

"I am not sure of the technical position this; but if I had not signed, it would have stopped Supply going forward — and could have made a significant difference to events."

Fraser told the House that he had been asked to sign the certificate. He had given the Governor-General several assurances (mainly that Supply would go through, which happily it was now able to confirm) and that a double dissolution would soon

be announced with an election in a few weeks' time.

As Fraser was speaking there was a continuous stream of interjections from hostile Labor MPs (who were still stubbornly occupying the government benches). "Fasclat pig!" one Labor member called out to Fraser while someone else gave the Nazi salute and shouted "Sieg Heil."

Ignoring catcalls

Ignoring the catcalls, Fraser went on to urge the House to accept the situation and pack up quietly and go home. He said: "I appeal to the good sense of the Australian people to understand that a most difficult situation has developed." And he urged the House to adjourn.

But the Labor MPs were in no mood to go quietly. A series of divisions were held to clear the business paper, then Speaker Scholes called on "the Honourable Member of Werriwa to speak on least Scholes realised that Whitlam was no longer PM."

Whitlam then moved: "That this House expresses its want of confidence in the

Prime Minister, and requests the Speaker to immediately advise His Excellency the Governor-General to call the Honourable Member for Werriwa to form a Government."

After the motion was passed, Fred Daly got up and moved the House adjourn to allow Speaker Scholes to go to Yarralumla to deliver the message.

Here another opportunity to regain some of the initiative was lost. Had the House been kept in session (Scholes' deputy could have taken over the chair), then it would have made it difficult for Kerr to dissolve Parliament. At the very least, Labor members could have demonstrated most vividly that they were being turfed out against their will, and (arguably) the will of the people who elected them.

How, for example, could Kerr have dissolved a House which was still sitting? Would he have had to order the police in, or the army (for he is commander in chief of the armed forces) and have the members forcibly removed? This raises the picture of a Cromwellian-type intervention, and one that would have embarrassed Fraser and Kerr greatly.

And if the House remained in session, imagine the publicity. They might have — to make a really good job of it — stayed sitting right through the election. What a forum for parliamentary rights!

In the event, however, they did not stay sitting. Scholes moved to adjourn the House.

Just before 4 pm Fraser came out of King Hall with the dissolution papers and made his way through the

crowd to his car. He was scolded, called a "Fasclat" and his car was pounded as he drove off.

TOMORROW: A night of joy and sorrow

Robert Darroch reports an echo 12 months later...

A fizzer in Hobart

THERE isn't a snowball's chance in hell of any significant change in the Australian Constitution — and the quicker this is realised, the quicker we will save a lot of money and cease fooling the Australian people.

The politicians came away from that costly, time-wasting sham and charade in Hobart last week muttering hopeful platitudes about "a developing consensus" and "educating the public" and "keeping the ball in the air." Stuff and nonsense.

We might — and I wouldn't bet on it — get a couple of referendums aimed at making Federal judges retire at 70 and establishing simultaneous Senate and House of Representatives polls, but this will change almost precisely nothing.

Really, all the convention achieved was to prove what any sensible person already knows: the States — especially the non-Labor States and particularly the less populous States like Queensland — will never agree to any referendum that significantly increases Commonwealth power or reduces State sovereignty.

How many times does this have to be said? No constitutional change will occur if any part of the community opposes it. Remember the nexus referendum in the late '60s? Every State and all the major parties supported it. But because the DLP and one rebel Tasmanian senator opposed it (because they thought it would dilute the power of the Senate — which it would have) it was resoundingly de-

feated, only one State voting for it.

The Executive Officer of the Constitutional Convention, Mr Finemore, QC, pointed that out last year. It's not that change is difficult (though it is). It's not that proposals have been badly put (which they have), it's not that some groups oppose change (though they always do — it's that the electorate since Federation simply doesn't seem to want the Constitution changed.

Now get that through your heads, politicians. THEY DON'T WANT CHANGE. The vast majority of the Australian people have never shown the slightest inclination (except perhaps in wartime) to change our system.

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Had they left it to the politicians, we'd have a nice up-to-date Constitution with each political party changing it the way they would like to see it each time they came into office. The Labor Party would get in and change it one way, then the Libs would get in and change it back. Those founding fathers must have foreseen this, and so placed almost impossible conditions on change in the Constitution.

Personally I don't agree with this. I like reform. I think that most majorities, given the chance to reject something untried, will blindly do so, and for base reasons. But that is not the point. The country would not like to be governed on the basis of my personal whim, nor any other individual's whim, be he God himself. History has shown

that, for its faults, our democratic or majority system is good and that by and large the electorate is wiser than individual politicians and parties.

It was said before the Hobart convention that hope for change was in the air and that the convention would be the only place where the consensus necessary for change might develop. If this was the hope, it was sadly disappointed. On almost every major question the delegates split either on party lines, or with small States versus the big States. Either way, there was no sign of consensus on major points. If anything, attitudes hardened rather than softened.

At the convention Labor was always on the side of change. They desperately want to change the Constitution, and you don't have to look past November 11 last year to see why. They are the party of reform. Yet any real reformation in Australia will be stultified by the Constitution.

The non-Labor parties are just that. What Labor wants, they don't. So for this, and sometimes other good reasons, they will oppose constitutional change.

At the Hobart convention Mr Fraser got very angry. He thought the whole thing was largely a waste of time. He didn't relish being defeated and, rather late, realised that this sort of get-together is stacked against him. It is a forum for Labor's reform policy. He was very glad to quit Hobart on Friday.

I would not go so far as to say that the Constitutional Convention will not meet as planned in Perth next year, but if Malcolm Fraser still has anything to say about it, then I'll believe it when I see it.

AUSTRALIA'S LONGEST DAY

Crash drivers fill every bed

ROBERT DARROCH concludes his reconstruction of events of the day and night of last November 11 — the day Sir John Kerr sacked Gough Whitlam.

AROUND Australia the news of Whitlam's dismissal caused a shock-wave of anger and indignation.

After the initial feeling of disbelief, people, mostly unionists, students and Labor supporters, began pouring out into the streets, incensed but unable to do much, they formed spontaneous groups and looked round for a way to vent their frustration.

In Sydney and most of the big ports the wardies walked off the ships. Railway workers stopped work and the trains were late. Students left their lectures and were joined by many of their lecturers. Red flags came out and the more radical students and unionists began to organise marches and demonstrations.

But in the stock exchanges the reaction was one of unbridled joy. When the news was announced in the Sydney exchange operations literally jumped for joy and the other exchanges later rose 15 points. BHP went up 60 cents and other stocks were up in the air.

Outside, however, workers were marching through the streets carrying hand-painted banners reading "Back Kerr", "Mass rallies to defeat Labor" and "Reject the ruling class attack".

In Canberra the crowd in front of Parliament House was being harassed by Labor leaders. It was almost 4.30 and Fraser was still at Yarralumla. The Speaker was still waiting to go to Government House and most people still thought that Labor could yet win the day.

Inside Kings Hall Labor MPs were milling around shouting "It's war" and Whitlam was giving a press conference. Whitlam explained what had happened at Government House. Fraser arrived back and also gave a press conference. He told the media that the Governor-General had had no choice but to dismiss Whitlam. The press were frankly sceptical and rather hostile.

Fraser emphasised that normalcy had now returned to

Australia. The Public Service would be paid, and he added: "There will now be an election... the Constitution has been upheld. The Australian people will have their say." And he stated categorically that there had been no collusion between him and Sir John Kerr over the dismissal of Whitlam; he did not know of the sacking until he arrived at Yarralumla.

Outside, the crowd was nearing 3000. They chanted anti-Kerr slogans and when Liberal leaders appeared on the first-floor balcony they shouted: "Jump, jump."

At Yarralumla Fraser had delivered his advice and letter of acceptance. But the dissolution proclamation was causing some problems.

For one thing the bills the Senate had passed had not yet arrived from Parliament House. Not all were there: the two Supply Bills, and another five bills that had been passed by the Senate before it rose. Finally they arrived and were read out.

Salvo of guns cancelled

Back in the early 1960s, Sir Garrfield Barwick, then Attorney-General in the Menzies Government, had decided that dissolutions had been done wrongly in the past. The mere signing of the dissolution document by the Governor-General did not constitute dissolution. Barwick decided so he ordered that in future the dissolution of Parliament must be finalised by an official ceremony.

This involved the official secretary, David Smith, donning morning suit and driving to Parliament House to read the dissolution document on the steps of the House. This should also be accompanied by a salvo of guns. One can



The Governor-General's secretary David Smith reads the proclamation dissolving Parliament over a barrage of noise and insults.

imagine what a salvo of guns would have sounded off in Canberra that day.

Prudently, the salvo part of the ceremony was cancelled. But the hapless Smith still had to go and read the document. And off he set, arriving at Parliament House about 4.30.

He could not reach the steps because of the crowd, so he entered via the nearest door to the steps. The clerks of the Houses met him and escorted him to one of their rooms. As they went down a corridor Whitlam saw him and asked: "Where did he come from?"

When told that Smith had come in through the entrance and was here to read the dissolution proclamation, the Prime Minister walked out to the steps and asked the clerks to direct him to the microphone. He said the crowd: "The ceremony from the Governor-General to dissolve the Parliament usually commences on the front steps of the Parliament House. On this occasion he has had to come by the back passage. I am certain that when he appears you will give him the reception he deserves."

David Smith, who had been making his way to the steps through a crowd of over 300 in Kings Hall to sound the bell and read the document, then stood under his chair, arrived to hear Whitlam's final sentence. It took an act of some courage to address that crowd after his words.

With the crowd shouting "We want Gough" and "Back Kerr" Smith frantically tried to get to the microphone and began reading the proclamation by his Excellency the Governor-General. The rest of his sentence was drowned out by boos.

Smith stopped, and waited perhaps 30 seconds. The noise did not abate, so he plunged on reading the dissolution pro-

clamation over a barrage of noise and insults. Only those a few feet away heard anything at all.

Smith recalls that Whitlam had made to go back into Kings Hall, but apparently changed his mind and walked back to read the proclamation over Smith's shoulder. When Smith finished speaking — or trying to — Whitlam took over the microphone.

He echoed Smith's final phrase: "... God Save the Queen." He told the (by now silent) crowd: "Well may we say 'God save the Queen', because nothing will save the Governor-General. The proclamation will save the Governor-General's approval of my resignation."

And Whitlam appealed to the crowd and the people of Australia to "indulge their rage and enthusiasm... to come to the front steps of the Parliament House to read on to the door of the two Houses' carbon copies of the proclamation. The door was done; Parliament was dissolved.

The next question was how was Smith to exit from this hostile environment. He had heard Whitlam's sister about entering via the back passage and he was determined to give the lie to this accusation. He told the clerks: "I'm going out through the front door."

Before he went to bed that night David Smith wrote in his diary: "What a day!" Indeed.

Caucus sings radical songs

So, flanked by the parliamentary officials, Smith made his way out of Kings Hall and out past Whitlam, who was still speaking to the crowd. As soon as they saw Smith the crowd began to yell and cheer. "Back for more" and "You bastard" were two comments Smith remembers as he pushed his way through the mob and finally got into his car which was thumped and pounded as he drove away back to Yarralumla.

Inside Whitlam held a Caucus meeting at which he delivered a philippic, damning the Governor-General and all his works. When questioned later whether this was the wisest course he explained that so great was the rage within the party that he had to take this line, otherwise he too would have lost the support of the MPs and the rank and file.

After the meeting the whole caucus marched out on to the steps, five abreast, singing the radical song Solidarity Forever sung to the tune of John Brown's Body. Unfortunately not all of Caucus knew the words. Tom Uren seemed to know most of it, and they broke down several times.

Billy McMahon and Bill Wentworth came out to hear Smith speak and were hissed by the crowd. McMahon picked up a ladder and put it on his shoulders, but it was snatched back by his inebriated mother.

That night in Melbourne a crowd marched on Liberal Party headquarters and smashed some windows. They clashed with police and several demonstrators and police were hurt.

Union leaders called for a national strike and around the country a series of wages were held by Labor strikers and supporters. Leaders and officials of both parties met to begin planning the coming election campaign.

In Canberra an air of unreality still reigned. Labor supporters drove around aimlessly, many of them drunk or in a state of shock. That night every bed in Canberra

British expert says Sir John was right

THE controversy over November 11 has been raging for almost a year. Now a leading British political scientist has come up with some dramatic new views on Australia's longest day.

He says that Kerr did do the right thing. Whitlam's dismissal was justified — and he points to some startling new conclusions from our near-revolution.

The political scientist is David Butler, a Fellow of Nuffield College, Oxford, who has observed most of the recent Australian election campaigns, and he came out to Canberra last November to cover the December 12 poll. But since he realised the outcome was a foregone conclusion, he spent most of his time trying to sort out the rights and wrongs of what happened on November 11. He published his conclusions earlier this year in Sydney University's Current Affairs Bulletin, but this is the first time they have been revealed to the general public.

