

**Submission to the Inquiry into the Plebiscite for an Australian Republic Bill 2008.**

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**RE: Inquiry into the Plebiscite for an Australian Republic Bill 2008**

[http://www.aph.gov.au/Senate/committee/fapa\\_ctte/republic\\_bill/info.htm](http://www.aph.gov.au/Senate/committee/fapa_ctte/republic_bill/info.htm)

I write to the committee to express my support for the bill. I would like to remind the committee however, that though support for a republic is still high, that there has been less media coverage of this issue at this time, than in the lead up to the 1999 referendum on the issue.

Previous Constitutional Convention

<http://www.aph.gov.au/hansard/conv/hancon.htm>

I ask the senate to consider that when the senate hands down its report, it asks the government that if the bill is passed, that in the mail out to electors is included internet links to information about the history and philosophy of republicanism.

Also, information about the difference between a secular republic and one in which there are references to religious deities in their foundation documents or constitutions.

Given that much public money will be expended in any mail out to the Australian public, and the fact that claims to any mandate for any particular government for the initiation or review of any given policies or laws is at best vague at any given Federal General Election, the parliament should use the mail out to gauge public opinion on a number of other important topics such as;

- Whether our alliance with the USA should be contingent on them dismantling ALL of there nuclear arsenal ;
- Whether uranium mining should be banned ;
- Whether parliamentary privilege should be dispensed with so that any parliamentarian who expresses support for Australia becoming the worlds nuclear waste dump can be declared officially insane;

- Whether nuclear powered and or armed vessels should be banned from entering Australian territory;
- Whether nuclear power for Australia be banned;
- Whether all references to the WORD "God" should be deleted from the constitution:
- Whether the prohibitions in s116 of The Constitution on the commonwealth passing laws for the imposition of any religious observance or for the establishment of any religion – should be extended to the states.
- That considering the words of Justice McHugh in Australian Capital Television v The CTH at Par [14] of that online decision <http://www.austlii.edu.au/au/cases/cth/HCA/1992/45.html> Where he said "In Federal Commissioner of Taxation v. Munro((340) [1926] HCA 58; (1926) 38 CLR 153, at p 178), Isaacs J. said that "the Constitution is for the advancement of representative government, and contains no word to alter the fundamental features of that institution" – whether we should ask whether the word "democracy" or that a reference to Australia being constituted as a democracy be included in the constitution .
- Whether there should be a statement in the constitution of what is self evident in the face of Monarchy – in that the people are sovereign ;

For a legal definition of what Popular Sovereignty means see "Deakin University School of Law , 1997 Deakin Law School Public Oration , Friday 22 August 1997 , Deakin – Popular Sovereignty and the true foundation of The Australian Constitution , Kirby J [http://www.hcourt.gov.au/speeches/kirbyj/kirbyj\\_deakin2.htm](http://www.hcourt.gov.au/speeches/kirbyj/kirbyj_deakin2.htm) " And Coleman v Power [2004] HCA 39; 220 CLR 1; 209 ALR 182; 78 ALJR 1166 (1 September 2004) <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/2004/39.html> at Par [214]

- Whether Australia should be honest with the world , and stop wasting the UN's and the international community's time , and withdraw from the ICCPR on the grounds that our politicians pay lip service to it , but wont uphold its obligations to implement UNHRC decisions on the simplest of matters. <http://www.cynicismcentral.org/node/38>

In order that the parliament should know what it means to be a republican, I attach the text of a leaflet handed out at the Townsville Australia Day gathering 26/1/09.

Pat Coleman

Website : [www.cynicismcentral.org](http://www.cynicismcentral.org)

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January 26 2009 "Australia Day".

THE BALLAD OF THE FALSE REPUBLICANS.

[www.cynicismcentral.org/node/56](http://www.cynicismcentral.org/node/56)

The time has come again where we are all asked to wave our flags, forgetting what it means to have a Union Jack in the corner of it. It seems Australia's got "the jack" and it's an itch that demands to be scratched.

We are also expected not to concern ourselves with the fact that its 2009 and Australia has no bill of rights and that our anthem is a dirge that even the composer Chopin would have turned his nose up at.

Sure, Rudd said there will be a plebiscite on the republic issue when he asked for your vote, but it's taken another party to put a bill forward to carry it out. (1)

And sure, when Rudd asked for your vote he said that there will be a human rights "consultation" and he would adhere to and apply and write into Australian law the rights contained in the international covenant on civil and political rights. Rudd refuses to apply the decisions of the UN Human Rights Committee against Australia (2) . Rudd doesn't see it as important enough to send a letter to every Australian telling them there is a "sort of" inquiry (consultation) led by Frank Brennan on whether Australia should have a "limited charter" of rights or about the plebiscite inquiry.

The "consultation" is headed by Frank Brennan, a Jesuit priest, who is apposed to some rights that would interfere with the power of the church. Cardinal Pell is also apposed to a bill of rights for the same reasons (3) .

Both Rudd Labor and Brennan are apposed to any document that interferes with "parliamentary sovereignty". Parliamentary sovereignty came about after the war between the English Parliament and King Charles 1 and his royalists in the late 1600's. The result was an English Republic (Commonwealth) for 11 years. Parliamentary sovereignty was established so that the parliament made the laws and as a bulwark against despotic monarchs (just remember that the English went on to continue to oppress people for hundreds of years after). The High Court says parliamentary sovereignty means "absolute...uncontrollable ..despotic power" (4).

