



**AUSTRALIAN MONARCHIST LEAGUE INC.**

**Roots in our past. Growing for our future**

# Liberty

The newsletter of the Australian Monarchist League

June 2020



**The High Court has Ordered the Release  
of The Dismissal Papers.  
*(Communication between the Queen and her Governor-General.)***



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### LETTER TO MEMBERS – JUNE 2020

Life is starting to get back to normal in Australia, although there are some fears of a second wave. Lessening fears to be sure, but nevertheless still fears.

However, the new normal will be unlike life as it was before the pandemic. Many businesses will undoubtedly become unsustainable leaving thousands of people jobless, with most having to be retrained and to adapt to new careers.

Elderly people still need to be cautious until a proven vaccine is developed. As with the Spanish Flu of 1918, it is not so much the flu itself but the way in which it exacerbates existing conditions. I am pleased to say that those of our members with whom we have been able to make contact around the country are doing well. If anyone would appreciate a call, please do let us know.

It is very easy to blame the government for not closing borders to international travellers and establishing a lock-down sooner, but they have never been faced with a pandemic like this on Australian soil in modern history. On the other hand, there are still those who claim there should have been no lock-down. Only history will tell.



The question before people's minds is now whether it is legal for state governments to close their borders to Australians from other states. After all, we are a federation and came together 119 years ago to create a single united nation. Section 117 of the Australian constitution provides that: "A subject of the Queen, resident in any state, shall not be subject to any other state to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other state." Of course, the High Court may determine that the interests of a state overrides a state's obligation to persons outside that state, but whatever the Court may say, refusing to allow entry of Australian citizens from outside a state by that state government is against

the tenor of the constitution. As the preamble to our constitution states "*Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, (WA joined afterwards) humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the constitution hereby established.*"

### REPUBLICANS AT IT AGAIN

Within the Australian Monarchist League, we have been updating as much as possible and clearing the decks ready to both service our membership and to oppose republican initiatives, of which there are many. Mostly misinformation, but then the media have conditioned the populace to thrive on propaganda and republicans are more easily able to misinform as a result.

They, the republicans, send out regular emails boasting of their achievements. In their latest missive they allege they are connecting with 'hundreds of thousands' of Australians online and that their list of registered supporters has been growing.

The media, as always, have been promoting them in whatever way they can. At a time when most news is about the virus in other countries, it surely can't be that they are starved of Australian news but are purposefully setting out their agenda to replace the constitution.

It has been recently reported that “*A resurgent republican movement is campaigning to replace the monarch as head of state with an elected president and hopes to hold a referendum in three years’ time. A new surge in support among under 25s for a republic has boosted the movement’s hopes that this time they will succeed.*”

We are told that “*A Dynata poll carried out last June showed support for a republic among under-25s had grown to 57 percent, while 50 percent of those aged between 25-35 also were in favour of the constitutional change.*” (Dynata is an online market research firm based in the USA.)

However, a newspaper, in seeking our comments, has sent us details of a YouGov poll conducted in February of this year which produced the rather surprising result that 13% of respondents, including 29% in the ACT, would like to have a monarch based in Australia.

In fact, prior to his marriage, we do know that there was strong support amongst monarchists for Prince Harry to be invited to be king in Australia, but our constitution specifies that the monarch shall be the same as that of the United Kingdom.

The YouGov poll indicated a support level of 42% for a republic which is contrary to the republicans own polling but is about in line with our own unofficial surveys. Whilst the poll reveals support for the monarchy is at only 37%, when added to the 13% - those who prefer an Australian monarch, it clearly shows that 50% are not in favour of a republic and that is not counting any of the 9% undecided.

All in all, I would guess that republicans would not be happy with this poll particularly the low level of support of only 27% in the ACT which was the only state & territory to vote Yes in 1999. However, we can take no assurance from this poll, as it canvassed only 1038 people.

We ourselves will not be funding any polls until a plebiscite or referendum, is formally announced, besides we do not have the funds to conduct proper polling, and even if we did, we would not waste it on such matters this far out from the potential plebiscite/referendum campaign. Instead, we are developing our educational programme so that Australians can learn more about our constitution and the role that the Queen and the Crown play within it. It is also important to let people know about Magna Carta and how fortunate we are to live in one of those countries in which Magna Carta has established the basis for the parliament, the law and, importantly, the presumption of innocence.



