

Australians FOR CONSTITUTIONAL MONARCHY

ABN: 49 059 527 776
Sydney NSW 2000

A Submission by Australians for Constitutional Monarchy (ACM)

30th March, 2004

To the Senate Legal and Constitutional Reference Committee

On a Reference to examine the most appropriate process towards the
establishment of

*An Australian Republic with an Australian Head of
State*

- 1.) The Australian Constitution is undoubtedly one of the worlds most successful. Under it, and under the constitutions of our States, Australia has emerged as one of the world's oldest democracies, regularly featuring among the leading countries in the UN index which measures economic performance, living standards, and freedom.
- 2.) Australia has, under this constitutional system, contributed regularly, significantly and disproportionately to the freedom of others. Australian servicemen and servicewomen in the Australian Army, including the First and Second AIF, in the Royal Australian Navy (RAN), and in the Royal Australian Air Force (RAAF), have served, under the Australian Flag, in almost all of the major theatres in the great struggles against tyranny over the last century.
- 3.) Australia has been, in that time, both a beacon of freedom and a new home for many who were received as equals. All this was done under a system which we Australians inherited and adapted to our needs. That we federated on essentially our own terms, that the people themselves specifically agreed to them and that this was done without war, insurrection or any bloodshed is testament to the extraordinary nature of the Australian experience.
- 4.) Central to this was the achievement of the Federation of the six essentially self governing colonies, now the States, in 1901. The compact to establish the Federation as our Australian nation was that at its core would be an indissoluble Federal Commonwealth under the Crown and under the Constitution.

National Convenor: Professor David Flint AM ~ Executive Director : Mrs Kerry Jones

National Council of Patrons: Dr H R (Kym) Bonython AC DFC AFC KSJ SA, The Hon Don Chipp AO Vic, The Rev Dr John Fleming SA, Sir Harry Gibbs GCMG AC KBE NSW, The Hon Justice Kenneth Handley AO NSW, Mr Bill Hassell AM JP WA, Bishop John Hepworth SA, The Hon Mr Michael Hodgman QC MP TAS, Mr Terry Jackson WA, Major General W B Digger James AC MBE MC QLD, Councillor Dr Wellington Lee OBE OAM RFD JP VIC, Mr William O'Chee QLD, The Hon Justice Barry O'Keefe AM QC NSW, Mr Malcolm Mackerras ACT, Dame Elisabeth Murdoch AC DBE, Mr Christopher Pearson SA, Mr Bruce Ruxton AM OBE VIC, Sir David Smith KCVO AO ACT, Mr John Stone NSW, Mr Douglas Sutherland AM JP NSW

- 5.) And that is the essence of our federal polity, which has at its heart an institution – the oldest – and one which is above politics, the Crown of Australia. That is, and was always intended to be, part of the fundamental checks and balances of our great democracy.
- 6.) It is in the context, understanding and appreciation of these fundamental features of our nation, and with the wish to preserve, to protect and to defend them, that this submission is made by Australians for Constitutional Monarchy (ACM).
- 7.) In it there is:
 - A brief description of ACM and
 - A summary of principle questions raised in our consultations with our supporters.

Our supporters have raised ten legitimate concerns about this reference, and not only about the unknown costs of change to a republic. These are concerns which we believe would be shared by the wider public. At the heart of this is the concern that no independent study is envisaged of the question why we should remove one of the essential features of our constitutional system, and presumably change our Flag, without any reason, justification or even argument for this change.

Indeed this is the most astounding feature of this reference.

