

Constitutional

Conversation

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Talking to rural and regional communities

Average Aussies must be engaged

By **DAVID MUIR AM**
Chair 



Recently I had the opportunity to address the members of the Longreach Regional Council (LRC) in central western Queensland and brief them on the activities of the Real Republic Australia and our model for genuine directly elected Head of State.

As someone born and raised near Longreach it was very satisfying to be able to discuss with local community representatives some of the issues involved in the republic debate as well as the Real Republic Australia's support of constitutional recognition of local government.

I want to thank Longreach Mayor Cr Tony Rayner and council CEO Brett Walsh for facilitating my visit.

The LRC meeting I attended was held at Ilfracombe as part of the council's regular schedule of meetings that are held away from its regular chambers in Longreach, about 30 kms to the west.

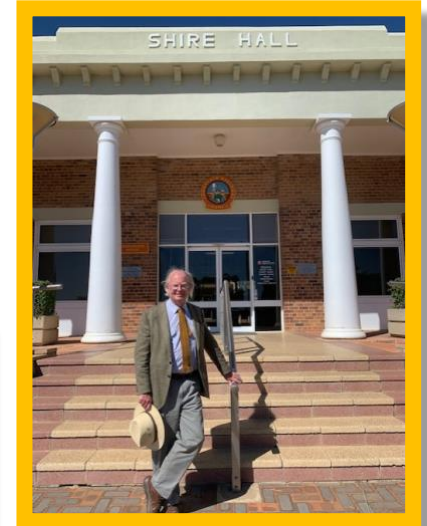
That in itself is a symbol of the council's own belief that it must always reach out to the many different communities within its own boundaries to ensure people are informed of



its activities and can feed back their own ideas – a principle that those advocating for a republic must also recognise and embrace.

Certainly the Real Republic Australia has always been committed to building bridges with rural and regional communities whose votes will be vital in any future republic referendum.

We have never believed that the decision on whether we secure an Australian republic can rest solely on the support of those in our capital cities. In particular we have always maintained that the debate should never be



David Muir at Ilfracombe (left) and in Longreach (above)

dominated by those in Canberra or Sydney or other big cities.

Neither can it rely on "celebrities" who may not have a deep understanding of the issues involved in the making of such a major constitutional change.

The Real Republic Australia will continue to take its campaign to regional and rural Australia through in-person or virtual meetings with individuals and community groups.

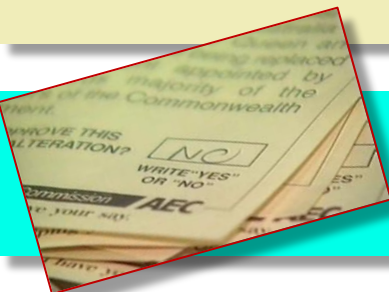
As we have seen with the current debate on a Voice to Federal Parliament for First Nations, constitutional change is never achieved easily. Solid arguments need to be made and communicated to all Australians wherever they live and work.

Only then will we have a good chance of achieving our goal.

The monarchists' argument not even Buckingham Palace believes



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Key lessons from 1999

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JAMAICA COALITION FOR A HEALTHY SOCIETY



'Same-sex stuff' clouds Jamaica's republic debate

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Scots debate independence, a constitution, and a republic

Discussion paper outlines SNP's plans



Scotland's First Minister, Humza Yousaf, has – like his predecessor Nicola Sturgeon – continued to talk up Scottish independence but has also proposed the development of a written constitution in time for any severance of ties to the United Kingdom and the overriding powers of the British Parliament at Westminster.

In a [speech in June](#), Mr Yousaf outlined what he said was the need for a written interim Scottish constitution to take effect once independence was achieved and before a permanent constitution was approved.

He also released a discussion paper – [Creating a modern constitution for an independent Scotland](#) – outlining his proposals as part of the government's [Building a New Scotland](#) initiative focussing on independence and how to achieve it.

"The UK does not have a codified constitution as we know," he said.

"Instead, its constitutional arrangements are based on the principle that the Westminster Parliament is sovereign.

"This makes it a global outlier among modern democracies. For example all member states of the European Union have written constitutions."

Mr Yousaf said the absence of a written UK constitution had "real consequences" for Scotland.

"Westminster has already been able to undermine the devolution settlement, override decisions made by an elected Scottish parliament," he said.

As an example he claimed that the UK Government was already considering the repeal of the *Human Rights Act* which he said was "one of the most significant achievements of any UK parliament in the last 30 years".

He said such a move would not be possible with a codified, written



Humza Yousaf

constitution that enshrined a wide range of rights "that sets what the rules are, and importantly, and crucially sets out what people can do to ensure governments and politicians adhere to them".

Mr Yousaf said a constitution would include provisions to enhance equality and prevent discrimination and would describe the role of key institutions – parliament, the government, the courts.

"It would also contain measures on other issues which people see as being of fundamental significance and importance," he said.

"It could for example specifically protect the right to take industrial action, or recognise the rights and interests of our island communities, or contain provisions on the right to adequate housing, the right of communities to own land, or our right as citizens to access healthcare which is free at the point of need.

"In the Scottish Government's view, it should also include provisions stating very clearly and explicitly



Ross Greer

that Scotland will not host nuclear weapons.

"And many constitutions include environmental provisions.

"We propose that Scotland could protect the right to a healthy environment, and could include sections on sustainable development, tackling the climate crisis, protecting nature," he said.

In a [parliamentary debate on the discussion paper](#), the Scottish Green Party's constitutional spokesperson, Ross Greer, took the opportunity to advocate for an independent Scotland to be a republic.

He said the development of a new constitution was an opportunity to discuss who should be its Head of State.

