

## CHAPTER 3

### THE PROCESS: THEMES ARISING IN EVIDENCE

#### Introduction

3.1 As part of the terms of reference for the inquiry, the Committee was required to look at the most appropriate process for moving towards the establishment of an Australian republic with an Australian head of state. The next two chapters address this term of reference.

3.2 As discussed in the previous chapter, the process undertaken in 1998 and 1999 involved a deliberative constitutional convention of appointed and elected delegates, followed by a referendum to amend the Constitution. Various proposals for a future process have since been put forward, including processes that would involve not only conventions and referendums, but also plebiscites to gauge public opinion.

3.3 The following chapter will discuss the different components of a possible future process. This chapter discusses themes that have arisen in submissions and evidence in relation to a future process, most notably:

- the importance of Australians engaging in and feeling ownership of any future process;
- the need for an information campaign to ensure Australians are fully educated in the options that may be put to them; and
- the timeframe for any future process.

#### The importance of engagement

3.4 A recurring theme in submissions and evidence to the Committee was that it was important for Australians to engage in and to feel ownership of any future process in the move towards an Australian republic. This section of the report discusses that evidence.

3.5 Several submissions argued that there were important lessons to be learnt from the experience of the 1998/99 convention/referendum process. Arguing that people felt alienated from the process, Mr Bill Peach told the Committee that Australians felt distanced from a debate being conducted by people they didn't understand.<sup>1</sup>

3.6 Professor George Winterton commented that it was important to avoid the experience of 1999:

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1 *Committee Hansard*, 13 April 2004, p. 49.

In 1999 many electors resented the fact that they were given no choice of models but only, as they saw it, a take it or leave it referendum decision.<sup>2</sup>

3.7 The ARM put forward that it was vitally important that Australians have ownership of their republic.<sup>3</sup> Ms Allison Henry, National Director of ARM, told the Committee that Australians want their voices to be heard<sup>4</sup> and that:

... the move to an Australian republic should be driven and owned by the Australian people. The republic should suit the temperament and traditions of our democratic, egalitarian culture. The Australian people should be consulted every step of the way in the making of it.<sup>5</sup>

3.8 Professor George Williams emphasised the importance of engagement of Australians:

To my mind a republic is important, but almost as important—and in some ways more important—is the capacity for Australians to engage in changing their own constitution in a way that makes them feel empowered and that their vote actually matters, as opposed to them having a say at the end in rejecting something. If we can actually amend this process in a way that gives people a sense that they really are involved, it is their constitution and it is their system of government, that may be at least as significant an outcome as actually getting a republic in the end.<sup>6</sup>

3.9 Dr Mark McKenna pointed out that full engagement of the people was an important part of the democratic process:

Without legitimacy, which can only come through a fully open and democratic process, any republic model will struggle to gain the approval of a majority of voters and states in a national referendum. Opponents of any model are more likely to accept the final outcome if they feel they have been given a chance to put their view. A fully democratic process is the only means of fostering the spirit of compromise that may well be necessary if the republic is to be realised in our lifetime.<sup>7</sup>

3.10 It was a general theme of evidence received that a process that included components such as plebiscites and/or a fully-elected convention is desirable if

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2 *Committee Hansard*, 13 April 2004, p. 61.

3 Mr Richard Fidler, *Committee Hansard*, 13 April 2004, p. 28.

4 *Committee Hansard*, 13 April 2004, p. 27.

5 *Ibid*

6 *Ibid*, 13 April 2004, p. 43.

7 *Submission 201*, p. 1.

Australians are to become engaged. Mr Rod Kendall argued that the plebiscite process has tremendous value in re-engaging the public, and told the Committee:

... the plebiscite process has the ability to give the people a say in the process and make their opinion valued, instead of people just being faced with a referendum where all the decisions have been made beforehand.<sup>8</sup>

3.11 Plebiscites are discussed further in Chapter 4.

3.12 The Committee also heard evidence that all Australians should be engaged and consulted in the process. Dr Mark McKenna recommended that Indigenous Australians should be involved in a process for moving towards a republic, and should be fully consulted and engaged in that process.<sup>9</sup>

3.13 The Committee heard evidence that the issue of a republic was not a high priority for many Australians. Professor Greg Craven was pessimistic about the success of any attempt to engage Australians in the issue of a republic. He told the Committee:

[Australians] want a good constitution, they want a good republic, but they do not see it in the same light as their children, their gardens or their kid's football club. It is not a matter of ongoing engagement to them.<sup>10</sup>

3.14 Mr Eric Lockett agreed, saying:

I would say that in relation to this particular issue you have an uphill battle, because it is not an issue with the public. ... there is a small minority that believe the issue has already been resolved. There is another minority that never will accept that it is resolved until it is resolved the other way. But the majority would more likely say, 'What's on TV tonight?'<sup>11</sup>

3.15 Dr Barry Gardner described the lack of interest in the republic debate of 1998/99, and agreed that getting people interested in the issue now was a problem. He told the Committee:

It is hard to get people interested in things. There is a kind of soulless cosmopolitanism, centred around electronic media and brand names, which seems to have descended over the whole world. You can offer information but people do not necessarily want to take it up.<sup>12</sup>

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8 *Committee Hansard*, 29 June 2004, p. 20.

