

Constitutional Conversation

No.17 — SUMMER 2024



OUR MESSAGE TO MPs...

Don't run away from constitutional reform

By **DAVID MUIR AM**
Chair



The Albanese Government has now clearly stated that it will not hold a referendum on an Australian republic in its second term if it is re-elected.

All dealings the Real Republic Australia has had with the government have been on the basis that a republic referendum would be held during its second term, if it secured one.

The government, clearly rattled by the loss of the 14 October 2023 referendum on a First Nations' Voice to our federal parliament, appears to have abandoned any plans it might have had for constitutional reform.

It is unclear if it is contemplating any future referendum on any potential reforms to the Australian Constitution regardless of the benefits that might result.

Following recent media reports confirming the abandonment of a republic referendum we wrote to all members of the House of Representatives and Senate (See page 3) urging them to continue reform efforts.

We continue to advocate for a real republic with a genuine directly elected head of state. But we also continue to do so within the framework of a long-term program of constitutional reform because such an approach can deliver real and lasting benefits to all Australians.

We have our own ideas about what some of those reforms might be. (See pages 6 and 7)



WHAT THE LATEST POLLING SAYS

DEMOS AU

'Almost 50% of Australians believe a republic referendum should be held in the next five years'

SEE FULL REPORT: Page 4



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Others will have their own constitutional reforms in mind which will never be achieved unless our elected leaders are willing to lead.

The potential benefits will never be realised unless we embark on a long-term plan of constitutional reform using a better process to involve and inform voters and deliver **non-partisan** support for change, not wait for what's most likely to be unattainable bipartisan support. (See page 2)

In this edition of our quarterly newsletter we consider some of those reforms that can benefit Australians and our nation.

We also examine a better process for giving referendum questions the best chance of success.

ALSO IN THIS EDITION...

WHAT IS HEALTHY POLITICAL DISCOURSE? Page 9

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OUR FIRST AND WORST ROYAL TOUR Page 12

Non-partisan process is key

In the wake of the failed Voice referendum many politicians, commentators, as well as reform activists and advocates have said no further referendum should be contemplated unless it can secure bipartisan support.

But the Real Republic Australia believes the best chance for a successful referendum is through a new process that can deliver something better than bipartisan support by securing **non-partisan** backing for referendum proposals.

In June 2021 the Real Republic Australia outlined a “roadmap” to achieve support for a referendum on our nation’s transition to a republic, and to address other proposals for beneficial changes to our Constitution.

Central to our plan is the simple idea that the Constitution belongs to the people of Australia and not to the politicians who happen to be in office at any point in time. We think it is for Australians to assess and examine proposed reforms to our Constitution.

Our plan is based around new entities – Australian Constitutional Assemblies – established under federal law to examine specific proposed constitutional changes.

The Assemblies would be the backbone of a long-term plan for constitutional review.

Each Assembly would be led by an independent chair or co-chairs who are expert or knowledgeable in the proposal under review. It would also include 99 part-time members – average voters chosen to broadly reflect the composition of the Australian community.

Each Assembly would be given a maximum of 12 months to conduct its examination of a proposed constitutional reform.

An Assembly – supported by a small secretariat – would examine a proposed reform, hold public hearings to gather evidence, call for submissions, consider the arguments for and against, filter facts from fictions, and debunk scare tactics and urban myths.

It would then report its findings to



An Irish Citizens’ Assembly at work

the federal parliament which would then need to decide and justify supporting or opposing recommendations of the Assembly for or against a proposed constitutional reform and referendum. In other words, it would need to take a stand on recommendations which would essentially reflect the views of the wider Australian community.

Assembly delegates would be paid for attending meetings, specified travel costs and other designated expenses.

It is envisaged that an Assembly would decide its work plan and the frequency and method of its meetings, with most expected to be virtual meetings held at weekends or after working hours.

‘Central to our plan is the simple idea that the Constitution belongs to the people of Australia’

In drafting our proposals we have drawn on the experience in the Republic of Ireland where a series of [Citizens’ Assemblies](#) has considered constitutional and public policy issues.

Ireland’s 2012 Constitutional Convention was the first of such bodies and involved 33 MPs and 66 Irish citizens who were asked to consider reforms to the nation’s constitution.

For the 2012 convention the 66 citizens were selected [through a process](#) similar to that used by market research firms when they create samples of voters

for national opinion polls.

At the same time extra “shadow” delegates were recruited to substitute for any delegates who dropped out or were unavailable to complete the deliberative process.

A flow-on from Ireland’s 2012 convention was an ongoing system of Citizens’ Assemblies – each comprising 99 citizens led by an appointed expert chair – to consider other issues.

The selection process there now excludes some categories of people such as politicians and party members, media representatives, and active campaigners for or against the issue being considered.

We propose that the same categories of voters should be eliminated from participation in any Australian Constitutional Assembly.

The Real Republic Australia believes that we need such a non-partisan process involving the Australian community that delivers outcomes if we are to achieve real and beneficial reforms to our Constitution.

The Albanese Government needs to explain if its proposed Australian Constitutional Commission is similar to the Assemblies we have proposed or the Irish version which are both anchored in the community and driven by voters not politicians.

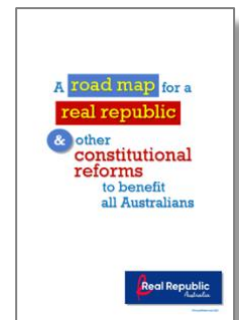
If the Commission is open to political point-scoring or its membership does not reflect the wider community, it may have limited effect and could in fact damage the chances of any future

referendums. In the case of a republic we believe an Australian Constitutional Assembly should examine and shortlist workable republic models which should then be put to voters in a non-binding plebiscite with the most popular model proceeding to a referendum.

In that way the model on the ballot paper will not belong to the government, politicians, or any pro-republic group. It will be the people’s preferred choice and thus will have the best chance of success.

