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Friday, 22 October 1999

The questions you should ask at a meeting on the republic

There are now many community meetings that attempt to educate the people on a republic. Many of these meeting however are not information sessions but DIS-information sessions for they never raise important legal considerations. Rather they concentrate on emotional issues. This is fine, as long as people know that there is much more to be discussed; in general, they do not.

The following provides the vital legal questions which must be answered for the public to have the full information necessary to make a valid decision at the forthcoming referendum. These questions must be answered by the republicans as the onus is on the republicans to justify the change they attempt to bring upon all Australians.

Hence in a meeting on the republic it is worthwhile to force the discussion onto the new Constitution. The potential dangers in the new clauses is the major problem the republicans have in presenting their case. For this reason they have concentrated on the emotional aspects of the republic and not on the legal questions that introduce the new power structures.

Following is a series of questions that demonstrate the legal deficiencies in the republican model. Each question is preceded by a description of the issue involved to ensure the reader understands the context of the question.

For the edification of the reader this document ends with the standard republican 'recipe' of inconsequentiality used at most republican meetings. It is taken from the *Lakes Mail* (September 16) where the 'recipe' script was written by Wendy Machin (Deputy Chair - Australian Republican Movement). The *Lakes Mail* printed my response next to Wendy Machin 'recipe'; both are presented for balance. (After this was published the *Lakes Mail* made repeated requests to the republicans for a further response which was never forthcoming.)



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Written and authorised by Kerry Spencer-Salt B.E. LL.B (Hons), *The National Watchman*, on behalf of the Australian Community Organisation

The questions you should ask at a meeting on the republic

Introduction

There are two ways to divide the issues on the republic - **EMOTION** and **LOGIC**. For instance the republicans put forward the view that the public currently has no representation in the selection of the Governor General; they say that the representation provided with the republic's Constitution, with politicians selecting the president, will be better. This is the emotional aspect. A logical reply is "Will the representation be the same 'representation' that we got on the sale of Telstra or the introduction of the GST or will it be a different and better representation?"

In the emotional debate one fundamental aspect has been left out of the public awareness campaign. This is the many legal ramifications to our system of government that will be introduced by the republic legislation¹. It is believed, presumably, by those that ignore these vital issues in the debate that the people are not able to understand them.

The legal understanding are however too important to be left out. Even in ancient Israel the need for the people to understand the law was fully accepted as part of the political process.² The people were better informed 3000 years ago then they are today.

The following tries to rectify this deficiency of the republic debate. To simplify the presentation it is done with an introduction to the legislation and a representative question that will introduce the issue for discussion at a republic meeting.

¹ Constitution Alteration (*Preamble*) Act
Constitution Alteration (Establishment of *Republic*) Act
Presidential Nominations Committee (*Presidential*) Act

² Here it is also advantageous to review Josephus (A.D. 37 - A.D. 100, *Against Apion* II,18) who states "for he [Moses] did not suffer the guilt of ignorance to go on without punishment, but demonstrated the law to be the best and most necessary instruction of all others, permitting the people to leave off their other employment, and to assemble together for the hearing of the law, and learning it exactly, and this not once or twice, oftener, but every week; **which things all the other [secular] legislators seem to have neglected** [emphasis added]"

Two Fundamental Sections

The discussion begins with two simple pieces of the new republic legislation. These have great potential for political abuse; they are Section 62 and Section 70 A. They were introduced at the last moments of the legislative process; they are a major departure from the bills presented to the public on the government web-site in June this year. For this reason both the June and the current versions of the bills are provided for comparison. *Interestingly, the most objectionable parts of these sections were not in the June version of the bills.*

Section 62

<i>Section - June 1999</i>	<i>Section - Currently</i>
<p>The Prime Minister may, by signed notice, remove the President with effect immediately.</p> <p>Within thirty days after the Prime Minister removes the President, the Prime Minister must seek the approval of the House of Representatives for the removal of the President.</p>	<p>The Prime Minister may, by instrument signed by the Prime Minister, remove the President with effect immediately.</p> <p>A Prime Minister who removes a President must seek the approval of the House of Representatives for the removal of the President within thirty days after the removal, unless:</p> <ul style="list-style-type: none">(i) within that period, the House expires or is dissolved; or(ii) before the removal, the House had expired or been dissolved, but a general election of members of the House had not taken place. <p>The failure of the House of Representatives to approve the removal of the President does not operate to reinstate the President who was removed.</p>

The dangers of this section is that

- i. The Prime Minister can dismiss the President unilaterally. The dismissal is effective without notifying anybody, i.e. the Parliament, the Senate or the President. Note that the order takes effect **AS SOON AS THE PRIME MINISTER SIGNS THE ORDER.**
- ii. There is no provision for the Senate to make any objection!
- ii.. While approval must be sought from the House of Representatives two conditions exist under which this does not need to be done at all. Realistic scenarios can be constructed to show that this provides for a *constitutional crisis in waiting*.
- iii. Even if the House of Representative objects they cannot reinstate the President.

