

A **road map** for a  
**real republic**

**&** other  
**constitutional  
reforms**  
to benefit  
all Australians

 **Real Republic**  
*Australia*

# Introduction

## Our unfinished – and new – national business

Our nation has faced many tests and trying times since the handful of separate British colonies occupying our continent decided to join together into a federated Commonwealth of Australia in 1901.

Now, 120 years later Australia – like other nations around the world – faces a pandemic posing the threat of fatalities on a massive scale if not addressed promptly and correctly.

It is still unclear how this latest chapter of our national story will end.

But the Real Republic Australia believes the pandemic is a sound reason for us as a nation to reassess aspects of our federated system of government to see if can be made to work better and to ensure we as a nation can meet any similar future threat.

The Real Republic Australia has always advocated for an Australian republic with an Australian as our head of state elected directly by Australian voters.

*‘Our Constitution was drafted and agreed to in an entirely different world’*

But we also propose a range of other reforms requiring changes to our Constitution. We believe these reforms offer real benefits to our nation and its people.

The recent pandemic should itself be a catalyst for action to determine if our Constitution is the right document for the times we live in in terms of the allocation of responsibilities among the different levels of government in our nation.

It is a document that was designed to explain how the new nation was to be governed.

It was inevitably the result of much argument and compromise.

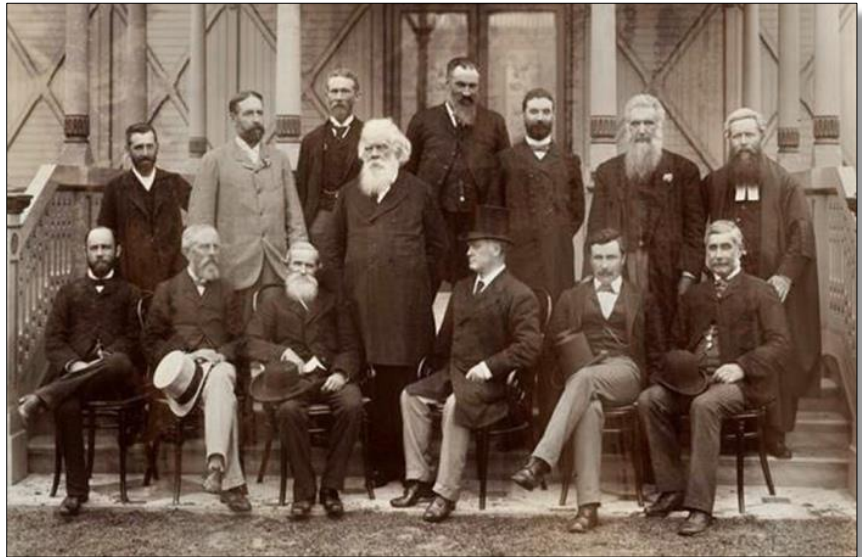
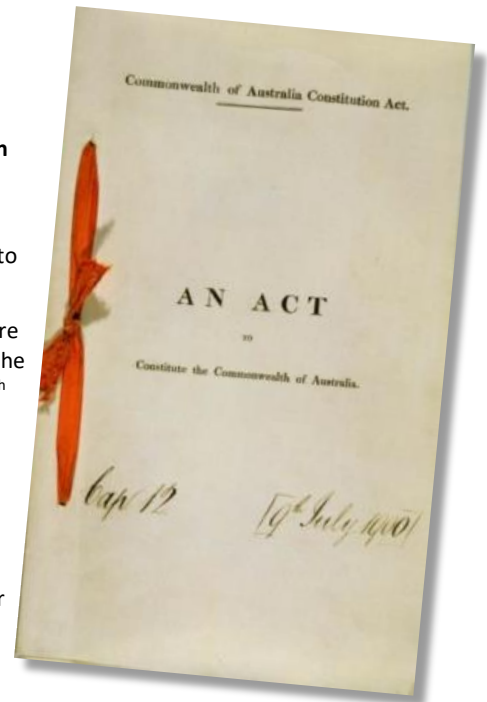
We must always give due respect and credit to those who designed it. But we make a mistake if we give them unquestioned deference and leave their work untouched.

Our Constitution was drafted and agreed to in an entirely different world.