This process will also help make Australians familiar with the model being proposed which is important because although it may be simplistic, it’s also true – people will not vote for a blank cheque.

AN IRISH EXAMPLE – Page 8



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



10 January 2024

CONSTITUTIONAL REFORM

It is very disappointing that the Albanese Government has deferred indefinitely a referendum on an Australian republic and appears to have shelved plans for constitutional reform.

While it is evident that a focus on cost-of-living issues by all governments is necessary in current circumstances, we should be seizing opportunities for lasting long-term beneficial reforms delivering measurable outcomes including permanent ongoing savings to taxpayers.

The [Real Republic Australia](#) has always advocated for a republic within the framework of wider constitutional reform because we see measurable benefits in updating elements of our Australian Constitution.

Benefits in reform

Constitutional reforms offer tangible benefits to Australians.

- Fixed four-year terms for both the upper and lower houses would save at minimum more than half-a-billion dollars every 12 years given that [Australian Electoral Commission](#) figures show the 2022 election for the House of Representatives and half the Senate cost \$522.4 million. That's more than \$1 billion available for other government services, capital works, or cost-of-living support in little more than two decades.
- Constitutional recognition of local government – [supported](#) by National Party leader David Littleproud – means savings through the more efficient transfer of federal funds directly to councils instead of via state bureaucracies.
- A republic would deliver benefits by establishing us as a truly independent nation with a head of state promoting Australia and all it has to offer to the world – something King Charles III now does only for Great Britain, not us.

A better process

Constitutional reforms should not wait on illusory bipartisan support. Instead, right now we should be examining a better process – one that goes further and secures non-partisan support for proposed reforms.

The Real Republic Australia had proposed [a roadmap for reform](#) involving Australian Constitutional Assemblies based on [Citizens' Assemblies](#) used successfully in Ireland to achieve constitutional and law reforms.

Our suggested Australian Constitutional Assemblies would comprise 99 average voters proactively chosen to broadly reflect the composition of the wider Australian community and be led by an independent expert chair. Each Assembly would examine a proposed reform, hear evidence, filter facts from fictions, expose scare campaigns and urban myths, and report its recommendations to the federal government which would decide when to hold a referendum.

As in Ireland, Assemblies would be comprised of average voters and no politicians would be included, nor anyone with a vested interest in the topic being examined.

In the case of a republic we believe such an Assembly should shortlist workable republic models which should be put to voters in a non-binding plebiscite with the most popular model – the people's choice – then proceeding to a referendum and having the best chance of success.

That process would make Australians familiar with the model being proposed which is vital because although it may be simplistic, it's also true – people will not vote for a blank cheque. We need a non-partisan process involving the Australian community that delivers outcomes if we are to achieve real and beneficial reforms.

Australian Constitutional Commission

Successive Labor Party national conferences have endorsed a proposal for establishing an Australian Constitutional Commission, but no details have been provided about its composition or method of operation. If the proposed Commission is open to political point-scoring or its membership is not anchored in or does not reflect the wider Australian community – in line with our suggested Australian Constitutional Assemblies – then it may have limited effect and could damage the chances of future referendums.

Embrace reform

Instead of shying away from constitutional reform, the Albanese Government and the Opposition should be actively embracing it, finding a new non-partisan way forward, and enabling Australians to reap the real and measurable benefits that result.

I am happy to discuss any of the above with you.

David Muir AM
Chair
The Real Republic Australia

Polling identifies support

Splits on referendum timing and model

Recent polling by Brisbane-based [DemosAU](#) reveals almost half of those surveyed think a republic referendum should be held in the next five years.

The survey of 1300 Australians between January 8 and 12 – after the Albanese Government backed away from a republic referendum – also revealed a distinct left-right divide on a possible referendum.

Despite the government’s decision, the DemosAU poll shows a majority of respondents identifying as Labor

voters support a republic referendum being held within five years.

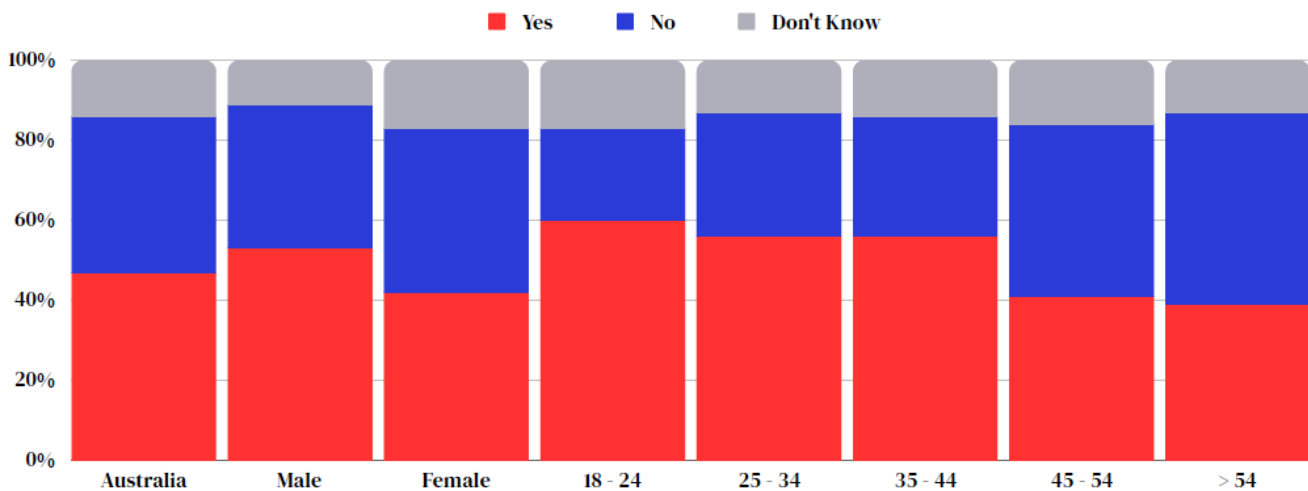
Even stronger support for such a move was recorded by those identifying as Greens voters.

