

BEWARE THE TRUMP TRAP

By **DAVID MUIR AM**
Chair of the Real Republic Australia

The recent attack on the US Capitol in Washington DC highlights two issues that should concern those backing an Australian republic.

The first is the opportunity it gives to opponents of a republic to run a scare campaign claiming that we risk the same type of chaos by embracing a presidential system of government.

They will point to the role played by former President Donald Trump in the lead-up to the riots and suggest the same could happen here.

They will list examples of the often unorthodox governing style of Trump to mount their case for sticking with the status quo.

They will use his record as a source of reasons not to shift away from the constitutional monarchy on which Australia's system of government is built.

This is an old argument by anti-republicans. It is a well-worn and simplistic argument that has been used many times and

for many years before Trump took and left office. It is also misleading and very wrong.

Mainstream pro-republic groups like the Real Republic Australia do not want to import the US system into Australia.

We support a directly elected head of state, but not the US model where the President is both head of state and head of government.

We embrace a model that fits

well with the Westminster-style government we have always had in Australia since Federation.

We continue to point to Ireland which is a republic governed under a Westminster parliamentary system while also having a directly head of state with strictly defined powers.

Some Australians who back a republic want to embrace the US model which would entail a radical overhaul of our system of government.

But we do not and those who share our approach need to be



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The Age.

Civics education is vital

FROM FRONT PAGE:

This topic gained much attention recently with the release of the results of the 2019 citizenship survey by the Australia Curriculum Reporting and Assessment Authority (ACARA).

Every three years ACARA tests students in Years 6 and 10 on their level of understanding of our nation's government, the rights and legal obligations of citizens, and the social values that underpin Australian society.

The latest survey results – for the year 2019 – show that the level of knowledge among students had generally not improved when compared with the 2016 and 2013 surveys.

In other words, the level of their

knowledge of the system of government that directly affects their lives and futures had in effect plateaued.

This is very concerning because strong civics education, and a basic understanding of government are vital to a strong and well-functioning democracy.

The attempt at the US Capitol to overturn the lawful process of endorsing the November 2020 presidential election result was a lesson in the value of civics and citizenship education in any education system.

Citizens feeling alienated from government, or who do not

know how it works and how they can play a role in our democratic system may just opt out of participation.

They may also be open to being manipulated by self-interested individuals who peddle half-truths or full-blown lies.

If we are to progress as a

nation – hopefully as a republic with a directly elected head of state– Australians need to know how government works and their own rights, obligations, and responsibilities.

Yet some may not even know that our head of state is the monarch of another nation on the other side of the globe.



Referendum quiz puzzles students

The latest assessment of how well Australian school students understand our system of government [shows their knowledge has plateaued](#).

Every three years since 2004 the Australian Curriculum, Assessment and Reporting Authority (ACARA) conducts the National Assessment Program – Civics and Citizenship which tests a representative sample of students in Year 6 and 10.

It assesses those students' skills, knowledge and understandings of Australian democracy and our system of government; the rights and legal obligations of Australian citizens; and the values underpinning Australian society.

The NAP-CC also gives an indication of students' attitudes to and engagement in civic-related activities at school and in the community. The [latest report](#) reflects the findings of assessments of students conducted in 2019.