## Royal crisis: Why William WON'T save monarchy in Australia as public support plummets

Published in the Express newspaper – a British rag distributed in Australia and obviously a supporter and promoter of a republic in Australia, had publicised comments by Sandy Biar, the Executive Director of the ARM (and an army reservist who has sworn allegiance to the Queen), in which he said “*Our national identity has well-outgrown the British heritage that we perhaps started with. The monarchy doesn’t represent Australians, represents only a very small number of Australians who still cling to a heritage which is not our national identity. More and more Australians are coming to recognise that Australian history goes well beyond colonisation, that it extends to 60,000 years before that, to the era of the first nations of Australia.*” All this under the absurd heading “*Royal crisis: Why William WON'T save monarchy in Australia as public support plummets.*”

Biar ludicrously argued the monarchy was a ‘divisive’ force in Australian political life and the country needed a head of state with undivided loyalties, who would stand up for the country’s interests.

This duplicity, this utter nonsense, truly makes one think of Shakespeare’s words in *The Tempest* “*hell is empty and all the devils are here.*”

Of course, we all recognise that the indigenous peoples were in Australia long before the arrival of the British in 1788, However, it was that arrival that brought the rule of law to this country. We were a British colony but developed into the sovereign and independent nation of Australia with its own unique identity based on our own unique constitution.



The raising of the British Flag by Governor Phillip

The comment that “*The monarchy doesn’t represent Australians, represents only a very small number of Australians who still cling to a heritage which is not our national identity*” is, in itself, both contradictory and untrue but it was nevertheless published by the biased Express newspaper.

Amongst so many, what can only be termed ‘gossipy’ articles, this scandal-sheet also carried an article headed “*Kate Middleton title snub: Why Kate will never be Queen.*” It then goes on to mention that she will be ‘Queen Consort’. We all know the difference between ‘Queen Regnant, which the Queen is, and ‘Queen Consort’, which the Queen Mother

and Queen Mary were, being wives of a king, and which Kate will become when William assumes the Throne. However, many people would assume that the Duchess of Cambridge is being side-lined by the Queen, which was the intent of this article.

We therefore urge all monarchists to refrain from purchasing such a biased and purposely misleading newspaper.

## THE DISMISSAL PAPERS

Doubtless you would have heard that the High Court has ruled that communications between the Governor-General and the palace was the property of the Commonwealth and could not be deemed to be private/personal correspondence.

This means that Professor Jenny Hocking will be allowed access to the 211 letters that had hitherto been kept confidential. These letters deal with correspondence between Sir John Kerr and staff at government House, Yarralumla, and the Queen and staff at Buckingham Palace.



The republican Prof. Hocking

Professor Hocking is a national committee member of the Australian Republican Movement and make no mistake, her pursuit of this correspondence is an attempt to involve the Queen in the dismissal of the then Prime Minister, Gough Whitlam.

She will dredge through every word and come up, most probably, with her own assumptions which will be broadcast in the media possibly without regard to the actual detail itself.

Included in this newsletter is a chronology of what happened on that fateful day, the 11th November 1975 - the dismissal of the Whitlam government - together with an explanation by Sir John Kerr on why he had made the decision to withdraw the commission he had earlier given to Gough Whitlam to form a government.

Even though some articles in the media are reporting that Sir John had used the Queen’s reserve powers. He did not. He actually used the powers that devolved upon him, as Governor-General, under section 64 of the Australian Constitution which states:

*“64. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish. Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen’s Ministers of State for the Commonwealth.”*

The Coalition under Malcolm Fraser was in opposition, but they were able to persuade non-aligned senators to join them and block supply to the Whitlam government. This meant that the government was not able to pay its bills, including wages of public servants. Earlier actions of the Whitlam government in attempting to raise funds on the open financial market at high interest using fraudulent brokers had led to an erosion of Australia’s standing in the world.

Sir John Kerr was therefore facing a political crisis in which the government was coming to a standstill and it was up to him to resolve it. He had requested the Prime Minister, Gough Whitlam, to go to a double dissolution but Whitlam only wanted a half Senate election which, Kerr felt, would not have resolved the issue in time.



Sir John Kerr

He therefore took the unprecedented action of withdrawing his letter of appointment to Whitlam, which effectively dismissed the government, and instead appointed Malcolm Fraser as caretaker prime minister but only on the basis that he (Fraser) went immediately to an election. The election was held on the 13th December 1975 resulting in the massive defeat of the Whitlam government. This election essentially approved the action taken by the Governor-General.