The direct election of an Australian head of state – the type of model advocated by the Real Republic Australia – received the most support of five models presented to respondents, but none received majority support.



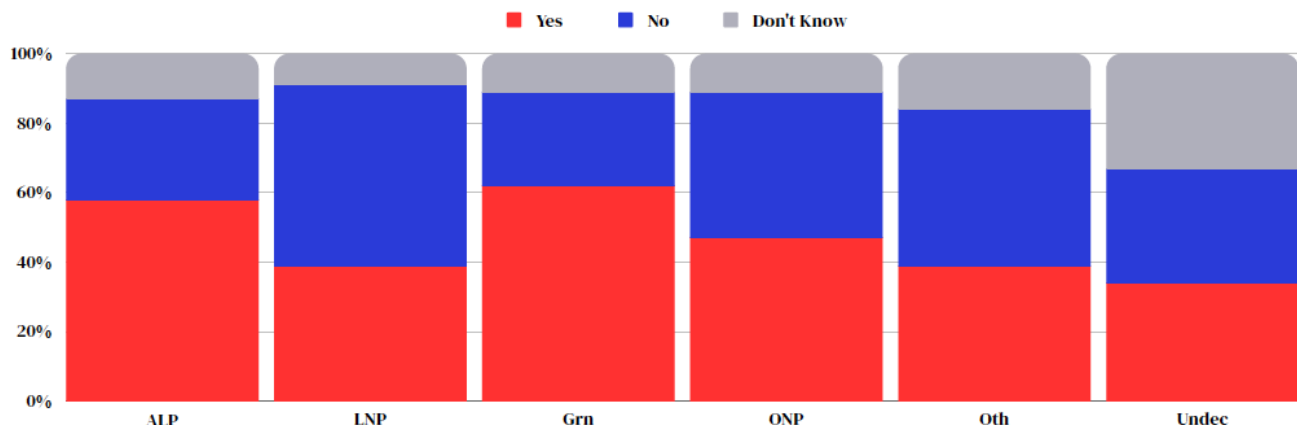
[READ THE FULL POLL](#)

QUESTION: A change to a republic requires a constitutional referendum like the Voice referendum late last year. Should a constitutional referendum on a change from a monarchy to a republic be held in the next five years?



The DemosAU poll showed 47% of Australians believed a referendum on a republic should be held within the next five years, while 39% disagreed and 14% said they didn't know.

There was majority support for holding a referendum among a range of demographics, including men, people aged 18-44.



Left-leaning voters remain strongly in favour of a republic referendum being held in the next five years, with Labor voters in favour 58-28, Greens voters in favour 62-27.

One Nation voters are narrowly in favour 47-42 compared to Coalition voters leaning to opposition 39-52.

Others (39-45) and Undecided voters (34-33) were more mixed in their attitudes.

MORE ON NEXT PAGE ...

Models lack majority support

FROM PREVIOUS PAGE ...

Respondents to the DemosAU poll were also presented with five possible models for an Australian republic (at right) and asked whether they would support a change to a republic or would prefer to keep the monarchy if presented with each option at a referendum.

The results showed 53% of respondents would support at least one model, but support for keeping the monarchy was higher than support for any individual option.

The most popular option among respondents was a directly elected president with an open nomination process, with 38% supporting a change to a republic under these circumstances, and

41% preferring to keep the monarchy.

The second most popular option was a directly elected President that replaced the Prime Minister as Head of Government, similar to the US model, followed by the ARM's hybrid Australian Choice model, the 1999 referendum model, and the McGarvie model put forward by the late former Victorian Governor Richard McGarvie.

SHORT DESCRIPTION	CHANGE TO A REPUBLIC	KEEP THE MONARCHY	DON'T KNOW
Direct Election with Open Nomination	38%	41%	21%
Executive President / US Model	35%	43%	22%
ARM "Australian Choice" Model	32%	45%	23%
1999 Referendum Proposal	27%	48%	25%
McGarvie Model	27%	49%	24%

IN BRIEF.....

- The Real Republic Australia advocates for a genuine direct election model with an open nomination process.
- No mainstream group supporting an Australian republic promotes the radical change to a US-style presidency.
- The ARM proposes federal and state politicians deciding a shortlist of 11 candidates from which voters would make their choice.
- The failed 1999 referendum proposed a head of state approved by at least two-thirds of the federal parliament.
- Former Victorian governor Richard McGarvie proposed a three-person statutory Constitutional Council to appoint or dismiss a head of state.

No clear preference for change

DemosAU head of research, George Hasanakos, said the results of the poll indicated a paradox at the heart of the push for a republic.

"The paradox in these poll results is that the share of respondents who want a republic referendum in the next five years well outpaces support for any single model," he said. "Further, 53 % of Australians support at least one model, but there is no absolute majority behind a specific model. There are many respondents who are willing to support some republican models but will outright reject others.

"Yet this group of respondents are largely in favour of having a referendum in the next five years."

Mr Hasanakos said the poll results showed the model of the Australian Republic Movement was not resonating with the public.

"The ARM 'Australian Choice' model was designed to bridge the divide between direct election and minimalist republicans," he said. "However, when put to Australians, the model still retains some of the popular stigma against minimalist models.

"Based on this poll, 'Australian Choice' would likely fail at a referendum."


Mr Hasanakos said community attitudes towards the republic followed similar dividing lines to the Voice referendum.

"The demographic and political cleavages we saw at the Voice referendum are still present – older and outer metro, regional and Coalition voters are more likely to opt to retain the monarchy," he said.

"The notable difference is that men are more likely to support a change to a republic than women which is reverse of the usual left vs right leans of the genders."