The so-called “Founding Fathers” who were responsible for it may have represented the decision-making processes of the late 19<sup>th</sup> century.

But they would not be viewed as being representative of today’s Australia. For a start there were no “Founding Mothers” involved.

First Nations’ people upon whose land our nation is built were not at the table when the first or final drafts of our Constitution were agreed.



The “Founding Fathers” .... 19<sup>th</sup> century decision-makers

Their simple desire for recognition in the document is urgent unfinished business 120 years later. It must be resolved as soon as possible.

Federation created a nation but also generated questions about our Constitution that have been answered by voters at a series of referendums.

Most have failed to pass the test set by the drafters of the Constitution – a so-called “double majority” requiring a nationwide majority “yes” votes as well as majority of original states recording a “yes” vote.

But that does not mean we should stop seeking real and beneficial reforms.

In this document we set out a way forward, a roadmap that we believe could be used

to modernise our Constitution while not resorting to starting over with a blank sheet.

Central to our proposals is the simple idea that the Australian Constitution belongs to the people of Australia.

It is ours to examine and reshape, and we believe we offer an understandable and effective way to do just that.



DAVID MUIR AM  
Chair



# A summary of our plan

## Our proposed roadmap for reform in brief

The Real Republic Australia advocates for an Australian republic with a Head of State elected directly by Australian voters.

We do not believe any other model – such as parliamentary appointment of a head of state, or a hybrid model involving politicians or parliament approving a list of candidates for the office – can secure sufficient public support to be approved by voters at a referendum.

### Australian Constitutional Assembly

To achieve constitutional reforms we suggest that a new framework known as an Australian Constitutional Assembly be established consisting of 99 average voters and an expert chair.

Its 99 members would be sourced by professional market research techniques to broadly represent the characteristics of the wider community. No member of any legislative body would be entitled to join an Assembly.

A separate Assembly would be formed by resolution of the Federal Parliament for each constitutional reform issue, or group of issues, to be considered.

Each Assembly would set its own work plan and would engage with the wider community and experts in the issue it is considering and be required to deliver a report and recommendations within 12 months.

We believe this approach should be ongoing to allow for the regular updating of our Constitution.

An Assembly larger than 100 members could be established by parliamentary resolution. Another option would be to establish an Assembly in each state and territory and consolidate their recommendations when considering an issue such as the republic.

### Achieving an Australian republic

Our proposal for a series of Australian Constitutional Assemblies for progressing beneficial constitutional reforms should be used to consider and achieve a republic.

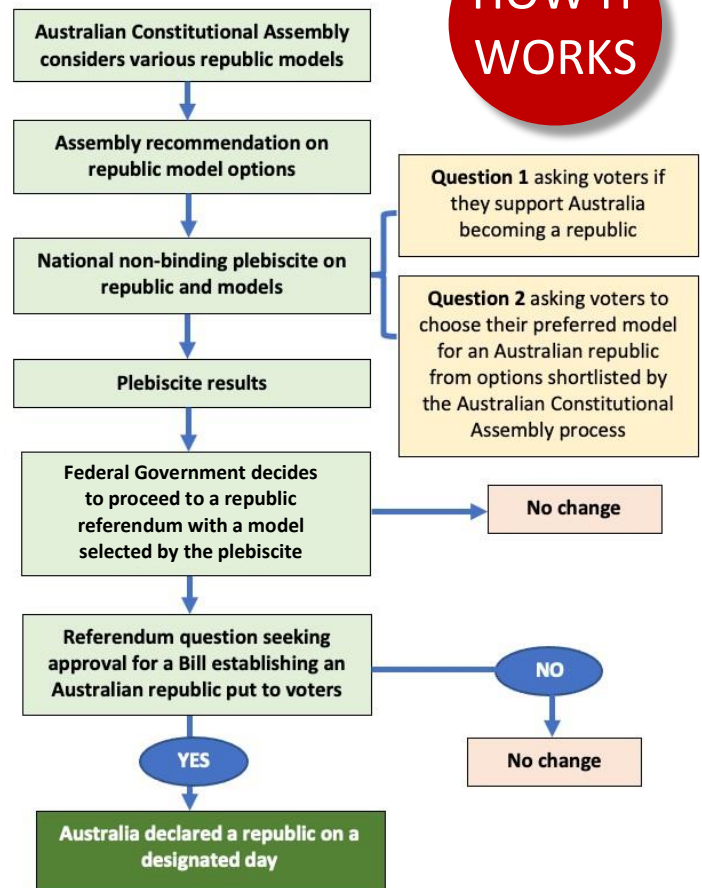
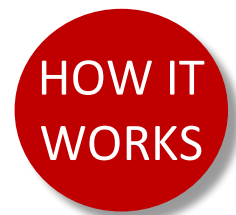
We recommend that:

- an Australian Constitutional Assembly be established to consider amending the Constitution to establish Australia as a republic,
- the sole aim of the Assembly should be to examine appropriate republic models,
- the size of the republic Assembly could be more than 100 members if so decided by the Federal Parliament, but as with other Assemblies, no elected member of a legislative body should be a member,
- republic model options recommended by the Assembly be put to voters in a national non-binding plebiscite asking two questions:
  - a threshold question on whether voters support Australia becoming a republic
  - a second question asking voters to express a preference for a specific republic model
- that the plebiscite inform a decision by the Federal Government to progress a referendum on Australia becoming a republic.

### The Irish example

We believe the Republic of Ireland provides a successful example of how an elected head of state can work within a Westminster-style system of government.

In developing our proposed system of Australian Constitutional Assemblies we have also taken elements from the system of Citizens' Assemblies used in Ireland to deliver constitutional reforms.



### Other reforms

The Real Republic Australia also campaigns for other reforms to the Australian Constitution to deliver permanent benefits to Australians by improving the way our nation is governed. These other reforms are:

- constitutional recognition of First Nations' people,
- fixed four-year terms for both houses of parliament,
- synchronised terms for both houses of parliament,
- addressing the nexus between the upper and lower house and cutting Senate numbers,
- a casual vacancy system for the House of Representatives,
- constitutional recognition of local government, and
- a fairer process for changing Australia's Constitution.

In addition to achieving a republic, the Australian Constitutional Assembly process could be used to address these suggested reforms needing approval at a referendum of Australian voters.

The exception we make is the recognition of indigenous Australians. We support the Uluru Statement from the Heart and do not wish to see its adoption delayed by subjecting it to another assessment process.

However, the Australian Constitutional Assembly process, once established, could be employed as a permanent system for processing other workable suggestions for reforms that benefit Australians and our federated system of government.

# Our road map for real reforms

## A process to deliver beneficial changes to our Constitution

The Real Republic Australia believes a move to an Australian republic should be debated and hopefully achieved as part of a clear, inclusive, and long-term process of considered reforms to our Constitution. Changes to our Constitution have been rare.

Of 44 referendum questions put to voters since Federation only eight have succeeded. We believe that it is now imperative to implement a plan or roadmap to achieve constitutional review and, where necessary, initiate reforms that accommodate lessons learned from the pandemic.

At the same time we should take the opportunity to move towards an Australian republic with an elected head of state as well as to consider additional reforms that deliver lasting benefits to Australians.

We do not seek to erase the current Constitution and start again with a blank sheet, but to establish a process through which potentially beneficial reforms can be considered and implemented.

No nation's constitution should be a static document. They should be living and breathing works that not only set out how a nation is governed, but which also move with the times.

Challenges such as the COVID-19 pandemic are a good reason to establish a framework through which Australians could be engaged in at least considering proposed reforms and if necessary, to have those proposals proceed to a referendum.

Our Constitution was written in the late 19th century by a select group of people – largely white males.

That alone is a good reason to revisit our Constitution and to establish a coherent, inclusive, and long-term process through which meaningful and beneficial reforms can be proposed, considered, and implemented.

We propose that Australia adopts a process similar to one employed successfully in the Republic of Ireland for assessing constitutional reforms.

As mentioned earlier, Ireland has operated a series of [Citizens' Assemblies](#) that consider issues of public policy and proposed constitutional changes.

The [resolution of the Irish Parliament](#) establishing a current Assembly considering gender equality issues gives an outline of the processes involved.

The process for constitutional reform was first used in Ireland through the [2012 Constitutional Convention](#) involving 33 MPs and 66 Irish citizens who were tasked with considering reforms to the nation's constitution.

