

Constitutional

Conversation

No.13 — AUTUMN 2023



Coronations of, from left, King George V, King George VI, and Elizabeth II

Ceremony crystallises key campaign issues

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



This latest edition of our quarterly newsletter is being published in the lead-up to the coronation of King Charles III.

So, we are taking this opportunity not to criticise the event or King Charles, but to devote a large portion of this newsletter to canvassing issues and ideas that are far more relevant to our republic cause.

We feel that is a far better use of our time and efforts – and yours – than making shallow personal attacks or poking fun at the ancient rituals involved in the coronation.

The fact is the coronation will come and go. But under our Australian Constitution, King Charles III will still be our Head of State the day after his coronation.

He'll remain our Head of State until we change our Constitution.

That is the focus of the Real Republic Australia.

We have never indulged in personal attacks or ridicule of members of the royal family.

Senior royals are born into their roles and while some may choose to walk away from such roles, most have no choice but to serve in the manner demanded of them.

The Real Republic Australia has never believed that unbridled criticism or ridicule of the royal family is justified.



"It is broke, and needs fixing"

Former leader of the Liberal Party in Queensland and supporter of a genuine directly elected Head of State, Bob Quinn, sets out his views on our current system of constitutional monarchy

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CORONATION QUESTIONS

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For us it has never been "the main game".

We and other Australians who support a republic must build a case and convince our fellow Australians to support changes to our Constitution.

Specifically, we must encourage people to support a genuinely directly elected Head of State which is the model we feel is best placed to pass at a future referendum.

We must, through publications such as this newsletter, continue to inform and educate others and help gain their support.

In doing so we must use and respect the constitutional and democratic processes available to us that will help deliver the changes we want.

We won't win people over with cheap insults and empty abuse of the royal family or the ceremonies, events, and duties that they must undertake.

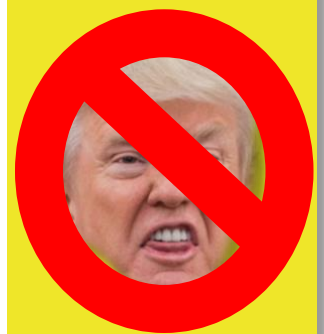
As always, I trust you enjoy reading our newsletter and do not hesitate to send us your feedback or ideas.

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Always a very British monarch

The coronation of King Charles III on 6 May will help underline a very important factor in the republic debate.

It will help to highlight that he, and his predecessors, have always been and will always be primarily British monarchs.

Even though under our current constitutional monarchy King Charles is Australia's official Head of State, he will be formally crowned as Britain's monarch.

His primary allegiance is to the UK. It will never be to Australia.

The royal family's own website notes this fact when giving an outline of their major duties. It clearly states that events such

as royal visits to other nations are designed [to strengthen Britain's diplomatic and economic relations](#).

As a constitutional monarch and our nation's Head of State, whenever King Charles or senior royals leave the UK to travel abroad, they are asked to play significant roles in efforts to promote and boost industry, investment, exports, and tourism – but British industry, investment, exports, and tourism.

Across the globe the British royal family projects an image that relates entirely to Britain, not to Australia.

New Zealand Republic recently



King Charles during his visit to Germany

PHOTO: royal.uk

published a [commentary](#) on this very subject in the lead-up to the first overseas visit by King Charles III which applies just as much to Australia. (See below)

Experience overseas, such as in Ireland, shows a directly elected Head of State can lift the profile and presence of a nation on the world stage.

The Irish President, unlike our Governors-General, does not represent another individual residing in another nation.

Similarly, a directly elected Head of State for Australia would promote our nation, its people, skills, assets, and opportunities and not Britain's.

Why change?

A head of state who can represent us to the world

We often talk about the need for a New Zealand citizen as head of state to represent our country to the world.

This is a clear benefit of change, and something that becomes more and more obvious with the British government's interests being very different to ours.

At present, the UK government is seeking to build its relationships with its European partners in trade, but also with its military links to NATO.

King Charles III has provided us with an excellent example of why these interests are divergent.

For the King's first overseas trip as monarch, he's off to France and Germany.

The BBC comments: "As head of state, the King's official visits are decided on [UK] government advice – and these symbolic first overseas destinations will be seen as prioritising stronger relations with European neighbours."

Some commenters are aghast that the King is not going to visit a Commonwealth member first, especially given that the

British monarch is head of state of 14 Commonwealth member states.

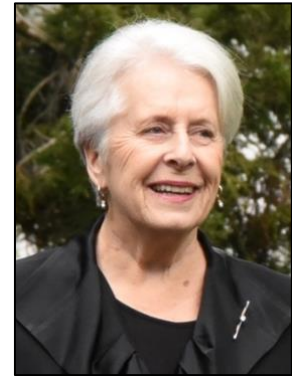
But the reality, as one New Zealand commenter noted, is that the British head of state is promoting UK foreign policy based simply on what the UK government considers to be its priorities:

"His visit program will follow FCO [Foreign and Commonwealth Office] advice on what's best for promoting UK foreign policy. NZ is pretty much irrelevant in this and is not consulted. We are completely separate sovereign nations with our own separate priorities. Hence the need for a kiwi HOS promoting NZ values."

The fact is that Commonwealth relationships aren't a priority.

Even if Charles III considers the relationships with Commonwealth members to be important (and there's some evidence that he doesn't), as a constitutional monarch he does what the British government tells him to do.