He posed 20 questions about November 11; and most of his answers are highly controversial. But because he is not a partisan they can be regarded as posterity's provisional verdict.

Here are his main points:

• Yes, the Senate did have the power to refuse Supply, although it was acting against established convention. He said: "The Senate's action was an unequivocal assertion that the Government is answerable to both Houses." But he predicted future trouble from the assertion of this power.

• Yes, a Government without Supply must resign. Butler focused attention on the pub- lic servants whose loyalties to

the Crown and the Law would have been greatly strained by Labor's attempt to govern without Supply. "There is little doubt," he says, "that the honest anxieties of top officials echoed through to Government House and perhaps coloured the final decision."

• Could Labor's plan to "tough it out" have succeeded? No, says Butler. He said: "Government would have been brought to a standstill by a whole host of court-enforced injunctions."

• Yes, the Governor-General has the power to sack a Prime Minister. "Sir John Kerr was in an extraordinarily difficult position." But Kerr did have other alternatives, says Butler. He could, for example, have confronted Whitlam earlier.

Imprudent

• Was there collusion between the Governor-General and Mr Fraser? It's possible, says Butler, but not likely. "My inclination is to disbelieve conspiracy stories about November 11," he says. "If it is easy to see why a reasonable, conscientious man in Kerr's position might have acted as he did, then why introduce further explanations?"

• But Butler criticises Kerr for going to the Chief Justice for advice. Sir Garrfield was an ex-Liberal Minister and it was surely imprudent for Kerr to seek help from that direction.

• Butler says that, in retrospect, Whitlam's best course of action would have been to recommend a half-Senate election earlier than November 11. "He could hardly have been refused," says Butler. However, this course might have been aborted by the ac-

tion of the non-Labor States refusing to issue the necessary Senate writs.

• And even if Mr Whitlam had had a half-Senate election, the likely result would have been to maintain the status quo in the Senate. In other words, this would have solved nothing.

• Butler doubts whether the Queen would have agreed to dismiss Kerr had Whitlam managed to reach her before he was sacked. "It makes nonsense of any picture of the Governor-General as an umpire if he can be dismissed by any batsman whom he thinks of declaring out."

• No, Labor could have done very little on December 11 to stop the dismissal of Whitlam. "It is likely that any moves by Labor would have only heightened the drama of a wildly overdramatic day."

• It has been suggested that Kerr should have asked the Senate to pass Supply and so solve the deadlock. This was just not on, says Butler. As Fraser said, it is no part of the Governor-General's power to interfere with the parliamentary process. If Kerr's request had been snubbed by the Senate, where would that have left him except a partisan himself?

All this said, however, Butler sympathises with the way Labor reacted to the way it was treated. "Some parts of the establishment had played rough... a party seeking fundamental change in a democratic way, abiding by the rules, frustrated by the forces of privilege."

Butler implies in conclusion that although Kerr and the Liberals had the letter of the law on their side on November 11, the spirit of the democratic way was on the side of Labor.

Whitlam tips republic

Monarchy element of division

SYDNEY. — The Leader of the Opposition, Mr. Whitlam, last night predicted Australia would become a republic within the lifetime of his children.

Mr. Whitlam said it was inevitable Australia would adopt a presidential system, partly because the monarchy was no longer a symbol of unity in Australia.

Mr. Whitlam said he rejected the view of the Governor-General, Sir John Kerr, that suggestions of Australia becoming a republic were "loose talk".

He was speaking on ABC Television's Monday Conference.

Mr. Whitlam said the monarchy could survive only if it remained a symbol of unity.

"As I've said so often, nobody could fulfil the role of a monarch better than Elizabeth II does," he said.

"But in Australia the monarchy is not now an element of unity but of division and that's because of the Queen's representative.

"Yes, of course it's inevitable that Australia will become a republic and I don't expect to see it myself. I think it's quite likely that my sons and daughter will...



"I suppose there are various reasons why the republic will come more rapidly than we would have expected. In particular, we found, a year ago, that a victory, a Governor-General believes he can do what George III did, although Elizabeth II would never do it.

"The Governor-General believed that he was entitled, on historical grounds, to do what George III did.

"Now, a President would have no such illusions... a President would derive his powers from the Constitution of an independent country.

"The Governor-General went back to precedents which applied in Britain before the British ever settled Australia."

Mr. Whitlam said the monarchy could survive only if it were a symbol of unity. While the Queen was well regarded, the monarchy was not now an element of unity but of division — because of the Queen's representative.

In Melbourne last Wednesday, Sir John Kerr dismissed suggestions that Australia might become a republic.

He said he profoundly disagreed with "such floating notions" which were "loose talk".

Mr. Whitlam also defended the Industries Assistance Commission.

"My very strong view is that if any person, particularly an individual or a company, gets a benefit from a government, then he should be able to make out a case for that assistance which can become public property," he said.

"I don't believe that governments should ever be in the position of favoring people in a silent or unknown way, and the IAC is an essential component."

On the subject of a Federal election, Mr. Whitlam said the Prime Minister, Mr. Fraser, would probably try to call an election as early as possible.

This time next year was "quite a likely time for the election", both for the House of Representatives and half the Senate.

"I believe that Mr. Fraser, and those of his colleagues whom he consults, now realise that it's going to take a long time for the economy, in Australia and in other Western countries, to become a matter of advantage or credit to governments.

Republic not on: Kerr

'Floating notions' and 'loose talk'

By JOHN RENTSCH

The Governor-General, Sir John Kerr, yesterday dismissed suggestions that Australia might become a republic.

Sir John described the possibility of Australia adopting some kind of presidential system as "a little loose talk in this country".

He said he believed the existing system would continue because there were too many formidable barriers to change.

Sir John, in his first major speech on the Constitution since November 11 of last year when he dismissed the Whitlam Government, said that as the Queen's representative he profoundly disagreed "with such floating notions".

The notions had been put forward "in a minor kind of way" that republicanism was a practical possibility in Australia.

"These peripheral notions — these things that are discussed occasionally in the Press — have enormous obstacles in their way if anyone were really to wish to propose the change in our present system of constitutional monarchy, cabinet government and parliamentary responsibility," he said.

Sir John said that all "the relevant people" were now considering possible changes to the Constitution. He was referring to the constitutional convention which has resumed this week in Hobart.

"But as far as I know the matters that they are talking about do not include . . . no one has been prepared to propose that it should . . . the question of republicanism," he said.

Sir John was guest speaker yesterday at a lunch at the Southern Cross Hotel to celebrate the 125th anniversary of the Melbourne Chamber of Commerce.

The only demonstration was applause from a woman as he entered the hotel's foyer and from chamber members as he entered the ballroom.

The Prime Minister, Mr. Fraser, will attend a banquet at the hotel tomorrow night to continue the celebrations.

Sir John said that as Governor-General he was deeply concerned about the nature of the Constitution and "its daily administration based upon its written words and upon its conventions."

"It is not easy to change that Constitution. And I want to be clear on the matter which is arising to some extent in public discussion today," he said.

"There is a little loose talk in this country today about the possibility of Australia becoming a republic and adopting some kind of presidential system."

"All I can say about this is that I, myself, do not apologise as the Queen's representative for saying not only that I profoundly disagree with such floating notions as have been put forward in this country, in a minor kind of way, that republicanism is a practical possibility here."

Revolt 'was close' over Labor sacking

By ANDY FOWLER

VIOLENT revolution was very close in Australia after the Labor Government was sacked last year Senator James McClelland said yesterday.

He said he had worked with the former Prime Minister, Mr Whitlam, and the ACTU president, Mr Hawke, to stop it happening.

"It was touch and go whether we would have total chaos or not," Senator McClelland told a press confer-

ence in Sydney organised by Citizens For Democracy.

The conference was told that a series of rallies to protest at the Governor-General's sacking of the Whitlam Government would be held throughout Australia starting on Thursday and ending on the following Thursday, November 11, the anniversary of the dismissals.

Senator McClelland, who was a minister in the Whitlam Government, predicted that if another November-style dismissal of a government was attempted "we would have a revolution."

"I am glad that there was no violence last time, but I think that we were fortunate.

"As has been pointed out in *The Australian* it was touch and go whether we would have had chaos.

"There was a strong feeling over a general strike which could have snowballed.

"The Labor Party should tell the voters at the next election that it intends to clip the wings of the Senate to prevent a recurrence of last November's dismissal."

NIGHT OF JOY AND SORROW --
PAGE 11

Kerr speaks out against republicanism

MELBOURNE, Wednesday. — The Governor-General, Sir John Kerr, announced his opposition today to Australia breaking ties with the monarchy and becoming a republic.

"Not only do I profoundly disagree with such notions," Sir John said, "but formidable legal and constitutional barriers stand in the way."

Sir John, looking sun-tanned after observing the Kangaroo 11 Anzac exercise off Queensland, was speaking at the Melbourne Chamber of Commerce's 125th anniversary luncheon.

Sir John said on republicanism: "It is a matter on which I feel at liberty to speak."

"There is a little loose talk in this country today of the possibility of Australia becoming a republic and adopting some presidential system."

"I don't apologise as

the Queen's representative for saying I profoundly disagree with such floating notions that republicanism is a practical possibility here."

He said the constitutional convention now being held in Hobart had all the relevant people considering possible changes to the Constitution.

"But as far as I know the matters they are talking about do not include the question of republicanism," he said.

No one had been prepared to propose the question of republicanism.

The Hobart convention would review the Constitution for the "long distant future," but this did not mean it should not be amended, Sir John said.

Nations such as Australia had enormous obstacles in their way to dissolve the systems they inherited.

The sun thursday october 28 1976

I'm against a republic: Kerr

THE Governor-General, Sir John Kerr, is against Australia breaking ties with the monarchy and becoming a republic.

"Not only do I profoundly disagree with such floating notions," Sir John told a Melbourne luncheon, yesterday, "but formidable legal and constitutional barriers stand in the way."

Sir John, suntanned after the Kangaroo Two ANZUS exercise off Queensland, was speaking at Melbourne Chamber of Commerce's 125th anniversary luncheon.

Sir John said on republicanism: "It is a matter on which I feel at liberty to speak."

"There is a little loose talk in this country today of the possibility of Australia becoming a republic and adopting some presidential system."

"I don't apologise as the Queen's representative

for saying I profoundly disagree with such floating notions that republicanism is a practical possibility here."

He said the Constitution convention in Hobart had all the relevant people considering possible changes to the Constitution.

"But as far as I know the matters they are talking about do not include the question of republicanism," Sir John said.

He said no one had been prepared to propose the question of republicanism.

The Hobart convention would review the Constitution for the long distant future, but that did not mean that the Constitution should be

The Cairns Times Thursday October 28 1976

Criticism by Sir John

MELBOURNE. Wednesday. — The Governor-General, Sir John Kerr, voiced his opposition today to Australia breaking ties with the monarchy and becoming a republic.

"Not only do I profoundly disagree with such floating notions", Sir John told the Melbourne Chamber of Commerce's 125th anniversary luncheon, "But formidable legal and constitutional barriers stand in the way".

He said the Constitutional Convention in Hobart had all the relevant people considering possible changes to the Constitution.

"But as far as I know, the matters they are talking about do not include the question of republicanism", he said.

Republic? Not for us says Kerr

The Governor-General, Sir John Kerr, yesterday scoffed at suggestions that Australia might become a republic.

He was speaking at a luncheon celebrating the Melbourne Chamber of Commerce's 150th anniversary.

It was Sir John's first major speech on the Constitution since he dismissed the Whitlam Government a year ago.

In a reference to the Constitutional convention in Hobart this week, he said: "All the relevant people are now considering possible changes to the Constitution.

"As far as I know, the matters

they are talking about do not include — no one has been prepared to propose that it should — the question of republicanism."

Sir John said that as Governor-General he was deeply concerned about the nature of the Constitution and its daily administration based upon its written words and its conventions.

"There is a little loose talk in this country today about the possibility of Australia becoming a republic.

"All I can say about this is that I do not apologise, as the Queen's representative, for saying not only that I profoundly disagree with these floating notions put forward in this country that republicism is a practical possibility here, but there are also some formidable legal and Constitutional barriers."

Tomorrow, the Prime Minister, Mr Fraser, will be guest speaker at the Chamber of Commerce celebrations.

Kerr attacks republicanism

By VICTOR CARUSO

THE Governor-General, Sir John Kerr, said yesterday amendments to Australia's Constitution may be necessary but he disagreed with those who wanted Australia to become a republic.

It was Sir John's first public statement on the Constitution since he sacked the Whitlam Government last November, and came as the constitutional conference — attended by the Prime Minister, Mr Fraser, the Opposition Leader, Mr Whitlam, and State Premiers — got under way in Hobart.

