

Chapter Seven

Mr Keating's Mirage on the Hill: How the Republic, Like the Cheshire Cat, Came and Went

The Hon. John Howard, MP

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I welcome this opportunity to address The Samuel Griffith Society. I congratulate the body for the great contribution it has already made to a more balanced and informed debate about Australia's Constitution.

Along with some other groups, such as Australians for Constitutional Monarchy, as well as many individuals, this Society has comprised the main line of defence against an initially populist onslaught against the integrity of one of Australia's great success-stories – our Constitution.

When John Stone first told me of the projected formation of the Society, he opined that I might not share all of its objectives.

Perhaps, like some others, he suspected that I was a bit of a centralist and that I would therefore want some radical changes to the Constitution.

That admonition has been known to pass the lips of some of my Western Australian colleagues.

Perhaps it is because I am a graduate of the Sydney University Law School. Maybe it is due to my having once been Federal Treasurer or because, as Minister for Business and Consumer Affairs in the late 1970s, I launched the first completely national, but co-operative, scheme for the regulation of companies and the securities industry.

Whatever the reason, it is of no real account.

Let me declare with, and perhaps because of, the Indian Ocean pounding in my ears, that I am, of course, not a centralist.

I am, however, a passionate Australian nationalist. Of that there should be no mistake.

A centralist believes that the accumulation of power at the centre is a desirable goal in its own right.

A nationalist is one who sees serving the national interest as the ultimate goal.

Such approaches can frequently be in conflict. It is often the case that it is against the national interest to centralise decision making.

As Western Australians, more than other Australians, will know, it is frequently the case that the national interest is best served through the dispersal of power and the decentralisation of decision making.

That is not to say that on other occasions the reverse will not be the case.

I am happy to say that my heavy involvement in the debate about the place of the constitutional monarchy in Australia's system of government has led me to look again at our Constitution and to reflect even more deeply on the Australian identity.

In the process, I have developed a whole new respect for the durability of the Australian Constitution and for the genius and national spirit of those who put it together.

It has flaws, but by any reasonable test it should be a matter of celebration that this document has helped take us almost through our first century as a nation and has been the framework within which an humane, liberal and enlightened people have flourished.

Americans, it is said, revere their Constitution. Australians are said, by contrast, to know and care little about theirs.

If that be the case, then it is the fault of our education system and the almost institutionalised retreat from pride in our history, orchestrated by the New Class establishment and cultural iconoclasts who have held such sway in Australia in recent years.

If the question were asked, which of the two Constitutions – the American or the Australian – was a declaration of the people, I am sure most would say it was the American.

The opposite is the case. The Australian Constitution was approved by the people at a referendum before its adoption. The American one never was.

The Australian Constitution may have drawn its legal validity from being an enactment of the then imperial Parliament. Its moral and political force came from the will of the people.

This is a political speech. Whether or not Australia becomes a republic is a prime political issue.

Paul Keating is the first Australian Prime Minister to openly and consistently advocate turning Australia into a republic. He is Australia's best known republican.

Therefore, his views on the subject and the nature of his participation in the debate are crucial. Suggestions that the republican debate be de-politicised are both naive and illogical.

This is all the more so as the Prime Minister has sought, since this debate began, to politicise Australian patriotism.

An express or implied theme of most of his comments is that it is more Australian to be a republican than it is to support the present Constitution.

He has also brought to the debate his penchant for division and polarisation. His arguments for change are those of a wounder and a wrecker, not a healer and a builder.

There is also much more to his republican agenda than the central issue of whether or not Australia retains the constitutional monarchy.

The hidden agenda of greater constitutional change is properly apprehended by many in this audience.

Beyond that, though, the Prime Minister is engaged in a major exercise of re-writing Australian history, and of changing the way in which we see ourselves and how we reflect on where we have been and what we have achieved.

He knows the power of historical allusions. He seeks frequently the unashamed use of his version of history to promote a modern day political argument.

Paul Keating is not only about changing our Constitution. He is also intent on marginalising the liberal/conservative contribution to Australian history and the Australian achievement. He has embraced the essentially negative view of our history, and seeks in the context of Australia's necessary involvement in the burgeoning economies of the Asian/Pacific region to impose a wholly unnecessary choice between our past and our future.

