Chapter Nine
The Republic Referendum – Issues and Answers: An Historical Note

John Stone

In the lead up to the 1999 referendum on the proposed Republic, Australians for Constitutional Monarchy formed "No" Campaign Committees in each State under the general guidance of the central (Sydney) organisation. The Victorian committee was headed by Mr Rick Brown, who in turn asked a number of people, including myself, to assist him in such tasks as fund-raising and more general administrative matters. He also established a so-called "intellectuals group" (a term which still bring blushes to my countenance) to generate ideas for the prosecution of the campaign, to be passed on to the Sydney office.

As a member of that group, it seemed to me that it might be helpful if a small "kit" could be developed, focusing on a number of questions which frequently arose in general discussion of the Republic issue, and providing comments thereon. I therefore undertook to prepare such a "kit", which I termed *Speakers' Notes on Arguments to be Addressed*. The idea was that it might be used by ACM speakers in public debates, in radio talk-back calls, in framing anti-Republic letters to newspapers (or responding to pro-Republic articles therein), and so on.

A copy of those Notes is attached. In their original form they comprised:

- An Index.
- Part A: "Arguments" against the *Status Quo*, addressing some 13 such "arguments".
- Part B: "Arguments" in favour of the Proposed Republic, addressing four such "arguments".
- Part C: Arguments for the *Status Quo*, listing 10 such arguments.
- Part D: Some General Arguments, addressing half a dozen issues of a more general kind which might arise in debating the specific topic of the Republic.

In their original form, each of these 33 Items was set out on a separate page (or pages). The argumentation in each Item was deployed in a series of "dot points", in double-spaced typescript for ease of reading, and with divider pages separating each Part. They were thus designed to be easy to assemble in (say) ring-binder form, easy to distinguish from each other, and above all, easy to read.[1]

In looking through each Item for the purposes of this Note I have, naturally, considered whether the arguments advanced in them have stood up to the passage of the seven years since they were originally framed. Readers must make their own judgments, but with one significant qualification, and a few other small ones, I believe they have passed that test well enough.

The significant qualification relates to the now better defined view of who constitutes Australia's Head of State (a term nowhere mentioned in our Constitution in any case). In 1999 I had already accepted that the Governor-General was our *effective* Head of State, but was still describing the Queen as "our symbolic Head of State". Since then, of course, we have had the benefit of Sir David Smith's further research demonstrating conclusively, in my opinion, that the Governor-General is also *legally* our Head of State (while the Queen remains our Sovereign).[2] Arguments in a number of the Items therefore refer to the Governor-General as our "effective Head of State", whereas today I would delete the word "effective".[3]

The smaller qualifications are:

- Item 8 addresses the "argument" that "Our Head of State can only be an Anglican". Re-writing this today, I would begin with a dot point (akin to that which, in 1999, was included in Item 7), along the following lines: "Since Australia's Head of State is our Governor-General (see Item 1), this 'argument' addresses a non-issue".[4]
- Item 9 addresses, similarly, the "argument" that the "Succession to our Head of State discriminates in favour of males". Since the "succession" to the office of Governor-General is clearly not by inheritance, this "argument" also addresses a non-issue; and re-writing it today, I would begin with a dot point to that effect.
- In Item 29, there is a reference (third dot point) to Mr Lindsay Fox's "reportedly large financial

contributions to the republican cause". Although that reference was accurate at the time, we subsequently learned that Mr Fox's largesse did not, in the event, materialise.

- In the same Item 29 (fourth dot point), I have since been given to understand that Marie Antoinette's famous remark has, like so much other history written by the victors (particularly, as in this case, republican ones), been wrenched out of context and, in the process, greatly distorted.
- Item 21 ("Appointment of a politician as President is not ruled out") and Item 22 ("The Appointment Process Farce") both address, *inter alia*, the *Presidential Nominations Committee Bill* 1999. That Bill, put forward at the time by the Attorney-General, Mr Daryl Williams (himself a notable republican), was not *per se* part of the referendum question, and even if the referendum had been approved, would not therefore itself have become part of the Constitution. Since it was directly related to the Republic model at the time, it might no longer be relevant to any future debate on a Republic.[5]

One final point is raised in Item 1 (eighth dot point), namely:

"And if the Governor-General carries out all those actions as our Head of State, why do we need the Queen at all?"

Although this question is answered (in part) in the 10th and 11th dot points in that Item, it remains in some degree extant. It is therefore interesting to note that this is the very topic to be addressed by Professor David Flint in his paper to this conference.

Conclusion: These *Speakers' Notes on Arguments to be Addressed* were duly given to Rick Brown to be passed on to the Sydney ACM headquarters. What (if any) use may subsequently have been made of them, I do not know. They are now, obviously, largely of historical interest. Yet they still encapsulate, I believe, most of the issues in the continuing – though now faltering – debate on the Republic matter. For young readers in particular – and notably for students – they may still serve some useful purpose in displaying what the 1999 referendum was all about.

Endnotes:

1. However, for the purposes of the Attachment to this Note, I have run them together sequentially on space-saving grounds.

2. See Sir David Smith's fine book on that and other issues published last November: *Head of State: the Governor-General, the Monarchy, the Republic and the Dismissal*, Macleay Press, Sydney, 2005.

3. This point occurs in Item 1 (sixth dot point); Item 7 (second dot point); Item 14 (third dot point); Item 20 (first dot point); and Item 32 (third dot point).
   A related point occurs in Item 1 (fourth dot point), where the words "may once have had (or been thought to have had)" – referring to the powers of the Queen – should now simply read "may once been thought to have had".

4. In other words, since the Governor-General is our Head of State, and since there is certainly no religious qualification applied to his (or her) selection – consider the disparate cases of, for example, Sir Isaac Isaacs, Sir Paul Hasluck, Sir Zelman Cowen, and Sir William Deane, among others – there is no point to answer.

5. Note however that the Report of the Senate Inquiry into an Australian Republic, which has essentially been adopted by the Labor Party, provides that one of the Republic options to be considered in the plebiscites proposed in that Report would in fact be the same 1999 "model".

