

## AC PAPER NO. 15

# “When the Queen goes, we’ll get our republic”, says PM Julia Gillard, Malcolm Turnbull, Gough Whitlam and other republicans. **WRONG!**

*(They are in conflict with Mike Keating: CEO of ARM on this)*

Quite apart from not having an interim (or any) proposed alternative (republican) Constitution whatever to show us, even after 12 years since the 1999 referendum and even with 2 former republican Chief Justices of our High Court and a raft of republican constitutional experts available to design one, the statement misses the point completely.

Because we have a successful:

1. Constitutional Monarchy (also described as a “Crowned Republic”); and
2. a Constitutional Monarchical **System** (also described as a “Crowned Republican” system).

And it is the **system** represented by the Monarch of the day that gives us, in Australia, the otherwise unobtainable **above politics** Head of State, our Governor-General.

As has occurred for generations, it is the **system** which defends our “perfectly good functioning democracy ... It’s a uniquely Australian system that works well.” (Malcolm Turnbull, 16/7/2001 – *The Australian*). The Monarch of necessity changes, leaving the **system** to continue. Whilst we are indeed unusually fortunate to have Queen Elizabeth II as a universally and highly respected Monarch (even by many republicans) as Queen of Australia, it is the **system** we support, represented by the current Monarch and by our Head of State, the Governor-General.

The independent UN Nov. 2010 HDI report confirms its superiority. Go to <http://hdr.undp.org/en/statistics/>. Of the 169 countries rated, the top 10 include 7 Constitutional Monarchies (or Crowned Republics), with Australia no. 2. Those 7 Constitutional Monarchies are all in the top 5% of all the countries rated by the UN.

So it’s not a case of “when the Queen goes”, but rather of designing a published republican constitution which obviously has a politician as its necessarily-elected or appointed President, a person who is **above politics**. This poses an enormous challenge (where is there a President above politics?)

As republican former Chief-Justice Sir Gerard Brennan wrote,

“...the principal objection to an elected Presidency is the risk, perhaps the likelihood ... that the President might exercise executive and, possibly, reserve power to impair the powers of the Prime Minister and Government. There would be two hands on the tiller of national interest”

and

“If a presidential election were conducted on a platform of policy, would not the President have a mandate to implement the policy even if it were opposed by the Prime Minister”

(4<sup>th</sup> Geoffrey Sawer Lecture, 14/7/2008; p28.)

In other words, we would end up abandoning our Westminster System and having a U.S. type system rejected by Turnbull and many republicans. “Republicans will never agree to abandon the Westminster System” (Turnbull: 16/7/2001, *The Australian*) – and rejected by various polls in 2002 in Canada living right alongside the USA and voting 87%-73% (78% in French-speaking Quebec) in support of its constitutional monarchy.

**P.T.O.**

## **Plebiscites.**

If republicans seek to change our 110 year-old successful system of government, they should be confident that they can design a model they believe is better for all Australians and that that model is supported by a demonstrable majority<sup>i</sup> of those seeking change.

In the words of leading republican constitutional expert Prof. George Williams of UNSW, “a plebiscite is a glorified opinion poll; it does not have any constitutional significance whatsoever.” (*Hansard* 13 April 2009)

Further, if they are confident that theirs is a better system (which it must be to have designed it), they should put it straight to referendum, thus avoiding the 2 very costly and delaying plebiscites the powers of which are quite unknown to the electorate, and cannot change anything. “Labor assumes that the process would take about a decade” – republican leader John Warhurst in Warhurst & Mackerras (eds) *Constitutional Politics* (Brisbane: UQP, 2002; p24.)

## **Inevitable?**

- From ARM's Web site: Ten Critical Questions:

Q. 5: “If a republic is inevitable, why not just wait for it to happen painlessly and without effort?

An Australian republic is achievable but not inevitable. Nothing in politics or life is inevitable. Strike out the word inevitable. The republic has to be worked for... The idea of inevitability has not served republicans well: it is just a get out clause for lukewarm republicans.”

Comment: it's inevitable only if republicans can design a model which is better for all Australians. Is one available?

## **And another point**

How can the 82%<sup>ii</sup> of us who don't even understand our **present** system of government, which has served us well during its entire life, vote it down for a model that 100% of us haven't even seen? Especially when a senior republican expert, Prof. Greg Craven, says of our Constitution:

*“I also passionately believe in the Australian Constitution.”*

*“...it is one of the great democratic documents of the modern world.”*

*“The ultimate proof of the Constitution's quality has been its fundamental success.”*

*“The Constitution is the greatest asset we have”*

*CEFA News*, Vol. 1, 2004.

*“Our Democracy is very strong indeed... It works.”* – PM Julia Gillard, *The Australian* 8 September 2010.

## **Summary:**

It is the **system** constitutional monarchists support, a system proven by the UN and by experience to be superior to most other systems.

The Monarch represents that system, and will of necessity always change.

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<sup>i</sup> How can this majority be known? Whilst an answer is awaited from republicans as to which model they support, it has been suggested that they need to demonstrate democratically which of their menu of models has majority grassroots support.

<sup>ii</sup> The Australian Government's Civics Expert Group found that “**Only 18% of people know something about the content of our Constitution**” – i.e. **82% DON'T!** (See AC Paper No. 9)

The national importance of its report is reflected in the fact that it is held by 83 of Australia's leading libraries. These include those of the High Court of Australia and Australia's leading universities. Go to < <http://www.nla.gov.au> > (National Library of Australia) to learn which library is nearest you. It is not on the net. Both sides support Civics Education – see AC Paper no. 4, but only ACM is giving effect to it. Go to [www.crownedrepublic.com.au](http://www.crownedrepublic.com.au) for ACM's project.