The 66 citizens were selected through [a process similar to that used by market research firms](#) in creating a representative pool of voters for conducting opinion polls. At the same time an additional 66 voters were chosen as "shadow" delegates to

substitute for any delegates who had to drop out from being involved and could not complete the deliberative process.

A flow-on from the first Constitutional Convention was an ongoing system of Citizens' Assemblies.

The Assemblies each comprise 99 citizens and an appointed chair who all consider a specific issue that may need constitutional reform to be adequately addressed.

The process for establishing a Citizens' Assembly generally involves:

- creation of an Assembly to examine a specific issue by [resolution of the Irish Parliament](#),
- agreement by the government to fund an Assembly,
- engagement by tender of a specialised firm [to select 99 representative delegates](#) and potential back-up or stand-by delegates,
- appointment by the Irish government of [an Assembly chair](#) who votes only in the case of a draw,
- drafting of rules and procedures by the agreement of an [Assembly's 99 members](#) and chair at an inaugural meeting,
- establishment of a small steering group (6-12 persons) comprising the chair and a representative group of Assembly members chosen by the Assembly and supported by the Assembly secretariat,
- a commitment by government receive and consider its report, debate the findings, and formally respond to recommendations,
- the engagement by government tender to select firms to provide support services to the Assembly, eg: meeting venues, teleconferencing services, meeting recording services, public information services,



*A meeting of an Irish Citizen's Assembly*

- establishment of a small steering group (6-12 persons) comprising the chair and a representative group of Assembly members chosen by the Assembly and supported by the Assembly secretariat,
- a commitment by Irish government receive and consider its report, debate the findings, and formally respond to recommendations,
- the engagement by government tender to select firms to provide support services to the Assembly, eg: meeting venues, meeting recording services, teleconferencing services, public information services.

Each Citizens' Assembly must report back to the Irish Parliament no later than 12 months from the date of its first meeting.

In that time an Assembly completes its work over five weekend meetings of delegates which usually comprise:

- introductory remarks by the chair,
- expert presentations and presentations from advocacy groups,
- consideration of public submissions
- Q&A sessions, debates, and roundtable discussions.

Meetings are livestreamed with physical attendance as observers restricted to those admitted by agreement of the Assembly to limit venue sizes and costs.

# Our road map for real reforms (Continued)

## Australian Constitutional Assembly

We propose that a body known as an Australian Constitutional Assembly be used as a flexible and representative method for achieving constitutional reform including the establishment of an Australian republic.

We believe such an approach – similar to one taken in Ireland – could be employed to address a wide range of possible reforms while helping to eliminate or minimise partisan politicking – a major cause of previous failures to achieve constitutional reform.

We propose that separate Assemblies be formed by resolution of the Federal Parliament to each address one or more specific proposals for constitutional reform.

Each Assembly would work over a period of 12 months to consider and make recommendations on an issue or issues of potential constitutional reform.

We propose that:

- each Assembly consist of a minimum of 100 Australians with the creation of larger versions being an option available to the Federal Parliament,
- a chair designated by the Speaker of Federal Parliament would be an Australian citizen but not a member of any legislative body,
- 99 other Australian citizens entitled to vote at a referendum would be recruited at national level and selected in accordance with best recruitment practice so as to be broadly representative of Australian society,
- selection of the membership of each Assembly other than its chair would be conducted by a professional market research firm chosen by open public tender,
- each Assembly would be supported by a small secretariat including administrative and research staff similar to support staff provided to commissions of inquiries or parliamentary portfolio committees,
- the secretariat would be able to source for an Assembly an expert reference group consisting of individuals knowledgeable in the issue under consideration as well as undertake specific research tasks assigned to it by Assembly members,

- the basic Assembly model specifically excludes membership by elected members of legislative bodies, and
- any governments, or individual elected members of any parliament or party wishing to have their say can do so by making a submission to, or appearing as a witness before Assembly members.

Each Australian Constitutional Assembly would be required to report to the Speaker of the House of Representatives.

In administrative terms, the Speaker would also be responsible for their operation through the Department of the House of Representatives.

At the conclusion of an Assembly and following receipt of its report, a federal government will need to justify its decision to support or oppose any recommendations made by the Assembly – recommendations which will essentially reflect the view of the wider Australian community.

