

# CONSTITUTIONAL CONVENTION

[2nd to 13th FEBRUARY 1998]

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TRANSCRIPT OF PROCEEDINGS

Friday, 13 February 1998



Old Parliament House, Canberra

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# CONSTITUTIONAL CONVENTION

Old Parliament House, Canberra

**2nd to 13th February 1998**

*Chairman*—The Rt Hon. Ian McCahon Sinclair MP

*The Deputy Chairman*—The Hon. Barry Owen Jones AO, MP

## ELECTED DELEGATES

### **New South Wales**

Mr Malcolm Turnbull (Australian Republican Movement)  
Mr Doug Sutherland AM (No Republic—ACM)  
Mr Ted Mack (Ted Mack)  
Ms Wendy Machin (Australian Republican Movement)  
Mrs Kerry Jones (No Republic—ACM)  
Mr Ed Haber (Ted Mack)  
The Hon Neville Wran AC QC (Australian Republican Movement)  
Cr Julian Leeser (No Republic—ACM)  
Ms Karin Sowada (Australian Republican Movement)  
Mr Peter Grogan (Australian Republican Movement)  
Ms Jennie George (Australian Republican Movement)  
Ms Christine Ferguson (No Republic—ACM)  
Mr Alasdair P Webster (Christian Democratic Party (Fred Nile Group))  
Ms Glenda Hewitt (ungrouped—I Care About Australia's Future)  
Dr Pat O'Shane AM (A Just Republic)  
Brigadier Alf Garland AM (Australian Monarchist League)  
Mr Andrew Gunter (Ethos—Elect the Head of State)  
Ms Hazel Hawke (Australian Republican Movement)  
Mr Jason Yat-Sen Li (ungrouped—A Multi-Cultural Voice)  
Ms Catherine Moore (Greens, Bill of Rights, Indigenous Peoples)

### **Victoria**

Mr Eddie McGuire (Australian Republican Movement)  
The Hon Don Chipp AO (No Republic—ACM)  
The Reverend Tim Costello (Real Republic)  
Mr Bruce Ruxton AM OBE (Safeguard the People)  
Ms Mary Delahunty (Australian Republican Movement)

Ms Sophie Panopoulos (No Republic—ACM)  
Mr Steve Vizard AM (Australian Republican Movement)  
Ms Poppy King (Australian Republican Movement)  
Mr Lindsay Fox AO (Australian Republican Movement)  
The Hon Vernon Wilcox CBE QC (Safeguard the People)  
Ms Moira Rayner (Real Republic)  
Ms Misha Schubert (Republic4U—The Youth Ticket)  
The Hon Jim Ramsay (No Republic—ACM)  
Mr Kenneth Gifford QC (Australian Monarchist League)  
Mr Phil Cleary (ungrouped—Phil Cleary—Independent Australia)  
Mr Eric G Bullmore (Shooters Party)

### **Queensland**

The Hon Sir James Killen KCMG (No Republic—ACM)  
Dr Clem Jones AO (Clem Jones Queensland Constitutional Republic Team)  
The Hon Michael Lavarch (Australian Republican Movement)  
Dr Glen Sheil (Constitutional Monarchists)  
Mr Neville Thomas Bonner AO (No Republic—ACM)  
Mr David Alexander Muir (Clem Jones Queensland Constitutional Republic Team)  
Ms Sallyanne Atkinson AO (Australian Republican Movement)  
Mr Thomas Bradley (No Republic—ACM)  
Lady Florence Isabel Bjelke-Petersen (Constitutional Monarchists)  
Ms Mary Kelly (Women for a Just Republic)  
Ms Sarina Russo (Australian Republican Movement)  
Cr Paul Gregory Tully (Queenslanders for a Republic)  
Cr Ann Bunnell (Clem Jones Queensland Constitutional Republic Team)

### **Western Australia**

Ms Janet Holmes a Court AO (Australian Republican Movement)  
The Rt Hon Reg Withers (No Republic—ACM)  
Professor Peter Tannock (Australian Republican Movement)  
Mr Geoff Hourn (No Republic—ACM)  
Mr Graham Edwards (Australian Republican Movement)  
Ms Clare Thompson (Australian Republican Movement)  
Ms Marylyn Rodgers (No Republic—ACM)  
Mr Liam Bartlett (ungrouped—An Open Mind for the Future)  
Professor Patrick O'Brien (Elect the President)

**South Australia**

Mr Kym Bonython (No Republic—ACM)  
Dr Baden Teague (Australian Republican Movement)  
The Right Reverend John Hepworth (No Republic—ACM)  
Ms Linda Kirk (Australian Republican Movement)  
Ms Victoria Manetta (No Republic—ACM)  
Dr Tony Cocchiaro (Australian Republican Movement)  
Father John Fleming (No Republic—ACM)  
Ms Kirsten Andrews (Australian Republican Movement)

**Tasmania**

Mr Edward O'Farrell CVO CBE (No Republic—ACM)  
Mr Julian Ormond Green (Australian Republican Movement)  
Mr Michael Anthony Castle (No Republic—ACM)  
Ms Marguerite Scott (Australian Republican Movement)  
Dr David Charles Mitchell (The Australian Monarchist League)  
Mr Eric Lockett (ungrouped—Voice of Ordinary, Fair-Minded, Thinking Citizens)

**Australian Capital Territory**

Ms Anne Witheford (Australian Republican Movement)  
Mr Frank Cassidy (Australian Republican Movement)

**Northern Territory**

Mr David Curtis (A Just Republic)  
Mr Michael John Kilgariff (ungrouped—Territory Republican)

## **APPOINTED DELEGATES—NON-PARLIAMENTARY**

Ms Andrea Ang (Western Australia)  
Ms Stella Axarlis (Victoria)  
Ms Dannalee Bell (Victoria)  
Ms Julie Bishop (Western Australia)  
Professor Geoffrey Blainey AO (Victoria)  
Professor Greg Craven (Western Australia)  
Ms Miranda Devine (New South Wales)  
Mr Gatjil Djerrkura OAM (Northern Territory)  
Ms Mia Handshin (South Australia)  
The Hon Bill Hayden AC (Queensland)  
The Most Reverend Peter Hollingworth AO, OBE (Queensland)  
Ms Mary Imlach (Tasmania)  
Major General James AC, MBE (Queensland)  
Mr Adam Johnston (New South Wales)  
Mrs Annette Knight AM (Western Australia)  
Dame Leonie Kramer AC (New South Wales)  
Ms Helen Lynch AM (New South Wales)  
The Hon Richard McGarvie AC (Victoria)  
Mr Donald McGauchie (Victoria)  
The Hon Dame Roma Mitchell AC (South Australia)  
Mr Carl Moller (Tasmania)  
Councillor Joan Moloney (Queensland)  
Mr George Mye MBE, AM (Queensland/TSI)  
Mr Ben Myers (Queensland)  
Ms Moira O'Brien (Northern Territory)  
Dr Lois O'Donoghue CBE, AM (South Australia)  
Sir Arvi Parbo AC (Victoria)  
The Most Reverend George Pell (Victoria)  
Ms Nova Peris-Kneebone OAM (Northern Territory/Western Australia)  
Mr Peter Sams (New South Wales)  
Professor Judith Sloan (South Australia)  
Sir David Smith KCVO, AO (Australian Capital Territory)  
Professor Trang Thomas AM (Victoria)  
Mr Lloyd Waddy RFD, QC (New South Wales)  
Professor George Winterton (New South Wales)  
Ms Heidi Zwar (Australian Capital Territory)

## **APPOINTED DELEGATES—PARLIAMENTARY**

### **Commonwealth**

#### *Government*

The Hon John Howard MP (Prime Minister)

The Hon Peter Costello MP (Treasurer)

The Hon Daryl Williams AM QC MP (Attorney-General)

Senator the Hon Robert Hill (Minister for the Environment)

Senator the Hon Jocelyn Newman (Minister for Social Security)

Mr Neil Andrew MP

Mrs Chris Gallus MP

Mr Kevin Andrews MP

Senator Alan Ferguson

The Hon Tim Fischer MP (Deputy Prime Minister)

The Hon John Anderson MP (Minister for Primary Industries and Energy)

Senator Ron Boswell (Leader of the National Party of Australia in the Senate)

#### *Australian Labor Party*

The Hon Kim Beazley MP (Leader of the Opposition)

The Hon Gareth Evans QC MP

Senator the Hon John Faulkner (Leader of the Opposition in the Senate)

Senator Sue West (Deputy President of the Senate)

Senator the Hon Nick Bolkus

Senator Kate Lundy

#### *Australian Democrats*

Senator Natasha Stott Despoja

#### *Independent/Green*

Mr Allan Rocher MP

### **State/Territory**

#### *New South Wales*

The Hon Bob Carr MP (Premier)

The Hon Peter Collins QC MP (Leader of the Opposition)

The Hon Jeff Shaw QC MLC (Attorney-General and Minister for Industrial Relations)

*Victoria*

The Hon Jeff Kennett MLA (Premier)

Mr John Brumby MLA (Leader of the Opposition)

The Hon Pat McNamara MLA (Deputy Premier and Minister for Agriculture)

*Queensland*

The Hon Rob Borbridge MLA (Premier)

Mr Peter Beattie MLA (Leader of the Opposition)

The Hon Denver Beanland MLA (Attorney-General and Minister for Justice)

*Western Australia*

The Hon Richard Court MLA (Premier)

Dr Geoffrey Gallop MLA (Leader of the Opposition)

The Hon Hendy Cowan MLA (Deputy Premier)

*South Australia*

The Hon John Olsen FNIA MP (Premier)

The Hon Michael Rann MP (Leader of the Opposition)

Mr Mike Elliott MLC (Leader of the Australian Democrats)

*Tasmania*

The Hon Tony Rundle MHA (Premier)

Mr Jim Bacon MHA (Leader of the Opposition)

Mrs Christine Milne MHA (Leader of the Tasmanian Greens)

*Territories*

Mrs Kate Carnell MLA (Chief Minister, Australian Capital Territory)

The Hon Shane Stone QC MLA (Chief Minister, Northern Territory)

## **PROXIES TABLED BY THE CHAIRMAN**

### **PRINCIPAL**

Mr Howard  
Mr Carr  
Mr Borbidge  
Mr Olsen  
Mr Rundle  
Mrs Carnell  
Mr Stone  
Mr Bacon  
Mr Collins  
Senator Alan Ferguson  
Mr Kennett  
Mr Beattie  
  
Mr Court  
Sir David Smith  
Mr Fox  
Mr Beazley  
  
Ms George  
Mr Kilgariff  
Sir James Killen  
Ms Imlach  
Senator Faulkner  
Reverend Costello  
Mr O'Farrell  
Mrs Rodgers  
Mr Withers  
Mr Green

### **PROXY**

Senator Minchin  
Mr Iemma  
Mr FitzGerald  
Mr Griffin (6 and 11 February)  
Mr Hodgman  
Ms Webb  
Mr Burke  
Mrs Jackson (4, 5 and 6 February)  
Mr Hannaford (3-6 and 9-10 February)  
Mr Abbott (2-6 February)  
Dr Dean (All, except 11 February)  
Mr Foley (4-6 February)  
Mr Milliner (9-10 February)  
Mr Barnett  
Professor Flint (5 February)  
Mr McGuire (5-6 February)  
Mr McLeay (from 3pm, 5 February,  
6, 9 and 11 February)  
Mr McMullan (10 February, 9.00 am to 2.00 pm)  
Mr Martin (10 February, 4.30 pm to 7.30 pm)  
Ms Doran  
Mr McCallum (6 February from 4 pm)  
Mr Paul (6 February from 3.30 pm)  
Mr Nockles (6 February, afternoon)  
Mr Melham (9 February)  
Mr Castan (6 February)  
Professor Flint  
Mr Mackerras  
Mr Paul (9 February)  
Mrs Jackson (9 February)

**Proxies continued—**

**PRINCIPAL**

**PROXY**

Senator Bolkus	Mr McClelland (9-10 February)
Mr McGauchie	Dr Craik (9 February)
Mr Anderson	Mr Abbott (as necessary)
	Senator Minchin (13 February)
Mr Costello	Senator Campbell (9 February, from 3 pm)
	Mr Pyne (10 February, 9.00 am to 3 pm)
Senator Hill	Senator Payne (10 February)
Dame Kramer	Professor Flint (11 February)
Mr Bonner	Mr Longstaff (11 February)
	Professor Flint (12-13 February)
	Mr Paul (13 February, from 2 pm)
Reverend Hepworth	Mr Pearson (11 February)
Mr Beanland	Mr Carroll (13 February)
Ms Ferguson	Dr Howard (12 February, morning)
Major General James	Mr Freeman (11 February, from 6 pm)
Mr Chipp	Mr Fitzgerald (11 February, from 6 pm)
Mr Castle	Professor Flint (11 February)
Mr Andrew	Mr Slipper (10 February, 2.00 pm to 4.00 pm)
Professor Sloan	Professor Flint (13 February, from 3 pm)
Ms Schubert	Ms Markham (13 February, 2-4 pm)

COMMONWEALTH OF AUSTRALIA

## CONSTITUTIONAL CONVENTION

Hansard

1998

OLD PARLIAMENT HOUSE, CANBERRA

2nd to 13th FEBRUARY 1998

*Friday, 13 February 1998*

The **CHAIRMAN (Rt Hon I. McC. Sinclair)** took the chair at 9.00 a.m., and read prayers.

**CHAIRMAN**—To give delegates some idea of the program for today, I thought that we would endeavour to allow about an hour on the first question; on the second question, from about 10 o'clock to 11.30; then, on the third question, from about 11.30. As all delegates would be aware, the Prime Minister is to open Constitutional Place, which is at the rear of the House of Representatives, at 1 o'clock. In order that we can get there, I propose that we suspend the proceedings at 12.45. It may well be that we come back at 2 p.m. to vote on the question—the adoption of a republican system of government.

The question of a bipartisan appointment of a president model will then be voted on after 2 p.m. instead of prior to the luncheon adjournment. At 4 o'clock, we will come back to debate putting the question to the people in a constitutional referendum, of which I have had notice of an amendment for a plebiscite, which will be considered at that time. That will be taken from about 2.15 to about 3.15, allowing for a vote on the third question. Then we will endeavour to conclude all the other matters—the presentation of the communicate, which is going to be merely a factual record of the resolutions passed and reference to the recommendations that this Convention has approved, which the Deputy

Chairman and I will present to the Prime Minister at about quarter past three. We hope that all proceedings could be concluded by 4.30.

I know many delegates wish to leave Canberra. To those who are not leaving Canberra, I understand the members bar is to be opened at the conclusion of proceedings. So, if you wish to say, 'Hello' or anything else to your colleagues, you may do so there this afternoon.

**Mr BEATTIE**—Is that wise, Mr Chairman?

**CHAIRMAN**—It may not be wise, but it was decided that it was appropriate. As you would be aware, all ballots that were held yesterday and the names of how people voted will be in the *Hansard* record. Those of you who question the accuracy of the count can do their own tallies, but the names will be there. I thank you for your cooperation on that issue.

Again today, because of the difficulties of having a division and ensuring the accuracy of the count, we would propose to use ballot papers so that the record of votes can be ensured. There being no other matter of which I have notice, are there any issues anyone else wants to raise?

**Mr WADDY**—This is purely procedural. I wonder if a copy of the bipartisan appointment of president model has been prepared and circulated. Perhaps I have just missed it. I am advised that it has been circulated. I will seek my copy.

**CHAIRMAN**—Are there any other procedural matters before we go on with the debate? If not, it would be my intention, subject to the will of the Convention, to allow three-minute speeches. We have covered the principal subject to such a degree that I think we can accommodate so many more. So we will have a general debate on the first question, and for the mover of the question perhaps we had better allow a little more time, say five minutes. But yesterday, allowing five minutes per speaker, I found there were so many speakers that we did not get everybody in. Unless people really feel strongly about it, I think we will allow three minutes per speaker.

#### RESOLUTION

**That this Convention supports, in principle, Australia becoming a republic.**

**Reverend TIM COSTELLO**—I move:

That this Convention supports, in principle, Australia becoming a republic.

To allow others to have their full time, I will not take five minutes. I am very pleased to move this motion. As prison psychologists tell some of us, when you have been institutionalised for a while inmates like us start to have quite bizarre behaviour—we actually lose the mainframe, start enjoying the prison food, even start wearing the same clothes—as I have been doing for the last week—and all sorts of other strange traits emerge. I think it would be terribly bizarre and strange if in this two weeks of prison we actually lost those of us who are republicans. The mainframe, the big picture, is that we are republicans and when this question is put we must resoundingly vote yes.

I simply want to say that when people are asked about what has gone on this week, before they are asked whether we should appoint or elect a president, they should be asked the question: do you want a republic? Their overwhelming response is still: yes, they want a republic. I think that is the real vote they are looking for. In terms of models that emerge, as we have seen already, it is a bit like asking bike riders whether they like riding only if it is a Malvern Star bike, and you will get them dividing around particular types. But in this question I would urge all

republicans to clearly let their vote and their voice be heard.

Finally, let me say that I have acknowledged that the Crown is a very dominant symbol and story of Australia. But the emerging story around the threshold questions that have been debated very eloquently these last two weeks; the emerging story that resonates with vitality, that resonates with vibrancy, that flies in the face of fragmentation in our world and globalisation that declares we cannot function any more as interdependent nation states; is the story of a republic, of interdependence, of equality, of mateship; a story that honours the past and says very clearly we are regathering as a nation and declaring that we, as a nation of Australians, have a common future where sovereignty resides in the people.

**Ms DELAHUNTY**—I second the motion. I concur with Tim's view. I feel as though I have been living a life of a nun for the last two weeks, emerging at dawn from our cell for prayers for the republic, all day on the floor and in the corridors of this place fighting the spiritual battle with the gentle weapons of words, and as twilight comes we all break bread and again sing for the republic. Why have we done this? We have done this because we all love our country, we honour its achievements and we are thrilled about the prospect of its future. Its future, I believe, if you have listened to the words of this convention, is with an Australian head of state.

Delegates, the people of Australia are watching us. No-one ever imagined just how much this constitutional reform, this Convention would engage the public of Australia. Everyone from the janitor to the general manager has now got a model. We have a model. Even the monarchists, may I ask you to embrace the winds of change. To republicans, remind yourselves how and why you were voted here. Australians want a result. Australians want a clear majority. They want a loud signal that this convention wants an Australian head of state and will support it at referendum next year. Delegates, put aside the positions and the posturing of the last two weeks. All of us are a little bruised and our

sense of possibility has been a little battered, but only a little battered. I urge you to vote resoundingly for this resolution so that the signal can go out to the Australian people that we want a republic.

**Dr DAVID MITCHELL**—Well may we say God save the Queen, for nothing will save the republic. At the beginning of the debate, on the first day, I drew the attention of the delegates of this Convention to the principles of government found in the coronation oath, the principles of government that underlie our constitution. Every delegate here is well aware of those principles, principles that have existed since at least the year 888, and entrenched in legislation in the year 1688, that government will be lawful, just, merciful, that God's law will be maintained and the *Bible* will be regarded as the only rule for the whole of life and government. Every delegate is well aware of this. Every delegate has obviously accepted this principle, first of all because it is right, but the people of Australia will note that not one delegate has attempted to contradict or controvert the principles that I presented then.

This Convention will be held to account, every delegate will be held to account, by the pages of history, by the people of Australia and by the judgment of Almighty God. There is an opportunity now to demonstrate our wish to maintain these historic principles. The idea of a republic will fall to dust. Through the grace of Almighty God we will see His principles maintained in this land. I now call upon every delegate—republican, monarchist and uncommitted alike—to adhere to those ancient principles. I am reminded of the novel *Animal Farm*. George Orwell was far seeing. We have forgotten our constitutional principles. This is an opportunity this day to remember them. This is an opportunity to proclaim to the people of Australia that there is not a hidden agenda, that we really do want to maintain the historic principles of government.

**Mr LOCKETT**—I listened to Tim Costello and Mary Delahunty, and I was impressed by the conviction with which they spoke. But I draw your attention to Mary Delahunty's closing words, where she implored us to tell

the people of Australia that we want a republic. I would suggest we should do the reverse. We should ask the people of Australia if they want a republic. We are 152 people in a nation of 18 million or so. It is not for us to tell them what they want. As I said on Tuesday, we should not get carried away with our own sense of self-importance.

Some people may have wondered why yesterday I moved that a particular motion not be put. It is because I believe it is highly improper and arrogant of us to tell the people how they should vote in a referendum. It is their decision, not ours. Therefore, I give you notice again that in any further motion which has the effect of telling people how they should vote in a referendum to decide whether or not we should become a republic, I will again seek that that motion not be put. It is the people's decision, not ours.

**CHAIRMAN**—Before I call on Sir James Killen, the question we are debating is that this Convention supports, in principle, Australia becoming a republic.

**Sir JAMES KILLEN**—When Mary Delahunty said, 'Let us embrace,' I was ready to respond—until she added the words 'the winds of change'. You will find at all times that I will respond to the injunction of St Paul—seeing we are starting on an ecclesiastical note—and greet one another with a holy kiss and, if you want some practice, I am available.

At the beginning of this Convention, I made the observation that the Crown is of no party and the country is divided by party and by politics. Our experience during the course of the last 10 days has confirmed that. We have seen the republic supporters divided by their own cause. From that they cannot excuse themselves. But I do not seek to complain about their division; I seek to identify it.

I want in the minute available to me to identify what I regard as one of the great political curiosities of this century—that is, the use of the term 'bipartisan'. If my friends in the Labor Party—and there are those on my side of politics who take the view that I have more friends there than I have in my own home—are genuine in their desire to identify this as completely free of political

involvement, then I invite them to amend the federal Constitution of the Australian Labor Party to ensure that every Labor member of the federal parliament will be given a free vote. That is a very simple test. I do not accept, but I do not complain about the historic reason why the Labor Party adopts the caucus system of voting. I identify it; I do not support it, but that is their business. If you want to genuinely convince the people of Australia that this is bipartisan, take the politics out of it and you can do it by that one means.

I ask my friend the Leader of Her Majesty's Opposition, please use your great influence in your party and you will find support across the other way. In the meantime, sir, I serve notice that, as far as the cause of the republic is concerned, it will be defeated in the country when the people have the opportunity to have their say. But in the meantime I will seek the opportunity to ensure that the legislation that puts the referendum before the people meets with as much difficulty as possible.

**Mr WRAN**—I am delighted to see my long-time and distinguished friend Delegate Killen taking such an interest in Labor Party affairs. Delegate Killen, I will provide you with a membership form after we adjourn for lunch! That is that only way within our democratic party that you can participate.

I have risen to make one point which has not yet been made at this Convention. We are not so much concerned with the past as we are with the present and the future. Imagine for a moment that we have been called upon now to draw up an Australian constitution as if it were the very beginning. Would the Queen, the United Kingdom and Ireland have any role in that constitution? Obviously, the answer would be resoundingly no. Why would it be no? The answer is: because, however distinguished that lady is and however great a role she may play in England and Europe, she is totally irrelevant to our present and even more irrelevant—if you can be more irrelevant than totally irrelevant—to our future.

It is not a case of being anti-British; it is a case of being pro-Australian. We have an

opportunity today to reinforce our Australian identity and, as Delegate Lockett said—and I agree with him—to take the question to the Australian people. They will decide, in a typically Australian way, by a referendum in which each and every Australian can participate in Australia's future by signifying whether or not they want one of their own to be our head of state.

**Mr McGARVIE**—This is the first of my speeches at the Convention in which I will not have to rely on the generosity of the Chairman and Deputy Chairman to give me time to get to the final full stop. It is not an occasion for a long speech. I start by congratulating Mr Turnbull and his supporters on their success yesterday.

I would like to explain why it is that I will not be voting on the first two resolutions. I have from the outset, and I continue to do so, taken the position of not siding with the monarchists or the republicans. I would not like it to be interpreted as a conversion which has occurred overnight. I said some things yesterday which reflect my present view. In the voting yesterday I did not speak. I voted for the alternative which I thought least disadvantageous to future democracy. I may have things to say in future, but not today. At that point—and I hope I do not frustrate you by finishing too early, Mr Chairman—I conclude my speech.

**Mr BEAZLEY**—I will start by reiterating a point I made yesterday: this is the threshold question and this is the overwhelmingly important question to be before the Australian people. This is the decision which they will take, no matter what model is presented to them, which will be a permanent one should they take it for a republic. It is overwhelmingly prior. If we get the model on the presidency wrong in the public mind and they nevertheless pass that model, there will be plenty of opportunities as time goes by to fix up that issue. It will become part of the ongoing debate in Australian politics.

That leads to a second point that I very briefly want to make about it: this is an issue that will not go away until it is resolved in favour of a republic. There is no question about that. It may not be resolved next time,

but it will be persistently on the Australian agenda because the Australian people want it there. Overwhelmingly, the Australian people say either that they want a republic now or that they believe a republic is inevitable. I have not seen a vote with those two propositions added together that has had less than 85 per cent of Australians aligned with it. One way or another, our people believe either that they want a republic or that a republic is inevitable. That means it will not leave the political agenda until it is complete.

There has been some talk around the Convention—it has been the delight of the monarchists—that the republicans here have been divided. Anybody who reads the history of the Federation will remember there were people opposed to Federation at the time—a lot, I might say, of those in the Labor Party or the then nascent Labor parties were opposed to Federation. The people who went to those conferences were not united on anything except the fact they wanted an Australian nation created. That was the only point on which they were united. They had diverse views on everything else. Those who now want an Australian republic have diverse views on the modality of it. All that means is that history repeats itself: people of goodwill who believe in a bit of progress and who believe in the nation going forward are not necessarily likely to find themselves in accord with where they go.

I would ask all those here at this Convention today to recollect, both on this resolution and the subsequent ones, that we are dealing with an issue the most preponderant and most significant element of which is the point on which we agree. To get that through to the Australian people in a united way means that a 10-year process can end in two.

**Mr TIM FISCHER**—Kim Beazley is right. In fact it was at Corowa that the then broken-down process of Federation was re-railed at a people's convention in 1893. It is at this Convention in this year of 1998 that I think a rich vein of talent has been encountered across the spectrum, across all ages, in the delegates who have come from beyond the parliaments to join with parliamentarians to examine this case for constitutional change.

It has been a great privilege to be one of those delegates for this last fortnight.

I know there is a great deal of hurt and pain right across Australia at this time. Let me nominate just four areas: Katherine, Townsville, Lockhart and Wagga all are the victims of disasters in recent weeks. There is an attitude that somehow this Convention has not delivered the goods and that it has been a waste of money. I disagree very strongly with that. I would say to those people right across Australia who have been engaged through television and radio in following some of the proceedings: your money has been well spent. The delegates have been more engaged at this conference than at any other conference I have ever attended either in my capacity as Minister for Trade or in any other capacity over the decades. Full marks to your engagement and your commitment to the cause.

That then leaves the issue which we have sought to test. The test has been whether Australia and Australians will be better off in terms of what is being proffered in making this change into, to some extent, unknown constitutional waters, or whether we would be better off staying with the model which has worked so well over 100 years, which has given a great deal of cohesion for the governance of this country and which has delivered a great deal of positive outcome to the people of Australia, right across Australia.

As federal leader of the National Party I have reached a reaffirmed conclusion from the deliberations of the Convention that the case for change has not yet been proven and I will vote accordingly. Therefore, I will oppose the motion before the chair that this Constitution supports, in principle, Australia becoming a republic. That is the firm position of my party. The case for change has been tested; it should now be rested.

**The Most Reverend PETER HOLLINGWORTH**—I was pleased, indeed honoured, to do what I could to help yesterday and on previous days in the preparing of an alternative model for a potential republic of Australia, a model which on the one hand for some would be the least unsatisfactory and for others the most satisfactory.