All of this means that for New Zealand under the status quo we have the worst of both



Dame Sylvia Cartwright ... uncertainty

worlds – a monarch that makes us look like a colony, despite being an independent state, and lacking our own head of state.

A New Zealand citizen as head of state would mean we would be free to undertake important international relationship building through state visits without the nonsense of making our Governor-General out to be head of state when they are not (as an aside, when then Governor-General Dame Sylvia Cartwright visited Germany in 2005, the Germans had to check with the FCO and Buckingham Palace whether the Governor-General could be treated as head of state).

First [published](#) on 13 March 2023 by [New Zealand Republic](#)



UK anti-monarchy groups launch personal attacks

The British anti-monarchy group [Republic](#) has kicked off a series of planned protests leading up to the 6 May coronation of King Charles III.

Unlike the Real Republic Australia which does not engage in attacks on the royal family, the UK-based Republic group regularly makes highly critical and personal public statements against members of the royal family, is planning a series of public protests in the weeks prior to the coronation.

Despite reported efforts by King Charles and the royal household to deliver a slimmed-down and cost-effective coronation, Republic has sought to contrast the cost of staging the event with the financial strains being faced by

many British households. It has attacked the idea of taxpayers footing any part of the coronation bill. It also described as a “[scandalous waste of money](#)” a British Government plan to supply free photographic portraits of King Charles III, claiming the scheme would cost UK£8 million.

Republic spokesperson Graham Smith said: “This is a shameful waste of money.”

“At a time when a majority of local councils are raising taxes and cutting public services, when schools and hospitals are struggling, to spend even £1 on this nonsense would be £1 too much.”

The approaching coronation has sparked the formation of another



A Republic placard (above) and the protest by members of No More Royals (right)



anti-monarchy group, [No More Royals](#), which takes an even more aggressive approach.

The new group claims to speak for “a generation of people angry about the inequality represented by the monarchy”.

Two of its members recently invaded the King’s Bedchamber historical display open to the public at Windsor Castle.

The King’s Bedchamber was [created for Charles II](#) in the late 1670s.

Other nations don’t follow Britain’s lead

The 6 May coronation ceremony of King Charles III is not an event repeated elsewhere in Europe.

Independent research body [The Constitution Unit](#) based at the [University College London](#) says the UK is alone among European monarchies in retaining a coronation.

A 2019 research report by the group said: “Belgium and the Netherlands have never held [coronations], nor from the end of the medieval period has Spain. There have not been coronations in Denmark, Sweden and Norway since 1849, 1873 and 1906 respectively.”

The report discussed the purpose of a coronation.

“In law the coronation does not ‘make’ the sovereign. The monarch succeeds to the throne automatically immediately on the death of their predecessor,” the report said. “The courts affirmed this position as long ago as 1608 concerning King James I’s succession to Elizabeth I.



Clockwise from left: King Carl XVI Gustaf and Queen Silvia of Sweden; King Philippe and Queen Mathilde of Belgium; King Willem-Alexander and Queen Maxima of the Netherlands; and King Felipe VI and Queen Letizia of Spain

“The Westminster Abbey coronation is an Anglican religious service centred on the communion. At the same time, it is a great national pageant of costly display and celebration controlled by the government of the day. It is a political as well as a religious event.

“Not surprisingly, it has been imbued with different meanings by different participants and observers.

“Overall, coronations in Britain are an opportunity for society to

take stock of itself against a background which recalls both the community’s historic continuity and its capacity for coping with change: the nation reflecting itself in its ceremonies.

“Coronations also renew the legitimacy of the current political system: they are at bottom political events even if their dominant political purpose and character is masked by the ceremony that surrounds them.

“That is why, despite any



appearance to the contrary, they are controlled by the government of the day.”



UK polling points to political split

An opinion poll conducted by YouGov suggests many Britons are not all that interested in the coronation. (Tables below)

The [poll of 3,070 people](#) across Great Britain taken on 13 April asked the question: "How much do you care about the forthcoming coronation of King Charles?"

The overall results showed 31% of respondents said they cared about the coronation – comprising 9% who cared "a great deal" and 24% who cared "a fair amount".

The poll showed 35% of those who responded cared "not very much" and 29% cared "not at all".

The poll recorded 3% of all respondents as answering the question "don't know".

The poll also showed a distinct split on political party lines.

A total of 51% of UK Conservative Party voters said they cared about the coronation either "a great deal" or "a fair amount".

These figures compared with 23% of UK Labour Party voters who cared "a great deal" or "a fair amount".

Of the Conservative respondents, 33% said they cared "not very much" compared with 34% of Labour supporters.

Only 14% of Conservative Party voters said they cared "not at all" compared with 41% of Labour voters.

Respondents also fell into two distinct camps depending on



Part of the 1953 coronation parade

PARTY PEOPLE?

YouGov also polled Britons on whether they were [likely to watch coverage of the coronation or take part in the many public celebrations and events being staged to mark the coronation](#).



how they had voted in the 2016 "Brexit" referendum. Those who voted to leave the EU were more likely to care "a great deal" or "a fair amount" about the coronation (46%) than those who voted to remain in the EU (28%).

A separate YouGov survey found resistance to public funding of the coronation.

Slightly more than half of those polled (51%) said the UK Government should not foot the bill.

The [poll on funding the event](#) was taken by YouGov on 18 April and involved 4,246 respondents.

When respondents were asked "Do you think the coronation of King Charles should or should not be funded by the government?" only 32% said "yes" and 18% replied "don't know".

