



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## **JOINT SELECT COMMITTEE ON THE REPUBLIC REFERENDUM**

**Reference: Proposed laws, Constitution Alteration (Establishment of  
Republic) 1999 and Presidential Nominations Committee Bill 1999**

FRIDAY, 9 JULY 1999

**BROOME**

BY AUTHORITY OF THE PARLIAMENT

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**JOINT SELECT COMMITTEE ON THE REPUBLIC REFERENDUM**

**Friday, 9 July 1999**

**Members:** Mr Charles (*Chairman*), Senators Abetz, Bolkus, Boswell, Payne, Schacht and Stott Despoja and Mr Adams, Mr Baird, Ms Julie Bishop, Mr Causley, Mr Danby, Ms Hall, Mr Hawker, Mr McClelland, Mr Price, Mr Pyne and Ms Roxon

**Senators and members in attendance:** Mr Causley, Mr Charles, Ms Hall, Mr Price and Ms Roxon

**Terms of reference for the inquiry:**

To inquire into and report on the provisions of bills introduced by the Government to give effect to a referendum on a republic.

[9.51 a.m.]

**PARTICIPANTS**

**ANDERSSON, Mr Walter David**  
**COCHRANE, Mrs Elizabeth**  
**COCHRANE, Ms Jacqui**  
**COCHRANE, Mr Murray Clyde**  
**KENT, Mrs Veronica Ann**  
**KENT, Mr Lawrence William**  
**LOTON, Ms Margaret Ellen Morris**  
**MANN, Ms Maria Katrina**  
**MARTIN, Mrs Carol Anne**  
**MIEDEMA, Mr Siguko Gialt (Ziggy)**  
**SIBOSADO, Mr Martin**  
**TREVOR, Mr John Noel Black**  
**WHITNEY, Ms Jane**  
**WOOD, Brother Shane Joffre**

**CHAIRMAN**—Good morning, ladies and gentlemen. I open this public hearing of the Joint Select Committee on the Republic Referendum. The committee is examining the provisions of the draft legislation introduced by the government to provide for the Constitution to be altered to lead the way for Australia to become a republic. Last week the committee held its first public hearing in Canberra and took evidence from the Referendum Task Force and from the Attorney-General's Department. The committee also heard arguments from other witnesses about some perceived weaknesses in the bill.

We commenced this week in Sydney and then went to Melbourne, Adelaide and Perth. Today we are in Broome. On Monday we go to Hobart. We will take four days off to allow the secretariat to start to do some drafting because we are under a very tight time constraint. The following week we intend to go to Brisbane, regional Queensland, regional New South Wales, regional Victoria, Darwin and Alice Springs. We might have one last wrap-up in Canberra and then we will deliberate on our report, which we have to table on 9 August. It is not very far away—30 days. It is a tight time schedule.

Today is a historic day. On 9 July 1900, exactly 99 years ago, 63 and 64 Victoria chapter 12, an act to constitute the Commonwealth of Australia, was signed into law in Great Britain. So we have been a constitutional Commonwealth for 99 years, as of the day we sit here to talk about these things. What this is all about is that, following the 1996 election, our Prime Minister, John Howard, promised the country that he would hold a Constitutional Convention to discuss whether Australia should become a republic and that, if there was a clear outcome from the Convention, he would put the outcome of that Convention to the Australian public by way of referendum to change the Constitution.

When they wrote the Constitution back in the late 1800s, they took one item from the Swiss, and that was that you could alter the Constitution only by the will of the whole of the Australian public, as represented by more than 50 per cent of the people voting at the

referendum and by more than 50 per cent of the people in 50 per cent of the states at the same time. So only eight times since Federation have we ever made alterations to the Constitution. These are very serious affairs. We do not lightly change our form of democracy.

A number of things came out of the Constitutional Convention. It recommended that Australia become a republic, that we remain the Commonwealth of Australia and that we not forget our ties with Great Britain but that we change our head of state from the Queen to an individual called a President. It recommended a method of selecting the individual to become the President. One of these two bills is a bill entitled the Presidential Nominations Committee Bill 1999. That is not one you will vote on at the referendum, but it is one we will vote on in the parliament. It simply establishes a committee which would recommend to the Prime Minister a name or the names of prominent Australians who might be selected as President. The Prime Minister, with the agreement of the Leader of the Opposition, would then submit a name to the parliament—being both the House and the Senate sitting in joint session—and they would vote. It would require a two-thirds majority of all of your representatives, both senators and members, in order to confirm that choice for President. Then there are a series of issues that simply take the Queen out of the Constitution and put the President in and there are mechanisms to try to keep our system of responsible government working the same way it works now, so that nothing substantially different happens. We have had submissions from all kinds of people—constitutional lawyers, respected senior academics from the universities, a former Commonwealth Solicitor-General, a former Prime Minister, a former Governor-General and a former senator. But one of the best appearances before us was in Adelaide two days ago, with a boilermaker and another young man—and I am not sure what his job was, but he certainly was not a constitutional lawyer. They spoke passionately about their belief in why Australia should accept the bills and become a republic, and their submissions were, quite frankly, excellent. We have this morning received a submission from a member of the public in Broome. Would someone please move that the submission of Liz Rosenberg be accepted as evidence before the committee, and published? There being no objection, it is so ordered.

I will introduce my colleagues: Jill Hall from New South Wales, Ian Causley from New South Wales, Roger Price from New South Wales and Nicola Roxon from Victoria. I am from Victoria. I ask each of my colleagues to say a few brief words about the issues they think we might discuss this morning and then see if we can get you to tell us what you would like to tell us.

**Ms ROXON**—Thank you. I am from Melbourne. My seat is the seat of Gellibrand, which is in the inner western suburbs of Melbourne. It is probably one of the seats most different from the one that we are in at the moment. I am a Labor member and was elected at the last election.

For what it is worth, I am a republican. I do believe that we should become a republic but my role on this committee, along with the other members, is to make sure that the bill that we are going to be voting on in November is the clearest and best possible bill that it can be. For those of you who are not aware, normally a law comes into effect at the time that it is passed by both houses of the parliament and the Governor-General signs off on the law. When there is a referendum, it is actually your vote and, if the necessary majority is achieved, it is your vote that makes that bill come into law. So there is no opportunity after the vote for us to say, 'We need to fix up a few of those clauses.' The main objective for this committee is to make sure that everything is tight and clear in this bill, and that is the reason we have been

having submissions from a lot of technical people who have very carefully read through the bill and have made suggestions on a whole lot of things.

From my point of view, it will be very interesting today to hear from you. I am happy to go through, roughly and briefly—or one of the other members might want to—what is actually proposed in the bill, because we do not assume that everybody knows exactly what the model is. Then we will have some discussion from you about the areas that, as members of the public, you have concerns about or would like more information about. My particular interest would be the long title of the bill. We will read this out to you, but the title of the bill is actually the words that will become the question on the referendum. As a committee, we are very concerned that that question is the clearest question that can go to the public and the most accurate reflection of what we will all be voting on.

It would be useful for me, and I am sure for the other members of the committee, to have some feedback from you about whether you think the existing title—which, as I say, we will take you through—is clear or whether there are improvements that could be made to it to make it clearer or easier for people to vote, whichever way they vote in the November referendum. I will let the others introduce themselves, and I or someone else will go through the model. I think it might be helpful to do that before we start the discussion, if people would like that.