I believe that that was a responsibility that all of us had, because at the end of the day our final responsibility is to the Australian people. The primary thing that I believe we had to do—and which we have almost done—is provide the terms of reference for a referendum that will state the two options as clearly and simply as possible so that people can make up their own minds and cast a vote.

I have a great problem with motions that refer to the words ‘in principle’. I have an even bigger problem having to vote against or abstain from questions of principle, obviously. But I do want to say to the movers of the motion that the use of the term ‘in principle’ is going to pose a major difficulty for a number of delegates in this chamber, including me. There are many people here—and I hear many Australians as I go around the country—saying, ‘Yes, we can accept the idea of a republic, but we want to know what sort of republic, we want to know when, we want to know the terms under which it might happen, and we want to be satisfied that the end result is better than what we have now.’

I know that that is one of the primary commitments of the Australian Republican Movement and I commend you for it. The acid test really is that we propose something which is better than what we have now. I believe that to ask this Convention first off to vote on a series of motions on this question in principle is very burdensome indeed. I would ask whether there is any possibility of that phrase being removed.

I think we have to determine a lot of other questions. I began on the first day by saying that the devil and the solution is in the detail actually, not the principle. I believe we are a republic, virtually. We have behaved like one for a very long time. It is probably correct to call us a Crown republic. When we are talking about principle I think it is proper to ask the question: principle as to what kind of republic?

**Ms HOLMES a COURT**—I had the great pleasure yesterday of sitting with Kerry Jones for lunch. We had a bit of a joke because Kerry said she can understand my need, or propensity, to leap up and act like a teacher. Once a teacher, always a teacher. We cannot

help ourselves. That sums up for me so much of what has happened this week. I have so much in common with the people who seem to be sitting in the main in the constitutional monarchy block. Last night I spoke to Hendy Cowan. I have so much in common with Hendy Cowan, but somehow we come to a different answer.

**Mr COWAN**—You’re destroying my political future.

**Ms HOLMES a COURT**—Hendy said he loves our present system of government. Ladies and gentlemen, I went away from the Australian Republican Movement because I thought we wanted to change too much. I came back when I realised that basically we wanted to change so little. We wanted an Australian head of state, but we love the same system.

Bruce Ruxton has spoken often about how this is anti-British. I am not anti-British. How can I be? I employ 650 wonderful British people in London and in Australia possibly 500 people who are now Australian citizens, but who came here from Britain. I would love to think that one of those great engineers, carpenters or whoever who work for me around the country had the potential to be our head of state.

Lady Bjelke-Petersen and I had a wonderful talk about how her background was English and that, therefore, she had a commitment to the monarchy. My background is English. My grandfather started work at seven years of age in a rope factory in Britain. He came to Australia because he did not want his children to have to do that. Another grandfather came and was a surveyor at the beginning of the colony in Western Australia. I love it. We have each come to a different answer: Lady Bjelke-Petersen wants that model and I, because my roots are so embedded here now, want an Australian to be a head of state.

Mr Lockett has said, ‘Let Australians decide.’ That is why we have all been locked up in this room for two weeks. I want to express my deep admiration for the people who sit in these places normally—or at the other place—for their remarkable stamina. I think some of us displayed yesterday that we were just about at the end. Mr Lockett, that

is what we are here for. We are here to come up with a model to put to the Australian people so they can decide.

Lastly, my fellow West Australian, Marylyn Rodgers, has asked the question: who are the people in this room who love Australia? Her feeling was that they are the people over there with the British flag on the corner of the Australian flag. Who are the people who love Australia? We all love Australia. Everyone in this room is passionate about Australia. The answer for me is: I want an Australian to be head of state and I have great pleasure in endorsing this motion.

**Mr HAYDEN**—I was very much impressed by Mrs Holmes a Court's address to this assembly a few seconds ago. One of the points she made in fact goes to the very heart of my concerns about the so-called bipartisan model, which got the most votes but did not get a majority yesterday. She said that she would love to think that the people she employs—from an engineer to a carpenter—would have the opportunity of becoming head of state. Therein is the heart of my concern about all of the models except the one I presented yesterday and the model which was finally carried.

The chances of the carpenter getting up through that quality control council, as so many of the republicans are keen to impose on the community, are about zilch. It may well be that the carpenter will not do any better in a nationwide election where everybody is allowed to vote for anyone who happens to nominate themselves as a candidate. Maybe not; they may do no better at all. But the fact is that that person would have a right to nominate themselves, and that should be the right of every person in this country. I cannot understand why there is this elitist, exclusionary attitude of putting up committees to vet, to monitor and to filter who is a suitable person—perhaps a politically correct person—or not.

Mary Delahunty, in a well-crafted speech—as one would expect from a top professional communicator—presumed that the battle for hearts and minds was won and we should all go along with the model put up yesterday. But the battle for hearts and minds here has

not been won with the republicans, let alone with the broader number of delegates or with the broader community. I suggest that that is a concern that the republicans will have to address. Republicans have been speaking this morning as though they are speaking for 'the people'. They are talking for some people; they are not talking for all of the people in the Republican Movement. Good Lord, this is far from resolved.

One of the worries I have is that, if we vote for this resolution, the effect de facto will be that the republicans—the ARM people—will go out and say that the Convention today—if, for instance, there were to be a unanimous vote or an overwhelming majority vote—voted for their model. Nothing is further from the truth. I have a fear that we will go out with less than a 50 per cent vote for whatever model comes up in the course of today. Therefore, it would be a very sad thing if the public did not have an opportunity to decide—not to be told what they have to have but to indicate what they want.

I suggest that the government should seriously consider a plebiscite to allow the public to indicate of all of the proposals which one they want. Your Grace, Archbishop Hollingworth, that is why I stopped short of supporting your proposition for two options for a referendum. There should not be a referendum at this point. There should be a plebiscite, and the public should be asked what they want. You will find that none of the models that the republicans put up here are acceptable to the Australian public, because they want to determine their own destiny.

**Senator STOTT DESPOJA**—I rise on behalf of my party today to support the resolution before us. I am proud to have represented a party that has balloted all its members on this question as to whether or not we should move to an Australian head of state. Overwhelmingly we support that. We do not support change for change's sake. In fact, we have seen this Convention as a wonderful opportunity to update our Constitution, which does not work for us as well as it did. It does not matter how many conservatives choose to think that it still works for us wonderfully. It

needs updating, but tradition and progress are not incompatible.

This republican debate and discourse give us the opportunity to look at things like consolidating our uniquely multicultural society, to look at the issue of reconciliation and the role of indigenous Australians and to make sure that we implement parliamentary and structural reform. That may not happen out of this Convention, but it is a first positive and wonderful start.

When US President Ronald Reagan was wheeled into an operating theatre after the assassination attempt on his life, he said to the surgeons—no doubt more nervous than he was—please assure me that you are all republicans. Major changes to our nation's future and to our Constitution should not be in the hands of others. We should grasp this wonderful opportunity that we have before us. We should take advantage of it. Fellow delegates, please assure me that a clear majority of you are republicans.

**Senator FAULKNER**—I believe this is a threshold question for this Convention. I also believe that we face a situation in this country where our current constitutional arrangements are anachronistic and obsolete. I find it very difficult to believe that the majority of Australians can accept the fact that their head of state comes about as a result of a monarchy based on succession by birth right.

I find it very hard in modern Australia to believe that a majority of Australians would accept a situation where there is absolute preference for men over women—absolute preference for male heirs. I find it very difficult in modern Australia to accept the fact that there is a limitation on our head of state to being a member of the Anglican faith. But, most of all, I find it very hard to accept the fact that in this country at this time Australians can accept they have a situation where their head of state is not an Australian.

Delegates, even though I have had concerns about the representativeness of the Convention, its appointment procedures and election processes, I think this resolution gives us an opportunity to give an overwhelming endorsement to the principle that we should have an Australian as Australia's head of state.

**Ms RODGERS**—After 10 days of debate, the republicans have clearly come up with a bipartisan model to put to the people of Australia. This model has a clear mandate amongst those who wish Australia to become a republic. Mr Turnbull must now recognise that we have honourably allowed the republicans to come to their own conclusion. We have not interfered with that decision. I think the people of Australia will see that we did not try to manipulate the debate in any way. Mr Turnbull, I think you owe us an apology on that one.

We have been told the republic is inevitable. Clearly, this is only in the minds of republicans. I respect that, and I ask them to respect our rights too. I would ask them to consider that when they keep saying that all Australians want a republic. You have not heard that from the monarchist debate at all. We have consistently said that we want to go to the people; we want the people to decide. The way Australia is governed at this stage, because the republicans have not come up with a better model, we still believe the system we have though not perfect is by far better than anything presented here over the last 10 days.

There is now a clear contest. The people of Australia will see that from the vote taken yesterday. I say: let us endorse the finding here and get behind giving the people of Australia their rightful say. We welcome a referendum.

**Mr FOX**—For the last 10 days 152 people have been committed to what we think is in the best interests of Australia. I do not think there is a great deal of variation between any one group or any one individual compared to the other. I have likened, on so many occasions, the two people sitting parallel to one another, Arvi Parbo and Professor Geoffrey Blainey, to being on probably exactly the same railway track. The only variation is when the train tilts slightly to one side or the other.

The commitment of each and everybody for an outcome I think is paramount. We have never had such an opportunity in our lifetime to go to the Australian people and give them 10 complete days of pushing, shoving and

negotiating with a tremendous amount of emotion. The commitment and love of each and everybody that is here is very special. That cannot be lost. The aspects of change are always a problem, no matter how simple. If you do not believe me, when you go home tonight try to get in your spouse's side of the bed and see how long you last. That has to be the simplest of changes. I can assure you, you can get caught up in territorial rights and custom and practice.

This is a chance to do something. You owe it to each and everybody to look forward to where Australia is going from 2000 forward. The republican movement, I guess, cuts that historic tie with England. But the ideas from the words I spoke on the first day, about how I love God and my country, and how I will honour the flag, serve the king and cheerfully obey my parents, teachers and the laws, are gone. The kids no longer say that at school. We stood up and sang *God save the Queen*. That is gone. Let us go forward. Let us see the republic come. But, in your own heart, think of what is best for our kids and theirs.

**Ms AXARLIS**—This is a momentous moment in the history of Australia. As a person from a small enterprise who has to meet the challenges of a global economy, who has to meet the continuous struggle to be competitive in the world today, who has to up-skill her employees, who has to maintain an understanding of what constitutes best practice in the world today and who understands perhaps more than some that the only constant in the world today is change, I know we cannot allow ourselves to be afraid of change. We have the word democracy—'demokratia'—the rule of the people. We have a leader in this nation—our Prime Minister. We have our representative body—our parliament. We chose them. Equally, we have the ability to elect them out of office if they do not perform. We do not want and I have never wanted a power struggle between a president and a Prime Minister. I urge those who have always committed themselves to the people to think of the fact that we do have a constitutional democracy—a wonderful body which has served us over the whole period since 1900.

But above all, let us not be divisive. We have the issues of multiskilling and social justice. We have acknowledged, finally—and I came here to make sure that we did this—our indigenous people and our cultural diversity. We have gone a long way and I am proud of the achievements of the whole body. I have come to respect far more people whom I really knew only as names in the past because of the way they have given input into this Constitutional Convention. But above all we must be very wary. We cannot afford at a time which is so critical in the world today to leave this Convention with a divisive vote. It is too important and we must think very carefully about how we progress.

I think Australia is a republic. I agree; it is a republic in every sense of the word, but with a de facto head. Those of you who are struggling and continue to struggle and to abstain because the model does not allow for a direct vote of the people, please be assured that a person with a name like mine or an indigenous person or a woman would have very little chance. The only time women have been properly represented has been on government appointments. So I urge you to unite, to give the Australian public a clear vote. I do not mind how it goes; I will accept the umpire's call. Let us together move forward to what Australia really needs—a united front in the global economy that will continue to challenge us beyond words.

**Father JOHN FLEMING**—Certain themes have recurred in this debate. The Hon. Kim Beazley has brought back some of the themes which we addressed a little earlier. Mr Beazley is a man for whom I have great respect and I always listen with interest to what he has to say. But on the matter of the republic he has it tragically wrong. He says that the republic is an idea that will not go away until we resolve to agree with him. I notice that the Australian Labor Party had an idea of socialisation. That is an idea that lasted for about 70 years but it has certainly gone away. The idea that there is an idea and that it has to therefore be resolved in the favour of those who have this idea is nonsense. It is the same thing with federation. It is all very well to talk about federation but in

the end the Australian people needed to know what the word meant—what the implications of it were. The difficulty with the word ‘republic’ and voting ‘in principle’ for something called ‘a republic’ is that you are voting for something which does not exist. You need to know what colour the money is.

Mr Beazley invites us to embrace the idea, ‘Don’t worry about the detail; we’ll fix it up later.’ As we have said on our side when we have been critical of this line, the last thing this country needs is Republic Mark 1, Mark 2, Mark 3, Mark 4, Mark 5, Mark 6 and Mark 25 until the year 3000. It undermines the stability of the nation to embrace an idea which is not codified in a way which gives the word specific meaning. I would invite Archbishop Hollingworth to think about that because that goes to the point that he was raising. ‘In principle’ Australia should become a republic—we are being asked to vote for a nonsense.

It is dangerous, moreover, to use words that are not defined. It is dangerous. What we are really being asked to do here in voting ‘in principle’ for a republic is to vote for the ARM model, because that is the only thing that has survived—if you could call it survival—the process. So I invite you not to vote for a nonsensical notion, which is what it is. I invite you to see that what we are really being asked to do is to give some impetus to a pathetic, cobbled together model which really has no great command of the Australian people.

Finally, let me say this: talking of the Australian people, the divisions among Australians are obvious. I do not speak for Australians, and I put it to you that nobody else does. All we can say about Australians is that we are very diverse, we are very individual and we have very different ideas about what these things mean. I want, and my colleagues want, the matter to go to the people for the people to decide, and it is not for us to lecture them that ‘in principle’ Australia should become a republic—‘in principle’ which has no sense content. I urge you to see that this is a meaningless resolution and to throw it out accordingly.

**Ms BISHOP**—I came here as an appointed delegate. At no time prior to the invitation being extended to me was I asked if I had a view about Australia becoming a republic or, if I had a view, what it was. Subsequently, the terms of reference were drafted, including the question: should Australia be a republic? To me that was unfortunate. The question now has reference to ‘in principle’ Australia becoming a republic. I struggle enormously with that phrase.

I do not believe that this question should have been put to the Convention. I believe it is the question for the Australian people. I have been consistent in working groups and in the Resolutions Group in saying that I did not want to answer this question at this Convention. It is not ours to answer.

I came to listen and to learn and I applaud the contribution of every delegate. I must mention the Resolutions Group because it has had quite a deal of publicity. It was an extraordinarily diverse group that struggled very hard to come up with the right sort of resolutions to put to the Convention. But I believed that we, the appointed delegates, were here to craft a model for change should the Australian public decide that they wished Australia to become a republic. I was pleased to contribute in whatever way I could in the drafting of a model, should the Australian people determine they wished to become a republic. I do not believe we should answer their question. However, I fully support that this question be put to the Australian people at a referendum as soon as possible.

**Ms MOIRA O’BRIEN**—Last Thursday, when I had the honour of visiting Government House and I stood there and looked at the grand, old eucalypt tree standing majestically in the backyard, I thought how symbolic it was of this entire debate. Approximately 300 years old we are told it is. We all agree that the eucalypt is fundamentally Australian—the good, old gum tree. It has been here since before white settlement. It symbolises the Aboriginal people. It also symbolises current. It has grown up with the Australian people, with the Australian nation as it is today.

The republic is just another stage of the gum tree’s growth—the new leaves in spring.

Nobody is suggesting that we chop the tree down and start again; it is just continuing to grow. I fundamentally support Australia becoming a republic. The model suggested is a fair way to go.

**CHAIRMAN**—I suggest that we have our vote at a quarter past. There still are about 30 names on this list, so I propose we cut the time to two minutes. By doing that, I can give a few more people a guernsey. I will ring the bells for three minutes before a quarter past so everyone will know to be in the chamber.

**Mr COLLINS**—We are asked to state the obvious with this motion. Any republican, anyone who has ever harboured any sentiment that we must become a republic, must support this motion. We are not asked in this Convention to reinvent Australia. I keep repeating that. We are asked to recognise our proud history, to build on it, to take the next step. It will be a shameful result if Australia, after a dazzling first century, cannot take this step.

Look at what the founding fathers of Federation achieved a century ago; they nearly got the whole package right. This is the step they did not take. If we go away from this Convention saying, 'Near enough is good enough,' it does not stand us well for the future. It does not build on our proud constitutional heritage, built during this century.

It would be arrogant in the extreme for us to assume that this is the last word on the constitutional evolution of Australia. It is not. Future generations of Australians will be back here determining what direction we should take for further changes to our constitution.

We are asked to address a simple issue: whether or not, after a whole century of federation, Australia is capable of producing a citizen who can be the head of state. If we cannot make that decision after such a century of achievement, a century of sacrifice, a century of international involvement—a proud history—then I believe we have failed. This Convention, if it cannot pass this resolution, has failed the Australian people. We are not simply a debating chamber; we are expected to provide a lead. We are expected to show guidance. Anything less is a waste of time and money. I commend the resolution.

**Mr BEATTIE**—There have been some differences of view between the various models advanced by the republicans at this Convention. I see that as a healthy part of the process. Delegates should congratulate themselves for the vigour, the commitment and the passion with which they have represented their different views. All delegates here have committed themselves to the task and have done it well. Those Australians who have listened to the young delegates who have spoken here know that this country has a bright future because of the contributions they have made.

One thing we all agree on—all republicans, regardless of our different models—is that we want an Australian republic. It is that simple. I know all republicans, all genuine republicans who support an Australian republic, will vote in favour of this resolution when it is put shortly.

That does not mean that some of us will not regard this as an incremental stage. It does not mean that we will not pursue issues like ongoing constitutional reform, perhaps even other considerations, to advance our argument. But we know this: there has to be a clear message from this Convention to the Australian people that we want a republic. I urge all republicans to unanimously support this resolution.

**Mr RANN**—One hundred years ago, our predecessors at Australian Constitutional Conventions showed great courage in embracing history and embracing the future. The Constitutional Conventions in the 1890s were certainly not smooth sailing—far from it. Delegates compromised, compromised and compromised. Delegates changed their minds and changed their votes. They took on board other people's ideas and other people's opinions. They voted in ways that often were damaging to their own short-term immediate political needs and self-interest. It was painful. It was painstaking.

They made their choices not with an eye to press coverage the next day or even to votes at the next election. Instead, they voted, finally, for the common good of Australians with a commitment to Australia's future. At the end of all that bargaining, all that discord

and all that, finally, goodwill and compromise, no delegate 100 years ago pretended that they had come up with the perfect model. Instead, it was best endeavours by big people—by big and great Australians. We, 100 years later, have to have the same eye to history and show the same fundamental commitment to the future of our nation and the long-term interests of our people. But, most of all, we, like the founders of our Constitution, must show that same courage to move forward and embrace change.

One hundred years ago, the founders of our Constitution laid down a document which, at the turn of the last century, was a statement about what Australia stood for. None of those founders in the 1890s who compromised and embraced change would have pretended that they had all the answers for a different Australia in the 21st century. I am asking all republicans today to vote for their children's future and their grandchildren's future because it is very hard to explain to my kids why Australia should not have its own head of state.

**Mr WADDY**—This is a trick question. There are three questions today. Yesterday, the Convention resolved—the republicans having designed their model amongst themselves—that, if Australia was to become a republic, the Convention would recommend that the model should be put forward today. You settled the model yesterday. This morning the trick comes in that this Convention supports, in principle, Australia becoming a republic—everyone in this room knowing that the only possible way to become a republic is to alter the Constitution.

Mr Beazley said on the opening day, 'We are a republic in all but name.' Stella Axarlis has just said again, 'We live in a democracy and a republic.' The question is: do we or do we not keep the present mechanism for appointing the Governor-General or do we change it? That is the only question to be discussed all the time. No-one, no model, has ever suggested changing the powers of the Governor-General. The whole argument for nine days has been how to appoint the Governor-General. Our present system, as I pointed out at the beginning, separates the organs of

government from politics. It does not introduce a political element. The republicans have struggled all week to try to find some mechanism which will deliver a non-political head of state. They will not discuss mandate. That is what we have been discussing, and that is where the trick is.

Before Australia was founded, Great Britain was called a Crown republic. Bagehot described it as a crowned republic. There is no question that the Queen's powers are going to be given to the new head of state. The new head of state is going to have the Governor-General's powers and the politicians are going to take the Queen's powers of appointment.

**Dr CLEM JONES**—When I spoke yesterday I said that that would probably be my last speech. But I wanted to rise again today because I think it is very important that we should be quite clear on what we are doing this morning. I disagree with His Grace in relation to the wording of the motion. I think it is very important that the words 'in principle' are in the motion. I would not like anybody to go away from here thinking that because we have given a majority vote to a particular type of republic, a particular model, it is that which is constraining us to vote for a republic. It certainly is not with me. That model is not the model that I want to see in the eventual republic.

I would like to make reference to a couple of things that I think are important and that have not been discussed in much detail here today or in the last eight days. In making this decision, we are making a decision which leaves us with an enormous job to do. The people, I believe, have already said that we are going to have a republic so I have no hesitation in talking about what has to happen when we do decide on that matter.

We have discussed a great number of issues here. In the first words I wrote in the paper we had to fill in for the nomination for election I said that this is a matter which cannot be considered in isolation—and it cannot be. We have discussed over the last nine days a number of issues. Some people have said that they are peripheral issues. I believe that all of them are important. They would not have been brought up here if they

were not. That fact means that in the big job ahead there is a great deal of responsibility that has to be taken not only by the people of Australia but also by the government. It is essential that we go away from here knowing that everybody is committed to making sure that when we do have the republic it will be the republic we want.

**Brigadier GARLAND**—At present we have a Constitution which entrenches the Westminster system of government. I remind you again that that Westminster system of government gives us checks and balances and is based on three areas: the Crown, the legislature and the judiciary. We have been asked to pass a motion suggesting Australia should become a republic. If we pass that motion, if we vote for that proposal, we are voting for the death knell of the Australian Constitution and our Westminster system. I do not believe anybody in Australia is prepared to throw out the baby with the bathwater. I appeal to you: if you wish to retain our Westminster system vote against this motion.

**Professor CRAVEN**—I will be brief. I came to this chamber firmly intending to vote for this motion, as I had strongly supported one version of a republic. I listened to Archbishop Hollingworth's speech with considerable pain, and I find that he is right. I cannot vote for a principle of a republic without a model. If there is a model it is the ARM model, and that is a model that I cannot support. I intend to abstain from voting on that model in the next vote. Therefore, I am persuaded by Archbishop Hollingworth's speech that I must abstain from voting in this vote. I say that with considerable sadness but the logic, to me, seems compelling.

**Mrs GALLUS**—Since I was 15 I have wanted to see Australia as a truly independent nation and not with a head of another country as its head of state. Today we came to this Convention in two broad camps: those of us who wanted a republic and those of us who did not. There have been accusations that the republicans were divided. But how could it have been otherwise? We all came with a goal but with different ways of getting to that goal. We have reached a solution. To some of us it is not our preferred solution; we would

have preferred another. But to all of you who want a republic, do not let that stand in your way. Politics is the art of the possible. We lost our model, so let us get behind the model that did get up and make sure that Australia does become a republic.

**Senator BOSWELL**—Today, the question that we are invited to answer is, in principle: do we want to become a republic? But, in effect, if we answer that in the affirmative, we are clearly voting for the Australian ARM model. I want to point out to the people that we have already heard from the Leader of the Opposition, Mr Kim Beazley, that he can fix it up if it is not quite right.

We are going to be asked to vote for a model that 71 people at this Convention did not want and 74 people did want, so there is hardly conclusive evidence that there is a great majority for it. We are going to be asked to vote for a model that both the Leader of the Opposition and his former Attorney-General have told us has to be codified. We have also been told by the former Attorney-General, who is a prominent constitutional lawyer, that codification cannot really be achieved. He said that it would take 30 years and we would not even make a dent in it. But, somehow, since the former Attorney-General came to this Convention, he has had a road to Damascus conversion; he now thinks that we can codify, but he has not told us how we can do it.

Ladies and gentlemen, if we vote for this resolution, we are signing a blank cheque on behalf of Australia. I think we all ought to listen very carefully to His Grace, Archbishop Hollingworth. We should realise that what we are voting for is in principle. I ask people not to be fooled by the symbols of this, but to have a hard-hearted look at the realities.

**Ms PERIS-KNEEBONE**—Fellow Australians, I want to introduce my brief talk with the word 'luck'. What does the word 'luck' mean? Luck is when you have two dice and you roll the dice. This country was not created by luck. All Australians created this magnificent country which we are fortunate to live in. In the last five years of my life in representing our country I have been to 29

countries around the world; there is no greater country in the world than Australia.

Father Fleming said that becoming a republic is outright dangerous. A lot of people told me when I was eight years old that playing hockey was dangerous; I now have an Olympic gold medal. What are we afraid of? Do we tell our child, 'Do not walk because you could fall over'? Let us let go of our mothers' hands. I urge all Australians to vote for a republic this afternoon. The way I am voting is for the way I would like to see my great-great-grandchildren live in this country—under one republic, under one country, where all Australians can get up at any time and say how they feel.

I thought to myself yesterday afternoon, 'Where the hell in the world would you see such a diverse group of Australians as those who have come here today to foresee how our country should be run?' I support this model which is being put forward to us this afternoon because it gives Australians of all diversities a fair say. There is nothing wrong with our political system—I have been to 29 countries—and the way that our government is run. I have nothing else to say except that I am a proud Australian.

**DEPUTY CHAIRMAN**—The time has come for the question to be put:

That this Convention supports, in principle, Australia becoming a republic.

We will adopt precisely the same method that we did yesterday. You have your envelopes. You are invited to indicate with a tick or a cross whether you support the question, and then sign the voting slip.

**Mr LOCKETT**—I move:

That the motion not now be put.

**Professor PATRICK O'BRIEN**—I second the motion.

**DEPUTY CHAIRMAN**—Two minds of a like thought. I put the question:

That the motion not now be put.

It is narrowly lost!

**Brigadier GARLAND**—Have the bells stopped ringing yet?

**DEPUTY CHAIRMAN**—The bells have stopped ringing. Steve Vizard is here. We all

welcome Patrick McNamara, the Deputy Premier of Victoria. The question then is that the Convention supports, in principle, Australia becoming a republic. Would those in favour of the motion please rise or otherwise indicate so that the tellers can collect their ballot papers.

**AN INTERJECTOR**—Up the republic!

**AN INTERJECTOR**—Right up!

**DEPUTY CHAIRMAN**—Interjections during the voting procedure are highly disorderly.

*Delegates submitted their ballot papers.*

**DEPUTY CHAIRMAN**—Would all those against the proposition please indicate.

*Delegates submitted their ballot papers.*

**DEPUTY CHAIRMAN**—Would all those who want to abstain please indicate.

*Delegates submitted their ballot papers.*

**DEPUTY CHAIRMAN**—The result of the vote is yes 89; no 52; abstentions 11.

**DEPUTY CHAIRMAN**—Order! It will be noted that that is 152 voting. Yesterday we had 151. The detailed results are as follows: Motion: That this Convention supports, in principle, Australia becoming a republic.

Moved: The Reverend Tim Costello

Seconded: Ms Mary Delahunty

Motion put.

