TO: CHRISTINE MCDONALD

Submission to the Senate Finance and Public Administration Committee, enquiring into the use of a plebiscite on the republic

presented by the South Australian Branch of the Australian Monarchist League
PO Box 511, Enfield Plaza SA 5085
Ph: (08) 8266 1985, Fax: (08) 8266 3208

- 6 February 2009 -

On 13 September 2008 the Australian Senate referred Senator Bob Brown's, *Plebiscite for an Australian Republic Bill 2008* to the Finance and Public Administration Committee for inquiry. The South Australian Branch of the Australian Monarchist League is pleased to make this submission to the inquiry.

Australian governments are unable to change any aspect of the Commonwealth Constitution without firstly gaining the agreement of a majority of voters in a majority of States. This is because the Founders designed a system (itself approved at the ballot box) by which governments get on with the business of routine governance, being subject to the people only at election day, except in the area of Constitutional modification. This they reserved to the referendum mechanism provide for in s.128 of the Commonwealth Constitution.

Put differently, the government is directly chosen by the people at each election day, and the Constitution is able to be directly modified by the people at a referendum. So the people are consulted formally in two ways - on election day and by a referendum.

While the Constitution places no ban on plebiscites, they do not enjoy constitutional provision or endorsement, and they do not accord with the concept that formal public consultation on constitutional matters should be handled by the referendum mechanism provided for in the Australian Constitution.

A plebiscite is used legitimately to gauge public views on a matter that the government wishes to bring before the people, when government has the power to carry out the wishes of the people expressed in the plebiscite - as when the national anthem was changed following public consultation. But the government will have no power to effect change based on a popular "yes" vote in a plebiscite on the republic - in the highly unlikely event of such endorsement. In fact a vote-line poll run by *The Advertiser* newspaper in South Australia on 30th January 2009 registered a staggering 80% rejection of the republic. Clearly, republicans are not found in large numbers here in South Australia.

When a plebiscite was used to gauge public views on the national anthem, that process was a legitimate usage of a plebiscite. It yielded an immediate result, leading to an immediate change. Either we changed the anthem or retained the old one, as an immediate parliamentary response to the result of the plebiscite. But it is entirely contrary to the broader concept of constitutional governance in Australia that any question about the republic be raised using anything other than the referendum mechanism.

The use of plebiscites concerning constitutional questions (such as whether the Australian people wish our nation to become a republic) must be rejected, as plebiscites cannot lawfully resolve constitutional questions. Plebiscites may indeed inflame civic uncertainty - with a resulting loss of confidence, and increased subsequent disrespect for our civic institutions (especially the Crown) leading to greater potential for disregard of the rule of law.

Additionally there has not been a single valid case presented to the public to support Australia becoming a republic, which probably accounts for the 80% rejection of the proposition indicated by the recent South Australian poll.