

# CHAPTER 2

## BACKGROUND

2.1 This chapter discusses:

- previous moves towards an Australian republic; and
- arguments for and against a republic as expressed in submissions and evidence.

### **Brief outline of previous moves towards an Australian republic**

2.2 In 1993 then Prime Minister Paul Keating established the Republican Advisory Committee to produce an options paper on issues relating to the possible transition to a republic. The Committee produced its report in 1993, and argued that a "a republic is achievable without threatening Australia's cherished democratic institutions."<sup>1</sup>

2.3 Following a change in government in 1996, Prime Minister John Howard formally confirmed his government's intention to proceed with a constitutional convention. A convention was held over 10 days in February 1998 at Old Parliament House. Half of the 152 delegates were elected (through a non-compulsory postal vote) and half were appointed by Federal and state governments. Convention delegates were tasked with considering the following questions:

- whether or not Australia should become a republic;
- which model for a republic might be put to the Australian electorate to consider against the current system of government; and
- in what timeframe and under what circumstances might any change be considered.<sup>2</sup>

2.4 At the Convention, a republic gained majority support (89 votes to 52 with 11 abstentions), but the issue of what model for a republic should be put to the people at a referendum produced deep divisions among republicans.<sup>3</sup> Four republican models were debated: two involving direct election of the head of state; one involving

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1 McAllister, Ian, "Elections Without Cues: The 1999 Australian Republic Referendum", *Australian Journal of Political Science*, Vol. 36, No. 2, pp.247-269.

2 Joint Select Committee on the Republic Referendum, *Advisory Report on: Constitution Alteration(Establishment of a Republic) 1999, Presidential Nominations Committee Bill 1999*, August 1999, p. 5.

3 McAllister, Ian, "Elections Without Cues", p. 250.

appointment by the Prime Minister; and one involving appointment by a two-thirds majority of Parliament. More information regarding these models is included in Chapter 7 of this report.

2.5 The model involving appointment of the head of state by a two-thirds majority of the Parliament was the model eventually successful at the Convention, and was the model put to referendum the following year. The Convention also made recommendations about a preamble to the Constitution, and a proposed preamble was also put to referendum.

2.6 The wording of the referendum questions was the prerogative of the Federal Government. The question on the republic put to electors at the 1999 referendum was whether they approved of:

A proposed law: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.<sup>4</sup>

2.7 The referendum was held on 6 November 1999, after a national advertising campaign and the distribution of 12.9 million Yes/No case pamphlets. The question on a republic was defeated. It was not carried in a single state and attracted 45 per cent of the total national vote. The preamble referendum question was also defeated, with a Yes vote of only 39 per cent.

2.8 A conference was held in December 2001 to discuss practical proposals for a future process for moving towards a republic. This Corowa Conference considered 19 proposals, and recommended one. Proposed processes are considered in Chapter 4 of this report.

2.9 Also in 2001, a private senator's bill was introduced by Senator Natasha Stott Despoja (Republic (Consultation of the People) Bill 2001), which provided for electors to be consulted, at the same time as a general election for the House of Representatives, on whether Australia should become a republic and on whether they should vote again, if applicable, to choose from different republic models.

### **A republic: Yes or No? Views expressed in submissions and evidence**

2.10 Submissions to the inquiry expressed a range of views regarding the issue of a republic. This section of the report briefly gives a flavour of some of those views.

#### ***In support of a republic***

2.11 Arguments raised in support of a republic mirrored similar arguments put forward in the 1998/99 debate. Many submissions in favour of change argued that it

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was important for Australia's status as an independent country that we do not retain the British monarch as head of state. Mr John Bowdler expressed the view that:

This historic arrangement [of our Governor-General being the British monarch's representative in Australia] does not make sense against our status nowadays as a successful and proud country, well regarded across the world as a substantial middle power, particularly in the Asia-Pacific region. Our people are resourceful, well educated, and have a reputation for tolerance and support of others. We have a robust market economy, an effective public sector, a strong judicial system and a media free of government control. We have no reason whatsoever to abdicate part of the responsibility for our national governance to someone in another country.<sup>5</sup>

2.12 Mr George Said supported this view, arguing that:

An Australian Republic is 'us growing up'. It is about nationhood. It is about accepting us all as full citizens in an independent nation and not migrants to the remnant of a defunct British Empire. It is about equality of its citizens regardless of their roots. It is about going beyond the deeds of one ethnic group over the aborigines. It is the next step past the white Australia policy, the stolen generation, the assimilation policies and the monocultural attitudes of Pauline Hanson and her followers.<sup>6</sup>

2.13 In answer to the "if it ain't broke don't fix it" argument put forward by many opposing change, the Australian Republican Movement (ARM) submitted that "the system *is* broke", and that:

Continuing with a distant monarch in our highest office is not an optimal situation for Australia. ... Now is the time to begin moving towards a new referendum to replace a remote, outdated institution with an Australian Head of State.

2.14 A submission from Mr Nick Earls argued that it was an anachronism that Australia's head of state was required to be Christian (specifically Protestant), male preferred, and a descendent of a particular European royal family.<sup>7</sup> Mr John Pyke supported this view, and argued in support of an Australian, democratically selected head of state:

... it is totally un-Australian to have any hereditary element in our system of government. ... The idea that our head of state, or even the person who appoints our *de facto* head of state, should hold that office by birth is just as absurd, in a modern democracy, as a hereditary upper house. It is high time

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5 *Submission 459*, p. 3.

