

Ms Christine McDonald
Secretary
Finance and Public Administration Committee
The Senate

Dear Christine

There will follow, in the normal old-fashioned way, a “snail mail” letter to your good self signed by me, a letter bearing my normal home address on the top and my signature on the bottom. However, knowing as I do the way people prefer e-mail letters I send this first to you as an e-mail letter.

I refer to the fact that there lies on the Senate table the measure titled “Plebiscite for an Australian Republic Bill 2008”. Being an acknowledged expert in this area I think the committee may be interested in my views on the matter of plebiscites. However, I should mention that I am also one of the patrons of Australians for Constitutional Monarchy and this leads to a conflict within me. While I think this plebiscite proposal is a very silly idea (and quite inappropriate in the circumstances) I also think its happening would make fools of the republicans. As a constitutional monarchist I should say: “Let us have this plebiscite: it will make fools of the republicans”. However, as an analyst, I cannot support the idea that we should waste money on a giant opinion poll which is most unlikely to tell us anything we do not already know.

I do not object in principle to the holding of a plebiscite, whether held separately, in conjunction with a referendum, or in conjunction with a general election. There have, in fact, been three plebiscites in Australian federal political history.

The first two related to conscription during the First World War. The record books describe each as a “Referendum” but the word “plebiscite” would today be used. The results of both tell us that their proponents regretted their actions. Both were held separately from a general election, were thoroughly divisive – and failed. The first was on 28 October 1916 when the affirmative vote was 1,087,557 (48.4 per cent) and the negative vote 1,160,033 (51.6 per cent). The second was on 20 December 1917 when the affirmative vote was 1,015,159 (46.2 per cent) and the negative vote 1,181,747 (53.8 per cent).

The third was held in conjunction with the May 1977 constitutional referendum. It was successful and resulted in the determination of Australia’s national anthem. Even in relation to republic questions I do not object, in principle, to the idea of a plebiscite. Let me give the case of South Africa in 1960.

In South Africa in 1960 the legal situation was that the Parliament possessed the full power to turn South Africa into a republic. There was a parliamentary majority to do so. However, that majority did not wish to exercise its power without the consent of the then electorate. At the 1958 general election the Afrikaner Nationalist government of Dr Hendrik Verwoerd promised a referendum during the coming parliamentary term and it was duly held with the simple question being: “Are you in favour of a republic for the Union?” The form of the proposed republic was described in general terms during the campaign. It was a politicians’ republic. Polling day was 5 October and the affirmative vote was 850,458 (52.3 per cent) and the negative vote was 775,878 (47.7 per cent).

Even at this moment I am proposing that a plebiscite be held in conjunction with the next (November 2011) New Zealand general election to replace the existing flawed electoral system by a better system. The point, however, is that, under my proposal, detailed descriptions of the alternatives to the status quo would be given and the electorate would make its preference known. Then at the next general election after that (due in November 2014) the people of New Zealand could decide whether they want to keep the existing electoral system (known as Mixed Member Proportional, or MMP) or whether they prefer the system they chose in November 2011.

Senator Brown's proposed plebiscite has nothing in common with the kinds of cases outlined above. The electorate would quite rightly regard it as an insult to their intelligence. For that reason there would be a high "No" vote and the result would be a serious disappointment to the republicans.

Should anyone doubt that let me give some description of what happened at the two referendums held so far in New Zealand on their electoral system. The first referendum (which we would call a plebiscite) was held on 19 September 1992. It was in two parts. The first was a two-way choice, the second a four-way choice. It is the first part which is significant here. The "Vote to retain the present First-Past-the-Post system," was 186,027 or 15.3 per cent. The "Vote for a change to the voting system" was 1,031,257 or 84.7 per cent. Then the Parliament proceeded to consider detailed legislation to implement the MMP system chosen in the second part on 19 September. It was put to the people in conjunction with the next general election on 6 November 1993. The votes cast were 1,032,919 (53.9 per cent) for MMP and 884,964 (46.1 per cent) for the status quo of FPP.