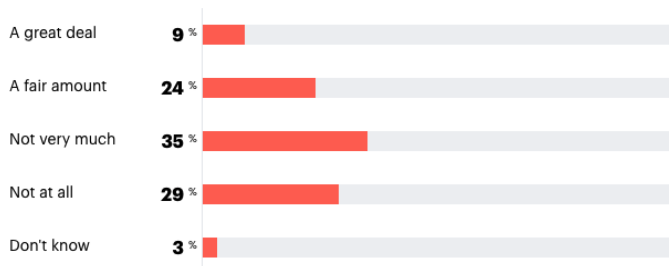
Again, a clear distinction emerged between Conservative and Labour voters.

More than two-thirds of Labour Party supporters (64%) were opposed to the government paying for the coronation while their view was supported by 39% of Conservative voters.

Most, but not a majority (46%), of Conservatives were comfortable with public funding of the event.

How much do you care about the forthcoming coronation of King Charles?

All adults:

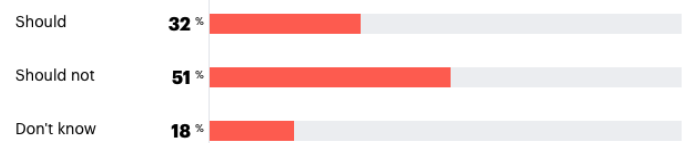


Political preference:

	All	Lab	Con	LD	Remain	Leave
A great deal	9%	7	15	4	6	15
A fair amount	24%	16	36	27	22	31
Not very much	35%	34	33	45	37	32
Not at all	29%	41	14	24	34	21
Don't know	3%	2	1	1	1	2

Do you think the coronation of King Charles should or should not be funded by the government?

All adults:



Political preference:

	All	Lab	Con	LD	Remain	Leave
Should	32%	23	46	38	31	40
Should not	51%	64	39	46	55	44
Don't know	18%	13	15	16	14	16



Canada shares our 'borrowed crown'

On May 6, 2023, Charles III will officially be crowned King of the United Kingdom in a coronation ceremony at Westminster Abbey.

As King, Charles is also the Head of State of 14 other Commonwealth countries, including Canada. The coronation raises an important question for Canada and the other countries: should we retain a British monarch as our official head of state?

Several Commonwealth countries have already removed the British monarch as their Head of State, opting to become republics. Others are considering making a similar change.

In 2021, Barbados became the latest Commonwealth country to cut ties with the British royal family, opting to make Sandra Mason, the country's governor-general, its first president.

Australia recently announced that King Charles will not be appearing on their \$5 banknote.

This may prove the opening gambit in what could lead to a second Australian referendum on whether to become a republic. Australia's current Labor government has announced its intention to hold such a referendum if it is re-elected to a second term.

Canada and the Crown

Canadians of a certain age will remember the heated debate back in 1965 when the Pearson government moved to replace the Red Ensign, with its Union Jack in the corner, with the Maple Leaf flag. (*pictured*)

[Former Progressive Conservative Party prime minister] John Diefenbaker and other Tories huffed and puffed about the terrible break with tradition this would represent. But who in Canada today would want to return to the Red Ensign?

The Crown has had an important place in Canadian history. It was a symbol of the British connection and of the country's tie to the British Empire at the time of Confederation and for many decades thereafter.

It is also worth noting that, demographically speaking, a clear majority of the country's English-speaking population was of British origin for much of the country's history.

But this has been much less the case since the Second World War. Immigrants from around the world have made Canada a much more diverse country.

Nor do those Canadians with British ancestry necessarily identify with Great Britain as the

Philip Resnick, Professor Emeritus Political Science at the University of British Columbia considers the upcoming coronation and asks whether Canada should abandon the monarchy. This article was first published by [The Conversation](#) website.

THE CONVERSATION

mother country in the way previous generations might have done.

A borrowed crown

Constitutional monarchy is a perfectly legitimate option for liberal democracies. It has worked well in Scandinavia and the Benelux countries, and reasonably well in the UK, Spain and Japan.

The problem for countries like Canada or Australia is that ours is a borrowed crown.

The Royal Family is British and no attempt to Canadianise the Crown can disguise the fact that our head of state is not and cannot be a Canadian, as long as this last vestige of the colonial tie is retained.

We need to have a proper debate in this country about the monarchy, now that the Queen who reigned for 70 years has passed away. The House of Windsor has had its share of problems, and the current royals do not enjoy the same level of popularity that Queen Elizabeth may have had.

Nor is it clear why the Canada of today would want to retain its ties with an institution steeped in aristocratic and feudal privilege.

It would be helpful if [Canadian] political parties, beginning with the New Democratic Party and the Liberal Party, were prepared to open a debate on the subject. But it needs to go well beyond their ranks and include society at large.

What is at stake is the symbolism associated with having a British monarch as our head of state a century and a half after confederation.

Some might argue that replacing King Charles would open up a constitutional can of worms. A key question is how a future



Photo: royal.uk

Canadian head of state might be designated. Clearly, we would not be replacing a parliamentary system with a presidential system of the American or French variety.

If we were to become a republic, it's important to agree on a mechanism by which a president might be chosen. This was a problem that dogged the republicans in Australia at the time of their 1999 referendum.

A possible path forward

One model that comes to mind for a federal state like Canada is Germany. Their president is elected to a five-year term (renewable once) by a Federal Convention made up of all the members of the Bundestag (the lower house of parliament), and an equal number, proportionate to their respective populations, elected by the legislatures of the 16 Länder (provinces).

