



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE

Reference: Inquiry into an Australian Republic

THURSDAY, 20 MAY 2004

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SENATE
LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE

Members: Senator Bolkus (*Chair*), Senator Payne (*Deputy Chair*), Senators Greig, Kirk and Scullion

Substitute member: Senator Stott Despoja for Senator Greig

Participating members: Senators Abetz, Bishop, Brandis, Brown, Buckland, Carr, Chapman, Crossin, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Harradine, Harris, Humphries, Knowles, Lees, Lightfoot, Ludwig, Mackay, Mason, McGauran, Murphy, Nettle, Sherry, Stott Despoja, Tchen, Tierney and Watson

Senators in attendance: Senators Bolkus, Buckland, Payne and Stott Despoja

Terms of reference for the inquiry:

To inquire into and report on:

- (a) the most appropriate process for moving towards the establishment of an Australian republic with an Australian Head of State; and
- (b) alternative models for an Australian republic, with specific reference to:
 - (i) the functions and powers of the Head of State;
 - (ii) the method of selection and removal of the Head of State; and
 - (iii) the relationship of the Head of State with the executive, the parliament and the judiciary.

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Committee met at 9.45 a.m.**LOCKETT, Mr Eric John, (Private capacity)**

CHAIR—I welcome everyone to this, the fifth hearing of the Senate Legal and Constitutional References Committee inquiry into an Australian republic. This inquiry was referred to this committee by the Senate on 26 June 2003, and it is being conducted in accordance with the terms of reference determined by the Senate and Senate procedures for committees. The committee has received over 700 submissions. The terms of reference include consideration of the most appropriate process for moving towards an Australian republic and consideration of alternative models for an Australian republic.

Witnesses are reminded of the notes they have received relating to parliamentary privilege and the protection of official witnesses. Further copies are available from the secretariat. Witnesses are also reminded that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. We prefer that all evidence be given in public but, under the Senate's resolution, witnesses have the right to request to be heard in private. In those circumstances, we would like some notice.

I would like to welcome Mr Eric Lockett. Mr Lockett, you have lodged submission No. 354 with the committee. Do you wish to make any amendments or alterations to it?

Mr Lockett—Yes, I would like to make one small but I think fairly significant amendment. I have provided copies of that to the secretariat. I am happy to give a brief explanation to the committee of the reasons for this amendment.

CHAIR—Please do so, if you would like to. Also, if you wish, you may then move into an opening statement.

Mr Lockett—The reasons behind my amendment are that, after lodging my submission, I felt on further reflection that starting out with a plebiscite on whether Australia should become a republic could carry the implication that anyone who voted yes would then be morally obliged to accept one of the options eventually presented to them, even if they found it unacceptable. I remember that in 1999 Kim Beazley pushed the frankly implausible line that anyone who favoured a republic should vote yes to the proposal, even if they did not think it was acceptable—and then it could somehow or other be fixed up later—because this was likely to be the only chance that they would get to vote on a republic. The revised wording will leave people freer than did my original draft to give the go-ahead to the process without feeling that they might be railroaded into something they do not want. They will know that a yes vote at this stage does not necessarily oblige them to endorse whatever comes out of the process. So that is why I have amended that first step.

I will now proceed to my opening statement. I think that the importance of the people claiming ownership of the outcome is now pretty widely recognised, so I was frankly surprised that the Senate was so ill-advised as to set down the second part of this committee's terms of reference, which relates to the nature and role of and the selection and dismissal procedures for the head of state. It seems more than a little bit incongruous that, having charged the committee

with inquiring into the process that should be followed to resolve these issues, the Senate then pre-empts that committee's recommendations by charging it with resolving the issues itself.

More importantly, I think it is inappropriate that these issues should be resolved by a committee of parliament. I think if that were to happen it would put many people offside and set the process behind scratch, bearing in mind that very few Australians were even aware of the existence of this committee before the closing date for submissions. I am surprised that 700 were sufficiently aware to be able to lodge submissions. I believe it would put many people offside if the committee were to presume to pass judgment on these issues on behalf of the people. I can just imagine now the renewed cries of 'A politicians' republic'.

As the Prime Minister said in 1998, this is really about symbols. In practical terms, the Queen has no influence over Australian affairs. Monarchies do have things to recommend them. They can unite the people of a country in a way that presidents rarely do. I think it would be a mean-spirited person indeed who did not concede that the world would be a slightly sadder place without events such as last week's royal wedding in Denmark. The trouble with our monarchy is not that it exists, but that the Queen is now seen less and less as our Queen and more and more as the Queen of a country on the other side of the world. But I would not presume to pre-empt the people's judgment about whether it is yet time to sever that formal, symbolic, historical connection—nor, I believe, should anyone else.

One thing that struck me about the 1998 Constitutional Convention was that by and large the appointed delegates were better representatives than the elected ones. The elected delegates were mostly people with firmly entrenched views, determined to gain maximum advantage for their own sectional interest groups and to make the minimum possible concessions necessary to get their own way. I believe that such winner-take-all, adversarial processes rarely produce optimal outcomes for the majority of the people. This adversarial approach was there from the start, when the election of delegates was wrongly portrayed by all parties as a de facto referendum on the principal issue, yet one poll prior to the convention showed that half the people were not firmly committed to either one side or the other. Swinging voters did not make up just five per cent or so; they made up more like 50 per cent. That, incidentally, explains why, in spite of voting being made as easy as possible, so few people voted in the election of delegates. I doubt that the percentage of swinging voters has changed much, even now. These are the people that have to be convinced that the alternative presented is preferable to the present arrangements, if change is to be made.

In contrast to most of the elected delegates, the appointed delegates were, by and large, more willing to listen to the arguments on both sides and to evaluate them on their merits so as to achieve outcomes that they believed would be acceptable to a substantial majority of the people. That should be the target if change is to be made. I think it would be a very sad day for Australia if any proposals scraped through by the barest of required margins. That would cause a level of division, ill feeling and alienation far greater than anything that currently exists. So I think it is vitally important that the adversarial element be removed from any future constitutional convention and the election leading up to it. Such an election should not be a gladiatorial contest between diametrically opposed forces. The aim of the process should be to choose honest, fair-minded representatives capable of listening to and weighing up public input and working together constructively to formulate some proposals that are safe, workable and, most importantly, broadly represent the range of views within the community at large. It will then be up to the community to decide.

CHAIR—Before I ask a question, I should remind you of the terms of references, just to clarify something in your mind. It is not the job of this committee to recommend a specific, preferred model; the job is to look at alternative models and, essentially, try to develop those models, in an endeavour to present them to parliament—and, obviously, thereafter to the people. This is part of the ongoing process in the development of alternative models, so do not be concerned that we will come up with something here and it will be rubberstamped by any process. It is a long and arduous process that we are all engaged in.

I will start by asking you about your preferred process. You say that you want to give ownership to the people. That is a word and a concept that is commonly used, but what do you mean by that?

Mr Lockett—I think perhaps reference to the attachment to my original submission will give an indication as to what I mean by that. I felt last time that, firstly, the people's issue was not there—and that probably still applies. The process was not their process; they had no say in how it would be addressed. This committee in part is seeking to remedy that fault. The delegates to the constitutional convention were not their delegates, by and large.

CHAIR—Although you said that the ones who were appointed—who, I would presume, are less the people's delegates than the ones who were elected—

Mr Lockett—I acknowledge that that is a bit of a paradox, and it largely arose because of the way the election was conducted as an adversarial contest. That, combined with the fact that voting was not compulsory, meant that those who did not fall clearly in one camp or another by and large refrained from voting—although enough voted to get me there.

CHAIR—You just said that you acknowledge that this is part of the process of involving the public in developing the process.

Mr Lockett—Yes.

CHAIR—What else would you envisage we should consider as being appropriate for that process?

Mr Lockett—I think the steps that I have set down in my submission have that principal objective behind them. The first one is to ask them whether they want to have another look at this issue now or not. That is part of my amendment. If they say 'No,' obviously that is the end of the story. If they say, 'Yes, we are prepared to look at it again'—and, once again, as I said in my submission, I think it is a little bit premature, so soon after it was last addressed, but that it is for the people to decide—and if that—

CHAIR—You referred to the royal wedding last week in Denmark, and obviously a lot of Australians, including me, stayed up and watched it. A lot of people have said to me since that, if the royal family we have were as popular in Australia as the Danish royal family is, then it would be a lot harder to get a republic in Australia.

Mr Lockett—Yes, I think that is undoubtedly true.

CHAIR—What then do you identify as being the problems with the royal family that we have?

Mr Lockett—The main problem is the one I set out earlier: that the Queen is not seen as our queen; she is seen as the queen of a country on the other side of the world. Of course, as is inevitably the case, the incumbents themselves have some effect on how well received they are. I guess we do not have a lot of control over that. But that would also be—

CHAIR—Drawing on that, in terms of your position, would you see the development of an Australian based royal family as being one way ahead?

Mr Lockett—In some ways that might be an ideal that could be acceptable to a lot of people. But, frankly, I do not think it is practical. I cannot see it happening.