ATTACHMENT

REPUBLIC DEBATE

Speakers' Notes

Arguments to be Addressed

INDEX

PART A

"Arguments" against the *Status Quo*

1. Need for "a resident for President"

- This slogan seems to be almost the sole republican "argument" for change - although Malcolm Turnbull no longer seems anxious to mention the word "President" at all.
- It is based on the view that the Queen (of Australia) is our Head of State. (Note that the term "Head of State" nowhere appears in our Constitution.)
- In fact, the Queen of Australia today has no powers whatsoever, other than to appoint (and if necessary, dismiss) the Governor-General, on the advice of our Prime Minister of the day.
- Whatever other powers the Queen may once have had (or been thought to have had), those powers certainly no longer exist.
- They did not exist even in 1953, when, in preparation for the Queen's first visit to Australia, the *Royal Powers Act* had to be passed *by our own Parliament* in order to enable her to undertake even some formal regal actions during that visit.
- Australia's effective Head of State today (and for many years past) is the Governor-General. Ever since the appointment of Lord Casey in 1965, all our Governors-General have been, and will certainly continue to be, Australians.
- After all, just think about it. Who opens our Parliament? The Governor-General. Who confers our Honours? The Governor-General. Who represents us (at Head of State level) abroad? The Governor-General.
- But, you might say, in that case, why is the Governor-General described (in s. 2 of the Constitution) as "the Queen's representative"? And if the Governor-General carries out all those actions as our Head of State, why do we need the Queen at all?
- The only sense in which the Governor-General is now the Queen's "representative" is that he or she "represents" the Crown.
- By the same token, the continuing presence of the Queen in our Constitution endows the office of our own Head of State (the Governor-General) with a tradition, and a history of constitutional convention, that it would otherwise not have.
- It is that tradition, and that history of constitutional convention, which influence the advice of the Prime Minister when, today, he recommends a new Governor-General to the Queen for appointment. In the end, she must accept his advice. But it is the continuing presence of the Crown which ensures, so far as possible, that that advice will always be given responsibly, on a non-political basis.
- The republicans themselves argue that a President would possess exactly the same powers as the Governor-General now does - no more, no less. (In fact, the dismissal provisions now proposed - see Item 24 - would mean that the President would simply become "the Prime Minister's poodle", and that in particular the "reserve powers" would effectively become extinct.)
- On the republicans' own arguments, however, we already have "a resident for President"; the only difference is that we now call him (or her) the Governor-General.

2. No Head of State "to represent us abroad"

- According to republicans, we presently have no Head of State "to represent us abroad" - unlike, they say, the United Kingdom, which is frequently represented in other countries by the Queen (or other members of the Royal family).
- There is no truth in this statement.
- The Governor-General travels abroad from time to time - on some 51 occasions (to 33 foreign countries) since 1971 - and is everywhere received with the full honors accorded to a Head of State.
- Of course, it must be conceded that few Heads of State - including our own Governor-General - can excite the same "public relations" interest as does the Queen, with over nine centuries of monarchical tradition of the British Crown behind her.

• That, however, is an obstacle which cannot be overcome merely by changing the name of the Governor-General to "President" (see Item 1).

3. Need for "independence from Britain"

• In the early years of the republic debate, spokesmen such as Paul Keating and Malcolm Turnbull used to argue that we had to "get rid of the Queen" in order finally to attain our "independence from Britain".

• Like all the other Keating / Turnbull debating points, this one too has no substance.

• It is true that in 1901 Australia was not (or at any rate, was not seen *by its own leaders* as being) wholly independent of Britain.

* That independence was however fully acknowledged in 1931 by the British Parliament in the *Statute of Westminster*. (So little did Australians then care, by the way, that the Australian Parliament did not even bother to enact that Statute into Australian law until 1942.)

• The final dotting of i's and crossing of t's was completed, by legislation of the British Parliament, the Australian Parliament and our six State Parliaments, in the *Australia Acts* of 1986.

• As the High Court recently ruled in the *Heather Hill Case* (June, 1999), "Britain is now a foreign power".

• The fact that, notwithstanding that, we still retain the Queen of the United Kingdom as our [Australian] Queen, merely recognizes what is called "the divisibility of the Crown". As well as being Britain's Queen, Elizabeth II is also Queen of a number of other British Commonwealth countries, including Canada, New Zealand, Papua-New Guinea, Fiji, etcetera - and of course, Australia.

• There is nothing new in this concept of "the divisibility of the Crown". In Australia itself we have always had - and under the *Australia Acts* 1986 still retain - seven separate Crowns : the Crown in right of the Commonwealth, and the (6) Crowns in right of each of the six States.

• But as for that depriving us in any way of our independence from Britain, nothing could be further from the truth.

• If Mr Keating had spent as much time worrying about our growing loss of real independence through his Government's surrender of Australian sovereignty by entering into treaties with the United Nations and its agencies on everything under the sun, on the one hand, or our ever-growing list of foreign creditors, on the other, as he did talking about this non-issue, perhaps he would be more fondly remembered than he is.

4. Foreigners " don't understand our system".

• Some republicans (e.g., the former head of our Department of Foreign Affairs and Trade, Mr Richard Woolcott) have argued for getting rid of the Australian Crown because diplomats and other foreigners "don't understand our system".

• Even if this were true, so what?

• This cultural cringe is characteristic of many (though not all) Australian diplomats, whose attitudes often seem to be more directed towards "apologising" for Australia than standing up for it.

• In fact, foreigners "understand our system" perfectly well when it is explained to them by knowledgeable observers. It is simply a pity that so many of our diplomats do not appear to qualify for that description.

• Did anybody ever seriously suggest that Australians should stop playing cricket (another of our oldest and most valuable institutions) because (most) foreigners "don't understand the game"?

• That such a poverty-stricken argument should be advanced at all, let alone with apparent seriousness, simply indicates the quality of the republican case.

5. Immigrants have "no loyalty to Britain".

• Some republicans, such as Mr Jason Yat-Sen Li, have argued that in recent years particularly, when so many of our immigrants have come from Asia, such people "have no loyalty to Britain". We should, therefore, amend our constitutional arrangements so that they may feel more at home here.

• Even if the first statement were true, would the second one follow?

• Has anyone seriously suggested that because most of our immigrants *in recent years* " have no loyalty to cricket", we should all give up that great national institution also? Of course not.

• Let us assume a "worst case" scenario, in which all the immigrants who had ever come to Australia

(and are still living here) had "no loyalty to Britain". Why would that matter for our *Australian* constitutional arrangements?

- Isn't there something quite objectionable in the concept that visitors who have first of all asked to be allowed to enter your home, and whom you have then permitted to stay for good, should start complaining about what they see as the old-fashioned furniture, or your photographs of old friends and former acquaintances?
- We would feel justifiably resentful at such behaviour – as most people clearly did when that Kosovo refugee family in June this year refused to accept the accommodation they had been offered at Singleton by our Department of Immigration and Ethnic Affairs.
- In any case, even if it were true that all our immigrants had "no loyalty to Britain", that would be totally irrelevant. We ask that they be loyal to Australia (including the Queen of Australia), not to Britain.
- Fortunately, there is very little hard evidence (as distinct from élitist chatter) that *most* of our immigrants reject our constitutional arrangements. Those individuals who do, appear to be chiefly interested in carving out careers for themselves in our multiculturalism industry (including, in a few cases, furthering the political careers with which that industry, as distinct from their own talents, has endowed them).
- By definition, immigrants have sought entry to Australia because they believed that their lives, if spent here, would be better and more satisfying than if they continued to live in their countries of origin.
- One of the reasons for that generally well-justified expectation is to be found in the *stability* of our constitutional arrangements, which have served us well for 98 years and, in doing so, have made Australia one of the most successful, and longest-lived, democracies in the world.
- Why would our immigrants generally (as distinct from a small number of self-promoters and other malcontents) wish to put that at risk? The answer is, of course, that most of them don't.