The Governor-General defended the 75-year-old Federal system of government in Australia — headed by himself representing the Queen — but agreed that possible constitutional amendments should be examined.

Sir John said many formidable barriers existed to changing the system of consti-

tutional monarchy to republicanism.

"As Governor-General of Australia I'm terribly concerned with the nature of the Constitution and its daily consideration based on its written words and convention," Sir John told a luncheon of the Melbourne Chamber of Commerce.

"It's not easy to change the Constitution. There's a great deal of talk in this country today of the possibility of Australia becoming a republic and adopting a republican system.

"I don't apologise as the Queen's representative for saying that I profoundly disagree with such flagging notions that have been put about that republicanism can be brought about here.

"I don't mean that the constitution should not be amended, that certain things should not be looked at," he said. "As far as I know the matters the constitutional convention is talking about do not include the question of republicanism."

EDITORIAL OPINION

Sir John Kerr's 'floating notions'

AS the Queen's representative in Australia, Sir John Kerr is right to champion the cause of monarchy. It would be a dereliction of his duty if he did not. Even so, it is difficult to understand the highly partisan and sneering approach to republicanism which Sir John adopted in his luncheon address on Wednesday. He described the possibility of Australia adopting some kind of Presidential system as "a little loose talk". Suggestions that Australia might become a republic were dismissed variously as "floating notions", "peripheral notions", and notions put forward "in a minor kind of way". The implication in all of this was not just that Sir John thought a republican Australia was not a practical possibility, but that anyone who held republican views was rather foolish.

Two things need to be said about this. Firstly, Sir John himself lacks credibility as a witness on the subject of republicanism. He forfeited that right on November 11 last. Secondly, republicanism is not itself a dirty word. It is a respectable, if not popular, cause, and there is room for intelligent debate on the subject, just as there is on a whole range of constitutional matters. The constitutional convention now meeting in Hobart is surely proof of this.

It is true, as Sir John noted, that there are enormous obstacles in the way of anyone who

may wish to make changes in our system of constitutional monarchy. Any change to the Constitution, however trivial, requires the consent of both Houses of Parliament and popular endorsement by referendum. In 75 years, this endorsement has been given only five times. The public is suspicious of constitutional change. But its suspicions are fed and nurtured by the political parties themselves. Referendums are viewed as tests of strength, and not as means whereby a constitution, drawn up 75 years ago, can be changed and amended for the public's good.

Logically, there is no reason why a matter on which both parties agree should not be put to referendum on a non-party basis. The first day of the constitutional convention produced two such matters — retirement at 70 for Federal judges and a referendum vote for residents of the Northern Territory and the ACT. Most Australians, left to answer for themselves, would probably agree that it is ludicrous that the quarter of a million people in Australia's Territories should be denied a referendum vote. Equally, they would probably support a retiring age of 70 for judges. But they have no guarantee that they will ever have a chance to vote on either or both matters. The best that the Prime Minister can promise is that he will "not necessarily" be bound by the decisions of the constitutional convention.

His cautious, non-committal approach, like that of the Governor-General, is depressing. Australians have been conditioned to think their Constitution is immutable. A series of referendums on relatively minor matters — those on which there is already a consensus — would help to break down that condition. In the process it might help create the climate in which substantial changes to our outmoded Constitution were indeed possible.

another. That would carry the notion of divisibility about as far as it could possibly go.

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The Australian Commonwealth Parliament is invested by the Constitution with specific and enumerated powers. No one of these authorizes it to enact a law converting Australia into a republic. If this were to be done it would be necessary to alter the Constitution and there is a clause in the Constitution, section 128, which prescribes a procedure for its alteration. There has been some debate on the question whether certain alterations are so fundamental as to be beyond the reach of the procedure prescribed by section 128. Such alterations, it is said, could be effected only by the authority which gave legal form to the Constitution; that is to say, the United Kingdom Parliament. If there is merit in this argument, and if the conversion of the Commonwealth into a republic were regarded as such a fundamental matter, the constitutional alteration would have to be effected by Act of the United Kingdom Parliament which would, consistently with the Statute of Westminster, act only with the request and consent of the Commonwealth Parliament and Government.

My own view is that an alteration to the Commonwealth constitution to convert the Commonwealth into a republic could be effected through the procedures prescribed by section 128 of the Constitution. That section requires that a proposed alteration of the Constitution shall be submitted to a referendum and to be carried must be approved by a majority of all electors voting and also by a majority of electors in a majority of the states. If a proposal to convert Australia into a republic overcame that formidable hurdle, section 128 provides that 'it shall be presented to the Governor-General for the Queen's assent'. The Queen or her representative would necessarily have a hand in rendering complete the legislation which extinguished her constitutional authority.

Such a referendum proposal would necessarily be a complex one. As already noted, the Queen, the Crown and the

Crown's representatives make many appearances in the Constitution and it would be necessary to deal with all sections of the Constitution in which references to them appear. Assuming that the formidable obstacle of section 128 were successfully negotiated, it would still be necessary to modify a very large body of legislation to accommodate it to republican forms. This would be done through ordinary legislative processes.

The electorate has shown little enthusiasm for constitutional alteration of any sort, and measures which touch the emotions as any proposal to establish a republic would, are not very likely, certainly at the present time, to surmount the formidable hurdles set up by the amendment clause of the Commonwealth Constitution.

It remains to be added that even if such an amendment were carried, there would still be the problem of the Crown in the Australian states. A referendum under section 128 would properly be directed at the place of the Crown in the Commonwealth Constitution; to excise it from the State Constitutions would involve resort to the processes of constitutional amendment prescribed by the constitutional laws of the several States. All of this serves to point up the fact that the promoters of an Australian republic would have a formidable legal task.

Government House,
Canberra. 2600.

26 October 1976

My dear Martin,

I have just returned from attending Exercise Kangaroo II which was conducted on a massive scale in North Queensland beyond Rockhampton. It was an exercise in which all three of our Services, the United States Forces, and elements from New Zealand and Canada participated.

The United States was present in considerable strength. Their aircraft carrier ENTERPRISE and 17 other U.S. ships dominated the naval side of the exercise, though our aircraft carrier MELBOURNE and 22 other vessels were involved, together with 2 New Zealand ships. The 9th United States Marine Amphibious Brigade landed on a beach. This was very dramatic.

I spent 2½ days in the area, being fully briefed at the Joint Forces Headquarters, visiting the troops in the field and inspecting flying operations on the ENTERPRISE and visiting one of our ships. The total number of Forces involved is 31,500 - 11,950 land forces, 16,700 sea forces and 2,850 air forces. The exercise is highly organised. It is still proceeding and will conclude on 27 October.

I had an opportunity to wear for the first time a version of a uniform. When in the field I wore jungle greens but put up shoulder straps with the Governor-General's shoulder badge. This seemed to be well received by the troops.

At the landing by the 9th United States Marine Amphibious Brigade there were many observers, one of whom was Mr Gordon Bryant, M.P., a Labor member and former Minister, who went out of his way to make his presence known to me, greeted me and was very pleasant. I do not know whether this foreshadows further change in attitude. The former Prime Minister has, to some extent, modified his approach in an interview given to "The Australian" on 20 October 1976. He went into some detail saying that he would not have me removed from office if he wins the next election though he would expect me to resign. I attach a copy of this clipping.

My interpretation of his attitude is that he does not wish to have it as an issue in the next election that a Labor victory would mean the removal of the Governor-General from office. Of course, life for me may well not be possible if Labor wins. That is the way I see things at the moment, however, these are early days.

On the matter of the likely date for the next election, a rather interesting development has taken place. You may remember that in an earlier letter I raised the possibility that Mr Fraser may wish to bring down a congenial budget in 1977 and hold a half Senate election in December 1977 with an election of the House of Representatives held a year early and taking place at the same time.

After talking with the Prime Minister some time ago I came to the conclusion that he was unlikely to ask for a House of Representatives election as early as this. His other two options, as I then said, are, one, to let a half Senate election occur prior to July 1978, as it must, holding an election for the House when it is due in December 1978, and, two, combining the two elections somewhere around May 1978. This last option would mean taking the House to the people about six months earlier than the due date.

An ironical twist in the discussion of the Governor-General's position - one involving the assumption that the present Governor-General will still be around at the relevant time - has occurred. The Federal Secretary of the Labor Party has made the point that I could frustrate Mr Fraser's possible desire to hold an election in December 1977 because of my view that the Governor-General has a real discretion as to accepting advice that an early election be held. The same point was made in an article in "The Sydney Morning Herald" of 22 October 1976 by Peter Bowers. The whole subject was canvassed in an article in "The National Times" on 25 October 1976. I send a copy of this article.

I do not have to say that the problem of what the Governor-General may do in relation to advice about dissolutions whether of the House alone or of both Houses though canvassed in the last few years by Sir Paul Hasluck and by me, is not a new question in Australia or generally. As I have told you in earlier correspondence, Sir Robert Menzies took the view in relation to the 1951 Double Dissolution, that the Governor-General had to make up his own mind.

As to dissolutions generally, Dr Evatt when he was still a Justice of the High Court in 1940 amplified the views which he had previously expressed in his book, The King and His Dominion Governors, in an article which he published in "The Canadian Bar Review". For your archives I enclose a copy of it. Forsey has written, as we know, a whole book on the subject.

When I refer to all this being somewhat ironical I have in mind that people and writers who were denying the existence of the reserve powers of the Crown a year ago are now opening up the possibility of their use against Mr Fraser in relation to an early dissolution. There is no point in taking this subject any further until things crystallise a little more.

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Mr Whitlam is reputed to be "reviving". He has made a number of strong political and economic speeches outside Parliament in recent times and the press is generally giving him credit for getting back into the game. He has had a good press because it is widely said that it is better for Australian politics for the Labor Party to be more effectively led and to be fighting again.

This week a further session of the Constitutional Convention is being held in Hobart. A considerable number of matters are to be discussed with representatives of all States and all parties present. It is, as I see it, unlikely that anything much will come of it. The Constitutional Convention was started by Mr Whitlam in 1973. This is the third sitting.

In the meantime there seems to have been a loss of enthusiasm for it in many quarters. Western Australia and Queensland are not very interested. The present political context is not the best in which to examine basic constitutional questions towards which a bi-partisan approach is really necessary if changes are to be made. The Labor Party has put on the agenda an item to the effect that the Senate's powers to deny supply should be abolished.

This has no chance of being adopted. It will be opposed by the Commonwealth Government and by some States as well as by coalition participants in the Convention from all over Australia. The Prime Minister may float a different proposal, namely the idea I have about which I have written in earlier letters which would produce an automatic double dissolution if the Senate denied supply for a period of 30 days. The Labor Party will oppose this because it would amount to accepting the idea that the Senate should have the power to deny supply. It is only the Commonwealth Government that could initiate a constitutional amendment and next year will show whether Mr Fraser intends to let the people consider an automatic double dissolution of the kind I have just mentioned. He does not need Convention approval.

There are one or two other controversial issues which have been raised by the States. As I judge things, no one is really in the mood to try to produce agreed proposals for changing the Constitution in any significant way.

Mr Fraser is facing an awkward question in relation to his Cabinet. There have been publications in the press, perhaps one should say the "gutter" press, to the effect that the Defence Minister, Mr Killen, and Senator Margaret Guilfoyle are engaging in a relationship

- an "affair" or perhaps something deeper and more permanent. The publications have resulted in the issue of legal proceedings by both of these Ministers, presumably for defamation.

I have not had a discussion with the Prime Minister about this matter. He is in Tasmania but I understand that he is quite concerned. The persons involved apparently do not deny in private discussions with the Prime Minister that the allegations are true, maintaining that their private lives are no business of anyone else. It would not be profitable for me to speculate about the future developments but it is possible that the situation could lead to changes in the Ministry. I mention this so that you will have notice of it in the Palace ahead of the event should such changes occur and be publicized in London.

There is a peculiar piece of litigation of a rather complex nature being undertaken in the town of Queanbeyan near Canberra, outside the Australian Capital Territory. A private citizen laid informations alleging conspiracy against the four Ministers who signed the famous Executive Council Minute of 13 December 1974. Those Ministers as you will remember were Mr Whitlam, the Prime Minister; Dr Cairns, the Deputy Prime Minister and Treasurer; Mr Connor, the Minister for Minerals and Energy; and the then Senator Murphy, Attorney-General, now a member of the High Court of Australia.

The first conspiracy alleged was a conspiracy to effect a purpose unlawful under a law of the Commonwealth, namely the obtaining of a loan of \$4,000,000,000 without the approval of the Loans Council. The second conspiracy alleged was a conspiracy to deceive the Governor-General, involving the same facts, namely the obtaining of such a loan for temporary purposes when it was not for temporary purposes.

