

Constitutional Conversation

No.12 — SUMMER 2023

REACHING OUT TO LOCAL COMMUNITIES

By DAVID MUIR AM

Chair 



The Real Republic Australia has embarked on an outreach program following the release of our discussion paper on how Australia might transition to a republic with a genuine directly elected Head of State.

Our very comprehensive discussion paper – [available at realrepublic.au](http://realrepublic.au) – outlines our ideas but, more importantly, it offers a chance for Australians to tell us their ideas.

We want to hear the views of people in local communities across the nation.

We don't want the voices of local and regional communities to be drowned out by those in Sydney or Canberra.

Our discussion paper is one way the people in those communities can have their say on what we propose as well as let us know where they think our model might be improved.

Our model for a republic is based on Australians being able to participate in a genuine direct election for our Head of State.

That means we do not want any barriers between eligible candidates and voters.

The title of our discussion paper is *Your Choice/the People's Choice* which summarises our approach.

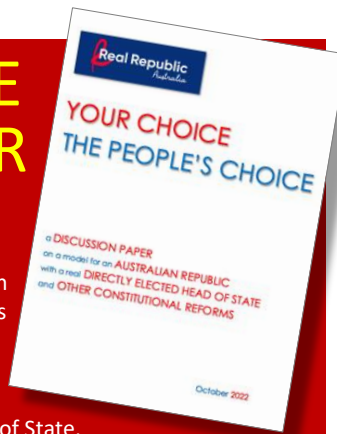
Our Head of State should not be chosen for us by a hereditary monarchical system.

Our Head of State also should not be picked for us by politicians. Nor should politicians filter those who may wish to stand for election, as the Australian Republic Movement's model proposes.

CONTINUED NEXT PAGE:

HAVE YOUR SAY

Our discussion paper outlines our ideas for a genuine directly elected Head of State. Download a copy from realrepublic.au and let us know what you think.



An engaging discussion

Former Queensland leader of the Liberal Party, Bob Quinn, and chair of the Real Republic Australia, David Muir, outline our discussion paper to June Upton, a prominent Sunshine Coast supporter of Australia's current constitutional monarchy.

The meeting was part of the Real Republic Australia's plan to engage with as many Australians as possible – even those who may not favour a republic – and make them aware of our proposals for a genuine directly elected Head of State.

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realrepublic.au

Regional communities are a priority

FROM PREVIOUS PAGE:

We do not support the ARM’s idea for having more than 800 federal and state politicians hand down to voters a shortlist of “approved” candidates.

That is not direct election and echoes the ‘politicians’ republic’ model that failed at the 1999 referendum because voters clearly did not want politicians picking their Head of State for them.

We should choose who is our Head of State through a genuine direct-election model.

Although a republic referendum may not be held until the 2025-2028 term of Federal Parliament, now is the time to start discussing ideas so that everyone is better informed when it comes to referendum day.

Not everyone will agree with all of the ideas we have included in our discussion paper.

But at this stage we need to ensure we have an informed and factual debate.

It is too soon to start the detailed drafting of new clauses for the Constitution.

That’s a task for the government’s legal experts at a later date.

Right now we need to put forward ideas and let Australians, especially in local communities, have their say.



Spreading the word

Promoting our discussion paper for a genuine directly elected Head of State – clockwise from bottom left: Chair of the Real Republic Australia, David Muir, with 612 ABC Brisbane’s Rebecca Levingston; David Muir and former leader of the Liberal Party in Queensland, Bob Quinn, at the ABC’s Gold Coast studios; Bob Quinn makes a point at a Sunshine Coast news conference; meeting with state MP for Toowoomba South, David Janetzki; discussing the republic and constitutional recognition of local government with former Queensland attorney-general and now member of the Toowoomba Regional Council, Kerry Shine.

Common ground on rules of engagement

A visit to Queensland’s Sunshine Coast provided an opportunity for the Real Republic Australia to brief prominent constitutional monarchist June Upton on our model and discussion paper.

We believe that the republic debate should be polite, respectful, and – very importantly – facts-based. We do not want nor need a heavily partisan debate in the lead-up to a republic referendum.

We respect the reasons June Upton and other strong monarchists support the current system.

In meeting and discussing our ideas with her we had no expectations of changing her mind and she was not going to change our views.

But in the end we are all Australians who

simply support different ideas and we need to know the facts on both sides of the debate – a principle June also supports.

It is important that monarchists take an interest in the republic models on offer.

If a republic referendum looks like it will pass, then they should be prepared beforehand to make a decision on what model they would prefer if a republic is likely to be inevitable.

Too many public debates today are far too “toxic” and we don’t want to see the republic debate derailed or descend into a slanging match. Certainly we don’t want to see it become an excuse for attacking or denigrating the royal family.

DAVID MUIR



June Upton speaks to the media

Discussion paper welcomed

Since releasing our [discussion paper](#) on our ideas for achieving an Australian republic with a genuine directly elected Head of State, we have received very positive comments as some questions. Below is some feedback and we will present more in coming editions of this newsletter.

COMMENT:

I have read the discussion paper and find it a thoughtful consideration of many of the issues which will arise when discussions on a future republic become more mainstream over the next few years.

I agree with the paper that the Irish presidency offers us a compelling model in our move towards a republic.

The discussion paper lauds the Irish model, both in the codification of powers and in the unifying nature of the role. In fact, the three most recent Irish presidents are mentioned by name, and are specifically identified as ex-politicians. If Ireland had excluded former politicians or members of political parties from seeking election as president (as the Real Republic Australia model seeks to do), none of the three people praised as examples of what an Australian president could look like would have been eligible for election.

I think the exclusion of recent former politicians is not justified, and reinforces the ignorant notion that politicians are generally untrustworthy. I note that former politicians have served with distinction as Governors-General and State Governors.

RESPONSE:

While we have taken some features of the Irish system, we have not simply replicated them in their entirety.

We are not banning ex-politicians from seeking the office of our Head of State, we are suggesting a post-politics period of five years during which they cannot stand for the office. We chose five years because it reflects our suggested Head of State term.

We also suggested that period be spent out of politics to help reinforce the non-political nature of the role and to undercut arguments that may arise about a politician simply jumping from one public office to another.



