

THE CROWN OF AUSTRALIA

In 1770, Lieutenant James Cook in HM Bark “Endeavour” landed with a small party on Possession Island in the Torres Strait, and took possession of New Holland and all its Islands in the name of the Crown of Great Britain. King George III of England was wearing the Crown, the symbol of the Power of the British Government. New Holland, which Cook had renamed New South Wales, became a Possession of the British Crown.

Lieutenant Cook was able to do this because of the well-established national and international law of Terra nullius. Terra nullius did not mean that the land being possessed was uninhabited, or that any people living there were to be considered “non-people”. What it meant was that no administration was found with which to negotiate. This was exactly the situation found by Lieutenant Cook all the way up the East Coast of Australia (renamed by Matthew Flinders).

The “indians” as he called the Aborigines, were naked, illiterate, timid, in small-scattered groups with primitive weapons and living in gunyas. They had no cultivation or farmed animals, no sleds, no wheels, and no organised administration. Australia was Terra nullius.

At British settlement in 1788, Captain Arthur Philip carried among his instructions orders from King George III to treat the natives with respect and consideration. This was because the land which had been occupied by them, was now possessed and being settled by Britain.

Settlement was largely peaceful apart from the expected abrasiveness of human contact between stone age people and the most advanced people in the world. There were a few skirmishes, but settlement could not be called “invasion” because the British were settling British land.

Australia moved from being a British Possession to become a British Colony.

More settlers arrived and Australia became divided into six British Colonies. These Colonies developed politically to become British Crown Colonies, with their own Elections, Parliaments, Premiers, Crowns (sponsored by Britain), and Governors exercising the Powers of their Crowns. Their Governors were British Civil Servants appointed by the British Monarch on the advice of British Ministers. This was appropriate because then, the only investment in Australia was British, but the Colonies paid no taxes to Britain at any time.

After sixty years the six British Crown Colonies realised they needed a central government to handle such things for them as quarantine, defence, foreign affairs and trade between the Colonies. Debate ensued for a further fifty years and federation was considered in depth.

The Founding Fathers were well aware of the dangers posed by a powerful federal government as revealed by the history of the English Civil War, the French Revolution, the War of American Independence and the American Civil War. They rejected any form of republic, because no republic could provide the People the security which is guaranteed by the Crown of a Constitutional Monarchy.

The Founding Fathers framed a Constitution which had a new Australian Crown, an absent Sovereign, maximum protection for the People and the sovereignty of the States to be created. The six British Crown Colonies had become politically mature and were themselves independent, sovereign and self-governing, with no interference from Britain, and they were competent to create their own Australian Crown for their new Federal Government.

Our Constitution was agreed to by the people of the six British Crown Colonies at referendum. It took two referenda, and in the second women had the vote, which was a first for the day and age. The Constitution was sent to England and passed by the Houses of Commons and Lords, and gained Royal Assent. In all it was a magnificent feat that would be difficult to repeat today. Sending the Constitution to England for ratification was probably unnecessary, but it showed the comity between Australia and Britain, and it avoided anything like the War of American Independence.

Britain has her Crown with a Monarch to wear it, and Australia has her Crown with an absent Sovereign who has agreed to wear it for us. Whereas the British Monarch wields the Powers of the Crown in Britain, the Powers of the Australian Crown are wielded by the Australian Governor-General alone. Our Oaths of Allegiance are sworn to the Queen of Australia.

Neither Britain nor Australia seemed to notice that Australia had been weaned on January 1st 1901. The British Monarch went on appointing our Governors-General on the advice of British Ministers, and most of us went on thinking that the British Monarch was also our Monarch, and we were all "subjects of the Queen". As had happened since British settlement Australia had grown to political maturity, and the benign hand of Britain had been progressively withdrawn and we are now Citizens of Australia.

Much Constitutional development took place without there being the necessity to amend the Constitution - demonstrating another drafting triumph that could not be repeated today.

Following Empire Conference agreements our State Governors and Governors-General are now appointed and removed by the Queen, acting as Queen of Australia, on the advice of the State Premiers and the Prime Minister respectively.

The British Monarch is not our Monarch but our Sovereign, at our request, who reigns but does not rule over us. She never interferes in our Government, and she also reigns over fifteen other Constitutional Monarchies - all of which enjoy greater peace and stability than any republic.

Australia has a Crown, and the States each have a Crown, and the seven Crowns are completely independent of the British Crown. They serve the Constitutional Monarchy we have developed for ourselves, and Britain has done nothing but assist us at every stage. Australia has its Crown at the head of all our great Departments of State and, while that Crown is there, no rogue politician can take over. The Crown is therefore the ultimate and untouchable guarantee of our freedom. Remove the Crown, and the Constitution and the Federation collapse.

The republicans are asking you to remove the Crown, which can never be a rogue, and replace it with a politician, who can.

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