The system has functioned well until now, with the figures who have occupied the presidency being well-suited to the role. Germany, like Canada, remains a parliamentary democracy. Effective political power rests with the chancellor, as it does with the prime minister in this country.

Were Canada to go the republican route, we would need to do so through a long constitutional process. The Canadian Constitution states that there must be unanimity of the provinces for changing the head of state. In addition, treaties between First Nations and the Crown would have to be carried forward into a Canadian republic.

However, where there is a will there is a way. And Canadians should no longer shirk the question: does the British monarchy reflect how we see ourselves in the 21st century?



Republic referendum can deliver true independence

The coronation of King Charles III occurs while Australians are debating the pros and cons of the first suggested change to our Constitution in almost 25 years, with another referendum on the republic issue also on the horizon. Former leader of the Liberal Party in Queensland BOB QUINN argues that Australia will never be truly independent while it retains a monarch resident in another country as its Head of State.

Currently the Albanese Government is developing the Voice proposal for a referendum later this year and has indicated that it intends to put forward a proposal for Australian to become a republic in its second term, should voters grant it one.

Understandably, all of the government's energy is focused on the Voice proposal so almost no information about its republic proposal is available, beyond its headline commitment.

The fact that it intends to move in this direction raises the questions of why attempt another constitutional change and why voters who did not support the proposal last time should consider a new proposal?

While some people are implacably opposed to any constitutional change on the basis of "If it ain't broke, don't fix it", the fact is that we are not the independent nation we proudly think we are.

Our Constitution came into effect on 1 January 1901 and with the Australia Act of 3 March 1986 effectively terminating the ability of the British Parliament to pass laws affecting Australia as well as ending legal appeals to the Privy Council, we cut the last ties to the British Parliament.

However, we still have the British Monarch (currently King Charles III) as our Head of State who must be consulted/advised on a range of matters such as who

should be appointed as state Governors or as the Governor-General of Australia.

Whilst this part of the Constitution works well as intended, if we want to be a truly independent nation, then to use the vernacular, "it is broke, and needs fixing".

When we have only Australians involved in the governance of this nation, and not relying on the involvement of a person resident in a foreign country, the words in the Constitution will match our claim of independent status.

The fact is that we are not the independent nation we proudly think we are.

The challenge for us is to construct a model of governance that amends this part of the Constitution but retains all of the advantages/benefits of the current system that has largely contributed to the political stability and economic success of this nation.

In many respects this is simply the next and final logical step to complete our independence.

The only time we have attempted to do this previously in the 1999 referendum resulted in no change with voters rejecting the proposed republican model, which at its heart gave the Prime Minister



As we move towards the next referendum, the republican model chosen will again have to withstand a searching public examination and that's why I believe that the only model that will enjoy popular support has to include a Head of State directly elected by the people.

Much will depend on the process adopted by the government, not only to develop the model but also to build consensus behind the need to change the Constitution.

With this in mind, the Real Republic Australia examines these issues and some possible solutions in its discussion paper.

It's a good place to start now that the government has put this constitutional change on the political agenda.

great authority over who should be appointed as the Head of State and his/her dismissal.

At that time, both then Prime Minister John Howard and Opposition Leader Kim Beazley made no secret of their respective positions but neither major political party took a formal stance on the issue.

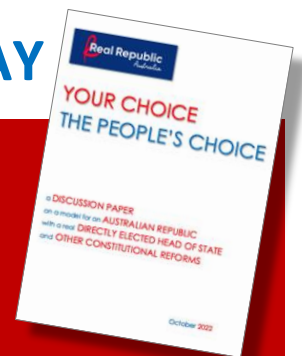
Most of the heavy campaigning fell to the various groups and individuals associated with the "yes" and "no" cases.

This approach eliminated partisan politics from the issue as far as possible and allowed voters to gauge the proposal on its merits.

Bob Quinn led the Liberal Party in the Queensland Parliament from February 2001 to August 2006.

HAVE YOUR SAY

The Real Republic Australia's discussion paper – *Your Choice, The People's Choice* – outlines our ideas for a genuine directly elected Head of State. Download a copy from realrepublic.au and let us know what you think.





UK bust-up poses biggest threat

Scottish independence push remains a major risk

A British academic says the biggest threat to the reign of King Charles II and his successors is a potential break-up of the United Kingdom.

ROBERT HAZELL, *Professor of Government and the Constitution at University College London*, cites the push for independence in Scotland and the possibility of Northern Ireland being absorbed into the Republic of Ireland as events that could erode the constitutional standing of the British monarchy.



Modern monarchy no longer depends on divine grace, but the consent of the people.

During the Queen's reign the monarchy consistently obtained support ratings between 60 and 80%; over the last 30 years support for a republic has not risen above 15 to 20%, even in the Queen's *annus horribilis* of 1992.

Early polls in the new reign suggest a small bounce for the monarchy, with 60% saying they think Charles will make a good king.

More worrying, however, for the monarchy is the much lower levels of support among the young; but the polling expert [John Curtice](#) suggests this age gap has been there for at least 30 years, with support for the monarchy growing as people get older.

If public support does start to dwindle, pressure may grow on the government to reduce funding or the monarchy, as has happened in Spain, where the monarchy enjoys lower levels of public support, and much lower levels of funding.

The next big challenge is the threat of an increasingly disunited kingdom. Charles's tour of the [UK] nations was seen by some as a bid to save the union. If the Scottish government succeeds in a future attempt to hold a second independence referendum, can the monarchy remain neutral?

The 2014 referendum was famously an occasion when the Queen's usually impeccable neutrality seemed to slip for a moment.