Senator STOTT DESPOJA—Mr Lockett, it is good to see you again. I acknowledge your point: if you think about how maybe five years have passed since the last referendum, that is a short period. But we often hear about how the whole world has changed in the last few years, and I am wondering whether—and you are someone who, not just recently but since I first met you, has been talking about public involvement and public ownership—it is so wrong to have a committee, after five years, that gives people, such as you this morning, an opportunity to have their say. I would have thought that you would applaud that as part of the continual educative process—provided, of course, as Senator Bolkus has pointed out, that we are not pre-empting the views or the model that a community might put forward or adopt. I would have thought that this was an obvious next stage—among many—in ensuring that the people felt informed and educated about the process.

Mr Lockett—I certainly have no objections to a committee inquiring into whether we should readdress this issue and how we should go about readdressing it. That is entirely appropriate, in my view. It is just that, as you will see in my submission, I have proposed that questions such as the nature and role of the head of state and the method of appointment and dismissal and so on ought to be addressed by an elected constitutional convention.

Senator PAYNE—Why can't they be discussed by us as well?

Mr Lockett—Obviously they can be, and they are being addressed by you.

Senator PAYNE—That is very gracious of you, Mr Lockett.

Mr Lockett—But I do not think that is an appropriate mechanism for looking at them. The experience of 1998 and 1999 should have told us that, if a parliamentary committee—or parliament itself—presents a proposal on the basis of, 'Take it or leave it'—

Senator PAYNE—But you have already been told by the chair that that is not the purpose of this inquiry.

Mr Lockett—Okay. Well, I accept that now. It was not made clear in the terms of reference—

Senator PAYNE—It is very clear.

Mr Lockett—that the committee was not to produce a recommendation on those matters.

CHAIR—I actually read out the terms of reference to you, which obviously satisfied you this morning but did not before. Anyway, we can move on now.

Mr Lockett—The terms of reference do not make it clear that the committee is not to produce a single recommendation on those matters.

Senator STOTT DESPOJA—I have one last thing to say on that point, but I have other questions to follow. You have met some of us before; you have worked with us; we have worked together at the ConCon. We were very careful, simply because I do not think that all of us are going to agree on a model—hence our genuine desire to find out what people think.

I want to get back to the issue of information and education, because it is key in terms of public ownership. You could argue that there are probably very few political issues that Australian citizens feel they have ownership of or a complete understanding of—and I would like to just check that you are not just saying that the republic is different from other issues: I see in your submission that you talk about some of the other issues that people care about, and you even mention the GST as an issue that might be of greater concern to Australians—but how do we educate or inform people? I am not talking one way or the other—whether people vote for a republic or not does not worry me. I want to know how we educate people so that they do feel engaged by the process. Can you give us some specific strategies?

Mr Lockett—If I am perfectly honest, I would say that in relation to this particular issue you have an uphill battle, because it is not an issue with the public. As I said at the Corowa conference, there is a small minority that believe the issue has already been resolved. There is another minority that never will accept that it is resolved until it is resolved the other way. But the majority would more likely say, ‘What’s on TV tonight?’

CHAIR—You could say that about most issues though, so where do we move from there? We might as well give the government over to Richie Benaud and retire.

Mr Lockett—Yes. I accept that that is a difficult task, and I have experienced the same problems myself in trying to engage people with issues that concern me. If it does not affect their hip pocket immediately and directly then that is a difficult thing to do. I am not presenting myself as an expert on how to inform and engage the public in these public issues, but I have suggested a process for dealing with this question of whether we become a republic.

Senator STOTT DESPOJA—I have no doubt that Australians have other pressing daily issues, political and otherwise, that they have to deal with. But do you believe reports and research and polls that tell us that 80 per cent of Australians would like an Australian head of state? In light of that, isn’t it incumbent on—

Members of the audience interjecting—

Senator STOTT DESPOJA—I have just heard the views of some members of the audience on that, but I am asking you, Mr Lockett, specifically: is that not something that people should pay attention to and isn’t it incumbent upon us therefore to respond to that issue?

Mr Lockett—Yes, I believe those polls—that 80 per cent of Australians would like to have an Australian head of state—but I think that, if this republic issue were reconsidered, it would be foolish in the extreme for those who favour us becoming a republic to couch their objectives in terms of having an Australian head of state. That would just muddy the waters with arguments about whether or not the Governor-General is our head of state. It would cut no ice at all with those who think he—or she, as it may be—is. I think there is a good argument that, in practical terms, the Governor-General is our head of state. As we all know, for many years Governors-General have been Australian. The real issue is not whether we should have an Australian head of state; the real issue is whether the role of the Queen should be removed from our Constitution. Those are the terms in which it should be put.

Senator BUCKLAND—I have two questions. In your submission you talk about moving towards an Australian republic by doing away with the Queen. I am the uneducated person on this committee, so could you help me in understanding if there are any republics that have a king or a queen as their head of state?

Mr Lockett—No, there are not.

Senator BUCKLAND—So really whatever we do to become a republic would necessitate doing away with having the Queen as the head of state? You would have to agree to that.

Mr Lockett—Exactly.

Senator BUCKLAND—So if it is not drafted in terms of getting rid of the Queen—

Mr Lockett—I am suggesting that it should be drafted in terms of getting rid of the Queen—not in terms of having an Australian head of state.

Senator BUCKLAND—I just do not follow that, you see.

Mr Lockett—Because many people believe we currently have an Australian head of state.

Senator BUCKLAND—They know we have a Governor-General who is Australian by birth.

Mr Lockett—Yes, and many people regard the Governor-General as the de facto head of state.

Senator BUCKLAND—As de facto, yes. I accept that. So we need to formalise it by actually putting the Governor-General or whatever we call the person—Geoff Buckland or whoever—as the head of state?

Mr Lockett—Yes. If we are to become a republic, that will have to happen.

Senator BUCKLAND—I am not critical of your views. Perhaps politicians should not be doing this. I find that a difficult argument, but you might be right. If it were not a political group such as this—a committee of the Senate—who would it be?

Mr Lockett—It is appropriate for parliament—through a Senate committee, if that is the avenue it chooses—to initiate proceedings, but it is not appropriate for them to make the decision. Of course, as we all know, even when it got down to the final legislation, it would have to go to the people in a referendum anyway. But I think the people should be involved much earlier in the process than that.

Senator BUCKLAND—You are partly correct there: someone has to initiate it. No matter what we do in this country, just about every issue involving our daily lives is initiated by something to do with the parliament—by politicians. That is what I understood we were here for.

Mr Lockett—Yes.

Senator BUCKLAND—We may not be popular and we may get it wrong—very occasionally—but it is initiated by us.

Mr Lockett—Yes, and as I said previously I believe it is appropriate for a committee such as this to ask the people if this issue should be readdressed and what process they feel should be followed in doing so.

Senator BUCKLAND—The only way I think you would get what you are suggesting would be to run a reality TV program and get people to ring up.

Senator PAYNE—Now there's a plan, Senator Buckland!

Senator BUCKLAND—It would be about who can undress the most and who is the best looking. I am not sure—

Senator PAYNE—I withdraw my affirmation!

Senator BUCKLAND—I struggle with your concept. I am not critical of it—I am not critical of any of the evidence we have heard, although I might question some of it strenuously—but I have difficulty in understanding how you could set it up. ConCon was a different thing, and I think that was brilliant. I was not involved, but it was a brilliant thing. But how would you get a group of people to get the information that you are suggesting so that every state, every territory and every group was involved in the very process? I struggle with that. If you look at the committee that we are involved in, Senator Kirk is not with us today but there are actually four South Australians on the committee. Senator Payne is the brave one who claims to be from somewhere else, unfortunately for her! I cannot understand your process, how you could have that bipartisan group of people which covers everyone, unless you had a group of 5,000 or 6,000 people.

Mr Lockett—Perhaps I could refer you to steps 2 and 3 of my suggested process. Assuming the initial plebiscite passes, then delegates are elected to a constitutional convention.

Senator BUCKLAND—Here we go again!

Mr Lockett—In this election it should be made crystal clear that the task of the constitutional convention is not to be a decision-making body; it is to consult with the people—as I have

pointed out in step 3—to get their views, then to meet and put those views into a series of proposals, a series of alternatives, that broadly represent the cross-section of the views in the community at large. I think elected delegates like that would be in a much better position to obtain the views of the community than a committee that flies in from interstate for a day and then flies out.

Senator BUCKLAND—I appreciate much of what you are saying. That brings me to the final thing—initially, the only thing—that I was going to raise with you. I got a bit sidetracked. The method for consulting with the community interests me greatly. On the last occasion, I counted myself as a part of the community. I was not involved in the formal process; I was—and still am—a humble person in the community. As a humble person in the community, I wanted to know more. I was deeply involved, deeply committed, and very much a republican by heart and mind. How—at what level—would you suggest that we communicate to the community? I have some suggestions, if you have not read them, that I could put to you.

Mr Lockett—Are you asking me how you, as members of this committee—

Senator BUCKLAND—No, I am asking how you see that we could get the community involved.

Mr Lockett—I would envisage meetings being set up in towns throughout the country, throughout the state, with the elected delegates present at those meetings and the public having an opportunity to attend at their local town hall just with their local representatives—not having to stand up before a high-powered committee of senators—and put their views. They would have an opportunity to ask questions and be questioned. I attended a similar sort of thing here prior to the Constitutional Convention. It got a vastly better turn-up than we have here today, and I think it is a better way of assessing the general feeling of the community.