George Hasanakos has previously provided advice to the Real Republic Australia.

**OUR
VIEW**



Left in a vacuum

The Albanese Government is rightly tackling the cost-of-living – rising prices, interest rates, low wages, and inflation. But using that as an excuse to scrap a republic referendum in a potential second term makes little sense.

All federal governments since 1901 have faced demands to mitigate cost pressures on families and individuals. They have done so while tackling other issues, including constitutional reform.

Instead of declaring it would learn from its mistakes in the Voice referendum and establish a better process for achieving constitutional change – along the non-partisan lines we have suggested – it has left a vacuum. What now for constitutional reform? We await the answer.

The DemosAU polling suggests that by walking away from a second-term republic referendum the government may deliver itself a bigger political problem.

On the right, Coalition voters are hardly likely to reward Labor with their votes because it ditched the referendum idea.

On the left, many Labor voters may well feel disappointed perhaps enough to eye the Greens – shown by the poll to have a stronger commitment to a republic and reform.

The Editor

Long-term benefits await

The Real Republic Australia advocates for an Australian republic with a genuine directly elected Head of State. But we do so within the context of wider constitutional reform because we do not view the Australian Constitution as a static document frozen in time.

Below are a few of the ideas we have floated in addition to a republic. Some have failed previously at referendums but we believe they deserve to be reconsidered because of the improvements they would make if implemented to the governing of our nation. They all offer tangible benefits to Australians and our system of government which is why we believe it would be a tragedy for the Albanese Government to close the door on constitutional reform.



FIXED ELECTION DATES AND FOUR-YEAR TERMS FOR BOTH HOUSES OF PARLIAMENT:

PROPOSED REFORM: Adopt fixed election dates and four-year terms for the House of Representatives and Senate.

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

Fixed terms would also end the unfairness and political game-playing by prime ministers in the calling of elections to benefit an incumbent government.

Four-year terms for the Senate – together with synchronised elections as we discuss below – would also deliver more certainty and more stable government.

Shortening Senate terms to four years is not a dramatic step. Since 1975 when both the Northern Territory and the Australian Capital Territory, were allocated two Senators each, those Senators have been elected to serve a term reflecting that of the House of Representatives – a [maximum of three years](#).

Longer terms for governments would deliver cost savings to taxpayers by having fewer elections. Over 24 years we would have six elections not eight. The [Australian Electoral Commission costed](#) the 2022 election at more than \$522 million so in little more than two decades taxpayers would save more than \$1 billion.

HISTORY: In September 1988 the Hawke Government put four referendums to voters one of which sought approval to amend the Constitution to provide for maximum four-year terms for the House of Representatives and the Senate. The question did not propose fixed election dates, only a lengthening of the maximum term from three to four years. No state approved the question which gained just under 40% approval nationwide.

The Real Republic Australia supports fixed terms and would not support eight-year terms for Senators, as outlined in the next section.

SYNCHRONISED TERMS FOR BOTH HOUSES OF PARLIAMENT:

PROPOSED REFORM: Elect all MPs to both houses on the same day.

BENEFITS: This would end six-year terms for Senators and half-Senate elections. We believe a six-year term is too long without a Member of Parliament facing the voters.

The current difference in the length of terms for upper and lower houses allows the mandate of a government to be frustrated by Senators elected years before a government formed in the lower house.

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

HISTORY: Previous referendums – in 1974, 1977, and 1984 – seeking to synchronise elections for both houses of parliament have all failed.

The Federal Parliament's Joint Standing Committee on Electoral Matters examining the conduct of the 2019 election [suggested](#) an inquiry into the length of federal parliamentary terms.

The Committee also suggested a maximum non-fixed four-year term for the House of Representatives and eight-year terms for the Senate which the Real Republic Australia – and, we believe, most Australian voters – would not support.



BREAKING THE NEXUS BETWEEN THE UPPER AND LOWER HOUSES/FEWER SENATORS:

PROPOSED REFORM: Change [Section 24 of the Constitution](#) which requires the number of MPs in the House of Representatives to be “as nearly as practicable” twice the size of the Senate. In addition, seek additional changes to the Constitution to reduce the number of Senators per state while retaining two Senators each for the ACT and NT.

BENEFITS: The nexus has seen Senate numbers in each of the six states rise from six at Federation to 10 in 1948, then to 12 in 1983. The ACT and NT have each had two Senate seats since 1975.

That means numbers in the upper house have risen from 36, to 60, then to 64 when the ACT and NT were allocated seats, and then to the current total of 76 Senators. Unless the nexus is addressed, at some point in the future as the national population grows and the lower house expands we could see 100 or more Senators. We do not believe we need 12 Senators for each original state.

Even returning to the original six Senators for each State with territories keeping their two – making 40 in all – would be appropriate and would save taxpayer funds.

The number of places cut could be transferred to the House of Representatives to boost representation of local communities.

HISTORY: In May 1967 – the same day Australians were asked to vote at the referendum on federal powers to legislate for Indigenous communities – the Holt Government put to voters a referendum question seeking a change to the Constitution enabling the House of Representatives to be increased when necessary without a consequent increase in Senate numbers.

The proposal gained only 40.2% national support and only NSW saw a majority of voters support it.

A CASUAL VACANCY SYSTEM FOR THE HOUSE OF REPRESENTATIVES:

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

BENEFITS: A change to filling vacancies in lower house seats between elections would avoid the cost of by-elections, delivering more savings to taxpayers. It would also protect and reinforce the value of the mandate invested by voters in governments at elections.

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

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

In addition, MPs who vacate their seat during a term in which they

had chosen to leave the party for which they stood at the previous election would be replaced by a person nominated by that party.

HISTORY: No previous referendum question has sought to implement a system of casual vacancies for the House of Representatives.

However, a referendum question put to voters by the Fraser Government in May 1977 was approved, formalising what had been the convention of having Senators of one party replaced by that party when a vacancy occurred. The question received majority support across all states with a national “yes” vote of 73.32%.