"An independent Scotland can follow the wave of Commonwealth nations that are switching to an elected Head of State.

"We just need to look to our nearest neighbour in Ireland for examples of how astounding individuals can come forward for that position—Mary McAleese, Mary Robinson and the incumbent, Michael D Higgins, who gave the greatest [speech](#) ever heard in this parliament," Mr Greer said.

But members of other parties were less enthusiastic.

Sharon Dowey of the Scottish Conservative Party said the government should be addressing urgent issues such as the cost of living, the need for skilled jobs, and



Sharon Dowey

PEOPLE HAVE THEIR SAY

There are no plans for a second independence referendum after the defeat of a question put to Scottish voters in 2014.

The SNP's latest discussion paper proposes an interim constitution that would be legislated and take effect following a successful referendum. After that, a new body – the Scottish Constitutional Convention – would develop a permanent constitution through consultation and engagement.

Once a draft of a permanent constitution was drawn up, it would be considered by the Scottish Parliament.

The permanent constitution would come into force only if the people of Scotland approved it at a subsequent referendum.



Neil Bibby

creation of opportunities for young people.

"Nothing that the SNP is talking about today will help to build that better Scotland," she said. "It is not focused on those top priorities. It is focused only on its endless constitutional obsession."

Scottish Labour's Neil Bibby also said the SNP Government had its priorities wrong and Scots would wonder why their parliament was "discussing a fantasy constitution for an independent Scotland that the people do not want".

See Scottish protests: Page 10

The argument even Buckingham Palace doesn't buy

An argument raised regularly by some people opposed to an Australian republic suggests the change is not needed because we already have an Australian as our Head of State.

They claim that the Governor-General is Head of State and because since the 1960s the office has been filled by an Australian we don't need to become a republic.

Eric Abetz, former Tasmanian senator and former federal minister, and now campaign chair for the Australian Monarchist League, is a serial offender when it comes to spruiking this discredited line.

Another declared monarchist recently making the claim is News Corp Australia columnist Peta Credlin.

In her column appearing in various outlets on 7 May (pictured), the day after the coronation of King Charles III, Ms Credlin cited comments by Prime Minister Anthony Albanese while he was in London for the event.

When asked by UK media why a republic was needed, Mr Albanese said: "Australia should have an Australian Head of State."

Ms Credlin responded in her column by saying: "This assertion that we don't have and never have had an Australian as our Head of State that is the basis of the republicans' argument."

She said the term "Head of State" does not appear in the Australian Constitution and argued that it belonged to the world of diplomacy and not constitutional law.

"It is part of the 'precedence rules' that officials use to determine who gets the highest recognition, country by country," she said.

Ms Credlin then pointed to [a 1907 decision by the High Court of Australia](#) (HCA) in an attempt to support her claim that the Governor-General is our Head of State.

The HCA case involved a dispute over filling a Senate vacancy for South Australia. Because the Senate is meant to be "the states' house", filling vacant seats requires certain actions to be taken by both the Governor-General and a state Governor, in this case the then Governor of South Australia.

While the central issue of the 1907 case is not relevant to the republic debate in 2023, some monarchists wrongly cite some of the wording in the judgement to assert their claim about the Governor-General being our Head of State.

The Credlin column notes that the HCA judgement says that the SA Governor "must be regarded as acting in the capacity of the

constitutional head of the state". It also referred to the Governor-General as "the constitutional head of the commonwealth".

But the relevant sentence from the HAC judgement reads in full: "So, in certifying to the Governor-General the names of the senators elected, chosen, or appointed the Governor must be regarded as acting in the capacity of the constitutional head of the state, being in that capacity the proper channel of communication with the officiating constitutional head of the Commonwealth, the Governor-General."

The HCA judgement was designed to settle a dispute about the process for filling a Senate vacancy. It did not make any assessment on who is or is not our Head of State.

'There is no House of Windsor labour-hire operation at work. The British sovereign is our Head of State.'

The words extracted by Ms Credlin about the role and actions of the then SA Governor – "as the constitutional head of the state" – clearly refer to their role in such matters as provided for under the SA constitution.

The words "constitutional head of the state" mean something entirely different to "head of state".

Similarly, the words describing the Governor-General as "the officiating constitutional head of the Commonwealth" do not bestow the status of Head of State. They simply mean that the Governor-General is the person designated by the Constitution to ensure the processes it outlines are followed.

The claim made by both Mr Abetz and Ms Credlin have been previously authoritatively discredited, yet they still spread it. But a big problem for Ms Credlin and others who cling to this argument is that Buckingham Palace itself and strong monarchists like ex-PM John Howard have totally dismissed it.

A story by Troy Bramston of *The Australian* newspaper on [18 January last year](#) about the correspondence between various Governors-General and the late Queen Elizabeth II's advisers included this paragraph: "When Sir David Smith, the former official secretary at



Peta Credlin's 7 May column (above) and Eric Abetz (above left) Government House, argued the governor-general was actually head of state, Buckingham Palace made it clear in January 1999 that this argument, often propagated by monarchists, was nonsense and the Queen was indeed Australia's head of state."

Another Bramston article about Mr Howard in on [13 August 2022](#) contained this line: "An ardent royalist, Howard praises the Queen and the virtues of constitutional monarchy, rebuking those who argue the Governor-General is actually Australia's head of state."

David Flint, convenor of Australians for Constitutional Monarchy, always embellishes the bogus argument by claiming that although King Charles III is the Sovereign, the Governor-General is Head of State.

He makes it sound as if the monarch has outsourced or franchised his role. But the truth is that there is no House of Windsor labour-hire operation at work. The British Sovereign is our Head of State.

The argument to the contrary is not only wrong, it also belittles and misrepresents the role King Charles III has as Australia's head of state under our current constitutional arrangements.

