

John Armfield

The Secretary

Finance & Public Administration Committee

Parliament House

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Dear Sir/Madam

Re: Plebiscite for an Australian Republic Bill

I set out hereunder my submission to the Committee in respect of the above Bill.

Summary of Submission

This Bill should not proceed because a plebiscite is a very poor way to engage the community in the consideration of constitutional change . A Plebiscite:

- (i) lacks the safeguards of s 128 Of the Australian Constitution : ie – a specific amendment, that is detailed in advance and which can be critically compared to the existing constitution; and
- (ii) actively undermines proper constitutional debate by trying to obtain an answer to a vague general question for the sole and illegitimate purpose of steamrolling opposition at a subsequent referendum

Submission

1. S 128 of the Constitution sets out the sole and mandatory method by which it may be amended, namely, by a referendum at which a specific amendment is approved by a majority of electors in a majority of states and a majority of all electors voting.
2. The referendum provision is an important constitutional safeguard against irresponsible constitutional amendment. It achieves this by requiring that an amendment.
 - (i) is specific;
 - (ii) detailed in advance, and
 - (iii) can be critically compared to the existing provisions that it is intended to replace.
3. The Bill proposes a plebiscite which is directly contrary to these requirements in that:
 - (i) the question is totally vague – ie: “Do you support Australia becoming a republic”. An answer to this question is meaningless because there are no details of what form this republic would take. It is like asking citizens of a republic are they in favour of their country becoming a monarchy, to which they would legitimately ask – what type – absolute, constitutional and if so what powers are to be exercised and by whom;
 - (ii) any answer given is useless. It confers no mandate on anyone to do anything whereas the passage of a referendum results in a specific change to the Constitution;
 - (iii) it directly undermines s 128 by posing a question which is intentionally designed to obtain as high a yes vote as possible for the sole and illegitimate purpose of

- suppressing debate and steamrolling opposition at a subsequent referendum, and
- (iv) it permits of no constructive criticism or comparison with the existing constitutional arrangements yet seeks to undermine them in the context of providing no alternative.
4. In law an indicative plebiscite is nothing more than a national opinion poll. It serves no useful purpose and indeed is subversive of the existing mode of amendment. As a matter of policy it is a very poor way to engage the community in a consideration of constitutional issues
5. The Bill needs to be evaluated in the context of recent history. There have been many opinion polls commissioned on the issue of “a republic”. Most of the 1990’s was spent with the issue being considered in the context of the Republic Advisory Committee, 1998 Constitution Convention and 1999 Referendum. These events make it plain that those who advocate a republic must formulate a specific model that deals with its form both at a Commonwealth and State level. To talk in generalities achieves nothing, wastes money at a time of serious economic recession (\$10.5 m according to Senator Brown, even if held with the next general election) and is contrary to the safeguards contained in s 128.

Please acknowledge receipt of this submission.

I request that my postal and email address and phone number be kept confidential.

Yours faithfully

John Armfield