Senator BUCKLAND—I would not be too concerned about numbers, because it is a working day and the time is not convenient to many. Do not get too concerned about that. It was put to us that perhaps local government should facilitate those meetings. How do you feel about that?

Mr Lockett—Quite frankly, I think that would probably be a good way to go.

Senator BUCKLAND—I encourage you to read the *Hansard* of this week's proceedings. I was moved towards thinking that way by evidence that came, I think, in our hearing in Parramatta. But following yesterday's hearing in Adelaide I am less convinced that that is an appropriate way; the argument was very much that this is not the role of local government. For a lot of last night I was mulling over the question of what the appropriate forum is. I really am interested in that, because engaging the community is the only way we can achieve anything in this exercise. I think the one thing this committee is going to have to grapple with in whatever we come up with is the question of how we engage the community. I am interested in your views on that.

Mr Lockett—I do not know how local government would feel about this but, as far as the practicalities go, they are best positioned to organise local meetings and to get the genuine feeling of the local community. I think the one I attended here in Hobart after the Constitutional Convention was organised by the Constitutional Centenary Foundation—if I have the title

correct. Of course, that is no longer an option. I really think local government are the best placed to do this.

Senator PAYNE—I must confess that I am confused that someone who himself sought election to the Senate sees a Senate inquiry for discussion of these issues as ill-advised, incongruous and inappropriate—to use just three of your adjectives. I do not think that in seeking to receive submissions, talk to witnesses such as you and hear the views of those people who are interested in participating in the process—and clearly you are—it could accurately be described as ill-advised, incongruous or inappropriate. I am not sure how to match your personally seeking a position in the Senate with your fairly dim view of the Senate inquiry process. Why would you think it is not the role of your elected parliamentary representatives to have these discussions?

Mr Lockett—I think there may be a slight misapprehension here. I do not have a dim view of the Senate inquiry process.

Senator PAYNE—Perhaps I confused your words. I thought that ‘ill-advised, incongruous and inappropriate’ meant you might have a dim view!

Mr Lockett—That was only in reference to the second part of the terms of reference set down for this committee. It seems incongruous to me that, having asked the committee to advise on what is an appropriate process for considering these issues, the Senate should then ask the committee to in effect resolve the issues.

Senator PAYNE—We were asked to discuss the range of models. How can we discuss the constitutional future of the country with people who are interested in it without contemplating the range of models that are out there? In the past five hearings we have gone from discussions of honorary presidents—which is a very interesting concept—to constitutional commissions, as Sir Gerard Brennan put forward, to the status quo, no change. The committee have received each of those submissions interestingly and willingly. I think that is a very important part of the discussion process in Australia.

Mr Lockett—I do not know how many committees there have been that have in some way or other addressed this issue. Even over the last 10 or 20 years there have been quite a few.

Senator PAYNE—Senator Stott Despoja and I—and, I think, Senator Bolkus—participated on the joint select committee, which was the last occasion that I discussed this issue in Hobart.

Senator STOTT DESPOJA—Mr Lockett, I think you gave evidence to us when we were in Hobart.

Mr Lockett—Yes. But the fact is that none of these have really connected with the people to the extent that the people have been prepared to accept their recommendations. So I think it is time to ask: what is a more appropriate process? I would suggest that the process I have proposed is a more appropriate way of dealing with, firstly, the principal issue of whether or not we should become a republic and also the subsidiary issues such as the role and title of the head of state, how that person should be appointed and/or dismissed and so on.

Senator PAYNE—Perhaps that is why this is so very interesting: we have so very many different views from members of the public.

CHAIR—Thank you, Mr Lockett, for a stimulating contribution this morning.

[10.21 a.m.]

HOLDERNESS-RODDAM, Mr Bob, (Private capacity)

CHAIR—Welcome. You have lodged a submission, which we have numbered 144. Do you wish to amend or alter it, or would you like to start of with an opening statement?

Mr Holderness-Roddam—I would like to make an opening statement, and I have a copy of that for each of the members. First of all, we have to avoid the previous mistake, where the Australian people were given a take it or leave it option. We have to take the Australian people along with us in our deliberations; otherwise there will be an even bigger loss of confidence in the process.

I have deliberately used the term ‘deliberation’ rather than ‘debate’ because, having participated in debates at school, university and in Rostrum on occasions, I am disillusioned with the term ‘debate’. Debate tends to polarise—generally there are a few leaders in the process and the rest of the people are sitting on the sidelines cheering, booing, hissing or whatever, as the feeling takes them. Deliberation seeks to tease out the options and to find common ground—and that is really what this process has to be about.

We have to forget the big-ticket items of big national conferences and conventions. The vast majority of people feel disempowered and have no sense of ownership. They see big people up there making decisions and having the discussions for them and they are left, again, feeling disenfranchised and disempowered. What I am proposing is that we need a lot of small, localised study circles. By study circles I do not mean coming together once, making some decisions and then going away and forgetting about it, but a series of ongoing meetings—maybe once a week over a couple of months—seriously looking at the range of options available to us.

I am a member of the Australian Republican Movement, although I stress that I am not representing them here today—there are other people who can do that far better than me. They have produced their six models, which I am sure senators are aware of and familiar with, perhaps. My proposal is that there should be funding to establish a study circles resource kit. There are a number of organisations that are competent to organise study circles in Australia, but I would strongly lobby for Adult Learning Australia, which is the relatively new name of what used to be the Australian Association of Adult and Community Education. These are professional people, adult educators, from a wide range of backgrounds and they have a subgroup of people who are particularly interested in study circles and in organising them. My suggestion is that Adult Learning Australia be funded to develop a study circle kit based on the six models that the ARM have put up and that these be made widely available to community groups.

I have been an adult educator for about 30 years. ‘Adult education’ is a term with a very wide meaning. It includes state based—often TAFE related—adult education agencies in each state; other organisations such as the Workers Education Association, which is probably one of the original adult education groups in Australia; and all sorts of community groups working on adult education, even if they do not always realise that they are, including the CWA and all sorts of other groups—maybe some of the service clubs to an extent, although I think their emphasis is

elsewhere. So there are all these groups which have some adult education expertise. They can provide the facilitators for the small localised study circles. They might need a bit of additional training, but that should not be too hard to provide through Adult Learning Australia.

The Leader of the Opposition recently made a similar suggestion, but he—interestingly—overlooked Adult Learning Australia; he mentioned other options. He seems to have a similar idea that we need to open this up to the wider community, not narrow it down. The results of these learning circles will hopefully be that you have a cadre of reasonably well-informed people who understand the issues and the basics of the six models, then they can go out into the community and participate in discussions at an informal level, whether it be in pubs, clubs, workplaces or wherever people meet up—even public toilets, maybe. A lot of networking happens in gents loos, I can assure you! But it can also happen around the dining table at night, if people are not watching television.

So there are two levels of discussions: the formal level of study circles and the informal one, where the participants are able to go out and inform the wider community. You are never going to get everyone participating in these things. The vast majority of people really are not political animals. They might have feelings one way or the other, but they probably will not turn up to discussions and things. Perhaps they will make their judgments on the result of what they have heard people talk about in the workplace and that kind of thing. We need maybe 18 months or two years for this process to work through the Australian community. Hasten slowly—if we rush things, we will lose it again. We have to give people time. It also takes a while to rev people up to get this back onto the agenda. It has been a sleeper for a while since the last rather disastrous referendum.

My feeling is that we should go to a referendum. We do not need plebiscites and things beforehand. What is wrong with having simply question 1: ‘Do you believe that Australia should become a republic?’ and then a series of options: ‘If you believe that Australia should become a republic, which of these options would you prefer?’ and give them the preferential voting system so that we do not have to have a number of run-off elections or anything. It would be just like any normal election. I have plenty of faith in the Australian public’s ability to come to a reasonable consensus on that. That is basically my case. I do not want to get involved in the model, because I think it is premature.

CHAIR—I think we find that all very useful, apart from the idea of constitutional workshops in male toilets.

Mr Holderness-Roddam—I am not offering.

CHAIR—No. Education is basic in your approach. The concept of study circles is something for which I think we would find support on the committee. The frustrating question to put to you is: how do you then get away from those who are the participants in the study circles? Study circles will attract people who want to be engaged. Inevitably in this debate they could be overwhelmed by constitutional lawyers and aspiring constitutional lawyers. But how do you get to the people who would rather stay home and watch television—watch reality shows, as Senator Buckland said?

Mr Holderness-Roddam—I think there are two parts to your question. One is: how do we get away from the constitutional lawyers and aspiring constitutional lawyers? The other is: how do we get mums and dads along to the study circles? I admit that both are a bit of a problem. I think that, to put a bit of a lid on those that come along with fixed views, it is really important that you have well-trained and experienced facilitators. One of the things you do when you run a study circle is have a set of ground rules which people are expected to abide by, one of which is that everyone's view, attitude or whatever is valid. There is no such thing as a silly statement in a study circle. You really do need a facilitator who can say, 'All right, we've heard enough from you, Senator,'—or whoever—'so now let's hear from the people over here who haven't had a word to say yet.' That very much comes back to the quality of the facilitator.