While the words "Head of State" do not appear in the Constitution, [Section 2](#) clearly says that the Governor-General is the Monarch's representative.

Yet the logical conclusion of the argument put forward by the likes of Ms Credlin and Mr Abetz and Mr Flint is that the King and our Governor-General are on an equal footing.

If nothing else convinces them, surely the term "vice-regal" applied to our Governor-General should give them a hint.

LINDSAY MARSHALL

Our last referendum

What went wrong and the lessons learned

With a referendum due before the end of the year on establishing a First Nation's Voice to Federal Parliament, it is timely to reflect on the last referendum held to alter our Constitution – the failed effort in November 1999 to transition Australia to a republic – and consider why it failed to help avoid repeating the same mistakes.

Wasting time at the 1998 Constitutional Convention

The source of the defeat of the 1999 referendum can be traced back to the Constitutional Convention held in Canberra in February 1998 and its failure to spend sufficient time developing a republic model that would have received voter approval.

Prime Minister John Howard, a constitutional monarchist, had proposed a convention that would discuss:

- whether or not Australia should become a republic,
- which republic model should be put to the electorate to consider against the status quo, and
- in what time frame and under what circumstances might any change be considered.

Delegates to the convention included a mix of 76 people from various walks of life elected in public ballots held in each state and territory.

The number of delegates elected from each jurisdiction was based on the relative population of each state and territory.

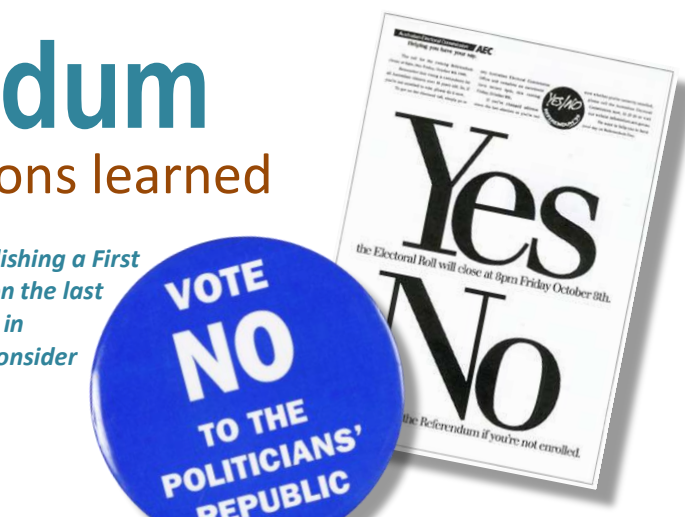
In addition 19 delegates were appointed representing the federal government, opposition, and the federal parliamentary cross benches.

The six states sent their premiers and opposition leaders plus one more MP as delegates while the Northern Territory and ACT chief ministers also attended.

A further 36 non-parliamentary delegates were appointed from across all state and territories.

Former federal National Party leader Ian Sinclair and former Labor Part federal minister Barry Jones served as co-chairs.

Despite the broad-based nature of the 10-day convention, delegates spent far too long on a futile monarchy-versus-republic debate



instead of working on a model for a republic that would have appealed to Australian voters.

The potential risks of such a wasteful debate that was unlikely to change anyone's view was clear to some such as the late Clem Jones, former Brisbane Lord Mayor, one of the founders of the Real Republic Australia, and advocate for a directly elected Head of State.

On the first day of the 1998 Constitutional Convention, Clem Jones, called for the question on whether or not Australia should become a republic to be resolved by day three rather than by day 10.

His aim was to allow more time for drafting an acceptable model for a republic.

"As far as I am concerned, I believe the question of whether we become a republic or whether we retain the status quo is a threshold question, and the sooner it is dealt with the better," he said.

"Most of us believe that we are going to have a republic. Most of us want to know the nature of it.

"If there is an overwhelming majority here who believe we should have a republic, we should decide that question and then free those people from 10 days of debate on the republican-versus-monarchist issue and allow those who wish to do so to join in the very important debate on the issues involved in the establishment of a republic."

In the end the Australian Republic Movement's model that emerged from the convention – 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.

The voting figures were:

- 73 "yes",
- 57 "no", and
- 22 delegates abstaining.

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Voters offered the wrong model

In short, the wrong model – quickly dubbed a “politicians’ republic” – was put to voters in a “take it or leave it” manner.

The referendum results (*below*) show they chose to leave it.

REPUBLIC REFERENDUM RESULTS SUMMARY 6 NOVEMBER 1999		
	% YES	% NO
NSW	46.43	53.57
Vic	49.84	50.16
Qld	37.44	62.56
WA	41.48	58.52
SA	43.57	56.43
Tas	40.37	59.63
ACT	63.27	36.73
NT	48.77	51.23
AUST	45.13	54.87

The tragedy of the events of 1998 and 1999 is that the preference of voters for a genuine directly elected Head of State was clear well before the failed November 1999 referendum.

A [June 1999 analysis](#) by Professor John Warhurst, now Emeritus Professor in the School of Politics and International Relations at the Australian National University in Canberra, showed public sentiment as measured by opinion polls was firmly in favour of a

Options on offer at the Convention

Apart from the model put to voters at the 1999 referendum, the 1998 Constitutional Convention considered three others.

A model proposed by then WA Opposition Leader Dr Geoffrey Gallop, involved election of the Head of State by the Australian people following a two-stage process for identifying no less than three candidates selected from all nominees by a special majority of a joint sitting of the House of Representatives and the Senate.

Former Governor-General Bill Hayden, proposed an elected Head of State chosen from among nominees securing at least 1% support of all voters by way of petition.