The move followed disquiet about political ploys in 1975 by the then Premier of NSW, Tom Lewis, and Queensland Premier, Joh Bjelke-Petersen, to replace Labor Senators in their states with independents with the aim of destabilising the Whitlam Government.

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT:

PROPOSED REFORM: Give Constitutional recognition to local government.

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

Previous plans to amend [Section 96 of the Constitution](#) have been designed to remove the uncertainty which now exists under the Constitution about the legitimacy of direct funding of major local government programs such as Roads to Recovery.

HISTORY: Voters have [twice rejected questions](#) on the status of local government and its relationship with the federal government – in 1974 and 1988 – and a recent attempt to hold a third referendum did not come to fruition.

The Gillard Government [planned a referendum on the issue](#) in conjunction with a federal election that was to be held on 14 September 2013.

The [Constitution Alteration \(Local Government Bill\) 2013](#) was passed by the Federal Parliament on 24 June 2013 which triggered the

provisions for holding a referendum no sooner than two months and no later than six months after a proposal has been passed.



But former Prime Minister, Kevin Rudd, deposed Julia Gillard just days later and on 4 August called a federal election for 7 September. The earlier election date meant the mandated time frames for holding the referendum on polling day could not be met.

The local government sector has [expressed support](#) for revisiting the issue and following the 2022 federal election the leader of the federal National Party, David Littleproud, also spoke in favour of the reform.

A FAIRER PROCESS FOR CHANGING AUSTRALIA’S CONSTITUTION:

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

BENEFITS: [Section 128 of our Constitution](#) gives federal parliament responsibility for initiating a referendum. In effect the responsibility rests with the government of the day, more particularly the Prime Minister as leader of the government.

Given that the Constitution was drafted essentially as a contract between the colonies – states after Federation – and the federal government, the manner for initiating a potential referendum is skewed too heavily in favour of only one party to that contract, namely the federal government. We believe this is not fair and there should be other options such as having a motion for a referendum adopted by a majority of states and territory parliaments, or giving voters themselves a role to play through a national petition for consideration of a specific constitutional change.

Currently for a referendum question to succeed it must secure a “double majority” comprising a majority of votes nationwide (including votes in the ACT and NT) and a majority of voters in a majority of states (excluding the ACT and NT). We believe the results in the territories should be counted in both parts of the “double majority”.

While some nations require a simple national majority to alter their constitutions, our federal system means the interest of states and territories must be addressed. Therefore another reform option, in addition to improving the way a referendum might be initiated, might be to alter the Constitution to require a nationwide majority of votes plus a majority in at least half the states (if the status quo applies to the Territories).

Making our Constitution easier – but not easy – to change would mean a more responsive Constitution better reflecting modern Australia and therefore delivering better public administration.

HISTORY: A May 1974 Whitlam Government referendum sought to give ACT and NT voters the right to vote at referendums and to amend the Constitution if a proposal was approved by a nationwide majority of voters and a majority of voters in at least half the states. The question gained 47.99% national support and passed only in NSW. Just a few years later, in May 1977, a referendum question put by the Fraser Government to enable ACT and NT electors to vote in referendums was passed by all states and with 77.72% of the national vote.

March vote on Irish reforms

Voters in the Republic of Ireland will be asked to consider two referendum questions on 8 March to alter the nation's Constitution. Both of the proposed changes have arisen from the Citizens' Assembly process mentioned earlier in this newsletter.

The Irish Government has chosen [International Women's Day](#), 8 March, as the day Irish voters will decide on referendum questions to redefine the concept of "family" in the country's Constitution and to alter a longstanding and outdated reference to women.

They will be the 39th and 40th [proposed amendments](#) to the [Irish Constitution](#) of 1937.

The amendments, if approved, will alter the wording of Article 41 of the Constitution relating to "the family".

Irish Taoiseach (prime minister) Leo Varadkar [said](#) the amendment relating to use of the word "family" was necessary because current protections afforded to families under the constitution as it stood extended only to traditional married families.

The change would mean the extension of the same constitutional rights to other relationships, putting them on an equal footing with married families.

The other amendment involved the so-called "woman's place is in the home" terminology.

"Our constitution will continue its history protecting both the family and the institution of marriage," Mr Varadkar said.

"Repurposing the wording, however, acknowledges the families may also be founded on lasting relationships other than marriage.

"For example, a family headed by a lone parent, or a family headed by a grandparent or guardian. All of us know people who are committed to each other in a loving



Leo Varadkar

INSERT

After "Family" add the words "whether founded on marriage or on other durable relationships".

DELETE

"In particular, the State recognises that by her life within the home, woman gives to the state a support without which the common good cannot be achieved."

INSERT

"The State recognises that the provision of care, by members of a family to one another by reason of the bonds that exist among them, gives to society a support without which the common good cannot be achieved, and shall strive to support such provision."

relationship over a sustained period of time, who are not married."

Minister for Integration, Roderic O'Gorman, said that in contemporary Ireland "a woman's place is where ever she wants it to be".

"The key is that women choose the roles they play in our society," Mr O'Gorman said.

"This referendum will offer another opportunity to move away from the Ireland of 1937, to continue that journey to becoming a kinder, a more inclusive society and one that acknowledges and respects the needs of all citizens."

The reference to women – regarded as sexist even in 1937 [when the original Constitution was approved](#) – reflected Catholic teaching at the time and the existence of a "marriage bar" requiring women in public sector jobs to resign when they married.

The restrictions on working women continued in practice until 1973 when Ireland joined what is now the European Union and adopted new laws covering maternity protections and gender equality in pay.

The two referendum proposals are the end result of a [Citizens' Assembly on Gender Equality](#) established by the Irish Government in 2020. The Assembly delivered [its report](#) in June 2021. (right)

While the government accepted the two

THE FAMILY

ARTICLE 41

1 1° The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.