In our system, due to the Australia Acts, and our "procedural" and uninspiring constitution (5) which can only be changed by the people, the Queen only has the power to refuse assent to Commonwealth laws. The Queen is our head of state, the "sovereign", and despotic power resides with the parliament.

The Queensland Constitutional Commission said a while back that our system (same as the English) is "an elective dictatorship" (6) .

Thus, if we are talking about becoming a republic, there needs to be another bulwark against the exercise of any despotic power that interferes with the human rights of the people. Because of our electoral system, one of two parties (increasingly the same) will always control the parliament. We are effectively a one party state. A state in which there is a born to rule political class that I call the "Politocracy".

Those parties are controlled by the market (Capital "C" Capitalism), big business who donate large sums to them to get their way. There has even been talk of "opt in" and "opt" out clauses in any charter like Victoria.

Rudd and mates prefer any charter to merely be a legislative standards act, that the parliament could consider laws to breach human rights but do it anyway. Both The International Covenant on Civil and Political Rights (7) , and the Universal Declaration of Human Rights (8) to which Australia is a signatory and party, already require governments to consider these rights and implement them. They are legislative standards acts as well as part of the "International Bill of Rights". Rights which have been shown to have been consistently ignored by Australia's politicians, including Rudd (9) .

The covering clauses of our constitution also refer to god, that we are under "almighty god" .

So, we are an elective dictatorship, one party state that demands to keep absolute uncontrollable despotic power that can easily be dominated by the church and the capitalists (there are good business people don't get me wrong).

Republicanism is about democracy. Becoming a republic means improving democracy, democracies must be secular. In a democracy the people are the basis of the legitimacy of the state – the people are sovereign.

Rudd and co have either never considered the link between the 2 or have forgotten it along the way. The word "democracy" currently does not appear in the constitution. Surely they wouldn't argue against including the word.....would they?

In a republic in which the people are sovereign, there is no place for a non existent almighty god in the constitution anywhere. The church knows this. There is also no place for prayers in the parliament's standing orders unless polities use the chapel, the constitution says this (10).

The Rudd government , the Liberals and Nationals, big business and the church are against Australians having human rights that are enforceable against them (11), it would breakdown the class barrier and undermine their power and influence. And this is exactly why they are needed.

You either have human rights which others must not interfere with or you don't, there are no half measures. Rudd has already rigged the consultation so that no entrenched bill or charter can eventuate. Your guess is as good as mine whether any positive rights will eventuate- but I am certainly not holding my breath.

The idea of a charter that can be ignored or overridden by the parliaments and local governments, big business and the church is being pushed by Rudd's political spin-meisters. They are calling on us to sing and dance to their tune, to THE BALLAD OF THE FALSE REPUBLICANS. You can follow the bouncing ball, or do your best to whack it for six, right over the politocracy's class boundary.

A bill of rights or whatever it's called, with rights enforceable against government, business and the church- would be a shot in the arm for any republic. A republic would also be a shot in the arm that cures us of THE JACK.

The senate inquiry into the republic plebiscite is seeking submissions until February 6. Go to the following link for details on how you can make your voice heard:

[http://www.aph.gov.au/Senate/committee/fapa\\_ctte/republic\\_bill/info.htm](http://www.aph.gov.au/Senate/committee/fapa_ctte/republic_bill/info.htm)

Previous Constitutional Convention

<http://www.aph.gov.au/hansard/conv/hancon.htm>

The Charter "consultation" and how you can take part can be found at the following link:

<http://www.humanrightsconsultation.gov.au>

Pat Coleman

(1) 2007 ALP Platform

[http://www.alp.org.au/download/2007\\_national\\_platform.pdf](http://www.alp.org.au/download/2007_national_platform.pdf)

(2) Rudd refusal to uphold human rights committee decision

<http://www.cynicismcentral.org/node/38>

(3) Top clergy thank PM for change The Australian 29/7/08

<http://www.theaustralian.news.com.au/story/0,,24099452-5013404,00.html>

Balance of power worth defending : Editorial The Australian 10/12/08

<http://www.theaustralian.news.com.au/story/0,,24782144-16741,00.html>

(4) Kartinyeri v CTH at pars [12]-[13]

<http://www.austlii.edu.au/au/cases/cth/HCA/1998/22.html>

(5) Australian Constitution <http://www.aph.gov.au/senate/general/constitution/index.htm>

(6) Elective dictatorship

<http://www.constitution.qld.gov.au/review/final.pdf>, at p22 of the report

(7) ICCPR <http://www2.ohchr.org/english/law/ccpr.htm>

(8) Universal Declaration of Human Rights <http://un.org/Overview/rights.html>

(9) NSW Council of Civil Liberties Human Right Violations by Australia page

[http://www.nswccl.org.au/issues/hr\\_violations.php](http://www.nswccl.org.au/issues/hr_violations.php)

(10) The Fallacy of Australian Secularism

[www.cynicismcentral.org/node/21](http://www.cynicismcentral.org/node/21)

(11) Addressing The Time Wasting Arguments of Pollies Against A Bill Of Rights

[www.cynicismcentral.org/node/37](http://www.cynicismcentral.org/node/37)