6. The misdeeds of the junior "Royals"

- Like so many other republican "arguments" (see, for examples, Items 3, 4 and 5), this one is totally irrelevant to the topic.
- While it is obviously true that some of the junior "Royals" have behaved badly - just as it is true that the Queen's own behaviour, and that of her parents before her, has always been exemplary - that has nothing to do with the matter.
- The Crown (including the seven Australian Crowns - see Item 3) is an institution, *not* a person (good or bad).
- The history of the *British* Crown is replete with examples , over the centuries, of behaviour which makes the indiscretions of its present junior members look positively trivial. While that behaviour from time to time rendered its perpetrators unpopular - and may consequently have been instrumental in rendering the behaviour of their successors much more circumspect - it did not change the functions of the Crown, or alter its place in Britain's constitutional arrangements.
- The supreme irony of this point is that it is most frequently advanced by a category of Australians (i.e., journalists) who, in the latest Roy Morgan Research survey of the regard in which Australians hold the "ethics and honesty" of a range of different professions, were rated at 9 per cent - even lower than the standing (13 per cent) of our politicians, State or federal!
- That such an "argument" should even be advanced indicates how thread-bare is the quality of the case for a republic.

7. Non-democratic nature of hereditary succession

- Republicans have sometimes argued that, because the Queen of Australia (or her likely successor, King Charles) come to their posts as a result of hereditary succession processes, our Head of State embodies a non-democratic flavour.
- Since Australia's effective Head of State is now, and will continue to be, our Governor-General (see Item 1), that argument misses the point.
- To the extent that hereditary succession governs the choice of the person wearing the [Australian] Crown - that is, the person whose sole role is to appoint, and if necessary remove, our Governor-General on the advice of our Prime Minister of the day - it would hardly seem to matter how that person is chosen.
- All that matters is that, once that person has been chosen, he or she represents the Crown, and all the centuries of tradition that go with that.

• That is to say, what matters is that that person can be relied upon to stand above politics, to do his or her duty without fear or favour at any time when called upon, and to stand aloof from the often squalid manoeuvrings and manipulation of our political process. This the Queen (of Australia) can be relied upon to do.
• However that person may be chosen, that seems a pretty satisfactory outcome.

8. Our Head of State can only be an Anglican.

• There is genuine room for debate, *in Britain*, whether the British Monarch should also be the titular head of the Church of England. Prince Charles himself has appeared to express doubts on that score.
• Most Australians would, probably, instinctively feel that it would be better *for Britain* if those doubts were resolved via the disestablishment of the Church of England - that is, the severance of the link between the Church and the Crown, first established (formally) by Henry VIII.
• That, however, is a matter for the British people, not for Australians, to concern themselves with.
• Insofar as the continued "establishment" of the Church of England *in Britain* results in the (seven) Australian Crown(s) being represented by a member of that Church, the point is as immaterial as other similar such points (see, for example, Items 6, 7 and 9).
• In short, the gender, lineage, religion or any other characteristic of the holder of the Crown is not in itself material.

9. Succession to our Head of State discriminates in favour of males.

• Republicans have sometimes argued that, because the succession to the British Crown favours, wherever possible, the (direct) male line (e.g., Prince Charles over his elder sister, Princess Anne), this is some kind of affront to Australian feminists insofar as that mode of choice then also "rubs off on" the Australian Crown(s).
• As it happens, in the 98 years since the Australian Constitution came into being, the Crown has been represented by a Queen (Victoria, and Elizabeth II) for more years than it has been represented by a King.
• All of us might have our own views as to such traditions, but again, they are matters for the British people, rather than Australians, to concern themselves with.
• All that matters for us is that, once the occupant of the (British) Throne has been chosen, he or she represents the Crown - that is to say, that person can be relied upon to stand above parties, to do his or her duty without fear or favour at any time when called upon, and to stand aloof from the often squalid manoeuvrings and manipulation of our political process. There is no doubt that the Queen (of Australia) can be relied upon to do so.
• However that person may be chosen, that seems a pretty satisfactory outcome.

10. The need to "clarify Australia's identity"

• Early in the republic debate it was frequently said by its proponents that Australia needed to become a republic in order to "clarify our identity".
• This suggestion was usually allied with such equally silly "arguments" as the "need to become independent of Britain", or that "foreigners don't understand our system" (see Items 3 and 4 respectively).
• The truth is that almost all Australians are perfectly clear about our national identity - namely, that of a nation with 98 successful years of achievement under the aegis of our present constitutional arrangements, thereby making us one of the six most long-lived democracies in the world.
• Messrs Keating, Turnbull and others (e.g., Mrs Janet Holmes a' Court, "Australia's richest woman", as she is always described) should try walking into the public bar of any pub in Australia and asking those assembled there whether they are labouring under some problem of "lack of Australian identity".
• If they managed to emerge with their clothes still on their backs, they might talk less such élitist nonsense in the future.
• The truth is that Mr Keating and others who originally advanced this "argument" probably didn't believe it themselves. To the extent that they, or anyone else, is still silly enough to do so, we can only say that that's really their problem, not ours.

11. Our "subservience": The Queen's head on all Australian coins

- One of the republicans' favourite debating tricks has been to take a coin from their pockets, flourish it before the audience, and claim that the Queen's head on one side of it demonstrates our continued "subservience" to Britain.
- Like most of the republicans' other such debating tricks, this one has no substance.
- Australia's coins are produced at the Royal Australian Mint in Canberra, which operates within the Commonwealth Treasury portfolio, under the *Currency Act* 1965, an Act of the Australian Parliament.
- The design of all Australian coins is approved by the Treasurer or his delegate. The customary presence of the Queen's head on one side of them honours the symbolic importance of the Crown in our Constitution, and appropriately so.
- However - and this is the point - the presence of the Queen's head on our coins *results from decisions of the Australian Government*, not from any "order from the Palace", or other such silly assertions. If we were so churlish as to want to change that at any time, we would be quite free to do so.

12. "A Republic is inevitable".