That he should see the issue as a choice marks his failure as a national leader.

As I shall explore later, there is no inherent conflict between Australia's historic associations and the contemporary imperative of close involvement with the nations of our region.

I emphasise this aspect of the Prime Minister's involvement in the debate. There are still far too many who fail to grasp that there is more in this debate than the identity of our head of state.

A notable feature of the story so far has been the way in which the expression "join the debate" has been deliberately re-interpreted by republicans.

I had always thought that a debate occurred when people with differing or opposing views joined issue with each other. It had always seemed to me impossible to have a debate without both sides of the argument.

In that sense I, and many others, have been up to our armpits in the republican debate ever since it began.

I now know how wrong I was. Republican spokesmen and supporters, including some New South Wales Liberals such as Peter Collins, continue to call for people like me to join the debate.

They have brought me to realise that joining a debate, contrary to my earlier belief, actually means caving in and agreeing with the other side, and simply being content to discuss with one's would-be adversaries the method of implementing their agenda.

The Prime Minister's republican campaign thus far has had four distinct phases.

Tracing them tells us a lot about the nature of the debate and provides reflections on Mr Keating's political personality.

His push for an Australian republic was launched in an orgy of "Pom-bashing", with the Prime Minister's somewhat infamous and (almost predictably) historically wrong accusation that the British had actually abandoned what he (erroneously) called Malaysia in World War II, and therefore by implication betrayed Australia.

Oponents, particularly within the Liberal Party, were depicted as out-dated, pro-British sentimentalists who longed for some bygone era.

No concession was made to the possibility that there might exist some Australians who actually believed, on the grounds of almost one hundred years of immense political and social unity, stability and tolerance, that our current constitutional arrangements had a lot going for them.

Also, the fact that from the early 1950s to the late 1970s the constant Labor criticism of the Liberals was that they were too pro-American, not too pro-British, apparently had not penetrated the consciousness of our Prime Minister.

Did he not recall that the great catharsis of those years – the Vietnam War – involved the alleged subservience of Liberal governments to the United States?

Had he forgotten that the last occasion on which an Australian Prime Minister aligned this country with Britain for what could be seen, arguably, as grounds of sentiment was the Suez crisis of 1956 – thirty seven years ago?

The fact was that, despite his British externalities, Menzies was unflinchingly pro-Australian in the decisions he took on defence and foreign policy issues.

In volume one of his superb biography of Menzies, the self-described Labor voter, Allan Martin, debunks the myth of Menzies grovelling to the British during the early years of World War II.

Restored to the Prime Ministership in 1949, Menzies never allowed his affection for the British connection to colour his judgment about Australia's strategic interests.

He forged the ANZUS treaty, despite some British heartburning. In other respects, he took us firmly into the American defence and security orbit.

In the face of enormous British pressure to buy their military hardware, most major defence purchases in the Menzies period went to the Americans.

It was Menzies' deputy, John McEwen, who laid the foundation for Australia's economic links with Asia with the Japanese/Australian trade agreement in 1957.

While keeping our British links, Australia's longest-serving Prime Minister pursued the policies of realpolitik in the world in which Australia found herself in the 1950s and 1960s.

The apotheosis of the Prime Minister's anti-British push was achieved when he scathingly rejected a proffered Australian flag from the then President of the RSL. "Give it to the Poms", was his insulting retort to Brigadier Garland.

It was not only insulting to the Brigadier, it was an insult to the Australian community.

Then came the Asian phase. To prove what good citizens of the region we had become, Australians were required to dump both the Monarchy and the flag.

Last year I watched, with incredulity, an interview with the Treasurer in which he seriously asserted that Australia's economic performance in Asia would be lifted if the Union Jack were removed from our flag.

He neglected to tell us how it was that Hongkong had achieved a GDP twenty five percent of that of the whole of China with the same blot on its ensign!

No argument is more insulting to Australia's dignity and sense of independence than the one which says that we must change our emblems or institutions to please the nations of the Asian/Pacific region or, indeed, any other region.

It is also uncomprehending of the extent to which many Asian countries respect those who, in turn, respect their own sense of history and culture.

Australia will thrive or fail, economically, in the Asian/Pacific region according to the price and quality of our goods and services, their delivery times and after sales service – not the domicile of our head of state.