John Howard

We agree that there are many politicians and ex-politicians who could fulfil the role of Head of State.

The then Opposition Leader, John Howard, made the same point in [a speech in 1995](#) at the time Prime Minister Paul Keating outlined his plans for achieving a republic.

Mr Howard spoke of several of Australia's Governors-General who had taken the job .

immediately following a political career.

Mr Howard highlighted the bipartisan roles played by four Governors-General, two ex-Labor MPs and two ex-Liberals. He stressed the need for the Governor-General to be, and to be seen to be, politically neutral.

We feel our proposal would help ensure that is the case with future elected Heads of State.

However, apart from our central proposal for a genuine directly elected Head of State, we welcome and are willing to listen to any constructive comments on other aspects of our proposals which, after all, is the purpose behind our discussion paper.

COMMENT:

I have a concern about the plebiscite questions in your discussion paper. And that concern is that those who vote "no" to a republic could then vote for a model they know is unpopular in an effort to derail the process.

My thoughts are perhaps in the plebiscite it could be made clear that only the models chosen by those who vote "yes" to a republic would be counted towards the models.

This would eliminate monarchist No voters from interfering with genuine model votes of those wanting a republic.

RESPONSE:

It may be possible for the government at the time a plebiscite is held to frame the two questions to filter out such tactics, eg: by asking the threshold question about becoming a republic and then seeking a choice of model only from those who answer "yes" to the threshold question.

While some monarchists may in theory attempt to engage in strategic voting by boosting an unpopular model, we suspect a vote for a genuine direct-election model would likely reflect past polling.

Some of that polling outlined in the [briefing paper](#) located on the resources page of our website [realrepublic.au](#) shows that Newspolls in the months immediately before the November 1999 referendum showed a direct-election model recording a level of support three times the support given to the "politicians' republic" model being offered to voters and which they rejected.

Interestingly, when Newspoll polled again three years later in 2002 it went further by forcing anti-republic respondents to make a

choice of model when they were hypothetically faced with the inevitability of a republic.

Interestingly, when Newspoll polled again three years later in 2002 it went further by forcing anti-republic respondents to make a choice of model when they were hypothetically faced with the inevitability of a republic.



When that question was put to respondents, the proportion backing direct election shot up to just under 80%.

We suggest the results show that even monarchists will back a directly elected Head of State and reject anything resembling a "politicians' republic" if they believe a republic is inevitable.

COMMENT:

I really like the model and discussion paper. It answers all my questions and concerns.

RESPONSE:

It is always good to receive such positive feedback.

We believe such comments reinforce the need for a public discussion as wide and as deep as possible prior to any republic referendum.

The Real Republic Australia has not presumed in our discussion paper to write new sections of the Australian Constitution or rewrite others.

We feel the best course of action we can take right now is to help stimulate public debate and build people's knowledge about how we might achieve a republic with a genuine directly elected Head of State, as well as suggest a course to achieve that goal.

In doing so we welcome ongoing comments on the ideas outlined in our discussion paper.

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



DISCUSSION PAPER RESPONSE

Facts skewer futile argument

Among the comments received by the Real Republic Australia on our *Your Choice/The People's Choice* discussion paper, one included a slight dig.

It said: *Real Republic will unfortunately always bear significant responsibility for the failure of the 1999 referendum.*

While the sender's overall comments were positive, we think it important to respond to the view expressed above. In a nutshell it's a false and futile argument.

Yes, some of the founders of the Real Republic Australia as it exists today – such as former Lord Mayor of Brisbane, the late Clem Jones, and former NSW municipal, state, and federal politician, the late Ted Mack – did campaign publicly against the “politicians’ republic” model that was put to voters and solidly rejected at the November 1999 republic referendum.

But the key fact remains that the root cause of the defeat was that the entirely wrong model was put to voters who did not support a Head of State being chosen for them by politicians in the federal parliament. They made that plain on referendum day.

Unfortunately, the fate of the referendum was clear prior to a vote being cast. Voter preference for a model with a directly elected Head of State was evident well before referendum day in 1999.

The Constitutional Convention held in Canberra in February 1998 failed to devote sufficient time to developing a model for a republic that would have received voter approval at a referendum.

The 152 delegates to the [10-day Convention](#) wasted too much time on a monarchy-versus-republic debate instead of working out a model.

On the convention's first day Clem Jones, as an elected delegate, called for the question on whether or not Australia should become a republic to be resolved by day three rather than by day 10 which would allow more time for drafting an acceptable model for a republic. But his motion was lost.

In the end the model that emerged – the appointment of a Head of State by a minimum two-thirds majority vote of MPs in the Federal Parliament – could not secure majority support even among delegates who voted:

- 73 “yes”,
- 57 “no”, and
- 22 delegates abstaining.

This is the model that was soon dubbed

ROY MORGAN POLLING

QUESTION: “In your opinion, should Australia remain a MONARCHY – or become a REPUBLIC with an elected President?”

Poll date	Monarchy %	Republic %	Undecided %
June 1953	77	15	8
Oct 1969	64	24	12
Dec 1975	61	28	11
Apr 1977	62	26	12
Jan 1984	62	30	8
Jul 1988	64	29	7
Jul 1991	56	36	8
Dec 1993	48	44	8
Jul 1995	39	49	12
Jun 1996	42	47	11
Sep 1997	37	53	10
Feb 1998	37	52	11
Nov 1999	38	54	8

Full [historical poll details](#) at Roy Morgan

“the politicians’ republic” and went on to its inevitable defeat at the 1999 referendum.

The failure to offer a model preferred by voters sank the referendum.

The campaign against the “politicians’ republic” worked because it reflected existing voter sentiment.

Since 1953 the Roy Morgan Research firm has asked Australians this question numerous times: “In your opinion, should Australia remain a MONARCHY – or become a REPUBLIC with an elected President?”

In the early years and decades of the question being posed, respondents (*see table above*) registered a preference for the monarchy. But in the early 1990s their preference swung to a republic.

This was the period in which then prime minister Paul Keating was actively advocating a republic.

It is instructive to consider that at the time of the 1998 Constitutional Convention and the 1999 referendum a republic “with an elected President” secured more support than a continuation of the monarchy among Roy Morgan’s poll respondents.