As for the second one of getting mums and dads along, how do you sex up what is basically a rather boring topic for a lot of people? I do not know. I have been an adult educator for 30 years. You can take a horse to water but you cannot make it drink. At the end of the day, it is the people that get engaged with the process that are going to be making the decisions. If you do not participate in the process, it is a bit like people that go to footy games and slag off at the referee. Why don't they get the boots on and play the game themselves? If you do not want to get involved—

Senator BUCKLAND—I have to say that many times that is justified.

Mr Holderness-Roddam—As a one-eyed Collingwood supporter, I quite agree.

Senator STOTT DESPOJA—This has changed everything!

CHAIR—I think you have lost the committee there!

Senator PAYNE—I am from New South Wales. It does not have any impact on me whatsoever.

Mr Holderness-Roddam—I have lost the three South Australians.

CHAIR—Back to the main game: you mentioned the idea of the ARM developing a kit. I am not so sure that I think it is the appropriate body. One issue that has been put to us is that the current process for the education of the electorate in the referendum process is one that is lacking. You have got the AEC production of material, which is probably the most boring you will ever find. Should we be looking at some other process to develop a different range of materials to be presented to the public as part of the process? Also, should we be looking at different mechanisms to communicate? The legislation at the moment provides for direct mail-outs, but they inevitably finish up being left in the letterbox. Should we be looking at web based communications systems? Have you considered that?

Mr Holderness-Roddam—I think you have an excellent point. I have considered it in the sense that I appreciate that it is very hard to get to people with print material anyway. About 50 per cent of Australians are not used to using print based material to obtain information. Almost 50 per cent have some literacy related challenges in their lives in some way, whether they be new Australians or whatever. I quite agree that we have to recognise the shortcomings of literacy based material. I think we have to look at how most people get their information these days—

from television. If you are going to start putting stuff on television, you start to talk big money and budgets. However, this is probably the single most important decision that Australia is going to make this century, and perhaps it has got to be prepared to finance the information out there. You need a decent series of short—maybe five-minute—television discussion starters, which can also be used in the study circles' resource kits as well, and maybe on radio as well, although, unfortunately, most public debate on Australian radio has been hijacked by the extreme right wing, and that worries me. If John Laws and Alan Jones started participating in this, I do not quite know where it would go.

CHAIR—One of the ideas that has been discussed is using the web to develop community based organisations in a way similar to how the Howard Dean campaign developed its networks. Do you anticipate using that sort of mechanism to develop study groups, or even a general movement?

Mr Holderness-Roddam—You are referring to what I think they call blogging. Yes, I think the web has got great potential, though we do have to be aware that not everyone has access to the Internet. But, yes, I think it has potential.

Senator PAYNE—Thank you for your submission, Mr Holderness-Roddam. I see that you wrote that interesting piece on the issue in 2000, relatively soon after the last referendum. Have you had any feedback from or discussions with your colleagues in the adult education area?

Mr Holderness-Roddam—Fairly minimal, because I no longer work with the state based adult education agency. I have not worked with them since 1996, when I took a redundancy. But I still work as a freelance adult educator. I simply put that out. I thought it was important for the adult education sector to pick it up and look at it. But I think they probably looked at it and thought, 'We ain't got the money.' Adult education is pretty well under funded. State based ones in particular tend to look at the bottom line. They have to at least break even. They are going to say, 'If you want us to do this, we have to be funded appropriately.'

Senator PAYNE—But that does not make them unique amongst agencies. That is very much the case everywhere. The reason I am particularly interested is that it seems to me it is a tool not just for the question which we are discussing now but for so many more questions in terms of public policy generally speaking and constitutional education more broadly.

Mr Holderness-Roddam—Yes.

Senator PAYNE—I noticed that, quite appropriately, your proposition says, 'Develop a range of options which range from the status quo monarchy to models et cetera'. I think it is very important to begin with the status quo, because part of the discussion around 1999 was about a lack of awareness of what the status quo means in Australia, why people were advocating change and so on. Is that a position that you also understood to be the case in 1999?

Mr Holderness-Roddam—Yes. When looking at change, people have to know what they are changing from as much as what they are changing to.

Senator PAYNE—I see that you advocate basically going through the education process and then going straight to a referendum. One of the arguments that we have heard from a number of

the submissions we have received—the argument is in favour of holding at least one plebiscite, if not two—is that the period running up to a plebiscite would also act as a period of information, education and awareness raising. In terms of the success of referenda in Australia, 44 have been put and eight have been passed. Seven of those eight have been proposed by non-Labor governments, so it is a very interesting record. The plebiscite, although little used in Australia, is put forward as a tool for awareness raising. Do you have a view about that?

Mr Holderness-Roddam—I suppose it could quite legitimately be used as a tool for awareness raising. But I would like to go back to the success rate of referenda. I think a lot of it comes back to whether both sides of the houses of parliament support the change or not. If there is disagreement there then you can write the referendum off. If there is agreement then I think it has a much better chance of going through.

Senator PAYNE—We will just have to wait and see where electoral politics takes those sorts of questions.

Senator STOTT DESPOJA—Thank you very much for your submission, Mr Holderness-Roddam. It has some very constructive strategies as to how we can be involved in an information campaign. I do note, however, that in your opening remarks you suggested that the stylised form of debate, or a constitutional convention as such, was not your preference. But do you have a problem with that kind of convention coexisting with some of the education campaigns you have advocated?

Mr Holderness-Roddam—As long as it did not overshadow the wider community education process. I think the process last time was flawed for a number of reasons. Clearly, we had—and still have—a Prime Minister who is not in favour of a republic. He therefore chose the option which people were not going to accept, even if they wanted a republic. Sorry, I have lost my drift.

Senator STOTT DESPOJA—It was about the role of a convention as part of the educative process.

Mr Holderness-Roddam—I think people look at these conventions and think, ‘They’re for the big nobs in Canberra; they are not for me.’ They feel left out. With due respect to Eric Lockett—and I actually voted for him as the representative to go to the convention representing me—I felt a bit left out of it. If I had had the time at that stage, I would have nominated myself. But again, people would have felt that I was not necessarily representing their views. Eric was one of the few people who said, ‘I do not have a view; I am going there to find out what it is all about.’ I applaud him for that. I do have a problem with the big-ticket conventions and things. The average guy in the street does not really feel any ownership. I am lucky; I am reasonably articulate, but there are a lot of people out there who do not feel ownership of these kinds of things.

Senator STOTT DESPOJA—I have to say that I was quite impressed. The constitutional convention was different from what I expected. I think a number of not only participants but also other people involved in the process were amazed at the flow-on effect—for example, at the number of hits on the web site and the number of people who tuned in to ABC television or radio. I would argue that that cumulative effect had some benefit. But I take your point. I thought

your use of the word ‘deliberative’ was really important. You would remember the deliberative poll that took place before the referendum in 1999, where ordinary Australians were part of this process. Did you have a view on that convention?

Mr Holderness-Roddam—I went to a session—and I think it was in the Hobart Town Hall—but it did not really come up with anything. It might have enlightened some of us a little bit, but I felt it was a bit ho-hum because it did not really have anywhere to go after that. I believe that there has to be a facilitator who takes people through the process of looking at the pros and cons of each of the options and of looking at what they might like about this or not like about that. That does not necessarily mean closing the series of study circles and workshops to a preferred choice that everyone subscribes to but it means enabling the people who have come along to understand all the implications of the various options. Then, as I say, at least they will be informed when they go to vote and will hopefully carry their learning into the wider community in a formal or informal situation.

Senator STOTT DESPOJA—I have one last question. Your submission talks about facilitating this process through adult learning and other educational institutions. I am assuming a component of this is schools.

Mr Holderness-Roddam—Yes, particularly senior secondary colleges—as we call them in Tasmania. If you are going down into the primary schools, it has to be done at a fairly basic level—bearing in mind that kids do not vote but that they may go home and influence their parents if they say, ‘Well, I’ve heard this point of view.’ As a matter of relevance on adult education, the conventional wisdom is that people learn when they are motivated to learn. People talk about a difference between adult type learning and childhood type learning. Having raised five children, one of whom was home educated for the whole of her schooling, I do not believe there is a difference. I think it is artificial. Certain people like Malcolm Knowles in the United States have made a very good career out of differentiating between adult and child learning, but all adults have their own learning styles. That is why any adult educator will try and produce a variety of learning methods for each topic, as it were, to engage people who want to be engaged in different ways. Do I make sense?

Senator STOTT DESPOJA—Yes; I understand. Thank you very much for your submission.

Senator PAYNE—Mr Holderness-Roddam, I see from your submission that you have also spent a considerable period of time as a local government councillor. You probably heard Senator Buckland referring before to the engagement of local government. We had presented to the committee in the beginning of the process, as Geoff said, the possibility of pursuing grassroots information and education type processes and of using local government to convene such forums because they are often very effective at getting to the people and engaging with them about issues—whether we are talking about public land, traffic arrangements or something like this. I would have thought, if it was part of a formal process, there would be some appropriate but probably minimal funding to assist in that. But it was put to us by a councillor in Adelaide yesterday that that is so contrary to the official role of local government, and would be offensive to ratepayers, that it would be inappropriate. Where do you fall on that argument?

