



THE PROCESS – What do you think?

We want a republic- but what's the best way to get there from here?

Since the defeat of the 1999 referendum the process has stalled and it's difficult to see the way forward. We know where we want to end up, but we need a roadmap to get there.

There are many practical, strategic and moral issues to be considered as we decide what's the best *process* to build an Australian republic. Most of us would agree that the Australian people must be consulted more closely than they were during the last referendum period. But what questions should be asked... and at what stage?

Should there be a simple plebiscite question put to the people? Should there be a second one on the preferred model of republic? Should there be another Constitutional Convention? Or should a republican Prime Minister do away with this expense and simply hold another referendum?

The ARM is formulating a position to make public on November 6 this year and wants the views of branches, forums and members by Monday 7 July 2003. This input will directly shape the position the ARM takes.

To assist in the discussion, this information sheet contains points for and against various options. It's important that any position the ARM take reflects the views of the membership and that everyone who wants to, can have a say.

All of the major political parties have senior figures who are enthusiastic republicans. Once we're resolved on the best way forward, the ARM will directly engage with these leaders to support the ARM process.

Feedback can be sent to the National Director at director@republic.org.au or Box A870, Sydney South, NSW, 1235 or fax (02) 9267 8155.

What we seek to achieve from this

A roadmap for the future.

The Movement needs a clear understanding of how we want to resolve the Head of State issue. A roadmap for the future allows us all to visualise how we might build our republic, and to take inspiration from that. For any process, the Commonwealth Parliament should legislatively prescribe each step in advance so there is certainty and clarity.

Broad consensus within the ARM.

Broad agreement from republicans on the way forward is the best chance we have of making that process a reality. Although the ARM will have a strong voice in these matters, it will of course be up to a republican Prime Minister to make the decision. The more united we are, the more influence our voice will have.

A measured process.

For a republic to succeed, any process must be deliberative and measured. Changing the constitution is a matter of no small significance and there must be time set aside for reflection and community consultation. An overly speedy process risks quickly alienating sections of the community in the rush to a republic.

A more democratic process.

In the period leading up to the 1999 referendum the people were given a chance to have their say just twice: in voting for the (voluntary, half-elected) Constitutional Convention and then at the very end, at the referendum. As some ARM members have commented, if you give the Australian people a take-it-or-leave-it proposition... they'll almost certainly leave it.

All of the options in this discussion paper give the people a say in their preferred model: either at a plebiscite vote, or through an election for a Constitutional Convention (where people could be expected to run for the Convention on the basis of their support for one model or another).

The Australian people must be closely consulted if the process is to succeed. Australians won't want a republic unless they feel they have ownership of it and their voices have been heard.

But what questions should be asked...?

The Threshold Plebiscite Question

Just about every republican agrees on this: the best way to begin the process is with a simple plebiscite- a non-binding indicative vote from the people- on the fundamental 'republic: yes or no?' question.

Such a question might look like this on a ballot paper:

"Should we become a republic with an Australian Head of State?*"

This plebiscite is what monarchists fear the most. A solid majority of Australians are now republicans (polling indicates anything between 56% to 95% support, depending on how the question is put). Republicans in the parliament and the community would unite to support the 'Yes' case, and victory would be very likely indeed.

A carried 'Yes' vote would not change the constitution, but it would change the dynamics dramatically and almost certainly spell the end of the monarchist case in Australia. The republic suddenly becomes within reach.

But what kind of a republic? This might be resolved in a *second* plebiscite....

* The text for these questions is taken from The Corowa Plan (also referred to as 'The Royal Hotel Resolution'), approved by the Corowa Conference, in 2002. Co-authors are Prof. **Error! Bookmark not defined.**, Dr Walter Phillips, Dr Bede Harris and Bill Peach, A.M.. This conference of appointed delegates was convened by the Victorian Constitutional Centenary Committee to resolve on the best process to resolve the Head of State Issue.

The Model Plebiscite Question

A second plebiscite question could be asked of the people that might look like this:

“Should an Australian Head of State be:

a: Selected by the Prime Minister

b: Selected by a 2/3 majority of the Parliament

c: Chosen by an Electoral College

d: Elected by popular vote?”

(The models listed here should be considered as just an indication and not taken as any kind of ‘final’ proposal.)

At the Corowa Conference there was strong debate about this plebiscite. Some republicans strongly oppose it, believing it would privilege a result in favour of direct election due to its apparent popularity, and, it is said, would constrain the options open to an informed Constitutional Convention and deliver a referendum model unacceptable to a substantial group of republicans.