There was detailed legal argument in the Magistrates Court in committal proceedings to the effect that the Magistrate could and should not go on with the hearings for various complicated legal reasons. He refused to take this course and said he had jurisdiction to hear the two charges and proposed to do so. There was an appeal against this decision to the Supreme Court of New South Wales which held unanimously that the Magistrate should not be prevented from going on with the committal proceedings.

There will now be a hearing, unless a further appeal is taken to the High Court, in which some attempt will be made to unearth all the relevant background facts and circumstances relating to the allegedly conspiratorial agreement between the four Ministers to commit a breach of Commonwealth Law and to deceive the Governor-General.

How much evidence will be available and how much publicity and drama will be associated with it depends, of course, on many circumstances - for example - what facts are known to the moving party and what can be brought out as a result of subpoenas to produce documents and to give evidence. There will be important questions for the Crown to decide in relation to Crown privilege and other matters. The Attorney-General has these questions under consideration at the present time. A date has been fixed for the hearing, 12 November. Attached is an article on these prosecutions published in today's "Financial Review".

I attach the details of particulars sought by the defendants as to the charge of conspiracy to deceive the Governor-General and of the entirely non-informative replies.

It seems that we are going to be able to keep you diverted by our goings-on out here in Australia if the various matters to which I have referred in this letter provide guidance.

Bill Heseltine and Chief Superintendent Trestrail are staying in the house at the present time. I have had talks with them. We have to go off to Melbourne today but they will stay on in the house and conclude their talks in Canberra. David Smith will provide whatever help they need.

We have His Excellency Sir Wallace Kyle and Lady Kyle over from Western Australia, staying with us at the moment. There was a dinner for them last night and Bill Heseltine was present.

Please assure Her Majesty of the continued humble duty and loyalty of my wife and myself.

Yours sincerely,
JOHN R. KERR

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND

WEDNESDAY CONFERENCE

With questions from Publisher Mark Day, Editor Les Hollings, and Robert Darroch last Sunday

Gough would keep

But we'll have republic in time

KERR

Con

Q: Under the Constitution we have a Prime Minister who can sack the Governor-General and a Governor-General who can sack the Prime Minister. Do you think we should be considering a republic and an elected President?

A: If we were contemplating a republic then we should contemplate the American system where the President is both head of State and head of government.

In the United States you don't have the situation where the monarch can sack the Prime Minister or where the Prime Minister can depose the monarch. In the United States the President goes or is re-endorsed or a new President succeeds by the people vote. There is no principle, no logical reason why head of State and head of government should be different persons.

Q: What is your personal view?
A: A republic is inevitable. I've said I will do nothing to promote it, it is, however, inevitable. The push of last November in Australia accelerated the process.

Q: The dictionary describes the word "putsch" as "an attempt at a revolution." Is that what you really think it was?

A: Of course it was. Oh yes.
Q: And how close did we come to having a full scale revolution?

A: We had it. It was peaceful, but it was a revolution — make no mistake about that.

It's notable that because of the events last November there are already new members of the Commonwealth of Nations which are opting for the republican form, so as to avoid the Australian situation.

Before last November, I had never thought that there was any reason why the Australian situation wouldn't work quite satisfactorily.

'I will act with propriety'

Q: What type of time frame would you have in mind now for a republic?

A: I'm not, I repeat, working for a republic. I am not proposing a republic. I'm just making a forecast that there will be a republic. I don't expect to see one.

Q: But prior to last November, you probably would have said 50 or 100 years. Do you think after last November the time would be much shorter than that?

A: Oh yes. I would think it might come by the end of this century.

Q: A practical question: Say you became Prime Minister in the near future. After you sacked Sir John Kerr, what would you do as far as head of State is concerned?

A: First, I wouldn't sack Sir John Kerr. I'd leave him there.

Q: Why?

A: I'll show that I will act with propriety, even if he didn't.

Q: That seems to carry the implication that the position would resolve itself fairly quickly with Sir John's resignation?

A: It has been said, and I agree, that the honorable thing for Sir John Kerr to have done would have been to retire — resign at the conclusion of polling on Saturday night, 19th December, so that his resignation would not affect the voting and would not be affected by the vote.

Q: Do you think, since last November, we have become very much aware that as our links with the monarchy have declined so the power of the Governor-General and the governors have increased?

A: The only circumstances in which a monarchy can survive is where it is not contentious — where, better still, it is a symbol of unity.

The monarchy in Australia has now become more remote at best — more devisive in the present circumstances.

The vice-royalty has become a centre of contention, and the Queen is resigned to the fact — as she stated in her letter to Speaker Scholes last November — that she has no function other than to appoint a stand-in for herself. Having appointed a stand-in then she has discharged her total functions until she appoints another stand-in.

Q: Do you think the problem would be eased by the appointment of somebody such as Prince Charles?

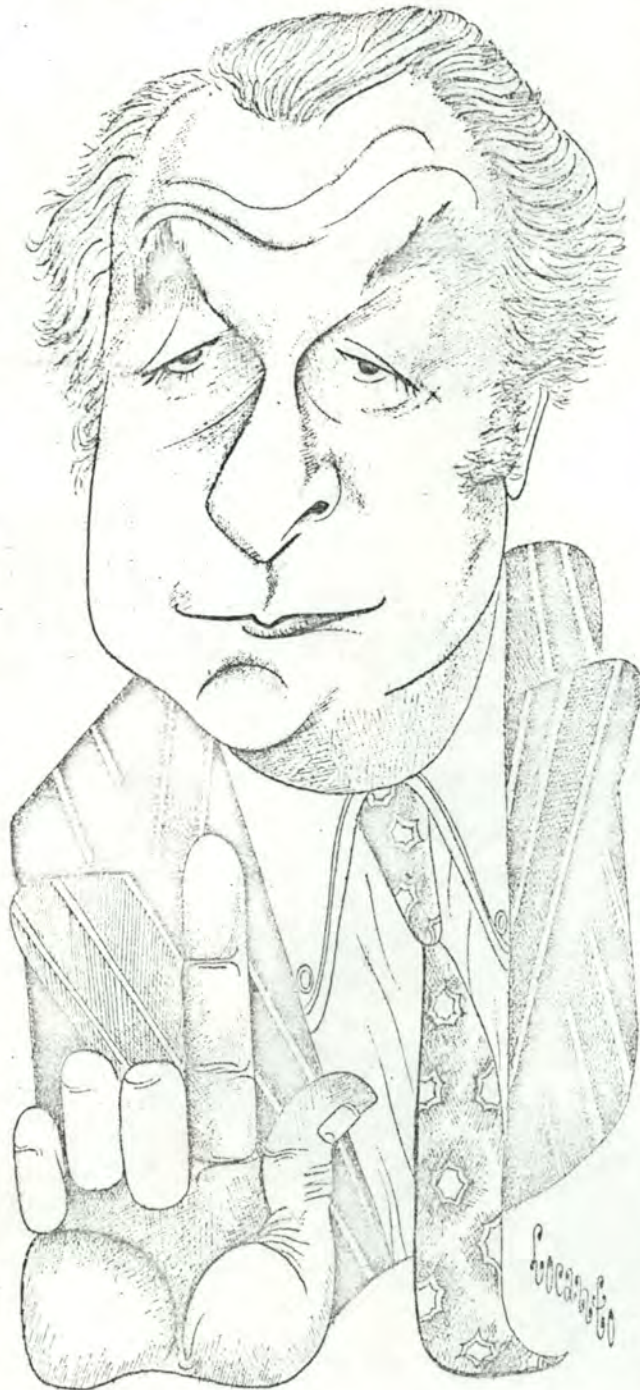
A: Obviously Prince Charles would be a popular appointment. Obviously, too, Prince Charles would be a much more respected appointment than Sir John Kerr can ever now be. Prince Charles would no more presume to dismiss the Prime Minister who had the support of the House of Representatives than the Queen would dismiss a Prime Minister who had the support of the House of Commons in Britain.

There are greater constraints on a real monarch, or the heir of a real monarch, because a mistake can mean the end of the institution which made them and which they must preserve.

A Governor-General, a Viceroy, is expendable. Once, however, a monarchy is tarnished or compromised — as Sir John Kerr is — then the monarchy itself is finished.

I don't want to be taken as urging that Prince Charles be appointed Governor-General; I think it is unreal to expect that the Queen would be happy about a recommendation from an Australian Prime Minister that he be appointed.

At the same time the appointment of a real royal would help in two respects: it would mean that the anachronistic system of separate State governors, appointed by the British Government, which we have in Australia would be replaced by a system of Lieutenant-Governors appointed by the Queen of Australia on the pattern which has long applied in Canada. Second, the appointment of a real royal would mean that there would be a ready and acceptable end to recommendations by the State governments to the British Government to appoint persons to various levels in British orders of chivalry.



Q: Looking at the style of government we have next time to keep a strong Cabinet?

A: Yes. Obviously stricter with conduct and less made.

Having said that most of the people I appoint.

There would be that the portfolio Hayden, Evering, Clelland, Jones year, James Mc better handled, sited — and n still be around.

Q: How will that Caucus be sacking ministers?

Sub

Q: The Commission is what is your commendation, sidies for the

A: It's an

First, one has arts bodies, prestigious and opera and ballet on their merits substantial and to the IAC before report for the C. It is possible strictly make case; clearly N person.

I made the performing been asking the assistance, and representation.

My strong view government as properly invested, fore they're expenditures on lesser extent, propriety of his galleries for de

Rec

Q: Can we people have your policy, you were P, some similarities ried out by y, ficular, they is carrying it more or less;

A: There element in both Mr Pea on this issue

FEDERAL POLITICS

If there is one issue that has the potential to split the community of interest between Malcolm Fraser and Sir John Kerr it is the prospect of an early election.

Both Sir John Kerr and his predecessor, Sir Paul Hasluck, have publicly stated that a Governor-General has a responsibility to deny a dissolution of Parliament and early election to a Prime Minister who wants one solely for party political gain.

While Malcolm Fraser has no plans for an early election at present any change of tactics could result in sharp differences between the two men.

Based on statements made during their respective terms of office it appears that both Sir Paul and Sir John would have had great difficulty granting Prime Minister Menzies his early dissolutions in 1955 and 1963, both designed to exploit Labor's weakness, and resulting in an early termination of the life of the Parliament and safe re-election of the Government.

One of the most intriguing divisions about the extent of vice-regal power concerns the dissolution question. While Hasluck and Kerr stress the Governor-General's discretion in making the decision politicians such as Gough Whitlam and Malcolm Fraser affirm the right of the Prime Minister to secure a dissolution if he seeks

How Kerr could block Fraser's election strategy

By PAUL KELLY

one. There is a built-in conflict of interest if the Governor-General decides to exercise his legal powers.

The controversy surrounding the dismissal of the Whitlam Government — the ultimate exercise of vice-regal power — has tended to bury everything else in its aftermath.

Yet long before the Labor Government was dismissed the new line of Australian Governors-General, Casey, Hasluck and Kerr, in their determination to shift the office into a more meaningful, active and interventionist role, had set upon the dissolution provisions as a chief means of achieving this aim.

The reason was obvious. Section 28 of the Constitution says: "Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General."

The significant point is that the power of dissolution is

given to the Governor-General himself acting on his own and not to the "Governor-General in council" acting on the advice of his ministers. The distinction is crucial.

At the time of Federation the founding fathers who drafted the Constitution believed the greatest power bestowed on the Governor-General was that relating to dissolutions.

Clear precedent exists for the execution of this power which has been used three times since Federation when Prime Ministers have been denied dissolution by the Governor-General!

The most articulate and powerful account of the Governor-General's responsibility under S28 was given by Sir Paul Hasluck, in his William Queale Memorial Lecture on October 24, 1972 one of the most definitive statements vice-regal prerogatives ever made by an incumbent Governor-General.

He said, "If a Prime Minister were to advise a mid-term dissolution simply because 'he would like to have an election,' a Governor-General would quite reasonably ask for additional reasons to support a general argument that Parliament had become unworkable or that some exceptional and unforeseen situation had arisen which could not be resolved by Parliament itself. . . .

"In crude terms, the case for dissolving Parliament in mid-term is that Parliament has become unworkable. Among various reasons for this may be a conflict between the two chambers, the defeat of the Government on a major issue on the floor of the House, or difficulty of a Prime Minister with his own supporters. The key question is whether in fact Parliament has become 'unworkable'.

"There are good authorities to support a view that Parliament should not be dissolved and an election held simply to help a party leader or a party get out of their own difficulties but that the electorate should only be asked to overcome difficulties which Parliament itself cannot overcome."

Sir John Kerr has been deeply influenced by Hasluck's conception of the office.

One of the first things Kerr did after being offered the job by Gough Whitlam was to read Hasluck's Queale Lecture, sections of which Government House point to as justification for Sir John's action last November.

Kerr's own views on the dissolution question are expressed in even stronger terms than Hasluck.

He told the Indian Law Institute on February 28, 1975:

"Sometimes the situation arises in which a Prime Minis-



ter may seek to have Parliament dissolved before its constitutional term has expired.