A third “[McGarvie model](#)” was moved by the former Victorian Governor, Richard McGarvie, and involved a Head of State being appointed by a special three- person Constitutional Council acting on advice of the prime minister with any citizen being able to put a nominee’s name forward to the PM for consideration.

direct-election model for choosing our Head of State.

Warhurst cited polling in the first week of February 1998, during the Constitutional Convention, that showed 66% support for a Head of State elected by popular vote compared with 17% for election by Parliament.

“When pitted against the status quo only the popular election model produced a majority for the republic,” he said.

The lack of voter support for a “politicians’ republic” was also very clear even after the republic referendum question was rejected in 1999.


Historical [Newspoll figures](#) (*top table*) show that immediately before the failed November 1999 referendum, the model to be put to voters – selection of a Head of State by the federal parliament – had less than half the level of support recorded for keeping the current system.

Direct election had around 50% voter support – well ahead of the other options.

Support for the direct election of our Head of State was still far ahead of other options when another poll was taken again three years later.

PRE-REFERENDUM POLLING ON PREFERRED AUSTRALIAN REPUBLIC MODELS

QUESTION: Now I’d like you to consider three broad possibilities for Australia in regards to a republic. One possibility is to change to a republic with a president who is elected by the people. A second possibility is to change to a republic with a president who is appointed by parliament. And a third possibility is to not change anything, keeping the Queen and the Governor-General in their current roles. Which one of these three possibilities would you yourself most prefer?

	SEPT 1999	OCT 1999	NOV 2002
 NEWSROLL			
Change to a republic with a president directly elected by the people	50	46	46
Change to a republic with a president appointed by parliament	14	15	12
Not change anything, keeping the Queen and the Governor-General in their current roles	32	36	40
Uncommitted	4	3	2

Extracts from Newspoll based on interviews with 1,200 voters across Australia on 1-3 November 2002

PREFERENCES FOR A REPUBLIC IF AUSTRALIA DECIDED TO BECOME A REPUBLIC

QUESTION ASKED OF THOSE CHOOSING ‘NOT CHANGE ANYTHING’ OR ‘UNCOMMITTED’: and if Australians decided that Australia should become a republic, would you prefer to change to a republic with a president directly elected by the people or, a president appointed by parliament?

President directly elected by the people	79
President appointed by parliament	18
Uncommitted	3

Importantly, the Newspoll figures (*bottom table*) show that when uncommitted voters or those opposed to a republic were hypothetically faced with the inevitability of change, they opted by a huge majority for a direct-election model.

This strongly suggests that even constitutional monarchists – when faced with a choice of politicians appointing their Head of State or voters having a direct say through the ballot box – will opt for a directly elected Head of State.

While the preference for a direct-election model was apparent, it is not possible to say for certain that such a model would have met the high bar set by [Section 128](#) of the Australian Constitution.

To succeed, a referendum question must secure a “double majority” – a majority “yes”

vote across the nation (in all states and territories) as well as a “yes” vote in a majority of states (excluding the territories).

The Real Republic Australia has always advocated for a republic with a Head of State elected directly by Australian voters.

We offer a model under which any Australian who meets strict eligibility criteria can seek to stand for election as Head of State in a nationwide ballot.

We do not support the appointment of our Head of State by politicians or parliaments.

We do not support politicians handing down to voters a list of approved candidates from which they can take their pick.

That is not a real direct election and we believe it is a recipe for another referendum defeat.

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Avoiding the same mistakes

The Real Republic Australia believes that if we are to avoid the mistakes of the past, we need a new process for achieving a republic and other beneficial constitutional reforms.

That process needs to be one that does not allow blatant partisan politicking but does involve average voters representatives of the wider Australian community.

We suggest that a framework be established that includes a new system of Australian Constitutional Assemblies.

Like the existing public consultation system of Citizens' Assemblies now operating successfully in Ireland (see following pages), a separate Australian Constitutional Assembly could be established to examine and recommend constitutional changes for specific proposed reforms or issues.

Each Assembly would consist 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.

To avoid politicking, no member of any legislative body would be entitled to join an Assembly.

Each Assembly would set its own work plan. It would engage with the wider community and experts in the issue being considered.

It would be required to report and deliver recommendations within 12 months.

We believe a permanent system of Australian Constitutional Assemblies should be a feature of our national governance to allow for the regular updating of our Constitution or to address significant issues of widespread concern as happens elsewhere.

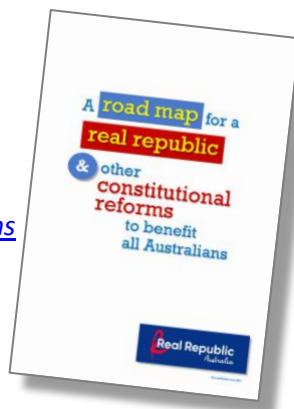
Such an Assembly should be used to consider and achieve a republic.

We recommend that:

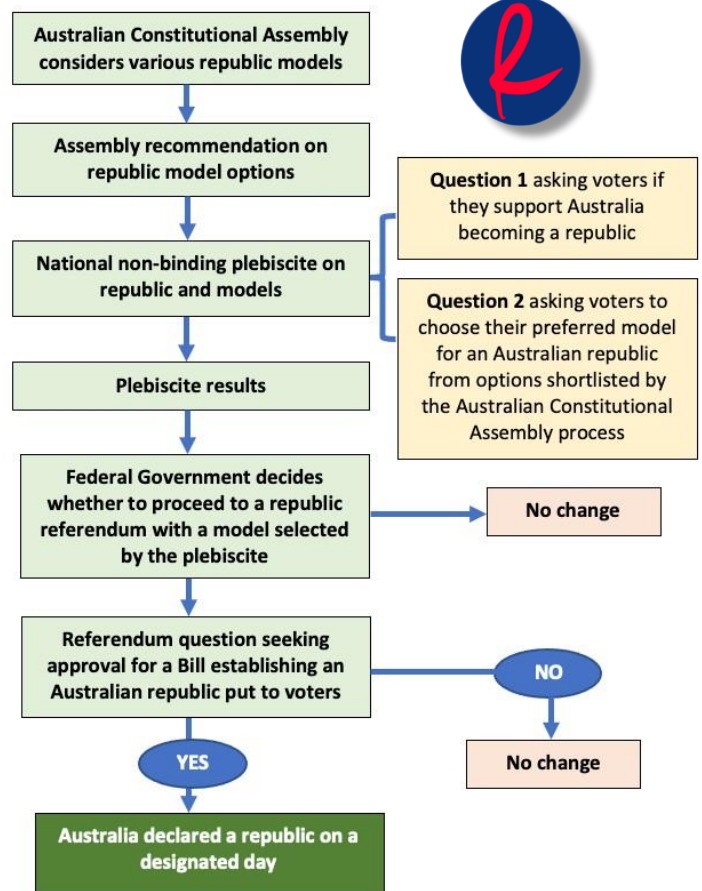
- an Australian Constitutional Assembly be established to consider amending the Constitution to establish Australia as a republic,
- the sole aim of the Assembly should be to examine appropriate republic models,
- the size of the republic Assembly could be more than 100 members if so decided by the Federal 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 informs a decision by the Federal Government to progress a referendum on Australia becoming a republic.

Read in full our [Roadmap for a Real Republic and other constitutional reforms](#)



HERE'S HOW OUR SUGGESTED REFORM PROCESS WORKS



Achieving constitutional reform in Australia is difficult.

Only eight out of 44 questions put to voters at referendums have been approved since Federation despite the fact many proposed beneficial reforms. They failed the test set by the drafters of the original Constitution – a so-called “double majority” requiring a nationwide majority “yes” votes as well as majority of original states recording a “yes” vote.

Unfortunately, many of those referendum questions fell victim to partisan politicking and a lack of understanding by voters of the issues involved.

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

We need to adopt a new approach, and the Real Republic Australia believes our proposed system of Australian Constitutional Assemblies could be the answer.

It could help 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.

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Using voters to inform voters

While the Real Republic Australia points to the Irish system of Citizens' Assemblies to assess and achieve constitutional reforms, the principle behind it – using a selection of average voters to replicate the wider community – is not an idea unique to Ireland. Three Canberra-based academics have suggested Australia consider a system used in American state of Oregon that could help to better inform voters about complex referendum questions or ballot initiatives as they are often called in the US.

With parliament now having passed the Voice to Parliament referendum Bill, and with the campaign about to get underway in earnest, there is a critical need for more trusted information.

As scholars of deliberative democracy, we suggest Australia borrow from the US state of Oregon a new way of informing the public in referendums.

The federal government has already announced [a civics education program](#) for the referendum campaign.

Better information can't come soon enough, given the spread of confusing and sometimes misleading information in the lead-up to the referendum so far.

But will the government's plan work? Not if it mostly involves top-down communication to voters, with information solely written and communicated by experts and politicians.

The trouble is, as good as this information may be, many voters are uncertain whom to trust.

That's especially so as the campaign descends into the rabbit hole of debate over technicalities.

Few voters are deeply versed in constitutional law or Indigenous affairs. This is where a citizens' referendum review, first used in [Oregon](#) but later adopted in many other places, could be beneficial.

This kind of review is based on a public engagement tool called a "[mini-public](#)", a body of randomly selected citizens who form a microcosm of the wider society in both demographics and attitudes.

THE CONVERSATION

This article was written by:

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It was first published by [The Conversation website](#).

Members of such a body first learn extensively about a topic from a diverse range of experts and advocates.

They then engage in extended deliberations with each other to hash out a fair and informed recommendation to provide the public.

This is called a "citizens' statement", which explains precisely what's at stake in the referendum, doing so in clear, balanced, accurate and accessible terms.

Mini-publics have been used hundreds of times around the world, if not more – often with considerable success.

When a matter is complex and contentious – say, policies related to climate change or COVID-19 –

Adopting workable reforms



Oregon's citizens' referendum review helps inform voters before they vote

Photo: Oregon Public Radio

mini-publics can be especially effective.

For instance, in Oregon, some of the first citizens' reviews considered the wisdom of referendums aiming to impose minimum criminal sentences for sex crimes and drunk driving, and to legalise medical marijuana.

These were complex issues.

'One of the crucial aspects of these bodies is they tend to be better trusted than more top-down models led entirely by governments or academic elites.'

But the Oregon experience showed that a collection of citizens could be brought up to speed on the issues and effectively communicate the pros and cons of the referendum proposals to the wider population.

One of the crucial aspects of these bodies is they tend to be better trusted than more top-down models led entirely by governments or academic elites.

Voters often view the members as being "just like me".

Indeed, mini-publics are usually designed to be demographically, regionally and politically diverse.

Participants are also not politicians. Thus, they tend not to be as stuck in their polarised tribes.

Comparatively speaking, ordinary citizens generally lack the same motivation and desire to wage no-holds-barred battles with the other side.

We are not the only ones calling for this model in Australia.

The non-partisan [newDemocracy foundation](#) has also suggested it as a potential model for providing better information to voters about the Voice.

There needs to be a source of information on the Voice that is informed, reasonable, fair and trusted.

The government's Voice campaign materials so far may be fair, but in our hyper-polarised political environment, any information authorised by the government of the day may not be widely trusted.

Information pamphlets distributed in past referendums – which included contributions from political leaders and other partisans – have faced similar problems.

