

Chapter 3

Arguments for a plebiscite on an Australian republic

3.1 This chapter considers the arguments in favour of a plebiscite on an Australian republic and provides an overview of the key arguments in support of a plebiscite.

3.2 Advocates of the bill, including the Australian Republican Movement (ARM), argued that nearly a decade since the 1999 referendum, support for a republic is considerable and that it is now time to reconsider the question of a republic for Australia:

Nearly one decade after the 1999 referendum, support for an Australian Republic remains higher than support for our current arrangements (see Nielsen Poll, September 2008). A recent opinion poll by Essential Research also shows 52% support for Australians being given a vote on the republic within the next few years with only 24% opposing (Essential Research-Sydney: February 2009). It is now appropriate that the nation reconsiders this important national issue.¹

3.3 A number of submitters highlighted that it is timely for such a plebiscite by arguing that opinion polls have, according to Mr Andrew Donnellan, 'consistently shown strong support for a republic'. He continued:

As a delegate to the Australia 2020 Youth Summit I saw very strong support for a republic. The main Australia 2020 Summit includes republican government as part of its vision for Australia in 2020.²

3.4 Professor George Williams argued that a plebiscite would address the debate that has 'been lurking in public life for some time' and address the 'claims and counterclaims as to the popularity' of a republic:³

This is a fairly run process that would actually put that issue to bed by having a definitive outcome of all of the Australian people, if it should be on the basis of compulsory voting. It would produce either undeniable momentum for a further process to bring about a republic or it would end the issue. I think it is actually the inability to reach firm conclusions on it that is a key reason why a plebiscite is needed.⁴

1 Australian Republican Movement, *Submission 221*, p. 1.

2 Mr A Donnellan, *Submission 7*, p. 1.

3 Professor G Williams, *Committee Hansard*, 29.4.09, p. 59 and p. 61.

4 Professor G Williams, *Committee Hansard*, 29.4.09, p. 59.

A plebiscite enables public engagement with the republic debate

3.5 Supporters, including the Republican Party of Australia, maintained that a plebiscite was important to gauge support for Australia becoming a republic and served as a constructive means of engaging the public.⁵ This view was advocated by Professor George Williams and Associate Professor Andrew Lynch:

A plebiscite is the best way to re-engage with the republic debate. It would give all Australian voters an opportunity to formally indicate their support or otherwise on the transition of Australia to a republic. It should be emphasised that a plebiscite is not a binding vote and in no way replicates the constitutional purpose served by a referendum...A plebiscite as envisaged by this Bill is an appropriate way of gauging the level of support of the Australian public for a move to a republic.⁶

3.6 Ms Sarah Brasch, National Convenor of Women for an Australian Republic articulated a similar position:

...the reason why plebiscites are important is that they allow the whole community to be involved in the process for the republic. They contest ideas and propositions without binding the government. This will undoubtedly lead to a better result. The republic debate is well-suited to this form of polling to allow the best options to be put forward at a referendum. Plebiscites will allow women to fully participate in the debates and be fully represented in decision-making forums.⁷

3.7 Professor Williams further argued that a plebiscite was an important part of the republican process in which community engagement is important from inception:

I think that the value of a plebiscite is that it emphasises that a republic is about not just an outcome, and that is achieving a truly sovereign Australia, but also a process. A plebiscite emphasises a republican process—that is, one that involves Australians from the grassroots up designing the process from the beginning and being involved in determining the basic issues from the beginning. I do not think it is enough for Australians to simply have a vote at the end of the process at a referendum. They need to be involved at an earlier stage.⁸

3.8 The ARM held that a plebiscite enabled a 'full conversation' on a republic:

A staged plebiscite and referendum process allows for the Australian people to have a full conversation about the type of republic they want. It avoids

5 Republican Party of Australia, *Submission 151*, p. 2.

6 Professor G Williams and Associate Professor A Lynch, *Submission 114*, p. 1.

7 Ms S Brasch, Women for an Australian Republic, *Committee Hansard*, 29.4.09, p. 83.

8 Professor G Williams, *Committee Hansard*, 29.4.09, p. 53.

the pitfalls of the 1999 republican referendum where many of the Australian people felt their voices weren't heard.⁹

