THE REPUBLIC PLEBISCITE DECEPTION

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The Commonwealth Government is hiding behind the Private Members Bill introduced into the Senate by Green Leader Senator Brown seeking to commence a whole series of plebiscites on the Republican Issue. It is fraudulent for it to do this because it well knows that under Section 128 of the Constitution it is the Parliament which has the duty and responsibility to formulate specific amendments to the Constitution.

The proposed amendments to the Constitution would then be put to the People in a referendum in which the people are consulted both as an Australia-wide electorate and also as separate State electorates. Section 128 of the Constitution provides the only way in which proposals for the alteration of the Constitution can be properly considered..

WHY ARE PLEBISCITES PROPOSED.

The history of Constitutional amendments in the past has shown that the two electorates, State and Commonwealth are reluctant to make drastic changes to the Constitution. Among other reasons for such reluctance are the following:

1. The particular proposal was designed to increase the power of the Commonwealth.

2. The electorates were not convinced of the merits of the proposal after reading formal arguments set out in a Case for Yes and a Case for No.

The supporters of Republican change are at pains to attack the competence of the electorate to understand the nature of Constitutional change. Most Left-wing and Republican Academics and Activists vociferously claim that it is impossible to achieve worthwhile changes to the Constitution because of the double majority provisions of Section 128. They demonstrate an inordinate and impatient haste for the changes that they espouse to be carried into effect. After the last Republic Referendum they claimed that the change was defeated because the Prime Minister John Howard asked the wrong question.

Apart from being wrong this contention was patently absurd, because the proposal went through both a Convention, and the Parliament, before it was put to the people and both a Yes Case and a No Case in writing was delivered to each and every elector.

THE REAL REASON FOR THE PLEBISCITE PROPOSAL.

The most obvious reason for the plebiscite proposal is that within it there is a hidden agenda. Under the guise of the proposal involving the electorates in a democratic way, the Government has devised a scheme, at the bidding of the Australian Republican Movement, to deprive the electorates of proper consideration of specific proposals.

What the government means by democratic consultation, is to overbear the State electorates by the device of getting assent by the Commonwealth electorate to a proposition which is meaningless because of its lack of detail.

There is no question of proposing a specific type of republic in the first instance. If the Commonwealth electorate is ambushed, and induced to vote Yes to a question which is meaningless, any debate as to the real need for a change to any kind of Republic is effectively ruled out at any time thereafter.

The next step of the Government is to place before the Commonwealth electorate a number of alternate forms of a proposed Republican Constitution. A choice amongst these alternates is to be made on a preferential basis. The final result will be some form of Republic which would not command any real majority support. As the present Constitution is not put forward as one of the alternatives, any attempt to defend the present Constitution, as the best Constitution for Australia, is prevented. Such an argument on that question would not be allowed, even during any later debate in Parliament or during the subsequent campaign, in the Final Referendum under Section 128.. It would be disallowed because of the results of the prior plebiscites. No formal Case for 'Yes' and for 'No', in defence of the present Constitution, would be allowed and delivered to the voters.

In this way all those who supported the retention of the present Constitution would be gagged from expressing their views. Moreover, the State electorates would be overawed, and deprived of having a contrary view on the issue to that allegedly endorsed by the Commonwealth Electorate

THE PRETENCE THAT THE ISSUE OF A REPUBLIC IS A SIMPLE ISSUE.

It was the Intention of the Founding Fathers to ensure that Constitutional change should not be undertaken by means of a passing majority of voters given without full consideration of all that was involved in such a change.

The whole structure of the Constitution was that of a Federation wherein the State electorates, as well as the Commonwealth-wide electorate, should have means of expressing their opinions, after it was clearly demonstrated that it was a sound and necessary change, which was in the interests of the Country as a whole.

What has not been shown is that a change to some form of Republic is a pressing necessity in the interests of the Country as a whole. The pressure for such a

change is not coming from the Community at large, but from a group of dedicated Academics and Politicians which has constantly taken the view that the electorates of both Commonwealth and the States are incapable of understanding the process of Constitutional change. This is inconsistent with their view that a change to a Republic is a simple matter that can only be understood by posing the simplest of questions to the electorates in such a way as to rule out any necessity for clear and open debate on the real question as to the present need, if at all, for such a change; or from any need to make out a reasoned case to justify that abandonment of our present system of government which is implicit in the changes proposed.

Having regard to the fact that Australia is a Federation of equal partners, Section 128 of the Constitution is very democratic because it not only gives the Commonwealth electorate the right to express its opinion on a Constitutional proposal, but also the people of each and every State, as a separate entity.

WHAT IS THE NEXT STEP IF THE FIRST BLEBSCITE RECEIVES SUPPORT?

If the first plebiscite attracts a majority vote in favour of Australia becoming a republic, a second plebiscite will present a number of alternate forms of republican models to be selected on a preferential basis.

This plebiscite is also underhand because it limits the choice of the electors only to those forms of republic listed, and excludes any debate on such a selection.

To be fair and above board there should be a provision for electors to select the existing Constitution (which has all the features of republican division of powers), or to select "None of the proposals".

The whole purpose of the combination of the first and second plebiscites is to exclude any possibility of anyone supporting the present Constitution, and being

given the opportunity of arguing in favour of its retention. In other words, all those electors who opposed the question begging first plebiscite would thereafter be excluded from any participation in the important issue of change to the Constitution .

WHAT HAPPENS WHEN THE MATTER FINALLY COMES BEFORE PARLIAMENT TO FRAME A SPECIFIC PROPOSAL FOR SUBMISSION TO THE PEOPLE UNDER s 128 OF THE CONSTITUTION.

Before any constitutional proposal is put to the people it is mandatory for the Commonwealth Parliament to debate any such proposal and to obtain the support of at least one House for the proposal.

If and when the specific republican model is selected by the preference vote at the second plebiscite, this model must then come before the Houses of Parliament. It is obvious that the Government would claim that no debate on the merits of the proposal could be allowed because of the results of the two plebiscites. If this action is taken by the government, such action would be in total breach of S. 128 of the Constitution.

S.128 prescribes that any proposal for the alteration of the Constitution must be in the form of a "proposed law". The Parliament would clearly have the right to debate any "proposed law" before it could be put to the vote. Any attempt to deny Members the right to speak on the desirability or otherwise of the "proposed law" would be illegal as being in derogation of the inherent rights of the Parliament itself.

Whatever the legalities of the matter it is obvious that the government, which is committed to a republic, would do everything it possibly could to block out any debate on the merits of the proposal.

THIS IS THE WHOLE PURPOSE OF THE BLEBISCITE MANOUEVER AND IS AT THE HEART OF THE ATTACK ON THE VERY EXCLUSIVE NATURE OF S.128.

S.128 not only prescribes that the method encompassed by its provisions is the only method by which alterations of the Constitution can be achieved. It casts on Parliament itself the responsibility of initiating change under its provisions. As the Section contemplates, other Statutory Provision has been made which gives both the electorate of the Commonwealth and that of the States the unfettered right at a referendum of having the detailed nature of the proposal, after its debate by Parliament, presented to them in the written form of a "Case for Yes" and a "Case for NO".

The Plebiscite proposals are an underhand way of defeating the clear provisions of S.128 of the Constitution, and are thereby an attack on the constitutional functions of Parliament, and the unfettered rights of the Commonwealth and State electorates.

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