

The Secretary
Senate Finance and Public Administration Committee
Parliament House
CANBERRA ACT 2600

Dear Sir or Madam,

Submission to Inquiry into the Plebiscite for an Australian Republic Bill 2008

My submission to the [above Inquiry](#) is as follows.

1. Necessary preconditions for the establishment of an Australian republic

The structure of the present Commonwealth of Australia is such that it could not lawfully become a republic without the necessary approval of the detailed proposal for the specific type of republic sought being given by a majority of voters overall, as well as a majority of voters in a majority of States. The most straightforward way of determining whether such approval would be forthcoming is to conduct a referendum as provided for in [Section 128](#) of the Australian Constitution.

If the referendum is carried, the necessary alteration to the Constitution would soon follow. If the referendum were not carried - as was the case in 1999 - the case can always be put again whenever, and as many times as, the Parliament thinks fit, as the Constitution imposes no restrictions in that respect.

Unfortunately the plebiscite proposed by the [above Bill](#) provides far less clarity and a very much less satisfactory method of resolving the question of whether a change to a republic is feasible than the method already mandated by the Constitution itself in its Section 128, which was originally approved by voters.

2. Votes not needing Approval by a Majority of States have been confined to Statutory Matters

To date, the Commonwealth of Australia has confined votes needing approval by a majority of States, as well as a majority of votes nationally, to proposed Constitution alterations, using the provisions of Section 128 of the Australian Constitution. Of the 44 [proposed alterations put to voters](#), 8 have been approved.

The Commonwealth's involvement in other votes has been where approval of the question is required only by a majority of votes nationally. It has, more sparingly, conducted [two advisory plebiscites on Conscripton](#), both of which failed, and an [advisory poll on a National Song](#), where the outcome was only decided after the distribution of preferences. The *Flags Act 1953* now [requires a national vote](#) before the Australian National Flag can be altered, with a similar prudent provision for preferential voting among three or more possible new flag proposals, but no proposals have yet been put to a vote.

The distinction between the above two broad types of voter approval is the adherence to the straightforward method of Constitution alteration by binding referendums that include the Section 128 requirement for approval by a majority of voters in a majority of States for questions of Constitution alteration compared with the adherence to requiring approval by just a majority of votes nationally for matters able to be altered by statute alone, but where the Parliament wishes to establish unquestioned majority support nationally.

The eventual Constitution alteration question implied, but not elaborated on in this Bill, could lead to a major, effectively irreversible change to the Constitution. It should not be put confusingly to a vote in the same way as matters not important enough to be included in the Constitution, which can be handled by normal legislation, even though confirmation has sometimes utilized a single national poll, as instanced above. Changes sought to the Constitution should be clear, and put using only the tested procedure of Section 128.

3. No Previous National Vote has been Open-ended in the manner of the Bill's proposed Question

All the questions that the Commonwealth has put to date have been explicit, but the [Bill's proposed question](#), "Do you support Australia becoming a republic?" is more like, "Will you do me a favour?".

Blank cheques or contracts: Most people would agree that it always pays, before answering that question, to ask the questioner, "What sort of favour do you mean?". It is only after that previously hidden question has been answered that it make sense to answer YES or NO to the question of whether you will do a person a favour. Otherwise you might become committed to doing a favour that you did not want to do, or could not do. Signing blank cheques or blank contracts is always unwise.

No inkling of the type of republic: Unfortunately, the *Plebiscite for an Australian Republic Bill* makes no provision for a dialogue between the questioner and the questioned, nor does it, as a Constitution Alteration Bill is constitutionally bound to do, give the slightest hint of what sort of a republic is envisaged or proposed, nor does it set any limit at all on what sort of a republic might not be envisaged or proposed.

Really a vote against the Monarchy: The Bill is an invitation to voters to reject the present clearly delineated, long-standing, working structure of the Australian monarchy without specifying what would replace it other than a non-monarchy. Although the wording of the question is positive in form, it is, in reality and in effect, an entirely negative proposition, because it is the exact equivalent of saying, "*Do you support Australia ceasing to be a monarchy?*". If the Bill's question to voters were couched in that latter, more honest, form the reality would be exposed that a plebiscite offers little more than publicly funding a boost to anti-monarchists' morale to drive them to draft a specific model that might pass at a referendum.

A successful anti-monarchy vote does not guarantee a republic: The most alarming aspect of a non-binding plebiscite on a question that does not foreshadow a specific detailed outcome is the prospect of a proposed republic not being formulated, or not succeeding at a Section 128 Referendum. The vague, notional plebiscite question only needs a single majority to succeed, whereas the referendum needed for the vague notion that might be approved to be given effect to also needs a majority of voters in 4 of the 6 States, which is much harder to achieve, particularly when it is only then that the fine details of the proposal come to light. That large disparity in the questions to be put, and in the criteria for their success, risks the Australian Constitution being left stranded. It is surely dangerous to create a situation where the system of sovereignty we have can be rejected in principle, without a replacement system thereby being automatically instituted, which is a grave impasse that the [Section 128](#) process was wisely designed to avoid.

A Section 128 Referendum is Unavoidable: Neither the Bill nor the open-ended nature of the question to be voted on - which fortunately is without precedent in the affairs of the Commonwealth of Australia - gives any indication of the type of republic proponents might propose for a Section 128 referendum that would need to be put and carried, with much more stringent criteria for its success. Without a referendum to follow the plebiscite, the plebiscite will be wasted. Proponents will, to succeed, have to draft a Constitution Alteration Bill, which they can do (*and did for the [1999 referendum](#)*) with or without a plebiscite.

High cost of saving proponents work: It would therefore appear that the main use of the plebiscite is to save - if the plebiscite were to show that a majority of Australian voters did not support Australia ceasing to be a monarchy - the proponents the hard work, which they seem reluctant to do again, of formulating and revealing the type and details of the latest republic they would be seeking support for. Unfortunately, saving the proponents that possibly unnecessary new drafting work would cost taxpayers at least \$10.5 million.

Yours sincerely,

Geoffrey Goode