- In the early stages of the republican debate we were told, *ad nauseam*, that "a republic is inevitable". Even people who might otherwise have been regarded as quite sensible were heard to voice this piece of foolishness.
- A century ago the then Prince of Wales was reported to have said that "we are all socialists now". At that time, and for many decades thereafter, the British equivalent of Australia's chattering classes today were all convinced that "socialism is inevitable".
- Karl Marx's "iron laws of history" were said to lead "inevitably" to "the dictatorship of the proletariat". A century or so later, that prediction is buried under the rubble of (*inter alia*) the Berlin Wall.
- One reason why things that are widely said to be "inevitable" don't actually come to pass world-wide is that the scheme in question (in that last example, Communism) is tried, and found not to work. That has certainly been the case with a lot of Republics all over the world – including a good many from which a lot of Australia's post-War immigrants have fled in their search for freedom.
- Another reason is that the very mouthing of such slogans produces a reaction from the people - who, having considered the prediction and found it wanting, set out to ensure that it doesn't actually happen.
- In fact, that is very much what has happened in the case of the prediction about the "inevitability" of the republic in Australia. The more the slogan has been mouthed, the more people have begun to question it, and to react against the smugness of its proponents.
- The next time you hear someone telling you that "a republic is inevitable", just ask them what odds they are offering (if they really believe in their "inevitability" claim, they should be prepared to offer you really long odds - say, 1000 to 1), and by what date, and challenge them to put their money where their mouth is. Just one tip, though: be sure to get a trustworthy independent stakeholder to hold the money!

13. The need to "mark the new millennium"

- Perhaps the most light-weight of all the republican "arguments" has been that we need to change our present constitutional arrangements in order to "mark the new millennium".
- On any common-sense view of the matter, of course, the year 2000 (or 2001, depending on your view as to which year actually ushers in the new millennium!) will be no different from the year before it, or the year after it; people will still have to get on with their lives exactly as before.
- Millenarian madness aside, however, it is true that 1 January, 2001 will be a date worth celebrating - a date marking the completion of 100 years of successful, internally peaceful and *stable* government in Australia under one of the best Constitutions the world has ever seen.
- On that basis, perhaps we *do* need to "mark the new millennium" - by asking Australians (particularly the younger ones) to dedicate themselves to preserving the essentials of a Constitution from whose great virtues we have all benefited so much.
- The "keystone in the arch" of that Constitution (as Ben Chifley's biographer, the late Professor Fin Crisp, described it) is, of course, the Crown.

PART B

"Arguments" in favour of the Proposed Republic

14. "Nothing significant will be changed".

- If it were really true that "nothing significant will be changed" by the passage of the proposed Republic Referendum, one would have to ask why the Government should have spent, by the time it is all over, roughly $120 million of taxpayers' money to achieve so little.
- In fact, the change proposed is of very great significance - so great as to alter the way in which our whole constitutional system operates.
- One highly significant change will be to alter the office of our present effective Head of State (the Governor-General) from being non-political to becoming highly political (see Item 22).
- At the same time, because of the standing threat to his (or her) position implied by the proposed new dismissal power (see Item 24), the President will simply become a constitutional cypher - "the Prime Minister's poodle".
- For the same reasons, the power of the Prime Minister of the day will be enormously enhanced (see Item 25).
- Yet another *major* change will result from the fact that the "reserve powers", which presently enable the Governor-General to intervene in the very rare cases when a real constitutional crisis is upon the nation, will in practical terms have been abolished (see Item 23). This change will have been effected by the back door, without the people ever having been asked specifically whether they wish that to happen.
- It is astonishing that the "no significant change" claim could ever have been uttered by a Commonwealth Attorney-General (the present one, Mr Daryl Williams).
- But after all, as someone sadly said, "he's just another politician" – and a self-confessed republican one at that.

15. This is "a bipartisan model".

- There is some truth in the claim that the proposed republic model is "bipartisan". It enjoys official support from the Labor Party (whose members have no "conscience vote" on the issue), and varying degrees of support from individual Liberal Party parliamentarians (despite all members of that Party having subscribed to the view in its Federal Platform that "the basic elements of Australia's free, democratic political system are: Constitutional monarchy as a symbol of unity and continuity .....").
- What these politicians fail to understand, however, is that political "bipartisanship" of this kind is not so much a plus, as a minus, so far as the people are concerned.
- For experience has shown, over and over again, that when the two sides of politics come together in agreement in Canberra, it is usually in order to conspire against the people.
- Just think of the "deals" done, time and again over the years, to increase the size of parliamentary pensions (or other benefits for parliamentarians) via legislation ushered into the Parliament at ten minutes to midnight on the last day of sittings, and rushed through all stages without effective debate, by prior "bipartisan" agreement between both sides!
- Is it any wonder that a model which would:
    - produce a need for the politicians to "wheel and deal" over the actual choice of President;
    - reduce the role of the President (compared with present Governors-General) to merely being the Prime Minister's poodle; and
    - increase (enormously) the already too great power wielded by the Prime Minister of the day,

would attract "bipartisan" support from both sides of politics?
- As with all such "bipartisanship", the real losers would be the people.

16. "Even if you don't agree with it, just regard it as Round One".

- Some proponents of the coming Referendum seek to justify their support for it by saying that, although they agree that the "model" proposed is basically flawed, nevertheless they will vote for it in the belief (hope?)

that in (say) five years' time they will be able to effect a further constitutional change to something more to their liking.

- Such a view is, at best, foolish. A less charitable view would be that it is totally irresponsible.
- It is rather like advising people to walk off firm ground into quicksand, because you believe (hope) that at some future time someone will come along, throw them a rope, and haul them out onto the "promised land" on the other side.
- The truth is that, whichever way the Referendum vote goes in November, there won't be another on this general topic for decades - perhaps even a century - to come. Meanwhile, Australians will be destined to live under either our present (proven and successful) Constitution, or the new "model" now proposed, with all the dangers that will assuredly bring (see, for example, Items 21, 23, 25 and 26).

17. "It will be better than the likely alternative".

- Perhaps the most extraordinary argument advanced by some republicans (of whom Professor Greg Craven is the most prominent) is that we should vote for the republic "model" now proposed because, unless we do, a "real republic" model (i.e., involving the direct election of the President) will subsequently be forced upon us.
- This, of course, is precisely the opposite of the other republican argument (see Item 16) that "even if you don't agree with it, just regard it as Round One".
- It recalls the old rhyme: "Be sure and keep a hold of nurse, for fear of meeting something worse".
- In this case, however, we are not urged to *keep* a hold of our present very comforting constitutional "nurse", but to *take* hold of a new "nurse", whose potential behaviour looks pretty suspect (to the point of being a likely child abuser).
- Professor Craven, it may be worth noting, was originally a self-described "conservative constitutional monarchist" – that is, a supporter of the s*tatus quo*. Then, just prior to the February, 1998 Constitutional Convention (to which he was an appointed delegate), he switched sides to support the so-called "McGarvie model". When that "model" failed to gain much support at the Con Con, Professor Craven then refused to vote for the so-called "bipartisan model" – the one he is now urging us all to vote for in November.
- It really is quite remarkable that someone should be urging us now to take *this* leap in the dark for fear that, unless we do, an even deeper shade of darkness will certainly descend upon us.
- It is rather akin to those fairy stories in which the medium-sized tiger calls on the family sheltering in their perfectly safe home to come out and be eaten. "If you don't come out and let me eat you", he says, "there'll be a much bigger tiger coming along shortly who will *really* devour you!"
- As that suggests, urgings of this kind are not so much serious arguments, as tales told to frighten children. The Australian people are not children, and don't deserve to be treated as such by the republicans. They are, on the contrary, grown-ups, as they will demonstrate by voting "No" to the Politicians' Republic in November.

