

**CONSTITUTION AMENDMENT (RESTORATION OF OATHS OF ALLEGIANCE)  
BILL 2011**

Page: 7402

**Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.**

**Second Reading**

**Reverend the Hon. FRED NILE** [9.51 a.m.]: I move:

That this bill be now read a second time.

The Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011 does no more than represent the actual constitutional and legal position in this State and in the Commonwealth of Australia. That is, as the preamble to the Constitution Act 1900 so clearly states, "the people, humbly relying on the blessings of Almighty God, have agreed to unite in an indissoluble Federal Commonwealth under the Crown".

I invite the House to recall events in 1999. After a richly endowed republican campaign, with almost all of the nation's major newspapers and other media, including the public media, campaigning for the model the republicans overwhelmingly chose at the Constitutional Convention, with a bill drafted by a republican Attorney-General and with a question approved by both Houses of the Federal Parliament—two-thirds of the members of which were republicans—the proposal to change the Constitution and remove the Crown was defeated in a landslide. It was defeated nationally and it was defeated in every State. It was defeated in 72 per cent of Federal electorates. It suffered a heavy defeat in the western suburbs of Sydney, where Labor had traditionally enjoyed support. The choice of the people could not have been clearer.

Since then, support for a politician's republic has trended downwards. A major survey of those trends conducted on 8 November by Roy Morgan Research—Australia's oldest polling organisation—confirmed that support for a republic had drifted to 34 per cent. The *Daily Telegraph* described the survey as influential. It was presented to the twelfth annual national conference of Australians for Constitutional Monarchy in Melbourne just before the royal visit.

This was confirmed in the Roy Morgan State of the Nation report that was delivered in the Parliamentary Theatre on 8 November. That is available to be read on the website of Australians for a Constitutional Monarchy, [www.norepublic.com.au](http://www.norepublic.com.au). In the main menu there is a section dedicated to opinion polling. No doubt to the great chagrin of the republicans, support is even lower among the nation's youth. This phenomenon has consistently emerged in polling undertaken since the 1999 campaign.

There is little passion in the country for republican change—even, let it be said, among the republicans. To those who may wish to question what I just said, I say that the evidence is clear. Although the republicans describe themselves as passionate about their cause, they are anything but. Indeed, it is a curious fact that if republicans are passionate about anything, it is the royal family. Evidence of that can be found in the recent reception held in the Great Hall of the Federal Parliament. It is not for nothing that the national convener of Australians for Constitutional Monarchy, Professor David Flynn, regularly warns his members, "Never stand between republicans and visiting royalty, otherwise you will be knocked over in the rush."

When I and other leading citizens, including the former Labor Lord Mayor of Sydney, Alderman Doug Sutherland, participated in a protest against the eviction of the Governor of New South Wales from Government House in 1996, Australians for a Constitutional

Monarchy were able to call more than 20,000 people to one of the largest and most peaceful demonstrations this city has ever seen. But all attempts by republicans to arrange demonstrations for their cause have failed. One such demonstration was called by the republicans just before the referendum campaign to take place on a Friday at lunchtime, when most people would be available, in the geographic heart of Sydney, Parramatta Park. It was widely and regularly announced in the *Daily Telegraph*. Prominent republican celebrities were to speak at that demonstration. How many people turned up? Tens of thousands, thousands or hundreds? No, the attendance was a paltry 70—and that included the republican leadership and the media.

I ask members to cast their minds back to 2005 and 2006 when the republicans launched their Mate for a Head of State campaign. This was also widely published in the media—especially the Murdoch media, which was promoting a republic. One would think in a city of more than four million people in a State with a population of about seven million that a few interested members of the public would turn up for the main feature of the campaign—the widely advertised Beachside Brunch and Sausage Sizzle at North Bondi Beach.

The republican movement's big guns duly arrived for their sizzle, commandeering the only public barbecues at one end of the beach. The constitutional monarchists wondered at the time whether Waverley Council—which is still mired in controversies over its ban on the Australian flag flying over the Bondi Pavilion and charging lifesavers to park their cars—consented to moving out ordinary Australians in order that this political campaign could be conducted. Who turned up to that event? According to a journalist from the *Australian* only about 50 people turned up. But that included the republican big guns and the media. And in the meantime, Australians were lining up to buy sausages at the North Bondi Surf Club.

If there is any doubt as to the strength of feeling in this country for the retention of the Crown, may I remind the House of those wonderful moments in Perth recently when about 120,000 people came out to say farewell to the Queen and the Duke of Edinburgh as they ended their sixteenth visit to Australia. Need I remind the House that on the occasion of the marriage of His Royal Highness Prince William and Catherine Middleton, the television audience in this country of that event was the largest on record. These facts indicate Australia's enormous support for the Crown. There is no justification to continue to engage in acts of creeping republicanism.