Others argue that a models plebiscite is the best way of resolving the apparent deadlock- if republicans cannot agree on a model, then let the people decide. Others uphold such a plebiscite simply as a matter of democratic principle.

It is not a given that popular election would win such a plebiscite. Many monarchists may decide that if they must have a republic they’ll take the most minimal change on offer, resulting in a higher vote for such a model.

There’s also the very important question of the *timing* of any second plebiscite. Should it be held at the same time as the first one, or at a later date... after the first question has been won?

The ARM does not endorse any one republican model at this stage and we do not support any process that would ‘load the deck’ in favour of any one particular model.

We *do* endorse, however the people’s right to choose, either *directly* through this second plebiscite, or *indirectly* through a Constitutional Convention...

The Constitutional Convention

Should a Constitutional Convention be part of the process?

A Convention can act as a kind of clearing house for the contending visions of our republic. It adds another layer of democratic consultation.

The Constitutional Convention of 1998 was only partially democratic and, in the view of some, too rushed. But despite its flaws, it surprised many people by the level of public interest and democratic energy it aroused.

If there has been a models plebiscite with a clear result, then a Convention would be guided by that result. If not, then more time may be required for it to examine the options and give the best chance for some consensus to emerge.

This paper recommends that any new Constitutional Convention should be:

Fully elected: *a//* the delegates, aside from the Prime Minister and Opposition Leader, should be elected. (Some may think it appropriate to reserve seats for the State & Territory leaders as well).

Deliberative: It should be given time to assess options, consult and arrive at compromise. Once the first draft of a constitutional amendment is drafted, the Convention might adjourn to allow time for the community and the nations' various parliaments to consider it. Then it could reconvene to make any further revisions, before submitting the draft to the Commonwealth Parliament to begin the referendum process.

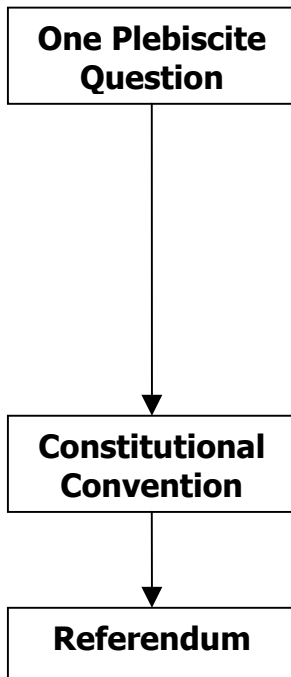
Well advised: Changing the constitution is obviously a technical exercise as well as a symbolic one. The elected delegates must be able to benefit from the best legal and constitutional advice on offer, possibly through an advisory body that could sit with the Convention, but not vote.

It's worth noting that the referendum process safeguards against any 'irresponsible' model that a Convention might throw up, as the Commonwealth Parliament must first pass the amendment bill before it can be put to the people in a referendum.

The ARM's Constitutional Issues Committee proposes several options for the ARM membership to consider. Please note that these options are not meant to be exhaustive and we expect other ideas will emerge from this consultative process.

PROCESS ONE:

This first option proposes that we resolve the Head of State issue, beginning with a **single question plebiscite vote**. This is a similar process to the one proposed by Professor Greg Craven at the Corowa Conference.



STEP ONE

An information campaign is prepared and the people are asked to vote on *one* question at the polls:

“Should we become a republic with an Australian Head of State?”

If a ‘Yes’ vote is carried, then a parliamentary committee appoints an advisory body to prepare a detailed report on various models, with arguments for and against each model.

STEP TWO

A fully elected Constitutional Convention is convened to review these models and ultimately select one to be referred to the parliament to begin the referendum process.

STEP THREE

Parliament passes the bill and a referendum is held under section 128 of the Constitution to give effect to the amendment proposed by the Constitutional Convention.

Arguments for:

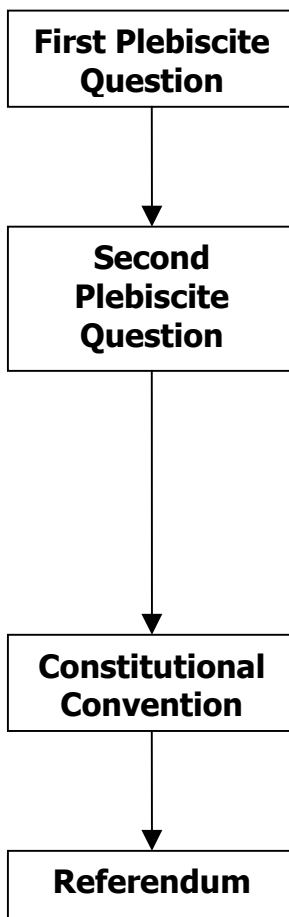
- A single plebiscite would unite all republicans, as it is not discussing models. It provides republicans with a compelling moral argument.
- The Convention is not directed by the result of a models plebiscite. Allows for a thorough and informed discussion of various models in the context of a Convention, rather than the heat of a popular vote.
- Doesn’t ask voters to commit to a model until a referendum- would those who vote for an unsuccessful model in a models plebiscite become alienated from the process?