Thus, to introduce this issue at a community meeting, you must be able to state,

THE PRESIDENT CAN BE SACKED BY THE PRIME MINISTER IMMEDIATELY AND THERE IS NOTHING THAT THE SENATE OR THE HOUSE OF REPRESENTATIVES CAN DO ABOUT IT ! ISN'T THIS A DICTATORSHIP ?

NOTE WELL : It is important also to finish a question with a question; A QUESTION WITH AN EMOTIONAL OVERTONE IS EVEN BETTER!

Section 70 A - POSSIBLE DICTATORSHIP

<i>Section - June 1999</i>	<i>Section - Currently</i>
Subject to this Constitution, any prerogative, immunity, preference or right derived from the royal prerogative and enjoyed by the Crown in right of the Commonwealth immediately before the office of Governor-General ceased to exist shall be enjoyed in like manner by the Commonwealth and, in particular, any such prerogative, immunity, preference or right enjoyed by the Governor-General shall be enjoyed by the President.	UNTIL THE PARLIAMENT OTHERWISE PROVIDES, but subject to this Constitution, any prerogative enjoyed by the Crown in right of the Commonwealth immediately before the office of Governor General ceased to exist shall be enjoyed in like manner by the Commonwealth and, in particular, any such prerogative enjoyed by the Governor General shall be enjoyed by the President.

The words **“Until the Parliament otherwise provides”** allow the Parliament to vary the Prerogatives at its discretion, at any time it wishes. While the power of the Parliament is made **“subject to this Constitution”** there is nowhere else to be found in the Constitution the necessary, legitimising permanence given to the Prerogatives.

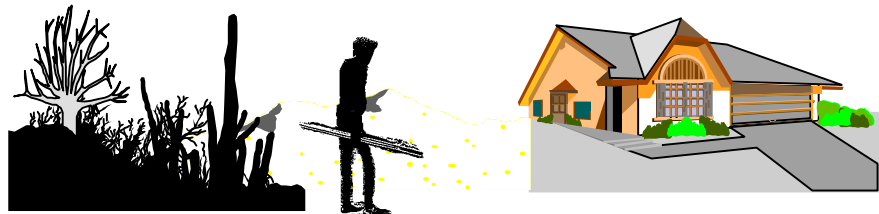
**SECTION 70 A OF THE NEW CONSTITUTION
ALLOWS THE PARLIAMENT TO REMOVE ALL THE
PREROGATIVE POWERS OF THE PRESIDENT.**

**THE PREROGATIVES ARE THE POWERS OF THE
CROWN. THUS THE PARLIAMENT CAN REMOVE
THE ‘PRESIDENTIAL CROWN’ MAKING THE
PARLIAMENT THE COMPLETE SOVEREIGN.**

**ISN'T THIS EXACTLY THE SAME MECHANISM
THAT HITLER USED IN NAZI GERMANY ³ IN 1933
TO GAIN THE POWER THAT LED TO THE
SLAUGHTER OF MANY MILLIONS?**

Section 70 A - YOU WILL LOSE YOUR LAND

As noted previously the words that start Section 70 A “**Until the Parliament otherwise provides**” allow the Parliament to vary the Prerogative at its discretion, at any time it wishes.



The Prerogatives are the powers of the Crown; all land title is held in the name of the Crown and exercised under the power of the Prerogatives. Thus land title in a republic will have *a fundamental uncertainty* not associated with the traditional English land tenure system. In a republic nature and meaning of ‘land title’ can be varied at any time by the Parliament.

The Parliament could, for instance, legislate to have a communist system of land tenure. With the correct exercise of the new powers of the Parliament all land, even your home, could become State land and not Crown land. Or, the Parliament could give the Northern Territory away to create an aboriginal nation (in order to meet international treaty obligations); it could give all mineral rights of the Northern Territory to multinational companies - FOREVER!

³ But the above is not just emotion - It is reality! Australian historian Professor Geoffrey Blainey wrote on this aspect of the republic in the *Australian National Review* (April 1999). He gave a warning for all Australians of a horrendous past created by another seemingly simple constitutional change.