Mr Holderness-Roddam—I am really interested in this point because not only have I been involved as a local government councillor but I currently live in the city of Glenorchy, which is

to the north of Hobart and is a part of greater Hobart. Glenorchy is probably the most progressive community council in Tasmania. About five years ago it initiated a community precinct system. I was heavily involved right from the word go. I was on the steering committee that developed the guidelines and things like that.

Senator PAYNE—Were you a councillor at the time?

Mr Holderness-Roddam—No, my councillor days ended about 15 years ago at New Norfolk. But I have been heavily involved in Glenorchy as a citizen rather than an elected member. In the precincts program we have a monthly meeting—and I have one tonight—of our precincts. There are 12 precincts in Glenorchy. It was set up basically to ask the community their opinion on certain things—not specific planning things, because of the time lines. It allows locals to get together to work on particular projects. For instance, my pet baby is a local reserve, which I have been working to get retreeed, revegetated, de-vandalised and stuff. Glenorchy, I think, would take on the responsibility and do it very well.

Senator PAYNE—Do you think it adds to a sense of community?

Mr Holderness-Roddam—It does, but it depends very much on the council. There are other councils in Tasmania I would hate to think of taking on the responsibility, because, frankly, I do not think they have got the faintest nous about it. They believe that we are elected to make decisions for the community.

Senator PAYNE—All councils are not created equal.

Mr Holderness-Roddam—Very definitely not. I will not mention names, to avoid embarrassment, but there are councils in Tasmania I would not entrust with that responsibility. But Glenorchy, yes, and probably Hobart, because I think they are moving along the same way.

CHAIR—I do not know where that leaves us in terms of the appropriate mechanism to run the sorts of campaigns that we are talking about, the education process or the information process. I suppose we have to look at a multiplicity of mechanisms. On behalf of all the committee, thank you very much for your evidence. It has been very useful and constructive.

[10.47 a.m.]

GARDNER, Dr Barry James, (Private capacity)

CHAIR—Welcome. You have lodged submission No. 482 with the committee. Is there any need to amend or alter that submission?

Dr Gardner—No.

CHAIR—Would you like to start off with an opening statement.

Dr Gardner—I am a supporter of an Australian republic. I have wanted an Australian republic since my teenage years. Having looked forward to this for so long made the result of the referendum in 1999 particularly devastating. It was one of the great disappointments of my life. I am pleased that recent developments—and the institution of this inquiry is one important aspect—have given us some hope that we may get a second chance at this.

The case for a republic is simple and compelling. One of the many changes that have taken place in the world in the last couple of centuries is the emergence, the coming into being, of an Australian people and nation. It is degrading, it is embarrassing and it is silly that this independent people and nation is still governed, in however symbolic a level, in the name of the monarch of another country. That is our case: we are Australian and we should have a totally Australian system of government, in its symbolic no less than its practical aspects. We state this case so simply because it is good that we should occasionally remind ourselves of the essence of what the case is, because discussions of the republic tend to have a large element of distraction and confusion when people bring in a whole range of extraneous peripheral issues—even some supporters of the republic, even some people who should know better.

A major concern of this inquiry is with the mechanisms for changing to and operating a republican system. In my written submission I did not actually say anything about models. I really did not have anything terribly original to say about models. But, for the record, I would prefer some kind of election or appointment—call it what you will—by a majority of both houses of parliament, provided there is sufficient or adequate community input in nominating people and so on. In other words, this is a model quite like the one that got done in 1999. The conventional wisdom is that such a model does not have much chance any more but we shall see. In any case, I am not terribly dogmatic about models, and I think that anybody who is serious about the republic should not be dogmatic about models either. If people want something else then that is the way it has to be. Other things will be more difficult to implement but, again, that is the way it has to be. I must also say that, among the various models that are floating around, I have never seen anything which, if it turned out to be the ultimate choice, would persuade me to vote for retention of recognition of the British Queen.

If and when we get another opportunity to vote on the referendum, it seems to me to be very important that the consequences and the implications of every step in the process are perfectly clear so that voters can follow their natural inclination without being inhibited by fear of uncertainty or scaremongering by mountebanks and frauds, of whom we will probably have a

few when the time comes. For this reason, I favour a three-step process. Step one is the simple, indicative yes/no vote—that is, yes, I want a republic, or no, I do not. The second step would be a vote on a model. People would be faced with a choice between several models and they would choose a model. In the third step, we would have the referendum proper, wherein we would choose between the selected model and the continued recognition of the British monarchy. I would like to see the question posed in stage one somehow allude to the second process—something along the lines of: do you favour Australia becoming a republic through the use of a model approved by a majority of the Australian people? You would have to tidy the words up a little bit, but it would be something like that.

One of the questions which I have rarely heard mentioned in connection with the republic but which was raised in the discussion paper is the sorts of qualifications that a head of state shall have. I addressed that in my submission. I believe that to be a head of state of Australia someone should be either Australian born or an Australian citizen with 20 years residence in Australia, but not necessarily continuous, of course—you can go away for a while; that is not what we mean—and also that such a person should not have any foreign citizenship. The reason for this is that the whole purpose of the exercise, it seems to me, is to remove or withdraw recognition of a foreign head of state. If you then install an Australian head of state who can be a citizen of another country, this is not just wrong or inappropriate—this is ludicrous. One should not have an Australian head of state who has any foreign citizenship or who has a substantial level of loyalty to or identification with any other country. I designed my submission around the questions in the discussion paper and I have answered many of those—some briefly, some not so briefly. That is probably all I really need to say at this stage.

CHAIR—Thank you. I am sure we will find what you have submitted to us very useful. Why do you seem to have some optimism for the past failed model being successful next time?

Dr Gardner—I did not say optimism. There are many things which I prefer which I am not at all optimistic that I am going to get, but I would like it to be known that the support for that model is not dead, even if it is sleeping. Simplicity is the thing. There are many things about the way we live now which are not too bad and there lots of the things which our symbolic head of state does are not too bad. It is just the kind of motivation for them—the background in which they are done. There is definite appeal in having a system which retains a lot of that and is relatively simple to implement. That is also a consideration. It is probably not going to be the easiest thing to persuade people to do this. It has clearly failed once before. I should distinguish between what I would prefer and what I am optimistic about attaining.

CHAIR—Do not write it off, in other words.

Dr Gardner—No. It is going to be a while before we have this referendum. Information is going to flow around and people will have things to think about. I do not know whether it is worth mentioning this, but before the referendum in 1999 there was some kind of residential weekend conference. They took sample people from all over Australia to Canberra and locked them away and talked to them for a week. The information is that by the end of this time, when a lot more information had been passed around, people were considerably more sympathetic towards this sort of model.

CHAIR—That is what they call deliberative polling. It has been used in some states for different purposes, but it does have the same effect: when you know more, your position does change.

Dr Gardner—Yes. But I do not know how you get everybody to listen to this. We cannot have re-education camps and things.

CHAIR—Obviously not. The other point you make which I find interesting is with respect to the initial plebiscite. You say that the yes/no plebiscite is too simplistic and that there should be a qualification of ‘yes, provided the public has another decision to make and the model has been endorsed by the public’. Why do you think that is so important?

Dr Gardner—The sort of scenario I am envisaging is this. We are all thinking about whether to vote ‘yes, I want a republic’ or ‘no, I don’t’ without qualification. Someone comes along and starts saying, ‘Look, you know what’s going to happen here. You’re going to commit yourself to voting for a republic when you don’t know what the hell you’re going to get. All these people are going to go away and think up something and foist some sort of republic on you which you mightn’t like. Then you’ll dislike it so much—this republican model will be so repulsive to you—that you will have to vote no. And you know what that’ll mean, don’t you? You’ll never get another chance to vote for a republic in your lifetime.’ Some people, conceivably, are going to be worried by that. I think there is an element of reassurance in there if there is an implicit statement that the republic they are going to vote for—or against, as the case may be—is something which has been approved. I guess the yes/no thing is not binding, in that if you get a no result for the first stage you could conceivably have another vote on that in a few years time. If you get a yes on that and pass down to the next stage but cannot get a majority to support one particular model, the worst thing that has happened there is that you go away and think about models a bit more. You have already got the commitment and you refine the model for maybe a few years down the track. But people get put off by the unknown if they do not know what is coming and vote no for that reason. Consider the reasons why people voted no last time. You have to guard against all sorts of things.

CHAIR—It has been put to us that a simple question, like the one that has been mooted so far, would lend itself to a fear campaign by those opposed to a republic, on the basis of giving them a blank cheque.

Dr Gardner—Yes, and not only that. You are giving them a blank cheque and one of the things they might do with that is put up a model which you could not accept. Then you would not get your republic, because you would have to vote no because this would be such a terrible republic. That is not too drastically dissimilar from what lots of people said last time.

Senator BUCKLAND—One area I want to raise with you is the election of the head of state. Say we have moved on a bit and we have decided we are going this way. Do you think electing the head of state is the best method? If you have an election, you really do politicise that position. Do you think that is what we are really aiming to achieve?

