

Submission to the Senate committee on finance and Administration Committee Inquiry on  
the Plebiscite for an Australian Republic Bill 2008

From R A Walker  
KEEP IT SIMPLE

Executive Summary:

On the issue underlying this bill, I favour the Australian people being asked whether Australia should choose its Head of State after Elisabeth II sees out her reign. I assume they will say 'yes'.

I do not favour limitations on the sovereignty of the Australian people in their choice. I also do not favour all the complications that have been added to that simple proposition, such as the word "Republic" and the necessity of a Constitutional Amendment.

I strongly oppose proposals to change the way Australia is run by merging the two positions of Governor General and Head of State.

The following is a rushed explanation of these views. I could provide a fuller, more considered version

1. The present roles of the British Monarch in relation to Australia.

The Australian people are not agitated by this issue because the Windsors are not oppressive. Their presence in our State and Federal Constitutions is a relic of the past when the inhabitants of Australia thought of themselves as British subjects and British Monarchs had considerable powers in Australia. But it is worth looking at the five roles British Monarchs have today in relation to Australia.

Two of these roles have no obvious downside.. The Monarch is Head of the Commonwealth of Nations by consent of these nations, including Australia. He or she is the inhabitant and/or owner of several palaces in the UK, a focus of colourful pageantry and head of a family that attracts publicity as celebrities. Some Australians enjoy the Windsors in these ways. I do not see either of these roles changing.

The British Monarch has one power in 7 Federal and State Constitutions: that of appointing and dismissing as Governor General or State Governor, whomever the respective government nominates, whenever it does so. This automatic action could be performed by a machine. But the appointer must have status in our eyes.

Regardless of whether or not we decide to keep the Windsors, I think it would be sensible to amend the 7 Constitutions to make the reality explicit. In the Federal sphere that would read "The Australian Head of State has no legal or constitutional powers other than that of replacing the Governor General as and when advised by the Australian government.

Where the Crown is mentioned in the Constitution, it means the Commonwealth of Australia and or the Governor General acting for the Commonwealth of Australia”. Likewise for each of the States, with obvious changes. This would be a change in the words of the Constitutions but to confirm, not alter, their present meaning. Because it does not change the current meaning we place on our Constitutions, such a change is not necessary for legal and everyday purposes but it would be tidier. It would help children, newcomers to this country and foreign observers. There might even be the odd adult Australian who imagines our Constitutions mean something else.

The Monarch has another power, which is somewhat arcane and rarely noted. Subject to their family’s rules of inheritance, he or she can choose her successor, and thus the person to formally appoint our State Governors and Governor General. Legally, Elizabeth II has the ability to abdicate as Queen of Australia, and thereby make Charles our Monarch. If both Charles and Harry used the same power, William would be our King. No Australian has a legal right to be consulted. This is a purely theoretical possibility but in my view our Constitution should not permit it.

The Monarch also has a role not mentioned in the Constitutions: that of acting as a symbol of national unity and focus for loyalty. But a hereditary Monarch of Great Britain is ill suited to do this for the people of Australia. The House of Windsor does affect many of us emotionally; but in different ways. What they mean to us as individuals varies from the deep affection of the Monarchists, through the mild good will of many, indifference of many others and active dislike of some. The Head of State should be a unifying symbol, not a divider.. Someone we had chosen would be much better equipped for the job.

## 2. Reasons for severing the tie.

There are in fact no pressing reasons to cut the tie, but an accumulation of reasons which for me are compelling and the sooner we do cut it, the better.

These are the reasons cited above, plus the international dimension: I object to our having a Head of State who is identified with another country. When Elizabeth II visits the US (or any other country) people speak of her as “the Queen of England” and she takes the opportunity to promote British trade and other interests. Nobody but Australians thinks of her as the Queen of Australia. Particularly not Britons, Canadians, New Zealanders or New Guineans.

Above all I think most Australians are put off by having a Head of State chosen by hereditary rules we dislike. The exclusion of all Australians from that position rankles deeply.

## 3. How to sever the tie.

I think I speak for the majority when I say that I have no quarrel with Elizabeth II and would not want to be discourteous to her. Our decision to change Heads of State should take effect at the end of her reign.

In view of all that is said in this submission, I think it entirely appropriate to have a plebiscite on the simple question; “ Do you want the heirs of Elizabeth II to succeed her as Head of State of Australia?”

I think the answer it will be a resounding “No”, as long as the people are not asked at the same time to change our constitutional arrangements as well.

I do not think the question of severing our constitutional ties to the Windsors should be mixed up with other questions such as whether we should change the name of our Nation form “Commonwealth” to “Republic” of Australia (a word which has negative connotations for many Australians) or amalgamation of the currently distinct roles of Governor General and Head of State (as was proposed in the failed referendum of 1999)..

#### 4. How to chose future Australian Heads of State

The present Constitutions are silent on how the State Governors and Governor General should be selected. I see no reason why they should say anything about how the Head of State should be selected either. If there is a strong popular wish to do so, so be it; but at present I detect no such demand. Another option is an Act of the relevant Parliament.

The important factors are threefold:

- ✓ the choice should be Australia’s and
- ✓ the Head of Sate should be above politics and
- ✓ prospective Heads of State should not have to electioneer or be subjected to the arduours of an election campaign.

Direct elections with competing candidates would go against the third and probably the second of these.

Selection of the Governors of the States and of the Governor General by the leader of the relevant elected government alone, flies against the second and can cause divisions if gross errors are made: eg in the cases of Butler and Holingsworth. So whatever happens, the choice of a prospective Head of State should have the support of both the Leader of the Government and Leader of the Opposition. They should be jointly accountable for it. (Incidentally this requirement should also apply now to the choice of future Governors and Governors General).

If a neutral committee made nominations to these two leaders, even better. If the decision of these two were then submitted to a popular vote to confirm it (or not), that would not violate any of the three factors. But a vote by the Joint Houses of the respective parliaments (perhaps by a two thirds majority) would be quicker and cheaper.

The Australian people probably want someone else than a member of the House of Windsor but theoretically they could choose Prince Charles or one of his sons, if the Monarchists are in a majority. I think we are more likely to agree on Princess Mary of Denmark and more likely still to choose someone who lives here, among us.

But the Constitutions should not limit the freedom of action of the sovereign people of Australia in this regard by specifying that the Head of State should be of a certain age, birth, nationality or even number. If future generations want a non- Australian, so be it. And (unlikely but just possible) if a future generation wants us to have, like Andorra, two co-Heads of State, there is no reason to make that Constitutionally impossible.

#### 5; What is to be avoided at all costs

Most important of all, the Australian people may wish to finish with the British Monarch (at the end of Elizabeth II's reign) but they do not want a change in their constitutional arrangements in this regard and there is no reason to impose one on them. What was proposed in the defeated referendum was to merge the two positions of Governor General and Head of State. Having one person in these two roles would be a major innovation in our constitutional arrangements and cast us into uncharted waters. The Australian people were right to reject that proposal and should do so again if it is put to them.

If, as I expect, we give ourselves an Australian Head of State, that person is likely to take over the ceremonial and symbolic (non-constitutional) roles the Governor General now exercises. I am sure this does not require a Constitutional amendment, it probably does not need legislation either: it would just be a matter of administrative practice. The GG's public role would shrink, but not his or her Constitutional role.

And finally we do not need the words Republic or President, which have no positive resonance for most Australians.