

Monarchism

By PETER MURPHY

... last the Australian people to elect a constitutional president, and the growth momentum will be won by the monarchist and, if we, the people...
... the end of the 20th century, a time when our political leaders - founder to articulate what that independence might be.

The ARM strategy

Turnbull was commissioned to report on the options for Australia to be a republic, and duly reported in 1970 on an appointed president and an elected president. He privately opposed direct election of the president and a bill of Rights. Prime Minister Keating was of the same view. They coined the term 'minimalist', even though they both knew that the people wanted much more than that they were proposing.

Turnbull argued that no referendum had been carried out in Australia without the support of both the Conservative Coalition and the Labor Party. He took the position, 'that the question had to be minimalist, whatever the people might desire. He argued that the liberals would support anything more. He was not really aware of it, but the referendum which gave the federal government power to make laws for Indigenous Australians and other races. That referendum was driven by a 10-year long people's movement, which eventually won the support of both parties. It was a genuine grassroots triumph that should have been a model for the ARM.

Turnbull argued that the Coalition would never agree to take away the power of the Senate to block supply, as in 1975. Therefore, the President would have to have the power to sack the government as happened in 1975. And therefore, it was politically impossible to confer powers of the President to exercise a usually ceremonial role, which could then be used to block legislation by the people.

As for a Bill of Rights, Turnbull thought it would lead to unpredictable results in law and in the courts. He argued that he thought it better to have a Bill written for your rights, rather than to have them fighting for it. He would ask, 'poker-faced'.

Meanwhile, the ARM held launches, lunch-
... and forums. It received positive support. A wide range of prominent men and women expressed support for the ARM. It never developed a democratic life. The formal Party process meant that the ARM was strongly supported by the ARM, and so the Australian Council of Trade Unions. But a substantive debate about what the republic could be was the last thing the ARM and the ALP leaders wanted.

Keating announced that if he won the 1996 election, there would be a simple referendum to decide on the ARM, and the term and final day of the Convention.

Howard calls the shots

In that election campaign, the Monarchist movement for a republic by referendum held a 'People's Convention' to discuss the options with the John Kerr Centre.

He won, and Malcolm Turnbull had to resign. He went, and Malcolm Turnbull had to resign. He went, and Malcolm Turnbull had to resign. He went, and Malcolm Turnbull had to resign.

The emergence of 'New Nations' also sharpened the public debate about what sort of Australia should be, and the Prime Minister's answer was to amalgamate that it sparked new anti-racist and pro-reconciliation movements.

The Bi-Centenary

So it was that in 1988, as the fawning official speeches were made to Prince Charles and Princess Diana as the Man Of Two Steps of the Bicentenary, the people were told that the Malcolm Turnbull decision to do something to end it, and leaders are to launch the Australian Republican Movement.

In 1988 in Hyde Park that day, over 50,000 Indigenous Australians and their supporters celebrated something else. They were declaring their independence from the British monarch. They were celebrating the fact that the Malcolm Turnbull decision to do something to end it, and leaders are to launch the Australian Republican Movement.

A Constitution that's 'broke'
... Eddie Mabo and his people finally won their case about owning 98, putting the words 'Inalienable' and 'indefeasible' into the Constitution. Back in 1988, a people's movement stepped ahead in direct action, after thousands were arrested in direct action, after thousands were arrested in direct action.

Today the Reconciliation Movement has reached the point where Indigenous Australians are calling for 'The Constitutional recognition of their rights and the creation of a public debate on the process and legislative action. This marks the strongest and most significant step in the process to end racial hatred under British rule since 1901.

... created under British rule since 1901. ... created under British rule since 1901. ... created under British rule since 1901.

... a people's document, expressing our basic rights and authority, providing a strong federal environment, power proceeding with electoral reform for proportional representation, recognising local government, and reviewing the federal structure of the country.

In Pitt O'Shane, Maura Rayner, and Tim Costello, they had articulated and highly regarded values, indicators of political party.