Even republicans reject this. The late Professor George Winterton argued that this was not only improper, it was also tactically unwise. His argument was that if people are not reminded of the Crown in Australia they will not see the need to remove it. I do not agree with the latter part of the late Professor George Winterton's argument, but it is not for the politicians of this country to anticipate the decision of the people, which was so clear in 1999 when they reaffirmed their attachment to our indissoluble Federal Commonwealth under the Crown. The purpose of this legislation is to reform a decision that was made by the previous Parliament. Just as Her Majesty the Queen was about to arrive in 2006, the Parliament rushed through a dormant private member's bill to remove the oath of allegiance. This bore all the marks of a calculated snub by a faction within the Labor Party, which was probably accepted by the majority as the condition for some other aspects of some unsavoury deal.

There are three considerations. Firstly, under the Constitution of the Commonwealth of Australia we remain an indissoluble Federal Commonwealth under the Crown. Therefore, we should unite all States of Australia with the Commonwealth. Secondly, under the Constitution of New South Wales we remain a constitutional monarchy, and thirdly, on all the evidence, the Australian people support and have affirmed the role and function of the

Crown in the Constitution. We should also note the attitude of Her Majesty Queen Elizabeth herself. We are restoring the oath of allegiance but the Queen herself has to a degree made her own promise to the people. Members might recall that on 21 April 1947, on her twenty-first birthday, the Queen, then Princess Elizabeth, committed herself to her future people with these words:

I declare before you all that my whole life whether it be long or short shall be devoted to your service and the service of our great imperial family to which we all belong.

That imperial family now covers 16 countries of which Her Majesty is Queen, and as all members know, and as was reaffirmed by her recent visit, she has abided by this commitment for these past 64 years. On 2 June 1953 the Queen was required to solemnly promise and swear to govern her peoples according to their respective laws and customs and to cause law and justice, in mercy, to be executed in all her judgements. Any oath taken by a subject of the Queen to the Queen encompasses the oath so solemnly sworn by Her Majesty. All citizens of those countries of which the Queen is monarch are inherently a subject of the Queen.

According to the laws of this nation, Queen Elizabeth is Queen of Australia as well as separately being Queen of each State, and therefore Queen of New South Wales. The latter is a position which was reaffirmed by the people at the 1999 referendum. Up to now we have had the pledge of loyalty and there has been some doubt as to what that pledge means when taken by members. The oath of allegiance to the Queen unites the peoples of a nation in times of war and peace. Once the oath has lost its significance, then lost also is our national discipline and patriotism. As we know, our service men and women take a similar oath. The oath is not simply to the Queen as an individual but to the Crown, which embodies far more than just the physical characteristics of our country. It is the basis on which our Constitution is founded, the font of our laws and the single entity which unites all Australians into one nation. It is thus the endowment of the hopes and aspirations and indeed the whole wellbeing of the people it safeguards.

It is for this reason that the drafters of our Australian Constitution incorporated in section 42 the requirement that "every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution". The required oath or affirmation stipulates that the swearer or affirmer "will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law." What we are doing today is bringing New South Wales back into harmony with the Commonwealth Constitution and with the other States of Australia.

In conclusion, I will refer briefly to the contents of the bill. The object of the bill is to amend the Constitution Act 1902 to give a member of the Legislative Council, the Legislative Assembly or the Executive Council the option of taking or making an oath or affirmation of allegiance to Her Majesty Queen Elizabeth II, her heirs and successors as an alternative to the pledge of loyalty to Australia and the people of New South Wales. Taking the pledge of loyalty is currently required before a member of Parliament can sit or vote and before a member of the Executive Council can assume office.

This bill also makes it clear that a member of Parliament who has taken or made an oath or affirmation of allegiance does not have to take or make a further oath or affirmation in the event of the demise of the Crown. Clause 1 sets out the name, also called the short title, of the proposed Act. Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

I refer now to schedule 1 to the bill. Items [1] and [2] of the bill amend the Constitution Act 1902 in relation to elected members of the Legislative Council and the Legislative Assembly. In particular, item [1] inserts "or oath of allegiance" into section 12 (1) of the Act, providing members with that alternative option to the current pledge of loyalty. Item [2] replaces the existing section 12 (4) with section (4)-(4B). Subsection (4) specifies the form of the new oath of allegiance, that being:

I swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God.

Subsection (4A) provides members with the option of taking an affirmation of allegiance instead of an oath. Subsection (4B) specifies that oaths and affirmations of allegiance will not need to be repeated on the demise of the Crown, including by or on abdication. Items [3] and [4] of the bill amend section 35CA of the Act in relation to Executive Councillors. Item [3] inserts "or oath of allegiance" into section 35CA (1) (a) of the Act, again providing the alternative option of an "oath of allegiance" to the current pledge of loyalty. Item [4] specifies the form of "oath of allegiance", that being the same for members of Parliament. I commend the bill to the House.

**Debate adjourned on motion by the Hon. Robert Brown and set down as an order of the day for a future day.**