Delegates (89) who voted "yes":

Andrews, Kirsten  
 Ang, Andrea  
 Atkinson, Sallyanne  
 Axarlis, Stella  
 Bacon, Jim  
 Beattie, Peter  
 Beazley, Kim  
 Bell, Dannalee  
 Bolkus, Nick  
 Brumby, John  
 Bullmore, Eric  
 Bunnell, Ann  
 Carnell, Kate  
 (proxy—Webb, Linda)  
 Carr, Bob

Cassidy, Frank  
 Cleary, Phil  
 Cocchiaro, Tony  
 Collins, Peter  
 Costello, Peter  
 Costello, Tim  
 Curtis, David  
 Delahunty, Mary  
 Devine, Miranda  
 Djerrkura, Gatjil  
 Edwards, Graham  
 Elliot, Mike  
 Evans, Gareth  
 Faulkner, John  
 Fox, Lindsay  
 Gallop, Geoffrey  
 Gallus, Chris  
 George, Jennie  
 Green, Julian  
 Grogan, Peter  
 Gunter, Andrew  
 Haber, Ed  
 Handshin, Mia  
 Hawke, Hazel  
 Hewitt, Glenda  
 Hill, Robert  
 Holmes a Court, Janet  
 Jones, Clem  
 Kelly, Mary  
 Kennett, Jeff  
 (proxy—Dean, Robert)  
 Kilgariff, Michael  
 King, Poppy  
 Kirk, Linda  
 Lavarch, Michael  
 Li, Jason Yat-Sen  
 Lundy, Kate  
 Lynch, Helen  
 Mack, Ted  
 Machin, Wendy  
 McGuire, Eddie  
 McNamara, Pat  
 Milne, Christine  
 Moller, Carl  
 Moore, Catherine  
 Muir, David

O'Brien, Moira  
 O'Brien, Patrick  
 O'Donoghue, Lois  
 Olsen, John  
 O'Shane, Pat  
 Pell, George  
 Peris-Kneebone, Nova  
 Rann, Michael  
 Rayner, Moira  
 Rundle, Tony  
 Russo, Sarina  
 Sams, Peter  
 Schubert, Misha  
 Scott, Marguerite  
 Shaw, Jeff  
 Sowada, Karin  
 Stone, Shane  
 Stott Despoja, Natasha  
 Tannock, Peter  
 Teague, Baden  
 Thomas, Trang  
 Thompson, Clare  
 Tully, Paul  
 Turnbull, Malcolm  
 Vizard, Steve  
 West, Sue  
 Williams, Daryl  
 Winterton, George  
 Witheford, Anne  
 Wran, Neville  
 Delegates (52) who voted "no":  
 Anderson, John  
 Andrew, Neil  
 Andrews, Kevin  
 Beanland, Denver  
 (proxy—Carroll, F E)  
 Bjelke-Petersen, Florence  
 Blainey, Geoffrey  
 Bonner, Neville  
 Bonython, Kym  
 Borbidge, Rob  
 (proxy—FitzGerald, Tony)  
 Boswell, Ron  
 Bradley, Thomas  
 Castle, Michael

Chipp, Don  
 Court, Richard  
 Cowan, Hendy  
 Ferguson, Alan  
 Ferguson, Christine  
 Fischer, Tim  
 Fleming, John  
 Garland, Alf  
 Gifford, Kenneth  
 Hayden, Bill  
 Hepworth, John  
 Hourn, Geoff  
 Howard, John  
 James, William (Digger)  
 Johnston, Adam  
 Jones, Kerry  
 Killen, Jim  
 Kramer, Leonie  
 Leeser, Julian  
 Manetta, Victoria  
 McGauchie, Donald  
 Mitchell, David  
 Mitchell, Roma  
 Moloney, Joan  
 Mye, George  
 Newman, Jocelyn  
 O'Farrell, Edward  
 Panopoulos, Sophie  
 Ramsay, Jim  
 Rocher, Allan  
 Rodgers, Marylyn  
 Ruxton, Bruce  
 Sheil, Glen  
 Smith, David  
 Sutherland, Doug  
 Waddy, Lloyd  
 Webster, Alasdair  
 Wilcox, Vernon  
 Withers, Reg  
 Zwar, Heidi

Delegates (11) who abstained from voting:

Bartlett, Liam  
 Bishop, Julie  
 Craven, Greg  
 Hollingworth, Peter

Imlach, Mary  
 Knight, Annette  
 Lockett, Eric  
 McGarvie, Richard  
 Myers, Benjamin  
 Parbo, Arvi  
 Sloan, Judith

Resolution agreed to.

#### RESOLUTIONS GROUP

**DEPUTY CHAIRMAN**—The next matter is the determination of transitional and consequential issues. The document is headed 'Resolutions Group: Resolutions on Consequential Matters', and has been circulated separately. It begins with headings on Timing and Circumstances of any Change, Title, and Membership of the Commonwealth of Nations. I make the point that a number of these issues have been discussed together. Whether it will prove to be necessary for us to deal with the issues absolutely independently is in the hands of the conference. They will be introduced by the Attorney-General, the Hon. Daryl Williams.

**Mr WILLIAMS**—On behalf of my joint rapporteur and me, I move:

That this Convention notes its earlier provisional and indicative votes and resolves as follows:

#### (1) **Timing and Circumstances of Any Change**

- A. That a referendum for change to a republic or for the maintenance of the status quo be held in 1999. If the referendum is in favour of a republic, that the new republic come into effect by 1 January 2001.
- B. That prior to the referendum being put to the people the Government undertake a public education program directed to the constitutional and other issues relevant to the referendum.

#### (2) **Title**

That in the event of Australia becoming a republic, the name "Commonwealth of Australia" be retained.

#### (3) **Membership of the Commonwealth of Nations**

That in the event of Australia becoming a republic, Australia remain a member of the Commonwealth of Nations in accordance with the rules of the Commonwealth.

#### (4) **The Preamble**

In the event of Australia becoming a republic:

- A. That the Constitution itself (as distinct from the Constitution Act) include a Preamble.
- B. That any provisions of the Constitution Act which have continuing force should be moved into the Constitution itself and those which do not should be repealed.
- C. That the Preamble to the Constitution should contain the following elements:
- C1. Introductory language in the form "We the people of Australia";
  - C2. Reference to "Almighty God";
  - C3. Reference to the origins of the Constitution, and acknowledgment that the Commonwealth has evolved into an independent, democratic and sovereign nation under the Crown;
  - C4. Recognition of our federal system of representative democracy and responsible government;
  - C5. Affirmation of the rule of law;
  - C6. Acknowledgment of the original occupancy and custodianship of Australia by Aboriginal peoples and Torres Strait Islanders;
  - C7. Recognition of Australia's cultural diversity;
  - C8. Affirmation of respect for our unique land and the environment;
  - C9. Reference to the people of Australia having agreed to re-constitute our system of government as a republic;
  - C10. Concluding language to the effect that "[We the people of Australia] asserting our sovereignty, commit ourselves to this Constitution";
  - C11. A provision allowing ongoing consideration of constitutional change.
- D. That the following matters be considered for inclusion in the Preamble:
- D1. Affirmation of the equality of all people before the law;
  - D2. Recognition of gender equality; and
  - D3. Recognition that Aboriginal people and Torres Strait Islanders have continuing rights by virtue of their status as Australia's indigenous peoples.
- E. That care should be taken to draft the Preamble in such a way that it does not have implications for the interpretation of the Constitution.
- F. That Chapter 3 of the Constitution should state that the Preamble not be used to interpret the other provision of the Constitution.

**(5) Oaths and Affirmations**

That in the event of Australia becoming a republic:

A. The Head of State should swear or affirm an oath of allegiance and an oath of office.

B. The Convention notes that the oath [or affirmation] of allegiance might appropriately be modelled on that provided by the Australian Citizenship Act as follows:

[Under God] I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey.

C. The Convention notes that the oath [or affirmation] of office might appropriately be modelled on the following words:

I swear, humbly relying on the blessing of Almighty God, [or, I do solemnly and sincerely affirm and declare] that I will give my undivided loyalty to and will well and truly serve the Commonwealth of Australia and all its people according to law in the office of the President of the Commonwealth of Australia, and I will do right to all manner of people after the laws and usages of the Commonwealth of Australia without fear or favour, affection or ill will

or

I swear [or affirm] that I will be loyal to and serve Australia and all its people according to law without fear or favour.

**(6) Miscellaneous Transitional and Consequential Issues**

That in the event of Australia becoming a republic:

A. The Commonwealth Government and Commonwealth Parliament give consideration to the transitional and consequential matters which will need to be addressed, by way of constitutional amendment or other legislative or executive action, including:

A1. The date of commencement of the new provisions;

A2. The commencement in office of the head of state upon oath or affirmation;

A3. Provision for an acting head of state in certain circumstances;

A4. Provision for continuation of prerogative powers, privileges and immunities until otherwise provided;

A5. Provision for salary and pension;

A6. Provision for voluntary resignation;

A7. Provision for the continued use, if and where appropriate, of the term Royal, Crown or other related terms, and use of the royal insignia, by the Defence Forces or any other government body;

A8. Provision for the continued use of the term Royal, Crown or other related term, and use

of royal insignia, by non-government organisations;

- A9. Provision for notes and coins bearing the Queen's image to be progressively withdrawn from circulation; and
  - A10. Provision to ensure that any change to the term Crown land, Crown lease or other related term does not affect existing rights and entitlements to land.
- B. Spent or transitory provisions of the Constitution should be removed.

**(7) Qualifications of the Head of State**

That in the event of Australia becoming a republic:

- A. The head of state should be an Australian citizen;
- B. The head of state should be eligible to vote in an election for the Senate or House of Representatives at the time of nomination;
- C. The head of state should not be a member of any political party;
- D. The head of state should be subject to the same disqualifications as set out in section 44 of the Constitution in relation to members of Parliament; and
- E. Any future amendments to section 44 of the Constitution should also apply to the head of state.

**(8) Implications for the States**

- A. That the Commonwealth Government and Parliament extend an invitation to State Governments and Parliaments to consider:
  - A1. The implications for their respective Constitutions of any proposal that Australia become a republic; and
  - A2. The consequences to the Federation if one or more States should decline to accept republican status.
- B. That this Convention is of the view that:
  - B1. Any move to a republic at the Commonwealth level should not impinge on State autonomy, and that the title, role, powers, appointment and dismissal of State heads of state should continue to be determined by each State.
  - B2. While it is desirable that the advent of the republican government occur simultaneously in the Commonwealth and all States, not all States may wish, or be able, to move to a republic within the timeframe established by the Commonwealth. The Government and Parliament should accordingly consider whether specific provision needs to be made to enable States to retain their current constitutional arrangements.

**SUPPLEMENTARY RESOLUTION**

**(1) Title of the head of state**

That this Convention notes its earlier indicative vote and resolves that in the event of Australia becoming a republic, the title of head of state should be "president".

I indicate that, for unknown technological reasons, the supplementary resolution at the end of the motion fell out of the machinery and is on a separate piece of paper headed 'Resolutions Group: Supplementary Resolution. (1) Title of the head of state'. There was an earlier provisional and indicative vote, if not a final vote, and I would suggest that the Convention is able simply to take them as a whole, subject to any contrary ruling from the chair.

The terms of the resolutions are, except in two respects, identical to the terms on which they have been previously voted. The provisions that have been altered have a line against them in the left margin. The first is in (4) The preamble, paragraph A. The substance is not changed; it is simply a shortened version. The second one is B and C in (5) on page 3. There the introductory words to the models of oath or affirmation were slightly amended to make it clear that in each case they are illustrative rather than directive. Mr Deputy Chairman, these issues have been debated at great length in the past, and I suggest the Convention will be able to deal with them relatively quickly.

**Mr GARETH EVANS**—I second the motion.

**DEPUTY CHAIRMAN**—I will go through the headings to see whether there are any questions or difficulties with them and we can take a vote on them as they come up. No. (1) Timing and Circumstances of Change; (2) Title; and (3) Membership of the Commonwealth of Nations.

Motion carried.

**DEPUTY CHAIRMAN**—The next is (4) the preamble, about which we talked at some length. Are there any difficulties with the preamble?

**Mr RUXTON**—We have a preamble that is going to take up about an A4 page in the proposed new Constitution. At present it takes

about nine lines. I support what Professor Craven said yesterday. I do not believe that these extraneous issues that have been introduced into the preamble should be there.

**Mr GROGAN**—I simply say there has been a lot of debate on this and a lot of support. With the addition of item D3, the concerns that anyone has about the legalities should in my view fade away so that people can rightfully support these principles being there without any concerns about those issues.

**Councillor BUNNELL**—I stand before you as a member of local government for 10 years. I realised on the floor of the Convention the other night that the issue of local government constitutional recognition was lost. I believe it was lost for various reasons, some procedural. I would like it stated in *Hansard* that I believe the constitutional recognition of the issue of local government should go forward. I realise it is not in the preamble.

**Dame LEONIE KRAMER**—I simply want to remark that this is very far from being a preamble. It is more like a compendium or a wish list. I know it is too late for me to say this, in a sense, but I want to register the view that the whole philosophy behind this is mistaken.

**Mr ANDREWS**—On a minor typographical matter: in item F the word ‘provision’ should read ‘provisions’.

**DEPUTY CHAIRMAN**—Yes, that is an obvious typo. We will fix that up.

**Dr CLEM JONES**—I want to strongly support Councillor Bunnell. Local government in Australia has long had tremendous responsibilities but no representation. I commend to all delegates that in the long term in some way local government has to be given recognition in our Constitution.

**Ms ANDREWS**—I rise to support the various aspects of the preamble that we have here. I think we have worked extremely hard over the last 10 days to ensure that we identify what it is we have in common rather than what we have that divides us. This new preamble to the Constitution ensures that we will be able to recognise Australia as it is today, and I urge you to support that.

**Brigadier GARLAND**—It seems to me that we have a bit of a nonsense here and what we are likely to see is a Constitution that will be as big as the Tax Act. These matters are all very important but to include them in the preamble means that nobody will take any notice because they will refer to F which states:

That Chapter 3 of the Constitution should state that the Preamble not be used to interpret the other provisions of the Constitution.

The only thing that is missed out of this particular list is: ‘I love my mother.’

**Mr SUTHERLAND**—I again wish to revisit the question of the recognition of local government. I think it failed primarily because the drafters just simply put up ‘recognition of local government’ without including the word ‘democratic’. What we have to acknowledge is that at the time of Federation local government was not included in the Constitution because it largely did not exist in a form of democratic local government.

It is tragic that, nationally through our Constitution, we do not express a desire, a wish and a will that there be a democratic system of local government guaranteeing territorial spread of community representative government across the nation. If it is democratic, it means it guards against the system of the arbitrary dismissal of councils which, from my experience of nearly 40 years in local government, was largely done for political reasons. If there is a council removed or dismissed, it should be the same as it is in state and federal governments. There should immediately be arrangements for a fresh election. Sadly, in the state of New South Wales in Sydney, we have had an instance of the dismissal of an appointed council, Randwick City Council, and administrators were in there for nearly five years which spread across both political parties and governments.

**DEPUTY CHAIRMAN**—I hesitate to interrupt but, if you want to move an amendment and there are more than 10 supporters for it, you can do it.

**Mr GARETH EVANS**—Not ‘more than 10’; it has to be with leave of the Convention.

**DEPUTY CHAIRMAN**—I am sorry, with leave of the Convention. But I do not think we can have a substantive debate on local government unless somebody wants to move an amendment.

**Mr GARETH EVANS**—Don't encourage them.

**DEPUTY CHAIRMAN**—I am not encouraging them, Delegate Evans, but it is just as well for them to be aware of their rights.

**Mr WILCOX**—I only wish to repeat something that I have said before, and that is the warning about putting words into even preambles. It is sometimes thought that preambles do not matter but, as I said recently, the courts will take absolutely anything into consideration today, and there is no shortage of litigants to see that they have the opportunity to do so.

Whilst I support almost all of what is proposed as set out in the preamble, where we are asking to have the following elements contain something about them, you get all sorts of difficulties. That goes on to not only C, but D. I will just pick out a couple. There is the environment, which is as long as a piece of string, and gender equality which is even longer than a piece of string.

I conclude my remarks here by going on to E which says, very wisely—and this will cause great problems for the government and the parliamentary draftsmen—that care should be taken to draft the preamble in such a way that it does not have implications for the interpretation of the Constitution. The way the High Court today wants to get into the areas of the legislatures, you will have to be pretty good to stop them, but beware.

**DEPUTY CHAIRMAN**—I take it you will be available for consultation.

**Mr WILCOX**—At about the sort of fees that James Killen was going to charge to mediate between the republicans.

**Ms HOLMES a COURT**—Like Kirsten Andrews, I am in favour of the essence and the philosophy of this. I would like to ask my friend, Mr Williams, the Attorney-General if, after his people have had a go at this, can we please send it off to some of our poets and writers? We need the smell of eucalyptus in

this and the feel of red dust. We need to have the feel of swimming in the Australian sea, and all those things that make us feel so passionate about this country and love it so much.

**Dr GALLOP**—What about eating beef?

**Ms HOLMES a COURT**—Eating beef and no feral cats. I believe we can now do something wonderful with this preamble.

**Ms RAYNER**—I came to this Convention hoping for a discussion, a debate, and the working out of a new vision for Australia. Along with my fellow delegate, Tim Costello, I endorse the result of this Convention, because Australia will finally get an Australian as a president, and we have talked about the sorts of relationships that citizens should have with their government. But I am deeply disappointed at the pragmatic, prosaic and business-like way in which we have avoided making any commitment to the people of Australia, even in this preamble.

What we have is a preamble which is a list of instructions to the parliamentary drafts-person. And that list of instructions, even as cursory as it is, is still attacked by those who would wish to see the Constitution, developed more than a century ago, etched in concrete forever. Though we have references to very important matters, we have managed to fudge in paragraph D: our commitment to affirmation of the equality of all people before the law; to recognition that women and men are equal; and even to any sort of recognition that Aboriginal people and Torres Strait Islanders have continuing rights by virtue of their status as Australia's indigenous peoples.

We have simply left that for consideration, rather than saying we were committed to it. This is despite the fact that, after much debate and two defeated motions on the floor, we finally wimped out completely and said in paragraph F that chapter 3 of the Constitution should say that our preamble must not be used to interpret the other provisions of the Constitution. Even if we refer this preamble to our poets—Les Murray for example—for the pong of eucalyptus oil, we will still have, at the end of this brilliant, lyrical ode to the quality of Australian character, a statesman-like phrase that 'the above is inapplicable in

terms of our statutory rights and responsibilities'. How bloody stupid!

**DEPUTY CHAIRMAN**—Don't use that language in the Convention.

**Ms RAYNER**—I withdraw the word 'bloody'. I agree with you. That was unparliamentary language and I apologise to delegates too, but it expresses the frustration I feel that the issues I came here to debate were taken off the agenda on the first day.

**Mr RUXTON**—I was very offended.

**Ms RAYNER**—Mr Ruxton, please restrain yourself.

**DEPUTY CHAIRMAN**—Mr Ruxton, please contain yourself. You are not helping the deliberations.

**Ms RAYNER**—I believe this Constitution of ours should have a preamble. I am glad that we have at least got a list. But I wish the people of Australia to know that we have missed an opportunity to inspire this new republic of ours with a spirit of equality and fairness.

**Ms DELAHUNTY**—I rise to support this without the pessimism of my fellow Victorian delegate Moira Rayner. I also came to this Convention imbued with a tremendous sense of possibility, Moira, as you know, for what we could do here together. Some of the possibility has been dimmed, and the preamble is one area where I feel disappointment; however, this Convention has been about the art of compromise, about crafting what we can give to the Australian people.

I stand here to support this today because we have before us dot points that say what has been silent in our Constitution up until now: affirmation of the rule of law; recognition of Australia's cultural diversity; recognition of gender equality; recognition that Aboriginal and Torres Strait Islanders have continuing rights by virtue of their status as Australia's indigenous people and so on. It is true that what we have created in this list of principles is, if you like, a constitutional White Pages, but it is certainly substantially superior to what exists in the Constitution now. I urge you to support it.

**Ms THOMPSON**—The subject of the preamble was high in the minds of most of the delegates at the Women's Convention two weeks ago. I do not think the people who were there were any different in that than most of the people who are here and most Australians. The idea of the preamble is to give us a vision, something which we can stand up and say what we believe in. Imperfect as this list may be, imperfect as the drafting instructions may be, this is our unity document, this is our chance to come together and say, 'We believe these things are true.' Please support the preamble.

**DEPUTY CHAIRMAN**—I now put section (4), the preamble. Would those in favour please indicate.

**Mr BULLMORE**—Can we put E and F of section (4) separately?

**DEPUTY CHAIRMAN**—I do not think so at this stage. There would have to be a motion from the floor, and we have now concluded the debate, so I do not think it would be proper to put an amendment at this stage.

**Dr CLEM JONES**—On a procedural point, can we take A to F seriatim? There are a number of things in here that I disagree with. I strongly want to vote for D, and I do not think it fair, with the complexity of the issues that have been listed before us, that we should be asked to vote for them as a whole.

**DEPUTY CHAIRMAN**—I am in the hands of the Convention, but nobody has proposed a procedural motion up until now. I said to Mr Bullmore that I thought it was too late. We have started the voting procedure.

**Dr CLEM JONES**—I was on my feet—

**DEPUTY CHAIRMAN**—I had already ruled against Mr Bullmore. I put the question that we treat section (4) as a whole.

Motion carried.

**DEPUTY CHAIRMAN**—We now proceed to section (5), Oaths and Affirmations.

**Professor PATRICK O'BRIEN**—In my view the oath or affirmation is not strong enough. There is a peculiar contradiction involved in B which states:

[Under God] I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey.

The rights that we have agreed to are very minimal ones which will be the rights that are declared under law. But they are certainly not rights as they have been traditionally known, because clearly this Convention decided very early in the piece not to even contemplate discussing a bill of rights that was proposed by Moira Rayner and me. I am being quite serious. I think it is Orwellian newspeak to put that in without actually seriously considering a bill of rights.

An oath must not have Orwellian newspeak in it. The words must mean something serious. If we are going to swear to uphold rights that we do not have, it is very silly. To say 'its people whose democratic beliefs I share' is alright, but there are many different perceptions of democracy. We have not agreed on that at this Convention.

Moreover, it lacks the most fundamental quality of an oath to be taken in what by any reasonable measure could be called a democratic republic. Even those who wish to deny the practical sovereignty of the people on the republican side here still define a republic as a polity in which sovereignty rests with the people. That must be included in any oath. I know it is too late to make the amendment. I shall vote against it simply because it misses the key quality of what a democratic polity is.

**Brigadier GARLAND**—Oaths or affirmations of fealty or allegiance are for ever or until released from that oath by the entity to whom the fealty was pledged. Oaths are not just words to be mouthed. The decision by this Convention not to request the Queen to release all of those who have pledged allegiance to her, her heirs and successors will cause a great deal of angst to millions of people in Australia, who like Mr Edwards, have pledged loyalty to her, actually—not what he would like to do, but actually.

I believe it is a grave omission from this particular resolution that that which was put forward by Archbishop Hollingworth and Professor Craven on this matter has not been included for people to vote on.

**Mr EDWARDS**—As the convener of the group that dealt with the question of the oath, I am entirely comfortable with it, and indeed it is one that should be supported. When we talked about the oath in the working party, there were four people who were from the monarchist side. We gave good deliberation to this matter. There was some very straight talking and exchanges. What we came up with was indeed a consensus.

The wording of this oath has passed through two votes of this chamber so far and that, too, indicates the consensus that we achieved. There was, however, in the Resolutions Group a final sentence added, but I understood that to be by way of a model for those who will eventually put this together to consider.

In conclusion, I reiterate that the oaths that I have sworn at various times in Australia I am sure would have been much more meaningful to me if I had been able to swear allegiance to Australia and to its people rather than to the Queen, her heirs and successors.

**Professor BLAINEY**—I was a member of the working party which Mr Edwards ably chaired, and he is quite right in saying that the bulk of the proposition before us was agreed by the working party. In the debate at the Convention, likewise, there was agreement, but very late the Resolutions Group put in the last sentence, which, to my mind, contradicts the previous oath. I wonder whether the Resolutions Group could explain why they decided to put in an additional oath which removes the phrase 'undivided loyalty'. To my mind, undivided loyalty is a vital phrase. It was a compromise phrase which Mr Edwards, as chairman, got agreement on. It seems to me a pity at this stage that the Resolutions Group should have added something so different.

**DEPUTY CHAIRMAN**—My recollection was that it was simply to say to the draftspeople that there should be an alternative between a longer, more elaborate form and a shorter form. I think it was just that.

**Mr WILLIAMS**—Mr Chairman, I cannot recall the detail of the discussion of the Resolutions Group now, but the reason it is in the present form is that what came forward

was seen as being illustrative of the objectives rather than something that was wanted in a final draft form. Everything that has been said in the debates is able to be taken into account in the preparation of any form, so I really do not think that we need detain ourselves any longer with it.

**Mr WRAN**—I move:

That the question be put.

Motion carried.

**DEPUTY CHAIRMAN**—I put the resolution that we adopt section (5)—oaths and affirmations.

Motion carried.

**Ms MOORE**—Mr Deputy Chairman, before we move on to (6), I did a really dumb thing in respect of the preamble. I thought you were asking us whether we wanted to consider it as a whole or not, and I voted against that. I would not like anybody to think I was voting against the preamble as listed, because I fully support it. Thank you.

**DEPUTY CHAIRMAN**—Are there any speakers on (6)—miscellaneous transitional and consequential issues? As there are no speakers on (6), I put the question.

Motion carried.

**DEPUTY CHAIRMAN**—Are there any speakers on (7)—qualifications of the head of state? As there are no speakers, I put the question.

Motion carried.

**DEPUTY CHAIRMAN**—Are there any speakers on (8)—implications for the states?

**Mr FITZGERALD**—I have a question for the Attorney-General, or someone who could advise us, preferably the Prime Minister: if a referendum is carried in the majority of the states that they wish to have a republic, with the other proviso, the majority of the people, will the amended Constitution override the constitutions in the states?

**Mr WILLIAMS**—The answer really depends upon what the formulation is that is put to the referendum. This is a subject that is extremely difficult, as was indicated in the debate at the time. There are differing views even on the effect of a 128 referendum passage in relation to some matters. I suggest

that this is not really the occasion for technical legal disputes.

**Mr FITZGERALD**—Could a determination be made by the High Court so the people knew exactly whether 128 would override the Constitution of a state that voted no?

**Sir JAMES KILLEN**—They don't give advisory opinions.

**Mr FITZGERALD**—They do not give advice.

**DEPUTY CHAIRMAN**—No. I think advice is available over in the far corner.

**Mr JOHNSTON**—Is it really advisable to put this sort of question if we are not sure what the answer is? We still do not know exactly what the answer is. I think Mr Fitzgerald made a very valid point. I think we should have a determination on the specifics because, first off, we do not know them. We are being asked, basically, to sign a blank legal cheque. I am certainly uncomfortable with this vote.

**Mr TURNBULL**—Delegates are not being asked to sign a cheque of any kind—blank, republican, legal or whatever. I draw delegates' attention to resolution B1:

Any move to a republic at the Commonwealth level should not impinge on state autonomy, and that the title role, powers, appointment and dismissal of State heads of state should continue to be determined by each State.

This is entirely consistent with the sovereignty of the states of Australia. As to the question that Mr Fitzgerald asked about the effect of section 128, it is an interesting question but it is not pertinent to this particular resolution which deals with your substantive concern.

