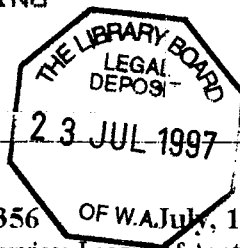




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No. 356 OF W.A. July, 1997.

(The official newsletter of the Highgate (W.A) Sub-branch of the Returned & Services League of Australia  
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## MONTHLY LUNCHEON.

MONDAY, 21 JULY, 1997.

**VENUE:** GALLIPOLI ROOM, ANZAC HOUSE, ST GEORGES TCE., PERTH.

**TIME:** 1150 HOURS FELLOWSHIP - 1230 LUNCHEON.

**SPEAKERS:** Messrs Kim Wood and Stan Crombie.

**SUBJECT:** Planning ahead and putting your affairs in order.

Kim Woods is a partner in Kott Gunning, Barristers and Solicitors. He specialises in estate litigation and is able to speak with authority about the consequences that result when wills are unclear or subject to legal challenge. Kim works at times with Pat Rowlands and is well known to the RSL. He will speak about the need to have a valid will, power of attorney and the issues of executor and estate administration.

Stan Crombie is Health Professional who worked at Hollywood Hospital prior to his appointment as a Community Adviser in the Department of Veterans' Affairs. Stan will present the \* "Planning ahead guide to putting your affairs in order" kit and talk about the benefits of a prepaid funeral.

Both speakers will present a brief presentation and are looking forward to an interesting question time.

(TOM HORTON)

(\* Copies of this kit were distributed with the March, 1997 edition of Highgate RSL News. It may be helpful if you have any questions to ask Stan you bring it with you.

E.d.)

### FORTHCOMING MEETINGS:

**COMMITTEE:** 1215 hours 7 JULY, 1997 Anzac House.

**LUNCHEON:** 1150 hours for 1230 hours 21 July, 1997 Anzac House.

**DEADLINE FOR AUGUST NEWS - FRIDAY 25 JULY, 1997**

**Ancient proverb: It is impossible to improve the flavour of soup by adding more water.**

## **PRESIDENT'S MESSAGE:**

Heartly congratulations to our historian and old stalwart, Phil Loffman OAM. Very well merited indeed. My thanks go to Tom Horton, Alan Saville and our secretary, Stan Chase, for holding the fort in my absence. After nearly twenty years, the last period as editor of "Listening Post", John Surridge is retiring from State Executive to attend to the many things he has had to neglect during his years of service. Thankyou John for your most painstaking work on our behalf.

Winter brings with it a very active time in Highgate. State Congress was held on 13/14/15th June and as President I was privileged to lead our five delegates. National President, Maj. Gen. "Digger" James gave us an inspiring address. The Minister for Veterans' Affairs, the Hon. Bruce Scott, gave us reason to believe that we have someone sympathetic to our cause in the top job. His chief executive, Dr. Johnston, also impressed as one who understood, cared and was trying hard on our behalf.

Ken Murphy was elected State President and J. L. Holman, Senior Vice. Past President., Len Turner, was given the accolades he deserved. Our one resolution concerning removing the anomaly of some PsOW being ineligible for the Aircrew Europe Star was supported unanimously.

The ladies luncheon was a great success.

Our July luncheon meeting brings a very big occasion in the launch of our history, so painstakingly produced by Phil Loffman OAM. Advance sales have exceeded expectations, so get your name and cheque to Bob Elliot as soon as possible to reserve your copy.

August luncheon meeting is the "BIG" occasion: our celebration of 50 years existence! Full details will appear in our next issue but mark it down in your diary - Monday 18th August. All our surviving inaugural members have been invited to attend as our guests. It would be great if we could have a bumper attendance.

It is with deep regret that we advise that one of our one of our past secretaries Keith Bridges (1964) passed away in the last month. Members of the Sub-branch paid our last respects.

I now make a plea for some younger members to help us maintain an effective representation on State Executive. If you can help, please give me a call.

(DON MEREDITH)

## **PENSION/WELFARE OFFICER'S REPORT**

### **REMOVAL OF ANOMALIES IN THE PROVISION OF MEDICAL GRADE FOOTWEAR:**

#### **INITIATIVE:**

A veteran living in a remote area who has been assessed as needing medical grade footwear will be eligible for three pairs of footwear, in good condition, at any one time.

This initiative honours an election commitment to improve accessibility to services and to reduce travel and inconvenience undertaken by veterans to access services.

#### **BACKGROUND:**

Where veterans live in remote areas ; that is more than 100 kilometres by the shortest practical surface route from the nearest footwear prescribing podiatrist, they will be issued with a third pair of medical grade footwear.

Eligible veterans will be able to see their podiatrist for the issue of a third pair of medical grade footwear.