3.9 Major General Michael Keating, National Chair of the ARM, further reiterated that:

The republic issue is really about the sovereignty of the Australian people. What could be more fundamental than the people playing a central role in the discussion of options and the eventual choice of what type of republic would best suit Australia in the 21st Century?¹⁰

Community education and a clear process for national consideration

3.10 A number of submitters in favour of a plebiscite on a republic argued the importance of a clearly defined process towards a referendum entailing education and community engagement. Ms Siobhan Reeves maintained, for example, that there is a need for an 'educated response rather than a knee-jerk reaction' which required an educational campaign to explain what a republic would mean, the costs and arguments for and against such a change.¹¹ Major Gen. Michael Keating of the ARM stated in this regard:

Surveys consistently highlight Australians' lack of knowledge about constitutional matters. Before we even start this real discussion, we need to ensure that the people understand that a plebiscite is non-binding and it is at best, in football terms, a preliminary final. The referendum, of course, will be the eventual grand final.¹²

3.11 Professor Williams and Associate Professor Lynch highlighted the importance of a community process of engagement:

The plebiscite should not be the only means that Australians are given the opportunity to be involved. This issue goes to the heart of our structure of government and our national identity. Australians should certainly be given a say at the ballot box through a plebiscite, but should also be able to engage in the debate through other means. The government, prior to a plebiscite, should establish a community process by which people can debate and have their say about the question of Australia becoming a republic. This would provide an early means of debating the models that could be considered in the event of a successful plebiscite and would help to begin a grass-roots community conversation about the questions involved. This process could also play an important educative role in giving people the opportunity, such as at forums held at in cities in rural and regional areas, to listen to all arguments.¹³

9 Australian Republican Movement, *Submission 221*, p. 1.

10 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 28.

11 Ms S Reeves, *Submission 201*, p. 1.

12 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 29.

13 Professor G Williams and Associate Professor A Lynch, *Submission 114*, p. 2.

3.12 Reflecting on the outcome of the 1999 referendum, the ARM highlighted the importance of public consultation to ensure that any models presented for public consideration met public expectation. Major Gen. Keating stated in this regard:

...there were many avowed republicans who not only voted for the no case but supported a campaign for the no case...

They did that primarily because they did not believe in the particular model that was on the table at the referendum. That is why we have said that we want to see a stepped process and that we want the information and consultation process to be a much improved version of what preceded in 1999.¹⁴

3.13 The ultimate objective, as Mr David Latimer (who was neither in support nor against the bill) stated was about trying to 'align public sentiment with constitutional reform':¹⁵

The process that we are undertaking is trying to align what the public is expecting out of that future system and making that reflective in the final referendum, which has to take place.¹⁶

3.14 Major Gen. Michael Keating stated that whilst the ARM's own policy position was that there should be a second plebiscite to follow the proposed plebiscite with republic models for consideration before a final referendum, the primary interest of the movement is that the process should be made evident from the start:¹⁷

The ARM thinks it is vital to decide and make public the complete consideration process before embarking on it. The bill as it stands addresses only the first stage in the process and it is prone to criticism that what is to happen after the plebiscite is not clear.¹⁸

3.15 Professor Williams explained that addressing legitimate concerns about what would happen after a plebiscite could be addressed by the 'government and people involved in sponsoring the legislation' to make it clear that the plebiscite is not a vote for a republic:

This is a vote for a process and a process that would necessarily involve Australians in far more detail than even has occurred to this point.¹⁹

3.16 The ARM also emphasised that the information disseminated as part of such a public education campaign be both 'factual' and 'publicly funded' and state from the outset the difference between a plebiscite and a referendum. Major Gen. Keating held

14 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 35.

15 Mr D Latimer, *Committee Hansard*, 29.4.09, p. 40.

16 Mr D Latimer, *Committee Hansard*, 29.4.09, p. 42.

17 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 31.