The significance of these statistics is that, once the legislature was required to specify in full detail what the alternative to the status quo would be, the vote for the status quo rose dramatically. It rose from 186,027 (15.3 per cent) in 1992 to 884,964 (46.1 per cent) in 1993. It is my opinion, therefore, that what gave the electoral reformers some chance to defeat the status quo was the emphatic nature of the rejection of the status quo in the first round.

For that reason I consider that, in any plebiscite along the lines proposed by Senator Brown, there would need to be a republican vote of about 80 per cent for the republicans to have any chance once they were required to specify what they wanted in an actual referendum. They would have virtually no chance of getting that.

In considering my views on this subject members of the Committee should know my views on the underlying question so I give them here. I have always thought the question of the republic to be the latest fad of the Constitutional Change for Change's Sake Brigade. It is, indeed, a change for change's sake and it is the kind of change which is, at best, totally and hopelessly un-necessary.

I mention in passing that the republic is not the only current fad of the Constitutional Change for Change's Sake Brigade. There is another – fixed four-year terms for the House of Representatives. There are influential people who seriously advocate such a foolish idea as though it were a great reform.

I have edited an academic book on the republic with Professor John Warhurst of the Australian National University. Its title is "Constitutional Politics: The Republic Referendum and the Future" (2002, University of Queensland Press). I feel I cannot do better than quote from Chapter 8 "1999 Republic Referendum Results: Some Reflections" by Malcolm Mackerras and William Maley, pages 110, 111 and 112):

(Dear Christine: please note that in the "snail mail" letter the next four paragraphs are indented as they are a part of a lengthy quotation)

What ultimate conclusions can we draw about the results of the 1999 Republic Referendum? In our view, three stand out. First, voting for the republic was an inner metropolitan phenomenon. Second, voting for the republic was correlated with income and socio-economic status, which to a considerable degree explains the failure of the ALP successfully to mobilise a decent majority of its 1998 supporters to vote for a republic in 1999. . . To these factors we would add a third, which augurs poorly for future attempts to bring about a republic. This is that "Republic", in the abstract, is an expression of a nebulous concept. . . In a referendum, however, it is always necessary to specify exactly what the term is to mean, and in 1999, this very act of specification split the republicans into two hostile camps: those concerned with national symbols and those concerned with popular empowerment.

The latter worked to defeat the brand of "republic" on offer, since this was the only way to keep "their" republic alive. Should "their" republic one day be on offer, it is by no means

certain that those who voted for a nominal republic in 1999 would support a substantive republic at that time. From this a political scientist might conclude that the monarchical status quo is the Condorcet winner, namely that option which, even if not supported itself by a majority, can gather enough support to defeat any alternative. Or to put it another way (as one commentator did on the night of the referendum), one might fairly describe the republicans as a circular firing squad.

We have just introduced what many think of as a new term. However, it is one we think should appear in any glossary of Australian electoral studies. It is "Condorcet winner", called after the French mathematician, philosopher, historian and republican politician, Marie Jean Antoine Nicolas de Caritat, Marquis de Condorcet (1743-94). Any significant work of international psephology includes a definition for this term, namely "a candidate who can beat any other in a pairwise contest". To be a Condorcet winner you need a decent level of minority support. If your support falls too much you then become a "Condorcet loser". While the idea of the Queen as a candidate for election may seem strange that is the Australian reality. Our picture of the future is that there will be a plebiscite some day in which, say, 75 per cent of voters assert that they want "a republic with an Australian head of state". Then an actual republican constitution (with a popularly elected president) will be put to the people. Not only will that "maximalist" model be more heavily defeated than its "minimalist" predecessor, it will give Sir Robert Menzies joy from his grave. . .

Another term will then be added to the glossary – "Neverendum". Faced with the Queen's victory in Referendum One, then Referendum Two, people will switch off, muttering this new word. As the Americans would say, "If it ain't broke don't fix it."

(End of lengthy quotation)

So how do we explain this foolish proposal by Senator Brown? There are two explanations, I think. First, it is an attempt to unite the two warring brands of Australian republicans – a unity which cannot last. Second, it is an attempt to disadvantage Malcolm Turnbull during the election campaign taking place towards the end of 2010.

Yours sincerely

Malcolm Mackerras