2° The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.

2 1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

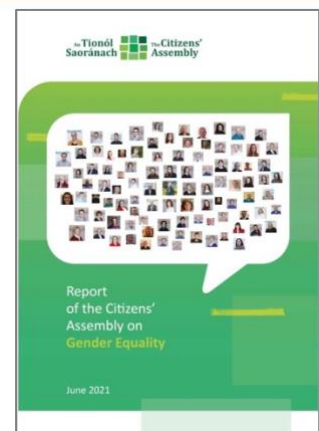
3 1° The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.

2° A Court designated by law may grant a dissolution of marriage where, but only where, it is satisfied that –

- i there is no reasonable prospect of a reconciliation between the spouses,
- ii such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law, and
- iii any further conditions prescribed by law are complied with.

3° Provision may be made by law for the recognition under the law of the State of a dissolution of marriage granted under the civil law of another state.

4 Marriage may be contracted in accordance with law by two persons without distinction as to their sex.



recommendations going to voters in March it did not agree to a referendum suggested by the Assembly that the Constitution be amended to refer explicitly to gender equality and non-discrimination.

Five essential elements for decent public debate

The advent of social media is often blamed for the deterioration in standards of public debate in recent years. However, in the past similar blame has been attributed to other developments in communications such as radio and television. The standard of our public discourse can always be improved. In this article political analysts and researchers ALAN RENWICK and TOM FIELDHOUSE of the London-based Constitution Unit outline their criteria for sound and sensible public debate.

Healthy political discourse is a core feature of a well-functioning democracy.

It can help to deliver many benefits to society, whereas unhealthy discourse has the potential to inflict great damage. There is no definitive blueprint for what healthy discourse looks like.

There is nevertheless widespread concern – in the UK and in [many other countries](#) – that the quality of political discourse is poor and that contemporary challenges, including polarisation and the nature of modern media, are placing it under increasing strain.

What is healthy political discourse?

Alongside other important [constitutional principles](#) – such as institutional checks and balances, free and fair elections, the rule of law, fundamental rights, and integrity and standards – healthy public discourse is an essential component of a well-functioning democracy.

Democracy is a process for making decisions.

Citizens should be able to choose representatives who will serve their interests, and to hold those representatives to account for what they do.

Policy-makers should be able to make and implement policy decisions that advance the public interest.

People from all walks of life should feel included and able to participate actively.

All these processes are underpinned by discourse – including discussion, debate, description, and commentary.

This is generated by politicians, officials, campaigners, journalists, and members of the public. Healthy discourse enables such processes to run well, whereas unhealthy discourse inhibits them.

While no definitive list of the features of healthy political discourse exists, there is wide agreement on many key features.



The following paragraphs highlight five: that discourse should be honest, constructive, respectful, evidence-based, and engaging.

1. Honest

Perhaps the most central feature of healthy political discourse is honesty. [Misinformation](#) and the much-discussed ‘post-truth’ politics (which shows disregard for truthfulness) can leave voters and policy-makers struggling to know what is happening.

This makes it hard for them to choose the best course of action, or even to trust the information that they see.

Recent [Constitution Unit research](#) shows very high levels of public concern about dishonesty in politics, which leaves people feeling disrespected and alienated.

People are angered not just by outright lying, but also by ‘spin’, and by politicians and others who avoid answering questions.

2. Constructive:

Most policy-making involves trade-offs about how different interests, priorities, and values should be balanced.

Yet discourse often appears to ignore that, as proponents of one or other view argue that their approach is entirely right and the alternatives entirely wrong. Such framing can make it hard for observers to work out what to think, and hard for reasonable trade-offs to be reached.

Non-constructive discourse also often involves attacks on the motives of opponents – which connects to the third feature of healthy discourse.

A perennial issue

The article below from *The Age* newspaper in Melbourne in [June 1949](#) bemoans the standard of debate and behaviour in the Federal Parliament.

“There has been over a number of years... a pronounced departure from accepted standards of decorum in debate,” it says.

“None of the parties is guiltless,” the writer declares before contemplating the cause of the trend. “The decline seems to have been more pronounced in Canberra since parliamentary proceedings have been radio broadcast.”

STANDARDS OF DEBATE IN PARLIAMENT

RECENT events in Canberra, leading to notice of a motion of censure of the Government, are but symptomatic of a long and regrettable trend. There has been over a number of years, and the life of several Parliaments, a pronounced departure from accepted standards of decorum in debate. None of the parties is guiltless. The decline seems to have been more pronounced in Canberra since Parliamentary proceedings have been radio broadcast.

There may be some support for the diagnosis made by psychologists that elected assemblies are but crowds in a confined setting. This could explain why members, in the fever of controversy, behave in a manner very different from their normal conduct as individuals outside the House. Parliament is usually more tense and hectic when the galleries are crowded. This condition could be immeasurably magnified when the lights and the microphones indicate to members the existence of an unseen nation-wide audience.

It is noteworthy that for many years the Senate, even when its debates are being broadcast, has been on the whole more decorous than the House of Representatives. The fact that the Senate is fewer in numbers, and is a House of review in which the elements of conflict and surprise are unusual, possibly induces this condition of restraint. Members and aspiring members should indulge in reflective self-criticism with a view to improvement in future Parliamentary conduct. Any member should scorn to behave, under privilege of Parliament, in a manner which would be deemed disorderly outside.

Parliament is designed to be a deliberative assembly, a miniature of the nation. Any subject, however contentious, even in a pre-election session, should be capable of debate in an atmosphere of courtesy and tolerance. It is desirable that provocative speeches, disorderly interruptions and acrimonious aspersions be altogether avoided. If demagoguery is to be accepted as an unavoidable facet of political life, it would be better left to the hustings so that no more harm to the reputation of Parliament may be done.

