

In 1901 Australia's most important founding document and symbol of our national life, The Australian Constitution was enacted, establishing the Commonwealth of Australia as the world's fifth federation. Our founding fathers devised a constitution for a democratic and independent nation. The constitution they gave us serves to provide, and give protection to, the framework of our system of government and it remains relevant as the heart of Australia's identity. However, pro-republicans frequently denounce its relevance in Australian society. They argue that a Constitutional Monarchy cannot be distinctively Australian and debate the relevance of the monarch within the Australian Constitutional framework. The very framework in which Australia's system of government and politics is structured. The proceeding discussion will explore the importance of the Constitutional Monarchy and the stability, safety, and freedom it provides, from which this nation continues to benefit. This essay will argue that The Australian Constitution, the way it stands, remains uniquely and distinctively Australian and enjoys continued relevance, contrary to republican's claims that it is outdated and no longer significant.

Of the many sides to the republican cause, the notion that our head of state should be an Australian and positioned democratically appears most senior among them. With the introduction of The Royal Style and Titles Act 1953, the Australian parliament legislated, under Prime Minister Menzies, to provide Australia with a monarch who is distinctively Australian, the Queen of Australia. An act of parliament to which the Queen gave her consent. But is the Queen really our head of state? In addressing the Australians for a Constitutional Monarchy (ACM) National Conference in 2000, Sir David Smith noted that our head of state is the Queen appointed, Governor General (Smith n.d.). According to Gibson (n.d.), civic educator with the ACM, the notion that the Queen is Australia's head of state is totally untrue

and the Federal Attorney General's office cannot produce '...a single document where the Queen is recognised officially as the Head of State.' Further, Gibson stated that the same was true of the Constitution and noted that the Queen's role in Australia's government is fundamentally ceremonial only. When our constitution was adopted by popular vote in 1900, powers were vested in the Queen but were to be exercised by the Governor General. An example of this was seen in 1975 when Prime Minister Gough Whitlam was sacked by the Governor General, Sir John Kerr. The Queen played no part in his dismissal. It was a Constitutional issue, not an issue of the crown.

Having a Governor General provides stability and impartiality in that the executive power is held by a non-political representative of the Queen and is used to keep the political system functioning in accordance with the constitution. One example of the power and responsibility vested in the Governor General includes the powers of Commander-in-Chief of the nation's defence force, thus ensuring that any government or political group cannot use the armed forces against the people. If the constitution was altered to remove our impartial Head of State, who would assume such responsibility? A President with a mandate and power? A President in such a position may be able to use the armed forces to compliment and persuade the political agenda and will of a party. As it stands, in such a situation the Governor General could use the power under the Constitution to dismiss the Prime Minister or parliament. The provision of the Constitution to have an impartial Commander-in-Chief of the armed forces is a safety net against improper use of the forces and goes a long way to protect the people from dangerous elements of a dictatorship. Bill Hayden credited the strength of our present system to the position of the Governor-General who is fully aware of the capacity of which the Head of State is to function (Smith 1994).

According to Waddy (n.d.) the fundamental basis of the Constitution was union under the crown and undermining this basis may initiate unsettling of government forces detrimental to this nation's stability. The majority of free, liberal, and politically stable societies are constitutional monarchies (Gibson, n.d). Australia's constitutional monarchy is one of the longest running and has been tested through depression, war, and peace. Australia's system of government, within the guidelines of the constitution, has been evolving in excess of 100 years. To disrupt or change it for light and transient reasons would be foolish. The republican movement has provided little evidence that there is anything fundamentally wrong with the current system that a republic will fix. The notion that Australia must become a republic has been met with statements that Australia has all the desirable benefits of a republic government and a Constitutional Monarchy without the disadvantages of either. Abbot (1993, as cited in Woodward, Parkin, & Summers 1997, p.133) said '...becoming a republic will not take one person off the dole or one dollar off the debt'. In support, former Prime Minister Bob Hawke is on the public record as saying that 'the well being of ordinary Australian's would not be changed one iota if we became a republic tomorrow' (Smith 1994).