**Mr PRICE**—I am Roger Price, and I am the member for Chifley, from the western suburbs from Sydney. Again, it is a little bit different from Broome, but it is nice to be back in Broome. Like Nicola, I have found this committee very interesting because it was supposed to be a very technical requirement of the committee to look at the draft legislation and make judgments, but people are expressing different views about what President means, what republic means, and how this nomination committee should or should not work. It is really good to be able to sit in a room with some people and get your feedback. I am looking forward to that.

**Mr CAUSLEY**—I am Ian Causley, and I am the member for Page, which is basically the Lismore-Grafton area of the North Coast of New South Wales, about 250 kilometres south of Brisbane. I am a member of the National Party. I have an open mind on this particular issue, although my party would take the stance that they do not want change at the present time. They do not see it as necessary.

I dare say that it is not easy to change the Constitution by referendum, and if this does get up then I want to be sure that the bills that we have before the parliament will work. I am concerned about the powers of the President and the powers of the Prime Minister and to ensure that no-one in the future can take ultimate power. One of the greatest things that we have in Australia is a democracy that protects the freedoms and rights of individuals, and I want to make sure that that remains so.

**Ms HALL**—I am Jill Hall. My electorate is Shortland, and I am a Labor member of Parliament. Shortland is in the Hunter-Newcastle area going on to the Central Coast. Like my colleagues, I found this an exceptionally interesting committee to be involved in. It is a committee that is looking at an issue that is going to determine the future structure of our government here in Australia.

The changes that we are looking at under this legislation are very minimal. It will be the closest model that you could possibly have to our current model. Basically, we are replacing the Governor-General with a President. That President will have very similar powers to that of the Governor-General, and the ability to remove him and appoint him are more accountable under this legislation than under previous legislation. Currently, the Prime Minister appoints

the Governor-General and does not discuss it with anyone. Under the proposed legislation, the Prime Minister will consult with a committee with 32 appointed members. They will make a recommendation. Following that recommendation, the Prime Minister must consider those names. He will nominate his choice to the parliament. It will be seconded by the Leader of the Opposition, and then two-thirds of the parliament must approve that nomination. So it is much more accountable, much more visible, and we will be aware of what happens. It does not allow for direct election, but the community committee is allowing people to have a greater say in what happens with the appointment of the President.

As well as that, as Ian mentioned, the dismissal procedure has received some discussion. You might like to ask us some questions about that. I am very interested to hear what you have to say on it, and particularly to hear your thoughts on the long title because, as Nicola said, that is the question that will go to the people. People will look at that; they will read the long title, and based on that long title they will make their decision as to whether or not they will vote yes or no. With those few words, I thank you for coming along today. I am very keen to hear what you have to say.

**CHAIRMAN**—Perhaps we could start it off this way. One of the things that has been said to us is that people do not understand the word ‘republic’. Could you tell us what you understand the word ‘republic’ to mean? If somebody will start, other people will keep going.

**Ms HALL**—Someone may like to ask us a question on any aspect of it.

**MURRAY COCHRANE**—To answer your question regarding what we think the republic is, my general broad idea is that we would basically become independent of any foreign rule or leadership.

**Mr PRICE**—I think that is fair enough.

**ELIZABETH COCHRANE**—I agree with that; that we would be independent of everybody else and make our own decisions.

**JANE WHITNEY**—I am a retired American diplomat and the former US Consul-General in Western Australia. Mr Charles and I share the same history with the civics lessons. A democratic government in the form of a republic proposed here derives its powers from the consent of the government and from no-one else.

**MANDY LOTON**—My name is Mandy Loton. I am a monarchist, and I have just come to hear what you have to say.

**Ms HALL**—We have come to hear what you have to say.

**MANDY LOTON**—I think the Governor-General, as such, runs Australia at the moment; I do not think the Queen has any role, particularly, in how this country is administered. My horror about a republic is that the next thing that will happen is that our flag will be changed.

**Ms HALL**—This referendum is not about that.

**MANDY LOTON**—I know it is not, but I think that is the next step down the track.

**Ms ROXON**—I would like to make a comment about that, because—the committee members have heard this before—for me it is a very important process. I agree with you that the Queen does not have a major functional role in the running of the government—and most people have a view that we are an independent country—although there were two times in my life that were quite important to me where I was shocked to learn that I needed to swear allegiance to the Queen. The first was when I became a barrister and solicitor of the Supreme Court of Victoria. Whilst I could choose whether I swore an oath on the Bible or the Koran

or made an affirmation—for those who not religious at all—I had no choice but to swear allegiance to the Queen, because that is our system.

Then, as late as October of last year when I was first elected, I found that members of parliament also, by virtue of the Constitution, are required to swear allegiance to the Queen. I was distressed that I was not able to swear allegiance to the people of Australia or to the people of Gellibrand—as the people who elected me—or, when I became a barrister and solicitor, to swear to uphold the laws of our state and country.

This is only by way of getting the discussion going, not to try to not take note of your views or to invite others to do so, but the key to this proposal is that the Queen, and the Governor-General as her representative, will be replaced by an Australian citizen. That is the type of republic that we will be voting on in November. It is your views that will affect exactly how that wording is put and what exactly is in the bill, although the model is pretty clear.

Just to add to that for the purposes of our discussion, whilst the Queen does not have much day-to-day input into how we run our country, she does have a position under our Constitution which means that technically she would be the person, for example, who would open the Olympics. Those of you who read the paper know that there has been a bit of controversy about whether our Prime Minister should do that or whether the Governor-General or the Queen should. Kim Beazley had everyone in hysterics in parliament the other day because he said that, whilst he loves going to the cricket and he quite likes the barmy army, he thinks that one of the most annoying things the barmy army does is sing, ‘God save the Queen. She’s your Queen too,’ just to get up the nose of all the Australian supporters. That is, I think, one of the interesting areas which I just wanted to comment on along the way.

**Mr CAUSLEY**—I am not thin-skinned like that. You have raised a point that has had a considerable amount of debate before this committee, and that is the difference, perceived or not, between the Queen and the President under this bill. At present the Prime Minister can ask the Queen to remove a Governor-General. There has been great debate as to how quickly that would happen and as to whether, in fact, the Queen would do that in a time of emergency. It has never been tested, so we do not know. We can only speculate as to what might happen. Under these bills the Prime Minister has the right to immediately sack the President without reason—he does not have to give a reason—but he then has to go back and have it ratified by the House of Representatives only by a simple majority. That is a point that worries me a little, because that is an instantaneous dismissal. But, if he is dismissed, the most senior serving governor of a state will act as President. So there is an argument as to what in fact would take place, as to whether the Prime Minister would have too much power. That is one point that does worry me a little about it.

**Ms HALL**—To add to that, when Malcolm Fraser came and addressed the committee, he was very strong in the opinion that he expressed that the Prime Minister now has that power; he at no time has to give reasons for dismissing the Governor-General AND it is very formal. He said that the Queen would in no way refuse to accept the Prime Minister’s wish if the Prime Minister of the time wanted to sack the Governor-General. Under this legislation, the Prime Minister would not have to give a reason. Certainly, the Prime Minister does not have to give a reason now, but under this legislation he is required to bring it to the House of Representatives within 30 days.

