



Fires and virus should speed Constitutional change

It's been 25 years since Prime Minister Paul Keating outlined to Federal Parliament his blueprint for seeking the views of Australians on whether our nation should become a republic.

His statement on 7 June 1995 sketched out a process seeking to alter our Constitution and give us an Australian as head of state and with it a distinct and genuinely independent voice and presence on the world stage.

The plan failed at the November 1999 referendum after the Constitutional Convention established by Keating's successor John Howard did not secure majority support for any model and instead gave Howard the ability to put to a referendum the concept of the parliament endorsing a government's pick for head of state.

This model — a “politicians’ republic” giving MPs in Canberra the only say on our head of state — was rejected by voters at the November 1999 referendum with 55% voting against and 45% in favour and no state voting “yes”.

It is among the 44 questions seeking Constitutional change put to voters at 19 referendums since 1901. Of those only eight have secured the “double majority” needed to succeed — a majority across the nation (including the Northern Territory and ACT) plus a majority of states (excluding the NT and ACT).

It is more than 40 years since any referendum question succeeded. In 1977 voters approved the casual vacancy system for replacing Senators; to allow voters in the Northern Territory and the ACT a say in future referendums; and to set a retirement age for federal judges. A fourth question — on simultaneous elections for the House of Representatives and the Senate to eliminate separate polling days for half-Senate elections — was rejected.

This reminds us that while becoming a republic requires a change to our Constitution through a referendum, it is only one of a number of many reforms we should also consider that would be beneficial if approved by voters.

The Real Republic Australia advocates for a republic with a directly elected head of state, believing Australian voters want a say in who takes the job and represents them at home and abroad.

But we want other changes too, such as recognition of indigenous Australians; addressing the nexus governing the relative sizes of both houses of parliament that has seen a ballooning number of Senators since Federation for no good reason; fixed four-year terms and synchronised elections for both houses; extending the Senate's casual vacancy system to the lower house; and local government recognition.

We also want to see Section 128 of our Constitution changed to enable referendums to be instigated by the states and not just the federal government — in reality, the prime minister. Australians will have other suggestions that should also be considered.

But we need leadership within a federal government willing to establish out a long-term program for considering potential Constitutional reforms either through a system of constitutional conventions, citizens' assemblies as happens in Ireland, or some other process.

By being engaged Australians can contribute to the debate and reject any opportunistic party politicking that has previously derailed worthwhile Constitutional changes.

Bushfires and a pandemic remind us how vital it is for our federal system of Westminster-style government to work properly as both have generated allegations of inadequate responses by one level of government or another.

In pandemics, as in bushfires, floods, cyclones or other emergencies lives can literally depend on how well our three levels of government — one not even recognised in the Constitution — work together and fulfil the responsibilities the Constitution allocates them.

Decisions to close some state borders during the pandemic may see the High Court adjudicating on their Constitutional validity.

That's a good reason Constitutional reform should be on our national agenda right now, if only to clarify the powers our governments actually possess to protect lives in such extreme circumstances.

Prime Minister Scott Morrison has already rewritten federal/state relations in one way by cementing the cooperative National Cabinet approach, at least to job creation.

But other reforms could be made to our federal system including Australia becoming a republic.

The bushfires and pandemic should be wake-up calls to establish a clear Constitutional reform process that involves Australians in making changes that ultimately deliver a more coherent, effective and responsive system of government.

The plan Paul Keating laid out 25 years ago did not result in a republic. But at least he had a plan. No prime minister who followed and proclaimed himself a republican did anything to foster the cause except offer excuses for inaction.

It is the prime minister who is the gatekeeper to any referendum. If he or she doesn't make a move to hold one, it doesn't happen.

The time is right for Mr Morrison to lay out a process for Constitutional changes to ensure our federation works better than it does right now and that all levels of government have clear roles and responsibilities in future crises.

David Muir is chair of the Real Republic Australia and was an elected delegate to the 1998 Constitutional Convention in Canberra on the team of former Brisbane Lord Mayor Clem Jones advocating a directly elected head of state.