Australians for Constitutional Monarchy (ACM)

- 1.) ACM is a registered company limited by guarantee. ABN 49 059 527 776. The Board of Directors is elected annually. The Chairman is ex officio the National Convener. The Board appoints the Executive Director and is advised by a National Policy Council. ACM functions in all states and territories through councils and office bearers, as well as through local branches which have been established across Australia.
- 2.) ACM maintains a website, <http://www.norepublic.com.au>, and has maintained a vigorous publications programme, including the publication of a regular newsletter
- 3.) ACM was the leading NO campaigner in the referendum, setting up a command structure that reached down through all states and territories, into every electorate throughout the country, mobilizing, at the time, over fifty-five thousand registered supporters. Today ACM can claim with justification that it represents a significant and mainstream view on this issue.
- 4.) ACM's mission is to preserve, to protect and to defend the Australian constitutional system, the role of the Crown in it, our Flag and our heritage. ACM believes strongly in the promotion of our Constitution through education, a belief also held by many republicans.
- 5.) When the agreement for the subject of the Senate Committee reference was announced, ACM released on 18 June 2003, a statement to the media. (See Annexure One – “*PRESS RELEASE: Once More unto the Breach, Dear Friends, Once More.*”) This expressed the surprise and the dismay of so many that the issue had been raised so prematurely - less than four years after a resounding vote by the people rejecting the republican establishment's own preferred republican model, and after well over 150 million dollars of taxpayers' funds had been spent on the republic debate throughout the 1990's.

ACM's Consultations – The Questions People are Asking

ACM has consulted among its supporters and beyond. The following ten questions are being asked by those who are aware of this reference:-

First:

Why does the reference avoid any examination whatsoever of the presumed fundamental failings of the present constitution which would warrant such a radical change? What is so wrong with our century old constitution? Why should this be done now?

Second:

Why has this reference been made when there is no evidence of any wish among the Australian people for such widespread constitutional change?

The opinion polls which have been taken typically depend for their findings on either vague or misleading questions. There is no evidence that the situation is in any way different than that described in Mr Malcolm Turnbull's referendum diary, nobody is interested! (*Fighting for the republic* – Malcolm Turnbull. Hardie Grant Books 1999)

Third:

Why has the reference been made when there is no apparent reason for the consideration of the matter, for example, any proposed legislation before the Senate?

Indeed, the most recent polling which actually rates the republican issue confirms not only the public's disinterest, but also disinterest among the young (See Annexure Two – "*HOT NEWS: The Republic? Young Voters Not Interested – Aging Elites Throw Tantrum*").

Fourth:

Why is it proposed to divert money from the core needs of the nation - such as education, aged pensions, hospitals, the disabled, universities, roads and defence – into a change about which the former ARM leader says nobody is interested?

Approximately 150 million dollars have already been spent on what would now be no doubt seen by the electorate as a folly. ACM has no difficulty in the Australian Republican Movement undertaking studies to try to develop a republican model as good as the present Constitution, although to date they have been unsuccessful. ACM - and we are sure the Australian public - strongly object to this essentially private activity being funded by the taxpayer – yet again.

Fifth:

Why is this question being raised so soon after the very clear decision of the Australian people on 6 November 1999?

Against a very well resourced campaign for a Yes vote for the model which was the clear preference of the republican establishment, and with overwhelming political and media support, the Australian people, in every state and in 72% of electorates said NO.

Sixth:

Why has the matter been referred to a Committee which is so dominated by campaigners for the failed referendum?

Indeed, it seems that no full member of the Committee was on record as sharing the views of the majority of Australians in the referendum campaign in 1999.

How can the public have any confidence in the report of a Committee so constituted?

Seventh:

Why has no attempt been made by republican experts to rebut, in any serious way, the proposition long argued - indeed in the absence of any serious case to the contrary - that the Governor General is the Australian Head of State?

ACM is willing to provide copies of these arguments. All on the public record, including the submission by Sir David Smith, as already made to the reference committee. None of these has been answered - except by dismissive brief polemical statements containing little by way of sustained argument supported by detailed legal and historical references.

Eighth:

Why do republicans wish to avoid the letter and spirit of our Constitution which provides for one method, and only one method for Constitutional change?

In particular, the proposal for a cascading series of plebiscites and referenda is to be condemned not only as excessively costly for the taxpayer, and against the letter and spirit of the Constitution, but is also grossly irresponsible.