It should be said that there is a particular type of president that is put hypothetically to those polled by Roy Morgan. The president they first offered in their 1953 question, and ever since, is based on a US-style president, a person combining the role of head of state with an executive head of government.

No major player in the contemporary debate

on a republic – and certainly no major political party – is advocating adoption of a presidency along American lines.

We would argue – and have advised Roy Morgan – that the continued use of a question that suggests a US-style president may no longer be appropriate.

We suggest that in 1953 – the year of the late Queen Elizabeth II’s coronation – it may have provided a useful contrast to the hereditary British monarchy, but its use today might result in some poll respondents opting to support the monarchy when they may otherwise back a republic but they don’t like the US model.

Once again, the model on offer is paramount.

The Roy Morgan company has told us that it intends to continue with the wording.

Regardless, the key point is that an elected Head of State of Australia was preferred well before the defeat of the 1999 referendum.



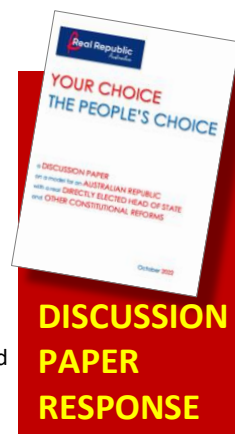
Delegates to the 1998 Constitutional Convention

It also must be acknowledged that in more recent years the Roy Morgan polls have shown a swing back to the monarchy. Their most recent poll taken after the death of Queen Elizabeth showed 60% support for the monarchy.

Nevertheless, Roy Morgan’s findings from polls mentioned above at the crucial times of the 1998 Constitutional Convention and the 1999 referendum are reflected by Newpoll, another reputable pollster.

Historical figures from [Newspolls](#) published by *The Australian* newspaper show that in the lead-up to the 1998 Convention a majority – albeit narrow – of those polled favoured a republic.

CONTINUED NEXT PAGE:



DISCUSSION PAPER RESPONSE

Polling figures undercut futile argument

FROM PREVIOUS PAGE:

A December 1997 Newspoll showed 51% of respondents in favour of a republic, 35% opposed, and 14% uncommitted.

The same breakdown was recorded in an August 1999 Newspoll in the months leading up to the November 1999 referendum.

Yet the referendum failed. The table below giving details of Newspolls just prior to the referendum shows why.

In September and October 1999 Newspoll offered respondents three options – a republic with a directly elected president; a republic with a president picked by federal parliament, or no change by retaining the constitutional monarchy.

1999 NEWSPOLLS IN THE AUSTRALIAN

Option offered	Sep 1999	Oct 1999
Change to a republic with a President directly elected by the people	50%	46%
Change to a republic with a President appointed by parliament	14%	15%
Not change anything	32%	36%
Uncommitted	4%	3%

Just days out from the referendum a direct-election model was outpolling by three-to-one the model about to be put to voters.

Even support for the monarchy was at least twice that of the “politicians’ republic”.

Once again, the poll results show the cause of the referendum’s defeat was the wrong model being offered to voters.

That model was never going to succeed at referendum. It was destined to fail long before November 1999, and long before Clem Jones and Ted Mack raised their voices in opposition.

If you disagree, consider the findings of a November 2002 Newspoll – three years after the failed referendum and taken at a time when there was no active campaign against a parliamentary appointment model.

That poll showed no change in the level of overall in-principle support for a republic – recording the exact same breakdown of respondents from 1997 and 1999 polls:

- 51% supporting a republic,
- 35% opposed, and
- 14% uncommitted.

The same poll then asked respondents about which model they would support, with direct election coming out on top:

- 46% – president directly elected by the people
- 12% – president appointed by parliament
- 40% no change – retain the monarchy
- 2% – uncommitted.

But the November 2002 Newspoll went even further and asked respondents to express a view on what model they would back if, hypothetically, a republic was inevitable. The results in the table above show that support for a direct-election model then leaps to almost 80%.

It suggests that even monarchists would prefer a directly elected Head of State rather than a “politicians’ republic”.

Considering all of these polling figures, to argue that a campaign against “the politicians’ republic” by those linked to the Real Republic

2002 NEWSPOLL IN THE AUSTRALIAN

PREFERENCES FOR A REPUBLIC IF AUSTRALIA DECIDED TO BECOME A REPUBLIC	
MODEL	%
President directly elected by the people	79
President appointed by parliament	18
Uncommitted	3

Australia was “significant responsibility” for its defeat is simply ignoring the cold hard truth evident in cold hard polling figures.

The lesson – crystal clear even prior to the 1999 referendum – is that only a genuine directly elected model for a Head of State in an Australian republic has the best chance of success.

Voters have already rejected outright the “politicians’ republic” model of parliamentary appointment.

Anything like it – such as the Australian Republic Movement’s plan to insert more than 830 federal and state politicians between voters and a potential Head of State – risks a repeat of the 1999 outcome.

Voters have said they do not want politicians picking their Head of State for them.

We believe that resistance will extend to a model in which politicians hand down to voters a shortlist of “approved” candidates.

That is not a direct election model. History, and past polling, points to its likely fate.

LINDSAY MARSHALL
Editor
Constitutional Conversation

Jamaica steps up its republic plans

The Caribbean island nation and member of the Commonwealth, Jamaica, is accelerating plans to become a republic.

Prime Minister Andrew Holness, who publicly declared his plans for a republic during a royal tour last year by the then Duke and Duchess of Cambridge (see below), [said recently](#) that he wanted moves to make the transition to proceed “with haste and alacrity”.

“It is time that Jamaica become a republic,” Mr Holness said.

“For us, the process is not simple, and we have known this from when we started on this journey, and we are making sure that we check every box as we move deliberately in that regard.”

As part of the transition process Mr Holness



Marlene Malahoo Forte

last year established a new Ministry for Legal and Constitutional Affairs.

In a January cabinet [reshuffle](#) he designated the former attorney-general, [Marlene Malahoo Forte](#), as the new Minister for Legal and Constitutional Affairs. Her role will be to focus on the process for achieving a republic.

In his recent remarks, Mr Holness said his message to Ms Malahoo Forte was to “please move ahead with speed and alacrity on this matter”.

“Jamaica must become a republic,” he said.