18 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 29.

19 Professor G Williams, *Committee Hansard*, 29.4.09, p. 57.

that a selection of persons, 'preferably representatives of each state headed by a suitably qualified person' would draft the information and disseminate it across the country:

These people would not be trying to make a case for yes or no. They would be giving the facts and giving the advantages and disadvantages of various options and making people more aware of the basic issues.²⁰

3.17 Whilst taking the view that the process of consultation should be clearly stated prior to implementation, a number of witnesses argued that the proposed plebiscite would effectively determine what action was then required, if any. Professor Williams and Associate Professor Lynch argued in relation to this point:

If a majority of the electorate does not support the proposition, this should signal the end of the debate for the time being. If, however, there is majority support for the proposition, the plebiscite will enable an appropriately focused debate on the type of republic that Australia might become. It may well be that the choice between competing models of republic is, in turn, also best resolved by a plebiscite before a proposed law for the amendment of the Commonwealth Constitution is put to the people for their formal approval in a referendum.²¹

3.18 Professor Williams continued:

As to the outcome, I think if there is a yes vote, there should be a clearly stated expectation that this will lead to further possibilities for Australians to be involved in designing the process, in choosing a model and the like. I think those matters should be left to the outcome of the first plebiscite. If it is a no vote, that clearly should end the debate. It may well return at some later time, but that would not, in my view, be for a substantial period of time. There should be no doubt that a yes or no vote does lead to a clear outcome either way.²²

3.19 Similarly, Professor John Warhurst, Senior Deputy Chair of the ARM stated:

I think the result of the plebiscite would be seriously considered by the Australian parliament and the Australian people and the decision would then be taken as to whether to proceed towards a referendum.²³

3.20 The view amongst many supporters of the bill was that Australians should be involved in the process of moving towards a republic, and should be fully consulted and engaged in that process. Mr Glenn Osboldstone argued accordingly:

20 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 39.

21 Professor G Williams and Associate Professor A Lynch, *Submission 114*, p. 1.

22 Professor G Williams, *Committee Hansard*, 29.4.09, p. 53.

23 Professor J Warhurst, ARM, *Committee Hansard*, 29.4.09, p. 32.

I fully endorse Senator Brown's proposed process of first asking the Australian people whether they do, in fact, want to move to a republic and only then looking at the question of how to appoint a new head of state.²⁴

3.21 Major Gen. Keating of the ARM highlighted moreover, that, it was for the people and not for the ARM to determine the preferred model:

Despite our central place in the debate, we do not think that the ARM knows best about all matters republican. It is quite the opposite, really, because for several years we have been trying to get the opponents of a republic in Australia to accept that it is not the role of the ARM to tell the people of Australia or the government that the people have elected to represent them what process should be preferred and offered at the eventual referendum. These are matters which are rightly the responsibility of the government of the day and the people to decide.²⁵

Constitutional ramifications

3.22 In response to the suggestion that a plebiscite may undermine confidence in the Constitution or create a problem whereby it establishes that people want change but then, by way of a second plebiscite, establishes that they cannot agree on what the change is, Professor John Warhurst, Senior Deputy Chair of the ARM commented:

I do not think it does pose a problem of legitimacy for the Australian Constitution. It would be an example of the Australian parliament choosing to consult the Australian people and to make the parliament's own judgement on how to proceed on the basis of that consultation. I think there should be more consultation rather than less. It is clear the means by which we change our Constitution.²⁶

3.23 Professor Warhurst further stated that, rather, there was potential to improve the Constitution:

Things have changed. As a stark example, the people who wrote our Constitution believed in a white Australia policy. We have moved on from that. The situation that we find ourselves in 2009 is different to the environment in which the Constitution was written. So it is not a perfect document. It is not something that is inviolate and could not be improved. That is not to say it is not working.²⁷

24 Mr G Osboldstone, *Submission 60*, p. 1.

25 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 28.