"It is, of course, not sufficient for him to seek a dissolution of Parliament simply because he would like to have an election long before it is due

"The essential question is whether the Governor-General can be satisfied that Parliament has in fact become unworkable

"The country should not be forced to an early election merely to help leaders solve internal party questions but only when it is necessary to deal with a situation which Parliament itself cannot solve."

In the light of these statements by two successive Governors-General, plus Kerr's use of the vice-regal powers last year on an issue of far greater magnitude, any present or future Australian Prime Minister who assumes he can get an election whenever he wants is simply kidding himself.

The current position is that there has to be a House of Representatives election before February 1979 and a Senate election before July 1, 1978. The current plans of Liberal strategists are to hold both the Senate and House election together by about May 1978, which would be several months early for the House.

Fraser will have a strong argument for a dissolution at this time since it will bring the House and Senate elections back into conjunction. A genuinely early election for the Government would be in 1977, two-thirds of the way through the life of the Parliament.

So far, there is no sign that the Prime Minister is thinking of late 1977, but if he subsequently did, then the Governor-General would be faced with his most difficult decision since last November.

Kerr would be caught in a conflicting choice between his two chief ambitions, remaining in office and vindicating himself over the Whitlam dismissal. For unless Fraser provided substantive reasons for seeking a 1977 dissolution, Kerr could either forget his previous statements and grant a dissolution, or risk incurring the Prime Minister's wrath by maintaining the consistency of his views and proving his evenhandedness by refusing the dissolution.

The precedents for the latter course are ample. In 1904, Prime Minister Watson was refused a dissolution by the Governor-General, Lord Northcote. In 1905, Prime Minister Reid was refused by the same Governor-General. In 1909, Prime Minister Fisher

was refused by the Governor-General, Lord Dudley.

Admittedly, the parliamentary situation in those days was different to today, where there is a more rigid party structure. On each of the above mentioned occasions, a parliamentary solution was found in that the prime ministers lost office to another leader who could command a majority in the House.

However, the assertions of Hasluck and Kerr about dissolutions are made with full knowledge of the present party structure in Australian politics.

The two most recent early dissolutions of the House of Representatives appear dubious when judged against the tougher criteria suggested by both Hasluck and Kerr.

In 1963, Robert Menzies was given a dissolution two-thirds of the way through the life of the Parliament that enabled him to convert a majority of two into a comfortable margin. The decision threw the House and Senate elections out of harmony, with the House election being held in November 1963 and the Senate 12 months later, thereby increasing to seven the number of general elections in the decade from 1963 to 1972.

In his speech to Parliament, Menzies justified the election by pointing to party differences over the North West Cape base, the defence of Malaysia and the establishment of a nuclear-free zone in the region. The ALP leader, Arthur Calwell, called Menzies' election move an act of "supreme political cynicism", but supported the decision by Lord de Lisle to grant the dissolution.

In 1955, Menzies secured a dissolution from Sir William Slim only 18 months after the previous election. This time, he held both a House and half-Senate election together, thereby bringing the elections back into harmony after the 1951 double dissolution.

In his speech to Parliament, Menzies gave three reasons for the early election. First, it would synchronise House and Senate elections again. Second, it would be timely to have an early Federal election because four States were due to hold elections before mid 1956 anyway so the timetable later on would get very crowded. Third, there were substantial economic policy differences between the parties.

The Government was returned and the ALP decimated by a split in its own ranks.

It is not unreasonable to argue that Menzies' justifications were put up "because he would like to have an election long before it is due", to quote Sir John Kerr himself on a circumstance in which a dissolution cannot be given. The key issues are when an election is an early election, and second, when an early election is justified.

Ultimately, the dissolution issue would be tested again if Malcolm Fraser seeks an early election — or if not him, then a future Prime Minister.

The problem for both Prime Ministers and Governors-General is that Kerr and Hasluck have revived an old tradition and nailed it to the wall.

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THE DISCRETIONARY AUTHORITY OF DOMINION GOVERNORS

During 1939 the old question as to the existence and extent of the discretionary authority of the Governors of the self-governing Dominions has again assumed importance, particularly in relation to cases where a dissolution is sought by Ministers who have sustained, or are about to sustain, a defeat in the popular Chamber.

In my study "The King and His Dominion Governors" which was published in 1936, I discussed the general principles involved, and examined many of the leading cases both in England and the Dominions.

It is unnecessary to elaborate the great difference between cases where Ministers remain in full possession of the confidence of the Lower House and cases where they face, or have met with, defeat in that House. In the former case, *ex hypothesi*, no alternative Ministry is possible, and the King's representative, who is thereby precluded from obtaining other advisers, must act upon the advice to dissolve, even if, as is often the case, that advice is affected entirely by party considerations. But, in the latter case, very different considerations arise, particularly where the "parliamentary situation" embraces three distinct parties and the Ministry has no working majority in the House. In 1923 the complex three party situation in England led Mr. Asquith, a highly distinguished authority, to denounce the theory of Professor Keith that, whatever the circumstances, the King was under a duty automatically to grant a dissolution on the advice of the Prime Minister for the time being. Asquith said that the theory was "subversive of constitutional usage" and "pernicious to the general and paramount interests of the nation at large".¹ I attempted to show that (1) Keith's theory of the automatic action of the King's Dominion representative — whatever its merits or demerits as a rule of practice in

¹ EVATT, H.V., THE KING AND HIS DOMINION GOVERNORS, p. 65.

England — has never been adopted in the self-governing Dominions; (2) that Professor Keith's deductions from the Canadian precedent of 1926, in which Lord Byng was involved, were unjustified; and (3) that there was no proof of Keith's assertion of fact that, even in 1924, when Mr. Ramsay MacDonald was granted a dissolution by George V, the latter did not "even consider" whether the government could be carried on without a dissolution.²

Professor Keith seems to have overlooked the significance of the statement of Mr. Mackenzie King, Prime Minister of Canada, who, during the electoral campaign which followed the constitutional crisis of 1926, frankly conceded that Lord Byng might properly have refused to grant a dissolution to a Prime Minister who advised it, providing that he could find another leader who was able and willing (1) to accept the constitutional responsibility for the Governor-General's refusal of a dissolution and (2) to carry on the business of the House.³

To a very large extent, the notion that the Prime Minister for the time being possesses an absolute and unqualified right to obtain a dissolution from the King has derived from the fact that, in England, until comparatively recent times, the three party system to which we have long been accustomed in some of the Dominions, was almost unknown.

So far as Australia is concerned, a long course of practice tends to negative the proposition that the Governor-General of the Commonwealth or the Governor of a State is a mere automaton in the hands of Ministers who have lost, or are about to lose, the support of Parliament. Prior to 1914, there were three occasions upon which the Governor-General of the Commonwealth had refused a request by the Prime Minister for a dissolution of the popular House (the House of Representatives). On each occasion the Governor-General believed that an alternative Ministry was possible, and on each occasion subsequent events proved that he was correct in his belief.⁴ A "double dissolution" (i.e. the simultaneous dissolution of the House of Representatives and the Senate—the latter body being also elected by the people) was granted by Sir Ronald Munro Ferguson in 1914, and I refer to this important precedent hereafter. The case of 1918, when Mr. Hughes resigned as Prime Minister following the defeat of the second conscription referendum, but was again commissioned, is of some relevance; it illustrates that the

² *Ibid.*, p. 66.

³ *Ibid.*, p. 67.

⁴ *Ibid.*, pp. 50 - 54 inclusive.

Governor-General's opinion was that in the circumstances it was his paramount duty to have regard solely to "the parliamentary situation".⁶ In 1929, when Mr. Bruce obtained a dissolution of the House of Representatives from Lord Stonehaven, the latter did no more than give effect to the vote of the House of Representatives which had declared that the Maritime Industries Bill, which Mr. Bruce had introduced as a government measure, should not be brought into operation until it was approved by the electors either by referendum or at a general election.⁶ Inasmuch as there was no statutory provision for an unofficial referendum, the House of Representatives was treated by the Governor-General as having not only authorised, but actually invited, its own dissolution;⁷ so that the Prime Minister, in asking for a dissolution, was acting not against, but in accordance with the will of the popular House. Last of all, in November 1931, Sir Isaac Isaacs granted a dissolution to Mr. Scullin's Labour Ministry after an adverse vote. On that occasion, the Governor-General's written statement of his reasons contained some very arguable matter; but I have shown from an analysis that, in the end, the Governor-General seems to have regarded his duty as that of exercising a real discretion.⁸ One very important factor in the then parliamentary situation was that, if an election took place, there could be held a simultaneous election of half the Senate. This is always a matter of importance under the Commonwealth polity, where separate elections for the two Houses lead to heavy expense and are always avoided.

Such are the important Commonwealth precedents governing the dissolution of the House of Representatives, and I now return to the important case of the "double dissolution" granted in 1914. In "The King and His Dominion Governors" I endeavoured to establish that the very general induction which Professor Keith made from this case cannot be sustained.⁹ The foundation of the Governor-General's decision was "the parliamentary situation"; and he expressly said so.¹⁰ That situation was simple. The Ministry still retained the full confidence of the House of Representatives. I suggested that the decision could hardly have been the same if, owing to the weakness of

⁶ *Ibid.*, p. 153, *et seq.*

⁷ *Ibid.*, p. 234.

⁸ *Ibid.*, p. 235.

⁹ The Governor-General's statement is quoted at p. 237.

¹⁰ *Ibid.*, pp. 37-49.

¹¹ *Ibid.*, p. 38.

the Ministerial position in the House of Representatives, an alternative Ministry could have carried on. I pointed out that if the "parliamentary situation" had been different, Ministers would not even have been entitled to a dissolution of the House of Representatives.¹¹

I think that Professor Keith's inferences from the 1914 "double dissolution" were largely based upon a failure to examine the vital official documents which were subsequently published. I have never appreciated the force of the argument that because the Governor-General chose to act upon the advice of Ministers who retained the full confidence of the House of Representatives (so that the possibility of any alternative Ministry had to be ruled out of consideration) therefore every Governor-General must act upon the advice of Ministers who had been defeated in the House of Representatives (so that the possibility of an alternative Ministry was immediately suggested, and such possibility might be capable of exclusion only by the Governor-General consulting the views of leading members of the House, or by a subsequent test vote of the House). The argument is a plain *non sequitur*.

Through the courtesy of one of the official Commonwealth war historians, I have been supplied with copies of two documents (transcribed by him from Lord Novar's papers) which throw a considerable light upon the whole question. In my view, they completely destroy the argument that the decisions of Sir Ronald Munro Ferguson as Governor-General were based upon the constitutional theory that in all cases whatsoever the Governor-General is bound to act upon the advice of Ministers for the time being.

The first of these two documents is an interpretation of the double dissolution provision in the Constitution (Sec. 57) by Sir Samuel Griffith. Sir Samuel was then Chief Justice of the High Court, and was also an acknowledged authority on constitutional practice. The interpretation was prepared by the Chief Justice for the use of Lord Novar. In the course of it, he pointed out that the "double dissolution" power in Sec. 57—

should be exercised only in cases in which the Governor-General is *personally satisfied, after independent consideration of the case*, either that the proposed law as to which the Houses have differed in opinion is one of such public importance that it should be referred to the electors of the Commonwealth for immediate decision by means of a complete renewal of both Houses, or that

¹¹ *Ibid.*, pp. 45 - 46.

there exists such a state of practical deadlock in legislation as can only be ended in that way. As to the existence of either condition *he must form his own judgment.* (The italics are mine).

This very important memorandum, after emphasising the fundamental principle that the Governor-General cannot act except on the advice of Ministers declares that "*he is not bound to follow that advice, but is in the position of an independent arbiter.*" The Chief Justice added that, among other circumstances, the Governor-General should have regard to the state of parties, whether the resignation of Ministers would follow his refusal to act upon Ministerial advice, and whether, in such an event, another administration could be formed in the existing parliament which would be able to carry on without a dissolution of the House of Representatives.

It would seem quite clear (1) that in granting the double dissolution Sir Ronald Munro Ferguson (later Lord Novar) did not act otherwise than in accordance with the general principles stated by the Chief Justice, (2) that, as the Governor-General himself explained, he based his decision upon the existing parliamentary situation in the House of Representatives, and (3) that he was influenced by the fact that, in the then state of parties in the House of Representatives, an alternative Ministry could not be found, and was not even suggested.

These conclusions are supported by the important opinion contained in the second document which was also transcribed by the official historian from Lord Novar's papers. The opinion was furnished in 1919 to Lord Novar by Professor Harrison Moore of the University of Melbourne, who was very familiar with constitutional practice in the Dominions.

Here I should interpolate that Sir Samuel Griffith's memorandum on the Governor-General's duty in the "double dissolution" had concluded thus:—"The considerations applicable to a dissolution of the House of Representatives alone are in many respects of a different character, *but the element of the duty of independent exercise of discretion on the part of the Governor-General is common to both.*" (Italics are mine).