**Mr BEATTIE**—I just want to make certain that the record is very clear on this, and take off where Malcolm Turnbull left off. If you look at what (8) says, it says:

That the Commonwealth Government and Parliament extend on invitation to State Governments and Parliaments to consider:

We are not determining anything. We are giving state parliaments the opportunity to consider this, as Malcolm Turnbull points out. This is very important to an earlier contribution I made. Resolution B1 says:

Any move to a republic at the Commonwealth level should not impinge on state autonomy, and that the title, role, powers, appointment and dismissal of State heads of state should continue to be determined by each State.

That is absolutely clear. There is no doubt about this at all.

**Mr RUXTON**—My question is to the Attorney. During the past couple of weeks, the Australia Act has been mentioned many times. If a referendum is held, do all the states have to agree? The Constitution says at present that a majority of states have to agree. But because of the Australia Act 1986 I have gathered in my own mind that all the states have to agree.

**Mr WILLIAMS**—For an amendment of the Constitution what is required is compliance with the provisions of section 128. I think the Australia Act is dealing with another issue that does not arise directly on the provisions of the Constitution.

**Sir JAMES KILLEN**—My point is a short one. The wording was worded, I trust, with appropriate felicity and certainly with courtesy. It is an invitation to the parliaments to consider it. The word 'government' has been put in. I am not distressed about that. But to me it is a very important point. It is not directing the states; it is an invitation to the parliaments of the states to consider their implications. I take leave to say that is where the bogging will really start.

**Mr BRUMBY**—In support of Sir James's comments, I was on this working group and I want to stress the point that Peter Beattie has made. Resolution B1 says:

Any move to a republic at the Commonwealth level should not impinge on State autonomy, and that the title, role, powers, appointment and dismissal of State heads of state should continue to be determined by each State.

This was a strongly held position that nothing in relation to this matter should impinge on state autonomy. We want to make that absolutely clear.

Similarly, we went on to say earlier in the resolution that it was an invitation; it is not directing the states. We go further in B2—and this has now come through in this final recommendation—that if there are any states,

for any reason, which did not wish to be part of that national republic, then that ought to be a matter for them, should they be unable or unwilling to do so. As I remarked to you two days ago, I think the likelihood of that occurring would be very remote. The likelihood that the Queen would want to remain as the Queen of a state in a national republic is extremely unlikely, if not impossible.

It would be like the events we had several years ago when imperial honours were disbanded. Some states wished to continue with their own system of state imperial honours and the Queen resolved at that time that it would be inappropriate to do so because it would be in contradiction of what was occurring at a national level. I think there is a bit of heresy and mischief being created here. We do not want to compel the states; no-one does. They have autonomy, but the reality is that, if we move via referendum to a national republic, it is inconceivable that states would wish to hold out, particularly if the Queen said she was not interested, in those circumstances, in remaining as the Queen in a particular state.

**Mr CARR**—Henry Parkes said it all: 'One nation, one destiny.' While all that is being said about the capacity of a state to go its own way, to hold onto imperial links, is true, it ought to be registered very firmly that that ought to be deplored. If the Australian people vote in a referendum—a majority of voters in a majority of states—to set us on a republican future, I think any move in any state to avoid the implications of that should and will be frowned upon. Buckingham Palace will resolve the issue as it resolved the issue of imperial honours being awarded in one but no other Australian state. Henry Parkes: 'One nation, one destiny.'

We are in this together. While the terms of the resolution are precisely as described by Sir James Killen, we ought to view adversely any suggestion, any hint, that one state may hold out against the destiny of this continent. A nation for a continent and a continent for a nation!

**Professor BLAINEY**—I would not dare have combat with Mr Carr on a matter of history because he is very well informed, but

when Henry Parkes said 'One nation, one destiny' he had the clear assumption that states rights were paramount unless specifically passed over in the proposed Constitution. He was the king of states righters.

**DEPUTY CHAIRMAN**—I now propose to put section (8), Implications for the States. Those in favour please indicate; those against.

Motion carried.

**DEPUTY CHAIRMAN**—Inadvertently, in the earlier sheet, 'Title of the head of state' was simply dropped out. It is simply a typographical slip. It should read:

(1) Title of the head of state

That this Convention notes its earlier indicative vote and resolves that in the event of Australia becoming a republic, the title of the head of state should be "president".

I put that without debate. Those in favour please indicate; those against.

Motion carried.

**Mr WILLIAMS**—It seems unlikely now that there will be a further meeting of the Resolutions Group. Anything is possible, but it seems unlikely. On that basis, could I record my appreciation of the work of the members of that group. I believe the Convention is indebted to them. I particularly mention the work done by the Deputy Chairman, who chaired at sometimes difficult meetings with excellent results. Also, in an environment in which the usual party political barricades have been removed, I commend the interest, diligence and skill of my co-rapporteur, Mr Gareth Evans QC, in his work on that committee.

I also mention with approval and gratitude the work of the officers of the Commonwealth Attorney-General's Department who provided input to that committee. In addition, I think the two advisers to the Chairman and Deputy Chairman respectively were also of great assistance.

**DEPUTY CHAIRMAN**—Thank you very much. On behalf of the Resolutions Group, I thank you for your kind words. We should also pay tribute to the work of Mr Peter King, who was the counsel to the Chairman, and the Hon. Howard Nathan, QC, who was my

assistant. They helped us get through the work.

Before I hand over to the Chairman, there is one other element—that is, there is an 'other matters' agenda item about the proposed handling of the ongoing constitutional review process. This is something that both the Chairman and I have agreed we will hold as being within our capacity. I invite Tim Costello to move that the Convention grant leave. Assuming that that leave is granted, he will be able to carry the motion that follows.

**Reverend TIM COSTELLO**—I move:

That the Convention grant leave for the Reverend Tim Costello to move a further resolution proposing a process for review of the changes to the Constitution introduced by any referendum establishing a republic, and associated matters.

This further resolution proposes a process for review of the changes to the Constitution introduced by a referendum establishing a republic.

Motion carried.

**Reverend TIM COSTELLO**—I move:

- (1) That this Convention resolves that, if a republican system of government should be introduced by a referendum, at a date being not less than three years or more than five years thereafter the Commonwealth Government should convene a further Constitutional Convention.
- (2) That two-thirds of such Convention should be directly elected by the people.
- (3) That the agenda of such Convention would be to
  - (i) review the operation and effectiveness of any republican system of government introduced by a constitutional referendum;
  - (ii) address any other matter related to the operation of our system of government under republican arrangements;
- (4) That the Convention be preceded by an extensive and properly resourced community consultation process, to commence within twelve months of the passage of a referendum to establish a republic in which ideas and responses on the above matters would be actively sought by the Government and Parliament.

This convention has attracted international interest because people overseas have been amazed that politicians and lay people, if I can use that term, have sat together and talked

about their Constitution. This Convention has attracted national interest because so many Australians who said, 'I don't understand this Constitution' have actually watched the proceedings on the TV, listened to them and read the papers. My soundings from Victoria say that there is extraordinary interest and a huge quantum jump in the level of understanding of what our Constitution means and what it is about. That active citizenship and interest is just fantastic. It represents Australia again seizing the ground we once held certainly back in the 1890s and the first decade of this century, when we were seen to be the social laboratory for democracy and when we were actually leading the world in active citizenship. We have, in my view, that lead again because of this Convention.

Therefore, it seems to me that we need to harness that interest. We cannot allow it to dissipate and simply ebb. We need to find a mechanism in which this can actually go on. This is the mechanism we are proposing. It is a mechanism that realises that when and if a republican government comes in, there will need to be some review, just as the founding fathers expected our Constitution to be reviewed. They certainly did not believe it was set in concrete and would be surprised to hear some the sentiments of those who believe it is.

We have suggested that two-thirds of the convention be directly elected by the people. Most of us know that this Convention has worked because of election, because through election popular interest was aroused. That is an essential element. Why only two-thirds? At these conventions we do need the opinions of experts, and constitutional lawyers do not seem to have great charisma or the ability to win elections. So we would invite their participation, which has been very useful here. The agenda is to review the operation and effectiveness and to address any other matters, which is a catch-all phrase to allow whatever matters start to arise—and we cannot anticipate them now—to be considered.

Finally, it is very important that it starts at a community level. At the grassroots Australians have become interested and excited, and

we must cultivate that. Therefore we are suggesting that, within 12 months of the passage of the referendum, if a republic is established, this mechanism starts to move and to carry people with it—hopefully—tidal wave so that it ends up in a very productive convention like this one has been.

**Mrs MILNE**—I have great pleasure in seconding this motion. When I came to the Convention I expressed my disappointment that the agenda was so narrow. When you talk to people in the community—in saleyards, in church halls or wherever people are—and start asking them what becoming a republic means to them they talk about far more than just the head of state. They talk about the fact that this is a very special moment of redefinition for Australia, that it coincides, by historical convenience, if you like, with the beginning of a new millennium. It is a sign of hope for ordinary Australians that Australia's coming to a republic might also address wider issues of the Constitution, broader issues of reform, that it would address seriously the issue of granting constitutional recognition and rights to indigenous people and to all Australians. They want to talk about how people can get more involved in the political process.

The Women's Convention was strongly in favour of broad debate on issues like proportional representation. We were trying to broaden the agenda of this Convention, to look at issues of equality of men and women under the Constitution. It is essential that the huge amount of interest shown around the country in this Convention be harnessed now so that the civic interest that is there, that willingness to participate, can continue with some sort of focus into the next few years so that once we become a republic we can review the effectiveness of republican government and look at issues such as the powers, the environment, for example, and whether or not the Commonwealth—the federal government—should have a head of power on the environment, or whether we should entrench the precautionary principles.

I am urging delegates to recognise that we have taken the first step. We are going to move to a republic; I believe that is inevi-

table. But the quality of life of all Australians in the republic needs to be enhanced by their involvement in changing the Constitution through a national discourse on ways in which we can address the real ills that are in Australian society and that we have to face up to. So I urge you to support not only the success of this Convention but also the recognition that there is a need for an ongoing community consultation process for wider reform.

**CHAIRMAN**—I understand that there has been notice of a further amendment for which we will need to obtain leave of the Convention. Before I call on Mr Michael Elliott to see whether he wishes to proceed with it, I call on Mr Turnbull. I will then call on Mr Elliott to explain his intended amendment and then he will have to seek leave of the Convention to pursue it.

**Mr TURNBULL**—The Australian Republican Movement is pleased to support this resolution. Many of us were sceptical about this Convention prior to it being convened. All of us have found it an exciting although often stressful time. To those people who have found other delegates' normal, mild and equable temperaments—such as mine—occasionally show signs of irritation, I can only give my apologies.

**Ms RAYNER**—Accepted.

**Mr TURNBULL**—Thanks, Moira. Australian people can never know too much about their Constitution. We can never spend too much time talking about our country, its laws and its development. Ongoing constitutional reform is a profoundly good idea. It may be that the next Convention will meet and resolve that all is well. That is fine. We do not have an argument with that if that is the decision. The critical thing is that we allow this discourse to go on outside of the parliamentary system. I am a great believer in the parliamentary system, but there is a scope for popular involvement. We would not be here today if it had not been for popular movements outside of the parliamentary system, and I think a great deal of benefit can come from this. This is an important move and I believe that anyone who believes that our Constitution should be a living document and

believes that it belongs to the people should support it.

**CHAIRMAN**—I call on Mr Mike Elliott to briefly explain the purpose of his amendment to this proposal and then he will have to seek leave of the Convention before he can put it.

**Mr ELLIOTT**—By way of brief explanation as to why I am seeking leave to move this amendment, I would ask you to note that the contents of this amendment emerge from a working party that was established by this Convention on its first day. There are also several matters within it which were raised by other working parties, which I feel have, so far, fallen through the cracks in this Convention. I would like the opportunity to argue this case further and not, at this stage, to argue the merits of the particular items within it.

**CHAIRMAN**—Is leave given by the Convention for Mr Elliott to proceed in introducing his amendment?

Leave granted.

**Mr ELLIOTT**—I move:

Insert at end of paragraph 3(ii):

"Including the role of the three tiers of government; the rights and responsibilities of citizenship; whether the Commonwealth should have an environment power; the system of governance and proportional representation; whether the mechanism for constitutional change should be altered; constitutional aspects of indigenous reconciliation; equal representation of women and men in parliament; and ways to better involve people in the political process."

As I said, in seeking leave, the items contained within my amendment are all items which were raised within a working party which was established by this Convention on day one. There were a number of delegates who were, in fact, elected on platforms that went beyond just the questions of the republic. On Day One they were obviously very keen to discuss those, but it was made very clear that the opportunity was not going to be there in any detailed sense. It seems to me that, having established the working party, it would be very wrong of us to not at least give some consideration to the matters that were raised by it. Several of these items were also raised by other working groups and, as I said

in my introduction, I think they have fallen through the cracks so far.

Let us just look at a couple of these items. I ask people at this stage to recognise that I am not asking for constitutional change. What I am asking for is that these issues be considered by a constitutional convention. They are all issues that are being raised very strongly within the public, and they deserve attention whether or not you agree that a change is necessary. That is all that I ask you to acknowledge: to acknowledge that there is significant concern about these issues within the public.

Let us take some examples. There are the three tiers of government. There have been several attempts within this Convention to have 'local government', for instance, inserted within the preamble or at some other point within the Constitution. The issues surrounding local government do deserve further attention. As a member of a state parliament, I have become gravely concerned about the impact of the current revenue raising arrangements within Australia. They are issues which deserve to be addressed, and addressed within a constitutional context. Really, we cannot delay that consideration much longer.

Mr Chairman, while the question of indigenous occupation is now going to be raised within the context of the preamble, this Convention also decided that the preamble should have no legal force whatsoever. There are many people, I think, at this Convention who would argue that there are issues surrounding the indigenous people of Australia that should be contained within the Constitution proper. Again, those issues deserve to be given thorough and prompt attention. And, if we are to establish a constitutional convention beyond this one, they are some of the issues that really must be addressed as a matter of priority.

Mr Chairman, it is not my intention to go through each of these issues individually; there may be members of this Convention who would like to do that. I simply say to you that each of these issues is important to a significant number of Australians and that they deserve the attention of a future constitutional convention.

**CHAIRMAN**—I understand the amendment is seconded by Ms Catherine Moore. Do you wish to second the motion, Ms Moore?

**Ms MOORE**—Yes. I am one of those people who were elected to this Convention on a broad platform, and I welcome this amendment. This is not an exhaustive list; it is merely the beginning of some suggestions that we are putting to a group or a series of groups to take out into the community for community consultation. That is what we are on about, and that is what I hope people will support today.

To the people who are afraid of constitutional reform, I say: please be part of the process because, if you believe in the Constitution as it is, it is up to you to get out into the community and argue to keep it as it is. But there are others of us who want to see it broadened so that it encompasses some of the things that we have highlighted during this Convention as being important in a move towards a democratic nation, whether or not that nation be a republic.

**Ms DELAHUNTY**—Mr Chairman, I will speak briefly. I was the convener of the working party that laboured with many delegates to produce what we thought was a formula for ongoing constitutional change. We were bitterly disappointed when we were knocked out a few days ago.

Let me commend this motion to you. Clearly, the Australian people, many Australians, have engaged with their Constitution for the first time in their lives, thanks to this Convention. Delegates, let this civic conversation continue.

**Mr ANDREW**—Mr Chairman, delegates: if, as a member of this chamber for five years or as a member of the chamber on the hill for the last 10 years, the chamber or I had engaged in an exercise of self-congratulation such as I have witnessed here over the last half an hour, the press gallery and the people of Australia would rightly have abused us up hill and down dale.

We parliamentarians in Australia have been accused day in and day out of ignoring the grassroots. Let me tell you, on behalf of all parties and the Independents, we are only here

because we speak to the grassroots. Whether I am speaking to the grassroots in my electorate or they are speaking to me, invariably what they say to me is, 'Neil, the problem we have is that there are too many parliaments and too many parliamentarians.'

Ms Peris-Kneebone earlier today, in a very well delivered speech, made the point that she has been to, I think she said, 26 countries—

**Ms PERIS-KNEEBONE**—Twenty-nine.

**Mr ANDREW**—I stand corrected, 29 countries—and there is none she would sooner live in than Australia. It was a point that touched all of us because it echoed all of our sentiments. We all, Madam, agree. The point is—no matter whether it has been under Labor or Liberal administrations or any other form of administration—the government of this country has not been all bad. In fact, the people of this country find they are living in a country better managed than most other countries around the globe.

In this resolution Mr Elliott has suggested that there are a number of changes that should be made to things such as revenue raising, the environment and all sorts of sensitive issues that we are all aware of. He knows as a state parliamentarian and I know as a federal parliamentarian that no one of those issues is ever off the parliamentary agenda. If parliamentarians are ever guilty of ignoring any of the issues that Australians raise, then clearly they will discipline us in the ballot box, as we all well know.

Frankly, I think this is an exercise in absurdity. If there is need for ongoing constitutional reform—and I do not doubt there is—then the parliament will be sensitive to it, and the people will tell us and the parliament will convene a convention as appropriate at the right time. But for us to think that we have some sort of extraordinary wisdom that exceeds that of any other representative and elected body astounds me. I am opposed to both the amendment and the resolution.

**Senator STOTT DESPOJA**—I am also a member of parliament. I also, as do state, federal and local government colleagues, talk to people—indeed, the grassroots. There are many issues that we are confronted with and

we have raised when we talk to members of our constituency. One of the things that I hear overwhelmingly is that people in our community not only feel disillusioned with government but also alienated from the process. So there is absolutely nothing wrong with the motion before us. In fact, there is everything to commend the motion before us. I include in that Reverend Tim Costello's original motion to the Convention, because it seeks to involve the community, to involve the grassroots in this civic conversation that Mary Delahunty has so eloquently discussed.

How can we say that we should either leave this to our parliaments or that our parliaments are duly and appropriately representative of the Australian people? We still have only one-third in the chamber of the Senate—and that is a bumper representation of women as opposed to around 20 per cent across the board. How can we say that our federal parliaments in particular are representative when we have no indigenous Australians and few people from different socioeconomic or ethnic backgrounds? And the list goes on. There is every reason to commend Mr Elliott's and Reverend Costello's motion before us today.

A variety of issues have been listed in the amendment. They are not being prescribed for a particular constitutional outcome. They are there for consideration and discussion. We have seen how beneficial this process can be. I rose as soon as I heard the expression PR because I believe proportional representation, electoral and voting reform should be discussed.

*Senator Boswell interjecting—*

**Senator STOTT DESPOJA**—But others, like you, Senator Boswell, may not, even though I notice you rely on it to get into the Senate. Others may disagree with that, so take part in this conversation. Participate, ensure that at least two-thirds are directly elected because that will ensure that the diversity in our community is at least reflected and represented in a way that I believe this chamber has reflected over the last two weeks. That is something we should be seeking to continue, not to reject. I also note that the environment and issues of gender equity are part of this

motion. I commend it to the Convention as I do the motion before it.

**Mr ELLIOTT**—I move:

That the motion be now put.

Motion carried.

**CHAIRMAN**—The question now is that the amendment to Mr Costello's proposed addition to the other matters agenda item moved by Mr Mike Elliott and seconded by Ms Catherine Moore be agreed to.

Amendment carried.

**CHAIRMAN**—We therefore move on to consider the main amendment: the motion moved by Mr Costello. Are there any speakers on the main motion of Mr Costello's—that is, the motion by Mr Costello that is set out on the paper headed 'Proposed handling of "ongoing constitutional review" process'? It begins with the introductory paragraph. We then have the motion. To it are added the words that you have just agreed from Mr Mike Elliott.

Motion, as amended, carried.

**CHAIRMAN**—Mr Costello's motion, as amended, now becomes part of item 2. I put the question that the resolution on consequential matters that was moved by the Resolutions Group, as amended, be agreed to.

Motion carried.

**CHAIRMAN**—I think we had better have a formal vote for the sake of the record. It would be the final vote on that particular issue, and I think it is important. Before I put that formal vote, Professor Winterton did request that he be given leave to move a particular change to the preamble; I gather it is largely because of the wording. Professor Winterton, would you present your proposal?

**Professor WINTERTON**—Thank you, Mr Chairman. You may remember that the other night, in order to have some recognition in the Constitution that there should be ongoing constitutional change, we included item C11 on page 2 in the matters that should be included in the preamble; that is to say, item (4), the preamble, item C11. It would look rather inelegant in the preamble since we have passed a substantive resolution concerning future change. I did move that C11 be includ-

ed; I now move that it be deleted. I formally move the amendment circulated in my name.

**CHAIRMAN**—What Professor Winterton is suggesting is that the words 'A provision allowing ongoing consideration of constitutional change' be deleted in view of our having accepted the firm proposal a few moments ago. Is leave given for Professor Winterton to delete those words?

Leave granted.

Amendment carried.

**CHAIRMAN**—I have asked for the bells to be rung so that we can formally take our vote on the transitional and consequential issues question. I think that for the purposes of the final vote of this Convention it is desirable that we do as we have done with all other votes—we take it formally and then we are in a position to proceed.

Has everybody got their ballot papers for this vote? It is a ballot paper which will enable us to vote on the transitional and consequential issues question. That is item No. 2 on the agenda. It is a resolution of the Resolutions Group which will approve or reject the proposals for the determination of transitional and consequential issues as modified as a result of decision of the Convention a few moments ago. I have just received a proxy on behalf of Professor Judith Sloan nominating Professor David Flint to act on her behalf from 3 p.m. this afternoon, which I propose to accept. I will pass that to the secretariat.

**Mr ANDREWS**—Just a point of clarification. Is it a case that now we are voting on all the consequential amendments which we have voted on one by one when the deputy chair was in your place?

**CHAIRMAN**—That is correct. I was going to identify exactly that on which you were voting as soon as we were all in the chamber and the bells were switched off. The question before the Convention is that the report moved by the Resolutions Group on transitional and consequential issues, as amended by the Convention over the course of the debate in the last little while, be approved. Does everybody have their ballot papers?

You will note that there are three alternatives: in favour; against; or abstain. I ask you to put a clear indication, either a tick or a cross, in the box that you intend to pursue. I ask that those in favour rise in their places and hand in their ballot papers as soon as they are ready.

*Delegates submitted their ballot papers.*

**CHAIRMAN**—Is there anybody who has voted in favour of that resolution whose ballot paper has not been collected? I ask those who wish to vote against the resolution as amended to stand and to hand in their ballot paper.

*Delegates submitted their ballot papers.*

**CHAIRMAN**—Is there anybody who has voted against the resolution whose ballot paper has not been collected? Those who wish to abstain, please rise in their places.

*Delegates submitted their ballot papers.*

**CHAIRMAN**—Is there anybody who has abstained whose ballot paper has not been collected? The result of the counting is: 102 yes, 16 against and 32 abstentions. We are two short, with 150 people being here. I declare the motion carried—that is, the motion of the resolutions group on the determination of transitional and consequential issues. The detailed results are as follows:

Motion: That the "Resolutions on Consequential Matters" report of the Resolutions Group, as amended, be adopted.

Moved: The Hon Daryl Williams AM QC MP

Seconded: The Hon Gareth Evans QC MP

Motion put.

Delegates (102) who voted "yes":

Andrews, Kevin  
 Andrews, Kirsten  
 Ang, Andrea  
 Atkinson, Sallyanne  
 Axarlis, Stella  
 Bacon, Jim  
 Bartlett, Liam  
 Beanland, Denver  
 (proxy—Carroll, Frank)  
 Beattie, Peter  
 Beazley, Kim  
 Bell, Dannalee

Bishop, Julie  
 Bolkus, Nick  
 Borbidge, Rob  
 (proxy—FitzGerald, Tony)  
 Brumby, John  
 Bullmore, Eric  
 Bunnell, Ann  
 Carnell, Kate  
 (proxy—Webb, Linda)  
 Carr, Bob  
 Cassidy, Frank  
 Cleary, Phil  
 Cocchiario, Tony  
 Collins, Peter  
 Costello, Peter  
 Costello, Tim  
 Craven, Greg  
 Curtis, David  
 Delahunty, Mary  
 Devine, Miranda  
 Djerrkura, Gatjil  
 Edwards, Graham  
 Elliott, Mike  
 Evans, Gareth  
 Faulkner, John  
 Fox, Lindsay  
 Gallop, Geoffrey  
 Gallus, Chris  
 George, Jennie  
 Green, Julian  
 Grogan, Peter  
 Gunter, Andrew  
 Haber, Ed  
 Handshin, Mia  
 Hawke, Hazel  
 Hewitt, Glenda  
 Hill, Robert  
 Hollingworth, Peter  
 Holmes a Court, Janet  
 Imlach, Mary  
 Jones, Clem  
 Kelly, Mary  
 Kennett, Jeff  
 (proxy—Dean, Robert)  
 Kilgariff, Michael  
 King, Poppy

Kirk, Linda  
 Knight, Annette  
 Lavarch, Michael  
 Li, Jason Yat-Sen  
 Lockett, Eric  
 Lundy, Kate  
 Lynch, Helen  
 Mack, Ted  
 Machin, Wendy  
 McGarvie, Richard  
 McGuire, Eddie  
 Milne, Christine  
 Mitchell, Roma  
 Moller, Carl  
 Moore, Catherine  
 Muir, David  
 Newman, Jocelyn  
 O'Brien, Moira  
 O'Donoghue, Lois  
 Olsen, John  
 O'Shane, Pat  
 Pell, George  
 Peris-Kneebone, Nova  
 Rann, Michael  
 Rayner, Moira  
 Rocher, Allan  
 Rundle, Tony  
 Russo, Sarina  
 Sams, Peter  
 Schubert, Misha  
 Scott, Marguerite  
 Shaw, Jeff  
 Sloan, Judith  
 Sowada, Karin  
 Stone, Shane  
     (proxy—Burke, Denis)  
 Stott Despoja, Natasha  
 Tannock, Peter  
 Teague, Baden  
 Thomas, Trang  
 Thompson, Clare  
 Tully, Paul  
 Turnbull, Malcolm  
 Vizard, Steve  
 West, Sue  
 Williams, Daryl

Winterton, George  
 Witheford, Anne  
 Wran, Neville  
 Delegates (16) who voted "no":  
 Andrew, Neil  
 Bjelke-Petersen, Florence  
 Blainey, Geoffrey  
 Court, Richard  
 Cowan, Hendy  
 Ferguson, Alan  
 Garland, Alf  
 Gifford, Kenneth  
 McGauchie, Donald  
 McNamara, Pat  
 Mitchell, David  
 Moloney, Joan  
 Mye, George  
 Ruxton, Bruce  
 Sheil, Glen  
 Wilcox, Vernon  
 Delegates (32) who abstained from voting:  
 Anderson, John  
 Bonython, Kym  
 Boswell, Ron  
 Bradley, Thomas  
 Castle, Michael  
 Chipp, Don  
 Ferguson, Christine  
 Fleming, John  
 Hayden, Bill  
 Hepworth, John  
 Hourn, Geoff  
 Howard, John  
 James, William (Digger)  
 Johnston, Adam  
 Jones, Kerry  
 Killen, Jim  
 Kramer, Leonie  
 Leeser, Julian  
 Manetta, Victoria  
 Myers, Benjamin  
 O'Brien, Patrick  
 O'Farrell, Edward  
 Panopoulos, Sophie  
 Parbo, Arvi  
 Ramsay, Jim

Rodgers, Marylyn  
 Smith, David  
 Sutherland, Doug  
 Waddy, Lloyd  
 Webster, Alasdair  
 Withers, Reg  
 Zwar, Heidi

Resolution agreed to.

#### RESOLUTION

**"That this Convention supports the adoption of a republican system of government on the bipartisan appointment model in preference to there being no change to the Constitution."**

**CHAIRMAN**—I now call on Archbishop Pell to move item 3; I understand it is to be seconded by Ms Wendy Machin. Archbishop Pell, as the mover of the motion, receives five minutes.