“Australia is not Nazi Germany. And yet the fact remains that in the 1930’s one of the most civilized nations in the history of the world, a practitioner of democracy slid into dictatorship, partly because at the very top its constitutional checks and balances were found wanting. Hitler rode roughshod through the Constitution because he became both President and Chancellor.

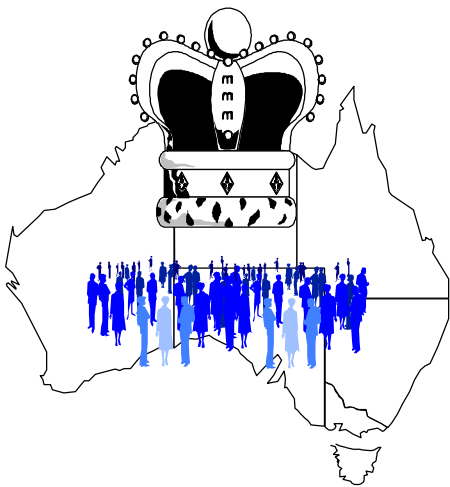
Does our new republican Constitution prevent that? I doubt it. You say, “It won’t happen here? But without the necessary checks and balances on the rights and duties of the of the President and the Prime Minister there may not be anything to prevent it happening here”.

**SECTION 70 A OF THE NEW CONSTITUTION
ALLOWS THE PARLIAMENT TO REMOVE ALL THE
PREROGATIVE POWERS OF THE PRESIDENT.
LAND TITLE IS A PREROGATIVE OF THE CROWN.**

**WOULD THIS NOT ALLOW THE AUSTRALIAN
PARLIAMENT TO CREATE STATE LAND THAT IS
OWNED AND ADMINISTERED BY THE
GOVERNMENT JUST LIKE IT IS DONE IN
COMMUNIST RUSSIA?**

As an example the Parliament, exercising this provision, could deed the Barrier Reef to the *Microsoft Mineral Company* in exchange for payment of the national debt. (Not so unrealistic when you realise that Microsoft have greater assets and incomes than many countries). From this point the Barrier Reef and all its wealth would never be recoverable, in law, by the future generations.

How the Governor General Protects Your Land



Today we have forgotten what the English Crown really is! The Crown could have equally have been called the People's Wealth, the People's Power or the COMMON-Wealth. The Crown is the holder of the People's Wealth and the Governor-General is the *Trustee on the People's Behalf*.

The Governor-General has the job of ensuring the People's Wealth is held not just for present generations but for all future generations. (It is for this reason that the power of the sovereign must be unlimited).⁴

The Australian Community Organisation believes that when the Crown disappears native title will become a complete legal estate. Farmers may even have to pay feudal land tenure taxes to the aboriginal land councils. There is a separate 30 page analysis of the law in regards to pastoral leases and how this might develop in a republic. Should you like a copy you should send \$7.50 to *Australian Community Organisation Publications* P.O. Box 136 Surry Hills NSW 2010. Alternatively it is free in Adobe Acrobat format by requesting it by e-mail (funance@easy.com.au).

⁴ Dicey saw the people as the true sovereign. The Monarch is representative of the people. Thus to limit the power of the Monarch is to limit the power of the people. For "no human being knows how far and to what extent the nation wishes that the voice of the reigning Monarch should command attention." (E. V. Dicey *The Law of the Constitution* (10th ed) 1865 MacMillan & Co London P 463)

Thus the Parliament cannot, under our present arrangements, transfer the People's Wealth on a permanent basis ⁵; it is why the Governor General is given real power NOT to pass all Acts of the Parliament - **SO THE GOVERNOR GENERAL CAN PROTECT THE COMMON-WEALTH OF THE PEOPLE.** ⁶ But, as the Parliament become the new sovereign in the republic's Constitution, this protection will be lost to the people. (See Section - Parliament the New Sovereign).

3875 Words mean FUNDAMENTAL CHANGE

If the coming referendum is successful there will be **2,506 WORDS ADDED** to the Constitution and **1369 TAKEN OUT**. In total there are **'3875 WORDS' OF CONSTITUTIONAL CHANGE**.

The total number of words in the all the clauses of our 1901 Constitution were less than 10,250. The proposed changes are 37 % of the original Constitution.

THIS IS THE 37 % REFERENDUM.

