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THE SENATE INQUIRY INTO THE PLEBISCITE BILL ADDITIONAL SUBMISSION

The Australian Monarchist League is a national membership-based organisation comprising several thousand members with branches in all States. We were formed originally in 1943 and restructured in 1993 to be better able to play our part in the debate on constitutional change. We are incorporated in New South Wales as a not-for-profit association.

We were grateful for the privilege of appearing before the Hearing and take this opportunity to set down in writing some of the matters raised by us verbally as well as responding to a recommendation submitted to the Committee by the Australian Republican Movement.

We wish to make it perfectly clear that the concerns we raise are not out of a fear that the 'no' case will lose. We believe that, on a level playing field with equal funding and media space to both sides, the Australian people, for several reasons, will reject the proposed plebiscite. Our concerns, rather, are with regard to the potential harm that this particular plebiscite poses to our system of governance.

We believe that the proper process would be for the Australian Republican Movement to put forward proposals for a specific model together with proof that there is overwhelming support amongst the people for constitutional change. Until this is done, we submit that it is not the responsibility of the Parliament to do the job of republican organisations.

THE LEGISLATIVE PROCESS

Para 6 of the Plebiscite for an Australian Republic Act 2008 Bill makes specific reference to a reliance upon the Referendum (Machinery Provisions) Act 1984. We do not believe that the Act is an appropriate vehicle and that separate legislation would need to be enacted if a plebiscite is to be held, as was the case with the 1916 and 1917 plebiscites.

HEAD OF STATE

Our written and verbal submissions to the Committee were based on the terms of the Inquiry which relate to the bill for an Australian Republic Act 2008 currently before the Senate. Para 5 of the Bill deals with the question to be submitted to electors and specified that such question will be "*Do you support Australia becoming a republic?*"

". However, during the Hearing, in response to a suggestion from the Australian Republican Movement, Senator Brown intimated that he would not be averse to amending the question to something like: "*Do you support Australia becoming a republic with an Australian head of state?*".

We would submit that this is a totally different question to that before the Inquiry and on which the public has been requested to comment.

The term 'head of state' is neither a constitutional nor even a legal term. A nation either has, at its head, a monarch or a president. It does not have, in constitutional terms, a 'head of state'. In fact, the term is not mentioned anywhere in our Constitution. Furthermore, heads of state do not execute treaties or other similar agreements as heads of state. This is the duty of Ministers of State who are designated plenipotentiaries.

Use of the term 'an Australian for Head of State' in reality camouflages the real intent of republican proposals, which is a republic with a President at its head. We submit that the inclusion of the term 'an Australian for Head of State' into the question would be for the sole purpose of confusing and even deceiving the electorate and we would vigorously oppose such inclusion with whatever political and legal means that may be available.

THE POTENTIAL DANGERS OF A PLEBISCITE

We submit that there are no precedents for the holding of a plebiscite preparatory to change to the Constitution. The conscription plebiscites of 1916 and 1917 were preparatory to parliamentary legislation and the 1977 'National Song Poll' was to obtain the views of the electorate on a new anthem. None of these related to a proposal for constitutional change.

The Constitution itself contains provision for change under Section 128, the referendum process. To subvert this process with what is tantamount to a vote of no confidence orchestrated by the government in our system of governance, can lead to major constitutional implications. In my verbal submission, I gave the example of the German plebiscite of 1934 which resulted in Adolf Hitler assuming absolute power as Fuhrer. I could also make mention of the 1852 French plebiscite which conferred supreme power, with the title of emperor, upon Napoleon III. These examples are not, in any way, for the purpose of using scare tactics, but merely to point out that plebiscites should not be viewed as simple government sponsored market research or opinion polls but are ballots that can have extremely serious consequences to the stability of governance itself.

We reiterate the comments made in our written submission dated 9 January, 2009 that a plebiscite is held on a national basis and will pass with a 50% plus 1 vote of the people and, as such, will totally ignore the interests of the smaller states within our Federation. This is why a dual vote is required for a referendum to pass. A singular plebiscite vote, on the other hand, will give an unfair advantage to the voters in the more populous states and particularly those residing within the cities of Sydney and Melbourne and their environs.

REPUBLIC NOT INEVITABLE

The last time a decisive poll of the people was held was the 1999 republic referendum in which 54.87% of the Australian electorate voted against a republic. We submit that this was a massive majority in electoral terms equating to some 72% of electorates voting 'no'. It is interesting to note that the current government achieved only a 43.4% of the national vote at the 2007 general election which brought it into power.

On Friday the 6th March 2009, the Senior Deputy Chair of the Australian Republican Movement, Professor John Warhurst, in a speech delivered to the Australian Senate's Occasional Lecture Series at Parliament House in Canberra stated: "*A republican Australia remains possible but certainly not inevitable. It may happen within the next twenty years but the odds are that it will not.*"

In view of the fact that the Australian people have already voted on this issue, we seriously question the use of taxpayer monies for this purpose particularly in view of admission by Prof Warhurst that: "*Voters were not very interested in the republic question*". AAP 06/03/09

COST CANNOT BE JUSTIFIED

Finally, we submit that, in our opinion, the estimated cost of the holding of this plebiscite, with funding provided for the 'yes' and 'no' cases and with an educational preparation and an explanatory leaflet prepared by the parliament and delivered to all electors would cost far more than the A\$10.5 million suggested in Senator Brown's explanatory notes. We submit that such a cost cannot possibly be justified, particularly in the current economic circumstances.

RECOMMENDATION

The Australian Monarchist League petitions that the Committee recommend that the proposed bill for a plebiscite not be proceeded with and that if the Parliament is intent on forcing a vote of the people on constitutional change, it uses the referendum provision contained within Section 128 of the Australian Constitution.

Philip Benwell MBE
National Chairman
Australian Monarchist League