26 Professor J Warhurst, ARM, *Committee Hansard*, 29.4.09, p. 33.

27 Professor J Warhurst, ARM, *Committee Hansard*, 29.4.09, p. 39.

Estimated costs and timing

3.24 Women for an Australian Republic held the position that funds required for plebiscites and referendums either in conjunction with federal elections or as single events are the costs to government of an active democracy. The organisation argued:

The amounts involved are relatively small in the overall federal Budget – no referendums have been held for nearly ten years so they have commanded nothing in outlays in recent memory. Costs should not be a factor in determining the timing of the next vote/s on the Republic.²⁸

3.25 A similar sentiment was expressed by Major Gen. Michael Keating of the ARM who questioned why a certain percentage of the national effort could not be devoted to the issue of a republic at the same time as other pressing issues including the financial global crisis were addressed.²⁹ He further noted:

On the cost, improving our democracy and making the Australian people sovereign is worth the cost. In practical terms, the financial costs involved in Australia becoming a republic are the running costs of a functioning democracy. Let us be prudent, yes, but let us not try to hide inaction and a lack of national will behind a smokescreen of the almighty dollar. There will always be pressing issues for governments to consider. The parliament and the government are elected to manage all the issues of interest to the Australian people, not just a convenient or selected number of them. The majority of the Australian people want to pursue the issue of a republic. It may not be the most important issue at any time, but it still needs to be addressed.³⁰

3.26 A number of supporters of the plebiscite including Mr Andrew Donnellan, acknowledged that there are 'significant Budget pressures during this time of economic instability' but that a plebiscite should be held sooner rather than later if Australia is to achieve a republic by 2020.³¹

The plebiscite question

3.27 A number of supporters of a plebiscite suggested alternative questions to that posed in the bill. The ARM suggested that the plebiscite question be altered from 'Do you support Australia becoming a republic?' to 'Do you support Australia becoming a republic with an Australian head of state?' Of this suggestion, Major Gen. Keating of the ARM stated:

What we have in our policy position in the ARM is not necessarily the best thing, but what we are saying is that anything that makes the question

28 Women for an Australian Republic, *Submission 202*, p. 5.

29 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 32.

30 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 30.

31 Mr A Donnellan, *Submission 7*, p. 1.

clearer and obviates the possibility that we are thinking of being the United States, for example, helps.³²

3.28 Professor Williams and Associate Professor Lynch argued that the plebiscite question proposed should be 'simple and without elaboration'.³³ Professor Williams noted the importance of its simplicity:

I think that a plebiscite put to the Australian people should be simple, clear and fair and there should be no doubt on account of anyone who wishes to participate in the debate that it is a simple and clear and fair question lest people seek to cast doubt on the outcome. Indeed, I think one of the problems with the 1999 referendum is that it has enabled continuing debate from both sides about the legitimacy of that process. I think the value of this process in having a plebiscite is to remove that ongoing doubt.³⁴

3.29 Similarly, the Republic Party of Australia held that a straightforward question was required:

Indeed, in tandem with the next Federal election – and no later – a straightforward question needs to be put to the Australian people in a non-binding (unofficial) fashion...sort of similar to a nationwide opinion poll.³⁵

3.30 Mr Klass Woldring and others held the position that at some point in the process, multiple questions were required to get more information from the public to then enable the referendum question to be specific:

It is particularly in a plebiscite that the public mood can be gauged reasonably accurately and comprehensively but the Government need to ask multiple questions. This is extremely important especially because Section 128 of the Constitution has proven to be such a major obstacle in the way of having constitutional referendums passed in Australia.

This single question does not provide opportunity for making these points and yet they are important when it comes to formulating Referendum questions.³⁶

3.31 The ARM supported consideration of the issue of multiple questions as its National Chair, Major Gen. Michael Keating noted:

At some stage in the process, the people must be afforded the opportunity to indicate their preferences concerning the kind of republic to be considered. Exactly when this is achieved is a matter for judgement. That is why it is

32 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 30.