This is what our constitutional system under the Crown is all about where the power of the nation must always rest in the hands of the people and not politicians.

With regard to the correspondence, obviously the palace would have been concerned at the looming crisis and would need to be informed of events occurring in Australia – after all, the Queen is sovereign head of state in

Australia, but this does not mean in any way that either the Queen or her staff were manipulating the Governor-General. However, this is probably not the interpretation that the arch-republican, Professor Hocking and her cohort Peter FitzSimons will put on it.

Of course, we would not have anything to fear if the papers were to be inspected and reported upon by unbiased and apolitical academics.

## AML HQ

AML is now headquartered in an early 19th century historical house in Paddington, Sydney. Whilst cocktail parties are still some time off, we are looking at organising small groups to visit the house and learn something about its history cumulating with a champagne afternoon tea. Further details will be advised in due course.

## OUR EDUCATIONAL PROGRAMME

We have commenced the groundwork of our educational programme which will also be sited in the Paddington complex. The programme, which is still taking shape, will comprise mainly:

- Online information for all Australians.
- Written information.
- An online school with lectures and visits to the state and national parliaments.

The programme, including the online school, will be free for any Australian, or applicant for Australian citizenship, to access. We can only hope that we will be able to achieve the task we have set before us with the financial help of supporters.

In this newsletter, and in following newsletters, we will be including some of the teaching aids we are developing.

## OUR WEBINARS

We commenced holding online fortnightly meetings, using zoom, to bring together our members and supporters throughout the country and, indeed, the world. Even when we are able to hold functions, these webinars will continue but probably on a monthly basis as they reach people whom we do not generally see at physical meetings.

The next Webinar is this Thursday, June 4th at 7:30 pm and is on the Australian Monarchist League. Details have been emailed to members.

## AML IN THE FUTURE

As we had advised earlier, our new website came online recently without any fanfare and your workers have been making full use of the lockdown to continue to develop our online presence. We have been inputting necessary tools to digitalise our website and link it into the social media infrastructure.

This has taken a tremendous amount of work and thanks must go to our voluntary experts for their input and, in particular, Eliot and Josh. This all means that, in the event of an Albanese government in two years' time, we will be better able to face what is to come and which will, in no way, be an honest and upfront campaign.

There was a time when an opposition party would hold the government to account, and not seek to undermine it day in day out, but, I'm afraid, hate and antagonism are the new norms and we can expect to face no less in a plebiscite/referendum campaign, even if we, ourselves, behave in a gentlemanly fashion.

The upset elections we have seen in recent years have been mainly due to online, rather than standard, campaigning. We saw how Barack Obama and then Dominic Cummings of Brexit fame and Steve Bannon who was partly responsible for Donald Trump's election, use online aids to add an edge to their campaigns thus enabling them to win the elections they were involved with. Of course, being a not-for-profit organisation dependent on volunteers, increasing our online presence is practically the only way to survive into the future. However, our promise is that we will always look after those of our members who are not Internet-savvy with regular mailings.

## ROYAL VISITS & THE QUEEN

I am afraid it is doubtful that we will see a royal visit this year and possibly well into next year. However, I am reliably advised that we will receive a long-awaited visit from the Duke and Duchess of Cambridge, possibly accompanied by their children, as soon as it is safe for them to travel long distances.

Next year, Her Majesty will be 95 and, whilst she will always be true to her coronation oath and never abdicate, it is expected that the Prince of Wales will assume more of the day-to-day activities of the monarchy.

Over the past few years, we have seen the abdication of several European monarchs and one Pope leading people to ask, "*why doesn't the Queen abdicate and hand over to Prince Charles or Prince William?*" The fact is, upon her coronation, the Queen swore a binding oath to serve her peoples and, unlike so many politicians and others, like the Army officer mentioned above, she is true to her word and will never break the oath that she took all those decades ago. The same has applied to British monarchs throughout the ages.

As far as bypassing the Prince of Wales and making his son king, the laws of succession are that the eldest child of the monarch shall be the next monarch hence the saying "*The King is Dead. Long Live The King.*" Besides, the monarchy of today has little power and awesome responsibilities. We all know how the Queen through good health and ill health has never been able to put aside her duty to her people. Whatever she may do in public is subjected to media attention. In ancient days a young girl would be incarcerated in a temple as a representative of a God. Today we incarcerate the monarch with the chains of protocol and duty and should never wish this crushing responsibility upon the young Duke and Duchess of Cambridge and their family until his time comes to do his duty.