**CHAIRMAN**—What do you think a republic means?

**MARIA MANN**—I would rather not answer that question. But I have some questions of my own. I am still not clear as to the merits and demerits of parliament and/or the Prime



Minister—the current model—appointing a President versus the people electing a President. I have yet to be convinced of the relative merits of either system. I am very much for an independent Australia removed from mother Britain, and I am not clear which of those models would be the best for me, from where I come from.

**CHAIRMAN**—Could I just try to clarify that a bit?

**MARIA MANN**—Can I just add to that. I am not even sure that we are getting an opportunity to answer that question in this referendum. Are we?

**CHAIRMAN**—The answer is you are not.

**MARIA MANN**—So, really, the question I have just asked is irrelevant.

**Mr PRICE**—No it is not; it is a very good question.

**Ms HALL**—Not if it is going to clarify the situation for you.

**CHAIRMAN**—It is an excellent question. As your friend has said, I am an ex-American. I was born in the United States, so I grew up under that system of a republic. I swore allegiance to Her Majesty the Queen—Nicola—when I became an Australian in 1974.

**MARIA MANN**—So did I; I am a migrant as well.

**CHAIRMAN**—I think my ancestors rolled over in their graves but, nonetheless, there you are.

**Ms ROXON**—You no longer do that to become a citizen.

**CHAIRMAN**—The point I wanted to make is that the United States does not actually have a directly elected President; the President is elected by an electoral college, and the members of that college are elected by people that actually go to the polls—it is very confusing. It is a sort of directly elected President, but the President is both the head of state and the head of government. We took our Constitution from the Westminster system of responsible government from Great Britain but we took the Senate, the High Court and the federation model from the United States and we took the referendum system for Switzerland, but in our system the Prime Minister is never elected by anyone; he is only elected to hold a seat in the House of Representatives. I am not going to say whether it is right, wrong or indifferent, but the argument against directly electing a President is that it would give that individual more perceived power than the Prime Minister, setting up irreconcilable dynamics if ever there was a disagreement between those two individuals. That is how the argument goes.

**MARIA MANN**—What is the argument for the other side?

**Mr PRICE**—Can I just make the point that I am probably a direct election republican. I like the idea of the people voting for the President. That was rejected at the Constitutional Convention. But, given the weight of public opinion, I believe the Convention had a mind to that when it looked at the nomination process. Bear in mind that at the moment the Prime Minister can nominate his chauffeur to be the Governor-General. There is absolutely no process. He just submits the name to the Queen, and the Queen makes the appointment. Prime Ministers are not that irresponsible but, in theory, there is no process other than him submitting a name.

The Constitutional Convention came up with a nomination procedure which sets up a committee of 32—some parliamentarians, some community members—and then the people of Australia nominate who they feel would make a good President. Then that nomination committee sifts through all of the nominations that are made by the people and submits a final list to the Prime Minister. Then it requires two-thirds of the Senate and the House sitting

together to vote in favour of it. So it is going to be someone that all political parties agree is an eminent and suitable person to be the President. That is the only choice that people are going to have at the referendum: either to accept a republic with that particular flavour or to keep the present system.

**Ms ROXON**—With the direct election question, I think that in my electorate as well that has been a question that has really been asked very often. I do not really have a view about direct election yet, but what I do have a view about is that we should take our constitutional reform a step at a time. I think that it is actually going to be a big step for people to decide whether or not they are prepared to sever our historical relationship with the Queen and with England. I have a view that there is no reason, if we do vote for that step in November, that that will be the end of any constitutional change in the future.

Direct election is something that people may be very keen on, and it certainly has an appeal because it is democratic to be able to all vote for one person. I do not have a view about whether that is a problem for Australia to move that way or not, but I do have a strong view that, if we are going to, it will fundamentally change the way our whole system of government works, because we will have then a person who has quite separate authority. Even if we set up our Constitution so that that President has no particular power, just the fact that they are elected by the whole of the country gives them great moral authority which in a way will be potentially in conflict with the authority of the Prime Minister.

If the country decides that they want to do that, I think that is fine. But we would then want to very clearly identify what powers a President would have if they were directly elected and what powers the Parliament would have. Frankly, I am not sure that we have had enough debate yet to take that step. If we take step one, I have a fairly open mind about what might happen with steps two, three and four. In fact, as Roger has said, the Presidential Nominations Committee Bill 1999 gives you scope for the way that those nominations can be put to the Prime Minister. It will be an act of parliament, not a change to the Constitution. Potentially, if the community views move towards wanting there to be a directly elected President with different powers, there will be nothing to stop there being further referendums to move in that way. But I have a strong view that, when we have a stable democratic system which has served us well for 100 years, caution is sensible. You would have to say this proposal is a cautious one, because it really does just swap the Queen and Governor-General with an Australian citizen. Then there is room for that debate, which I think would be very healthy further down the track. But it will fundamentally change our system, and I suspect that, whilst direct election is appealing, people do not necessarily think through all the consequences of fundamentally changing the balance of power within our government.

**Ms HALL**—If I can add to that, if the referendum does vote yes and we do have a President for our head of state, there will be a future convention. That was one of the recommendations. That convention will look at the broader issues. One of those broader issues can be whether or not in future we will move to a system where we directly elect our President. It will look at the relevant powers of both the state and federal governments and it will also look at whether or not we want to include a bill of rights in our Constitution.

**Mr CAUSLEY**—I have a fundamental disagreement, but I will not bore you with it at the present time—a fundamental disagreement with both those arguments.

**Ms HALL**—Mine is not an argument; mine is just a fact.

**SHANE WOOD**—I agree with the simple definition that says there is a change of head of state to be an Australian citizen rather than the Queen. I have a couple of concerns. One is

following up from Maria's comment about objecting to the current model. I am pleased to hear Nicola speaking on that question, that if people do not like the current model they may, as in that split that has occurred at the moment, vote against this referendum. I think there needs to be more emphasis on the point that you have made, that there is a possibility of further steps down the track, whereas it could be very dangerous to vote against this model. It will be a very difficult process to get it all up again.

The further question I have is: what are the consequential flow-ons to states and governors in states? What position does that put them in, and what constitutional standing will they have?

**CHAIRMAN**—That question is easily answered. The bills give the states the unfettered right to remain as they are until such time as they wish to change.

**SHANE WOOD**—But who does a governor in the states represent?

**CHAIRMAN**—Exactly as they do now. There would be no change whatsoever. But the Western Australian constitution requires, as I understand it, that there be a referendum held to approve changing your constitution to change your head of state from the Crown to an individual. You would have to have a separate referendum.

**SHANE WOOD**—Reading these things tends not to clarify them. You need to be a constitutional lawyer. The other concern I have is about the method of choosing the President. I would be concerned about an elected President from the point of view of limiting the sorts of people who could stand for such an election. With all due deference to the current members of parliament, there are only certain people in certain professions who are, with certain party political backing, going to be able to be a representative of the people in parliament. Certainly in the case of a directly elected President the same would be the case, if not worse, as we see in America. I would favour the current nomination by parliament and election by parliament as against the direct election by the people, for that very reason. However, I can see there is still a danger that, even with seeking bipartisan support, or however many major parties there might be, it can possibly be seen that friends of parliament are the ones who are going to get that nomination. I think there is some cynicism and some distrust in our community of politicians.

**CHAIRMAN**—There is a great deal of cynicism, if I might say, about your elected representatives. Unfortunately, we do not question that. All we can do is try and dispel the poor public image we have, and in a sense perhaps that is why we are here today.