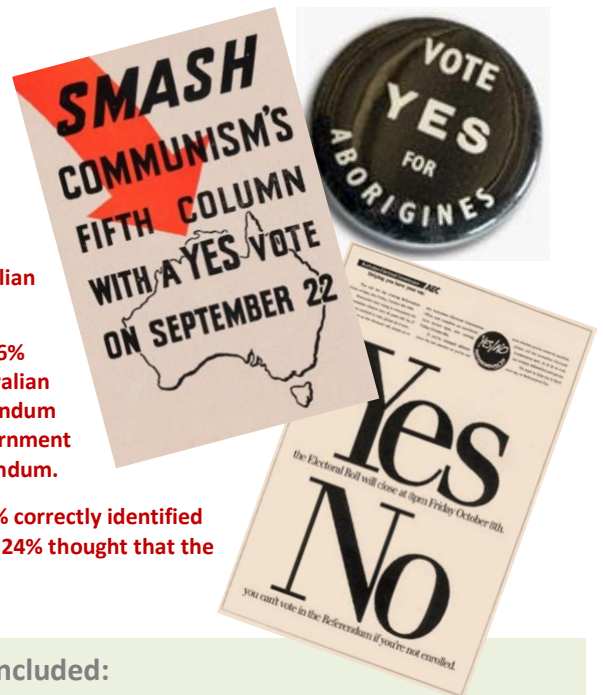
It showed that 38% of Year 10 students tested reached what ACARA deemed to be a proficient standard of understanding the importance of our democracy and appreciating our national values. This proportion was similar to the 2016 NAP-CC outcome (38%), lower than in 2013 (44%) and 2010 (49%), and on par with 2007 (42%) and 2004 (39%).

Year 6 students performed better, with 53% deemed to have reached or exceeded a proficient standard of knowledge – an outcome not significantly different from previous NAP-CC reports.

In one question forming part of the 2019 NAP-CC assessment students in both Years 6 and 10 were asked to identify who they believed decided the result in a referendum to change the Australian Constitution.

Of all Year 6 students assessed, 36% correctly identified that the Australian people as voters decided a referendum while 28% believed that the government determined the result of a referendum.

Of Year 10 students assessed, 45% correctly identified who decided a referendum while 24% thought that the government decided.



Other NAP-CC findings included:

- female students continue to show higher levels of civic knowledge than males,
- the majority of male and female students show increasingly positive attitudes towards Aboriginal and Torres Strait Islander cultures and Australian diversity,
- high numbers of Year 10 students believe that immigrants should be encouraged to keep their cultural beliefs, practices and languages, and think that Australia benefits from having people from many cultures and backgrounds,
- there was a rise in the proportion of students who believed participating in peaceful protests about important issues was an attribute of good citizenship,
- there were higher levels of trust in some civic institutions, like the police and law courts, than in the media and social media, and
- in general, smaller proportions of Year 10 students expressed trust in civic institutions than Year 6 students.

Report recommends electoral reforms

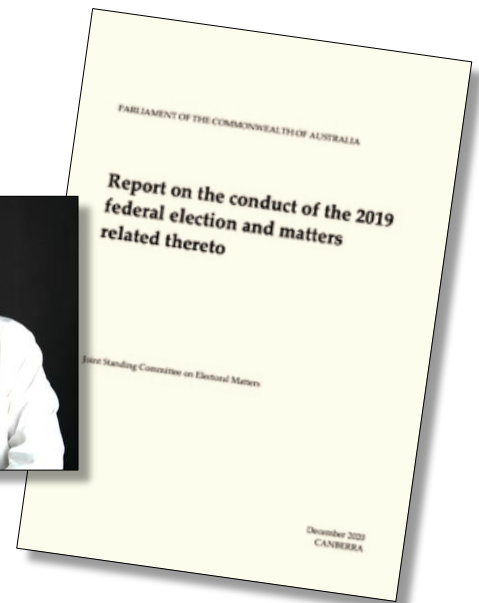
The Federal Parliament's [Joint Standing Committee on Electoral Matters](#) has released its [report](#) reviewing the conduct of the May 2019 federal election.

The committee formed during each Federal Parliament from among upper and lower house MPs conducts a review after each federal election. The current committee is chaired by Queensland LNP [Senator James McGrath](#).

Many of the [recommendations](#) made by the committee involve suggested reforms to the logistics of federal polls. Those detailed below reflect issues on which the Real Republic Australia has been vocal in advocating Constitutional or legislative reform.



Senator McGrath



WHAT THE REPORT SAID.....