Mr Holness said the government was committed to a republic and would confront any obstacles in the way.

He also [noted](#) that while some people would play political games, the government would remain focused and move deliberately towards the goal of becoming a republic.

“The process is not simple, and we have known it would not be,” he said.

SEE NEXT PAGE: “It can be a long road to a republic”

It can be a long road to a republic

In the wake of the death last year of Queen Elizabeth II, republicanism has been elevated as an issue in a number of Commonwealth nations. But HENRY DING, writing in the *Brown Political Review* published by Brown University in Providence, Rhode Island USA, warns the road to a republic may not be straightforward for reasons unique to each nation.

When Queen Elizabeth II died the world seemed to come to a brief but crashing halt.

While many leaders from across the world offered their condolences and tributes, another issue was spotlighted — the monarchy's role and complacency in the colonial and racist history of the British Empire.

An especially interesting conversation began to unfold in the Commonwealth Realm nations that still claim the British monarch as their head of state and the 54 member states of the Commonwealth of Nations.

National discussions are sparking in places like Jamaica on whether to remain or not as a Commonwealth Realm nation. In fact, the Prime Minister of the Bahamas — right after signing the Queen's book of condolences — [declared his intentions](#) to hold a referendum on turning his nation into a republic.

While some may dismiss the influence of the Commonwealth, it has become increasingly clear that the legacy of the British Empire continuously impacts its former colonies, which cannot be forgotten.

In 2021, Barbados [became a Republic](#) and abolished their monarchy. A year later, the British prince and princess, William and Kate, toured the Caribbean, a trip that many theorise was planned to respond to Barbados' separation.

Yet, a day after William and Kate's visit to Jamaica, the island's government began proceedings to become a republic.

While analysts expect Jamaica's path to becoming a republic to be possible, rough constitutional and political ramifications are likely. Jamaica will have to [comprehensively review](#) its original 1962 Constitution, analysing not just issues relating to the head of state, but also charters relating to fundamental rights and freedoms.

The nation has already created a new Ministry for Legal and Constitutional Affairs to take on these difficult tasks. The country will also have to hold a referendum, scheduled for 2025, with a positive vote of at least a two-thirds majority — another hurdle baked into the country's original Constitution.

Legal experts have cautioned that potential changes to the Jamaican Constitution could include hidden less-popular changes, as well as risk that political opponents attempt to

use the changes to further their own agendas.

Some, like Barbadian political analyst Peter Wickam, have gone as far as to say that he doesn't believe that Jamaican separation "will ever happen because the referendum will be manipulated by political parties".

Jamaica would not be the first nation to unsuccessfully attempt a major constitutional change.

Failed referendums include Australia in 1999, the Bahamas in 2002 and 2016, St Vincent and the Grenadines in 2009, Grenada in 2016 and 2018, and Antigua and Barbuda in 2018.

While each situation was different, all the referendums share the same problem: containing the fear of massive constitutional overhaul, and political exploitation by rival parties.

Another Commonwealth Realm faces similar issues. Canada, where [polling in 2022](#) shows that 51% of Canadians do not want to continue with the monarchy and 77% feel no attachment, demonstrates that mounting any serious attempt at a republic would require extraordinary circumstances.

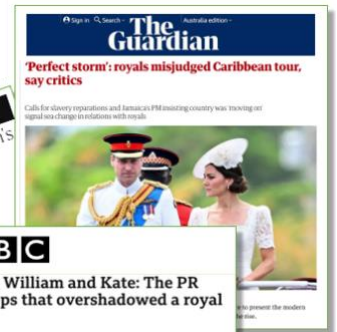
An attempt at removing the Crown in Canada would require the approval of several legislatures and a massive constitutional overhaul.

'All the referendums share the same problem: containing the fear of massive constitutional overhaul and political exploitation by rival parties'

Additionally, most treaties with Indigenous people in the country were signed with the British Crown and not the Canadian government.

As such, there are incredible challenges that Commonwealth Realms would have to face to leave the British monarchy. Barbados took 40 years of debate and work to establish their republic—the first since Mauritius separated from the Commonwealth in 1992.

While this restriction is not mainly the result of current actions by the British monarchy, the legislation and structures of governance



The March 2022 royal tour of Caribbean nations by the then Duke and Duchess of Cambridge drew criticism

directly attributed to the British Empire still have deep ramifications for the former colonies.

To deal with all of this mess, why would a country want to go through all the trouble of leaving? Does the reasoning for nations wanting to leave the Commonwealth stem from more than simple optics and symbolism?

The answer is a resounding yes. In fact, Britain continues to have a judicial and diplomatic hold over many Commonwealth nations.

The highest legal court of appeal for eight independent countries within the Commonwealth is still the Judicial Committee of the Privy Council based in London.

This legal control has notably manifested in longstanding disagreements between the Privy Council and some Caribbean nations on forgoing the death penalty in which decisions were unilaterally made by the council without input from a region with relatively high support for capital punishment.

Britain also exerts significant influence over its former colonies through diplomacy.

One of the most important roles of the British monarchy is to serve as a diplomat and preserve partnerships with constituent nations. Therefore, the Commonwealth has a public attachment to Britain and their diplomatic policies.

CONTINUED NEXT PAGE

Britain works hard to retain its influence

FROM PREVIOUS PAGE

After all, Commonwealth Realm nations still need the monarch's approval to sign off on ambassadors and diplomats.

As political scientist Joseph S. Nye [observes](#): "The Queen and the Royal Family have been pivotal in maintaining [Britain]'s relevance."

This diplomatic relationship between Britain and Barbados was a strong consideration in Barbados's decision to become a republic and continues to be an active discussion for Commonwealth Realms today. The role of the monarchy is not to be underestimated.

When the Queen passed, it marked more than the death in a ceremonial institution.

Despite assertions by some that the British monarchy remains purely symbolic, nations and Commonwealth citizens need to understand the nuanced role that Britain still plays in their countries to this day.

These countries need to stay careful in their own quests to define their own identities, lest they blindly run into the hurdles faced by Australia, Canada, and several more nations before them.

Regardless, the path of republicanism is not

one to be disregarded. Commonwealth realms must fully contemplate what their relationship with the Commonwealth means for them — both symbolically and strategically.

