

# **Australian Senate, the Senate Legal and Constitutional References Committee, Inquiry into an Australian Republic, Discussion Paper**

## **Submission from Dr Walter Phillips, Member of the Corowa Committee**

I wish to submit the following comments in reference to 'A Process for Moving Towards an Australian Republic':

### **Questions 26 and 27**

There seems to be general agreement that the Australian people should be consulted through a plebiscite as to whether or not Australia should become a republic. It is highly desirable that any further consideration of an Australian republic should have the endorsement of the Australian people. The Corowa resolution, however, proposes that there should be a plebiscite with two questions asked simultaneously.

The reason for this is the strong possibility of a plebiscite producing a negative result despite the recent polls showing a majority in favour of an Australian republic. The campaign for the election to the Constitutional Convention in 1997 and the Convention in February 1998 demonstrate that any question proposing an Australian republic will be strongly contested by the monarchists, who will almost certainly warn people against saying 'yes' to a republic without knowing what kind of republic it might be.

The promise of a second plebiscite at a later date might mitigate the danger of a negative result based on fear or suspicion of the kind of republic that might be proposed. But if the people are to be asked to express their preference from several options it would seem wiser and more efficient to ask the two questions simultaneously.

### **Question 28**

Since voting in Australia is compulsory any plebiscite on such a momentous question as to whether or not Australia should become a republic should be conducted on the same basis as elections and referendums, with preferential voting on the second question. Voting for delegates to the Constitutional Convention in 1997 was voluntary and resulted in 47 per cent of the eligible voters taking part. A plebiscite on the republican question in which only 50 per cent or less of electors take part would almost certainly be challenged by opponents of a republic. The result of the plebiscite should be, as far as is possible, beyond dispute.

I recognise that a plebiscite, as distinct from a constitutional referendum, is not binding on the government. However, the people need to feel assured that the result will be taken seriously in the framing of a referendum question on an Australian republic. The experience of the 1999 referendum should warn us against putting an unpopular proposal to the people in a referendum.

**Question 29**

An elected Constitutional Convention, as proposed in the Corowa Resolution, seems to be the best way to formulate the details of the republic, based on the results of the plebiscites. It would be the most democratic way and thus inspire the greatest confidence in the voters when the question is put in a referendum. Constitutional experts could be appointed as advisors to the Convention.

**Question 30**

The process set out in the Corowa Resolution was endorsed as the preferred process by the Corowa Conference. It seems to be the most open and democratic way of proceeding to a resolution of the question of an Australian republic.

The Corowa Resolution envisages community consultation and an educational process to be set in motion by a multi-party joint parliamentary committee before proceeding to a plebiscite. This would include ample information on the various options to be considered in constructing an Australian republic. The Corowa resolution proposes four options, examples of which are set out in the Discussion Paper. An executive presidency is not one of those options. The Discussion Paper raises this question at the outset. Public discussion to date has shown little support for this option and it is generally recognised that it would require a radical alteration to the Australian Constitution. One thing common to all the other options is that they presuppose the retention of the Westminster system of parliamentary democracy. Unless there is evidence of substantial support to change from this system it seems an unnecessary distraction to ask people to consider an executive presidency on the US model.

As to explanation of the various options: there could be broader discussion of examples of actual republics based on one or other of the models. For example, in the discussion of the Electoral College there might be reference to the Federal Republic of Germany, India and Italy. The two former are federations and therefore of some relevance to Australia. Italy, while not a federation, forms its electoral college from regional and national representatives.

On the question of direct election, the Discussion Paper provides details on the Republic of Ireland. Presumably educational material in preparation for a plebiscite would include Austria as another example of a non-executive president elected by popular vote.

In general, I think it is important that the Australian people in considering the question of an Australian republic should come to know and appreciate the republican constitutions of those republics, which have a Westminster-style parliamentary democracy. This should be part of the educational process envisaged in the process proposed in the Corowa Resolution. This process should help to ensure that voting on the second plebiscite question is well informed.

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