**The Most Reverend GEORGE PELL**—I move:

That this Convention supports the adoption of a republican system of government on the Bipartisan Appointment of the President model in preference to there being no change to the Constitution.

Mr Chairman, fellow delegates: as an Australian citizen it is my privilege this morning to move the motion that we support the bipartisan model of republican government in preference to the status quo. Many of us last night for different reasons were quite disappointed. I suppose that the direct election republicans had known the worst for some days. The monarchists were bloodied but unbowed; they know that they will live to fight again. The McGarvie-ites lamented all that untapped voting power among the monarchists. And the bipartisan model had no absolute majority, no clear mandate, to enable Mr Howard to put a referendum to the people.

Despite the strong vote in principle this morning for the republic, this republic is still in jeopardy. This unique opportunity—the first realistic opportunity in nearly 100 years of our history for significant constitutional reform—could still slip through our fingers. When I came here, I saw that our task was to deliver a set of Australian constitutional arrangements, a national figurehead, and an

Aussie head of state. We were heartened by the Prime Minister's remarks that the British Crown was no longer an appropriate Australian symbol. All of this still hangs in the balance this morning. We need another strong endorsement. I submit that we stand in need of leadership—and strong leadership—from our elected leaders, especially in the federal parliament.

I come from a church which knows about hierarchy, from a church which respects office and office holders, although there is no doubt that we have produced many rebels too. So it is with respect that I submit that the delegates have a right to know where the leadership of the federal government and the federal opposition stand on the great issue which is before us in this House today and in the referendum that will be put. Are they for or against this bipartisan model? Is it so inferior to present arrangements, or do they simply prefer a British symbolism to Australian symbols? I believe that the Australian people would be interested in these answers, and they would certainly be useful before we delegates vote again this morning on this central issue.

I come from Victoria, and I must confess there has been the odd occasion when I have differed from our Premier, Mr Kennett. But I was proud of his address on Wednesday. Is Mr Kennett the only conservative leader in the country, with the exception of my old workmate Mr Shane Stone, who can smell the wind, recognise that change is coming and tap into these currents of Australian patriotism?

Without support from most of the front benches of both sides of the parliament, it would be wasteful to go to a referendum. Can the Prime Minister and the Leader of the Opposition do anything to convince or inspire some of those who believe in the republic in principle to support the preferred model? While republicans belong to two or three different constituencies, each constituency has something to gain beyond the head of state being an Australian in the bipartisan model.

Some of my priests suggest to me sometimes that I am a conservative, and I must confess that I have some credentials. All conservatives here should realise that they will never get a better result out of a conven-

tion than they have done here. It will certainly be no less difficult for a tyrant to abuse the office of Prime Minister or president. That is fundamental; we all agree. The preamble has been voided of legal significance, the reserve powers are retained and, with partial codification, this will in practice make them stronger because they will become less unpredictable and less offensive.

**CHAIRMAN**—I dare not ask the church to be silent, but the time allocated has concluded.

**Mr HOWARD**—I move:

That His Grace have a brief extension of time.

**Mr BEAZLEY**—I second the motion, as an example of joint leadership.

Motion carried.

**CHAIRMAN**—We will allow three minutes.

**The Most Reverend GEORGE PELL**—Thank you. Almighty God remains in the preamble and, as the Deputy Chairman has pointed out, God has had a very good Convention. For advocates of greater change, the bipartisan model is also an improvement. The appointment of the president must be bipartisan and is made by the parliament, and there is a measure of popular participation in the nomination process. Both represent great gains for the people.

Yesterday the monarchists voted with discipline, integrity and honour. Lloyd Waddy was the very model of a modern major general. They did not vote tactically. Their virtue brought its own reward. Republican disarray yesterday was our own doing. The republicans know well that to divide is to rule even when the division is self-inflicted.

This puts up the challenge for all republicans who believe they cannot vote for this model. It is certainly a compromise—like every decision made in a body of 152 people; like every decision made in a democracy. But must the best, differently understood, be the destructive enemy of the good? We need the republican votes. The worst result would be to go to the people without a majority in favour of this model. I am not sure that the Prime Minister or ourselves would have any mandate to do so.

**Ms MACHIN**—I have much pleasure in seconding this motion. Yesterday we discussed and together crafted a model for a republic to put to the Australian people. The people—the reason we are here, the reason we were in dissent yesterday on some issues—is what it is all about. This is about our people and what is good for their future. Because of that, we have grappled with making them a part of the process in a fair way.

The nomination procedure was central to much of the discussion yesterday, and this is central to the whole model that we have here. It is a real attempt to reach compromise between widely divergent views—both republican and perhaps non-republicans as opposed to monarchist.

Last night I puzzled over the debate, particularly that debate about the nomination procedure and the desire for us to incorporate some public participation in that process. I wondered why a medium sized committee responsible to the Prime Minister was a reason for otherwise republican supporters to suddenly change their minds. What is it, I wondered, in this broadly worded resolution that so frightens fearless men like the federal Treasurer and the Premier and Deputy Premier of Western Australia?

**Mr PETER COSTELLO**—It doesn't frighten me.

**Ms MACHIN**—Nothing frightens you, Peter. You will be happy with the committee, I thank you for your vote of support. Could it be the workable size mentioned in the resolution about the committee or the parliamentary balance that is the problem? Is it the representation of federalism? I thought Hendy Cowan would be very happy about that. Perhaps it is that the committee should report to the Prime Minister. But, seriously, how can those who are publicly and prominently on the record as republicans go out of here and say that they voted against a republic because of a non-binding advisory committee?

Please re-read this motion. Look at the penultimate paragraph of the nomination procedure. This procedure poses no threat to the Prime Minister's or the parliament's authority. Rather, it invites representatives of

the Australian people to be a part of the process, to talk about selecting our head of state, to talk with our elected representatives and others about this very important person.

Surely we all, including our political leaders, must recognise the genuine interest in this process, as evidenced by the audiences watching this Convention, and try to allow for that genuine desire to be a part of the process. I think we have all tried to do that and we acknowledge the desire of those people who came here on a direct election platform.

I finally say that there are some delegates amongst the republicans who came here on a just republic platform. Just yet we do not have a republic. We would like it, and we know you would like that. But I believe we do have a just society. Sometimes injustice is done, but in my view Australians, when they are aware of this, demonstrate that they are a just people and will not stand for intolerance and injustice.

We can make our society better, but please do not throw the baby out with the bathwater. Please work to make Australia a republic. Together we will all work to make it a just society. This is not the ARM model. It is not the Turnbull model; it is the Convention's model. It is not a radical proposal. I urge all republican delegates here to support it so that we can have that clear outcome.

**Dr COCCHIARO**—I support very strongly the previous two speakers. We have come up with a model and I remind everybody that yesterday the bipartisan model received twice as many votes as the next model, which was the McGarvie model. Somebody mentioned before that we cannot vote on behalf of the Australian public. That is true, but the Australian public has given all of us the job, the charge, to come here and sit for two weeks to think about and consider all the issues and to come up with a model. Everyone has done that very well—we have done that on behalf of the people. Now it will be up to the people to talk about it, think about it, and then vote on it in the referendum.

Our parliament is not going to change with the bipartisan model. I think everybody values our system of government and accepts that it is a good system of government, and nobody

wants to change this in any way at this stage. I suggest that our bipartisan model that we have all come up with is a very good working model because it involves selecting a president without giving the president any unusual or other power bases.

The committee that we have proposed for this bipartisan model for short listing candidates for the Prime Minister to consider for presidency was tuned up yesterday, and it will be a confidential committee. This means that it will be fully confidential. It can be guaranteed to be more confidential, in my opinion, than what could happen in a government office.

Because of the confidentiality it will not stop persons of high calibre accepting consideration. Their merits and, perhaps, any demerits, can be considered fully and in private. The committee can also be seen by Australians as being representative of the general community and of being away from the hurly-burly of parliament, so the presidential candidates will be considered fully on their merits. It means that even a Tasmanian or somebody from a minority group could be president because the committee will consider all the nominations on their merits and not, as would happen in the case of election of the president, on the numbers of supporters.

Everyone in Australia can nominate any other Australian for head of state, and they can hold the knowledge that the committee will do its best to judge them on their merits. I will finish by saying, 'Let's get started on this republic and work on it later.'

**Mr LI**—I seek the leave of the Convention to move an amendment to correct an inadvertent and simple oversight that occurred yesterday. The word 'age' needs to be reinserted in part A in order that age be included as a consideration in the composition of the nomination committee under this bipartisan model. It was in the original model approved yesterday at lunchtime but was inadvertently left out yesterday afternoon. I think it is a very important but, hopefully, not a terribly controversial issue.

**CHAIRMAN**—Is leave granted? As there is no objection, please proceed.

**Mr LI**—I move:

That paragraph 3 of part A be amended so as to read:

... take into account so far as practicable considerations of federalism, gender, age and cultural diversity.

The very crux of this committee is to be representative of Australians. It is very simple: I feel that young Australians should have a place on it. Nobody would deny the contribution the young delegates to this Convention have made, and there is no argument that they could not make an equally valuable contribution to that committee.

**Ms ANDREWS**—I second the motion.

**CHAIRMAN**—I think we will allow the speakers to take into account that motion by Mr Li. I call Mr Johnston and he will be followed by Ms Atkinson.

**Mr JOHNSTON**—I rise to speak fervently against this bipartisan motion. It is not so much that I do not acknowledge that it was put together with the best of intentions—it was—but that I see it as leaving a lot of questions unanswered. To begin with, how do we know that this constitutional community council will have real authority? How do we know that, behind the scenes, its intentions and its decisions will really be taken seriously? Any recommendation can be taken off to the parliament and the parliament may have a completely different idea of who they want to be the Governor-General or the president. How do we know that the constitutional council of citizens is really going to work? We are not even sure who is going to put it together. Will it be equally bipartisan or will the government put it together?

Then we come to the dismissal procedure. I would like to remind all delegates that I supported an amendment from Professor Winterton which ensured that the president could not prorogue the parliament and that we would not, in Professor Winterton's words, have a case of 'constitutional chicken' as the Prime Minister or the president tried to throw the other out of office. As Professor Winterton quite rightly pointed out, you could end up with a situation where you did not have a president and you did not have a

Prime Minister, depending on who fired whom first.

This is a very serious situation and, in making any changes to our Constitution, we have to know that the changes we make can work when there are political stresses. Professor Winterton made a very valid argument, in my view, that there was a serious flaw in the dismissal procedures, in that you could end up with a situation where nobody was running the country. If that does not throw caution to the wind, I do not know what does. We have to be very cautious. I think there has been far too much thinking in noble terms and not enough in practical terms.

This is a republican debate where we have to produce something that can work; something credible that the people can consider as a viable alternative. I saw a lot of good alternatives by a lot of learned people like Bill Hayden and Richard McGarvie, both of whom I have come to respect greatly for their work and diligence at this Convention and prior to it. I saw their models voted out so quickly that I was absolutely appalled that we could do this. They are very learned men and they put a lot of work into those models. I think that, if we were going to move to a republic, those were the best models that we could have used. In my opinion, what we have ended up with is the worst of all models and, again, I am going to be voting very strongly against it for the youth of New South Wales and the country.

**Ms ATKINSON**—I am speaking very strongly in favour of this model. I have spoken earlier in this place of a journey that I, as have many others, made to be here. I think I have probably always taken it for granted that I am a monarchist, but when this Convention became a reality—which was when I happened to be living overseas in France and seeing Australia from a distance with a great deal of love—I started to think about the possibility of a republic.

I then came home to my children and my grandchildren and I saw this country as their future, not just for the next few years but for the next 10 years, 20 years, 50 years and perhaps even beyond. I talked to their friends and their neighbours and then I was con-

vinced that Australia was moving towards a republic. That is why I have been here for these last two weeks. I have been here for my children and my grandchildren and for their generations, and to make sure that those of us who are charged with the responsibility of putting this recommendation together do it properly and get it right.

I came here believing that we should be a republic but I had not yet made up my mind about the process. I do not believe that my old friend and mentor, Clem Jones, would have deliberately misrepresented me yesterday when he said that I had said that I would do what people want, which he interpreted to mean that I should be voting for the direct election model. I said that I would come to Canberra, I would listen on their behalf, I would evaluate and assess and then I would decide. That is what this Convention has been about. I congratulate the Prime Minister for making it happen.

Now I say that it needs to be carefully explained—and well explained—to all those people in the community as it has been explained to us. I know how the direct electionists feel because I also feel strongly about being involved and having a say. I also feel very strongly about our system of democracy and I do not want to put that at risk. I believe that this model is the one that suits Australia best. I do not think we want drastic and radical change all at once. I do think that we want public consultation, we want the involvement of the states and we want some community input. I do not think we want to pull apart democratic institutions. We do want to preserve institutions such as Prime Minister and Cabinet, particularly the rights of the Senate and particularly those of us who come from the smaller states.

I believe in incremental change. I believe in doing this step by step. I believe in not rushing. I believe in putting, as it were, a plan on the drawing board and having a very good look at it. I certainly hope that all of us in this chamber—all of you who believe that Australia is ready to move on, that Australia is ready for our own head of state and that Australia is ready to stand up in the world as

being truly Australian—will vote for this model and help make Australia a republic.

**Mr BEAZLEY**—I take up the Archbishop's challenge and once again nail my colours to the mast on this particular issue by supporting the motion. At the outset of this Convention I did say that those of us in the opposition party did not come here to create a train wreck, even though we profoundly disagreed with the process that we were going through. In the spirit of that, I think we have conducted ourselves well during the course of this Convention. I believe we continue to do so. Part of that is to ensure that this particular proposition gets up.

I now plead with my fellow republicans to give this show a go. Firstly, a number who were a little inclined in our direction have said that they do not like the committee process—too much political correctness, maybe chaos, maybe people will find themselves insulted. They have become convinced over the last couple of weeks that we really are sincere and committed in parliament and do try to do things well and 'why don't we just trust you and forget about the committee?' Please do trust us. When parliament sets up this committee, they will set it up not to create a dog's breakfast; they will set it up to do honour to the significant position that is being nominated. They will do honour to that in the process. It does not matter whether it is a Labor government or a Liberal government; they will do honour.

The second point relates to the method of election, and those here who are advocates of a direct model. If for some reason back in the 1890s Britain had cast us adrift, the delegates to those conventions would have had two propositions: an American presidential system or a Westminster system. I believe that they would have concluded with the Westminster system. As many republics have, they would have come to the conclusion that they ought to have a process of appointment outside the electoral process for a president to create a situation where parliament was clearly prior, clearly superior and the head of state performed the ceremonial tasks of a head of state that they were used to.

This model has been disadvantaged at this Convention by the democratic nature of it not being exposed. It would have been exposed back in the 1890s. It has not been exposed here. Give it a shot so that we have a chance to get this in place. It is not necessarily the last word that will ever be said about the republic.

To the McGarvie-ites, those who are concerned with that particular model: the mode of dismissal has taken up an essential characteristic of the McGarvie model, that is, the reinforcement of that democratic Westminster tradition. Finally, to my old teacher, Paddy O'Brien: I beseech you, please, to consider that you may be wrong. Your profound democratic sense and sentiment is incapable of incorporation within this Convention. It requires a totally new convention to itself in order for it to be properly considered. Give the rest of us a shot at this Convention to get something up that is important to us and continue your noble struggle after that.

**Mr WADDY**—Mr Chairman, those who proposed the model yesterday were Mr Wran and Mr Turnbull. Today we have a man appointed by the head of the oldest continuous monarchy in Europe, the Vatican, where Australia sends its own ambassador. It is interesting that His Grace is able to be such a monarchist in his occupation and such a republican in his sentiment.

Why you should not endorse this particular model is that it is no good. You can have republican sentiments. You have heard again and again that we are a republic in all but name or that it is *de facto* or whatever you like to say, but because of a crisis of symbolism which appears in the minds of republicans, in some way when you want to run down the Queen of Australia—who, as Professor Winterton says, is of course a distinct legal personality—she becomes the Queen of England.

Let me take you back to the greatest republican of them all, the Hon. Paul Keating, whose name, I have noticed, has been singularly absent from debate. On the ABC the other night—hardly a hostile environment—he said, 'Why would you want to give the powers of a king of England to an elected

politician who is virtually unremovable?' Why indeed? He was talking, of course, with candour about direct election on the basis that direct election, because it would involve a nationwide campaign by the leading political parties, would produce what a politician thinks is a mandate. He was, of course, right. But this model would take that candidate after the mirage of community selection. The nomination procedure is even worse than that for the Order of Australia. The committee deciding awards of the Order of Australia meets in secret, gives no reasons, hands out gongs to those it thinks are right and does not even have the courtesy to write back and tell you when you nominate the local schoolmaster after a lifetime of service that they are ignoring your nomination.

Are we to have complete secrecy in this body, as the Order of Australia committee does, to protect one's reputation or is everybody's reputation to be bandied around with any gossip and scuttlebutt that anyone likes to feed into it? If the late Lennie McPherson, whose name seems to excite the media lately, is nominated, is no-one to say anything about him at all? It is a mirage of populist nonsense. It will not work and it would not work nearly as well as the present procedure.

The election procedure is a farce. The idea is that the Prime Minister would take one nomination to a joint sitting of both houses of parliament and then, in a dismissal crisis, he would turn back to the House of Representatives. Cast your mind back to 1975: the clash was between the Senate and the House of Representatives. They have nobbled the umpire, and they ask you to take that. He would exercise his powers in his own right, not above politics. They give no grounds for his dismissal and they give him a five-year term. This is constitutional vandalism. Even if you are a republican, do not foist this on the people of Australia with your vote and recommendation.

**Mr TURNBULL**—I am very surprised to hear my friend Lloyd Waddy describe this as 'a constitutional vandalism'. The characteristics of the model that he was so vehement in criticising then are all characteristics inherent

in the current system. The Prime Minister can, of course, instantly dismiss the Governor-General today. The Prime Minister is inevitably—albeit informally—answerable to the House of Representatives. All we have done here is formalise an existing fact of parliamentary life.

The real innovation in this model is at the front end and it does differ. It accepts all of Richard McGarvie's arguments about the reserve powers and the need for the Prime Minister to be able to remove, but simply says that, in the matter of appointment, there should be bipartisanship. I believe Australians believe—

**Mr RUXTON**—Section 5, Malcolm—section 5.

**Mr TURNBULL**—I am sorry, Mr Ruxton, I couldn't hear you! I believe that Australians believe in bipartisanship and would like to see more of it. In terms of the nomination procedure, there has been a deal of criticism of this committee. Let me remind delegates of this. By and large, most republicans have agreed—even the more conservative republicans—that there should be an open nomination process. Are we really going to say that those nominations are going to be put in the shredder? Surely, in the cold light of reason, parliament would decide, and the government would want, to have a mechanism that was responsible for considering those nominations, otherwise it would be a farce.

Now what have we done? We have said no more than 'recommend' to parliament. We have not suggested that it be in the Constitution. We have recommended to parliament that the committee, which inevitably would be established, should not be composed of seven or nine middle-aged white males like myself from Sydney, but should include people from different parts of Australia, should include women, should—if we accept Jason Li's amendment—include younger people and should include people from different cultural backgrounds, and, clearly, we were highly focused on the need for indigenous people to be represented.

You can call this tokenism if you like, but when you look at the appointed delegates to this Convention, this is exactly what the

government did. It made a virtue of appointing young people. It made a virtue of appointing women. It made a virtue of appointing people from an indigenous background, and people from a non-Anglo-Saxon or Anglo-Celtic background. We must be realistic about this committee. You can be as sceptical about committees and as sceptical about political correctness as you like. This is not a prescription. We recognise that it is going to have to develop over time and be handled by parliamentary resolution. This recognises no more than that which a responsible government, a responsible parliament, would take into account when considering nominations from the public which it ought to respect so much.

**Professor PATRICK O'BRIEN**—In a conversation over a beer last night with His Grace Archbishop Pell, I discovered we have certain friends in common and we have become very friendly towards each other. In that spirit I said to him, 'Your Grace, it is not surprising that you support this model because, as a high hierarch in one of the world's most hierarchical organisations, it is to be expected that you would support a hierarchical model.' I do not say that with disrespect. It is my view, and he knows it is my view. I told him that at the Irish Ambassador's party. I also would remind His Grace and everyone else that, indeed, the methods by which His Holiness the Pope are elected are more democratic than the methods proposed in this document.

As to my friend and former student, Kim Beazley—for whom I have great affection—I thank him for his warm and jovial remarks. I would just remind him that I would love to embrace him, if only he would embrace democracy fully. I would say to Kim, and other members of the Labor Party, that the Labor Party was, in my view, the party of democracy. It was the party of giving the battler a go. It was the party that pioneered the right to vote in Australia. It was the party that pioneered getting away from property qualifications for upper houses.

But now it has stopped short of that. It is supporting hierarchy; it has become reactionary. That is why, Kim, I cannot embrace you on this matter. Please come around to the

democratic side and we will all embrace each other. Now, Kim said, 'Trust us,' but he forgot to say, 'The cheque's in the mail,' or, 'I'll respect you in the morning.'

Finally, I will make two quick points. The term 'bipartisan' is newspeak. It is not a bipartisan model; it is the model through which the Prime Minister would essentially, in secret, pick one name out of a hat and then that name will go through a wheeling and dealing process. This person is going to be sacked in a letter from the Prime Minister. If this office is going to be the protector of the Constitution, as most people expect the head of state to be, how can such a person be the protector and upholder of our constitutional rights? He cannot be. So, all in all, we cannot vote for this model. We must not vote for this model. We must hang out for a democratic model.

**Mr HOURN**—I am pleased today, after seven years of posturing, to now have a model put before us which we can debate in seriousness. We have had 100 years to scrutinise our present system and only a short time to have a look at this one. But a quick scrutiny shows that this cobbled up, insipid, compromise of a republic model that has been put before us does not hold up.

The nomination system is tokenism. Mr Turnbull says that it is not, but it is a clear system of tokenism. It will deliver only a warm fuzzy feeling and nothing else. Some people will have the opportunity to put forward nominations, but they will go to a parliamentary committee. When I think of committees they always remind me of a definition I once heard of a committee being a cul-de-sac to which ideas are lured and then quietly strangled.

At the end of the day, the Prime Minister will have the ultimate decision and it really is tokenism putting up nominations from local governments and community organisations. I cannot see a nomination from myself being considered. I do not think my local council in Subiaco will have much influence. I do not think my local member, who is an Independent, will have much say in it.

The appointment by a two-thirds majority of parliament needs very close scrutiny.

History tells us that only four times in our parliamentary history has there been a two-thirds majority in both houses of parliament, and history shows us every day that parliament is a hostile place. There will be deal making, there will be horse trading. The Leader of the Opposition could derail the process. There is a great deal of uncertainty.

But the main difficulty with this model is the dismissal powers. There will be an incredible increase in the executive power of the Prime Minister under this model. The proponents of this model tell us that the powers of the president should be the same as those currently exercised by the Governor-General. But the powers and independence of the new president are going to be nobbled. The ability to protect the sovereignty of the people, as the Governor-General does now, will not be the same for the president. How can a president be a neutral constitutional umpire if he can be sent off the field by the Prime Minister?

The balance of our present system is going to be upset. At present, the balance is about right between the head of state, the head of government, the parliament and the people. But this model will remove very important checks and balances. There will be an increased power of executive government and increased executive power by the Prime Minister.

As a West Australian, I would like to point out that West Australians have a couple of things they passionate about one, they do not like being told what to do by eastern staters; and, two, they do not like more centralised power in Canberra and more power to politicians. They also do not like being sold a pup and have the wool pulled over their eyes.

I think delegates need to look very carefully at this matter. I do not think any of us want to be associated with failure. This is a cobbled up model. It is a model for celebrities. It is a pseudo democratic model. It is a republic at any price. If we vote for this model we will be replacing a maligned monarchy with a less popular republic for elites. Delegates must remember that they are going to have their vote recorded. I do not think anybody here wants to be remembered for backing a loser. That is what this model is going to be.

**Dr O'SHANE**—The question that this Convention supports the adoption of a republican system of government based on the bipartisan appointment model in preference to there being no change to the Constitution is a trick question. To vote against it is to vote in favour of a constitutional monarchy. Earlier this morning on the floor of this chamber I, along with over 100 of my fellow Australians, voted for a republic in principle—in principle. I did not vote for just any republic.

I came to this Convention on a platform of a just republic, not just a republic. I am sorry to realise that, having been involved in the discussions over the last 9½ days, this model is just a republic. It barely gets into the category of republic even then because it continues to maintain a Constitution which was designed for a constitutional monarchy system of government. If we are to change to a republic—most particularly, if we are to have a just republic—then we need to design a constitution for a democratic republic of Australia. This model is a long, long way from doing that.

Over the course of this Convention I have heard a number of comments made by people both within this chamber and outside the chamber that to have a democratically elected head of state would mean that the head of state then became a political player in the power stakes. The answer to that problem is not to say, as so many have said, that therefore we should not have a democratically elected head of state. Rather, the answer is to say that therefore we have to strictly codify the powers of the head of state. But it does not stop there. We must also spell out in a constitution for a democratic republic of Australia the respective roles, authorities and powers of the Prime Minister and cabinet and government's responsibility to parliament.

I also happen to be a very strong advocate of proportional representation. Another issue that has been raised on this floor is the function of the Senate and its powers. In a truly democratic society the continuation of a house of review, the principles underlying which are located way back in the days of strong aristocracy, can no longer be worn by a democratic republic of Australia. We must abolish the

Senate eventually and ensure that we have proportional representation represented in our House of Representatives. I will not be voting against it, Mr Chairman; I will not be voting for it. I must abstain.

**Mr McGUIRE**—Fellow delegates, this model deserves your support because it has evolved through a great system of democracy. Half the delegates here are here because we were elected by the people directly; half have been appointed by the people elected by the people directly. For two weeks we have lobbied, voted, discussed, amended and voted again and we have come up with the Convention model—it is the Convention model. The fine line we walk to accommodate everyone here today is personified none better than by the Costello family. Peter wants less community involvement; Tim would like more. If we cannot get one family to agree fully, what hope do we have with 152 strong-minded people? That could be a good thing. I have been uplifted by the intelligence and passion of the speakers over the fortnight but if, when this question goes to the vote shortly, you vote not on the work of the Convention on behalf of the people of Australia but on personal principle brought here a fortnight ago then we should have gone and played golf for two weeks and turned up today to put our hands in the air.

Direct election republican delegates, McGarvie republican delegates and all other republicans wrestling with this point: let us remember what we are here for. Whatever the route—direct, McGarvie, ARM or any other—the ultimate result is to get an Australian as a head of state. Voting for a republic, as we did earlier in the day, is a bit like voting for free beer—a good idea, but we need the model to get it up. Some say to me, 'Don't worry, it is inevitable; it will come eventually.' That is rubbish. This is the vote to tell the Prime Minister that republicans want a republic and to give our people something to vote on.

It has only taken a hundred years to get this far! Who knows when we will get another crack? Why would we have any ongoing constitutional conventions if a clear message does not emerge from this vote? Those of you

with republican blood coursing through your bodies have now got to stand up and look into your hearts. Do you want a republic? Do you want an Australian head of state or don't you? That is the question we are voting on in the next 10 minutes.

Lloyd Waddy, I will quote former Prime Minister Paul Keating. He said once, 'In the race of life always back self-interest because at least you know it is trying.' Now the time is to get off self-interest and get back to what we are here for.

Tomorrow we will all wake up and all the petty jealousies, the personality clashes, the personal animosities and the lobbying of the last two weeks will be gone. A lot of us will probably not even run into each other ever again; a lot of us will. But, fellow republicans, at the end of the day when you wake up you have to make sure that you have voted the right way on this. In conclusion, a no vote or an abstention is a vote against an Australian as a head of state. Remember that tomorrow morning when you wake up and remember which way you voted.