9 *Ibid*, pp. 42-43.

10 *Committee Hansard*, 18 May 2004, p. 6.

11 *Committee Hansard*, 20 May 2004, p. 5.

12 *Ibid*, p. 24.

3.16 Mr Jack Hammond commented that there needs to be some catalyst that excites people's interest, and that the external catalyst which was likely to achieve this would be the death or abdication of the Queen.<sup>13</sup>

3.17 Mr David Morris, Convenor of ARM in Tasmania disputed the contention that people are not interested in the issue of an Australian republic. He told the Committee:

In my strollings around Tasmania talking to people in the community consultations that we run as the Australian Republican Movement, and when I bump into people in shops, offices and all over the place, almost on a daily basis people remind of how passionate they are as well about this issue. So I think it is an issue that is alive and well; it is just not 'the' issue on the front pages of the newspapers at the moment.<sup>14</sup>

3.18 The Committee notes that the inquiry attracted over 700 submissions, a noteworthy level of interest in the issue.

### **The need for education**

3.19 It was recognised in many submissions that any process that sought input from Australians would need to be accompanied by an extensive information and education program.

3.20 Mr Rod Kendall emphasised the importance of an information campaign, and argued that those who were poorly-informed would not have the confidence to consider change. He told the Committee:

One of the accusations made by opponents of the republic in 1999 was that the republic was just something that the elites wanted. Such accusations are effective when people have poor knowledge of the system as it works now. When they do not understand how the current structure functions it makes it difficult to evaluate the changes being sought. Scare campaigns do not need much information to be effective, whereas campaigns arguing for change must provide adequate information for people to be confident to vote for the change.<sup>15</sup>

3.21 Professor George Williams echoed this sentiment, submitting that:

I think we need to overcome the fact that perhaps the most successful argument in recent referendums has been the argument: 'Don't know? Vote

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13 *Committee Hansard*, 29 July 2004, p. 6.

14 *Committee Hansard*, 20 May 2004, p. 26.

15 *Committee Hansard*, 29 June 2004, p. 18.

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“no””. Until we can overcome that argument, it seems unlikely that many referendums will be passed.<sup>16</sup>

3.22 It was also submitted that the cost of holding a ballot demands that an extensive information program be conducted beforehand. Mr Rod Kendall told the Committee:

I think it is a waste of time spending all the money on holding the actual ballot, which is expensive, if the information campaign does not run beforehand. If the people make a decision, either for or against a republic, based on information which they have, then whatever the cost it is justified. But if you run a ballot, with all the expense that entails, and the information is not there for them to make the best judgment they can, either way, then I think we are doing a disservice and really wasting money.<sup>17</sup>

3.23 Professor David Flint, representing ACM, argued that there was a need for more education about how Australia's current system of government worked:

There is not enough civics education in this country. People do not know enough about their Constitution. We think that would be a first step before we make such a substantial constitutional change at great potential cost without necessarily achieving what is intended to be achieved.<sup>18</sup>

3.24 Mrs Janet Holmes a Court supported civics programs in schools to improve the level of knowledge about Australia's system of government. She told the Committee:

It is future generations of Australian kids who are going to say, ‘Hey, we want our own head of state,’ but if they have no knowledge of the Australian Constitution or how our system works we will still be having this debate in years to come.<sup>19</sup>

3.25 Mr David Morris, Convenor of ARM in Tasmania, put forward that it was necessary to first have a discussion about national identity and values, before an education program about the constitutional issues.<sup>20</sup> He told the Committee:

If we start it the other way around we do lose people. It is pretty boring if you are a school student, or an adult anywhere in the Australian community, to be engaged in a discussion about constitutional change. Unless you are a lawyer or, with all due respect, a member of parliament, it is just too dry for

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16 *Committee Hansard*, 13 April 2004, p. 41.

17 *Committee Hansard*, 29 June 2004, p. 22.

18 *Committee Hansard*, 13 April 2004, p. 74.

19 *Committee Hansard*, 18 May 2004, p. 31.