Because the membership of each Assembly would reflect the broader Australian community, we believe it would be difficult for a government to justify a rejection of its recommendations.

We also believe that the Assembly model offers the best chance to avoid partisan politicking of the type that has bedevilled previous efforts at constitutional reform.

In drafting our proposals we have drawn on the Irish model both in terms of the process for constitutional reforms and for the republic model we advocate with a directly elected head of state.

However, the physical and geographic differences between Ireland and Australia mean a similar process here would rely on virtual meetings and consultations and debate to a greater degree rather than physical meetings.

This approach would also be necessary to limit costs.

We also recognise that no process for reform is perfect and that the operation of the Citizens' Assemblies employed in Ireland has not been free of criticisms.

But while we have adopted that broad framework in principle we would expect that if a similar process were to be set up here it would evolve into a uniquely Australian process for constitutional reform.

### PRELIMINARY WORK

- Resolution of parliament establishing an Australian Constitutional Assembly
- Appointment of Assembly chair, secretariat, expert panel
- Selection of 99 members of an Australian Constitutional Assembly



### ASSEMBLY AT WORK

- Initial meeting of the Assembly – either a physical or virtual meeting or a combination of both – and discussion and finalisation of a work plan devised by the secretariat
- Circulation of a discussion paper and call for submissions
- A series of meetings of members of the ACA – either physical or virtual meetings or a combination of both
- Receipt and analysis of public submissions
- Public hearings – either physical or virtual or a combination of both
- Preparation of a report of the Assembly's work and recommendations
- Tabling of the Assembly's report in Federal Parliament and its release to state and territory parliaments.



### AFTER AN ASSEMBLY

Actions required within three months of the Assembly's report:

- responses to the Assembly report and recommendations by federal and state governments
- a debate on the report and its recommendations to be scheduled in Federal Parliament
- decision by the federal government on whether a referendum or referendums will be held to implement Assembly recommendations.

Further actions:

- if a referendum is to be held, the federal government would need to draft and put to the Federal Parliament a Bill to initiate a referendum question or questions for consideration by voters.

# Our road map for real reforms (Continued)

## An outline of responsibilities

Below is a diagram outlining the individuals or entities responsible for each of the key phases in our proposed Australian Constitutional Assembly process as well as the actions they would be required to undertake and the likely outcomes.

As mentioned previously, we believe that the basic Assembly process should have enough flexibility to enable it to be modified in size and scope in response to the issue it is tasked to consider. For example, we believe the basic 100-member Assembly is suitable for the consideration of most constitutional reform proposals, but it may be desirable to expand its size if it were used in any process to assess and deliver an Australian republic.

RESPONSIBLE ENTITY	ACTION	OUTCOME
Australian Federal Government Parliament of Australia	Passage of legislation creating a representative Australian Constitutional Assembly process for achieving beneficial reforms to the Australian Constitution.	The ability for the federal government to initiate an Australian Constitutional Assembly to consider a specific reform or reforms to the Constitution.
	Resolution of Federal Parliament to establish an Australian Constitutional Assembly to examine a special proposal or proposals for reform of the Constitution.	Establishment of an Australian Constitutional Assembly charged with conducting a specific review of a potential constitutional reform or reforms.
Speaker of the House of Representatives Department of the House of Representatives	Appointment of the chair of the Australian Constitutional Assembly.	An expert Assembly chair assists in the drafting of a work plan and meeting timetable and composition of the expert panel.
	Engagement of a professional market research firm to source at least 99 ACA delegates and stand-by members representative of the Australian community.	99 delegates together with the chair form an Australian Constitutional Assembly.
	Formation of a secretariat to support the Assembly.	Secretariat and expert panel assist Assembly chair and delegates to finalise work plan and timetable for the Assembly's meetings and reporting commitments.
	Selection of an expert reference group to assist the Assembly.	
Australian Constitutional Assembly	Release of discussion paper and call for submissions on specific issue or issues of constitutional reform in line with relevant parliamentary resolution.	Report and recommendations on a proposed course of action to achieve reform of the Constitution in the subject area or areas specified by the initiating parliamentary resolution.
	Conduct of consultation program including public hearings involving assessment and discussion of submissions and in-person evidence.	
Speaker of the House of Representatives	Receives and publishes Australian Constitutional Assembly report.	Assembly report released publicly and to federal, state, and territory parliaments and governments.
Australian Federal Government	Assesses report recommendations and provides a formal response to the Federal Parliament.	Government indicates its willingness or otherwise to undertake reforms recommended by the Assembly.
Australian Federal Government Parliament of Australia	Government decides whether to introduce a Bill to initiate the process for holding a referendum.	A referendum is held to seek voter approval for the change or changes recommended by the Assembly.