**Mr CLEARY**—Mr Chairman, can I just make a point of clarification?

**CHAIRMAN**—No, you cannot speak without a microphone. You have asked me if you can get on the speakers list; there are about 30 waiting. There is no point of order. I call on Mr John Brumby.

**Mr CLEARY**—A point of clarification?

**CHAIRMAN**—No, not at this stage.

**Mr BRUMBY**—Mr Chairman and delegates, I want to strongly support the motion before the Chair. I want to strongly support the bipartisan model, which is clearly the preferred republican model coming from this Convention. Like everyone here over the last two weeks—indeed over the last few years—I have had to look long and hard at what is the best republican model for Australia; what is the best model to give us an Australian head of state.

I have looked long and hard at direct election because I can understand its appeal to many of the people who make up this Convention. I was attracted by the Irish model because Mary Robinson stood there as an

example. But when you look at the Irish model, Mary Robinson is the exception; she is not the rule. The Irish model is no model for Australia and, in fact, between 1973 and 1990 there were no elections for president in Ireland because the political parties simply agreed on a joint nomination. Far from producing passion, energy and dynamic presidents, the Irish model produced one president, Eamonn de Valera, who was elected at the age of 76 and elected again at the age of 83. The Irish model is no model for Australia, and Mary Robinson was an exception.

The essential question here for the direct election people is this: if you have an honest debate, there are only two choices—an American-style presidential system or a Westminster system of government. If you have got a Westminster system of government, the preferred republican model—the best republican model—is the bipartisan model, with two-thirds appointment by parliament.

I have looked very hard at the option that the Hon. Richard McGarvie put up because he is an eminent lawyer and was a great Governor of Victoria. The strength of Richard McGarvie's argument was that in the two-thirds model there was a problem if you wanted to dismiss a Governor-General or a president. With respect to Richard McGarvie, the two-thirds bipartisan model has taken up that concern; it has taken up that criticism. Dismissal now is by a simple majority vote of the House of Representatives; in other words, entrenching the authority of the Prime Minister and our Westminster system.

So we have made the modifications to the model, we have got the best of both, and I appeal today to all of those delegates—the direct electees and particularly the McGarvie people, the 22 of them who voted for Richard McGarvie's model—to acknowledge that the two-thirds bipartisan model we have here today is the best compromise. It polled twice more than any other model which has come before this Convention, and it is for that reason the most preferred.

This convention is a once in a century opportunity for us to become a republic, for us to appoint an Australian head of state. Let

there not be squabbling amongst the republicans. Let us not wish the moment away. Let us get a system which expresses the way we are, the way we want to be, and not the way we were 100 years ago. Some 90 people, as against 50 people, in this Convention want a republic. I urge all republicans to get behind the bipartisan model, which is clearly preferred.

**Mr PETER COSTELLO**—I thank Eddie for referring to our family and the contribution that we could make. I suggest that if the Convention would like to delegate power to us, I am sure we could fix this over a Christmas dinner. In fact, if you want a constitutional monarch and an Australian head of state, we have a sister!

I am for change. I think that Australia should become a republic. I do not believe this is an optimal model. I think it is a hybrid on a hybrid. Nobody would have designed this a priori. It does not have sleek lines. It does not have design. It is a compromise. What is more, I do not think the work is finished. The work is not finished because when the forefathers of the Constitution came to the convention in the 1890s, they drafted the clauses of the Constitution, the actual words.

You will recall that the Prime Minister said in his opening address that it was detailed work. With all due respect, this model is basically throwing back into the parliament very important questions. In Part 4, it is throwing back that the Convention recommends that the parliament consider various powers and how to draw them. In Part 1 it is throwing back a nomination procedure, and not one to be put in the Constitution but one to be separately enacted. The work is not finished.

One thing we know is that we will have a referendum and that this model will go to it. If you ask me—and this is the way I think Archbishop Pell put it—if this is the best you could get, would you go for it, then that is one question, but another trick question is: do you prefer this to the current situation? All I say is: we do not know yet. I have not given up on it because I will be in the parliament,

and I will be seeking to try to improve it. We do not know yet whether it will be preferable.

In answer to what Wendy said about the consultation provisions, I did not think they were a good idea because I do not think you will be able to keep the consultation a secret. One of delegates said, 'We have dealt with that—we have a clause in this part that says that the committee shall not disclose any nomination.'

Let me tell you how this town works. In the morning, you go down to Aussie's Coffee Shop and you say, 'Who is up for the High Court next week, Aussie?', and he tells you. Then you go up to the press gallery and you say, 'What's on in the cabinet agenda next week?', and they tell you. If you still have not figured out what is happening, you ask the Comcar driver on the way home. You have put a clause in here that says it is going to be confidential, but it means nothing. If Mary Gaudron has nominated Michael McHugh and Michael McHugh has nominated Mary Gaudron, you will read about it in 'Melba' within 24 hours.

The point I make about that is that it puts people who are up for consideration in a very difficult position, to which Malcolm, who came, like Nicodemus, by night to try to steal my vote on this, said, 'Don't worry about any of that: the parliament can ignore it.'

**Mr TURNBULL**—I did not say that. That is outrageous!

**Mr PETER COSTELLO**—It would not be a good start to get off on that basis. That is a matter for the parliament to legislate. Australia will move on. I think Australia should move on. I think this should go to the referendum. But I think that the outcome of this question is not essential to that. It is not an essential question and I believe the work should continue and be finished. That is why I will not be voting either for it or against it.

**CHAIRMAN**—As there are so many speakers, we will allow more time for debate on the issue immediately after we resume at 2 o'clock.

**Mr MUIR**—This question No. 3 poses a crisis of conscience for those who believe in the sovereignty of the people and electing the

President. The dilemma for us is that, if we vote no, we support the monarchy; if we vote yes, we support a bipartisan model which can hardly be called bipartisan. It is in effect a two-legged camel which does not do the job. The Prime Minister controls the whole process, from the nomination to the appointment to the dismissal. Near enough is not good enough for Australia. Those who want change and believe in the sovereignty of the people and are not happy with the few words that have been cobbled together by the ARM and others should abstain. At the end, however, it comes down to an examination of one's own conscience. I for one am not going to bend to any emotional blackmail.

We in the Clem Jones team put together a complete model for a republic after listening to the people of Queensland. It is not Clem's model, it is not Ann Bunnell's model, it is not my model—it is the model of those who voted for us in Queensland. This two-legged camel is not going to get across the line in a referendum. A referendum on a two-legged camel is going to put the republican cause in Australia a long way behind. We believe there will be only one chance to get a republic in Australia and that chance needs to be taken with the direct election by the people. We will not achieve incremental change. Some people here today have said incremental change would be achieved: you get bits and pieces of a republic in and you can then go to elect a president. I do not believe that can happen. You need a head of steam to get constitutional change in this country. I believe the head of steam will be diminished by a bits and pieces republic.

**Mr VIZARD**—Before I make my remarks, could I just place on the record my indebtedness to the Convention and to the chairman for allowing me to hand in my piece of paper during the vote yesterday. It was greatly appreciated. I particularly wanted to acknowledge my gratitude to Mr Hayden and Mr Waddy for their gestures. Thank you very much.

Firstly, let me say I support the brave and wise words of Archbishop Pell. We seek to find consensus. We seek to find a common model. I know some delegates are struggling

with the model, particularly with the approval of a head of state by joint sitting of the parliament of Australia. They say it is a great impediment. You are struggling with the role of parliament. You say that politicians will get in the way. You say that politicians may contaminate the model. But here is a distinction between politicians who may come and go and the great institution of parliament. It is the parliament, not any politician, which is the cornerstone of our Australian democracy. This is parliamentary democracy, and 100 per cent of Australians believe in parliamentary democracy. Parliament is truly democratic. Power is concentrated, but in a diffuse way.

We cannot go around being patriotic yet demeaning our parliament. We cannot demean our parliament without demeaning our democracy, our history, our country and our traditions, including the British ones we have inherited. What we have achieved we have achieved very largely through parliament. We entrust to the parliament the responsibility for the defence of the nation, the making of peace and war, the making of laws and the collection and distribution of revenue. If you think this is the best country in the world, nothing has done more to make it so than that institution—the institution of parliament. It will do nothing for Australian democracy to diminish the parliament, to decide at this point in our history that the parliament is just a collection of politicians who cannot be trusted. It will be a vote of no confidence in an institution we won 150 years ago and affirmed our faith in 100 years ago. We should be reaffirming our faith in parliament now. The parliamentary election of a president is not only the truly democratic method of election but the truly minimalist republic. It makes the least changes to our basic democratic structures and traditions.

Those of you who are on the cusp of a decision: if the greatest risk that you face here today is to endorse a model which has at its heart the Australian parliament, the touchstone of Australian democracy, and if the greatest risk is that you reaffirm to the Australian people the centrality of that great Australian institution, which is already entrusted with every aspect of our daily life from foreign

affairs to health, from education to the nation's defence, then you are risking no more than you risk daily in your continuing mandate to parliament. You will have discharged your duties if you give the people of Australia a clear model upon which to vote at a referendum. But you will have acted beyond reproach if that model is enacted upon the cornerstone of the very parliament that unequivocally shapes their lives, their history and their future. I urge you to vote for this motion.

**Mr TURNBULL**—A point of personal explanation. I do not propose to compound—

**Mr RUXTON**—I did not hear him. Is he closing the debate? He has had a second time. He got two starts at the microphone.

**CHAIRMAN**—He is not closing the debate. He is making a personal explanation.

**Mr CLEARY**—I sought the same request from you and you would not let me come forward.

**CHAIRMAN**—Mr Cleary, you did not seek to make a personal explanation.

**Mr TURNBULL**—I do not propose to compound the unfortunate lapse of his normally impeccable good manners in Mr Costello citing a private conversation with me. I have not said anything to him or anybody else that is inconsistent with what we have said here today. Mr Costello is, however, quite right when he says parliament can ignore that proposal for community consultation. Of course it can. It can ignore everything we recommend but it will ignore these recommendations at its peril. I have no doubt that the parliament will take this into account.

**CHAIRMAN**—I have received a proxy from Mr John Anderson for Senator Nick Minchin. The hearing is suspended until 2 p.m.

**Proceedings suspended from 12.53 p.m. to 2.00 p.m.**

**DEPUTY CHAIRMAN**—I declare open this session. The proposition is that we should hold the voting on this question at 2.15 p.m. or a little thereafter.

**Mr RUXTON**—At the beginning of the debate last week Mr Turnbull said that this

was going to bring all Australians together. I suggest that this will be the commencement of the great divide. I heard the Treasurer this morning come in in a frivolous way. As far as the Treasurer is concerned I would rather listen to his brother, the Reverend Tim Costello. We have heard the word 'democracy' used so many times. The greatest exponents of the word 'democracy' were Karl Marx and Lenin, and never forget it.

The committees: the government appoints a committee and they wonder why people get suspicious. People are always suspicious of committees that are appointed by the government. The list of candidates cannot be published because it may offend some if they are passed over. Anyone standing for election should not be frightened to have his name published. I do not see that reasoning at all.

Section 5: why is it section 5? All we have heard about is the dismissal of the president but we have not heard anything about the dismissal of the Prime Minister and the parliament. That is what worries me. Section 5 is the only safeguard the people of Australia have. He does not put it in his pocket and run back to Buckingham Palace; he has got to give it back to the people in an election.

Trust us. I have heard that before: trust us. Two-thirds majority in the parliament? Bipartisan? I do not believe it; it will end up being political and the pork-barrelling that is going to happen will be outrageous. Eventually it will be the Prime Minister and the Prime Minister alone.

Finally, and I have said this before in the past couple of weeks, it is the extraneous issues that keep being brought up. Pat O'Shane brought some up this morning—the Senate, for instance, and proportional voting. Then we have had all sorts of other things—gender, et cetera. I suggest to you all that this is the start of the opening up of the greatest can of worms this country has ever seen.

**DEPUTY CHAIRMAN**—There are two proxies that I should report: one from Ms Schubert requesting a proxy to Miss Melanie Markham and one from Neville Bonner requesting a proxy for Colin Howard. That is from 2 o'clock today.

**Mr CLEARY**—I would like to clarify a couple of things here. I stand for an Australian republic. I stand for a real republic, a just republic, a democratic republic, a republic that affirms the authority of the people. I will not be moved from my position by someone saying things along the line that there is something selfish about sticking to one's principles. One of the problems in politics today is that votes are just cast according to a particular line. If you want acolytes, you get acolytes, but I refuse to be one. I am not saying for a minute that that makes me a precious person or any more special than anyone else. It is just that, at some point in time, you get delivered a card, and you can pick the card up and go with it or you can lie doggo. I am afraid I cannot lie doggo on this question.

There is a qualitative difference between the republic as proposed by the ARM and the republic that I envisage for Australia. I believe that the republic that the ARM proposes would bury the aspirations of the Australian people. For that reason, I cannot support that republic. You have to understand: if I actually think there are qualitative differences between a phoney republic and a real republic, Kim, what would I do? Which way would I vote?

Archbishop Pell gave a very good speech. It was a very reasoned speech and very well delivered. But I say this to the Archbishop: there is a thing in the Catholic Church called truth. Truth is handed down from ordained leaders. There is no room for conscience in the Catholic Church. You follow the laws as passed on from God via the Pope and the bishops. You actually believe in truth. I am arguing that the truth today is that the republic, as proposed by the ARM, is a phoney republic; it is a dishonest republic.

But I will say this much: the Prime Minister can take no comfort from what has happened here over the last 10 days. Over the last 10 days, we have opened up a discussion about a real Australia, a diverse Australia, an Australia with an Aboriginal history that this Prime Minister has not always recognised and about the Wik issue. They are big issues for us in Australia. My republic would endeavour to acknowledge all those things and acknow-

ledge the great efforts of Australians over time.

We had a preamble that was neutered here in a pathetic fashion by our constitutional lawyers because you would not put poetry, aspiration and inspiration into the preamble. You wiped it out—just wiped it out. 'No, we can't put that in. We can't say who we are. We can't say any grand, bold things about Australia. No, we can't do that.' So what are we going to do? One hundred years after the last Constitution, we are going to bury the aspirations of Australian people. We are going to bury them again in a false republic—a phoney, trumped-up republic.

It hurts me so much to actually have to vote against or abstain from a vote on this republic because, in my heart of hearts, I am so addicted to the idea of a republic. My ancestors fought the British in a war in 1920 for a republic in Ireland, and some of them were killed. I believe in a republic. Michael Collins went to England and he came back with a bad republic.

**The Right Reverend John HEPWORTH**—Mr Deputy Chairman, we came here with the intention of changing this debate from simply a brawl about republican models to a fair debate about the present system of government versus whatever was the best that was put up against us. This is the moment when we come to vote on what we have all been on about.

We came here to argue against the idea that a republic was inevitable. This morning, 58.5 per cent was the vote in favour of an in principle republic. It is not a devastating example of inevitability. We came here with the idea of arguing that the present system of government was a high form of democracy. We share that democratic ideal with our colleagues on the direct republic benches. I am not sure we share it as yet with those on the ARM benches.

What we have before us now is a proposal to shift the sovereignty of this nation from the Crown to the parliament. That is the inevitable consequence of what we are now being asked to do. It is not a debate about republic versus something else. We are debating heads

of state and therefore we are debating sovereignty.

I am happy to enter into the argument that the Crown, as it has evolved, especially in the past 200 years, is in fact the encapsulation of the sovereignty of the people, and I am very happy with an Australian system which does not give sovereignty to the parliament. Sovereign parliaments have always been dangerous creatures and they are not to be trusted.

Our present parliament has been criticised, and I do not share that criticism because in fact parliaments do hard jobs. The nature of the job involves taking massive responsibility, and humans given massive responsibility tend to act strangely. But in fact basically Australia has been extremely well served by its parliaments, as it has been served by its Federation. The problem that I have got is: roll the idea of sovereignty into the parliament, allow them to deliver the very existence and the legitimacy of the one who is meant to stand apart from it, and you have not kept the present system in place—you have made a stark choice between what is being proposed and what is the ideal.

May I appeal in conclusion to those who have come here to argue for different republics. I find myself in strong disagreement with Archbishop Pell. All republics are not the same. Look around the world and that is obvious. You cannot vote for just any republic on the basis that any republic is better than what we have got. Any republic is not better than what we are got and the world is full of them. Those who came here to argue for something different should argue again another day and not ditch their vote behind a model that they know in their conscience is not a real republic, is not what we have got and is not a good system of government.

**Mrs ANNETTE KNIGHT**—The question we are being asked to pass judgment on is like the first resolution, in my mind. It is not a question that we at this Convention should answer. It is one that must be decided by the people of Australia. I am still of a mind that this is not a question of republic or monarchy, of republican option or status quo; it is only about what will be the best system for Australia. We have been charged with the respon-

sibility of coming up with an option for the Australian people to consider and weigh up against the status quo and that is all. We should not be making the decision for them. We have arrived at an option to put before them: let them make the judgment.

Though we have endeavoured to find the best model to present, what we have, I and many others at this conference believe, is not the best. It has serious shortfalls and a lack of clear and concise definition in some areas. It has some undesirable elements. It cannot be said to be better. It does not fulfil our obligation. It does fulfil our obligation, though, to provide a model for consideration by the people.

We at this Convention should not commit ourselves to or endorse a system that is based on a model that is less than satisfactory, one in which we do not have absolute confidence and that cannot deliver a system better than the one we have. In all conscience, because I do not believe the question posed is one for us to decide, abstention is the only option.

**DEPUTY CHAIRMAN**—Before I call Graham Edwards, the proxy for Neville Bonner will be exercised by John Paul.

**Mr EDWARDS**—I want to be a part of this motion and to endorse the opening remarks that were made by Archbishop Pell when he spoke this morning. He made an absolutely compelling speech, and I urge people to reflect on what he had to say. As this is the last occasion I will speak, I want to say to the monarchists: I appreciate and respect the fight that you have put up. I do not agree with your arguments, but I have a great deal of respect for some of the people in your ranks. I appreciate the view and the feeling that you have about Australia. That view and that pride are shared by those of us on the republican side of the benches.

Mr Chairman, I do not want to speak for more than one minute, but I want to say that almost a decade ago I took part in a welcome home parade for Vietnam veterans through the streets of Sydney. It was a parade that happened some 20 years after the war was over. As you can imagine, it was an incredibly emotional parade for those veterans. I have not felt the strength of that emotion again

until this morning when the vote was taken in principle for us to become a republic. When everyone stood by their benches and applauded, I felt again that strong sense of purpose, direction and emotion.

I really hope that that emotion and that feeling were felt out there in the community by those people listening and viewing via TV. Today is a historic occasion. I urge republican delegates, whatever their persuasion, to recognise that this next vote is the first real step towards achieving an Australian as our head of state. I urge you to vote for this model. I say to you: please listen, let us unite, let us join together in the long journey of bringing our Australian Constitution home.

**Mr WILLIAMS**—Mr Deputy Chairman and delegates, how to vote on this choice between the bipartisan model and the status quo is, for me, a very difficult question. I have supported another model and I have significant reservations about this one. On the other hand, I want to see an Australian head of state. Not to support the motion would be, in the circumstances, at least for me, to support the status quo.

I expect we will vote for a referendum and that there will be one, but there is a long way to go in the development of the model to be put first to the parliament and then by the parliament to the people. In those circumstances, I propose to give greater weight to supporting change than I give to my reservations about the model. I will vote for change.

Mr Deputy Chairman, my position and that of the Treasurer are very similar. In my view, the difference between us I think is simply that I have given greater weight to the desirability for change.

**Mr HOWARD**—Mr Deputy Chairman, I start my brief remarks by taking the Convention back to the charge I gave it at the beginning, because I think some of the words that I then used have, either through inadvertence or on some occasions deliberately, been misrepresented. What I said—and I think it is very important for the vote that is to take place in a moment and also later on this afternoon; I will repeat the words in that speech—was:

I inform the Convention that if clear support for a particular republican model emerges from this Convention my government will, if returned at the next election, put that model to a referendum . . .

Let me repeat that: if there is clear support for a particular republican model, we will put it to a referendum.

I want to make it very plain that I chose those words deliberately. They were meant to convey a very clear and unmistakable meaning. I want to repeat them the moment before the vote is taken.

I also repeat again—this is well known—that I have been a supporter of the present system for many years. My party knew my position when it made me its leader in 1995. The Australian people knew my position when they elected my government to power in March 1996. I have never disguised, in the interests of responding to what may appear to be majority support for a particular proposition, a point of view that I cannot in conscience embrace.

I remain opposed to change because I honestly do not believe that Australia would be a better country if we abandoned the present constitutional system. That is my honestly held belief. I find it a curious notion in this debate that in some way a mark of leadership is to repudiate something which, deep down in your heart, you believe in, in the name of responding to what is the current transient, perhaps enduring, support for a particular point of view.

I can respect the strength of feeling of people like Phil Cleary. He may disagree with me on many things—and he does on just about everything, I think—but I can respect his point of view. I said to people when this Convention started that I wanted it to be an occasion for plain speaking. I have not disguised my view.

I do not support the present system out of some nostalgia for a British past nor for the singing of ‘God save the Queen’ or for something that is now distant. I support it because, through an accident of history and the maturity of the Australian people, we have embraced to ourselves a system of government that has given us a coherence and a stability that are the envy of this world. In the

true Burkian tradition of honourable conservatism—and I think honourable conservatism as well as constructive conservatism are important on these occasions—I believe it is eminently consonant with a democratic, inclusive future for Australia to maintain that system.

**Mrs CARNELL**—I nailed my colours to the mast on this whole issue about four years ago and I did that again earlier last week—that is, I am a republican and I do believe in direct election. The easy option for me today would be to vote yes simply because that is a vote for the people of Australia to have a choice on a republic. But I think that is the easy option. I do not believe at all that it is appropriate to vote yes simply because it is change. I believe that we must vote for a good option, for a good compromise and for a good model. I strongly believe in giving the people more input into our democratic system. I strongly believe that the people are the centrepiece of democracy, not parliaments.

I think it is very important today to have a look at what happened in the ACT when we had self-government. A style of government was put together by a committee. It was put together as a compromise. It was called modified d'Hondt as our democratic system of election. Six years later it was overturned by referendum and did enormous damage to the ACT in the meantime.

If you put a bad model to the people of Australia I believe strongly they will knock it back, because they are not stupid. I believe that by supporting this cobbled together compromise, we will be putting the whole basis of a republic back by 10 or 20 years. I believe very strongly that one of the principles of democracy is that people are suspicious of government. This model, though, is based upon the whole premise that governments are suspicious of the people—that they do not trust the people to make the right decisions.

I believe this turns democracy totally on its head. I cannot bring myself to vote with the monarchists here. I cannot bring myself to vote for a model that I believe will be overturned by the people, that is not right and that is a cobbled together, bad compromise. I will be abstaining.

**Mr RANN**—We cannot allow this Convention to become a code word for failure. That would give the opponents of change, and those who will fight any constitutional reform, every alibi and every excuse to do nothing. It is our task to help define what Australia stands for and where we are going as a nation at this important turning point in our history.

It is a time to show leadership. That is why we were sent to this Convention. It is not a time to blink or squib but a time to move forward. Most delegates know that I did not come here to support this model. I supported the Gallop direct election model. But I am pleased that this Convention has now, this morning, endorsed future constitutional reform and another convention in a few years to look at a range of issues that are dear to many of us here today.

I appeal to all republican delegates, whatever model we supported last year, last week or even last night, to take a big and courageous step forward by helping to build a bridge to the future and by embracing change at this important moment in Australia's history. As republicans, whatever our views, we can do so with honour by again giving the republic another decisive vote now, and then moving forward to even greater constitutional reform. I urge all republican delegates to heed the words of Archbishop Pell, and to come home to the republic and to an Australian head of state, and that is why I am supporting the bipartisan model.

**DEPUTY CHAIRMAN**—Archbishop Hollingworth, are you seeking to ask a question?

**The Most Reverend PETER HOLLINGWORTH**—Mr Deputy Chairman, I rise to seek clarification from you. I had anticipated being called to speak but now that this session has concluded, I am only able to refer to its contents by asking a question seeking clarification from you. I and others here find ourselves between a rock and a hard place. The problem lies in the way the motion has been formulated in the sense that it asks the members of this Convention to make a clear statement about whether they prefer the bipartisan model republic hastily drawn together yesterday to the status quo.

With Mrs Knight I agree that we are being asked to make a false choice which should properly be put to the Australian people at a referendum. Secondly, we are being asked to choose between a republican model that contains elements of earlier models prepared by several of us to that of the status quo. I agree to sign my support for that model not because I believed it was entirely satisfactory, but because it was essential that this Convention came up with two clear choices which could go before a referendum. That was the primary task, I believed I had when I came to this Convention and we have been able to deliver on that. If it were necessary to support a republican model, my own proposal was somewhat different to the one we have before us. It was in the spirit of compromise that I felt that it must be supported, even though it would not be my preference.

The point I want to make is that I and others are now confronted with a real moral dilemma. If we are forced to make a choice between the status quo, which is tried, tested and known, and a bipartisan republican model which contains a number of procedural problems that are unresolved, I regret to say that I would have to abstain from the proposal, even though I had done some prior work in developing the compromise which is before the Convention. Hence the moral dilemma about which I seek advice.

**DEPUTY CHAIRMAN**—I am in no position to rule on moral dilemmas. You are infinitely better placed than I am.

**The Most Reverend PETER HOLLINGWORTH**—Can I make it clear that I am forced by the motion to abstain from voting.

**DEPUTY CHAIRMAN**—Before I put the substantive question, there is an amendment that has to be disposed of. It is the amendment by Jason Li and Kirsten Andrews that has been circulated, and that is to amend paragraph 3 of Part A to read as follows:

... and take into account so far as practicable considerations of federalism, gender, age and cultural diversity.

I put the amendment that the word 'age' be inserted. Those in favour please indicate; those against. It is clearly carried. I now put the question, as amended, that this Conven-

tion supports the adoption of a republican system of government on the bipartisan appointment of a President model in preference to there being no change to the Constitution.

**Councillor TULLY**—On a point of clarification: given that there were not 152 delegates voting on every motion yesterday, will the voting result be based on an absolute majority of delegates, or just a simple majority of those voting?

**DEPUTY CHAIRMAN**—A simple majority of those voting.

**Mr LOCKETT**—I move:

That the motion not now be put.

**Professor PATRICK O'BRIEN**—I second the motion.

**DEPUTY CHAIRMAN**—It is a procedural motion, so I will put it without debate.

Motion lost.