**Ms ROXON**—I just wanted to make a comment, for your information, about the changes for the states. There has actually been agreement—we had some information given to us when we were in Victoria—between the Solicitor-Generals of each state to put a proposal at the same time from each state to the Commonwealth that the Commonwealth take the necessary steps for them to be able to change their relationship of having a governor who represents the Queen in each state. But in Western Australia there is a requirement that you would have a referendum as well, so that would have to be followed up. There has already been some of that preliminary work done between the states to try and make sure that, if we were a republic at a national level, we would also be at a state level, although there is nothing in the bills that we are actually assessing that requires the states to make that change. So you could have a system where we were a republic nationally but we had a representative of the Queen in a particular state.

**LAWRIE KENT**—Has the wording of the questions that we are going to be asked been finalised?

**Ms HALL**—It is on the front of the bill.

**Mr PRICE**—What would you like to see in the question?

**LAWRIE KENT**—Before I answer that, I am in favour of the government electing the President. I am also a republican. That is pretty much what I want.

**VERONICA KENT**—My understanding of a republic is that we are independent of any other power, but I am here to learn and understand more about the question in the referendum.

**Ms ROXON**—The question is on the front page of the bill. The little paragraph at the bottom which starts ‘a bill for an act’ is what we have been calling the ‘long title’ so you might have a chance to read that. If this committee does not recommend any changes which are adopted by the government, then that is the question that would be put to the public on the ballot paper. It basically says, ‘To alter the Constitution to establish the Commonwealth of Australia as a Republic with a President chosen by a two-thirds majority of the members of the Commonwealth parliament.’ Quite a number of things we have been talking about are not included in this question and we have had a lot of views put to us about whether that distorts the way people will vote and whether it is the most neutral way of doing it. We welcome your views on that, although you may want to take a little time to think about it, of course.

**MARIA MANN**—How would you see the question formed?

**Ms HALL**—That is it, and you will have the paper with ‘Yes’ or ‘No’ underneath.

**CHAIRMAN**—It will say, ‘Do you agree for a bill for an act to establish a Commonwealth?’ and it is either ‘Yes’ or ‘No’.

**Mr PRICE**—With all those words.

**CHAIRMAN**—Yes, with all those words.

**SHANE WOOD**—Is there any limit to the number of words that you have in the long title?

**CHAIRMAN**—They try to make the long titles not too long so as to be confusing, nor so short as to be non-descriptive of what you are voting on. This is a very unusual referendum because most referendums either go to the people with bipartisan support of the major political parties or not. When there has not been bipartisan support they have always failed. There has never been a successful referendum when the opposition did not support the referendum—ever. But in this instance everybody is free to do what they like. There is no binding by the political parties on how you have to vote. So the yes/no case is really established by the people. When we go to vote it will be different. There will not be official cases put up by the major political parties.

**MARIA MANN**—I have a technical question. What assistance is there going to be for people who have English as a second language? This is a rather wordy difficult sentence for people to comprehend if they have English as a second language—in fact, not even if they have English as a second language but if they have not had a particularly fabulous education.

**CHAIRMAN**—The Australian Electoral Commission some two weeks prior to the date of the referendum will deliver to every registered voter in Australia a description of both the title, the yes case and the no case and that will be in multiple languages. That is my understanding.

**MARIA MANN**—What about people who cannot read and write or who have very limited literacy?

**Mr CAUSLEY**—There will be a television campaign by both sides as well, so I would say, rightly or wrongly, that there will be some simplistic messages put across from both sides on television.

**MARIA MANN**—Yes, but with respect that puts the onus on those campaigners to explain it. Surely the people who are running this referendum need to take responsibility for it.

**Mr CAUSLEY**—There will be a yes case and a no case. That is where the campaign will be.

**Ms ROXON**—The government has also committed itself to an education campaign, which is meant to be neutral. Correct me if I am wrong, but somewhere in the order of \$4 or \$5 million will be allocated, and each of the yes and no campaigns will also have \$7 million each. It is not a huge amount of money, given the number of people we need to get out to, but there will be a neutral education campaign about our Constitution as it now stands and about the campaigns for the yes and no vote. I think that certain groups, particularly groups with English as a second language, will be disadvantaged in the same way that they are disadvantaged in our normal election campaigns, but we do go a step ahead in that the question will be in different languages when it is put out. It will not particularly help people with literacy problems.

**Ms HALL**—My understanding is that, as well as the written campaign, there will be a telephone service that will give people the information they need. But you make a very good point. People living in Aboriginal communities, particularly, will find it very hard to understand the implications of the question. It will also be hard for people who have poor literacy skills. If you are confronted with a very wordy question involving language that may be a bit obscure, it will be hard to understand what you are voting for. That is a challenge for all of us—and a challenge for community leaders, who will have a very important role to play in ensuring that people with literacy problems do understand the question.

**Ms ROXON**—Regarding the long title that is being distributed, there are things in particular that we would like your comments on. It might be helpful if I very briefly outline a couple of issues that have been raised with us often. You will notice that, in this draft, there is no mention of the change from the Queen, or Governor-General as her representative as the head of state, to the Australian citizen. We have had a lot of comments about whether that should specifically be in there. We have had comments about the nomination process. The way that reads now is, ‘President chosen by two-thirds of parliament.’ We have had comments about whether there should be some reference to the fact that there will be a public nomination process which is then approved by two-thirds of parliament. We have also had some people give evidence suggesting that it should be written in here that the Prime Minister will be able to dismiss the President. Others may add to that. I have varying views on those issues, but they are the three areas that people have spent most time on. We have also had submissions about ‘republic’ being a word that appears in here and whether people understand what republic means or whether it needs to be explained further.

**MANDY LOTON**—What do you think the word ‘republic’ means? What does the word ‘republic’ mean to you?

**Ms ROXON**—I do not think that ‘republic’ on its own means anything. I have a view that we could have a banana republic, we could have the People’s Republic of China, we could have the republic of the United States. It does actually create a question: what type of republic are we going to have?

**MANDY LOTON**—I would have thought there was only one sort of republic and that is where a person is elected by all the people of that country.

**Ms ROXON**—If you look at all the republican models around the world, that is not a requirement to call yourself a republic. This is what we want to hear. I do think people in Australia do have a view that republic means something to do with our independence, in a simplistic term.

**CHAIRMAN**—It is supposed to mean that the sovereignty of the state lies with the people. That is what it is supposed to mean.

**MANDY LOTON**—Therefore it means that the people should be voting for the President, not a two-thirds majority of the members of parliament.

**CHAIRMAN**—Saying that the sovereignty resides in the people does not necessarily instruct one on a method of voting.

**Mr PRICE**—In America they vote for delegates to the electoral college. They do not directly vote for the President. It is the electoral college that makes the final decision. Am I not right, Mr Chairman?

**CHAIRMAN**—Absolutely.

**JANE WHITNEY**—This is not about the American government; this is about your government. You are incorrect, Mr Charles: the President of the United States is not the head of the American government. You and I know that he is the head of the executive branch. The American system only confuses people. This is your system. This is what matters here, not the American system.

**Ms ROXON**—We would be grateful for comments about whether this clearly does set out the changes that we have been talking about or not. I think you had a question?

**SHANE WOOD**—Regarding the concern mentioned earlier about the conflict between a President and Prime Minister in terms of their standing in the eyes of the community, it seems to me that the relevant issues are the powers that limit what each of those two people can and cannot do. It seems to me to be irrelevant, as to what powers they are able to exercise, whether one is directly elected or one is not. For me, certainly—and I cannot speak for other people—it seems pretty clear that the change from a Governor-General to a President would in fact mean nothing, procedurally, if the powers of those two people remain the same.