PART C
Arguments for the *Status Quo*

18. 98 Years of Successful Constitutional Democracy

- Since our federal Constitution was proclaimed on 1 January, 1901 Australia has seen 98 years of successful constitutional democracy.
- Along with the U.S.A., Britain, Canada, Switzerland and Sweden, Australia has thus become one of the six most long-lived democracies in the world.
- During this time our constitutional arrangements have evolved peacefully and (for the most part) with the general consent of the people. (The qualification derives from some of the High Court's actions in bringing about, in effect, constitutional change without reference to the people; but that is a separate topic.)
- We have achieved total independence from Britain (see Item 3); developed a national identity of our own (see Item 10); welcomed millions of new immigrants from all parts of the world to our shores (see Item 5); and done all this, and more, without any of the undying bitterness and internal civil strife which, during this time, has beset so many other nations - particularly Republics - throughout the world.
- Rather than spending time, as the republicans do, "knocking" this historical record - including the symbols associated with it, such as the Crown, or our Australian flag - shouldn't we be *proud* of these achievements? Isn't *that* what we should all be hoping to celebrate on 1 January, 2001?

19. "If it ain't broke, don't fix it".

- It is quite clear that Australia's present Constitution "ain't broke".
- On the contrary, even (most) republicans accept that it has operated very successfully over the 98 years of its existence (see Item 18).
- Even if the deficiencies - and worse than deficiencies, *dangers* - in the proposed republic model were not as obvious as they are, there would still be a good case for saying that "if it ain't broke, don't fix it".
- Given those deficiencies, and those dangers, why on earth would any reasonable person want to run the risks involved in the change?

20. Need for a *non-political* Head of State

- The overwhelming merit of our present constitutional arrangements is that they provide us automatically with both a symbolic Head of State (the Queen) and an effective Head of State (the Governor-General), who are above politics.
- The Crown has evolved, over nine centuries or so, to that non-political state; and the post of Governor-General, to which the Queen appoints the Prime Minister's nominee on the latter's advice, is equally regarded as only being open to a person who is either non-political in the first place, or who is absolutely prepared to discard any political inclinations on assuming the post.
- During the post-War period Australia has in fact had Governors-General of both those kinds. We have had ex-politicians such as Sir William McKell and Mr Bill Hayden from the Labor side of politics, and Lord Casey and Sir Paul Hasluck from the other side, all of whom have resolutely set aside their previous political inclinations in the discharge of their duties. We have also had non-political appointees in Sir John Kerr, Sir Zelman Cowen and Sir Ninian Stephen.
- When our present Governor-General, Sir William Deane (appointed on the advice of Mr Keating) began to venture into politics in some of his early speech-making after taking office, there was an immediate public (and no doubt also privately expressed) outcry, since which time Sir William has become noticeably more reticent.
- By contrast, the proposed "model" provides for the choice, as President, of someone who will have to be agreed between the Prime Minister and the Leader of the Opposition. Anyone with any knowledge of the way our political system works knows that such a situation immediately provides the basis for a political "deal". The Leader of the Opposition will agree to the Prime Minister's "political" nominee if, in return, the Prime Minister will do some significant favour for the Opposition - more staff for the Leader's office, the right

to nominate the next Justice of the High Court, etcetera - the possibilities for such "deals" are endless.

- And above all, when the "deal" is done, whatever name is finally agreed between the two politicians will no longer be subject to that final test of suitability which presently derives from the scrutiny from the Crown itself.

21. Appointment of a politician as President is *not* ruled out.

- Proponents of the present republican "model" argue that it won't be possible, under the appointments process involved, for a politician to become President.
- It is true that the *Constitution Alteration (Establishment of Republic) Bill* provides that State or federal parliamentarians, or other members of any political party, will not be eligible to be chosen by the Parliament to fill the post of President.
- In turn, the *Presidential Nominations Committee Bill*, which has been introduced also by the Attorney-General, provides for a "short list" of names to go forward to the Prime Minister from the Committee established under that Bill. Superficially, this might be seen as implying that the persons excluded cannot be put forward to that Committee for consideration, and cannot therefore become President.
- However, this "protection" is effectively meaningless. For one thing, the *Presidential Nominations Committee Bill* itself does *not* contain the exclusions laid down in the Referendum Bill. A candidate must state whether he or she "is qualified to be chosen"; but, so long as that person made it clear that he or she would be prepared to resign their political affiliation before being "chosen"(by the Parliament), there would seem to be nothing to prevent the Nominations Committee from considering their nomination.
- Note also that the *Presidential Nominations Committee Bill* will not itself be part of the Referendum process and, even if the Referendum were to be approved, would not therefore itself become part of the Constitution. (The Bill will not even be further debated in the Parliament until the outcome of the Referendum is known.)
- At this stage, therefore, the nominations process itself is not settled. After the Referendum (if the Republic is approved), it could conceivably be changed even on first operation so as to render choice of a politician as President even easier.
- Moreover, so far as the long-term *future* is concerned, there is no assurance whatsoever. Since the nominations process will be laid down simply in an Act of Parliament, that Act can be amended at any time by any future Parliament.
- But even if the exclusions laid down in the Referendum Bill itself were to be effectively carried through into the nominations process (which, as noted above, they are not), there would be nothing to prevent a Prime Minister, knowing that a Presidential appointment was approaching, from "tipping the wink" to one of his most trusted colleagues that he proposed to choose him (or her) for that appointment and that, accordingly, the latter should resign from the Parliament in order to allow his (or her) name to go forward. (This of course would involve the need for the required "deal" with the Leader of the Opposition to be also negotiated in advance; but in the end, such "deals" are always achievable.)
- In short, under the provisions of the two Bills now before the Parliament, there are at least three ways in which a politician *can*, after all, become President.
- Did anyone seriously believe that legislation drafted by politicians, for a Politicians' Republic, would ever provide otherwise?

22. The Appointment Process Farce

- The processes for appointment of the President are laid down in the *Presidential Nominations Committee Bill* - that is, they do *not* appear in the Bill to alter the Constitution itself.
- Thus, those processes are not now settled and could in any case be altered by the Parliament at any future time. (See Item 21).
- Let us however consider the processes now provided for in the present Bill.
- The whole purpose of these ponderous processes is (ostensibly) to provide for "the participation of the people" in choosing the President. As such, they are a joke.
- Consider the structure of the Nominations Committee:
- A Committee of 32 members is far too large to work together sensibly.
- Of those 32, no less than 16 are to be personally appointed by the Prime Minister.

