

Constitutional

Conversation

Let's consider for a moment.....

Our Founding Mothers



In this first edition of *Constitutional Conversation* we take a long overdue look at our revered Founding Mothers and their role in framing Australia's national Constitution.

Wait! What? Our Founding Mothers? You've never heard of them before?

nation's Founding Mothers? No teacher or lecturer ever made mention of them? Exactly!

and many other groups in our society took little or no part in drafting the document that governs how we are governed.

Constitutional Conversation — to spark discussion and debate about ideas for modernising our Constitution including moving to an Australian republic.

Never read anything in any history book about our great

Women, along with Aboriginal and Torres Strait Islander people

That's why we want to start a

See page 2



Paul Keating's landmark speech: 25 years on

Page 3



Got a few bright ideas?



Page 4

Canberra visits forge new links with MPs

Page 5



OUR CONSTITUTION AND THE CORONAVIRUS See page 2

Why we all need to talk

Welcome to the first edition of our *Constitutional Conversation* newsletter.

The Real Republic Australia hopes you will engage with us as part of our efforts to see Constitutional reform in our nation including the advent of an Australian republic with an elected head of state.

We believe that Australians will support a republic only if they are given the right to elect their head of state.

Some background on the Real Republic Australia is provided later in this newsletter, and we'll have more to say about our aims in future editions.

In the meantime I urge you to join in our conversation and to encourage others to do the same, especially our elected representatives at all levels of government.

As you will see on our front



DAVID MUIR
Chair
The Real Republic Australia

page we think it's long past the time when we all look at how our Constitution may be updated to make it more relevant to modern Australia.

Attempts have been made to do so since the former colonies federated in 1901, but of the 44 questions put to voters in that time at 19 referendums, only eight have resulted in a "yes" vote.

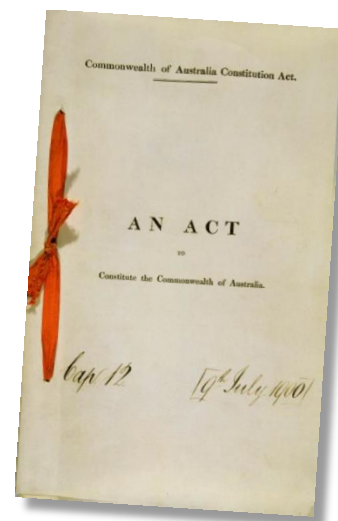
Most of those who drafted our Constitution in the later years of the 19th century were no doubt among the best legal and political minds of their time, they were of their time.

But there is also no doubt that those who wrote the blueprint for how our nation was to be

governed, those in charge were also predominantly white, well-off, and male. Half of the population — women — didn't play a big role. Aborigines and Torres Strait Islanders also had no say in the Constitution which still fails even to give them the simple recognition they have always deserved.

The Real Republic Australia wants such shortcomings to be addressed through a long-term plan of Constitutional reform that gives all Australians the chance to have their say.

We think it is only by having a coherent program to identify, debate, and resolve these shortcomings that we can



arrive at questions that can be placed before voters in a series of referendums over several terms of our Federal Parliament, including resolving the question of becoming a republic.

In future newsletters we will examine our own proposals and invite readers to submit their own.

In the meantime please follow us on Facebook — [@RealRepublicAustralia](https://www.facebook.com/RealRepublicAustralia).

Another crisis highlights the need for reform

The link between the current COVID-19 pandemic and the need for Constitutional reform in our country may not be obvious at first.

But because our Constitution sets out how our nation is governed and the respective powers allocated to federal and state and territory governments, the two issues do impinge on each other.

The devastating summer bushfires saw complaints of alleged shortcomings in responses by all three levels of government and the same has happened on occasion during the coronavirus crisis.

Both are solid enough reasons to look at how the Australian Constitution may be updated and improved.

In both crises it is imperative that our Westminster-style federation works as best as it can.

During natural or biological disasters lives will literally depend on how well our three levels of government work together. It certainly is

A concern that one of them — local government is not even recognised in our Constitution.

Prime Minister Scott Morrison has said He wants to formalise the ad hoc "National Cabinet" process that was established to help manage the current crisis (pictured).

But it's fair enough to expect other, more considered and justified Constitutional changes to ensure any future crisis or disaster is handled with speed and efficiency.

That is why the otherwise dry subject of Constitutional reform needs to be placed on the national agenda when the current crisis is resolved, if not before.

Our Constitution was written



long before the advent of easy international and intranational travel that has helped play a role in the spread of the virus around the globe.

While we may now enjoy the

benefits of better scientific R&D that previous those in generations were missing when struck by pandemics, our modern world has also raised the risks.

So a Constitution from that era demands an overhaul so that Commonwealth and state powers are better defined and so that local government — a key player in a crisis or disaster — is recognised and has its responsibilities defined.

So while we are self-isolated let us spend some time considering how we should modernise our Constitution, not just to establish a republic but to ensure the system of government it outlines is the best it can be when we as a national are faced with genuine "life or death" challenges.

DAVID MUIR

For a more detailed consideration of this topic visit the [Independent Australia](https://www.independentaustralia.net) news website.

