
The Parliament of the Commonwealth of Australia

**Advisory report on
Constitution Alteration
(Establishment of Republic)
1999 and Presidential
Nominations Committee Bill
1999**

Joint Select Committee on the Republic Referendum

August 1999
Canberra

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Foreword

On 6 November 1999 Australians will make an historic decision—whether Australia is to become a republic at the beginning of the new millennium. The long title of the Bill to amend the Constitution, the Constitution Alteration (Establishment of Republic) 1999, will form the essence of the question which will be put to the people in that referendum. It was the focus of much of the evidence before the Joint Select Committee on the Republic Referendum.

The Committee carefully examined not only the original long title, but the many suggestions for an alternative long title received in evidence. When deliberating on its report, the Committee on the day reached the unanimous conclusion that the overriding consideration in proposing a long title was that it should describe, in concise and simple terms, the essential purpose and outcome of the Bill to amend the Constitution:

A Bill for an Act to alter the Constitution to establish the Commonwealth of Australia as a republic, with the Queen and Governor-General being replaced by an Australian President. (see Rec 1)

Generally, the Constitution Alteration (Establishment of Republic) 1999 and the Presidential Nominations Committee Bill 1999 faithfully reflect the findings of the 1998 Constitutional Convention. The Committee accepts the evidence that the provisions in the Bills are workable.

When raised, criticisms of the Bills usually went to matters of fine tuning, and even with no amendments, most critics felt the Bills should proceed. The Committee agrees the Bills should proceed, however it recommends improvements in this report to make the proposed laws more effective.

It has been a great privilege to serve on and to chair the Joint Select Committee on the Republic Referendum.

Bob Charles MP
Chairman



Membership of the Committee

Chair Mr Bob Charles MP

Deputy Chair Mr Robert McClelland MP

Members	Senator the Hon Eric Abetz	The Hon Dick Adams MP
	Senator the Hon Nick Bolkus	The Hon Bruce Baird MP
	Senator Ronald Boswell	Ms Julie Bishop MP
	Senator Marise Payne	The Hon Ian Causley MP
	Senator Chris Schacht	Mr Michael Danby MP
	Senator Natasha Stott Despoja	Ms Jill Hall MP
		Mr David Hawker MP
		The Hon Roger Price MP
	Mr Christopher Pyne MP	
	Ms Nicola Roxon MP	

Committee Secretariat

Secretary Ms Claressa Surtees

Research Officers Ms Rose Verspaandonk
 Mr Robert Horne

Administrative Officer Ms Anna Gadzinski

Legal Counsel Ms Hilary Manson



Terms of reference

The Senate and the House of Representatives resolved:

That a joint select committee, to be known as the Joint Select Committee on the Republic Referendum, be appointed to inquire into and report on the provisions of bills introduced by the Government to give effect to a referendum on a republic.

The committee invited the public to comment on the provisions of these bills.



List of recommendations

2 Long title of the Constitution Alteration (Establishment of Republic) 1999

Recommendation 1

The Committee recommends that the long title of the Republic Bill be as follows:

A Bill for an Act to alter the Constitution to establish the Commonwealth of Australia as a republic, with the Queen and Governor-General being replaced by an Australian President.

3 Appointment of the President

Recommendation 2

The Committee recommends that cl.11 of the Nominations Committee Bill be amended to require the Prime Minister to, as far as practicable, have regard to the diversity of the Australian people when appointing community members of the Nominations Committee.

Recommendation 3

The Committee recommends that the draft legislation be appropriately amended to provide that where the Prime Minister nominates as President a person other than a candidate mentioned in the short list from the Nominations Committee, the Prime Minister be required to table a statement in Parliament giving his or her reasons for deciding that such exceptional circumstances existed for failing to comply with the Nomination Committee's recommendations.

Recommendation 4

The Committee recommends that the Republic Bill be amended by inserting the words, 'if any' in proposed s.60 following the words 'the leader of the Opposition'.

Recommendation 5

The Committee recommends that proposed s.60 of the Republic Bill be amended to specify exactly when a candidate for the office of President must satisfy the qualification requirements.

The Committee recommends that the appropriate time would be before the Prime Minister puts the motion to Parliament.

The Committee recommends that cl.20 of the Nominations Committee Bill be amended so that a nominee, who does not satisfy the qualification requirements at the time of nomination, must give an undertaking that he or she will take appropriate steps to satisfy the qualifications if he or she is to be chosen as President.

Recommendation 6

The Committee recommends that the Republic Bill be amended to provide that, at the conclusion of a President's term of office, the position falls vacant (meaning that the provisions of proposed s.63 would then come into effect).

4 Powers of the President

Recommendation 7

The Committee recommends that consideration be given to including in the Republic Bill a provision which makes it clear that the amendments made by the Republic Bill to the Constitution do not affect the justiciability or otherwise of anything concerning the reserve powers or the associated conventions.

Recommendation 8

The Committee recommends that consideration be given to amending the Republic Bill to state that the conventions which currently determine the appropriate source of advice for the Governor-General apply in respect of the President.

Recommendation 9

The Committee recommends that, if Recommendation 8 is accepted, consideration be given to making specific provision in the Republic Bill to maintain the capacity of the conventions which currently determine the appropriate source of advice to evolve.

Recommendation 10

The Committee recommends that cl.8 of proposed Schedule 2 of the Republic Bill be amended to provide for the continuing evolution of all constitutional conventions, including those not associated with the reserve powers.

5 Removal of the President

Recommendation 11

The Committee recommends that consideration be given to amending the Republic Bill so that if the Prime Minister has dismissed the President, the Prime Minister must seek the approval of the House of Representatives as soon as practicable after the removal, but in any event within thirty days of the dismissal.

6 Other matters arising from the Republic Bill

Recommendation 12

The Committee recommends that, subject to any constitutional objections, consideration be given to amending the Republic Bill so that an acting President would be required to satisfy the same citizenship requirements as those applicable to the President.

Recommendation 13

The Committee recommends that the Republic Bill be amended so that no person who currently enjoys the protection from discrimination on the basis of residence afforded by s.117 of the Constitution would be deprived of that protection as a result of the amendment to s.117 proposed in the Republic Bill.

7 Miscellaneous issues

Recommendation 14

The Committee recommends that the information requirements of Australians in remote locations, those with limited English skills, and younger voters be specifically catered for by the education campaign associated with the proposed referendum in November 1999, and that sufficient resources be allocated for this purpose.