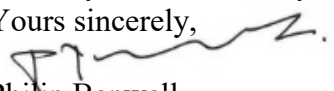


And so we continue with our work to defend and promote our system of constitutional monarchy. Our basis has always been to retain the Crown within the Australian constitution. We keep a close watch on republicans whose leaders seem to come and go, not because we fear them but because from time to time we must expose their misinformation and false propaganda. I quote again from William Shakespeare but this time from his Henry V:

*"In cases of defense 'tis best to weigh  
The enemy more mighty than he seems."*

With my best wishes to you all.

Yours sincerely,

  
Philip Benwell  
National Chair

## THE DISMISSAL OF 1975

Events leading to the dismissal of the Whitlam government began in October 1975 when the Liberal & Country party opposition in the Federal parliament announced that they would be deferring supply in the Senate. This meant the blocking of money that the government needed to pay its bills, including the wages of public servants.

The opposition was able to persuade non-aligned senators to join with them to defer the money bills. The government had six weeks before its money ran out.

The Governor-General requested the government to go to an election to resolve the crisis. To use the crisis to take control of the Senate, the prime minister offered a half Senate election, but the Governor-General was not interested in playing politics, only in resolving the crisis. The only way he saw he could do this was by sacking the government and appointing the leader of the opposition as caretaker prime minister on the strict understanding that the new government would go immediately to a double dissolution election. This occurred and that evening parliament was prorogued and an election called for December the 13th.

The Liberal/Country party coalition was returned with an overwhelming mandate and the action taken by the Governor-General, Sir John Kerr, was vindicated, but, unfortunately, not in the eyes of many and this led to bitterness and division which still exists today, 45 years after the event. It also seriously undermined the constitution and inferences were made that the Queen had orchestrated the dismissal of a Labor Prime Minister.

### GOUGH WHITLAM 'S ACCOUNT OF THE DISMISSAL

Sir John asked me to take a seat, as usual on the other side of his desk. I said: "I have a letter with the advice which I gave you on the telephone this morning." He said, "Before we go any further I have to tell you that I have decided to terminate your commission. I have a letter for you giving my reasons." He passed me a document. After glancing at it I said, "Have you discussed this with the Palace?" He said, "I don't have to and it's too late for you. I have terminated your commission."

I rose to leave. He also rose and added, "The Chief Justice agrees with this course of action." He did not tell me that he had a letter from the Chief Justice. I said, "So that is why you had him to lunch yesterday. I advised you that you should not consult him on this matter."

He shrugged his shoulders. As he has written, he merely said, "We shall all have to live with this" and I replied,

"You certainly will." He wished me luck and extended his hand. I took it. I have never spoken to him since. [G. Whitlam, *The Truth of the Matter*, Penguin 1979, p.110.]

### SIR JOHN KERR EXPLAINS WHY

It has been necessary for me to find a democratic and constitutional solution to the current crisis which will permit the people of Australia to decide as soon as possible what should be the outcome of the deadlock which developed over Supply between the two Houses of Parliament and between the Government and the Opposition parties.

The only solution consistent with the Constitution and with my oath of office and my responsibilities, authority and duty as Governor-General is to terminate the commission as Prime Minister of Mr Whitlam and to arrange for a caretaker government able to secure Supply and willing to let the issue go to the people.

Because of the Federal nature of our Constitution and because of its provisions the Senate undoubtedly has constitutional power to refuse or defer Supply to the Government.

Because of the principles of responsible government, a Prime Minister who cannot obtain supply, including money for carrying on the ordinary services of government, must either advise a general election or resign. If he refuses to do this, I have the authority and indeed the duty under the Constitution to withdraw his commission as Prime Minister.

If a Prime Minister refuses to resign or to advise an election, and this is the case with Mr Whitlam, my constitutional authority and duty require me to do what I have now done—to withdraw his commission and to invite the Leader of the Opposition to form a caretaker government—that is, one that makes no appointments or dismissals and initiates no policies, until a general election is held. It is most desirable that he should guarantee Supply.