Arguments against:

- Opponents will argue that voting ‘Yes’ to the plebiscite provides a blank cheque, as it does not say what kind of republic is being proposed.
- Leaves the Constitutional Convention to resolve the divisive models question. Without the democratic guidance of a models plebiscite, the Convention may break down acrimoniously. On the other hand, different groups might campaign for the Convention on a models platform.
- Indirect popular involvement in model choice may be seen to exclude popular will.

PROCESS TWO:

This second option proposes that the *two* questions are asked, one at a time, through **two separate plebiscites**.



STEP ONE

The people vote on just *one* question at the polls:

“Should we become a republic with an Australian Head of State?”

STEP TWO

If a ‘Yes’ vote is carried, then an information campaign is prepared by a multi-party parliamentary committee and a second plebiscite is held, perhaps a year or so later. This asks:

“Should an Australian Head of State be:

- a: Selected by the Prime Minister
- b: Selected by a 2/3 majority of the Parliament
- c: Chosen by an Electoral College
- d: Elected by popular vote?”

STEP THREE

A fully elected Constitutional Convention is convened to draft a constitutional amendment that reflects the will of the people as expressed in the plebiscite.

STEP FOUR

Parliament passes the bill and a referendum is held under section 128 of the Constitution to give effect to the amendment proposed by the Constitutional Convention.

Arguments for:

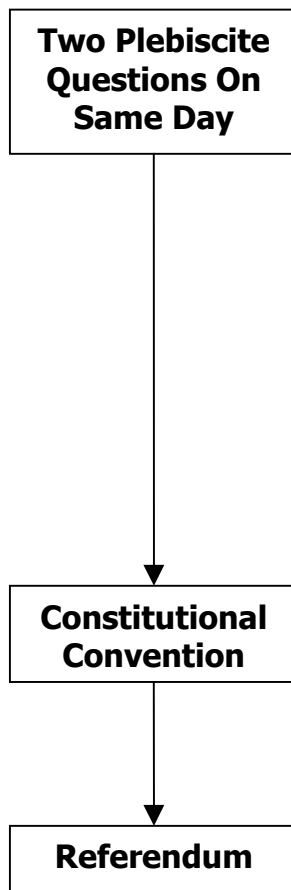
- People have their say at each stage. More democratic than Process One.
- The single plebiscite at Step One would unite all republicans, as it does not discuss models.
- The second plebiscite resolves the deadlock over choice of model- if republicans can’t agree, then let the people decide.
- Allows time for due consideration of each question.

Arguments against:

- Opponents will argue that voting ‘Yes’ provides a blank cheque, as it does not say what kind of republic is being proposed.
- Having just one question at a time draws out the process.
- The higher cost of a stand-alone plebiscite may be difficult to justify.
- Result of second plebiscite may be inconclusive and possibly result in a deadlocked Convention.

PROCESS THREE:

Option three proposes that the *two* plebiscite questions outlined above are asked **at the same time**. This is essentially the plan recommended by Prof George Winterton and Dr Walter Phillips at the Corowa Conference.



STEP ONE

An information campaign is prepared by a multi-party parliamentary committee and the people are asked to vote on these *two* questions simultaneously at the polls:

“Should we become a republic with an Australian Head of State?”

and

“Should an Australian Head of State be:

- a: Selected by the Prime Minister
- b: Selected by a 2/3 majority of the Parliament
- c: Chosen by an Electoral College
- d: Elected by popular vote?”

STEP TWO

If a ‘Yes’ vote is carried on question one, then a fully elected Constitutional Convention is convened to draft a constitutional amendment that reflects the will of the people as expressed in the plebiscites.

STEP THREE

Parliament passes the bill and a referendum is held under section 128 of the Constitution to give effect to the amendment proposed by the Constitutional Convention.