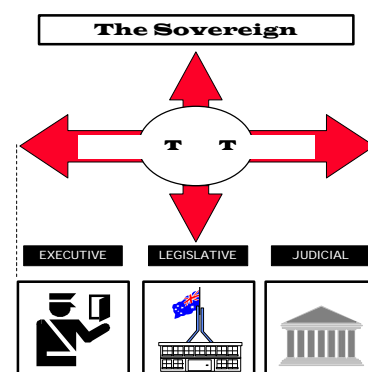
The end result of this massive change, according to the government's publicity machine, is that the only difference will be that the name of the Monarch will have been changed to 'President'." Such an apparent and massive dent in the Australian constitutional fabric to change one word defies all belief.

THE '3875 WORDS' OF CHANGE SPEAK FOR THEMSELVES. Even the change of a single word in a Constitution can have dramatic effects on the destiny of a nation.

⁵ It is true that they can assign rights, through Acts of Parliament, to mine land etc. but the land itself remains owned by the Crown.

⁶

There is the traditional *separation of powers* that exists between the Executive, the Parliament and the Judiciary. There is also a vertical separation of power between the Parliament, i.e. the law making machine, and the source of power, i.e. the Sovereign. This structure provides absolute power to the Sovereign. The protection however is that power must be exercised under laws created by a separate body, the Parliament. **Without this protection all power would exist in a single constitutional entity.**



Parliament - THE NEW SOVEREIGN

The hidden reality is the referendum creates a new Constitution. The fundamental changes to the power of the President include

- A.. Prerogative and Reserve powers become subject to and modifiable by the Parliament (Section 70 A).
- B.. The Head of State can be removed at any time by the Prime Minister without consultation with Cabinet, the Senate or the House of Representatives (Section 62).
- C. The President MUST act on the advice of the Prime Minister or his Ministers. There is no independent EXECUTIVE discretion (Section 59).

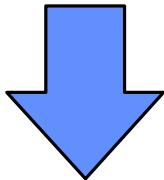
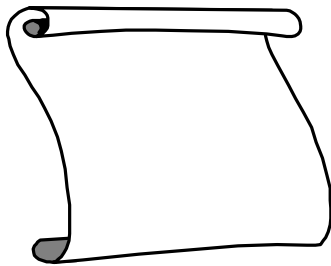
2,506

1369

DOES THIS NOT MAKE

PARLIAMENT

THE REAL POWER?



**3875 Words
of Change**

The end result is that there is a new sovereign power to replace the Monarchy. **THE NEW SOVEREIGN POWER IS THE PARLIAMENT.**

The Last Minute Words That Hint at our Future

It will take time for this change to develop but what is important is that there is no constitutional safeguard to stop this fundamental transfer of sovereignty. There is rather a *constitutional crisis in waiting*.

The danger is that, when the full potentiality of change is completed, the sovereign power of the nation and the law making machine will reside in one constitutional entity, i.e. the Parliament.

With this understanding one might say that *the President is only the President for the time being*. There will come a time when the true sovereign, as created by the republic's Constitution, will announce themselves.

Interestingly, there is a hint of this in the republic's Constitution in the definition for President (Section 127). As with all important changes it came at the last minutes. It was not there at the third reading speech of the House of Representatives. The bills went to the Senate on the last possible day and came back with the following important addition. "**The President means the President for the time being**".

THERE WAS A LAST MINUTE CHANGE TO THE CONSTITUTION. IN LIGHT OF ALL THE ADDITIONAL POWER THE PARLIAMENT GETS WITH THE REPUBLICAN MODEL IT IS INTERESTING TO THINK WHAT THE NEW CLAUSE IN SECTION 127 - DEFINITIONS MEANS.

THIS NEW CLAUSE, INTRODUCED AT THE LAST MINUTES IN THE SENATE, STATES,

"THE PRESIDENT MEANS THE PRESIDENT FOR THE TIME BEING"

WHAT DOES THIS MEAN AND WHY WAS IT INTRODUCED IN A HURRY ?