The Constitutional Convention almost never happened because Howard unveiled a plan for a referendum where applicants had the delegates, the election was by postal ballot, it was voluntary, and one vote was equal, and the delegates, the election was by postal ballot, it was voluntary, and one vote was equal.

In the election campaign, the ARM told voters that they favoured appointment of the President by a two-thirds majority of the Parliament, but were open-minded about direct election of a President if that was what was required.

The Prime Minister's Convention

The overall turnout for the election was 43.9%. Of the 74 elected delegates, the women 28, the Direct Electoral group won 37, and the Liberal Party group won 37. That could not be classified. That meant a 59.2% majority for republican overall.

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More Constitutional dismay

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John Singleton advertising campaign for the republic can be expected to reduce the question to superficial patriotic sentiment, and gloss over the unpopularity of the model.

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We Australians...

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EDITORIAL

This broadsheet is about republicanism. Since December 1996, the Republican has been asking whether Australia will become a republic there are waves of unease about this information and what a republic will entail. The focus for this editorial is the Republican's view of these issues that have been overlooked by the main media vehicles. The content is independent, taking responsibility for their governance and laws.

They are from a broad range of Australians who are unambiguously republican. For the most part, the theme of exploration is not just about Australia becoming a republic, it is about what else is needed, something more – constitutional reform. In the words of the Hon Sir Anthony Mason AC, KBE: "Perhaps we have been too cautious to approach constitutional reform at a time when the public is extremely cynical about the political process". In the historical scenario of Australia becoming a republic, the first step is to establish an entire identity nationhood?

What we need is the courage to go with the process that was started at the 1996 Constitutional Convention. There was a great deal of support for a referendum that was as far as possible as direct as possible. It gave a breath of fresh air to the republican debate. The two proposals put forward by the convention were: one that Australia should become a republic and secondly, at a later stage there should be an ongoing constitutional review process. For Australia to become a republic it is a must, but significant change. Paul Kelly (The Australian, 2/8/97) made the point that: "It is offensive to most people that 100 years after our birth as a nation, no Australian is able to become our head of state. There is one tradition on Australian cars over held – the highest, the head of state". It is absurd and defies logic.

The question remains do we Australians yet possess the self-confidence to go beyond the status of an independent sovereign nation? The answer is surely that yes. It is also up to us to overcome the anti-democratic tendencies of our politicians who are pushing a republican model that does not encompass the ability for change. A change in how we consider taking the power into the hands of the people and deciding who will be our head of state. Those who dislike change and always stand for the status quo have to "slight Jack", like our Prime Minister, as those who view the history of Australia as static.

We hope that the various shades of the debate presented in this broadsheet will do an informing historic date of November 6th and make the difference. As least an enjoyable meditation.

— Editors, Patrick Thompson & Justin Legge

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What happened in the Kosovo War and after? Views from Croatia, Serbia, Western Europe, the USA, and Australia. Tel: (08) 8242 1911. Fax: (08) 8242 1912.

BY MARK MCKINNA

On November 6, 1999, for the first time in our history, Australians will vote on a question which will determine whether we should remain a part of the British Empire. The referendum is a historic event, one that will be remembered for generations to come. It is a referendum that will determine whether we should remain a part of the British Empire. The referendum is a historic event, one that will be remembered for generations to come. It is a referendum that will determine whether we should remain a part of the British Empire.

Although the republican referendum will be frequently described in the coming months as an "historic opportunity", few republicans will look to the history of republicanism in Australia to understand the choice that lies before them on November 6. We may hear some voices from the past, but the peaceful and stable history of our federation (Indigenous Australians do not agree) and the history of failed referendums (only 8 successful out of 42) but we are unlikely to find support in the history of republicanism in Australia to understand the choice that lies before them on November 6. We may hear some voices from the past, but the peaceful and stable history of our federation (Indigenous Australians do not agree) and the history of failed referendums (only 8 successful out of 42) but we are unlikely to find support in the history of republicanism in Australia to understand the choice that lies before them on November 6.