3. Respectful:

Healthy political discourse shows respect for others, as well as for key rules and institutions.

In a democratic society, all people count equally. Even when others have priorities and values very different from one’s own, their views therefore still matter, and they should be accorded respect.

Disrespectful discourse often extends into abuse, which elected representatives now routinely endure.

Such discourse makes it harder for policy-makers to do their jobs, and dissuades good people from pursuing political careers.

CONTINUED NEXT PAGE:

The essential ingredients for healthy policy debates

FROM PREVIOUS PAGE:

4. Evidence-based:

Policy-making is more likely to deliver outcomes that serve the public interest over the long term if decisions are based on [reasoned consideration of evidence](#) regarding the effects of different options.

Healthy political discourse therefore values such evidence. That is not to say there is no place for ideology: some fundamental questions are about values and cannot be resolved through evidence alone.

But it is important to distinguish between fact-based and value-based arguments when taking decisions.

5. Engaging:

The features of healthy discourse outlined so far might suggest a mode of political dialogue that is very dry and drained of emotion.

But well-functioning democracy requires wide participation, and few of us will be engaged by such talk for long. Healthy political discourse therefore often involves humour, emotion, and drama, as well as relevance.

It should avoid being unnecessarily complex or technical. This final feature of healthy discourse may sometimes be in tension with the others, requiring trade-offs to be made.

We live in a world where these ideals are not always achieved: where many people are not respected as equals; where dishonest discourse is used to advance the wishes of some over the wider public interest. In this context, the interests of those who are disempowered or marginalised may sometimes be advanced by meeting rhetoric with rhetoric, and through displays of anger and resistance.

The path towards healthier discourse is therefore not necessarily smooth.

Barriers to healthy political discourse

Some factors that inhibit healthy discourse have deep roots in human psychology. We are all subject to a range of cognitive biases:

- we tend to focus on evidence that fits our existing beliefs and discount evidence that conflicts with them;
- we pay more attention to evidence that is emotionally engaging, even to the extent of discounting evidence that is more systematic and robust;
- we are strongly 'tribal', and tend to support our own team come what may.

In addition – and partly as a result of these biases – many of those in public life often face incentives to engage in unhealthy discourse.

Politicians may learn that they can gain more votes, campaigners that they can gain more support, and journalists that they can secure more clicks if they spin heavily, exaggerate, engage in personal attacks, and disregard important evidence.

Such behaviour might benefit the individuals who engage in it in the short term, but harm the democratic process and the longer-term quality of governance as a whole.

The barriers to healthy discourse so far mentioned have always existed.

But there are also factors that may be getting worse.

'There is emerging evidence that the use of public deliberative processes such as citizens' assemblies can help to encourage reasoned debate'

Changes in the media over recent decades have quickened the news cycle, weakened traditional journalism, and, via social media, removed filters on access to the public realm.

The removal of barriers to participating in public debate has democratised whose voices are heard; but has also amplified extreme voices, conspiracy theories, and abuse.

These points link to a second trend: a shift towards greater polarisation.

This has been most striking in [the United States](#), but it has affected other democracies too, including the UK. It goes well beyond the UK's traditional structure of adversarial politics.

The causes of this change are debated, but the effect is clear: a greater tendency to believe "facts" from one's own side while disregarding those from the other side; and a willingness to demonise rather than respect those with different views.

How can the quality of discourse be improved?

The most direct way for political discourse to be improved is for participants to respect and uphold norms such as those set out earlier in this briefing.

Under the [UK's] [Nolan Principles](#), all public officeholders are expected to act with honesty, integrity, openness, accountability, objectivity, and selflessness standards that apply as much to how they speak in public as to other aspects of their roles.

They are also expected to show leadership on these matters, and to treat others with respect.

Politicians and others need to beware of a "race to the bottom", and the risks of "tit for tat". Yet exhortations to good behaviour are unlikely to be sufficient alone. Having and enforcing clear rules is also needed.

But rules are blunt instruments too. Without violating key principles of free speech, they can address only unambiguous cases of misinformation or abuse, not the widespread resort to spin and attack.

The media have an important role here – particularly those parts of the media with a public service remit. Fact checking and verification are crucial, partly to shed light on specific cases, and partly to reinforce the norm that accuracy matters.

There is emerging evidence that the use of public deliberative processes such as [citizens' assemblies](#) can help to encourage reasoned debate – if they are embedded effectively in normal processes of scrutiny and decision-making by elected representatives.

Finally, education can play a part as well.

Education in media literacy can help us to understand the discourses we are consuming and how to counter their potentially manipulative effects.

A disengaged electorate can be more susceptible to disinformation, and many people cite lack of knowledge as a reason for not following politics more closely. Thus, education about politics itself is also very important.



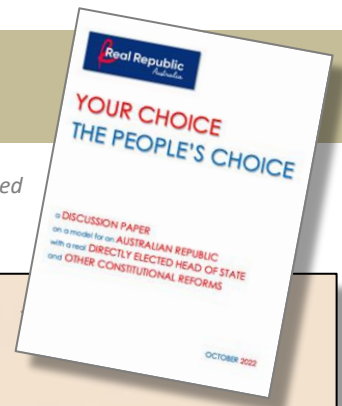
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This is an edited version of an article [originally posted](#) on 31 October 2023 by the Constitution Unit.

The Real Republic Australia's [discussion paper](#) on its model for a genuine directly elected Head of State released in October 2022 continues to generate feedback on its proposals as well as suggestions for alternative approaches to reforming our nation's governance.



ROYAL VISITS CHART SHIFT IN ATTITUDES

FEEDBACK:

I remember in primary school in the 1960s my family would go to the local picture theatre to see a movie and at the end of the night the national anthem would be screened.

Back then the national anthem was not yet *Advance Australia Fair* but *God Save the Queen*.

Everyone would stand until it finished and those who knew the words sang along.

