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The Secretary  
The Joint Select Committee on the Republican Referendum,  
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### **Constitution Alteration (Establishment of Republic) 1999 Bill**

My submission to this committee should not be taken in **any way as condoning or approving the purpose of this Bill.**

I regard the proposed alterations to the Constitution to be **subversion and treason to Her Majesty.**

### **Removal of President**

I object to the comments on page 16 of the Explanatory Memorandum which insinuates that the Governor General can be dismissed at present just by the Prime Minister requesting the Queen to do so. This is a completely unwarranted, unjustified and untried assumption.

It then claims that the "situation under the proposed S62 would be similar to the existing situation." **Nothing could be further from the truth.**

The strength in our present Constitutional Monarchy is that it prevents any one man acquiring total power. Because of the rigid party system the power of the Prime Minister is already far greater than was envisaged when our Constitution was written. If the Prime Minister has the power to summarily dismiss the President he has the potential to be an absolute dictator.

As the Government's own web pages say: "It is not so much the power the Governor General wields that matter so much as the power he denies others". The same can be said of the Queen.

I submit that the power of the Queen to dismiss or not to dismiss the Governor General is the most important safeguard we have at present. It cannot be dismissed as it is on page 16 of the Explanatory Memorandum.

The provision for the House of Representatives to ratify the dismissal of the President is no protection at all since by definition the Prime Minister has control of the House of Representatives by virtue of the very rigid party system in Australia.

Even if this requirement was increased to 2/3 of a joint sitting of both Houses of Parliament it would not be sufficient protection since a number of governments have enjoyed such support.

Ultimately it leaves the footy team in charge of the appointment and dismissal of the umpire. The umpire is accountable to the footy team and not as at present accountable to a "non-power" outside the system.

Although at present the Governor General is selected by the Prime Minister he is not appointed by him nor is he dismissed by him.

My objection can be summed up in the words of Yehudi Menuhin in his autobiography "Unfinished Business":

"Britain which of all countries of the world, has evolved with a minimum of revolution and the guillotine, is supremely fortunate in the daily acknowledgment of a higher value than power.

"Just as in a coral reef the remains of previous generations constitute the physical protection of the species, so in Britain (and Australia) the fossilised heritage of the past gives checks and counterchecks to society, most strikingly in the vestigial, symbolic presence of the Monarchy which commands a loyalty owing nothing to power. Power must always be partisan; it belongs to money or the military, to Republican or Democrat, left or right, capital, labour or bureaucrat - to those in power.

**"To have a non-power above power seems to me to be the ultimate safeguard."** (my emphasis)

## **Oath**

I note that the Members of Parliament would be required to swear to be "loyal to the Commonwealth of Australia....." Just what does this mean? Does it have any meaning at all? What would constitute a breaking of this oath? What would be the penalty for breaking this oath?

The present Members of Parliament and Ministers of State have all taken an oath or affirmation to "be faithful and bear true allegiance to Her Majesty the Queen....." The law makes it quite clear what the implications are in this oath and sets out the penalties for breaking it. However the law is not being applied - it is being ignored.

It is clear that many Members of Parliament and Ministers of State and indeed the framers of this Bill are breaking their oath or affirmation in proposing and promoting this Bill. Even though the penalties are clear in law no action is taken. "None dare call it treason!"

If their present oath means so little to them what is the point in asking them to swear any oath at all?? Oaths clearly mean NOTHING to them.

On becoming an Australian Subject I took an oath of allegiance to Her Majesty. This proposed change to the system of government is requiring me to renege on this oath!

## **Discretion of President (S58)**

I note that the proposed S58 provides that "the President shall, according to the President's discretion but subject to this Constitution, assent to the law or withhold assent." On what basis may the President exercise this discretion?

At the present time the discretion of the Governor General is tied back to the Coronation Oaths of the Queen in which she acknowledges that sovereignty belongs only to God. The Governor General as the Queen's representative should be there to fulfil and uphold those oaths.

The Queen took an oath to "Maintain the Laws of God". This should imply that assent should be withheld from any proposed law that was clearly not in accordance with the Laws of God.

Whether recent Governor Generals have recognised this or fulfilled it is another matter.

This is the foundation on which our whole system of law and government is built. Our system of Common Law stems from when King Alfred made Ten Commandments the law of England. The Common Law developed as judges interpreted these principles for particular situations.

The link with the Crown acknowledges that Government is not above the law but is under a higher law.

Severing the link with the Crown would loose this link to our foundations - that the acknowledgment to God's Law is lost and that there is no restraint to the Power of Parliament to pass any law it likes.

Again I would ask on what basis a President could exercise his "discretion" and refuse assent to a Bill - especially when he could be dismissed instantly by the Prime Minister?

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PS I will send under separate cover a copy of my Book "Sovereignty in Australia" and a copy of a video I have had made "The Service of Freedom".