The glaring omission of references to our republican past in the lead up to the referendum only encourages the perception that the history of republicanism began in 1991 with the formation of the Australian Republican Movement. The media's general aversion to providing detailed historical contexts of national and the apparent reluctance of audience to accept such a discussion, it is still important to understand the history of Anglo-Australian relations. We could also be more willing to explore the republican history which our current crop of republicans seem so reluctant to embrace. If we are to understand the history of Anglo-Australian relations, we could also be more willing to explore the republican history which our current crop of republicans seem so reluctant to embrace. If we are to understand the history of Anglo-Australian relations, we could also be more willing to explore the republican history which our current crop of republicans seem so reluctant to embrace.

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THE REPUBLICAN BACK IN PRINT

BY PATRICK THOMPSON

A step removed from the people, Federation should have major say along with the referendum did not involve the process of a national referendum. The idea of a referendum in 1926 after which Australia's Governor General acted only on the advice of his dominion ministry, the Statute of Westminster in 1931, finally arrived in 1982, which assured the legislative independence of Australia. The referendum in 1982, which assured the legislative independence of Australia. The referendum in 1982, which assured the legislative independence of Australia.

Success and failure are both historical ingredients of The Republican as long ago as 1887. The Republican was founded by no lesser luminaries than the labour originalist George Black, the post-war Liberalism and his activist mother, Louise Lawson. It also had a short life. However, the saying goes, "it is not the failure that counts, it is the success that counts".

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People who are afraid of becoming a republic



We must worry that we are pawns in the power of anonymous controllers.

BY PROFESSOR PHILIP PETTIT

THINK of how you feel when your welfare depends on the decision of another and you have no comeback against that decision. You are in a position where you will sink or swim, depending on the other's say. And you have no physical or legal recourse, no recourse even in a network of mutual friends against the other. You are in the other's hands, you are at their mercy.

The republican flame passed to the English-speaking world in the seventeenth century when the commonwealth tradition, which was forged in the experience of the English civil war, was established and institutionalised. This view that king and people each had a role in the discipline of the same law. Monarchy did not have to be done away with, on this early version of republicanism, but it had to be made part of a constitutional order, and not allowed to become a centre of arbitrary power. Enthusiasts for the idea of a commonwealth in an English form of republic - argued that being protected by a fair law, no friend had to depend on the arbitrary will of another, even the arbitrary will of the king; unlike the French and the Spanish, Britons were a mix of sturdy and independent - even gruff and outspoken - freemen.

But republicans have always defined the efficiency of the state in relation to such things as driving, ultimately, from the goal of people's freedom. And that there are equally better reasons for the state's role. It is not only good, it is necessary. It is restricted in power in the various ways. It may itself pose a danger to people's freedom as non-dependency than any danger it purports to guard against. If the state gives unfettered power to a single person, for example, as in the case of monarchy or dictatorship, then that person will be able to interfere with people's lives and will dominate each and every one of them. Or if the state allows a particular faction or class to control what it does in its name, then the state will have that same dominating power in relation to those not included in that class or faction.

The republican argument on this front has always been that the state must be so structured and constrained that it can act to further only what is by all lights in the common interest. It must not be free to serve the interests of a particular person or family or faction. It must not be the determinant of the interests of the whole. It must not be free to interfere with people's freedom of religion or family or religion. It must not be free to oppress or to oppress their freedom overall - though it may be to reduce that freedom, to make them into a subjected, systematically vulnerable class.

If you understand the experience of exposure and vulnerability to another - and if you can see what is awful about it, then you are well on your way to understanding republicanism.

What constraints has republicanism generally imposed? The most prominent constraint is the separation of powers. In the early 1600s, and in the period of the French revolutions, was a concern against monarchy - a reflection of the sense that the state must be so structured that it cannot be dominated by any one person or group. This meant that the state must be so structured that it cannot be dominated by any one person or group. This meant that the state must be so structured that it cannot be dominated by any one person or group.