Dr Gardner—No. That is another reason why I prefer a model very close to the one that was rejected. At the same time, I do not see it as the end of the world. Other countries do live with an

elected president separate from the executive government. There is just a lot more work involved in the implementation of it, I think.

Senator BUCKLAND—The reason I asked is that it was put to us that you would never get a person like Sir William Deane nominating for election—that the character of the person is such that they would not subject themselves to that.

Dr Gardner—I have heard this alleged before. I am not sure I totally understand it. Deane himself did not come forward and say, ‘I want to be Governor-General,’ presumably; he was picked out by someone. If you elect people, you can have a whole range of ways in which people might be nominated. I do not think eminent people would necessarily be bypassed by this. One of the points I make in my submission is that however candidates are picked—whether you have conventions or nominations by state and federal parliaments or various other things—it is very important to have nomination by petition as a supplementary source of candidates. I do not think anyone should fear that they would be left out of the process simply because they do not want to be part of a campaign.

Senator BUCKLAND—What I would be interested in guarding against—and why I am asking these questions—is that, if it were to be an election model, politicisation might encourage the deepest pocket to do a bit more work than the others. It does not matter what you say, any election at any level of society is politicised, whether it be in the CWA or the local hobby club or football club. I fear that that could cloud the real benefits of achieving a republic.

Dr Gardner—You really ought to be raising these questions with a rabid direct election person. As I have said before, I am a 1999 model person by preference.

Senator BUCKLAND—Yes, I understand that, but I think everyone has got a view. I ask these questions because I want to know.

Dr Gardner—The issue of the republic is so large and so important and this change is so desirable that I am prepared to live with a whole range of models that are not my first choice. Some of them have complications, a couple of which you have touched upon there.

Senator BUCKLAND—You were here earlier today. I think you heard me say that I was very concerned about involving all levels of the community who want to be involved. What is your view on this idea of those convening and taking part in an education process using local government as the forum?

Dr Gardner—This is a complete novelty to me. I do not have any immediate reaction to that. It is better to say nothing, I think.

Senator STOTT DESPOJA—By addressing most of the questions that we have put to you, you have pre-empted many of my questions, but I do have a couple of queries in relation to the plebiscite. Do you have a view as to whether or not voting should be compulsory or voluntary?

Dr Gardner—I think it should be compulsory. There are philosophical arguments for and against compulsory voting, but I think they are no different in this case than they are for any other election. For uniformity I would go for compulsory voting.

Senator STOTT DESPOJA—You have made it clear to us that you do not want to see a divided allegiance—or a foreign allegiance as well as to Australia. Are you definitely saying that dual citizenship is unacceptable as a possibility? As you would know, there is an ongoing debate concerning public officials as to whether or not dual citizenship is appropriate.

Dr Gardner—I would say in this case, yes. It would be unacceptable to me, anyway—I would not like to see it.

CHAIR—There is a particular problem with the current provisions. Currently the provisions for the Governor-General are not the same as those for members of parliament. In relation to members of parliament, people are in a difficult position because in some cases there is no legal capacity to actually refuse the entitlement. You can refuse to take up citizenship, but the entitlement to become a citizen of another country will depend on the laws of that country. Under our Constitution, that entitlement could very well bar a person from holding a seat in parliament.

Dr Gardner—I got a little bit lost there. Could you quickly summarise?

CHAIR—Under some constitutions in other parts of the world you may have an entitlement. Under the Australian Constitution you cannot be a member of the federal parliament if you have not taken all reasonable steps to refuse to take up that entitlement, but quite often there is a fudgy area as to what is ‘all reasonable steps’.

Dr Gardner—Do you mean the capacity of citizen of somewhere else?

CHAIR—You do not actually take up the citizenship of another country. It is not the question of whether or not you are a citizen. Under the Constitution, for members of parliament, you have to take all reasonable steps to reject it. The words ‘all reasonable steps’ can create problems in that it is very hard to determine what they are. For instance, I think Italy is like this. I do not have an Italian background, so I do not have a direct interest in it, but under Italian law there is no capacity to refuse an entitlement to become an Italian citizen. What I am saying is that maybe we need to look at a bar to dual citizenship rather than the qualification that is in the Constitution now.

Dr Gardner—I was not aware of that particular thing. I was aware that there are certain complications—that you can acquire foreign citizenship simply by being born there, so that is not really an effort of will. What you would do about that is some form of renunciation, which seems to be a terrible word—I would not like to use that word, but that is what I mean. I was aware that people acquired citizenship in various ways. I was not aware that one had citizenship thrust upon one in the way you mentioned there. Clearly, if that happens, there is nothing much you can do about that. You would have to have a provision that someone is deemed to be free of the thing. This is a lawyer’s problem. It is interesting and I did not realise it is so complicated.

CHAIR—The provision says that you can hold only one citizenship, and that is Australian.

Senator STOTT DESPOJA—You opened a can of worms then. On the issue of eligibility criteria, you do not specify too many apart from the issue of citizenship and that someone is Australian born or has been a citizen for 20 years. We heard a number of proposals over the last

couple of days. One person yesterday suggested that there should be an age criterion of no-one, say, under 30-35. Other people have put forward other proposals. Yesterday, one submission said that there is no reason why any Australian citizen of voting age should not be eligible to run. Could you elaborate perhaps on the 20 years criterion. I wonder if that is a bit harsh.

Dr Gardner—Any limit like that must inevitably be arbitrary. Whether you would say 15 or 20 years, I do not know. What I really mean is something substantial. You mentioned a couple of things. I am in favour of the long-term residency requirement vis-a-vis straightforward citizenship. I do not want to denigrate or speak ill of citizenship but it is not really the same thing as being in a position to speak for a country, for a people. I think it is right that people who come and live among us for a reasonable amount of time, behave themselves and so on ought to be granted the various rights which citizenship involves. The residency requirement is really quite minimal now: 12 months out of the last 24 and two years out of the last five is really not very much. One needs something a little bit more substantial. One can haggle, and no doubt people will, about 20 years versus 21, 19, 15 or what have you, but the point is that it should be something substantial. I did toy with the idea of saying that even an Australian born person who has not lived here for the last 20 years ought not to be eligible, but then I thought, 'No, I don't want to say that,' because you can think of all the possibilities and there are all kinds of reasons. You could look at the history of other countries where patriots have gone into exile for long periods and then they come back into office.

CHAIR—You could bowl over Rupert Murdoch with that provision!

Dr Gardner—That was not the direction of my thoughts, actually. The other thing you mentioned was age. Did you mean lower age restrictions or upper age restrictions?

Senator STOTT DESPOJA—Any age restrictions. As you would be aware, the McGarvie model was a model based on the concept of wise men. As I found out yesterday, that was the one that our Prime Minister preferred. Then yesterday we had people saying that the minimum age would be 30 or 35.

Dr Gardner—I will probably not be able to give you a proper answer on that. On the upper level I have no doubt whatsoever—I am approaching a stage in life where I have very definite views about upper age limits for doing things. The whole thrust of the way things are going now is that compulsory retirement ages are being removed everywhere—except for High Court judges, it seems—and I would not like to see an upper age for retirement. Thirty-five might be all right, but I do not know—how about if you go down to 30 and I take my 20 down to 15?

Senator STOTT DESPOJA—You strike me as someone who, like many of us, was passionate about the campaign last time around. You were obviously informed about the process or at least knew about the model, and I suspect that you were probably someone who talked about it with your colleagues, friends and family. What do you think we could have done or should do in the future—we are focused on the future—to inform more people about a referendum campaign, the models involved and perhaps why this is not such a scary idea?

Dr Gardner—I wish I could give you a good answer to that, because that is very important and it is something that needs to be done. I cannot really add anything very substantial. You said that I was presumably the kind of person who spoke to other people about it. What was very

dispiriting at the time was that, even at the height of the campaign, a lot of the time I had to speak to myself because there was not the sort of excitement that I expected there to be—people did not get turned on by the thing; there was no passion there. So while I am not able to give you a solution to your problem I am agreeing with you that it is a very serious problem. Compare the way people acted at the time of the referendum campaign to the way they act in political campaigns—federal, state or even local government—when you see forests of signs go up all over the place, when people put placards on their front lawns saying vote for this, that and the other. I expected this to happen with the referendum campaign but there was no sign of anything. I remember from when I was a child the communist party suppression referendum in 1952. There was a man who lived a couple of streets away from us who painted ‘Vote No’ in huge letters across his garage door. People cared about things. But this time it was not there. I do not know what to do, but I agree that it would be good if someone did.

CHAIR—One interpretation of it is that we had a referendum process and question for a republic which was designed by monarchists and, as a consequence, there were all sorts of traps, including the trap involved in reducing the temperature of the discussion. Maybe what you need is a Prime Minister and an opposition leader who are both of the same mind in terms of Australia wanting to be a republic before you can get that sort of stimulated discussion.

Dr Gardner—I do not know. I like a good conspiracy theory as well as the next fellow, but there is more to it than that. People should really care about this; they should get excited when there is a possibility to change it. I do not know how to make them care.

Senator PAYNE—Dr Gardner, thank you very much for your submission. In your response to question 7, which is about the voting system for a direct elect model—which we now know you do not prefer—you do use a very useful phrase for this entire debate, which is that ‘it would probably be prudent to avoid an excess of novelties’.