As we have pointed out, the Founding Fathers of our Federation were well aware of the misuse of constitutional plebiscites, and deliberately chose the Swiss style referendum where the people are aware of the precise changes proposed to be made to the Constitution before, and not after, they vote.

More importantly, the republican proposal to use a cascading series of plebiscites includes the grossly irresponsible invitation to the people to cast a vote of no confidence in one of the world's most successful constitutions-without having in place, and with no guarantee of finding, an alternative. This is a recipe, if ever there were one, for a long period of constitutional, financial and other instability.

Ninth:

Does not attention to this issue, so recently and resoundingly dismissed by the people, distract the legislators from their important core functions in the governance of our Commonwealth?

Tenth:

Does not a change to a republic necessarily involve, as *The Age* recently pointed out, a change to our Flag? (See Annexure Three – “HOT NEWS: Our Flag will go too! Shock republican admission!”)

Conclusion

It is the view of ACM, our supporters and we believe, it would be the overwhelming view of the general public were they aware of this reference, that these ten questions should be answered. This is particularly so concerning the First Question – just what is the mischief in our constitution which must be “cured”? ACM is aware of no evidence of any such mischief, and thus of any need to undertake a study into this fundamental question.

But if there were such a need, surely it is elementary that for the public to have any confidence as to its conclusions, it should be undertaken by an expert body with some reasonable representation of the majority opinion in the land, as evidenced by the referendum result on 6 November, 1999.

David Flint

National Convenor

Mrs Kerry Jones

Executive Director

Annexure One:

Australians For Constitutional Monarchy
National Office
Sydney, Australia

June 18, 2003

PRESS RELEASE: ONCE MORE UNTO THE BREACH DEAR FRIENDS ONCE MORE – For immediate release

It is a well-established phenomenon that when politicians find themselves in some overwhelming difficulty, they seek a distraction to divert the attention of the public from their woes.

Is it then a coincidence that, according to the press on 18 June 2003, a joint statement has come from two political parties in Canberra deciding that a Senate Committee will return to that very issue about which Australians are lying awake at night tossing and turning—how to make Australia a republic?

The fact that they have already managed to divert millions of dollars from education, hospitals and national security in their previous forlorn attempts to make Australia a republic does not seem to deter them. Let us recall that at the taxpayers' expense, they managed to indulge themselves in developing not just one, but two quite bizarre republican models. The first would have been a disaster, as Justice Ken Handley has shown. The second— the infamous politicians' would have been the only republic in the history of the world where it would have been easier for the Prime Minister to sack the President than his cook!

The Australian public did not buy that. Every state and 72% of electorates voted No.

Senator Stott Despoja, the former leader of the Democrats, said that this initiative would put the republic back onto the national agenda! No it won't, Senator. For as Malcolm Turnbull lamented during the referendum, "Nobody is interested" (Pity he didn't tell us that until after the referendum.)

One good thing did come out of the referendum - the Senator and her party now know something the Senator didn't - Canada is not a republic!

David Flint
National Convenor – ACM

Annexure Two

Australians For Constitutional Monarchy
National Office
Sydney, Australia

March 30, 2004

“HOT NEWS”: A REPUBLIC? YOUNG VOTERS NOT INTERESTED- AGEING ELITES THROW TANTRUM.

For years, monarchists have been caricatured, sometimes affectionately malevolently, in the media. Perhaps its time to ask just who is the typical republican?

PP McGuinness tells us that the Green vote in the inner urban areas in the recent New South Wales local government elections is essentially similar to the republican vote in 1999. (see The Sydney Herald of 30 March, 2004- Melbournians, incidentally, do not see his column in The Age because the editor caved in years ago to threats by Age journalists against republishing his column) Paddy - who was a republican well before it became fashionable-, says this vote represents the disaffected inner urban upper-middle classes, especially those who consider themselves on the left.

Some people refer to them as the elites.