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Mini-publics help explain big reforms

FROM PREVIOUS PAGE

As University of Sydney constitutional law expert Helen Irving recalls, the push for the republic in 1999 ran into problems partly because voters had low trust in three types of elites: “There were the alleged ‘elites’ – ‘Chardonnay drinkers’ – at the heart of the republican movement, those classed as ‘elites’ merely by being residents of Sydney, Melbourne and Canberra, and another version of ‘elites’ meaning simply federal politicians.”

The citizens’ referendum review model shows more promise.

We know from many studies of mini-publics around the world that they are, on the whole, fair, informed, flexible and highly trusted by a wide cross section of people.

They may provide what political leaders cannot – a fresh and open mind, and a sense of perspective about which arguments do or don’t hold up.

Importantly, though, running a citizens’ referendum review should not be an excuse to reassess what question should be put to voters. That has already been decided.

Moreover, the review must be well-designed. Rather than being dominated by one side in the referendum debate, it must be deliberately broad-ranging and non-partisan.

The promise of mini-publics depends on their being genuinely independent and impartial.

The review should also not reach any single verdict for or against the Voice, but rather cover all reasonable arguments and provide a set of pro and con arguments for dissemination in the referendum campaign.

The federal government should fund the review adequately and publicise its results across the country.

The panellists could even write the “yes” and “no” pamphlets being sent to Australian households.

The Australian voting public should have the benefit of this kind of review to help inform their votes.

In a campaign already cluttered with confusing, competing claims, we need a better approach.



A meeting of the Irish Government's Citizens' Assembly on Drugs

Three bodies share same goal

The Real Republic Australia has put forward a “roadmap” to achieve an Australian republic but which could also be used as a way to secure further beneficial reforms to our Constitution.



OUR SAY

As detailed on previous pages of this newsletter, a central component of our plan is a proposed system of Australian Constitutional Assemblies made up of an expert independent chair and 99 average voters selected to represent the wider community.

We have based our proposal on the system of Citizens’ Assemblies that had proved to work well in Ireland where its initial focus on constitutional reforms had been widened to include reviews of significant public policy matters.

The most recent Citizens’ Assembly established by the Irish Government is [examining the use of drugs](#).

It has been [tasked](#) with considering possible legislative, policy and operational changes that might be made to reduce the harmful impacts of illicit drugs on individuals, families, communities and the wider Irish society.

In line with previous Citizens Assemblies, it consists of 100 people, including an independent chair and 99 members of the general public selected at random in accordance with most recent census data to form a group representative of the Irish community as a whole.

The Assembly first met in April this year and will report to the Irish Parliament by the end of 2023 after holding further meetings and considering public submissions.

On the previous page of this newsletter we note the advocacy by three Australian academics for a system similar to one initially used in Oregon that, like the Irish

approach, involves average citizens in the process of fostering a better understanding among voters of proposed changes to state constitutional or policy issues.

The three concepts – our own proposal, the Irish system, and the approach taken in Oregon and elsewhere – are all different in some ways. But they all share one essential element.

All three aim to remove partisan politicking from the reform process to achieve a workable, acceptable, and viable outcome.

That approach, in turn, means beneficial constitutional changes or new or amended public policy approaches may be achieved in less time than they would take to be formulated and approved through the “normal” processes that are tinged by party politics and point scoring.

Sadly, many attempts to change the Australian Constitution have succumbed to such politicking for short-term political purposes. That approach is responsible in part for the fact that only eight out of 44 questions put to voters at referendums since Federation in 1901 have succeeded.

It is already difficult enough to attain the “double majority” demanded by [Section 128](#) to pass a referendum question to amend our Constitution.

Until we embrace a “politics-free” process to consider amendments, we appear doomed to miss out on reap the benefits of sensible and worthwhile reforms.

The Editor

Jamaica's 'religious right' seeks answers to republic questions

As Jamaica works towards becoming a republic, a conservative faith-based group has questioned the process being used by the Caribbean and Commonwealth nation. Professor Paul Golding, former dean of the College of Business and Management at the country's University of Technology (pictured), says some of the questions are valid, but the group's expressed reservations about the personal views of a member of the government-appointed Constitutional Reform Committee are not.

While England settles in after the coronation of Charles III and Camilla, Jamaicans debate the process on which to ditch them.

On Sunday April 30, 2023, the [Jamaica Coalition for a Healthy Society](#) (JCHS) took out full page advertisement in both [Jamaican] Sunday papers cacophonously asking "Why the rush?"

The JCHS strongly recommended that the time to be allowed for public education should be at least six months to a year, instead of the five-week deadline for a Bill to be placed in Parliament as a prelude to a referendum.

The JCHS asked some critical and relevant questions that are worthy of public discussion and are in the interest of transparency:

- Whilst the monarchy might not be relevant to Jamaica, what are the alternate structures of government being contemplated, and what are the implications of each alternative?
- Would it not be a good idea, for example, for a new constitution to guarantee a separation of powers such that the legislature and the judiciary serve as a check on the authority of the executive?
- What are the details of the budget for this exercise and what is the source of funding? Is this a sovereign act that is independent of external influences that might have negative implications for future freedoms?

Of the questions, the third is the most ominous. People may be wondering who JCHS is, not that it should matter.

However, when I checked on its website the information about

them was sparse. The information that I gleaned, for what it is worth, is that they were formed in January 2012 and at its core they are a group of Christians who envision a Jamaican society in which Judeo-Christian values nourish and enrich the social, spiritual, physical, emotional, and mental health of the society.

So, they are conservative advocates for traditional Christian norms and values.

This road towards becoming a republic was first raised 46 years ago by then Prime Minister [Michael Manley](#) in 1977. This was after Trinidad and Tobago became a Republic in 1976 and before Dominica did in 1978.