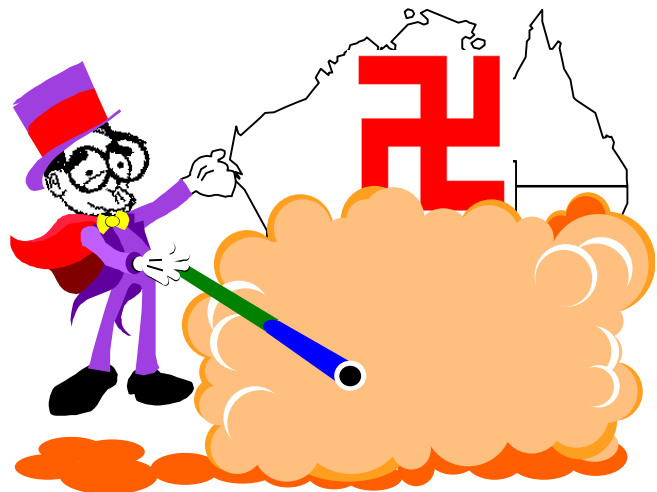
WHEN THE PRESIDENT STOPS BEING THE PRESIDENT DOES THE PARLIAMENT BECOME

The Republic's Law made Simple

Remember the words introducing Section 70 A, "Until the Parliament otherwise provides". These allow the Parliament to vary the Prerogatives at its discretion, at any time it wishes.

Add to this that Section 59 that the President must act on the advise of the Prime Minister and all independence of the position of Head of State is no more than an illusion. And Section 62 says that the Prime Minister can dismiss the President at any time !! The republic's law is simply the following,

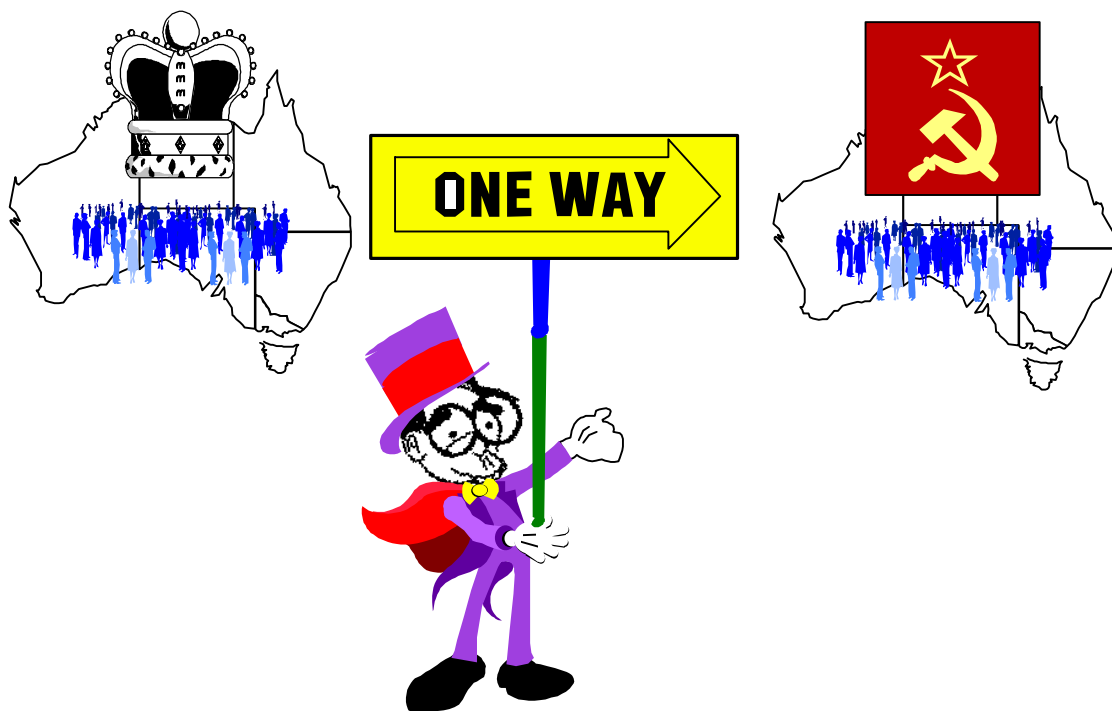
"Ensure that the President's decisions are controlled by his Ministers, let a the Prime Minister sack the President on the spot but specify that he does not have to be replaced and allow the Parliament to remove all of the powers of the President".



THE EFFECT OF SECTION 59, 62 AND 70 IS TO TAKE THE DISCRETION, THE PERMANENCE AND PREROGATIVES OF THE CROWN AND GIVE THEM TO THE PARLIAMENT. HOWEVER *THE CROWN COULD HAVE EQUALLY HAVE BEEN CALLED THE PEOPLE'S WEALTH, THE PEOPLE'S POWER.*

IS NOT THE REPUBLIC ABOUT TAKING ALL THE POWER OF THE PEOPLE AND GIVING IT TO THE POLITICIANS SO THEY CAN CONTROL THE PEOPLE'S WEALTH?