# Our road map for real reforms (Continued)

## Other potential reforms

We believe that the Australian Constitutional Assembly concept, once established, should form a permanent component of an ongoing process for progressing workable suggestions for reforms that benefit Australians and our federated system of government such as the ones we suggest below.

While some of these proposals have been attempted before and have failed at a referendum we believe they should all be considered again because of the benefits they would deliver.

### FIXED FOUR-YEAR TERMS FOR BOTH HOUSES OF PARLIAMENT:

**PROPOSED REFORM: Fixing election dates and adopting four-year terms for both the House of Representatives and Senate.**

**BENEFITS:** Longer and fixed terms for the House of Representatives – where government are formed – would deliver greater certainty and better decision-making by giving governments more opportunity to make decisions on merit rather than with an eye to the looming next election.

Fixed terms would also end the political game-playing by Prime Ministers in calling elections. Four-year terms for the Senate – together with synchronised elections discussed below – would also deliver more certainty and more stable government.

Shortening Senate terms to four years is not a dramatic step.

Longer terms for governments would deliver cost savings to taxpayers by having fewer elections.

### SYNCHRONISED TERMS FOR BOTH HOUSES OF PARLIAMENT:

**PROPOSED REFORM: In addition to both Houses of Parliament having fixed, four-year terms, all MPs in both houses should be elected on the same day.**

**BENEFITS:** This would end six-year terms for Senators and half-Senate elections. We believe a six-year term is too long without facing the people and now allows the mandate of a government to be frustrated by Senators elected years before a government formed in the lower house.

Synchronising elections for both houses would also mean cost savings by having fewer expensive federal elections.

### A CASUAL VACANCY SYSTEM FOR THE HOUSE OF REPRESENTATIVES:

**PROPOSED REFORM: Applying the casual vacancy system of the Senate to the House of Representatives.**

**BENEFITS:** A change to filling vacancies in lower house seats between elections would avoid costly by-elections between general elections, delivering more cost savings.

It would also protect and reinforce the value of the mandate given to governments at elections by voters.

MPs who resign, die in office, or otherwise vacate their lower house seat and who represented a registered political party would be replaced by a person nominated by their party, which has happened since 1977 in the Senate without fuss or debate.

Administrative arrangements could be made to replace Independent MPs by having them lodge at the time of their election with the Speaker or Clerk of Parliament details of a suitably qualified successor for the balance of their term.

Parliament could be given the power to override the provision and hold a by-election if it were deemed necessary.

### ADDRESSING THE NEXUS BETWEEN THE UPPER AND LOWER HOUSES/ FEWER SENATORS:

**PROPOSED REFORM: Seek a change by referendum to Section 24 of the Constitution which now requires the number of MPs in the House of Representatives to be “as nearly as practicable” twice the size of the Senate. In addition, seek additional changes to the Constitution to reduce the number of Senators per state while retaining two Senators for the ACT and NT.**

**BENEFITS:** Both immediate and long-term cost savings would be delivered by these changes as well as the possibility for better representation for Australian communities.

The so-called nexus between the relative sizes of the upper and lower houses has seen Senate numbers in each of the original states grow from six to 12 since Federation.

Total Senate numbers for all six states has [expanded several times](#) from the 36 from Federation in 1901 to 1949, to 60 Senators from 1950 to 1975, 64 Senators from 1976 to 1984 after two Senators apiece were provided to the NT and ACT, and to 76 Senators from 1985 onwards.

Unless the nexus is addressed, at some point in the future as Australia’s population grows and the lower house expands we could see 100 or more Senators.

Returning to the original six Senators for each

State with territories keeping their two – making 40 in all – would be appropriate and would save taxpayer funds.