Benefits to the veteran community include:-

- greater accessibility to services and
- less travelling and inconvenience.

**IMPLEMENTATION DATE: 1 September, 1996.**

### **SIMPLIFICATION OF THE EXISTING FOOTWEAR REPAIR ARRANGEMENTS FOR THE VETERAN COMMUNITY:**

#### **INITIATIVE:**

Eligible veterans will be able to directly utilise any contracted footwear repairer for repairs to his or her medical grade footwear.

#### **BACKGROUND:**

Current procedures for repairs to medical grade footwear are seen as inconvenient by the veteran community and unnecessary by the podiatrists.

Eligible veterans will now be able to directly utilise any contracted footwear repairer for repairs

Benefits to the veteran community include:-

- greater accessibility to services and
- less travelling and inconvenience.

State officers will actively seek footwear repairers, particularly in rural and remote areas, who will enter into a contract with the Department.

**IMPLEMENTATION DATE: 1 September, 1996.**

(BOB SMITH)

## SUB-WARDENS' DUTIES.

Sunday 20 July, 1997 0930 hours for 1000 hours Royal Yugoslav Combat. Assoc.  
 Saturday 9 August, 1997 0930 hours for 1000 hours HMAS Canberra & Shropshire Assoc.  
 Sunday 24 August, 1997 1130 hours for 1200 hours Malaya/ Merdeka Vets' Assoc.  
 Sunday 14 September, 1997 1445 hours for 1515 hours Royal Air Forces Assoc. B of B Comm.  
 (NB In future Sub-Wardens' Duties will be published as received to help with your diaries).

## SUBMARINE FOR WA MARITIME MUSEUM.

Most WA residents are not aware that in WWII Fremantle was the most important submarine base in the Southern Hemisphere. Over 160 American, British and Dutch boats operated with great success. In order to create a lasting memorial to those who served and were lost a group of interested people, including former submariners, formed the National Submarine History Task Force four years ago under the sponsorship of the WA Maritime Museum.

Progress to date is that the Department of Defence has gifted *HMAS Ovens* to the Museum. She is due to finish her training role at *HMAS Stirling* mid 1997 and will be prepared for handover. This includes removal of batteries, fuel, hydraulic fluid, refrigerant and waste water. Some tanks will be filled with fresh water to preserve stability for the tow to Fremantle harbour and lifting it from the water on the 2000 tonne slipway.

The museum then has the task of further lightening her by pumping all tanks dry and removing ballast from her keel. An announcement by the WA Government as to the site for an extension to the Museum to house *Australia II*, *Ovens* and other exhibits, probably near the south west end of Victoria Quay is expected shortly. The submarine has an operational displacement of 2000 tonnes which can be reduced to 1500 tonnes prior to shifting to her final berth on land. Then commences further preservation and preparation for display to the public. Besides being a memorial to many who fought hard in the Pacific a submarine is an example to students of science and engineering in its application of mechanical, hydraulic, electrical and chemical principles and class visits will be especially catered for.

(MAX SHEAN)

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## HVO REPORT:

A visit to Hollywood on 109 June found that only one member was on the list of the list of patients, Jock Geldart. However when I went to visit him he had already been discharged that morning.

I called into Sir Charles Gairdner Hospital that same morning and saw Sir Val Hancock, who was resting comfortably. Also Ken Wood. I found Ken in the TV lounge awaiting discharge and was able to give him a lift home.

On 17 June John McKenzie (subsequently discharged) was lolling about in Ward 2B, having undergone surgery and was in good spirits, although he was sorry he had missed the June luncheon. He is looking forward to our 50th in August. But more importantly he is looking forward to being able to get out of bed and take his own ablutions.

More recently I discovered that Ivor Hanger has taken up residence in Ward 2A, bed 31 at Hollywood, So, if you are in the vicinity please don't forget to drop by and say hello!

(LES STEWART)

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## URGENT NOTICE:

Following the success of the Ladies' Luncheon at Carine TAFE it has been decided that, providing there is sufficient support from members, another will be held on Wednesday, 13 August, 1997.

Please let Secretary Stan Chase know on 'phone 561 - 5510 (home) or 250 - 3900 (work) if you are interested!!

**LAST MONTH'S SPEAKER:** Sir Francis Burt gave the 127 members and guests present a most interesting talk on the "Constitution and the effects of Australia becoming a Republic". His presentation gave everyone much food for thought, from the serious side to the great depths of humour which we all enjoyed. The questions were continuous which showed the depth of stimulation this great talk produced. Thank you Sir Francis - please come again.

(TOM HORTON)

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Transcript of an address by Sir Francis Burt, KCMG AC LLB Hon. LLD given to the monthly luncheon of the Highgate Sub-branch of the RSL at Anzac House House Perth on Monday 16 June, 1997.