6 *Submission 92*, p. 1.

7 *Submission 417*, p. 2.

that we had an Australian head of state, chosen not for life but for a fixed term, by a democratic process.<sup>8</sup>

2.15 Former Chief Justice of the High Court Sir Gerard Brennan pointed out that if there were some change to the existing laws of Great Britain in relation to the monarchy, or if the British monarchy were to be abolished, Australia would be left with no way of appointing a head of state.<sup>9</sup>

2.16 Some submissions argued that remaining a constitutional monarchy was inconsistent with the need to recognise Indigenous status and rights. The Aboriginal and Torres Strait Islander Commission submitted that:

The establishment of a republic provides the opportunity to redefine the relationship between non-Indigenous and Indigenous Australians, and formally acknowledge their status and rights.<sup>10</sup>

2.17 Dr Mark McKenna expressed the view that the sovereignty of the crown must be removed, as it was a direct link to the dispossession of Indigenous people:

[The sovereignty of the crown] speaks directly to the historical experience of Aboriginal people since colonisation began in Australia in 1788. The gradual dispossession of Aboriginal Australia occurred under the imprimatur of the crown. Aboriginal land became crown land. Aboriginal sovereignty was usurped by the sovereignty of the crown, at least in the eyes of the invaders. To this day, 'crown land' continues to describe all land in Australia that is not held in freehold title, a constant reminder of the way in which the land was won and claimed, without due recompense to the original owners.<sup>11</sup>

2.18 Several submissions pointed to opinion polls that indicated majority support for Australia becoming a republic. Recent Newspoll polls indicate that 51 per cent of those surveyed are either partly or strongly in favour of Australia becoming a republic.<sup>12</sup> Another Newspoll survey asked for respondent's preferences for either an Australian to be Australia's head of state, or the Queen to remain Australia's head of state. The result of that poll was that 64 per cent favoured an Australian head of state.<sup>13</sup>

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8 *Submission 512*, p. 2.

9 *Committee Hansard*, 13 April 2004, p. 19.

10 *Submission 112*, p. 3.

11 *Submission 201*, p. 4.

12 Newspoll survey results in the years 1999 to 2003, [www.newspoll.com.au/cgi-bin/display\\_poll\\_data.pl](http://www.newspoll.com.au/cgi-bin/display_poll_data.pl), accessed 7/07/2004.

13 [http://www.newspoll.com.au/cgi-bin/display\\_poll\\_data.pl](http://www.newspoll.com.au/cgi-bin/display_poll_data.pl) accessed 28/07/2004

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## *Against a republic*

2.19 Like arguments in support of a republic, arguments put forward against Australia becoming a republic also paralleled views put forward in the 1998/99 debate. Some submissions argued that there was no need to change the Australian Constitution, as it worked well and ensured a democratic and stable society, which was the envy of many. Mr Brian Bowtell submitted that:

I do not want a Republic. Our present system has given us (the people of Australia) stable government for 100 yrs. If it ain't broke why fix it?<sup>14</sup>

2.20 The submission of Mr George Reynolds echoed this view, stating that:

The proponents of this inquiry have paid no regard to the workability of the status quo, and the fact that most people are happy with it and the stability that it offers to the lucky country.<sup>15</sup>

2.21 Submissions of a similar viewpoint added that it would be inappropriate to change Australia's current system to a republic when the record of republics in the world was not one of stability.<sup>16</sup>

2.22 Major-General Digger James argued that many migrants came to Australia for its freedoms and way of life, and that many Australians had fought and died in wars to protect that way of life.<sup>17</sup>

2.23 National Convenor for Australians for Constitutional Monarchy (ACM) Professor David Flint argued that the retention of the Crown in our system of government ensures that there is leadership above politics.<sup>18</sup> Professor Flint told the Committee:

Once you move to a republic you run into the danger of the [head of state] having a mandate or behaving politically. ... Some of the best Governors-General of this country ... have been former politicians and fulfilled their positions superbly, because they have accepted that they must abide by the rules which apply to the Crown. It is very hard to replicate the Crown in the Westminster system.<sup>19</sup>

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14 *Submission 285*, p. 1.

15 *Submission 423*, p. 1.

16 For example Major-General Digger James, *Committee Hansard* 29 June 2004, p. 1; AB & GM Francis, *Submission 371*, p. 1.

17 *Committee Hansard* 29 June 2004, p. 1.

18 *Committee Hansard*, 13 April 2004, p. 75.

19 *Ibid.*

2.24 Some submissions also argued that Australia already has an Australian head of state, that is, the Governor-General. This issue is addressed in Chapter 5 of this report.

2.25 A large number of submissions questioned the holding of the inquiry itself, arguing that an Australian republic was rejected at the referendum held in 1999, and that it was inappropriate to expend resources on the issue again. Mr Stewart Hesse, of the Australian Monarchist League (AML) contended that the inquiry was biased<sup>20</sup>, and was a waste of taxpayer's money, telling the Committee:

This matter was decisively decided by the people of Australia in a referendum in a constitutional way and we still have this sort of activity going on.

...

We are very concerned about the use—or misuse—of public moneys ... This is money that could have been well spent on much more important issues. [such as] on public transport, hospitals, schools...<sup>21</sup>

2.26 Proposals to conduct plebiscites that would gauge public opinion regarding the republic issue were also questioned in many submissions. This issue is discussed in Chapter 4 of this report.

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20 *Submission 42*, p. 1.

21 *Committee Hansard*, 13 April 2004, pp. 1 & 2.