So it seems to me that there needs to be something in the long title that says something about where this person stands and what powers that person might exercise. I am not sure how you do that in a short form of words. I do think that there needs to be a longer title that explains what we mean by ‘republic’ in this context and the fact that there is a nomination process for that person before the parliamentarians become involved.

**CHAIRMAN**—We have more guests at the table. Do you have comments you would like to make?

**DAVID ANDERSSON**—I want to vote for a republic but I do not want a President chosen by the members of parliament. Therefore I will probably be voting no, but that is not what I want. As far as I can see, it is a loaded question that is designed to make people vote no. Why do we need that in the question at this stage? Just stop at republic with the President and work out the details afterwards. Most people that I speak to do not want the President chosen by members of parliament. Why is that in there? That is what I would like to know.

**CHAIRMAN**—One of the problems is that a referendum is to accept or reject bills that have been passed by parliament that will alter the Constitution. Legally, under our system we could not have a referendum to say, ‘Do you want a republic?’ without defining what it is in constitutional legal terms. That is the problem. You could have a plebiscite, but the promise in the 1996 election—

**DAVID ANDERSSON**—I am sorry, I do not accept that.

**CHAIRMAN**—What is different?

**MR ANDERSSON**—I do not see why we cannot have that question put without that extra bit on there. I do not care about the legal argument. I am telling you we are intelligent people; we can make a decision.

**Ms ROXON**—I understand your view on that. We have had some comments that might throw further light on your view. We are voting on a particular model and we understand that there are a number of people who think that model is not the best one. But we have had some evidence from other people that have said—I cannot remember the exact words, but the sorts of proposals that were being made were—that they would like the question to say: ‘the Commonwealth of Australia as a Republic with a President approved by two-thirds majority of the members of parliament after a public nomination process of candidates for Presidency’. So we have actually had people say, ‘Look, this current model does not mean that parliament chooses. It means that parliament approves, after a public nomination process.’ But that may not address your concerns.

**Mr PRICE**—Can I say that this committee does not have the power to change the model. The model came out of Constitutional Convention, so what our committee, under Mr Chairman, has to determine is whether these bills best reflect what came out as a result of the Constitutional Convention, and whether—

**DAVID ANDERSSON**—Excuse me. There does not seem to be any point to have the committee, if your brief is just to deal with that, rather than get around and see what people really want—

**Mr PRICE**—No. Feedback is always vitally important. I am just saying—

**DAVID ANDERSSON**—But you are saying you cannot change anything.

**Mr PRICE**—We cannot put up a new model.

**DAVID ANDERSSON**—So what is the point?

**Ms HALL**—We can vary the wording of that question. Coming back to what both Nicola and I said earlier, if the referendum is passed and we decide that we want to become a republic, then there is a requirement that there would be a future convention. There would be another convention and at that convention those issues that you have raised will be discussed. A further amendment can be made further down the track (a) that we have a popularly elected President and (b) looking at all those other issues such as bills of rights, the powers of the states, the different roles of government. So there is a requirement for a second convention.

**DAVID ANDERSSON**—I do not mean to be rude but when it is already there in black and white I cannot see them changing it.

**LAWRIE KENT**—I would like to speak about that. As I understand it, we are going to elect the government. The government is going to elect the President, so we elect the President, as I see it. If we elect the government and they elect the President, who elects the President? We do. That is my argument.

**CHAIRMAN**—Thank you for that, Laurie.

**DAVID ANDERSSON**—You agree with that?

**LAWRIE KENT**—Yes, I do.

**SHANE WOOD**—I think we covered this a bit earlier when we said there was a danger of voting against a republic—because we do not like the current model—and losing the opportunity to move to a republic and then, the next step, maybe to do some tidying up around the edges in terms of how we implement that republic.

**CHAIRMAN**—If I can explain: the government did not establish the model. The people, through the Constitutional Convention, established the model and all the government has done is use the offices of the Attorney-General to draft legislation that reflects—we hope fairly—exactly what that Constitutional Convention came up with. So we are two steps down the line now along the whole long process. All of us here understand that people may vote no because they would rather directly elect the President. But it is not an option for us, because the Convention came up with the model it did; the bills now reflect that model; and so that is what will ultimately go to the people.

**DAVID ANDERSSON**—Were you at the Constitutional Convention?

**CHAIRMAN**—No, I was not.

**DAVID ANDERSSON**—I was just wondering whether that was a majority decision.

**CHAIRMAN**—It was.

**Ms ROXON**—There are plenty of people who have got your view about a directly elected President and we did talk about it in a bit of detail but I think it was before you were here this morning. One of the things that may give you some further information about it is we have only, in our history of being a federation, had eight successful referendums out of 43. They are notoriously difficult for us to win. I think there was a lot of emphasis put, by people who broadly support a republic of some type, that having a step which involves the least amount of change as our first step was probably the best way of making sure we did take one step along the path to what may turn into a system in the future of having a directly elected President.

So I think that there was some active consideration given to that. I do understand your frustration that our committee does not have the power to go back and say, ‘Look we think there should be a directly elected President.’ But it does mean that those of us on the committee and those who are not here but will read through all of the *Hansard* are aware that there have been members of the public—and we are aware through our own electorates anyway—that there are people who want it to go further and that our job will not be finished even if people vote yes at the referendum in November. So we do appreciate your views on it.

**DAVID ANDERSSON**—Thank you. We just want to register that. Because I think that what is going to result is that people are going to vote no, simply because they do not want the President chosen by members of parliament.

**CHAIRMAN**—They could well do.

**Ms ROXON**—Well, the direct election campaign group is actually part of the no campaign with the monarchists, and there are people who have different views about whether or not that should be the case.



**CAROL MARTIN**—I am a social worker with Nirrumbuk Aboriginal Corporation. I just want to make something clear—and this is the only chance I have had to actually participate in this referendum at any level. I have read some stuff and I have downloaded off the Internet and I have been disseminating information. One of my biggest concerns—and I would like to raise it here—is that the majority of the people that I work with, who are predominantly Aboriginal, do not understand what this whole thing is about, yet we are asked to go and vote at a referendum that makes decisions for our future and our lives and the lives of our children.

So my concern is: how are people like me who work in Aboriginal organisations with our people supposed to get all this information out to these people? I believe in informed consent, I believe in informed decision making and that is one of my major roles where I work. And the point that Maria Mann made is very relevant where we work. People do not speak English, or they speak a form of English that is really hard for people outside to understand. We have to break down everything we get, so that we can provide them with this information so they can make these informed decisions. That is my concern. As I said, I am an articulate, professional woman and this is the first opportunity that I have had, as an Australian, above anything else, to participate in this process. And I am really concerned, because I have made an effort to vote—just to put my little ticks or whatever I have got to make—but I always make an informed decision. I am really concerned about this. That is my concern here and thank you for hearing it.

**JACQUI COCHRANE**—I can back that up. As a young person, I feel that the more information I have, the better decision I can make. I am sure that is true for all people. With this limited information, if I was not here today to understand what this is about, I would be reluctant to vote yes as well, because I want more information on what role I have in nominating who becomes President—which is not in this bill. I think that is very important.