### Monarchy or Republic.

I hear it said that we are about to enter upon a National debate, the question posed being whether we should cease to be a Monarchy and become a Republic.

That is an apparently simple question so much so that there are some politicians who would say to hell with the debate lets put the question to a vote of all the people by referendum. It is a question which is neither simple nor single. One source of difficulty is that there are seven queens in Australia each resting on its own legal foundation. I have no time to discuss the difficulties created by that. It may be that there is no legal way of achieving the change. The oath of allegiance. Who will move the first reading of the bill for an act to abolish the monarchy? Section 128 of the Commonwealth Constitution.

I will return to the legalities if we have time but there are two general observations which I would like to make because I think them to be of fundamental importance.

The first general observation which I would make is the people living in free democratic societies all over the world aided by their free enterprise profit driven media are not very good at conducting a public debate on any issue of public importance. Their track record is not good. There are probably many reasons for that. In many cases the media fails to tell the citizen the basic relevant objective facts because to do that does not increase circulation nor does improve ratings. In some cases the citizen has not the educational equipment to understand the idea involved in the question. Such people either have no interest in the debate and make no contribution to it or they enter upon the debate with an enthusiasm often displayed people who know not that they know not - the bulls in a china shop. The minds of others have been switched off by cynicism and the minds of others have become crowded out by contrived distractions. In the result, when a referendum is contemplated, you have a void or a waste land which the true believers jostle to control. And in the jostling you will find the people to whom I have referred and with them the card holder who has made up his mind long ago. He is not interested in debating ... To him it is tiresome talk. And we will see the politician who can see that the question is dividing his supporters. He will run around the issue making as much noise as possible in the hope that the issue will go away. He is a member of the Highly Derogatory Order of the Disappearing Elephant. The elephant on the table at Reno. But the Monarchy - Republic argument will not go away and sooner or later the Australian people must find an answer to it.

This leads one to say that if the debate on the question is to be of any use we must ensure that the message reaches and is understood in the waste land we must each assume a personal commitment to elevate the standard of the debate - Republican arises well as Monarchists - are well intentioned. And we must recognise that if we allow the debate to generate heat and distrust and if we fail to come up with a solution which will operate to serve our democracy and which is acceptable to the ordinary man and woman of good will, we have sown the seeds of discord which will be a monkey on the back of Australia for years to come. It is an important question and an important debate in which it is more important to listen to what the other fellow has to say, may be more important than talking.

And that is why I think that you good people are important - I might say critically important. You will, I hope, bring a discipline to the debate and by doing that impress upon people that their future is being committed to their judgement and that debate demands that everyone does his or her best to understand it and, by listening as well as talking, to make his or her honest and informed contribution to it.

The second observation which I would like to make is to say that answers are easy but the formulation of the of the question to be answered is often very difficult. It was my experience in the law that if you could formulate the true question thrown up by the facts then you had every chance of returning the right answer. But if, on the other hand, you got the question wrong then the answer, however learned it might appear to be, was necessarily wrong.

The observation is very relevant to the impending debate.

The debate as billed assumes the question to be a choice between a monarchy and a republic and hence assumes that we are presently under a system of government which is a monarchy. It then asks whether we should abandon that system and throw it overboard and in lieu adopt a system of government which is Presidential. In political terms this a nonsense question. We do not live under a system of Government which can be said to be a monarchy.

A monarchy as the name tells you is a rule by one. It is the kind of rule which James I had in mind where the source of power is within the office of the King sustained by the divine right of kings. Anyone who thinks that our system of government in that sense must think that English political history stopped running and was closed off at some date between the year 1602 and 1688 and he fails to grasp the fundamental truth which is that we live under a system of government which I would call a Parliamentary Democracy or, as you would call it, a Constitutional monarchy - within which the monarch is a necessary institution but with all the power of the State, including the power of the Monarch vested in the Parliament.

The Monarch is not there by divine right. It is a constitutional monarchy. It is but one of the three arms of government.

The movement from a Monarch in the James mode - the divine right of kings - to a Parliamentary democracy is a monument to the genius of the English people. The system of Parliamentary democracy is both a political and a cultural thing. It has as its base Christianity and is sustained by a number of inherited ideas the most important being individual liberty, the rule of law, human rights and cultural freedom.

Those ideas and the institutions which have been created to give effect to them - the Parliament, the Crown and the Courts - combine to create our system of Parliamentary Democracy and within that system, in case of conflict, the power of the Parliament, which is the power of the people, when lawfully exercised must be supreme.

And that exposes the S64 question. What purpose does the Head of State - be it a Monarch or a President - serve within the system? The answer to that question is single and simple. The Head of State alone or with the help from the legal arm of government exists to preserve and to defend the authority of the Parliament by preventing it from being "taken over" by an illegal usurpation of political power by the executive or by anyone else. It is there to ensure that the power of the people be preserved and that it is lawfully exercised.