In cultural, historical and political terms, Australia is a European nation. It is firmly part of the western world, sharing its democratic ideals and liberal values. We also help comprise a loose group of English-speaking peoples.

Nothing can, or will, alter that. To pretend otherwise is to deny reality, and to be ashamed of something of which we ought not to feel ashamed.

There is full bipartisan political support in Australia for this country totally involving itself as an economic and political participant in the region, on the basis of mutual respect for the values and institutions of each other.

That involvement must recognise that many of the countries of our region do not, and perhaps never will, share all of our democratic beliefs or our instinct for personal liberty.

Our involvement in Asia must not be at the cost of our deep links with Britain, the rest of Europe and the United States.

Nothing is more unnecessary, artificial or indeed destructive than the sense of choice now being forced upon Australians by the Prime Minister.

We can be full citizens of our region without jettisoning our ties with others. No choice is necessary.

For generations, those Australians who have valued the positive elements of our British heritage have been accused of a cringing attitude towards the past.

To the extent that those self same critics would have us uproot a system of government which has given Australia one hundred years of stability, unity and tolerance, in the naive belief that it will win us friends in the Asian/Pacific region, then they themselves are guilty of an infinitely greater cringe.

Even Malcolm Turnbull, the Chairman of the Government's Republican Advisory Committee, has been embarrassed by this line of argument. He forcefully dissociated himself from it during the Bob Hawke-compered "Four Corners" programme on the republican debate.

After that phase came the "white-out" phase. All that was needed, so the argument ran, was a copy of the Constitution, an adequate supply of white-out and the replacement of all references to the Queen with references to the president.

Malcolm Turnbull's committee was appointed with the express purpose of validating the white-out, or so-called minimalist approach.

This hand-picked and grossly lop-sided committee was expressly prohibited from canvassing the intrinsic worth of whatever arguments there might be for and against an Australian republic.

In my view, some of the initial euphoria in favour of a republic began to dim when the Prime Minister refused to appoint people such as Geoffrey Blainey, nominated by the Victorian Government, to that committee.

Australians saw that as unfair, and indicative of a Prime Minister who was not interested in serious, logical debate.

It may well prove to be the case that the decision of the Government to appoint such a partisan group, and the willingness of the members of that group to participate in such a biased exercise, has done long-term damage to the republican cause.

Leading republicans, such as Thomas Kenneally, Donald Horne and Malcolm Turnbull, are clearly mortified that the Prime Minister's association with the republican push may have given it a fatally partisan taint.

They have only themselves to blame. If they had not danced to the Prime Minister's tune when the tide of public opinion appeared to be running for a republic, and lent their support to his partisan committee, they would not now face such a dilemma.

It's a bit rich to call for a non-political debate when you have initially connived at its politicisation.

However, as many suspected, the devil was in the detail. Once the so-called minimalist approach began to be examined it became abundantly clear that there was no such animal.

The most spectacular retreat came from Professor George Winterton, a member of the Turnbull committee, who bluntly declared that there was no minimalist position and that really it was all a lot more complicated than originally believed.

Then, of course, there has been the delicious irony of the reserve powers.

The Turnbull Report has made it clear that if Paul Keating ultimately puts a republican referendum to the Australian people, then he will almost certainly ask them to vote for a president having the same power to dismiss a government which cannot obtain supply as that exercised by Sir John Kerr when he dismissed the Whitlam Government in November, 1975.

As I am sure this audience appreciates, there have always been three options regarding that particular reserve power.

The Senate's current power concerning money bills can be left precisely as it is. It can be removed. Finally, there could be a provision inserted in the Constitution requiring an automatic dissolution of both houses if there is a deadlock over the passage of supply.

There is no likelihood that the Australian people would, in the foreseeable future, vote to reduce the power of the Senate over supply. It would be against all tradition and history for the Labor Party to support an extension of the Senate's power through adoption of the automatic dissolution option. That leaves us with the status quo.

If the Prime Minister does follow the path I have predicted he will not have maintained the Whitlam rage of 1975. The great irony will be that the very Senate power which produced the very event which was the source (however unreasonably) of the modern push within the Labor Party for a republic will have been maintained intact in the Keating vision.

In recent weeks the fourth Prime Ministerial phase of the campaign has emerged. It can best be called the "be nice to the Queen" phase.