I think it is important that, when we use a word like President that Australians are associating with other countries, we may need to put in brackets, or note, that it is an Australian citizen—that it is going to be somebody that is one of us—because it is sort of a foreign term for Australians, really. We associate that with something foreign. I am sure there are other things.

**CAROL MARTIN**—There is just one other thing. In the first Constitution we were exempt. We were not even recognised as people or citizens within this country and—

**Ms ROXON**—It is like with women.

**CAROL MARTIN**—Yes. I am actually stating this because I am double jeopardy then. But reality states that this cannot happen again. I have read about the preamble. I have heard about all the other stuff because I read. However, I hear all these people say, ‘Well, what do they need recognition for?’. There is not enough information for people to make these informed decisions that we are asking them to make. We cannot make that same mistake we did last time because, 30 years down the track since indigenous people got their citizenship, we are still having the same difficulties—even though we have been asked to vote and to do all these things.

There are only very few of us that actually understand that you need a referendum to change the Constitution, and that is because we have got a university education behind us. There are not very many working class Australians that understand that, unless you have been out there. So, again, please, I want this recorded: that indigenous people need to be recognised, and women of course.

**CHAIRMAN**—One of the things that we might do to assist the concerns that three of you now have raised—and from my viewpoint and I think my colleagues would agree that they are legitimate concerns—is that, as part of our report, while we are reporting to parliament, we might consider recommending that the yes case and the no case people who are putting together the advertising campaigns take into very serious account the issues which the three of you raise. That is where the information will get out. The government is not going to do it, nor the opposition or political parties. It is to be done by groups of people who represent all political parties and all political beliefs on the yes side and the same thing on the no side, and they will be publicly funded. So, my colleagues and I might think about having a recommendation that we take into account the issues that the three of you have expressed: that we try and take into account those who have poor literacy skills, those who have no English or for whom English is a second or third language, and those who had very little education in the beginning and very poor communication links. We thank you for that and we will certainly take that into account.

**CAROL MARTIN**—The majority of the people we service through our organisation come from remote communities. Because of that, the getting out of information is very difficult. Some of them still do not have telephones on. It is very hard to provide a package.

**Ms ROXON**—What methods would you recommend we look at to get around that?

**CAROL MARTIN**—Go and visit them. Obviously, that is unrealistic because you are only here for a certain time and you are in a public place.

**JANE WHITNEY**—What percentage of the population do you represent?

**CAROL MARTIN**—Over 400 adults in this region.

**SHANE WOOD**—I would like to back Carol's comments there, but I am not sure that the point has been fully comprehended. I believe that it is the government's responsibility to ensure that its citizens are well informed about voting for their Constitution. It is not good enough to leave it in the hands of people who are pushing a particular case. They are going to say, 'Aboriginal people are two per cent of the population; their vote is not going to count so we will not bother.' That is the bottom line. 'People who do not have English as their first language are not a majority—we won't bother.' I think it is the responsibility of the government to ensure that every citizen, and particularly our indigenous people, who are our first citizens—or who ought to have been, even though they were not recognised as such—are given every opportunity to have that information given to them by their own people. That may involve taking people and giving the information to them so that they can pass it on in their own language, and in their own way to their own people.

**Ms HALL**—Thank you, Carol. I think you have made a very important point. I have been on another parliamentary committee looking at indigenous health, so I have visited a number of remote communities. I know the sorts of problems there will be in disseminating that information. How would it work if there was a special campaign organised which targeted people like you—community leaders—throughout the different indigenous communities and made sure there was sufficient time for you to be able to give that information to the various communities? Would that be one way to approach it? As a committee, our role is to look at this legislation and to see whether it is workable. What would be a suggestion we could attach to our report concerning the way meaningful information could be given to your communities and the time frames that you would need to do that?

**CAROL MARTIN**—It has been my experience over the years—and, as I said, I have worked almost exclusively with my own community for the last eight years—that, if we have

wanted to assist people to make informed decisions we have gone out and sat with them. Sometimes it takes a bit longer. Sometimes you cannot talk to certain groups, so you need more than just one person. Then, of course, you would have to befriend my boss so he would give me time off. With Aboriginal people that is what you would need to do. I am also concerned about our elderly and our youth. Who is going to sit down with our kids? My daughter asks me a question and I have to sit there until she is happy that I have answered her question.

**Ms HALL**—Same thing here.

**CAROL MARTIN**—If I cannot get the information I have to get onto the Internet or say to her, 'Read this.' But she says, 'No, what's your interpretation?' You have to operate at all these different levels so that people get all the information they need to make informed decisions, and it does take time. It means a lot of travel. Have you driven from here to One Arm Point? That is the road from hell. You try driving that road; it takes you so long. When you get there you are exhausted, but the people still need the information. It is going to take a long time. You need to involve the kids. You need to get out to all the groups. What about people in nursing homes? These old people have worked all their lives for this great nation and now they are in nursing homes. They still have a right to vote, yet people are not giving them information. Can you see what I am saying?

**Ms HALL**—Definitely.

**CAROL MARTIN**—In our organisation we have 40 people—young apprentices, et cetera—and we give them information, but we have to sit there and take the time to make sure. But what about all the others?

**Ms HALL**—Thank you.

**SHANE WOOD**—Just to give a simple example, I heard about the fact that this was happening only yesterday because I happened, by accident, to ring someone who said, 'I think there is something happening about the republic somewhere in Broome tomorrow.' That is as much information as I got, so I am not sure how people would get on with the more weighty issues of how to vote and what they are voting for.

**CHAIRMAN**—This has all happened very fast. We did not know until Wednesday that we were coming to Broome or that there would be anybody to talk to us.

**MARTIN SIBOSADO**—As someone who represents both sections of the community in the Kimberley through my local government role as councillor, I see this whole thing as being for everybody. As well as for Aboriginal people it is for the whole community, especially those in remote areas that do not, as Carol Martin pointed out, have the means of getting access to information. I have had to rely on the Internet and on pulling stuff off there, but there are not many people with access to those facilities or who know how to use them.

There has been a deafening silence from all sections of government following the Constitutional Convention. The issue was there; it went away. My guess from talking to people around the community is that all sections are not aware of where we are at, other than that there is a referendum in November. They say, 'What are we voting for?' and 'I wouldn't have a clue—we'll be told on the day when we pick up a referendum ballot paper which will contain questions.' To my way of thinking, the discussions do not augur well for the future. I personally hold great hope for the changes that are occurring in Australia and globally. I think there has been some great progress, but I have some fears for this sort of exercise, if you like.

I know everyone could not go to the Constitutional Convention, but as far as I am concerned those chosen were mates of the Prime Minister or members. To my way of thinking, I fear for the Prime Minister electing the President. I have been a public servant for 16-odd years, working in the Commonwealth Public Service. I understand how the game is played. I guess I am casting some aspersions, but at the end of the day we are all human and our mates get a look in because they are the people we know and trust intimately. With regard to the election of the President by the Prime Minister, it will be from a select circle of people who—and I will go out on a limb—come predominantly from the major populated areas, the capital cities. Country people will not get a look in because they do not have those networks that extend that far.

Secondly, in terms of indigenous representation, let us examine the relationship between the former chair of the reconciliation council, who is an eminent indigenous Australian, and the Prime Minister. There has been some sort of breakdown between the Prime Minister and that person. That means that our views are not being represented—for political, personal or whatever reasons, I do not know. That person does not have the access to the Prime Minister. That is the fear with the Prime Minister choosing the President for the Constitution. I heard the gentleman say here today that we would certainly favour people making a decision, having a vote, about who is to be President.