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But it should be remembered that there was always more to the republican vision of institutions than a hostility to monarchy. Indeed, this hostility disappeared in the commonwealth tradition that took shape in late seventeenth century Britain.

would let loose precisely that sort of arbitrary control such populism has nothing to do with republicanism and should be roundly criticised as republican in no particular, Indigenous Australia - ambitions.

standing, electronic "sound-bite" advertising. Embracing republicanism, as it is, the state, would mean opposing these arrangements for campaign financing, then and looking for a radical reform of the laws on which decisions are based.

This experience of domination by another seems in many forms. Think of the child of the emotionally volatile parent; the wife of the occasionally violent adult; the student of the teacher who forms arbitrary rules and dislikes. Think of the employee whose security requires keeping the boss and manager sweet; the debtor whose fortunes depend on the caprice of the money-lender or bank manager; or the small business owner who is entirely dependent on the attitude taken by a bigger competitor or a union boss. Think of the welfare recipient whose fortunes hang on the mood of the control clerk; the immigrant or indigenous person whose standing is vulnerable to the whims that rule politics and talk-back radio; or the public employee whose future depends, not on what they would do for the political profile that they would for an ambitious minister. Think of the child who is vulnerable to the culturally and institutionally unrestrained grasp of youths in the local area. Or think of the person who is the offender whose level of punishment depends on how far political activists are prepared to whip up a culture of vengeance.

In all of these cases someone else is in the driver's seat. They are not free to do as they please, they have the power to inhibit them. The dominated person escapes if treatment, that is by the grace of another powerful. The person lives in the power or the mercy of those others; they occupy the position of a vassal, a subject, a slave for master - in his or her life.

This argument has been made in relation to the British or American colonies because they were free, they had to depend on the arbitrary will of another, even the arbitrary will of the king; unlike the French and the Spanish, Britons were a mix of sturdy and independent - even gruff and outspoken - freemen.

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The initiation of an Australian republic - should prompt us to reflect, not just on the agenda of government, but also on the constraints under which it operates.

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Philip Pettit is Professor of Social and Political Theory in the Research School of Social Sciences, Australian National University. He is author among other books of Republicanism: A Theory of Freedom and Government. (Pettit, 1992)

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Stay in the republican camp

BY TIM COSTELLO

PASSIONATE PROVOCATIVE POLITICS This is the heritage of new voices of the 1990s

AUSTRALIA'S ECONOMIC REVOLUTION John Edwards An argument that the economy has entered a new 'growth' phase, changing the way we think about growth, employment and the environment.

EMPLOYEE CONTROLS OVER PRIVATE LIFE Ronald McCulloch How do your boss or employers are increasingly restricting their power over the lives of their employees.

A BILL OF RIGHTS FOR AUSTRALIANS Robert Williams A new bill of rights for Australia, including the legal protection for human rights in Australia.

DEADLOCK OR DEMOCRACY? The Paterns of the 1990s Brian Carter (Ed) An examination of the 1990s by leading thinkers like John Gorton, John Laing, & Henry Shue.

From republican freedom to republican institutions

Republicanism in its Roman and neo-Roman guise has been distinguished, not just by the importance it attaches to non-dependency, but also by the sorts of social and political institutions that it has generally favoured. For freedom to be worth anything, to be in the efficacy of the state for certain purposes, and second, to be in the state to restrict the state to the pursuit of those purposes.

The lessons of republicanism

Republicanism, as it has stressed that a deep resonance with the relations of security subject to the institutions of security. It is also reflected in many of our political institutions, and in the party because of our history in eighteenth century Britain. It is also reflected in our political institutions, and in the party because of our history in eighteenth century Britain.

In the July/August edition of Eureka Street Bill Garner has drawn his readers' attention to the mythological importance of camping for Australians.