Dr Gardner—I am talking about elections there.

Senator PAYNE—Yes, but I think it is useful in terms of the whole debate—or ‘deliberation’, to use Mr Holderness-Roddam’s term—on constitutional issues generally and it goes as much for the section 57 discussions we have been having recently as anything else. Avoiding an excess of novelties when you are dealing with perhaps limited awareness of the facts as they stand is probably a good idea. I want to ask you about education processes and information processes. You do not really refer to those in your submission in any depth, but I wonder if you have any thoughts as to how we might more effectively ensure that Australians are well informed about their Constitution as it stands, let alone in relation to change.

Dr Gardner—I am going to have to give a fairly similarly unsatisfactory answer to this question as I did to Senator Stott Despoja’s question.

Senator PAYNE—We do not regard them as unsatisfactory answers.

Dr Gardner—I do not know. People need to be told things, but I do not have any bright ideas. It is hard being a country at this time in history. It is hard to get people interested in things. There is a kind of soulless cosmopolitanism, centred around electronic media and brand names, which

seems to have descended over the whole world. You can offer information but people do not necessarily want to take it up.

Senator PAYNE—Senator Buckland thought we might turn the constitutional deliberation into a reality TV show.

Dr Gardner—That is exactly the kind of thing I meant. People think in terms of concepts like that.

Senator PAYNE—I was being just slightly ironic!

Senator STOTT DESPOJA—*Big Brother* rates higher than question time.

Dr Gardner—I do not know what one should say about that.

CHAIR—What you are saying is that people just do not care about issues like this, and that is the initial hurdle we have to get over.

Dr Gardner—That is why the referendum was lost: because not enough people cared enough. Whatever else one says about it, that is the truth.

CHAIR—Thank you very much for both the optimism and the pessimism. It is all very helpful.

[11.17 a.m.]

MORRIS, Mr David Peter, Convenor, Tasmania, and Member and Director, National Council, Australian Republican Movement

CHAIR—Welcome, Mr Morris. I see that you are from the Australian Republican Movement, so in introducing you I will mention that we have had contact with Mr Reg Watson, the Chairman of the Tasmanian Council for Constitutional Monarchy, who would have liked to have appeared here this morning but could not because of work commitments. We have received a lot of evidence from the constitutional monarchy movement but unfortunately we could not program him this morning. Mr Morris, we do not have a written submission from you. Would you like to make an opening statement?

Mr Morris—Thank you. I appear here to endorse the national submission that we have made as an organisation, but I would like to make some comments as an individual as well. In particular, drawing on the introductory comments that Dr Gardner made, I would like to say as well that I am a very passionate republican and debunk the myth that people are not passionate about these issues. In my strollings around Tasmania talking to people in the community consultations that we run as the Australian Republican Movement, and when I bump into people in shops, offices and all over the place, almost on a daily basis people remind of how passionate they are as well about this issue. So I think it is an issue that is alive and well; it is just not ‘the’ issue on the front pages of the newspapers at the moment. Like Dr Gardner, I have been passionate about this since my teenage years growing up here in Tasmania.

I left Tasmania to have a first career in the Department of Foreign Affairs and Trade. I represented Australia in a number of countries and found myself in a position where I was assisting Australian businesses to promote Australian trade and investment, and promoting Australian cultural identity and Australian diplomatic, foreign and strategic interests more broadly. All the time that I did that, for 10 years, I had in the back of my mind a belief that, while there were very good efforts made by different governments at different times to package up and promote Australia’s interests internationally, we never quite developed a coherent way of branding Australia internationally.

It led me, at the end of my diplomatic career, to undertake a master’s degree at a business school in the UK. For my dissertation in 1997 I did some original research on this concept of ‘brand Australia’. It was something I found had never been researched before. In fact, in most countries of the world there has been very little research done on how countries brand themselves—how they are positioned in the minds of the international community. Also, the mirror image of a brand is of course how you are positioned by your own members. So, within Australia, how is Australia perceived as a national entity, an entity with interests, a living complex entity? I found in my research that a number of countries around the world have very coherent brand identities. They may be very complex entities like the United States, Japan, Germany or Singapore. They have a diversity of interests and communities within them. But if you talk to someone internationally about the positioning of that country—their goods and services, their tourism appeal, and a range of aspects that are relevant to people all over the world—you will find that they tend to have a coherent picture of what those countries stand for.

My research found in the case of Australia that in some categories we have an appeal as a warm and sunny place—although you would not believe it in Hobart today—with a friendly, relatively unsophisticated outlook on life. If you like, it is the Paul Hogan ‘shrimp on the barbie’ type image that we really did project for a long time in the international community.

CHAIR—Is it the Richie Benaud ‘Marvellous’ image?

Mr Morris—Belatedly, but I welcome it, the federal government two days ago launched a brand Australia initiative, which I hope and like to think builds upon the research I did. I spoke to Joe Hockey a few years ago, although I am sure many people have put a lot of work into it since. They have come up very cleverly with a set of brand values for Australia that I think hits the mark. Essentially what Joe Hockey told us the other day is that the brand values that encapsulate Australia for not only our international audiences but also ourselves—that we will recognise as ourselves and will own and be able as individual ambassadors for Australia to promote with real credibility and integrity—are inclusiveness, irreverence, optimism and mateship. I put it to you that those four brand values are absolutely right and that as a nation we ought to think about them. In this complex world that Dr Gardner talked about, where we have a multitude of brands and an increasing cosmopolitanism and globalism, if we are going to carve out a sense of who we are, for our own self-confidence and sense of national identity—and it is very important in any culture, in any country, to have a sense of who you are—then we ought to work on developing, promoting and marketing those elements of our brand, if you like.

‘Brand’ is terrible marketing term but it is quite a useful concept to think about. What is Australia? This is something that people are very passionate about. People are not passionate about having debates about process—about how would we select a president. That bores people to tears, I am sorry to say. I am sorry to move beyond your terms of reference a little but I think it is important to get underneath your terms of reference, because before you can get to the point of looking at the process for becoming a republic and for selecting a head of state you have to have a sense of what your goal is and what are the values that are driving that goal. I put it to you that those are the values: inclusiveness, irreverence, optimism and mateship. There may well be others; I am sure there are. There is a sense of Australian national identity that we all share. We have found it in the Australian Republican Movement in Tasmania. We have been running community consultations and we are finding that a very similar theme comes through.

People do have a sense of national identity, they are proud of it and they are confident about our future. But there is one glaring inconsistency in our sense of who we are. It is not something that has people marching in the streets; it is not something that is on the front pages of the newspapers. The inconsistency is this: if one of our brand values is inclusiveness, why is our head of state someone whom we do not choose? If our brand value is irreverence, why is it that our head of state cannot in any way—through no fault of her own—represent the sense of irreverence in Australian culture? If our brand value is optimism about our nation, why is it that we do not have our own head of state?

Finally, I would like to talk about the ethic of mateship. The system we have was designed over 100 years ago. It made a lot of sense 100 years ago in the era of the British Empire, when there was no concept of Australia having its own diplomatic service, its own military forces or its own High Court—a final court of appeal. There was no concept of Australia becoming a fully independent nation playing its own role in the world. We were an integral part of an empire. That

has changed dramatically. Anyone who was born in the last 100 years has lived in a totally different world from the one that our Constitution imagined. I think, in particular, that ethic of mateship that has developed over the last 100 years is totally inconsistent with our constitutional set-up. We have developed a way of living, a political way of governing and a system of governance that works very well for us in practical terms. It is purely the symbol at the top that needs to change so that we can have a coherent package to put to the world and can also feel confident about ourselves: that here is a coherent Australian national identity from the top down, where you can have symbols and a head of state, if you like.

I do not think that the processes et cetera are all that important at this stage. I think we have to have a debate first in the community—an inclusive debate that everyone is involved in—about our national identity. I disagree with the Prime Minister when he said a few weeks ago that our national identity debate is over—our national identity debate has only just begun. We have that debate and we have a community which can agree—which it will—on what our common values are. We all agree on those processes. These are not political differences; they are not ethnic differences. People who have come to Australia to live or people who have grown up here share these common values. I am absolutely confident of that. When we have been through and developed full ownership of those values as our national identity, then we will be ready to have the discussion about process. It will become very apparent, I think, what the process would be for electing heads of state, or other national symbols for that matter. Once we decide on our values, they will become crystal clear.

CHAIR—The first issue—and it has been raised by the Prime Minister, amongst others—is that five or six years after the last referendum is too soon to embark upon this process. What is your response to that?

Mr Morris—It is too soon today; there is no doubt about that. As I said, we have to have a discussion in the community. The community has to have ownership of our national identity first, and I think a very important part of that is political leadership as well. When I say ‘leadership’, I do not mean in a partisan sense, but in a sense that the leaders of our nation—state, federal and municipal—need to share a sense of where we are going as a nation. I do not think we are too far away from that, though. I think it will happen in the next few years. There will be a change in political leadership at some stage—whether it is this year or in a few years time—and I am absolutely confident that we will get bipartisan, cross-party political leadership at a national level. We already have it at a state level—and it has nothing to do with the partisan politics at a state level—but all state leaders and many of our governors at a state level as well are republican in their leaning. When we get to the point at which there is bipartisanship at a national level on this question—and it is not far away—then the community, once it is apparent that everybody is in agreement, will be ready to have these discussions. But clearly we are not ready today.