**The decisions I have made were after I was satisfied that Mr Whitlam could not obtain Supply. No other decision open to me would enable the Australian people to decide for themselves what should be done.**

END

## The Events of the 11th November, 1975

### - The Day The Governor-General Dismissed The Government.



Sir John Kerr  
AK, GCMG, GCVO, QC

Governor-General of  
Australia 1974-1977



Hon. Gough Whitlam  
AC QC

Prime Minister of  
Australia 1972-1975



Hon. Malcolm Fraser  
AC CH GCL PC

Prime Minister of  
Australia 1975-1983

9.05 am	Whitlam sees Fraser, Lynch and Anthony in his office at Parliament House. He tells them that the Opposition must pass the Budget or there will be a half Senate election on December 13. Fraser says he is only interested in a full election.
9.47 am	The meeting ends and the three Opposition leaders confer with senior members of the shadow Cabinet.
10 am	Fraser phones Whitlam and says the Opposition will not pass the Budget.
10.01 am	Whitlam phones Sir John Kerr and says he wishes to come and see him to arrange a half Senate election. An appointment is arranged for about 1 pm.
10.10 am	Whitlam arrives at Labor caucus meeting in high spirits. Caucus is discussing whether the Government should give more assistance to the Old Sydney Town project. Whitlam remarks that it is like the Bishops of Constantinople discussing the colour of their raiments while, outside; the barbarians are invading. Whitlam reports the morning's activities to Caucus, which unanimously endorses the half Senate election plan.
10.30 am	A joint meeting of the Liberal and National Country Party members begins. Fraser says he will not bother to detail what happened with Whitlam that morning. According to a report by Laurie Oakes of the Melbourne Sun, Fraser tells the meeting that "events later in the day will overtake what happened in Whitlam's office".
11.45 am	Parliament sits. Fraser moves a motion of no confidence in the Government (the motion has been on the notice paper since the previous Thursday). Whitlam speaks in reply.
12.10 pm	The Governor-General's private secretary, David Smith, phones Fraser's office and leaves a message that Fraser should come to see the Governor-General at 1 pm.
12.49 pm	Fraser leaves for Government House, where he is shown into an anteroom and sits waiting, making polite conversation with the Governor-General's private secretary.
12.50 pm	Whitlam leaves for Government House, where he is shown into the presence of the Governor-General. Kerr then hands him a letter terminating his commission as Prime Minister.
1.15 pm	Whitlam leaves Government House for the Lodge, where he summons personal staff and senior Labor politicians and breaks the news of his dismissal.
1.30 pm	Kerr swears in Fraser as Prime Minister.
2 pm	Kerr's secretary, David Smith, phones Buckingham Palace with the news that Kerr has dismissed Whitlam. The Queen has had a late night after a Royal Command variety performance. One of her secretaries takes the call. Smith says the Governor-General does not wish to disturb her, but could she be given the message as soon as she wakes.
2 pm	Parliament resumes. The censure motion moved earlier by Fraser continues in the House of Representatives. The Senate passes the two appropriation bills and adjourns indefinitely.
2.29 pm	Fraser's censure motion is defeated. Fraser then moves that the House adjourn, and in his speech announces that he has been appointed Prime Minister. His motion of adjournment is defeated.
2.50 pm	Fred Daly, leader of the House, moves suspension of standing orders so that the member for Werriwa (Whitlam) can move "a want of confidence" in the Prime Minister (Fraser). Whitlam's motion says the Speaker (Gordon Scholes) should see the Governor-General and ask him to reappoint Whitlam.
3.15 pm	Whitlam's motion is passed, and the Speaker adjourns the House of Representatives until 5.30. He then contacts the Governor-General asking for an immediate meeting. The Governor-General has no specific appointments for the afternoon but is busy signing the bills which had been passed that day. He is also expecting the arrival of Malcolm Fraser at any time. The Speaker is told that Kerr cannot see him until 4.45 pm.
3.50 pm	Fraser arrives at Government House with draft proclamations of the dissolution of both Houses of Parliament. Fraser and Kerr co-sign the proclamations.
4.30 pm	Whitlam comes out on the steps of Parliament House and addresses a large crowd that has gathered.
4.50 pm	David Smith, private secretary to the Governor-General, arrives on the steps of Parliament House and reads a proclamation dissolving both Houses of Parliament. Whitlam addresses crowd again. At the same time, Kerr is seeing the Speaker at Government House, and thanking him for the information he conveyed.
5.45 pm	The entire Caucus, led by Whitlam, walk out of Parliament House singing Advance Australia Fair.