I now quote from Professor Harrison Moore's opinion which was directed to Keith's assertion that the 1914 precedent was to be regarded as establishing a duty in the Governor-General to act in every case upon the advice of Ministers for the time being :

Keith has taken the view", (wrote Sir Harrison Moore) "that His Excellency, in granting the double dissolution, must have adopted the principle that the Governor-General must grant a dissolution whenever it is asked for by his Ministers, and that he is no longer entitled to exercise any personal judgment on the matter. In my opinion such a conclusion is unwarranted on every ground. Apart altogether from the question of fact involved, it seems to me impossible to argue from the statutory device of the double dissolution and treat it as identical with the prerogative dissolution.

The position may be thus stated. So far as the self-governing Dominions are concerned, Professor Keith's theory seems to have been founded upon the 1914 double dissolution in Australia and the 1926 Byng-Mackenzie King precedent in Canada. As to the latter, Mr. Mackenzie King's policy speech already referred to, amounted to a complete disavowal of the proposition that the Governor-General must dissolve whenever the Prime Minister advises it. So far as the 1914 precedent is concerned, we now know with certainty that Lord Novar exercised a real discretion and that, in holding that his power to dissolve was discretionary in character, he was supported by the opinions of the Chief Justice of Australia and of Professor Harrison Moore.

A conclusion of more general importance is that Lord Novar undoubtedly accepted the rulings of Sir Samuel Griffith and Sir Harrison Moore to the effect that, in relation to all applications for a single dissolution, the Governor-General of the Commonwealth not only possesses a right, but is under a duty to come to an independent judgment having regard, first to the parliamentary situation, and then to all the surrounding circumstances. Perhaps it should be added that sec. 28 of the Commonwealth constitution affirms the power of the Governor-General to dissolve the House of Representatives; the word used is "may"—as is also the case in sec. 57 which deals with the simultaneous dissolution of Senate and House of Representatives.

The question is not of merely academic interest. It is one of immediate importance in the self-governing Dominions. I have always considered that it would save endless controversy and recrimination if the duties of the King's representatives were defined in a code which might provide for such cases as we are now considering. I admit the difficulties of precise definition. The Imperial Conferences of 1926 and 1930, while assimilating the duties of a Governor-General to those of the King himself, have only told us that the Governor-General of a self-governing Dominion, like His Majesty in England, always acts on the

advice of responsible Ministers. But it is well settled that this general principle does not mean that the King's representative must in all circumstances take positive action in accordance with the advice of Ministers for the time being. It means only that the King's representative must act constitutionally, not personally; in other words, he can only refuse to act upon the advice of existing Ministers if he is able to find another set of Ministers who, by accepting office after the refusal, will necessarily accept the full political responsibility for such refusal.

Thus the duty of the Governor-General in relation to dissolution is not finally and conclusively settled by any authoritative and binding Imperial declaration. Accordingly, despite a possible lack of acquaintanceship with the cases and the principles they embody, the Governor-General is still remitted to them. What is the result? As the position stands at present, the Dominion cases are quite inconsistent with the theory that the Governor-General has been stripped of all discretionary power. A very recent case in point occurred in South Africa at the outbreak of the present war. There, the Prime Minister, General Hertzog, having been defeated in a crucial vote, advised a dissolution of the popular House. But the Governor-General refused to accept such advice, and the responsibility for such refusal was accepted by an alternative Ministry led by Mr. Smuts. That Ministry subsequently carried on the government with the express or implied approval of the popular House. Here one point should be emphasised. Cases where the Governor-General has dissolved in accordance with the advice of existing Ministers can never establish a rule that in no case can the Governor-General refuse a dissolution. On the other hand, one exception alone is sufficient to destroy the theory that in every case, whatever the parliamentary situation may be, the Governor-General must dissolve if asked to do so by the Prime Minister for the time being. There are many such exceptions.

The present constitutional position is so unsatisfactory that in Australia it has led to some grave abuses. Cases have occurred where, owing to the existence of three or four political parties in the popular House, or of a revolt within a Ministerial party, Ministers brought face to face with a critical vote of the House assert that they possess an unconditional right to dissolve the House, and, in the event of an adverse vote, will assert such right. In New South Wales, for instance, such a crisis arose quite recently. After a defeat in the House upon a vital issue, the Premier of the State ultimately resigned and was replaced

by another Premier. In the meantime, the State Governor had stayed his hand for several days to permit of the election of a new leader by one of the government parties, and took no steps whatever to consult other leaders in the popular House. Putting on one side the propriety of the Governor's action, the most serious feature of the position was that the newspapers and, it has been asserted, one or more members of the Ministry, intimated to supporters whose vote was regarded as doubtful that if they voted against Ministers, they would recommend a dissolution, *and the State Governor was compelled to act upon the advice of the Premier for the time being, even after his defeat by a vote of the House.* Many similar "intimations" have been published by the press in relation to the Commonwealth House of Representatives where, as has often been the case, it happens that Ministers for the time being represent one party only out of three and possess no working majority. The newspapers supporting Ministers assert that, under modern constitutional practice, the Prime Minister for the time being "always has a dissolution in his pocket".

These matters are of general importance. In my opinion, similar "intimations" are a very serious interference with the regular processes of parliamentary government. What is being attempted is utterly subversive of the authority of the King's representative. The assertions and implications are, as I hope that I have shown, untrue so far as they suggest an inflexible constitutional rule. They are designed to put pressure upon members of parliament who are thus hindered in the free exercise of their duty to vote in accordance with the interests of the electors.

Pending a final and conclusive Imperial declaration as to the correct constitutional practice, the South African case of 1939 proves beyond all reasonable doubt that, in relation to requests for a dissolution, the Governor-General possesses a discretionary power. Although, in the end, each Governor-General must exercise his own discretion, it seems possible, or even probable that the Imperial authorities or leading constitutional lawyers were consulted by the Governor-General of South Africa before he reached a final decision. The official documents concerning this case are not yet available in Australia. I suggest that, when examined, they will finally explode the constitutional theory that, whatever the parliamentary situation and the other surrounding circumstances, Dominion Ministers are always entitled to obtain a dissolution of the popular Chamber, the

function of the King's representative being reduced to that of an automaton or a figurehead.

I think that four supplementary points are worthy of note.

1. By the year 1933, Professor Keith had modified his earlier belief that the "double dissolution" granted in 1914 by Lord Novar had established the rule that in the Dominions, as in England, "any advice which after full consideration they (i.e. Ministers) decide to offer on political matters will be accepted by the Crown". In 1933, the professor stated that it was "too much to say that the Governor must grant a dissolution inevitably on a request from his government."¹²

2. The fact that Lord Novar called in aid two "outside", though very distinguished, authorities on constitutional practice illustrates the difficulties confronting a King's representative who is not himself expert in a very difficult topic. Because of the lack of certainty in these matters, Dominion Governors have frequently felt themselves at liberty to adopt a similar course.

3. In my suggestion for the adoption of a general code of rules, defining the "reserve powers" of the Crown, I have always envisaged the probability that such rules might well permit of the exercise of a personal discretion where Ministers are seeking a dissolution of the popular House. But I need not add that the present paper discusses the existing, not the ideal, rule of practice.

4. Under the existing practice, the mere fact that some sort of alternative Ministry is possible does not, and should not, prevent the grant of a dissolution by the King's representative. Presumably the Governor would never lose sight of the popular "mandate" possessed by the existing Assembly. Again, it might be disastrous to democratic feeling to permit the continuance of an Assembly if (say) the alternative Ministry would have little or no popular backing or if it proposed to act, or was dependent upon the support of members who were proposing to act, in flagrant disregard of pledges to the electors.

H. V. EVATT.

Sydney, Australia.

¹² Contrast KEITH A. B., *IMPERIAL UNITY AND THE DOMINIONS* (1916), p. 109, and *Journal of Comparative Legislation*, Vol. 15, p. 231, with KEITH A. B., *THE CONSTITUTIONAL LAW OF THE BRITISH DOMINIONS* (1933), pp. 150 - 1; and see EVATT H. V., *THE KING AND HIS DOMINION GOVERNORS*, pp. 46 - 49.

Bureaucrats called in conspiracy case

By RICHARD ACKLAND

FOLLOWING proceedings in the Queanbeyan Court of Petty Sessions last Friday the most unusual Australian political trial of the century has resumed.

The case of conspiracy involving four former Federal Ministers, one of whom is now a High Court Judge, is to continue and could become the focal point for a renewed struggle between Parliament and the courts.

The allegation of the private informant, Mr Danny Sankey, is that the former Prime Minister Mr Whitlam, and three of his Ministers, Mr Connor, Dr Cairns and Mr Murphy, "conspired with each other to deceive His Excellency the Governor-General of Australia."

The summons goes on to allege that the conspiracy was in relation to the recommendation to the Governor-General that Mr Connor be authorised to borrow up to \$US4,000 million for temporary purposes notwithstanding that the loan was not in fact for temporary purposes and was in breach of the financial agreement of 1927 between the Commonwealth and the States, and in contravention of other federal laws.

Last Friday it was determined that the case is to resume before the Queanbeyan stipendiary magistrate Mr D'Arcy Leo on November 12.

On that date all the subpoenas issued by the plaintiff, Mr Sankey, must be answered.

Mr Sankey's legal representatives in the case have so far subpoenaed the Secretary of the Treasury, Sir Frederick Wheeler, to give evidence, a Deputy Secretary of the Treasury, Mr J. H. Garrett to present documents to the court, a former Secretary of the Department of Minerals and Energy, Sir Lenox Hewitt, to give evidence, a Deputy Secretary of the Department of National Resources, Mr R. N. Townsend, to present documents to the court, and a First Assistant Secretary of the Treasury, Mr A. R. G. Prowse, to give evidence and present documents.

Mr Sankey has also subpoenaed two officers of the Department of the Prime Minister and Cabinet, Mr D. F. N. Reid

to present documents and Mr N. F. Wicks to give evidence. Even the messenger who delivered the proposed arrangement out to the Admiralty House for the Governor-General's signature has been subpoenaed.

The Crown can, of course, claim privilege in the appearance of public servants or in the submission of evidence.

The Crown claimed privilege when public servants were called before the Senate to give evidence on the loans affair last year.

So far, the Attorney-General, Mr Ellicott, has refused to reveal whether the Crown will claim privilege and refuse to submit to the court.

Some of the highest members of Federal Cabinet would, it is understood, like the witnesses to be called and the evidence to be presented.

At the behest of the Attorney-General Parliament has already waived its privilege in relation to documents tabled last year on the loans affair. All these documents can now be produced as evidence in the court.

Counsel for Mr Sankey, Mr David Rofe, QC, said on Friday that he would not expect the Crown would claim its privilege on November 12.

Of course, if the Crown does not waive its privilege the flood gates will be opened and it is quiet conceivable that the defendants could subpoena the Governor-General, the Federal Treasurer, Mr Lynch and his private secretary, Mr Andrew Hay.

The charge of conspiracy is basically broken up into two parts, the Common Law Action and the Statutory Action found in section 86 (1) (c) of the Commercial Crimes Act.

On October 15 the NSW Court of Appeal handed down a decision that it would not act to quash or in any way interfere with the informations and summonses, or prevent the magistrate hearing the case.

Chief Justice Street had some instructive things to say.

In relation to the statutory offence of conspiracy the Commonwealth Crimes Act states "A person who conspires with another person to effect a purpose that is unlawful under a law of the Commonwealth shall be guilty of an indictable offence."

Mr Justice Street said, "The unlawful purpose alleged is to effect a borrowing in contravention of the Financial Agr-

reement 1927, the Constitution Alteration (State Debts) Act 1928, and the Financial Agreement Act 1944.

"I am of opinion that a borrowing in contravention of these legislative instruments is unlawful under the law of the Commonwealth and it follows that I am of the view that the charge as framed does allege an offence known to the law.

"The fact that the present agreement binds the Commonwealth and the six States, without the intervention of any specific right or obligation in an individual subject or upon subjects generally, does not place this legislative instrument outside the category to which it would naturally belong as a law of the Commonwealth."

21. Look at B and say:-

- (a) What inducements were offered to the Governor-General of Australia by each of any and if so which of the defendants to get the said Governor-General to act contrary to any and if so what duty of the Governor-General?
- (b) Is it alleged that the Governor-General did not know or was capable of being misinformed concerning the law?
- (c) Specify each inducement made and by whom to the Governor-General.
- (d) Specify in detail each act of deceit by each and any and if so which of the defendants.
- (e) Was in fact the Governor-General deceived and in any and if so what respect or respects?
- (f) What acts, matters or things are relied upon to show that the defendants or any and if so which of them attempted to deceive the Governor-General?
- (g) Was any complaint made by the Governor-General to the informant, Mr. Sankey, that the said Governor-General had been deceived?
- (h) If yea, was this complaint in writing or how otherwise and on what date or dates this complaint was made.
- (i) Is it alleged that the Governor-General was deceived concerning whether a Federal Executive Council meeting had been held because he had not summoned and was not present at the same.