Senator BUCKLAND—I ask this question because of what you say your background is in trade and foreign affairs. It is okay to use your views of what our values are—optimism, mateship, irreverence and inclusiveness; and I applaud you for discovering what I think we all probably knew but never put in words—but when it comes to going outside of Australia as far as trade is concerned, do you think there would be an immediate impact, maybe short-term, on our trade opportunities overseas once we move—and I believe we will—to the republican model?

Do you think the rest of the world might say, ‘Hang on a minute, we’d better have a look at this’?

Mr Morris—Yes, I do. I would be very happy to table the initial research which I conducted, which is a few years old now, on the brand Australia concept. As I say, I believe the federal government has since done a lot of research that would augment it. I would be very happy to table that research, which does, I believe, have quite clear evidence that in fact—

CHAIR—I was going to ask you whether the hefty document before you is the research. I would like to see it.

Mr Morris—Certainly. I believe there is strong evidence that, if you in fact have a coherent national identity that you project in the world, that identify is of value to your exporters of goods and services. In the case of Australia, we have been going through a process of repositioning ourselves. That has been an intentional mission of successive governments or at times something that has been unintentional. It is still happening, because the reality is that Australia is producing products for the world market very different from those that we were producing 20 or 30 years ago. Australian society is very different from what it was 20 or 30 years ago, so the old images of Australia in East Asia—of the White Australia Policy and of a very unsophisticated, unfriendly place but one from which you might buy iron ore and wool—and then the concept in Europe and Northern America—of a country that is unsophisticated but whose people are ‘kind of like us’—are actually changing, whether we like it or not.

If we were to have a coherent marketing strategy built around a new—and when I say ‘new’ I do not mean that we have to do anything new; it is a new recognition of what we are, where we are today and where we are going in the future—marketing strategy, I believe that would aid your international interests. There are some very good examples in my research. You find examples of places such as Ireland, where I served as deputy head of mission of the Australian Embassy, Malaysia, Singapore and New Zealand. There are many, many examples of countries that have solidified a holistic sense of what their identity is and what their strengths are and have gone out and marketed those to the world. We find that in Australia we have never quite got it right. I think we are trying to do that and I think that until we actually have the symbols right we are always going to have glaring inconsistencies and we are not going to be seen as quite in control of our destiny. Many Asian business leaders in particular have said that to me over the years; government ministers have said it. I think we went through a very difficult period prior to the republican referendum largely because of the activities of the One Nation Party. Also, the republican referendum and other issues have affected our image in our key export markets—there is no doubt about that. So if we were going to have a strategic approach to repackaging and presenting ourselves as a brand, having control of our own destiny, as symbolic as it may be, would be an important part of that.

Senator BUCKLAND—It is very clear that you have put a lot of thought into this in the production of this document, which I will read and probably pass on to colleagues interested in this, so I thank you for that. I now comprehend what you first said and the value of it. When you were addressing us early on, I was thinking this is great as we will get a few more tourists and then I was concentrating, because I am a dig and produce person, on our natural resources and our manufactured products. I am wondering if those areas would be affected. Would we have a decline in those until we re-established ourselves as a new nation?

Mr Morris—That is a very important question. It is one that I addressed in my research, because clearly there are undifferentiated commodity products that Australia produces and that in fact remain the largest part of our exports out of this country. I think it is pretty difficult to establish, if you are purely looking at undifferentiated commodities, that your country's image in the world makes a huge difference. It probably does not, although there is some evidence contrary to that given some documented comments by Asian business leaders and others about how they view Australia as a whole and how that halo effect of brand Australia does impact even on trade in undifferentiated commodities.

Where my ideas come into play much more than in commodities is where you are adding value and where you are providing something to an international market that has to be differentiated in some way. Tourism is the obvious one. I applaud the federal government for the Brand Australia initiative in the tourism sector, but I would say that this is bigger than tourism. It extends to the differentiated products that we offer to the world; things that have a country image associated with them, such as Australian wine, food and education exports. There are a whole range of high value-added products and services that are now critical to our economy which were not 20 years ago. These sorts of ideas would have been seen as fanciful, but it is now important for our role in the world that we have a credible national image.

Senator BUCKLAND—I just hope that extends to the automotive industry. We may find that out tomorrow. Mr Morris, thank you for what I think has been a very valuable contribution.

Senator PAYNE—The aspect of process that has been occupying a great deal of the committee's time is about information awareness and education. You have talked in very interesting terms about the foundation, if you like, before we move onto that process. Do you have any views on how the committee could enhance the information process, or even the awareness of our current constitutional arrangements—as I said to the previous witness, Dr Gardner—before we move onto even talking about change?

Mr Morris—I think it is incredibly important. When I talk about the community having a discussion, I am thinking of a discussion first of all about our national identity and our values, and that leading into an education program about the constitutional issues. If we start it the other way around we do lose people. It is pretty boring if you are a school student, or an adult anywhere in the Australian community, to be engaged in a discussion about constitutional change. Unless you are a lawyer or, with all due respect, a member of parliament, it is just too dry for most people. The way to approach it is to have this discussion about our national identity that does get people passionate. An education campaign that is absolutely multipartisan needs to take place behind that, but it cannot sit on its own; it has to be a discussion. Getting back to that brand value, this has to be inclusive or Australians will not be interested in it. If it is experts, lawyers or politicians telling the community something then Australians are not interested. That is not our culture. But if people are involved in a discussion and they own it, they will be much more committed to the outcome.

Senator PAYNE—How do we do that?

Mr Morris—We all need to get out there in the community and—

Senator PAYNE—Unless we are lawyers or politicians, in which case we should stay home. And if you are both, you are damned completely!

Mr Morris—It is fair to say, to go back to the first question, that none of this will really become energised in the community until you do have that political leadership from all sides of politics at all levels of governance. You could have a real debate if it was being led by all levels of government. I think it would be very exciting if everybody at the municipal, state and federal level was encouraging the community to discuss national identity and to establish exactly what our values are, and then to have a think about what that would mean constitutionally. It would probably be a very popular way to do it; whereas, if it is purely an education campaign that goes into schools or some sort of artificially devised PR campaign in the lead-up to a referendum, I fear that we could see a failure once again.

Senator PAYNE—I am also very interested in Mr Holderness-Roddam's contention that we should be talking about deliberations and discussions, not 'debate' per se because of its intrinsically adversarial nature. We need to change the lexicon there, I think.

Mr Morris—That is exactly my point as well. I applaud that—I think it is absolutely right. This is a discussion; it is public deliberation. It is not a debate. If it becomes a political debate, people turn off. It should not be a political debate, because it is not about politics. No matter what model we end up with, this is not going to be about politics. This is about symbolism and our national identity.

Senator PAYNE—It would be good to avoid the nastiness of the previous campaign.

Senator STOTT DESPOJA—First of all, congratulations on your research in branding. I am glad that you mentioned that there may have been an impact in terms of contemporary politics and policy on the perception of Australia, and I thoroughly recommend looking at today's *Australian* cartoon if you have not seen it. You have answered Senator Payne's question about what should be happening. I would like to know what is happening in Australia, perhaps in terms of some of the work of the ARM. What is the ARM doing to promote or facilitate some of these debates about national identity to which you refer?

Mr Morris—We have started, in a modest way, holding community consultations on this issue. In each of the three regions—in the north-west, in the north and in the south—of Tasmania we have held community consultations. We have run them essentially like focus groups. We throw out a few very basic questions such as: 'What is national identity?' and 'What are you proud of about Australia?' and 'What are you optimistic about?' and allow the discussion to be quite free ranging. As I think I mentioned before, from that process we have gleaned that there are very common threads. Having said that, we have only just begun this process, and I do not want to overstate that, because it has not been a large number of people yet. But from the initial pilot programs, if you like, of that process we are finding a very interesting consistency of themes coming through, which reinforces my belief that we do have some common values as Australians.

What we would like to do now is have a much more concerted effort with that consultation process to make sure we are getting into every segment of the community, recognising the diversity of our community, because I do not think we have achieved that yet. So that is our

primary goal as an Australian Republican Movement division here in Tasmania. My role as convenor and that of my deputy convenor—who is the deputy leader of the opposition in the state parliament here, so he is busy in parliament today—has also been to try and stimulate discussion in the media in Tasmania of these issues. I think we have had some success, in particular in talkback radio and other processes, in engaging people in these discussions, such that, as I mentioned before, when I walk into shops and offices and talk to people often they will raise with me the republic issue. So I think we are actually getting that discussion happening in the community, and people are passionate about it.

Senator STOTT DESPOJA—You pre-empted my second question, which was how this was being received by the Tasmanian community and how you read the Tasmanian community. I do not know if you have got any specific research or polling you would care to mention. It sounds like it is very positive. Thank you.

CHAIR—I thank you, too, and I thank all the witnesses this morning. The committee has really appreciated the constructive evidence we have got from Hobart this morning. I also thank those who have taken the interest to be with us this morning in the audience. Their interest is also appreciated.

Committee adjourned at 11.43 a.m.