If that is so it determines the answer to the question which I take to be central to the debate it being: Should the Head of State be elected and if so by whom or be appointed and if so by whom?

I see that question as being central to the debate because the only answer to it which can live with our system of a Parliamentary democracy must be that he should be appointed by the Government of the day - in the same way that the other arm of government - the Judges - are appointed. The opinion polls tell us that that is not the received view but in my opinion any form of election which gives "the people" the right to choose directly will create a power base for the Head of State which lies outside the Parliament and sooner or later this will bring it into conflict with the Parliament and the Prime Minister or the Premier as the case might be, it will create instability and in the end it may destroy our Parliamentary democracy. It could turn the system on its head by permitting the guardians of the constitution to take over what he was supposed to protect. That would not be the first time that a person has been bitten by his watchdog. That must be understood and when understood it is as it seems to me the end of the argument. It is for me.

So if the proposition were to be that we move to a Republic within which the President is appointed by the Government of the day I could do business with that idea and would be pleased to discuss it. But otherwise no.. Our system of Parliamentary Democracy cannot live with a President who has a power base which lies outside the Parliament as would be the case if the office of the President were to be politicised and at the same time given a source of authority - votes - which could be seen as superior in political clout to the authority of the Parliament. And our system of Parliamentary Democracy is to me as absolute not to be subject to that risk.

After all we have been there before. The English Parliament could not function while Oliver Cromwell, whose political authority lay outside the Parliament, was the Protector. That lesson should not be forgotten. The history of Oliver Cromwell could be dwelt upon for a moment. As the curtain goes up on Oliver Cromwell we find him to be a man of property, a puritan and a member of the House of Commons and a champion of the House of Commons against the authority of the Crown. And as that conflict is fought out in the Civil War, Cromwell establishes himself as the invincible general who defeats the King and subsequently presides over his execution. So Cromwell becomes the de facto and later, in the office of Lord Protector, the legal Head of State. But the essential lesson had not been learnt and was not learned until the Act of Settlement in 1688. The essential lesson was that the authority of the Executive Government must rest with and be dependent upon the Government of the day to muster the numbers in the Parliament. Cromwell never saw his authority to be sustained by Parliament. As he saw it he saw it he was sustained in his office by a power base it being the New Model Army and his Major Generals. And so the wheel has turned the full circle because Cromwell now finds himself in exactly the same position as Charles I. And in that way the Parliament was bitten by its watchdog.

Cromwell could not get on with his Parliaments and he cannot get the money to run the country without them. He becomes Lord Protector at the age of 54 and he dies in that office six years later without that problem being resolved. The problem could not be resolved because Cromwell's power base lay in a direct line to God and in the New Model Army and with his Major Generals and hence outside Parliament - as with Charles I but with a different god. In short - and this is the bottom line - our system of Parliamentary democracy demands that all, repeat ALL, of the legislative authority of the State be vested in the Parliament and the system cannot work if you have a Head of State who draws an overriding from some other source.

I cannot finish without telling you this: Cromwell was interred in the Abbey at the East end of Henry VII chapel with much pomp and ceremony but after the restoration in 1660 his embalmed body exhumed and together with the exhumed body of John Bradshaw, who had presided over the trial of Charles I, and with the body of Cromwell's son-in-law Henry Ireton they were at dawn dragged through the streets of London from Holburn to Tyburn where they were hung up for public inspection until 4 o'clock in the afternoon. They were then cut down and each corpse was beheaded and Cromwell's skull was taken to Westminster

It was then blown from the pole in a gale. The sentry took it and sold it and after a fairly well documented history it finds its way to Cromwell's old college and it was subsequently buried at an unmarked site near to the College Chapel - unmarked to prevent anyone from digging it up. We surely do not want to go through that again. Whatever the outcome of the debate we should use the opportunity provided by it to consider the powers which should be conferred upon the Head of State so that those powers can be seen in the black letter law sustained by the authority of the Parliament so putting to rest the ongoing debate sustained more by faith than by reason as to the existence and content of the "reserved powers"

And we should consider whether the Head of State should be appointed for a fixed term not to be extended with judicial security of tenure. Those and other questions will no doubt be debated when time allows.

(Reproduced with the kind permission of Sir Francis Burt KCMG AC LLB Hon. LLD.)

(TOM SCULLY)

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It was great to see the military presence return to the Midland Military Markets recently. The former Sergeants' Mess is now the "Breaker Morant's Bar" (formerly known as "The Stable") The opening ceremony was conducted by Lt. Col. Andrew Barton in the presence of Lt. Col. Wal Riley (Retd.) and our own Sub-branch Secretary Stan Chase. A full report and an excellent photo was included on page 1 of the "Hills Gazette" of 1 June, 1997.

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