As someone who has been proclaimed King of the United Kingdom of Great Britain and Northern Ireland, can Charles pretend to be unconcerned if he becomes King of a "Lesser Britain"?

The standing of the monarchy will inevitably

be damaged, even if responsibility for the break-up lies with the politicians and not the monarch. So it will be hard to stand idly by, but a greater risk to the monarchy would be to allow itself to be co-opted by unionist politicians, as [former UK prime minister] Liz Truss attempted to do when she sought to join Charles's inaugural tour of the nations.

It will be small consolation that the SNP [Scottish National Party] wishes to retain the monarchy, so that an independent Scotland would become one of the realms, with Charles as its head of state.



Scottish independence rally

That would be a hard role to fulfil if the break-up leads to a difficult divorce, as with Brexit, with Charles trying to remain above the divisions of his fractious kingdoms.

In addition, the SNP has long had a fundamentalist wing who have no time for the monarchy; if the Scottish people sense that Charles's primary loyalty is to his larger kingdom, they may press for an early referendum on becoming a republic,

It may be a different story with the other realms, the 14 countries around the world where Charles is now head of state.

Here too it may be seen as a blow to the monarchy's prestige if some of the realms choose to reject Charles as King; but talk of

the realms rushing to become republics is overblown, and for the monarchy their departure may even come as a relief.

Barbados became a republic in November 2021, and Charles attended the celebrations to wish them well. The next countries seen as likely to become republics are Australia, Antigua and Jamaica. In Antigua and Barbuda, the prime minister, Gaston Browne, has said that he will call for a referendum in the next three years.

In Jamaica successive prime ministers have promised to lead their country to becoming a republic, but the process of constitutional amendment has prevented them from doing so: it requires a two-thirds vote in both houses of parliament, followed by a referendum.

Australia has a similarly high threshold, but its 1999 referendum disclosed a further layer of difficulty: how to select the new head of state. The proposition that a future president should be chosen by the parliament was defeated by 55:45, because most voters wanted the president to be directly elected, and chosen by the people.

Republican referendums in St Vincent and the Grenadines in 2009, and in Tuvalu in 2008 were also defeated, but on other grounds.

The main reason why the monarchy might privately be relieved if the realms become republics is the reduction in workload. It is a lot of additional work being head of state of 14 other countries, and keeping up to speed with their politics and societies. And it is an additional burden making regular visits.

A secondary reason for relief is shedding the reputational risk involved with some of the more unstable realms. Fiji has seen four coups d'état in the last 40 years; it must have been a relief to the monarchy when the second coup in 1987 resulted in removing the Queen as head of state.

*This is an edited extract from a [quest paper](#) *Future Challenges for the Monarchy* published by the [Bennett Institute for Public Policy](#) based at the [UK's Cambridge University](#).*

SEE PAGE 12:

New First Minister continues Scotland's independence campaign



Coronation is not the right target

The coronation of King Charles III in London on 6 May was always destined to spark criticism.

Some will ridicule what they view as the archaic and irrelevant pomp and circumstance that will no doubt be a feature of the ceremony that – as noted on page 3 of this newsletter – has more religious than constitutional significance given that King Charles assumed his new role at the moment of his mother’s death in September last year.

For others it is the cost of staging the event that will be the focus of their criticisms.

As we show in our story on page 4 of this newsletter, opinion polling does not reveal a huge well of goodwill among UK taxpayers when it comes to who should foot the bill for the coronation.

Yet for those seeking to denigrate the monarchy, even arguments centring on the cost of the coronation are on somewhat shaky ground. After all, it’s not as if a British monarch is called to attend a coronation every day, or even every week, year, or decade.

It’s actually been 70 years since the last one was staged in 1953 for Queen Elizabeth who had succeeded to the throne after the death of her father King George VI the year before.

In the past 200 years seven men and women have ascended the British throne and there have been six coronations to mark their new role – Edward VIII having

OUR SAY



abdicated before his could be held. All of those ceremonies came with attendant costs.

As we mention in a story on page 3 monarchies in other European nations do not stage similar lavish and expensive coronations.

Their monarchs appear content to assume their nation’s throne on the demise of their predecessor and feel no need for any special ceremony to mark the transition.

But elsewhere major events are held to mark a change in a head of state.

Every four years there is a costly ceremony held in Washington DC to inaugurate the new or re-elected US President.

In Japan there have been three coronations held in just under 100 years to mark the ascension of Emperors Hirohito, Akihito, and Naruhito.

Grand inaugurations are held in Rome every time a new Pope is chosen.

So, incurring a coronation bill in the UK on average once every 30 years or so may represent



A presidential inauguration at The Capitol in Washington DC (above) and St Peter’s Square at the Vatican in Rome (below) hosts a papal inauguration

Photos: Architect of the Capitol, the Holy See



ammunition to fire back at critics of King Charles III’s event on 6 May.

But at the same time there is a genuine argument to be had on the propriety of the British government spending public funds on a coronation when cost-of-living pressures are impacting on so many families.

But therein lies a key point that is directly relevant in the context of the debate on an Australian republic.

The cost is a matter for British people to quibble about or defend because Charles is Britain’s monarch. That role currently makes him our Head of State because our Constitution gives him that role.

Our task is to change that situation.

The coronation will come and go on 6 May but our Constitution will not change until we convince sufficient people to make a change.

We will not do that with arguments over an ancient and rarely staged ceremony that is inevitable and a fact of life – of British life.