21. (a) See Information.
- (b) This is not relevant.
- (c) See Information.
- (d) See Information.
- (e) This is not relevant.
- (f) The information is not an allegation of an attempt to deceive but of a conspiracy or agreement to deceive.
- (g) This is clearly irrelevant.
- (h) See (g) above.
- (i) This is irrelevant.

Government House,
Canberra. 2600.

19 October 1976

My dear Martin,

Thank you for your letter of 29 September. I should be grateful if you would thank Her Majesty for what you have passed on to me as being her reaction to my hand-written letter of 21 September. I shall not, of course, burden her with direct correspondence unless there appears to be some very important reason. The letter I wrote on 21 September was, as is obvious enough, to express certain personal feelings.

With regard to the Papua New Guinea situation, I detect a certain sensitivity here in Australia at the bureaucratic level in our Department of Foreign Affairs, to any criss-crossing of the constitutional lines. Jack Bunting apparently has had informal conversations with people in the Foreign Affairs Department and I have with the Minister's approval opened up the question as to Australia's understanding of what is likely to be happening politically. I have been obviously entitled to do so because I have been personally and publicly involved in some of Sir John Guise's activities.

I rather get the impression therefore that Jack Bunting may find that the suggestion is made to him that the best way for the fullest information about Papua New Guinea affairs to get to London is for the British High Commissioner up there to assess the position and, if he is so minded, to maintain close contact with our High Commissioner who doubtless will be briefed about the need to help as much as possible. He should in this way be able to get through to the F.C.O., not only his own assessments, but whatever additional or ancillary opinion and impressions he is able to gather from talks in Port Moresby.

I am told unofficially that our High Commissioner has been keeping very close to Sir John Guise and that he is hopeful that Guise will not resign at all and will not try to re-enter politics. On the whole, as the matter is judged here, it is likely that The Queen's visit will be completed with no problems from Sir John. We shall be able to have a chat with Bill Heseltine when he is here and I am hoping to see Critchley when he comes to Australia next January.

.../2

With regard to your paragraph about Mr Whitlam. I have asked him to all protocol dinners since 11 November. There have been three - one for The King and Queen of Jordan, a second for the Prime Minister of Bahrain and a third, coming up, for the Prime Minister of Singapore.

As to the last one, we also got a very friendly response from his staff in which it was carefully explained that his reason for not coming was that he was committed at Parliament House on that particular night and did not feel able to leave the House. However, he has since then in a radio talkback interview with David Frost allowed his tongue to run away with him, or so some people think, by saying that he has not seen or had anything to do with me since 11 November and has no desire to see or talk with me again.

He also made some other remarks of a disparaging kind with which I shall not burden you. The result is to make it extremely difficult for me to continue to ask him, even for protocol reasons, to the house. His remarks were given some publicity in the press. I, of course, through David Smith said simply, "no comment".

We have a couple of further protocol dinners coming up before Christmas and there may be others before The Queen's visit. I shall have a chat with Bill Heseltine about all of this, if that is alright with you. Certainly I shall keep things open but we shall have to decide what to do about the next Head of State or Head of Government visit to Australia.

Since last writing to you I have been back to Brisbane where we had a big dinner of the Queensland Confederation of Industry at which my wife and I were guests of honour. There was not the faintest sign of any demonstration at all in Brisbane.

We have also done our trip through the Barossa Valley and what is called Riverland. The latter is the river flat country along the Murray River in South Australia. Word had been put out that there would be attempts to harass us throughout the journey and attempts were made to send demonstrators to the Loxton Show by bus. Advertisements were put in the paper to encourage people to join the bus. It seems clear that they were offered money for "luncheon expenses". In fact no one appeared at any of the towns and places we visited on our way to Loxton and, although the two buses which had been chartered were at the assembly point in Adelaide, no demonstrators turned up and the buses did not leave. The show itself attracted record crowds and unanimous support and applause. When I say unanimous, one girl held up a "sack Kerr" sign.

.../3

PERSONAL AND CONFIDENTIAL

3.

Sentiments in favour of the Monarchy, both in Brisbane and between Adelaide and the border, were very enthusiastic. As you know I have been gradually covering Australia. My assessment is that Queensland, including Brisbane, is really solidly pro-Monarchy. Rural areas generally are solidly pro-Monarchy and the story is substantially the same in the city, though militant groups there, based substantially on the universities and certain of the trade unions, mobilise what generally turns out to be 20, 30 or 40 demonstrators, though sometimes as many as several hundreds can be got together.

We are awaiting 11 November. There is a threatened demonstration to take place at Parliament House here in Canberra and attempts are being made to produce demonstrations in other parts of Australia. On 11 November, of course, I have to be at the Remembrance Day ceremony in Canberra. Last year this ceremony preceded the dramatic events which followed just prior to lunch. The best information we can get is that there will probably be no serious attempt to demonstrate at the Stone of Remembrance or to disrupt the ceremony. As always with such predictions this could be wrong.

My advisers are all strongly of the view that I should attend the Melbourne Cup and keep all other commitments that I have in November. We shall see what November produces.

You may remember that the name of our Ambassador to Stockholm, Mr Barnard, former Labor Minister for Defence, was put forward by the Prime Minister in the last Honours List for a K.C.M.G. He declined. In issues of the press a few days ago reference was made to this, spiced with an entirely erroneous mention of a Companionship in the Order of Australia. The Sydney Morning Herald of 14 October said that Mr Barnard had "flatly refused" after being told that approval of the honour had come from Buckingham Palace. One knows that this sort of information is sometimes given out but it is unusual, to say the least, for it to happen in the case of an Ambassador holding Her Majesty's Letters of Accreditation to a foreign power.

Sir Stanley Burbury has sent me a copy of his letter to you of 13 October. It is not quite accurate as far as I am concerned. I should like to get out of morning wear on all military occasions and into a simple uniform such as is worn by Sir Dennis Blundell in New Zealand. This I passed on to Sir Stanley but told him that having regard to my special position at this time it would attract a lot of attention.

.../4

PERSONAL AND CONFIDENTIAL

The matter has been raised on a personal basis with General Sir Francis Hasset, the Commander of the Forces, who thinks a uniform would be a good idea for military occasions. It has also been raised with the Prime Minister in a semi-official way. I feel I ought to get his reaction. It is not so far to hand.

If Sir Stanley adopts a simple uniform like Sir Roden Cutler we shall have two State Governors of Labor States wearing them and this would help me to overcome reluctance to approve at the Federal level. I am going next week-end to the Kangaroo II Exercise in Queensland and have to wear jungle greens. I have obtained a set of Governor-General's shoulder badges and may wear them. The difficulty is that they feature the rose, thistle and shamrock. I shall probably need to ask later for approval of say the Crown and mimosa as a substitute.

Once again I ask you, especially having regard to the first few paragraphs of your letter of 29 September, to convey to Her Majesty the humble loyalty and duty of my wife and myself.

With warmest regards to you.

Yours sincerely,

JOHN R. KERR

Lieutenant Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.,
Private Secretary to The Queen,
Buckingham Palace,
LONDON ENGLAND



BUCKINGHAM PALACE

PERSONAL AND
CONFIDENTIAL

8th October, 1976.

My dear John

This letter is in reply to yours of 22nd September which, as you say, was of a different kind from our usual correspondence. I need hardly say that I hope most sincerely that you will live for many years but none the less it is obviously wise for you to make suitable arrangements for your papers and particularly those documents relevant to your Governor-Generalship.

I have give considerable thought as to what would be the most suitable repository for your papers dealing with the Governor-Generalship and particularly the correspondence which has passed between us and I have no doubt in my own mind that the best solution, from The Queen's point of view, would be for them to be deposited in the National Library. This end of the correspondence will, of course, be preserved in the Royal Archives under complete confidentiality.

If you agree to this solution it remains to be decided for what period of time your papers are placed under complete embargo. The figure we usually specify nowadays is 60 years from the end of the appointment concerned. In 1968, when the National Library of Australia tracked down the papers of the first Lord Stonehaven (Governor-General of Australia 1925-30), his son and successor offered to

hand them over to that Library subject to The Queen's wishes. On Her Majesty's instructions we stipulated, and the National Library accepted, that they should remain closed until 60 years after the end of the appointment.

It seems therefore very suitable that your papers should be dealt with in the same way.

*James
Martin*

His Excellency the Governor-General
of Australia.



BALMORAL CASTLE

PERSONAL AND CONFIDENTIAL

29th September, 1976.

My dear John

The Queen has commanded me to thank you very much indeed for your handwritten letter of 21st September. She is much gratified by your assessment of the value of the Monarchy to Australia and by your personal expressions of loyalty to her.

No one knows better than The Queen what a heavy burden you have had placed upon you during the last year and she will always be grateful to you for the fortitude with which you have borne it.

In anything to do with your future as her representative, Her Majesty, like you, must be guided by the advice she receives from the Prime Minister: this, as we know, is the constitutional reality. None the less, I think you can rest assured that Her Majesty has no disposition to ask you to follow any course different from that on which you are now set.

This letter is also in answer to yours to me, also of 21st September.

We shall, of course, miss Jack Bunting very much in London. He has many friends in Buckingham Palace and my personal relations with him have always been the happiest. He has been a wise and valued counsellor. I met Shann in Japan last year and shall look forward to building the same relationship with him as I have enjoyed with Jack. I do not know Mr. Carmody but look forward to meeting him in Australia next year. I am, of course, glad to know that these, and the other changes of which you write, are congenial to you.

Thank you for the additional information about Sir John Guise. I was particularly interested, but not really surprised, to learn that there is talk of his retiring from the post of Governor-General after The Queen's visit in March. I think we shall have to be extremely careful to ensure that Her Majesty is not in any way involved in the political squabbles going on in Papua New Guinea. I suspect The Queen's visit there will not be dull!

I hope David was right in the deduction he made from Mr. Whitlam's Secretary's use of the phrase "on this occasion." Whilst I recognize that his presence at dinner at Government House during The Queen's visit might be embarrassing to Lady Kerr and yourself after his attacks, I believe it might be helpful to the general political atmosphere if he was there.

Bill Heseltine and I are enjoying the various articles you included on the Constitutional Crisis. It is good to read some serious comments on last year's events. It is certainly right that these articles should be included in The

Queen's Archives, but they are also interesting and helpful to all of us in the Private Secretary's Office.

Thank you for your comments about S.A.C.K. Ms Swift sounds a most disagreeable "person."

The Queen sends you both her very best wishes.

as of course do I.

Yours ever

Martin

/

His Excellency the Governor-General
of Australia.

Government House,
Canberra. 2600.

5 October 1976

My dear Martin,

This is a short note to say that I am having a look at the Papua New Guinea situation.

The Prime Minister is leaving for Indonesia at the end of the week and will be away for a number of days. He will himself be interested in such aspects of Papua New Guinea affairs as affect Indonesia. The border between Papua New Guinea and Indonesia is one such matter and there are others. I shall have a copy of his brief in due course but I have not yet seen it. I spoke to him about the importance of our being able to assess what is going on in Papua New Guinea politically, especially so far as Sir John Guise and his intentions are concerned.

I have also talked about this to the Foreign Minister. The Foreign Minister has been at the United Nations and is in Europe at the present time. I judge it best to await the return of the Prime Minister from Jakarta and the Foreign Minister before going into detail on the likely electoral and other developments in Papua New Guinea.

There is no doubt that I shall be able to get as good an assessment as possible of Australia's view about the coming election and Papua New Guinea affairs generally. I shall be entitled to receive this information as Governor-General of Australia and, of course, to pass it on to Her Majesty as Queen of Australia. I assume that there is plenty of time for us to put the necessary material together for the purposes of Government House and hence for Her Majesty's purposes. We shall be able to help Bill Heseltine with background whilst he is here as well.

We are going to find a need for a successor to Mr Critchley, our High Commissioner in Port Moresby. This will be a particularly important appointment for Australia and I shall interest myself in it within the permissible limits. I am not sure when Critchley is leaving.

All of this adds up to no additional information for you at this stage.

.../2

PERSONAL AND CONFIDENTIAL

2.

There is a strange quality about Sir John Guise's activities. A "supporter" of mine from Tasmania, who really should not have done it, wrote a letter of protest to Sir John Guise about his reported refusal to stay with me in Government House during the abortive official visit which he was contemplating making. He apparently received a rather peculiar reply, a copy of which I attach. Naturally we do not want to be involved in problems between Australian nationals and the Governor-General of Papua New Guinea. The correspondence may be of psychological interest and I send it to you as background.

