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The CEO
Senate Committee on the Republic
Parliament House
Canberra
ACT 2600

Submission from Patrick O'Connor to the Discussion Paper

Terms of Reference:

(a) The most appropriate process for moving towards the establishment of an Australian republic with an Australian Head of State

For those seeking to change our proven system to confer together to produce an alternative republican Constitution which has the demonstrable (written) support of a majority of the various factions including ARM, Ted Mack, Clem Jones, Real Republic, Safeguard the People, Elect the President, Alternative Three, A Just Republic, The Republican Party of Australia and Democracy First Group And for that model to lie on the table for discussion/debate for 1 – 3 years to see whether it can be demonstrated to be superior to our present Constitution. It must be available in FULL DETAIL chapter and verse. The reason for this is that the republic referendum model which was "flawed and unworkable" (Prof. Cheryl Saunders) was not superior and was in fact "an affront to republican principles" (Prof. John Hirst). Sufficient time was not given for the electors to understand how flawed it was.

(b) alternative models for an Australian republic, with specific reference to:

(i) the functions and powers of the Head of State
(ii) the method of selection and removal of the Head of State, and
(iii) the relationship of the Head of State with the executive, the parliament and the judiciary

By all means submit alternative models but I submit that a poll or plebiscite of those seeking its change must agree on the one they prefer to submit to Australians with reasons

- why constitutionally it is better and in what specific ways
- an estimated cost of doing it and a reason why this should have priority over matters of importance such as Health, Education etc.
- On what documents the claim that the Queen is Head of Sate of Australia are based
- a reason for wasting tax payers funds on a matter which was determined at the 99 referendum by a landslide vote when 72% of all Federal Electorates from all 6 States and the N.T. voted NO (63.6% ALP/Democrat electors voted NO)

ALP rejects elected President

On 8 July 2003 the front page of The Australian had a banner headline "ALP PUTS GAG OVER PARTY POLL" reading *"... As part of Opposition Leader Simon Crean's push for internal reforms, an ALP special conference agreed that the national president and two vice-presidents should be directly elected by all party members, who number about 45,000 The national executive's decision to gag candidates reflects a fear that the president – until now mainly a figurehead but soon to become he only person elected by all members – could become a rival source of power to the parliamentary leader"*

Note "a rival source of power to the Party leader". But the election of a republican President of Australia (vastly more important) was enthusiastically supported by ALP leaders (but not their rank and file – 48 of 66 seats voted No) who now reject such a procedure. Will the ALP now be consistent and reverse its support of an elected republican President?

Will the Committee please respond, but first bearing in mind the words from the Fourth Geoffrey Sawer Lecture 18 July 2001 in the ACT given by respected republican former Chief Justice of the High Court of Australia, Sir Gerard Brennan:-

"But the principal objection to an elected Presidency is the risk - perhaps the likelihood - that the President (ALP President in this case), *armed with the authority of a popular mandate, might exercise executive and, possibly, reserve power to frustrate the policies or impair the powers of the Prime Minister(Leader of the Opposition in this case) and Government. There would be two hands on the tiller of national interest*

"If a presidential election were conducted on a platform of policy, would not the President have a mandate to implement the policy even if it were opposed by the Prime Minister"

In the opinion of this tax payer and of his friends and colleagues, the Inquiry is a gross waste of tax payers funds, particularly as no alternative model is available.

P. O'Connor.

Patrick O'Connor

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cc MSC
Senators S. Despoja