Another aspect of the argument for a republic is that Australia, in order to become truly independent and reach maturity, must sever her political and legal apron strings from Britain and leave her colonial past behind to become a republic. Australia is already a proud, independent, and sovereign nation. The Constitution establishes Australia as a fully independent and self-governing nation with an independent and autonomous federal system of democratic government. Australia's independence was reaffirmed in parliament when Buckingham Palace, in response to Gough Whitlam telephoning to appeal his dismissal,

informed Mr Speaker that the Australian Constitution placed all constitutional matters in the hands of 'our Head of State', the Governor General. I contend that Australia has already come of age and achieved complete independence, partly symbolised by the Queen's title being changed to Queen of Australia, and partly due to the evolving of our system of government for over 100 years since the Constitution came into force. The Australian Monarchy is exclusively Australian, it is unique, it is ours and ours alone, and continues to represent an extremely safe and stable democratic structure of government. With the passing and introduction of The Australia Act 1986, Australia officially ceased to be legally and politically dependant on Britain, becoming free and independent in every way (O'Keefe n.d.). That the Constitution was enacted by parliament at Westminster, should not detract from the fact that it was devised for and by Australians. Republicanism was devised in ancient Rome and further developed in America and Europe. It is therefore more of a foreign concept than that of the British Crown (Maddox 1999, p. 558).

Republicans who wish to remove the constitutional monarchy from the constitution but have difficulty deciding on what is appropriate and relevant to today's society to put in its place. The minimalist option is intended to simply sever the connection with the British Monarch and change the parts relating to the head of state. Such a proposal would require a parliament elected president, assuming the powers of the Governor-General. It is estimated that seventy changes to the constitution would be needed to create a republic, mostly of these purely related to the election of an Australian Head of State. But we already have an Australian head of state and constitutional umpire in the Queen appointed Governor-General. The Constitution has done a tremendous job at keeping Australian politicians and politics in order. The Constitution is structured around the crown and to make changes to remove the connection with the

monarchy could result in political instability (ed. Healey 1998, p.22) and restrictions on political power and historic democracy could no longer be guaranteed.

Regardless of the many other issues relating to the formation of an Australian republic, the fact remains that our solid, unifying, and refined Constitution and federal government will need to undergo complex changes. Prior to the Constitutional Convention of 1998, the republican movement had formulated up to ten different models for a republic, from which they could not decide which the most appropriate. This uncertainty for change was highlighted by the 1999 referendum result when many pro-republicans voted no. Apparently they were unsure of exactly what to put in place of the current system. The republican's inability to formulate (and agree on) a single workable and concise document to replace the current constitution, without undermining the universal its benefits Australians have come to enjoy, worked against them and may have set back their case for a republic. With no sound and well thought out option, and perhaps realising the great dangers involved with no discernable benefit decided, for the time being at least, to stick with the tried and true system that has served them so well. The onus lies with those who argue against the Australian Constitution and its connection to the Monarchy to specify in detail the precise form in which they envisage a republic to operate in this country

It has also been contended that Australia is already a republic of sorts. Woodward, Parkin and Summers (1997, p.133) notes that Australia is a de facto republic, also termed a 'crowned republic', and the British Monarch has no power at all and links to Britain are symbolic only. Moreover, Edmund Barton, who played an integral part in the drafting of the constitution and later became prime minister, said that under the Constitution, Australia would be a '...republic

in everything but name (Winterton 1994, p.7). Further, Galligan (1995, p.24) submitted, 'Australia is already a republic in that supreme power rests in the people and their elected representatives.' Australia's remaining links to the British Monarchy are now only symbolic and therefore there is little reason to sever those ties, especially when going into the political dark could cause serious short and long-term instability and problems. Little benefit can be had from attempting to carve a republic out of a system that has provided Australia with an enviable record of democratic achievement. Such benefits and stability could not be sustainable if the Constitution was no longer relevant.

When the Constitution was devised and subsequently adopted, certain sections may well have been more relevant for the time period immediately after its enactment in 1901. This is understandable in the early days of shaping a federal government in accordance with the confines of a new Constitution. This does not mean, however, that because such sections are somewhat outdated, that they need to be deleted. In fact, it is all the more reason to leave it alone as a reminder of our colonial past. I have nothing against change, so long as it is of clear benefit. Although I have strong objections to any change that threatens to separate the Constitution from the monarchy, I do support further amendments to the Constitution that assists greater unification, and acknowledges the importance, of all Australian's.

Our Constitution regulates Australia as a free, self-governing, and independent nation.

Although neither the British government nor the British monarch has any power or control of Australia, the Constitutional Monarchy has always provided tremendous stability and support to this nation. Those who argue that Australia is not an independent nation in its own right must ignore history, law, and more importantly, the role that the Constitution has played in shaping and maintaining Australia as a great nation. It has been clearly demonstrated that The

Australian Constitution and its relationship to the monarchy is and will remain distinctively Australian and relevant. Australians should understand it, be proud of it, and make every effort to maintain it.

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