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The Secretary  
Finance & Public Administration Committee  
Parliament House  
CANBERRA ACT 2600

Dear Sir/Madam

**Plebiscite for an Australian Republic Bill 2008**


I wish to make the following submissions on Senator Brown's *Plebiscite for an Australian Republic Bill, 2008*.

In my view, this proposal is ill-conceived for the following reasons.

- Section 128 of the Australian Constitution prescribes a referendum, supported by a majority of voters in a majority of the States, and by an overall majority of all votes cast in the referendum, as the only means of altering the Constitution.
- The plebiscite contemplated by Senator Brown's Bill has therefore no legal or constitutional status and represents no more than a taxpayer-funded opinion poll on a question that Australian voters have shown no desire to re-visit since the republic referendum in 1999.
- As I understand it, under the proposed plebiscite Australians would be asked whether they are in favour of an Australian republic without being provided any information on what form that republic might take – in particular, and most importantly, how the head of state under the hypothetical republic would be appointed.
- The plebiscite represents therefore an invitation to the Australian public to cast a vote of no confidence in the present Constitution – arguably one of the most successful in the modern world – without being given any information as to what might replace it. In my submission, apart from being an insult to voters' intelligence, this would be an unprecedented use of the plebiscite device to manipulate public opinion into supporting fundamental change to the present constitutional arrangements, but without the safeguards of a referendum.
- In this regard, it is my understanding that the plebiscite contemplated by Senator Brown's Bill would not require the support of the majorities specified in section 128 of the Constitution, thereby weakening the position of less populous states such as Western Australia. In addition, it is my understanding that, as presently drafted, the Bill makes no provision for government funding of the distribution of material to voters in support of both sides of the argument, as would be required in a referendum.

- If passed, the plebiscite contemplated by Senator Brown's Bill would immediately create a state of constitutional instability, voters having rejected the existing Constitution but not having expressed any view as to what should replace it.
- I am not aware of any estimate having been provided of the cost of conducting the plebiscite. However, suffice it to say that in an era of severe constraints on public expenditure as a result of the global financial crisis, it is difficult to see on what basis any expenditure on an exercise of this nature can be warranted in the current circumstances.

I would be grateful if the above submissions could be brought to the attention of the Committee in its deliberations on Senator Brown's Bill.

Yours faithfully 

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