

A SUBMISSION TO THE

FINANCE AND PUBLIC ADMINISTRATION COMMITTEE

INQUIRY INTO THE

PLEBISCITE FOR AN AUSTRALIAN REPUBLIC BILL 2008

from
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Background

As a non-aligned Tasmanian delegate elected to the 1998 Constitutional Convention under the title, “The Voice of Ordinary, Fair-Minded, Thinking Citizens” I have a personal, as well as a more general interest in the topic of this inquiry.

The platform on which I was elected was that it was the role of the Convention to devise a republican model most likely to be most acceptable to most Australians and then to leave it to the people to decide in a subsequent constitutional referendum whether the chosen model was preferable to the current constitutional arrangements.

Regrettably, with the willing cooperation of a media that thrives on conflict, the whole process was captured by entrenched republican and monarchist forces and converted into an adversarial, rather than a consultative process. Reasoned, non-partisan voices were largely dismissed on the spurious grounds that anyone who was not firmly committed to one side or the other (i.e. anyone who adopted the same stance as the majority of the general public) could not be an effective or worthy representative. This, combined with the voluntary nature of the election, resulted in only myself and two others being elected country-wide to represent the views of the largest group in our society – those who are not firmly entrenched on one side or the other.

As the Convention turned out, the appointed delegates provided a much more representative cross-section of the views of the Australian people and generally provided more reasoned input than the elected ones. But, largely because of the winner-take-all, adversarial nature of the process, I believe the convention failed the Australian people in that it did not produce a model most likely to be acceptable to most people. History records that, unsurprisingly, the people rejected it.

During the Convention I stated that if the chosen model was not accepted by the people then we should drop the issue for at least ten years. Over the ensuing ten years I firmly believe that the importance of the issue in the minds of most people, which was never great, has waned even further. However, there is no reason why it should not now be revisited.

The proposed plebiscite

In his second reading speech the sponsor of the Bill, Senator Brown, stated that: “it is imperative that [the plebiscite] produces a result that accurately reflects the desire of the electorate”. ***But his proposal is inherently incapable of achieving that result.***

The main difficulty with the proposed plebiscite is that, to a thinking person, myself included, the question, “Do you support Australia becoming a republic” is not answerable with a simple “yes” or “no”. The obvious response is, “What sort of a republic and when?”.

While many may prefer a republic such as currently exists in Ireland, for example, over a monarchy, many of those same people would be horrified at the thought of Australia becoming a republic such as currently exists in Zimbabwe. History provides similarly good and bad examples of monarchies. What is important is not whether the country has a king, queen or president as its head of state, but whether it has a constitution that safeguards the interests of all the people, protects their democratic rights and freedoms and has their support. The Australian people generally have enough good sense to recognise this.

And it is important to remember that in a modern constitutional monarchy the role of the monarch is largely symbolic. In our case, any attempt by the Queen to dictate to Australia would bring an end to her role as Queen of Australia more rapidly than diehard republicans could ever hope for. Given this, people may equally well argue that as the Queen has no real influence over Australian affairs we may as well sever our connection, or that as the Queen has no real influence over Australian affairs we may as well leave things as they are. It all depends on what we would put in place of the current arrangements. And that is something the proposed plebiscite doesn't specify.

As it originated from a committed republican, one can only surmise that its aim is to achieve a majority "yes" vote that can be used to impose a moral obligation on parliament to accommodate a renewed push for a republic. But, given its total lack of detail, it would be very difficult to determine what the outcome of such a plebiscite actually meant.

Senator Brown, in his second reading speech, stated that:

If there is not majority support for a republic, the question is decided clearly and without confusion. If the majority supports Australia becoming a republic, the specific details of the most suitable model to adopt can then be worked out in a context of that certainty.

But there would be no such certainty. Only those with a deeply entrenched ideological commitment to either a republic or a monarchy at any cost would be happy with such an unconditional question. Most people's support for, or opposition to, any republican proposal is inextricably linked to the nature of the model proposed.

Some people may vote "yes" to the proposed question because they are not opposed in principle to Australia becoming a republic and suspect that will eventually happen anyway, although they see no need for it to happen now. Others who are similarly not opposed may vote "no" because they are reluctant to buy such a pig in a poke. Or I can well imagine a campaign against such an unacceptable choice resulting in a sufficiently large deliberate informal vote (perhaps through people writing "no pig in a poke" across their voting paper) to invalidate the results.

In the final analysis, even a substantial majority "no" vote would not necessarily mean that no form of republic is acceptable to the Australian people. Nor would even a substantial majority "yes" vote provide any certainty of the acceptance of a subsequent model in a constitutional referendum. In principle support is a very different thing from support for a specific proposal.

A more illuminating question than the one proposed would be, "Is it time for parliament to reconsider the question of whether Australia should become a republic?". But I suspect that might attract a majority "no" vote, and that is clearly not the intention of the Bill's sponsor.

A preferable approach

If a plebiscite were to be put to the people, then I believe it should be one that provides a multiple choice from among, say four or five broad models, including the current constitutional monarchy. As the objective should be to assess, in general terms, the relative acceptability or unacceptability of the different options to most Australians, including monarchists, the choices should not be mutually exclusive – voters should be given the option of ticking more than one box.

Clearly, a lot of thought would need to be given beforehand to the options presented. The task would be best handled by well-informed people whose own position on the principal issue was a non-partisan one. Significant public consultation should go into preparing these options. It is doubtful whether sufficient time is left for this to be done properly before the next election. It should also be made crystal clear that a majority vote for any particular republican model would not necessarily constitute a commitment from the Australian people to make the change. That decision would come later.

If the plebiscite resulted in any form of republic attracting greater support than the current arrangements, then it would be necessary to work out the detail of a proposal to be put to the people in a constitutional referendum. But, again, this should not be a partisan, adversarial process. The objective should be to incorporate the features that have most widespread support. While people's ideal models will vary, the aim should be to produce a model most likely to be most acceptable (or least unacceptable) to most people, including monarchists. Only when such a model is put to the people can their answer be regarded as definitive and final.

A partisan model that scraped through a Constitutional referendum while leaving, say forty-odd per cent of Australians vehemently opposed to it, would be a disastrously retrograde and divisive result. I am confident that there is nothing like that proportion of the public vehemently opposed to the present arrangements.

Conclusion

Given all the above, I believe that the proposed plebiscite would largely be a waste of money and the Bill should be rejected in its present form.

Eric Lockett

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