20 *Committee Hansard*, 20 May 2004, p. 30.

most people. The way to approach it is to have this discussion about our national identity that does get people passionate.<sup>21</sup>

3.26 The means of conducting an education program was the subject of some discussion at Committee hearings. Some questioned the effectiveness of detailed written material in educating the public. Mr Bob Holderness-Roddam, an adult educator, told the Committee:

About 50 per cent of Australians are not used to using print based material to obtain information. Almost 50 per cent have some literacy related challenges in their lives in some way, whether they be new Australians or whatever.<sup>22</sup>

3.27 Professor George Williams questioned the effectiveness of the printed material distributed ahead of the 1999 republic referendum:

Last time, it was a 71-page booklet, and it was difficult to find any Australian who actually read that booklet from beginning to end. I remember taking a poll of one of my classes—160 students—and I came across one student who had actually read the booklet from beginning to end.

[The yes/no case booklet] is the key educative process in the current machinery, and from my experience it has demonstrably failed in educating Australians, not only because it comes at the very end of the process, when it is almost too late for people to learn about these issues, but because it is such a partisan document with little or no opportunity for separating out the key underlying constitutional material that people understand. It is unable to do its job of educating Australians satisfactorily.<sup>23</sup>

3.28 Professor Williams argued for the preparation of basic, factual information in the lead-up to referenda, and suggested reforming the legislation governing the conduct of referendums (*Referendum (Machinery Provisions) Act 1984 (Cth)*) to allow for a more effective process that "would clearly separate the basic information required by Australians to cast their vote, from the partisan arguments of the Yes and No cases".<sup>24</sup> Professor George Winterton concurred, telling the Committee:

I think it is regrettable that the 'yes' and 'no' cases are produced by the proponents rather than by some sort of independent body.<sup>25</sup>

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21 Ibid

22 Ibid, p. 13.

23 *Committee Hansard*, 13 April 2004, p. 41.

24 *Submission 152*, p. 3.

25 *Committee Hansard*, 13 April 2004, p. 65.

3.29 The importance of using other media including television and radio was supported in other submissions.<sup>26</sup> Mr Bob Holderness Roddam told the Committee:

I think we have to look at how most people get their information these days—from television. If you are going to start putting stuff on television, you start to talk big money and budgets. However, this is probably the single most important decision that Australia is going to make this century, and perhaps it has got to be prepared to finance the information out there. You need a decent series of short—maybe five-minute—television discussion starters ... and maybe on radio as well ...<sup>27</sup>

3.30 Mr Rod Kendall described how TV advertising had been used in the 1977 plebiscite on a national anthem,<sup>28</sup> and emphasised the importance of TV and radio as an information source for those who have not recently been in the formal education system. He told the Committee:

You need to reach a huge number of people who have left the education system some time ago perhaps, so the only way to do that in this day and age is through television and radio advertising.<sup>29</sup>

3.31 The use of the Internet and forms of web-based education was raised as a possibility,<sup>30</sup> however it was also pointed out that not everyone has access to the Internet.<sup>31</sup>

3.32 Professor George Williams emphasised the importance of targeting education and engagement at the local level, not just at a national level. He put forward the example of the community consultation process undertaken by the Australian Capital Territory (ACT) Government when it was formulating its new Bill of Rights. Professor Williams submitted that much could be learnt from the ACT approach:

The ACT Government did not pre-empt debate with its own preferred model, but engaged in a lengthy period of consultation that allowed for community engagement and education. This involved an appointed Committee that held town meetings and many consultations with

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26 For example, Mr John Pyke, *Committee Hansard*, 29 June 2004, p. 14.

27 *Committee Hansard*, 20 May 2004, p. 13-14.

28 *Committee Hansard*, 29 June 2004, p. 19.

29 *Ibid*, p. 22.

30 For example Professor George Williams, *Committee Hansard*, 13 April 2004, p. 41.

31 Mr Bob Holderness-Roddam, *Committee Hansard*, 20 May 2004, p. 14.

community and expert groups. The Committee also sought submissions from the public and commissioned a deliberative poll of ACT residents.<sup>32</sup>

3.33 Professor Williams argued that local government "offers a perfect vehicle for trying to involve people in this [consultation] process ... and is the logical body to try and work through it."<sup>33</sup> Professor Williams told the Committee:

I would think about empowering local bodies with the information and skills needed to hold events whereby their communities can be educated and express views that could potentially be forwarded on to national bodies. They may be views on options, models or other matters. It is not a matter of polarising those groups but providing local entry points for debate. I think there ought to be targets for a forum for however many thousands of Australians ought to be able to attend such a forum.<sup>34</sup>