• Of the remaining 16, 8 will be from the Commonwealth Parliament, of whom at least 4, and perhaps 5, will be members of the governing Party (or Coalition parties) - in other words, another 4 or 5 Prime Ministerial nominees.
• Of the final 8 (one each from the legislatures of the six States and two major Territories), some at least can also be expected to be from the Prime Minister's political party.
• So that, of the 32 Committee members, the Prime Minister's nominees will number at least 20 and up to about 29.
• Finally, the Convenor of the Committee will also be personally appointed (from among its 32 members) by the Prime Minister .
• Consequently, whoever "the people" may nominate (assuming that anyone would even bother in the face of this stacked deck), the Prime Minister can confidently rely on the Committee providing him with a "short list" of possible appointees *which will certainly contain the name he has had in mind all along*.
• Having "considered" this list (which is all he is required to do), the Prime Minister will then put his preferred choice (which need not necessarily be on the list, though the Prime Minister could – and no doubt would – easily ensure that it was) to the Leader of the Opposition. The "dealing" will then begin (unless, that is, the "deal" between the two has been done already in advance – see Item 21).
• And this, mark you, is supposed to be a process "involving the people".
• Abraham Lincoln said that you can fool all the people some of the time, and some of the people all the time. The framers of these appointments processes clearly believe that, contrary to Lincoln's final dictum, you *can* fool all the people all the time.
• On 6 November, 1999 the people will show them that they're wrong.

23. The threat to the Reserve Powers

• The so-called "reserve powers" of the Australian Constitution enable the Governor-General to act on his (or her) own initiative in cases where such action is essential if a situation of political deadlock, with a potential to lead to crisis, has to be resolved.
• These powers are, in their nature, rarely invoked; normally the Governor-General acts on the advice of the Executive Council (i.e., the government of the day).
• The most famous example of the use of the Governor-General's reserve powers was in 1975 when, with the Senate refusing to pass the Appropriation Bills and the then Prime Minister, Mr Whitlam, refusing to call an election to resolve the issue, the Governor-General (Sir John Kerr) dismissed Mr Whitlam's Government and appointed Mr Malcolm Fraser as "caretaker" Prime Minister on condition that he immediately call an election. By a resounding majority, the Australian people in that election endorsed the Governor-General's action.
• Few uses of the reserve powers are as dramatic as on that occasion. Less dramatically, but still importantly, circumstances can arise where an election results in such a close outcome that there can be doubt as to who should be called on to form a government, in which case (as in Tasmania a few years ago) the Governor-General (or in that case, the State Governor) must exercise his own judgment after listening to advice from all parties.
• The essence of the "reserve powers" question is this:
    • The powers, by their nature, cannot be defined, as has been acknowledged by such republicans as Mr Keating and Mr Gareth Evans.
    • Nevertheless, their existence in the Constitution is essential, for use on those rare occasions when, without them, crisis would eventuate.
• The *Constitution Alteration (Establishment of Republic) Bill* provides that the President in the proposed Republic "may exercise a power that was a reserve power of the Governor-General", provided that he does so "in accordance with the constitutional conventions relating to the exercise of that power".
• That provision itself - particularly the final qualification - is of dubious constitutional merit. In 1975 Mr Whitlam said that Sir John Kerr's action was not "in accordance with the constitutional conventions". Had we been operating under the proposed republican Constitution, Mr Whitlam would have rushed off to the High Court to have that determined, leaving the country in chaos. (See Item 26).
• Even more significantly, the proposed dismissal provisions (see Item 24) would enable a future Prime Minister to dismiss the President without notice, thus depriving the latter of any opportunity to exercise the

reserve powers.

- Thus, on those rare occasions when our Head of State may need to exercise reserve powers to forestall a political crisis, the Prime Minister of the day will, under the new dismissal provisions, be able to close off that safety valve.
- In effect, by this back door route, the proponents of this Referendum are seeking to expunge (in practice) the reserve powers provisions from our Constitution.
- This alone is a recipe for future political disaster.

24. The Dismissal Procedures Farce

- The *Constitution Alteration (Establishment of Republic) Bill* provides that "the Prime Minister may, by instrument signed by the Prime Minister, remove the President with effect immediately".
- The Prime Minister "must seek the approval of the House of Representatives" within 30 days. However, in the extremely unlikely event that that House (where any Prime Minister necessarily enjoys a majority) fails to approve his action, such failure "does not operate to reinstate the President who was removed".
- These must surely be the most bizarre provisions ever proposed for a Constitution of a genuinely democratic country.
- They are akin to having rules for a football game in which one side, if it sees it is losing, can send off the umpire.
- Essentially, they render the proposed President a mere cypher - "the Prime Minister's poodle". (The almost equally farcical appointments process - see Item 22 - already tends towards that outcome.)
- What President, knowing that he or she can be dismissed at a snap of the Prime Minister's fingers, is going to raise questions about, say, the propriety (or even the legality) of some action that the Government of the day proposes?
- What worthwhile persons will allow their names to be put forward for a post from which they can be dismissed without warning, *and with no reason given*?
- Whatever happened to the republican élite's concern for natural justice?
- Is Australia to be a country in which the only person to be denied natural justice is our Head of State?
- In the last Parliament the Labor Party twice refused to pass the Government's legislation on unfair dismissal. Why is their attitude towards the clearly "unfair dismissal" provisions for the Head of State so different?
- The truth is that under the Referendum proposals it will be easier for the Prime Minister to dismiss the President than it would be for him to dismiss his driver!
- Republicans sometimes claim that these provisions are no different from the existing situation, where the Prime Minister may advise the Queen to dismiss the Governor-General and she must act on that advice.
- There is, in fact, all the difference in the world. Today, if the Queen received such advice, it would certainly have to be accompanied by full reasons. She would then have the right to enquire into the validity of those reasons (including obtaining her own legal advice about them), to question the Prime Minister about them, perhaps even to warn the Prime Minister against the action proposed.
- It is true that, in the end, she would be bound to accept the latter's advice; but there is a vast difference between such a deliberative process, on the one hand, and the delivery of a two-line letter to the President by the Prime Minister, on the other.
- All observers agree that one increasingly valid criticism of the Westminster system of government, even in London but more particularly in Australia, is that it already confers *far too much power* on the Prime Minister of the day. (See Item 25).
- These proposed dismissal provisions would represent a quantum leap in that already excessive Prime Ministerial power.

25. Making our Prime Minister even more powerful

- Most Australians today think that our politicians generally - particularly those in Canberra - already have far too much power, and that that power is far too often exercised in the interests of the politicians themselves rather than in the interests of those who elect them.

• There was a time when, within any government, the Prime Minister was simply said to be "first among equals". That however was a very long time ago. Nowadays Prime Ministers frequently speak arrogantly of "my Government", when in fact it is the Government of the Governor-General who appointed it and swore it in.