Recommendation 24

The Committee recommends that consideration be given to a future constitutional referendum to break the nexus between the number of Senators for the States and the number of Members of the House of Representatives.



Recommendation 25

The Committee recommends that the Government consider asking the Committee to inquire into the size of the House of Representatives, with consideration to the growing average size of electorates and growing demands of the electorate.



Recommendation 26

The Committee recommends that the Government consider asking the Committee to inquire into the length of Parliamentary terms with a view to introducing non-fixed four year terms for the House of Representatives (and consequently eight year terms for the Senate) to bring the Commonwealth Parliament into line with State Parliaments.



Recommendation 27

The Committee recommends that the Government consider asking the Committee to inquire into:

- The viability of replacing by-elections for the House of Representatives with alternative methods of selecting the replacement MP; and
- The viability and ramification of determining a seat to be declared vacant when the sitting MP resigns from or leaves the party under which they were elected.



WHAT THE REAL REPUBLIC AUSTRALIA HAS BEEN SAYING.....

[Section 24](#) of our [Constitution](#) requires the number of MPs in the House of Representatives to be "as nearly as practicable" twice the size of the Senate. This has seen Senate numbers in each state grow from six to 12 since Federation with the Territories having two Senators each — 76 in total. Unless the nexus is addressed, and as Australia's population grows and the lower house expands we could see 100 or more Senators. We do not believe we need 12 Senators for each original state. The Real Republic Australia believes that freezing Senate numbers at 12 per state and two for the territories; setting a lower fixed number of say 10 and two; or even returning to the original six Senators for each state with the NT and ACT keeping their two — making 40 in all — would be appropriate and would save taxpayer funds.

The Real Republic Australia believes that if Senate places are cut, that number could be transferred to the House of Representatives and allocated across states and territories to give better representation of communities especially in rural and remote regions.

We believe that fixing election dates and adopting four-year terms for both Houses of the Federal Parliament would deliver greater certainty, save taxpayer funds, and end political game-playing by prime ministers when calling elections. From 1996 to 2019 we had nine federal elections. With four-year fixed terms three elections would have been avoided. With elections now costing taxpayers [around \\$300 million including public funding of parties](#) the potential savings are huge.

We believe an eight-year term for Senators is too long. Not only should both Houses of Parliament have fixed, four-year terms, but they should be synchronised, with all federal MPs elected on the same day. This would mean an end to six-year terms for Senators and half-Senate elections. We believe that even the current six-year term is too long without facing the people and the mandate of a government can be frustrated by Senators elected years before. Synchronising Senate and House of Representatives elections with four-year terms for both would also mean cost savings.

The Real Republic Australia has advocated for the application of the casual vacancy system of the Senate to the House of Representatives. This would help avoid the cost of by-elections between general elections, now running at [around \\$2 million per by-election](#). Party-endorsed MPs would simply be replaced as happens now for the upper house. Arrangements could be made for Independent MPs to nominate a potential successor at the time of their

The Real Republic Australia would support investigation of this recommendation in the interests of greater public accountability and integrity.

UK Labour Party starts a constitutional commission

As the COVID-19 pandemic focusses attention on the allocation of powers among Australia's three level of government, the UK Labour Party has established a constitutional commission in opposition to consider ways to further devolve power from Westminster to local communities.

The findings of the commission will inform reforms to be implemented if and when Labour wins office in the UK. In [outlining plans for the commission](#) Labour Party leader Sir Keir Starmer said it reflected his belief that UK citizens wanted "politics and power to be much closer to people".

"We saw this in the Brexit referendum and we've been ignoring it for years," he said.



Keir Starmer

"I may be the first person ever to run to be prime minister of this country on a manifesto that will aim to win power and then push as much power as possible away from Westminster."

Starmer said Labour delivered on devolution in Scotland, Wales and Northern Ireland when it was in office under Tony Blair and Gordon Brown.

Brown – an [advocate of constitutional reform](#) – has agreed to act as an adviser to the new commission.