In regards to her nation's own new republic, Barbadian Prime Minister Mia Amor Mottley aptly [stated](#) that her nation's laws finally would not be "signed off on by those who are not born of here, who do not live here, and who do not appreciate the daily realities of those who live here".

From the [Brown Political Review](#), November 2022

Focus on the main game

In recent weeks it seems as if the blanket media coverage given to the passing of Her Majesty Queen Elizabeth II in September last year has simply switched to blanket coverage of the memoir by the Duke of Sussex Prince Harry.

But the two events and their implications could not be more different in significance.

The death of Queen Elizabeth truly marked the end of an era and rightly deserved more than average media attention.

Monarchists — and indeed republicans — were right to mourn the passing of such a long-serving monarch and a woman who is easily one of the great figures of world history.

The succession of King Charles III following his mother's passing was also deserving of note because he has now replaced her as our nation's Head of State.

That transition itself helps to crystallise the challenge that lies ahead of us as supporters of an Australian republic.

Do we want to continue with a system for delivering Australia's Head of State based on a process of unquestioned succession within a single family residing in another hemisphere on the other side of the globe?

It is not a question that relies on an assessment of the individuals involved, their personalities, or their natural talents or foibles.

The system exists. We saw it work in September last year to deliver our new Head of State.

The use of the word "deliver" is deliberate and appropriate because as Australians we have no say in the matter of who becomes our own Head of State.

That, in a nutshell, is what we wish to see changed. But we do not do that by attacking individuals in the royal family.



OUR SAY

We simply wish to use the democratic processes available to us to change the current system and enable us to choose a fellow Australian as our Head of State for a fixed term.

We don't and won't change the system through personal denigration of those in the royal family. Prince Harry's book is, by all reports, full of such attacks.

It is a controversial book that gives one individual's very personal view and even though he presents it as an insider, Prince Harry's book and its contents are not central to our cause.

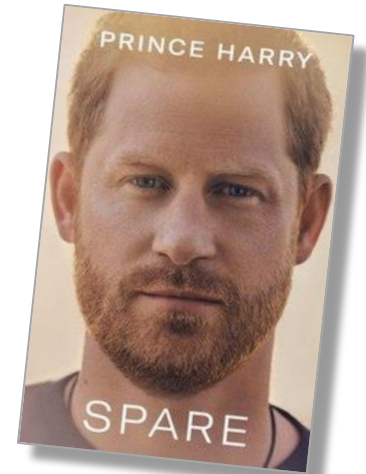
The history of the monarchy is littered with internal disagreements, fights, feuds, and much worse. The House of Windsor has seen its fair share of them. It will no doubt see more in future years.

Yet the basic hereditary structure of the monarchy has survived. Prince Harry himself supports the monarchy and in his book is not arguing for a republic.

Some who do argue the republic case point to his book and its litany of family fights as evidence of an inevitable disintegration of the constitutional monarchy. But it isn't.

Republic supporters should not fall into the trap of thinking that such an argument will carry weight on referendum day. It won't.

Prince Harry's book is a side issue at best and we should not stray off the main topic — the need for an Australian as Australia's Head of State and the need to correct the injustice



evident in the fact that no Aborigine or Torres Strait Islander can ever be our Head of State as long as the current system prevails.

To achieve our goal we need to set out ideas of how we get there and discuss them with our fellow Australians. We need to invest time and effort into making our case.

The Real Republic Australia continues to focus on the main game — how to achieve an Australian republic with a Head of State elected directly by the people of Australia — by publishing [a discussion paper](#) and asking for feedback.

It outlines the essential core of our plan — a Head of State who is chosen by a genuine direct election of voters across Australia. It also puts forward ideas for how such a person might be selected, the criteria for running for office, and how a campaign might happen.

Nobody will agree with everything being suggested. But that's the whole point.

We need to be talking about a republic now, and informing others, and seeking their ideas and opinions well before a referendum some time between 2025 and 2028.

By all means go ahead and read Prince Harry's book, but make sure you read our discussion paper too.

The Editor

UK Labour's plans for constitutional reform

Abolition of House of Lords is key element

The British Labour Party has proposed a plan for constitutional reform in the United Kingdom that includes abolition of the [House of Lords](#) and its replacement by a smaller, democratically elected upper house.

The plan to scrap the House of Lords was put forward in a report on proposed constitutional and governance reforms commissioned by Labour leader Sir Keir Starmer in 2020 and released in December.

The report, [A New Britain: Renewing our Democracy and Rebuilding our Economy](#), was drafted by a team led by former UK prime minister [Gordon Brown](#).

The 155-page report contains a total of 43 recommendations with most aimed at [devolving powers](#) from the central parliament at Westminster in London to the nations, cities, and towns comprising the United Kingdom.

They included:

- a proposed "root and branch reform" of government to create "a new and more responsive" central government at Westminster,
- abolishing the current "undemocratic" House of Lords,
- its replacement by a smaller, "more legitimate", and democratic upper house – an elected Assembly of the Nations and Regions,
- empowering towns, cities, regions, and nations across the UK to make decisions not just on their social priorities but also about economic renewal, and
- giving Scotland, Wales, and Northern Ireland and their parliaments a new status based on the principle of shared government with Westminster, and
- the creation of a new Council of the UK to promote joint working between governments across the nation enabling them to have a greater say in central decision-making.



Starmer has backed all of the report's recommendations.

In an interview with the BBC he said an unelected upper house was "indefensible".

However, he has so far provided few details of how the reforms would be implemented or a timeframe for their introduction, saying only that he would expect the changes to be made during the first term of a Labour government and that he would release more details closer to the next UK general election.

Starmer said: "I'm very keen that all of the recommendations in the report are carried out as quickly as possible."

If Labour wins office its constitutional reform plan may provide it with a solution to the ongoing issue of [Scottish independence](#).

Both Starmer and Gordon Brown have said the proposed changes offer an alternative approach to full Scottish independence.

Mr Brown [said](#) he believed Scots would support the plan "not just because it will be the right thing to do" but because it would be guaranteed to be implemented by a future Labor government.