Arguments for:

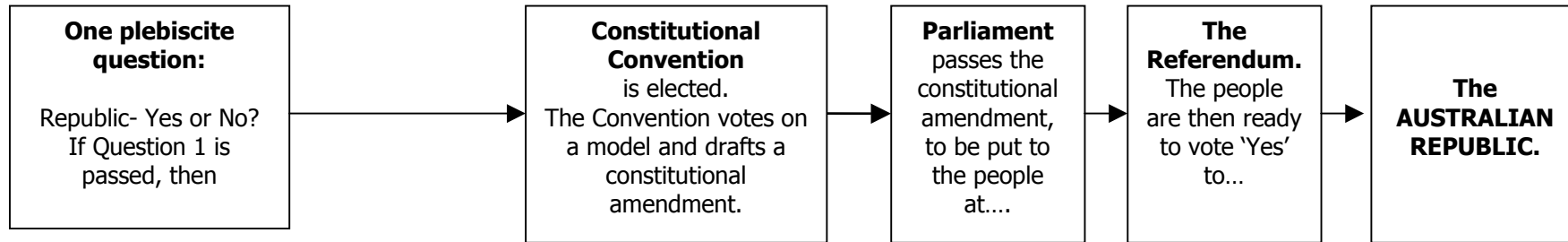
- The Australian people have their say at each stage. More democratic than Process One.
- Answers the “blank cheque” issue of a single question.
- The Second plebiscite resolves the deadlock over choice of model- let the people decide and guide the Convention.
- Condenses the process and costs less money to hold.

Arguments against:

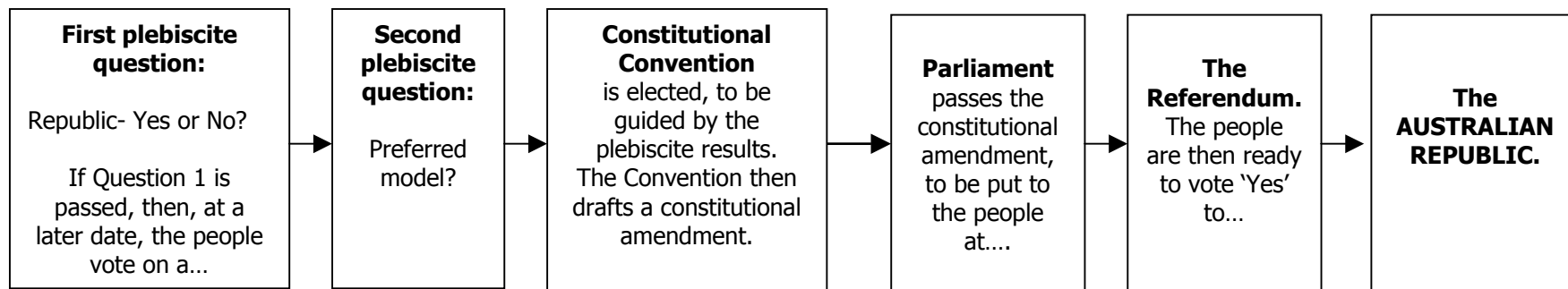
- Republicans are likely to be divided over Question 2, at the very time we need to be united to pass Question 1- the crucial threshold question.
- With multiple questions, insufficient attention or discussion may take place on each one. The information campaign will need to be very thorough (many people will simply not know what an electoral college is). A separate plebiscite on just the models would allow the debate to be focussed on that important topic.
- Opponents of direct election argue that this method is designed to guarantee the success of direct election if the choices are not discussed or debated thoroughly.

THE OPTIONS COMPARED

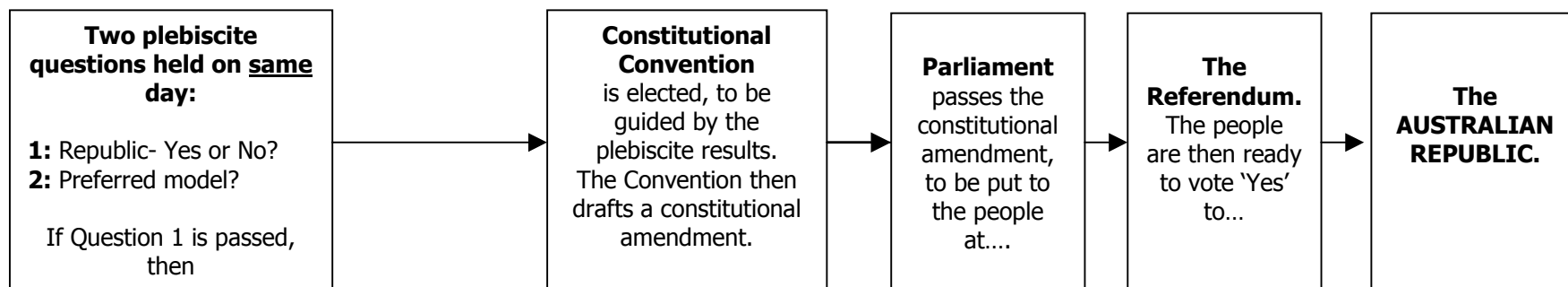
Process One:



Process Two:



Process Three:



Other Plebiscites

The Corowa Plan recommended that a *third* question be asked:

“Should the Head of State of the Australian Commonwealth be called:

A: The President

B: The Governor-General?”