The first and last PM to take action

It will soon be 25 years since then Prime Minister Paul Keating placed the issue of an Australian republic firmly on the national agenda.

On 7 June 1995 he rose in the House of Representatives to [deliver a speech](#) outlining his government's plans that he hoped would see Australia become a republic by 2001 in time for Australians to mark the Centenary of Federation.

As events played out we are still waiting for our republic and we are still waiting for a prime minister to take any meaningful steps to again progress the idea.

The only PM who took any action since the Keating era was John Howard, and his critics claim he acted in a deliberate and calculated way to ensure the defeat of the republic question at the referendum following the Constitutional Convention he established.

The 1998 Convention will be discussed in future issues of the *Constitutional Conversation*



newsletter, as will the 1999 referendum and its results.

At present the power to initiate a national debate leading to a referendum rests almost exclusively with whoever occupies the Prime Minister's office in Canberra.

Yet our most recent national leaders have not attempted to revive the issue.

Even the supposedly strong republican Malcolm Turnbull

failed to lift a finger when in office.

And although Paul Keating did not support a direct-election model for Australia's Head of State, he took decisive action.

He never sought to hide behind the weak excuse of needing to wait until the reign of Queen Elizabeth II ends as Malcolm Turnbull did.

DAVID MUIR

"The fact is that if the plans for our nationhood were being drawn up now, by this generation of Australians and not those of a century ago, it is beyond question that we would make our Head of State an Australian.

"Any suggestion that the British monarch should fill the role would not be entertained. This is not because our generation lacks respect for the British monarchy, or the British people, or our British heritage, or the British institutions we have made our own, or our long friendship with the British in peace and war.

"On the contrary, Australians everywhere respect them, as they respect the Queen. But they are not Australian.

"It is so obvious, that if we were just now drawing up our Constitution, we probably would not even feel the need to say that the Australian Head of State will be Australian — it would go without saying."

Paul Keating
7 June 1995

COMMITTEE SOUGHT ONLY SMALL CHANGE

Paul Keating's landmark address followed a report and recommendations by the Republic Advisory Committee appointed in April 1993 by the government to fulfil a promise made at that year's federal election to progress the idea of an Australian republic.

The Committee was chaired by Malcolm Turnbull and included Dr Glyn Davis, Ms Namoi Dougall, Nick Greiner, Dr John Hirst, Mary Kostakidis, Lois O'Donoghue, Susan Ryan, and Professor George Winterton.

It suggested a "minimalist" model for a republic with the Head of State nominated by the government to be approved by at least a two-thirds majority at a joint sitting of all members in both houses of the Federal Parliament.

The so-called "politicians' republic" was later the model to emerge from the 1998 Constitutional Convention established by John Howard following his defeat of the Keating Government.

The model was ultimately rejected by voters at the 1999 republic referendum with no state recording a "yes" vote and the national outcome being a 55% "no" vote and 45% "yes".

The key points of the Keating plan.....

Unlike the Real Republic Australia, Paul Keating did not support the idea of a popularly elected Head of State but backed the "minimalist model" — a government nominee supported by a two-thirds majority of the Federal Parliament. Here are some of the other features he proposed:

- the Head of State would be titled as President
- the President's term of office would be for five years limited to only one term
- the President would assume the Governor-General's constitutional duties, most of which by convention are performed in accordance with the advice of the government of the day
- the President would also assume the Governor-General's role as titular Commander-in-Chief of the armed forces
- the President would retain the so-called reserve powers such as the power to appoint the Prime Minister; the power to dismiss the Prime Minister and the government; and the power to refuse a request by the Prime Minister to dissolve one or both Houses of the Parliament
- the reserve powers would not be codified
- a President would be subject to removal by both Houses if it was the opinion of a two-thirds majority that his or her conduct was inappropriate
- to prevent any attempt to influence Heads of State by offers of subsequent employment, all outgoing Heads of State could not accept remuneration from the Commonwealth in addition to their pension until five years after their departure from the office
- to ensure that the office of Head of State was not politicised, serving and former federal, state, or territory MPs would be excluded from selection as Head of State for five years after their departure from parliament
- the republic would continue to be called "the Commonwealth of Australia"
- membership of the Commonwealth of Nations would not be affected

Our colonial legacy must change



The My Republic section is a forum for supporters of a directly elected head of state to outline their ideas for Constitutional reform, how an Australian republic might be achieved, and how it might work in practice. Our first contributor is a former Queensland state MP, Cabinet minister, and Liberal Party leader BOB QUINN who explains his support for a republic and the key features of his model.



Benefits of a republic

Australia is a successful and well-respected country which has a queen of a foreign country as our head of state.

This constitutional legacy from our colonial past needs to change to reflect our current status in the world.

Having an Australian head of state elected by Australians completes our move to a totally independent country, not relying on any foreign person or state to be involved in our governance.

Election means participation

Australia's head of state embodies who we are, what we stand for and how we see ourselves as a country in the world.

A head of state stands for all of us and all of us deserve a say on who that person should be.

Instinctively, Australians recognise this fact and that's why they overwhelmingly want to decide who the head of state should be.