**Ms ROXON**—We have had a fair number of submissions made about the way the nomination process will work. Currently, for everyone's information, the Presidential Nominations Committee Bill 1999 proposes that there would be a committee of 32 people, of which half will be federal and state politicians and half will be community representatives. You are right that at this stage they will be appointed by the Prime Minister. One of the things said at the Constitutional Convention was that, in the appointment of the people who should be on that committee, the issues of federalism, gender, age and cultural diversity should be taken into account. That has not been replicated in the bill. We have had a fair number of comments about that.

For those of you representing indigenous communities, particularly, I would like some feedback from you, as young people, about whether you think it would make the process better if in the nominations bill there was a requirement, as the Constitutional Convention suggested, for the Prime Minister, in appointing the people to be on it, to take account the issues of federalism, gender, age and cultural diversity. As the proposal currently stands in the bill that short list of nominees from the committee to the Prime Minister will be confidential. The public will have no way of knowing whether the Prime Minister has appointed someone from that short list. Could I get some feedback from the three of you who have made comments on these issues about whether that would improve the system, if we had those things spelled out in the bill. They are the types of things this committee can recommend.

**JACQUI COCHRANE**—I think it is absolutely imperative that all people in Australia know who is on that short list and who has been chosen from it. It is imperative that it includes people from all groups, including minority groups, otherwise what is going on here? Do you know what I mean? I do not know whether I can express myself properly right now but it is imperative that we have a cross-section of Australians, including Aboriginal people. If that is not happening then we are not running a democratic system.

**MARTIN SIBOSADO**—I guess the question is no different with regard to gender, race or age. Basically what we are saying is that a President should be put up and should nominate like any MP or any person who wants to stand in public office and the people should choose. That obviously includes young people, indigenous people, males and females. It is about open

and public processes rather than who sees the list, who was on the list, who was nominated and on what was the basis. Is there anything in the act that says the process has to be public? There should be something that says, 'This is the list of nominations and these are the reasons they were chosen.' From what I have seen, none of those are issues which make it a public process. We are moving more towards open and transparent government—certainly, that is what we are led to believe—and accountability. I guess, from my point of view, I am saying that it should be a publicly accountable process.

**MURRAY COCHRANE**—I have a question about the powers of this President. He will be made President by the Prime Minister; is that correct? What powers will the President have? Will they be similar to the Governor-General at the moment?

**Mr PRICE**—No more or no less—absolutely identical.

**MURRAY COCHRANE**—Okay, thank you.

**Ms ROXON**—There are a lot of people, who oppose the current model, who are concerned about the powers the President will have. What we are discovering is that if people were fully aware of the powers the Governor-General has and the Queen has now they would be concerned. The system will be exactly the same but we will be replacing the people. So there are some legitimate issues about the balance of power but they are absolutely the same issues that exist at the moment under our current system.

**Mr PRICE**—In a sense, the Prime Minister will have less power because he cannot select his chauffeur to be Governor-General, as he can now. He can, by making one phone call to Buckingham Palace, dismiss a Governor-General. Although we have had no experience of it, in theory, he can do that. But under this, if he wants to dismiss the President, he has to get the parliament to ratify it. You could argue that the President will have no more and no less power than the Governor-General. But the Prime Minister's power, not in major ways, has been circumscribed a little in the nomination process—to give the people the opportunity to advise who they think will be the best President—and in the dismissal power. He will have slightly less power than he currently has.

**Mr CAUSLEY**—My fundamental problem with this is that the Prime Minister would have the control of the House of Representatives.

**JANE WHITNEY**—In your enabling legislation, do you plan to spell out these powers? As I understand it, currently, with all the power derived from the sovereign—the Queen—none of this is in their Constitution, much less yours, and that it would not be legally viable without it being spelt out in some future legislation.

**Ms ROXON**—It is not proposed that they be spelt out in any more detail than they currently are. There is one clause in the current proposal which specifically says the powers of the Queen and the Governor-General will be transferred to a new President. Because that is being spelt out for the first time, we have had some submissions from constitutional lawyers about whether that creates any new powers, just by writing it down for the first time. But you are right that our system depends on a lot of unwritten rules about conventions and reserve powers and, basically, political reality.

Those powers will not be any more spelled out under this current proposal than they are at the moment, but it is an area, like the direct election area, that people want to talk about more in the future. If a number of us have our way, people will get more involved in what our Constitution says and what it should say. But it will not be spelled out more under this proposal and there is some concern that that is a gap or a risk.

**JANE WHITNEY**—So the wisdom of this man at the end with the pen in his hand becomes clear, doesn't it? You are in a straitjacket. It has been discussed many times; the attention span is now being evoked that was not there at the time that this language was contrived however politically motivated or compromised. Now the public attention span is being evoked as you and your colleagues proceed to share with the public what will be presented to them, and, yet, simultaneously, develop an enabling legislation which may or may not be relevant in view of how the vote, however presented, turns out. The key, as this man has said, is the domino effect—either you are going to have it or you are not. It might be better to have it than not to have it and therefore let the domino effect take place.

But how is the public supposed to have confidence in that if they are not educated—especially when they, as citizens, have not been accustomed to it? They have to be told, on television and through many other means, what a republic is and what the President is before they can even begin to think, 'What do I think?'

**Ms ROXON**—They should have the same confidence in the proposed bill that they have in our current system of government, other than a concern that it will be an Australian citizen rather than an hereditary monarch—being the Queen and her representative, the Governor-General—exercising those powers. We have had a lot of debate about the fact that, really, the strength in our democracy does not come from what is written in the Constitution; it comes from the will of the people as a whole being prepared to abide by our general rules and democratic processes. The Constitution does not spell out all those rules and laws, and it will not as a result of this referendum either.

**CHAIRMAN**—In fact, the Constitution, as it currently stands, does not even mention the Prime Minister. There is no such office. There is only Executive Council. It is silent about the responsibility of members of parliament other than to go to the House of Representatives and to vote. I recall that, when I was first elected in 1990, one of the first letters I got from a constituent said, 'Do you know what your first responsibility is under the Constitution?' I wrote back and said, 'Absolutely—to represent my constituents.' But I was wrong, because it does not say that at all. All it says is that I have to be 21 and eligible to vote, and that I must not be bankrupt, subject to a foreign power, have been put in gaol for a year or be under a profit of the Crown. That is all it says about my job.

Our Constitution has worked so well, I think, because we understand how we want it to work and because the political system has evolved. I would point out to you—as I have a couple of times this week—that this is my fourth term in the House. For the first two terms I was in opposition. In 1996 my side of politics won. When we reconvened in the House of Representatives, Roger and his colleagues moved from the right-hand side of the Speaker to the left, and we moved from the left to the right. John Howard moved into the Prime Minister's office and Paul Keating moved out. There were no guns and there was no military. Nobody told them to do that; everybody just did it. They moved from set places to set places and did precisely what they were supposed to do. Why? Because we have such faith in this system and because there are so many checks and balances. You think about it. While the executive is drawn from members of both houses under the theory of responsible government, nonetheless we have the check of the Senate. We have the federation check of each of the states. We have the check of the Governor-General today acting on advice from the Prime Minister. We have the check of the High Court. So there are a heck of a lot of checks in this system to prevent a rogue individual running away with power. That, in my view, is one of the reasons why our system has worked so well—probably better than any other form of parliamentary democratic system in the world.