He said the constitutional commission would outline plans for "a new phase of radical economic and political devolution across the United Kingdom".

Starmer's commitment to further devolution of powers has been viewed as one way for Labour to tackle the politically charged issue of Scottish independence.

He said he did not support Scotland leaving the



Gordon Brown

United Kingdom nor another referendum on independence.

He said England, Scotland, Wales, and Northern Ireland would achieve more together as the UK than they would alone.

"And that's why I'm so determined to preserve and to renew the United Kingdom," he said. "But just as I believe in the United Kingdom, I equally believe in devolving power and opportunity across it."

He said the aim of the constitutional commission was "to push power closer to people" and to deliver "a more democratic and socially just United Kingdom".

"It will put our nations and regions at its centre: our Metro Mayors, Mayors, local leaders and



SCOTLAND KEY TO DECISION

The Labour Party's constitutional commission starts work against a background of:

- the upcoming 6 May election for the Scottish Parliament
- a [continued push for independence](#) for Scotland backed by the incumbent Scottish Nationalist Party, especially in the wake of Brexit, and
- the resignation of the Scottish Labour Party leader Richard Leonard.

Leonard [quit in January](#) citing constant internal attacks on his leadership. A new Labour leader [should be known](#) by 27 February.

[Opinion polls](#) show the SNP led by Nicola Sturgeon set to be returned to office possibly with an increased majority at the expense of Labour and the Scottish Conservative Party.



Nicola Sturgeon

"It will involve all parts of the labour movement: our members, trade unions and supporters.

"And it will welcome community organisations, grassroots groups, and movements for change.

"Above all, it will hear direct from the British people.

"The Shadow Cabinet and I, and everyone involved in the commission will hear from as many people as possible from across the UK.

"That might have to start on a Zoom screen, but as soon we can, Labour will be out in local communities, in town halls, offices, colleges, factories and community centres," he said.

[A Labour Party report](#) originally undertaken under the leadership of Jeremy Corbyn recommended widespread constitutional reform for the UK.

US observer sees double threat to UK

A US Congressman believes a second referendum on Scottish independence is inevitable but so too is a referendum on Irish reunification, with both having severe consequences for the future of the United Kingdom and Brexit.

[In an op-ed for the Irish Times](#), Brendan Boyle, a Democrat in the House of Representatives representing a district in Pennsylvania, said the UK Government had exited the EU in January despite a majority in both Scotland and Northern Ireland voting to remain at the 2016 Brexit referendum.



Brendan Boyle

He said it was clear that a [second referendum](#) would be held on independence for Scotland.

"It is equally obvious there will be a referendum on Irish reunification," Mr Boyle said.

He said recent polling showed majority support in Northern Ireland for a referendum on reunification with the Irish republic.

Mr Boyle said if a Scottish referendum was held first there may no longer be a United Kingdom by the time of any Irish referendum.

"Northern Ireland remaining in a union with only Wales and England would be an odd fit, especially given many of those in Northern Ireland who identify as British do so via their Scottish heritage," he said.

Unfreezing our Constitution and heating up the republic debate

BOOK REVIEWS

by David Muir, Chair of the Real Republic Australia

In his two books – *Yes, we canrewrite the Australian Constitution* and *How to improve Australia's Democracy* – retired political scientist Klaas Woldring informs and excites interest in the untapped potential of our great nation if we can recognise that our Constitution really is an albatross around its neck.

Even the title of his first mentioned book with the refrain “Yes, we can...”, often used by President Barack Obama in his US presidential campaign, evokes excitement.

In *Yes, we canrewrite the Australian Constitution* Woldring usefully identifies the barriers to constitutional change, being the double-majority voting requirement of Section 128, the adversarial two-party political system, and the fact that the Prime Minister is the only gatekeeper to change.

He then even more usefully points out the terrible deficiencies in the Constitution.