The most recent is Barbados which became a republic in 2021.

The new iteration of Jamaica's attempt to become a republic falls under the auspices of the Ministry for Legal and Constitutional Affairs (MLCA) — a new ministry — which has established a Constitutional Reform Committee (CRC).

On March 22, 2023, Prime Minister [Andrew Holness](#) announced the [14-member committee's](#) composition, which was increased to 15. The main criticism of the committee is that it lacks diversity, with a high concentration of lawyers. There is another criticism which I will address later.

The MLCA minister, [Marlene Malahoo Forte](#), has indicated that the CRC's work will be done in phases, with phase one involving the abolition of the constitutional



'History is also presenting a guide on how the president should be selected. In 1999 the republican referendum in Australia failed because of disputes on how a president should be chosen.'

monarchy and the establishment of the Republic of Jamaica and related matters. This assumes that the Governor-General will be replaced by a president.

This is a parliamentary republic, where the head of state is separate from the head of government and plays a symbolic role. This is like what we currently have. The other option is a presidential republic, in which the president elected as both the head of government and the head of state.

Several individuals have raised the question: Why not go with the second option and dispense with the ceremonial president?

The Jamaican Coalition for a Healthy Society, in its first question, alludes to this without asking the question directly.

It is critical for citizens to understand the differences between these two systems of government for us to make an informed decision.

Malahoo Forte and her team have not done an effective job in communicating these options and have assumed a parliamentary republic.

This is an important issue that the JCHS has raised.

In my view the government has chosen to take parliamentary republic route because it is less complicated, requires less changes to the constitution, less possibilities for misinformation, and history suggest that incremental change has an increased chance of success than a big bang method.

In 2009 St Vincent and the Grenadines republican referendum failed in part because of more sweeping changes.

In other words, the government is taking a cautious approach and is the experience of others, among other things, to guide its decisions.

History is also presenting a guide on how the president should be selected.

In 1999 the republican referendum in Australia failed because of disputes on how a president should be chosen.

Malahoo Forte has indicated that there is consensus that the appointment of president will be on the nomination of the prime minister, after consultation with the Leader of the Opposition, to be confirmed in the Parliament.

She also outlined that the intention is to legislate that the Senate and House of Representatives will sit together to make this determination on a special vote.



Holness



Malahoo Forte

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Church-based group questions Canadian expert's personal views

FROM PREVIOUS PAGE

She also outlined that the intention is to legislate that the Senate and House of Representatives will sit together to make this determination on a special vote.

The opposition People's National Party (PNP) disagrees with this voting procedure and have said publicly: "...that the vote should be taken in a manner which reflects the present constitutional arrangements, that is, two-thirds of the Members of the House of Representatives and two-thirds of the members of the Senate".

It appears that Minister Malahoo Forte is attempting to decouple the vote on the referendum from how the president will be chosen.

What has been proffered is that, after the referendum, the two political parties will make a final decision on the process of choosing a president.

It is left to be seen what position the PNP takes.

The second question raised by the JCHS – "...for a new constitution to guarantee a separation of powers such that the legislature and the judiciary serve as a check on the authority of the executive" – would be addressed in the decision on parliamentary system versus presidential system.

The third question raised by the JCHS asked not only about budget but about intervention and influence by other sovereign states.

The issue that really irks the JCHS and similar faith-based groups is the appointment and influence of Professor Richard Albert, who is a Canadian and has a distinct pro-LGBTQ+ and pro-abortion bias.

'There should be no concern about Richard Albert's nationality or his view on abortion or LGBTQ+.'

Quoting a colleague who is also a deacon: "There is an abiding suspicion that the Canadian professor was invited to shift the new constitution towards same-sex stuff."

The JCHS raised no issue about his technical expertise.

The argument proffered by the JCHS on the face of it is xenophobia and un-Christian.

There should be no concern about Richard Albert's nationality or his view on abortion or LGBTQ+. Should we start hiring people based on their sexual views?



Professor Richard Albert

These committees make decisions by consensus and there are many other erudite people on the committee, including my pastor, who are unlikely to be swayed.

The Jamaican people will make the final decision based on popular vote in a referendum.

Based on the three-phase process mentioned earlier, will there be three referendums?

This is too important an issue not to keep the consultation and discussions going.

This is an edited text of an article [originally published](#) in the Jamaica Observer.

UK republicans maintain their anti-royal rage

Republican groups in the United Kingdom joined forces to mount protests during the visit to Scotland in early July by King Charles III and Queen Camilla.

The royal couple visited a range of locations and attended a variety of events during the traditional annual [Royal Week](#).

It was the first such annual event to be held since King Charles inherited the throne last September.

At a church service in Edinburgh formally marked King Charles formally received the "Honours of Scotland" – regalia marking his position as sovereign.



Pro-republic protestors (left) outside the Edinburgh church service attended by King Charles and Queen Camilla (right)



London-based group [Republic](#) and Scottish organisation [Our Republic](#) mounted protests outside the church.

Republic CEO, Graham Smith, described the church service as a "pointless vanity parade" that would cost Scottish taxpayers "millions of pounds, and for what? So Charles can once again be centre of attention for a day".

Republic advocates abolition of

the monarchy, an elected UK Head of State, and a written UK constitution.

Our Republic campaigns for an independent Scotland with its own elected Head of State.

The groups claimed public attendances at Royal Week events were low which they said suggested a weakening of support in Scotland for the monarchy.

BOOK OUTLINES ARGUMENTS

Head of the UK group Republic, Graham Smith, (see story at left) has written a book arguing the case for abolishing the British monarchy.