**SHANE WOOD**—We will not mention 1975.

**CHAIRMAN**—It worked—

**SHANE WOOD**—That is right—it worked. People probably will never let it happen again. To get back to Nicola's question about the panel, my concern about that is the difficulty of balancing the public's right to know with undue pressure that might be brought upon the particular individuals on that panel should it become open and transparent to the extent that some people would want. So that would be my concern, and I suppose, as Roger was saying earlier, it would be my hope that this is an interim stage and that we will get over it pretty quickly and move to another way of doing it. But that would be my concern—that, possibly, no-one would want to go on that panel if they knew that everybody knew who was being nominated for it, how they each voted, what their assessment was and hence the outcome.

**NOEL TREVOR**—I am English born and came to this country when I was eight. It was not until I travelled overseas again for a few years that I suddenly realised I was actually Australian, even though I was travelling on a British passport. As soon as I came back to this country in the late 1970s, I changed my nationality. I found it a bit anachronistic that I then swore allegiance to Queen Elizabeth, because here I was becoming an Australian. From that time on, I have been passionately in favour of Australia becoming a republic.

I believe we are mature enough and independent enough now to separate ourselves from a past that is no longer relevant. We are no longer white Anglo-Saxon stock. We are a wonderful coffee-coloured group with people from over 170 nations in the world. I believe that we are independent enough and should be able to stand on our own two feet.

I believe that the minimalist approach is the best, initially, because it is going to be hard enough to get across the line. Secondly, I believe that the President should be elected by two-thirds of the majority of the members of the parliament. The reason for that is that we do not want the presidency to become politicised. If we politicise it, we will end up like the United States and a number of other countries where the election of the President becomes a to and fro situation between the parties. With a two-thirds majority, you have enough for bipartisan support for whoever is actually elected as President.

**ZIGGY MIEDEMA**—I was born in Holland where we have a system of proportional representation. I was hoping that, if something like this were happening in the Australian political system, it would address a wider issue than just the issue of the presidency. We live in the Kimberley, and, as you know, it is the biggest electorate in Australia. The Kimberley is a very distinct area with a separate population from the rest of the electorate. We are represented by the member for Kalgoorlie—about 2,300 kilometres from here by road. The referendum, as it is here, I think is very narrow. I think this is a unique chance for Australia to actually address a lot of problems that exist between Australian politicians and the Australian population. At the moment, Australian politicians are held in low regard in the community. I think only real estate agents rate lower on the scale of trustability in this country and—

**CHAIRMAN**—What about used car salesmen?

**Ms ROXON**—You have forgotten two categories I was in—both of which, unfortunately—trade union official and lawyer—are perceived as being below politicians as well, I think.

**ZIGGY MIEDEMA**—You are not doing too badly then. But I think there is a feeling in Australia that people do not really have contact with politics because they do not really elect the people. Often, the majority of people do not actually vote for the existing government, and

I think that is something that should be addressed. If we are going to change the Constitution, I think it should be wider than just the matter of a President or a Queen. I think we should have a really good look at the whole Constitution in this whole referendum thing, especially with 2001 coming up—the federation year. I think it is really necessary for Australia to have a really good look at how the political system works and how representation of Australians in parliament can be better addressed.

**NOEL TREVOR**—The Australian High Court passed a judgment that said that Britain was a foreign power, which is quite ironical. I know that Britain was formed basically from the Celts, the Danes and the Swedes, so if we are going to stay with monarchies why not rope in the Swedes and the Germans—we must remember the Germans, that is where the House of Windsor came from. We could have the French, the Normans, the Celts, the Swedes and the Danes. We could have a real little party. It would be rather interesting.

**Mr CAUSLEY**—You forgot the Vikings.

**NOEL TREVOR**—And the Norwegians.

**Mr PRICE**—I would like to respond. I am glad you have raised those issues that you have. It is interesting that it is now 11 years since we last had a referendum. Are you recommending that we should, if you like, have a constitutional convention every five years or at some regular period where a whole range of issues could be looked at and then submitted back to the people? Do you think that the constitutional convention approach is the best way to bring forward the issues to distil and then present back to the people?

**ZIGGY MIEDEMA**—I thought the Constitutional Convention was an accident because there are very few Australians who know anything about the Constitution. This Convention was the first time that people thought about what the Constitution means. It is sad that this whole process has come down to this one question. This is a really good time for Australia to think about what it all means to us and how it can serve us better than it does at the moment.

**CHAIRMAN**—Can I partially answer that by saying that our past experience over 99 years of voting no at referendums to change the Constitution—over and over again—tells us that if we want to get something up we have to make it simple and not try to address too many issues at once. In 1988 at the last referendum, there were four questions on four diverse issues and while most people probably supported two or three of the propositions the whole lot went down in a screaming heap because it just got too hard. The opposition, because of one particular issue on one of the four questions, campaigned hard against it and it was a disaster. It was just a huge waste of money and time.

In part, some of the things you asked to be addressed in looking at the electoral system are not issues that need to be addressed by the Constitution; they are simply electoral acts of parliament. Given the will, we can debate those issues and do those things anytime that the parliament decides. Parliaments are loath to change very much very radically because the Australian public is very conservative, and I do not mean that in a left-right, Liberal-Labor political party sense; I mean that the Australian public is very conservative. We resist change, and that has been demonstrated in public opinion poll after public opinion poll on issue after issue. The latest one yesterday was on tariffs. Out of most of the high powered trading nations in the world, evidently Australians believe in protective barriers more than anybody else, yet we seem to be benefiting from the lack of them more than anybody else. We have very conservative views.



**Ms ROXON**—I must add to Bob's comments. Because of the way our referendum system works and the way we have a publicly funded yes and no case for referendums, if all members of parliament vote for a bill which is going to be put to a referendum, and nobody votes against it, there is no requirement to publicly fund a no case. With regard to the conservatism that is being discussed, if there was true bipartisan support for any particular change it would be much easier to get a referendum supported for any particular change because you would have both parties committed to it fully and you would fund the yes case. You may have members of the public campaigning against it, but you would obviously improve the chances of that change going through. It does depend on whether the parties are prepared to take a leadership role on it or not.

**ZIGGY MIEDEMA**—Of all the referenda held in Australia, the only ones that got the yes vote were the ones where there was bipartisan support. The will to change the political system to make it more accountable and less focused on power for power's sake—that is the impression I have of what is happening in the Australian system—should come from a range of politicians—not just the Labor Party saying yes and the Liberal and Nationals saying no. It is the responsibility of politicians to think about the system, about how they serve the system and whether they are doing a good job or not. With the standing that politics has in Australia, politicians have to think really hard about whether they are serving the country or not. If both sides of politics agree on that then a bigger change has got a chance.

**Mr CAUSLEY**—I support proportional representation, but I doubt my colleagues do. They come from the city.

**CHAIRMAN**—Does anyone have anything to add? If not, thank you all for coming. I thank my colleagues, our staff and Hansard. It has been terrific to come to Broome. We have had a lively discussion. It has been most useful and I suspect that some issues will come out of this that will wind up in our report. We will report on 9 August and we will send you a copy of our report. Thank you.

Resolved (on motion by **Mr Causley**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

**Public forum adjourned at 11.33 a.m.**