• Nearly twenty years ago Lord Hailsham said, of the British Cabinet, that it had, in effect, taken on the overtones of "a Prime Ministerial dictatorship".

• If that was true in Britain even then, it is even more true in Australia today.

• Thus it is nowadays quite common for our Prime Ministers to make policy "on the run" rather than by consulting with their Cabinets; and even more common for Prime Ministers to create small cabals, or "kitchen Cabinets", whose support for the Prime Minister can usually then be relied upon.

• We can all recall the many essentially dictatorial actions of recent Prime Ministers, such as Mr Whitlam, Mr Fraser and Mr Keating.

• The farcical proposed provisions whereby the Prime Minister would have the power to dismiss the President of the Republic at any time, and without reason given, would massively enhance the Prime Minister's power even further. (See Item 24).

• Is this what we really want? If not, vote "No" to the Politicians' Republic.

26. Risks bringing the High Court into Politics

• The farcical procedures proposed to govern the dismissal of a President (see Item 24) risk bringing the High Court of Australia into politics.

• So do the clumsily drafted provisions purporting to endow the President of any future Republic with "reserve powers" (see Item 23).

• Under these proposed new provisions:
  • The President will have the power, in certain circumstances, to use his (or her) "reserve powers" to dismiss the Prime Minister.
  • The Prime Minister will also have the power to dismiss the President.

• Imagine the scenario in which both of them meet in the President's study at Government House; after some discussion, it is then a matter of who "draws" first.

• If the President hands his letter of dismissal to the Prime Minister before the latter can do the same to him (or her), then the Prime Minister is (or ought to be) dismissed and matters proceed from there. If, however, the Prime Minister "draws" first on the President, then the latter is dismissed and matters proceed very differently.

• There are normally no witnesses to such meetings. What then if a formally dismissed Prime Minister emerges from Government House swearing and declaring publicly that he served his letter of dismissal on the President *before* the latter sacked him?

• We could have a President, or a Prime Minister, or both, rushing off to the High Court of Australia seeking an injunction against the other. And if they are the only witnesses, who is the Court to believe? (Perhaps future meetings may need to be recorded on video camera, so that a future High Court can call on "the third umpire"!)

• More seriously, whichever way the Court rules on such a matter is bound to call down a political storm upon its head.

• The proposed new formulation of the "reserve powers" says that the President "may exercise a power that was a reserve power of the Governor-General", provided that he does so "in accordance with the constitutional conventions relating to the exercise of that power".

• In fact, the *practical* consequence of the proposed new dismissal procedures will be to render the "reserve powers" null and void. (See Item 23).

• However, if the "reserve powers" were exercised by a future President to dismiss a Prime Minister, the latter could then seek a High Court ruling on the meaning of "in accordance with the constitutional conventions relating to the exercise of that power".

• *No such words occur in our present Constitution*, and there is (some) argument as to what the conventions governing use of the reserve powers are today. The point is, however, that *today* the powers are not justiciable; under the new proposals, they would be. So here again the High Court runs the risk of being dragged into a political dogfight.

- The High Court is not without its faults; but nobody with any regard for its central role in our constitutional arrangements would wish to see it subjected to the damage likely to flow from these proposals.

27. A Republican Commonwealth but (some) non-Republican States?

- The Constitutional Convention (February, 1998) agreed *inter alia* that:
  "Any move to a republic at the Commonwealth level should not impinge on State autonomy, and the title, role, powers, appointment and dismissal of State heads of state [i.e., State Governors] should continue to be determined by each State".
- It would be possible for the Republic Referendum to be passed (by a majority of voters nationally, and majorities in at least four of the six States), but for people in one or two States to have voted against the proposal.
- Unless, subsequently, those latter States changed their collective minds (either by a State referendum, or by acts of their Parliaments, depending on the respective State Constitutions), we would be left with a republican Commonwealth, under a President, but with one or two States retaining the Crown – including their Premiers' direct access to the Crown, as now provided for under the *Australia Acts* 1986.
- It is even possible (though probably unlikely) that one or more States where majorities were obtained for a *Commonwealth* republic might decide to retain their own (State) Crowns – particularly if those majorities had been small.
- All in all, a recipe for a possible great big mess.

PART D
Some General Arguments

28. "The Politicians' Republic"

- Ever since Paul Keating initiated the republic debate, there have clearly been two quite distinct republican camps – those favouring direct election of the President (usually described as "real republicans"), and those at least purporting to favour only "minimal change" (Mr Malcolm Turnbull's Australian Republican Movement).
- It has always suited the A R M to confuse the issue by talking generally about "the need for a Republic", while carefully refusing to specify the details.
- In November this year, however, we shall be called on to vote on the specific model which (more or less) emerged from the February, 1998 Constitutional Convention, and which reflects the wheeling and dealing entered into there by Mr Turnbull to try to scrape up enough votes to have his horse declared the "winner".
- To try to mislead the people into believing that the model provides for them to have a real influence on the outcome, it provides for an appointment process which can be described as at best farcical and at worst duplicitous (see Item 22).
- Whereas present Governors-General are nominated by the Prime Minister and appointed (on his advice) by the Queen, future Presidents would, under these procedures, be effectively the product of a process of political "dealing" between the Prime Minister and the Leader of the Opposition.
- The cumbersome processes of public nominations, etcetera, leading to a "short list" which would certainly contain the name of the person whom the Prime Minister had intended to choose from the outset, would be merely an expensive "cover up".
- Moreover, once the Prime Minister and the Leader of the Opposition had done their "deal", that would be that. This is a formula not for a real republic, but for a politicians' republic.
- The dismissal procedures (see Item 24), which enormously enhance the Prime Minister's powers (see Item 25), merely make that even clearer – as does the likely effect on the present "reserve powers" of the Governor-General (see Item 23).
- No wonder that the proposal is officially referred to as "bipartisan". Why wouldn't a Politicians' Republic be supported by politicians?
- In November this year, however, the people will finally have a chance to show those politicians what they think of such "bipartisanship".

29. "The Republic of the Rich"

- There is a nice irony in the contrast between the concept of a republic – "people power" and all that – and the fact that, ever since Paul Keating got the present republic push under way, it has been largely in the hands of some of Australia's richest people.
- Mr Keating himself, of course, is not exactly poor.
- But even Mr Keating's wealth, or that of Mr Wran (another wealthy Labor Party republican luminary), is far surpassed by that of such people as:
    - Mr Malcolm Turnbull, whose wealth (in $ millions) is reported to exceed three figures;
    - Mrs Janet Holmes a' Court, regularly described by the republicans themselves as "Australia's richest woman". (A good deal of this wealth was originally contributed by Western Australian taxpayers via the "deals" entered into between the late Robert Holmes a' Court and various elements in WA Inc at the time. It is thus particularly piquant to have the republicans now putting Mrs Holmes a' Court forward in the role of public benefactor – even to the point of freely speaking of her as Australia's first President!)
    - Mr Lindsay Fox, the trucking magnate, whose reportedly large financial contributions to the republican cause of "the people" appear somewhat at odds with his determined efforts to keep "the people" off his patch of personal foreshore in Port Phillip Bay!
- During the French Revolution in 1789, it was the Queen (Marie Antoinette) who contemptuously

said, of the hungry people demonstrating outside the gates of the Chateau of Versailles, "Let them eat cake". Today, a very similar sentiment seems to imbue the attitude of the rich republican élites towards the real concerns of the people about the grotesque constitutional model which these "aristocrats" are now seeking to foist upon us.

