

ADDENDUM TO SUBMISSION – DR BEDE HARRIS

This addendum contains answers to all the questions posed in the Committee’s discussion paper. Most of these are answered in my submission, but some were not, so for sake of completeness I would like to provide these concise answers to the questions that were posed.

Question 1 *Should Australia consider moving towards having a head of state who is also the head of government?*

Yes.

Question 2 *What powers should be conferred on the head of state?*

The same powers as currently exist under the conventions of responsible government.

Question 3 *What powers (if any) should be codified beyond those currently specified in the Constitution?*

All powers should be codified.

Question 4 *Should some form of campaign assistance be available to nominees, and if so, what assistance would be reasonable?*

No campaign assistance.

Question 5 *Should/Can political parties be prevented from assisting or campaigning on behalf of nominees? If so, how?*

No prohibition on assistance by political parties.

Question 6 *If assistance is to be given, should this be administered by the Australian Electoral Commission or some other public body?*

Not applicable.

Question 7 *If the Australian head of state is to be directly elected, what method of voting should be used?*

Preferential voting.

Question 8 *If direct election is the preferred method for election of a non-executive president, will this lead to a situation where the president becomes a rival centre of*

power to the Government? If so, is this acceptable or not? If not, can the office of head of state be designed so that this situation does not arise?

Codification of the President's powers would prevent them being abused.

Question 9 *Who should be eligible to put forward nominations for an appointed head of state? For elected head of state?*

Any person enrolled as a voter.

Question 10 *Should there be any barriers to nomination, such as nominations from political parties, or candidates being current or former members of parliament?*

To be nominated as a candidate for the presidency, a person should only be required to be enrolled as a voter.

Question 11 *Should there be a maximum and/or minimum number of candidates?*

No.

Question 12 *Should there be a minimum number of nominators required for a nominee to become a candidate?*

Yes. A valid nomination should require the support of 500 persons enrolled as voters.

Question 13 *What should the head of state be called, Governor-General, President of the Commonwealth of Australia or some other title?*

President

Question 14 *What should be the length of a term of office for head of state?*

5 years.

Question 15 *Should a head of state be eligible for re-appointment/re-election?*

Yes.

Question 16 *Should there be a limit on the number of terms an individual may serve as head of state?*

No.

Question 17 *Who or what body should have the authority to remove the head of state from office?*

The courts, on application by any citizen.

Question 18 *On what grounds should the removal from office of the head of state be justified? Should those grounds be spelt out?*

Incapacity or misbehaviour in office, which should be specified in the Constitution.

Question 19 *How should a casual vacancy be filled?*

The longest serving State Governor should become acting president.

Question 20 *What should the eligibility requirements be for the head of state?*

Being enrolled as a voter.

Question 21 *On what grounds should a person be disqualified from becoming of head of state?*

On the same grounds as a person is disqualified from voting.

Question 22 *Should the head of state have power to appoint and remove federal judges?*

As under current conventions, these powers should be exercised on the advice of the government of the day in the case of appointment, or upon an address by Parliament for misbehaviour or incapacity in the case of dismissal.

Question 23 *Should the head of state have the prerogative of mercy?*

Yes.

Question 24 *Should the head of state be free to seek constitutional advice from the judiciary and if so, under what circumstances?*

No.

Question 25 *What is the best way to deal with the position of the states in a federal Australian republic?*

The States should be left to determine for themselves whether to sever their links with the Crown. While it might seem incongruous for the States to have Governors appointed by the Crown in the circumstances where as a nation we had become a republic, from a legal point of view there is no reason why such an arrangement should not exist.