Paddy muses that the elites increasing aggressiveness is in part because the levers of economic and social power are slipping from the grasp of the baby-boomer generation - a kind of tantrum of the ageing!

In the same edition of the Herald, Cosimer Mariner reports on ALP polling of a sample of 1000 young voters in marginal electorates. The majority sided with Labor on a range of issues. (If they hadn't, would the poll have seen the light of day?)

There is a table showing how they rate their priority issues, although we do not know the precise question asked. For example, did the questioner prompt them with a list of priority issues, or was each young person allowed to choose any issue without any prompting?

I would think that a list was probably used for administrative convenience, and because these were the issues the ALP chose. And after all, the ALP was paying.

The results are not at all surprising. At the top are education, 25%, health 19%, family 14%, wages and work, 9%, etc. Readers will be interested to find forlornly, at the very bottom of the table, the issue, 'republic'. Was it there because the pollsters put it on a list which each respondent had to rate? If they did, republicans will curse the politicians and the pollsters for doing this.

The young, apparently strongly Labor inclined voters ranking of the republic as a priority issue was.....one per cent! Yes. A miserable 1%.

Without prompting, it wouldn't have been there. Why? Because the typical young Labor voter is just not interested in destabilising our constitutional system, as I am sure that the same young Labor voter wouldn't have a bar of changing our Flag.

This should not surprise us. It is consistent with major polls taken in Canada, and also New Zealand, which we have previously reported. It is consistent with the answers 26000 Herald Sun readers recently gave to a questionnaire on current issues, where the young voted 56% against a republic. Need we say more?

Until next time,
David Flint

Annexure Three:

Australians For Constitutional Monarchy
National Office
Sydney, Australia

March 23, 2004

“HOT NEWS” OUR FLAG WILL GO TOO! Shock republican admission! - For immediate release

Does anyone really believe that Australia is likely to become a republic without also changing its flag, asked The Age in its editorial on Saturday 20th March, 2004. This shock admission is being contrasted with the usual republican position. When republicans realised that Australians love their Flag, some resigned from Ausflag and said the Flag would not change under a republic. Yes and pigs may fly.

While we disagree with The Age on the need for change, we congratulate the Editor on his honesty. “The presence of the Union Jack in the national flag would seem even more anomalous in a republican Australia than it does now,” The Age claimed.

Pointing out that while the Mr Latham had, as Leader of the Opposition indicated he would try to change our Constitution, The Age regretted that he had been silent on the Flag. Now we did ask this question about Mr Latham in our Hot News of 17 January-he doesn't want to change our Flag too, does he? It is clear that this was once his position.

Now, The Age demands that he revive this. After all, says the Age, the Empire is gone. So should the Flag. Admitting the change brigade could not, and one suspects never will be able to agree on a new flag, and that many if not most of the proposed new flags are inappropriate or even silly, the Editor thinks we should get rid of the Union Jack.

Then we would only have the Southern Cross, which he says reminds us of the Eureka Flag which is the symbol of nationhood! (We have recently warned there would be many calls to revere the Eureka Stockade and exaggerations of its importance in our history)

Incidentally, The Age dismisses the Union Jack as indicative of our history. It is only an imperial symbol. Strange for a newspaper which flaunts the Royal Coat of Arms on its first page and above the editorial!

We did like the following congratulatory letter sent to The Age:

Sir,

It has always been likely that the pushers of the republic drug would wish also to change the Australian flag, though in the whole of the mendacious and deceitful campaign I cannot recall having seen such a frank admission as yours (Editorial, 20/3). Congratulations. There is a certain logic in the intention. But it, and the arguments you use, are likely to cripple your main objective, if opinion polls over many years are to be believed.

Your animosity towards the empire which no longer exists suggests that you might profit from a reading of David Malouf's recent "Quarterly Essay". Meanwhile, by all means keep up your unedifying but (I trust) counter-productive good work.

Yours faithfully
Bruce Knox

Congratulations, Mr Knox. What more can be said?

Until next time,
David Flint