This is a cosmetic, rather than substantive issue. But some people feel strongly about it nonetheless. Such a question could be asked at the same time as another plebiscite to save money.

People sometimes feel the term ‘president’ is too misleading- it sounds like the American president who is also Head of Government as well as Head of State. Some support ‘Governor-General’ for continuity’s sake; other’s oppose it because of its colonial implications.

Republicans needn’t feel constrained to support an American or British name; perhaps in the course of the process of building the republic, a new title for our Head of State might arise and capture the public imagination. The ARM is not looking to ‘endorse’ any title, but suggestions from the forums and membership are very welcome.

Further Considerations

- Should voting for the plebiscites and the Constitutional Convention be voluntary or compulsory? (Voting in a referendum is required to be compulsory).
- Consideration would need to be given to the voting *method* for the four models: should it be first-past-the-post or preferential? In first-past-the-post, the winning model might not gain 50%. The winner in a preferential vote may have run second on the primary vote.
- Might it be preferable to hold a models plebiscite *after* the Constitutional Convention meets? The selection of models could be drafted by the Convention itself for the people to vote on.
- The cost of these plebiscites, convention elections and the referendum would also be an issue. They could be timed to coincide with Federal elections, but a three-step process might then take nine years to complete. The (\$60 million?) cost of a stand-alone plebiscite might be hard to justify. But then, what price democracy?

Where do the parties stand on this?

Each of the parties have different approaches and ideas; their current positions are by no means fixed and may well change if the ARM can win support for our preferred process.

The ALP

After the referendum defeat in 1999, the Labor Party announced it would support holding the two plebiscites and then a referendum. The policy doesn't mention a Constitutional Convention and is not specific as to whether the plebiscites should be held together or separately¹.

The Liberal Party

Senior Liberals support a republic and were active campaigners for 'Yes' in 1999. The Liberal Party doesn't support a renewed republican process at this stage, although this is likely to change under a republican Liberal Prime Minister.

The National Party

The National Party currently opposes a republic, although some leading Nationals too are republicans.

The Australian Democrats

The Democrats favour the threshold plebiscite and a Convention, to be followed by the referendum. The policy document doesn't mention a models plebiscite².

The Greens

The Greens support holding a referendum, to be then followed by an *ongoing* Constitutional Convention that would address a comprehensive range of constitutional issues³.

¹ A statement from former leader Kim Beazley can be found at the ALP website:
www.alp.org.au/laborherald/dec99/kbr.html

² www.democrats.org.au/policies. Click on the 'Constitutional Reform Policy' link.

³ <http://www.greens.org.au/g1democracyfull.htm>

Timeline for this consultative process:

- March: CIC discussion paper finalised.
- April: Discussion paper circulated to membership.
- June: Consultation in forums, State Committee meetings & website.
- July: **Feedback due Monday 7 July 2003**
- August: CIC reviews comments.
- September: Finalise CIC position paper. Consultation report to be published in next National Newsletter.
- October: Approval by ARM National Committee.
- November: **ARM announcement on anniversary of referendum.**
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Definitions

Plebiscite: A vote of the Australian people to express an opinion on a particular issue. There is no obligation on the government to implement the results of the plebiscite, though the results of the vote would carry considerable weight. The Australian National Anthem was selected by a plebiscite.

Referendum: a vote of the Australian people to change the constitution. To be carried, the Commonwealth Parliament must pass the bill, a national vote is taken, and there must be a majority of 'Yes' votes nationally, as well as in a majority of States. We can't have a republic without a referendum.

Electoral College: in this context, this means an elected body that would convene for the sole purpose of appointing a President (see Model 3 in the ARM's *Six Models for an Australian Republic* paper for an example). This model is often referred to as 'indirect' election.

Codification of Powers: Our constitution currently confers extraordinary powers on the Queen and the Governor-General (to appoint or dismiss ministers, to disallow legislation passed by parliament). Other powers are merely implied by the constitution. It is commonly thought that if an Australian president were to be directly elected by the people, these powers would need to be properly confined and codified, so as not to create a destabilising rivalry between a president empowered with a democratic mandate and the Prime Minister of the day.

ARM Constitutional Issues Committee

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 Rod Kendall (QLD)
 Jason Li (NSW)
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