Terminology

The title of our head of state should change from "Governor-General" to "President" because it is the widely accepted term for a republican head of state and marks Australia's historical change from constitutional monarchy to republic.

Selection of Candidates

The Prime Minister establishes a Nomination Committee to receive the names of interested people.

The Committee provides to the Commonwealth Parliament the names of not more than seven candidates.

Candidates for President must be nominated by a majority of members of the Parliament at a joint sitting of both Houses.

Candidates for President must be eligible

to be a member of the Commonwealth Parliament but not a member of the Commonwealth Parliament or a state or territory parliament or a member of a political party at the time of their nomination.

Election of President

The President is elected by the same method as Members of the House of Representatives, ie: same voter criteria, same voting method.

The cost of each candidate's campaign will be limited and publicly funded.

The government will provide to each elector impartial information about each candidate (similar to a referendum).



The election must not be held at the same time as a general election.

A person cannot hold the Office of President and be a member of the Commonwealth Parliament or a State/Territory Parliament or a member of a political party at the same time.

Term of Office

A President is elected for a five-year term and can serve no more than two terms (10 years).

Powers of Office

The President should have the same powers as the Governor-General. Ordinary powers should only be exercised in accordance with the advice of the government.

Reserved powers and their use should be codified where possible. Where not possible, reserve powers should only be used after approval of a Constitutional Council comprising five members (former heads of state, former state governors, former High Court Judges) appointed by the Prime Minister.

If these reserve powers are used without the prior approval of the Constitutional Council, then the President's actions would be subject to challenge in the High Court.

Removal from Office

A President can only be removed from office by a vote of two thirds or more members of the Commonwealth

“A head of state stands for all of us and all of us deserve a say on who that person should be.”

Parliament at a Joint Sitting of both Houses if he/she has a proved misbehaviour or incapacity.

A casual vacancy for the Office of President should be filled by the most senior State Governor.

What are your bright ideas for an Australian republic?



We welcome contributions to our My Republic section. They may not necessarily reflect the position of the Real Republic Australia but must support a directly elected head of state. [Get in touch with us](#) to let us know you're interested.

Connecting with Canberra

Earlier this year representatives of the Real Republic Australia made two visits to Parliament House in Canberra to discuss with federal MPs our ideas for moving to an Australian republic plus other possible Constitutional reforms.

At right are just a handful of the many Members and Senators who agreed to meet us as part of our visits. Those two trips are just the first of what we propose to be a continuing series of meetings with our federal, state, and local government decision-makers.

We will resume our contact program once the current pandemic travel restrictions are lifted.



About the Real Republic Australia

The Real Republic Australia was founded by Brisbane's longest-serving Lord Mayor, the late Clem Jones (1918-2007) and other delegates to the 1998 Constitutional Convention in Canberra who advocated for an Australian republic with a head of state elected directly by Australian voters.

In line with his wishes, the Real Republic continues to campaign for a republic based on the direct-election model with support from the Clem Jones Group.



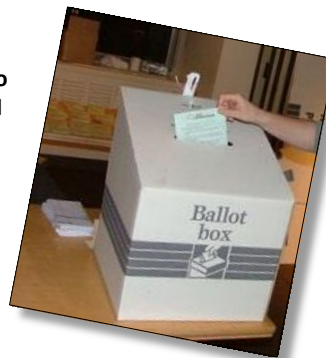
Clem Jones

The Real Republic believes we should use the referendum process to move to a republic but also to make other Constitutional changes.

A directly elected head of state should be just one element in a package of real reforms that should be considered through a coherent and long-term program of consultation and reform.

The following are the changes to our Constitution that the Real Republic Australia believes will benefit all Australians.

- **A directly elected head of state.**
- **A head of state with oversight of anti-corruption measures.**
- **Constitutional recognition of Indigenous Australians.**
- **Constitutional recognition of local government.**
- **Fixed and synchronised four-year terms for both Houses of Parliament.**
- **Addressing the nexus dictating the relative sizes of both Houses of Parliament.**
- **Reducing the number of Senators.**
- **Applying the casual vacancy system of the Senate to the House of Representatives.**
- **Making the process for calling a referendum fairer.**



We believe these suggestions have the potential to deliver real benefits and improve the way our government works. We will explore them in future editions but if you want more information now you can visit our website at www.realrepublic.com.au.

Or get in touch and we will email you a background note.

IN A NUTSHELL

In an Australian republic with a directly elected head of state the Prime Minister and Cabinet would still to run the government and retain executive powers.

Experience overseas, such as in Ireland, shows a directly elected head of state such as the Irish President can work within a Westminster-style system of government.

Heads of state not beholden to a political party and carrying the support of a majority of voters can play a major part in fostering national identity and values.

They also have large roles to play in promoting their nation on the world stage — its people, products, and tourist destinations. This raises awareness of a nation around the globe while also lifting investment, visitors, and generating jobs.

The British Royal Family does that, but they promote British industry and investment opportunities when overseas.



Constitutional Conversation is published quarterly by the [Real Republic Australia](http://www.realrepublic.com.au) to foster public debate about potential changes to Australia's Constitution including a republic with a head of state elected directly by the people of Australia.

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