**DEPUTY CHAIRMAN**—Please now fill in your ballots and sign them. Would those in favour of the resolution please stand.

**Mr RUXTON**—Mr Deputy Chairman, please note that the ballot paper is pink!

**DEPUTY CHAIRMAN**—I am amazed that you have not complained that so much of the *Notice Paper* earlier was green.

*Delegates submitted their ballot papers.*

**DEPUTY CHAIRMAN**—Those voting against the resolution, please indicate.

*Delegates submitted their ballot papers.*

**DEPUTY CHAIRMAN**—Those wishing to abstain, please indicate.

*Delegates submitted their ballot papers.*

**DEPUTY CHAIRMAN**—The result of the ballot is for 73, against 57, abstentions 22.

Delegates (73) who voted "yes":

Andrews, Kirsten  
 Ang, Andrea  
 Atkinson, Sallyanne  
 Axarlis, Stella  
 Bacon, Jim  
 Beattie, Peter  
 Beazley, Kim  
 Bell, Dannalee

Bolkus, Nick  
 Brumby, John  
 Carr, Bob  
 Cassidy, Frank  
 Cocchiario, Tony  
 Collins, Peter  
 Costello, Tim  
 Delahunty, Mary  
 Djerrkura, Gatjil  
 Edwards, Graham  
 Elliot, Mike  
 Evans, Gareth  
 Faulkner, John  
 Fox, Lindsay  
 Gallop, Geoffrey  
 Gallus, Chris  
 George, Jennie  
 Green, Julian  
 Grogan, Peter  
 Handshin, Mia  
 Hawke, Hazel  
 Hewitt, Glenda  
 Hill, Robert  
 Holmes a Court, Janet  
 Kelly, Mary  
 Kennett, Jeff  
 (proxy—Dean, Robert)  
 Kilgariff, Michael  
 King, Poppy  
 Kirk, Linda  
 Lavarch, Michael  
 Li, Jason Yat-Sen  
 Lundy, Kate  
 Lynch, Helen  
 Machin, Wendy  
 McGuire, Eddie  
 McNamara, Pat  
 Milne, Christine  
 Moller, Carl  
 O'Brien, Moira  
 O'Donoghue, Lois  
 Olsen, John  
 Pell, George  
 Peris-Kneebone, Nova  
 Rann, Michael  
 Rayner, Moira

Rundle, Tony  
 Russo, Sarina  
 Sams, Peter  
 Schubert, Misha  
 (proxy—Markham, Melany)  
 Scott, Marguerite  
 Shaw, Jeff  
 Sowada, Karin  
 Stone, Shane  
 Stott Despoja, Natasha  
 Tannock, Peter  
 Teague, Baden  
 Thomas, Trang  
 Thompson, Clare  
 Turnbull, Malcolm  
 Vizard, Steve  
 West, Sue  
 Williams, Daryl  
 Winterton, George  
 Witheford, Anne  
 Wran, Neville

## Delegates (57) who voted "no":

Anderson, John  
 Andrew, Neil  
 Bartlett, Liam  
 Beanland, Denver  
 (proxy—Carroll, Frank)  
 Bjelke-Petersen, Florence  
 Blainey, Geoffrey  
 Bonner, Neville  
 (proxy—Paul, John)  
 Bonython, Kym  
 Borbidge, Rob  
 (proxy—FitzGerald, Tony)  
 Boswell, Ron  
 Bradley, Thomas  
 Bullmore, Eric  
 Castle, Michael  
 Chipp, Don  
 Court, Richard  
 Cowan, Hendy  
 Devine, Miranda  
 Ferguson, Alan  
 Ferguson, Christine  
 Fischer, Tim

Fleming, John  
 Garland, Alf  
 Gifford, Kenneth  
 Hayden, Bill  
 Hepworth, John  
 Hourn, Geoff  
 Howard, John  
 Imlach, Mary  
 James, William (Digger)  
 Johnston, Adam  
 Jones, Kerry  
 Killen, Jim  
 Kramer, Leonie  
 Leeser, Julian  
 Manetta, Victoria  
 Mitchell, David  
 Mitchell, Roma  
 Moloney, Joan  
 Mye, George  
 Myers, Benjamin  
 Newman, Jocelyn  
 O'Brien, Patrick  
 O'Farrell, Edward  
 Panopoulos, Sophie  
 Parbo, Arvi  
 Ramsay, Jim  
 Rocher, Allan  
 Rodgers, Marylyn  
 Ruxton, Bruce  
 Sheil, Glen  
 Smith, David  
 Sutherland, Doug  
 Waddy, Lloyd  
 Webster, Alasdair  
 Wilcox, Vernon  
 Withers, Reg  
 Zwar, Heidi

Delegates (22) who abstained from voting:

Andrews, Kevin  
 Bishop, Julie  
 Bunnell, Ann  
 Carnell, Kate  
 Cleary, Phil  
 Costello, Peter  
 Craven, Greg

Curtis, David  
 Gunter, Andrew  
 Haber, Ed  
 Hollingworth, Peter  
 Jones, Clem  
 Knight, Annette  
 Lockett, Eric  
 Mack, Ted  
 McGarvie, Richard  
 McGauchie, Donald  
 Moore, Catherine  
 Muir, David  
 O'Shane, Pat  
 Sloan, Judith  
 Tully, Paul

**Councillor TULLY**—Mr Deputy Chairman, I raise a point of order. Have you declared the result of the ballot?

**DEPUTY CHAIRMAN**—I am sorry, I declare the motion carried.

**Councillor TULLY**—I have a point of order, which I wish to come up and speak to formally, in respect of the declaration of that vote. The rules are silent in respect of the detailed method of voting, and they are silent in terms of whether or not—I am sorry, I will continue; I will not see people shaking their heads.

There is no provision in here for a resort to the standing orders of the House of Representatives or otherwise. In other words, resort must be given to common law. I would like to refer to Joske's *Law and Proceedings at Meetings in Australia*. I will read for the benefit of delegates—this is quite important—a reference to this. It reads:

Consequently, where a majority of those present is required, a motion may be defeated by a number of those present abstaining from voting . . . So where a simple majority of those present was necessary—

It is quoting a particular case—

and, of the 35 present, 16 voted for the motion and eight against it, while 11 did not vote at all, the motion was lost.

Sir, prior to your putting the vote, you indicated that it would be based on the number of those persons voting.

**DEPUTY CHAIRMAN**—Yes.

**Councillor TULLY**—Clearly, those court cases indicate that the abstentions must be taken into account. They exceed the number of persons voting for, and, to avoid the possibility of court proceedings in respect of this matter, I indicate to you on the basis of this document that that vote must clearly be declared as lost.

**DEPUTY CHAIRMAN**—I am deeply grateful for the advice of Councillor Tully on a number of matters. I draw his attention to the eighth edition of Joske's *Law and Proceedings at Meetings in Australia*. I draw his attention to the beginning of the paragraph that he read, where there are some words that appear to have eluded his attention and certainly have not received the benefit of the green highlighter. It says:

Rules of a body may prescribe a particular method of voting and may abrogate the common law method which requires merely a majority of votes.

I rest my case. It has been passed by a majority of votes.

**Councillor TULLY**—I move dissent from your ruling, Sir.

**Professor PATRICK O'BRIEN**—I second the motion.

**DEPUTY CHAIRMAN**—You are very welcome.

**Councillor TULLY**—I will be brief in my motion of dissent. Even though you have quoted that, I am not sure you have quoted any provision of these rules which indicates that we have abrogated the provisions regarding common law because, clearly, it is silent. I asked you prior to the vote whether or not all the votes being taken into account would be counted. I asked whether or not in those circumstances it would be an absolute majority of all delegates or whether it would be a simple majority of those voting. People had three choices when voting: for, against or abstain. The rule at law is quite clear; I challenge anyone to show me where it is wrong in law. There are no provisions in the rules which we adopted either on the first day or progressing through this particular Convention or in the debating procedure for this stage of the proceedings yesterday and today. I believe that quite clearly there is a majority

of 79 votes against—either as No or Abstain—and only 73 in favour.

**Professor PATRICK O'BRIEN**—I second the motion.

**DEPUTY CHAIRMAN**—In the case of a ruling against the chair, there is only one speaker for and then the chair responds. The rules of debate, which you all, including Councillor Tully, agreed with at the beginning of these proceedings, make no provision for an entrenched majority. Early on in the proceedings, the Chairman was asked to rule as to the kinds of majorities which would operate and to distinguish between a simple majority and an absolute majority.

There is no rule in the procedures—and it may have been an oversight on the part of Councillor Tully that he did not provide for it—that says that there must be an absolute majority affirming a particular motion. We take it, and it is the normal common law rule, that an abstention means a refusal to take a position. So, in that case, if you are looking at a—

*Professor Patrick O'Brien interjecting—*

**DEPUTY CHAIRMAN**—Professor O'Brien, you are expert on very many things, but I doubt whether the rules of procedure is one of them. You do not need to go past Joske. Joske is absolutely clear. Joske says that the rules of a body may prescribe a particular method of voting and may abrogate the common-law method. We have not done so. The common-law situation is maintained. I am glad to see a few judicial nods, which I take to be approval. The result is that a majority of those who voted cast a vote for or against the proposition. There is clearly a majority.

**Mr TURNBULL**—I move that the question be put.

Motion carried.

**DEPUTY CHAIRMAN**—I put the question that the Deputy Chairman's ruling be disagreed with. Those in favour please indicate. There are four in favour.

Motion lost.

**Mr HAYDEN**—Mr Deputy Chairman, on a non-legal but practical basis, I think on the Prime Minister's criteria there is a clear view emerging. The clear view is 79 votes No and Abstain, and Yes 73. That is the clear view as distinct from any legal interpretation.

**Mr HOWARD**—Can I offer a clear view on that?

**DEPUTY CHAIRMAN**—Please.

**Mr HOWARD**—Mr Deputy Chairman, when I spoke a few moments ago I reminded people of precisely what I said at the beginning of the Convention. I said:

I inform the Convention that if clear support for a particular republican model emerges from this Convention—

I repeat the words: 'a particular republican model'. The only commonsense interpretation of this Convention is, firstly, that a majority of people have voted generically in favour of a republic. In fact, 89 out of 152 voted generically in favour of a republic. Secondly, amongst the republican models, the one that has just got 73 votes is clearly preferred. When you bind those two together, it would be a travesty in commonsense terms of Australian democracy for that proposition not to be put to the Australian people. Moreover, it would represent a cynical dishonouring of my word as Prime Minister and the promises that my coalition made to the Australian people before the last election. I would hope that the next resolution is carried unanimously and perhaps put without too much more debate.

**DEPUTY CHAIRMAN**—We now proceed, unless there are any more procedural motions, to the fourth resolution. I understand that is to be moved by Malcolm Turnbull.

#### RESOLUTION

**"That this Convention recommends to the Prime Minister and Parliament that the republican model, and other related changes to the Constitution, supported by this Convention, be put to the people in a constitutional referendum."**

**Mr TURNBULL**—I move:

That this Convention recommends to the Prime Minister and Parliament that the republican model, and other related changes to the Constitution,

supported by this Convention, be put to the people in a constitutional referendum.

The Constitution of Australia belongs to its people. They will make a decision as to whether this proposal will be accepted by them or not after parliament has considered and enacted the principles and resolutions of this Convention into a constitution amendment bill. It is clear that there is an overwhelming preference of this Convention for the bipartisan model. I appreciate the Prime Minister's remarks and congratulate him. I would urge you to vote now to recommend to the Prime Minister and parliament that the bipartisan model and other related changes to the Constitution, supported by this Convention, be put to the people in a constitutional referendum.

**Ms HOLMES a COURT**—I second the motion. Deputy Chairman, Delegates, I quoted Tim Winton on the first day, and I am going to read it again:

You've never seen people relish the lighting of a lamp like this, the way they crouch together, cradle the glass piece in their hands, wide eyes caught in the flame of a match, the gentle murmurs and the pumping and the sighs as the light grows and turns footprints on the river beach into long shadowed moon craters. Let your light so shine.

Our lights have shone for the last two weeks, particularly the lights of the young people who were here. We have crouched; we have cradled; we had been wide eyed; we have lit the match; we have had murmuring and pumping; we have had sighs. Some people have said that the model we have come up with, which has a majority of supporters in this house, is a camel. I say it is a beacon to take us into the 21st century. I am delighted to second this motion of Mr Turnbull's, to send this motion out to the Australian people so that they can tick that final box, so that we can have a head of state and so that we can burst, as Tim Winton says, into the moon, the sun and the stars of who we really are—Australians: perfectly, always, every place, us.

**Professor PATRICK O'BRIEN**—I would like to speak against the motion.

**DEPUTY CHAIRMAN**—No, just resume your seat. I will give you the call. There is a proposed amendment to item 4 on the *Notice Paper*, moved by Kerry Jones and seconded

by Bruce Ruxton. That motion seeks to delete the word 'supported' and replace it with the word 'identified'. For the amendment to be allowed to proceed it requires leave of the Convention. I will ask for those who are prepared to give leave for the amendment to go ahead.

**Mr HOWARD**—Can you just repeat it? I was conferring with my learned counsel.

**DEPUTY CHAIRMAN**—We might need to have a count. I was asking whether there was leave granted for the amendment to be moved by Kerry Jones and Bruce Ruxton to delete the word 'supported' and substitute the word 'identified'. Leave in this case means 50 per cent of those present. Could I have an indication of those in favour of granting leave.

Because you do not call for votes against, leave just requires more than half of those present. The figure in favour of granting leave is 69, so, paradoxically, it is not possible for leave to be granted.

**Senator ALAN FERGUSON**—I raise a point of order. You said 50 per cent of those present. How do you know there are 152 present? I know of at least one who is missing alongside me, and I do not know whether other people might not have left the room.

**Mrs GALLUS**—That person is sitting over here; she is not missing.

**DEPUTY CHAIRMAN**—Is there a desire to have a count? No. The indication is that it is only a minority.

**Professor PATRICK O'BRIEN**—I am speaking against the motion. I congratulate the ARM on getting 73 votes. This is not a football match and I am not a so-called poor loser, and what I have to say is not motivated in any way by that footy game. I repeat that I congratulate the ARM and the other people who supported that motion in getting 73 votes. I only wish that we had got 73 votes for our model, and we did not. Having said that—and here comes the 'but'—I do oppose the vote. I will vote against this being put to referendum. The reason is this: it is not a majority of the delegates. I, maybe mistakenly—I am not challenging the chairman's

ruling anymore—did believe that whatever went to the people would have to receive the votes of at least a majority of delegates. I know for a fact that some delegates here understood that in abstaining they were actually voting, and that happens to be the case. So I am not the only person under the misapprehension.

**DEPUTY CHAIRMAN**—We have dealt with that matter. This is a different question.

**Professor PATRICK O'BRIEN**—It is not; it is the same question.

**DEPUTY CHAIRMAN**—With respect, it is a different question, and I direct you to talk to the question before the chair.

**Professor PATRICK O'BRIEN**—All right. I do not believe it should be put, for the reasons that I have given. I do believe that if the ACM votes to support the motion then they will come across to Australian people as being principleless. Remember that Mr Malcolm Turnbull a week ago offended many of the ACMers by saying that he thought they were going to vote strategically to make sure that at the bottom line the model they thought could not get through the Australian people would get up. That is what they have done, and they have betrayed their principles if they voted that way. I oppose the motion and here I stand.

**Mr COWAN**—Like all delegates, I came here to address the questions that were put in writing to us by the Chairman on behalf of the Prime Minister and reinforced by the Prime Minister in his opening address just recently. There is consensus among Australians about two things. The first is that they like the system of government, the freedoms and the quality of life our constitutional monarchy provides, and secondly, they would like an Australian head of state. If it can be done, then do it. But do not—whatever you do—weaken those first points.

As a state representative, I would like to add another qualification or two. The first is the need to protect the federation, and the states' constitutional responsibilities, and the powers within it. The second is to preserve representative parliamentary democracy within the states. I include in that the delegated

authority of the states: local government. I support this particular motion because it is necessary for us to have a referendum so that all Australians can determine whether they do or do not want to be a republic. But I reserve my right to make sure that in putting that referendum those particular points that I have made are protected and preserved. I have seen, for 25 years of political life, the powers of the states encroached by the inventions of the High Court and by the financial powers of the Commonwealth. The last thing this country needs is a republic that promotes centralism.

**Professor BLAINEY**—First, could I say that, while I do not support the proposition that I hope is to go to the Australian people, I do congratulate the republicans on their victory. Even I felt a slight lump in the throat when I saw your jubilation and the jubilation of people in the gallery when you had the numbers. I congratulate you and I wish you well. I will not go any further.

I felt, when the vote had been taken, that perhaps John Quick of Bendigo should have been here. He, in many ways, is author of this event. He came to Australia in the 1850s as a child and set to work in the stamp mills and in various labouring tasks. Eventually he got himself an education. He was the man at Corowa who believed that, ultimately, in a difficult situation in 1893 when Federation seemed doomed, the only way to revive it was to bring in the people; and we have seen that happen in the last fortnight. I also congratulate you, Mr Prime Minister. You have taken this unconventional decision to involve the people in debating this important question. It is not always an easy decision to hand power to somebody else but you have done it and I congratulate you.

May I just say that when the republican movement began to gain momentum after Mr Keating's announcement, it was not realised then, because it was so long since we had had a major constitutional change that involved the emotions as well as decisions about power, by many politicians nor by the media, what an enormous task it would be to enlist the public in seeing the issue as important and seeing its implications. Mr Keating grasped

the issue to himself and pushed forward to a considerable degree, but he kept public out of it, and he kept the opposition out of it. From memory, Mr Kennett nominated me as the Victorian representative, but since I was against the republic I was not chosen, although Mr Turnbull would have been perfectly happy for me to be there.

Ultimately, it is debate that brings out the difficulties and the significance. Debate is vital. It is all important. When I think of the 1890s and that slow movement towards Federation which was ultimately accomplished, it was incredibly difficult. Even Sydney, which was then the biggest city in Australia, said, 'We don't think we want Federation.' In the first referendum that great city voted against Federation, and that is why they got the great prize of Canberra, as a bribe. If only three train loads of voters in Queensland had changed their mind, Queensland would not have voted for it. Western Australia came in very late—very late indeed.

I think we face an issue as difficult as the issue that was faced in the 1890s because it really combines two things. It is a debate about symbolism. You and I came with our own ideas of symbols, and I would be very surprised if any one of the 152 here really changed their mind about symbols in the space of the last fortnight. But the other question, the most difficult question, is how you apportion the powers, how you appoint the president and how you dismiss him. That is a very difficult question. I believe it must go to a referendum but the debate must be on a very substantial scale throughout the nation. I hope that debate takes place and the decision, whatever it is in 1999, is decisive.

**Mr TIM FISCHER**—I support the printed motion as it properly completes the business of this Convention. It was so drafted by the Resolutions Group and I support it as one who supports the existing Constitution and one who, enjoined with John Howard, Alexander Downer and so many others at the last federal election, went forward with a policy to provide for a convention delivered in spades and for a vote of the Australian people. We have the Prime Minister's confirmation this day that that too will be delivered

and delivered in the year 1999. I think we should all accept the result of the Convention—win, lose or draw.

We now should formally recommend it to the Prime Minister and the parliament. For my part I will be guided—as will all Australians, I am quite sure—by the will of the Australian people. I will put as much effort into the debate as I can to see that these very important matters are fleshed out fully. You do not lightly tamper with your Constitution.

**Mr GARETH EVANS**—Those of us who embarked on this republican journey together some time ago have come a remarkably long distance in this last fortnight. There is no questioning the historical significance of what we have decided in these last two days and no questioning the historical significance of the motion we are about to clearly pass to put the bipartisan model to a referendum.

But let us face it: we have come only half the journey. The referendum campaign will be phenomenally significant and a crucial test of the goodwill of us all and the maturity of this country. Forty-two referendum questions have been put over this century; only eight of them have been successful. No referendum proposal that has ever been put to the Australian public which has been associated with a substantial body of organised opposition has ever been successful. Every amendment proposal which has been defeated has in fact had a substantial body of organised opposition—usually from one or other of the major parties at the national level or on some occasions coalitions of small states and state politicians.

Very few referendums have been on issues which are inherently capable of capturing and lifting the national spirit. Perhaps there has been only one such in our national memory, and that was the 1967 referendum to recognise the place of our indigenous people in our national life. That did capture the national spirit. It passed in all six states with a majority overall of something like 91 per cent. Maybe this referendum, after the benefit of a year or so of campaigning and thought and consideration, will prove to be another such example. But we certainly cannot assume that.

There is a role and responsibility, accordingly, for all of us here who have participated

in this debate and produced this result. So far as my friends in the ACM, the monarchist camp, are concerned, I cannot expect you and I do not ask you to do anything other than vigorously express the no case and campaign against the referendum, as you undoubtedly will.

To my republican colleagues, however, in particular those who found it so difficult to join in the consensus with their fellow republicans this week, I urge you to think, think and think again about what is at issue here and about this historic opportunity that we now have that might not easily recur—it certainly will not recur before the historically symbolic, exciting and moving event of the turn of the century—to move the community on behalf of what it is that we all believe in. If we do want an Australian to be this country's head of state, we have a heaven sent opportunity to get there and I hope you will be with us. I will understand perfectly if, right to the wire, you continue to take the view that you took this fortnight. That is what many of you, after all, were elected to do. But with this fortnight past us and the referendum campaign under way I hope and trust and if I prayed I would pray that you join with us in that.

There is one final group to whom I make a specific appeal—a group of people with a very specific role, set of responsibilities and historical opportunity—and that is the political leadership of this country, those political leaders at the state and federal levels who have hitherto taken the view that they cannot support this. This is a historical opportunity. If I had the time I would read you a letter that might move you. But I just make the point that by all means take the parliamentary opportunity, Peter and your colleagues, and state leaders, to further refine the model. But understand the nature of the task and the spirit that is upon us and help us carry the game forward.

**Dr CLEM JONES**—I move:

That the Convention grant leave for Mr Clem Jones to move a further amendment.

This will be the last time I speak. It is probably appropriate that in my last speech I should differ from our Prime Minister. I do

not believe we have a model to go forward or a position where we have clear support for anything which is the wish of the people.

Motion lost.

**Dr CLEM JONES**—My view is that the proceedings during the last 10 days show quite clearly that the model to be put before the people is a model which is not acceptable to the rest of the people in Australia. I would like to quote quickly from a letter addressed to Mr Malcolm Turnbull which I received today. It says:

I sent a delegate, Mr Clem Jones, to the Convention with the idea of a popularly elected president. In view of the fact that the model did not get preference, I find it offensive to say the least that he has taken it upon himself to disallow me the chance to have my say at a referendum on the bipartisan model. While I can appreciate the fact that he was sent on a particular ticket, his narrow-minded and egotistical attitude is beyond my belief. Will you please tell him that on my behalf.

There is no need because he sent me a letter too. The letter goes on:

I am an ordinary Australian. Let me have my say.

That is what we want to do, of course: let the people have their say. This is the first, out of over 250 letters that I have received since I have been here, which suggests that the people are not almost 100 per cent behind the proposition that we put forward: that we must have a president elected by the people.

**Ms PANOPOULOS**—We, in ACM, are supporting this motion. We are supporting this motion because the Keating-Turnbull model—in whatever form it has existed and in its present hybrid—needs to be tested by the Australian people.

For the last five years, we have heard meaningless, shallow slogans about a republic. We have heard about 'waiting in queues at airports' and 'a resident for president'. We have heard little about a detailed alternative Constitution. We have heard nothing about any improvements that would be made to our present system. We are waiting. The Australian people are waiting. We came to this Convention for symbols and we are leaving with a shambles. Finally, let the Australian people have their say.

**Mr LAVARCH**—I suppose it is appropriate that the resolution that will just about get the greatest vote of this entire 10 days will be this last resolution. There, of course, will be delegates who vote against it; those who believe that the proceedings and the votes that have been taken over the last two days, particularly the last vote, do not indicate sufficient support for the proposition to go forward.

Those are views that I can understand. I am disappointed by the vote, but understand the reasons that delegates have taken in abstaining. Nonetheless, I think we have a responsibility to go forward and to continue to argue this case in the Australian community. It is a responsibility, I think, all of us take seriously. We were not here merely to have listened to each other's points of view—as important as that was. We were here to formulate a model which could go forward and, if nothing else, would promote the cause of constitutional understanding and debate in the Australian community.

That is why I think we should proceed with the referendum. I think that we should see the parliament fulfil its role now in drafting the referendum bill. There will no doubt be contributions and debates concerning that particular enterprise. Then let the great question go into the Australian community some time next year and let the real argument begin.

**Senator NEWMAN**—Just a few minutes ago, Mr Cleary said that he believes he stands for a just and fair society. So do I and so do, I guess, all of us here. But I part company from Mr Cleary and many of his colleagues because I stand for a constitutional monarchy—for a system which has operated well for nigh on a century, and which continues to serve us well.

But I did come here with an open mind. I did come here to listen to the arguments, to listen to the debate. I certainly came here to help in formulating a republican model which could be put to the people, a task which the Prime Minister gave to us all. As I listened to the debate I believed that Mr McGarvie's model would do the least damage to our existing system and had much to recommend

it; but the Convention decided otherwise. I am sad about that, but I still believe that it was the best option available to us and that not sufficient attention perhaps was given to it by some of the other groups.

I have not been convinced of the need for change, but I was prepared to endorse the safest model to go to the people. With this model, in a referendum I will not vote for the model that has received the Convention's support. But this Convention, as I said earlier, was given a task by the PM to identify a republican model to go to a referendum, to stand against our tried and true constitutional monarchy. That is why I am ready to support this resolution—that the republican model, which I personally do not support, should go to the people for their decision in competition with our current excellent system. Nevertheless, I urge all those who understand and believe in the precious nature of our existing sophisticated system, and the stable and democratic Australia which we enjoy as a result which has given us our fair and just society, to speak out. Do not be covered by those who would paint you as old fashioned or out of step with the times. Speak out to protect that which you know to be precious. But now let the people decide.

**Mr EDWARDS**—I take the opportunity, in supporting the motion, to say that I am now very pleased that this question can be put to the Australian people. I support the motion. I move:

That the question be now put.

Motion carried.

**Mr WADDY**—I seek to make a personal explanation in light of the remarks made by Professor O'Brien in your absence from the chair when he reflected upon the principles by which those of ACM might vote. He said that, were we to vote for a referendum so that the matter could be placed before the Australian people, we would be unprincipled. In my initial speech to this Convention, I repeated that we called for a referendum and I did so then. We will vote in accordance with our principles, no matter what Professor O'Brien thinks.

**Mr BULLMORE**—Is it possible for me to ask the Prime Minister to clarify what he said leading up to this, before he convened the Convention and before the election? He also made a statement on plebiscites if we did not reach a consensus here. Could he maybe clarify that for us on the consensus?

**Mr HOWARD**—The language that I used very deliberately and very carefully in my opening speech at the beginning of the Convention was 'clear view'. As I said a moment ago, when you have a combination of 89 out of 152 voting generically for a republic, and clearly the republican model attracting the most support at this Convention is the one that has been adopted, in those terms I am satisfied beyond any reasonable doubt that the charge given to the Convention has been fulfilled. I think the matter ought to now be remitted to the Australian people for their verdict.

**Mr BULLMORE**—The question was: what was the position on a plebiscite?

**Mr HOWARD**—The position on the plebiscite was that, if there had not been a clear view in support of a particular republican model, then we would have had a plebiscite. But there is a clear view in support of a particular republican model; therefore we do not need a plebiscite. I do not want to have a plebiscite and I will not have a plebiscite.

**CHAIRMAN**—Thank you, Prime Minister. While I appreciate delegates' thirst for knowledge and for question time, this is not that and, unless you have a point of order or some other reason, Dr Mitchell, for what purpose do you seek the call?

**Dr DAVID MITCHELL**—I wish to make a personal explanation. I find that I have to vote against this motion because of its actual wording. The explanation I want to make is to you, the delegates and the people of Australia. It is not because I do not want this matter to go to the people of Australia. I do, but I am troubled by the wording of the motion and must oppose it.

**CHAIRMAN**—Ms Moore, on what basis are you seeking the call?

**Ms MOORE**—I just wanted to ask you: have you closed the speakers' list, especially

in light of the fact that nearly all of the speakers this afternoon have been male and we have had a total gender imbalance? I was on the speakers' list to speak before the motion was put.

**CHAIRMAN**—Unfortunately, the question was put before the Convention; the Convention decided the question should be put. Your name and a good many others were also listed and regrettably none of them were called either. Have the ballot papers now been distributed? Does anybody not have a ballot paper? If all delegates have their ballot papers, we will proceed to the ballot. The question that is before the Convention, moved by Mr Malcolm Turnbull and seconded by Janet Holmes a Court, is that this Convention recommends to the Prime Minister and Parliament that the republican model, and other related changes to the Constitution, supported by this Convention, be put to the people in a constitutional referendum. Will you please indicate on your ballot paper that box which you endorse and sign your ballot paper. Will those who have so voted Yes, please rise in their places so that your ballot papers may be collected?