Wittingly or otherwise, Paul Keating has decided that the current monarch is quite a respected figure in this country. As Gough Whitlam has observed, she also knows a thing or two about handling Prime Ministers.

Commencing with his Balmoral visit, the Prime Minister has decided that he might breathe fresh life into his cause by creating the impression of a friendly relationship between himself and the Queen.

But of course he has gone further. He has implied that the Queen, with a wink and a nod, has given her support to his republican aspirations. That no such thing has occurred is no barrier to his inferring the opposite.

It is typical of his style that he should seek support for an Australian republic by first suggesting that if Sir Robert Menzies were alive today he would be a republican, and then implying that the Queen herself understands and sympathises with his position.

They are the kind of opponents he likes. Their names give respectability to his assertions, but neither can reply. The first is prevented for the most obvious of reasons, and the Queen cannot

respond by reason of constitutional propriety. He knows that. That is why he has said and implied what he did regarding her attitude. She can't correct him.

However, as many, to their pleasure, observed, the late Prime Minister's widow made plain her views of the Prime Minister's grubby attempt to enlist the Menzies name.

These then have been the four major phases. There have been several ill-fated minor phases which have quickly come and gone.

He foolishly raised his Catholicism while in Ireland, which produced a collective groan of embarrassment from many Australian Catholics, republican and anti-republican alike.

In doing so, he stirred the ashes of a fire which once raged furiously in Australia but has thankfully been long extinguished.

The Prime Minister tried the Sydney Olympic euphoria for just twenty four hours. Such was the hostility at his attempt to make partisan political capital out of the successful Sydney bid that he dropped off that approach very quickly.

That he should have attempted it in the first place betrayed a lack of sensitivity on his part to the overwhelming desire of Australians to keep partisan politics completely out of great sporting events.

The poetic justice was that the Prime Minister's clumsy attempt to link the successful bid with his flag and republican designs only served to underline the fact that Sydney and Australia had been accorded the great honour of hosting the Olympic Games in the year 2000 because of what we are as a nation and a people – not because of what some people would like us to become.

That the Prime Minister has been through so many phases in his campaign illustrates a fundamental aspect of the whole republican debate.

That is the lack of a solid core of persuasive, positive arguments as to why we should change, fundamentally, a Constitution which has helped deliver such stability, unity and tolerance for almost one hundred years.

At no stage have we heard the authentic and convincing "How Australia will be better" speech from the republicans. We have not been told how our liberties will be expanded, the quality of our public life enhanced or the respect we self-evidently enjoy in the world increased.

It is neither reactionary nor old-fashioned to adopt the Burkean view that institutions should not be discarded unless they have clearly failed.

Good statecraft requires selective conservatism or discerning radicalism – either description will do.

No institution is immutable. A lively, open society should always be ready to question the continued relevance of longstanding institutions. Those which are no longer working should be altered or replaced. Those which continue to serve the national interest should be preserved and defended.

The republican push has angered many Australians for the very reason that there is no evidence of the present arrangements for a non-political head of state under our Constitution failing the national interest.

They see little point in changing something which works well, when so many institutions and arrangements in Australia are not only inadequate but working positively against the national interest.

Although republicans work overtime to paint their opponents as locked in the past and out of step with contemporary thinking, the true institutional troglodytes are often to be found cheering the Kennelly/Keating view of life.

There is something absolutely perverse and absurd to hear supporters of the Prime Minister speak in hushed reverential tones about the glories of a centralised industrial relations system which has so clearly failed Australia's national interests.

The origins of that system lie in the years before World War I. It has been out-paced and out-moded by a dramatically transformed world economic climate within which Australia must operate.

Yet such is the institutional grip of union power within the labour movement, that Mr Keating and his followers cannot shed their allegiance to an institution that no longer works for Australia. In a final irony, that very union power was a dubious inheritance from Britain, whose positive bequests the Prime Minister and his ilk are so keen to denigrate.

Isn't it extraordinary that some of the British attitudes and institutions republicans would like us to retain are the ones that do us harm, yet they wish to shed those which appear to work.

Inter-governmental arrangements are another case in point. There would be few to deny that Commonwealth/State financial relations represent the area most in need of reform within our national governance.