WILL NOT THE END RESULT BE THAT THE RICH-END OF TOWN GETS CONTROL OF ALL THAT THE WORKERS OF AUSTRALIA BUILT OVER ALL THEIR GENERATIONS?



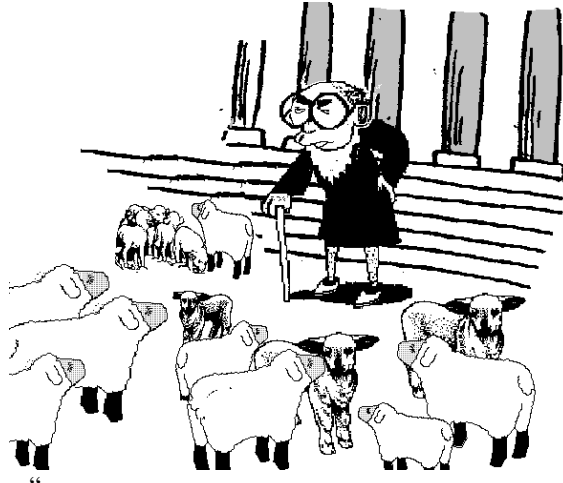
IT ALL HAPPENS ON NOVEMBER 06.

**The republic seals the fate of Australia
AND THERE WILL BE NO GOING BACK.**

Is There Tyranny to Come ?

There can only be one result from such a constitutional structure. It was once said and is now widely acknowledged that *'power corrupts and absolute power corrupts absolutely'*. If Lord Acton's warning is correct we can logically surmise that for Australia tyranny MUST follow if the republic is adopted at the referendum. This is not **EMOTION**, it is **LOGIC**.

On John 'the Herod' Howard



On this account it was that Herod revolted from the laws of his country, *and corrupted our ancient constitution*, by the introduction of foreign practices. The constitution ought to have been preserved inviolable; by this reason we became guilty of great wickedness afterwards. Religious observances which use to lead the multitude to piety, were neglected... for upon the change Herod made in our government, he introduced such customs, and these in a violent manner, which the people had never been used to before. He pretended 'kingly' reasons but, in reality, they showed him to be an enemy to the whole nation"

Flavius Josephus (A.D. 37-100)
Antiquities of the Jews Book XV Chapter VIII-I

In 1945 Australians on the Kokoda track fought not for a country, its soil or its wealth. It was to preserve the liberties, protections and freedoms, bound in the English Crown, so that this heritage could be passed onto future generations.

Today we must adopt the 'Kokoda spirit' and with that determination fight, with all possible political means, to stop the *potential to tyranny* that the politicians seek to provide as their legacy to our children.

This means informing others of your concerns and ensuring the republic is destroyed. A simple **'NO'** at the polling booth will go a long way to reviving our "Kokoda heritage".

There is not much else that has to be added to the above. If one remembers the law of Lord Acton, that *"Power corrupts and absolute power corrupts absolutely"*, then what is coming is clear.

Exercise your responsibility as a community member and ensure that you are at any community meeting and apply the presented understanding.

THE FINAL QUESTION

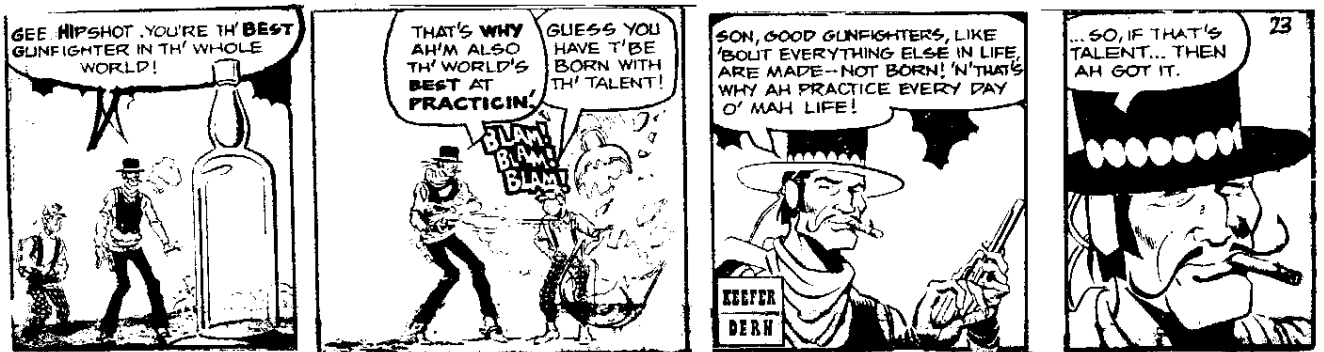
AUSTRALIA HAS BEEN THE MOST STABLE DEMOCRACY IN THE WORLD UNDER A CONSTITUTIONAL MONARCHY.