The number of Senate places cut could be transferred to the House of Representatives across states and territories to give better community representation especially in rural and remote regions.

### CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT:

**PROPOSAL: To give Constitutional recognition to local government.**

**BENEFITS:** This reform would remove uncertainty over the legality of direct federal funding of local government, meaning more efficient administration.

Previous plans to amend Section 96 of the Constitution to formalise the ability of federal governments to deal directly with local government bodies formed under state laws have not proposed to change the powers or status of councils or to alter powers to the federal government over councils.

They have simply been designed to remove the uncertainty which currently exist in the Constitution about the direct funding of major local government programs such as Roads to Recovery.

### A FAIRER PROCESS FOR CHANGING AUSTRALIA’S CONSTITUTION:

**PROPOSED REFORM: Altering the process to initiate changes to the Australian Constitution to widen the methods through which a referendum may be considered and amending the criteria for a referendum question to succeed.**

**BENEFITS:** Section 128 of our Constitution gives the Federal Parliament responsibility for initiating a referendum. In effect this means the government of the day, more particularly the Prime Minister as leader of government.

The Constitution was drafted essentially as a contract between the colonies – soon to become states at Federation – and the federal government, yet the manner for initiating a referendum is skewed in favour of only one party to that contract, namely the federal government.

**CONTINUED:**

# Our road map for real reforms (Continued)

## Other potential reforms (continued)

### FROM PREVIOUS PAGE:

We believe this is not fair and there should be other options such as having a motion for a referendum adopted by a majority of states and territory parliaments, or giving voters themselves a role to play through a national petition for consideration of a specific Constitutional change.

The bar is set very high for any referendum question to succeed – for a referendum question to succeed it needs to secure a majority of votes nationwide (including the NT and ACT) and a majority of voters in a majority of states (excluding the territories) – the so-called “double majority”.

Our federal system means the interest of states and territories must be addressed.

Therefore another potential reform, in addition to reforming the way a referendum might be initiated, could be to alter the Constitution to require a nationwide majority of votes plus a majority in half the states. Adopting reasonable and sensible steps that make our Constitution easier – but not easy – to change would mean a more

responsive Constitution better reflecting modern Australia and therefore delivering better public administration.

We also support reform to count voters in the ACT and Northern Territory in both parts of the “double majority” needed to pass a referendum question.

### CONSTITUTIONAL RECOGNITION OF FIRST NATIONS’ PEOPLE:

#### PROPOSED REFORM: RECOGNISING Aboriginal and Torres Strait Islander people in the Australian Constitution.

The Real Republic Australia does not propose using the Australian Constitutional Assembly process to achieve constitutional recognition of First Nations’ people.

We believe constitutional recognition must be addressed in a timely manner, and that there is widespread community support for doing so.

Instead we acknowledge that public debate on such recognition is already well advanced – but not resolved – and should proceed within the context of the

respective positions of the major parties at the federal level using the Uluru Statement from the Heart as the model already endorsed by First Nations’ representatives.

In simple terms, we do not advocate for a process that could be seen as hindering any progress or commitments to constitutional recognition already made, or which could be viewed as restarting the process and abandoning any progress already made.

The Real Republic Australia supports in principle the [Uluru Statement from the Heart](#) and the three major initiatives it contains:

- Constitutional change – enshrining a First Nations Voice in the Constitution that would empower Aboriginal and Torres Strait Islander people.
- Legislative change – establishment of a Makarrata Commission to supervise a process of agreement-making with Australian governments.
- The Makarrata Commission to oversee a process of truth-telling about Australia’s history and colonisation.

# About the Real Republic Australia

## A continuing campaign for real reform

The Real Republic Australia was founded by Brisbane’s longest-serving Lord Mayor, Clem Jones, and other delegates to the 1998 Constitutional Convention held in Canberra who all supported a republic with a directly elected Head of State.



Clem Jones

Since his death in 2007 and in line with his wishes, the Real Republic Australia continues to campaign for a republic based on the direct-election model with support provided by the Clem Jones Group.

We also publish the quarterly newsletter *Constitutional Conversation* with the aim of fostering debate on a republic and other beneficial constitutional reforms.

Contact us for further information or to add your name to the mailing list for our newsletter.

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