Sir Keir Starmer



Gordon Brown

THE HOUSE OF LORDS:

- its origins can be [traced](#) to the 14th century,
- it currently has about 800 members known as Lords or Baronesses,
- only about one in five members is a woman,
- since reforms initiated under Tony Blair's government [in 1999](#) most members are appointed by the government of the day for life and their seats can no longer be inherited
- members sit as representatives of the government or opposition as well cross-benchers, but the government in the House of Commons may not have a majority in the upper house,
- the role of the Lords is to review Bills from the House of Commons or originate its own legislation, and conduct inquiries through a system of committees,
- government ministers may be members of the House of Lords and are questioned in an oral questions session
- there is no preference given to government business, with time for agenda items decided by a vote of members.

MORE REPORTS NEXT PAGE:

- [Economics in the mix](#)
- [Upper houses elsewhere](#)

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Starmer expands and strengthens abolition argument

The report by former UK PM Gordon Brown recommending a range of constitutional reforms – not just the replacement of the House of Lords – presents arguments beyond the principles of democratic representation.

While such arguments can be solid and persuasive, they may also be viewed as dry and irrelevant in the eyes of average UK voters.

To head off such arguments and make the suggested changes relevant, Brown has linked such arguments to hard-nosed economics.

He has handed Opposition Leader, Sir Keir Starmer, a range of simple and relatable reasons to implement the proposed reforms to the way the UK’s political system is run.

Brown’s report lays out alleged problems in the current system of national governance, starting with the over-centralisation of decision-making in Westminster. Such concentration of authority has resulted in an “unbalanced and unfair economy”, it says, and is “undermining our ability to deliver growth and prosperity for the whole nation”.

“This is a vicious circle,” the report states. “The more we lag behind economically the more people feel abandoned by an unresponsive system of government. So what is bad for our economy is also bad for our democracy.”

Brown’s report points to the need to unleash the economic potential that exists outside the south-east corner of Britain by devolving decision-making to cities, towns, regions, and Scotland, Wales, and Northern Ireland. By doing so he has gifted Starmer a reform manifesto with the potential to attract voter interest in all parts of the UK.

Australians should also consider reforms to our upper house including those advocated by the Real Republic Australia including:

- breaking the constitutional nexus governing the relative sizes of our two houses of parliament,
- cutting Senate numbers, and
- implementing four-year fixed terms and synchronised elections for both houses.

LINDSAY MARSHALL

Upper houses elsewhere

Parliaments at a national level around the world include a wide variety of upper houses such as our own Senate and the UK’s House of Lords. Here are brief details of just a few of them.

CANADA

The Senate of Canada [comprises](#) a maximum of 105 Senators who originally served for life but a law passed in 1965 means they now must retire at 75. Senate numbers are distributed across provinces by a formula designed to provide regional representation.

The prime minister of the day appoints a new Senator to fill any vacancy. A Senator cannot be dismissed by the prime minister but the Senate can vote to remove them from office if found guilty of committing what the Constitution calls an “infamous crime”. This action has never been taken.



members, 43 are elected from panels of candidates representing specific vocational interests and six are elected by the graduates of specified Irish universities.

NEW ZEALAND

From 1853 the New Zealand Parliament comprised the House of Representatives and an upper house, the Legislative Council, which was [abolished in 1950](#). All of its members were appointed by the government of the day, initially for life but from 1890 for seven-year terms. Because it was easy for government to “stack” the Council it was ultimately viewed as being irrelevant.



FRANCE

The French Constitution says [the Senate](#) represents local and regional authorities throughout France.

There are 348 Senators including 10 representing French overseas territories and 12 representing French citizens living abroad.

Senators serve six-year terms – previously nine years – with half-Senate polls every three years. Senators are [elected indirectly through a type of electoral college](#) comprising 150,000 “grand electors”. France’s lower house of parliament, the National Assembly, has 577 members serving five-year terms.



SPAIN

Spain’s [Senado](#), or Senate, consists of 266 Senators who serve four-year terms and review laws passed in the lower house – the Congress of Deputies – or initiate their own Bills. A total of 208 Senators are elected directly by voters on provincial boundaries and a further 58 are elected by regional parliaments.



SWEDEN

From 1865 Sweden had a [bicameral](#) parliament with an upper house or First Chamber elected indirectly by county councils and municipal assemblies of larger cities and towns.

The lower house or Second Chamber was originally elected only by men who were required to own property to vote. A number of constitutional reforms were undertaken in following years including the abolition of the upper house from 1971.



GERMANY

The Bundesrat (Federal Council) is Germany’s [upper house](#). Federal governments are formed in the lower house, the Bundestag. Like the Australian Senate, the Bundesrat was designed to represent the interests of the 16 states of the German federation. Unlike our Senate, Bundesrat members are [also MPs in their own states](#).

Also unlike the Senate, state Bundesrat delegations vary according to each state’s population. Because state elections occur on different dates, the upper house’s composition changes over time and it does not have electoral terms.



UNITED STATES OF AMERICA

The US Constitution originally [provided](#) for state legislatures to elect two Senators each for six-year terms with one-third of the Senate standing for election every two years.

In 1913 the 17th amendment to the Constitution provided for direct popular election of Senators.

One of the original drafters of the Constitution, James Madison, [proposed](#) that the Senate be a smaller and more deliberative chamber with longer terms than the more democratic House of Representatives.



IRELAND

The Irish upper house, the [Seanad Éireann](#) or Senate, reviews laws passed by the lower house or Dáil Éireann. Its 60 Senators can also initiate their own Bills. The Irish Prime Minister [appoints 11 Senators](#) and of the remaining 49 elected



Myths and misinformation

A look back to the 1967 referendum

As Australians consider how to vote later this year on a referendum aimed at establishing a voice to parliament for Aborigines and Torres Strait Islanders we reflect on the historic 1967 referendum that secured more than 90% voter support across the nation and reflect on some of the myths that have developed about it.

Only eight amendments to the Australian Constitution have been approved by voters out of 44 questions put to them requiring a “yes” or “no” response.

One of them was passed on 27 May 1967 – a question (see below) asking if voters approved of a proposed law that would have the effect of giving greater power to the federal government in the area of Aboriginal and Torres Strait Islander affairs.

The law, ultimately approved by a vote of more than 90% across the nation also had the effect of formally removing already redundant provisions preventing Aborigines from being counted in the national census.