33 Professor G Williams and Associate Professor A Lynch, *Submission 114*, p. 1.

34 Professor G Williams, *Committee Hansard*, 29.4.09, p. 53.

35 Republic Party of Australia, *Submission 151*, p. 1.

36 Mr K Woldring, *Submission 1*, p. 2; Professor K Woldring, *Committee Hansard*, 29.4.09, p. 55.

important that the complete intended process be transparent from the outset.³⁷

3.32 The ARM also held that whether multiple questions were asked in a first plebiscite or second plebiscite, they need to be asked in a context in which there is, according to Major Gen. Keating, 'a lot of information and education'.³⁸

3.33 Mr David Latimer held that the objective of the question was to establish the number of people prepared to support a type of model and if the question does not achieve that objective, then 'there is quite literally no point in asking it'.³⁹ He emphasised that a plebiscite was an effective means of establishing public opinion on potentially a number of questions as part of a consultation process where the public get to make the decision as opposed to a parliamentary process whereby parliamentarians make such decisions:

I need to get information from the public in general. I cannot resource that by myself so a bill such as this, changed, obviously, is going to be able to provide that. The problem with the question is that it is not really consultative. It does not give me any more information than I already have. But I definitely have questions where I would love to be able to get all 20 million voters and find out exactly what their opinion on this is, at least in terms of a majority... It is very different from the parliamentary consultation process, where parliamentarians are making decisions.⁴⁰

3.34 Mr Latimer, noted, however, that if only one question were asked, that proposed by Dr Gardner to the 2004 Senate Legal and Constitutional References Committee inquiry was the best example because it tries to address the 'blank cheque' problem. The question was, 'Do you favour Australia becoming a republic through the use of a model selected by the Australian people?'.⁴¹

3.35 The need to ask the Australian public multiple questions was also highlighted by Women for an Australian Referendum as Ms Sarah Brasch, its National Convenor noted:

The question 'Do you support a republic?', as proposed, we think should be split into a number of questions because we think it is too open-ended. We think we should take the opportunity to ask or get an indicative feeling from the voting population about what their views are on a number of aspects of the republic. But if there is to be a single question, we would prefer that

37 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 29.

38 Major Gen. M Keating, ARM, *Committee Hansard*, 29.4.09, p. 36.

39 Mr D Latimer, *Committee Hansard*, 29.4.09, p. 43.

40 Mr D Latimer, *Committee Hansard*, 29.4.09, p. 45.

41 Mr D Latimer, *Committee Hansard*, 29.4.09, p. 46.

question to be, 'Do you support severing our constitutional ties with the British monarchy?'⁴²

3.36 Ms Brasch further emphasised that additional questions would 'convince the Australian population that they are being more thoroughly consulted in all aspects of the republic than simply being asked a single question'.⁴³

3.37 Professor Williams expressed the view that a second plebiscite would be the opportune time to present a number of models for consideration before a final referendum:

My concern about asking separate questions about the method of appointment and some of the other issues is that I see those issues as inseparable from other questions, such as, critically, the powers of any head of state. I think the danger is that we agree to a method of appointment in isolation of issues about powers, dismissal and other questions. You cannot mix and match these things. They must be very well-integrated. That is why from my point of view I would prefer to see what might be a second plebiscite on well-developed models putting all of these things together.⁴⁴

3.38 In comparison, Professor John Power (who did not support the bill) argued for the establishment of a committee such as a select parliamentary joint committee or a constitutional convention tasked with establishing a model to put to the people before a plebiscite was held:

It is that rather than presenting the electorate with a number of different models, there should be one model identified possibly by a parliamentary committee or some other body and put to the people before the plebiscites are conducted.⁴⁵

42 Ms S Brasch, Women for an Australian Republic, *Committee Hansard*, 29.4.09, pp 84–85.

43 Ms S Brasch, Women for an Australian Republic, *Committee Hansard*, 29.4.09, p. 85.

44 Professor G Williams, *Committee Hansard*, 29.4.09, p. 56.

45 Professor J Power, *Committee Hansard*, 29.4.09, p. 49.