Lindsay Marshall
Editor



Japanese Emperors.... Hirohito, Akihito, and Naruhito

Higgins speaks out on military abuses

Irish President, Michael Higgins, has cited his constitutionally designated role as Supreme Commander of Defence Forces to justify his public remarks on the disturbing findings of an inquiry into bullying, harassment, discrimination and sexual harassment within the Irish military.

It is not the first time Higgins has made pointed public statements on matters affecting military personnel. (See story below right)

His comments illustrate the value of having a genuine directly elected Head of State willing and capable of engaging in essential public debates without straying into partisan politicking.

In late March the Irish Government released [a report by an independent review group](#) it commissioned in January 2022 to examine allegations of abuse within the nation's Defence Forces.

The review's report found that the nation's military "barely tolerates women" and also identified a "discernible pattern of rape and sexual assault".

Ireland's police service has since [launched a criminal investigation](#) after receiving 26 complaints of sexual assault or abuse dating as far back as the 1960s.

After the report was made public Higgins [issued a statement](#) saying: "As Supreme Commander of the Defence Forces, it is with a sense of shame but also so much hurt for those serving women and men who had dedicated their lives to serving our country and to working as international peacekeepers and who have been abused while serving as members of the Defence

Forces, that I read the Report of the Independent Review Group.

"What has been revealed in this report was not a simple set of random occurrences.

"It is explicitly stated in the report that there is a continuing systemic problem of incidents of bullying, harassment, discrimination and sexual harassment within the Defence Forces.

"This must be of the deepest concern to us all, including those in the Defence Forces who are anxious to serve their country to the best of their abilities and so many who are doing so at home and abroad."

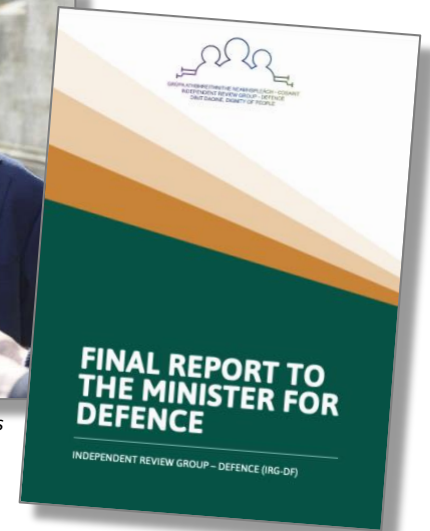
In his remarks President Higgins even identified some potential reforms.

"What is not as explicitly stated in the report, but which is clearly demonstrated by its findings, is the need for a restructuring of the relationship between officer and enlisted ranks," he said. "Such structural issues can be neither ignored nor action delayed on their reform or replacement.

President Higgins said he welcomed the Irish Government's "speedy and full acceptance of



President Michael Higgins



the recommendations of the review".

"The public will now expect that these recommendations be implemented in full and without delay. There can be no continuation of any of this deeply unacceptable, indeed criminal, behaviour," he said.

President Higgins said all of his comments on the report were "informed by my position as Supreme Commander of the Defence Forces".

"However, as President of Ireland, I am left with the greatest anxiety that this institutional failure is far from confined to the Defence Forces, and in many cases, there are lessons to be drawn, and transformations to be made, that are now urgent, not only within the Defence Forces, but across our society and many of our institutions," he said.

President set precedent on pay rates

Irish President Michael Higgins has previously engaged in public debates on behalf of members of the military.

In September 2019 he used his constitutional position as Supreme Commander of the Defence Forces to [advocate pay rises](#) for servicemen and women.

[At a military awards ceremony](#) he said: "Serving men and women should have conditions including an income and prospects that are sufficient to provide for themselves and their families.

"As they are the employees of the state, such conditions should be exemplary for other parts of the society and economy. I have heard and read with anxiety of the distress that is being experienced by some of those who are giving their all to serve the state.

"There is a duty on us to acknowledge the importance of the contribution of the serving member's family. While being a member of the Defence Forces is a worthy and dutiful role, it is a perilous one."

At the time some observers questioned the propriety of his remarks and even some government ministers, while not being critical of him, described his intervention as unusual.

In response, President Higgins said he was acting "very, very much within the Constitution".

"I am very, very much within the Constitution."

He said "one or two people" would prefer "a president that just was handed the speeches to read out" or one who "didn't have an opinion on anything like this".

But he added: "The fact of the matter is that a very, very large number of people in Ireland decided that they wanted this kind of president, who wouldn't interfere with what the agencies of government are doing, but who would be very conscious and aware of what I call the vulnerably, prospects and hopes of the Irish people."

The words in question

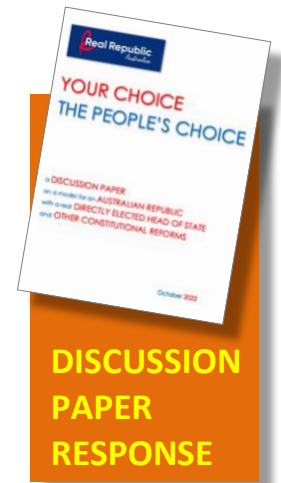
Article 13 of the [Constitution of Ireland](#) details the powers of the President and includes the statement: "The supreme command of the Defence Forces is hereby vested in the President."

It also says: "The exercise of the supreme command of the Defence Forces shall be regulated by law."

In addition it states: "All commissioned officers of the Defence Forces shall hold their commissions from the President."