REPUBLICS LIKE CHINA UNDER CHAIRMAN MAO AND CAMBODIA UNDER POL POT HAVE SEEN MANY MILLIONS DIE.

REPUBLIC'S ALLOW UNCONTROLLED POWER TO THE ELITE. TODAY OUR PARLIAMENTS SEEKS ALL THE POWERS OF THE GOVERNOR GENERAL FOR ITSELF. IMAGE THE RESULT!

WHY DO WE WANT TO ADOPT A SYSTEM OF GOVERNMENT WHICH IS TRADITIONALLY ASSOCIATED WITH DEATH, TORTURE AND THE LOSS OF LIBERTY FOR THE SUBJECTS?

Finally remember **PRACTICE MAKES PERFECT**. So if you want to be good at the meeting have practice sessions asking the questions. You must be able to deliver the questions without hesitation - as second nature.



Reproduction of

LAKES MAIL

September 16 1999

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**The REASONS WHY YOU
SHOULD VOTE**

YES

**By Wendy Machin, Deputy Chair
Australian Republican Movement
(Former National Party Minister -
NSW Fahey Coalition)**

Response

**Constitutional Law Specialist
Kerry Spencer-Salt, B.E. LL.B. (Hons)**

“Is this surrender? Opponents of a Yes vote in November have given up arguing the case against replacing the Queen with an Australian head of State. Instead, to ensure Charles 11 is our next King, they are now creating a smoke-screen by trying to whip up fear about the manner in which the new President can be dismissed by a Prime Minister.

"It will be easier for the Prime Minister to sack his gardener than the president," is their hysterical cry.

So what is really proposed, and what is the situation today? The facts render hollow claims by monarchists that the republic will create an all powerful bogey-man Prime Minister- indeed they prove the opposite.

Today a Prime Minister can dismiss a Governor General with just a courtesy call to the Queen. These are the very arrangements which Kerry Jones and other monarchist leaders keep telling us form part of the "best Constitution in the world" which is the "envy of many nations."

“Ms Machin states the Governor General can be dismissed with a courtesy call to the Queen. This is simply a wrong statement. In 1974 the ALP actually wrote to the Queen requesting that Her Majesty fire the Governor General to save Whitlam.

The ploy didn't work proving that when needed our present system of a Head of State being beyond political or any corruptive influence is effective.

Arguably, the Queen is the one person on the planet who all must agree is most likely ,to be beyond corruption.

But under the new Constitution, the Prime Minister can fire the Head of State on the spot with no questions asked, reasons given or even disclosed. This is fact enshrined in the new Constitution document.

The dismissal powers under our new republic will be very much the same as they are now. But in a significant improvement, the Prime Minister will have to be accountable to Parliament for this action.

Eminent constitutional lawyer, Professor Greg Craven notes the current dismissal arrangements are highly desirable, with the Governor General also able to dismiss the Prime Minister. These arrangements will remain the same post a Yes vote in November.

This, he says, provides a balance of powers between the Governor General and the Prime Minister to prevent ill-considered action by either office holder. No Governor-General has ever been dismissed by an Australian Prime Minister and because of this, it is somewhat difficult to see what would possibly challenge this precedent because the head of State was an Australian, instead of the English Queen.

So, if Australia becomes a republic, the Prime Minister actually has less power than today, because if a decision is made to; dismiss the President, the Prime Minister must, under the Constitution, account for his or her actions to the House of Representatives - the People's House.

Failure of the Prime Minister to gain support for the dismissal in the House of Representatives would be an effective vote of no confidence in the Prime Minister and, thus the Government of the day. A vote of no confidence means the Government falls, a new Government must be formed or a general election held.

This provision means that no Prime Minister would risk government in this way with a political or frivolous dismissal of the Head of State.

The Republic model is also a vast improvement on what we have today because whereas now, the Prime Minister can appoint whomever he wants to replace a dismissed Governor General-gardener, driver, mother, or even a foreign citizen.

Monarchists adopt an appalling double standard on this whole issue.

First, they say the present dismissal powers, which would be the same under the republic, are dreadful and give the Prime Minister too much power. But on other occasions, they say our present system is the best in the world. Which is it to be?

