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AUSTRALIAN CONSTITUTIONAL MONARCHY

DECEMBER 1992 - QUARTERLY NEWSLETTER

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Michael Kirby

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Some observers try to picture the supporters of constitutional monarchy in Australia as a group of silly old duffers who just cannot grow up. Nothing could be further from the truth. Indeed, it is my belief that support for our constitutional system of government is a truly radical position in a world of rapid changes: not all of them for the better.

Among the chief threats to world peace and individual human rights today are populist politics and nationalism. Just take a look at the former States of Yugoslavia and the Soviet Union. Indeed, look virtually anywhere in the world at the moment. You will see fission, old nationalistic hatreds, the break-up of countries, bloodshed and turmoil.

To stand fast by a stable constitution in such a world is to refuse to join the hum-drum majority for fashion's sake. After Hiroshima, we should all be internationalists. For my own part, I will resist the narrow nationalistic beatup put forward by some republicans. Much of it is based upon old hatreds of England which are quite irrelevant to real Australian interests today. We should not give way in Australia to such a movement; however popular it may

be in other countries. We should stick with our international monarchy.

The reason why many Australians were shocked by the dismissal of the elected Whitlam Government in 1975 was precisely because it was so out of line with the ordinary conventions of constitutional monarchy as it has developed in recent decades. Some agreed with the dismissal. Others disagreed. The election which followed did not confirm the Governor-General Kerr's actions as such. But it then gave legitimacy to the Fraser Government. It was the very novelty of the dismissal of the Prime Minister in our system of constitutional monarchy that caused such a sense of shock and sense of outrage.

Yet once there is an elected president, he or she would have a separate source of legitimacy. It might come from a direct election by the people. It might come from an election by Parliament. No-one in the republican movement seems quite sure. Based upon such legitimacy, can it really be doubted that a president of the future might not feel, from time to time, a "mandate" to dismiss the elected government which no representative of the Crown would feel? This is much less likely with a hereditary constitutional monarchy. The very nature of the system, depending ultimately upon an accident of birth, reduces that risk in today's world. I wonder if the local politicians who favour the republican system have really thought through the consequences?

At the moment there is only one real source of power in Australia. This is the people and the governments and Parliaments they elect. Yet if there is a republican president, the tables may be turned. Potentially, there would be two heads in the State: the President and the Prime Minister. This is not so under our present arrangements. The Crown and its representatives are fundamentally symbolic and in my view should remain so. They give advice and

warning. The reserve powers are very rarely to be used today. The greatest check on their use derives precisely from the fact that the peoples' will is exhibited in the elected officers of government. We should keep it that way. It might not remain so if we substituted an elected official for the Crown's appointees nominated by the government.

That is why, the system which we have inherited, nurtured and developed in Australia is to our present State of full independence exactly the one that suits us. It is, as it has been described, a crowned republic. We have a monarch who is universally admired and respected as a person and as a highly professional sovereign. The recent separation of the Prince and Princess of Wales is unfortunate. But it does not touch the basic institution of constitutional monarchy. In Australia, the only member of the Royal Family who has any constitutional rôle at all is the Queen. Fortunately, she enjoys good health. Her mother is still well and active at 92. May the Queen live so long. Indeed, in the words of the *Coronation Anthem* "May the Queen live forever"!

The system which the Queen symbolises in the Australian constitution is one of peaceful, temperate, tried and tested government. It is trendy in some quarters to be a republican and to embrace its superficial attractions. But retention of the constitutional monarchy is the truly radical position. It may seem old-fashioned to some. But, paradoxically enough, it is, in fact, a very modern system of government. It tempers the excess of majoritarian democracy and a return to savage nationalism. It reminds all officials that they serve and do not rule. It tells us all that there are things above partisan strife where we are not Labor, Liberal or Democrat - but Australians. With our Queen who is represented by an Australian Governor-General and Australian

Governors all of whom give an example of duty and service, as the Queen herself has done for 40 years.