More positive feedback

Late last year the Real Republic Australia released our [discussion paper](#) outlining for public comment a range of ideas for achieving an Australian republic with a genuine directly elected Head of State. We have since received very positive comments as well as some questions. This newsletter will continue to provide a forum for exchanging ideas based on the content of our discussion paper.



COMMENT:

I support every Australian having a say in the choice of their Head of State.

But I wonder if we risk creating a whole new power imbalance by having an elected president who could point to their mandate and go against the wishes of the elected government led by the prime minister.

We have seen so often the pitfalls of a US-style presidency.

I for one don't want to import that concept here.

The last thing we need or want is for a Donald Trump-style Head of State riding roughshod over the will of the people as expressed in the election for a government formed in the House of Representatives.

RESPONSE:

We are totally on the same page.

The model proposed by the Real Republic Australia is not designed to replicate a US-style presidency.

In fact we are not aware of any mainstream pro-republic group that is proposing such a model.

Adopting the American system under which an elected President is both head of government and head of state would require a total rewriting of our Australian Constitution to implement a complete redesign of our system of government.

We would no longer have a traditional Westminster system of parliamentary democracy.

We are certain the Australian people do not want to see that happen and we are sure that even in the unlikely event such a proposal was put to a referendum, it would rightly fail.

To address your other concern,



our model would not result in a directly elected Head of State becoming a rival to a prime minister as head of a cabinet government formed in the lower house of federal parliament.

We propose that the powers of an elected Head of State be codified in the Constitution.

In particular we want to see the codification of the requirement for a Head of State to act on the advice of the prime minister or government. In addition we wish to see a requirement for the Head of State to keep the PM informed of their thinking on constitutional matters.

This would prevent a repeat of the crisis of 1975 when the then Governor-General, Sir John Kerr, did not advise then Prime Minister Gough Whitlam, that an option he was considering to break the Senate deadlock over the federal budget was to dismiss the PM and his government.

By codifying the powers of an elected Head of State we can ensure they do not become a rival source of power within our system of government.

Codification of the head of State's powers in the constitution is a feature of the Irish system of government.

Ireland is a republic that has a

directly elected president while also operating under a traditional Westminster parliamentary system of government with a cabinet led by a prime minister who must retain the confidence of the lower house of the Irish Parliament.

The President of Ireland is not a rival source of power to the PM.

Their powers are clearly laid out in the Irish Constitution.

It's a system that works in Ireland and can work in Australian too.

COMMENT:

We have lately seen arguments break out over the Voice to Federal Parliament with one side saying there are no details about how it might work and the other side saying there is a lot of information available if you want to find it.

I fear a repeat of this argument at a level that might sink any future republic referendum.

How do we avoid that scenario?

RESPONSE:

Constitutional change in Australia never comes easily.

Only eight out of 44 proposals for changing our Constitution have succeeded since Federation in 1901.

A key part of securing passage of a

referendum question is to make sure voters are familiar with the issues involved and are comfortable enough to support the proposed change or changes.

That's why we have taken the approach of issuing a discussion paper on our genuine direct-election model for a Head of State in an Australian republic.

We have not leapt to the stage of presenting rewritten sections of our Constitution.

That is a job for legal experts at a later date. Right now we feel our best efforts should be directed to fostering debate on the republic issue and putting forward ideas to show that a directly elected Head of State is possible and can work within a Westminster parliamentary system.

The Real Republic Australia takes every opportunity to tell any federal MPs we meet that we must all invest in such efforts if we want to see a republic Australia. Voters will not support a proposal that they do not understand.

We will continue our efforts to canvass the issues involved and we hope you and others join in that work.



For a copy of our discussion paper visit our website realrepublic.au. We'd like to hear your ideas: info@realrepublic.au.

High-powered team drives Jamaica's plans

Referendum likely in early 2024

The Jamaican Government has established an expert committee to steer its push to become a republic.

Prime Minister of the Caribbean island nation and Commonwealth member, Andrew Holness, [said](#) the 14-member committee represented a diverse cross-section of Jamaican society, including representatives from the government, the opposition, the legal profession, experts in governance, academics, as well as a youth adviser.

The committee is co-chaired by the Minister of Legal and Constitutional Affairs, Marlene Malahoo Forte, and former Jamaican Army chief, Rocky Meade, who was [recently appointed](#) by the Prime Minister to a cross-government troubleshooting role within his office.

Ms Malahoo Forte said: "The work of the committee will be done in three phases to craft a modern and new Constitution which reflects an appreciation and understanding of our cultural heritage, governance challenges and development aspirations, and which embodies the will of the people of Jamaica."

Ms Malahoo Forte was [also reported](#) as saying the government expected to hold a republic referendum early in 2024.

She said the committee would also assist in co-ordinating the necessary parliamentary cross-aisle and nationwide consultation and collaboration during the various phases of the reform program.

It would also help to educate voters on their role in the referendum process.

The committee, which would receive



Andrew Holness (above) and Marlene Malahoo Forte (below)



secretariat support from Ms Malahoo Forte's department was expected to serve until no later than the end of the current five-year term of the Jamaican Parliament in September 2025.

The new committee includes distinguished US-based constitutional law expert, [Richard Albert](#), who is currently the William Stamps Farish Professor in Law, Professor of Government, and Director of Constitutional Studies at the University of Texas at Austin.

Professor Albert has written or edited more than 25 works on constitutional law and politics including the [Oxford Handbook on Caribbean Constitutions](#).

REFORM COMMITTEE MEMBERS

Jamaica's new Constitutional Reform Committee will be co-chaired by the Minister of Legal and Constitutional Affairs, Marlene Malahoo Forte, and former army chief, Rocky Meade.