3.34 Mr Rod Kendall supported the use of local forums and meetings, but argued that it can only be one tactic. He noted the poor turnout of people to the local constitutional conventions conducted by the Constitutional Centenary Foundation in 1997 and 1998, and also to the local forums held as part of the consultation into the ACT Bill of Rights, and told the Committee:

... [local meetings] are cases of people having to go to the information. What is needed is information going to the people. This really means radio and television advertising. That is the only way to reach large numbers of people.<sup>35</sup>

3.35 The appropriateness of using local government as a forum for disseminating information and conducting community consultation was questioned. Mr Andrew Cole, a local government councillor in South Australia, told the Committee:

I think that is going to be a difficult thing if local government is ... seen running and supporting community forums or open forums, [and] that it is not seen by the community as an appropriate role for local government to be involved in. It is seen as a federal government/state government area as far as a body that moves those programs through. I think you would find the comments from ratepayers will be: why is local government involved when it is really not their area of operations and what are we paying our rates for?<sup>36</sup>

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32 *Submission 152*, p. 3.

33 *Committee Hansard*, 13 April 2004, p. 43.

34 *Ibid*, p. 42.

35 *Committee Hansard*, 29 June 2004, p. 19.

36 *Committee Hansard* 19 May 2004, p. 16.



3.36 Other evidence to the Committee, however, suggested that the appropriateness of local government as a forum for community deliberation may vary from council to council, and may be suitable in some, but not other, councils.<sup>37</sup>

3.37 Another option for community education about republic models suggested to the Committee was the use of small, localised study circles. Mr Bob Holderness-Roddam, an adult educator, explained the benefits of bringing together people in small discussion groups facilitated by trained adult educators. Those people could then go out and participate in discussion in the community at an informal level. Mr Holderness-Roddam told the Committee:

The results of these learning circles will hopefully be that you have a cadre of reasonably well-informed people who understand the issues and the basics of the six [ARM] models, then they can go out into the community and participate in discussions at an informal level, whether it be in pubs, clubs, workplaces or wherever people meet up.<sup>38</sup>

3.38 Mr Holderness-Roddam emphasised the importance of focussing on deliberation and discussion, rather than debate, which was intrinsically adversarial:

Having participated in debates at school, university and in Rostrum on occasions, I am disillusioned with the term ‘debate’. Debate tends to polarise—generally there are a few leaders in the process and the rest of the people are sitting on the sidelines cheering, booing, hissing or whatever, as the feeling takes them. Deliberation seeks to tease out the options and to find common ground—and that is really what this process has to be about.<sup>39</sup>

3.39 Mr Holderness-Roddam recommended that the Adult Learning Australia organisation be funded to develop a study circles resources kit based on different models for a republic. Adult Learning Australia could provide the facilitators for the study circles.<sup>40</sup> He agreed however that it may be difficult to get people to come along to study circles, asking:

... how do you sex up what is basically a rather boring topic for a lot of people?<sup>41</sup>

3.40 The Aboriginal and Torres Strait Islander Commission submitted that the process for moving towards an Australian republic must be open, accessible, and

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37 Mr Bob-Holderness-Roddam, *Committee Hansard*, 20 May 2004, p. 17.

38 *Committee Hansard*, 19 May 2004, p. 12.

39 *Committee Hansard*, 20 May 2004, p. 11.

40 *Ibid*

41 *Ibid*, p. 13.

clearly explained to Indigenous people.<sup>42</sup> Dr Mark McKenna suggested that to reach Indigenous Australians it may be appropriate to employ existing networks of the Indigenous bureaucracy, and to appoint certain Indigenous people with high profiles as communication facilitators.<sup>43</sup>

3.41 The ARM argued that it was important to use not just one but several methods to reach Australians in any education program. Professor John Warhurst, Chair of ARM, told the Committee:

The real challenge, I think, is to get to the 99 per cent of the community for whom life goes on and this will be not the main event in their lives but will be one on which they want to be trusted to take a decision. They want enough information but not too much, and they want it in a form that suits their particular needs. For some generations and some people that might mean extensive use of the Internet. For others it might mean extensive use of local communities. For others it might mean extensive use of the print media or television and radio. Using a combination of all of these things, we hope to reach as many people as possible.<sup>44</sup>

3.42 The ARM also argued that an education program would be most effective when conducted in the context of plebiscites. ARM Chair Professor John Warhurst told the Committee:

I think discussion and education in the abstract is going to be more difficult than the discussion and education which will take place around particular questions being put to the Australian community. Putting these questions to the Australian community and surrounding them with some education which will enable people to better appreciate the intricacies of these questions is an ideal democratic method to proceed with.<sup>45</sup>

3.43 Professor Warhurst also put forward that the education process may take time. He told the Committee:

The experience with constitutional education in 1999 showed that trying to explain the present situation, the changes that you propose and the impact of those changes is something that is best done again and again, and often by trained educators or people who have experience in interacting with the community. It is certainly not something that is done in 10 minutes; it is

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42 *Submission 112*, p. 2.

