



RESEARCH NOTE

Number 53, 27 June 1995
ISSN 1323-5664

An Australian Republic - The State of Play

This *Research Note* outlines the views, as at 23 June 1995, of the Government, the Liberal/National Party Coalition and the Australian Democrats on the creation of a federal republic. Specifically, this *Note* addresses three matters:

- whether the Government, the Coalition or the Democrats consider Australia should become a federal republic;
- what proposal/s, if any, have been advanced by the Government, Coalition or the Democrats for the establishment of a federal republic; and
- what rationale, if any, has been advanced by the Government, the Coalition or the Democrats in support of their proposal/s.

The views outlined are drawn from the speech by the Prime Minister, the Hon P.J. Keating, *An Australian Republic The Way Forward* (7 June 1995); the response to the Prime Minister's speech by the Leader of the Opposition, the Hon. J. Howard (8 June 1995), and his address to the Queensland Liberal Party State Convention (11 June 1995); and the 7 June 1995 *Media Release* by the Leader of the Democrats, Senator C Kernot.

The Government

- Australia should become a republic by the year 2001 and Australia's 'Head of State' should be an Australian.
- The key proposal advanced by the Government for the establishment of a federal republic is the election of a federal President. Other related proposals include:

- President to be elected by a two thirds majority vote in a joint sitting of both Houses of Parliament on the nomination of the Prime Minister and Cabinet;
- question of a Republic to be put to the people in 1998 or 1999;
- President be appointed for a non-renewable term of office of five years;
- President be an Australian citizen of voting age, may not hold any other remunerated position while in office, serving Commonwealth, State and Territory parliamentarians would be excluded from nomination and former Commonwealth, State and Territory parliamentarians would be excluded from nomination until five years have passed since departure from parliament;
- President be subject to removal by a two-thirds majority vote in a joint sitting of Parliament, with either House having the right to initiate the joint sitting by passing a motion supported by a simple majority of members;
- President to perform the ceremonial and representational functions currently performed by the Queen and the Governor-General; and
- the reserve powers currently possessed by the Governor-General (eg. powers to appoint and dismiss the prime minister or premier, and to refuse

and force a dissolution of the lower house of parliament or a simultaneous dissolution of both houses) remain with the President, and the Constitution would provide that the constitutional conventions governing the exercise of these powers would continue.

- The Government argues that the President should be an Australian and elected by a two thirds majority of both Houses of Parliament for reasons including:
 - election of a President who is an Australian expresses a desire to have a 'Head of State' who is an Australian.
 - election of a President who is an Australian will make clear and unambiguous Australia's independence and responsibility for our own affairs;
 - an Australian 'Head of State' can embody Australia's modern aspirations, cultural diversity, evolving partnerships with Asia and the Pacific, quest for reconciliation with Aboriginal Australians, ambition to create a society in which women have equal opportunity, equal representation and equal rights;
 - the process will oblige the Government to nominate non-partisan candidates;
 - it will require consultation with non-Government parties to ensure the candidate has bi-partisan support;

- debate on the relative merits of competing candidates, which could also discourage appropriate candidates from accepting nomination; and
- popular election would guarantee that an Australian 'Head of State' would be a politician, the major parties would run candidates and those candidates would be backed by large party organisations with the necessary funds to run nationwide campaigns.

Liberal/National Party Coalition

- If consensus for change emerges from a 'Peoples Convention', that consensus will be put to a referendum and be promoted by the Government of the day. If no consensus emerges from 'Peoples Convention' the Government of the day would go to the people and seek their views on a range of options.
- Establishment of a 'Peoples Convention' in 1997 which would examine issues including:
 - whether or not Australia should become a Republic;
 - the role of the 'Head of State' in the Australian Constitution, including implications of change for the role of the States;
 - allocation of legislative and executive powers and functions between federal and state governments, including areas of overlap and duplication;
 - whether we should introduce four year instead of three year terms of Parliament;
 - the basis on which new states, in particularly the Northern Territory, would be admitted to the federation; and
 - any other matters which the 'Peoples Convention'

members would themselves determine.

- The 'Peoples Convention' would consist of:
 - 50% of members appointed by the Government of the day, 10% of which would be between 18 and 25 years of age; and
 - 50% elected.
- Arguments put forward by the Coalition for a 'Peoples Convention' include:
 - enabling a range of community views to be properly examined;
 - gauging the mood for change in the Australian community;
 - providing a forum which unifies rather than divides the community;
 - allowing the people of Australia to decide the questions, the options and the referendum; and
 - involving all Australian people at the beginning, in the middle and at the end of the debate process.

Australian Democrats

- The Democrats support Australia becoming a republic and believe the 'Head of State' should be an Australian.
- The Democrats argue that the President should be elected by a two thirds majority of both Houses of Parliament for the following reason:
 - If the reserve powers (eg. powers to appoint and dismiss the prime minister or premier, and to refuse and force a dissolution of the lower house of parliament or a simultaneous dissolution of both houses) are to be retained, the Democrats support election of a President by a two thirds majority of both Houses of Parliament because it is the best way of ensuring continuing

stability in our parliamentary democracy.

- It should be noted that election of a President by a two-thirds majority of both Houses of Parliament is not the Democrats preferred position. The Democrats believe:
 - the most appropriate method of election of a President depends to a large extent on the role and powers of the President;
 - the powers of the President should be codified;
 - a process should be developed under which all Australians can make nominations to a short-list from which Parliament would then choose the President;
 - a petition system should be instituted under which a candidate could be nominated by no less than 25 000 and no more than 40 000 eligible voters; and
 - there should be a Bill of Rights incorporated into the Constitution, an environmental head of power and the Government fund the Constitutional Centenary Foundation to lead public debate over the next four years.

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