The truth is it *will*. be easier to fire the President than to fire the gardener (Ms Machin has got the Monarchist's "hysterical cry " around the wrong way) who at least has some recourse under Industrial Relations legislation.

Not scare tactics, but a fact which has even senior republican supporters like Harry Evans, Clerk to the Senate and one of our most senior parliamentarians, voicing concern.

Ms Machin says the Prime Minister must account to Parliament to dismiss the President and that this is a value-added safeguard to what we have now.

Wrong. The truth is there is no provision in the new Constitution Acts which makes in the this possible. It is in black and white in the new Constitution. The Prime Minister does not have to account to anybody, not Parliament or the people, to fire the President.

He is obliged to account for his actions to Parliament *after* the event, but even if Parliament disagrees with the Prime minister's action, the President is not reinstated.

Ms Machin says in this event it would be tantamount to a vote of no confidence in the Government resulting in the fall of Government and a general election. Not true. There would be no Head of State to enforce it.

Our exiting Constitution prevents this dangerous situation from arising in the first place because the Prime Minister cannot fire the Head of State before the Head of State fires him. Whitlam tried it. Under the new Constitution, however, the Prime Minister simply fires the President on the spot. He can't fail to get in first.

Ms Machin says it was the Australian people who "judged the action of the political leaders" in the Whitlam affair.

Not true. It was the Governor General who, using his one and only power to preserve the Constitution while the law machine was put back in place, who saved the day. He represented the people of Australia through the Crown and his power was the only power the people of Australia had to defend their interests (still is).

And it is "very silly", to use Ms Machin's own words, to talk about the Governor General being a gardener, driver or a foreign citizen. The Prime Minister makes the appointment and it's his choice, not the Queen's. Simply a misleading comment.

Another contradiction is their argument which maintains that Australia is already an independent country, so why change. But in the same breath leading monarchist and federal minister, Tony Abbott argues the Queen is a brake on the unfettered power of the Prime Minister. Acting as a kind of regal tribunal, she would not let an unfair dismissal of a Governor General to occur.

So which is it? Independent country, or one where the Prime Minister can be pulled up by a Queen thousands of miles away if she thinks he, with a mandate from the people, is being a little unwise. Is Her Majesty there as a benign judge on the actions of the Prime Minister, or is she really prepared to leave us to our own devices?

The latter is the case. Her Majesty has a great deal more faith in common sense of the Australian people than do her supporters. Of course she would not override a decision by a Prime Minister, and Monarchists here know that. To suggest her simply being there and drawing breath is actually a safety mechanism protecting us from ourselves is really very silly.

As was clearly demonstrated in the Constitutional turmoil following the sacking of the Whitlam Government in 1975, Her Majesty rightly believes that the Australian people, and not her are the one to judge the actions of our political leaders.

The republic we will be voting on in November simply confirms long standing practice but adds a homegrown extra, which is more accountability through Parliament should a Prime Minister, however unlikely, move to dismiss a President.

I have no idea what Ms Machin means by saying the Queen has the power to "pull up our Prime Minister."

The Queen has no power over our Prime Minister except through the Governor General purely in the context of a safeguard. Neither the Queen, nor the Governor General, has any power in Australia to make or influence laws.

But I note that Ms Machin fails to mention that under the new Constitution, upon instant dismissal of the President at the Prime Minister's whim, this becomes a real and, highly dangerous possibility. In other words, law and power will -not maybe - effectively be vested in one person.

As Mr. Andren [House of Representatives, Calare] said in Parliament:

"If the Prime Minister's chosen President were not to be approved, there is nothing in the new Constitution to stop the Prime Minister from leaving the position vacant.

"In effect, monarchical powers would automatically transfer to the Prime Minister."

Apart from ensuring the compliance of the President through fear of instant dismissal (no reason need be given) or the carrot of being the President in perpetuity, both of which decisions is the sole right of the Prime Minister under the new system, the Prime Minister will have an obvious hold on the President, particularly when it is a President of his own choosing.

Moreover, the Prime Minister can easily control the *Presidential Nominations Committee* of 32 even if the entire parliament is against the nomination. He simply appoints his own 16 non-political committee members and the convener who has a casting vote. There is no mechanism to prevent this in the proposed new Constitution.

I note also that Ms Machin's YES argument, apart from being seriously wanting in factual accuracy, makes no mention of the alarming risks and the costs, and is extremely light on genuine benefits to support the proposal.

More jobs? Better standard of living? Better credit worthiness abroad? Safer? What will we actually gain? She doesn't actually say. She concentrates instead with a rhetorical attack on our genuine and understandable fears.