Constitutional expert, Professor Anne Twomey from Sydney University, has said that the 1967 referendum is “shrouded in myth and symbolism”.

In a [2017 opinion piece](#) written for *The Australian* to mark the referendum’s 50th anniversary Professor Twomey said some of the myths “continue to be destructive and need to be removed”.

“A decade or so ago,” she said in her 2017 article, “the prevalent myth was that the 1967 referendum gave Aboriginal people the right to vote and citizenship.”

“While most now accept this was wrong, as such rights were already held by Aboriginal people, other myths have supplanted it.”

Summarising the myths surrounding the motivation for the 1967 referendum, Professor Twomey bluntly stated “...it had nothing to do with flora, fauna, rights, voting or citizenship”.

Others have expressed similar views.

Dr John Gardiner-Garden of the Australian Parliamentary Library reviewed the 1967 referendum on its 40th anniversary in a [May 2007 research brief](#).



‘It had nothing to do with flora, fauna, rights, voting or citizenship’

*Professor Anne Twomey
Sydney University*

In it he said the referendum opened the way for greater federal government involvement in the area of Aboriginal affairs, but added: “The significance of the referendum has, however, been obscured to some extent by popular myths.”

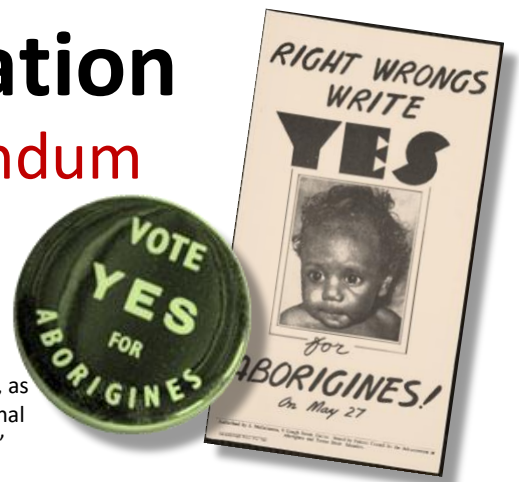
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The [question](#) put to voters asking for a “yes” or “no” response

Breakdown by state and territory of the referendum result

Do you approve the proposed law for the alteration of the Constitution entitled—
“An Act to alter the Constitution so as to omit certain words relating to the People of the Aboriginal Race in any State and so that Aborigines are to be counted in reckoning the Population”?

State	Enrolled	Votes	For		Against		Informal
			Votes	%	Votes	%	
New South Wales	2 315 828	2 166 507	1 949 036	91.46	182 010	8.54	35 461
Victoria	1 734 476	1 630 594	1 525 026	94.68	85 611	5.32	19 957
Queensland	904 808	848 728	748 612	89.21	90 587	10.79	9 529
South Australia	590 275	560 844	473 440	86.26	75 383	13.74	12 021
Western Australia	437 609	405 666	319 823	80.95	75 282	19.05	10 561
Tasmania	199 589	189 245	167 176	90.21	18 134	9.79	3 935
Total for Commonwealth	6 182 585	5 801 584	5 183 113	90.77	527 007	9.23	91 464



Newer notions but still wrong

In her 2017 opinion piece, Professor Twomey said another common myth that has spread since 1967 was that the repeal of Section 127 of the Constitution by the referendum meant Aboriginal people could be counted in the national census for the first time.

“It is exacerbated by the further myth that before 1967 Aboriginal people were treated as fauna under the flora and fauna act. No such act existed,” she wrote in May 2017.

“The source of this myth appears to be an aside made at a conference to the effect that if Aboriginal people were not counted as human beings in the census, they must have been regarded as flora or fauna.

“It did not take much for this remark to be treated as fact and start appearing in school books and parliamentary speeches.

“Such a belief, now strongly held, needs to be dispelled. Not only was there never such legislation, but it is also wrong to say that Aboriginal people were not counted in the census before 1967.

“The effect of Section 127 of the Constitution was to exclude Aboriginal people from being counted in the reckoning of the population for constitutional purposes, being the allocation of federal seats among the states and apportioning the deduction of Commonwealth expenditure before tax revenue was returned to the states in the first 10 years of federation.

“This did not prevent them from being counted for other purposes. Aboriginal people were in fact counted from the very first Commonwealth census in 1911, except in remote areas, but their numbers were removed from final population figures for constitutional purposes.

“The 1911 census includes extensive and valuable information about Aboriginal people and all aspects of their lives, including education, occupation and religion.”

Busting the '67 referendum myths

FROM PREVIOUS PAGE:

Dr Gardiner-Garden said the referendum myths included claims that it gave indigenous Australians the right to vote, equal wages and citizenship, and that it ended legal discrimination.

"None of this was true," he said.

Dr Gardiner-Garden, like Professor Twomey, explained the move to scrap Section 127 of the Constitution (*below*) as having more to do with inter-colony and later interstate rivalries.

He said a probable explanation for its wording was that it had been intended that Aboriginal people "would have no role in federal politics".

"And as the census was the basis of how many House of Representatives seats were to be allocated to each

state, it was decided not to count, for this purpose, the Aboriginal people."

"Moreover, states with few Indigenous people were keen that those states with more should not be able to claim more of any division of the new Commonwealth Government's surplus finances."

Professor Twomey noted that in 1964 the then federal Labor Party leader Arthur Calwell had suggested that Section 127 was redundant and should be removed.

Prime Minister Robert Menzies agree and drafted a referendum Bill which was passed in 1965 but shelved by his successor



Harold Holt in 1966 because he did not want a referendum so soon after assuming office.

"The more contentious issue was whether there should be an amendment to the 'race power' in the Constitution. necessary to do so," she wrote.

CONTINUED NEXT PAGE:

A 'no' to the other question

On referendum day 1967 voters were asked a second question that would have the effect of amending the Australian Constitution.



Harold Holt

The then Prime Minister Harold Holt wanted to break the "nexus" in the Constitution governing the relative sizes of the House of Representatives and the Senate.

[Section 24](#) states that the number of MPs in the House of Representatives "shall be, as nearly as practicable, twice the number of the senators".

That has meant that as the nation's population has grown, the lower house has increased and so too has the upper house.