*Delegates submitted their ballot papers.*

**CHAIRMAN**—Those delegates who voted No, please rise in their places and hand in their ballot papers.

*Delegates submitted their ballot papers.*

**CHAIRMAN**—I ask any delegate who voted Abstain to rise in their place.

*Delegates submitted their ballot papers.*

**CHAIRMAN**—While we are waiting for the voting to take place, I have been told that there are apparently a number of delegates' books in circulation around the chamber and some of the owners have asked that if delegates have finished with them, could they be returned to the centre table to be collected.

**CHAIRMAN**—Yes, Mr. Ruxton? You stay in your place if you want to talk to me during a count.

**Mr RUXTON**—I want to make a point, Sir. I want to remind everybody that 73 people voted for the motion and—

**CHAIRMAN**—That has nothing to do with this. It is inappropriate that you raise this at this time.

**Mr RUXTON continuing**—

**CHAIRMAN**—It is inappropriate for you to speak, Mr Ruxton. I deny you the right to the call.

**Mr RUXTON continuing**—

**CHAIRMAN**—It is inappropriate for you to be speaking at this time, Mr Ruxton, and what you just said will be struck off the record. There is a time and place for most things and you need to say them in accordance with our rules and procedures.

The result of the ballot on item No. 4, that this Convention recommends to the Prime Minister and parliament that the question be put to the people in a constitutional referendum, is ayes 133, noes 17, abstentions 2. I declare that resolution supported by an absolute majority.

Delegates (133) who voted "yes":

Anderson, John  
 Andrew, Neil  
 Andrews, Kevin  
 Andrews, Kirsten  
 Ang, Andrea  
 Atkinson, Sallyanne  
 Axarlis, Stella  
 Bacon, Jim  
 Bartlett, Liam  
 Beanland, Denver  
 (proxy—Carroll, Frank)  
 Beattie, Peter  
 Beazley, Kim  
 Bell, Dannalee  
 Bishop, Julie  
 Blainey, Geoffrey  
 Bolkus, Nick  
 Bonner, Neville  
 (proxy—Paul, John)  
 Bonython, Kym  
 Borbidge, Rob  
 (proxy—FitzGerald, Tony)  
 Boswell, Ron  
 Bradley, Thomas  
 Brumby, John

Carnell, Kate	(proxy—Dean, Robert)
Carr, Bob	Kilgariff, Michael
Cassidy, Frank	Killen, Jim
Castle, Michael	King, Poppy
Chipp, Don	Kirk, Linda
Cocchiaro, Tony	Knight, Annette
Collins, Peter	Kramer, Leonie
Costello, Peter	Lavarch, Michael
Costello, Tim	Leeser, Julian
Court, Richard	Li, Jason Yat-Sen
Cowan, Hendy	Lockett, Eric
Craven, Greg	Lundy, Kate
Curtis, David	Lynch, Helen
Delahunty, Mary	Machin, Wendy
Devine, Miranda	Manetta, Victoria
Djerrkura, Gatjil	McGauchie, Donald
Edwards, Graham	McGuire, Eddie
Elliot, Mike	McNamara, Pat
Evans, Gareth	Milne, Christine
Faulkner, John	Mitchell, Roma
Ferguson, Alan	Moller, Carl
Ferguson, Christine	Moloney, Joan
Fischer, Tim	Moore, Catherine
Fleming, John	Mye, George
Fox, Lindsay	Myers, Benjamin
Gallop, Geoffrey	Newman, Jocelyn
Gallus, Chris	O'Brien, Moira
George, Jennie	O'Donoghue, Lois
Green, Julian	O'Farrell, Edward
Grogan, Peter	Olsen, John
Handshin, Mia	O'Shane, Pat
Hawke, Hazel	Panopoulos, Sophie
Hayden, Bill	Parbo, Arvi
Hepworth, John	Pell, George
Hewitt, Glenda	Peris-Kneebone, Nova
Hill, Robert	Ramsay, Jim
Hollingworth, Peter	Rann, Michael
Holmes a Court, Janet	Rayner, Moira
Hourn, Geoff	Rocher, Allan
Howard, John	Rodgers, Marylyn
Imlach, Mary	Rundle, Tony
James, William (Digger)	Russo, Sarina
Johnston, Adam	Sams, Peter
Jones, Kerry	Schubert, Misha
Kelly, Mary	(proxy—Markham, Melany)
Kennett, Jeff	Scott, Marguerite

Shaw, Jeff  
 Sloan, Judith  
     (proxy—Flint, David)  
 Smith, David  
 Sowada, Karin  
 Stone, Shane  
     (proxy—Burke, Dennis)  
 Stott Despoja, Natasha  
 Sutherland, Doug  
 Tannock, Peter  
 Teague, Baden  
 Thomas, Trang  
 Thompson, Clare  
 Turnbull, Malcolm  
 Vizard, Steve  
 Waddy, Lloyd  
 West, Sue  
 Williams, Daryl  
 Winterton, George  
 Withers, Reg  
 Witheford, Anne  
 Wran, Neville  
 Zwar, Heidi

## Delegates (17) who voted "no":

Bjelke-Petersen, Florence  
 Bullmore, Eric  
 Bunnell, Ann  
 Cleary, Phil  
 Garland, Alf  
 Gifford, Kenneth  
 Gunter, Andrew  
 Haber, Ed  
 Jones, Clem  
 Mack, Ted  
 Mitchell, David  
 Muir, David  
 O'Brien, Patrick  
 Ruxton, Bruce  
 Sheil, Glen  
 Tully, Paul  
 Webster, Alasdair

## Delegates (2) who abstained from voting:

McGarvie, Richard  
 Wilcox, Vernon

**CHAIRMAN**—Prior to moving on, I would like to ensure that all ballot papers have been properly put in their envelopes and sealed. All counts and the names of those who voted will be recorded and distributed in the *Hansard* of today's proceedings.

In the federal House we have a proceeding normally called a special adjournment at the end of a sitting and it seemed appropriate that we might have a similar procedure at this Convention. On behalf of all delegates, I should say to you that the Deputy Chairman and I have prepared a memorandum which we are about to present to the Prime Minister. Because of the vote having just been taken, we are trying to get it updated. It will then be distributed and, while we are having these special adjournment proceedings, all delegates will have some chance to have a look at that aide-memoire. Essentially, it reports no more than the votes taken and the proceedings of the Convention and makes the recommendations which you have just passed to the government and to the parliament.

On wider issues, there are a few matters that I would like to cover. I might then call on the Deputy Chair to speak and I have notice of a motion from Kirsten Andrews, to be seconded by Mr Graham Edwards, on the general question of those who have attended.

On behalf of us all, I would like to start by saying to the Australian public: you have been wonderful. For most of us it has really been quite an extraordinary experience. Those of us who have been in parliament for a while expect more brickbats than bouquets. I think all of us have found it incredible that so many in the wider community have been interested in our proceedings. There have been something like 80,000 visits to the Internet home page, something over 17,500 visitors to the public galleries in the course of the few days of the Convention—that was to last night—there have been more than 1,000 written submissions from the Australian public, more than 300 people have been through the public gallery per hour and there has been, in many other ways, involvement of the wider community. I think it appropriate that, therefore, we all thank you first.

Secondly, I commend each of you as delegates on what has been quite a fun occasion. Barry and I are used to the adversarial circumstances of parliament. It has amazed me that so many have presented their cases eloquently, with good humour and with considerable effect. I commend you for that. I think it has been quite a remarkable demonstration of Australian democracy.

The other list of people that I need to identify is extensive. I want to run through them because they have all been important. First, Prime Minister, to you and your government, I thank you for the catalyst which enabled this to take place at all. There is no doubt that while many were cynical about the nature of a convention, it has been a very important part of the process of preparing Australia for the next century. I commend you, Prime Minister, and your government for that. I thank the Leader of the Opposition for the endorsement that he and his team gave. It may have been a bit jaundiced at first but the bill got through, and you have certainly participated wholeheartedly and thoroughly, and we appreciate that.

I thank Senator Nick Minchin, the minister responsible for the Convention. He has really ensured that all your administrative arrangements worked as they should, and far more. To Bill Blick, who sits on my left, John Doherty and their team, we all owe a particular debt of gratitude. There is an enormous amount of administrative detail necessary for an event like this. We particularly appreciate what you do and have done. In that same category I would like to extend our thanks to the Hon. Howard Nathan QC and Peter King, who have been the counsel assisting both Barry Jones and myself, and of course our own personal staff, in particular, Andrea Haese, who has been so magnificent. So much would not have happened if I had not had her assistance.

A number of others have been absolutely essential to this Convention. To the ACM and the ARM and all others of you who, as elected delegates, had volunteers and other supporters and contributors, this convention also owes a debt. But for them, you would not be here and but for them, the quality and

quantity of your argument would have been significantly inhibited. So I thank you.

There is then within this place another horde of people who have been most significant. The media have looked down on us and pried into what we think of as the fishbowl of politics. You will know now why we feel so often as though we are swimming out there in a small pool and you observe our every movement. We thank you because without you, again, the public would have been inhibited in their participation. Among you—and unusually for me—I would like to commend the ABC. Your involvement in this event has been extraordinary. Your coverage has been excellent and, what is even more amazing, so too has been your reporting. I think for that we should all be both thankful and grateful and commend them.

To other people—the attendants, the bus drivers, the taxi drivers, the Comcar drivers, certainly *Hansard* and Bernie Harris—I extend my thanks. I offer Lyn Barlin, the former Clerk of the House of Representatives, a special thanks. He came back from retirement to keep Barry and me on the straight and narrow and he has done it well.

There are many other volunteer staff and supporters around this place. One that I did want to identify is Castle Catering. Those of you who are not as familiar with the place on the hill that we customarily eat in, I can tell you that it is nowhere as well served as you have served us during the course of this fortnight. Thank you, and a job well done.

There are then but a few other thank yous to make. The one that is important is to Barry Jones, who as my deputy has been quite outstanding. For your good humour, your rather effervescent approach to the proceedings and for the professional way in which you have handled your task, I extend my thanks. The professional conference organisers have also been very significant in making things happen.

Finally, but by no means least, a thank you to our families, including my wife. I know your partners have all missed you in the course of the fortnight. They may or may not be glad to see you return, but I can tell you that home comforts will look great after a

fortnight—for some of you—in this rather restricted environment. Above all, can I say it has been a remarkable occasion, and for your participation I offer my personal thanks.

**DELEGATES**—Hear, hear!

**CHAIRMAN**—I would like Mr Barry Jones to say a few words before we hand the Communique to the Prime Minister.

**Mr BARRY JONES**—Mr Chairman, at our first function out in Kings Hall on the Sunday night of the reception, I said that my great hope, as Deputy Chairman of the Convention, would be that delegates would leave with a feeling that they had been treated fairly and had had an opportunity to express their points of view. I hope that this is true of the overwhelming majority—an absolute majority, certainly—of delegates, although this afternoon I have had the feeling, and I concede, that it may not be a unanimous view.

I would have to say that for myself the hardest thing was to sit in the chair and not make helpful suggestions and corrections of fact to the speakers. I must say it has all been intellectually very stimulating, but I have heard some astounding things said on both sides of the House.

As I remarked last night when we had our dinner, it took an astonishingly short period to turn this diverse group of 152 delegates into something really very close to a parliamentary or a quasi-parliamentary forum with all the differences on party lines and sometimes people looking around a bit uncertainly to see which way that they were expected to vote. Sometimes there were some unlikely politicians or quasi-political figures emerging, including Arvi Parbo, Professor Geoffrey Blainey, the twin archbishops and so on who played a very interesting role.

I must say, too, that the experience as Chairman of the Resolutions Group was something I will never forget; it will certainly be worth a chapter in the memoirs. But, in fact, I think there has been a high level of civility and goodwill. I think that in a way we have done something to augment the sense that the political process is viable, but we have to perhaps look at many issues, not just this one, in different ways; we have to be

more inclusive, we have to be more welcoming and we have to be more open.

I think this has been a very good exercise for the Australian polity, and I am grateful to all of you who have put so much into it. I conclude by expressing my gratitude to Ian Sinclair, who I think has provided superb leadership.

**DELEGATES**—Hear, hear!

*The Chairman and the Deputy Chairman having presented the communique to the Prime Minister—*

**CHAIRMAN**—I will call the Prime Minister first, and I then have notice of two resolutions. I will then call Mr Beazley.

**Mr HOWARD**—His Grace the Archbishop of Melbourne said that God had had a pretty good Convention. Without in any way wishing to belittle the Almighty's success, I think Australia has had an even better one. This Convention has demonstrated the truth of a proposition that I have always held very dear, and that is that the things that unite us as Australians are greater than the things that divide us.

I ask myself: what have I learnt from the last two weeks? I have learnt something that I was not so sure of at the beginning: I have no doubt that Australia can conduct a referendum on this issue with vigour, with passion and with meaning, and yet in a way that does not undermine or fracture the essential values of our society.

I have learnt from this Convention that the Australian way of doing things is special and unique. I have not experienced anything like this in all the years that I have been in public life. The bringing together of so many people in different ways, with different backgrounds, with different contributions, with different views was something that at the beginning one might have thought was fraught with danger—anything could have happened and anything could have emerged.

In terms of the positions that were taken, I suppose that, at various stages, that appeared possible but, in a great display of civility and good humour, and with great integrity in many areas, it was possible for us to live out what has been a moment in Australia's his-

tory—a moment that I am sure everybody has treasured.

I have been a member of the federal parliament since May 1974. I have been immensely privileged to come to the highest elected position in this country and to be given the greatest honour that can ever become the lot of any Australian man or woman, and that is to be the Prime Minister of our wonderful country. I would, therefore, have thought that in terms of that sense of excitement and exhilaration, I had enjoyed it all, but there was something special about this gathering, something which showed in the looks on people's faces.

I share Professor Geoffrey Blainey's response to the look on the faces of Malcolm Turnbull, Neville Wran and Janet Holmes a Court. They are not people with whom I have identified very closely on this issue, but they obviously have an enormous enthusiasm for it and they felt a sense of exhilaration and happiness when what they had worked to achieve was, in fact, achieved.

I also pay particular tribute to Lloyd Waddy and Kerry Jones, the leaders of Australians for Constitutional Monarchy. I know the difficulties they have endured in putting forward a cause which, for a long time, received very little support or recognition in commentaries on this issue. I know about their lack of resources. I know what was said and suggested at the beginning about their propensity to vote strategically. I salute the immense integrity of the way in which they have handled themselves throughout the entire debate.

The reason why this Convention has been a success and the reason why it has captured, to a very significant degree, the interest and imagination of the Australian people is that, despite our differences, we all smell the same eucalypt, we all know the same dust, and we all feel the same salt in the same ocean. Those things which are dear to one side of the argument are equally dear to the other.

What has struck me more than anything else about this Convention and the whole debate is the integrity of the Australianism that has been expressed by all the delegates. I will go away from this Convention an even

more idealistic Australian, one with an even greater passion to allow our democracy to flourish. We will have a vote next year. The Australian people will decide the outcome of that, and we will all accept the verdict of the Australian people with grace and goodwill—all of us, whatever the result may be.

It was always my fervent wish that this issue could be resolved in the sense of it not being on the agenda when we celebrate the centenary of our federation. If Australia is to become a republic, it ought to become a republic on 1 January 2001. If Australia is not to become a republic at that time, let it be off the agenda for the celebration of the centenary of our Federation so that we can share together the jubilation, the gratitude and the affection that we feel for what this country has meant to us over the last 100 years.

That does not mean to say that the issue, if it is rejected next year, will not necessarily return. It is in the nature of a democracy that that is always open to the people, but this is the celebration of 100 years of the Australian nation, with all its achievements, and acknowledging all of its blemishes. On that point, one of the things which has enriched this Convention has been the contribution of the representatives of the first Australians—the indigenous people. I hope that in some way this is a sign to you, Lois, Gatjil, Nova, Pat, George, Neville and David, from all of us that you occupy a very special place in our community.

I think we can look forward with great hope and in a very positive way to the conduct of this referendum. This Convention has spoken very clearly. It is the intention of my government, if it is returned at the next election, to hold the referendum before the end of 1999. In the meantime, in the nature of things, other issues will flood back to the stage of public debate. I imagine that there will be a period in which the debate on this issue might go slightly onto the backburner, particularly in so far as some of the more active political players are concerned, but that, once again, is in the hands of the Australian public.

We will not backtrack on the commitments that we have given, and I have given in the name of my government. I said before the last

election that we would have a convention. I promised the Australian people a vote before the year 2000. I said at the opening of this Convention that if a clear view emerged about a republican model the Australian people would have a referendum. I repeat my promise that that will occur. I repeat again that the members of the Liberal Party of Australia and therefore, in practice, the members of my government, will be allowed an open or free vote during that campaign.

I am proud that my party, the Liberal Party of Australia, allowed a conscience vote on this issue. I do not say that to criticise the other parties. I simply say that it is a mark of the maturity of my party that we did that. This is an issue that is atypical; it is different; it does not follow the normal conventions and canons of political behaviour. I am very proud that the Liberal Party is mature enough and strong enough to allow people an open and free vote on this issue.

I want to say to you, Ian, that you have adorned the proceedings of this Convention in a way that has won everybody's admiration. There is nobody, and I repeat nobody, in this room—and I am not normally noted for modesty in these things—whose parliamentary skills and management skills in a chamber such as this are as consummate as yours and you have demonstrated that.

Barry, you brought with you your particular role as National President of the Australian Labor Party but also, because of who you are, the character that you are and what you mean to many people in Australia, you brought an added quality as Deputy Chairman of the proceedings. I also salute very warmly the contribution that you made.

I would like to thank Nick Minchin in particular who has carried the ministerial burden. Nick has two specific responsibilities—and many others—in my government. The two specific ones he has have been very lively of late. One has been the Constitutional Convention and the other has been native title. He has worked very hard and has been a great source of support and strength to me in this. I would also like to thank a member of my personal staff, Catherine Murphy, who

has been of particular help to me and to Nick and has kept me informed.

Can I join in thanking the secretariat and, in particular, Bill Blick, who is from my department, who has headed up the secretariat. To Lyn Barlin, whose work as Clerk I admired immensely, I am delighted that he has been able to help us out.

There is not a lot more I can say. I am really so happy that we have been able to hold something so different, so special. We have come through it as better Australians; we are all the happier for the experience. The memories that I will take away from this include the lovely grace sung last night by George and his wife, which was a beautiful touch and a reminder of the special diversity of our country, and the immense intelligence, dignity and bearing of the younger delegates to the Convention with their variety of views. But we should not forget that the aged cohorts at the other end of the range were also very well represented. Their contribution was considerable and we are greatly in their debt.

It has been a very special experience. I have loved every minute of it. I feel privileged to have been the Prime Minister who brought it about. I think it has brought us together as Australians, whatever the outcome of the referendum might be, in a very special way. Thank you very much.

**DELEGATES**—Hear, hear!

**Mr BEAZLEY**—Mr Chairman, the train is still running. There was no train wreck. The Convention produced an outcome, and produced it, I believe, very well indeed. So, Prime Minister, if I could, through you, I congratulate your ministers, your staff and our public servants on the organisation of a magnificent Convention.

One of the things I note most about it is that they were most keen to give us a sense of history about it—both in our surrounds and in the medals and the briefcases they gave us. There was a wonderful sense of occasion organised here for all of us. We are getting better and better at doing our history. This is a Convention which has been graced with all the proper accoutrements as well as what went on on the floor.

I also congratulate the delegates. This has been an extraordinary two-week parliament. We did not like the way it was appointed and we had our complaints about it, but it turned out some pretty good people. My office over the last couple of weeks has had a steady roll of correspondence from Australians saying things about what they have seen of this Convention on the ABC and portrayed elsewhere, and it has been enormously flattering, particularly of the younger delegates—and deservedly so. I am grateful I have had 18 years in politics because I can feel the hot breath of Generation X on the back of my neck after this particular gathering.

There are some very talented people in politics outside the major parties in this nation. I can only hope that they make a choice to involve themselves in our affairs. I believe if they do that they will contribute massively to the good governance of the nation. One of the things this Convention has teased up is the knowledge in all the political parties that there are still faults in their recruitment procedures, because there is work to be done to ensure that the best of Australians have the opportunity to serve in what I sincerely believe to be the best of all parliaments.

I congratulate, firstly, my republican colleagues and the ones who have actually carried the battle in this. This has been carried by Malcolm Turnbull and his team. It has been carried by the dissident republicans as well. They may not have been among the numbers of the republicans, but they have had their views. Some of them have paid a great deal of their personal funds, in terms of the election campaign expenses, to be here. I know Malcolm did it in relation to his team in ARM, and I know Clem did it. Between the two of you, you have probably seen the best part of \$600,000 devoted from your personal resources to the republican cause. I think that bespeaks well of your commitment and your passion. With that sort of spirit and passion I think we will see a great deal as this debate proceeds.

Let me say at the outset that if the party I lead are in opposition, we will support this referendum and, if we are in government, we

will put it. I think that the procedures that have taken place here have to be honoured by all sides of the political process, and they will be. As the Prime Minister said, they will be honoured by us and they will be honoured by him. You have honoured the commitment that you have undertaken in your performance here and the way in which the procedures have been conducted.

After 18 years, I know a deal about parliamentary processes and I know basically what we were presented with was a possibility of anarchy. You may think things here have proceeded rather well and so they have, but let me tell you that it is a close-run thing. The Chairman had ideas about what must be done and the government had an idea about what had to be done, but the chairpersons and the government have no majority here, and what happened was a spontaneous establishment of a parliamentary procedure and orderly disciplined processes.

I particularly want to congratulate the committee that was responsible basically for all the motions that came before us, and the role that they played. Barry chaired it. I want to thank my deputy, Gareth, for the role that he played in this, Daryl Williams for the role that he played in that regard as well and the other members who served on that committee. They have ensured that what could have been an extraordinarily difficult process proceeded in an orderly and disciplined way, and they did very well by it. There are always great risks at a convention like this and we have come through it, I think, exceptionally well.

I join the Prime Minister, too, in congratulating what might be termed the 'other' categories of delegates who were here, and I start with our indigenous people. We have not found the right way yet to ensure that our indigenous people are represented properly in the mainstream of Australian political life. We have not found the method for that. The method needs to be found, and perhaps that will come out of the reconciliation process. But they certainly have had the proper role here—there is no question about that—and have taken full advantage of it to express the feelings of their people to the nation. And, in

the circumstances of a convention on the republic, what better place to do it?

I congratulate the category of delegates who came from the states—my own party colleagues, the Liberals, the Nationals and others who are represented here. They have done their particular state bodies proud. They have had a view. The view has been broader than themselves, and they have argued that view here very effectively and very logically indeed. I congratulate also those who have represented here the fact that we are a multicultural nation. This is probably more representative of the true character of the Australian nation—both in age distribution and multicultural background—than any other forum of the nation. That has been a noted contribution to the debate and it has been incorporated within it. I include in that regard the religious component as well who have made an extraordinarily good contribution. I also congratulate the delegates who represented the monarchical position. This is a difficult convention for them as these are difficult times for them and they conducted themselves with very great dignity. They did very well from that point of view.

Lastly, I come down to you, Mr Chairman, and your deputy. I was at one of the numerous gatherings organised once by the National Party to try to tell you that your career ought to be terminated. I presented you at that occasion—many years ago now—with a picture of the heavy cruiser *Australia* after the action in Leyte Gulf when it became one of the first victims of the kamikaze campaign of the Japanese. It was a bit of a wreck, it has to be said, and I thought it sort of represented you after the years in politics. So I presented it to you with a sign which said, 'This is, we think, an appropriate picture of you. From your detractors in the Labor Party.' The guns were silent, the bridge was knocked out, the funnels were askew, but the ship moved on.

You too have moved on and have graced this chamber with your presence in the final session of your political career which still has perhaps other phases to it but not in parliament. You do look very properly enconced in that chair. Can I thank my colleague the Labor Party President who has been the

Deputy Chairman here. It would be a foolish person in this Convention who would take a historical point on Barry and probably even a procedural point on him. You will not necessarily get an accurate answer but the volume will shut you up. He has—as in everything he does—really graced this chair.

My final word of thanks goes to you, Prime Minister. I did not like the particular proposition that you put together and I still have some doubts about it, but you took a few risks with this. I just hope we see you on the hustings with us when this vote finally comes to be put before the Australian people.

**CHAIRMAN**—If only parliaments at the federal and state level in Australia could agree to the same degree of unanimous acceptance, it would be remarkable. I have two delegates who have asked whether they can raise matters. One is a matter to be raised by Kirsten Andrews and supported by Mr Graham Edwards, and I understand Richard McGarvie also wishes to move a motion.

**Ms ANDREWS**—I want to express appreciation on behalf of the delegates. We have heard a thankyou to the many staff who have served us and assisted us over the last two weeks. I think there is one thing that we all agree on, and that is that there has probably been more than 152 delegates worth of egos in this room over the last week or so, and it has been incredibly hard. The media have noticed that some of the tempers that we have been dealing with have been difficult. We have worked extremely long hours. One thing I am aware of is that, no matter how long the hours were that we have worked, those in the secretariat, the catering staff—whether we are trying to send a fax or an e-mail or obtain a vegetarian meal—have served us with diligence and goodwill and that has certainly been appreciated by me, by Mr Edwards and by many other delegates. I would like to express on the record my appreciation on behalf of the delegates. Thank you.

**Mr McGARVIE**—Mr Chairman, I move a motion supported by my good friends Lloyd Waddy and Malcolm Turnbull. I am moving this partly because I am judged to have more white hair than anyone else here, partly because I am not aligned, and partly because

my two colleagues think it is about time I moved a motion that I will be able to get up in this Convention. I move:

That this Convention expresses deep appreciation for the great contribution made to the success of this Convention and to this nation by the outstanding, fair and tolerant chairing of this Convention by the Rt Hon. Ian Sinclair and the Hon. Barry Jones, the arduous and effective work of the Resolutions Group, the skilled and demanding services provided by the honorary advisers, Mr Peter King and the Hon. Mr Justice Howard Nathan, the ever patient and skilled services and assistance of the staff of the Convention secretariat, the staff of the Attorney-General's Department, the staff of Old Parliament House, the efficient *Hansard* staff and the outstanding internal and external television coverage of sessions in this historic Old Parliament House. The detailed coverage of the public proceedings of the Convention is testimony to the public interest in the issues involved.

I speak only on one item of that, and that is the way in which this Convention has been chaired. People asked me before the Convention how it would go. I thought it would go well, and I told a number of people it would depend entirely on the way it was chaired. All my aspirations and hopes have been satisfied.

I am sure that I speak on behalf of every delegate when I say that what could have been a failure has been a tremendous success in Australian national life, and this nation owes a very deep debt of gratitude to you, Mr Chairman, and you, Mr Deputy Chairman.

**CHAIRMAN**—A number of other people have asked to speak, but I think we are probably all talked out, unless they really want to speak.

**DELEGATES**—Hear, hear!

**CHAIRMAN**—I missed mentioning one person who has been terribly important in the whole deal, a man called George Scarfe. George is currently responsible for managing and maintaining this wonderful old building. I say to George, we thank you for allowing us to bring it alive, and long may this wonderful venue continue to serve for conventions and meetings of this order. Would you now all please rise to sing the national anthem.

*Delegates sang the National Anthem.*

**CHAIRMAN**—Thank you, Delegates. I hereby declare the Convention terminated.

**Convention adjourned at 4.08 p.m.**