Three years ago, the former Prime Minister, Bob Hawke, with generous bipartisan help from the former New South Wales Premier, Nick Greiner, attempted the task of reform in the Commonwealth/State financial area.

Through a malicious act of self-serving sabotage, the then Member for Blaxland, the now Prime Minister, poisoned the Labor Caucus against the Hawke initiative. He stymied a genuine attempt to reform an area of our constitutional arrangements which clearly was not working.

With breathtaking hypocrisy, he then embarked, after becoming Prime Minister, on a campaign to change an area of our constitutional arrangements which clearly was working and continues to work.

Although the republican momentum has slowed, it would be foolish to think for a moment that the debate has been won.

I suspect it has entered a long, lethargic stage. That is worse news for republicans than for those opposed to change.

Australians no longer see the change to a republic as a simple thing without risk. There is a greater recognition of the complexity of change.

Also, there is one set of polls which truly haunts the Prime Minister and his followers. They are the polls which show that if there is to be a republic, the overwhelming majority of Australians want to elect the president directly.

Such an approach is anathema to the republican vanguard. They, and many others, know that such an arrangement would alter for all time the nature of our system of government.

It would entrench rival centres of political power. As someone who has been a senior participant in Australian politics for almost twenty years, let me say without any fear of contradiction that an Australian president, having a popular mandate, would feel infinitely more powerful in dealing with an incumbent Prime Minister than would any Governor-General, irrespective of the formal powers which might be given to that president.

As we move to the next phase of the debate, there are two lines of argument which the defenders of the present Constitution should further emphasise and develop.

The first of these is the simple and positive argument that the present arrangements for a head of state deliver, better than any alternative available under a republic, a politically neutral head of state.

Australians want a politically neutral umpire to sit at the apex of our system of government. That is one reason why so many of them say the president should be directly elected if a republic were to come about.

Their belief is that a popularly-elected president would be politically more neutral than one chosen by another method. This belief is almost certainly not well-founded, but that is not the point I make.

History tells us that four former senior politicians, two Labor and two Liberal, have served as Governors-General. They were successively McKell, Casey, Hasluck and Hayden.

A degree of controversy surrounded the appointment of each, more so in the case of McKell and Hayden than with Casey and Hasluck.

Without exception, all were subsumed by the neutrality and apolitical character of the office.

This came about through the unique character of the position they occupied.

Each of them owed their appointment to the government of the day. However, once having been appointed, the apolitical conventions and practices attaching to the office, and distilled over hundreds of years of experience, insulated them from implied political obligations to the government which appointed them.

So it was that McKell did his constitutional duty in granting Menzies a double dissolution in 1951, to the great chagrin of many Labor people who wrongly believed that "Bill would do the right thing". Of course, he did, but it was not the right thing they wanted.

Likewise, the current Governor-General, despite my own personal misgivings about his original appointment, which were based on his pro-republican attitudes, has behaved with both dignity and complete party political neutrality.

The other argument which should be more strenuously developed is to draw attention to the way in which an almost ritualistic use of the external affairs power by the present government is, bit by bit, handing over Australian sovereignty to foreign committees and institutions.

We should all be indebted to some excellent studies of this done by my colleague, Senator Rod Kemp, of Victoria.

He has graphically illustrated an astounding and quite irrefutable proposition.

That is that the alleged loss of sovereignty in sharing our head of state with a number of other nations is quite minuscule compared to the massive erosion of national sovereignty which has occurred in recent years through adherence by this country to so many international conventions and treaties.

In 1986, the Australia Act abolished residual appeals to the Privy Council. None other than Gough Whitlam said that, "It is entirely anomalous and archaic for Australian citizens to litigate their differences in another country before judges appointed by the government of that other country".

Yet, as Senator Kemp has pointed out, five years later the Hawke Government ratified the so-called optional protocol of the International Covenant on Civil and Political Rights, which enabled Australians to take complaints to the UN Human Rights Committee.

In February, 1993 the Keating Government further opened the doors to allow Australians to litigate their differences before a UN Committee.

There can be no argument with proper redress procedures for human rights infringements. But surely it is within our own wit, competence, dignity and self-respect as a nation to provide for the resolution of those matters once and for all within the borders of our own country.

Such examples of sovereignty thrown away make a mockery of calls for Australia to become a republic in the name of achieving national independence.