Each original state had six senators at Federation but the number has jumped to 10 in 1948 and to 12 since 1983. The NT and ACT each has two Senators.

Holt wanted to be able to increase the number of MPs in the House of Representatives without increasing the number of Senators.

But the question was rejected by voters with a "yes" vote of only 40.25% across the nation.

The only state to record a majority "yes" vote was NSW.

HOW THE REFERENDUM ALTERED THE CONSTITUTION

The original [Section 51](#) provided that:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

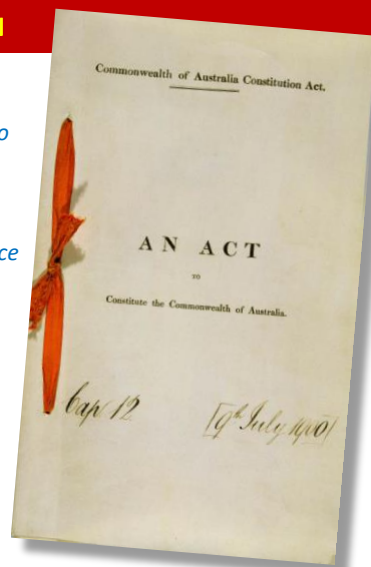
- (i) to (xxv)
- (xxvi) *The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws.*

The law approved at the referendum removed the words "other than the Aboriginal race in any State".

The original [Section 127](#) provided that:

In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, Aboriginal natives shall not be counted.

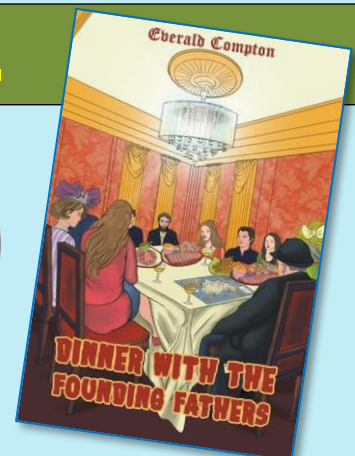
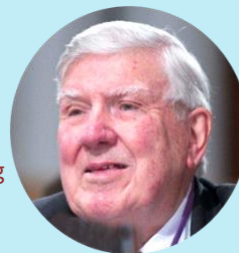
The law approved by the referendum repealed Section 127 even though it had been effectively redundant for some time.



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.



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What was achieved by the 1967 referendum?

FROM PREVIOUS PAGE:

"It allowed the Commonwealth parliament to make special laws for the people of any race where it was deemed necessary to do so. It expressly excluded Aboriginal people from such laws.

"Removing this exclusion would permit the Commonwealth to make special laws deemed necessary for indigenous Australians.

"It would also, however, remove any mention of them from the Constitution."

Dr Gardiner-Garden said despite the success of the 1967 referendum, it did not deliver significant immediate changes.

He said it did not "automatically make the Commonwealth more involved and indeed little changed for five years".

"Although it is possible to question the efficacy of having both the Commonwealth

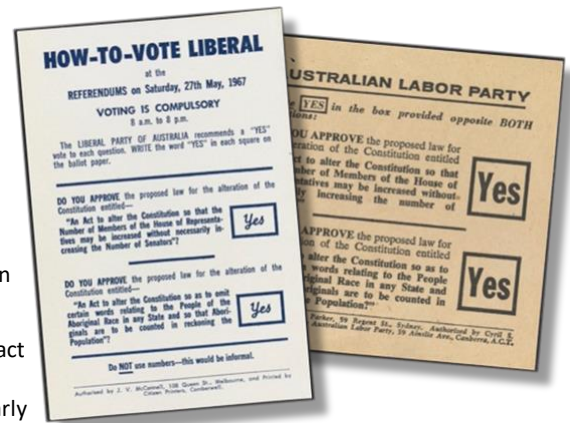
and the states involved in indigenous affairs, it is not possible to question the fact that the referendum provided a head of power for some significant Commonwealth legislation.

"Similarly, although it is possible to question the referendum's practical significance, it is not possible to question the referendum's symbolic significance.

"The referendum has, indeed, come to act as a form of historical shorthand for a decade of change which began in the early 1960s and ended in the early 1970s."

Dr Gardiner-Garden argued that the sheer size of the "yes" vote at the 1967 referendum on indigenous issues had developed a significance of its own.

He illustrated his point by citing an extract from a speech by Prime Minister John Howard in March 2007.



Referendum how-to-vote cards

SOURCE: Victorian State Library

Mr Howard said: "This was an event where in overwhelming numbers the Australian people affirmed that it was completely unacceptable to regard Aboriginal and Torres Strait Islander people as anything other than full participants in our national community."

An important and historic milestone

Aboriginal historian and author, Dr Henry Reynolds, has acknowledged the many myths surrounding the 1967 referendum. But he still ranks it as one of the landmark events in Australia's political history.

One could perhaps ask: was the referendum important?

After all, the referendum did not, as is popularly thought, give Aborigines the vote; it did not extend social welfare benefits to Aboriginal people; it did not provide for equal pay or wage justice; it did not in itself dismantle the state systems of protection; and although it allowed the Commonwealth to legislate for Aborigines, it did not require the Commonwealth to assume full responsibility for

Aboriginal affairs. And nor has any federal government subsequently.

In fact the referendum failed to meet the demands which humanitarian organisations had made over and over again from the early years of the century, that Aborigines become a national responsibility.

And the most pertinent question then might be why it took so long to change the Constitution and above all, the so-called race power under section 51 clause

26, given that so much effort had gone into the question in the 1920s and the 1930s.

However, despite all that, the referendum must be seen as an event of central importance.

A symbolic event enshrined in history because it did require a referendum and which necessitated a long and intense campaign and it called upon the whole electorate to make a decision on the place of Aborigines in Australian society.

It was highly significant that the measure was passed with such commanding majorities in almost every part of the continent.



So, the referendum does stand as an important milestone.

It stands beside the equal pay decision, the 1976 Northern Territory *Land Rights Act*, the Mabo judgment of 1992 and the Wik judgment of 1996.

Extract from [Henry Reynolds "Aborigines and the 1967 Referendum: Thirty Years On"](#) Australian Parliament, *Papers on Parliament* No. 31 June 1998

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 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 with support from the Clem Jones Group.



Clem Jones



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