Its other members are:

- Attorney-General, Dr Derrick McKoy KC,
- President of the Senate and Electoral Commissioner, Tom Tavares-Finson,
- Government Senator Ransford Braham,
- Opposition Senator Donna Scott Mottley,
- Opposition MP, Anthony Hylton,
- international constitutional law expert, Professor Richard Albert,
- national constitutional expert and founding member and former president of the Jamaica Bar Association, Dr Lloyd Barnett,
- Hugh Small KC, consultant counsel and nominee of the Leader of the Opposition,
- representative of the wider faith-based society, Dr David Henry,
- representative of civil society, political commentator, Dr Nadeen Spence,
- chair of the National Committee on Reparations, Lalieta Davis Mattis,
- youth adviser, Sujae Boswell, president of the Student Guild of the University of West Indies.



Meade



Mottley



Albert



Barnett

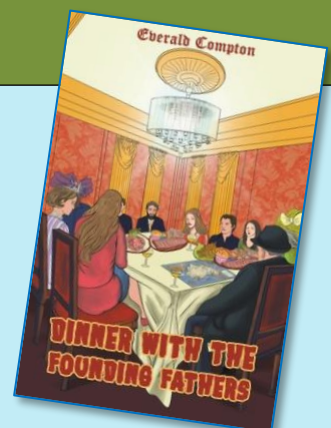


Boswell

Plenty of food for thought.....

Activist, thinker, philanthropist, and author [EVERALD COMPTON](#) has imagined a number of get-togethers involving the framers of the Australian Constitution and some of our nation's more colourful political identities from the decades that followed Federation.

His book **DINNER WITH THE FOUNDING FATHERS** is an entertaining and provocative read for anyone interested in learning the lessons of our past that can help shape our future.



CLICK ON [THIS LINK](#) TO BUY YOUR COPY!

Scottish independence remains on the agenda

New First Minister plans to deliver

Scotland's new First Minister, **Humza Yousaf**, is set to continue the national independence campaign of his predecessor, **Nicola Sturgeon**

Chosen in March as First Minister and leader of the Scottish National Party following Ms Sturgeon's February resignation, Mr Yousaf reaffirmed his pro-independence stance by calling on UK Prime Minister Rishi Sunak to support an independence referendum as happened in 2014 under then PM David Cameron. That referendum saw Scots vote 55% to 45% to remain in the United Kingdom.

In November, the UK Supreme Court [ruled](#) that Ms Sturgeon

could not hold another referendum without the approval of the British Parliament.

In the wake of the decision Ms Sturgeon declared that the results in Scotland of the next UK general election due in 2024 should be viewed as a referendum on independence.

While Mr Yousaf has not embraced that same specific position as First Minister, he has committed his government to pushing for independence.

"We will be the generation that delivers independence for Scotland," he told supporters after being picked as First Minister.

Mr Yousaf has also designated a new cabinet post, [Minister for Independence](#), and handed it to [Jamie Hepburn](#), formerly the minister for higher and further education.

News reports said Mr Hepburn would report directly to the First Minister and operate as a "backroom fixer" to coordinate work on independence across the government.

Other reports noted that the new First Minister had not detailed a specific time frame for achieving independence.

Some observers suggested that Mr Yousaf was being influenced by the current less-than-emphatic backing the independence issue has been given in many opinion polls (*See story at left*) and wanted time to build more support.

As First Minister Ms Sturgeon made it clear that the position of the British monarchy was not risk under independence.

She stated that King Charles III would remain Scotland's Head of

State if an independence push succeeded.

The issue of independence continues to be conflated with calls for Scotland to resume membership of the European Union (EU).

The Scotland-based anti-Brexit and pro-Europe activist group [Yes for EU](#) has announced plans for [a protest march](#) to be held in Edinburgh in September to support both independence and re-entry to the EU.



Clockwise from top: Humza Yousaf, Jamie Hepburn, and Nicola Sturgeon

BALLOT BOX SCOTLAND

Democracy in detail

A range of opinion [polls being tracked](#) by political and election monitoring website [Ballot Box Scotland](#) shows support for independence hovering around the 50/50 mark.

The website tracks voters' opinions on the issue of Scottish independence since the last election for the Scottish Parliament held in May 2021.

Support for independence has varied over the period.

For example, a series of polls by

YouGov reveals rises and falls in both the "yes" vote for independence and opposition "no" votes after the exclusion of "don't know" responses, as shown below.

YouGov Poll	YES	NO
Nov. 2021	47%	53%
May 2022	45%	55%
Sep/Oct 2022	49%	51%
Dec 2022	53%	47%
Jan 2023	47%	53%
Feb 2023	46%	54%
Mar 2023	46%	54%

Our newsletter

Constitutional Conversation is published quarterly by the Real Republic Australia to promote debate about potential changes to the Australian Constitution including a republic with a directly elected Head of State.

The Real Republic Australia was founded by Brisbane's longest-serving Lord Mayor, the late Clem Jones (1918-2007) who led a team of Queensland delegates to the Constitutional Convention held in Canberra in February 1998.

They and delegates from other states believed that only a model for a directly elected Head of State would be approved by voters at a republic referendum.

Unfortunately, the failed 1999 republic referendum proved them correct. In line with his wishes, the Real Republic Australia continues to campaign for a republic based on the direct-election model supported by



Clem Jones



Contact us if you wish to receive a free copy every quarter.

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