The 272-page book with an obvious title is [published](#) by Penguin Books.



DISCUSSION PAPER RESPONSE

In October 2022 the Real Republic Australia released a [discussion paper](#) for public comment on its model for a genuine directly elected Head of State. It outlining a range of proposals for how Australians might vote for their Head of State rather than have one chosen for them by politicians. We continue to receive positive feedback on our ideas as well as some pertinent questions about how our proposals might work. This newsletter will continue to provide a forum for exchanging ideas based on the content of our discussion paper.



More than a republic

COMMENT:

Having a republic is one thing but whatever form it takes, we will be installing one person at the top of our system of government.

Isn't there a need for wider change, for a restructure of our entire system?

Some monarchists say the system isn't broken so don't fix it. But I think that the vast number of intractable economic and social problems facing Australia suggest that the whole system is broken and what we really need is an overhaul from top to bottom.

RESPONSE:

The Real Republic Australia, and other mainstream pro-republic organisations, do not advocate for a raft of widespread "top to bottom" changes to the way Australia is governed.

What we want is to ensure that our nation takes the next logical step in its evolution and becomes a truly independent nation with one of our own as our Head of State.

Of course our preference is for a genuine directly elected Head of

State, but the ultimate choice of model will be up to voters.

To hopefully achieve that goal we will use the democratic processes now available to us, and existing procedures for a referendum conducted in line with existing provisions outlined in that same Constitution for changing it.

In that regard we are not embarked on a wild or radical process. Thinking of it as a natural evolution in our nation's history is apt, and is the view taken by other Commonwealth nations who have or plan to become republics.

We also are not proposing anything as drastic as changing to a US-style system with an elected Head of State who also runs executive government. Again, no mainstream advocates for a republic are seeking such a change that would mean moving away from our current Westminster style of parliamentary and cabinet government.

Certainly there are difficult issues facing the nation, but we must distinguish any current short-term or cyclical economic or social hardships from any shortcomings in the longstanding and proven democratic system of governance we enjoy.

In other words, there may well be

potentially beneficial changes to the system we should consider, such as a republic, but our system as a whole is sound.

The Real Republic Australia has identified several such changes that also require constitutional amendments such as:

- fixed four-year terms for our federal parliament,
- synchronised elections for both the House of Representatives and the Senate,
- a cut in Senate numbers,
- a casual vacancy system for the lower house to avoid costly by-elections, and
- constitutional recognition of local government.

We also support the concept of constitutional recognition of First Nations.

None of these proposals are radical or threaten our democracy. In fact we suggest they would improve it if implemented.

Regardless of the outcome of the current planned referendum on the voice to federal parliament, we hope that Australians embrace the idea of constitutional reform as a means to deliver real and lasting

benefits to our system of government as well as savings to taxpayers in some instances.

Further detailed information on the [other reforms we propose](#) are available on our website and we encourage you to read it and let us know what you think.

HAVE YOUR SAY

For a copy of our discussion paper visit realrepublic.au.

We'd like to hear your ideas: info@realrepublic.au.

Plenty of food for thought.....



Activist, thinker, philanthropist, and author [EVERALDO 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!

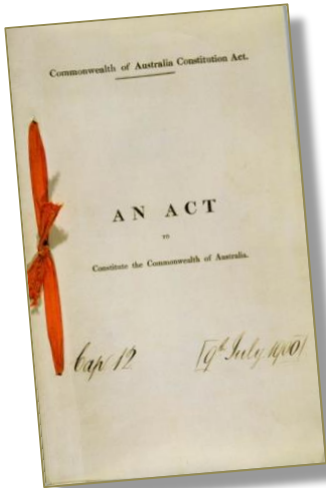


Read it for yourself

Anyone wishing to read the original Australian Constitution can view it at an exhibition at the National Archives of Australia in the nation's capital.

The NAA says one of its permanent exhibits, [Voices/Dhuniui: Federation, Democracy, and the Constitution](#) showcases the development of the Commonwealth of Australia and the various voices – including those of First Nations – who sought to be heard before and after Federation.

The free exhibit at the NAA in Kings Avenue in Canberra (*right*) includes the original Australian Constitution (*below left*) and Queen Victoria's Commission of Assent.



Dhuniui means “talk” in the language of the Ngunnawal people of what is now the Canberra area and the NAA says the exhibit canvasses “the troubled history of constitutional discrimination against First Australians and historical and ongoing attempts to create change”.

For anyone who can't get to Canberra to see the exhibit in person, a 3D interactive virtual tour (*bottom right*) is available online through the National Archives of Australia website.



Perth-based centre launches new online program

The Constitutional Centre of Western Australia has launched a new online education and information program for school students or anyone else interested in learning more about our nation's governance.

The centre based in Perth established by the WA Government in 1997 delivers a range of free in-person programs for students from Year 1 to Year 12 linked to the state's civics and citizenship curriculum.

It also provides several of the programs online for Years 1 to 9 based on the face-to-face programs.

They are all designed to enable students



The Constitutional Centre of WA

to learn about various aspects of local, state, and federal government in Australia.

The centre's new and fifth online program, [Forming Government](#), explores political and the role they play in Australia's system of government.

The other online programs are:

- Voting in the Community (Years 1 to 3),
- Democracy (Year 5),
- Three Levels of Government (Year 6), and
- Power and the Constitution (Year 7).

Courses available only in-person at the centre in the Perth CBD are:

- Belonging to the Community (Years 1 to 3)
- Rules and Laws (Year 4)
- Local Government - Where I Live (Year 4)
- Magna Carta (Year 6)
- Federation (Year 6)
- Making Laws (Year 6)
- Democracy in Action (Year 8)
- The Dismissal (Year 11/12)

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.



Clem Jones

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



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