In today's "Australian" there was a very prominently displayed article which was the lead story on the front page about His Royal Highness The Prince of Wales and the Governor-Generalship. I attach a copy.

My wife and I are going on a tour of the Barossa Valley in South Australia - wine country - we shall be leaving on Thursday next and shall be away for five days.

May I use the opportunity to touch upon one matter. I have previously mentioned the subject of constitutional change being attempted and argued for by both sides in politics.

One point I have made in the recent past is that left-wing forces might well try to build up a campaign for very radical change, including a move to republicanism. Such moves, as you know, are, in my opinion, doomed to failure.

Some few weeks ago a few of the more vigorous and vicious anti-Kerr leftists including, I am sorry to say, Senator McClelland, combined with communists and left-winged labourites and some others to hold a rally in the Sydney Town Hall. Some 3,000 people were present, most of them militant in their outlook. The reason was alleged to be the removing of the "Kerr issue" from the streets and the alleged aim was to conduct a forward looking meeting to discuss possible constitutional change. This did not happen. Somewhat hysterical and demagogic talk took place.

I am enclosing a clipping from the "Australian" of 23 September in which a journalist, who happens to be a republican, gave her impressions on Monday's meeting.

Please assure Her Majesty of our humble duty and loyalty.

Yours sincerely,

JOHN ~~R.~~ KERR

Lieutenant-Colonel the Right Honourable
Sir Martin Charteris, G.C.V.O., K.C.B., O.B.E.

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Queen's top advisers to visit Australia next year

By JOHN MONKS

Charles still set to become G-G

PRINCE CHARLES, soon to be lieutenant, R.N. (retired), is still the favoured contender to replace Sir John Kerr as Governor-General of Australia despite a cloak of royal secrecy and strict protocol.

In London and Canberra moves I first reported in October are continuing to enable Prince Charles to become the Queen's representative here within the next two years.

Although no announcement is expected on Prince Charles' future for at least the next 12 months, I understand the Queen's visit to Australia next March will result in a final decision on the governor-generalship.

With the Queen in Australia will be her private secretary, Sir Martin Charteris, and her assistant private secretary, Mr Bill Heseltine, an Australian. Both these trusted members of the royal household will play a key role in advising the Queen on whether her son should move to Canberra.

The Queen, who has no present intention of abdicating to allow her son to take the throne, is anxious he should be fully and usefully occupied in British and Commonwealth affairs. The Queen is also anxious that Charles should be married before he takes on the important constitutional role of Governor-General of Australia.

Other factors which I understand will be considered before a final decision is taken are:

THE political climate in Australia. A period of political calm and a cooling of tempers over Sir John Kerr's sacking of the Whitlam Government would be necessary before Prince Charles could become Governor-General.

THE Australian Government must accept that Prince Charles is not to be seen as merely a royal figurehead. While maintaining strict political neutrality he will expect to make a real and useful contri-

bution to Australia while he is in the country.

THE palace believes Prince Charles is already one of the best-trained heirs to the throne in history. They believe that a stint—and it is likely to be a three-year term—in Canberra would add to his growing political maturity and wisdom while helping to cement the few remaining ties between Britain and Australia.

RETREAT

The heir to the throne and Geelong Grammar School's most famous old boy is keen to come back to Australia and has already looked at properties near Canberra which would give him a well-guarded royal retreat.

The Prince's well-publicised friendship with beautiful Davina Sheffield was almost over before it was discovered and Prince Charles has not seen her for nearly

two months. There is now said to be no chance that he will marry Miss Sheffield.

The Queen will not decide who should be the next Governor-General without consulting the Prime Minister, Mr Fraser, who, I understand, would welcome Prince Charles.

Secret approaches were apparently made to Canberra before Sir John Kerr replaced Sir Paul Hasluck as Governor-General and I have been told Sir John was almost certainly aware of the possibility that Prince Charles would succeed him.

There is still no suggestion that Sir John has any intention of stepping down in the near future — and certainly he still plans to be Governor-General during next year's royal visit.

But after that, given the period of political calm on which the Queen will insist, the Prince could become Governor-General at any time Sir John decides to go.



PRINCE CHARLES . . . still tipped for Governor-General.

By all means a republic — but at what cost?

DONALD HORNE isn't the only one who wants a republic.

At the meeting held in Sydney Town Hall on Monday night to discuss Kerr and the Constitution, I joined the 3000 people who raised their hands when Donald asked for a show of support on the question of an Australian republic.

I regard our present Constitution as an anachronism in a world where colonialism is dead. I see no reason why the Queen should have anything to do with Australia. I feel it is time we stood on our own feet completely and cast away the last trappings of the British Empire.

But I'm damned if I will ever again attend a meeting like the one Donald Horne convened this week. I stood and watched not a meeting devoted to a rational appraisal of our constitutional and political institutions, but a rally of the faithful: an emotional reunion of woolly-headed anti-Kerrites devoted to rekindling and fostering



Donald Horne

the spite and hatred that has festered in our midst ever since that fateful day, November 11, last year.

Never again do I want to see 3000 adults joined in a camp fire singalong to a folk singer's juvenile jingle about the Governor-General. Never again do I want to hear the mindless repetitions of all the catcheries about the sacking of Gough Whitlam.

And never again do I want to witness one of Australia's most respected intellectuals — Donald Horne, whose books have done so much to further intelligent discussion about our country — calling a meeting ostensibly to provide a sensible and peaceful debate about where we are all going, and actually announcing from the platform the venue and time of Sir John Kerr's next appearance in Sydney. Shame on you, Donald, shame.

I will not reveal whom I vote for, but I can assure you that I have never in my life voted for a conservative party. Yet, at that meeting in the Town Hall this week, I felt sick. How many other people felt as I did? Perhaps nobody. Certainly, had there been any dissenters present, they would have needed great courage indeed to have spoken up. Every view from the platform was applauded. Every motion was carried unanimously. And as the evening progressed, the speeches drifted away from the Constitution on to subjects like women's liberation, Aborigines, unemployment, homosexuals and Medibank.

When first I heard about the meeting I was full of hope. We were at last going to have a proper debate about the important issue of our constitutional future. I was perhaps naive in expecting this. The one thing that has struck me forcibly since returning to my homeland after

FORUM

**SANDRA
JOBSON**



five years in England is the dearth of any serious, unbiased debate here. You belong either to one side or the other. It is a matter of black and white. There is little sign of liberalism. And I will emphasise that when I say liberalism it is with a small "l". Indeed, I fear that some people in Australia do not even know what the word means. This is very sad, indeed tragic, for the liberal tradition is a fine one and carries with it some of the best radical reforms the world has yet seen. Even more importantly, it carries with it a tradition of fairness and humanity. It allows a spectrum of opinion. It welcomes rational discussion. It courts individuality of expression and dissent.

There was little sign of liberalism last Monday night at Sydney Town Hall.

I had hoped to hear some of the ideas of such men as Horne about the shape of a new Constitution for Australia. Who would replace the Governor-General as head-of-State? How would he or she be elected or chosen? What powers would such a person hold? Would it be better to go toward an American-style Constitution? Or do the Germans or the French do it bet-

ter? How would we prevent a Watergate? Would we be prepared to allow a Senate-style House the extreme powers that the United States Senate enjoys?

Not so much as a whisper was heard on these vital topics. Instead, we heard yet again about November 11. We listened to an actor read letters from a 19th-century newspaper about Parliament. We heard the folk singer's repetitive chorus about Kerr. We heard Donald Horne and Professor Manning Clark give highly emotional speeches about such matters as the bunyip aristocracy. And we saw thousands of well-meaning, no doubt extremely patriotic citizens sway under the accumulated barrage of propaganda and emotionalism so that at times the meeting could not be distinguished from a party rally.

No doubt the organisers are patting one another on the back, congratulating themselves on the tremendous success of it all. But I, who am as patriotic as any of them, must say loudly: it was not good enough. We already have

enough of the lynch mob in our natures without our intellectual leaders getting in on the act too. There was an atmosphere of self-indulgence and smugness about the event that was disturbing. The ritual hisses and boos each time Kerr or Fraser's name was mentioned took on a sinister quality. No matter how much one might disagree with the action Kerr took last November, it is chilling to hear the sound of a hiss coming from a human being, a fellow-Australian. It could just as easily have been the hiss of a nazi at the sight of a Jew.

No, Donald, you cannot count me among your flock. I am not prepared to find myself wallowing in emotional and puerile anti-establishment fervor. I do want a lot of things changed in my country. I do want to see a fairer and more equal society develop. I do want a republic even. But if that is the way it is to be got, I count the cost too high.



Sir John Kerr.

5
12th September, 1976.

The Governor General of Papua-New Guinea,
Government House,
PORT MORESBY, Territory of Papua New Guinea.

Your Excellency,

I write to you as a Loyal Subject of Her Majesty Queen Elizabeth II, and am appalled at the recent report in Australian Newspapers that your visit to Australia has been cancelled. The reason for the cancellation of your tour to Australia is reportedly stated in the press as being that you have refused to stay with the Australian Governor General.

It is some-what a surprise to me that this being the reason for the cancellation of the tour, as both yourself and Sir John are Her Majesty's Representatives in both Countries.

To me it is some-what of an insult to Sir John and would obviously point to Politics.

I feel sure the relationships between our two Countries must be damaged by such a decision, and would further state that a Public apology be made by you to the Governor General of Australia.

Yours sincerely,

Chris Diprose,
General Manager.



GOVERNMENT HOUSE
PORT MORESBY

OFFICE
OF THE GOVERNOR-GENERAL

DATE: 21st September, 1976

Mr. Chris Diprose
General Manager
Hobart Explorer
Kirby Court - Knock Lofty
HOBART
TASMANIA. 7000

Dear Mr. Diprose,

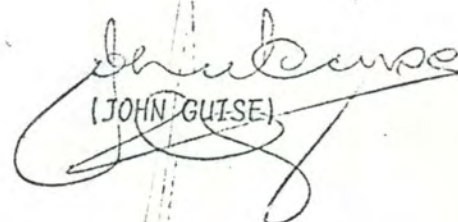
Thank you for your unwanted and paternalistic letter.

You have no right whatsoever to dictate to me your illinformed statements in your letter regarding the cancellation of my trip to Australia. I have every confidence and trust in the Commonwealth Government led by the Right Honourable Minister M. Fraser.

The invitation by the Australian Government is still open to me, and not to you. It is clearly my prerogative to visit your good country when I am ready to do so, but not before. I offer no apology to no one for not going to Australia at this point of time. Who are you to lecture me? I am very much a man and a leader, much older than you are and I have been in the forefront in the battle to win freedom for my homeland.

Keep to your business of making money and don't ever write and preach to me again. Any further letters from you will be burnt by my Honourable Domestic Servant!

Yours faithfully,


(JOHN GUISE)



BALMORAL CASTLE

PERSONAL AND CONFIDENTIAL

18th September, 1976.

My dear John

Many thanks for your most interesting letter of 9th September, which The Queen has read.

Her Majesty is most grateful to you for the information which it contains about Sir John Guise. For your information he has been in correspondence with me about his possible retirement but apart from giving some details about the difficulties he experiences in dealing with Michael Somare, gave no indication of any other motives. Your letter is, therefore, of particular interest.

Our sources of information on the affairs of Papua New Guinea are indeed very limited and before Jack Bunting left for Australia I talked to him about this and said that it would be a great help if we could establish a direct source of information with the Australian Government who are, I imagine, better able to know what is going on in Papua New Guinea than anyone else. I do not know whether Jack has followed this up but I should be most grateful for anything you can do to promote it. It is, of course, important that we should be able to have a reliable source of information between now and The Queen's visit next year.

Your account of the visit of Sir John Guise "which did not come off" is, to say the least, peculiar, and has its entertaining aspects.

The Queen was very interested at your account of your talk with Sir Frederick Wheeler about the economic situation in Australia. I hope his forecast is accurate and that there will, indeed, be some prospect of improvement.

I was very pleased to hear that you have not had any serious demonstrations against you lately and it is perhaps not too much to hope that the steam is going out of the campaign.

Thank you for sending me a copy of the Solicitor-General's Opinion relating to the Governor-General's Instructions. It will be very useful for me to have this should the present Government raise the matter again. I think it is quite clear that the Instructions are anachronistic. I have no doubt that this is a sleeping dog that had better be allowed to lie still if it is prepared to do so.

In so far as the question of Precedence is concerned, I agree with you that there is much to be said for reintroducing Privy Counsellors and Knights back into the Order of Precedence now that the present Government has revived the British Honours system and there would seem to be much logic in this being done. I do not think there are any considerations, in so far as The Queen is concerned, which would stand in your way to making an approach to the Prime Minister about this.

I am glad to hear that you have recruited an Assistant for David Smith as I know how much pressure he has been under during the last year.

The Queen sends you her very best wishes as do I.

Yours ever
Martin Charteris

His Excellency the Governor-General
of Australia.

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