Shockingly there is no constitutional guarantee that our elections be conducted democratically and as Woldring points out a proposed constitutional amendment to this effect failed at referendum in 1988.

Woldring also explains how our Constitution is an enormous drag on the prosperity of our nation through duplication and inefficiency in the allocation of powers between the states and territories and the federal government.

Also the pool for competent federal cabinet ministers is limited to elected parliamentarians rather than the wider population as is constitutionally allowed in the United States of America.

There are so many defects in the Constitution that a complete rewrite is seen as the only way forward. Woldring says the Constitution is “frozen” and piecemeal tinkering and meliorism strategies are bound to fail.

Suggested ways forward include deliberative democracy with citizens’ assemblies such as in Ireland or even having the Governor General commencing the process for reform.

Woldring cites a 2013 Galaxy public opinion poll that identifies the majority of Australians (78%) favour having one set of national laws.

The second title by Woldring was written in the context of the COVID-19 pandemic which has highlighted constitutional inadequacies leading to the “workaround” of the Constitution by the establishment of the national cabinet to achieve a co-ordinated national response of sorts.

This second book further develops the theme of necessary constitutional and electoral reform.

The proposed electoral reform is focused on the need for proportional voting to reduce the adversarial nature of Australians politics through the impact of the existing two-party political system.

Woldring rightly points out that the people do not want a minimalist republic the minimalist model was explicitly rejected in the 1999 referendum.

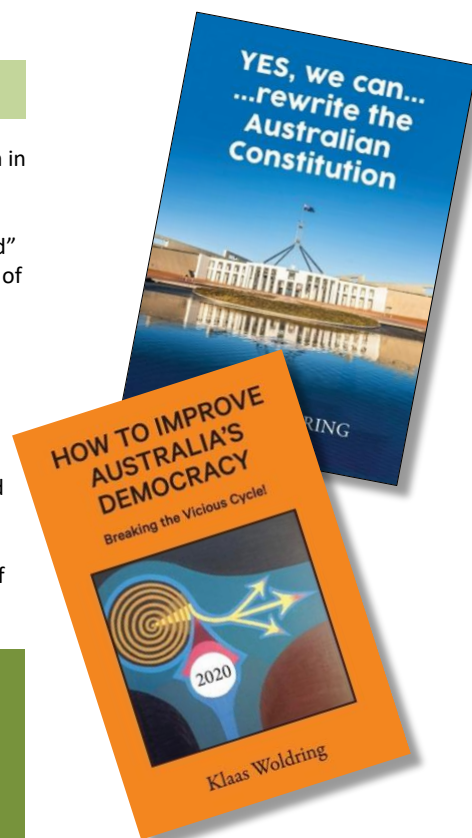
Reference is made to academic research that just 31% of the population trust the federal government. At the same time the researchers found a significant appetite for democratic reform.

Of course any discussion of constitutional reform is incomplete without reference to an Australian republic and Woldring does not disappoint on this issue.

Woldring concludes his discourse on necessary constitutional reform with the question about the “real issue” of what kind of republic, and his assessment that the Australian Republic Movement (ARM) has been hindered in its campaign for a republic by its minimalism in the model for a republic and in regard to constitutional reform generally.

Woldring rightly points out that the people do not want a minimalist republic, as illustrated by polling over the years. The minimalist model was explicitly rejected in the 1999 referendum.

As former Australian Prime Minister Gough Whitlam conceded years after the failed 1999 referendum, the only way we will become a republic is if the proposed model offers direct election by the people.



This was a rare admission of error by Whitlam who previously opposed direct election.

Ultimately, of course, the people get to decide whether the model is acceptable or not through their own vote at a referendum, and have already rejected the minimalist model. Apart from this pragmatic reason, a direct election model is intrinsically the most democratic model.

The pathway to a republic requires much education and information, as our education system has let us down with its failure to teach citizenship to our schoolchildren, as confirmed by the recent review by the Australian Assessment and Reporting Authority. (ACARA) Many have no workable knowledge of our Constitution.