Another feature of those days was the mass rallies of school children that were organised by schools when the Queen came to town.

We would all be sent by bus to a big sportsground and line up so that Her Majesty and her husband Prince Philip could whizz by standing in the back of an official Land Rover and wave at us before zipping off to another sports field.

These things don't happen these days as far as I am aware.

But they were fixtures in Australian society at the time and where meant, I guess, to show our respect for the Queen.

I can't recall if at that age I knew she was our head of state. But she was certainly an important figure to a young child and, I assume, to the nation at the time.

While we no longer stand for the Queen or King at the movies, but we still host members of the royal family when they come here on royal tours, although having youngsters standing in the sun for hours just for a royal wave is no longer the done thing.

I guess that shows a change in attitude to the royals.

I recently read that some republican advocates want to stop the government paying for royal tours, such as the one King Charles and Queen Camilla will make later this year.

What is your position on this? Do you agree? And is it likely to be viewed as an insult to the royal family?

Name supplied

RESPONSE:

First of all, the change in the nature of royal tours is, as you have identified, a measure of how attitudes to the royal family and to royal visits have changed.



Queen Elizabeth II and the Duke of Edinburgh greeted by assembled school children during a royal visit

The Real Republic Australia has always advocated for a genuine directly elected head of state to replace the Queen and now King Charles III in our Constitution, but urges anyone else with similar aims to treat them with the respect they deserve for fulfilling their constitutional role.

We don't see an issue in helping to pay for royal tours whether they involve the British royals or members of royal households from countries like Japan, Denmark, Sweden, Holland, Spain, Thailand, Cambodia, or Tonga.

That is the cost of being respectful and hospitable to official visitors.

After all, monarchists don't call for the scrapping of funds for visits to Australia by the heads of state of republics around the world.

We think royal visitors from anywhere in the world should always be made welcome when they visit us, even when we are a republic.

NEXT PAGE: Our worst royal tour



To read our discussion paper visit realrepublic.au.



To let us know your ideas: info@realrepublic.au

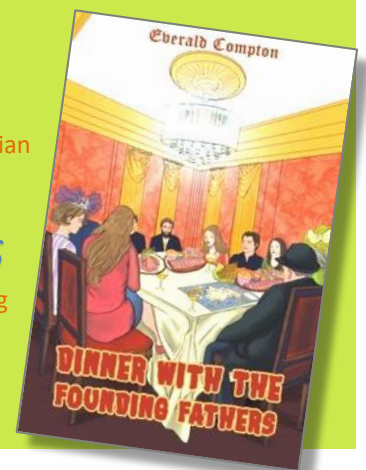
Plenty of food for thought....



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

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

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



OUR FIRST – AND WORST – ROYAL TOUR



Prince Alfred

Photo: National Museum of Australia



The Galatea

Photo: State Library of Queensland

A six-month visit starting in October 1867 by the Duke of Edinburgh Prince Alfred – the fourth of Queen Victoria's nine children – was the first royal tour of the then colonies that would federate to form modern Australia more than 30 years later.

While officially rated a success it was marred by tragedies, riots, and an attempt on the life of Prince Alfred himself.

The people of Western Australia were excited by the prospect of being the first to greet the Prince and several months before his expected arrival [began decorating Perth](#) in anticipation.

They used the very basic communication channels then available to them to keep tabs as best they could on the progress of the royal yacht *Galatea* carrying Prince Alfred on his voyage from the UK.

They erected lavish decorations across the city including a special welcome arch for their expected royal visitor, only to find out on 5 November 1867 that Prince Alfred had arrived in Adelaide the week prior, bypassing WA.



Perth's redundant royal welcome arch

Photo: State Library of Western Australia

Teams of prisoners were organised to dismantle the street decorations but not before some of the structures were set alight by disappointed locals. It transpired that officials in WA had misinterpreted the message from London which had earlier advised that the Prince would "proceed to the West Coast of Australia" and would "visit Adelaide, Melbourne, Sydney, Brisbane, Hobart Town, Van Diemen's Land and also Auckland and Wellington...". Nobody had appreciated the difference between "proceed to" and "visit".

Prince Alfred spent several days in South Australia, one of which involved attending the funeral of a crew member of the *Galatea* who had drowned at an Adelaide beach.

While he was in Melbourne, local sectarian tensions boiled over and resulted in shots being fired from a Protestant hall into a crowd of Catholic protestors outside, killing a young boy.

A [free public banquet](#) in Melbourne drew 40,000 of the city's then 200,000 residents and a riot broke out when catering for 10,000 was exhausted, prompting the Prince to cancel his planned appearance.

In Bendigo three boys died in a fire started by fireworks in a display celebrating the royal visit and two days later Bendigo's brand new Alfred Hall which was to have hosted a royal ball [burned to the ground](#).

Returning to Melbourne the Prince attended

a Flemington race day where a sailor loading a ceremonial cannon had a hand blown off.

After a comparatively uneventful visit to Tasmania, Prince Alfred spent time in Sydney before heading to Queensland where a visit to the Darling Downs to open a railway extension to Jondaryan was notable for [running hours late](#).

On his return to Sydney he attended a public picnic at Clontarf Beach on 12 March 1868 to raise funds for a local sailors' home. During the event a man [fired two shots at the Prince](#), one of which struck him in the back. The royal visitor spent time in hospital but recovered and continued his tour by sailing to New Zealand.

The would-be assassin, Henry James O'Farrell, was charged with attempted murder, and pleaded not guilty. At his [trial](#) it was alleged he was a [radical Irish republican](#) and doubts were raised about his mental health.

O'Farrell was [convicted](#) at the end of a two-day trial after the jury spent less than an hour considering the case. He was [hanged](#) soon after.

Prince Alfred made up for his earlier "snub" of WA by [visiting the colony](#) in February 1869.

LINDSAY MARSHALL

Our newsletter

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

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

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

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



Clem Jones



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