It is not only good, it is necessary. It is restricted in power in the various ways. It may itself pose a danger to people's freedom as non-dependency than any danger it purports to guard against. If the state gives unfettered power to a single person, for example, as in the case of monarchy or dictatorship, then that person will be able to interfere with people's lives and will dominate each and every one of them.

didn't last long, we were the first country to innovate with proportional representation which has allowed minor parties like the Democrats and One Nation to have a real voice in our parliamentary process. Australia was the first country to give women the vote, and in the Judge Higgins' Sunshine Harvester decision concerning the basic wage, we included the cast of a daily newspaper ensuring that all families could make well-informed decisions.

And a campaigner's staunchly amateur, knowing that you don't need a lot of money to set up a good camp, just as most Australians would about a big, flashy, money-hedged election like those we see for the Presidency of the US. This is why I am reluctant, in the first instance, to support a directly elected president of our republic. I don't want to see the election of a president depend on donations from media magnates and other multi-national interests. I would rather see us achieve as the outcome of a quieter process like those espoused by good campers as they set up their tents. I'd like to see as Australian citizens, that we have the autonomy to select a group of people who could be well-versed as head of state, and then to let two-thirds of the directly elected representatives, from both sides of the house, make the final decision.

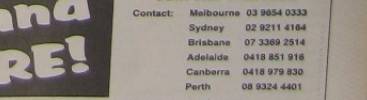
And Australia has a grand tradition in this its democratic ethos. It was elected in 1859 in Queensland and its democratic ethos.

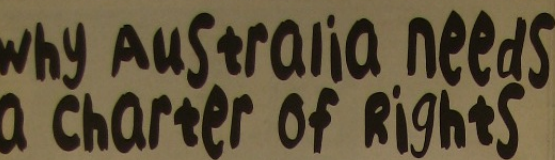
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WORLD SERIES?

(v) I would meet my international treaty obligations.

Australia has ratified an international treaty in order to respect the rights of aboriginal, cultural, social, political and economic rights of the indigenous people. It has actually overridden the rights of the Commonwealth in order to do this. We have actually overridden the High Court. In the best case, federal proceedings are not brought retroactively after the High Court. In the worst case, federal proceedings are brought retroactively after the High Court. In the best case, federal proceedings are not brought retroactively after the High Court. In the worst case, federal proceedings are brought retroactively after the High Court.

BY STEVEN MCLEAREN

3. The arguments against constitutional entrenchment

The arguments against constitutional entrenchment are numerous. Some range from dissatisfaction with the status quo to 'our country's not taking seriously the fact that it might be a nation of two peoples' - one public and one private, and the risk, all rights being denied, that a charter could be misused to oppress the vulnerable. The rights of the vulnerable (equality could strike special provisions for disadvantaged minorities, for instance) or entrench values that don't stand the test of time - as the US Constitution originally protected the right to own slaves. A charter might, some fear, encourage people to engage in anti-social activities (e.g. race-harred groups or anti-environmental free speech rights), corporate or individual rights to sue for damages, and guarantees to the detriment of the common good. It might also encourage companies claiming free speech rights to sue for damages on the argument that rights give too much power to the plaintiff. Some fear that lawyers would undoubtedly be the most popular of the Canadian model, setting out general rights which would be subject to interpretation in a 'free and democratic society'. This would be subject to judicial review, not evaluations of legislation. The 'wide-ranging policy' would be subject to judicial review, not evaluations of legislation. The 'wide-ranging policy' would be subject to judicial review, not evaluations of legislation. The 'wide-ranging policy' would be subject to judicial review, not evaluations of legislation.

Commonwealth will not acquire property except on just terms. This does not stop the wholesale acquisition of Aboriginal land without compensation for its cultural, social and spiritual loss. The State can do so. The rights to trial by jury relate only to indictable Commonwealth offences and is bypassed by legislating for summary trial, even when the penalty is imprisonment, guaranteed freedom of religion is prevented a state parliament from taking it away, and the principle of freedom of discrimination is limited to freedom in another state.