These books by Woldring will help to fill the gap in education in Australia and will assist in paving the pathway forward for constitutional reform including a republic.

- *Yes, we canrewrite the Australian Constitution*
- *How to improve Australia's Democracy – Breaking the Vicious Cycle!*

By Klaas Woldring
Published by [BookPOD](#)
Available in paperback and e-book formats



The Real Republic

Our newsletter

Constitutional Conversation is published quarterly by the Real Republic Australia.

It aims to foster public debate about potential changes to the Australian Constitution including a republic with a head of state elected directly by the people of 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 the direct-election republic model.

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

The Real Republic supports a range of changes to the Constitution that will improve the workings of government:



Clem Jones

- 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.

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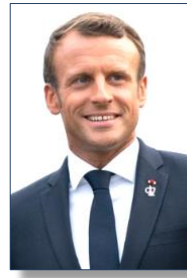
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Macron plans climate referendum

French President Emmanuel Macron has supported the idea of a referendum to enshrine the fight against climate change in the French Constitution.

The idea for the referendum, which if successful would also make destruction of the environment a criminal offence, flowed from the [Citizen's Convention on Climate](#) set up by the President in 2019.

The Convention brought 150 French citizens together who were [chosen](#) at random but also on criteria reflecting the nation's diversity.



Emmanuel Macron

The Convention members – including a small panel of [climate experts](#) – were tasked to produce [a series of proposals](#) aimed at cutting greenhouse gas emissions by 2030 compared to 1990.



Critics said President Macron [had not gone far enough](#) and had committed to only one initiative arising from the Convention and had ignored other more specific proposals.

Before a referendum could be held, legislation would need to be passed unchanged by both the upper and lower houses of the French Parliament.

A blast from the past.....

"Every population, however intelligent, has a number, great or small, of grievance-mongers, agents of foreign or other disruptive influences, unscrupulous self-seekers, half-crazed idealists, human degenerates, and incipient criminals.

"There probably never was a time when Australia did not endure the presence of a few malignants who boasted they were in favour of cutting adrift from the Empire and trying their hands at the establishment of an Australian republic.

"These people have always been contemptible both in number and character.

"Connection with the Empire is our only national security – our only hope of going forward with the march of freedom and enlightenment.

"This great stretch of rich territory – nearly 3,000,000 square miles, mostly in the temperate zone – is inhabited by only 5,000,000 white people, whose utmost valour and self-sacrifice would be as nought against the power of its enemies. Foreign nations, European and Asiatic, are naturally covetous for a continent like this.

"Let the strength of our Empire be taken from our support and we become a subject people, trodden upon by Asiatic or other invaders, to whom Australia will be only a possession, and Australians an inferior race, to be exterminated or driven in slavery by their masters.

"Therefore the man who says that he believes in breaking the Imperial tie is an enemy and a traitor, consciously or unconsciously, to Australia as well as to the Empire. "

Edited extract from the 14 February 1921 editorial of *The Age*, Melbourne, referring to a motion to be debated at a conference of the Victorian branch of the Labor Party supporting an Australian republic.

Display showcases legal legend

The life and career of one of Australia's greatest legal and constitutional identities is the subject of a special display at the library of the Queensland Supreme Court in Brisbane.

The free-entry display, [The Many Hats of Sir Samuel Griffith](#), showcases the work of one of the key figures behind Australia's Constitution who served twice as the premier of Queensland, compiled the state's criminal code, and went on to become the first Chief



Justice of the High Court.

The display featuring original items drawn from his

and professional life runs until 29 October weekdays from 8.30 am to 4.30 pm.

The Supreme Court Library of Queensland is located on level 12 of the Queen Elizabeth II Courts of Law on the corner of George and Roma Streets, Brisbane.

Free guided tours for groups subject to COVID-safe conditions are also available by visiting the [library website](#).