43 *Committee Hansard*, 29 July 2004, p. 44.

44 *Committee Hansard*, 13 April 2004, p. 34.

45 *Ibid*, p. 32.

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something that is done often in a couple of hours, working with a small group, as we do with our own groups on a regular basis.<sup>46</sup>

3.44 The ARM emphasised its role as a facilitator in the republic debate, but argued that in the future it may be another organisation or the Parliament that takes a leading role. Ms Allison Henry told the Committee:

Since the 1999 referendum, the Australian Republican Movement has recognised that we may not necessarily have a continuous leading role in this debate. At various times we have suggested it may be better for the ARM to step back from parts of the process and leave it to other organisations or the parliament itself to take up the lead in that time.

... At the moment ... our role is to try and put these arguments before the Australian people and act as a facilitator, but in the future it may not necessarily be such a leading role.<sup>47</sup>

3.45 Professor George Williams argued that any education campaign should be a government-sponsored process, and that the ARM and other groups with a particular viewpoint were not appropriate to perform such a function. He told the Committee:

I do not think bodies like the ARM or the ACM can possibly do that function. They need the opportunity to engage in a government or parliament sponsored process. They are simply not the right bodies to be engaging in the sort of debate where people can put views from both sides. They need to be participants in that debate; they ought not to be the originators of it or the ones who carry it. It is impossible for them to do so, and that is why ultimately you have to have a government sponsored process that still builds in the parties fairly and appropriately.<sup>48</sup>

## **Timeframe**

3.46 The time period that a republic process may take was also raised. Mr Andrew Newman-Martin saw the process happening in relation to the electoral cycle:

Ideally, the entire process including the referendum should fit comfortably within one term of a government. This will avoid potential problems from changes in government with consequent changes in policy (for example, a situation in which under a Labor government a models plebiscite records a win for direct election, but a subsequent Coalition government refuses to hold the referendum because of its opposition to direct election).<sup>49</sup>

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46 Ibid, p. 35.

47 Ibid, p. 36.

48 Ibid, p. 44.

49 *Submission* 107, p. 31.

3.47 Professor George Williams suggested a three to five-year process involving community participation, plebiscites and a convention. He argued:

... it is difficult to do it with a much shorter process. Otherwise, we would be simply seen as rushing into another referendum once the momentum has built up. It must be done differently from last time; otherwise, why would Australians vote any differently?<sup>50</sup>

3.48 A measured approach to the community education process was also suggested. Mr Bob Holderness-Roddam put that it should take 18 months to two years, and told the Committee:

Hasten slowly—if we rush things, we will lose it again. We have to give people time. It also takes a while to rev people up to get this back onto the agenda.<sup>51</sup>

3.49 Some suggested that a multi-question plebiscite should be held as soon as possible, in conjunction with the next Federal election.<sup>52</sup> Mr Bill Peach was not of this view, arguing that a (multi-question) plebiscite should not be held until 12 months after an announcement of a plebiscite, to allow for full community discussion.<sup>53</sup> Mr Peach pointed out that the process in the 1890s leading towards Federation had taken time:

Federation took 11 years to achieve after the first constitutional convention, and that painful process included a failed first referendum. If we can achieve

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50 *Committee Hansard*, 13 April 2004, p. 44.

51 *Committee Hansard*, 20 May 2004, p. 12.

52 For example, Mr Peter Murphy, A Just Republic, *Committee Hansard*, 13 April 2004, p. 80. At the time of writing an election was due within months, by April 2005.

53 *Committee Hansard*, 13 April 2004, p. 51.

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a republic with an Australian head of state by 2009, we will exactly match the record of the founders of the Federation.<sup>54</sup>

3.50 Others saw an even longer process. Ms Clare Thompson, a delegate at the 1998 Convention, told the Committee:

I am very much of the view that this is a long-term project rather than a three-to-five year project. If we become a republic—that is, when we become a republic—it is going to happen in the 10- to 15-year time frame, sad as that is for some of us. Part of that, though, is that it gives us an opportunity to really explore the way we as a nation want to look and the way we want to feel.<sup>55</sup>

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54 Ibid, p. 46.

55 *Committee Hansard*, 18 May 2004, p. 36.