The High Court has, over the last decade found other unwritten freedoms in the Common Law, international obligations, and the principles of democratic government implied in the Constitution. It has rights to freedom of political communication, to legal representation, to cross criminal trials, and to procedural fairness which includes government giving consideration to Australia's international human rights obligations, that these rights depend on the High Court's opportunity to consider them, and to its reactive recent 'activism' may have been a transient phase in a long tradition of judicial narrow-mindedness. The Common Law and litigation has not protected fundamental rights and freedoms well. It's only law-made law over all, and can be and is regularly overridden by Parliament.

The Constitution says nothing at all about freedom of expression (affected by laws about defamation, blasphemy, sexual, sexual harassment, incitement, obscenity, hate speech, homosexual vilification, contempt of court and parliament, and contempt of parliament, and assembly and movement (denied by State or local laws that constrain the use of public space). The Constitution doesn't protect lawyers and institutions that have become vitally important in balancing citizens' rights against government power (Freedom of Information, ombudsmen, administrative tribunals and tribunals for administrative decisions). It does not, to say what State governments, in the exercise of their prerogative, have to give citizens' rights and freedoms, unless they happen to cross state borders and discriminate among citizens of different 'localities'.

1. Aren't our rights adequately protected already?

Australia inherited several 'bits of rights' when it was colonised. English Common Law and the Bill of Rights, and included the Magna Carta, the 1689 Bill of Rights, other English statutes providing historically significant rights and freedoms, and the Bill of Rights, and a political history of power struggles between the parliament, courts and the Crown. Some of the old rights have been whittled away or become irrelevant. The Constitution, by not entrenching a divine right to rule, these days, is fine.

2. Would a constitutionally entrenched charter make a difference?

Would constitutionally entrenched rights make a difference? I believe they would. (1) A charter would enhance democratic government. (2) A rights charter clearly limits what your government can do to you, the citizen. Technically, executive government is answerable to Parliament, but if this is to be the basis of our rights and freedoms, we would do well to remember that the Commonwealth Parliament (the people's voice) passed the Constitution Party Bill in 1992, and that Parliament frequently remove fundamental freedoms, such as rights of access and the presumption of innocence, and to operational, not compulsorily acquired or damaged property. In modern times, our country is dominated by unaccountable, undemocratic political parties or bypassed by institutions. The new institutions that check administrative behaviour referred to above are easily neutralised in Victoria since 1992. This has included removing the Supreme Court jurisdiction, amending the Constitution in the deal of night, abrogating tribunals and sacking judges, limiting complaint and review mechanisms and installing independent watchdogs of the public interest such as the Auditor General. Rights charters limit the power of executive government to manipulate or destroy such bodies.

3. How could Australia entrench rights?

Not all rights should be constitutionally entrenched. Of the vast range of democratic, political, social, economic, cultural, and socio-economic rights, some could be left to the courts or others, specifically legislation. Let us consider a couple of the options for rights that could make a difference. (1) A Bill of Rights. The US model bill of rights of the system of federation, a war for independence, and civil liberties, and the bill of rights grew from a sense of collaboration. The US model bill of rights would prevail over state legislation and executive or legislative action, but not executive or legislative action. Our Constitution grew from deals between those who were originally settlers, many who were first-settlers. The US model of a bill would not be accepted in Australia, which has already federated without bargaining with one, because it would limit State sovereignty and be bitterly opposed. A bill of rights could make a difference. (2) A Bill of Rights. The US model bill of rights of the system of federation, a war for independence, and civil liberties, and the bill of rights grew from a sense of collaboration. The US model bill of rights would prevail over state legislation and executive or legislative action, but not executive or legislative action. Our Constitution grew from deals between those who were originally settlers, many who were first-settlers. The US model of a bill would not be accepted in Australia, which has already federated without bargaining with one, because it would limit State sovereignty and be bitterly opposed. A bill of rights could make a difference.

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