30. The Republic of the Chattering Class Élites

- Ever since Paul Keating first launched it, the republic has been the plaything of the chattering classes – particularly the Sydney ones; those very "basket weavers of Balmain" to whom, in an earlier incarnation, Mr Keating had often referred so contemptuously.
- These "chardonnay socialists", as they have also been called, are the same crowd generally (and often the same people) as the "Bollinger Bolsheviks" of yore – people who prattle on about "the people" while maintaining personal lifestyles totally unrelated to those of mainstream Australia.
- They include such people as the author, and notable public windbag, Tom Kenneally, to whom we are indebted for his depiction of Queen Elizabeth II as "a colostomy bag on Australia" – a depiction in turn carried on the airwaves all over Australia by his fellow chatterers at the ABC.
- The truth is that most of these people, including a significant number in what used to be called our academies of higher learning, are consumed with hatred of Australia as it has evolved today – a nation with 98 years of *stable* democratic life already behind it, and a people who have steadfastly refused to be bullied by the chattering classes into the adoption of the latter's Politically Correct pronouncements.
- The response of the chattering class élites has been, quite simply, to set out to break the idols of the people – to undermine the institution of the family, to sneer at real achievement, to decry the virtues of our armed forces, and martial valour more generally, and most recently, to "get rid of the Queen".
- Would any sensible person really buy a new Constitution from such people?

31. What's next? The flag?

- In his first flush of British-bashing eloquence, Paul Keating not only saw himself leading Australia to a republic, but also to changing the Australian flag so as to rid it of the hated (in his eyes) Union Jack which now adorns one corner of it.
- To add insult to injury, Mr Keating chose to make his first major pronouncement on this subject while visiting his powerful friends in Indonesia.
- As it became clear even to such bigots that the Australian people retain a genuine love for what a former Labor Party leader, the late Arthur Calwell, called "the most beautiful flag in the world", the anti-flag push among the republicans died away.
- However, many of the most high-profile republicans, including Malcolm Turnbull and Mrs Janet Holmes a' Court, have been directors (and strong financial backers) of Ausflag, the principal body working to replace our present Australian flag.
- There is no doubt that, if the Republic Referendum should succeed, our national flag will be the next item on these peoples' agenda.

32. The importance of having a real Head of State

- There is a view, sedulously fostered by the republicans, that the role of the Head of State is (or should be) "purely ceremonial".
- Even as applied to the Queen, in her sole function of appointing the Governor-General on the advice of the Prime Minister, this view is erroneous – see Item 24.
- More importantly, as applied to our effective Head of State (the Governor-General), this view is even more erroneous.
- True, the Governor-General does perform many largely or purely ceremonial duties.
- In addition, however, in presiding over the Executive Council, he acts as a "check" on the executive government of the day, and a safeguard against improper, or even illegal, actions by the government.
- It is precisely when papers are being prepared for the consideration of the Governor-General in Council that Ministers of the Crown, and their public servants, are forced to consider whether everything has been

done “according to Hoyle”.

• These activities of the Governor-General, which go on week in, week out, but which naturally receive very little public attention, are of great importance in preserving our constitutional system of checks and balances – in particular, in preventing Executive Government from taking even more power than it already has.

• In rarer circumstances, occasions can also arise when the Governor-General may need to exercise his “reserve powers”, to grant (or deny) a dissolution of one (or both) Houses of Parliament to hold an election, or in exercising his (or her) discretion in other ways when the course to be chosen may not be totally clear.

• In all these circumstances (and particularly those of the “reserve powers” kind) it is supremely important that the Head of State be “above politics”, and that he (or she) exercise authority in a wholly non-political manner.

• That is why we need above all a *real* Head of State – as we now have – and not someone who, under the republican “model” now proposed, will simply be destined to be a politically appointed “Prime Minister’s poodle”.

33. “If you don’t understand it, don’t vote for it”.

• During the 1993 federal election campaign, which was fought essentially on the topic of Dr John Hewson’s proposal to introduce a Goods and Services Tax (GST), one of Paul Keating’s slogans was: “If you don’t understand it, don’t vote for it”.

• Of course, Mr Keating was using that slogan politically – and in the event, successfully – to defeat Dr Hewson and his GST.

• Nevertheless, it was true that a large majority of the electorate did not understand how the new tax would work. Indeed, during the election campaign, Dr Hewson’s famous “birthday cake” TV interview revealed that he didn’t either!

• Mr Keating and his fellow republicans are now urging us to vote for their Politicians’ Republic whether we understand it or not, and despite the fact that they too don’t understand their own “model” (see, for examples, Items 2, 3, 11, 14, etcetera).

• Even worse, the whole republican campaign now centres around an attempt to *prevent* Australians from understanding the real nature of the proposed “model” – in the hope, presumably, that if they don’t understand it, they *might* vote for it.

• In early July, this attempted republican cover-up saw Mr Malcolm Turnbull urging the Joint Select Committee on the Referendum Bill to *remove* the words “Republic” and “President” altogether from the title of the Bill (and hence from the Referendum question on which we shall be asked to vote).

• One newspaper put it aptly in its front-page headline the next day, depicting Mr Turnbull’s view as being, “Don’t mention the Republic” (shades of Basil Fawlty’s “Don’t mention the War”!).

• Or as another newspaper headline summed it up, “The Republic that dare not speak its name”.

• The republicans often seek to persuade us that the changes proposed are “minimal”, both in their legal extent and in their constitutional implications.

• The truth is quite otherwise. Indeed, one of the most prominent republicans, Mr Tom Kenneally, let that cat out of the bag when he said recently that we would be saying “Yes” in November to “the biggest structural change to the Constitution since Federation”. Oops!

• It is the aim of the No Republic Campaign (both A C M and the “real republicans” such as Ted Mack, Clem Jones and Phil Cleary) to provide people with as much information, over the weeks ahead, as possible. By contrast, the republican aim is, clearly, to shy away from all that and focus instead on trivialities, or wilfully misleading slogans such as “a resident for President”.

• Hopefully, these efforts will succeed in informing the Australian people. But, to the extent that they don’t, and you *still* don’t understand the proposal in all its manifold complexities, then remember Mr Keating’s own advice: “If you don’t understand it, don’t vote for it”.